

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71901

This is to certify that: DAVID J And REBECCA L TUPPER
 1114 E 2700 S
 HAGERMAN ID 83332
 (208)837-6444

have requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-4073	WR/Decreed	01/01/1962	0.10 cfs	N/A	N/A	3.0	TUPPER SPRING
36-115C	WR/Decreed	04/01/1881	0.56 cfs	N/A	N/A	3.1	TUPPER SPRING

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-4073	NO	NO	YES	YES	YES	YES
36-115C	NO	YES	YES	NO	YES	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
36-4073	36-4073	0.10 cfs	N/A	N/A			N/A	N/A	N/A	N/A
36-115C	36-115C	0.56 cfs	N/A	N/A			N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.56 cfs	N/A	N/A			N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 4th day of August, 2005


 Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 36-115C

Right Holder: DAVID J And REBECCA L TUPPER
1114 E 2700 S
HAGERMAN ID 83332

Tributary: BILLINGSLEY CREEK

TUPPER SPRING	SWSESW	Sec. 18 Twp 07S	Rge 14E	GOODING County
TUPPER SPRING	SWSESW	Sec. 18 Twp 07S	Rge 14E	GOODING County
TUPPER SPRING	SWSESW	Sec. 18 Twp 07S	Rge 14E	GOODING County

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
07S	14E	18											X					X	
													L 4						
07S	14E	19						X											
								L 1											

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
07S	14E	18																	
												X	X						
												L 4							

[illegible]

WATER RIGHT NO. 36-115C
As Modified by Transfer No. 71901

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 14E 18											X						
											L 4						
07S 14E 19						X											
						L 1											

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 36-115C and 36-4073 shall not exceed 0.56 cfs.
2. Rights 36-115C and 36-4073 when combined shall not exceed a total annual maximum diversion volume of 9.9 af for commercial use.
3. Domestic use is for one home.
4. Right 36-4073 is also diverted through the points of diversion described above.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 36A.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. Commercial use is for a water bottling facility.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 4th day of August, 2005


 Chief, Water Allocation Bureau

WATER RIGHT NO. 36-4073
As Modified by Transfer No. 71901

In accordance with the approval of Transfer No. 71901, Water Right No. 36-4073 is now described as follows.

Right Holder: DAVID J And REBECCA L TUPPER
 1114 E 2700 S
 HAGERMAN ID 83332

Priority Date: January 01, 1962

Source: TUPPER SPRING

Tributary: BILLINGSLEY CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	12/01 to	02/14	0.03 CFS	
COMMERCIAL	01/01 to	12/31	0.08 CFS	9.6 AF
DOMESTIC	01/01 to	12/31	0.02 CFS	
			0.10 CFS	

LOCATION OF POINT(S) OF DIVERSION:

TUPPER SPRING	SWSESW	Sec. 18 Twp 07S	Rge 14E	GOODING County
TUPPER SPRING	SWSESW	Sec. 18 Twp 07S	Rge 14E	GOODING County
TUPPER SPRING	SWSESW	Sec. 18 Twp 07S	Rge 14E	GOODING County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 14E 18											X	X					
											L 4						
07S 14E 19						X											
						L 1											

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 14E 18											X						
											L 4						
07S 14E 19						X											
						L 1											

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 14E 18											X	X					
											L 4						

WATER RIGHT NO. 36-4073
As Modified by Transfer No. 71901

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 36-115C and 36-4073 shall not exceed 0.56 cfs.
2. Rights 36-115C and 36-4073 when combined shall not exceed a total annual maximum diversion volume of 9.9 af for commercial use.
3. Domestic use is for one home.
4. The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
5. The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.
6. Right 36-115C is also diverted through the points of diversion described above.
7. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 36A.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
9. Commercial use is for a water bottling facility.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 4th day of August, 2005



Chief, Water Allocation Bureau