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DEC 01 2009
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. 47-16845
	)	
Case No. 39576	)	Standard Form 5
	)	
	)	STIPULATED ELEMENTS
	)	OF A WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. 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.

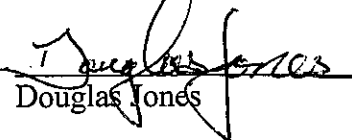
CLAIMANT:
Joseph E. Tugaw


Travis L. Thompson 11/23/09
Attorney for Joseph E. Tugaw Date

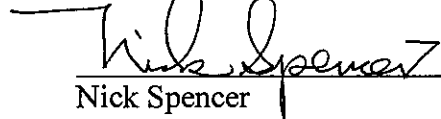
OBJECTOR:
United States on behalf of the
USDA Forest Service


David L. Negri 11/23/09
Attorney for the United States Date

IDWR CONCURRENCE:


Douglas Jones 11/23/09
Date

ATTORNEY FOR IDWR:


Nick Spencer 11-23-09
Date

CERTIFICATE OF MAILING

I certify that on November 23, 2009, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

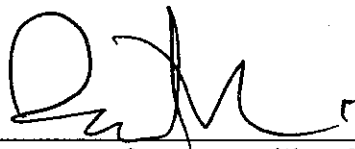
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

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



Signature of person mailing documents

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

Right Number: 47-16845

Name and Address: JOSEPH E TUGAW
3277 WOODRIDGE DR
TWIN FALLS, ID 83301

Source: ~~LOST HAT SPRING~~ Tributary: SINKS
SPRINGS Tributary: SINKS
BED SPRING Tributary: SINKS
EAST LINE SPRING Tributary: SINKS

Quantity: .02 CFS

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH 47-15016 AND 47-16712 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND A TOTAL COMBINED QUANTITY OF 13,000 GALLONS PER DAY.

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

Priority Date: ~~06-01-1872~~
04-30-1875

[Handwritten signature] 707
[Handwritten initials] PN
NBS

Diversion Point: T13S R19E S33 ~~SESNNW Within Cassia County~~
SESNE Within Cassia County
S34 SWNESE Within Cassia County
SWNWSE Within Cassia County
T14S R19E S22 SWNWNE Within Cassia County
S24 SWSWSW Within Cassia County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
Stockwater		~~04-01 TO 11-01~~	.02 CFS
		<u>05-01 TO 11-01</u>	

Place of Use: Stockwater Within Cassia County
T13S R19E S33 SWNE
S34 NESE SWSE
T14S R19E S22 NWNE
S24 SWSW

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

THIS RIGHT HAS BEEN RENUMBERED FROM FORMER RIGHT 45-12902.

700
R NBS