

11/12/2010

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-4443

NAME AND ADDRESS: ROWLANDS INC
1141 ROWLAND RD
POCATELLO ID 83204-7416

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.080 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/01/1923

POINT OF DIVERSION:

T06S R34E S7 NWNE Lot 2 Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.080 CFS

Domestic use is for a triplex.

PLACE OF USE:

DOMESTIC in POWER County

T06S R34E S07 Lot 2 NWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The following rights are diverted through point of diversion described above: 29-4443, 29-11278, 29-13956, 29-13957, and 29-13958.

848

RECEIVED
AUG 19 2010
DEPARTMENT OF
WATER RESOURCES

RECEIVED
AUG 25 2010
Department of Water Resources
Eastern Region

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase	29-4443
	)		(Insert water right number)
	)		
Case 39576	)	STANDARD FORM 4	
	)		
	)	MOTION TO FILE:	
	)	☐ LATE NOTICE OF CLAIM	
	)	☒ AMENDED NOTICE OF CLAIM	

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

SCANNED
AUG 19 2010

☒ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing Rowland's Inc.

My name is Thomas J. Budge

My address is 201 E. Center Street, PO Box 1391
Pocatello, ID 83204-1391

My phone number is 208-232-6101

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☒ I must amend my Notice of Claim to the use of water in the SRBA because:
- Movant was not represented by counsel at the time the claim
was filed. Further investigation of the development of the
water use on the subject property and discussions with IDWR
has resulted in the need to amend this claim so that it is
an accurate depiction of the water use.

SCANNED
AUG 19 2010

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☒ An amended Notice of Claim (available from IDWR).

- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Bannock

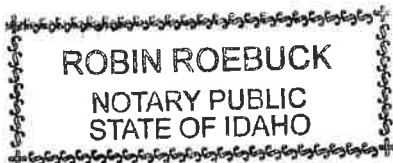
Thomas J. Budge, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Thomas J. Budge
Signature of person filing motion

Thomas J. Budge
Attorney signing in representative capacity

Subscribed and sworn to before me on August 17, 2010
(Insert Date)



Robin Roebuck
Notary Public for Idaho
Residing at: Pocatello
My Commission expires: 8/18/2012

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

SCANNED
AUG 19 2010

CERTIFICATE OF MAILING

I certify that on 8/17, 2010, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

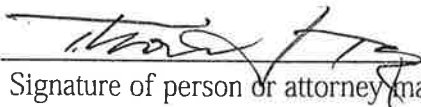
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

Robert Rowland
Rowland's Inc.


Signature of person or attorney mailing the form

SCANNED
AUG 19 2010

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 39576

Ident. Number 29-4443

Date Received: _____

Receipt No: _____

Received By: _____

AMENDED

**NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) Rowlands Inc. Phone (208) 238-1259

Mailing Address 1141 Rowland Rd Pocatello ID 83204-7416
Street or Box City State

2. Date of Priority (Only one (1) per claim) 03/01/1923
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water (✓) or Other () (a) _____
which is tributary to (b) _____

4. a. Location of Point of Diversion is: Township 6S, Range 34E, Section 7,
NW, 1/4 of NE, 1/4 Govt. Lot _____, BM., County of Power

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.)
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. 160' well, 10" casing, 25 hp pump

SCANNED
AUG 19 2010

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Domestic purposes from 1/1 to 12/31 amount 0.08 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 0.08 cfs (cfs) and/or (b) (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Domestic use for 3 households

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6S	34E	7		D															

Parcel (PIN) no(s) _____

Total number of acres irrigated _____

10. In which county (ies) are lands listed above as place of use located? Power

11. Do you own the property listed above as place of use? Yes (✓) No ()

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

or None ()

13. Remarks: _____

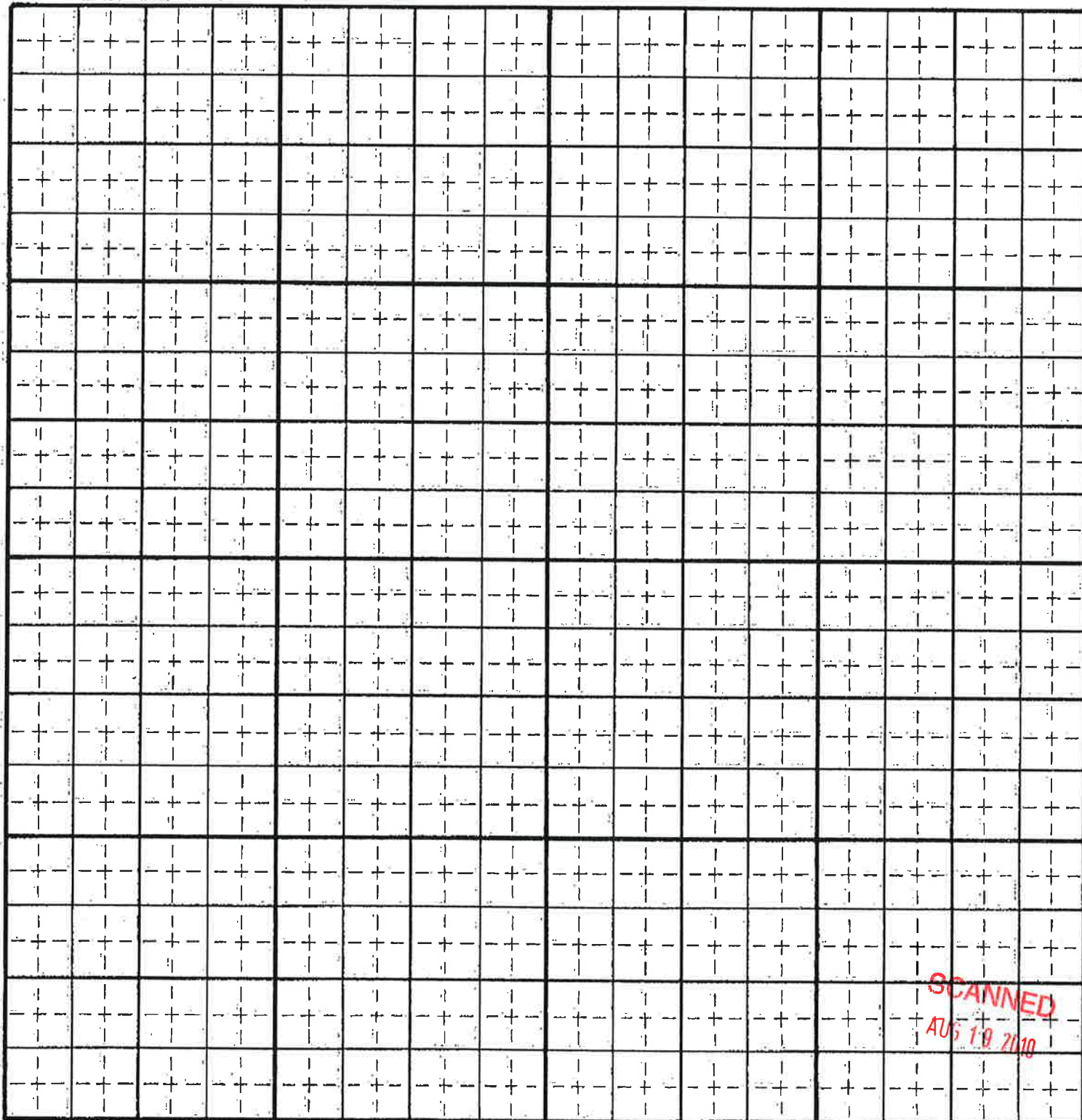
SCANNED
AUG 19 2010

Last Name Rowlands

Identification No. 29-4443

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 Inches equals 1 mile



SCANNED
AUG 19 2010

Last Name _____ Identification No. _____

14. Basis of Claim (Check One) Beneficial Use (✓) Posted Notice () License () Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Snake River Basin Adjudication." (b.) I/We do () do not () wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, Thomas J. Budge, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Thomas J. Budge Date 8-16-10

Address 201 East Center St., PO Box 1391

Pocatello, ID 83204-1391

SCANNED
AUG 19 2010

Last Name Rowlands Identification No. 29-4444

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 39576

Ident. Number 29-4443

Date Received: _____

Receipt No: _____

Received By: _____

AMENDED

**NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) Rowlands Inc. Phone (208) 238-1259

Mailing Address 1141 Rowland Rd Pocatello ID 83204-7416
Street or Box City State ZIP

2. Date of Priority (Only one (1) per claim) 03/01/1923
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water (✓) or Other () (a) _____
which is tributary to (b) _____

4. a. Location of Point of Diversion is: Township 6S, Range 34E, Section 7,
NW, 1/4 of NE, 1/4 Govt. Lot _____, BM., County of Power

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates ,Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. 160' well, 10" casing, 25 hp pump

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Domestic purposes from 1/1 to 12/31 amount 0.08 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 0.08 cfs (cfs) and/or (b) (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Domestic use for 3 households

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6S	34E	7		D															

Parcel (PIN) no(s)

Total number of acres irrigated

10. In which county (ies) are lands listed above as place of use located? Power

11. Do you own the property listed above as place of use? Yes (✓) No ()

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

or None ()

13. Remarks:

Last Name Rowlands

Identification No. 29-4443

14. Basis of Claim (Check One) Beneficial Use (✓) Posted Notice () License () Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Snake River Basin Adjudication." (b.) I/We do () do not () wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, Thomas J. Budge, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Thomas J. Budge Date 8-16-10

Address 201 East Center St., PO Box 1391
Pocatello, ID 83204-1391

Thursday, September 23, 2010

Field exam for Rowland's claims 29-4443, 29-11278, 29-13956, 29-13957, and 29-13958

Weather conditions: sunny, windy, temp near 60 degrees F

Accompanied by: Bob Rowland and T. J. Budge

Took photo and gps location of current well (drilled in 1964), which previously supplied water to the milk plant, a triplex, a duplex, and two other homes. GPS tag A0007764 was found strapped to the well casing.

The milk plant is currently being used for milk storage and as a Meadow Gold delivery depot. The triplex is still being used, but Mr. Rowland said the other domestic dwellings were torn down a couple years ago. Mr. Rowland said that the well was previously equipped with a 15 HP submersible pump, but was replaced with a 5 HP pump about 3 years ago. Water is currently pumped from the well to a tank and Mr. Rowland indicated that the pressure is maintained between 80 and 100 psi. He said that the static water level is about 40 feet.

Mr. Rowland said that the duplex was built in 1905, was moved northward within the same QQ in the 1920's, and a triplex was built in the same location in about 1924 or 1925. This is the house in which Mr. Rowland grew up. Mr. Rowland was born in 1939.

Prior to the drilling of the 1964 well, the homes and the milk plant were served by a shallow well in the milk plant. Mr. Rowland showed me the location of the former well, although it is now covered over with concrete. In the former system, a diaphragm pump was used to pump water into a 5000 gallon storage tank located near the triplex. Mr. Rowland said that the diaphragm pump produced a smaller flow than the current electric pump, but he did not know how much the diaphragm pump could produce.

Mr. Rowland said that the 2 acres claimed under 29-13956 were irrigated by the shallow well before the 1964 well was drilled.

Since these claims are based on beneficial use I explained that I would need additional documentation in support of the claims, especially as it relates to historic production at the milk plant. I explained that additional data is needed in order to quantify rate and volume for claim 29-11278.

Mr. Rowland said that wastewater from the milk plant was pumped across the Portneuf River to a series of 3 settling ponds. After some evaporation the excess was sent to the city treatment facility which processed 25,000 gallons per day in 1968. Mr. Rowland said that prior to the construction of the settling ponds the wastewater went directly into the Portneuf River.

Mr. Rowland said they reached peak production in about 1988, processing about 40,000 gallons of milk per day. He said that 1.5 gallons of water was required to process a gallon of milk. Water was used primarily for cleanup. The 125 dairy cows got their drinking water directly from Batiste Spring rather than from the well. During peak production, the Rowlands processed milk they bought from 68 dairy farmers in addition to the milk from their own cows.

MWH

SHALLOW
WELL →
LOCATION



0007764
CURRENT → WELL



TRIPLEX →
↑ OLD TANK LOCATION



WELL LOG AND REPORT OF THE STATE RECLAMATION ENGINEER OF IDAHO

RECEIVED
AUG 20 1965
Department of Reclamation
035491

Permit No. None Well No. 2 County Bannock

Owner Rowland's Inc.

Address Pocatello, Idaho

Driller Doug. Cushman Drilling Company

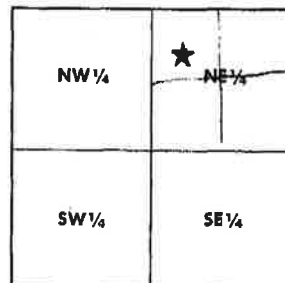
Address 445 Riverton Road Blackfoot, Idaho

Well location NW 1/4 NE 1/4 Sec. 7, T. 6 N(S) R. 34 E(W)

Size of drilled hole 12 3/4 inch

Total depth of well 174

Locate well in section



Give depth to standing water from the ground 24' Water temp. _____ °Fahr.

On "Pumping Test" delivery was _____ g.p.m. or _____ c.f.s. Drawdown was _____ feet.

Size of pump and motor used to make test no test

Length of time of test _____ hours _____ minutes.

If flowing well, give flow _____ c.f.s. or _____ g.p.m. and of shut off pressure _____

If flowing well, described control works _____

(TYPE AND SIZE OF VALVE, ETC.)

Water will be used for commercial & private Weight of casing per lineal foot _____

Thickness of casing 5/16" Casing material steel

(STEEL, CONCRETE, WOOD, ETC.)

Diameter, length and location of casing 12 3/4" OD

(CASING 12" IN DIAMETER OR LESS, GIVE INSIDE DIAMETER;
CASING OVER 12" IN DIAMETER, GIVE OUTSIDE DIAMETER)

CASING RECORD

Diam. Casing	From Feet	To Feet	Length	Remarks—seals, grouting, etc.
12 3/4"	0	132	132'	driven into lava rock

Number and size of perforations none located _____ feet to _____ feet from ground

Date of commencement of well March 31, 1964 Date of completion of well April 14, 1964

WELL LOG

From Feet	To Feet	Type of Material	Water-bearing Formation Ans. Yes or No	Casing Perforated Ans. Yes or No
0	2	top soil		
2	10	gravel and clay	no	no
10	17	boulders and gravel	no	no
17	51	gravel, sand and clay (first water 46')	yes	no
51	75	streaks of sandy clay and gravel	yes	no
75	84	streaks of sandy clay--more gravel	yes	no
84	95	gravel and sandy clay	yes	no
95	121	gravel (water bearing)	yes	no
121	130	gravel conglomerate	yes	no
130	135	black lava	no	no
135	144	hard black lava	no	no
144	146	soft black lava	no	no
146	149	hard black lava	no	no
149	153	black cinders	yes	no
153	163	hard black lava	no	no
163	165	black cinders	yes	no
165	168	hard black lava	no	no
168	174	cinders	yes	no
If more space is required use Sheet No. 2				

WELL DRILLER'S STATEMENT

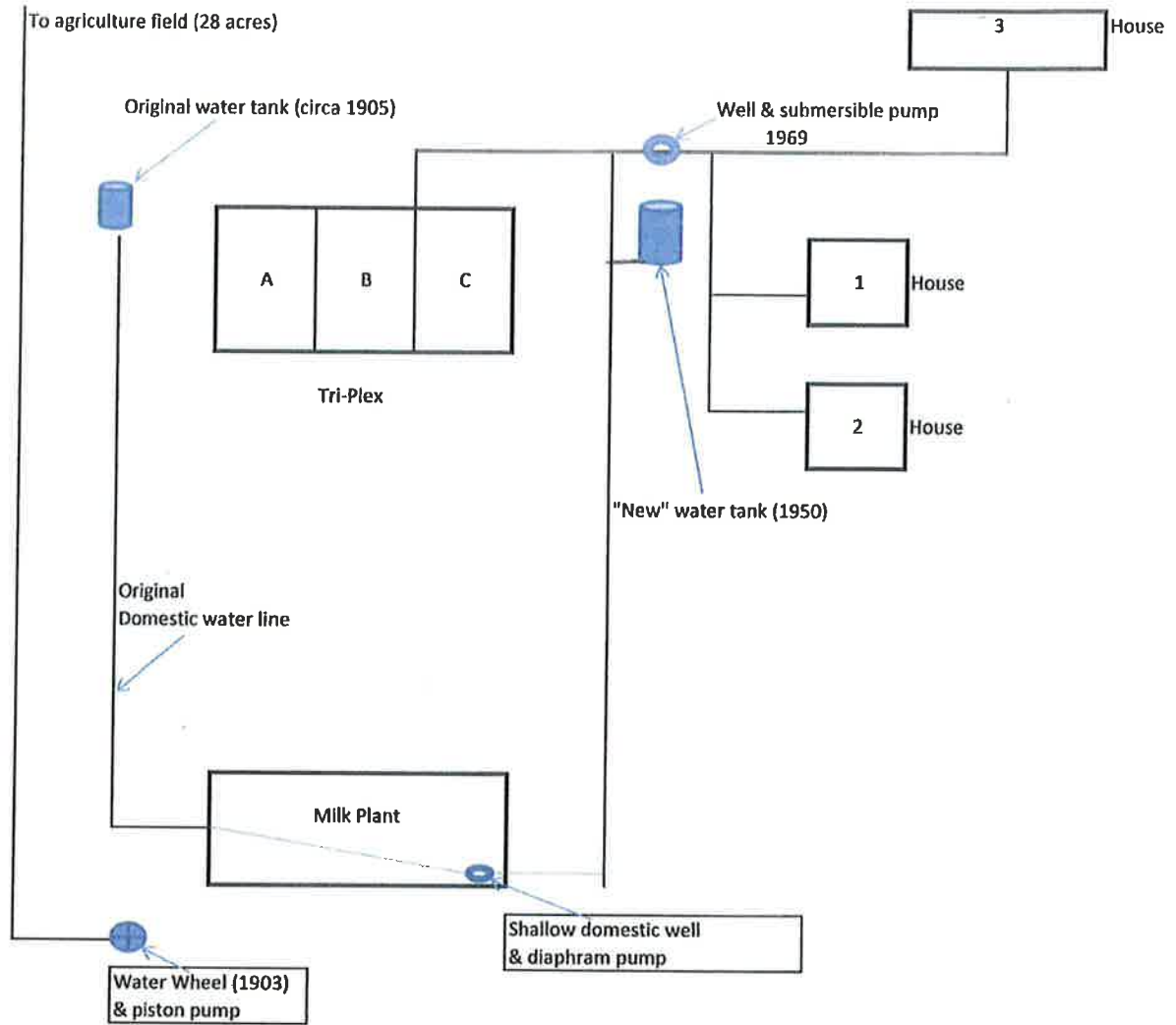
This well was drilled under my supervision and the above information is true and correct to the best of my knowledge and belief.

Signed DOUG. CUSHMAN DRILLING CO.

By *Douglas Cushman*

Dated April 27, 1964, 19

License No. 180



WR 29-4443
 & WR 29 4443A - Robert A Rowland

Idaho Department of Water Resources

**Quick Search:**[For assistance, email WMIS Info](#)

Search Method:

Metal Tag Number

Metal Tag Number

A0007764

You are logged in as jcgwd

[Point Of Diversion](#) [PCC](#) [Flow Meter](#) [Time Clock](#) [Alternate](#) [Contacts](#) [Data Summary](#) [Other](#) [Logout](#)**Site Visits**

You are viewing 200596; A0007764

Report Year*	Visit Date*	Examiner	Reason for Visit
2007	07/30/2007	GHANSEN	Routine
Comments Talked with Mr. Rowland. This POD no longer serves 7 homes and the dairy. The dairy is no longer there. Site now is utilized as a distribution point for Meadowgold products. The POD now serves 2 homes. Mr. Rowland plans to use the POD for the two houses and irrigation. The pump has a VFD. I informed Mr. Rowland that if he uses the full water right, he will have to install a flow meter.			
Report Year*	Visit Date*	Examiner	Reason for Visit
2004	07/26/2004	DWR	Inventory
Comments DOMESTIC USE ONLY-7 HOMES AND SHOP; MEAS WOULD REQUIRE REMOVAL OF LARGE CONCRETE PAD.			
Report Year*	Visit Date*	Examiner	Reason for Visit
1998	05/19/1998	LROUNDS	Inventory
Comments DOMESTIC, 7 HOMES WATER FOR 7 HOMES AND SHOP. MEASUREMENT MAY REQUIRE REMOVAL OF LARGE CONCRETE PAD. CITY METER'S AT PLACES OF USE COULD ALSO WORK.			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Rowland's Inc.

(Name of Claimant)

P.O. Box 700, Pocatello, ID 83204

Telephone No. 208-237-1880

(Mailing Address)

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) August 17, 1949

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Groundwater tributary to

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
Quantity			(Mo., Day)	(Mo., Day)
Quantity	.3 cfs	Use Industrial	Period of Use From 1-1	To 12-31
Quantity	.04 cfs	Use Domestic	Period of Use From 1-1	To 12-31
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) .3 cfs TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7 Twp. 6S Rge. 34E B.M., County of Power
 Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Well, 10" diameter casing, 160' deep, 25 h.p.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Well is used to supply water to seven households and industrial use associated with processing and packaging milk at Rowland's Inc., same location

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

MICROFILMED

מחשבות וזיכרונות

Scale: 2 inches equal 1 mile.

State of Idaho)
County of Bannock) ss.

Sworn to before me this 31st day of October

Notary Public
Residing at Pocatello Idaho

My commission expires MAY 20, 1987

FOR DEPARTMENT USE ONLY

Received by CW Date 6-29-83 Exception filed by: _____ Forwarded to _____ Date _____

Prelim. check by S.M. Date 10-1-1983

\$30.00 fee received by CW Date 6-29-83 #25640

Published in Power County Press

Dates 12/15 & 12/22/89

Receipt Details for ID E013082

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:				
Date Received	Date Deposited	Region	Total Amount	Payment Type
4/11/1990 3:47:43 PM	4/11/1990 12:00:00 AM	Eastern	\$386.00	Check
Payee:	ROWLAND'S, INC.			

Account Information	
Check Number	1264

Comment LATE FEE

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$286.00	ADJUDICATION FEE	410162	9337	00	0	6490
\$100.00	LATE FEE	410162	9337	00	0	6490

Water Rights

Basin	Sequence	Split Suffix
29	2039	
29	11278	

29 - 2039

29 - 11278

100 100 ac
56 0.56 cfs commercial
50 claim fee

206

50 claim fee
30 cfs fee

80

Navigation Tools

Receipt Details for C088918

Status	Adjustment Type	Version
		1

General Information

Date Received	Date Deposited	Region	Total Amount	Payment Type
7/1/2009 11:33:38 AM	7/1/2009 3:09:21 PM	STATE	\$25.00	Check
Payer	ROWLAND'S INC.			
IPG Transaction ID	0			

Account Information:

Check Number:	7488
---------------	------

Comment Subcase: 29-4443

Fee Details:						
Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	ADJUDICATION FILING FEE	41503	0337			1155

Navigation Tools

Receipt Details for C088919

Status	Adjustment Type	Version
		1

General Information

Date Received	Date Deposited	Region	Total Amount	Payment Type
7/1/2009 11:36:43 AM	7/1/2009 3:09:21 PM	STATE	\$105.00	Check
Payer	ROWLAND'S INC			
IPG Transaction ID	0			

Account Information:

Check Number:	7505
---------------	------

Comment Subcase: 29-4443

Fee Details:						
Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$105.00	ADJUDICATION FILING FEE	41503	0337			1155

Claim No(s). 29-4443

Claim No(s). 29-4443

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 7, 2009

THOMAS J BUDGE
RACINE OLSON NYE BUDGE & BAILEY CHTD
PO BOX 1391
POCATELLO ID 83204-1391

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #29-4443, 29-4444 and 29-4445
Your Client: Rowland's, Inc.

Dear Mr. Budge:

The Notices of Claim to a Water Right you filed for your client referenced above were received from the SRBA Court recently. I have enclosed receipts #C088918, C088919, C088920 and C088921 for the filing fees your firm paid.

However, before we can proceed, additional fees in the amount of \$125.00 are required for claim #29-4445 (\$50.00 claim fee, \$50.00 late fee and \$25.00 variable fee (0.25 cfs at \$100.00/cfs).

Please submit the required fees by August 7, 2009. Failure to pay the required fees by this date may result in the dismissal of your client's claim by the SRBA District Court. Please write your client's claim number on your check.

Upon receipt of the balance of the filing fees, your Notice of Claim will be investigated and reported to the Court in a future supplemental Directors Report.

Please contact me at 208/287-4916 if you have any questions.

Sincerely,

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

CLS:ss:region

SCANNED

JUL - 6 2009

RECEIVED
MAR 11 2009
DEPARTMENT OF
WATER RESOURCES

March 9, 2009

Rowland's Inc.
1141 Rowland Road
Pocatello, Idaho 83204

Clerk of the District Court
Snake River Basin Adjudication
253 Third Ave. North
P O Box 2707
Twin Falls, ID 83303-2707

Dear Sir or Madam:

I was recently informed by Craig Saxton, Water Right Supervisor, that the Late Notice of Claims for Water Rights 29-4443, 29-4444 & 29-4445 sent to your office on January 27, 2008 had various problems that needed to be corrected.

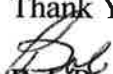
First, Water Right 2—2443 was evidently missing the completed adjudication claim plus the fees were calculated wrong. I submitted \$25.00 and it should have been \$130.00. I have enclosed a check for \$105.00 to cover the deficiency. A completed adjudication form is enclosed.

Water Right 29-2444 was not signed. A signed copy is enclosed

Water Right 29-2445 was missing part of the signature block. A completed, signed form is enclosed.

If I have again failed to submit the documents properly please inform me.

Thank You,


Bob Rowland
Cc: Craig Saxton

SCANNED
MAR 11 2009



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

February 18, 2009

BOB ROWLAND
1141 ROWLAND RD
POCATELLO ID 83204

RE: Motion to File Late Notice of Claim in the Snake River Basin Adjudication (SRBA)
Claim Numbers: 29-4443, 29-4444, and 29-4445

Dear Mr. Rowland,

On January 29, 2009, the Idaho Department of Water Resources (IDWR) received copies of the three *Motion(s) to File Late Notice of Claim* that you submitted to the SRBA court. My initial review uncovered some issues that I wanted to bring to your attention before your hearing with the SRBA court on 4-21-2009.

29-4443:

I have gone through the documents sent to IDWR as well as the available court documents and it does not appear that you actually submitted a completed adjudication claim for 29-4443 along with the motion. I see a copy of the original statutory claim as well as a computer generated printout of that historical record, but no adjudication claim.

Secondly, it appears that the domestic portion of the original statutory claim 29-4443 has been claimed and partially decreed under water right number 29-4443A (enclosed).

Finally, the motion you submitted for 29-4443 indicates you paid a \$25 filing fee. The \$25 filing fee indicates that the claim is for small domestic and/or stock water use where use doesn't exceed 13,000 gallons per day, or any other use (including Industrial) where the total diversion rate doesn't exceed 0.04 cfs and 2,500 gallons per day as defined in Idaho Code 42-111. I am bringing this to your attention because the original statutory claim 29-4443 appears to claim elements that exceed the parameters described in Idaho Code 42-111.

With that said, I have prepared a completed claim for your review. The claim enclosed reflects the same elements that are on the original statutory claim for 29-4443 that you submitted with the original motion. It includes domestic use despite that it has already been recommended under 29-4443A. The claim includes industrial use which without additional filing fee, would be reviewed as a water use that does not exceed 2,500 gallons per day (Idaho Code 42-111).

You have several options:

Option 1: Do nothing. Without completing a claim, my guess would be that at the hearing on April 21, 2009, the SRBA court would not grant the motion to file late claim 29-4443.

Option 2: Withdraw your motion to file late claim 29-4443. The only reason you might want to do this is if you chose not to pursue this claim and wanted to request a refund for the \$25 filing fee you submitted with the motion. You might choose this option if for instance, you felt that the water use you intended to claim was that water use which was partially decreed under 29-4443A.

You would need to send a letter to the court requesting that the motion be withdrawn and requesting a refund. Please note that I do not know the courts policy on refunds so I am not guaranteeing they would issue a refund. But I suspect they would.

Option 3: Submit the enclosed claim to the SRBA court without any additional filing fees. Make sure to initial any changes you wish to make on the claim.

Option 4: Submit the enclosed claim to the SRBA court with the additional filing fee of \$105.00. Make sure to initial any changes you wish to make on the claim.

You would choose this option if you were intending to claim an industrial use where total water use exceeds 2,500 gallons per day or a domestic use where total use exceeds 13,000 gallons per day. See Idaho Code 42-111 enclosed. Filing fees are calculated below:

\$50 claim fee

\$50 late fee

\$30 variable fee (\$100 per cfs @ a total of 0.3 cfs)

Total = \$105.00 - \$25.00 (already paid) = **\$105.00**

You will also need to submit evidence of priority supporting that water was first put to beneficial use on or as close to the priority date claimed (August 17, 1949). I have enclosed a priority evidence pamphlet.

29-4444:

The copy of the claim submitted with the Motion to File Late Notice of Claim for 29-4444 was not signed.

I am enclosing a new copy of the claim for your signature. Please sign and return it to the SRBA court with a brief cover letter explaining why you are sending it to them.

29-4445:

It appears that when you were given a copy of this claim to sign, you did not get the full signature block. Since you need to sign and submit 29-4444 to the SRBA court anyway, I have enclosed a new copy of claim 29-4445 with the correct signature block for you to sign and submit to the SRBA court as well.

SNAKE RIVER BASIN ADJUDICATION
PO BOX 2707
TWIN FALLS ID 83303-2707

I understand that this is a lot of information so please feel free to contact me at 208-287-4916 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig L. Saxton". The signature is fluid and cursive, with the first name "Craig" being more prominent.

Craig L. Saxton
Water Right Supervisor
Adjudication bureau

Enclosure(s) Notice of Claim 29-4443
 Notice of Claim 29-4444
 Notice of Claim 29-4445
 Copy of Statute 42-111
 Copy of Partial Decree 29-4443A
 Evidence of Priority Pamphlet

RECEIVED

JAN 29 2009

Department of Water Resources
Adjudication Bureau

hearing: 4-21-09

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA *No claim was*)
submitted with)
Motion. See)
Case 39576 *letter.*)
C. Snyder)
2-18-09)

Subcase 29-4443
(Insert water right number)

STANDARD FORM 4

MOTION TO FILE:

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

*Not made copies,
a/c's add'l \$105.-
2-11-09*

☐ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is BOB ROWLAND

My address is 1141 ROWLAND ROAD
POCATELLO, IDAHO 83204

My phone number is: Work 208-251-2627 Home SAME

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

I THOUGHT IT HAD BEEN DONE PREVIOUSLY

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached: MAP OF POINT OF DIVERSION

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 25.00.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of IDAHO

County of POWER

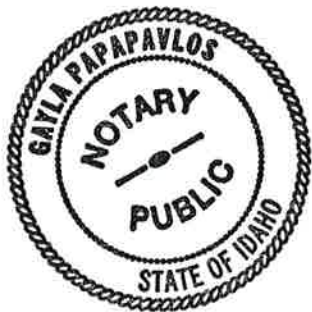
BOB ROWLAND being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Bob Rowland
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on January 26, 2009
(Insert Date)



Gayla Papapavlos
Notary Public for Idaho
Residing at: Pocatello
My Commission expires: 3/9/2010

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on JAN 27, ~~199~~²⁰⁰⁹, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



Signature of person or attorney mailing the form

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/27/2009

WATER RIGHT NO. 29-4443

Owner Type	Name and Address
Current Owner	ROWLANDS INC 1141 ROWLAND RD POCATELLO, ID 83204-7416 (208)238-1259

Priority Date: 08/17/1949

Basis: Statutory Claim

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
INDUSTRIAL	1/01	12/31	0.3 CFS	
DOMESTIC	1/01	12/31	0.04 CFS	
Total Diversion			0.3 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWNE	Sec. 07	Township 06S	Range 34E	POWER County
--------------	------	---------	--------------	-----------	--------------

Place(s) of use:

Place of Use Legal Description: INDUSTRIAL POWER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
----------	-------	---------	-----	-------	-------	-----	-------	-------	-----	-------	-------	-----	-------	-------

SCANNED
JAN 29 2009

06S	34E	7		NW1														
-----	-----	---	--	-----	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Place of Use Legal Description: DOMESTIC same as INDUSTRIAL

Dates:

Licensed Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

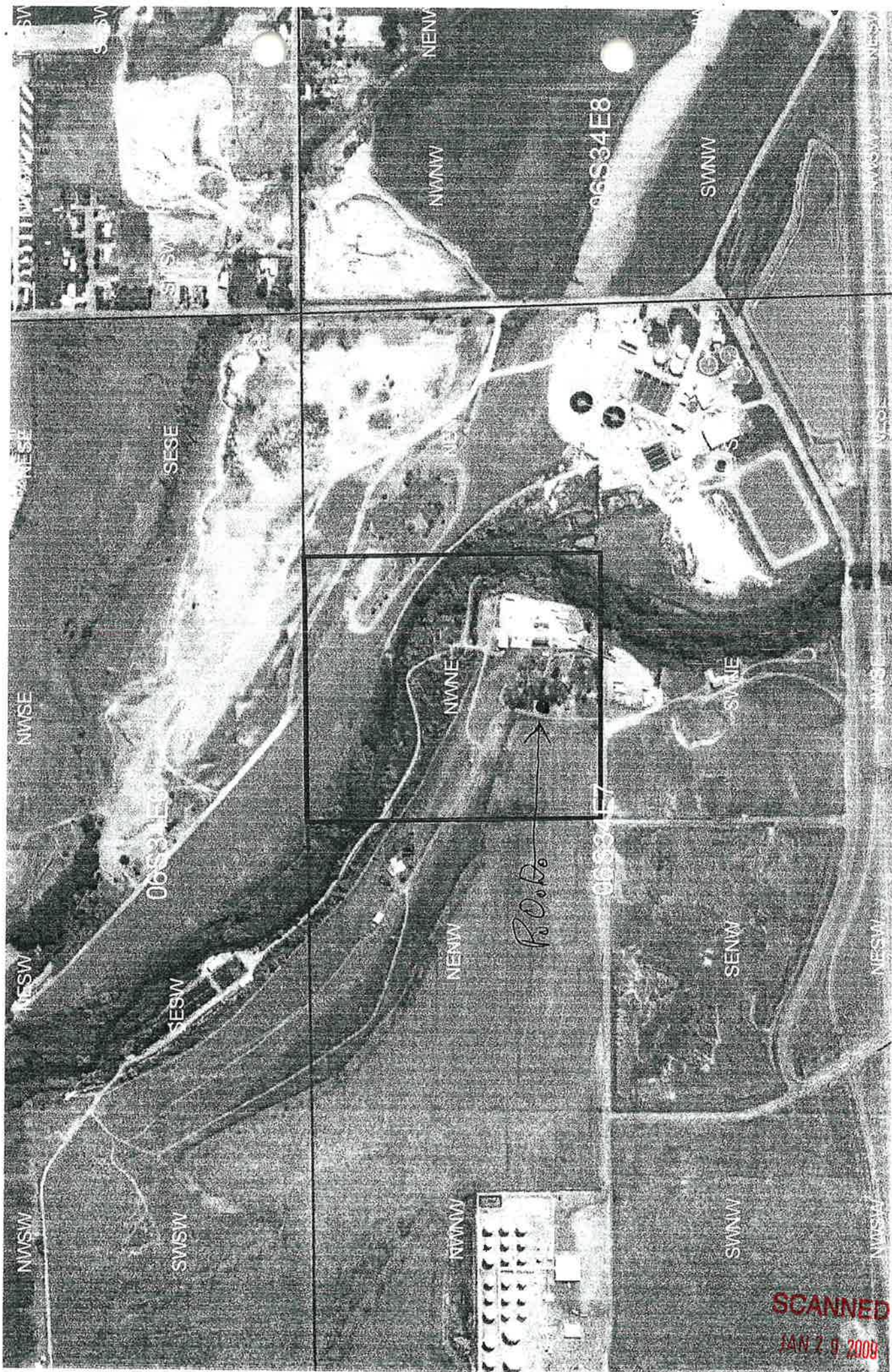
Cary Act Number:

Mitigation Plan: False

Close

SCANNED

JAN 29 2009



SCANNED
JAN 20 2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Rowland's Inc.

(Name of Claimant)

P.O. Box 700, Pocatello, ID 83204

(Mailing Address)

Telephone No. 208-237-1880

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) August 17, 1949

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Groundwater tributary to

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>.3 cfs</u>	Use	<u>Industrial</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity	<u>.04 cfs</u>	Use	<u>Domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

- (4) .3 cfs TOTAL QUANTITY USED.

(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NW 1/4 NE 1/4, Sec. 7 Twp. 6S Rge. 34E B.M., County of Power

RECEIVED

JAN 29 2009

DEPARTMENT OF
WATER RESOURCES

January 27, 2009

Rowland's Inc
1141 Rowland Road
Pocatello, Idaho 83204

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Enclosed please find copies of three separate Late Claim Forms for water right No's
29-4443, 29-4444 & 29-4445.

The originals have been sent to the Clerk of the District Court, Snake River Basin
Adjudication, Twin Falls, Idaho

Thank You,


BOB ROWLAND

SCANNED

JAN 29 2009

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

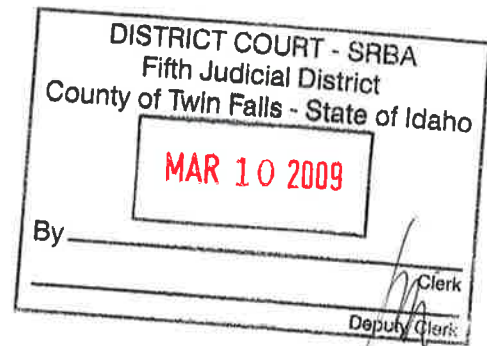
CIVIL CASE NUMBER: 39576

Ident. Number 29-4443
Date Received: 2/18/2009
Receipt No: C88918
Received By: C88919

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROWLANDS INC Phone: (208)238-1259
1141 ROWLAND RD
POCATELLO ID USA 83204-7416



2. Date of Priority: 08/17/1949

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	34E	7	NW NE 2	POWER	

5. Description of diverting works:

Well, 10" diameter casing, 160 feet deep, 25 hp.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
INDUSTRIAL	1/01	12/31	0.3	
DOMESTIC	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.3 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
06S	34E	7	NW NE 2	INDUSTRIAL	
			NW NE 2	DOMESTIC	

11. Place of use in counties: POWER

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

Well is used to supply water to seven households and industrial use associate with processing and packaging milk at Rowlands Inc., same location.

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☒ do not ☐ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm under penalty of perjury that I am

V-PRESIDENT Title of ROWLAND'S INC Organization

that I have signed the foregoing document in the space below as

V-PRESIDENT Title of ROWLAND'S INC Organization

and that the statements contained in the foregoing document are true and correct.

Bob Rowland
Signature of Authorized Agent

V-Pres Rowland's INC
Title and Organization

3-9-09
Date

RECEIVED

JUL 01 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN 30 2009

By _____

Clerk
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

)
)
)
)
)
)

Subcase: 29-04443, 29-04444 and
29-04445

ORDER GRANTING MOTIONS TO FILE
LATE NOTICE OF CLAIM

On January 28, 2009, Rowland's Inc. filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. Hearing was held on the *Motions* on April 21, 2009. No party appeared in opposition to the *Motions to File Late Notice of Claim*, however, following the hearing the Court referred this matter to a special master to make findings consistent with the I.R.C.P. 55(s) standard.

On June 26, 2009, Special Master Brigette Bilyeu issued a *Special Master's Report and Recommendation on Motions to File Late Claim* recommending the late claims be granted. No party appeared in opposition to the motion in conjunction with the proceedings before the special master. Although the time for filing a *Motion to Alter or Amend* to the *Special Master's Report and Recommendation* has not expired, the Court can find no reason to delay the issuance of this *Order* and will forward the late claim to IDWR for investigation and reporting.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for the above-captioned water rights are **granted**.

The original Notice of Claim for each right, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation

for the claims will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated June 30, 2009.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTIONS TO FILE LATE NOTICE OF CLAIM was mailed on June 30,
2009, with sufficient first-class postage to the following:

ROWLAND'S INC

Represented by:

BUDGE, THOMAS J

201 E CENTER ST

PO BOX 1391

POCATELLO, ID 83204-1391

Phone: 208-232-6101

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

ORDER

Page 1 6/30/09

FILE COPY FOR 00507

Deputy Clerk

JUL - 1 2009

Randall C. Budge, ISB No. 1949
Thomas J. Budge, ISB No. 7465
RACINE, OLSON, NYE, BUDGE
& BAILEY, CHARTERED
P.O. Box 1391; 201 E. Center Street
Pocatello, Idaho 83204-1391
Telephone: 208-232-6101
Fax: 208-232-6109
rcb@racinelaw.net
tjb@racinelaw.net

RECEIVED

JUL 01 2009

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase No. 22-13202 and 22-13503

Case 39576

CERTIFICATE OF SERVICE

I certify that on this ^{26th} day of June, 2009, I served mailed copies of the Affidavit of Larry Kunz and the Affidavit of Thomas J. Budge, including all attachments, to the following persons in the manner specified:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

☐ U.S. Mail, Postage Paid
☐ Hand Delivered
☐ Overnight Mail
☒ Facsimile: (208) 736-2121

Michael L. Reid
550 S 450 W
Victor, ID 83455

☐ U.S. Mail, Postage Paid
☐ Hand Delivered
☐ Overnight Mail
☒ Electronic Mail: mreid@paradisefarm.com

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098
Boise, ID 83711-4449

☒ U.S. Mail, Postage Paid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile


THOMAS J. BUDGE