

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: A36-15496
Date Received: 5/ 8/1996
Receipt No: 2036481
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT E TUPPER 000-837-4862
Address: 2700 S 1110A
HAGERMAN ID 83332

AND/OR

Name: FAYE L TUPPER 000-837-4862
Address: 2700 S 1110A
HAGERMAN ID 83332

2. Date of Priority: JAN 1, 1909

3. Source: UNNAMED STREAM 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:

APPROX 100 FEET FROM SPRING INTO A CEMENT DITCH TO PIPELINE, POND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	0.200		

7. Total Quantity Appropriated is:

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

APPROX 5000 LBS FISH ANNUALLY WHEN COMBINED WITH OTHER RIGHTS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	14E	18	SW	SW	4	FISH	

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:

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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. Supper Date: 5-9-96
Faye L. Supper Date: 5-9-96

State of Idaho)
County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of May 19 96

Signer Jensen
Notary Public

Seal

Residing at Bagman, Idaho
My Commission Expires 8-4-98

SD-0101-1

Date: 05/09/96

Time: 14:41:38

[illegible]

(GOLD1=Calc Fee) (GOLD2=Calc Fee/Late Chg) (GOLD3=Recalc Total) (GOLD4=Previous)
(GOLD5=Next) (GOLD6=Add AR Records) (GOLD7=Receipt) (GOLD8=Cancel) (Menu _____)

AUG 23 1996

174 AUG 21 PM 12:00

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED Thett

In Re SRBA

Subcases 36-15496 and 36-00115C

Case No. 39576

ORDER GRANTING MOTIONS TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* was filed May 9, 1996, by Robert and Faye Tupper, in subcases 34-15496 and 34-00115C. As there was no opposition to the motions and for good cause appearing, IT IS ORDERED that the *Motions to File a Late Notice of Claim* is hereby granted.

IT IS SO ORDERED.

DATED August 21, 1996.


DANIEL C. HURLBUTT, JR.

**Presiding Judge
Snake River Basin Adjudication**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

September 5, 1996

KARL J. DREHER
DIRECTOR

ROBERT E OR FAYE L TUPPER
2700 S 1110A
HAGERMAN ID 83332

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim #A36-00115C & A36-15496

Dear Claimants:

Thank you for your payment. We have enclosed your receipt #C036481 for the filing fee and late fee. Please retain the receipt for your records.

Your Notices of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/327-7932 if you have any questions.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:ss:region

Enclosure:

Receipt #C036481



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

**PHILIP E. BATT
GOVERNOR**

August 28, 1996

**KARL J. DREHER
DIRECTOR**

ROBERT E OR FAYE L TUPPER
2700 S 1110A
HAGERMAN ID 83332

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim #A36-00115C & A36-15496

Dear Claimants:

Your Notices of Claim to a Water Right were received from the SRBA Court recently. Please submit filing fees and late fees in the amount of \$212.00 due and payable immediately to IDWR. You may send the payment to my attention for prompt and continued processing of your claims. The claims will be placed on hold until payment is received.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:ss:region

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



RECEIVED

AUG 23 1996

Department of Water Resources

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

August 22, 1996

Mr. David Tuthill
Idaho Department of Water Resources
Post Office Box 83720
Boise, Idaho 83720-0098

Re: SRBA Case No. 39576

Dear Mr. Tuthill:

On August 21, 1996, Judge Hurlbutt issued orders granting three *Motions to File a Late Notice of Claim*, filed by Robert and Faye Tupper, subcases 36-15496 and 36-00115C and Eric and Diana Sneed, subcase 34-00029. I have enclosed copies of the Orders Granting same for your reference.

I have also enclosed the **original Notice of Claim to a Water Right Acquired Under State Law** for each water right claim, and one check payable to IDWR, as follows:

1. Mr. and Mrs. Tupper did not submit any fees with their motions; and ;
2. Check No. 3553, in the amount of \$110.00, from Eric and Diana Sneed (34-00029).

Thank you and if you should have any questions, please do not hesitate to call the SRBA Court at (208) 736-3011.

Sincerely yours,

Tiffany M. Hudak,
Deputy Clerk of the Court
Snake River Basin Adjudication

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:36:21
12/03/96

PAGE: 16
QUICKLOOK INFORMATION

36
CLAIM NUMBER: A36-15496

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y							
POINT OF DIV	Y							
SOURCE	Y							
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM	Y							
REMARKS								

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:59:30
12/03/96
37

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A36-15496

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROBERT E TUPPER	01/01/1909	FISH PROPAGATION	01-01 12-31	0.20 CFS	
C	FAYE L TUPPER					
TOTAL DIVERSION:					0.20 CFS	

Water Source: UNNAMED STREAM

Tributary to: BILLINGSLEY CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T07S R14E S18 SESW

GOODING County

Place of use Legal Description for: FISH PROPAGATION

				NE				NW				SW				SE														
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
07S	14E	18	:																											

POU County: GOODING

Non-Irrigation Uses: APPROX 5000 LBS FISH ANNUALLY WHEN COMBINED WITH OTHER RIGHTS

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number: 36A	Field Inspection Flag:	
		Presumption Flag:	

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
() OTHER _____	DATE _____	_____	_____
() OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:36:21
12/03/96

PAGE: 1
GENERAL INFORMATION

21
CLAIM NUMBER: A36-15496

LAST: TUPPER
ADDRESS: 2700 S 1110A
CITY: HAGERMAN
PHONE NUMBER: 000-837-4862

FIRST: ROBERT E
STATE: ID ZIP: 83332

OWNER CODE: C

LAST: TUPPER
ADDRESS: 2700 S 1110A
CITY: HAGERMAN
PHONE NUMBER: 000-837-4862

FIRST: FAYE L
STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
N

FIELD
EXAMINER

NO REMARKS IN CLAIM

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y(____) N(____)

TIME: __:__ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A36-15496 PRIORITY DATE: 01-01-1909 STAGE: J

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y() N()

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y() N()

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y() N()

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED N/A() Y() N()

FIELD EXAM COMPLETED N/A() Y() N()

FIELD EXAM SENT TO STATE OFFICE N/A() Y() N()

LICENSE ISSUED N/A() Y() N()

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A() Y() N()

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y() N()

NOTES: _____

=====

RECOMMENDED PRIORITY DATE:

REVIEWED BY _____

DATE _____

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A36-15496	07S 14E	18		SE	SW			GOODING		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-00115B 36-00115B
A36-00115C 36-04073
A36-04073 36-07841
A36-07841 R36-07841

WR RECORDS IN SAME 40 ACRE TRACT

36-00115
36-04073
36-07841

SOURCE: UNNAMED STREAM

TRIB: BILLINGSLEY CREEK

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM) NAME OF EXAMINER) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
07S	14E	18		SE	SW			GOODING		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: _____ TRIB: _____

REVIEWED BY: _____ DATE: _____

=====

SYSTEM DESCRIPTION: DESCRIBED BELOW (___), SEE LICENSE FILE (___), OR SEE ATTACHMENT (___)

A. ROOT WATER RIGHT NUMBERS: A36-15496

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	A36-15496 /	- /			10.0
			SW	SW	4	TUPPER, ROBERT E	A36-04073 /	4.0 36-04073 /	4.0		
			SW	SW	4	TUPPER, ROBERT E	R36-07841 /	36-07841 /			
			SW	SW	4	ARKOOSH, C TOM	R36-04011 /	36-04011 /			
			SW	SW	4	AQUA LIFE CORP	A36-02414 /	36-02414 /			
			SW	SW	4	AQUA LIFE INC	36-02338 /	- /			
			SW	SW	4	TUPPER, ROBERT E	36-04073 /	3.0 - /			
			SW	SW	4	TUPPER, ROBERT E	A36-07841 /	- /			
			SW	SW	4	TUPPER, ROBERT E	36-07841 /	- /			
			SW	SW	4	AQUA LIFE INC	A36-15476 /	- /			
			SW	SW	4	AQUA LIFE CORP	36-02414 /	- /			
			SW	SW	4	TUPPER, ROBERT E	A36-00115C /	- /			
			SW	SW	4	AQUA LIFE INC	A36-02734 /	36-02734 /			
			SW	SW	4	AQUA LIFE INC	A36-04011 /	- /			
			SW	SW	4	AQUA LIFE INC	A36-04014 /	36-04014 /			
			SW	SW	4	AQUA LIFE INC	36-02734 /	- /			
			SW	SW	4	AQUA LIFE INC	36-04011 /	- /			
			SW	SW	4	AQUA LIFE INC	A36-02338 /	- /			
			SW	SW	4	AQUA LIFE INC	A36-10842 /	20.0 - /			
			SW	SW	4	AQUA LIFE INC	R36-02734 /	- /			
			SW	SW	4	TUPPER, W. G.		36-00115 /			

ADDITIONAL POU FOUND

TOTAL ACRES A36-15496

10.00

POU COUNTY: GOODING

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-00115C	TUPPER SPRING	TUPPER, ROBERT E	1.600	0.400		
A36-04073	SPRINGS	TUPPER, ROBERT E	0.100	0.025		
36-04073	TUPPER SPRING	TUPPER, ROBERT E	0.100	0.033		
A36-10842	SPRING	AQUA LIFE INC	0.480	0.024		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-15496	FISH PROPAGATION	TUPPER, ROBERT E	FROM 01-01 TO 12-31	0.200 CFS	
R36-07841	FISH PROPAGATION	TUPPER, ROBERT E	FROM 01-01 TO 12-31	1.000 CFS	
R36-04011	FISH PROPAGATION	ARKOOSH, C TOM	FROM 01-01 TO 12-31	12.000 CFS	
A36-02414	FISH PROPAGATION	AQUA LIFE CORP	FROM 01-01 TO 12-31	4.000 CFS	
36-02338	FISH PROPAGATION	AQUA LIFE INC	FROM 01-01 TO 12-31	54.680 CFS	39518.00 AF/A
A36-07841	FISH PROPAGATION	TUPPER, ROBERT E	FROM 01-01 TO 12-31	1.000 CFS	
36-07841	FISH PROPAGATION	TUPPER, ROBERT E	FROM 01-01 TO 12-31	1.000 CFS	
A36-15476	RECREATION	AQUA LIFE INC	FROM 01-01 TO 12-31	1.000 CFS	36.00 AF/A
A36-15476	WILDLIFE	AQUA LIFE INC	FROM 01-01 TO 12-31	1.000 CFS	36.00 AF/A
A36-15476	AESTHETIC	AQUA LIFE INC	FROM 01-01 TO 12-31	1.000 CFS	36.00 AF/A
36-02414	FISH PROPAGATION	AQUA LIFE CORP	FROM 01-01 TO 12-31	4.000 CFS	
A36-00115C	DOMESTIC	TUPPER, ROBERT E	FROM 01-01 TO 12-31	0.040 CFS	
A36-00115C	STOCKWATER	TUPPER, ROBERT E	FROM 01-01 TO 12-31	0.030 CFS	
A36-00115C	FISH PROPAGATION	TUPPER, ROBERT E	FROM 01-01 TO 12-31	1.000 CFS	
A36-02734	FISH PROPAGATION	AQUA LIFE INC	FROM 01-01 TO 12-31	100.000 CFS	
A36-04011	FISH PROPAGATION	AQUA LIFE INC	FROM 01-01 TO 12-31	50.000 CFS	
A36-04014	FISH PROPAGATION	AQUA LIFE INC	FROM 01-01 TO 12-31	65.000 CFS	
36-02734	FISH PROPAGATION	AQUA LIFE INC	FROM 01-01 TO 12-31	100.000 CFS	
36-04011	FISH PROPAGATION	AQUA LIFE INC	FROM 01-01 TO 12-31	12.000 CFS	
A36-02338	FISH PROPAGATION	AQUA LIFE INC	FROM 01-01 TO 12-31	54.680 CFS	
A36-10842	DOMESTIC	AQUA LIFE INC	FROM 01-01 TO 12-31	0.080 CFS	
R36-02734	FISH PROPAGATION	AQUA LIFE INC	FROM 01-01 TO 12-31	100.000 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM:

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A36-15496 FISH PROPAGATION	FROM 01-01 TO 12-31	0.200 CFS	
TOTAL DIVERSION RATE/VOLUME		0.200 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
----------------	---------------------------	------------------------	------------------------

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y() N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y() N()

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y() N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y() N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N()

PAGE: 10

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET CONTINUED

30

CLAIM NUMBER: A36-15496

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 0.200 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y() N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N()

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N()

E. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

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

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

PAGE: 12
DIVERSION AMOUNT REVIEW SHEET CONTINUED

32
CLAIM NUMBER: A36-15496

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
FISH PROPAGATION	01-01	12-31	DATABASE 0.200	EXAMINER _____	DATABASE	EXAMINER _____	DATABASE 0.0	EXAMINER _____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT			0.200	_____		_____	0.0	_____

NON-IRRIGATION USES CLAIMED: APPROX 5000 LBS FISH ANNUALLY WHEN COMBINED WITH OTHER RIGHTS

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

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: 36-15496

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

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-15496	0.200	-	-	-	-
TOTAL CFS		0.200				

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 DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE	FIELD EXAMINER
N	Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

T
7
S

13

18

24

19

R14E

BILLINGSLEY
CREEK

CLAIM A36-15496 INIT SW
T. R. S. Q/Q 12-3-96
P/D _____
PHOTO AA70
DT.&ID. 8-4-1974

PROOF READ

No. 114794

LIMITED PARTNERSHIP CERTIFICATE

JAMES N. ELLIS, MARY LOU ELLIS, JOHN TUPPER, WILFORD TUPPER, ROBERT TUPPER, VARDIS FISHER and OPAL FISHER, and each of them, do hereby certify and swear:

This certificate is prepared and filed in accordance with the provisions of Chap. 2 of Title 53, Idaho Code.

1. The name of the partnership is and shall be THOUSAND SPRINGS TROUT COMPANY.
2. The character of the business to be conducted by said partnership is the operation of a fish hatchery, including the propagation, culture, processing, buying, handling and marketing of fish and any and all by-products thereof, and any and all incidental lines of business, but not including any already established by James N. Ellis and Mary Lou Ellis; to enter into any contracts or obligations of any kind essential, necessary or proper for the transaction of its business and for the purpose of the partnership; and generally to do all such acts permitted by the laws of the State of Idaho necessary and expedient to accomplish its stated purposes.
3. The location of the principal place of business of said partnership shall be Hagerman, Idaho.
4. The names of the general partners are James N. Ellis and Mary Lou Ellis; and the names of the limited partners are John Tupper, Wilford Tupper, Robert Tupper, Vardis Fisher and Opal Fisher, and the address of each and all said partners is Hagerman, Idaho.
5. The term for which the partnership is to exist is for and during the mutual pleasure of the contracting parties.
6. Each of the general partners and two of the limited partners, Vardis Fisher and Opal Fisher, are contributing the sum of \$2500.00 in cash, and the other limited partners each is contributing \$1666.66 in cash. [In addition Vardis Fisher and Opal Fisher are contributing all rights assignable under state and federal laws, subject to the conditions stated in clause 12 in the partnership agreement, to the water, less one second foot (hereby reserved for their own use), situate in the lake on their homeplace in the north-easterly portion of Lot 4, Sec. 18, T. 7 S., R. 14 E.B.M., Gooding County, Idaho. Such water is to be impounded by a dam and directed across the property of the Fishers at a point to be determined by the Fishers, and dam and means of conveyance to be furnished, installed and maintained by the partnership.] The limited partners John Tupper, Wilford Tupper and Robert Tupper, are jointly contributing to the partnership, subject to clause 12 in the partnership agreement that parcel of land of approximately five acres in the westerly portion of said Lot 4, bounded as follows: on the west side by Billingsley Creek at a point starting 450 feet north of the highway bridge over said creek and thence running north and east; and on the north by Billingsley Creek, and on the east by the Fisher homeplace as described in deed of record in Book 30, page 587, Gooding County deed records, from Billingsley Creek approximately 720 feet south to the southeast corner of said Fisher homeplace; and thence south and east in the same general direction for 260 feet, and thence south to Billingsley Creek at the starting point, [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 Tupperes.] The general partners James N. Ellis and Mary Lou Ellis, in addition to the cash so contributed by them, will contribute their knowledge, skill, experience and abilities as fish culturists and as managers of said business, together with their general labor, including the keeping of books and records.

Highlighted portion

Highlighted portion

attachment to claims: A36-00115C & A36-15496

see
12-3-96

7. The limited partners have not agreed to make any contributions to said partnership other than those heretofore mentioned.

8. If the partnership is dissolved by mutual consent the land and water contributed by the limited partners will revert to and be reconveyed to them.

9. The share of the profits which each partner shall receive by reason of his contribution and labor is as follows: 30% of all net profits to each of the general partners; 10% of such profits each to Vardis Fisher and Opal Fisher; and the balance of 20% equally divided among the other limited partners. It is expressly agreed that no net profits shall be paid or distributed to any partner, but shall be utilized for improvement, development and expansion of the business and facilities of the partnership, until the capacity of the plant reaches one million marketable fish per year, with the exception that the general partners during such period of development and expansion shall receive and be paid each 20% of the net profits of the business, the same to be paid at the end of each fiscal year.

10. No partner may substitute an assignee as contributor or partner in his place without the written consent of all the partners, and then only upon such terms as may be mutually agreed upon by all the partners.

11. Additional general or limited partners shall not be admitted without the written, mutual and unanimous consent of all the partners.

12. The general partners shall receive no salary or wages for their skill and labor other than their stated percentages in the net profits of the business. The general partners shall not have power or authority to sell or convey any real property of the partnership, and shall not have power or authority to mortgage or encumber any real or personal property of the partnership, without the joint signatures of all the general and limited partners.

13. Upon the death, retirement or insanity of a limited or general partner the remaining partners upon mutual, written and unanimous consent may continue the business of the partnership.

IN WITNESS WHEREOF the said partners have hereunto set their hands this 11th day of March, 1951.

JAMES N. ELLIS
MARY LOU ELLIS
General Partners
JOHN TUPPER
WILFORD TUPPER
ROBERT TUPPER
VARDIS FISHER
OPAL FISHER
Limited Partners

STATE OF IDAHO }
COUNTY OF GOODING } ss

On this 11th day of March in the year 1951 before me, the undersigned, a notary public in and for said county, personally appeared James N. Ellis, Mary Lou Ellis, John Tupper, Wilford Tupper, Robert Tupper, Vardis Fisher and Opal Fisher, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(NOTARY SEAL)

EMERSON PUGMIRE
Notary Public in and for the State
of Idaho, residing at Hagerman, Idaho
My commission expires 12-20-53

Filed for record at the request of James N. Ellis at 11:10 A.M. March 16, 1951.

Bert Bowler, Ex-officio Recorder

Fees: \$3.00

By Dorothy Mackinder, Deputy

Edward C. Wright
Deputy
James E. Allen
Jury - March 2, 1936
Shelley L. ...

A. F. JAMES
ATTORNEY AT LAW
GOODING, IDAHO

WARRANTY DEED

THIS INDENTURE, made this 13 day of March in the year of our Lord one thousand nine hundred and fifty-seven, between WILFORD TUPPER and NAOMI TUPPER of Twin Falls, County of Twin Falls, State of Idaho, JOHN TUPPER and ESTHER TUPPER, of Galena, County of Jo Davies, State of Illinois, WILFORD G. TUPPER and LILLIAN A. 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 MARY 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 (\$1,000.00) 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.M..
Beginning at a point on the North boundary of and 227.8 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°58' East a distance of 541.5 feet; thence North 77°52' East a distance of 180.8 feet; thence North 14°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 71.3 feet more or less to the point of beginning.
Beginning at the Southeast Corner of said Lot Four; thence easterly along the South boundary of said Lot Four a distance of 795.4 feet; thence North 14°31' West a distance of 442 feet; thence South 20°17' West a distance of 42 feet; thence North 47°10' West a distance of 191.2 feet; thence North 47°10' West a distance of 31 feet more or less to the Southeast Corner of the Vardis Tract or property; thence along said Vardis Tract property West line North 60°11' West a distance of 50 feet; thence North 21°11' West 125 feet; thence North 16°21' West 220 feet; thence North 26°03' West 44 feet; thence North 62°10' West a distance of 103 feet; thence North 43°19' West a distance of 150 feet; thence North 32°55' West a distance of approximately 20 feet to the North boundary of said Lot Four; thence easterly 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 1429 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 parties.

Easterly along the South boundary of said Lot Four a distance of 700.5 feet; thence North 14° 31' East a distance of 452 feet; thence South 80° 27' West a distance of 21 feet; thence North 58° 56' West a distance of 191.4 feet; thence North 87° 19' East a distance of 54 feet more or less to the Southwest Corner of the Vardis Fisher property; thence along said Vardis Fisher property West line North 20° 11' East a distance of 20 feet; thence North 24° 11' West 125 feet; thence North 16° 21' West 220 feet; thence North 26° 09' West 65 feet; thence North 20° 15' West a distance of 190 feet; thence North 14° 31' East a distance of 130 feet; thence North 52° 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 1520 feet to the point of beginning.

Together with all rights in waters of an unnamed creek flowing through the north 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.

TOGETHER with all and singular the tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part:

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its successors and assigns forever. And the said parties of the first part and their heirs, the said promises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against the parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seal, the day and year first above written.

William L. Tupper
William M. Tupper

Witness William Tupper
 Name William Tupper
 John John Tupper
 John John Tupper

W. H. Tupper

STATE OF IDAHO }
Coaling County } SS

On this 12 day of March, 1957, before me the undersigned, a Notary Public in and for said County, personally appeared WILFORD S. TUPPER and ESTHER TUPPER known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Robert L. Jones
Notary Public for said State;
Residing at Coaling, Idaho

STATE OF IDAHO }
Twin Falls County } SS

On this 11 day of March, 1957, before me the undersigned, a Notary Public in and for said County, personally appeared WILFORD TUPPER and MARGARET TUPPER known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Edna L. Lamm
Notary Public for said State;
Residing at Twin Falls, Idaho

STATE OF ILLINOIS }
County of Jo Daviess } SS

On this 12 day of March, 1957, before me the undersigned, a Notary Public in and for said County, personally appeared JOHN TUPPER and ESTHER TUPPER known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

James A. Thayer
Notary Public for said State;
Residing at Galena, Illinois

WARRANTY DEED

THIS INDENTURE, made this 28th day of September, in the year of our Lord one thousand nine hundred and sixty-four, between JAMES N. ELLIS and MARY LOU ELLIS, husband and wife, of Seattle, County of King, State of Washington, the parties of the first part, and IDAHO SPRINGS TROUT COMPANY, an Idaho corporation, having its registered office near Buhl, in Gooding County, State of Idaho, the party of the second part;

WITNESSETH, That said parties of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, in hand paid, 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:

The East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Nineteen (19), Township Seven (7) South, Range Fourteen (14) East of the Boise Meridian, together with all rights in waters of unnamed springs rising on said property, tributary to Billingsley Creek.

Two parcels of land in Lot Four (4), Section Eighteen (18) and Lot One (1), Section Nineteen (19), Township Seven (7) South, Range Fourteen (14) East of the Boise Meridian, particularly described as follows, to-wit:

Parcel 1. Beginning at a point on the North boundary of and 227.2 feet Easterly from the Northwest Corner of said Lot 1, Section 19, Township 7 South, Range 14 E.B.M.; thence South 57 deg. 38' East a distance of 541.5 feet; thence North 77 deg. 52' East a distance of 180.8 feet; thence North 14 deg. 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.

Parcel 2. Beginning at the Southwest Corner of said Lot 4, Section 18, Township 7 South, Range 14 E.B.M.; thence Easterly along the South boundary of said Lot Four a distance of 798.5 feet; thence North 14 deg. 3' West a distance of 452 feet; thence South 80 deg. 47' West a distance of 23 feet; thence North 38 deg. 56' West a distance of 191.4 feet; thence North 67 deg. 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 deg. 11' West a distance of 50 feet; thence North 24 deg. 11' West 125 feet; thence North 16 deg. 2' West 220 feet; thence North 26 deg. 09' West 45 feet; thence North 68 deg. 19' West a distance of 190 feet; thence North 43 deg. 19' West a distance of 130 feet; thence North 32 deg. 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.

INDEXED

FILED

048193

STATE OF IDAHO, COUNTY OF GOODING, ID.

Filed for record at the request of SECURITY

17 min. per 4 d. 1774

January 1774

By Donna Scott Deputy

Together with all water and water rights, ditch and ditch rights appurtenant to the above described lands, assignable under state and federal laws, except approximately one second foot from the waters of an unnamed creek flowing through the south portion of said Parcels of land and emptying into Billingsley Creek, which is reserved by the Tupper family.

Together with a right of ingress and egress to and from the above described Parcels of land, across other lands owned by the Tupper family, in Lot 4, in the Northeast Quarter of the of the Southwest Quarter (NEK SWK) and the Northwest Quarter of the Southeast Quarter (NWK SWK) of Section Eighteen (18) and Lots 1 and 2, Section Nineteen (19), the same being for road and canal purposes.

Excepting from the above described real property all easements apparent or of record as shown by the records of the County Recorder of Gooding County, Idaho.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part:

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its successors and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals, the day and year first above written.

James N. Ellis
Mary Lou Ellis

STATE OF WASHINGTON)
(ss.

County of King

I, Mary M. Cammer, Notary Public in and for the State of Washington, residing at Seattle do hereby certify that on this 28th day of September, 1964, personally appeared before me JAMES N. ELLIS and MARY LOU ELLIS, husband and wife, to me known to be the individuals described in and who executed the within instrument and acknowledged that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes herein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 28th day of Sept, 1964.

Mary M. Cammer
Notary Public in and for the State of
Washington, residing at Seattle
in said County.

License and Certificate of Water Right

Water License No. 28332

Priority December 21, 1912

Amount 4, 000 cfs.

THIS IS TO CERTIFY that JAMES N. ELLIS

of Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 21, 1912; that Permit No. 28332 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 6.4 second feet, was issued thereunder on February 2, 1961, showing that said works were completed on the 5th day of February, 1960; and that on the 17th day of March, 1960, JAMES N. ELLIS

of Boise, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of an unnamed stream

a tributary of Billingsley Creek for the purpose of fish hatchery under Use Permit No. 28339 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 11 of Licenses, at Page 7199, on the 31st day of October, 1961.

The right hereby confirmed dates from December 21, 1912. The Point of Diversion is located in Lot 4 (SW:SW 1/4) in the -- 14 -- 14, Sec. 18, Twp. 7 S., R. 14 E., B.M., Gooding County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 4.0 cubic feet per second.

Description and location of use:

Twp	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Issued
7 S	14 E	18	Lot 4 - for fish hatchery		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 31st day of October, 1961.

Will Thomas
Deputy State Reclamation Engineer

Document #4

AFFIDAVIT

I, Robert A. Erkins, residing at White Arrow Ranch, Bliss, Idaho, and a resident of Gooding County, Idaho, state that I was the president of the Idaho Springs Trout Company, Inc., of Hagerman, Gooding County, Idaho.

During the period of time my wife and I owned the Idaho Springs Trout Company, Inc., we used various sources of water: 1) from the springs and water impoundment located behind the Vardis Fisher home, 2) from Billingsley Creek, and 3) from a spring behind the Robert Tupper home and dairy.

The water from the Fisher area was filed on and the Idaho Springs Trout Company, Inc., paid an annual easement fee to Vardis Fisher, and later his estate, to maintain a dam which formed a lake out of which the water to the fish farm flowed.

The Billingsley Creek water was filed on and diverted by a dam with a fish ladder into the fish ponds of the Idaho Springs Trout Company.

The water which flowed from the Tupper Springs through the Tupper property, under a State of Idaho Water Right of the Robert Tupper's, was used free of charge by us in the late 1950's, all of the 1960's, and into the mid-1970's. We finalized the sale of our trout farming businesses to the Inmont Company in May 1975 which continued to use the Tupper water under our prior agreement. After that time I was no longer associated with the property. The water was used with the permission of the Robert Tupper's in exchange for various development projects done for the benefit of the Tupper's by Idaho Springs Trout Company, Inc., such as fence construction, water pipe construction, land development, and road development which accessed the Vardis Fisher property and the Idaho Springs Trout Company away from the Tupper home.

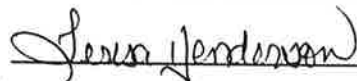
DATED this 6TH day of May, 1996


Robert A. Erkins

STATE OF IDAHO)
County of Twin Falls) ss.
Gooding)

On this 6th day of May, 1996, before me, a Notary Public in and for said County and State, personally appeared ROBERT A. ERKINS, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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


Residing at: Twin Falls, ID.
My commission expires: 9-25-98

A36-00115C
A36-15496

5107

Wm. D. ...
Robert ...
James N. Ellis
...

STATE of IDAHO }
County of Gooding } ss No. _____

I hereby certify that this instrument
was filed for record at the request of
James N. Ellis
at 2:50 clock P.M., this 22
day of July 1922
in my office, and duly recorded in
book _____ of page _____

ELIY S. STEVENSON

Ex-officio recorder

By *Lura J. ...*
Deputy

Fee \$ 2.00

Return to _____

JAMES SHAW & SONS

ATTORNEYS AT LAW

800 W. 12th St.

A36-001154

A36-15496

WITNESSETH, that said parties of the first part, for and in consideration of the sum of five thousand dollars (\$5,000) 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 parties of the second part, and to their heirs and assigns forever, all the following described real estate situate in Goodin County, State of Idaho, to-wit:

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 37°30' East a distance of 541.5 feet; thence North 77°32' East a distance of 135.6 feet; thence North 14°21' East a distance of approximately 258.3 feet to the North boundary of said Lot One; thence Westerly along said North boundary a distance of 541.5 feet more or less to the point of beginning.

Beginning at the corner of said Lot Four; thence Easterly along the line of said Lot Four a distance of 70 feet; thence North 89° West a distance of 452 feet; thence East 89° South a distance of 38 feet; thence North 89° West a distance of 141 feet; thence North 89° East a distance of 141 feet or less to the Centerline of the Lewis & Clark Highway; thence along, said Centerline of the Lewis & Clark Highway a distance of 126 feet; thence North 89° West a distance of 280'00" West 41 feet; thence North 89° West a distance of 190 feet; thence North 89° East a distance of 110 feet; thence North 89° East a distance of approximately 100 feet to the Northwest corner of said Lot Four; thence Westerly along the line of said Lot Four to the Northwest corner; thence North 89° West a distance of 100 feet to the Northwest corner of said Lot Four.

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.

Together with a right of ingress and egress to and from the above described real estate across other lands owned by the parties of the first part in Lot 4, NE 1/4, Sec. 30, T. 2N, R. 2E, Section 18 and Lots 1 and 2, Section 19, the same being for road and canal purposes.

TOGETHER with all and singular the tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part:

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs, and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whatsoever, lawfully claiming or to claim the same shall and will WARRANT unto these presents forever DEFEND.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their names and seal the day and year first above written.

John T. Tupper
John T. Tupper

STATE OF IDAHO)
)
Gooding County) ss.
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On this 1st day of January, 1939, before me, the undersigned,
a Notary Public in and for said county personally appeared, Robert
Tupper and Faye Tupper known to me to be the persons whose names
are subscribed to the within instrument and acknowledged to me
that they executed the same.

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

My commission expires

Nov 1 19

Andrew J. Jones
Notary Public in and for the State
Idaho
Residing at Gooding, Idaho

A36-00115C

A36-15496

Claim No(s). A36-15496

Claim No(s). A36-15496

[illegible]