

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: _45-12903_
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

SF.1 Objection

Subcase: _45-12903_

Page 1

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)

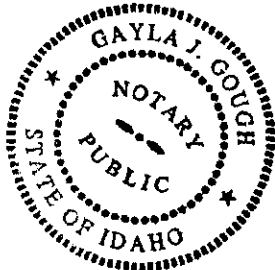
Michael Collette , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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)

Daniel Nagi
(Attorney signing in representative capacity)

Subscribed and sworn before me on: October 15, 2004



G. 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)

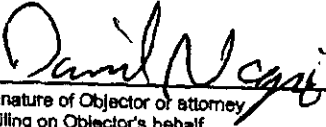
3. Copies to:

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

SCANNED

OCT 18 2004

03/18/2004

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

RIGHT NUMBER: 45-12903

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

SOURCE: CABIN SPRINGS
COYOTE SPRING
POCKET SPRING
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: 06/11/1905

POINT OF DIVERSION:

T13S R20E S14 SENENE Within CASSIA County
T13S R20E S14 NWNWNE Within CASSIA County
T13S R20E S15 SENWSE Within CASSIA County
T14S R19E S13 NENENW Within CASSIA County
T14S R19E S24 NWNWSE Within CASSIA County
T14S R19E S25 NESENW Within CASSIA County
T14S R20E S18 SENWSW Within CASSIA County
T14S R20E S19 SWSWNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE: STOCKWATER Within CASSIA County

T13S R20E S14	NENE	T13S R20E S14	NWNE
T13S R20E S15	NWSE	T14S R19E S13	NENW
T14S R19E S24	NWSE	T14S R19E S25	SENW
T14S R20E S18	NWSW	T14S R20E S19	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

COPY

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: A45-12903
Date Received: 7/28/1999
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

208-734-7511

83301

2. Date of Priority: JUN 1, 1872

3. Source: POCKET SPRING
COYOTE SPRING
SPRING
CABIN SPRINGS
SPRING
SPRING
SPRING
SPRING

Trib. to: SINKS
SINKS
SINKS
SINKS
SINKS
SINKS
SINKS
SINKS

*ALL USFS land
priority date
6-11-1905*

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	20E	14	SE ✓	NE	NE ✓		CASSIA
			NW ✓	NW	NE ✓		CASSIA
		15	SE ✓	NW	SE ✓		CASSIA
14S	19E	13	NE ✓	NE	NW <i>Pocket</i>		CASSIA
		24	NW ✓	NW	SE <i>CASSIA</i>		CASSIA
		25	NE ✓	SE	NW ✓		CASSIA
	20E	18	SE ✓	NW	SW <i>WATER</i>		CASSIA
		19	SW	SW	NW		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
13S	20E	14	NE	NE		STOCK	
			NW	NE		STOCK	
		15	NW	SE		STOCK	
14S	19E	13	NE	NW		STOCK	
		24	NW	SE		STOCK	
		25	SE	NW		STOCK	
	20E	18	NW	SW		STOCK	
		19	SW	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 NO DEVELOPED SYSTEMS,
TRIBUTARY TO THE COTTONWOOD DRAINAGE, AND LEASED UNDER A GRAZING
PERMIT BY CLAIMANT.

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:

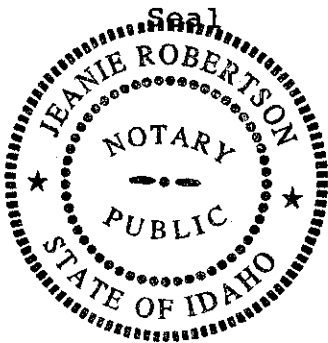
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Joseph P. [Signature] 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

[Signature]
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

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