

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: _45-12900 _

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.

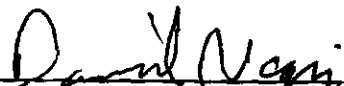
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

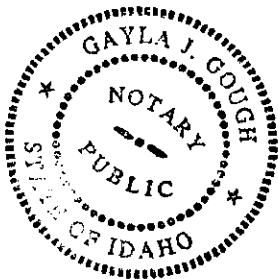
Michael Collette , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.


(Signature of person filing objections)


(Attorney signing in representative capacity)

Subscribed and sworn before me on: October 15, 2004




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)

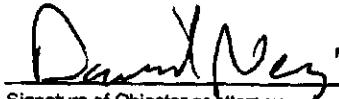
3. Copies to:

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: 45-12900

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

SOURCE: SPRINGS

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 R19E S3 SESWSW Within CASSIA County
 T13S R19E S10 SENENW Within CASSIA County
 T13S R19E S10 SENESW Within CASSIA County
 T13S R19E S11 SWSWSW Within CASSIA County
 T13S R19E S13 SWNESE Within CASSIA County
 T13S R19E S15 NESWNE Within CASSIA County
 T13S R19E S23 SESENE Within CASSIA County
 T13S R19E S24 SESWSW Within CASSIA County
 T13S R19E S25 SENENE Within CASSIA County
 T13S R19E S26 SESENE Within CASSIA County
 T13S R19E S36 SWNENW Within CASSIA County
 T13S R20E S3 NWNENE Within CASSIA County
 T13S R20E S3 NESENE Within CASSIA County
 T13S R20E S11 SESENE Within CASSIA County
 T13S R20E S15 NENENW Within CASSIA County
 T13S R20E S16 NWNENE Within CASSIA County
 T13S R20E S16 SWNENE Within CASSIA County
 T13S R20E S16 SESESE Within CASSIA County
 T13S R20E S17 SWNWNW Within CASSIA County
 T13S R20E S19 NWSESW Within CASSIA County
 T13S R20E S32 NWSWNW Within CASSIA County
 T14S R20E S6 SENWNE 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 S03	SWSW	T13S R19E S10	NENW
T13S R19E S10	NESW	T13S R19E S11	SWSW
T13S R19E S13	NESE	T13S R19E S15	SWNE
T13S R19E S23	SENE	T13S R19E S24	SWSW
T13S R19E S25	NENE	T13S R19E S26	SENE
T13S R19E S36	NENW	T13S R20E S03	NENE
T13S R20E S03	SENE	T13S R20E S11	SENE
T13S R20E S15	NENW	T13S R20E S16	NENE
T13S R20E S16	NWNE	T13S R20E S16	SESE

03/18/2004

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

T13S R20E S17	NWNW	T13S R20E S19	SESW
T13S R20E S32	SWNW	T14S R20E S06	NWNE

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: **A45-12900**
Date Received: 7/27/1999
Receipt No: 5022417
Received By: X

**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: SPRING
SPRING
SPRING
SPRING
SPRING
SPRING
SPRING
SPRING
SPRING
SPRING
SPRING
SPRING
SPRING
SPRING
SPRING
EAST LINE SPRING
SPRING
SPRING
SPRING
SPRING
SPRING
SPRING
SPRING
SPRING

[illegible]

Deleford East line
Spring
135 170 50.
30 20 10

47-16845

ALL USFS
Therefore
Priority date
6-11-05

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	19E	3	SE	SW	SW		CASSIA
		10	SE	NE	NW		CASSIA
			SE	NE	SW		CASSIA

4. Point of Diversion: Continued

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	19E	11	SW ✓	SW	SW	SW	CASSIA
		13	SW ✓	NE	SE	SE	CASSIA
		15	NE ✓	SW	NE	NE	CASSIA
		23	SE ✓	SE	NW	NW	CASSIA
		24	SE ✓	SW	SW	SW	CASSIA
		25	SE ✓	NE	NE	NE	CASSIA
		26	SE ✓	SE	NW	NW	CASSIA
		33	SE ✓	SW	NE	NE	CASSIA
		36	SW ✓	NE	NW	NW	CASSIA
	20E	3	NW ✓	NE	NE	NE	CASSIA
			NE ✓	SE	NE	NE	CASSIA
		11	SE ✓	SE	NE	NE	CASSIA
		15	NE ✓	NE	NW	NW	CASSIA
		16	NW ✓	NE	NE	NE	CASSIA
			SW ✓	NW	NE	NE	CASSIA
			SE ✓	SE	SE	SE	CASSIA
		17	SW ✓	NW	NW	NW	CASSIA
		19	NE ✓	SE	SW	SW	CASSIA
		32	NW ✓	SW	NW	NW	CASSIA
14S	20E	6	SE ✓	NW	NE	NE	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 of	Lot	Use	Acres
13S	19E	3	SW	SW		STOCK	
		10	NE	NW		STOCK	
			NE	SW		STOCK	
		11	SW	SW		STOCK	
		13	NE	SE		STOCK	
		15	SW	NE		STOCK	
		23	SE	NW		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	19E	24	SW	SW		STOCK	
		25	NE	NE		STOCK	
		26	SE	NW		STOCK	
		33	SW	NE		STOCK	
		36	NE	NW		STOCK	
	20E	3	NE	NE		STOCK	
			SE	NE		STOCK	
		11	SE	NE		STOCK	
		15	NE	NW		STOCK	
		16	NE	NE		STOCK	
			NW	NE		STOCK	
			SE	SE		STOCK	
		17	NW	NW		STOCK	
		19	SE	SW		STOCK	
		32	SW	NW		STOCK	
14S	20E	6	NW	NE		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 DRY CREEK DRAINAGE, AND LEASED UNDER A GRAZING PERMIT BY CLAIMANT.

SOURCE OF SPRING IN T13S, R19E S3 SESWSW IS KNOWN LOCALLY AS RAY SPRING.

SOURCE OF SPRING IN T13S, R19E, S10 SENENW IS KNOWN LOCALLY AS LONG RIDGE POND SPRING.

SOURCE OF SPRING IN T13S, R19E, S10 SENESW IS KNOWN LOCALLY AS ROD POND SPRING.

SOURCE OF SPRING IN T13S, R19E, S11 SWSWSW IS KNOWN LOCALLY AS CAREY SPRING.

SOURCE OF SPRING IN T13S, R19E, S13 SWNESE IS KNOWN LOCALLY AS LOWER COYOTE SPRING.

SOURCE OF SPRING IN T13S, R19E, S15 NESWNE IS KNOWN LOCALLY AS WEST FORK SPRING.

SOURCE OF SPRING IN T13S, R19E, S23 SESENEW IS KNOWN LOCALLY AS UPPER LONG RIDGE SPRING.

SOURCE OF SPRING IN T13S, R19E, S24 SESWSW IS KNOWN LOCALLY AS CAT POND SPRING.

SOURCE OF SPRING IN T13S, R19E, S25 SENENE IS KNOWN LOCALLY AS JADE POND SPRING.

SOURCE OF SPRING IN T13S, R19E, S26 SESENEW IS KNOWN LOCALLY AS

14. Remarks: Continued

HEAD OF WEST FORK SPRING.

SOURCE OF SPRING IN T13S, R19E, S36 SWNENW IS KNOWN LOCALLY AS COLD CREEK POND SPRING.

SOURCE OF SPRING IN T13S, R20E, S17 SWNWNW IS KNOWN LOCALLY AS BRANDON SPRING.

SOURCE OF SPRING IN T13S, R20E, S19 NESESW IS KNOWN LOCALLY AS UPPER COYOTE POND SPRING.

SOURCE OF SPRING IN T13S, R20E, S32 NWSWNW IS KNOWN LOCALLY AS HEAD OF EAST FORK 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:

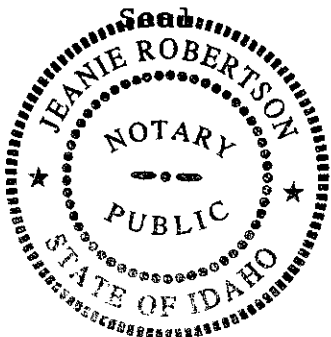
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: 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

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