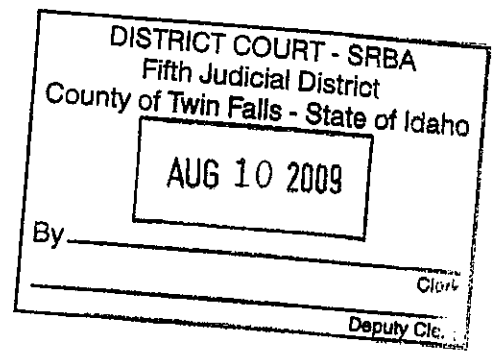


RECEIVED

AUG 11 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
Case No. 39576) (Tacke)
)
) SPECIAL MASTER REPORT
)
_____)

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report of Late Claim and Miscellaneous Claims for Irrigation and Other*, Basin 75, on November 18, 2008. The Director recommended the claim to Robert Tacke, 248 Hot Springs Road, Salmon, Idaho, 83467-5115, for 1.9 cfs from Hot Spring Creek and a spring for year-round domestic, stockwater and commercial uses and to irrigate 57.8 acres in Lemhi County from April 1 to October 31 with a priority date of September 28, 1876, based on beneficial use.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on January 16, 2009, objecting to place of use. Mr. Tacke was granted leave to file a late *Objection* on June 8, 2009, objecting to quantity. Mr. Tacke and the United States, with IDWR's concurrence, filed a *Standard Form 5* on June 16, 2009, agreeing to 2 cfs, to amend the purpose of use and place of use and to add the remark: "Place of use does not include federal public lands."

Conclusions of Law

Mr. Tacke is entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 75-14436*.

DATED August 10, 2009

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-14436

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
AUG 10 2009	
By _____	Clerk
_____	Deputy Clerk

NAME AND ADDRESS: ROBERT TACKE
248 HOT SPRINGS RD
SALMON, ID 83467-5115

SOURCE: HOT SPRING CREEK TRIBUTARY: SALMON RIVER
SPRING TRIBUTARY: HOT SPRING CREEK

QUANTITY: 2.00 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 S03 LOT 2 (SEWNNE) Within Lemhi County
LOT 2 (SEWNNE)
LOT 4 (NWNW)
SEWN
T21N R22E S34 SESWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.70 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS
	Commercial	01-01 TO 12-31	0.30 CFS
	Domestic	01-01 TO 12-31	0.04 CFS

Domestic use is for 1 home.
Commercial use is for a mineral spring water bottling plant.

PLACE OF USE:

Irrigation	Within Lemhi County
T20N R22E S03 LOT 3 (NENW) 0.8	LOT 4 (NWNW) 25.0
T21N R22E S34 NESW 2.1	NWSW 1.9
	SWSW 17.0
	SESW 11.0
57.8 Acres Total	
Stockwater	Within Lemhi County
T20N R22E S03 SWNE	SENE
	NWNW
Commercial	Within Lemhi County
T20N R22E S03 SWNE	SENE
	NWNW
Domestic	Within Lemhi County
T20N R22E S03 SWNE	SENE

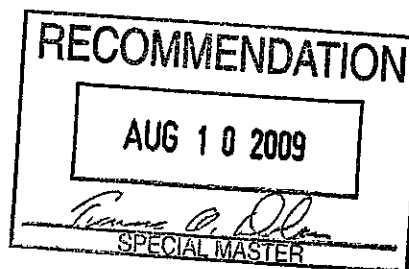
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
AUG 10 2009	
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)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

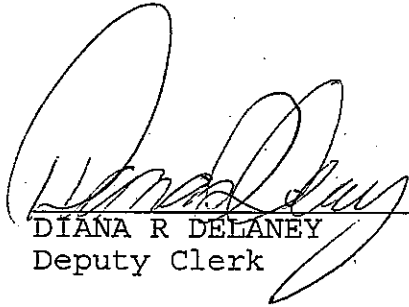
Water Right(s): 75-14436

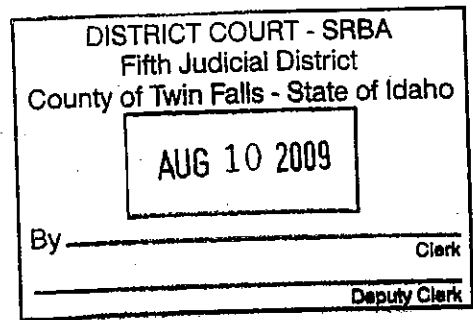
On August 10, 2009, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED August 10, 2009.


DIANA R DELANEY
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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 75-14436

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 10, 2009, with sufficient first-class postage prepaid to the following:

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

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

ROBERT TACKE
248 HOT SPRINGS RD
SALMON, ID 83467
Phone: 208-756-4449

CERTIFICATE OF MAILING

PAGE 1
08/10/09

ROBERT TACKE
248 HOT SPRINGS RD
SALMON, ID 83467-5115
Phone: 208-756-4449



DIANA R DELANEY
Deputy Clerk