

John K. Simpson, Bar No. 4242
Shelley M. Davis, Bar No. 6788
BARKER ROSHOLT & SIMPSON LLP
205 N. 10th Street, Ste. 520
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Fax: (208) 344-6034

Attorneys for FMC Corporation

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 No. A29-11342

**AFFIDAVIT OF ROB J. HARTMAN IN
SUPPORT OF MOTION TO FILE A
LATE CLAIM OR IN THE
ALTERNATIVE TO SET ASIDE A
PARTIAL DECREE AND ALLOW
AMENDMENT OF CLAIM**

STATE OF IDAHO)
)**ss.**
County of Ada)

ROB JAMES HARTMAN, being first duly sworn upon oath, deposes and states
as follows:

1. I am a Vice President of FMC Idaho LLC ("FMC") located in Pocatello,
Idaho.
2. In my responsibilities with FMC, I was responsible for reviewing the
Director's Report of the Idaho Department of Water Resources for Basin 29.
3. Following the purchase of the property from the City of Pocatello in 1990
FMC worked with counsel to transfer the rights to the water from well no. 11, also known

John K. Simpson, Bar No. 4242
Shelley M. Davis, Bar No. 6788
BARKER ROSHOLT & SIMPSON LLP
205 N. 10th Street, Ste. 520
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Fax: (208) 344-6034

Attorneys for FMC Corporation

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 No. A29-11342

**AFFIDAVIT OF ROB J. HARTMAN IN
SUPPORT OF MOTION TO FILE A
LATE CLAIM OR IN THE
ALTERNATIVE TO SET ASIDE A
PARTIAL DECREE AND ALLOW
AMENDMENT OF CLAIM**

STATE OF IDAHO)
)ss.
County of Ada)

ROB JAMES HARTMAN, being first duly sworn upon oath, deposes and states
as follows:

1. I am a Vice President of FMC Idaho LLC ("FMC") located in Pocatello, Idaho.
2. In my responsibilities with FMC, I was responsible for reviewing the Director's Report of the Idaho Department of Water Resources for Basin 29.
3. Following the purchase of the property from the City of Pocatello in 1990 FMC worked with counsel to transfer the rights to the water from well no. 11, also known

as the Pilot House well, located on the property of FMC to FMC's possession. In the letter notifying FMC that the transfer had been approved, the water right was numbered A29-11342.

4. In the Director's Report for Basin 29, water right 29-11342 was recommended to be disallowed. FMC did not object to the recommendation that water right 29-11342 be disallowed because FMC did not believe that water right 29-11342 was the same water right associated with well no. 11. FMC believed that water right to be numbered A29-11342.

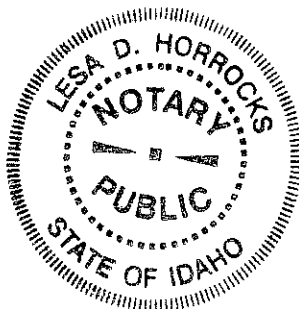
5. That to the best of my knowledge the water associated with water right number A29-11342 has either been put to beneficial use or placed in the Water Bank, through a lease arrangement approved by IDWR, since it was acquired.

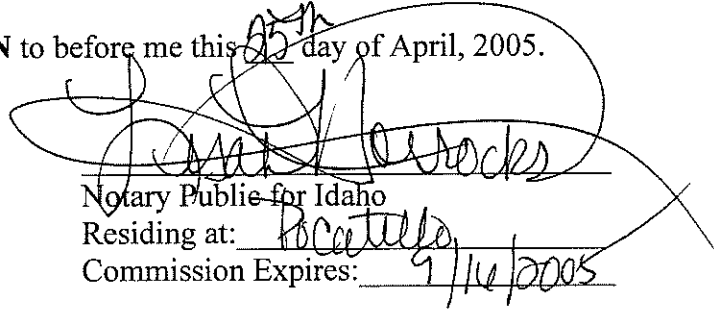
6. Further your affiant sayeth naught.

Dated this 25th day of April, 2005.


Rob J. Hartman

SUBSCRIBED AND SWORN to before me this 25th day of April, 2005.




Notary Public for Idaho
Residing at: Bocatillo
Commission Expires: 9/14/2005