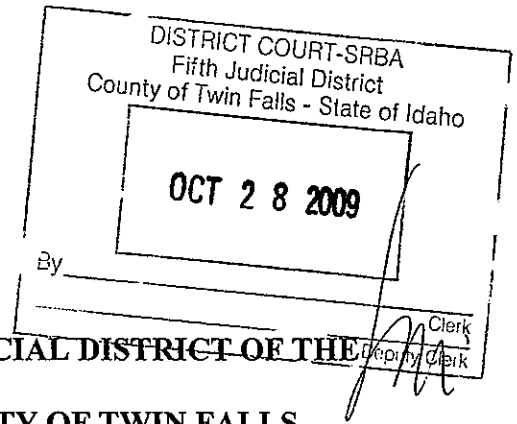


RECEIVED

OCT 29 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 PARTIAL DECREE

Subcase No. 75-14436
(Tacke)

On August 10, 2009, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water right be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED October 28, 2009.

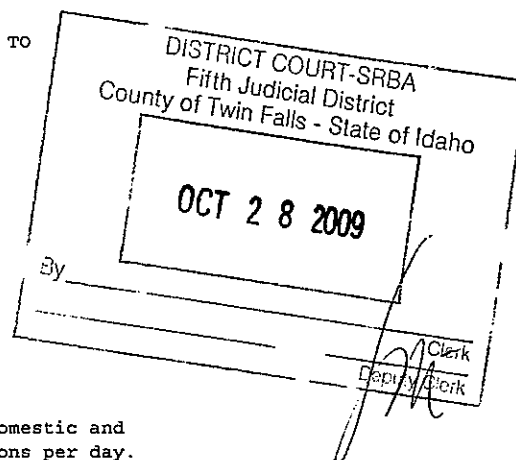

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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)
Case No. 39576)
_____)

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

Water Right 75-14436



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)
SENW
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

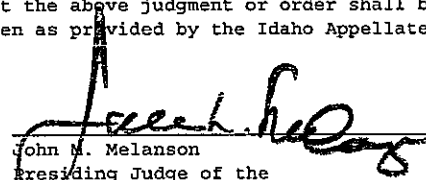
Domestic Within Lemhi County
T20N R22E S03 SWNE SENE

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

2009 OCT 28 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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 PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 75-14436 was mailed
on October 28, 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~~

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

CERTIFICATE OF MAILING

JULIE MURPHY
Chief Deputy Clerk

PAGE 1
10/28/09