

RECEIVED

OCT 18 2004

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

A. Subcase: _45-12899 _

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America, Acting through the USDA Forest Service

Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724

Daytime Phone: (208) 331-5943

Name and Address of Attorney, if any:

David L. Negri
550 West Fort Street
MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN THE DIRECTOR'S REPORT

Name: Joseph E Tugaw

Address: 3277 Woodridge Dr
Twin Falls, ID 83301

D. I object to the following elements as recommended in the Director's Report.
(Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☒ **Quantity**
Should be: See E Below
4. ☒ **Priority Date**
Should be: See E Below
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☐ **Places of Use**
Should be:

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

The United States objects to this water right recommendation in order to implement the terms and conditions of the Stockwater Stipulation and Joint Motion for Order Approving Stipulation signed by Joe Tugaw and filed on August 29, 2002.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

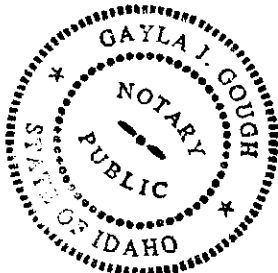
Michael Collette , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Michael Collette
(Signature of person filing objections)

David Nays
(Attorney signing in representative capacity)

Subscribed and sworn before me on: October 15, 2004



Gayla J. Gough
Gayla J. Gough

Notary Public for: Idaho
Residing at: Kuna, Idaho
Commission Expires: 11/17/2004

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 10-15-04, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Joseph E Tugaw

Address: 3277 Woodridge Dr
Twin Falls, ID 83301

Objection served upon counsel
for Claimant(s)

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

Travis L. Thompson
Barker Rosholt & Simpson LLP
113 Main Ave. W. Suite 303
Twin Falls, ID 83301

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

03/18/2004

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

RIGHT NUMBER: 45-12899

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

SOURCE: BASIN PATCH SPRING
BRIGGS SPRING
COAL PIT SPRING
COYOTE SPRING
SPRINGS
UPPER COAL PIT SPRING

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

SCANNED
OCT 18 2004

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 06/11/1905

POINT OF DIVERSION:

T13S R19E S1 SWSWNW Within CASSIA County
T13S R19E S2 SWNEE Within CASSIA County
T13S R19E S2 NESWNW Within CASSIA County
T13S R19E S3 SWSWNW Within CASSIA County
T13S R19E S12 SWNWSW Within CASSIA County
T13S R19E S13 NWNWNW Within CASSIA County
T13S R19E S25 NWNENE Within CASSIA County
T13S R19E S25 NENWNW Within CASSIA County
T13S R19E S25 SESENE Within CASSIA County
T13S R19E S26 SENWNE Within CASSIA County
T13S R19E S36 SESENE Within CASSIA County
T13S R20E S3 SESENE Within CASSIA County
T13S R20E S7 SENWSW Within CASSIA County
T13S R20E S10 SWNESW Within CASSIA County
T13S R20E S11 NENESW Within CASSIA County
T13S R20E S11 SENWSW Within CASSIA County
T13S R20E S16 SESWNE Within CASSIA County
T13S R20E S19 NENWNW Within CASSIA County
T13S R20E S29 NESENE Within CASSIA County
T13S R20E S29 NENESW Within CASSIA County
T13S R20E S30 NESWNW Within CASSIA County
T13S R20E S31 SWNESE Within CASSIA County
T13S R20E S32 SWNENW Within CASSIA County
T14S R19E S1 SENWNW Within CASSIA County
T14S R19E S1 SWSENW Within CASSIA County
T14S R20E S6 SWSENW 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

T13S R19E S01	SWNW	T13S R19E S02	NENE
T13S R19E S02	SWNW	T13S R19E S03	SWNW

Water Right 45-12899

03/18/2004

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

T13S R19E S12	NWSW	T13S R19E S13	NWNW
T13S R19E S25	NENE	T13S R19E S25	NWNW
T13S R19E S25	SENW	T13S R19E S26	NWNE
T13S R19E S36	SENE	T13S R20E S03	SENE
T13S R20E S07	NWSW	T13S R20E S10	NESW
T13S R20E S11	NESW	T13S R20E S11	NWSW
T13S R20E S16	SWNE	T13S R20E S19	NWNW
T13S R20E S29	SWNW	T13S R20E S29	NESW
T13S R20E S30	SWNW	T13S R20E S31	NESE
T13S R20E S32	NENW	T14S R19E S01	NWNW
T14S R19E S01	SENW	T14S R20E S06	SENW

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

CIVIL CASE NUMBER: 39576

Date Received: 7/26/1999

Receipt No: 5022417

Received By:

1. Name: JOSEPH E TUGAW
Address: 3277 WOODRIDGE DR
TWIN FALLS ID

83301

2. Date of Priority: JUN 1, 1872

[illegible]

Delivered to
11th Sep
13519E534
SWPFE
Sec 47-16844
ALL ON
USFS
therefore
priority
6-11-1905

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	19E	1	SW ✓	SW	NW ✓	U. RAMP#0000	CASSIA
		2	SW ✓	NE	NE	PRC#0000	CASSIA
			NE ✓	SW	NW	L. RAMP#0000	CASSIA
		3	SW ✓	SW	NW	PRC	CASSIA
		12	SW ✓	NW	SW	U. RAMP#0000	CASSIA
		13	NW ✓	NW	NW	PRC	CASSIA
		25	NW ✓	NE	NE	BURDEN	CASSIA
			NE ✓	NW	NW	CORRAL	CASSIA
			SE ✓	SE	NW	CORRAL	CASSIA
		26	SW ✓	NW	NE	INDIAN	CASSIA
Trib to Rock Creek			SW ✓	NE	NE	LOST HAT	CASSIA
			SE ✓	SE	NE	HORSE COUNTRY	CASSIA
	20E	3	SE ✓	SE	NE		CASSIA
		7	SE ✓	NW	SW	FRS#0000	CASSIA
		10	SW ✓	NE	SW		CASSIA
		11	NE ✓	NE	SW		CASSIA
			SE ✓	NW	SW		CASSIA
		16	SE ✓	SW	NE		CASSIA
		19	NE ✓	NW	NW	CORRAL	CASSIA
		29	NE ✓	SW ✓	NW	PRC	CASSIA
			NE ✓	NE	SW	PRC	CASSIA
		30	NE ✓	SW	NW	PRC	CASSIA
		31	SW ✓	NE	SE	PRC	CASSIA
		32	SW ✓	NE	NW	PRC	CASSIA
14S	19E	1	SE ✓	NW	NW	PRC	CASSIA
			SW ✓	SE	NW	PRC	CASSIA
	20E	6	SW ✓	SE	NW	PRC	CASSIA

5. Description of diverting works:
TROUGH

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
13S	19E	1	SW		NW		STOCK	
		2	NE		NE		STOCK	
			SW		NW		STOCK	
		3	SW		NW		STOCK	
		12	NW		SW		STOCK	
		13	NW		NW		STOCK	
		25	NE		NE		STOCK	
			NW		NW		STOCK	
			SE		NW		STOCK	
		26	NW		NE		STOCK	
		34	NE		NE		STOCK	
		36	SE		NE		STOCK	
	20E	3	SE		NE		STOCK	
		7	NW		SW		STOCK	
		10	NE		SW		STOCK	
		11	NE		SW		STOCK	
			NW		SW		STOCK	
		16	SW		NE		STOCK	
		19	NW		NW		STOCK	
		29	SW		NW		STOCK	
			NE		SW		STOCK	
		30	SW		NW		STOCK	
		31	NE		SE		STOCK	
		32	NE		NW		STOCK	
14S	19E	1	NW		NW		STOCK	
			SE		NW		STOCK	
	20E	6	SE		NW		STOCK	

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

14. Remarks:

SPRINGS ARE LOCATED ON USFS LAND WITH DEVELOPED SYSTEMS (TROUGHS), TRIBUTARY TO THE DRY CREEK DRAINAGE, AND LEASED UNDER A GRAZING PERMIT BY CLAIMANT.

SOURCE OF SPRING IN T13S, R19E, S1 SWSWNW IS KNOWN LOCALLY AS UPPER PORCUPINE SPRING.

SOURCE OF SPRING IN T13S, R19E, S2 NESWNW IS KNOWN LOCALLY AS LOWER RAMSHORN SPRING.

SOURCE OF SPRING IN T13S, R19E, S3 SWSWNW IS KNOWN LOCALLY AS ART SPRING.

SOURCE OF SPRING IN T13S, R19E, S12 SWNWSW IS KNOWN LOCALLY AS UPPER RAMSHORN SPRING.

14. Remarks: Continued

SOURCE OF SPRING IN T13S, R19E, S13 NWNWNW IS KNOWN LOCALLY AS BAILY SPRING.

SOURCE OF SPRING IN T13S, R19E, S25 NWNENE IS KNOWN LOCALLY AS BUDHA SPRING.

SOURCE OF SPRING IN T13S, R19E, S25 NENWNW IS KNOWN LOCALLY AS CORRAL SPRING.

SOURCE OF SPRING IN T13S, R19E, S25 SESENW IS KNOWN LOCALLY AS COLD CREEK SPRING.

SOURCE OF SPRING IN T13S, R19E, S34 SWNESE IS KNOWN LOCALLY AS LOST HAT SPRING.

SOURCE OF SPRING IN T13S, R19E, S36 SESENE IS KNOWN LOCALLY AS HORSE HOLLOW SPRING.

SOURCE OF SPRING IN T13S, R20E, S7 SENWSW IS KNOWN LOCALLY AS EAST FORK SPRING.

SOURCE OF SPRING IN T13S, R20E, S29 NENESW IS KNOWN LOCALLY AS HUCK SPRING.

SOURCE OF SPRING IN T13S, R20E, S30 NESWNW IS KNOWN LOCALLY AS HILLSIDE SPRING.

SOURCE OF SPRING IN T13S, R20E, S31 SWNESE IS KNOWN LOCALLY AS ASPEN 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):  Date: 5-2-98
Date:

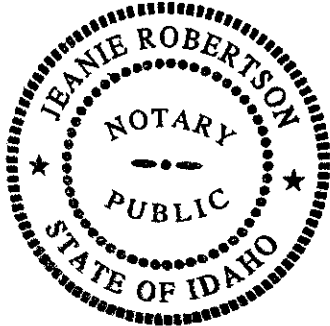
State of Idaho

County of Twin Falls) SS.

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

Jeanie Robertson
Notary Public

Seal



Residing at Twin Falls Id.

My Commission Expires 9-23-2000

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

9022417

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

CHECK

08621

\$

250.00

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:

Jeanie Robertson