

47-7091

Settling pond
B Section

"B" Section

"B" Section outflow

photo looking NW'ly

TO FILE 47-07091

Shaw-Walker Co.

Shaw-Walker Co. 47-07367

"A" Section

See 47-07091

47-07367
Weaver's property

photo looking north

47-7091

Settling Pond
"B" Section

110
This image was scan
in color, but the
scanner will not scan
this image in color

"B" Section



photo looking NW'ly

To FILE 47-07091

Shirley G. F. F. F.

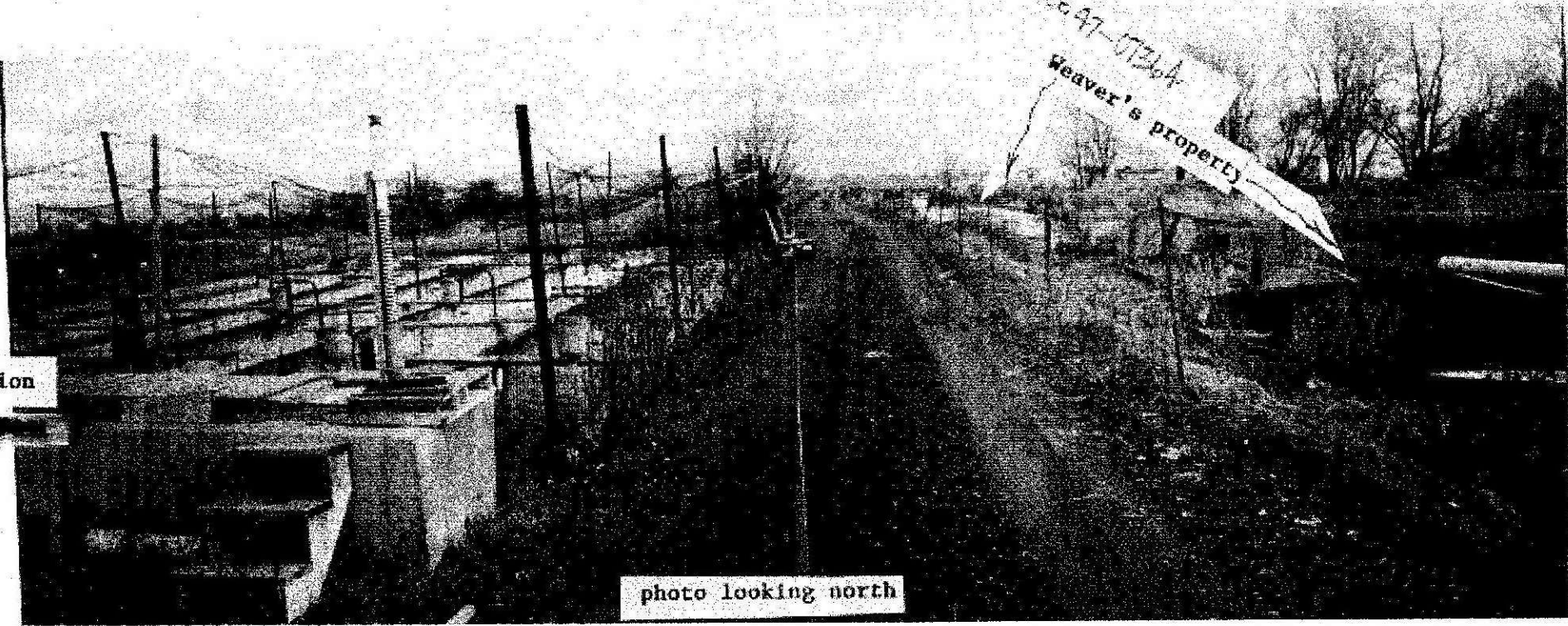
Shirley G. F. F. F. 47-07367

"A" Section

Sec

Sec 47-07367
Weaver's property

photo looking north



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: A47-07091
Date Received: 1/ 5/1989
Receipt No: S005673
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: SILVER CREEK FARMS INC 208-736-0829
Address: PO BOX 351
TWIN FALLS ID 83303-0351
2. Date of Priority: FEB 23, 1970
3. Source: UNNAMED STREAM Trib. to: SNAKE RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 09S | 15E | 28 | NE | SW | | | TWIN FALLS |
| | | | SE | SW | | | TWIN FALLS |
5. Description of diverting works:
HEADGATE, DITCH
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------------|-------|-------|--------|------|--------|
| FISH PROPAGATION | 01/01 | 12/31 | 16.500 | | |
7. Total Quantity Appropriated is:
16.500 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
H/10 RACEWAYS
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	15E	28	NE	SW		FISH	
			SE	SW		FISH	

11. Place of use in counties: TWIN FALLS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

SEE ATTACHED

ATTORNEY ADDED TO CLAIM.

2/5/99 TF; CORPORATE NAMED CHANGED FROM TUNNEL CREEK RANCH TO
SILVER CREEK FARMS INC PER 1409(6) AND CERTIFICATE OF AMENDMENT
REC'D 2/2/99.

15. Basis of Claim: LICENSE

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED
FEB 22 1999
Department of Water Resources
Southern Region

1. Water Right No(s).: 47-07367, -07377, -08097
Adjudication Claim No(s).: 47-14003; 14017 A47-07091

2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

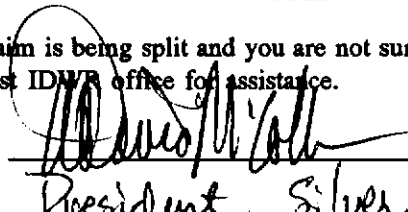
3. Name and Address of Former Owner/Claimant Tunnel Creek Ranch, Inc
PO Box 351, Twin Falls, ID. 83303

4. New Owner/Claimant(s) SILVER CREEK FARMS, INC
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address same address as above
name change only Certificate of Amendment attached.
City, State and ZIP Code _____
New Telephone Number () _____

5. Date you acquired the property 21 January 1992

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

 Number of acres you irrigate _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) 
President, Silver Creek Farms, Inc.
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

State of Idaho

Department of State

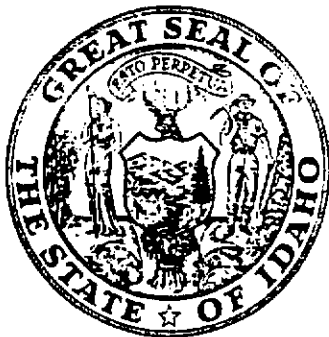
CERTIFICATE OF AMENDMENT OF

TUNNEL CREEK, INC.

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of Articles of Amendment to the Articles of Incorporation of SILVER CREEK FARMS, INC. duly signed and verified pursuant to the provisions of the Idaho Business Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Amendment to the Articles of Incorporation and attach hereto a duplicate original of the Articles of Amendment.

January 21, 1992



Pete T. Cenarrusa

SECRETARY OF STATE

Matthew Richards

Corporation Clerk

E. NARRATIVE/REMARKS/COMMENTS

FROM: Georgia Satterlee
DATE: 02 February 1999
RE: 47-07367

On 13 January 1999 at 0900 hrs., I met with David McCollum and Lamar Sylten to conduct the field examination. McCollum is the contact person for the fish processing plant (47-08097) for Silver Creek Farms. Lamar Sylten is manager of the fish farm (47-07367). According to Sylten, the fish farm provides approximately 210,000 pounds of the 2.5-3.0 million pounds of fish processed annually.

In March 1983, Permit 47-07367 was assigned from Everett Weaver to Fred R. Harrell. In 1988, Harrell assigned the permit to Tunnel Creek, who changed their name in 1992 to Silver Creek Farms.

The first portion of the hatchery, downstream 1700 feet from Section "C", was licensed, 47-07091, in 1979 when Everett Weaver owned it. Tunnel Creek, Inc. filed an SRBA claim for the water right on 03 February 1989.

The areas maintained by Mr. Sylten are Sections "A", "B", and "C". Please see 1992 ASCS flight photo. It appears the "B" section was overlooked in the first licensing examination? or developed later and is suppose to be included with 47-07367?

Weaver owns the property on east side of the existing fish hatchery, please see 47-07364. Mr. Sylten has managed Silver Creek Fish Farm for five years. He says that the Weaver property, especially Weaver's fish ponds have always looked decrepit. According to Sylten, "...as long as he has been managing the hatchery" he says, "There has not been any maintenance or enhancement to Weaver's ponds."

North-west and downstream from the "C" section, is another licensed fish farm, 47-07133, owned and operated by Leo Martins. Mr. Sylten says Martins sells his crop to Silver Creek Farms.

The "C" section of the facility consists of the weir, 6 raceways, and a settling pond. The raceway volume is 0.58 acres. The volume of the "C" section settling pond is approximately 1 acre. Mr. Sylten submitted 1996-1998 measurements for the 3 foot and 4 foot weirs. The average measurement for the 4 foot weir is conducive to the permit rate. Please see back of Beneficial Use Field Report for recommendations.

Soiling Pond
"B" Section

"B" Section



photo looking NW'ly

"B" Section - outflow

TO FILE A47-07091

Charles G. Weaver
Tunnel City, Inc. 47-07361

"A" Section

See 47-07091



photo looking north

Weaver's property

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: A47-07091
Date Received: 2/03/1989
Receipt No: S005673
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TUNNEL CREEK, INC. 208-736-0829
Address: P.O. BOX 351
TWIN FALLS, ID 83303

2. Date of Priority: FEB 23, 1970

3. Source: UNNAMED STREAM Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	15E	28	NE	SW			TWIN FALLS
			SE	SW			TWIN FALLS

5. Description of diverting works:
HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	16.500		

7. Total Quantity Appropriated is:
16.500 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
H/10 RACEWAYS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	15E	28	NE	SW		FISH	
			SE	SW		FISH	

A47-07091

Page 1

Date: 02/03/89

MICROFILMED

MAR 11 1993

11. Place of use in counties: TWIN FALLS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
SEE ATTACHED

15. Basis of Claim: LICENSE

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Fish Propagation purposes from Jan. 1 to Dec. 31 amount 16.5 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 16.5 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Fish Propagation (See "remarks")

10. 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 use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
9 S	15 E	28									H			H					

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Twin Falls

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None (X)

14. Remarks:

Item 9: Hatchery complex with 10 raceways approximately 3' x 30'

5 raceways approximately 15' x 100'

4 dirt ponds approximately 50' x 300'

MICROFILMED

Last Name Tunnel Creek, Inc Ident No. _____

MAR 11 1993

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 15x15 grid map showing a proposed diversion of an unnamed stream. The stream flows from the top left towards the center. A diversion is marked with a dashed line and labeled "Point of Diversion". The diverted stream flows east towards a "Place of Use". The original stream continues south. A "28" is marked near the diversion point. Other labels include "R 15 E. 130." and "9.5".

MAR 11 1993

Last Name

Tunnel Creek

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 47-7091

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 0

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Treasurer

Title

of Tunnel Creek, Inc. that I have signed the foregoing

Organization

document in the space below as Treasurer of Tunnel Creek, Inc.

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization Treasurer, Tunnel Creek, Inc. Date 12-20-88

State of Idaho/or _____)

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 20th day of December 19 88



SETHOMAS M. ROBERTSON

NOTARY PUBLIC - STATE OF IDAHO

Residing at Kimberly, Idaho

Commission Expires 9-14-94

Notary Public [Signature]

Residing at _____

My Commission Expires _____

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Thomas M. Robertson will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Thomas M. Robertson

Address Box 525 Twin Falls, ID 83301

Date Dec 19, 1988

MICROFILMED

MAR 11 1993

Last Name Tunnel Creek Ident. Number _____

Copies White-State, Yellow-Claimant

9/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Tunnel Creek

CLAIM IDENT. NO.

A47-02091

DATE RECEIVED

12/20

CK #

1996

AMOUNT \$215.00

YES

NO

1. Is the name and address complete with zip code?

✓

2. Is a priority date entered?

✓

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

✓

3. (a) Is a source entered?

✓

(b) Is a tributary to entered? (if required)

N/A

✓

4. Is the legal description of the p.d. sufficient?

✓

5. Is there a description of the diverting works?

✓

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

✓

Is the period of use included?

✓

Is a quantity claimed for each use?

✓

7. Is a total quantity claimed entered?

✓

8. If required is a consumptive use entered?

N/A

✓

Is the consumptive use correct?

N/A

✓

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim. See Adjudication Memo # 4.

✓

10. Is (are) the place(s) of use entered?

✓

11. Is (are) the county(ies) entered?

✓

12. Is the ownership of p.u. checked?

✓

13. Are other water rights listed or "none" checked?

✓

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

N/A

✓

15. Is the basis of the claim checked?

✓

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)

✓

Has the claim been signed, sealed, and dated by a notary?

✓

Is the fee enclosed correct?

✓

If this claim is based on an existing water right, has the identification number been entered?

N/A

✓

Should this claim be receipted and data entered?

✓

Fish 16.5 cts = 165.00

Flat fee = 50.00

\$ 215.00

Claim checked by:

WISNO FILMED

MAR 11 1993

Comments: