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DEPARTMENT OF
WATER RESOURCES

2007 MAR 21 AM 10:17

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

) Subcase 45-487A

) (Tugaw Ranch)

Case No. 39576

)

) SPECIAL MASTER REPORT

Findings of Fact

On December 21, 2005, the Presiding Judge of the SRBA entered an *Order Granting Motion to File Late Notice of Claim* in subcase 45-487A filed by Tugaw Ranch, c/o Joe Tugaw, 3277 Woodridge Drive, Twin Falls, Idaho, 83301.

The Director of the Idaho Department of Water Resources filed his *Part 1 Director's Report for Late Claims* on May 4, 2004. The Director recommended the claim be disallowed: "No lawful appropriation shown." Tugaw Ranch filed an *Objection* on July 18, 2006, objecting to the claim not being recommended as claimed.

On March 14, 2007, Tugaw Ranch, with IDWR's concurrence, filed a *Standard Form 5* agreeing to a water right for .56 cfs from Dry Creek to irrigate 402.8 acres in Cassia County from March 15 to November 15 with a priority date of March 1, 1879, based on a decree.

Conclusions of Law

Tugaw Ranch is entitled to a partial decree as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 45-487A*.

DATED March 21, 2007.



TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 45-00487A

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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NAME AND ADDRESS: TUGAW RANCH
C/O JOE TUGAW
3277 WOODRIDGE DR
TWIN FALLS, ID 83301

SOURCE: DRY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.56 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 8.05 CFS. COMBINED RIGHT NOS.: 45-487A,
45-487B, 45-491, 45-492, 45-493, 45-495, 45-496B, 45-2449,
45-2486, 45-13622.

PRIORITY DATE: 03/01/1879

POINT OF DIVERSION: T12S R19E S24 NWNW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.56 CFS

PLACE OF USE:	Irrigation	Within Cassia County
	T12S R19E S01 LOT 2 (NWNE) 34.0	SWNE 38.0
	LOT 3 (NENW) 38.0	SENW 38.0
	NESW 38.0	SESW 36.0
	NWSE 24.0	SWSE 6.5
	S12 NWNE 5.2	SWNE 6.1
	NENW 36.0	SENW 34.0
	NESW 38.0	SESW 31.0
	402.8 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 201 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NOS. 45-487B, 45-13622 IS LIMITED
TO THE IRRIGATION OF COMBINED TOTAL OF 201 ACRES IN A SINGLE
IRRIGATION SEASON.

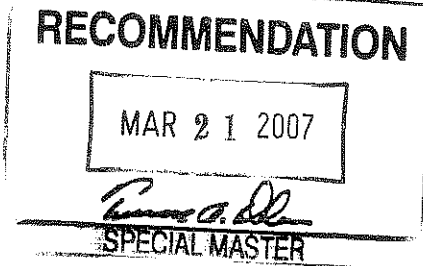
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 402.8 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-487A, 45-487B, 45-491, 45-492, 45-493,
45-495, 45-496B, 45-2449, 45-2486, 45-13622

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 45-00487A

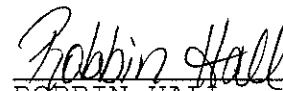
CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on March 21, 2007, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

TUGAW RANCH

Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
TWIN FALLS, ID 83301-6167
Phone: 208-733-0700



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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03/21/07

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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In Re SRBA) NOTICE OF ISSUANCE OF
)
) SPECIAL MASTER'S
Case No. 39576) RECOMMENDATION
)
)
) Water Right(s): 45-00487A

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03/21/07