

03/06/2009

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-14981

NAME AND ADDRESS: WALLACH IX LLC
PO BOX 5667
INCLINE VILLAGE NV 89450

SOURCE: LITTLE WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 0.380 CFS

PRIORITY DATE: 03/15/1955

POINT OF DIVERSION:

T14N R01W S4 NESW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	0.380 CFS

PLACE OF USE:

IRRIGATION in ADAMS County

T15N R01W S32	SWSE	18.00	T15N R01W S32	SESE	16.00
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34 ACRES TOTAL

Right Nos. 67-460 and 67-14981 are limited to the irrigation of a combined total of 34 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

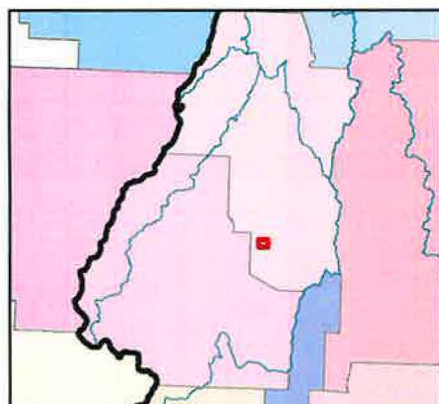
Use of this right is combined with water from Little Weiser Irrigation District.



SRBA Recommendation
67-14981
(IRRIGATION)

Legend

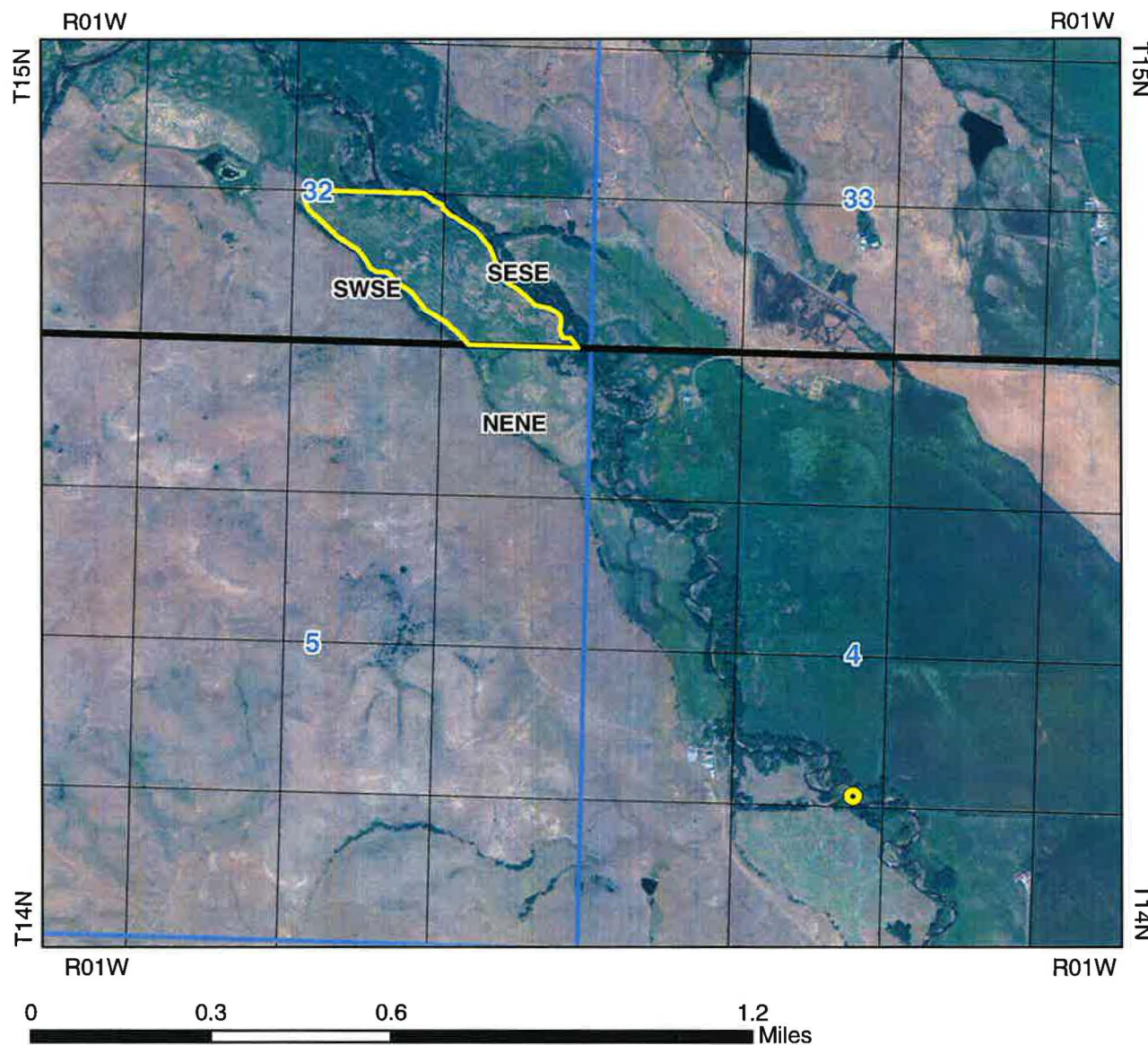
- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Adams County
IDWR Basin 67

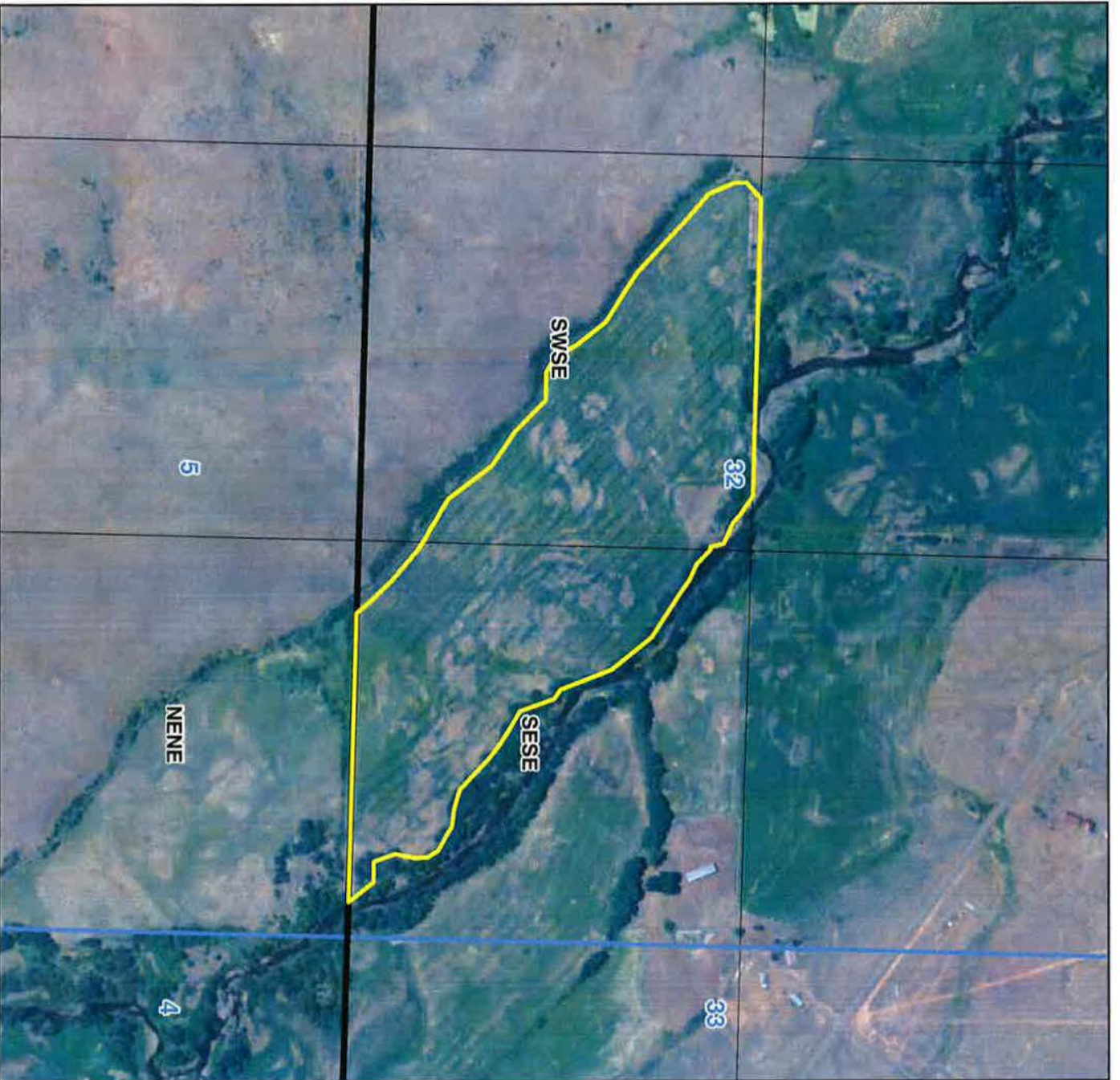
Prepared by Craig Saxton
On March 06, 2009
2004 Aerial Photography

Idaho Department of Water Resources





67-14981



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14981 V1

WATER RIGHT NUMBER: 67-14981 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
Attorney	DYLAN LAWRENCE 101 S CAPITOL BLVD 10TH FL PO BOX 829 BOISE, ID 83701-0829 (208)385-5417

Priority Date: 03/15/1955
 Basis: Beneficial Use
 Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WEISER RIVER	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	0.380 CFS	
	<u>Total Diversion:</u>	0.380 CFS	

Location of Point(s) of Diversion

LITTLE WEISER RIVER	NE1/4SW1/4	Sec. 4, Twp 14N, Rge 01W, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals	
15N	01W	32															18.0	16.0	34.0	

Total Acres: 34

Conditions of Approval:

1. 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.
2. W01 Use of this right is combined with water from Little Weiser Irrigation District.
3. E55 Right Nos. 67-460 and 67-14981 are limited to the irrigation of a combined total of 34 acres in a single irrigation season.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-14981 V1

Comments:

1. csaxton 3/6/2009 Priority date

Comment: A licensing exam for Little Weiser Irrigation District (LSID) water right 67-2385 was conducted on May 3 1940 and verified beneficial use for permit 67-2385. Since the claimed POU is within the POU for 67-2385 and the claimant also has LWID irrigation shares, we can support the claimed priority date as we know the irrigation system was in place at that time.

2. csaxton 3/6/2009 Private Water

Comment: The priority date claimed is Jr. to LWID water right 67-2385.

3. csaxton 3/6/2009 Copied From Claim (1)

Comment: This claim is for three-eighths inch per acre on 24 acres listed on water right 67-460 and one inch per acre for 10 acres.

4. csaxton 3/6/2009 Copied From Claim (2)

Comment: Other water right used at the same place and for the same purpose: 67-460, Little Weiser Irrigation District shares.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		34

Combined Water Rights: 67-460 , 67-14981

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	3/6/2009 9:47:23 AM	csaxton			Active
Priority Date	3/6/2009 9:47:52 AM	csaxton			Active
POD	3/6/2009 11:27:00 AM	csaxton			Active
Source	3/6/2009 1:17:36 PM	csaxton			Active
POU	3/6/2009 1:18:25 PM	csaxton			Active
Use	3/6/2009 1:20:03 PM	csaxton			Active
Season	3/6/2009 1:20:33 PM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14981 V1

Quantity	3/6/2009 1:31:53 PM	csaxton	Active
Summary		03/06/2009 csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	3/6/2009 11:32:26 AM	csaxton	Updated PLS
Contacts	3/6/2009 9:47:22 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review
POD	3/6/2009 11:26:59 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	3/6/2009 11:32:14 AM	csaxton	Updated Shape
Source	3/6/2009 1:17:36 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - This is a flood water right that overlaps 67-460.
POU	3/6/2009 1:18:25 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 13 - Aerial photography.
POU	3/6/2009 1:19:06 PM	csaxton	Updated Shape
POU	3/6/2009 1:19:38 PM	csaxton	Updated PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14981 V1

Use	3/6/2009 1:20:02 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - This is a flood water right that overlaps 67-460.
POU	3/6/2009 1:20:47 PM	csaxton	Updated SeasonOfUse
General	3/6/2009 9:47:51 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - A licensing exam for Little Weiser Irrigation District (LSID) water right 67-2385 was conducted on May 3 1940 and verified beneficial use for permit 67-2385. Since the claimed POU is within the POU for 67-2385 and the claimant also has LWID irrigation shares, we can support the claimed priority date as we know the irrigation system was in place at that time.
Season	3/6/2009 1:20:32 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14981 V1

Quantity	3/6/2009 1:31:53 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Licensing field exam for 67-2385 supports that the delivery system has capacity.
Summary	3/6/2009 1:37:18 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

Claim No(s). 67-14981

Claim No(s). 67-14981

[illegible]



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

February 24, 2009

DYLAN B LAWRENCE
MOFFATT THOMAS BARRETT ROCK & FIELDS
PO BOX 829
BOISE ID 83701-0829

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #67-14980 and 67-14981
Your Client: Wallach IX, LLC

Dear Mr. Lawrence:

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 #C088046 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

FEB 24 2009

RECEIVED
FEB 20 2009
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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number: 67-14981

Date Received: 2-20-2009

Receipt No: C088046

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

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

NOV - 6 2008

By Phone: (775) 831-3797

Deputy Clerk

1. Name of Claimant(s)

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

2. Date of Priority: March 15, 1955

3. Source: Little Weiser River

Trib. to: Weiser River

4. Point of Diversion:

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

5. Description of diverting works:

Headgate, ditch

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
Irrigation	3/15	10/31	0.38	

7. Total Quantity Appropriated is:

0.38 cfs

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15N	1W	32															17	17	34

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: 67-460, Little Weiser Irrigation District shares

14. Remarks: This claim is for three-eighths inch per acre on 24 acres listed on water right 67-460 and one inch per acre for 10 acres.

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
Walled TX, LLC, that I have signed the foregoing
Organization
document in the space below as Manager of
Title
Walled TX, LLC and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Manager / Walled TX, LLC
Title and Organization

10/14/08
Date

State of ~~Idaho~~ Nevada)
County of Washoe) SS.

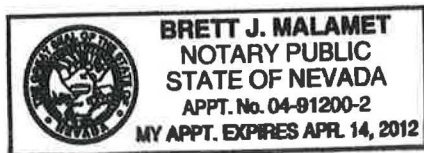
Subscribed and sworn (or affirmed) before me this

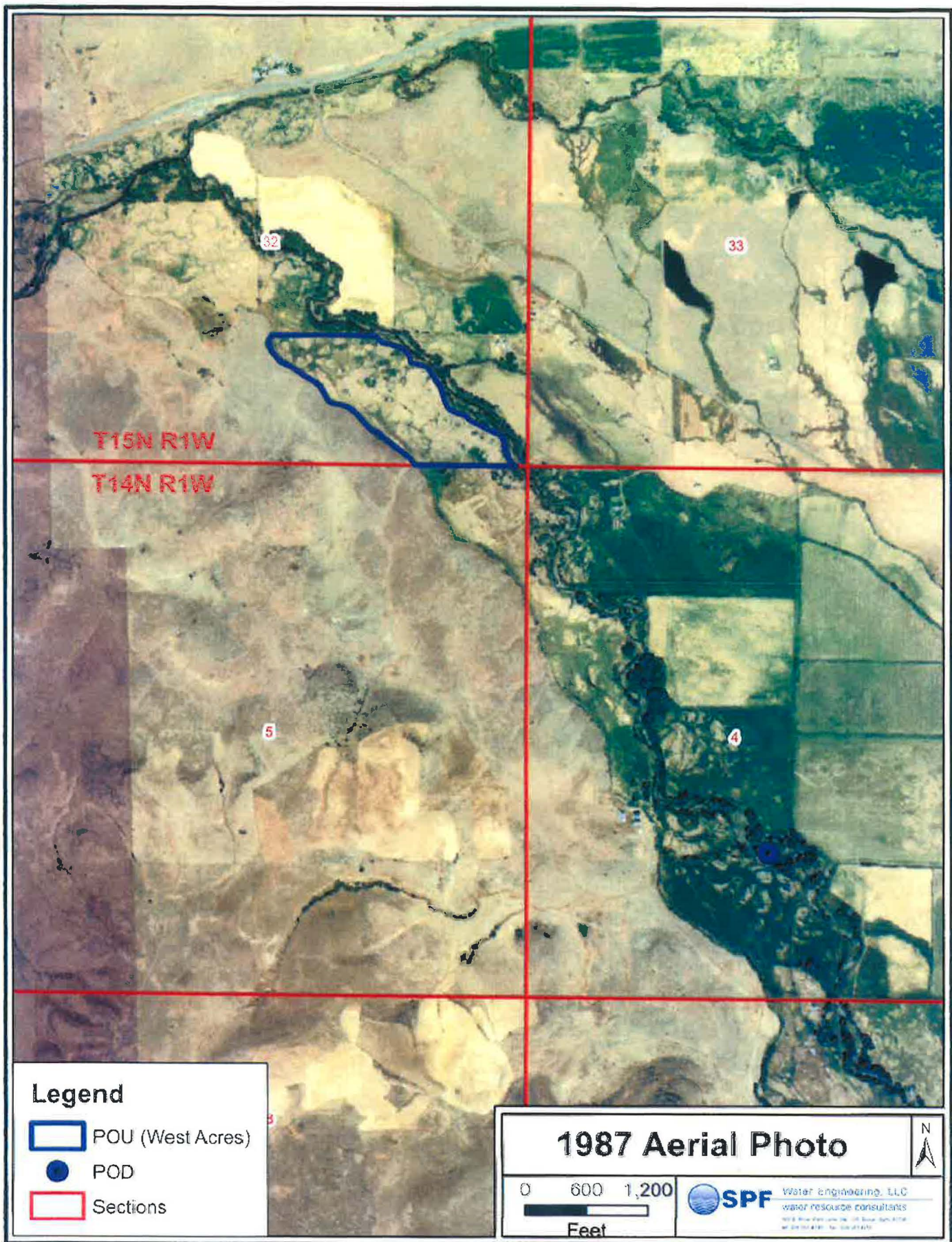
of 14 day Oct. 2008

[Signature]
Notary Public

Residing at Bank of America

My commission Expires April 14, 2012





SCANNED

FEB 23 2009

T15N R3W Section 32



Sections

1955 Aerial Photo

0 250 500
Feet



Water Engineering, LLC
water resource consultants
800 S. River Street, Suite 100, St. Louis, MO 63101
314.433.8888 Fax: 314.433.8889



SCANNED
FEB 23 2009

T15N R3W/Section 32

-  POU (West Acres)
-  Sections

1955 Aerial Photo

0 250 500
Feet



Water Engineering, LLC
water resource consultants
101 E. Broadway, Suite 100, St. Paul, MN 55102
Tel: 612.592.8100 Fax: 612.592.8101



SCANNED

FEB 23 2009

RECEIVED

FEB 20 2009

DEPARTMENT OF
WATER RESOURCES

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

FEB 18 2009

By

Clk

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

Subcases: 67-14980 & 67-14981

Case No. 39576

ORDER GRANTING MOTIONS TO FILE
LATE NOTICES OF CLAIM

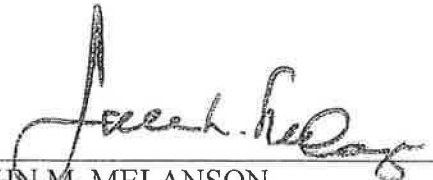
On November 6, 2008, Wallach IX, LLC, by and through counsel, Dylan B. Lawrence, filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. Hearing was held on the *Motions* on February 17, 2009. These *Motions* complied with all procedural requirements under *SRBA Administrative 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 February 18, 2009.


JOHN M. MELANSON

Presiding Judge
Snake River Basin Adjudication

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 February 18, 2009, 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

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

ORDER

Page 1 2/18/09

FILE COPY FOR 00573 Deputy Clerk

FEB 23 2009

Sally Murphy

RECEIVED

NOV - 6 2008

Idaho Department of Water Resources
Adjudication Bureau

hearing: 2-17-09

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 *Claim is complete.*

Subcase 67-14981

(Insert water right number)

Case 39576

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.

NOV 13 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 Dylan Lawrence

My address is 101 S. Capitol Blvd., 10th Floor, P.O. Box 829, Boise, ID 83701-0829

My phone number is (208) 385-5417

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:

Client acquired the underlying property in September of 2007; IDWR did not
recommend expanded use in its recommendation of 67-460; additional time was required
to investigate, including obtaining and reviewing historical aerial photography.

☐ 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.)

See attached Notice of Claim and aerial photography.

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 \$ _____.
- ☒ 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 \$ 110.

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 February 17, 2009 @ 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:

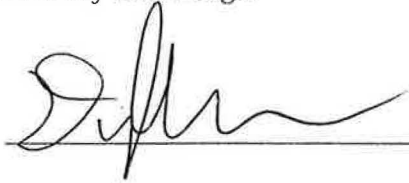
VERIFICATION (Must be completed)

State of Idaho

County of Ada

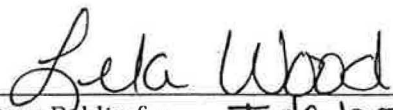
Dylan Lawrence, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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 November 5, 2008
(Insert Date)




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 November 5, 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: 67-14981
Date Received:
Receipt No:
Received By:

d.e. 11-7-08

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: March 15, 1955

3. Source: Little Weiser River

Trib. to: Weiser River

4. Point of Diversion:

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

5. Description of diverting works:

Headgate, ditch

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
Irrigation	3/15	10/31	0.38	

7. Total Quantity Appropriated is:

0.38 cfs

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15N	1W	32															17	17	34

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: 67-460, Little Weiser Irrigation District shares

14. Remarks: This claim is for three-eighths inch per acre on 24 acres listed on water right 67-460 and one inch per acre for 10 acres.

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
Walled TX, LLC, that I have signed the foregoing
Organization
document in the space below as Manager of
Title
Walled TX, LLC and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Manager / Walled TX, LLC
Title and Organization

10/14/08
Date

State of Idaho Nevada)
County of Washoe) SS.

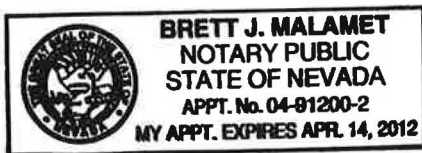
Subscribed and sworn (or affirmed) before me this

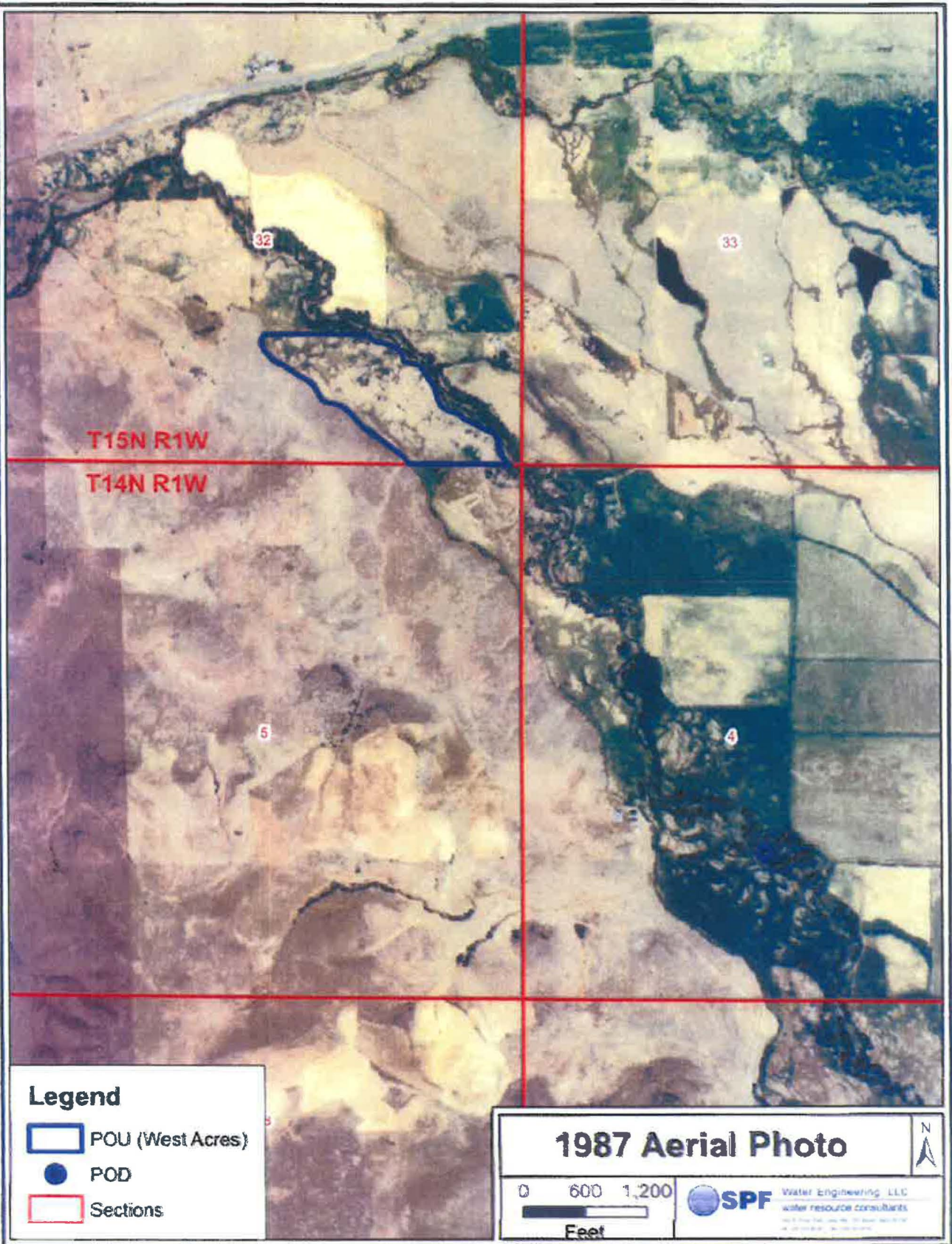
of 14 day Oct. 2008

[Signature]
Notary Public

Residing at Bank of America

My commission Expires April 14, 2012





Legend

- POU (West Acres)
- POD
- Sections

1987 Aerial Photo

0 600 1,200
Feet



Water Engineering, LLC
water resource consultants
100 S. First Street, Suite 100, Fort Worth, TX 76102
(817) 335-1111



T15N R3W Section 32



 Sections

1955 Aerial Photo

0 250 500

Feet



Water Engineering LLC
water resource consultants
202 E. Main Street, Ste. 100, Boise, Idaho 83721
208.333.1111



