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DEPARTMENT OF
WATER RESOURCES

November 7, 2007

Re: SRBA Case No. 39576, Subcase 37-12916

Enclosed please find a copy of a Standard Form 1 Objection in Case No. 39576, Subcase 37-12916.

Thank you.

Jacki R. Strobe

Assistant to Ned C. Williamson

IDWR DOCUMENT DEPOSITORY
PO Box 83720
BOISE, ID 83720-0098

COPY

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)
_____)

A. Subcase 37-12916
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: IX-NAY Investment Trust, c/o F. Altman & Company

Address: 9255 Sunset Blvd, Suite 901

Los Angeles, CA 90069

Daytime Phone: _____

Name & Address of Attorney, if any:

Ned Williamson

115 Second Avenue South

Hailey, ID 83333

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Marvin L. Mc Kenzie

Address: P.O. Box 386

Hailey, ID 83333

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: IX-NAY Investment Trust, c/o F. Altman & Company,
9255 Sunset Blvd Suite 901, Los Angeles, CA 90069
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 0.1 cfs Irrig, 0.04 cfs Stockwater, 0.05 cfs Domestic
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: SWNW Sec 4, T2N, R18E (map is wrong)
10. ☐ **I object because:**
☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** See attached affidavit
attesting to irrigation commencing prior to the 1963 statutory permit date.

F. VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Blaine)

Ned Williamson, attorney, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

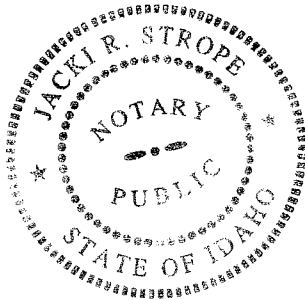
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Ned Williamson
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

October 15, 2007
Jacki R. Strope
Notary Public for Idaho
Residing at: Hailey, Idaho
My Commission Expires: 9/12/12



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on November 7, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

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. One copy to the claimant of the water right at the following address:

Name: Ix-Nay Investment Trust
Address: 9255 Sunset Blvd, Suite 201
Los Angeles, California 90069

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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

Ned L. Peterson
Signature of objector or attorney
mailing on Objector's behalf

AFFIDAVIT OF MARVIN McKENZIE

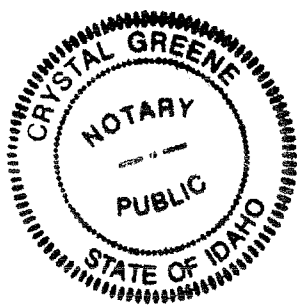
STATE OF IDAHO)
) ss.
County of Gooding)

MARVIN McKENZIE, being first duly sworn upon oath, deposes and says as follows:

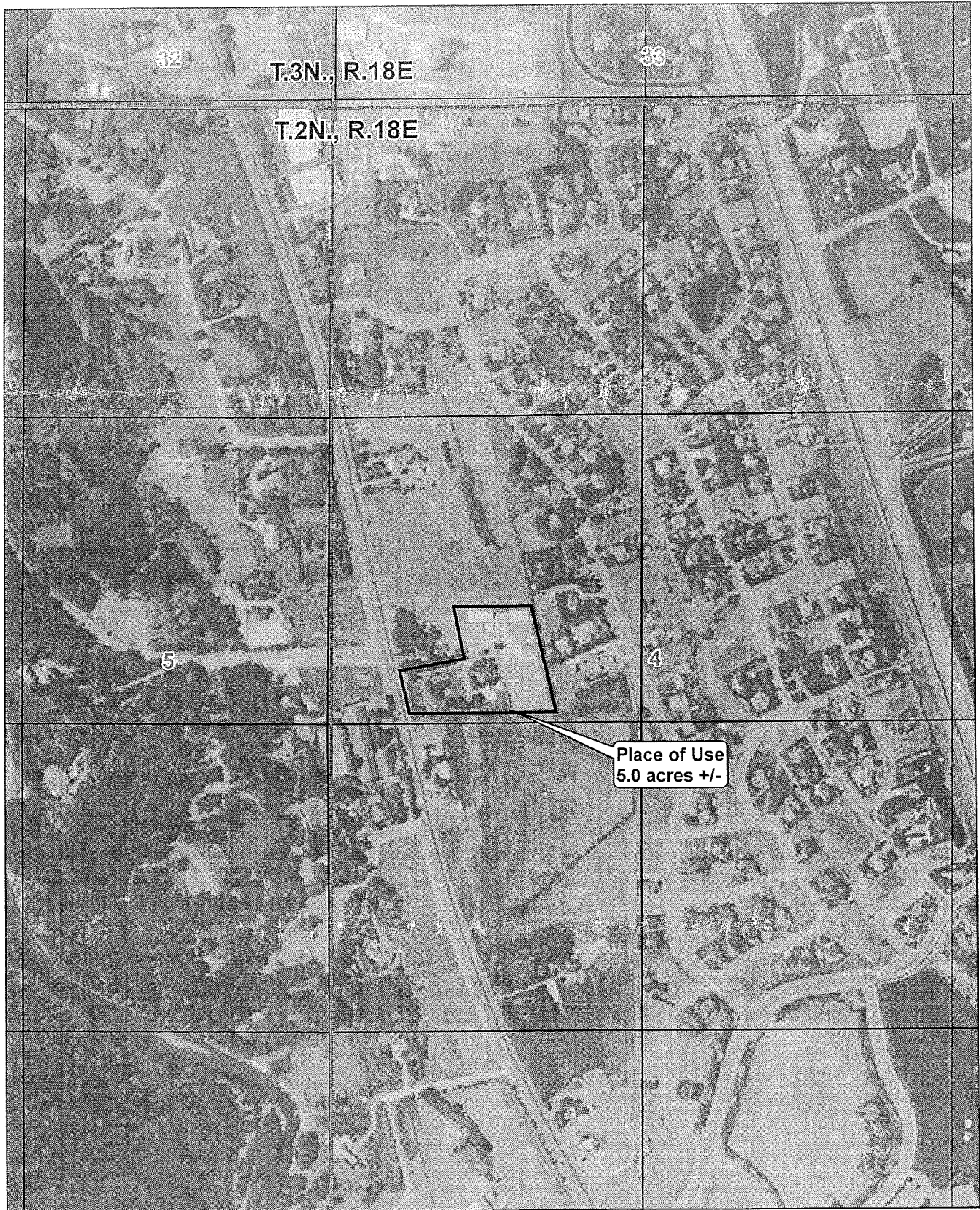
1. I make this Affidavit based upon my personal knowledge and am competent to testify herein. This Affidavit sets forth facts as would be admissible in evidence.
2. In February, 1962, I acquired approximately five (5) acres of real property north of Hailey, Idaho, more particularly described in attached Exhibit "A."
3. During my ownership of the five (5) acre property, I dug two wells on the property. I dug the first well with a backhoe and installed a 1½ inch line ("First Well"). The second well was installed in the same location as the First Well in 1962 with a 6 inch line.
4. The wells on the property served the entire five (5) acre parcel. I used the water from the wells for the homes on the property and for irrigation of the pasture on the remaining property.

Marvin McKenzie
Marvin McKenzie

SUBSCRIBED AND SWORN to before me this 2nd day of April, 2007..



Crystal Greene
Notary Public for Idaho
Residing at: Twin Falls, Id
My commission expires: 08-10-07



RECEIVED
JUL 10 1961

WELL LOG AND REPORT OF THE
STATE RECLAMATION ENGINEER OF IDAHO

Department of Reclamation

034425

Permit No. _____ Well No. 1 County BLAINE

Owner MELVIN A. DREXLER

Address HAILEY, IDAHO

Driller Ribby J. MARTIN

Address HAILEY, IDAHO

Well location SE 1/4 SW 1/4 Sec. 4, T. 2N. 48S, R. 18E

Size of drilled hole 6"

Total depth of well 48'

Give depth to standing water from the ground 18' Water temp. 47 °Fahr.

On "Pumping Test" delivery was 30 g.p.m. or _____ c.f.s. Drawdown was 2 feet.

Size of pump and motor used to make test BAILEY

Length of time of test 2 hours _____ minutes.

If flowing well, give flow _____ c.f.s. or _____ g.p.m. and of shut off pressure _____

If flowing well, described control works _____

(TYPE AND SIZE OF VALVE, ETC.)

Water will be used for DOMESTIC

Weight of casing per lineal foot 19 lb

Thickness of casing 1/2"

Casing material STEEL

(STEEL, CONCRETE, WOOD, ETC.)

Diameter, length and location of casing 6" 48'

(CASING 12" IN DIAMETER OR LESS, GIVE INSIDE DIAMETER;
CASING OVER 12" IN DIAMETER, GIVE OUTSIDE DIAMETER)

CASING RECORD

Diam. Casing	From Feet	To Feet	Length	Remarks—seals, grouting, etc.
6"	0	48	48	

Number and size of perforations NONE located _____ feet to _____ feet from ground

Date of commencement of well 6-8-61 Date of completion of well 6-9-61

SESW 5.4 2N 18E

well

WELL LOG

[illegible]

WELL DRILLER'S STATEMENT

This well was drilled under my supervision and the above information is true and correct to the best of my knowledge and belief.

Signed Billy J. Mart

By _____

Dated 6-11, 1961.

License No. 187