

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TC-22-16

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use, or purpose of use of a water right upon declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)

Name of Applicant Huntsman Springs Inc Phone 354-9660
Mailing Address 97 N Hwy 33, Driggs, ID 83422 Email _____

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other
2. Describe the proposed change(s) and explain the reason(s) they are needed. _____
Inadequate water supply at proposed place of use due to drought.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>22-13810</u>	<u>2/20/1980</u>	<u>3.69/1085</u>	<u>Irrigation</u>	<u>7/15</u> to <u>10/31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 3.69 cubic feet per second and/or 1085 acre-feet per annum.

3. Source of water Ground water tributary to _____.

4. Point(s) of diversion: POD LEGAL CHANGED PER TELECON WITH APPLICANT ON 7/19/13.

MH

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
~~5N~~	~~45E~~	~~22~~			~~SE~~	~~SE~~	~~Teton~~	~~Ground water~~	
<u>5N</u>	<u>45E</u>	<u>23</u>			<u>SW</u>	<u>SW</u>	<u>TETON</u>	<u>GROUND WATER</u>	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	45E	22		40	40										40	40	40	40	240
5N	45E	23											40	20					60
5N	45E	26					9.7	40	40	3.8	5	40	40	2					180.5
5N	45E	27	40	40	40	40									40	40		40	280

Total Acres 760.5

6. General Information:

- a. Who owns the water right to be changed? Fillmore Farms LLC
- b. Describe the arrangement allowing use of the right. Two corporations owned by same company.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
No change, because land has not been irrigated.
- d. Has the water right sought to be transferred been used this year? ☐ Yes ☒ No If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? _____
Would not be used.
- f. Describe other water rights used for the same purpose. 22-13811, 22-7215C, 22-7215B,
- g. Remarks: Water transfer needed to protect golf course.

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

James H. Walker
Signature of Applicant

7-15-13
Date

FOR DEPARTMENT USE ONLY

Received by M. HOLLIDAY Date 7/15/13 \$50 fee receipted by KJ Receipt No. E038890
Recommend: ☐ approve ☐ deny Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-22-16, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____, _____.

For the Director

Yvonne Nuttle

From: Todd Woolstenhulme [tw@huntsmansprings.com]
Sent: Thursday, July 11, 2013 1:17 PM
To: Yvonne Nuttle
Cc: tw@huntsmansprings.com
Subject: Fwd: pump basin location

Sent via the Samsung GALAXY S®4 Active™, an AT&T 4G LTE smartphone

----- Original message -----
From: Ted VanHolland <tvanholland@rdzeng.com>
Date: 07/11/2013 9:42 AM (GMT-07:00)
To: tw@huntsmansprings.com, why@atcnet.net
Subject: pump basin location

Todd,

Harvey wanted me to send you the coordinates for the sump on the irrigation reservoir.

Lat 43.739311

Long. -111.119236

This should be sufficient for permitting. If you need anything else let me know.

Sincerely,

Ted Van Holland

Rendezvous Engineering

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, 2016.

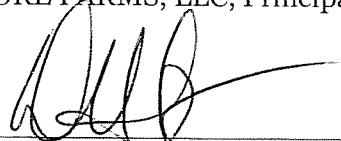
Governing Law

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 18th day of March, 2013.

FILMORE FARMS, LLC, Principal

By



David H. Huntsman, Member



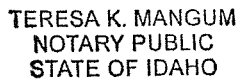
STATE OF Idaho)

) SS.

County of Tetona)

On this 18th day of march, 2013, 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.



Notary Public of Idaho

My Commission Expires: 07-24-2015