

03/18/2004

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

RIGHT NUMBER: 45-12586

NAME AND ADDRESS: TUGAW RANCH
C/O JOE TUGAW
3277 WOODRIDGE DR
TWIN FALLS ID 83301

SOURCE: GROUND WATER

QUANTITY: 0.020 CFS

TRIBUTARY:

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/27/1934

POINT OF DIVERSION:

T12S R19E S3 SWSENE Within CASSIA County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER Within CASSIA County

T12S R19E S03	NESE	T12S R19E S03	NWSE
---------------	------	---------------	------

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use
STOCKWATER, 700 RANGE CATTLE RPT12SR19E030000A

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

November 17, 2003

Regarding:

Customer:

45-12586

Joe Tugaw

I discussed this claim with Mr. Tugaw on 11-14-2003. At that time he told me that the source was a well located just north of the south boundary of the SENE Section 3 in the field owned by Cummins Farms. He drew the location of the well and also the two pipelines that convey water to two troughs located on BLM land in the NESE and NWSE of Section 3.

In the 1994 claim the conveyance works was described as a spring that collected in a pond and cattle drink from pond. The priority date claimed is January 1879.

The land on which the "well" sits is the place of use of Decreed right 45-504 from Dry Creek. The priority date of that right is October 21, 1908. This date is verifiable as the decreed right was based on a license issued by IDWR.

The spring/well may have existed prior to the delivery of Dry Creek to the area, as there is an unnamed stream channel that comes out of the hills to the south reaching the approximate location Mr. Tugaw shows the well. On the other hand, the spring/well may be the result of the conveyance of Dry Creek to the area in 1908.

Since the point of diversion is on land not owned by Mr. Tugaw, and there has been nothing submitted to substantiate the 1879 priority date, I believe that I will advance the priority date to that of the irrigation right for the same land, which is October 21, 1908.

note 3/18/04

Claim included on list subject to
Stipulation signed 8/28/02
Priority date 6/27/1934 (one day
Senior to BLM)

Location of
well & troughs
drawn by J Tuoma
11-14-03
FED
N44

Cummins

1908
POU 45-504
dry creek

well

3

POU on
BUM
CLAM
Listed on
Shpulak d
Appelnet

DITCH FROM
DRY CREEK

UNNAMED

Fed

4

3

12S 19E
1987

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: ~~A45-12586~~
Date Received: 4/29/1994
Receipt No: S016835
Received By: ADr

address change

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TUGAW RANCH
Address: 3277 WOODRIDGE DR
TWIN FALLS ID 83301
208-734-7511

2. Date of Priority: JAN 1, 1879

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	19E	3	SE	SE	NE		CASSIA

5. Description of diverting works:
SPRING COLLECTS IN POND AND CATTLE DRINK FROM POND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER/ WATER FOR 750 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use
12S	19E	3	NE	SE		STOCK
		4	NE	SE		STOCK

11. Place of use in counties: CASSIA

MICROFILMED
OCT 28 1994

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Organizations:

I do solemnly swear or affirm that I am of
 Title
 Organization, that I have signed the foregoing
document in the space below as of
 Title
 Organization and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

4-29-94
Date

State of Idaho)
County of Blaine Falls) SS.

Subscribed and sworn (or affirmed) before me this 25th day
of April 19 94

Notary Public

Seal

Residing at Kimberly, ID
My Commission Expires

MICROFILMED
OCT 28 1994

Water Right Number [REDACTED] Prefix Translation: ADJUDICATION CLAIM Old (D) Number -
+ - - - - Last Name - - - - + - - - - First Name - - - - + - - - - Address - - - - - +
*** C - CURRENT OWNER ***
TUGAW RANCH
1 - 3277 WOODRIDGE DR
2 -
3 -
City- TWIN FALLS State- ID Zip- 83301
Phone - 208-734-7511
+ - - Priority Date - - - + - - - Region - - - + - - - Stage - - - + - - - Status - - - +
01/01/1879 17 SOUTHERN J - BENEFICIAL USE
+ - - Source - - - - - + - - - - Tributary - - - - - +
GROUNDWATER
+ - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County
12S 19E 3 SE SE NE (31) CASSIA
+ - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
04 - STOCKWATER 01/01 12/31 0.020
+ - Total Div. Rate - - + - - Total Div. Volume - - + - - Total Consumptive Use - - + - - KW Usage - - +
0.020
+ - - - - - - - - - - - Place of Use - - - - - Description County
Twn Rng Sec Tract Lot Acres Code
12S 19E 3 NE SE 04 STOCKWATER (31) CASSIA
12S 19E 4 NE SE 04 STOCKWATER (31) CASSIA
Total Acres:
+ - - Diversion Means - SPRING COLLECTS IN POND AND CATTLE DRINK FROM POND
+ - - Non-Irrigation Use - STOCKWATER/ WATER FOR 750 RANGE CATTLE
+ - - Other Rights for Same Use - NONE
+ - - - - - - - - - - - Remarks - - - - - +
No Remarks found.
+ - - - - - - - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found
+ - - - - - - - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

MICROFILMED
OCT 28 1994

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 04/29/1994 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - S016835 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

MICROFILMED
OCT 28 1994