



State of Idaho

DEPARTMENT OF WATER RESOURCES

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May 8, 1996

Robert Tupper
1110A E 2700 South
Hagerman, ID 83332

Ken Ellis
Aqua Life, Inc.
Rt. 5 Box 5053
Buhl, ID 83316

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Dear Gentlemen:

Pursuant to our meeting yesterday, I have enclosed complete copies of the Department's file for water right license no. 36-02414. Also enclosed are copies of the Conjunctive Management Rules and Regulations. Mr. Ellis has been provided a copy of the 1957 Warranty Deed between the Thousand Springs Tout Co. and Wilford, Naomi, John and Esther Tupper. A copy of this warranty deed had been given to Norm Young and I at yesterday's meeting.

I also looked into the question about the season of use for right no. 36-02414. At the meeting, there was some question as to why the computer copy of license 36-02414 did not contain any period of use. I reviewed license 36-02414 and found no reference to any season of use. In Idaho, season of use was not required to be an element of water right licensing until 1967. As a result, water rights issued prior to this time did not include specific periods of use. I believe that the Department would view the season of use under license 36-02414 to be January 1 to December 31 as long as there is evidence that water has traditionally been diverted under the right year round.

Thank you for the opportunity to visit with you on May 7. We will contact you and the watermaster again after you have had a few days to review the enclosed material. I have forwarded a copy of this letter to George Lemmon but have not included all of the enclosures. If necessary, George can review or duplicate one of the sets of copies sent to you.

Sincerely,

Tim Luke

cc: George Lemmon