

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-4445

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

SOURCE: SPRING

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.250 CFS

PRIORITY DATE: 06/01/1967

POINT OF
DIVERSION:

T06S R34E S7 SENWNE Lot 2 Within POWER County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

INDUSTRIAL

01/01 12/31

0.250 CFS

Use of water under this right shall be non-consumptive.

Industrial use is in a milk processing plant.

PLACE OF USE: INDUSTRIAL 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

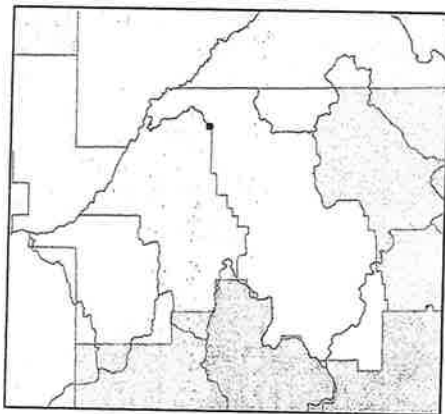


Idaho Department of Water Resources

SRBA Claim
29-4445
(INDUSTRIAL)

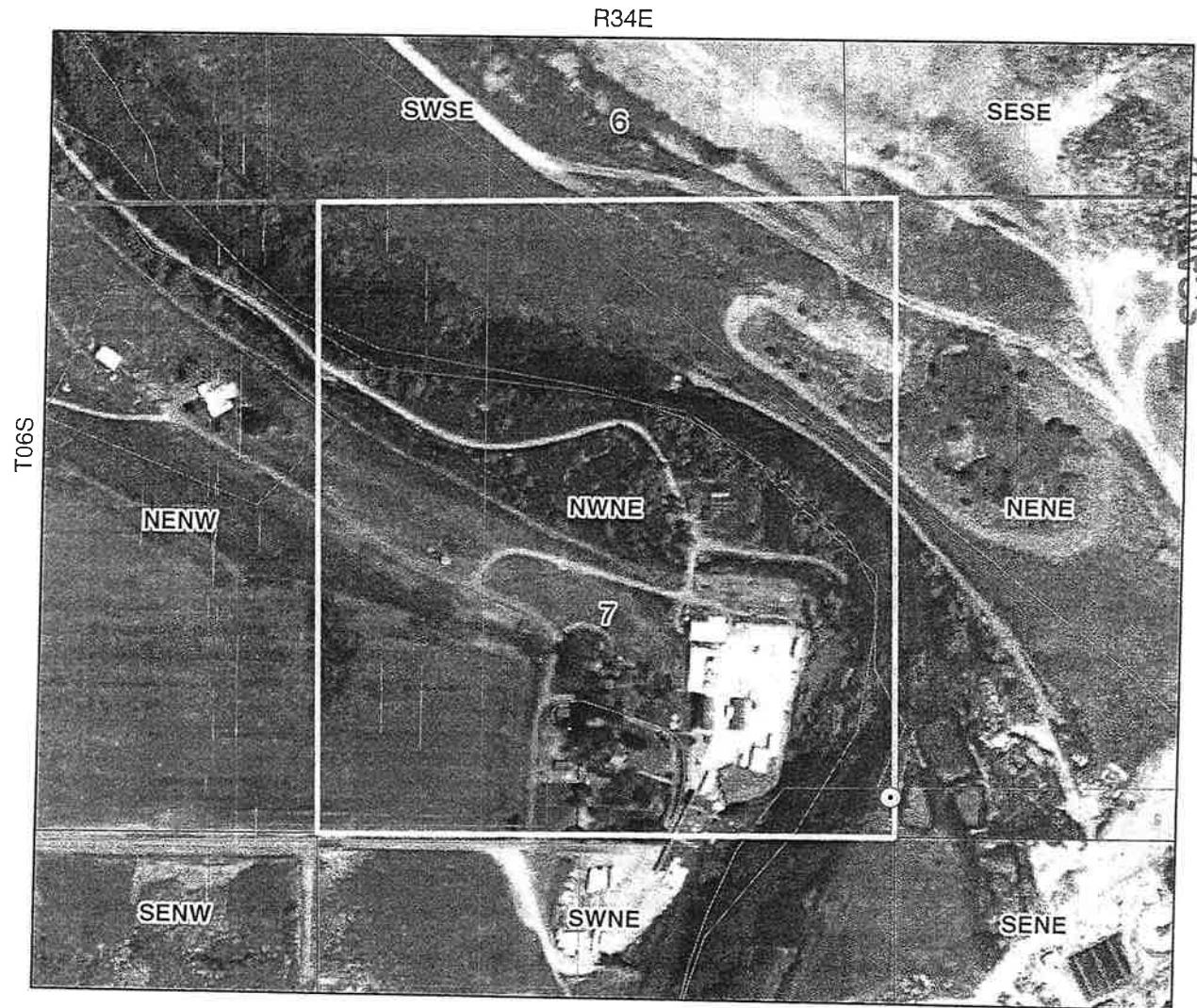
Legend

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



Bannock, Power Counties
IDWR Basin 29

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



0 0.05 0.1 0.2
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

Thursday, September 23, 2010

Field exam for Rowland's claims 29-4445

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

Accompanied by: Bob Rowland and T. J. Budge

Observed metal cover over plant spring. Since the spring was inside the building, I went outside and took the gps reading approximately 10 feet east of the plant spring. The GPS point corresponds to gps site tag A0007763. According to Mr. Rowland the spring had been used primarily for cooling. He said a 10 HP centrifugal pump was used to deliver water to an ammonia condenser via a 2 inch line. After the water was used in the condenser for cooling it was discharged into Batiste Spring. He said the pump operated 24 hours a day 365 days a year. He estimated the pressure to be about 40 psi. He said the spring was located about 2 feet below ground level. The pump lifted the water about 10 more feet to the line that led to the condenser.

Mr. Rowland said they had the water tested, and between the years 1968 and 1987 they also bottled the spring water.

MWH

PLANT SPRING GPS PT
&
WATER WHEEL LOCATION



Idaho Department of Water Resources

WMIS
Water Management Information System**Quick Search:**[For assistance, email WMIS Info](#)

Search Method:

Metal Tag Number

Metal Tag Number

A0007763**Search***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 200771; A0007763*

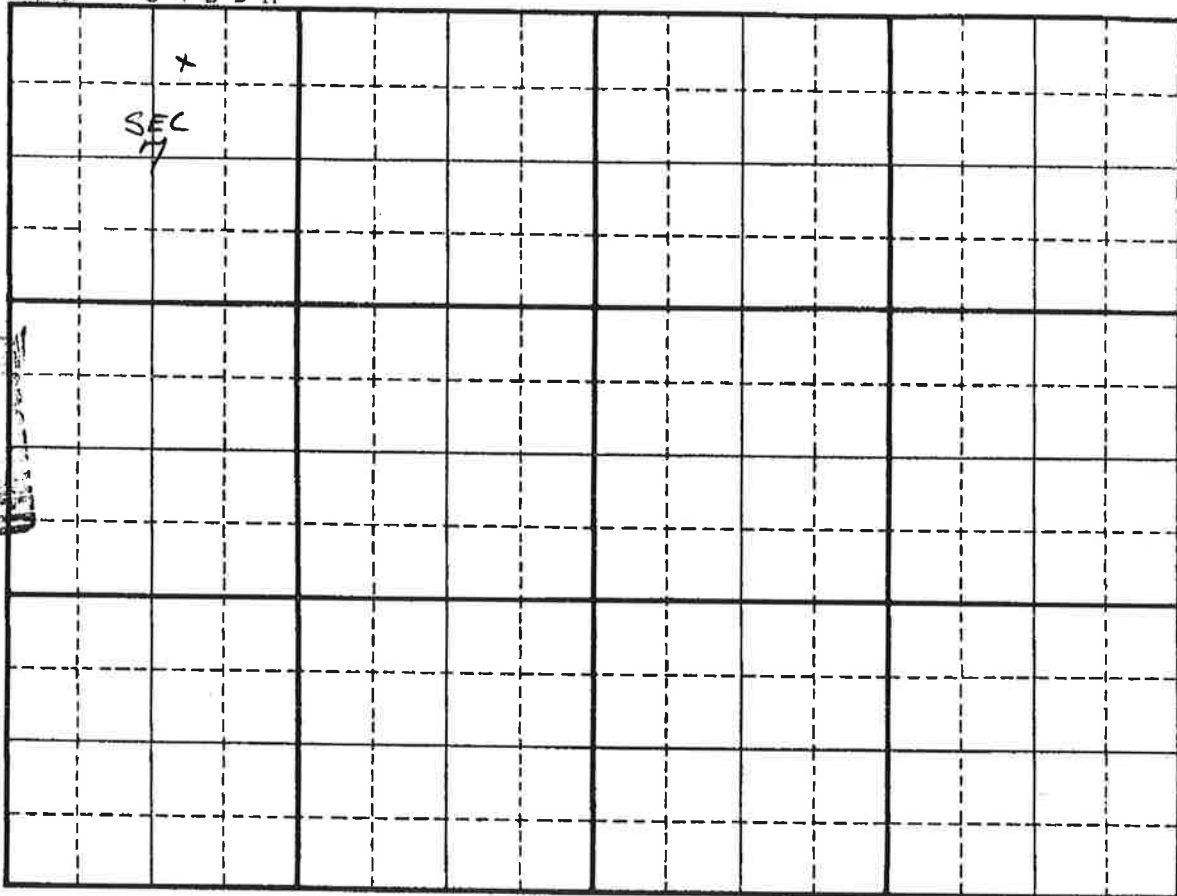
Report Year*	Visit Date*	Examiner	Reason for Visit
2007	07/30/2007	GHANSEN	Routine
Comments The pump has been removed from the system. It was used to pump water from a spring to bottle water. Mr. Rowland would like to use the water right in future, but has not determined a use yet.			
Report Year*	Visit Date*	Examiner	Reason for Visit
2005	04/14/2005	DWR	Flowmeter Calibration
Comments received phone call from Bob Rowland on 04-14-05, he said the water-bottling plant stopped operating in August 2004 and that the best estimate for 2003 would be to use the same values as for 2002			
Report Year*	Visit Date*	Examiner	Reason for Visit
2004	07/28/2004	DWR	Flowmeter Calibration
Comments DUMMY CALIBRATION; FOR COMMERCIAL BOTTLED WATER PLANT. NEED RECORDS ROM BOTTLED WATER PLANT.			
Report Year*	Visit Date*	Examiner	Reason for Visit
1998	05/19/1998	LROUNDS	Inventory
Comments COMMERCIAL, FOR BOTTLED WATER PLANT COULD USE RECORDS FROM BOTTLED WATER AND TRACK BOILER USE.			

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

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

(8) Remarks _____

T 6 S R 3 4 E B M



Scale: 2 inches equal 1 mile.

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

Robert M. Rowland
for Rowland's, Inc.
(Claimant)
19 83

Jana Maye
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 7-12-1983
\$30.00 fee received by CW Date 6-29-83
Published in POWER COUNTY PRESS #25641
Dates 10/6 - 10/19/83

Navigation Tools

Receipt Details for C088920

Status	Adjustment Type	Version
		2

General Information

Date Received	Date Deposited	Region	Total Amount	Payment Type
7/1/2009 11:38:02 AM	7/1/2009 3:09:00 PM	STATE	\$75.00	Check
Payer	ROWLAND'S INC.			
IPG Transaction ID	0			

Account Information:

Check Number:	7489
---------------	------

Comment

Subcase: 29-4445

Fee Details:						
Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$75.00	ADJUDICATION FILING FEE	41503	0337			1155

STAFF TIME LOG

LATE CLAIMS

Claim No(s). 29-4445

[illegible]

REFUND REQUEST

TO: S. Sherman to Log In
 FOR: C. Fritschle/D. Allen
 FROM: J. Sherman Date: 7-14-09
 SUBJ: Receipt No. CO 88967 (Please attach ARQ2 Receipt copy immediately behind blue form)
 RE: PayOR Racine Olson Nye Budge & Bailey, Chtd.
 Address Po Box 1391
Pocatello ID 83204-1391

Claimant(s) if NOT Payor Rowland's, Inc.
 Refund Amount \$ 75.- Claim Location (Region/Claimant) (state of e)
 Extension Filed? Y/N (NA) Copy Attached? Y/N (NA)
 Late Fees Paid? Y/N (NA) Late Fee Receipt # —
 S.O. Verified Ext. by — on — D.B. Query by —
 Refund Generated By (☒ Agent () Claimant
 Refund Category:
 insufficient fees / claim incomplete / withdrawn / (o-pmt)

Date of Last Correspondence (copy attached) —

Claim No.	Use*	Fees Paid	Correct Fee	Rec't #
<u>29-4445</u>	<u>Industrial</u>	<u>\$125.-</u>	<u>50.-</u>	<u>CO 88967</u>
<u>—</u>	<u>—</u>	<u>\$</u>	<u>—</u>	<u>—</u>
<u>—</u>	<u>—</u>	<u>\$</u>	<u>—</u>	<u>—</u>
<u>—</u>	<u>—</u>	<u>\$</u>	<u>—</u>	<u>—</u>
<u>—</u>	<u>—</u>	<u>\$</u>	<u>—</u>	<u>—</u>
<u>—</u>	<u>—</u>	<u>\$</u>	<u>—</u>	<u>—</u>
Total		\$	\$	

*Incomplete claims or insufficient fees for irrigation use will generally NOT be refunded. D.E. claim in AJSP1 at minimum.

Detailed Reason(s) for Refund Attached (Y/N)

Region AJ Spvsr. Approval — S.O. AJ Spvsr. Approval CS
 C. Fritschle Approval Chadwick Hold — To Fiscal 7-15-09
 Data Base Modified? Y/N (NA) A &/or R Records By — on 7-14-09



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

July 14, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

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

RE: Snake River Basin Adjudication (SRBA)
Overpaid filing fees: Water Right # 29-4445
Your Client: Rowland's, Inc

Dear Mr. Budge:

IDWR received the requested filing fees of \$125.00 on July 13, 2009 that was requested in a letter from me dated July 7, 2009. Unfortunately, I mistakenly requested an additional filing fee of \$125.00 for SRBA claim 29-4445 when only \$50.00 was required.

\$75.00 of the \$125.00 filing fee had already been paid under receipt number C088920. My letter should have only requested the remaining \$50.00.

This was an error on my part and I am very sorry for the inconvenience. IDWR will be processing a refund shortly.

Thank you for your patience.

Respectfully,

Craig L. Saxton
Water Right Supervisor
Adjudication Bureau
craig.saxton@idwr.idaho.gov
208.287.4916

SCANNED

JUL 14 2009

LAW OFFICES OF

**RACINE OLSON NYE BUDGE & BAILEY
CHARTERED**

201 EAST CENTER STREET
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

www.racinelaw.net

SENDER'S E-MAIL ADDRESS: tjb@racinelaw.net

RECEIVED

JUL 13 2009

**DEPARTMENT OF
WATER RESOURCES**

BOISE OFFICE

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

IDAHO FALLS OFFICE

477 SHoup AVENUE
SUITE 203
POST OFFICE BOX 50698
IDAHO FALLS, ID 83405
TELEPHONE: (208) 528-6101
FACSIMILE: (208) 528-6109

COEUR D'ALENE OFFICE

250 NORTHWEST
BOULEVARD, SUITE 106A
COEUR D'ALENE, ID 83814
TELEPHONE: (208) 765-6888

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. GOODSELL
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
PATRICK N. GEORGE
SCOTT J. SMITH
JOSHUA D. JOHNSON
STEPHEN J. MUHONEN
BRENT L. WHITING
JONATHAN S. BYINGTON
DAVE BAGLEY
CAROL TIPPI VOLYN
THOMAS J. BUDGE
CANDICE M. MCHUGH
JONATHAN M. VOLYN
MARK A. SHAFFER
JASON E. FLAIG

July 9, 2009

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau/IDWR
P.O. Box 83720
Boise, Idaho 83720-0098

Re: *Additional Fees for Claim No. 29-4445*

Dear Mr. Saxton:

Per your July 7, 2009 letter indicating that additional fees in the amount of \$125 are required for Claim No. 29-4445 (\$50 Claim fee, \$50 late fee and \$25 variable fee), enclosed herewith is a check in the amount of \$125 for that purpose.

Please call if you have any questions.

Sincerely,



THOMAS J. BUDGE

TJB:rr

Enclosures

cc: Bob Rowland
SRBA Clerk

SCANNED

JUL 13 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

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". 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

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: *Acres Paid Receipt #EP13082* *US 2-6-09*

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
Arbitration 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: \$50 claim)
\$50 late)
\$25 Variable)
Case 39576 \$125.00 due)
It appears \$75 was paid)
and \$50.00 is due)
- Claim Not Signed)
See letter)

Subcase 29-4445
(Insert water right number)

STANDARD FORM 4

MOTION TO FILE:

- ☒ LATE NOTICE OF CLAIM
☐ AMENDED NOTICE OF CLAIM

2-18-09
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.

*Made made & shipped
need add \$25.00
for base of
late fee.
2-21-09*

☐ 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, ID 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 PREVIOUSLY DONE

☐ 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 \$ 75.00.

Follow these instructions regarding the hearing on this motion.

50.00 FILING FEE
25.00 LATE CLAIM

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 1:30 PM
(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 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 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:

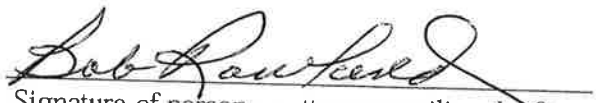
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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 29-4445
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: 06/01/1930

3. Source: 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 NE	POWER	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
INDUSTRIAL	01/01	12/31	0.25	

7. Total Quantity Appropriated is:
0.25 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	INDUSTRIAL	

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.

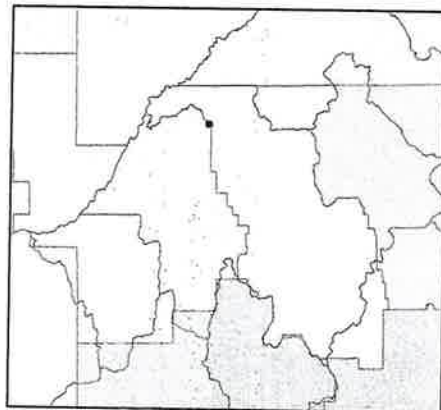


Idaho Department of Water Resources

SRBA Claim
29-4445
(INDUSTRIAL)

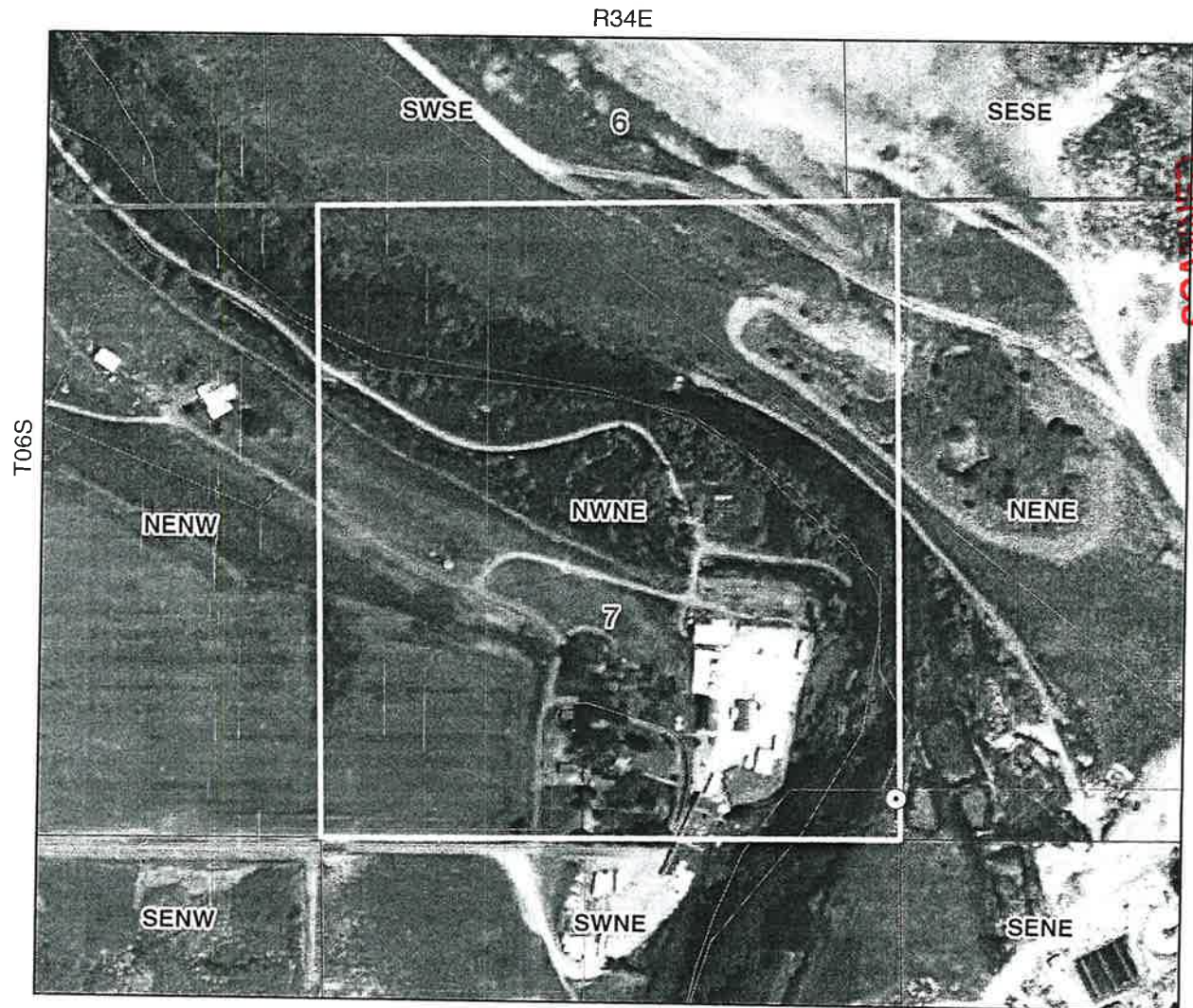
Legend

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



Bannock, Power Counties
IDWR Basin 29

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



0 0.05 0.1 0.2
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 29-4445
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

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3. Source: SPRING Trib. to: PORTNEUF RIVER

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11. Place of use in counties: POWER

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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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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 29-4445
Date Received: 12/29/2008
Receipt No:
Received By: *C088920*

**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: 06/01/1930

3. Source: 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 NE	POWER	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
INDUSTRIAL	01/01	12/31	0.25	

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

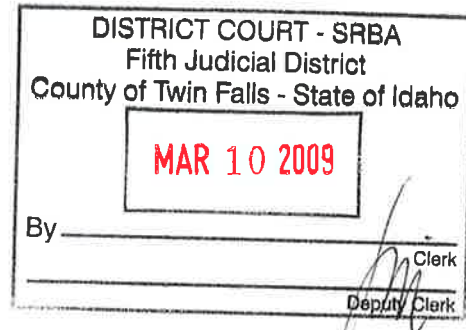
8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

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

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 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.

Dave Rowland
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

34

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

)

2

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 9 1 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

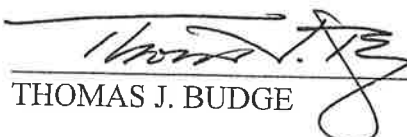
☐ U.S. Mail, Postage Paid
☐ Hand Delivered
☐ Overnight Mail
☒ Facsimile: (208) 736-2121

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

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

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☐ Facsimile


THOMAS J. BUDGE