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DEPARTMENT OF
WATER RESOURCES

2007 JUL 11 PM 2:54

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) Subcases 45-4213, 45-12899, 45-12900,
Case No. 39576) 45-12903 and 45-12904
) (Tugaw)
)
_____) SPECIAL MASTER REPORT

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other, Reporting Area 10, IDWR Basin 45* on September 7, 2004. The Director recommended the above five claims to Joseph E. Tugaw, 3277 Woodridge Drive, Twin Falls, Idaho, 83301, for .02 cfs or .04 cfs from various springs for year-'round domestic and stockwater uses or stockwater use from April 1 to November 1 in Cassia County with priority dates of January 1, 1900, or June 11, 1905, based on beneficial use.

The United States of America, Department of Agriculture, Forest Service filed *Objections* on October 18, 2004, and January 7, 2005, objecting to quantity, priority date, points of diversion, places of use and alleging the water rights should not exist. Mr. Tugaw filed an *Objection* on December 29, 2004, objecting to quantity and priority date.

On May 18, 2007, Mr. Tugaw and the United States, with IDWR's concurrence, filed *Amended Claim Standard Forms 5* changing the quantity, points of diversion, periods of use and places of use. In subcases 45-12899, 45-12900, 45-12903 and 45-12904, the parties also agreed to add the following remark:

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.

Conclusions of Law

Mr. Tugaw is entitled to partial decrees adjudicating water rights as described in the *Amended Claim SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 45-4213, 45-12899, 45-12900, 45-12903 and 45-12904*.

DATED July 11, 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 45-04213

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: SPRING TRIBUTARY: EAST FORK DRY CREEK

QUANTITY: 0.02 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 01/01/1900

POINT OF DIVERSION: T13S R19E S36 NESE Within Cassia County
T14S R20E S06 LOT 5 (SWSWNW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS
	Domestic	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Cassia County
	T13S R19E S36 NESE	
	T14S R20E S06 LOT 5 (SNNW)	
	Domestic	Within Cassia County
	T14S R20E S06 LOT 5 (SNNW)	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a
determination of historical beneficial use.

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.

RECOMMENDATION

JUL 11 2007

John M. Melanson
Presiding Judge of the
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 45-12899

2007 JUL 11 PM 2:54
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: JOSEPH E TUGAW
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: 0.02 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: 04/30/1880

POINT OF DIVERSION: T13S R19E S01 SWSWNW Within Cassia County
S02 SWNE
NESWNW
S03 SWSWNW
S12 SWNWSW
S13 NWNWNW
S25 NWNENE
NENWNW
SESENW
S26 SENWNE
S36 SESENE
R20E S03 SESENE
S07 SENWSW
S10 SWNESW
S11 NENESW
SENWSW
S16 SESWNE
S19 NENWNW
S29 NESWNW
NENESW
S30 NESWNW
S31 SWNESE
S32 SWNENW
T14S R19E S01 SENWNW
SWSENW
R20E S06 SWSENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 10-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Cassia County
	T13S R19E S01 SWNW	
	S02 NENE	SWNW
	S03 SWNW	

PLACE OF USE (continued)

	S12	NWSW	
	S13	NWNW	
	S25	NENE	NWNW
		SENW	
	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	SENW
R20E	S06	SENW	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. 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.

RECOMMENDATION

JUL 11 2007

John M. Melanson
Presiding Judge of the
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 45-12900

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: SPRINGS TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

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

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH 45-12069, 45-12178
45-12179, 45-12226, 45-12297, 45-12298 AND 45-12300, 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: 04/30/1880

POINT OF DIVERSION: T13S R19E S03 SESWSW Within Cassia County
S10 SENENW
SENESW
S11 SWSWSW
S13 SWNESE
S15 NESWNE
S23 SESENW
S24 SESWSW
S25 SENENE
S26 SESENW
S36 SWNENW
R20E S03 NWNENE
NESENE
S11 SESENE
S15 NENENW
S16 NWNENE
SWNWE
S17 SWNWNW
S19 NWSWSW
S32 NWSWNW
T14S R20E S06 SENWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 10-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Cassia County
	T13S R19E S03 SWSW	
	S10 NENW	NESW
	S11 SWSW	
	S13 NESE	
	S15 SWNE	
	S23 SENW	
	S24 SWSW	
	S25 NENE	
	S26 SENW	
	S36 NENW	
	R20E S03 NENE	SENE
	S11 SENE	
	S15 NENW	
	S16 NENE	NWNE

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

S17	NWNW
S19	SESW
S32	SWNW
T14S R20E S06	NWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

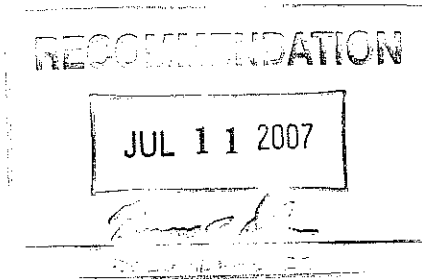
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. 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

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 45-12903

2007 JUL 11 PM 2:54
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: COYOTE SPRING TRIBUTARY: SINKS
POCKET SPRING TRIBUTARY: SINKS
SPRINGS TRIBUTARY: SINKS
CABIN SPRINGS TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

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

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH 45-12218, 45-12263
45-12274, 45-12862 AND 45-12868 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: 04/30/1875

POINT OF DIVERSION: T13S R20E S14 SENENE Within Cassia County
NWNWNE
S15 SENWSE
S16 SESESE
T14S R19E S13 NENENW
S24 NWNWSE
S25 NESENW
R20E S18 SENWSW
S19 SWSWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 10-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Cassia County
	T13S R20E S14	NENE
	S15	NWSE
	S16	SESE
	T14S R19E S13	NENW
	S24	NWSE
	S25	SENE
	R20E S18	NWSW
	S19	SWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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.

RECOMMENDATION

JUL 11 2007

John M. Melanson
Presiding Judge of the
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 45-12904

2007 JUL 11 PM 2:54

INSTRUMENT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: JARVIS SPRING TRIBUTARY: SINKS
SPRINGS TRIBUTARY: SINKS
CHICKEN SPRINGS TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

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

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH 45-12232, 45-12237
45-12243, 45-12256, 45-12275, 45-12854 AND 45-12859 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: 04/30/1875

POINT OF DIVERSION: T13S R20E S13 NENWSW Within Cassia County
S15 SESWSW
T14S R19E S24 SWNWNE
S25 NWSWNE
S35 NESENE
S36 NENENW
SENWNW
R20E S18 NWSWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 10-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Cassia County
	T13S R20E S13 NWSW	
	S15 SWSW	
	T14S R19E S24 NWNE	
	S25 SWNE	
	S35 SENE	
	S36 NENW	NWNW
	R20E S18 SWSW	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. 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.

RECORDED

JUL 11 2007

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

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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

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 45-04213
45-12899 45-12900 45-12903
45-12904

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 July 11, 2007, with sufficient first-class postage prepaid to the following:

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

USDA FOREST SERVICE
Represented by:
DAVID NEGRI
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

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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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

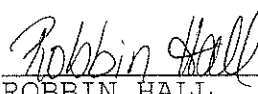
Water Right(s): 45-04213
45-12899 45-12900 45-12903
45-12904

On July 11, 2007, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED July 11, 2007.



ROBBIN HALL
Deputy Clerk