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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

Case No. 39576

Subcase No.: 37-12916

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

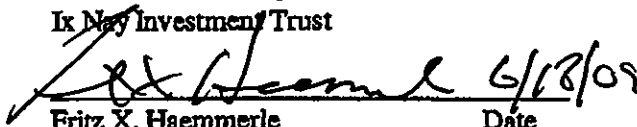
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

Ix Nay Investment Trust


Fritz X. Haemmerle

Date

Attorney for Ix Nay Investment Trust

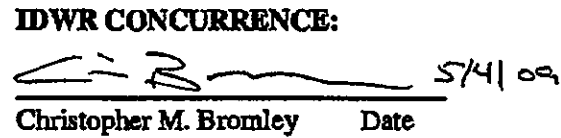
IDWR CONCURRENCE:


Douglas Jones

Date

Technical Engineer 1

IDWR CONCURRENCE:


Christopher M. Bromley

Date

Deputy Attorney General
Attorney for IDWR

05/04/2009

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

RIGHT NUMBER: 37-12916

NAME AND ADDRESS: IX MAY INVESTMENT TRUST
C/O F ALTMAN & COMPANY
9255 SUNSET BLVD STE 901
LOS ANGELES CA 90069

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS
~~8.300 AFW~~

~~The quantity of water under this right shall not exceed 13,000 gallons per day.~~

PRIORITY DATE: 03/01/1962 03/01/1961

POINT OF
DIVERSION:

T02N R18E S4 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.020 CFS 0.040 CFS 0.10 AFW
DOMESTIC	01/01 12/31	0.050 CFS 1.20 AFW
IRRIGATION	04/15 10/31	0.060 CFS 2.00 AFW

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S04 SWNW 2.00

STOCKWATER in BLAINE County

T02N R18E S04 SWNW

DOMESTIC in BLAINE County

T02N R18E S04 SWNW

2 ACRES TOTAL

~~Right Nos. 37-11692 and 37-12916 are limited to the irrigation of a combined total of 2 acres 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.

~~The quantity of water decreed for this water right is not a determination of historical beneficial use.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF SERVICE

I certify that on Jul 18, 2009, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Fritz X. Haemmerle
Haemmerle & Haemmerle
P.O. Box 1800
Hailey, ID 83333

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form

HAEMMERLE & HAEMMERLE, P.L.L.C.

Attorneys & Counselors at Law

Fritz X. Haemmerle
Jennifer L. K. Haemmerle

P. O. Box 1800
Hailey, ID 83333

400 South Main Street, Suite 102
Tel: (208) 578-0520
Fax: (208) 578-0564

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DEPARTMENT OF
WATER RESOURCES

June 18, 2009

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

Re: SF-5's Water Right: 37-12916

Dear Clerk:

Please find enclosed executed SF-5 in the aforementioned cases. If there is anything else you require, please advise.

Thank you.

Sincerely,

HAEMMERLE & HAEMMERLE, P.L.L.C.



Fritz X. Haemmerle

FXH: fxh
Encl.
cc: client