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DEC 30 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

DEC 26 2008

By

Clerk

Deputy Clerk

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 Nos. 67-461

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

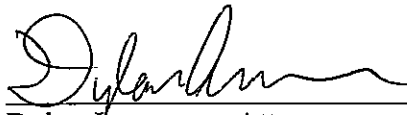
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

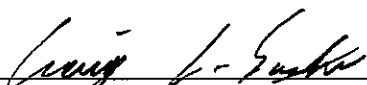
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Wallach IX LLC

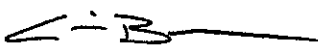
 12/22/08
Dylan Lawrence, Attorney Date

IDWR Concurrence:

 12/23/08

Date
Craig Saxton
Senior Water Agent

for

 12/23/08

Date
John Homan
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on Dec. 24, 2008, 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:

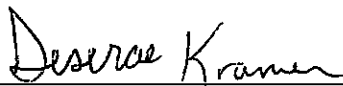
1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

WALLACH IX LLC
Represented by:
SCOTT L CAMPBELL/DYLAN LAWRENCE
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-461

NAME AND ADDRESS:

DBL
WALLACH IX LLC
ATTN: BOB ELIAS
PO BOX 5667
INCLINE VILLAGE NV 89450

CB
CS

SOURCE:

Source:

LITTLE WEISER RIVER

Tributary:

WEISER RIVER

QUANTITY:

0.460 CFS

PRIORITY DATE:

06/01/1891

POINT OF DIVERSION:

~~T14N R01W S4 SWNWSE~~
~~Within ADAMS County~~

T14N R01W S15 SESE
Within ADAMS County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/15 10/31

0.460 CFS

PLACE OF USE:

IRRIGATION

within ADAMS County

T15N R01W S32 NESE 17.0

~~T15N R01W S32 NESE 20.0~~

T15N R01W S32 SESE 14.0

T15N R01W S33 SWSW 21.0

~~T15N R01W S33 SWSW 20.0~~

52 ACRES TOTAL

~~40 ACRES TOTAL~~

This right is limited to the irrigation of 36.8 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Use of this right is combined with water from Little Weiser Irrigation District.

~~Use of this right is combined with water from Weiser Irrigation District.~~