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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

Subcase No. 75-14436

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Robert Tacke

OBJECTOR

United States of America

Robert Tacke
Pro Se

Date

David Negri, Attorney *DN* Date
Bureau of Land Management

IDWR Concurrence:

Monica Van Bussum 5/5/2009

Monica Van Bussum Date
Senior Water Resource Agent

Garrick L. Baxter 5/4/09

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

04/24/2009

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

RIGHT NUMBER: 75-14436

NAME AND ADDRESS: ROBERT TACKE
248 HOT SPRINGS RD
SALMON ID 83467

SOURCE: HOT SPRING CREEK
SPRING

TRIBUTARY: SALMON RIVER
TRIBUTARY: HOT SPRING CREEK

QUANTITY: 2.000 ~~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:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
COMMERCIAL	01/01 12/31	0.30 ~~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.		

MB
MVB
JB
DN

PLACE OF USE: IRRIGATION in LEMHI County

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 Lot 4 NWNW	
<u>COMMERCIAL in LEMHI County</u>	
T20N R22E S03 SWNE	T20N R22E S03 SENE

T20N R22E S03 Lot 4 NWNW

DOMESTIC in LEMHI County

T20N R22E S03

SWNE

T20N R22E S03

SENE

57.8 ACRES TOTAL

Place of use does not include federal public lands.

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.

LC
MVB

JS

DW

CERTIFICATE OF MAILING

I certify that on 06/15, 2009, 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:

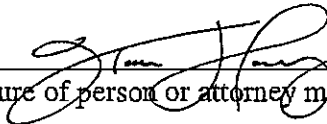
1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

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 TACKER
PO BOX 995
HAYDEN LAKE, ID 83835



Signature of person or attorney mailing form