

RECEIVED  
OCT 23 2009  
DEPARTMENT OF  
WATER RESOURCES

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

OCT 22 2009

By \_\_\_\_\_  
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

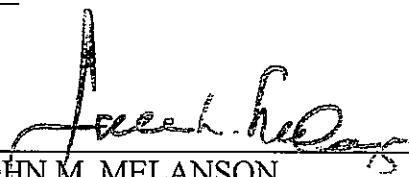
|                |   |                           |
|----------------|---|---------------------------|
| In Re SRBA     | ) | ORDER OF PARTIAL DECREE   |
|                | ) |                           |
| Case No. 39576 | ) | Subcase No. 37-12916      |
|                | ) | (IX Nay Investment Trust) |
| _____          | ) |                           |

On July 21, 2009, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water right be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED October 22, 2009.

  
\_\_\_\_\_  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 37-12916

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

OCT 22 2009

By \_\_\_\_\_

Clerk

Deputy Clerk

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

SOURCE: GROUND WATER

QUANTITY: 0.10 CFS  
8.30 AFY

PRIORITY DATE: 03/01/1962

POINT OF DIVERSION: T02N R18E S04 SWNW Within Blaine County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |
|                               |                |                | 0.10 AFY |
|                               | Domestic       | 01-01 TO 12-31 | 0.05 CFS |
|                               |                |                | 1.20 AFY |
|                               | Irrigation     | 04-15 TO 10-31 | 0.06 CFS |
|                               |                |                | 7.00 AFY |

|               |                 |          |                      |
|---------------|-----------------|----------|----------------------|
| PLACE OF USE: | Irrigation      |          | Within Blaine County |
|               | T02N R18E S04   | SWNW 2.0 |                      |
|               | 2.0 Acres Total |          |                      |
|               | Stockwater      |          | Within Blaine County |
|               | T02N R18E S04   | SWNW     |                      |
|               | Domestic        |          | Within Blaine County |
|               | T02N R18E S04   | SWNW     |                      |

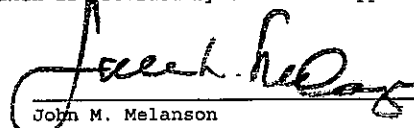
Right Nos. 37-11692 and 37-12916 are limited to the irrigation of  
a combined total of 2 acres in a single irrigation season.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

  
\_\_\_\_\_  
John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

2009 OCT 22 PM 02:00  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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 )

CERTIFICATE OF MAILING

Case No. 39576 )  
\_\_\_\_\_ )

Water Right(s) : 37-12916

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE  
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 37-12916 was mailed  
on October 22, 2009, with sufficient first-class postage prepaid  
to the following:

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

IX NAY INVESTMENT TRUST  
Represented by:  
HAEMMERLE, FRITZ X.  
PO BOX 1800  
HAILEY, ID 83333  
Phone: 208-578-0520

IX NAY INVESTMENT TRUST  
Represented by:  
NED C. WILLIAMSON  
PO BOX 1172  
KETCHUM, ID 83340  
Phone: 208-726-8219

JULIE MURPHY  
Chief Deputy Clerk

CERTIFICATE OF MAILING

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10/22/09