



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

February 14, 2007

FILLMORE FARMS LLC
HUNTSMAN WAY
SALT LAKE CITY UT 84108

RE: Notice of Change of Water Right Ownership (NCO) for 22-7262, 22-7319
and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

On February 14, 2007, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: Allen & Connie Ball Living Trust

**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

)

Water Rights: 22-7262, 22-7319

Case No. 39576

)

)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following Administrative proceeding:

☐ Address change

☒ Substitution of Party

☐ I.C. § 42-222 transfer

☐ point of diversion ☐ place of use

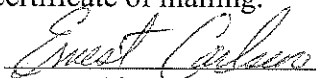
☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: May 18, 2007



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on May 21, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
The Allen Ball & Connie Ball Living Trust
5465 S 5th W
Idaho Falls ID 83404

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
Fillmore Farms LLC
500 Huntsman Way
Salt Lake City UT 84108

4. One copy to:

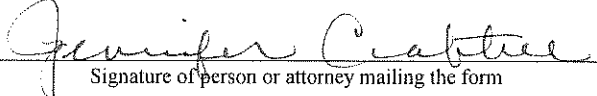
Each party in the subcase, or attorney of record
N/A

5. One copy each to:

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

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

RECEIVED

FEB 14 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources
 Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
22-7262					
22-7319					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) The Allen Ball & Connie Ball Living Trust
5465 S 5th W Idaho Falls ID. 83404
4. New Owner/Claimant(s) Fillmore Farms L.L.C.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 300 Huntman way
- City, State and ZIP Code S.L.C. UT. 84108
- New Telephone Number (801) 584-5864
5. Date you acquired the property Feb 7, 2007

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable) *William Adams C.C.C.*

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

RECEIVED

FEB - 8 2007
TETON CO., ID
CLERK RECORDER

184909

Date: 02/07/2007

Grant Deed
- continued

File No.: 169543-T (tm)

Instrument # 184909

DRIGGS, TETON, IDAHO
2007-02-08 01:52:12 No. of Pages: 5
Recorded for : FIRST AMERICAN TITLE
MARY LOU HANSEN Fee: 15.00
Ex-Officio Recorder Deputy *M. Hansen*
Index to: DEED, GRANT

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
81 North Main Street/P.O. Box 42
Driggs, ID 83422

First American Title Company

Space Above This Line for Recorder's Use Only

GRANT DEED

File No.: 169543-T (tm)

Date: February 7, 2007

For Value Received, ALLEN BALL, as Trustee of The Allen Ball and Connie Ball Family Trust (fka The Allen Ball and Connie Ball Living Trust), created January 6, 1990 and amended and completely restated on August 3, 2004, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto FILLMORE FARMS LLC, a Utah limited liability company, hereinafter called the Grantee, whose current address is 500 Huntsman Way, Salt Lake City, UT 84108, the following described premises, situated in Teton County, Idaho, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

TOGETHER WITH all water rights appurtenant thereto including, without limitation, Idaho Water Right Nos. 22-7262 and 22-7319.

SUBJECT TO the lien for real property taxes and assessments not yet due, all existing patent reservations, easements, rights of way, restrictive covenants and matters of record, all applicable zoning ordinances, building codes, laws and regulations, and all encroachments, overlaps, boundary line disputes, parties in possession, claims of easements and other matters that would be disclosed by an accurate survey or inspection of the property.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever.

ALLEN BALL, as Trustee of The Allen Ball and Connie Ball Family Trust (fka The Allen Ball and Connie Ball Living Trust), created January 6, 1990 and amended and completely restated on August 3, 2004

Allen Ball
Allen Ball, Trustee

184909

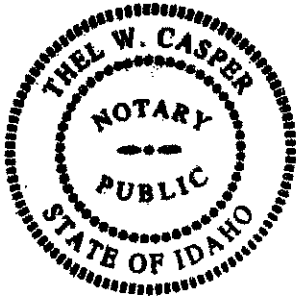
Date: 02/07/2007

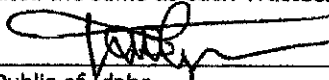
Grant Deed
- continued

File No.: 169543-T (tm)

STATE OF Idaho)
SS.
COUNTY OF Bonneville)

On this 7th day of February, 2007, before me, a Notary Public in and for said State, personally appeared **Allen Ball**, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument as **Trustee of The Allen Ball and Connie Ball Family Trust (fka The Allen Ball and Connie Ball Living Trust)**, created January 6, 1990 and amended and completely restated on August 3, 2004, and acknowledged to me that he executed the same as such Trustee.





Notary Public of Idaho
Residing at: Idaho Falls, Idaho
Commission Expires: 01/18/2012

EXHIBIT A

TRACT 1:

TOWNSHIP 5 NORTH, RANGE 46 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO
Section 18: SW¼

TOWNSHIP 5 NORTH, RANGE 45 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO
Section 13: S½
Section 14: SE¼

LESS AND EXCEPTING THEREFROM: A tract beginning at the Northwest corner of the SE¼ of Section 14, and running thence East 22 rods (363'); thence South 40 rods (660.0'); thence West 22 rods; thence North 40 rods to the point of beginning.

ALSO LESS AND EXCEPTING THEREFROM: A tract of land being a portion of the W½SE¼ of Section 14, T5N, R45E, Boise Meridian, Teton County, Idaho; more particularly described as follows: Commencing at the South one-quarter corner of said Section 14, found as described in a Corner Perpetuation and Filing Record filed in the Office of the Clerk of Teton County, Idaho; thence along the south line of the SE¼ of said Section 14, N89°54'40"E, 49.50 feet to the intersection with the east right-of way line of U.S. Highway 33, where is found a 1/2 inch diameter iron pipe with plastic cap inscribed "AW ENG 2680"; thence along said right-of-way line N00°08'57"W, 959.26 feet to the point of beginning, where is found a 5/8 inch diameter steel reinforcing bar with aluminum cap inscribed "P.M. JORGENSEN LS 6970"; thence continuing along said right-of-way line, N00°08'57"W, 1000.00 feet to a point, where is found a 5/8 inch diameter steel reinforcing bar with aluminum cap inscribed "SURVEYOR SCHERBELL LTD PLS 3990 BIG PINEY, WYOMING"; thence departing said right-of-way line S89°55'14"E, 450.00 feet to a point, where is found a 5/8 inch diameter steel reinforcing bar with aluminum cap inscribed "P.M. JORGENSEN LS 6970"; thence parallel with said right-of-way line S00°08'57"E, 1000.00 feet to a point, where is found a 5/8 inch diameter steel reinforcing bar with aluminum cap inscribed "P.M. JORGENSEN LS 6970"; thence N89°55'14"W, 450.00 feet to the point of beginning.

ALSO LESS AND EXCEPTING THEREFROM: That portion of Phase 1, Sweetwater Subdivision, Teton County, Idaho, as the same appears on the official plat thereof recorded December 29, 1992 as Instrument No. 111887, that lies within the above described property.

ALSO LESS AND EXCEPTING THEREFROM: That portion of Phase II, Sweetwater Subdivision, Teton County, Idaho, as the same appears on the official plat thereof recorded September 28, 1993 as Instrument No. 113900, that lies within the above described property.

ALSO LESS AND EXCEPTING THEREFROM: Rocky Flats P.U.D., Teton County, Idaho, as the same appears on the official plat thereof recorded November 14, 1990 as Instrument No. 106895.

ALSO LESS AND EXCEPTING THEREFROM: Hastings Lane County Road 250 North along the North boundary of all of the above described property.

ALSO LESS AND EXCEPTING THEREFROM: The West 49.5 feet of the SE $\frac{1}{4}$ of Section 14 for existing U.S. Highway 33 right-of-way.

SUBJECT TO easements for Teton Vista Drive and Falcon Lane as they cross the above description property, as shown on Sweetwater Phase I Plat, recorded December 29, 1992 as Instrument No. 111887.

TRACT 2:

All of Phase 1, Sweetwater Subdivision, Teton County, Idaho, as the same appears on the official plat thereof recorded December 29, 1992 as Instrument No. 111887.

LESS AND EXCEPTING THEREFROM: Lots 1, 2, 3, 4, 5, 6 & 16

TOGETHER WITH perpetual, non-exclusive access and utility easements as follows to-wit:

A sixty foot (60.00') wide strip of land located in the NE $\frac{1}{4}$ of Section 24, Township 5 North, Range 45 East Boise Meridian, Teton County, Idaho; said being a portion of the Driggs Airport Property and more particularly described as follows:

Beginning at a point on the southeasterly boundary of said Driggs Airport Property, from which the northeast corner of said Section 24 bears N46°37'27"E 1924.75 feet;
thence along said boundary of the Driggs Airport Property, S47°50'20"E 60.00 feet;
thence N42°09'02"W, 649.78 feet to the intersection with the northwest boundary of said Driggs Airport Property;
thence along said boundary N47°50'58"E, 60.00 feet;
thence S42°09'02"E, 649.77 feet to the Point of Beginning.

A triangular parcel of land located in the SE $\frac{1}{4}$ of Section 13 and NE $\frac{1}{4}$ of Section 24, Township 5 North, Range 45 East Boise Meridian, Teton County, Idaho; said parcel being a portion of the Driggs Airport Property and more particularly described as follows:
Beginning at the northernmost corner of said Driggs Airport Property, from which the southeast corner of said Section 13 bears N89°17'44"E, 995.22 feet;
thence along the northeast boundary of said Driggs Airport Property, S42°09'57"E, 75.78 feet;
thence N89°05'51"W, 100.24 feet to the intersection with the northwest boundary of said Driggs Airport Property;
thence along said boundary, N42°07'25"E, 73.59 feet to the corner of beginning.

TRACT 3:

All of Phase II, Sweetwater Subdivision, Teton County, Idaho, as the same appears on the official plat thereof recorded September 28, 1993 as Instrument No. 113900.

Date: 02/07/2007

Grant Deed
- continued

File No.: 169543-T (tm)

TRACT 4:

All of Rocky Flats, P.U.D., Teton County, Idaho, as the same appears on the official plat thereof recorded November 14, 1990 as Instrument No. 106895.

TRACT 5:

Lot 16, Phase 1, Sweetwater Subdivision, Teton County, Idaho, as the same appears on the official plat thereof recorded December 29, 1992 as Instrument No. 111887.

