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APR 02 2012

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

22-14030

) (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.

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

My name is YOUNG HARVEY WALKER

My address is 2338 N 2930 W ARIZ, ID. 83213

My phone number is: Work 208 520-7880 Home 208/527-3257

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:

NEW CLAIM

☐ 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 \$ 25.
- ☐ 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 July 17 - 2012 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:

VERIFICATION (Must be completed)

State of Idaho

County of Bennett

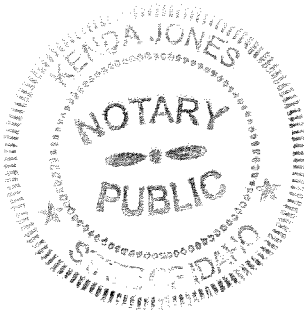
Yvonne Harvey Walter, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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] H. Walters P.O.A.
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on March 15, 2012.
(Insert Date)



Kenda Jones
Notary Public for State of Idaho
Residing at: Idaho Falls, ID
My Commission expires: June 30, 2016

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 March 30, ²⁰¹²~~199~~, 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:

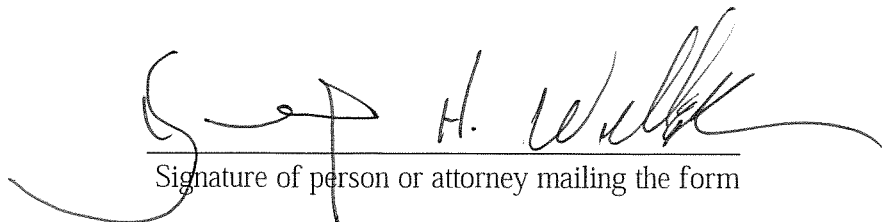
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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 22-14030
Date Received: 2/3/2012
Receipt No:
Received By: MWH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

FILLMORE FARMS LLC Phone: (801)584-5864
500 HUNTSMAN WAY
SALT LAKE CITY UT USA 84108

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DEPARTMENT OF
WATER RESOURCES

2. Date of Priority: 10/15/1971

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	45E	14	NE SW	TETON	

5. Description of diverting works:

0.75 HP PUMP IN WELL TO 1 HOME AND STOCK TROUGH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:

0.06 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

Number of stock: 50 head range cattle
Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05N	45E	14	NE SW	DOMESTIC	

NE SW STOCKWATER

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

AWAITING ACCEPTANCE OF LATE CLAIM BY SRBA COURT.

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Young Harvey Walker P.A. of
Title
Hillmore Farms LLC Organization, that I have signed the foregoing

document in the space below as P.A. of
Title
Hillmore Farms LLC Organization and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

3-9-12

Date

State of Idaho)

County of Bonneville) SS.

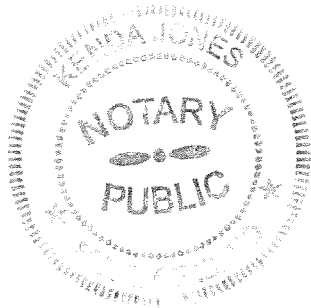
Subscribed and sworn (or affirmed) before me this

of March 9 2012

Kenda Jones
Notary Public

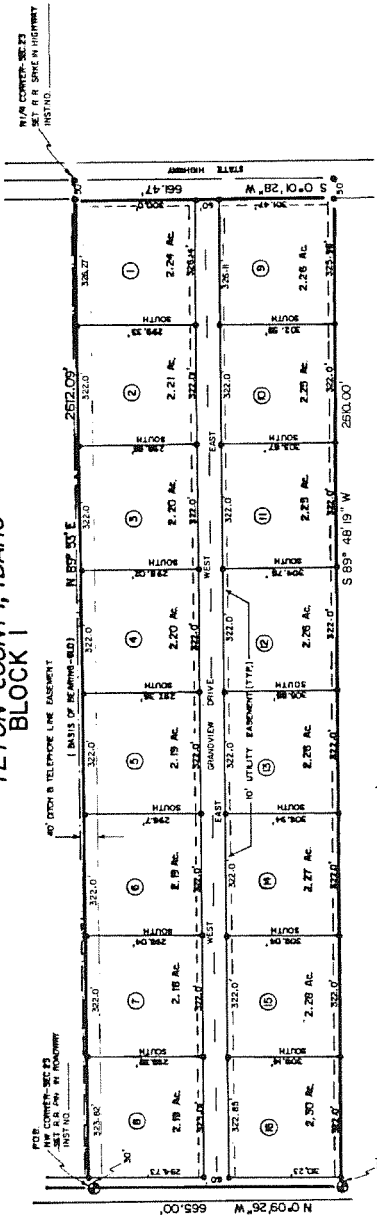
Residing at Idaho Falls

My commission Expires June 30, 2014



EE-DAH-HOW ACRES

N 1/2 N 1/2 NW 1/4, SEC. 23, T. 5N, R. 45E, B.M.,
TETON COUNTY, IDAHO
BLOCK 1



SCALE 1" = 200'

LEGEND

- SET 1/2" MOD W/COMP
- LOT NO

HEALTH DEPARTMENT CERTIFICATE

THE HEALTH DEPARTMENT HAS REVIEWED THE PLAT AND FINDS THAT THE LOTS ARE IN ACCORD WITH THE HEALTH DEPARTMENT REQUIREMENTS FOR LOTS IN THIS SUBDIVISION. THE HEALTH DEPARTMENT HAS NO OBJECTION TO THE PLAT AND THE LOTS ARE IN ACCORD WITH THE HEALTH DEPARTMENT REQUIREMENTS FOR LOTS IN THIS SUBDIVISION.

DATE 3 March 1981
Signature: [Signature]
DISTRICT HEALTH DEPT

PROPERTY DESCRIPTION

N 1/2 N 1/2 NW 1/4 SEC. 23, T. 5N, R. 45E, B.M., BEGINNING AT THE NORTHWEST CORNER OF SEC. 23, T. 5N, R. 45E, B.M., AND THENCE S 89° 48' 19" W 250.00' TO THE POINT OF BEGINNING, CONTAINING 12 LOTS, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, ARNOLD W. WOODWARD, A REGISTERED LAND SURVEYOR IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT I HAVE REVIEWED THE PLAT AND THE LOTS ARE IN ACCORD WITH THE HEALTH DEPARTMENT REQUIREMENTS FOR LOTS IN THIS SUBDIVISION. I HAVE ALSO REVIEWED THE PLAT AND THE LOTS ARE IN ACCORD WITH THE HEALTH DEPARTMENT REQUIREMENTS FOR LOTS IN THIS SUBDIVISION.



PLANNING & ZONING APPROVAL

PRESENTED TO THE TETON COUNTY PLANNING & ZONING ON THE FOLLOWING DATE AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL TAXES DUE HAVE BEEN PAID ON THE TRACT OF LAND SHOWN ON THIS PLAT.

DATE 5-24-82
Signature: [Signature]
COUNTY TREASURER

COMMISSIONER'S CERTIFICATE

PRESENTED TO THE TETON COUNTY BOARD OF COMMISSIONERS ON THE FOLLOWING DATE AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

DATE 1-13-82
Signature: [Signature]
COUNTY COMMISSIONER

RECORDER'S CERTIFICATE

I DO HEREBY CERTIFY THAT THIS PLAT WAS FILED THIS 14th DAY OF JULY, 1981, IN BOOK 160, PAGE 209.

DATE 11/25/81
Signature: [Signature]
COUNTY RECORDER

OWNERS' CERTIFICATE

WE IT KNOW THAT WE, THE UNDERSIGNED OWNERS, DO HEREBY CERTIFY THAT WE ARE THE LEGAL OWNERS OF THE TRACT OF LAND DESCRIBED ON THIS PLAT AND HAVE CAUSED THE SAME TO BE DIVIDED INTO LOTS IN ACCORD WITH THE HEALTH DEPARTMENT REQUIREMENTS FOR LOTS IN THIS SUBDIVISION. WE HAVE ALSO CAUSED THE SAME TO BE DIVIDED INTO LOTS IN ACCORD WITH THE HEALTH DEPARTMENT REQUIREMENTS FOR LOTS IN THIS SUBDIVISION.

DATE 5-24-82
Signature: [Signature]

ACKNOWLEDGEMENT

STATE OF IDAHO
COUNTY OF TETON
I, [Signature], DO HEREBY CERTIFY THAT I HAVE REVIEWED THE PLAT AND THE LOTS ARE IN ACCORD WITH THE HEALTH DEPARTMENT REQUIREMENTS FOR LOTS IN THIS SUBDIVISION. I HAVE ALSO REVIEWED THE PLAT AND THE LOTS ARE IN ACCORD WITH THE HEALTH DEPARTMENT REQUIREMENTS FOR LOTS IN THIS SUBDIVISION.

DATE 11/25/81
Signature: [Signature]
COUNTY ENGINEER

ASSESSOR'S CERTIFICATE

PRESENTED TO THE TETON COUNTY ASSESSOR ON THE FOLLOWING DATE FOR APPROVAL AND ACCEPTANCE.

DATE 11/25/81
Signature: [Signature]
COUNTY ASSESSOR

COUNTY ENGINEER'S CERTIFICATE

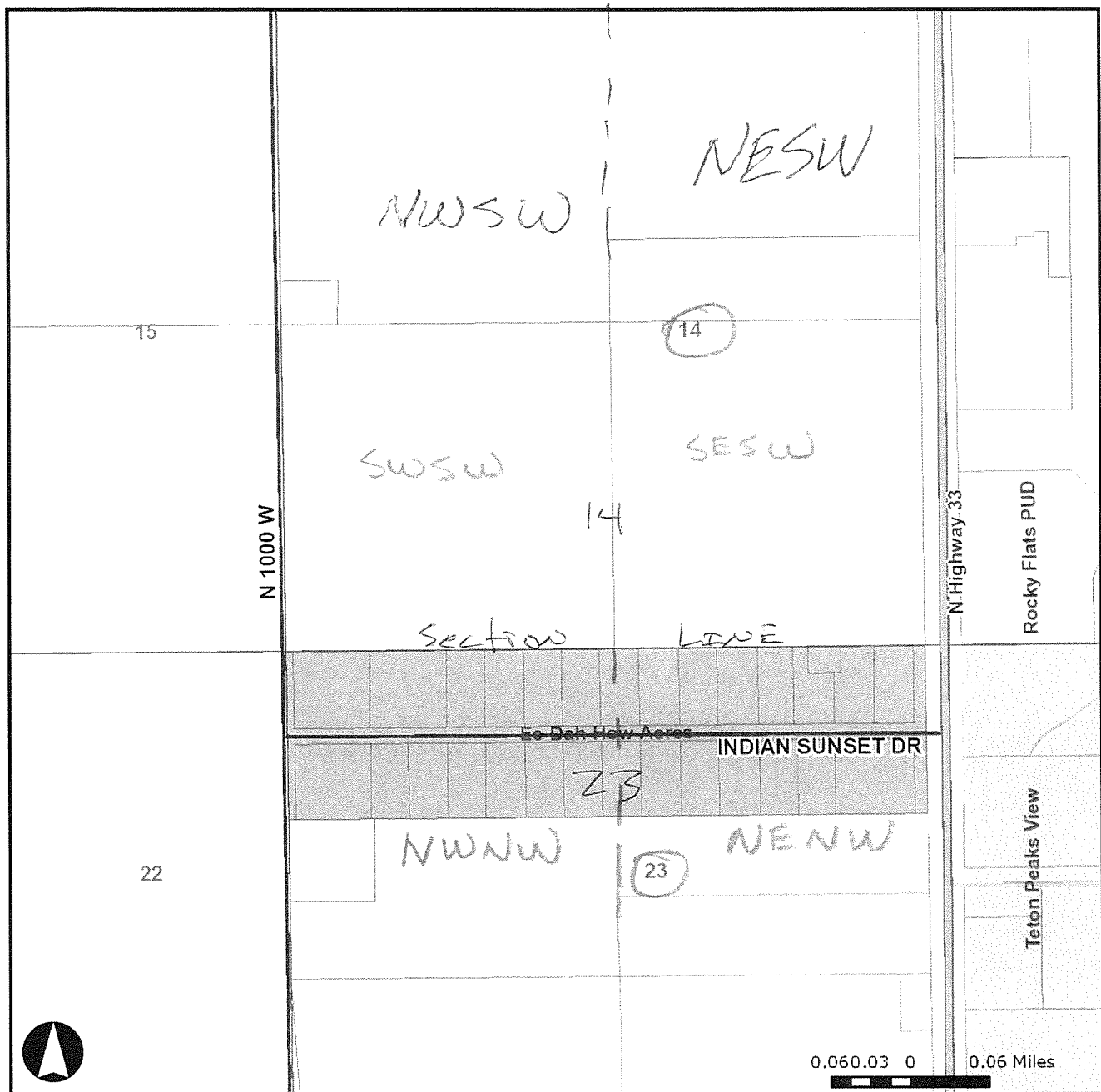
BEING THE COUNTY ENGINEER FOR TETON COUNTY, IDAHO, I DO HEREBY CERTIFY THAT I HAVE REVIEWED THE PLAT AND THE LOTS ARE IN ACCORD WITH THE HEALTH DEPARTMENT REQUIREMENTS FOR LOTS IN THIS SUBDIVISION. I HAVE ALSO REVIEWED THE PLAT AND THE LOTS ARE IN ACCORD WITH THE HEALTH DEPARTMENT REQUIREMENTS FOR LOTS IN THIS SUBDIVISION.

DATE 11/25/81
Signature: [Signature]
COUNTY ENGINEER

NOTE: TETON COUNTY WILL BE HELD RESPONSIBLE FOR THE CONSTRUCTION OR MAINTENANCE OF ANY ALLEY, OR ROAD WITHIN THE SUBDIVISION.

AW ENGINEERING VICTOR, IDAHO	N 1/2 N 1/2 NW 1/4 SEC. 23, T. 5N, R. 45 E, B.M.	SUBDIVISION
OCTOBER 1981	OWNER: JACK HATCH	81-43

Map



Major Roads

- State Highways
- Major Collector
- Minor Collector
- County Road
- Non-County Road

Parcels

- Jurisdiction Boundaries
- Forest Service
- Forest Service
- BLM
- B.L.M.

State Land

- State of Idaho
- Preliminary Subdivisions
- Vacated Subdivisions

LIMITED POWER OF ATTORNEY

FILLMORE FARMS , LLC, DAVID H. HUNTSMAN, Member, of 500 Huntsman Way, Salt Lake City, Utah, 84108, designate and appoint HARVEY WALKER of 2338 North 2930 West, Arco, ID 83213, as our attorney in fact and agent (subsequently called "agent") to act in our name and for our benefit. We grant to our agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as we might or could do if personally present and fully competent, hereby ratifying and confirming all that our agent shall lawfully do or cause to be done by virtue of this power of attorney and the powers herein granted.

Specific Powers

Our agent shall have and may exercise the following specific power:

- a. To handle all affairs and do all that needs done, including signing of documents, pertaining to water rights, wells and all water issues.

Revocability

This power of attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by us or our agent and delivered to such person or institution.

Interpretation

This instrument is to be construed and interpreted as a limited power of attorney.

Disability of Principal

This Limited Power of Attorney shall not be affected by disability of the principal.

Third-Party Reliance

Third parties may rely upon the representations of our agent as to all matters relating to any power granted to our agent, and no person who may act in reliance upon the representations of our agent or the authority granted to our agent shall incur any liability to us or our estate as a result of permitting our agent to exercise any power.

Expiration

Unless sooner revoked in the manner above provided, this Limited Power of Attorney shall expire at midnight on February 28, 2013.

Governing Law

This Limited Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

IN WITNESS WHEREOF, we have executed this Limited Power of Attorney this 17th day of Feb., 2011.

FILMORE FARMS, LLC, Principal

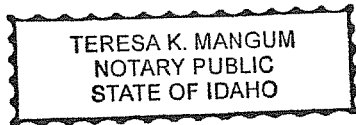
By



David H. Huntsman, Member

STATE OF Idaho)
County of Teton) SS.

On this 17th day of Feb., 2011, personally appeared before me DAVID H. HUNTSMAN, who, being by me first duly sworn, declared that he is the Member of FILLMORE FARMS, LLC, that he signed the foregoing document as President of the corporation, and that the statements therein contained are true.



Leresa K. Urquhart
Notary Public of Idaho
My Commission Expires: 07-24-15