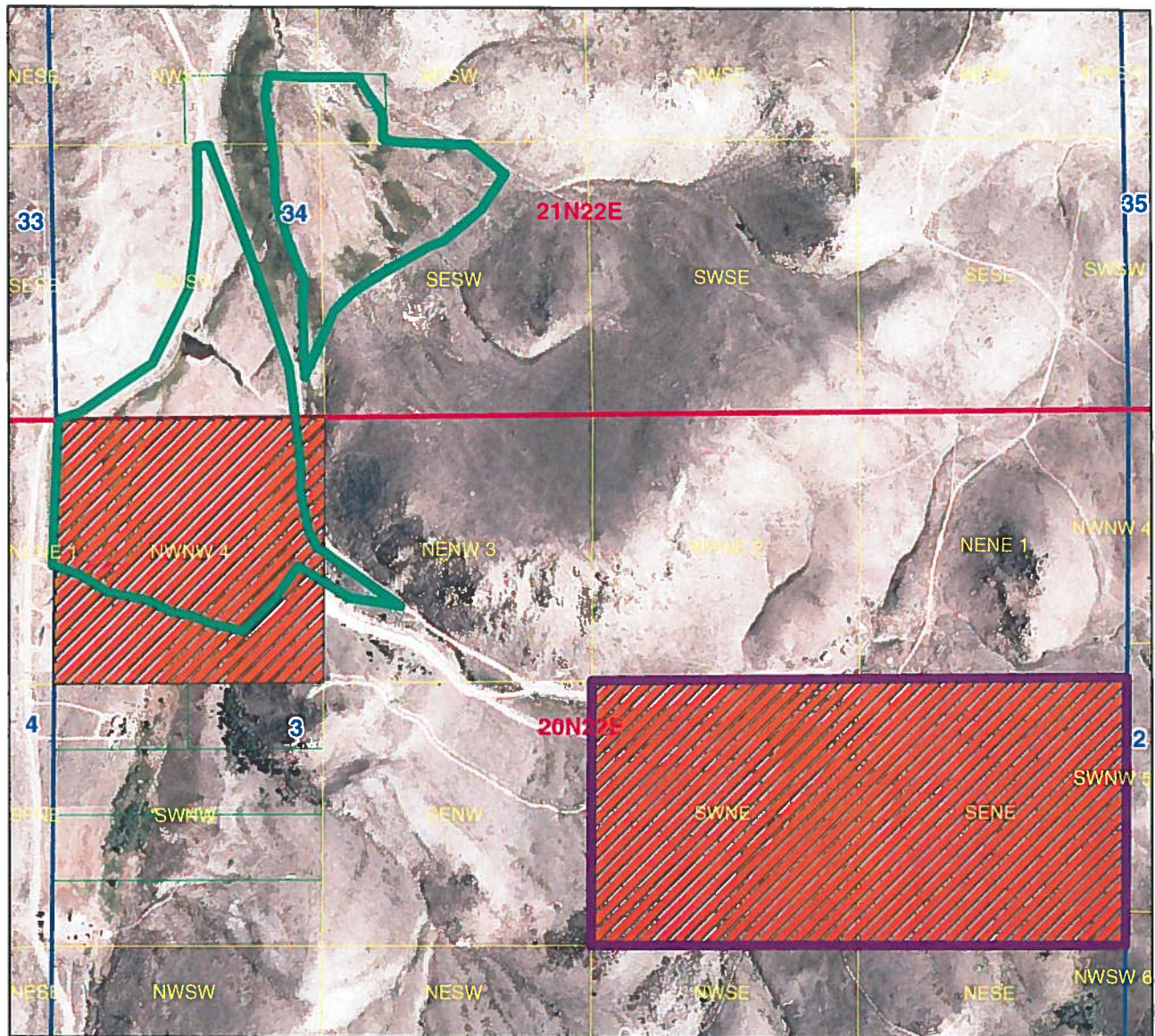


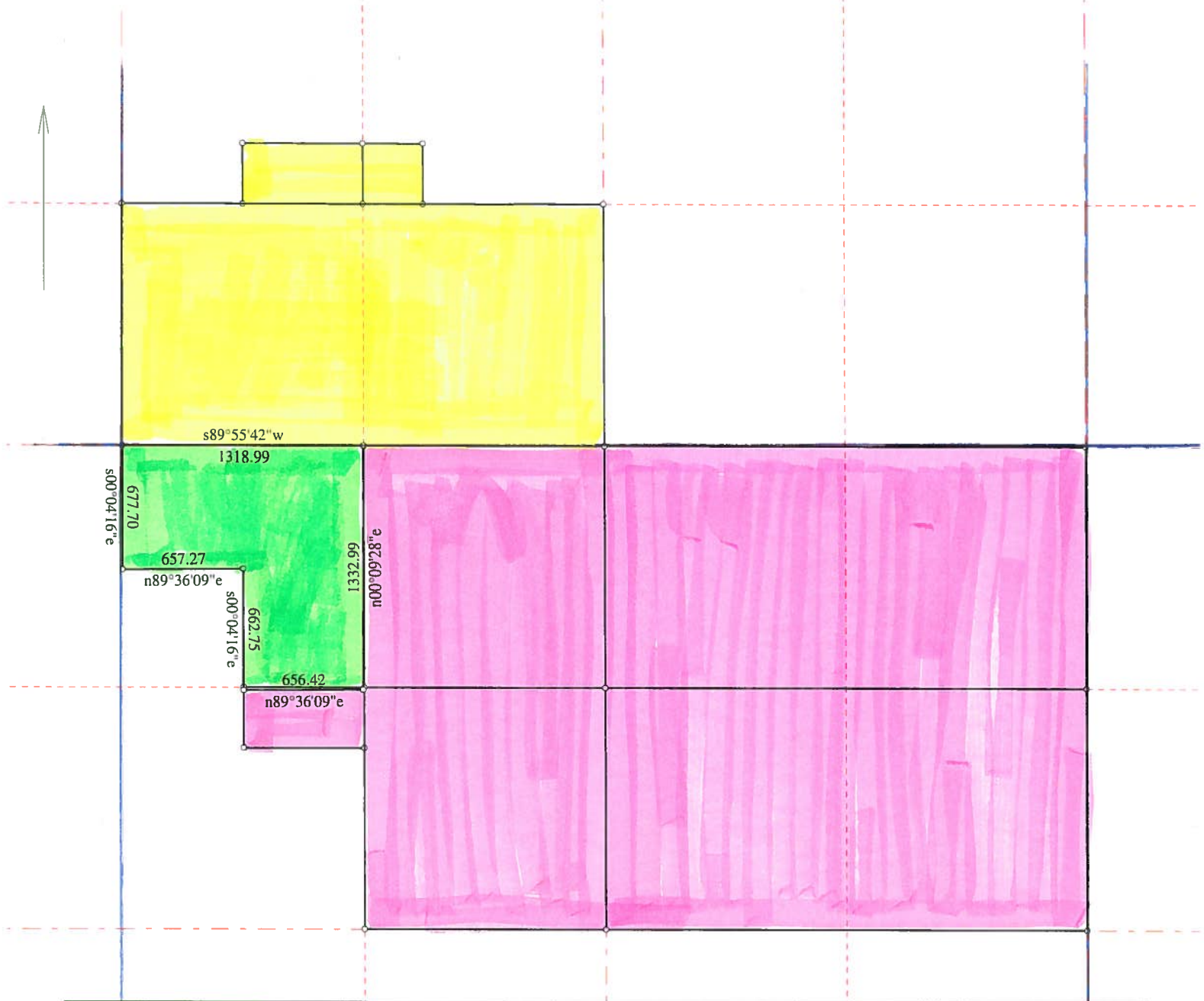
Idaho Department of Water Resources



Legend

-  75-14436 Place of Use Domestic
-  75-14436 Place of Use Irrigation
-  75-14436 Place of Use Stockwater/Commercial
-  Township/Range
-  Sections
-  QQ
-  Taxlots

Layout Created by:
Jonie Barg
Date:
November 20, 2013



Title:		Date: 11-20-2013
Scale: 1 inch = 800 feet	File:	

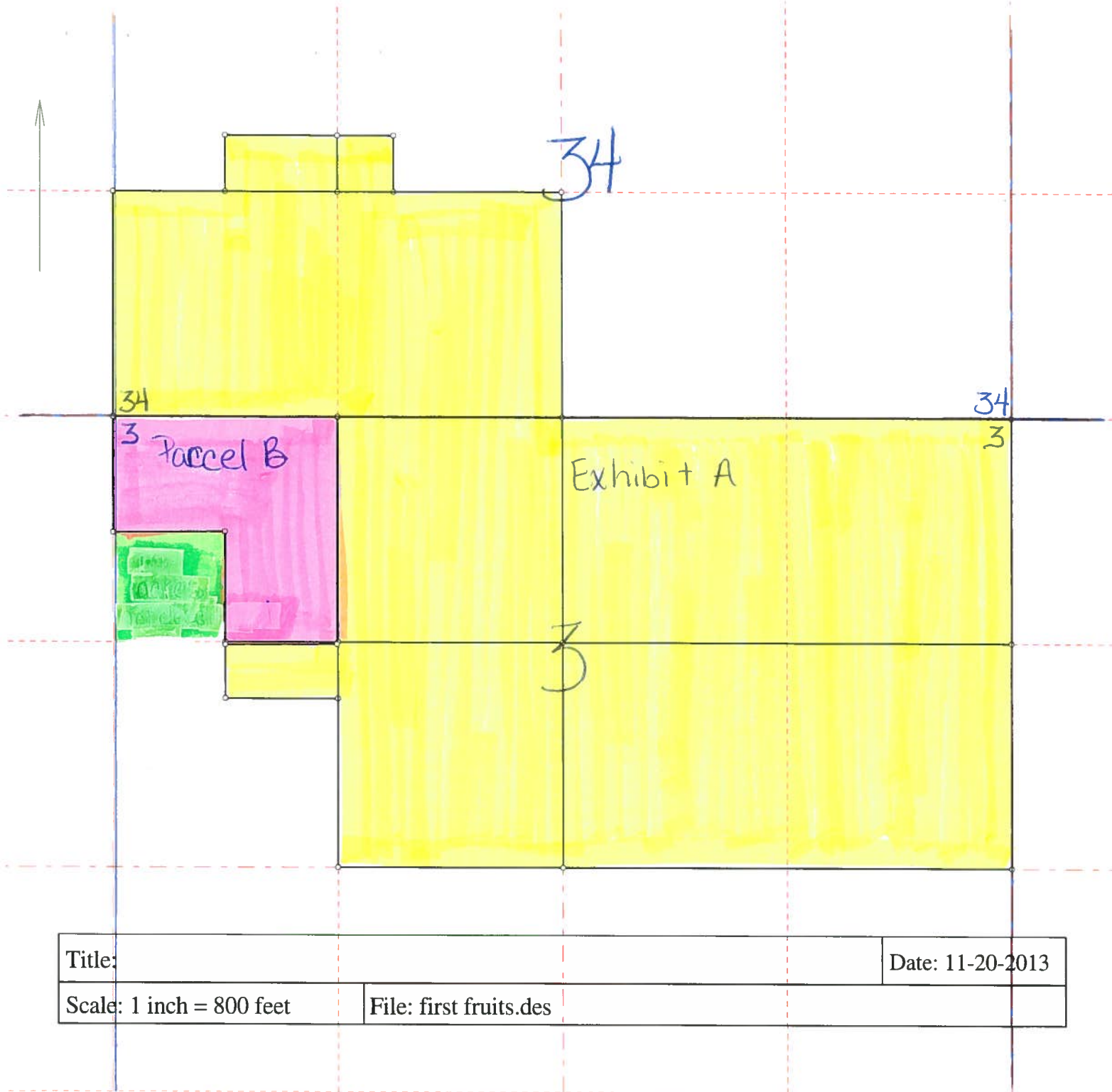


Exhibit A

Parcel B Gov Lot 4 Remainder Description

10 acres appears to "have been" owned by Robert Tacke not included anywhere on your Deed.

Data and Deed Call Listing of File: first fruits.des

Tract 1: 2.500 Acres: 108900 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 1320 Feet
Tract 2: 5.000 Acres: 217800 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 1980 Feet
Tract 3: 80.000 Acres: 3484800 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 7920 Feet
Tract 4: 80.000 Acres: 3484800 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 7920 Feet
Tract 5: 80.000 Acres: 3484800 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 7920 Feet
Tract 6: 5.000 Acres: 217800 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 1980 Feet
Tract 7: 40.000 Acres: 1742400 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 5280 Feet
Tract 8: 40.000 Acres: 1742400 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 5280 Feet
Tract 9: 30.394 Acres: 1323948 Sq Feet: Closure = s89.1137w 0.00 Feet: Precision >1/999999: Perimeter = 5306 Feet

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050=/N00E 5280.00	

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/21/2013

Water Right 75-14436

Owner Type **Name and Address**
Current Owner ROBERT TACKE
 248 HOT SPRINGS RD
 SALMON, ID 83467-5115
 (208)772-3271

Priority Date: 9/28/1876

Basis: Decreed

Status: Active

<u>Source</u> SPRING HOT SPRING CREEK	<u>Tributary</u> HOT SPRING CREEK SALMON RIVER
--	---

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.700 CFS	
STOCKWATER	01/01	12/31	0.020 CFS	
COMMERCIAL	01/01	12/31	0.020 CFS	
DOMESTIC	01/01	12/31	0.040 CFS	
	<u>Total Diversion</u>		1.900 CFS	

Source and Point(s) of Diversion

SPRING	L2(SENWNE)	Sec. 3, Twp 20N, Rge 22E, LEMHI County
SPRING	L2(SENWNE)	Sec. 3, Twp 20N, Rge 22E, LEMHI County
SPRING	SESWSW	Sec. 34, Twp 21N, Rge 22E, LEMHI County
HOT SPRING CREEK	L4(NWNW)	Sec. 3, Twp 20N, Rge 22E, LEMHI County
HOT SPRING CREEK	SENW	Sec. 3, Twp 20N, Rge 22E, LEMHI County

Place Of Use

DOMESTIC within LEMHI County

T20N R22E S3	SWNE
T20N R22E S3	SENE

STOCKWATER within LEMHI County

T20N R22E S3	SWNE
T20N R22E S3	SENE
T20N R22E S3 L4	NWNW

IRRIGATION within LEMHI County

T20N R22E S3 L3	NENW	0.8
T20N R22E S3 L4	NWNW	25.0
T21N R22E S34	NESW	2.1
T21N R22E S34	NWSW	1.9
T21N R22E S34	SWSW	17.0
T21N R22E S34	SESW	11.0
POU Total Acres:		57.8

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/21/2013

COMMERCIAL within LEMHI County

T20N R22E S3 SWNE

T20N R22E S3 SENE

T20N R22E S3 L4 NWNW

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. N14 The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
3. X01 Domestic use is for 1 home.
4. X02 Stockwater use is for 15 horses.
5. Commercial use is for a mineral spring water bottling plant.
6. U42 Place of use does not include federal public lands.

11/20/2013

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT TACKE 248 HOT SPRINGS RD SALMON, ID 83467-5115 (208)772-3271

Status: Active

Tributary
HOT SPRING CREEK
SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.700 CFS	
STOCKWATER	01/01	12/31	0.020 CFS	
COMMERCIAL	01/01	12/31	0.020 CFS	
DOMESTIC	01/01	12/31	0.040 CFS	
	Total Diversion		1.900 CFS	

SPRING	L2(SENWNE)	Sec. 3, Twp 20N, Rge 22E, LEMHI County
SPRING	L2(SENWNE)	Sec. 3, Twp 20N, Rge 22E, LEMHI County
HOT SPRING CREEK	L4(NWNW)	Sec. 3, Twp 20N, Rge 22E, LEMHI County
HOT SPRING CREEK	SENW	Sec. 3, Twp 20N, Rge 22E, LEMHI County
SPRING	SESWSW	Sec. 34, Twp 21N, Rge 22E, LEMHI County

T20N R22E S3	SWNE
T20N R22E S3	SENE

T20N R22E S3	SWNE
T20N R22E S3	SENE
T20N R22E S3 L4	NWNW

T20N R22E S3 L3	NENW	0.8
T20N R22E S3 L4	NWNW	25.0
T21N R22E S34	NESW	2.1
T21N R22E S34	NWSW	1.9
T21N R22E S34	SWSW	17.0
T21N R22E S34	SESW	11.0
POU Total Acres:		57.8

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/20/2013

COMMERCIAL within LEMHI County

T20N R22E S3 SWNE

T20N R22E S3 SENE

T20N R22E S3 L4 NWNW

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. N14 The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
3. X01 Domestic use is for 1 home.
4. X02 Stockwater use is for 15 horses.
5. Commercial use is for a mineral spring water bottling plant.
6. U42 Place of use does not include federal public lands.

Comments:

1. mvanbussum 11/14/2008 Recommended flow
An analysis of the recommended flow rates would be helpful. Domestic was claimed for 0.12 cfs and I have recommended 0.04 because most of the domestic use is for 1 home and a shop, which falls in line with our de minimus standards. Stockwater was claimed for 0.33 and recommended for 0.02. During the field exam conducted October 1, 2008, I saw approximately 15 horses that were the only stock on the property. IDWR standard flow for 15 horses is 0.02 cfs. I spoke with Mr. Tacke about how much he could bottle if he bottled all he could and he stated he could fill 70 2.25 gallon pouches in 1 hour, which amounts to 0.006 cfs. I have recommended 0.02 to be more in line with basic commercial flow rates. We found 57.8 acres of irrigation. At 1.5 inches per acre, which is pretty standard in this area, the flow rate is 1.7 cfs. I am counting commercial and irrigation as consumptive uses and, thus, a total flow rate of 1.9 cfs.

2. mvanbussum 12/5/2008 Address
Claimant has a new address: 248 Hot Springs Rd, Salmon, ID 83467. He will stop by the Salmon office in the next few days to file change of address. Bob Foster said if claimant does not stop in in the next day or two, then Bob will walk a change of address form down to claimant.

3. mvanbussum 4/23/2009 flow rate
Mr. Tacke will shortly file an objection to the flow rate for this recommendation. Since the recommendation was made, Mr. Tacke has supplied additional evidence that supports recommending up to 0.3 cfs for commercial under this water right.

Combined Use Limits

N/A

SubCase:

SubCaseNumber: 75-14436

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/20/2013

Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: Monica Van Bussum
Basis of Claim: Beneficial Use
Date Filed: 5/4/2009
Objection Status: Active

Water Supply Bank:

N/A



T21N R22E SEC 34

75-14436
1.70 CFS IRRIGATION
0.02 CFS STOCKWATER
0.02 CFS COMMERCIAL
0.04 CFS DOMESTIC
1.78 CFS TOTA

COMMERICAL

POU

T20N R22E SEC 3

10/29/2013

Scale: 1 inch= 1000 feet | File: FIRST FRUIT COM.ndp

Tract 1: 30.3937 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=5306 ft.
Tract 2: 2.5000 Acres (108900 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=1320 ft.
Tract 3: 5.0000 Acres (217800 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=1980 ft.
Tract 4: 80.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=7920 ft.
Tract 5: 80.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=7920 ft.
Tract 6: 80.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=7920 ft.
Tract 7: 40.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=5280 ft.
Tract 8: 5.0000 Acres (217800 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=1980 ft.
Tract 9: 40.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=5280 ft.

Tract Data and Deed Calls: File= FIRST FRUIT COM.ndp

Tract 01: 30.3937 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=5306 ft.
Tract 02: 2.5000 Acres (108900 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=1320 ft.
Tract 03: 5.0000 Acres (217800 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=1980 ft.
Tract 04: 80.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=7920 ft.
Tract 05: 80.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=7920 ft.
Tract 06: 80.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=7920 ft.
Tract 07: 40.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=5280 ft.
Tract 08: 5.0000 Acres (217800 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=1980 ft.
Tract 09: 40.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=5280 ft.
Tract 09: 40.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=5280 ft.

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3: n89.3609e 657.27
4: s00.0416e 662.75
5: n89.3609e 656.42
6: n00.0928e 1332.99
7: s89.5542w 1318.99
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45: /ne,e,n,n,sw,nw,3,20n,22e
46: s0w 330.00
47: s90w 660.00
48: n0e 330.00
49: n90e 660.00
50: @0
51: /ne,se,nw,3,20n,22e

Tract Data and Deed Calls: File= FIRST FRUIT COM.ndp

52: s0w 1320.00
53: s90w 1320.00
54: n0e 1320.00
55: n90e 1320.00

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

AMENDED
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 75-14436

FILED
2009 DEC 8 PM 2 17

NAME AND ADDRESS:

ROBERT TACKER
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 (SENNNE) Within Lemhi County
LOT 2 (SENNNE)
LOT 4 (NWNW)
SENN
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
LOT 4 (NWNW)

Commercial Within Lemhi County
T20N R22E S03 SWNE SENE
LOT 4 (NWNW)

Domestic Within Lemhi County
T20N R22E S03 SWNE SENE

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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____
2009 DEC 8 PM 2 17

RECEIVED
DEC 09 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

)
)
) ORDER OF AMENDED PARTIAL
) DECREE TO CORRECT CLERICAL
) ERRORS: I.R.C.P. 60(a)
)
) For water right: 75-14436
)

A *Partial Decree* was issued for the above-captioned water right on October 28, 2009. On December 7, 2009, the United States of America filed a *Motion to Correct Clerical Error* notifying the Court of an inaccurate description of two places of use and a missing remark under that element. The *Special Master's Report and Recommendation* was not consistent with the *Standard Form 5*, filed on June 16, 2009. The Court finds this to be the result of a clerical error.

Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that water right 75-14436 is hereby **amended and decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*. The previously issued *Partial Decree* is replaced and superseded thereby.

DATED December 8, 2009.


JOHN M. MELANSON
Presiding Judge, Pro Tem
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

AMENDED

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right. 75-14436

FILED

2009 DEC 8 PM 2 17

In Re SRBA

Case No. 39576

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 (SENNNE) Within Lemhi County
LOT 2 (SENNNE)
LOT 4 (NNNNW)
SENN
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 (NNNW) 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
LOT 4 (NNNW)	

Commercial	Within Lemhi County
T20N R22E S03 SWNE	SENE
LOT 4 (NNNW)	

Domestic	Within Lemhi County
T20N R22E S03 SWNE	SENE

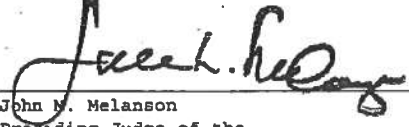
Place of use does not include federal public lands.

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. 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 V. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREE TO CORRECT CLERICAL ERRORS: I.R.C.P> 60(A) was mailed on December 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
SALMON, ID 83467
Phone: 208-756-4449~~

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

