

DISTRICT COURT - SRBA
 Fifth Judicial District
 County of Twin Falls - State of Idaho

SEP - 9 2010

 By _____ Clerk

**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	))))))	Subcase No. <u>45-13499</u> 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 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.

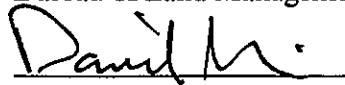
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:
Joseph E. Tugaw


 Travis L. Thompson
 Of Attorneys for Claimant

9/1/10
 Date

RESPONDENT:
United States on behalf of the
Bureau of Land Management


 David L. Negri
 Attorney, U.S. Department of Justice
 Environment and Natural Resources Div.

9/2/10
 Date

IDWR CONCURRENCE:


 Douglas Jones
 Technical Engineer 1

9/2/10
 Date

IDWR CONCURRENCE:


 Nicholas B. Spencer
 Deputy Attorney General

9-3-10
 Date

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

RIGHT NUMBER: 45-13499

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

SOURCE: JEFFS SPRING
SPRING

TRIBUTARY: SINKS
TRIBUTARY: SINKS

QUANTITY: 0.040 CFS

USE OF THIS RIGHT WITH RIGHT NO. 45-13500 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.04 CFS AND A COMBINED VOLUME
WHICH SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: ~~06/27/1934~~ 06/13/1890

POINT OF
DIVERSION:

T12S	R19E	S27	NWNWSW	Within CASSIA County
T12S	R19E	S33	SESENE	Within CASSIA County
~~T12S~~	~~R19E~~	~~S33~~	~~NENESE~~	~~Within CASSIA County~~

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.040 CFS

PLACE OF USE:

STOCKWATER		Within CASSIA County
T12S	R19E S27	NWSW
T12S	R19E S33	SENE
~~T12S~~	~~R19E~~ ~~S33~~	~~NESE~~

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. Section 42-1412(6), Idaho
Code.

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 WESTERN STOCKGROWERS ASSOCIATION ET AL., FILED IN
THE OFFICE OF THE CASSIA COUNTY RECORDER AND RECORDED ON JUNE
6, 2003 AS INSTRUMENT NO. 289179; THE PROVISIONS OF SUCH
STIPULATION TO APPLY FULLY TO THIS WATER RIGHT.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
THIS RIGHT IS A PORTION OF FORMER RIGHT 45-12898.

CERTIFICATE OF MAILING

I certify that on September 8, ²⁰¹⁰~~2009~~ 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, Idaho 83303-2707

2. Copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

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

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Travis L. Thompson
Barker, Rosholt & Simpson, LLP
P.O. Box 485
Boise, Idaho 83303-0485



Signature of person or attorney mailing the form