

RECEIVED
JAN 16 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 SRBA

Case No. 39576

A. Subcase 75-14436
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: (208) 373-3831 (Fred Price)

Name & Address of Attorney, if any:

David L. Negri (208) 334-1936 phone. (208) 334-1414 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Robert Tacke

Address: P.O. Box 995; Hayden Lake, Idaho 83835

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: See attached.

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The legal description for certain places of use contain both public and private lands. The description should be specific enough to exclude Federal land.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of ADA)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

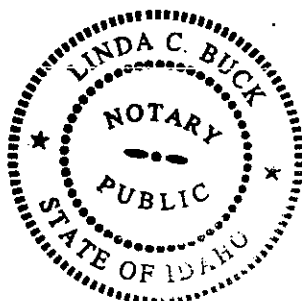
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: *January 14, 2009*

Linda C. Buck
Linda C. Buck



Notary Public for State of Idaho
Residing at: Mountain Home, ID.
My Commission Expires: 12-21-2011

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on 01-15, 2009, I mailed the original and copies of this objection, including all attachments, to the following persons:

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

2. One copy to the claimant of the water right at the following address:

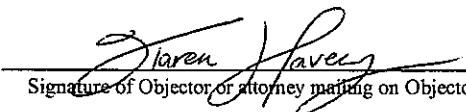
Name: Robert Tacke
Address: P.O. Box 995; Hayden Lake, Idaho 83835

3. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. 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



Signature of Objector or attorney mailing on Objector's behalf

11/17/2008

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

RIGHT NUMBER: 75-14436
NAME AND ADDRESS: ROBERT TACKE
PO BOX 995
HAYDEN LAKE ID 83835
SOURCE: HOT SPRING CREEK
SPRING
QUANTITY: 1.900 CFS
The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
PRIORITY DATE: 09/28/1876
POINT OF DIVERSION:
T20N R22E S3 SENWNE Lot 2 Within LEMHI County
T20N R22E S3 SENWNE Lot 2 Within LEMHI County
T20N R22E S3 NWNW Lot 4 Within LEMHI County
T20N R22E S3 SENW Within LEMHI County
T21N R22E S34 SESWSW Within LEMHI County
PURPOSE AND PERIOD OF USE:

Mixed POU:

-The Places of Use T21N R22E S34 NESW & NWSW contains both private and public land.
-Please clarify such that only private land is intended by inserting the following language under Place of Use:
"Place of use does not include federal public lands."

TRIBUTARY: SALMON RIVER
TRIBUTARY: HOT SPRING CREEK

PURPOSE OF USE	PERIOD OF USE	QUANTITY
COMMERCIAL	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	1.700 CFS
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	01/01 12/31	0.040 CFS
Domestic use is for 1 home.		
Commercial use is for a mineral spring water bottling plant.		

PLACE OF USE: IRRIGATION in LEMHI County

Mixed

T20N R22E S03 Lot 3 NENW	0.80	T20N R22E S03 Lot 4 NWNW	25.00
T21N R22E S34 NESW	2.10	T21N R22E S34 NWSW	1.90
T21N R22E S34 SWSW	17.00	T21N R22E S34 SESW	11.00

STOCKWATER in LEMHI County

T20N R22E S03 SWNE	T20N R22E S03 SENE
T20N R22E S03 NWNW	

COMMERCIAL in LEMHI County

T20N R22E S03 SWNE	T20N R22E S03 SENE
T20N R22E S03 NWNW	

DOMESTIC in LEMHI County

T20N R22E S03 SWNE	T20N R22E S03 SENE
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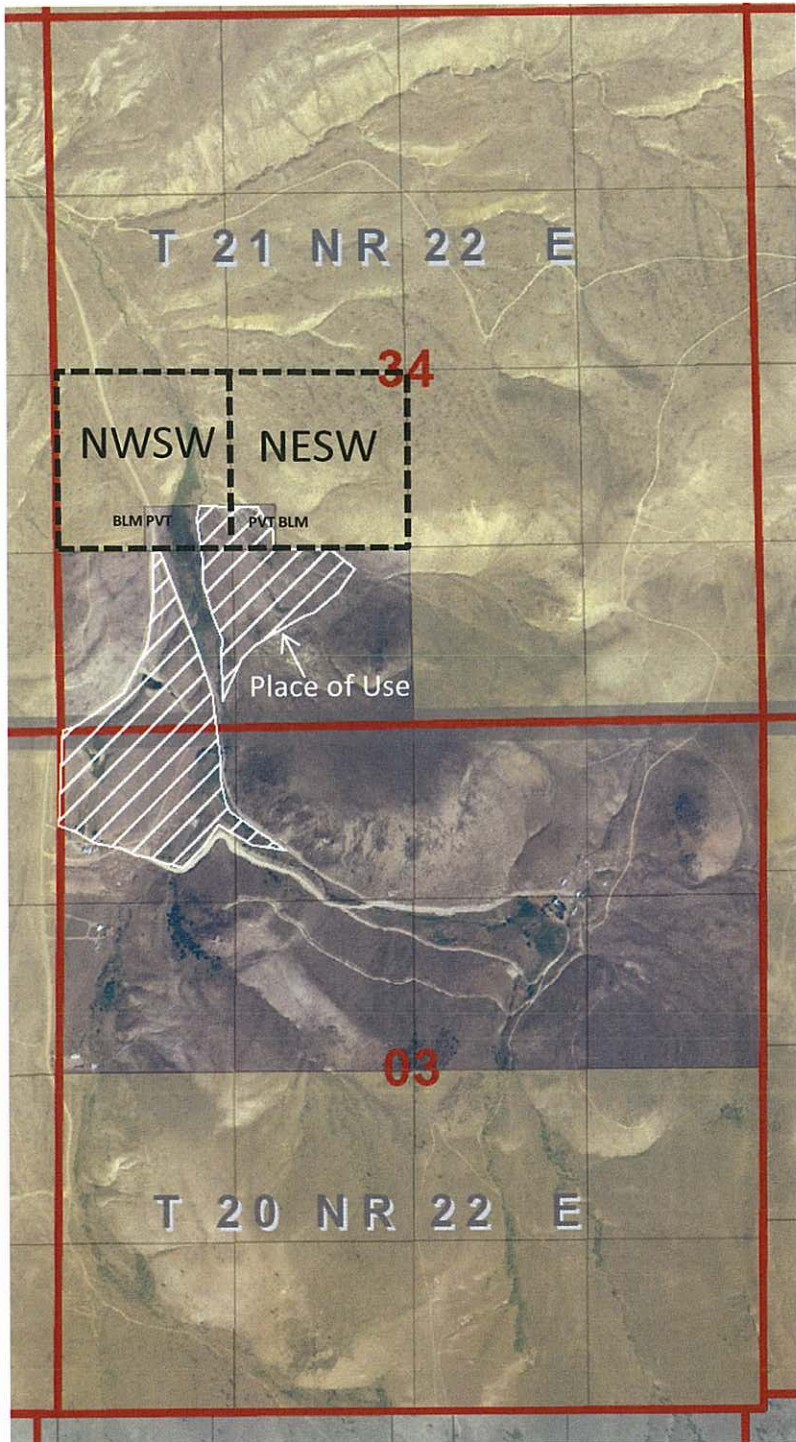
57.8 ACRES TOTAL

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
Stockwater use is for 15 horses.

75-14436; Robert Tacke



Mixed POUs:

- The Places of Use T21N R22E S34 NESW & NWSW contains both private and public land.
- Please clarify such that only private land is intended by inserting the following language under Place of Use:
"Place of use does not include federal public lands."

22N-21E | 22N-22E

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES AND ACQUIRED LANDS

[illegible]

EO 04/04/1917 Wal Pwr S Res 595, all land lying
within 50' of centerline of R/W H 015964

Sec 1: SESW, S2SE
Sec 2: N2N2, S2SE
Sec 3: W2NW
Sec 4: E2NE, NWNE
Sec 5: E2NE

EO 06/29/1917 Mod Pwr S Rus 595 EO 04/04/1917
to permit R/W

Acq by Condemnation 06/19/1933 USFS
Sec 6: M&B in Blk 1, Shaupe Subdiv
Salmon City Tns

Acq WD to US 07/17/1933 USFS
Sec 6: Lots 17, 18, Bk 2, R
to Village of North S

Acq Deed to US Bureau of Fisheries 11/10/1936
Sec 8: Lots 1,2,3. Beach Subdiv

Acq WD to US 06/07/1937 USFS
Sec 6: Lots 1, 2, 3, Blk 2, Shoupe's Subdiv to
Salmon City Tns

SO 06/13/1956 Reassigned from US Bureau of Sp
Fisheries to BLM
Sec 8: Lots 1,2,3, Beach Subdiv

IDI 3373 Esmt to US
Sec 8: Part SWNW

IDI 08876 Def PL 167 (Act of Cong 07/23/1955)
completed 06/13/1962. All PD surface Mgmt by BLM

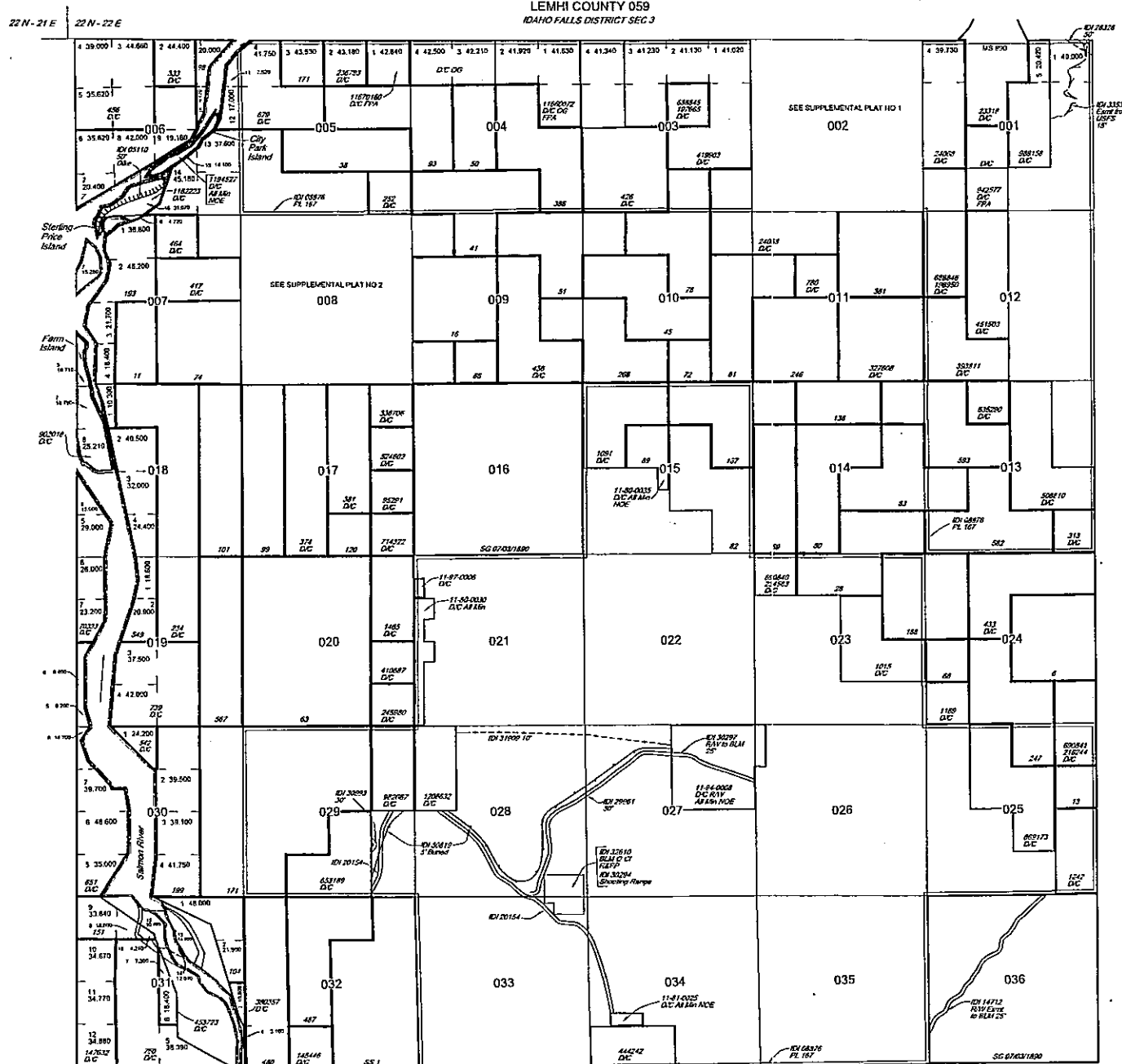
Acq by Court Order to US 04/26/1933
Sec 6: M&B Salmon City Trs

See Supplemental Remarks Plat No 1

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

FILE REF: 1008521090222ea&100000.dwg	
CONVERTED TIF: 09/19/2008	BY: JCB
LAST UPDATED: 06/23/2009	BY: JCB
CADOC #1:	CADOC #2:
POSTED TO PUBLIC RECORDS:	
BY:	August 26, 2008
PUBLIC LAND SURVEY SYSTEM (PLSS)	
SUM GCDB ACQUIRED:	04/26/2009
OTHER:	N/A
PROJECTED COORDINATE SYSTEM:	
UTM ZONE: 12N, NAD: 1983	
NOTES:	
USE PLATS:	

Bohse Mer.
T. 21 N
R. 22 E



L3L 45° 5' 57" N
Long 113° 47' 29" W

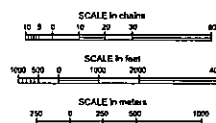
DISCLAIMER:

This plot is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and Township survey data. Records herein do not reflect title changes which may have been affected by lateral movements of river or other bodies of water. Refer to cadastral surveys for official information.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.



U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinnell Way Boise, Idaho 83709
(208) 373-4000



LEMHI COUNTY 059
IDAHO FALLS DISTRICT SEC 3

MT PLAT

[illegible]

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

FILE REF: ID0620260226041M0000a.dwg	
CONVERTED TFR: 11/29/2008	BY: DWS
LAST UPDATED: 01/19/2007	BY: DWS
QA/QC #1: EO	QA/QC #2: DWS
POSTED TO PUBLIC RECORDS: In:	
PUBLIC LAND SURVEY SYSTEM (PLS)	
BLM GDS# ACQUIRED:	04/25/2005
OTHER:	N/A
PROJECTED COORDINATE SYSTEM: UTM ZONE 12N, NAD 1983	
NOTES:	
USE PLATS:	

Bolsa Mar.
T. 20 N
R. 22 E

