

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 71901APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant David J. Tupper and Rebecca L. Tupper Phone (208) 837-6444Post Office address 1114 E. 2700 S., Hagerman, ID 83332

RECEIVED

APR 14 2005

Department of Water Resources
Southern Region

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Change irrigation to commercial usage for a water bottling facility. Delete 1 PD from 36-115C; Add 2 PDs to 36-4073.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>36-115C</u>	<u>4/1/1881</u>	<u>0.08/9.9</u>	<u>Commercial</u>	<u>1/1 to 12/31</u>
<u>36-115C</u>	<u>4/1/1881</u>	<u>0.03</u>	<u>Stockwater</u>	<u>1/1 to 12/31</u>
<u>36-115C</u>	<u>4/1/1881</u>	<u>0.56</u>	<u>Fish Prop.</u>	<u>1/1 to 12/31</u>
<u>36-115C</u>	<u>4/1/1881</u>	<u>0.04</u>	<u>Domestic</u>	<u>1/1 to 12/31</u>
<u>36-4073</u>	<u>1/1/1962</u>	<u>0.08/9.9</u>	<u>Commercial</u>	<u>1/1 to 12/31</u>
<u>36-4073</u>	<u>1/1/1962</u>	<u>0.03</u>	<u>Stockwater</u>	<u>12/1 to 2/14</u>
<u>36-4073</u>	<u>1/1/1962</u>	<u>0.02</u>	<u>Domestic</u>	<u>1/1 to 12/31</u>

2. Total amount of water being transferred 0.56 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Tupper Springs tributary to Billingsley Creek

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SW	SE	SW	18	7S	14E	Gooding	Diversion #1
	SW	SE	SW	18	7S	14E	Gooding	Diversion #2
	SW	SE	SW	18	7S	14E	Gooding	Diversion #3

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	14E	18											C, S, H, D	S, D					
7S	14E	19						C, S, H											

PART 1

6. General Information:

- a. Description of diversion system Spring collectors to pipelines.

- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
☐ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
3.1 acres will no longer be irrigated. Consumptive use applicable to these
acres to be transferred to commercial use in a bottling facility.
- d. Remarks:
Bottling plant is assumed to be 100% consumptive. Land has historically been
pasture. See attached affidavit and consumptive use data. 3.2 afa C.U. can be
justified. 3.2 afa x 3.1 ac = 9.9 af. Part 1.B. lists all components of rights
as they should appear after the transfer, but fee is based on 0.08 cfs.
Combined-use limits should remain.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

Page _____ of _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

RECEIVED

APR 14 2005

Department of Water Resources
Southern Region

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 36-115C Decreed to David J. Tupper and Rebecca L. Tupper
in case of SRBA vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice ☒ Warranty Deed ☐ Other _____

3. Source of water Tupper Springs tributary to Billingsley Creek

4. Date of priority 4/1/1881

5. Water is used for the following purpose:

Amount	<u>0.08</u>	for	<u>Irrigation</u>	purposes from	<u>2/15</u>	to	<u>11/30</u>
(cfs/ac-ft)							
Amount	<u>0.03</u>	for	<u>Stockwater</u>	purposes from	<u>1/1</u>	to	<u>12/31</u>
(cfs/ac-ft)							
Amount	<u>0.56</u>	for	<u>Fish Prop.</u>	purposes from	<u>1/1</u>	to	<u>12/31</u>
(cfs/ac-ft)							
Amount	<u>0.04</u>	for	<u>Domestic</u>	purposes from	<u>1/1</u>	to	<u>12/31</u>
(cfs/ac-ft)							

6. Total amount of water under right 0.56 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SW	SE	SW	18	7S	14E	Gooding	
	SW	SE	SW	18	7S	14E	Gooding	
	SW	SE	SW	18	7S	14E	Gooding	
	SW	SE	SW	18	7S	14E	Gooding	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	14E	18											2.5						2.5
7S	14E	19						0.6											0.6
7S	14E	18											S, H	D					
7S	14E	19						S, H											

H = Fish propagation

Total acres 3.1

9. Describe any other water rights used for the same purpose as described above 36-4073

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(if the entire right is to be changed by the applicant, omit part B and C)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

RECEIVED

APR 14 2005

Department of Water Resources
Southern Region

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 36-4073 Decreed to Faye L. Tupper and Robert E. Tupper
in case of SRBA vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice

☒ Warranty Deed

☐ Other _____

3. Source of water Tupper Springs tributary to Billingsley Creek

4. Date of priority 1/1/1962

5. Water is used for the following purpose:

Amount 0.08 for Irrigation purposes from 2/15 to 11/30
(cfs/ac-ft)
Amount 0.03 for Stockwater purposes from 12/1 to 2/14
(cfs/ac-ft)
Amount 0.02 for Domestic purposes from 1/1 to 12/31
(cfs/ac-ft)

6. Total amount of water under right 0.10 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SW	SE	SW	18	7S	14E	Gooding	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	14E	18											3.0	S, D					3.0

Total acres 3.0

9. Describe any other water rights used for the same purpose as described above 36-115C

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(if the entire right is to be changed by the applicant, omit part B and C)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

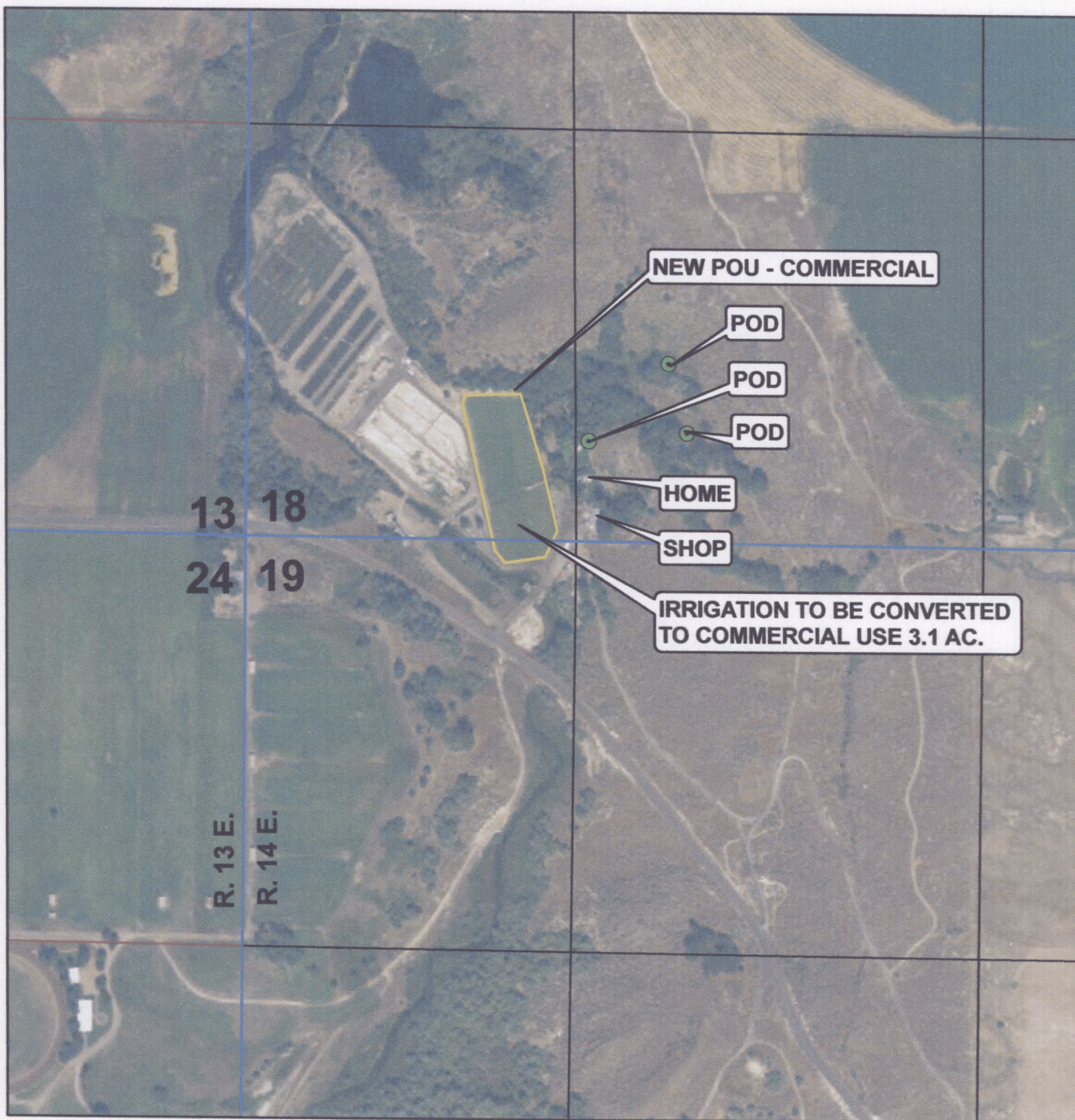
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

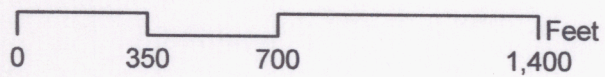
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

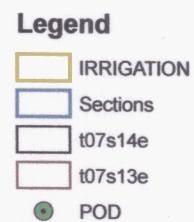
Total acres _____



TUPPER WATER RIGHT TRANSFER
36-115C, 36-4073
NAIP 2004 AERIAL PHOTO



BROCKWAY ENGINEERING, PLLC.
 ALR APRIL 6, 2005



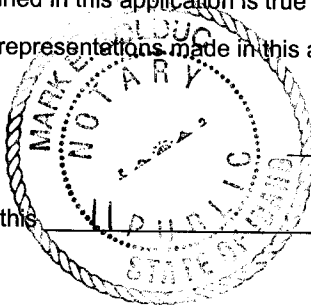
PART 3**B. CHANGES IN NATURE OF USE**

1.

<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
<u>Commercial</u>	<u>0.08/9.9</u>	<u>As needed</u>	<u>1/1</u> to <u>12/31</u>
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:
Return flow may occur to Billingsley Creek without degradation in water quality.
3. Describe the effects on other water uses resulting from the proposed change:
None

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Phil J. Tapp Robert L. Tapp
 (Signature of Applicant)

Subscribed and sworn to before me this _____ day of April, 18 2005.

Mark E. Ball

(Notary Public)

My commission expires 06/08/06

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by C. SKINNER Date 4/14/2005

Protest filed by _____

Prelim. check by C. SKINNER Fee \$250.00 5027572

Receipted by C. SKINNER Date 4/15/2005

Published in _____

Copies of protest forwarded by _____

Pub. dates _____

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ Approval ☐ Denial

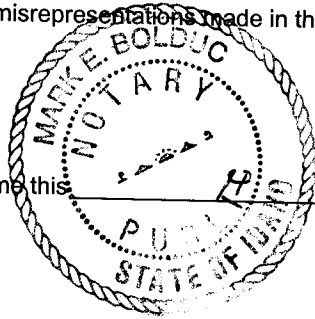
_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Neil J. Tupper Rebecca J. Tupper
(Signature of Applicant)

Subscribed and sworn to before me this _____ day of Apr. 1, 192005.

[Signature]
(Notary Public)

My commission expires 06-08-06

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

(Signature of Applicant)

Subscribed and sworn to before me this _____ day of _____, 19 _____.

(Notary Public)

My commission expires _____

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

(Signature of Applicant)

Subscribed and sworn to before me this _____ day of _____, 19 _____.

(Notary Public)

My commission expires _____

WATER RIGHT TRANSFER C.U. DATA - TUPPER

C. G. Brockway, P.E. 3/21/05

Water rights 36-115C, 36-4073

AGRIMET DATA

Glenns Ferry station

Year	ET	Mar - Oct Precip	Effective P (est.)*	CIR
2002	37.0	1.71	1.03	36.0
2003	38.9	4.82	2.89	36.0
2004	38.2	4.36	2.62	35.6

* Estimate as $0.6 \times P$

ALLEN & BROCKWAY (1983)

Bliss station

	mm	inches
Crop ET for pasture	1047	41.2
Crop IR for pasture	975	38.4

Highest justifiable C.U.	38.4 inches
Total area irrigated	3.1 acres
Total volume available for transfer	9.92 acre-feet
	8855 gpd average

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, David J. Tupper and Rebecca L. Tupper, hereby nominate and appoint Charles G. Brockway as my attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or matters pertaining to water right transfers before the Idaho Department of Water Resources for the following water right transactions:

Water right transfer application for rights 36-115C and 36-4073 for the purposes
of converting 3.1 acres of irrigation to commercial usage in a bottling facility.

in Gooding County, Idaho. Additionally, I hereby ratify and confirm any and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the applications, and transfers above-mentioned. Further, I hereby declare that each and every application, transfer, agreement, receipt, or payment which shall be by my said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these present. This Limited Power of Attorney will become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 11 day of April, 2005.

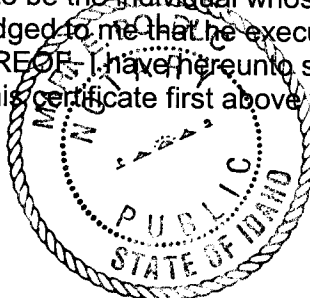
David J. Tupper Signature
Rebecca L. Tupper Signature

State of Idaho)
County of Gooding) ss.

On this 11 Day of April, 2005, before me, a Notary Public in and for said County and State, personally appeared David Tupper, known or identified to me to be the individual whose name and subscription 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.

S
E
A
L



[Signature]
Notary Public
In and for said State and County

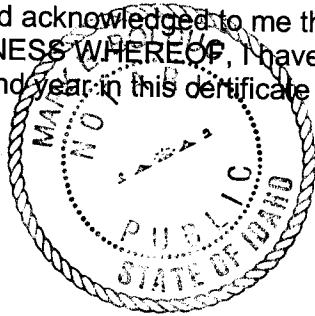
06-08-06
My Commission Expires

State of Idaho)
County of Gooding) ss.

On this 11 Day of April 2006, before me, a Notary Public in and for said County and State, personally appeared Becky Tupper, known or identified to me to be the individual whose name and subscription 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.

S
E
A
L



[Signature]
Notary Public
In and for said State and County

06-08-06
My Commission Expires

RECEIVED
APR 14 2005
Department of Water Resources
Southern Region

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF WATER RIGHTS 36-115C) COMMENTS AND
AND 36-4073 AND IRRIGATION OF LAND) EVIDENCE OF
COVERED BY SAID RIGHTS.) DAVID J. TUPPER
)

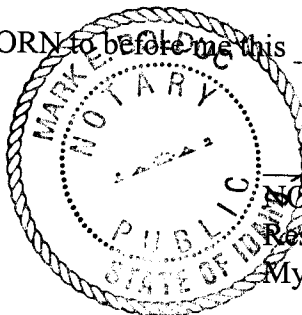
COMES NOW, David J. Tupper, and provides the following comments and evidence in this matter:

1. I am the owner of the irrigated land located in the SE1/4 SW1/4 SW1/4 Section 18 and the NE1/4 NW1/4 NW1/4 Section 19, T. 7 S., R. 14 E., B.M (the "Property")
2. The irrigated area on the Property totals 3.1 acres, and the Property has been irrigated every year for at least the last five (5) years.
3. The type of crop grown on the Property is pasture grass, and has been pasture grass for at least the last five (5) years.
4. The source of water for irrigation on the Property is Tupper Springs, under water rights issued by the State of Idaho and decreed in the Snake River Basin Adjudication Nos. 36-115C and 36-4073.

DATED this 11 day of April, 2005.

David J. Tupper
David J. Tupper

SUBSCRIBED and SWORN to before me this 11 day of April, 2005.



Mark E. Smith
NOTARY PUBLIC
Residing at : Hagerman, Good Hope
My Commission Expires: 06-08-06

QUITCLAIM DEED

For value received, Robert E. Tupper and Faye L. Tupper, husband and wife, as grantor hereby quitclaim unto David J. Tupper and Rebecca L. Tupper, husband and wife, the grantee whose current address is 1114 E. 2700 S., Hagerman, ID 83332, all of the grantor's right, title, and interest in and to the following described water right situated in Blaine County, Idaho:

All of water right 36-4073, decreed in the Snake River Basin Adjudication, as described in the records of the Idaho Department of Water Resources.

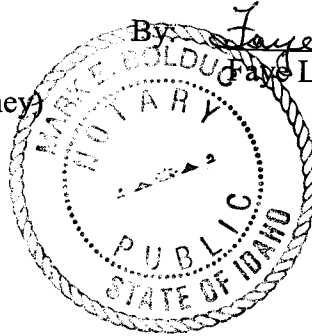
Grantor has caused this quitclaim deed to be executed this 11 day of April, 2005.

Robert E. Tupper

By: David J. Tupper
Robert E. Tupper

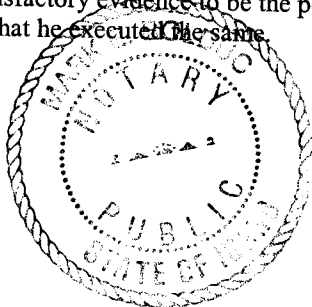
by David J. Tupper (Power of Attorney)

By: Faye L. Tupper
Faye L. Tupper



State of Idaho)
County of Gooding) S.S.

On this 11 day of April, in the year of 2005, before me, a Notary Public, personally appeared David Tupper - POA for Robert Tupper, proved to me on The basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

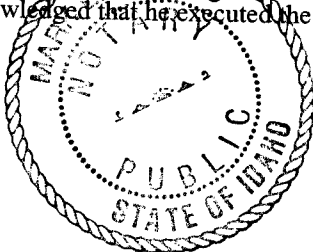


S
E
A
L

Mark Goldsmith
Notary Public
In and for said State and County

06-08-06
My Commission Expires on

On this 11 day of April, in the year of 2005, before me, a Notary Public, personally appeared Faye Tupper, proved to me on The basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.



S
E
A
L

Mark Goldsmith
Notary Public
In and for said State and County

06-08-06
My Commission Expires on

David

GENERAL POWER OF ATTORNEY

I, ROBERT E. TUPPER, of Gooding County, State of Idaho, designate and appoint DAVID J. TUPPER and REBECCA LUCILLE TUPPER, Hagerman, Idaho, as my co-attorneys in fact and agents (subsequently called "agent") to act in my name and for my benefit. I grant to my agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as I might or could do if personally present and fully competent, hereby ratifying and confirming all that my agent shall lawfully do or cause to be done by virtue of this power of attorney and the powers herein granted.

1. **General Grant of Power.** My agent shall have power to exercise or perform any act, power, duty, right or obligation whatsoever that I now have or may hereafter acquire, relating to any person, matter, transaction or property, real or personal, tangible or intangible, now owned or hereafter acquired by me, including, without limitation, the powers specifically enumerated in this instrument. Generally, my agent shall have power to do and perform all matters, transact all business, and make, execute and acknowledge all contracts, orders, deeds, mortgages, leases, assignments, assurances, and instruments of every kind which may be requisite or proper to effectuate the purposes of this general power of attorney.

2. **Specific Powers.** Without in any way limiting the generality of the power and authority conferred upon my agent by this instrument, my agent shall have and may exercise each of the following specific powers:

(a) **Power to Acquire and Sell.** To acquire, purchase, exchange, grant options and sell, assign, release, convey, mortgage, hypothecate, lease, and accept and take possession of real and personal property and interests therein, both tangible and intangible, upon such terms, conditions, and covenants as my agent shall deem proper and to sign, seal, execute and deliver and acknowledge such deeds, leases, contracts, assignments, indentures, agreements, mortgages, deeds of trust, bills of sale, security agreements and related forms, exchange agreements, bills, bonds, notes, receipts, releases and satisfactions of mortgages, security interests, and judgments, and such other instruments in writing as shall be proper.

(b) **Borrowing and Banking Powers.** To borrow monies on my behalf and to sign, seal, execute, deliver and acknowledge on my behalf such promissory notes, bills, bonds, or other evidence of indebtedness and such mortgages, deeds of trust, security agreements, pledges, or other documents to secure the payment of borrowed funds as my agent shall deem proper. To make, receive, and endorse checks and drafts, deposit and withdraw funds, acquire and redeem certificates of deposit, in banks, savings and loan associations, and other financial institutions, and to release such mortgages, deeds of trust, or other security instruments as may be necessary or proper in the exercise of the rights and powers herein granted.

(c) Power to Gift. To gift any interest I may have in any real or personal property to any of my living heirs.

(d) Powers of Collection and Payment. To forgive, request, demand, sue for, recover, collect, receive and hold all sums of money, debts, dues, commercial paper, checks, drafts, accounts, deposits, legacies, bequests, devises, notes, interests, stock certificates, bonds, dividends, certificates of deposit, annuities, pension, profit sharing, retirement, social security, medicare, insurance, and other contractual benefits and proceeds, all documents of title, all property and property rights, real or personal, intangible and tangible, and demands whatsoever, liquidated or unliquidated, now or hereafter owned by, or due, owing, payable or belonging to, me or in which I have or may hereafter acquire an interest. To have, use, and take all lawful means and equitable and legal remedies and proceedings in my name and for the collection and recovery thereof including the enforcement of mortgages, deeds of trust and security instruments, and to adjust, sell, compromise, and agree for the same, and to execute and deliver for me, on my behalf, and in my name, all endorsements, releases, receipts, or other sufficient discharges for the same. To pay and discharge all debts and demands due and payable or which may hereafter become due and payable by me to any person or persons whomsoever.

(e) Management Powers. To maintain, repair, improve, invest, manage, insure, rent, lease, encumber, partition and in any manner deal with any real or personal property, tangible or intangible, or any interest therein, that I now own or may hereafter acquire, upon such terms and conditions as my agent shall deem proper, and to transfer any or all of my assets to the trustee of any revocable living trust which I may have created.

(f) Motor Vehicles. To apply for a certificate of title upon, and endorse and transfer title to, any motor vehicle, and to represent in such transfer assignment that the title to said motor vehicle is free and clear of all liens and encumbrances except those specifically set forth in such transfer assignment.

(g) Business Interests. To conduct or participate in any lawful business of whatever nature; to execute partnership agreements and amendments thereto; to incorporate, reorganize, merge, consolidate, recapitalize, sell, liquidate or dissolve any business; to elect or employ officers, directors and agents; to carry out the provisions of any agreement for the sale of any business interest or the stock therein; and to exercise voting rights with respect to stock, either in person or by proxy, and exercise stock options.

(h) Tax Powers. To prepare, sign and file joint or separate income tax returns or declarations of estimated tax for any year or years; to prepare, sign and file gift tax returns with respect to gifts made by me for any year or years; to consent to any gift

and to utilize any gift-splitting provision or other tax election; and to prepare, sign and file any claims for refund of any tax.

(i) Safe Deposit Boxes. To have access at any time or times to any safe deposit box rented by me, wheresoever located, and to remove all or any part of the contents thereof, and to surrender or relinquish said safe deposit box. Any institution in which any such safe deposit box may be located shall not incur any liability to me or my estate as a result of permitting my agent to exercise this power.

3. Revocability. This power of attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by me or my agent and delivered to such person or institution.

4. Interpretation. This instrument is to be construed and interpreted as a general power of attorney. The enumeration of specific powers herein is not intended to, nor does it, limit or restrict the general powers herein granted to my agent.

5. Disability of Principal. This general power of attorney shall not be affected by disability of the principal.

6. Third-Party Reliance. Third parties may rely upon the representations of my agent as to all matters relating to any power granted to my agent, and no person who may act in reliance upon the representations of my agent or the authority granted to my agent shall incur any liability to me or my estate as a result of permitting my agent to exercise any power.

7. Successor Agent. In the event either of my co-agents die or is determined by a court of competent jurisdiction to be incapacitated or is otherwise unwilling or unable to serve, I designate the remaining co-agent as sole successor agent with all of the powers referred to herein.

8. Governing Law. This general power of attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

IN WITNESS WHEREOF, I have executed this General Power of Attorney this 10 day of October, 2004.

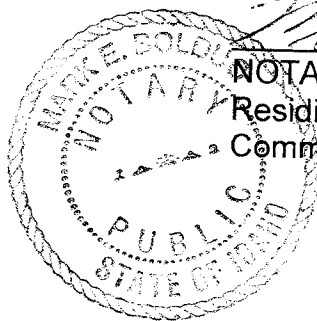


ROBERT E. TUPPER, Principal

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

On this 10 day of October, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT E. TUPPER, known to me to be the person whose name is subscribed to the foregoing 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.



[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: H. K. [illegible], ID
Comm. Expires: 06-08-06

WATSON, Amy

QUITCLAIM DEED

For Value Received

Robert Elwyn Tupper and Faye Lucille Tupper
does (do) hereby convey, release, remise and forever quit claim

unto David John and Rebecca Lou Tupper

whose address is; 1114 E. 2700 S., HAGERMAN, ID 83332
the following described premises, to-wit:

T. 7 S. , R 14 E SEC. 18
TAX 19 IN LOT 4 & SE4 SW4
LESS TAX 13 & 18

PARCEL # RP07S14E186900

together with their appurtenances.

Dated 12-18-00

Faye Lucille Tupper
Robert E. Tupper

Instrument # 188650

GOODING, GOODING, IDAHO

2000-12-19

02:56:31

No. of Pages: 1

Recorded for : DAVID JOHN

HELEN EDWARDS

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: DEED, QUIT-CLAIM

Diane Houser

STATE OF IDAHO COUNTY OF

On this 18th day of December, 2000 before
me, a notary public in and for said State, personally
appeared FAYE LUCILLE TUPPER &
ROBERT E. TUPPER & FAYE LUCILLE
TUPPER & REBECCA LOU TUPPER
to me to the persons who subscribed
to the within instrument, and acknowledged to me that
THEY executed the same.

Stacey Clark

Residing at Hagerman, ID 83332

My commission Expires: 1-14-2005



STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was filed
for record at the request of
at minutes past o'clock .m.
this day of , 2000
in my office, and duly recorded in
Book of Deeds at page

Ex-Officio Recorder

By Deputy

Fee \$

Mail Notice to:

Name

Address

City & State

QUITCLAIM DEED

For Value Received

The Hagerman Highway District
does (do) hereby convey, release, remise and forever quit claim
unto

David J. Tupper & Becci L. Tupper, husband and wife
whose address is; 1114 East 2700 South, Hagerman, Idaho 83332
the following described premises, to-wit:

A parcel of land, Beginning at a point 1043 feet East of the
Northeast corner of the Northeast quarter of the Northeast quarter
of Section 24, Township 7 South, Range 13 E.B.M., thence running
South 80 feet, thence East 100 feet, thence North 80 feet and thence
West 100 feet to the point of beginning.

together with their appurtenances.

Dated:

[Signature] 12-17-04

Instrument # 209222

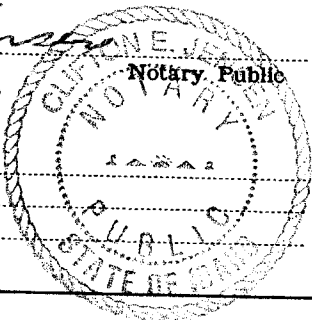
GOODING, GOODING, IDAHO
2004-12-23 02:57:41 No. of Pages: 1
Recorded for : GOODING TITLE
HELEN EDWARDS Fee: 3.00
Ex-Officio Recorder Deputy *[Signature]*

STATE OF IDAHO, COUNTY OF *Gooding*, 2004

On this *17th* day of *Dec*, *2004*,
before me, a notary public in and for said State, person-
ally appeared

Lynn Babington
Hagerman Highway Dist.
known to me to be the person who name *is*
subscribed to the within instrument, and acknowledged to
me that *he* executed the same.

[Signature]
Hagerman,
Residing at *1114 East 2700 South*, Idaho
MAIL DEED TO: *2004-12-23*



STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for re-
cord at the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____,
19 _____ in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy.
Fees \$ _____

MAIL TAX NOTICE TO:

Name _____
Address _____
City and State _____ Zip _____