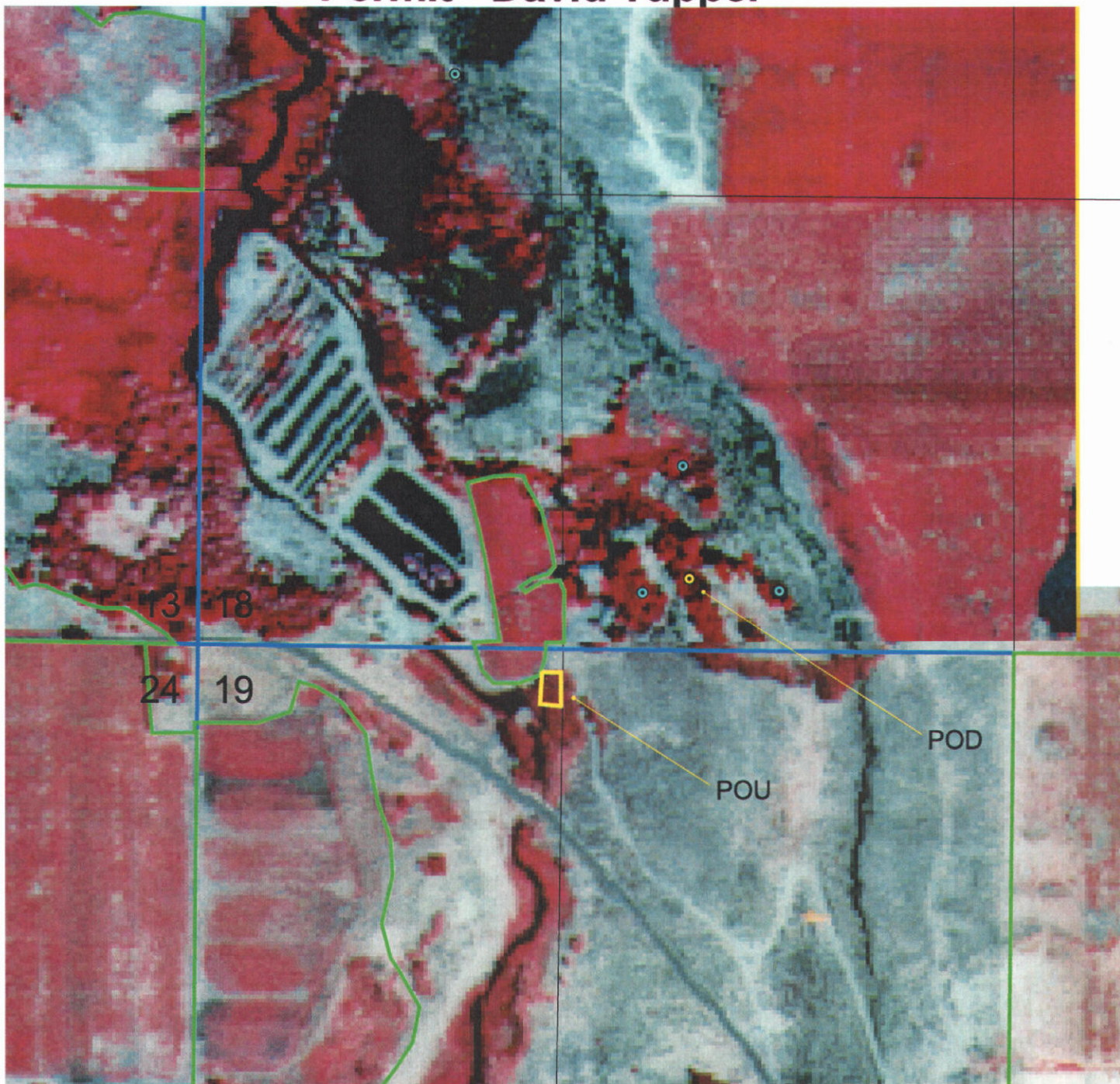


IDAHO DEPT OF WATER RESOURCES

Permit - David Tupper



660 0 660 1320 Feet

T07S R14E



- RECOMMENDED PLACE OF USE
- POINT OF DIVERSION
- ~ SECTION LINES
- 1/4 - 1/4 LINES

MICROFILMED
FEB 03 2000

GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY
*** PERMIT ***
DATA ENTRY BY: STEVE CLELLAND
DATE: NOVEMBER 22, 1999

36-08798

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Gooding } ss.

RECEIVED

DEC 28 1999

Department of Water Resources
Southern Region

Norma DeVoe, being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in supplement; that the date of the first publication of said advertisement was on the 16th day of December, 1999

and that date of the last publication was on the 23rd day of December, 1999.

On this 23rd day of December in the year of 1999, before me, a Notary Public, personally appeared Norma DeVoe, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that she executed the same.

Shelley Sturgeon
Notary Public for Idaho
Residing at Jerome

SHELLEY STURGEON
Notary Public
State of Idaho

My commission expires: 12/3/05

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

Lines tabular at _____ 7¢/Pica

464.06 Lines straight at 27.84 6¢/Pica

464.06 Subsequent lines at 23.20 5¢/Pica

Affidavit Fee 2.25

TOTAL COST 53.29

Tupper
pp. # 36-08798 36-08799
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

COPY OF NOTICE

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-08798

TUPPER, DAVID J
1114 E 2700 S
HAGERMAN, ID 83332
Source: TUPPER SPRINGS
Tributary: BILLINGSLEY CREEK
Diversion Pt: SWSESW Sec 18 T 07S R 14E in GOODING County.
Use: DOMESTIC (0.040 CFS)
Total Diversion (0.040 CFS)
Date Filed: 11/22/1999
In: GOODING County
T07S R14E S19 Lot 1 (NWNW)

36-08799

TUPPER, DAVID J
1114 E 2700 S
HAGERMAN, ID 83332
Source: TUPPER SPRINGS
Tributary: BILLINGSLEY CREEK
Diversion Pt: SWSESW Sec 18 T 07S R 14E in GOODING County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)

PUBLI Date Filed: 11/22/1999
(Idaho In: GOODING County
T07S R14E S18 SESW

7-8 pt. The permit(s) will be subject to all Pica
7-8 pt. prior water rights. Any protest must be Pica
7-8 pt. filed with the Director, Dept. of Water Pica
insert Resources, Southern Region, 1341
83301 together with a protest fee of Pica
\$25.00 on or before JANUARY 3,
2000. The protestant must also send a
copy of the protest to the applicant.
/s/ Karl J. Dreher, Director
PUB: 12/16 - 12/23 G28783

No. 7294

28783

MICROFILMED

FEB 03 2000

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 11 2000

PROOF OF BENEFICIAL USE

MAY 08 2000

Department of Water Resources

Department of Water Resources
Southern Region

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 36-08798 Telephone No. 208-837-4078

2. Name of Permit Holder(s): David J. Tupper

3. Mailing Address: 1114 E., 2700 S.

City HAGERMAN State ID Zip 83332

4. Source of Water: Tupper Springs If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____

Well Driller: _____ Drilling Permit Number: _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 1 Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: .04 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes _____ or No X

Has the measuring device been installed?

Yes _____ or No X

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: David J. Tupper Telephone Number: 208-837-6444

Address: 1114 E., 2700 S., HAGERMAN, ID 83332

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: David J. Tupper Date: 2-4-00

(include your title, if on behalf of company or organization)

MICROFILMED

MAY 22 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08798

Priority: November 22, 1999

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **DAVID J TUPPER**
1114 E 2700 S
HAGERMAN ID 83332

has applied for a permit to appropriate water from:
TUPPER SPRINGS tributary of **BILLINGSLEY CREEK**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

DOMESTIC	01/01 to 12/31	0.04 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: SWSESW , Sec. 18, Township 07S, Range 14E
GOODING County

PLACE OF USE: DOMESTIC

TWN RGE SEC

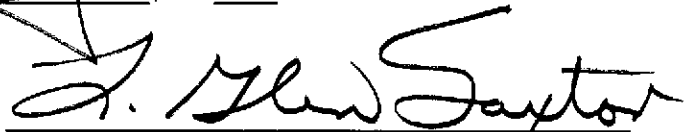
07S 14E 19 Lot 1 (NWNW)

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before **February 1, 2001**.
2. Subject to all prior water rights.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 36A.
4. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
5. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

1st day of February, 2000



for
Karl J. Dreher, Director

MICROFILMED

FEB 03 2000

RECEIVED

NOV 22 1999

Ident. No. 36-08798

RECEIVED
Department of Water Resources
Southern Region

JAN 24 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant David J. Tupper Phone 837-4078
Mailing address 1114 E. 2700 S., HAGERMAN, ID 83332
2. Source of water supply Tupper Springs which is a tributary of Bilingsley Creek
3. Location of point of diversion is Township 7S Range 14E Sec. 18 in the SW 1/4.
SE 1/4, SW 1/4, Govt. Lot _____, B.M., GOODING County:
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.04 for DOMESTIC purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.04 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source collection box & 2" pipeline
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. ONE
 - e. Other; describe fully. _____

MICROFILMED

FEB 03 2000

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	14E	18						D (Lot 1)											

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: place of use shown on ATTACHED GIS map.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Deif T. [Signature]
Signature of Applicant (and title, if applicable)

Received by SCC Date 11-22-99 Time 11 Am Preliminary check by SA [Signature]
 Fee \$ 50.00 Received by SCC # 5022678 Date 11-22-99
 Publication prepared by [Signature] Date 12/10/99 Published in Starling Co. Reader
 Publication approved [Signature] Date 1/10/2000

MICROFILMED
FEB 03 2000

IDAHO DEPT OF WATER RESOURCES

Permit - David Tupper



660 0 660 1320 Feet

T07S R14E



RECOMMENDED PLACE OF USE

- POINT OF DIVERSION
- SECTION LINES
- 1/4 - 1/4 LINES

MICROFILMED
FEB 03 2006

GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY
*** PERMIT ***

DATA ENTRY BY: STEVE CLELLAND
DATE: NOVEMBER 22, 1999

26-08798

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 34-08798 Reviewed by D. Ellis Date 5-16-00

GENERAL CONSIDERATIONS

Yes Name same as permit?

Yes Address same as permit?

Yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Domestic

Correct Uses? Yes

SOURCE OF WATER

✓ Surface water source

 Ground water source

 Drilling permit required?

 Copy in the file? Drilling Permit No.

 Amount paid for permit

 Well log in the file?

 Correct?

LICENSE EXAMINATION FEE

Yes Required?

\$50 Amount Submitted

Yes Correct?

MEASURING DEVICE

 Required?

 Installed?

 Waiver requested?

PRIORITY CALCULATION

Date proof received 5/8/00

Date proof due 2/1/01 -

No. of days late =

Priority Date +

New Priority Date

DEFICIENCIES OR ACTION ITEMS

Acknowledge proof.

DATA ENTRY

New Address NI/A

Proof Made 5/8/00



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

May 16, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVID J TUPPER
1114 E 2700 S
HAGERMAN ID 83332

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08798

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **Southern Regional Office** of the department in Twin Falls at (208) 736-3033.

Sincerely,

Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED

MAY 22 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

February 2, 2000

DIRK KEMPTHORNE
GOVERNOR

DAVID J TUPPER
1114 E 2700 S
HAGERMAN ID 83332

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08798

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klr
Enclosures

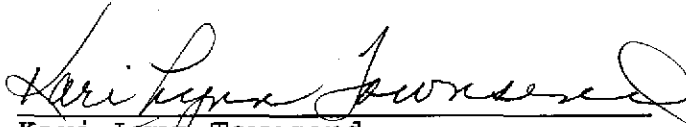
MICROFILMED
FEB 03 2000

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of February, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 36-08798

DAVID J TUPPER
1114 E 2700 S
HAGERMAN ID 83332


Kari Lynn Townsend
Secretary

MICROFILMED
FEB 03 2000

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 1/30/00

No. 36-08798 Name: Juppers Corp. Officers N/A Ad ok X Govt Lots

AREA OF CONCERN: No/Yes ESPA dom ok Moratorium ~~GWMA~~ TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 085
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp/irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
~~Mitigation~~ - 121
42-248 Area - P84 (20s-70s, 81-86)
Swan Falls Flag -
Trust - 051(P74) (consumptive uses) NA (dom)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 210112001

MISC CONDITIONS/REMARKS:

~~Protected~~ - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 081-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response no objection
In/Above MSF - WB9
PLANNING SECTION REVIEW/RESPONSE
In-stream development - P52
WD - R04 (WD# 30A)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD?
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
>1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2400 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per 1/4 - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON - (Per updated map)

OTHER CONDITIONS/REMARKS

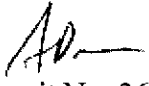
COMMENTS

RECEIVED

JAN 24 2000

MEMO

Department of Water Resources

FROM: Allen Merritt 
TO: Application for Permit No: 36-08798 and 36-08799

DATE: January 19, 2000

In the Name of: David J. Tupper

SUBJECT: Review and Recommendation

These two domestic applications have been filed by David Tupper for development of spring water which is tributary to Billingsley Creek. Comments were sought from F&G and the Water District 36-A. Comments were received back (See file.)

Both applications are for domestic purposes. 36-08798 is for a 42-111A right and 36-08799 is for a 42-111B right. Both applications were processed without protest.

RECOMMENDATION

I recommend that both applications be approved subject to the following conditions:

- Under the control of watermaster for water district 36A.
- Measuring device may be required to be installed in future by either watermaster or department.
- 36-08798 limited to 42-111A constraints.
- 36-08799 limited to 42-111B constraints.

MICROFILMED

JAN 23 2000

STATE OF IDAHO
IDWR SOUTHERN REGION
APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY J. Stanton DATE 11-26-99

REQUIRED INFORMATION (Ck if OK)

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.
- ☒ Address
- ☒ Source (see USGS quad for names of water sources)
- ☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.
- ☒ County
- ☒ Quantity (flow &/or volume)
- ☒ Period of use
- ☒ Nature of proposed use (include description of use)
- ☒ Description of diverting works.
- ☒ Time required for beneficial use of water.
- ☒ Place of use or acres irrigated.
- ☒ Map
- ☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt?

++++PROPOSED PRIORITY DATE 11-22 1999

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back.
- ☒ Overlapping point of diversion. Area has several springs Monitorium Exempt-Process App.
- ☒ Yes ☐ No Is Source Surface Water?
If Yes Send Copy to F&G.
If Yes Field check/memo required.
Field check/memo by _____
- ☐ Yes ☐ No Field report attached?
- ☐ Yes ☒ No Critical Ground water area?
- ☐ Yes ☒ No Groundwater management area?
- ☐ Yes ☒ No Measurement District or Groundwater District?
What District? _____
- ☐ Yes ☒ No Send Dam safety information?
- ☐ Yes ☒ No Send power requirement letter?
- ☐ Yes ☒ No Send fish farm requirement letter?
- ☐ Yes ☒ No Power residency affidavit attached?
- ☐ Yes ☒ No Power efficiency form?
- ☒ Yes ☐ No Within trustwater boundary?(If yes, attach trustwater supplementary analysis sheet.
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft? (If yes, attach large diversion supplementary analysis sheet.
- ☐ Yes ☒ No Is Application made to record Pre Nov 1987 Development?
If Yes then request clear evidence of when use started.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Date Requested _____

Date Sent Comments Received

SEND COPIES TO:

☐ Idaho Dept of Health & Welfare	_____	_____
☐ USDI BLM	_____	_____
☒ Idaho Dept of Fish & Game	_____	_____
☐ USFS	_____	_____
☐ Idaho Dept of Lands	_____	_____
☒ Water Dist. No. <u>36-A</u>	_____	_____
☐ Adjudication Bureau Unit	_____	_____
_____	_____	_____
_____	_____	_____

PROCESSING ☒ Yes ☐ No In form for Advertising?
☐ Yes ☒ No Statewide Advertising?
☒ Yes ☐ No Fee amount, receipt date & No. recorded?

☐ Yes ☐ No Has all requested additional information been received?
If not, describe action taken: _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received?
☐ Yes ☐ No Application published correctly? If not, record action taken.

☒ Yes ☐ No Publication dates and paper recorded?
Final date for protest: _____

☐ Yes ☒ No Protests received?
☐ Yes ☒ No Protested?

Describe Resolution: _____

☐ Yes ☒ No Measuring device required?
☐ Yes ☒ No Access port required?
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what dist? ☒
☐ Yes ☐ No Special conditions codes:

☒ Yes ☐ No Is Evaluation Memo Attached?
If yes, date of Memo 1/15/00

Date of priority recommended: 11/22/99

COMMENTS:

RECOMMEND ☒ Approval ☐ Denial

By At Date 1/19/00

01-99

State of Idaho
Department of Water Resources

RECEIVED
JAN 19 2000
Department of Water Resources
Southern Region

RECOMMENDATION OF WATERMASTER

Application No: 36-08798

Applicant's Name: David J. Tupper

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows: _____

- c) ☐ I oppose approval of this application for the following reasons: _____

- d) Additional Comment : _____

Dated this 18th day of January, 2000.

Water District No: 36A

[Signature]
Watermaster's Signature

Use reverse side of page if you need more space.

MICROFILMED

FEB 03 2000

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Gooding } ss.

RECEIVED

DEC 28 1999

Department of Water Resources
Southern Region

Norma DeVoe, being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in supplement; that the date of the first publication of said advertisement was on the 16th day of December, 1999

and that date of the last publication was on the 23rd day of December, 1999

On this 23rd day of December

in the year of 1999, before me, a Notary Public, personally appeared

Norma DeVoe, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that she executed the same.

Shelley Sturgeon
Notary Public for Idaho
Residing at Jerome

SHELLEY STURGEON
Notary Public
State of Idaho

My commission expires: 12/3/05

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2X

Lines tabular at _____ 7¢/Pica

464.06 Lines straight at 27.84 6¢/Pica

464.06 Subsequent lines at 23.20 5¢/Pica

Affidavit Fee 2.25

TOTAL COST 53.29

Tupper
36-08799 36-08799
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR
BILL TO

COPY OF NOTICE

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-08799
TUPPER, DAVID J.
1114 E 2700 S
HAGERMAN, ID 83332
Source: TUPPER SPRINGS
Tributary: BILLINGSLEY CREEK
Diversion Pt: SWSESW Sec 18 T 07S R 14E in GOODING County.
Use: DOMESTIC (0.040 CFS)
Total Diversion (0.040 CFS)
Date Filed: 11/22/1999
In: GOODING County
T07S R14E S19 Lot 1 (NWNW)

36-08799
TUPPER, DAVID J.
1114 E 2700 S
HAGERMAN, ID 83332
Source: TUPPER SPRINGS
Tributary: BILLINGSLEY CREEK
Diversion Pt: SWSESW Sec 18 T 07S R 14E in GOODING County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)

PUBL Date Filed: 11/22/1999
(Idaho In: GOODING County
T07S R14E S18 SESW

7-8 pt. The permit(s) will be subject to all Pica
prior water rights. Any protest must be
7-8 pt. filed with the Director, Dept. of Water Pica
Resources, Southern Region, 1341
7-8 pt. Fillmore St., Suite 200; Twin Falls, ID
insert 83301 together with a protest fee of Pica
\$25.00 on or before JANUARY 3,
2000. The protestant must also send a
copy of the protest to the applicant.
/s/ Karl J. Dreher, Director
PUB: 12/16 - 12/23 G28783

No. 7294

28783

MICROFILMED

FEB 03 2000



IDAHO FISH & GAME

MAGIC VALLEY REGION
868 East Main Street
P.O. Box 428
Jerome, Idaho 83338-0428

December 27, 1999

Dirk Kempthorne / Governor
Jerry Mallet / Interim Director

Mr. Allen Merritt
Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED

DEC 28 1999

Department of Water Resources
Southern Region

Re: Application for Permit #36-08798 & 36-08799 - David Tupper

Dear Allen,

We have reviewed the above referenced applications to divert a total of 0.08 cfs from Tupper Springs in Gooding County for domestic purposes. Because the volume is so small, it's our assessment that impacts on fish and wildlife will be minimal.

Thank you for the opportunity to review and comment on this application.

Sincerely,

Carl H. Nellis
Magic Valley Regional Supervisor

Cc: IDFG-NRB (Robertson)

MICROFILMED

FEB 03 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

December 10, 1999

ATTN DAVE PARRISH
ID DEPT FISH & GAME
PO BOX 428
JEROME ID 83338

Re: Application for Permit Nos. 36-08789 & 36-08799-David J. Tupper

Dear Mr. Parrish:

The Department is seeking a written Comment &/or Recommendation from your agency regarding the above referenced application for surface water; a copy of the application is enclosed for your information and reference.

Regional review of an unprotested application can be completed as soon as the final protest period is past; therefore, your prompt response to this request is appreciated.

If you have any questions about an application, please contact this office or the applicant.

Very truly yours,

Mary A. Baldwin
Administrative Assistant

Enclosure(s)

MICROFILMED

FEB 03 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 10, 1999

FRANK ERWIN WATERMASTER
WATER DISTRICT # 36-A
2628 S 975 E
HAGERMAN ID 83332

Re: Application for Permit Nos. > (36-08798 & 36-09799-David J. Tupper)

Dear Mr. Erwin:

Enclosed are copies of two Applications for Permit within your District, and Watermaster's Recommendation Form(s).

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form(s) and return to this office.

Regional review of an unprotested application can be completed as soon as the final protest period is past; therefore, your prompt response to this request is appreciated.

If you have any questions about an application, please contact this office or the applicant.

Very truly yours,

Mary A. Baldwin
Administrative Assistant

Enclosures

MICROFILMED
FEB 03 2000

MEMO

TO: File

DATE: 11-26-99

FROM: J E STANTON

SUBJECT: Apps. For Permit, David Tupper

I discussed these applications with Steve Clelland. He said that both diversions were started a couple of years ago. The app. for the home requests 1 year, as this is a developed system. The app. for domestic (commercial bottled water) use requests 5 years, as this is a growing business whose diversion volume is rapidly increasing. They are up to 500 gallons of water per week now, and hope to approach the allowable maximum in a few years. The applicant knows that a water right will be needed if either the applied-for rate or volume are exceeded. As de minimus uses under Sec. 42-111(b) Idaho Code, they are exempt from the present moratorium. Although these diversions are in Water District 36-A and subject to watermaster control, they are so small that approving these permits should have little noticeable impact on existing uses. The same collection box serves both uses via separate pipelines.

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FEB 03 2000

26-08793



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DECEMBER 10, 1999

Legal Notices Department
GOODING COUNTY LEADER
200 N MAIN
GOODING, ID 83330

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JANUARY 3, 2000.

Yours truly,

Mary Baldwin
Administrative Assistant

Enclosure

MICROFILMED

FEB 03 2000

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-08798

TUPPER, DAVID J
1114 E 2700 S
HAGERMAN, ID 83332

Source: TUPPER SPRINGS

Tributary: BILLINGSLEY CREEK

Diversion Pt.: SWSESW Sec 18 T 07S R 14E in GOODING County.

Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)

Date Filed: 11/22/1999

In: GOODING County
T07S R14E S19 Lot 1(NWNW)

36-08799

TUPPER, DAVID J
1114 E 2700 S
HAGERMAN, ID 83332

Source: TUPPER SPRINGS

Tributary: BILLINGSLEY CREEK

Diversion Pt.: SWSESW Sec 18 T 07S R 14E in GOODING County.

Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)

Date Filed: 11/22/1999

In: GOODING County
T07S R14E S18 SESW

The permit(s) will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before JANUARY 3, 2000. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published: 12/16/1999 & 12/23/1999