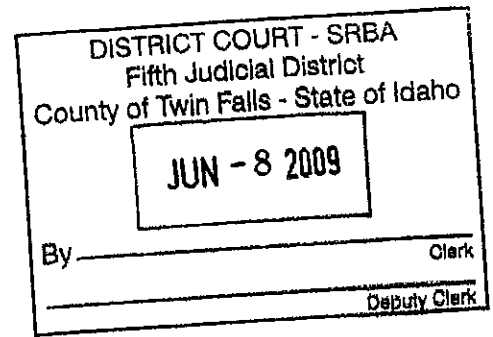


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JUN 8 9 2009

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	)	Subcase 75-14436
	)	(Tacke)
Case No. 39576	)	
_____	)	ORDER GRANTING MOTION TO FILE LATE
	)	OBJECTION AND SETTING DEADLINES

On June 2, 2009, claimant Robert Tacke lodged an *Objection* deemed to be a motion to file a late objection. He seeks to object to quantity: "Should be 150 gallons per minute for commercial - unable to fill current orders for bottled water." Counsel for IDWR contacted the Court on June 5, 2009, to report that IDWR agrees with the late objection and they have prepared a *Standard Form 5* that resolves Mr. Tacke's objection and the USDI/BLM's objection to place of use.

Mr. Tacke claimed 1.9 cfs from Hot Spring Creek and a spring, including .02 cfs for year-'round commercial use: "Commercial use is for a mineral spring water bottling plant." For now, there is no evidence that the late claim will result in a higher quantity or an additional burden on the source, but his motion suggests he will divert more water "to fill current orders for bottled water."

In order to expedite resolution of the subcase, while ensuring due process concerns of other claimants, it is appropriate to grant the motion without a hearing and follow the Court's docket sheet notice requirements.

THEREFORE, IT IS ORDERED that:

1. Mr. Tacke's motion to file a late objection is **granted**;

2. The Director of IDWR may file his recommendation concerning the amended claim in the form of a *Standard Form 5* no later than July 31, 2009; and
3. Objections to the recommendation shall be filed no later than August 28, 2009.

DATED June 8, 2009.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE OBJECTION AND SETTING DEADLINES was mailed on June 08, 2009, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

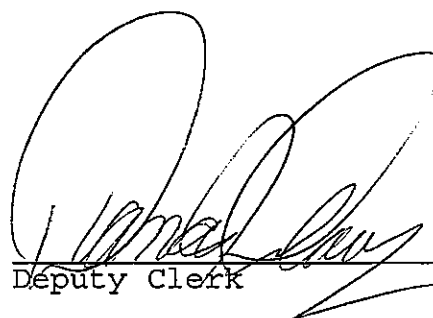
ROBERT TACKE
248 HOT SPRINGS RD
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ROBERT TACKE
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ORDER

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Deputy Clerk