

10/31/2002

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

RIGHT NUMBER: 45-12896

NAME AND ADDRESS: JOSEPH E TUGAW
3277 WOODRIDGE DR
TWIN FALLS ID 83301

SOURCE: COLD SPRING CREEK
FULLER SPRING
LINCOLN RESERVOIR
SPRINGS

TRIBUTARY: SINKS
TRIBUTARY: SINKS
TRIBUTARY: SINKS
TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 06/01/1872

POINT OF DIVERSION:

T12S R19E S12 SENWNE Within CASSIA County
T12S R19E S12 SESESW Within CASSIA County
T12S R19E S22 SESWNW Within CASSIA County
T12S R19E S32 SWNENE Within CASSIA County
T14S R20E S6 SWSWNW Within CASSIA County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	4/01 11/01	0.020 CFS

PLACE OF USE: STOCKWATER Within CASSIA County

T12S R19E S12	NWNE	T12S R19E S12	SESW
T12S R19E S22	SWNW	T12S R19E S32	NENE
T14S R20E S06	SWNW		

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

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 45-12896
Date Received: 8/2/1999
Receipt No: S022417
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

JOSEPH E TUGAW Phone: (208)734-7511

3277 WOODRIDGE DR
TWIN FALLS ID USA 83301

2. Date of Priority: 06/01/1872

3. Source: COLD SPRING CREEK, FULLER SPRING, LINCOLN RESERVOIR, SPRINGS
Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12S	19E	22	SE SW NW	CASSIA	
12S	19E	12	SE SE SW	CASSIA	
12S	19E	12	SE NW NE	CASSIA	
14S	20E	6	SW SW NW	CASSIA	
12S	19E	32	SW NE NE	CASSIA	

*POD &
POU on
Private
land*

5. Description of diverting works:

INSTREAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	4/01	11/01	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
12S	19E	12	NW	NE		STOCKWATER	
			SE	SW		STOCKWATER	
12S	19E	22	SW	NW		STOCKWATER	
12S	19E	32	NE	NE		STOCKWATER	
14S	20E	6	SW	NW		STOCKWATER	

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

10/31/2002: IT WAS DETERMINED THAT THE FOLLOWING SPRINGS WERE TRIBUTARY TO ROCK CREEK AND LOCATED IN BASIN 47. THEY HAVE BEEN DELETED FROM 45-12896 AND INCLUDED IN 47-16846. SESWNW S20, SWSWNW S21 LOCALLY KNOWN AS PICKETT SPRING, SWNWNE S29, SWSENE S29, ALL T12S, R19E. - VH

SPRINGS ARE LOCATED ON PRIVATE LAND WITH NO DEVELOPED SYSTEMS, TRIBUTARY TO THE DRY CREEK DRAINAGE, AND LEASED UNDER A GRAZING PERMIT BY CLAIMANT.

SOURCE OF SPRING IN SWSWNW OF SECTION 21 IS KNOWN LOCALLY AS PICKETT SPRING.
SOURCE OF SPRING IN SESWNW OF SECTION 22 IS KNOWN LOCALLY AS UPPER BEAVER SLIDE SPRING.

15. Basis of Claim: Beneficial Use

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: [REDACTED]
Date Received: 7/21/1999
Receipt No: 5022417
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: JUN 1, 1872

3. Source: COLD CREEK SPRING
FULLER SPRING
SPRING
SPRING
SPRING
SPRING
SPRING
LINCOLN RESERVOIR
SPRING
Trib. to: SINKS
SINKS
SINKS
SINKS
SINKS
SINKS
SINKS
SINKS
SINKS

4. Point of Diversion:

see 47-16846
Trib to Rock
Trib to Rock

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12S	19E	12	SE ✓	NW	NE	204 Spr Cr	CASSIA
			SE ✓	SE	SW	Fuller Spr	CASSIA
		20	SE ✓	SW	NW		CASSIA
		21	SW ✓	SW	NW	Pickens	CASSIA
		22	SE ✓	SW	NW	J. Beaver	CASSIA
		29	SW ✓	NW	NE		CASSIA
			SW ✓	SE	NE		CASSIA
		32	SW ✓	NE	NE	Lincoln Res	CASSIA
14S	20E	6	SW ✓	SW	NW	(at 3rd St)	CASSIA

5. Description of diverting works:
INSTREAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	04/01	11/01	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:
780 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	19E	12	NW	NE		STOCK	
			SE	SW		STOCK	
		20	SW	NW		STOCK	
		21	SW	NW		STOCK	
		22	SW	NW		STOCK	
		29	NW	NE		STOCK	
			SE	NE		STOCK	
		32	NE	NE		STOCK	
14S	20E	6	SW	NW		STOCK	

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

SPRINGS ARE LOCATED ON PRIVATE LAND WITH NO DEVELOPED SYSTEMS, TRIBUTARY TO THE DRY CREEK DRAINAGE, AND LEASED UNDER A GRAZING PERMIT BY CLAIMANT.

SOURCE OF SPRING IN SWSWNW OF SECTION 21 IS KNOWN LOCALLY AS PICKETT SPRING.

SOURCE OF SPRING IN SESWNW OF SECTION 22 IS KNOWN LOCALLY AS UPPER BEAVER SLIDE SPRING.

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 Individuals:

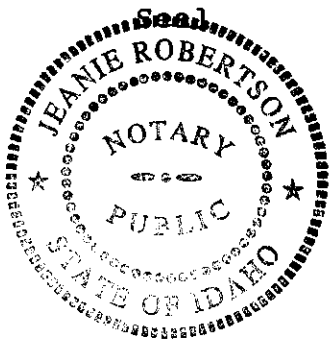
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Joseph F. Ferguson* Date: 8-2-99
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 2nd day
of August 19 99

Jeanie Robertson
Notary Public



Residing at Twin Falls, ID.
My Commission Expires 9-23-2000

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

5022417

Date:

Time:

8/ 2/1999

08:48:24

Received

From:

TUGAW RANCH

Type of Payment

Program A cct

Amount

JUDICATION FEE

41503

337

1155

250.00

Total

\$

250.00

CHECK

08621

Water Right Numbers

A45-12896

A45-12897

A45-12898

A45-12899

A45-12900

A45-12901

A45-12902

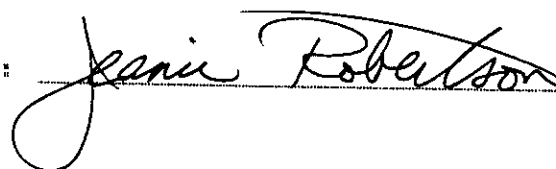
A45-12903

A45-12904

A45-12905

Region: SOUTHERN

Signature:



~~In-Stream~~
(no trough)

	Rock Cr.	Dry G.	Little Cedar	Robber's Gulch	Cottonwood
Private	1	2	3	4	5
State	6	7	8	9	10
Fed	~~11~~ B	12 F B	13	14	15 F B

Diverted (trough)

	Rock	Dry	Little Cedar	Robber's Gulch	Cottonwood
Private	16	17	18	19	20
State	21	22	23	24	25
Fed	26 F	27 F B	28	29	30 F

B = BLM

F = Forest Service

Told me

(106)

Water Rights

6-23-98

112	2	Cold Creek	T12S	R19E	S12	SE $\frac{1}{4}$	NW $\frac{1}{4}$	NE
2	2	Fuller Spring	T12S	R19E	S12	SE $\frac{1}{4}$	SE $\frac{1}{4}$	SW
12B	2	~~Fuller Spring~~	~~T12S~~	~~R19E~~	~~S12~~	~~SE$\frac{1}{4}$~~	~~SE$\frac{1}{4}$~~	~~SW~~
12B	2	unnamed spring	T12S	R19E	S14	SE $\frac{1}{4}$	SW $\frac{1}{4}$	SW
12B	2	unnamed	T12S	R19E	S24	NW $\frac{1}{4}$	NE $\frac{1}{4}$	NW
12B	2	unnamed spring	T12S	R19E	S15	SW $\frac{1}{4}$	SW $\frac{1}{4}$	SW
12B	2	Wingley Reservoir	T12S	R19E	S22	SE $\frac{1}{4}$	SW $\frac{1}{4}$	NW
12B	2	unnamed	T12S	R19E	S22	SW $\frac{1}{4}$	SE $\frac{1}{4}$	SE $\frac{1}{4}$
12B	2	unnamed	T12S	R19E	S21	SW $\frac{1}{4}$	SW $\frac{1}{4}$	NW
12B	2	unnamed	T12S	R19E	S28	SE $\frac{1}{4}$	NW $\frac{1}{4}$	SE
27B	2	unnamed	T12S	R19E	S27	NW $\frac{1}{4}$	NW $\frac{1}{4}$	SW
12B	2	unnamed	T12S	R19E	S27	NE $\frac{1}{4}$	SE $\frac{1}{4}$	NW
27B	2	unnamed	T12S	R19E	S33	SE $\frac{1}{4}$	SE $\frac{1}{4}$	NE
27B	2	unnamed	T12S	R19E	S33	NE $\frac{1}{4}$	NE $\frac{1}{4}$	SE
27F	2	unnamed	T13	R19E	S3	SW $\frac{1}{4}$	SW $\frac{1}{4}$	NW
12F	2	unnamed	T13	R19E	S3	SE $\frac{1}{4}$	SW $\frac{1}{4}$	SW
27F	2	unnamed	T13	R19E	S2	NE	SW	NW
27F	2	unnamed	T13	R19E	S2	SW	NE	NE
27F	2	unnamed	T13	R19E	S1	SW	SW	NW
12F	2	unnamed	T13	R19E	S10	SE	NE	NW
12F	2	unnamed	T13	R19E	S10	SE	NE	SW
12F	2	unnamed	T13	R19E	S11	SW	SW	SW
27F	2	unnamed	T13	R19E	S12	SW	NW	SW
27F	2	unnamed	T13	R20E	S7	SE	NW	SW
12F	2	unnamed	T13	R19E	S15	NE	SW	NE
27F	2	unnamed	T13	R19E	S13	NW	NW	NW
12F	2	unnamed	T13	R19E	S13	SW	NE	SE

Pam's kin

12F	^{unnamed} Brandon Spring	T135	R20E	S17	SW	NW	NW
27F	Coyote Spring	T135	R20E	S19	NE	NW	NW
12F	^{unnamed} Upper Coyote Pond	T135	R20E	S19	NE	SE	SW
12F	^{unnamed} Cat Pond	T135	R19E	S24	SE	SW	SW
12F	^{unnamed} Upper Dog River Spring	T135	R19E	S23	SE	SE	NW
27F	Indian Springs	T135	R19E	S26	SW	NW	NE
12F	^{unnamed} Head of West Fork	T135	R19E	S26	SE	SE	NW
27F	^{unnamed} Carrol Spring	T135	R19E	S25	NE	NW	NW
27F	^{unnamed} Cold Creek Spring	T135	R19E	S25	SE	SE	NW
12F	^{unnamed} Jade Pond	T135	R19E	S25	SE	NE	NE
27F	^{unnamed} Buddha Spring	T135	R19E	S25	NW	NE	NE
27F	^{unnamed} Hillside Spring	T135	R20E	S30	NE	SW	NW
27F	Oliver Spring	T135	R20E	S29	NE	SW	NW
27F	^{unnamed} Huch Spring	T135	R20E	S29	NE	NE	SW
27F	Brain Patch Spring	T135	R20E	S32	SW	NE	NW
12F	^{unnamed} Head of East Fork	T135	R20E	S32	NW	SW	NW
27F	^{unnamed} Horse Hollow Sprg.	T135	R19E	S36	SE	SE	NE
12F	^{unnamed} Cold Creek Pond	T135	R19E	S36	SW	NE	NW
27F	^{unnamed} Lost Hat Spring	T135	R19E	S34	SW	NE	NE
12F	East Line Spring	T135	R19E	S33	SE	SW	NE
Grand View	^{unnamed}	T125	R19E	S20	SE	SW	NW
2	^{unnamed}	T125	R19E	S29	SW	NW	NE
2	^{unnamed}	T125	R19E	S29	SW	SE	NE
2	Lincoln Res.	T125	R19E	S32	SW	NE	NE
	~~Sage Land Spring~~	~~T125~~	~~R18E~~	~~S21~~	~~SW~~	~~NE~~	~~NW~~
26F	^{unnamed} Peak Cow Springs	T135	R19E	S34	SW	SW	SW
26F	Martindale Spring	T135	R19E	S34	SW	NW	SE
11F	Lost Hat Spring	T135	R19E	S34	SW	NE	SE

(27)

upper Peak.

11F	Bed Spring	T135	R19E	S34	SW	SW	SE
26F	unnamed	T135	R19E	S35	NE	SW	SE
27F	unnamed (Aspen Spr)	T135	R20E	S31	SW	NE	SE
27F	Brieg's Spring	T145	R20E	S06	SW	SE	NW
12F	unnamed	T145	R20E	S06	SE	NW	NE
2	unnamed	T145	R20E	S06	SW	SW	NW
27F	Coal Pit Spr.	T145	R19E	S01	SE	NW	NW
27F	Upper Coal Pit Spr.	T145	R19E	S01	SW	SE	NW
26F	unnamed	T145	R19E	S02	NE	NE	SW
26F	Bear Gulch Spr.	T145	R19E	S11	NW	NW	NE
26F	unnamed	T145	R19E	S11	NE	SE	SE
26F	unnamed	T145	R19E	S11	SE	SW	SE
26F	unnamed	T145	R19E	S14	NE	SE	NW
15F	Picket Spr.	T145	R19E	S13	NE	NE	NW
15F	Coyote Spr.	T145	R20E	S18	SE	NW	SW
30F	unnamed	T145	R20E	S18	NW	SW	SW
15F	unnamed	T145	R20E	S19	SW	SW	NW
30F	unnamed	T145	R19E	S24	SW	NW	NE
15F	Cabin Springs	T145	R19E	S24	NW	NW	SE
11F	unnamed	T145	R19E	S24	SW	SW	SW
26F	Ledge Rock Spr.	T145	R19E	S23	NW	SE	NW
11F	unnamed	T145	R19E	S22	SW	NW	NE
26F	unnamed	T145	R19E	S26	NW	SW	NW
15F	unnamed	T145	R19E	S25	NE	SE	NW
30F	unnamed	T145	R19E	S25	NW	SW	NE
30F	unnamed	T145	R19E	S36	SE	NW	NW
30F	Chicken Springs	T145	R19E	S34	NE	NE	NW
30F	Jarvis Spring	T145	R19E	S35	NE	SE	NE

Stricker Butte ^{12B} unnamed	T12S	R18E	S16	NW SW NE
⁶ unnamed	T12S	R18E	S16	SE NE SW
~~Malheur Butte~~	~~T11S~~	~~R20E~~	~~S35~~	~~SW SW SW~~
Buckhorn Canyon ^{12B} unnamed	T12S	R20E	S21	NW NE SE
^{12B} unnamed	T12S	R20E	S22	NW NE NW
^{27B} unnamed	T12S	R20E	S22	NE NW SW
^{12B} unnamed	T12S	R20E	S20	NE NW SW
^{12B} unnamed	T12S	R20E	S35	NW NW NW
^{12B} Buckhorn Spr.	T12S	R20E	S34	SE NW NE
^{12F} unnamed	T13S	R20E	S03	NW NE NE
^{12F} unnamed	T13S	R20E	S03	NE SE NE
^{27F} unnamed	T13S	R20E	S03	SE SE NE
^{27F} unnamed	T13S	R20E	S10	SW NE SW
^{27F} unnamed	T13S	R20E	S11	SE NW SW
^{27F} unnamed	T13S	R20E	S11	NE NE SW
^{12F} unnamed	T13S	R20E	S11	SE SE NE
^{30F} unnamed	T13S	R20E	S13	NE NW SW
^{15F} unnamed	T13S	R20E	S14	SE NE NE
^{15F} unnamed	T13S	R20E	S14	NW NW NE
^{12F} unnamed	T13S	R20E	S15	NE NE NW
^{15F} unnamed	T13S	R20E	S15	SE NW SE
^{30F} unnamed	T13S	R20E	S15	SE SW-SW
^{12F} unnamed	T13S	R20E	S16	NW NE NE
^{12F} unnamed	T13S	R20E	S16	SW NW NE
^{27F} unnamed	T13S	R20E	S16	SE SW NE
^{12F} unnamed	T13S	R20E	S16	SE SE SE

In Stream (no diversion)

Other	Rock Cr.	Dry Cr.	Little Cedar Cr.	Robber's Gulch Cr.
Total = 112 Springs				
-12896 1.	yellow (2)	Private - Dry Creek (no trough)		9 .
-12897 2.	green (12B)	BLM - Dry Creek (no trough)		11 .
-12898 3.	blue (27B)	BLM - Dry Creek (trough)		4 .
-12899 4.	pink (27F)	FS - Dry Creek (trough)		27 .
-12900 5.	purple (12F)	FS - Dry Creek (no trough)		23 .
-12901 6.	orange (26F)	FS - Rock Creek (trough)		10 .
-12902 7.	~~dark green (11F)~~	FS - Rock Creek (no trough)		4 .
-12903 8.	red box (15F)	FS - Cottonwood (no trough)		8 .
-12904 9.	blue box (30F)	FS - Cottonwood (trough)		8 .
-12905 10.	brown box (6)	State - Rock Creek (no trough)		2
				<u>106</u>

NOTE TO FILE

From: Vikie Hancock

11/4/02

Regarding: Joe Tugaw stockwater claims

In reviewing these rights for recommendation it was determined that some of the springs were identified and claimed in the wrong creek drainage. This required some splitting of claims, some shuffling of PODs and POU's between claims and, in the case of springs located in the Rock Creek drainage, a renumbering of claims to basin 47. The following summary will hopefully help explain the eventual grouping of the various springs.

45-12896: Recommended after deleting four springs which were tributary to Rock Creek (see **47-16846**).

45-12897: Spring in SWSW Section 15 was tributary to Rock Creek and recommended as **47-16847**. Springs tributary to Dry creek recommended as **45-13501** and springs tributary to Cottonwood Creek recommended as **45-13502**.

45-12898: Split into **45-13499** for springs tributary to Dry Creek and **45-13500** for springs tributary to Cottonwood Creek.

45-12899: Recommended after deleting "Lost Hat Spring"* which is tributary to Rock Creek (Lost Hat Spring included in 47-16844).
*there are two Lost Hat Springs in Section 34, T13S, R19E.

45-12900: Recommended after deleting "East Line Spring" which is trib to Rock Creek. (East Line Spring included in 47-16845).

45-12901: Recommended as **47-16844** (Rock Creek Drainage)

45-12902: Recommended as **47-16845** (Rock Creek Drainage)

45-12903: Recommended as claimed

45-12904: Recommended as claimed

45-12905: Recommended as **47-16848** (Rock Creek Drainage)