

RECEIVED  
MAY 18 2007  
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     | ) | Subcase No. 45-12899             |
|                | ) |                                  |
| Case No. 39576 | ) | Standard Form 5                  |
|                | ) |                                  |
|                | ) | AMENDED CLAIM                    |
|                | ) | FOR DOMESTIC & STOCKWATER RIGHTS |
|                | ) |                                  |

This form is used to report the stipulated elements of one "domestic and/or stockwater" right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

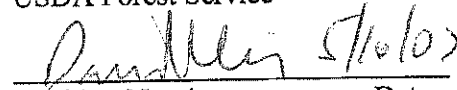
The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

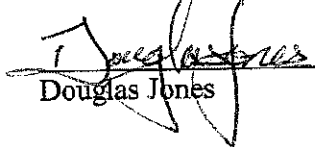
**CLAIMANT:**  
Joseph E Tugaw

 4/20/07  
Travis L. Thompson Date  
Attorney for Joseph E. Tugaw

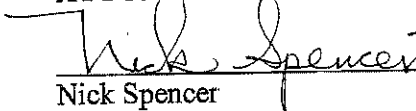
**OBJECTOR:**  
United States on behalf of the  
USDA Forest Service

 5/10/07  
David L. Negri Date  
Attorney for the United States

**IDWR CONCURRENCE:**

 4/30/07  
Douglas Jones Date

**ATTORNEY FOR IDWR:**

 5-4-07  
Nick Spencer Date

08/31/2006

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 45-12899  
Name and Address: JOSEPH E IUGAW  
3277 WOODRIDGE DR  
TWIN FALLS, ID 83301

Source: BASIN PATCH SPRING Tributary: SINKS  
COYOTE SPRING Tributary: SINKS  
SPRINGS Tributary: SINKS  
BRIGGS SPRING Tributary: SINKS  
COAL PIT SPRING Tributary: SINKS  
UPPER COAL PIT SPRING Tributary: SINKS

Quantity: 02 CFS

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

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH 45-12110, 45-12119, 45-12246, 45-12280,  
45-12283, 45-12284, 45-12287, 45-12292, 45-12293, 45-12294, 45-12296 AND 45-12858 AND  
IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND A TOTAL COMBINED  
QUANTITY OF 13,000 GALLONS PER DAY.

Priority Date: 06-11-1905  
04-30-1880

|                  |               |                                        |
|------------------|---------------|----------------------------------------|
| Diversion Point: | T13S R19E S01 | SWSWNW Within Cassia County            |
|                  | S02           | SWNENE Within Cassia County            |
|                  |               | NESWNW Within Cassia County            |
|                  | S03           | SWSWNW Within Cassia County            |
|                  | S12           | SWNWSW Within Cassia County            |
|                  | S13           | NWNWNW Within Cassia County            |
|                  | S25           | NWNENE Within Cassia County            |
|                  |               | NENWNW Within Cassia County            |
|                  |               | SESENW Within Cassia County            |
|                  | S26           | SENWNE Within Cassia County            |
|                  | S36           | SESENE Within Cassia County            |
|                  | R20E S03      | SESENE Within Cassia County            |
|                  | S07           | SENWSW Within Cassia County            |
|                  | S10           | SWNESW Within Cassia County            |
|                  | S11           | NENESW Within Cassia County            |
|                  |               | SENWSW Within Cassia County            |
|                  | S16           | SESWNE Within Cassia County            |
|                  | S19           | NENWNW Within Cassia County            |
|                  | S29           | <del>NESWNW Within Cassia County</del> |
|                  |               | NESWNW Within Cassia County            |
|                  |               | NENESW Within Cassia County            |
|                  | S30           | NESWNW Within Cassia County            |
|                  | S31           | SWNESE Within Cassia County            |
|                  | S32           | SWNENW Within Cassia County            |
|                  | T14S R19E S01 | SENWNW Within Cassia County            |
|                  |               | SWSSENW Within Cassia County           |
|                  | R20E S06      | SWSSENW Within Cassia County           |

237  
NBS  
ON

| Purpose and<br>Period of Use: | Purpose of Use | Period of Use  | Quantity |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 04-01 TO 11-01 | .02 CFS  |
|                               |                | 05-01 TO 10-31 |          |

|               |               |                      |
|---------------|---------------|----------------------|
| Place of Use: | Stockwater    | Within Cassia County |
|               | T13S R19E S01 | SWNW                 |
|               | S02           | NENE                 |
|               | S03           | SWNW                 |
|               | S12           | NWSW                 |

08/31/2006

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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

333  
NBS  
DN

Other Provisions Necessary for Definition / Administration of this Water Right:

THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE  
TERMS AND CONDITIONS OF THE STIPULATION AND JOINT MOTION FOR ORDER APPROVING  
STIPULATION ENTERED INTO ON AUGUST 29, 2002 BETWEEN THE UNITED STATES OF AMERICA AND  
JOE TUGAW FILED IN THE OFFICE OF THE CASSIA COUNTY RECORDER AND RECORDED ON JUNE 6,  
2003 AS INSTRUMENT NO: 289179.

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: Basis of Claim - Beneficial Use

## CERTIFICATE OF MAILING

I certify that on May 17, 2007, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

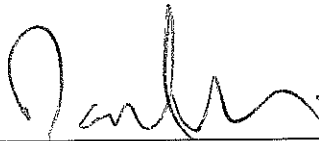
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, ID 83303-2707

2. Copies to:

Joseph E. Tugaw  
C/O Travis Thompson  
Barker, Rosholt & Simpson  
P.O. Box 485  
Twin Falls, ID 83303-0485

IDWR Document Depository  
P.O. Box 83720  
Boise, ID 83720-0098

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



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Signature of person mailing documents