

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A36-04073
Date Received: 6/28/1988
Receipt No: S000596
Received By: JCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT E. TUPPER 208-837-4862
Address: ROUTE #1
HAGERMAN, ID 83332

AND/OR

Name: FAYE L. TUPPER 208-837-4862
Address: ROUTE #1
HAGERMAN, ID 83332

2. Date of Priority: JUL 01, 1949

3. Source: SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	14E	18	SE	SW			GOODING

5. Description of diverting works:

5" PIPE FOR IRRIG. W/2" LINE TO HOME; CATTLE DRINK FROM STREAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		
IRRIGATION	03/15	11/15	0.080		
STOCKWATER	12/01	04/01	0.030		

7. Total Quantity Appropriated is:

0.100 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

S/60 RANGE

A36-04073

Page 1

Date: 06/28/88

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	14E	18	SW	SW	4	IRR	4.0
			SE	SW		STOCK	
						Section Acres	4.0
						Total Acres	4.0

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A36-07841

14. Remarks:
STOCK & DOMESTIC USE IN SESW S18.

15. Basis of Claim: STATUTORY CLAIM
Water Right Number:

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Robert E. Purpura Date: 6/28/88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of June 19 88

Mary J. Baldwin
Notary Public

Seal

Residing at Gooding Id
My Commission Expires 10/16/1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 3, 1990

RECEIVED

NOV 26 1990

836-04073

ROBERT E. TUPPER
RT. 1

HAGERMAN

ID 83332

Department of Water Resources
Southern Region Office

Dear Claimant(s):

In the past you submitted the claim(s) identified with the number(s) shown above your name and address at the top of this letter. You indicated on the claim(s) that the basis for establishing the water right(s) was Beneficial Use, meaning the water right was not previously confirmed by a decree, water right license or permit before you filed the claim(s).

The purpose of this letter is to request evidence supporting the priority date(s) you have claimed. The enclosed pamphlet describes what this means. While I encourage you to read all of the pamphlet, I direct your attention to the right-hand half of the pamphlet after you open it. There you will find two sections: What Kind of Evidence is Required, and Some Examples of Documents which May Be Evidence of the Priority Date. These sections tell you what must be submitted. The other sections tell you why the evidence is necessary and what the consequences of not submitting the evidence could be.

Please submit the requested evidence by November 1, 1990. When returning to the Department please reference all documents with the claim(s) identification number(s) listed above.

If you have questions not addressed by the pamphlet or need other technical assistance, please feel free to contact this office. For advice on your water right(s), please contact your attorney.

Sincerely,


Allen Merritt, P.E.
Water Rights Supervisor

Enclosure

Dear Sir: (Robert Tupper)

I can't see, after the several trips we have made over the water, how you can need additional proof of ownership.

This place, with water, was purchased by my husband's parents in 1909, including water rights to springs. Also, we raise fish as well as irrigate some pasture & our domestic water, all from springs. His brother, John Tupper, gets his domestic water from the same source. Thank you. Sincerely, Faye Tupper

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS

Governor

01-Oct-1991

R. KEITH HIGGINSON

Director

ROBERT E TUPPER
RT 1 BOX 212
HAGERMAN ID 83332

RE: CLAIM A36-04073, PROOF OF PRIORITY

Dear Mr. Tupper

I have reviewed your claim A36-04073 and find that proof of priority has not been submitted.

Your water use claimed within A36-04073 is not in question as the evidence obtained during the first review supports your claimed uses. However, there is no proof of priority within the file. Lack of supporting evidence will result in this claim being recommended as 'disallowed'. The statutory claim that was filed on February 20, 1979 is not sufficient proof to establish the claimed priority date of July 1, 1949.

Enclosed is a brochure that discusses the evidence of priority that is needed for a water claim based upon beneficial use.

Please call this office if you have any additional questions concerning this request.

Sincerely

Kelly K. Christensen
Senior Water Resource Agent

Enclosure

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FEB 05 1993

Department Water Resources

N^o 42475

Boise, Idaho, May 27, 1987

RECEIVED FROM Robert Tupper of Hagerman \$ 20⁰⁰
Twenty & no/100 DOLLARS

ck 182 MICROFILMED 92-1841

FOR		
<u>Lic'</u>	\$	
<u>amendment</u>	\$	
<u># 36-7841</u>	\$	
	\$	
	\$	
TOTAL - - -	\$	<u>20</u>

FEB 05 1993
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FEB 05 1993

Roberta Garrett

State of Idaho
Department of Water Resources

CONFORMED COPY **WATER RIGHT LICENSE**

WATER RIGHT NO. 36-7841

Priority: February 12, 1979 Amount: 1.00 CFS

This is to certify, that ROBERT E. TUPPER
RT. 1 BOX 212

HAGERMAN, ID 83332 has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated February 12, 1979, and
has submitted proof to the Department of Water Resources on September 10, 1979, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of 1.20 cfs of water from;

SPRING tributary to BILLINGSLEY CREEK

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Fish propagation	01/01 to 12/31	1.00 cfs	

LOCATION OF POINT OF DIVERSION(S): SESW , Sec. 18, Township 7S, Range 14E
Gooding County

PLACE OF USE: Fish propagation

TWN RGE SEC

7S 14E 18 LOT 4(SWSW) SESW

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this license is subject to control by the watermaster of State Water District No. 36A.
5. Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of effluent discharge.
6. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 32F.
7. Facility volume = 3840 cubic feet.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 18th day
of June, 1987.

Acting for the Director

Norman C. Young

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FEB 05 1990

State of Idaho
Department of Water Resources

RECEIVED
MAY 28 1987

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-7841

Department of Water Resources

Date of Priority: February 12, 1979

Comes now ROBERT E. TUPPER
RT. 1 BOX 212
HAGERMAN, ID 83332

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 36-7841, and requests that the permit be changed as follows:

Source: SPRING

tributary to: BILLINGSLEY CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Fish propagation	01/01 to 12/31	1.00 cfs	

LOCATION OF POINT OF DIVERSION(S):

SESW, Sec. 18, Township 7S, Range 14E
Gooding County

PLACE OF USE: Fish propagation

TWN RGE SEC

7S 14E 18 LOT 4(SWSW)

SESW

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Hagerman, this 27 day of May, 19 87.

Robert E. Tupper
(Signature)

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FEB 15 1993

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-7841

FOR DEPARTMENT USE ONLY

Preliminary check by kw Fee = \$20.00 ✓ Received by lg Date 5-28-87 # 42475

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. Kenneth Dunn, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 36-7841 with the following;

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this license is subject to control by the watermaster of State Water District No. 36A.
5. Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of effluent discharge.
6. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 32F.
7. Facility volume = 3840 cubic feet.

Witness my hand this 18TH day of JUNE, 1987.

Norm Cleary
Acting for the (Director)

WIM TO A WATER RIGHT

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Route 1, Hagerman, Idaho
(Mailing Address)

(Zip Code)

Telephone No. 837-4862

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) July 1, 1949

A claim is not acceptable on a ground water source with a priority later than March 26, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: unnamed Springs tributary to Billingsley Creek

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
Quantity		Use		(Mo., Day)	(Mo., Day)
Quantity	0.02 cfs	Use	domestic	Period of Use From Jan 1	To Dec 31
Quantity	0.08 cfs	Use	irrigation	Period of Use From Mar 15	To Nov 15
Quantity	0.03 cfs	Use	livestock	Period of Use From Dec 1	To Apr 1
Quantity		Use		Period of Use From	To
Quantity	0.10 cfs	Use	TOTAL QUANTITY	Period of Use From	To

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

Additional points of diversion: _____ Twp. 7S Rge. 14E B.M., County of Gooding

- B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 5" steel pipe w/2" line to home, risers on 5" line for irrigation, cattle drink directly from stream.

- (8) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

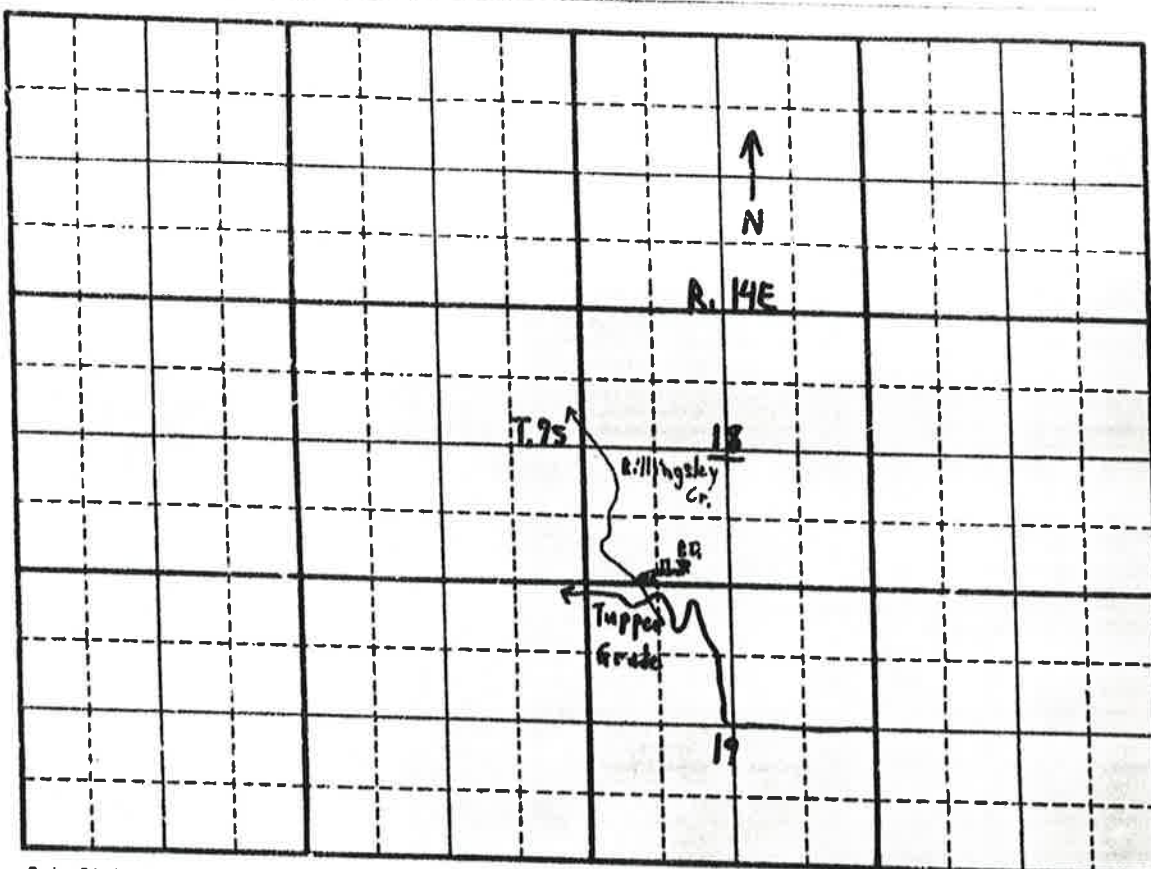
No. of acres 4

6. If water is used for other than irrigation, fully describe that use, being as specific as possible:

Indicate how the type and number of stock watered 60 range cows
are created water as a member of an organization, list name of organization:

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(B) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Twin Falls) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 20th day of February, 1979.

Robert E. Gupper
(Claimant)

Mary A. Hill
Notary Public
Residing at Summit Lake, Idaho

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by J. H. Stenton Date 2-20-79
Prelim. check by J. H. Stenton Date 2-21-79
\$20.00 fee received by maps Date 2-21-79
Published in Journal of the Snake
Dates 2/21/79 to 2/21/79

Exception filed by:

Forwarded to
claimant by:

Date

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FEB 05 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

MARCH 26, 1979

ROBERT E. TUPPER
ROUTE #1
HAGERMAN

ID 83332

RE: Claim No. 36-4073

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

LOREN D. HOLMES
Southern Region Supervisor

Enclosure

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FEB 05 1993

TO WHOM IT MAY CONCERN:

My parents bought this place in 1910. I was born in 1920 and have lived here all my life. In 1957 my wife, Faye and I purchased the ranch from my parents. Our water comes out on the property from springs (unnamed). In approximately 1962, the fish farm, Idaho Springs Trout, installed across our land for irrigation and to fill fish tanks. At the same time they installed a pipe for our household water and risers were installed on the pipeline for irrigation of our pastures and for stock water....I think the record shows 1.30 cfs. We also have 1.00 cfs of water for fish propagation, held back when we sold our share in the Thousand Springs Trout farm to the Idaho Springs Trout Farm in 1958.

This is the facts regarding our water as we know them.

Robert and Faye Tupper

1110 E 2700 S

Hagerman, Idaho

Robert E. Tupper
Faye L. Tupper

*Subscribed & sworn to before me this 22nd
day of November, 1991*

Sherry L Clark **MICROFILMED**
FEB 05 1993

WARRANTY DEED

THIS INDENTURE, made this 13th day of March in the year of our Lord onethousand nine hundred and fifty-seven, between WILFORD TUPPER and MAORI TUPPER of Twin Falls, County of Twin Falls, State of Idaho, JOHN TUPPER and ESTHER TUPPER, of Salons, County of Je Davies, State of Illinois, WILFORD G. TUPPER and LILLIAN M. TUPPER of Hagerman, County of Gooding, State of Idaho, the parties of the first part, and THOUSAND SPRINGS TROUT COMPANY, a partnership consisting of JAMES ELLIS and BART LOU ELLIS and ROBERT TUPPER and FAYE TUPPER, party of the second part:

WITNESSETH, That said parties of the first part, for and in consideration of the sum of One thousand dollars (\$1000.00) lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns forever, all the following described real estate situate in Gooding County, State of Idaho, to-wit:

Two parcels of land in Lot Four, Section 18 and Lot One, Section 19, Township 7 South, Range Fourteen E.B.N..

Beginning at a point on the North boundary of and 227.2 feet Easterly from the Northwest Corner of said Lot One, Section Nineteen, Township Seven South, Range Fourteen East of the Boise Meridian; thence South $57^{\circ}38'$ East a distance of 541.5 feet; thence North $77^{\circ}52'$ East a distance of 180.8 feet; thence North $14^{\circ}31'$ West a distance of approximately 258.3 feet to the North boundary of said Lot One; thence Westerly along said North boundary a distance of 571.3 feet more or less to the point of beginning.

Beginning at the Southwest Corner of said Lot Four; thence Easterly along the South boundary of said Lot Four a distance of 793.5 feet; thence North $14^{\circ}31'$ West a distance of 452 feet; thence South $80^{\circ}47'$ West a distance of 23 feet; thence North $39^{\circ}46'$ West a distance of 191.4 feet; thence North $67^{\circ}10'$ East a distance of 31 feet more or less to the Southwest Corner of the Vardis Fisher property; thence along said Vardis Fisher property West line North $60^{\circ}11'$ West a distance of 50 feet; thence North $21^{\circ}11'$ West 125 feet; thence North $16^{\circ}21'$ West 220 feet; thence North $26^{\circ}09'$ West 45 feet; thence North $68^{\circ}19'$ West a distance of 190 feet; thence North $43^{\circ}19'$ West a distance of 130 feet; thence North $52^{\circ}55'$ West a distance of approximately 200 feet to the North boundary of said Lot Four; thence Westerly along the North boundary of said Lot Four to the Northwest Corner; thence Southerly along the West boundary of said Lot Four a distance of approximately 1320 feet to the point of beginning.

Together with all rights in waters of an unnamed creek flowing through the south portion of said parcel of land and emptying in Billingsley Creek, assignable under state and federal laws, except approximately one second foot which is hereby reserved by said Tupper.

SALES AGREEMENT

THIS AGREEMENT Made and entered into at Gooding, Idaho, this 11th day of February, 1957, by and between WILFORD G. TUPPER and LILLIAN M. TUPPER, husband and wife, Vendors, and ROBERT E. TUPPER and FAYE L. TUPPER, husband and wife, Purchasers, WITNESSETH:

NOW THEREFORE, It is mutually agreed between the parties hereto as follows:

The vendors agree to sell and convey to the purchasers and the purchasers agree to buy of the vendors certain real estate situate in Gooding County, State of Idaho, which real estate is described in Appendix A attached hereto.

The purchasers agree to pay to the vendors for said property the total sum of \$100,000.00 as follows, to-wit:

\$100,000.00 by assuming and agreeing to pay the balance due on that certain mortgage executed by the vendors in favor of the Federal Land Bank which deed is recorded in Book 13 of Mortgages at page 611 and Book 33 of Mortgages at Page 162, records of Gooding County, Idaho and \$100,000.00 at the rate of \$1000.00 per year together with interest on the deferred balance at the rate of three (3) per cent per annum payable on December 20th of each year beginning December 20th, 1956. Interest shall be computed from December 20th of 1955. Said principal payment of \$1000.00 per year and interest shall be paid by the purchasers paying to the vendors the sum of \$100.00 per month, beginning January 20th, 1956. On December 20th of each year the surplus of \$1000.00 shall be applied to interest and the purchasers shall then pay the balance of the interest. When the interest does not exceed \$1000.00, the balance of the \$1000.00 shall be applied to principal.

The vendors agree to pay all taxes and legal assessments levied for the year 1955 and all previous years and the purchasers shall pay all taxes and legal assessments levied for the year 1956 and all subsequent years. Payment by the purchasers of all such taxes and legal assessments shall be made when the same become due and before they become delinquent.

The vendors hereby sell and assign to the purchasers the existing insurance covering the buildings upon the said land and agree to execute the usual formal transfer of the insurance policy. Until said debt and all other sums secured hereby are fully paid, the purchasers agree to keep the buildings and improvements on said land continually insured against fire in companies satisfactory to the vendors in an amount at least equal to the sum remaining unpaid hereunder, provided that said sum need not exceed ~~\$75000.00~~ on the house and ~~\$25000.00~~ on the out buildings, which insurance, together with all additional insurance shall require all payments for loss to be applied to the Federal Land Bank loan and after its payment on this indebtedness, and the purchasers shall deliver and deposit all of their said policies of insurance to the escrowholder named herein.

The vendors agree to forthwith execute to the purchasers a warranty deed to the above described real property and as soon as the Federal Land Bank Mortgage is paid in full, furnish at their own expense, an abstract of title, certified to date showing a good and marketable title to said real property in the vendors' name, free and clear from any and all liens and encumbrances, except those herein specifically assumed by the purchasers. As soon as said abstract has been brought down to date and so delivered to the purchasers, the attorney or attorneys for the purchasers shall have the right for a period of 30 days to examine the same, and in the event that said abstract fails to show that the vendors have a good and sufficient marketable title to said premises, free and clear of all liens and encumbrances save and except those specifically assumed herein by the purchasers, the vendors shall immediately take steps necessary to clear said title and to remove any and all defects of title affecting the marketability of such title, and shall complete the same as rapidly as possible.

The parties hereto hereby appoint James, Shaw & James of Gooding, Idaho, as escrowholder, Upon the execution of this

1 contract, and said deed, and after the completion of said examina-
2 tion of the abstract, there shall be deposited with said escrowholder
3 the original of this contract, the warranty deed, abstract, insurance
4 policies and any other papers appurtenant to the sale of said property
5 and such papers shall be disposed of by said escrowholder in the
6 following manner:

7 If and when the purchasers shall have performed all of the
8 terms of this contract to be by them performed, this contract,
9 said deed, abstract, insurance policies and all other papers de-
10 posited with said escrowholder pursuant to this agreement, shall be
11 immediately delivered to the purchasers, in which event, the vendors
12 shall, at their own expense, attach the required revenue stamps to
13 said deed.

14 In the event, however, that the purchasers shall fail to com-
15 ply with any of the terms of this agreement to be by them performed
16 within the times herein mentioned, time being the essence of this
17 contract, then the vendors shall have the right to declare this
18 contract cancelled and annulled after having given the purchasers
19 30 days written notice of their intention to cancel the same,
20 which notice shall specify the particular terms of this agreement
21 violated by the purchasers, the purchasers having, however, until
22 the expiration of the said 30 days the right to comply with the
23 terms of this contract which may be alleged by the vendors to have
24 been violated by the purchasers, Service of such notice or of any
25 notice given to the purchasers in connection with this agreement
26 shall be deemed sufficient and legal if enclosed in an envelope
27 with the necessary postage affixed thereto addressed to the pur-
28 chasers at Hagerman, Idaho. In the event said contract is so can-
29 celled and annulled, said escrowholder is hereby authorized and
30 directed to deliver to the vendors the above mentioned contract,
31 deed, abstract, and all other papers deposited with said escrow-
32 holder pursuant to this agreement, in which event the purchasers

shall without further notice vacate and remove from said premises and in which event all payments theretofore made by the purchasers hereunder shall be considered as rental for said property during the purchasers occupation and use thereof and as liquidated damages and shall go to and belong to the vendors. In the event of such cancellation, all improvements placed upon said property by the purchasers shall belong to and remain on said premises as a part thereof and shall be the property of the vendors.

The vendors reserve the right at any reasonable time to enter upon the above described premises during the life of this agreement for the purpose of inspecting the same.

Should the purchasers fail and neglect to make any payment of any taxes, assessments, insurance and other lawful charges against said property, the vendors at their option, may pay the same and any other such sums with interest thereon at the rate of 5 per cent per annum shall become a part of and be secured by this agreement, and such advancements and interest thereon will be due and payable on the first premium date thereafter.

It is further understood and agreed that this contract shall be binding upon and inure to the benefit of the heirs, executors, administrators, personal representatives and assigns of the parties hereto.

GIVEN UNDER OUR HANDS the day and year first above written.

Harvard E. Tupper
Lillian M. Tupper
Vendors

Robert E. Tupper
Raye S. Tupper
Purchasers

LEB 02 1833

1 STATE OF IDAHO)
2 (SS
3 Gooding County)

4 On this 11th day of February, 1957, before me the undersigned
5 a Notary Public in and for said county, personally appeared
6 WILFORD G. TUPPER and LILLIAN M. TUPPER, ROBERT E. TUPPER and
7 FAYE L. TUPPER, known to me to be the persons whose names are
8 subscribed to the within instrument and acknowledged to me that
9 they executed the same.

10 IN WITNESS WHEREOF, I have hereunto set my hand and affixed
11 my official seal the day and year in this certificate first above
12 written.

13 
14 Notary Public for said State;
15 Residing at Gooding, Idaho

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LEB 02 1957
WICBOLITWED

APPENDIX "A"

The following described real estate situate in Gooding County, State of Idaho:

Tract 1: The Northeast Quarter of the Southwest Quarter, the Northwest Quarter of the Southeast Quarter of Section Eighteen, Township Seven South, Range Fourteen East of the Boise Meridian.

Tract 2: Lot Four in Section Eighteen and Lots one and Two in Section Nineteen all in Township seven South, Range Fourteen East of the Boise Meridian.

Excepting therefrom Four parcels of Land described as follows:

1: Beginning at a point 1043 feet East of the Northeast Corner of the Northeast Quarter of the Northeast Quarter of Section Twenty-four, Township Seven South, Range Thirteen East of the Boise Meridian, thence running South 80 feet, thence East 100 feet, thence North 80 feet and thence West 100 feet to the point of beginning.

2: Beginning at a point 98 feet East of the Northwest Corner of Lot Four, Section Eighteen, Township Seven South, Range Fourteen East of the Boise Meridian, thence South $32^{\circ}55'$ East 200 feet, thence South $43^{\circ}19'$ East 130 feet, thence South $68^{\circ}19'$ East 190 feet, thence South $26^{\circ}09'$ East 45 feet, thence South $16^{\circ}02'$ East 220 feet, thence South $24^{\circ}11'$ East 125 feet, thence South $60^{\circ}11'$ East 50 feet, thence North $67^{\circ}19'$ East 440 feet to East line of said Lot Four, thence North along East line of said Lot Four a distance of 500 feet more or less, to the Northeast Corner of said Lot Four, thence West 922 feet, more or less, to the point of beginning.

Also the right of Ingress to and egress from the foregoing described Tract, along, over and across a right of way 10 feet wide, the center line of which is described as follows: Beginning at a point which is 630 feet North and 605 feet East of the Southwest corner of Section Eighteen, Township Seven South, Range Fourteen East of the Boise Meridian, thence South $18^{\circ}40'$ East 100 feet, thence South $59^{\circ}48'$ East 100 feet, thence South $78^{\circ}39'$ East 140 feet, thence South $12^{\circ}38'$ East 400 feet, thence South $42^{\circ}54'$ West 500 feet to present road at bridge over Billingsley Creek.

3: Beginning at a point on the North boundary of and 227.2 feet Easterly from the Northwest Corner of said Lot one, Section Nineteen, Township Seven South, Range Fourteen East of the Boise Meridian; thence South $57^{\circ}38'$ East a distance of 541.5 feet; thence North $77^{\circ}52'$ East a distance of 180.8 feet; thence North $14^{\circ}3'$ West a distance of approximately 258.3 feet to the North boundary of said Lot One; thence Westerly along said North boundary a distance of 571.3 feet more or less to the point of beginning.

4. Beginning at the Southwest Corner of said Lot Four; thence Easterly along the South boundary of said Lot Four a distance of 798.5 feet; thence North $14^{\circ}3'$ West a distance of 452 feet; thence South $80^{\circ}47'$ West a distance of 23 feet; thence North $38^{\circ}56'$ West a distance of 191.4 feet; thence North $67^{\circ}19'$ East a distance of 34 feet more or less to the Southwest Corner of the Vardis Fisher property; thence along said Vardis Fisher property West line North $60^{\circ}11'$ West a distance of 50 feet; thence North $24^{\circ}11'$ West 125 feet; thence North $16^{\circ}2'$ West 220 feet; thence North $26^{\circ}09'$ West 45 feet; thence North $68^{\circ}19'$ West a distance of 190 feet; thence North $43^{\circ}19'$ West a distance of 130 feet; thence North $32^{\circ}55'$ West a distance of approximately 200 feet to the North boundary of said Lot Four; thence Westerly along the North boundary of said Lot Four to the Northwest Corner; thence Southerly along the West boundary of said Lot Four a distance of approximately 1320 feet to the point of beginning.

Together with all water rights, and rights in ditches, canals and laterals and their flow and/or drainage connection therewith.

EEB 02 1872

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our contract
C. W. D. + Lillian
Tupper when
we purchased
place
Feb. 1957

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-00115C &

A36-04073 & A36-07841 & A36-15496

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

January 2, 1998 2:34pm

NAME:

DAVE TUPPER

CALLIN

RE:

A36-00115C ET.AL. DECREES

HE HAS RECEIVED PARTIAL DECREE NOTICE FOR 36-04073 & 36-07841. HE WAS CONCERNED THAT THIS WOULD INTERFERE WITH THE WORK WE WERE TRYING TO DO TO SET UP AN EARLIER PRIORITY DATE FOR THE FISH USES (1951) INSTEAD OF WHAT WAS SHOWN ON THE LICENSE.

I TOLD HIM I THOUGHT WE WERE WORKING WITH THE TWO RIGHTS BASED ON THE LATE CLAIMS; A36-00115C & A36-15496. MY NOTES INDICATE THOSE WERE THE RIGHTS IN QUESTION AT OUR LAST MEETING.

HE WILL REVIEW HIS RECORDS AND THE PARTIAL DECREES AND I WILL REVIEW MY NOTES AND WE WILL TALK AGAIN ON MONDAY, 1/5/98 TO PLAN THE NEXT STEP. I MENTIONED A POSSIBLE FIELD VISIT NEXT WEEK WITH THE OTHERS WE HAVE PLANNED SO FAR.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-00115C,
A36-04073 & A36-15496

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

December 4, 1996 4:00pm

NAME:
DAVE TUPPER

CAMEIN

RE:
ROBERT TUPPER CLAIMS

HE IS THE SON TO ROBERT AND WE DISCUSSED THE LATE CLAIMS FILED EARLIER BY THE TUPPERS. HE WANTED TO AMEND THE IRRIGATION SEASON TO A YEAR ROUND SEASON. I EXPLAINED I CAN PREPARE THE PAPERS BUT HE WOULD STILL HAVE TO FILE THE SF4 WITH THE COURT TO AMEND.

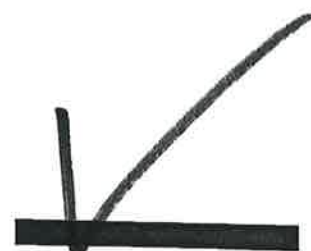
WE THEN GOT INTO A DISCUSSION OF THE PRIORITY DATE AND USES. I RELAYED TO HIM THE REVIEW OF THE CLAIM A36-00115C I HAD DONE THE DAY BEFORE. I EXPLAINED MY CONCERNS OF THE USES ALREADY BEING RECOMMENDED IN THE SRBA UNDER OTHER RIGHT NUMBERS FOR THE TUPPERS.

WE AGREED TO MEET AFTER THE FIRST OF THE YEAR AND RESOLVE THE ISSUES AND AMENDMENTS. HE WILL BRING ADDITIONAL INFORMATION TO SUPPORT THE CLAIMED PRIORITY DATE FOR THE CLAIM A36-15496 AND ALSO FOR THE DECREED RIGHT. I WILL REVIEW THE FILES AND DISCUSS THE OPTIONS IDWR HAS WITH THE STAFF ATTORNEYS.

R PROOF



CVR



MAPS



PHOTOS



MISC



UNRECORDED FILMED

FEB 05 1993

Water Right Number - R36-04073

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
TUPPER

ROBERT E.

1 - RT. 1

2 -

3 -

City- HAGERMAN

Phone - 208-837-4862

1 - RT. 1

2 -

3 -

City- HAGERMAN

Phone - 208-837-4862

State- ID Zip- 83332

TUPPER

FAYE L.

State- ID Zip- 83332

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
01/01/1962 17 SOUTHERN J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
TUPPER SPRING BILLINGSLEY CREEK+ - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
07S 14E 18 SW SE SW (47) GOODING+ - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
43 - DOMESTIC 01/01 12/31 0.020
01 - IRRIGATION 03/15 11/15 0.080
04 - STOCKWATER 12/01 04/01 0.030+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.100 12.0+ - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 14E 18 SW SW 4 3.0 01 IRRIGATION (47) GOODING
07S 14E 18 SE SW 04 STOCKWATER (47) GOODING
07S 14E 18 SE SW 43 DOMESTIC (47) GOODING

Total Acres: 3.0

+ - - Diversion Means - 5" PIPE FOR IRRIG. W/2" LINE TO HOME; CATTLE DRINK FROM STREAM

+ - - Non-Irrigation Use - STOCKWATER, 60 RANGE CATTLE AND DOMESTIC HOME

+ - - Other Rights for Same Use -

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Water right number - R36-04073

Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +
No Remarks found.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - - +
11/27/91 CHRISTEN

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 11/27/1991	Old Judicial District	-
Claim Received Date	- 06/28/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S000596	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

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FEB 05 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

02:30:13
06/30/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-04073

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	STATUTORY (Y)	Proof 11-26-90		Proof?				
POINT OF DIV	Y (Y)			(Y)	1,5			
SOURCE	(Y)			(Y)	1,5			
PLACE OF USE	Y (Y)		7-27-90 SCC/HHT	(Y)	1,2,4,5			
DIV. AMOUNT CFS/VOLUME	(Y)			(Y)				
CONSUMPTIVE USE	N			(Y)				
PURPOSES	(Y)			N				
PERIOD OF USE	N			N				
BASIS OF CLAIM	(Y)			N				
REMARKS	Y							

See
7-18-90

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

recommended
for disallowance
as of 10-1-91
Lack of Proof of priority
See attached
letter (same date)
to claimant.

affidavit submitted
Nov 22, 1991 to verify
priority date of 1962

See A/s. A36-07841

MICROFILMED

FEB 05 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

02:30:13
06/30/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-04073

LAST: TUPPER
ADDRESS: RT. 1
CITY: HAGERMAN
PHONE NUMBER: 208-837-4862

FIRST: ROBERT E.

STATE: ID ZIP: 83332

OWNER CODE: C

LAST: TUPPER
ADDRESS: RT. 1
CITY: HAGERMAN
PHONE NUMBER: 208-837-4862

FIRST: FAYE L.

STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: STOCK & DOMESTIC USE IN SESW S18.

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FEB 05 1993

CONTACT PERSON: Fay & Robert Thuppel

PHONE NUMBER: () -

DATE OF FIELD EXAM: 7/27/90

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

irrigated land in front yard, around fish ponds and between house
a second house (10 yrs old) owned by brother uses same water for
domestic.

This is separate spring from the source for fish ponds. This spring is
located approx 200' NW of spring used for fish. Pipeline directly from
Spring - 5" line

soft judge 1.4
~~apartment water house~~

58° water

14 sprinklers on 1 line

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FEB 05 1993

A. AJ CLAIM: # A36-04073 PRIORITY DATE: 07-01-1949 STAGE: S
 B. WR RECORD: # 36-04073 PRIORITY DATE: 07-01-1949 STAGE: S

C. FIELD EXAM REQUIRED?
 DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE N FIELD EXAMINER N

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(X)
 IF YES EXPLAIN.

REMARKS: MUST BE VERIFIED.

11-26-90 Proof of Evidence letter was returned with no supporting evidence. (attached to claim)

10-1-91 mailed claimant a brochure describing Proof of Priority. I am recommending this claim for disallowance based upon lack of evidence for Priority until at such time as the evidence is submitted.
KKC

11-27-91 affidavit submitted indicates a 1982 Priority, recommend that the priority date be advanced to 1-1-62
KKC

RECOMMENDED PRIORITY DATE:

07-01-1949

1-1-1962

REVIEWED BY

KKC

DATE

*Date of Statutory Filing:
 Feb. 20, 1979*

RECORDED

FEB 20 1979

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-04073	07S	14E	18		SE	SW		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT

36-00115
36-07841

SOURCE: SPRINGS

TRIB: BILLINGSLEY CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-04073	07S	14E	18		SE	SW		GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

36-00115
36-07841

NONE NONE

SOURCE: SPRINGS

TRIB: BILLINGSLEY CREEK

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
N

FIELD
EXAMINER
YES
YES

REMARKS:

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FEB 15 1990

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>7S</u>	<u>14E</u>	<u>18</u>	<u>SW</u>	<u>SE</u>	<u>SW</u>	<u>—</u>	<u>47</u>

SOURCE: ~~SPRINGS~~ Tupper Springs

TRIB: BILLINGSLEY CREEK

REVIEWED BY: Sec DATE: 1-4-91

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FEB 05 1991

A. ROOT WATER RIGHT NUMBERS: A36-04073

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	14E	18	SW	SW	4	TUPPER, ROBERT E.	A36-04073 / 4.0	36-04073 / 4.0			
						FISHER, OPAL HOLMES	A36-10842 / 20.0	- /			
						CLEAR SPRINGS TROUT CO.	A36-04011 /	36-04011 /			
						FISHER, OPAL HOLMES	A36-02338 /	- /			
						AQUA LIFE CORP.	A36-02414 /	36-02414 /			
						CLEAR SPRINGS TROUT CO.	A36-02734 /	36-02734 /			
						TUPPER, ROBERT E.	A36-07841 /	36-07841 /			
						CLEAR SPRINGS TROUT CO.	A36-04014 /	36-04014 /			
						TUPPER, W. G.		36-00115 /			
07S	14E	18	SE	SW		TUPPER, ROBERT E.	A36-04073 /	36-04073 /	33.0		
						TUPPER, ROBERT E.	A36-07841 /	36-07841 /			
07S	14E	18	SE	SW		TUPPER, ROBERT E.	A36-04073 /	36-04073 /	33.0		
						TUPPER, ROBERT E.	A36-07841 /	36-07841 /			
TOTAL ACRES							A36-04073	4.00	4.00	66.00	

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N(☒)
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
YES

PRESUMPTION FLAG:

REMARKS:

Confirmed by NAPP photo, Acs & Field Exam.

RECOMMENDATIONS:

TOTAL ACRES: 3.0

REVIEWED BY: oa

DATE: 1-4-91

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FEB 05 1993

3.0

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-04073 DOMESTIC	FROM 01-01 TO 12-31	.020 CFS
A36-04073 IRRIGATION	FROM 03-15 TO 11-15	.080 CFS
A36-04073 STOCKWATER	FROM 12-01 TO 04-01	.030 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.100 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-04073 DOMESTIC	FROM 01-01 TO 12-31	.020 CFS
36-04073 IRRIGATION	FROM 03-15 TO 11-15	.080 CFS
36-04073 STOCKWATER	FROM 12-01 TO 04-01	.030 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.100 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	<u>YES</u>
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	N	<u>N</u>
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	N	<u>N</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(X) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N(X) Explain in remarks, below.

REMARKS:

2 Houses found for Domestic Use

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 0.100 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.100 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD DATABASE EXAMINER

Y

YES

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? ~~Y(☒)~~ N(☒) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: ~~A36-07841~~ NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-04073	SPRINGS	TUPPER, ROBERT E.	0.100	0.025		
A36-10842	SPRING	FISHER, OPAL HOLMES	0.480	0.024		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-04073	DOMESTIC	TUPPER, ROBERT E.	FROM 01-01 TO 12-31	.020 CFS	
A36-04073	STOCKWATER	TUPPER, ROBERT E.	FROM 12-01 TO 04-01	.030 CFS	
A36-10842	DOMESTIC	FISHER, OPAL HOLMES	FROM 01-01 TO 12-31	.080 CFS	
A36-04011	FISH PROPAGATION	CLEAR SPRINGS TROUT CO.	FROM 01-01 TO 12-31	50.000 CFS	
A36-02338	FISH PROPAGATION	FISHER, OPAL HOLMES	FROM 01-01 TO 12-31	54.680 CFS	
A36-02414	FISH PROPAGATION	AQUA LIFE CORP.	FROM 01-01 TO 12-31	4.000 CFS	
A36-02734	FISH PROPAGATION	CLEAR SPRINGS TROUT CO.	FROM 01-01 TO 12-31	100.000 CFS	
A36-07841	FISH PROPAGATION	TUPPER, ROBERT E.	FROM 01-01 TO 12-31	1.000 CFS	
A36-04014	FISH PROPAGATION	CLEAR SPRINGS TROUT CO.	FROM 01-01 TO 12-31	65.000 CFS	

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D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE ^{0.83}
ACRES 3 x 0.02 CFS/ACRE = 0.09 CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(X)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 12.0 AF/A

ACRES 3 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 9 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 3 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 12 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
DOMESTIC	01-01	12-31	DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
IRRIGATION	03-15	11-15	0.020	<u>0.080</u>	<u>12</u>	<u>12</u>	<u>12.0</u>	<u>9</u>
STOCKWATER	12-01	04-01	0.030	<u>0.030</u>	<u>12</u>	<u>12</u>	<u>12.0</u>	<u>9</u>

TOTAL FOR THIS RIGHT

~~0.100~~

0.08

REVIEWED BY:

ScL

DATE:

1-4-91

0.08 OK
 as legal limit
 for 3 Acres @ 0.03 p/acre
 is 0.09 cfs.

Change
 irrigation to
 reflect the 3 acre
 recommendation

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FEB 05 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-04073

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 0.100	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-04073	0.100	-		36-04073	0.100
TOTAL CFS		0.100				0.100

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
Y

FIELD
EXAMINER

OK

REMARKS:

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

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Sytem is a 5" pipe from springs to
tupper home & then to fish hatchery.

John & Ester Tupper (north)

Ken Ellis - fish hatchery

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