

Claim No(s). 67-14946

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[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14946 V1

WATER RIGHT NUMBER: 67-14946 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WALLACH IX LLC PO BOX 5667 INCLINE VILLAGE, NV 89450 (775)831-3797

Priority Date: 01/01/1958
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

SPRINGS	NE1/4SE1/4SE1/4	Sec. 6,	Twp 14N,	Rge 01W, B.M.
ADAMS County				

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	01W	6																	X

Conditions of Approval:

1. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
2. C18 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.
3. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
4. PIN:RP14N01W06900A.
5. X02 Stockwater use is for 150 range cattle.

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14946 V1

1. shemenway 6/18/2008 TAX LOT INFO

Comment: SHOWS BANK OF COMMERSE IRA, AS THE OWNER, BUT INFORMATION HAD NOT BEEN UPDATED SINCE 2005, AND WALLACH IX PURCHASED THE PROPERTY 9/20/2007.

2. shemenway 6/18/2008 EOP

Comment: LETTER DATED 1/23/2008 FROM TOM GROSSEN PO BOX 72 INDIAN VALLEY, ID 83632, CONFIRMING THAT CATTLE USED THE SPRINGS SINCE 1958.

Water Supply Bank:

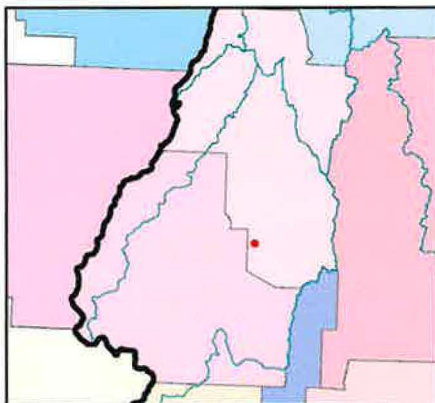


Idaho Department of Water Resources

SRBA Recommendation
67-14946
(STOCKWATER)

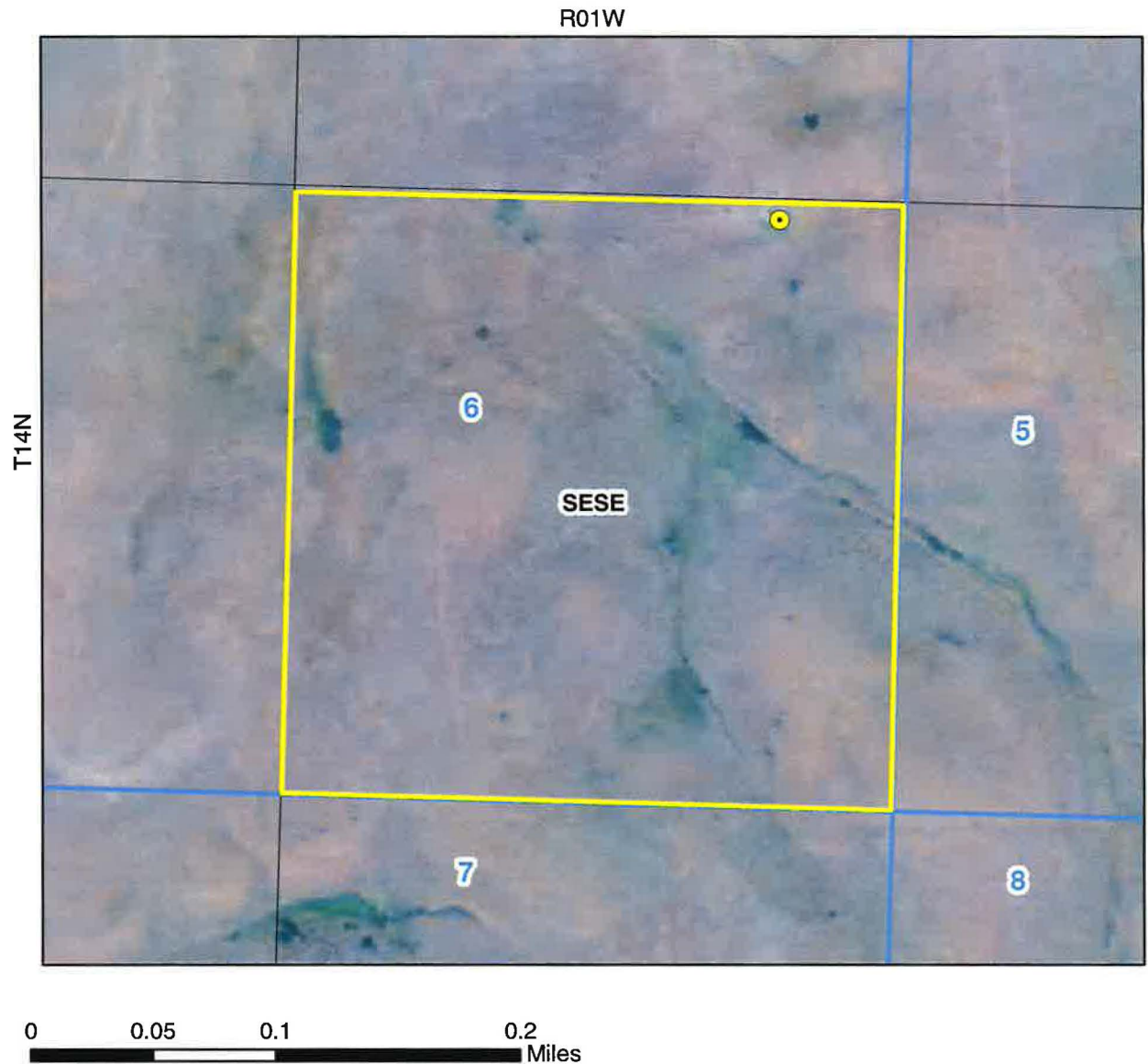
Legend

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



**Adams County
IDWR Basin 67**

Prepared by Sandy Hemenway
On Wednesday, June 18, 2008
2004 Aerial Photography



RECOMMENDATION REVIEW:

Date: 6/18/2008
Agent: S. Hemenway
Claimant: Wallach IX, LLC
WR# 67-14946
Mailing Address: PO Box 5667, Incline Village, NV. 89450
Phone #: (775) 831-3797
Attorney Representing Claimant: Scott L. Campbell and Dylan B. Lawrence/Moffatt Thomas Barrett Rock & Fields,
Attorney's Address: PO Box 829, Boise, Idaho 83701-0829
Attorney's Phone #: (208) 345-2000
Location of POD: 14N 1W SEC 6 NESESE
Measuring Device: N/A (Not required with small de-minimus stockwater)
System: springs tributary to sinks
Field Exam: Not required on small stockwater (small de-minimus)
Nonirrigation Uses: stockwater
Other Uses: NONE
Other WRs Used: NONE (not in this QQ)
Supplemental Water: NONE
Basis of Claim: Beneficial Use
Priority Date: 1/1/1958
Evidence of Priority: 1/23/2008 Letter from Tom Grossen (observed cattle using these springs since 1958).

NOTES:

Claimant submitted a map confirming location for POD/POU.
Claimant conducted factual and legal investigation to determine priority date.
TAX LOTS: shows Bank of Commerce IRA as the owner, but records had not been updated since 2005
Claimant purchased the property 9/20/2007

Recommendation:

C18
N11 historical B/U
N13 shall not exceed 13,000 gpd
X02 150 head cattle
EXPLANATORY REMARKS:
PIN: RP14N01W06900A

SCANNED

JUN 24 2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

May 29, 2008

DYLAN B LAWRENCE
MOFFATT THOMAS
PO BOX 829
BOISE ID 83701-0829

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #67-14944, 67-14945, 67-14946,
67-14947, 67-14948
Your Client: Wallach IX, LLC

Dear Mr. Thomas:

The Notices of Claim to a Water Right you filed for your client referenced above were received from the SRBA Court recently. I have enclosed receipt #C086941 for the filing fees your firm paid.

Your client's Notices of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4916 if you have any questions.

Please notify us in writing if your client's address changes or if there is a change in ownership of their property and water rights.

Sincerely,

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

CLS:ss:region

Enclosure:

Receipt Referenced Above

SCANNED

MAY 28 2008

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number: 67-14946
Date Received: 5-22-08
Receipt No: C086941
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Wallach IX, LLC.
PO Box 5667
Incline Village, NV 89450

Phone: (775) 831-3797

2. Date of Priority: January 1, 1958

3. Source: Springs Trib. to: Sinks

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
14N	1W	6	NE SE SE	Adams	

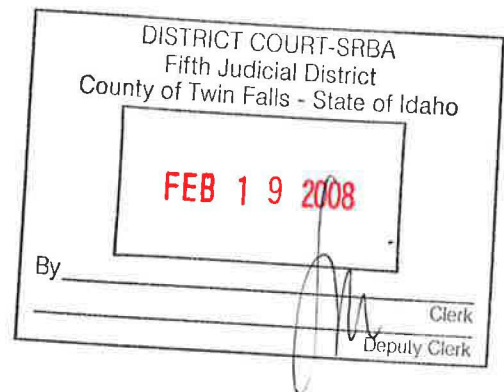
5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
STOCKWATER	01/01 12/31	.02	

7. Total Quantity Appropriated is:
.02 CFS

8. Total consumptive use:



9. Non-irrigation uses: 150 Range Cattle

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use
14N	1W	6	SE	SE	STOCKWATER

11. Place of use in counties: Adams

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used: None

14. Remarks:

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Manager of _____ Title

Wallach IX, LLC Organization, that I have signed the foregoing

document in the space below as Manager of _____ Title

Wallach IX, LLC Organization and that the statements contained in the

foregoing document are true and correct. [Signature] Signature of Authorized Agent

Manager Wallach IX LLC Title and Organization

2/2/08 Date

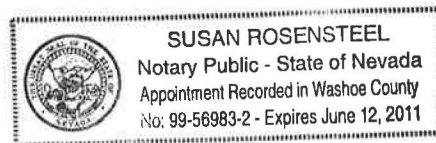
State of NEVADA)
Idaho)
County of WASHOE) SS.

Subscribed and sworn (or affirmed) before me this 24th of FEBRUARY 2008

[Signature]
Notary Public

Residing at 937 TAYLOR BLVD STE 200 Incline Village, NV

My commission Expires JUNE 12, 2011



RECEIVED
MAY 22 2008
DEPARTMENT OF
WATER RESOURCES

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

MAY 21 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

Case No. 39576

) Subcases: See Attached Exhibit A
) (Wallach IX, LLC)

) ORDER GRANTING MOTIONS TO FILE
) LATE NOTICES OF CLAIM
)
_____)

On February 19, 2008, Wallach IX, LLC, by and through counsel, Scott L. Campbell and Dylan B. Lawrence, filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. Hearing was held on the *Motions* on May 20, 2008. These *Motions* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to these late Notices of Claim.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for each of the above-captioned water rights are **granted**.

The original Notices of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claims will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated May 21, 2008.


JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication

EXHIBIT A (WALLACH IX, LLC)

Subcase Nos:

67-14944
67-14945
67-14946
67-14947
67-14948

(Subcase list: WALLACH)
5/21/08

SCANNED

MAY 22 2008

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTIONS TO FILE LATE NOTICE OF CLAIM was mailed on May 21, 2008,
with sufficient first-class postage to the following:

WALLACH IX LLC

Represented by:
DYLAN B LAWRENCE
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829

WALLACH IX LLC

Represented by:
SCOTT L CAMPBELL
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

ORDER

Page 1 5/21/08

FILE COPY FOR 00527

Deputy

SCANNED

MAY 22 2008

Hearing 5-20-08

RECEIVED

FEB 19 2008

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 39576

\$100.00 filing fee
OK C. S. S. S.
2-21-08

Subcase

67-14946

(Insert water right number)

STANDARD FORM 4

MOTION TO FILE:

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

SCANNED

FEB 19 2008

☒ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing Wallach IX, LLC

My name is Scott L. Campbell and Dylan B. Lawrence

My address is Moffatt Thomas Barrett Rock & Fields, Chtd.
Post Office Box 829, Boise, Idaho 83701-0829

My phone number is (208) 345-2000

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

Wallach IX purchased the subject property on September 20, 2007 and did not
immediately discover the springs. Upon discovery, Wallach IX conducted factual and
legal investigations to determine whether these springs could be claimed in the SRBA and
to identify an appropriate priority date. This due diligence was only recently concluded.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

01-23-08 Letter from Tom Grossen

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☒ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 100.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on May 20, 2008 at 1:30 p.m.

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Ada

Dylan Lawrence, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.



Subscribed and sworn to before me on February 15, 2008.
(Insert Date)



Lela Wood
Notary Public for Idaho
Residing at: Boise
My Commission expires: 5-31-2012

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on February 15, 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
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number: 67-14946
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Wallach IX, LLC.
PO Box 5667
Incline Village, NV 89450

Phone: (775) 831-3797

2. Date of Priority: January 1, 1958

3. Source: Springs Trib. to: Sinks

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
14N	1W	6	NE SE SE	Adams	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	.02	

7. Total Quantity Appropriated is:
.02 CFS

8. Total consumptive use:

9. Non-irrigation uses: 150 Range Cattle

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use
14N	1W	6	SE	SE	STOCKWATER

11. Place of use in counties: Adams

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used: None

14. Remarks:

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Manager of _____ Title

Wallach IX, LLC that I have signed the foregoing Organization

document in the space below as Manager of _____ Title

Wallach IX, LLC and that the statements contained in the Organization

foregoing document are true and correct. [Signature] Signature of Authorized Agent

Manager Wallach IX LLC Title and Organization

2/2/08 Date

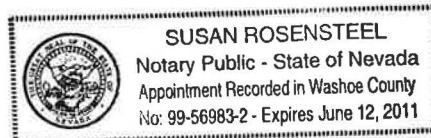
State of NEVADA)
~~Idaho~~)
County of WASHOE) SS.

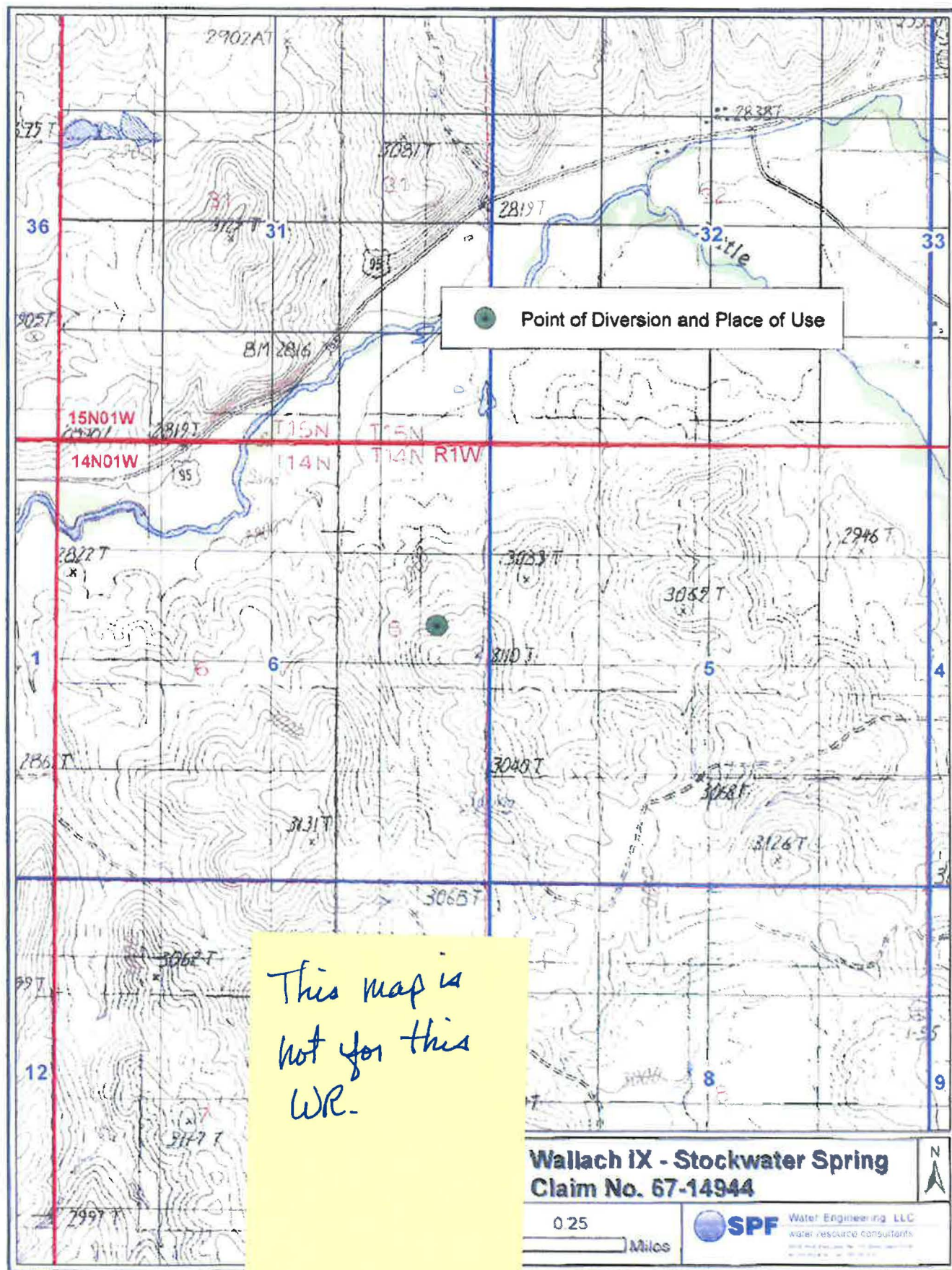
Subscribed and sworn (or affirmed) before me this 24th of FEBRUARY 2008

[Signature]
Notary Public

Residing at 937 TAYLOR BLVD STE 200 INCLINE VILLAGE, NV

My commission Expires JUNE 12, 2011





SCANNED

FEB 14 2008

January 23, 2008

My name is Tom Grossen and I am a resident of Adams County, Idaho. This letter is provide information regarding historical use of stockwater springs on property located in Adams County, Idaho, currently owned by Wallach IX, LLC, a property formerly known as the "Bankhead" property, whose address is 1059 W. Indian Valley Road.

I was born in 1944 and raised in Indian Valley on an adjacent property located at 1010 Highway 95, Indian Valley; and have resided in the vicinity of this property throughout my life. I currently reside at 2245 Ogle Lane, Indian Valley, about a half mile east of the property.

I have observed cattle on the property throughout my life and while it's likely that the springs have been used by cattle since the early homesteaders in the late 1800's, I've observed cattle using these springs since I was 14 years old. That would be 1958.



Tom Grossen
P.O. Box 72
Indian Valley, ID 83632