

11/10/2010

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

RIGHT NUMBER: 29-4444

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

SOURCE: BATISTE SPRING

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.060 CFS

The rights listed below are limited to a total combined diversion rate of 0.62 cfs.
Combined Right Nos.: 29-2039, 29-4444, and 29-13955.

PRIORITY DATE: 10/15/1956

POINT OF DIVERSION:

T06S R34E S7 NWNWNE Lot 2 Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.060 CFS

PLACE OF USE:

IRRIGATION in POWER County

T06S R34E S06 Lot 7 SWSW	13.00	T06S R34E S06	SESW	0.50
T06S R34E S07 Lot 2 NWNW	5.90	T06S R34E S07 Lot 3 NENW		28.00
T06S R34E S07 Lot 4 NWNW	30.00			

77.4 ACRES TOTAL

This right is limited to the irrigation of 22 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 77.4 acres in a single irrigation season. Combined Right Nos.: 29-2039, 29-4444, and 29-13955.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right No. 29-13955 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.



Idaho Department of Water Resources

Adjudication Recommendation

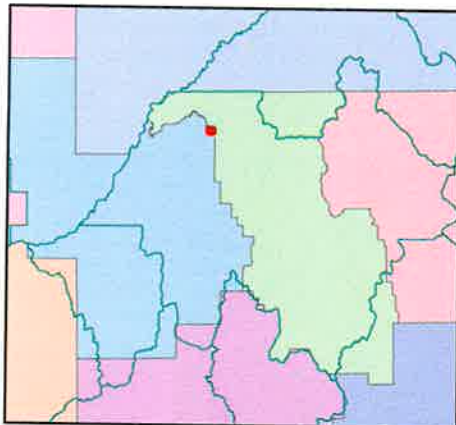
29-4444

29-13955

(IRRIGATION)

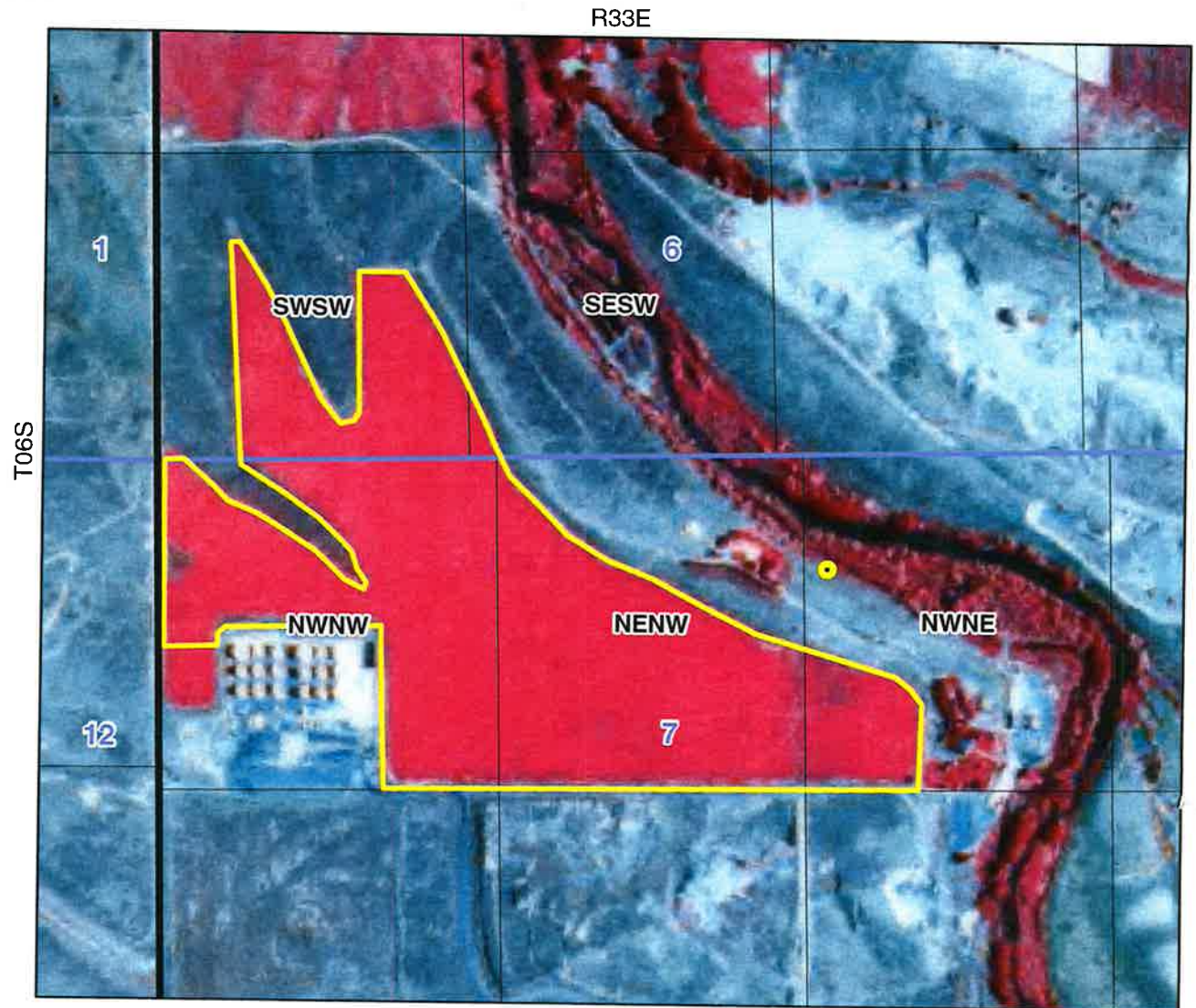
Legend

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Power County
IDWR Basin 29

Prepared by Holliday, Michael
On November 15, 2010
1987/88 Aerial Photography



0 0.15 0.3 0.6
Miles

8-18

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AUG 19 2010

DEPARTMENT OF
WATER RESOURCES

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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 29-4444

(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.

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☒ 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 October 19, 2010 at 1:30 p.m.

(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.

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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.

The attached aerial photography and supporting maps

depict the irrigated lands.

I have attached:

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

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

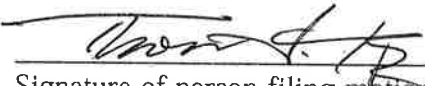
VERIFICATION (Must be completed)

State of Idaho

County of Bannock

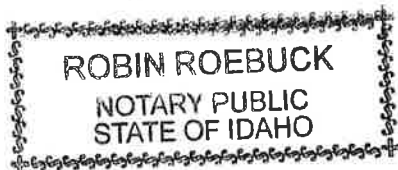
Thomas J. Budge, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

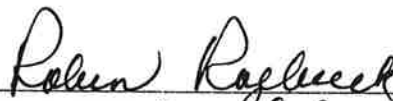
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that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


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)




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

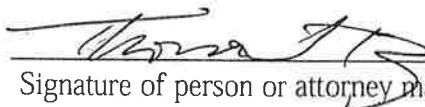
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

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

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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 29-4444

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) 03/01/1940
Month Day Year (YYYY)

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

4. a. Location of Point of Diversion is: Township 6S, Range 34E, Section 7,
NE, 1/4 of NW, 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. concrete channel w/vertical slots in which boards are placed

horizontally to create a dam and pool of water from which a 100 hp motor drives a vertical pump mounted to
the concrete channel. The pump delivers water to a buried 8" mainline for approximately 1000' to the base
of a center pivot irrigation system. Both a portable 6" mainline and a buried 6" mainline branch from the 8"
mainline to deliver water to hand lines for irrigation of the land that the center pivot does not cover.

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AUG 19 2010

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 0.60 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 0.60 (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.)

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					10	21											31

Parcel (PIN) no(s).

Total number of acres irrigated 31

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.

29-2039, 29-13955

or None ()

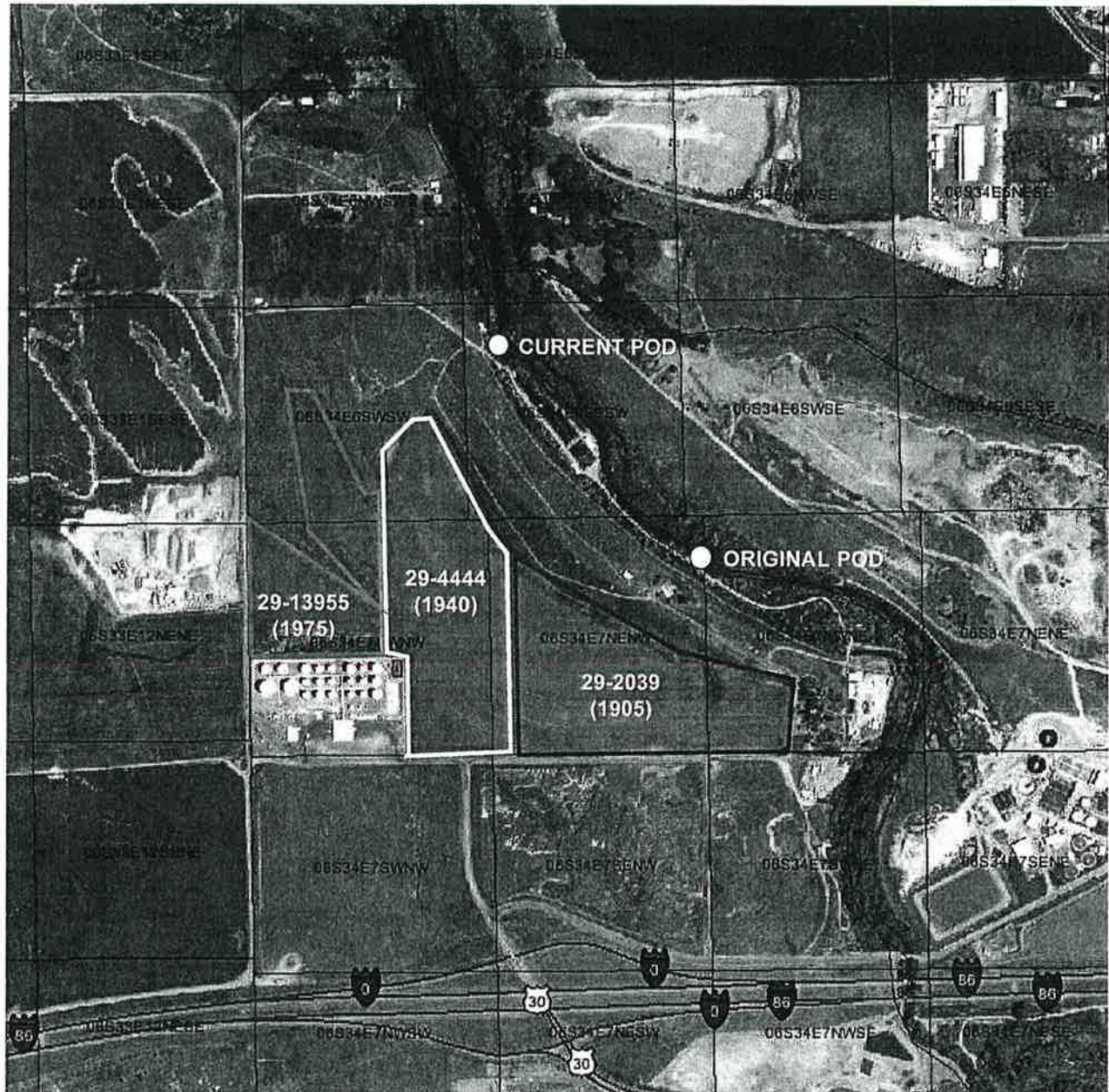
13. Remarks:

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AUG 19 2010

Last Name Rowlands

Identification No. 29-4444

Rowlands, Inc.
Water Right Nos. 29-2039, 29-2944, 29-13955



- = 28 acres first irrigated in 1905
- = 31 acres first irrigated in 1940
- = 19 acres first irrigated in 1975

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AUG 19 2010

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 29-4444

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: 1

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
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Parcel (PIN) no. _____
Additional points of diversion if any: _____
If available, GPS Coordinates _____
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Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4
Govt. Lot _____, BM., County of _____
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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. concrete channel w/vertical slots in which boards are placed
horizontally to create a dam and pool of water from which a 100 hp motor drives a vertical pump mounted to
the concrete channel. The pump delivers water to a buried 8" mainline for approximately 1000' to the base
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(cfs)

(acre feet)

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			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6S	34E	7					10	21											31

Parcel (PIN) no(s).

Total number of acres irrigated 31

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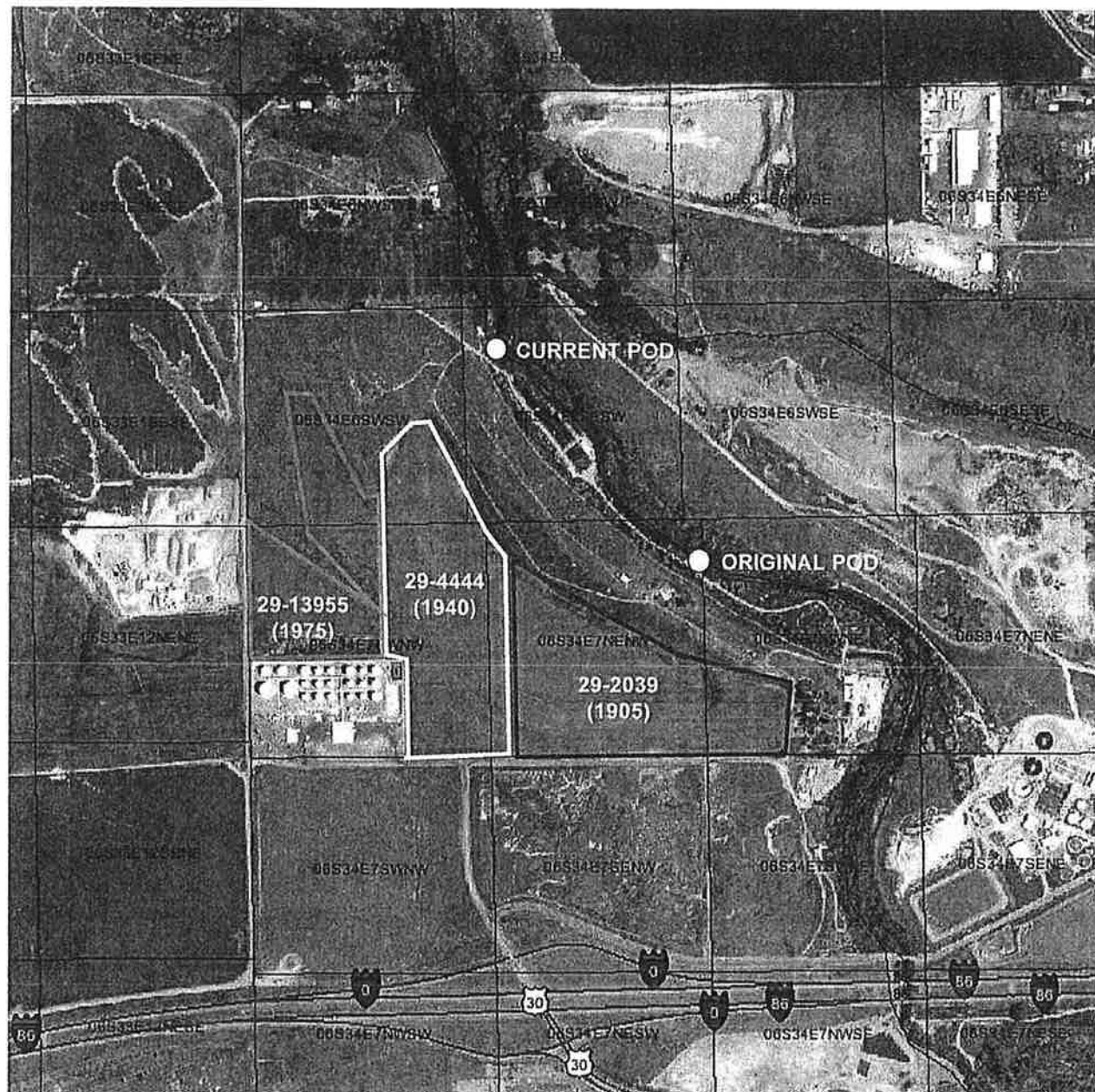
29-2039, 29-13955 or None ()

13. Remarks:

Last Name Rowlands

Identification No. 29-4444

Rowlands, Inc.
 Water Right Nos. 29-2039, 29-2944, 29-13955



- = 28 acres first irrigated in 1905
- = 31 acres first irrigated in 1940
- = 19 acres first irrigated in 1975

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 29-4444

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: 1

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

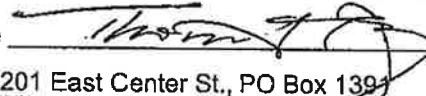
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Signature of Authorized Agent _____ Date _____

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  Date 8-16-10

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

Rowlands

7/29/68
Field Exam 1968

partial license. 28 ac in from State
27-443A dialler - see on 443

1 done

1 ADR

29-443A

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RECEIVED

NOV 04 2010

Department of Water Resources
Eastern Region

LAW OFFICES OF
RACINE OLSON NYE BUDGE & BAILEY
CHARTERED

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POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
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SENDER'S E-MAIL ADDRESS: tjb@racinelaw.net

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BOULEVARD, SUITE 208
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

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477 SHOUP AVENUE
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IDAHO FALLS, ID 83405
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ALL OFFICES TOLL FREE

(877) 232-6101

LOUIS F. RACINE (1917-2005)
WILLIAM D. OLSON, OF COUNSEL

W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
ERIC L. OLSEN
CONRAD J. AIKEN
RICHARD A. HEARN, M.D.
LANE V. ERICKSON
FREDERICK J. HAHN, III
DAVID E. ALEXANDER
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BRENT L. WHITING
JONATHAN S. BYINGTON
DAVE BAGLEY
THOMAS J. BUDGE
JONATHAN M. VOLYN
MARK A. SHAFFER
JASON E. FLAIG
FERRELL S. RYAN, III

November 2, 2010

Michael Holliday
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Re: Bob Rowland Photographs

Dear Michael:

Enclosed are copies of the USDA photos we received for the Rowland property for the years 1956, 1962, 1968, 1970 and 1978. In each of these photos you can see there were various crops raised. Bob says his family typically raised corn, alfalfa, wheat, and peas.

It looks like they farmed somewhere around 65 acres in all of these photos. I presume that you can come up with a more precise calculation with your GIS software. In any case, it is clear that the entire piece was flood-irrigated in the 1956 photo.

The 1978 photo clearly shows there was no cultivation or irrigation north of the tank farm that year, so the enlargement must have taken place between 1978 and 1987. Bob believes the enlargement occurred in the 1970s, which would put 1979 as the earliest possible priority date.

Let me know if your field exam, coupled with these photographs and your discussions with Bob are sufficient for you to make your recommendation on the irrigation rights. If needed, I can prepare an Affidavit for Bob to sign that recounts the staged irrigation on the Rowland property.

November 2, 2010

Page 2

Regarding water use within the milk plant, Bob has not been able to locate any production records. We have discussed alternative ways to try to calculate the amount of water used within the milk plant, and are still working on those. Bob is also going to try to track down a prior manager of the milk plant to see what information he can provide.

Perhaps the most accurate calculation we could get concerning water use in the milk plant would be to determine the maximum rate of diversion from the pump that serves the milk plant. We know the horsepower of the pump and the depth of the pump. Let me know if you are aware of a way to calculate the maximum diversion rate with that or other information.

Sincerely,



THOMAS J. BUDGE

TJB:rr

Enclosures

cc: Bob Rowland

10-15-56

CYN-8R-



9-20-62

CYN-2CC



10-13-64

CXV-10D



7-26-68

CYN-3J



8-14-70

CXV-1 LL - 9



8-24-78

USD

40 16077

178-119



Thursday, September 23, 2010

Field exam for Rowland's claims 29-4444 and 29-13955

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

Accompanied by: Bob Rowland and T. J. Budge

Took gps reading of the 1987 point of diversion which was located near a foot bridge. A power pole marked the former location of the point of diversion. I also took a gps reading of the current point of diversion. Mr. Rowland said that after the pivot was installed, the pump was moved downstream to the current POD. Currently a 75 HP motor powers a vertical turbine pump which delivers water to a pivot and handlines. I asked Mr. Rowland if the current motor was the same motor that was used at the 1987 point of diversion. He said it was. He moved the motor and pump to its current location. I also asked when he thought the 75 HP motor was first put into service on his place. He said that he thought it was put to use in about 1940. He indicated that the motor was of an early vintage. Mr. Rowland said that when he took the motor in to get it serviced, he learned that because it was an older motor with plenty of metal, he could get it rewound to as much as 125 HP.

I explained that the licensing examiner for water right 29-2039 conducted his exam in 1968 and that he found 28 acres irrigated via a 10 HP pump. Mr. Rowland did not believe that the licensing exam was accurate.

MWH

WATER LICENSE

Water License No. 1708/29-2039 Priority December 4, 1905 Amount 0.56 c.f.s.
(late proof)

THIS IS TO CERTIFY, that EDWARD N. ROWLAND
of Pocatello, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated October 26, 1905; that Permit 1708/29-2039 was issued pursuant
to said application; that the proposed works were completed on or about 1905,
with a storage/or carrying capacity of 0.62 c.f.s., said works consisting of
pump and that on January 15, 1912
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 98
acre feet per season, with a maximum rate of diversion of 0.56 cubic feet per second of the waters
of Springs, tributary of _____,
for the purpose of Irrigation from April 1 to October 31;
and for _____ from _____ to _____; and for
_____ from _____ to _____; and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in Lot 2 ~~XXX~~ XX Sec. 7, T. 6 S, R. 34 E, B.M., and
other additional points _____, in the County of
Bannock; and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 98 acre feet per year.

Description and location of place of use:

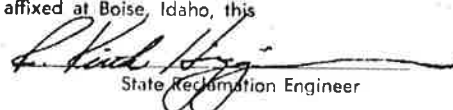
TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>6 S</u>	<u>34 E</u>	<u>7</u>					<u>28</u>												<u>28</u>

Total number of acres irrigated 28

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described,
as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

7th day of July, 19 69.


State Reclamation Engineer

29 2039

1708

29-2039

R 34 E

6

T

6

S

7

28 ACRES

SUBD - 1

G - .56 c.f.s.

(CL - 98 AC. FT / SEASON)

PRIORITY - (LATE PROOF 12-1-05)

Permit No. 29-2039/1908 29-4/4

Name of Applicant Edward N. Rowland, Pocatello, Idaho.

Source of Water Unnamed springs

a tributary of _____

Location of P.D. SE cor. of Lot 2, Sec. 7, T. 6 S, R. 34 E, B.M.,

Water is used for Irrigation and Power

Quantity of water claimed: Permit 2.56 c.f.s. Depositions 2.56 c.f.s.

Type of measuring device installed or method of measurement and general description of diversion works See Attachment

Land to be irrigated or place of use:			
TWP.	RGE.	SEC.	Description
6 S	34 E	6	SE 1/4
		7	Lots 2 & 3

Total acreage _____

Filed October 26, 1905 Made January 15, 1912.

Due b/u December 7, 1911. Priority: December 4, 1905 (Late proof)

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and acreage covered by subdivision; also show land covered on the map.)

Source of supply NATURAL SPRINGS

a tributary of _____

Location of P.D.(s) SE COR SEC 7 GS 34E

Water is used for IRRIGATION

Quantity of water found _____

How was the measurement made? 

Measurement calculations _____

DETERMINED FROM PUMP DESIGN DATA - (275-280 gpm) @ 30' LIFT

0.62 cfs flow

Diversion works description and diagram

10 HP CENTRIFUGAL PUMPING 4 X 4 ELEC POWERED

Indicate area irrigated in each subdivision on the map.

Total acreage irrigated 72 ACRES

If water is used for purposes other than irrigation, fully describe how the water is used and what is done with it after the use.

Who represented the permit holder at the examination?

Recommended allowance for licensing SEE MAP

Description of required amendments. Comments. 

M.R. EDWARDS N ROWLAND - DECCARD - MR ROWLANDS SON ASSISTED WITH INSPECTION - MR ROWLANDS HAVE DEVELOPED A FINE TROUT STREAM & GROUNDS FOR RECREATION - FINE CONTRIBUTION TO THE STATE.

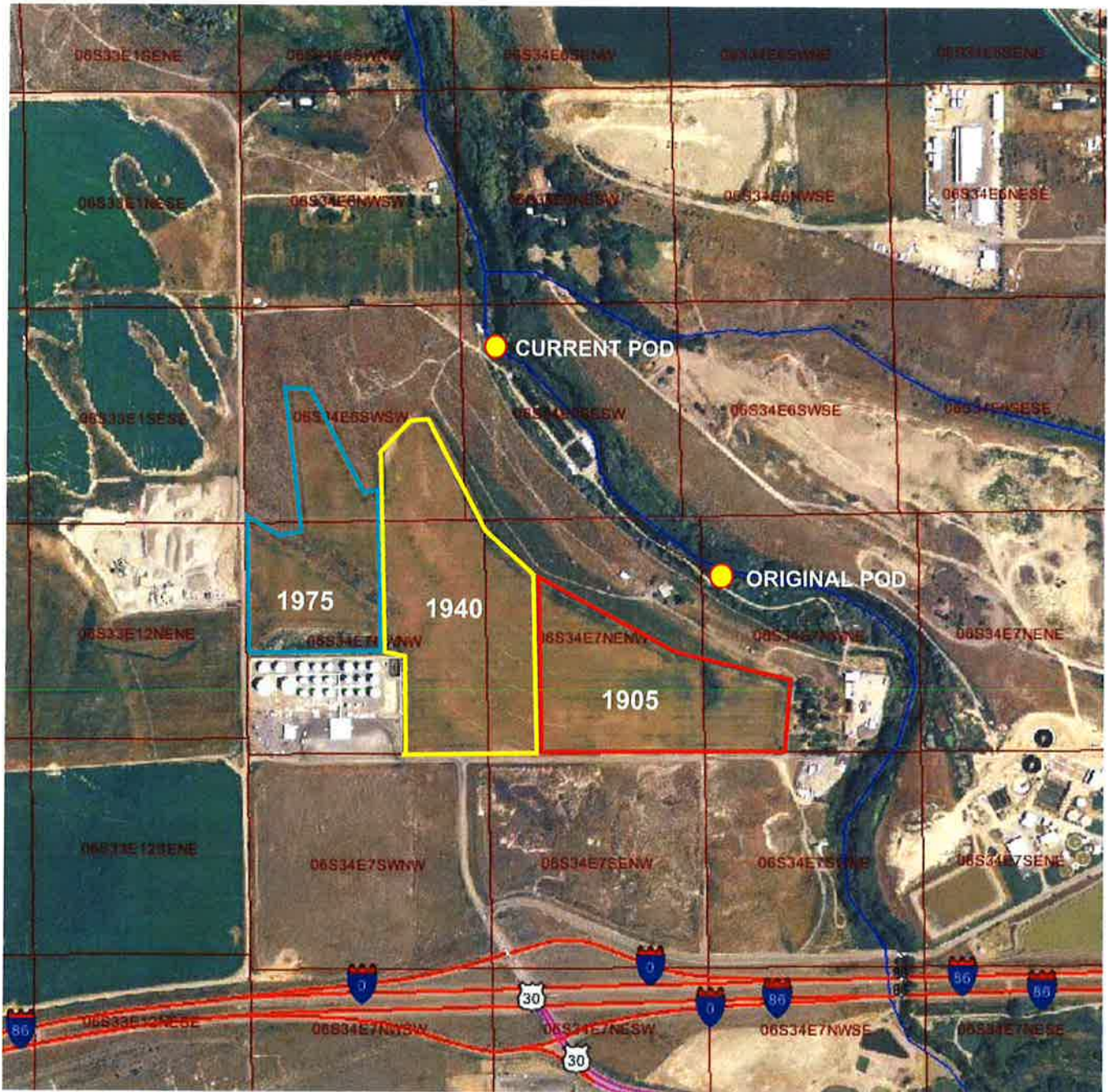
IRRIGATION REQUIREMENT - 3.5 AC-FT/ACRE/SEASON

Report checked? _____

Examination date 1-27-65

Signature MR. [Signature]

plate - mfg



GIS
23

 = 28 acres first irrigated in 1905

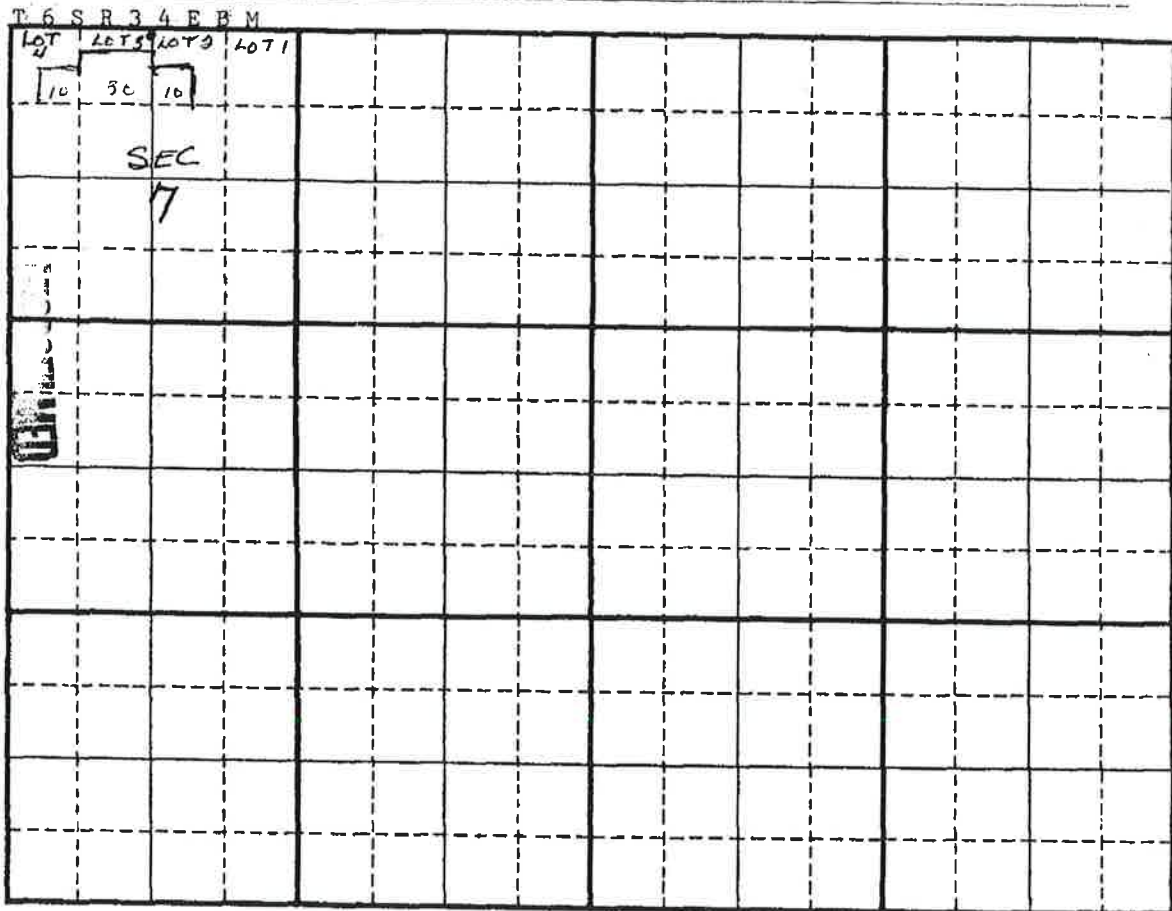
36

 = approx. 30 acres first irrigated in 1940

23

 = approx. 20 acres first irrigated in 1975

- (8) Remarks 1 Pump is located in NE corner of NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 7 T 6 S R 3 4 E B M and is used to flood irrigate 50 acres as shown below.



Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bannock) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 28th day of June

for Rowland's, Inc.
(Claimant)

1983

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: _____ Date _____
Prelim. check by S.M. Date 9-12-1983 Forwarded to claimant by: _____
\$30.00 fee received by CW Date 6-29-83
Published in POWELL PRESS # 25639
Dates 10/6 - 10/13/83

Navigation Tools

Receipt Details for C088921

Status	Adjustment Type	Version
		1

General Information

Date Received	Date Deposited	Region	Total Amount	Payment Type
7/1/2009 11:39:54 AM	7/1/2009 3:09:21 PM	STATE	\$100.00	Check
Payer	ROWLAND'S INC.			
IPG Transaction ID	0			

Account Information:

Check Number:	7490
---------------	------

Comment

Subcase: 29-4444

Fee Details:						
Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$100.00	ADJUDICATION FILING FEE	41503	0337			1155

STAFF TIME LOG

LATE CLAIMS

Claim No(s). 29-4444

[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



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".

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

Saxton, Craig

From: Saxton, Craig
Sent: Wednesday, February 18, 2009 3:06 PM
To: Williams, Ray
Cc: Bromley, Chris
Subject: Incorrect filing fees for 29-4444 and 29-4445

Hey,

The motions for 29-4444 and 29-4445 appear to indicate that the filing fees paid were incorrect.

29-4444:

The motion indicates that \$100.00 in fees were paid.

Actual fees owed should be:

\$50 claim fee
\$50 late fee
\$50 variable fee (\$1.00 per acre @ 50 acres)
\$150.00 total

If motion is granted and the claimant did only pay \$100, **an additional fee of \$50.00 is required.**

29-4445:

The motion indicates that \$75.00 in fees were paid.

Actual fees owed should be:

\$50 claim fee
\$50 late fee
\$25 variable fee (\$100.00 per cfs @ 0.25 cfs)
\$125.00 total

If motion is granted and the claimant did only pay \$75.00, **an additional fee of \$50.00 is required.**

Thanks,
c

2/18/2009

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 Fees: 50⁰⁰ claim
50⁰⁰ late
50⁰⁰ acreage
Case 39576 \$ 150⁰⁰ due
It appears \$100⁰⁰ paid and
\$ 50 is due.
Claim not signed.
C. Sumner
2-18-09

Subcase 29-44421
(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.

SCANNED

JAN 29 2009

☐ 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 \$ _____.

☐ 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 \$ 100⁰⁰.

Follow these instructions regarding the hearing on this motion.

50⁰⁰ LATE CLAIM
50⁰⁰ FILING Fee

50 AM

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 APRIL 21, 2009 1:30pm
(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 Rawlins
(Insert name of person filing form)

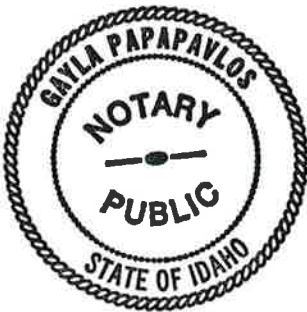
being first duly sworn, upon oath, deposes and says:

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 Rawlins
Signature of person filing motion

Attorney signing in representative capacity

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



Gayla Papapoulos
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

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 29-4444

Date Received:

Receipt No:

Received By:

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: 03/01/1940

3. Source: BAPTISTE SPRING Trib. to: PORTNEUF RIVER

4. Point of Diversion:

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

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1	

7. Total Quantity Appropriated is:
1 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		IRRIGATION	10
			NE	NW		IRRIGATION	30
			NW	NW		IRRIGATION	10
						Section Acres	50
						Total Acres	50

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:

15. Basis of Claim: Statutory Claim

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 that I am _____ of
Title

_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20 _____

Notary Public

Residing at _____

My commission Expires _____

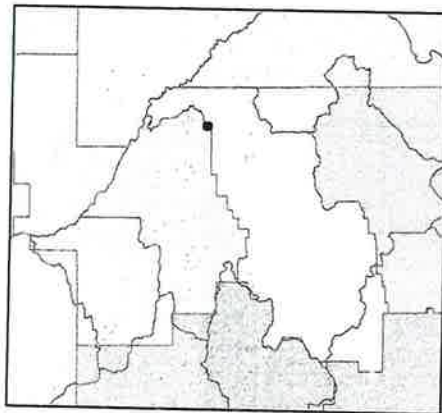


Idaho Department of Water Resources

SRBA Claim
29-4444
(IRRIGATION)

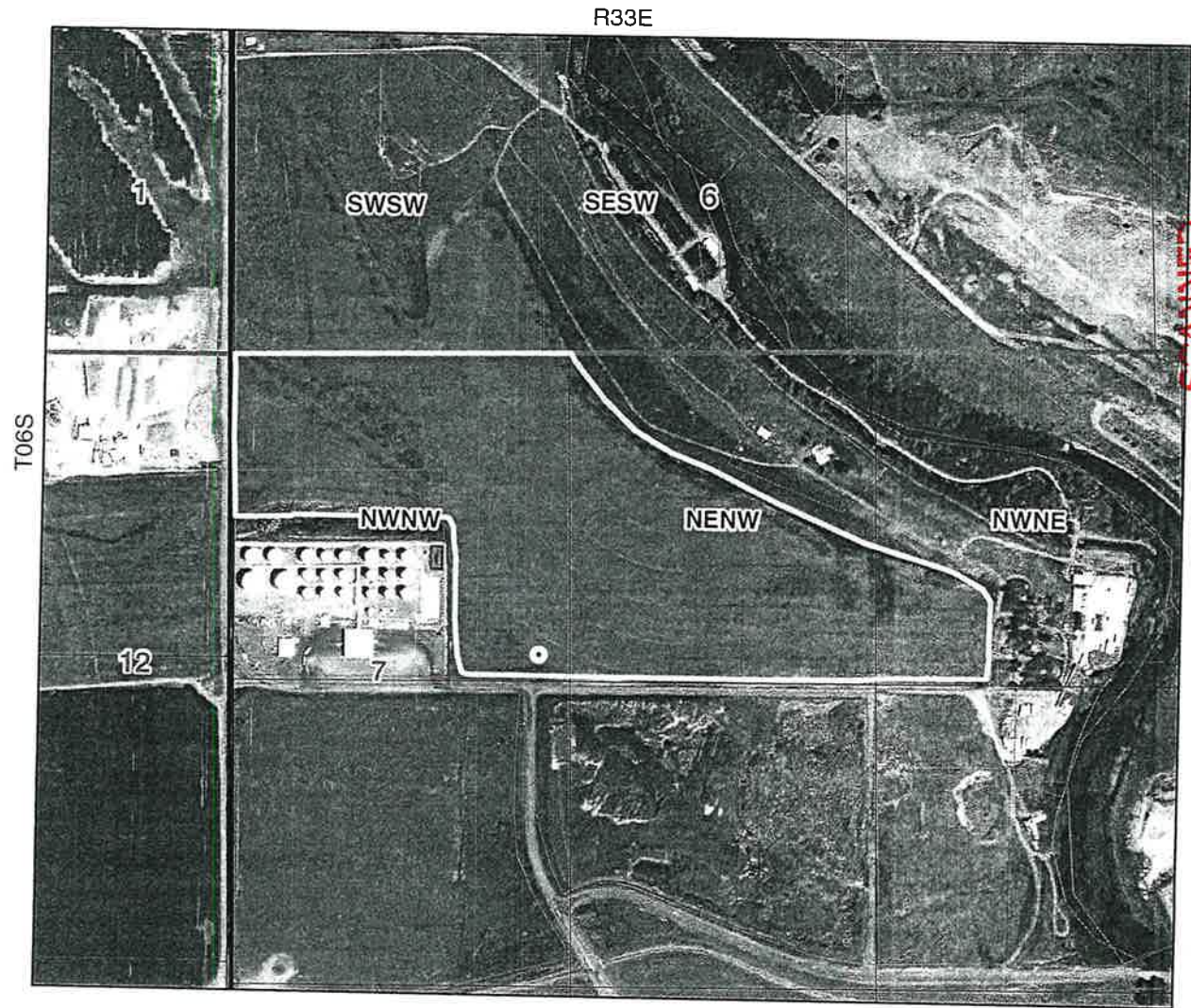
Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots



Power County
IDWR Basin 29

Prepared by Nathaniel Arave
On December 29, 2008
2004 Aerial Photography



0 0.15 0.3 0.6
Miles

Owner: Rowlands Inc

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

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

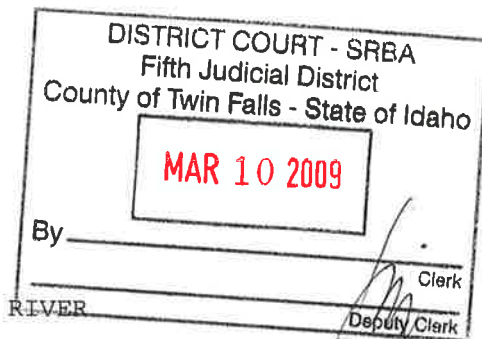
CIVIL CASE NUMBER: 39576

Ident. Number 29-4444
Date Received: 12/29/2008
Receipt No: **088921**
Received By:

**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: 03/01/1940

3. Source: BAPTISTE SPRING Trib. to: PORTNEUF RIVER

4. Point of Diversion:

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

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1	

7. Total Quantity Appropriated is:
1 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	IRRIGATION	10
			NE NW	IRRIGATION	30
			NW NW	IRRIGATION	10
			Section Acres		50

Total Acres 50

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:

15. Basis of Claim: Statutory Claim

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 of ROWLAND'S INC
Title Organization

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

V-President of ROWLAND'S INC
Title Organization

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

Deb Lawrence
Signature of Authorized Agent

V-President / ROWLAND'S INC
Title and Organization

3-9-09
Date

DEPARTMENT OF
WATER RESOURCES

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

JUN 30 2009

By

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

)

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

)

Case No. 39576

)

)

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 Brigitte 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}~~23rd~~ 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

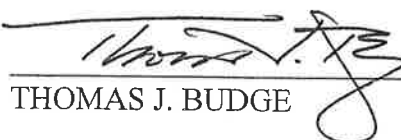
[] U.S. Mail, Postage Paid
[] Hand Delivered
[] Overnight Mail
[X] Facsimile: (208) 736-2121

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

[] U.S. Mail, Postage Paid
[] Hand Delivered
[] Overnight Mail
[X] Electronic Mail: mreid@paradisefarm.com

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

[X] U.S. Mail, Postage Paid
[] Hand Delivered
[] Overnight Mail
[] Facsimile


THOMAS J. BUDGE