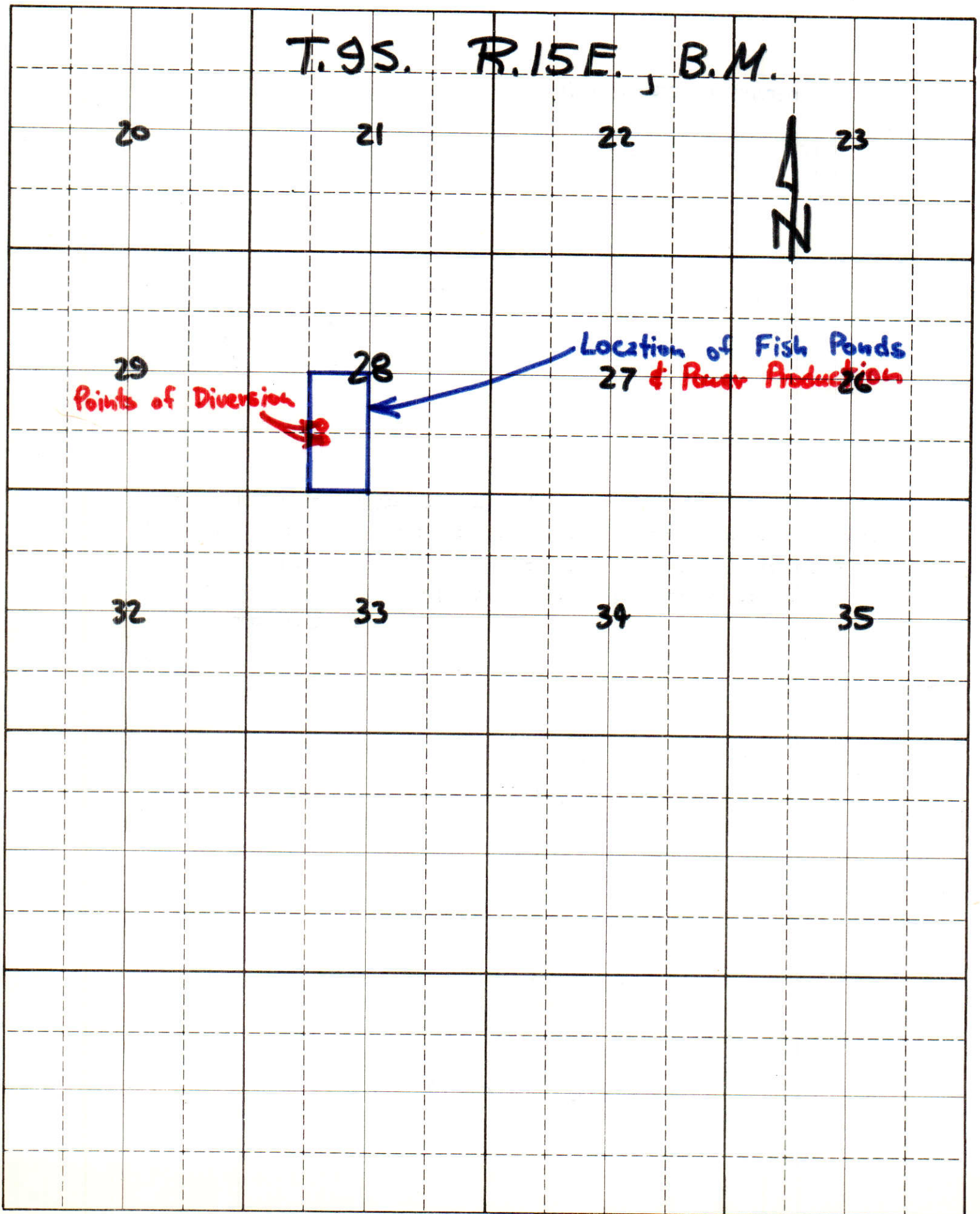


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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

Corett Weaver
(Applicant)

1KK-180



Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS

ss.

No 5608

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Everett Weaver Rte. #4, Buhl, Idaho 83316 has on 1/18/77 submitted Application No. 47-7367 for a permit to appropriate 9.0 cubic feet per second of water from an unnamed stream by means of diversion dams and screens. Power will be developed by diversion into pipeline with pinstock. Within the SE 1/4 SW 1/4, NE 1/4 SW 1/4, Sec. 28, Twp. 9 S, Rge. 15 E., B.M., Twin Falls County to be used from Jan. 1 to Dec. 31 for fish propagation and power within the E 1/2 SW 1/4, Sec. 28, Twp. 9 S, Rge. 15 E., B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before Feb. 14, 1977.

R. KEITH HIGGINSON
Director

PUBLISH: Jan. 27 and Feb. 3, 1977

ok AB 2/7/77

I, Kay Mauer being first duly sworn upon oath, depose and say that I am Print Clerk of the TIMES-NEWS, published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive Thursdays, commencing with the issue dated January 27, 19 77, and ending with the issue dated February 3, 19 77.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, under said name in said city and county continuously and uninterruptedly.

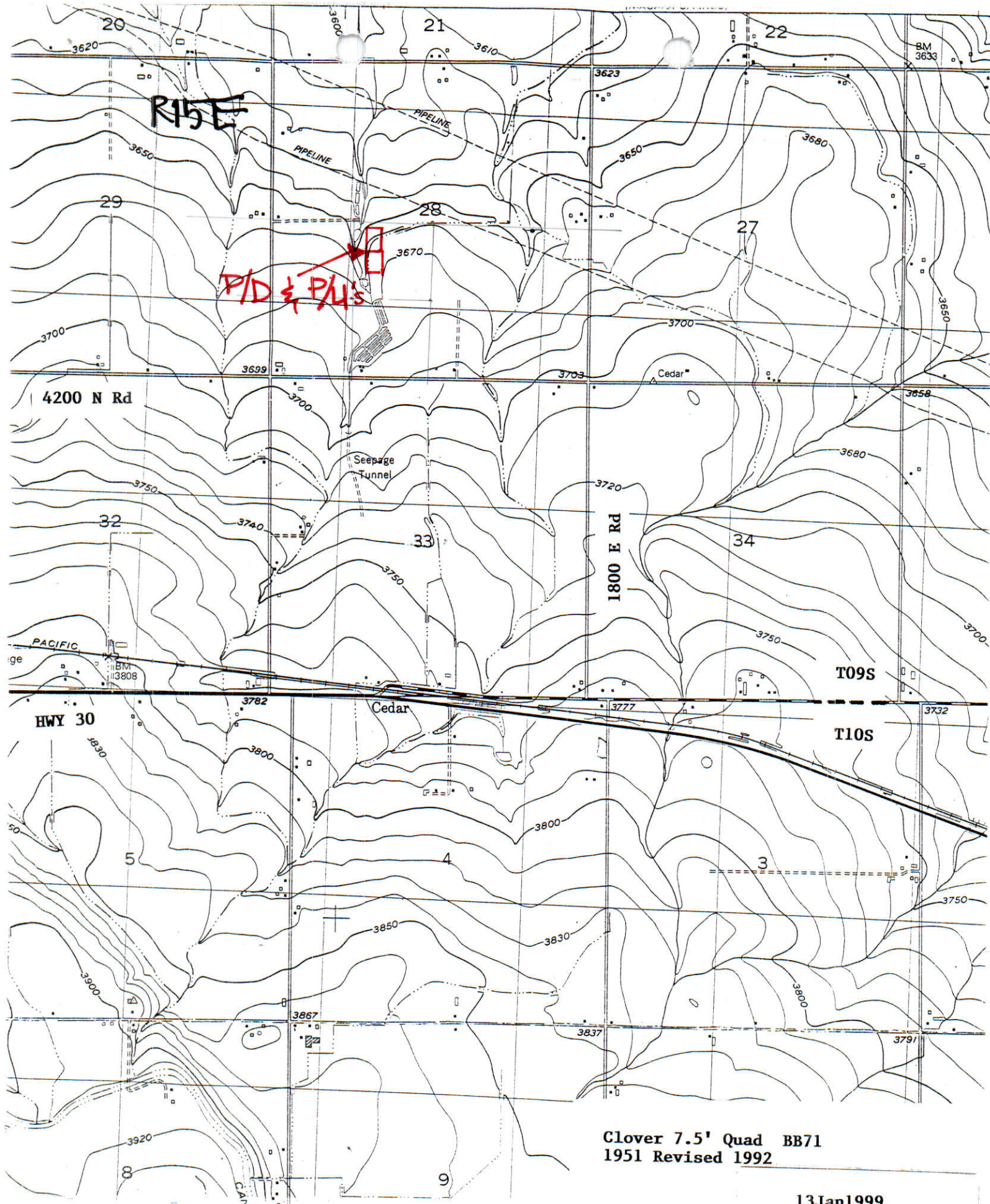
And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Kay Mauer
Subscribed and sworn to before me on this 3rd day of

January, 19 77.

Carol Ann Jennings
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

NOT RECORDED



Clover 7.5' Quad BB71
1951 Revised 1992

13Jan1999
Silver Creek Farms 1300 hrs.

47-07367

Facility using 9 SF. of Water
Under Permit # 47-7367

Discharge 1-28'-1

Section "C"

Surface $28' \times 300' = 8,400' = \underline{0.19 \text{ ac.}}$

Volume $8,400' \times 3' = 25,200' = \underline{0.58 \text{ ac.}}$

← 3' fall

another
measuring device location

← 2' fall

300'

Settling
Pond

Bypass

To
Fish prop.

Same elevation

Diversion

Twin Falls Canal

3 foot to neighbors

Section "B"
700 feet S'ly

Silver Crt Farms
47-07367

13



Silver Crk Frms

2/3



Silver Creek Farms

47-07367

3/26

Settling Pond
"B" Section

"B" Section

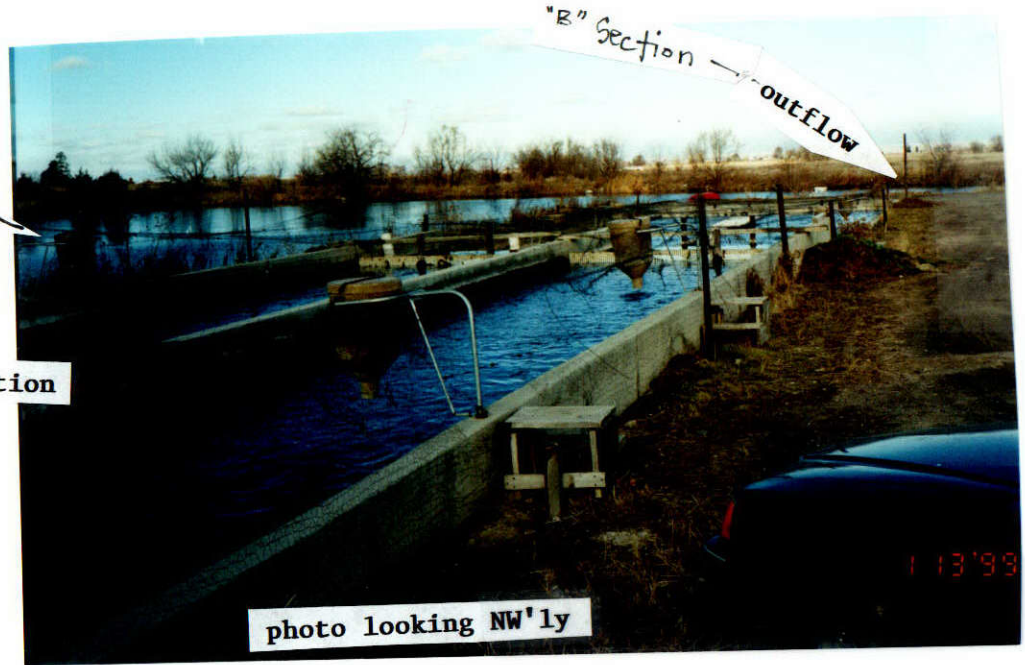


photo looking NW'ly

Silver Creek Farms
47-07367

"A" Section

see 47-07091

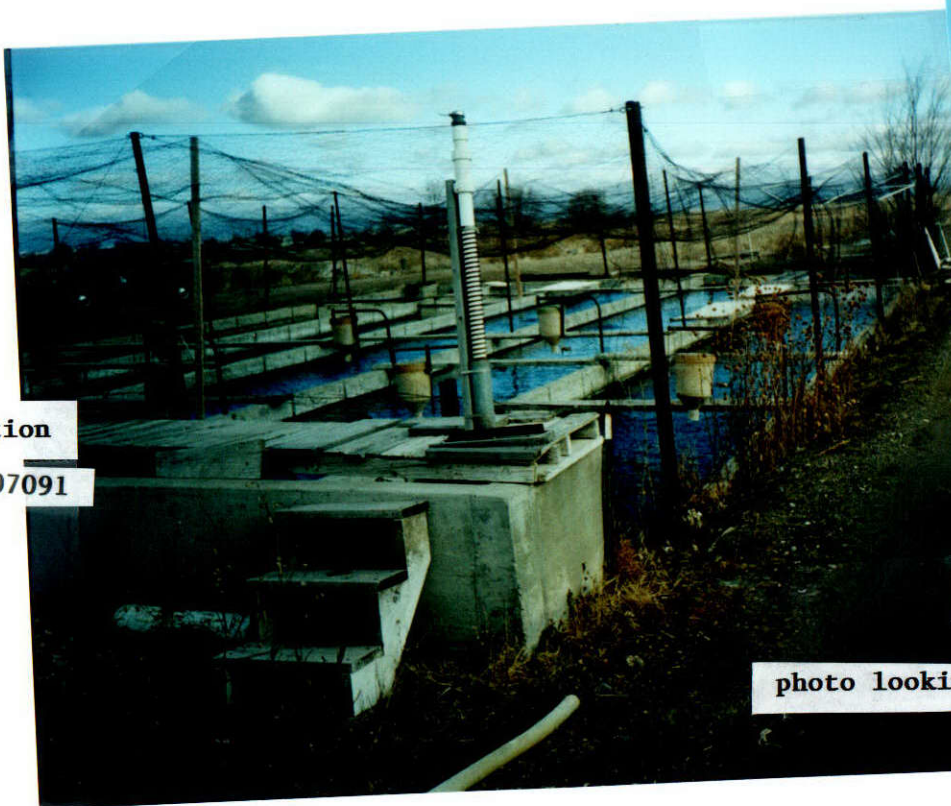
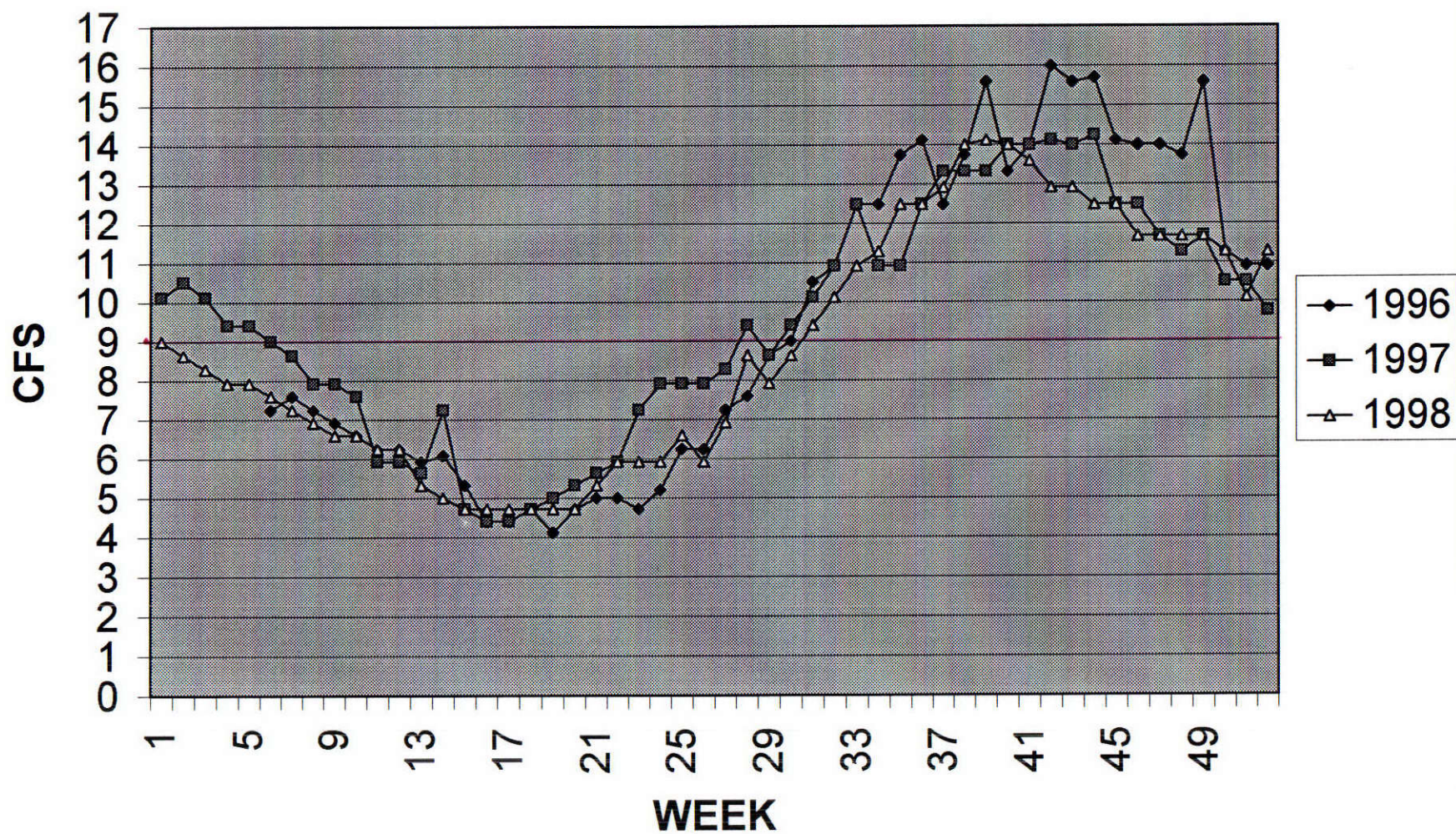


photo looking north



see 47-07364
Weaver's property

TCF C SECTION FLOWS



47-07367

EXHIBIT A

Exhibit "A"

BANK

fish ponds

FAST

West

LEH. 32A
S → N

HEAD GATE
+ CHECK ON 32A

X on reverse side shows

MICROFILMED

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	47-7367	Everett Weaver	9.0 cfs
Full Assignment	47-7367	Fred R. Harrell	9.0 cfs
Full Assignment	47-7367	Tunnel Creek, Inc.	9.0

MICROFILMED

FEB 08 1989

RECEIVED

NOV 28 1988

State of Idaho

Department of Water Resources

COPY

Department of Water Resources
ASSIGNMENT OF PERMIT

I, Fred R. Harrell & Kay W. Harrell, hereby assign to Tunnel Creek, Inc., an Idaho corporation
of Box 112, Twin Falls, Idaho, 83303
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 47-7367
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

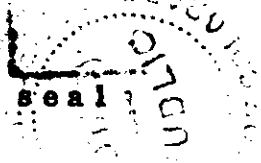
Made this _____ day of _____, 19____.

Fred R. Harrell
Permit Holder

Kay W. Harrell
Spouse of Permit Holder

State of ~~Idaho~~ Colorado)
County of Arapahoe) ss.

On this 21 day of November, 19 88, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same. Kay W. Harrell only



Nancy L. Burr
Notary Public residing at _____ Commission expires Mar. 20, 1989
8600 East Arapahoe Rd.
Englewood, CO 80112

My commission expires: _____

MICROFILMED

FEB 08 1989

MICROFILMED

FEB 06 1989

SINGLE ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF COLLIN }

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared
FRED R. HARRELL

known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 18th day of November A. D. 19 88



LINDA PATTERSON
NOTARY PUBLIC STATE OF TEXAS
COMMISSION EXPIRES 4-2-89

Notary Public in and for

Collin

County, Texas.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit
proof of beneficial use on a water right permit

Fred B. Harrell of 7431 Larkview Dr
(Name) (Address)

State of Nellie Texas 76240, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to appropriate the Public Waters of the State of Idaho No. 47-7367.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before 22 March, 19 83.

That he has heretofore performed the following work described under said permit: _____

built 6 - Ponds - 120 x 15 x 4

Costing \$ 35,000⁰⁰

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: low return due to economy - low demand
For Fish -

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to 1 Dec, 19 88.

Fred B. Harrell
(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the Statement of Beneficial Use is extended to December 1, 1988.

Signed this 17th day of May, 19 83.

J. Glen Saxton
Chief, Operations Bureau

\$15.00 fee received by TGB Date 3-22-83 Receipt # 26103
CASH

MICROFILMED

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

OK to proceed
RC 4-19-83

RECEIVED

MAR 22 1983

I, Everett Weaver, hereby assign to Fred R. Harrell
of 7431 Larchview Drive, Dallas, Texas 75240
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 47-7367
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 22 day of March, 19 83.

Everett Weaver
Permit Holder

Spouse of Permit Holder

State of Idaho)
County of Twin Falls) ss.

On this 22 day of March, 19 83, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

Loren O. Hatcher
Notary Public residing at
Twin Falls

My commission expires:
Life

NOT RECORDED

Identification No. _____

Application No. 47-7367

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Everett Weaver Phone: 543-4782
post office address Rte. #4 Buhl, Idaho 83316
2. Source of water supply Unnamed Stream which is a tributary of So. Side Lat. 32A
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28 Township 9S
Range 15 E. B.M. County; additional points of diversion if any: _____
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, Twp. 9 S, Rge. 15 E., B.M. Twin Falls County
- b. If water is not consumed, it will be discharged into I-3 Coulee at a point in NE $\frac{1}{4}$
of SW $\frac{1}{4}$ of Section 28 Township 9 S Range 15 E B.M.
4. Water will be used for the following purposes:
Amount 9.0 for Fish Prop. purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 9.0 cfs for Power purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 9.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. _____
Diversion Dams and screens, 4½' high, 16' wide, bottom 16' wood & concrete
for fish prop. Power will be developed by diversion into pipeline with penstock.
b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 8,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: E $\frac{1}{2}$ $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28 Township 9 S
Range 15 E. B.M.
(2) Amount of power to be generated: _____ hp under 20 feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____
Fish Prop. and power production

RECEIVED
JAN 10 1973

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

[illegible]

Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes as described above. _____

47-7091

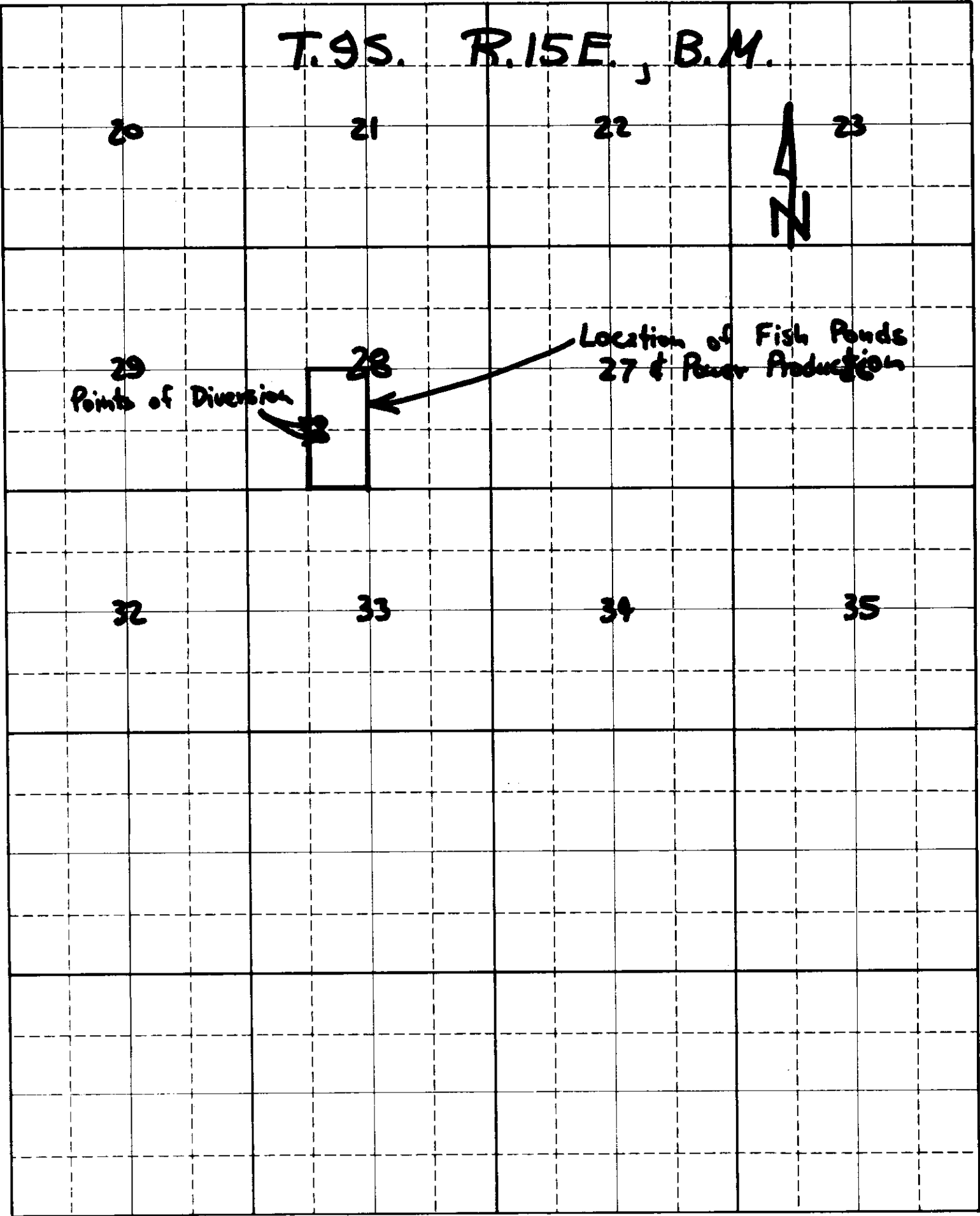
9. a. Who owns the property at the point of diversion Applicant

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 _____

10. Remarks _____

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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

Corett Weaver
(Applicant)

Proposed Priority 1-18-77

Received by ADM Date 1-18-77 Time 10:30
Preliminary check by AS Fee \$ 105.00 Rec'd. # 2305
Receipted by SB Date 1/18/77
Publication prepared by SB Date 1/19/77
Published in Times News
Publication dates 1/27 & 2/3/77
Publication approved SB Date 2/7/77
Priority reduced to _____ Reason _____

Protests filed by: methuenum 3/12/78
Twin Falls Canal Co., Leo
Maister, Donk Central, Paul Wright, Withdrawn 10-31-78
Alvira Oak Ranches, Delin Freeman,
Richard Morris, Alan Morgan
Copies of protests forwarded by SB 1/27/77
Hearing held by _____ Date _____
Recommended for approval denial by SA 55.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 47-7367, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 19 83.

c. Other: (1) Measuring devices of a type approved by this Department shall be permanently installed and maintained at both the inlet & outlet works.

(2) Return water shall be treated to insure that the effluent meets intra-state stream water quality standards.

2. Denial of said application is for the following reasons: _____

Witness my hand this 7th day of December, 19 78.

L. Glen Sayton

Chief, Operations Bureau

1KK-180

21

28

E
11.5

D
8.2

11.6

B
8.0

12.1

A
9.2

28

12

1-H

646-H

F
12.0

G
9.0

645-H

7-519

D
14.0

C
2.7

644-H

A
19.8

647-H

A
16.4

648-H

7-22

18.3

11.0

9.7

A
8.5

649-H

C
7.4

D
6.6

E
1.1

D
2.5

2.5

2.5

C
12.2

B
8.0

13.3

H
3.8

4.3

3.8

D
5.5

C
7.2

D
14.6

B
8.6

3.4

G
2.5

E
9.7

651-H

9.9

C
7.2

D
14.6

I
7.2

648-H

7-522

G
10.7

F
7.7

E
9.5

650-H

J
2.9

K
8.0

G
2.5

D
4.5

10.0

F
5.9

29

12

33

B
17.9

A
16.0

654-H

7-550

B
10.9

653-H

A525

G
10.9

H
20.4

10.1

652-H

E
8.5

33

Individual Owner

AFFIDAVIT TO ESTABLISH RESIDENCE BOHI

I, EVERETT WEAVER of ~~TWIN FALLS~~, County of TWIN FALL, State of Idaho, being duly sworn, do hereby certify that I am a bona fide resident of the State of Idaho.

/s/ Everett Weaver

Subscribed and sworn to before me this 12 day of Jan., 19 77

/s/ [Signature]

Notary Public
Residence Homer

My Commission Expires 2-22-77

Corporation or Association

AFFIDAVIT TO ESTABLISH RESIDENCE
OR QUALIFICATIONS TO DO BUSINESS UNDER THE LAWS OF
IDAHO...

I, _____ of _____, County of _____, State of Idaho, being first duly sworn, depose and say:
That I am the designated statutory agent of the _____,
that as such I am in charge of the registered office of the said _____,
_____ as provided by Section 30-143, Idaho Code, at _____,
Idaho, wherein are kept the records provided by Section 30-144, Idaho Code, and that _____ is a legal _____
qualified to do business in the State of Idaho under the laws of the State of Idaho.

/s/ _____

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

/s/ _____

Notary Public
Residence _____

My Commission Expires _____

UNRECORDED

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

No 5608

I, Kay Mauer being first duly sworn upon
oath, depose and say that I am Print Clerk of the TIMES-NEWS,
published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy
of the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for Two
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January 27, 19 77, and ending with the issue dated
February 3, 19 77.

And I do further certify that said newspaper is a consolidation, effective February 16,
1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the
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tinuously and uninterruptedly during a period of more than twelve consecutive months, and
said TIMES-NEWS, since such consolidation, has been published as a daily newspaper
except Saturday, under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each
week has been designated as the day on which legal notice by law or by order of any
court of competent jurisdiction within the state of Idaho, to be published weekly, will be
published; and that at the head of the editorial column of said combined newspapers, and
in each issue thereof, Thursday is announced as the day on which said legal notices will
be published.

Subscribed and sworn to before me on this 27 day of

January 19 77
Carolyn J. Jerniga

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

OLDIE

Form 219
6/92

RECEIVED

DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

MAY 10 1999

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 47-07367
Phone No. (208) 736-0829

1. Owner: SILVER CREEK FARMS
Current Address: PO BOX 351, TWIN FALLS, ID. 83303

2. Accompanied by: Lamar Sylten EXAM DATE: 13 Jan 1999

Address: _____ Phone No. _____

Relationship to Permit Holder: Manager

3. Source: unnamed stream tributary to Snake River

B. OVERLAP REVIEW

- Other water rights with the same place of use: 47-07091 License Section A
- Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
#1		NW	NE	SW	28	09S	15E	Twin Falls	Field Verification
									GPS A0007847 tag
									on 4 foot weir
#2		SW	NE	SW	28	09S	15E	↓	

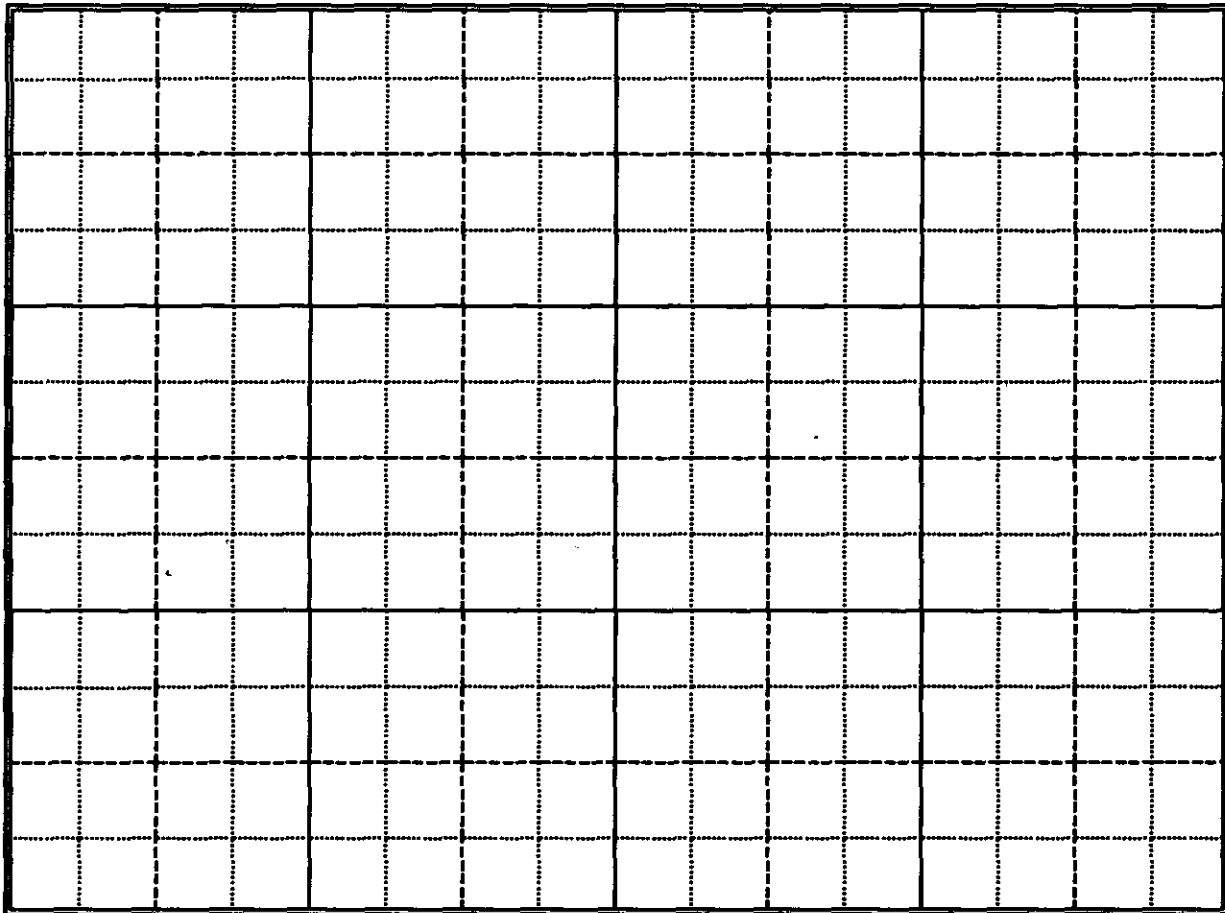
2. Place(s) of Use:

Indicate Method of Determination Same as above

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	15E	28												F	F				

47-07367 "C" section Fish Propagation
" " " "B" " " " " " "

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached
#1 P/D only.

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
GPS-A0007847					
A rectangular weir					

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: Submitted by applicant 1996-1998
measurements

7483 H
410

2
8.0

6.0

5
11.4

R15E

6
9.0

1
24.8

2
16.9

2
7.7

Leo Martins

47-07133

"C" Section

47-07367

WEL

1095

3
6.4

4
22.0

"B" Section

#2 P/S

2
11.6

"A" Section

47-07091

Weaver, Everett

47-07364

7
18.9

8
6.9

4
13

3
9.0

1992 ASCS Flight
Silver-Creek-Farms
47-07367

Facility using 9 SF. of Water
Under Permit # 47-7367

Discharge 1-28'-1

Section "C"

Surface $28' \times 300' = 8,400' = 0.19 \text{ ac.}$

Volume $8,400' \times 3' = 25,200' = 0.58 \text{ ac.}$

← 3' fall

another
measuring device location

← 2' fall

outflow

300'

inflow

Settling
Pond

Bypass

To
Fish prop.

Same elevation

4' Diversion

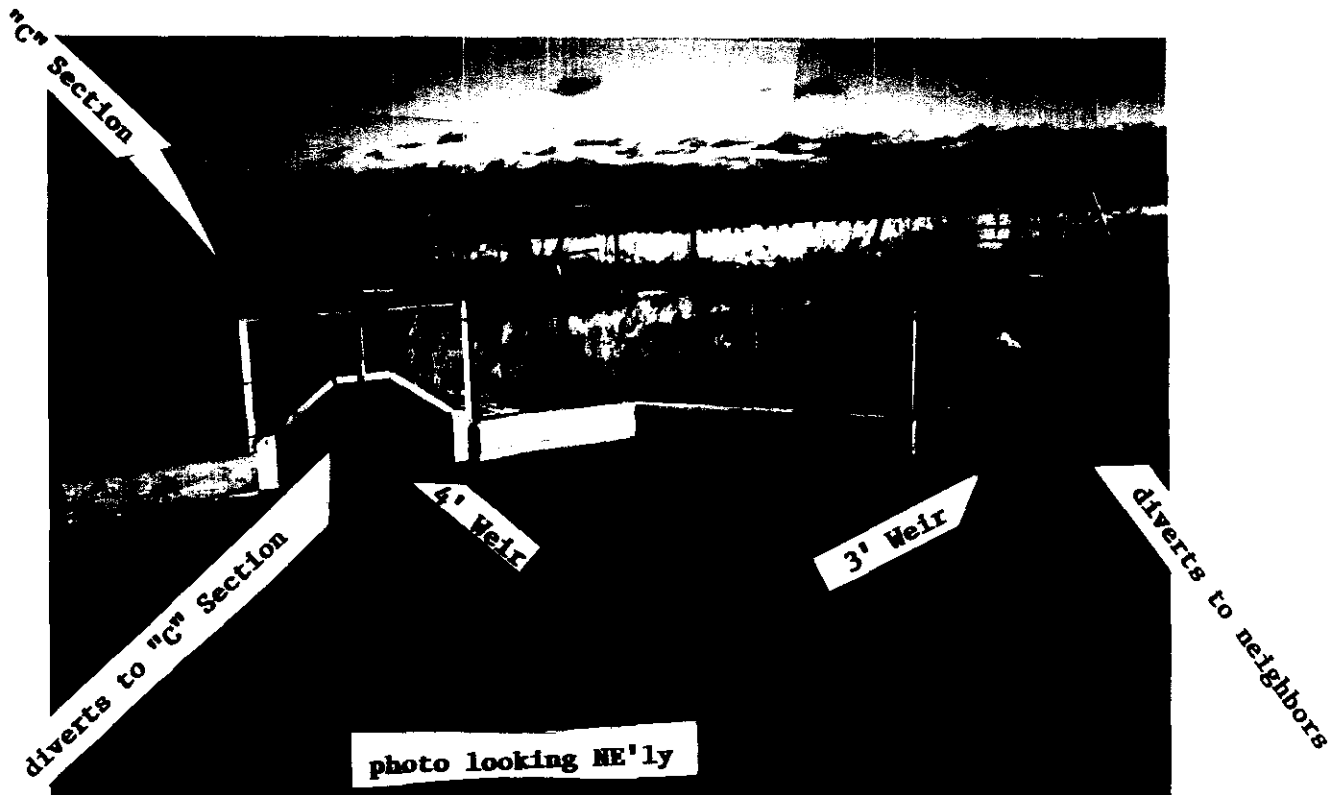
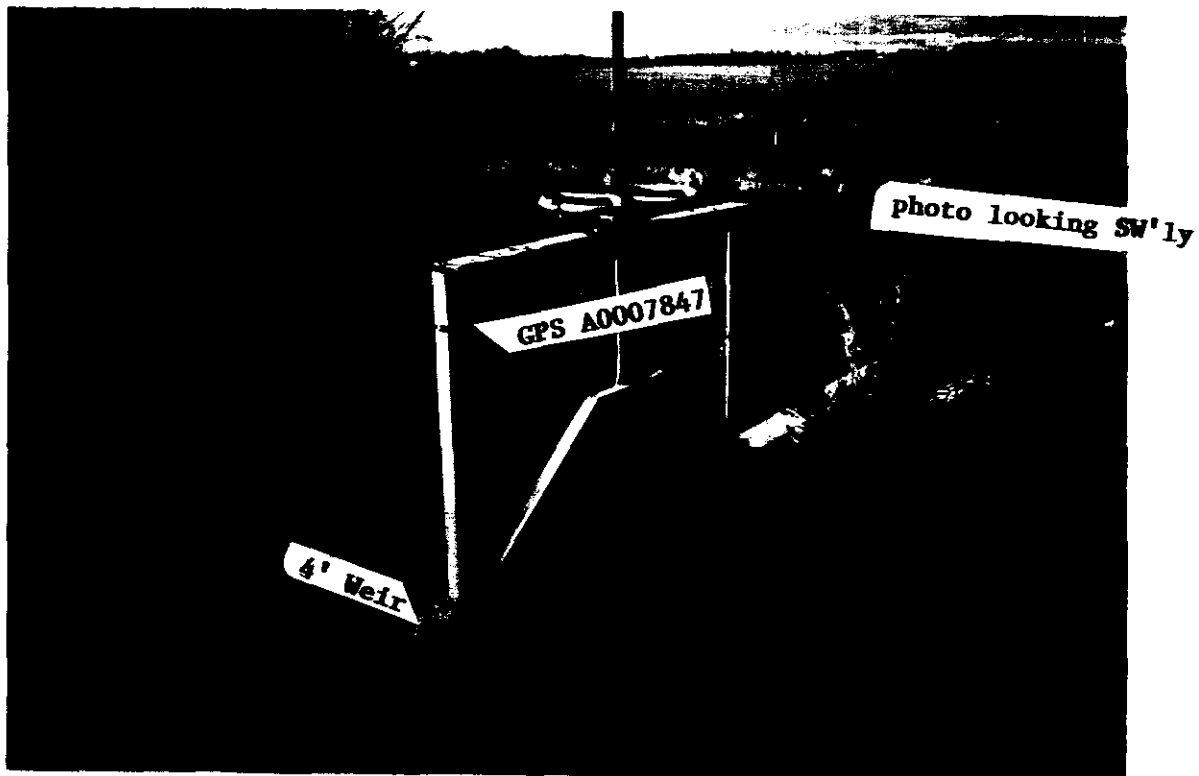
Twin Falls Canal

3 foot to neighbors

Section "B"
700 feet S'ly

Silver Ck Farms
47-07367

1/3



Silver Crk Frms

13Jan1999 1300 hrs 47-07367

2/3

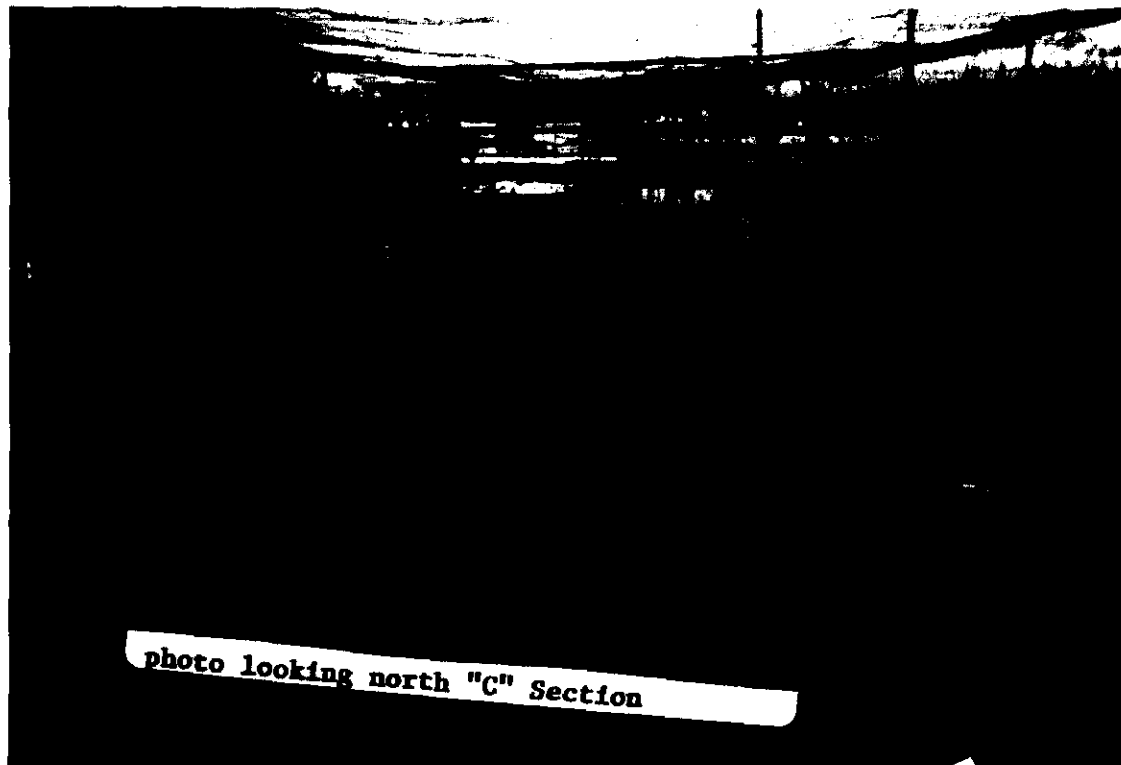
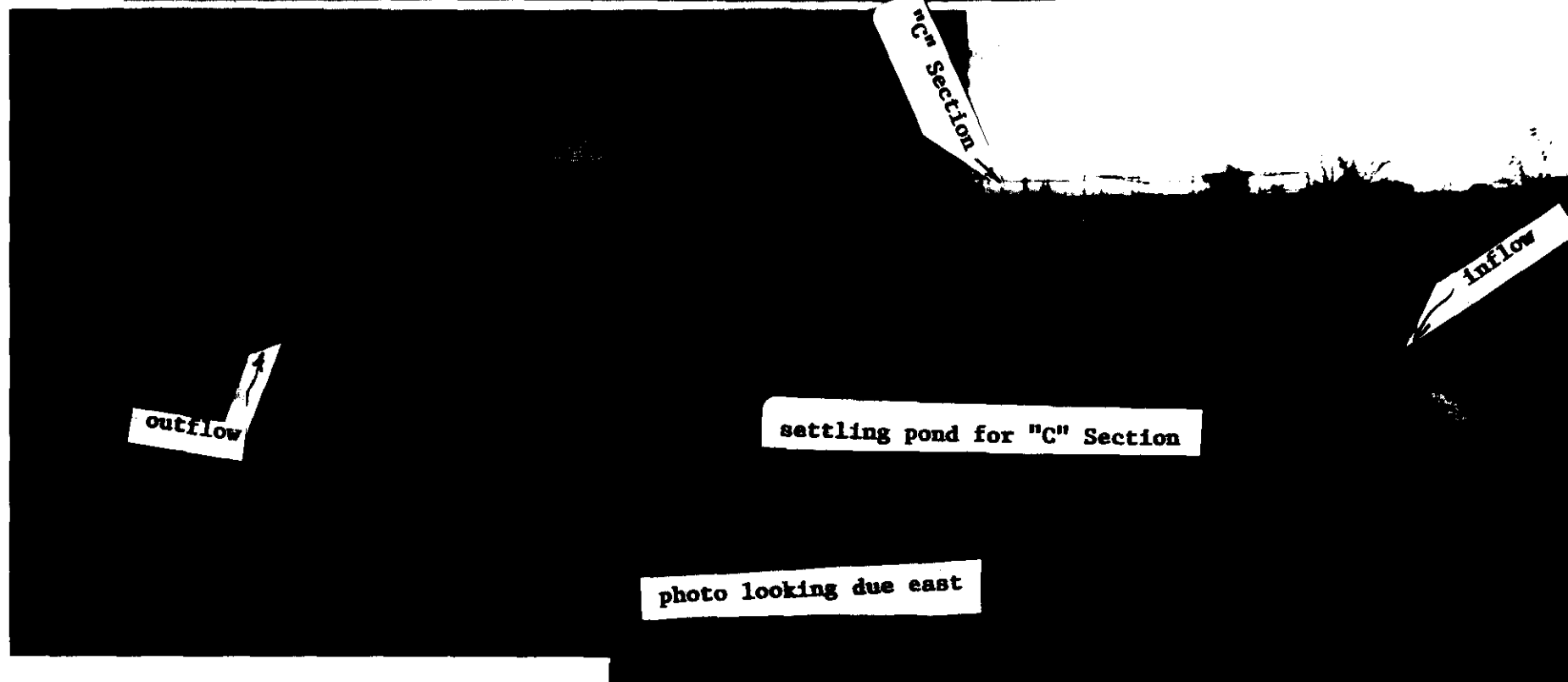


photo looking north "C" Section

Silver Creek Farms

47-07367



outflow

settling pond for "C" Section

photo looking due east

"C" Section

inflow

3/26

Settling Pond
"B" Section

"B" Section

"B" Section — outflow

photo looking NW'ly

Silver Creek Farms

47-07367

"A" Section

see 47-07091

Sec 47-07364

Weaver's property

photo looking north



Lamar Sytten
*Production Manager
Aquaculture*

*Advanced Aquaculture and
Gourmet Products*

450 SOUTH LOCUST ST.
P.O. BOX 351
TWIN FALLS, IDAHO 83303
(208) 736-0829
FAX: (208) 736-0725

Per D. McCollum,
Lamar Sytten is
Contact person
for 47-07367

47-07367

C SECTION ONLY

TCF C SECTION FLOWS

1996	CFS	1997	CFS	1998	CFS
		6-Jan	10.12	5-Jan	9.00
		13-Jan	10.52	12-Jan	8.64
		20-Jan	10.12	19-Jan	8.28
		27-Jan	9.40	26-Jan	7.92
		3-Feb	9.40	2-Feb	7.92
14-Feb	7.24	10-Feb	9.00	9-Feb	7.60
23-Feb	7.60	17-Feb	8.64	16-Feb	7.24
27-Feb	7.24	24-Feb	7.92	23-Feb	6.92
04-Mar	6.92	3-Mar	7.92	1-Mar	6.60
11-Mar	6.60	10-Mar	7.60	9-Mar	6.60
18-Mar	6.24	17-Mar	5.92	16-Mar	6.24
25-Mar	6.24	24-Mar	5.92	23-Mar	6.24
01-Apr	5.92	31-Mar	5.64	30-Mar	5.32
08-Apr	6.08	7-Apr	7.24	6-Apr	5.00
16-Apr	5.32	14-Apr	4.72	13-Apr	4.72
23-Apr	4.40	21-Apr	4.40	20-Apr	4.72
29-Apr	4.40	28-Apr	4.40	27-Apr	4.72
06-May	4.72	5-May	4.72	4-May	4.72
13-May	4.12	12-May	5.00	11-May	4.72
21-May	4.72	19-May	5.32	18-May	4.72
28-May	5.00	26-May	5.64	25-May	5.32
03-Jun	5.00	2-Jun	5.92	1-Jun	5.92
10-Jun	4.72	9-Jun	7.24	8-Jun	5.92
17-Jun	5.20	16-Jun	7.92	15-Jun	5.92
24-Jun	6.24	23-Jun	7.92	22-Jun	6.60
01-Jul	6.24	30-Jun	7.92	29-Jun	5.92
08-Jul	7.24	7-Jul	8.28	6-Jul	6.92
15-Jul	7.60	14-Jul	9.40	13-Jul	8.64
22-Jul	8.64	21-Jul	8.64	20-Jul	7.92
29-Jul	9.00	28-Jul	9.40	27-Jul	8.64
06-Aug	10.52	4-Aug	10.12	3-Aug	9.40
12-Aug	10.92	11-Aug	10.92	10-Aug	10.12
20-Aug	12.48	18-Aug	12.48	17-Aug	10.92
26-Aug	12.48	25-Aug	10.92	24-Aug	11.28
03-Sep	13.75	1-Sep	10.92	31-Aug	12.48
9-Sep	14.12	8-Sep	12.48	8-Sep	12.48
16-Sep	12.48	15-Sep	13.32	14-Sep	12.92
23-Sep	13.75	22-Sep	13.32	21-Sep	14.00
30-Sep	15.60	29-Sep	13.32	28-Sep	14.12
7-Oct	13.32	6-Oct	14.00	5-Oct	14.00
14-Oct	14.00	13-Oct	14.00	12-Oct	13.60
21-Oct	16.00	20-Oct	14.12	19-Oct	12.92
28-Oct	15.60	27-Oct	14.00	26-Oct	12.92
4-Nov	15.70	3-Nov	14.25	2-Nov	12.48
11-Nov	14.12	10-Nov	12.48	9-Nov	12.48
18-Nov	14.00	17-Nov	12.48	16-Nov	11.68
25-Nov	14.00	24-Nov	11.68	23-Nov	11.68
2-Dec	13.75	1-Dec	11.28	30-Nov	11.68
9-Dec	15.60	8-Dec	11.68	7-Dec	11.68
16-Dec	11.28	15-Dec	10.52	14-Dec	11.28
23-Dec	10.92	22-Dec	10.52	21-Dec	10.12
30-Dec	10.92	29-Dec	9.76	28-Dec	11.28
SUM	447.95				
AVERAGE	9.53	490.77		461.08	
		9.44		8.87	

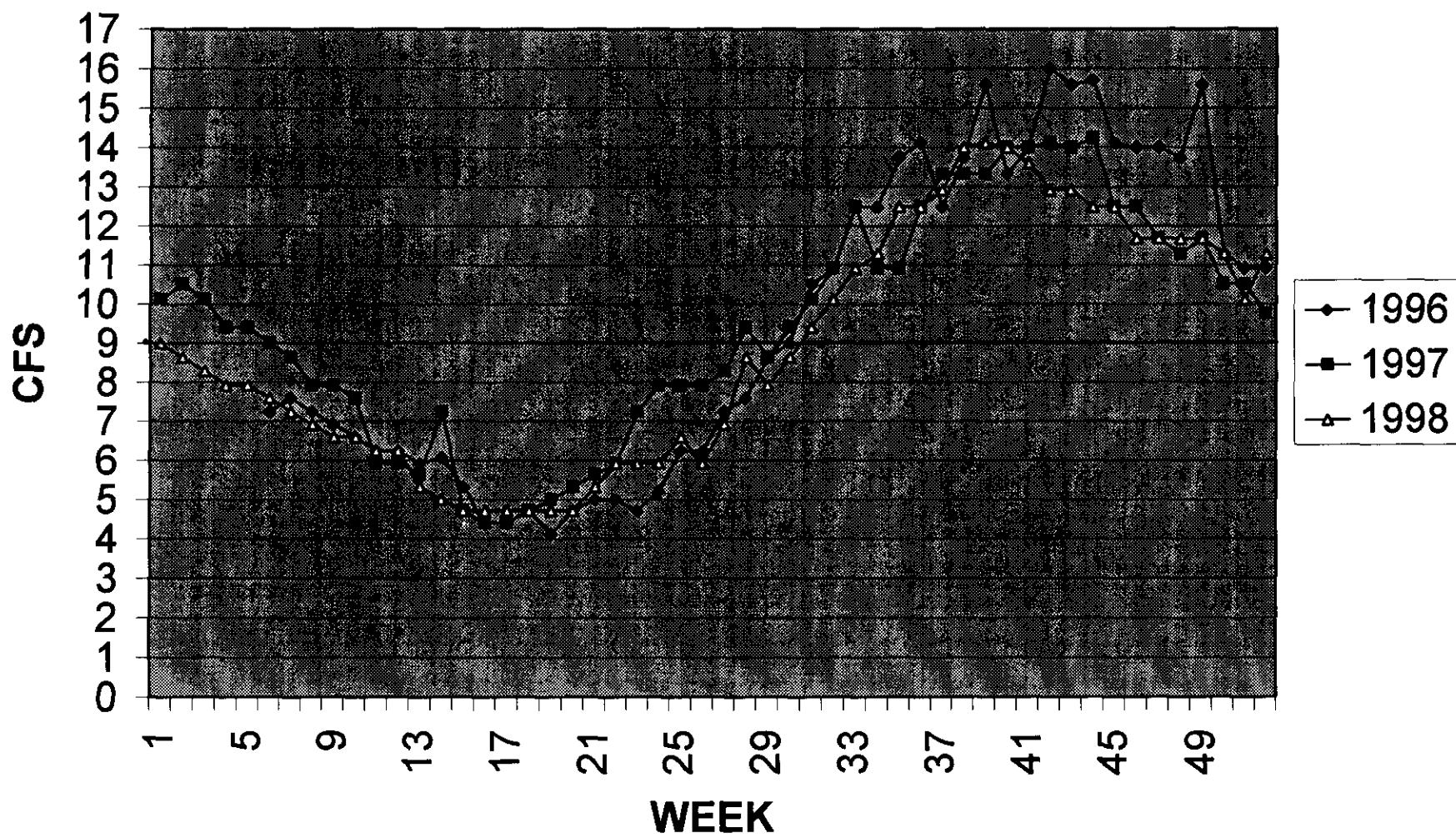
WOODS FLOW CHART
Page, T-4
75

SILVER CREEK FARMS INC. BASED ON WOOD'S FLOW CHART PAGE 75, T.4.
TUNNEL CREEK
WATER FLOWS 1998

DATE	INCHES @ 3 FT WEIR		INCHES @ C SECTION 4 FT WEIR		TOTAL CFS
		CFS		CFS	
5-Jan	4.00	1.92	9.25	9.00	10.92
12-Jan	4.00	1.92	9.00	8.64	10.56
19-Jan	3.75	1.74	8.75	8.28	10.02
26-Jan	3.00	1.26	8.50	7.92	9.18
2-Feb	3.00	1.26	8.50	7.92	9.18
9-Feb	2.75	1.08	8.25	7.60	8.68
16-Feb	2.75	1.08	8.00	7.24	8.32
23-Feb	2.50	0.96	7.75	6.92	7.88
1-Mar	2.00	0.69	7.50	6.60	7.29
9-Mar	1.75	0.57	7.50	6.60	7.17
16-Mar	1.50	0.45	7.25	6.24	6.69
23-Mar	1.50	0.45	7.25	6.24	6.69
30-Mar	1.25	0.33	6.50	5.32	5.65
6-Apr	1.25	0.33	6.25	5.00	5.33
13-Apr	1.00	0.24	6.00	4.72	4.96
20-Apr	1.00	0.24	6.00	4.72	4.96
27-Apr	1.00	0.24	6.00	4.72	4.96
4-May	2.00	0.69	6.00	4.72	5.41
11-May	2.50	0.96	6.00	4.72	5.68
18-May	2.50	0.96	6.00	4.72	5.68
25-May	2.50	0.96	6.50	5.32	6.28
1-Jun	3.00	1.26	7.00	5.92	7.18
8-Jun	3.00	1.26	7.00	5.92	7.18
15-Jun	2.50	0.66	7.00	5.92	6.88
22-Jun	3.00	1.26	7.50	6.60	7.86
29-Jun	3.50	1.59	7.00	5.92	7.51
6-Jul	3.50	1.59	7.75	6.92	8.51
13-Jul	3.50	1.59	9.00	8.64	10.23
20-Jul	5.50	3.09	8.50	7.92	11.01
27-Jul	5.00	2.70	9.00	8.64	11.34
3-Aug	5.00	2.70	9.50	9.40	12.10
10-Aug	5.00	2.70	10.00	10.12	12.82
17-Aug	5.00	2.70	10.50	10.92	13.62
24-Aug	5.25	2.91	10.75	11.28	14.19
31-Aug	5.25	2.91	11.50	12.48	15.39
8-Sep	5.25	2.91	11.50	12.48	15.39
14-Sep	5.25	2.91	11.75	12.92	15.83
21-Sep	5.50	3.09	12.50	14.00	17.09
28-Sep	5.50	3.09	12.75	14.12	17.21
5-Oct	5.25	2.91	12.50	14.00	16.91
12-Oct	5.00	2.70	12.25	13.60	16.30
19-Oct	5.00	2.70	11.75	12.92	15.62
26-Oct	3.75	1.74	11.75	12.92	14.66
2-Nov	3.50	1.59	11.50	12.48	14.07
9-Nov	3.25	1.41	11.50	12.48	13.69
16-Nov	3.25	1.41	11.00	11.68	13.09
23-Nov	3.00	1.26	11.00	11.68	12.94
30-Nov	3.00	1.26	11.00	11.68	12.94
7-Dec	3.00	1.26	11.00	11.68	12.94
14-Dec	2.75	1.08	10.75	11.28	12.36
21-Dec	2.75	1.08	10.00	10.12	11.20
28-Dec	2.75	1.08	10.75	11.28	12.36
					0.00
					0.00
					0.00
					0.00

47-07367

TCF C SECTION FLOWS



47-07367

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

02/26/98 08:48:55
Page 1

Water Right Number - 47-07367

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
TUNNEL CREEK INC.

1 - P.O. BOX 112
2 -
3 -
City- TWIN FALLS
Phone - 208-000-0000

State- ID Zip- 83303

*** O - ORIGINAL OWNER ***
WEAVER

EVERETT

1 -
2 -
3 -
City-
Phone - 208-000-0000

State- ID Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
01/18/1977 17 SOUTHERN P - PERMIT

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
UNNAMED STREAM SNAKE RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

09S 15E 28 NE SW (83) TWIN FALLS
NW NE SW SE SW (83) TWIN FALLS

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
19 - FISH PROPAGATION 01/01 12/31 9.000
28 - POWER 01/01 12/31 9.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
9.000 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

09S 15E 28 NE SW 19 FISH PROPAGATION (83) TWIN FALLS
09S 15E 28 19 FISH PROPAGATION (83) TWIN FALLS

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.

Water right number - 47-07367

Prefix Translation: WATER RIGHT

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
002 - Measuring devices of a type approved by the Department shall
- be permanently installed and maintained at the point of diversion
- and the point of effluent discharge.
009 - Return water shall be treated to insure that the effluent
- meets intrastate stream water quality standards.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - -Comments- - - - - +
No Comments Found

+ - - Audit Fields - 09/22/87 05/28/88 CONVERT 12/21/88 CURTIS 02/01/89 CURTIS 02/08/98 CLEARFLD

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 12/01/1988	Field Exam Made - 00/00/0000	Field Exam Fee - R
Approved/Denied - 12/07/1978	Protested Date - 00/00/0000	Swan Falls - Z
Proof Made Date - 11/15/1988	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 02/20/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended -
Presumption Flag -	Name Connector -	POU Ownership Flag-
SRBA Decreed Flag -		

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee

>

DATE

January 14, 1999 9:32am

CUSTOMER

Silver Creek Farms, Inc.

SUBJECT: 47-07367,-07377,-08097,-14003,-14017 and A47-07091
phone call (.) walk-in (.) other (x)

Sent Dave McCollum Change of Ownership form and a SA envelope.

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
FEB 22 1999
Department of Water Resources
Southern Region

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

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
City, State and ZIP Code name change only Certificate of Amendment attached.
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) [Signature]
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

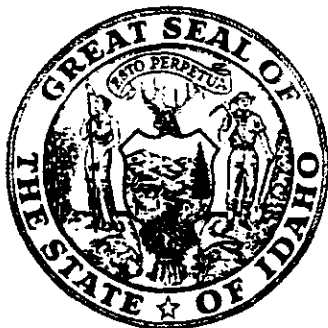
CERTIFICATE OF AMENDMENT OF

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

Mr. Richards

Corporation Clerk



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 24, 1998

Tunnel Creek, Inc.

~~Mark D. Lupher~~

PO Box 112

Twin Falls, ID. 83303

David M^cCollum
736-0829

FIELD EXAM NOTICE

RE: Permit 47-07367 , -08097

Dear Mr. Lupher,

We are planning to conduct water right examinations in the vicinity of the above-referenced permit beginning on January 11, 1999. An examination is needed to verify your water use in order to issue a water right license.

Please be advised that you will need to operate your system under normal condition during the examination.

In order to conduct your exam as efficiently as possible, we ask that you call this office to schedule a day and time convenient for you.

If there is a problem with scheduling or conducting the examination at this time, please call and other arrangements can be made.

Sincerely,

Georgia Satterlee
Sr. Water Resource Agent

E. NARRATIVE/REMARKS/COMMENTS

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

Mr. Sylten maintains all the sections. Please see 1992 ASCS flight photo. The "B" section was not mentioned in the licensing examination for 47-07091. The "B" section will be included with Section "C" per 47-07367.

The "B" section of the facility has 2 raceways and a settling pond. The raceway volume is 0.30 acres. The volume of the "B" section settling pond is approximately 2-3 acre feet.

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.

Downstream and north-west of the last section of the Silver Creek Farms operation, is another licensed fish farm, 47-07133, owned and operated by Leo Martins. Mr. Sylten says Martins sells his crop to Silver Creek Farms.

Have conditions of permit approval been met? ☒ yes ☐ no

☒ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{IB} \text{ and } V_{DB} =$$

2. Volume Calculations for Other Uses:

Exam Fee Limit 11.00 cfs
Permit Rate 9.00 "
Measured Rate ≈ 9.28 "
Recommended " " 9.00 cfs

(if payed \$300⁰⁰
← 16 Nov 1988
C003411
refund due?

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
FISH PROPAGATION "B" & "C" Sections	1/1	12/31	9.0	6500 afa
Totals:			9.0	6500 afa

2. Recommended Amendments

☐ Change P.D. as reflected above ☒ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☒ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name

Date _____

Reviewer

Date _____

SEAL



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 26, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SILVER CREEK FARMS INC
PO BOX 351
TWIN FALLS ID 83303

RE: Change of Ownership for 47-07367/47-07377/47-08097

Dear Permit Holder(s):

The Notice of Change of Water Right Ownership form that you sent to our Southern Region office has been forwarded to me for processing.

Of the three (3) files indicated above, only 47-07377 is a licensed water right. We can accept the name change requested with the paperwork you supplied. The other two (2) files, 47-07367 & 47-08097, are still in the **permit** stage and will require an Assignment of Permit form for each file. There is a \$25.00 filing fee required for each assignment of permit.

I have enclosed two (2) Assignment of Permit forms for your convenience. We will be happy to complete your ownership change request upon receipt of the assignment forms and the filing fees.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

A handwritten signature in cursive script, reading 'Kari Lynn Townsend'.

Kari Lynn Townsend
Secretary

/k

Enclosures

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 47-7367

Date: 11-17-88

General Considerations:

Y Name same as permit
Y Signature the same as permit holder
N Address change _____ If yes, prepare a data entry
Y Proof received timely
_____ Reinstated

Source of Water:

Y Surface water
_____ Groundwater
_____ 1. well log in file
_____ 2. drilling permit
_____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

Y Rate of diversion appropriate for uses
Y Is rate or volume and fee appropriate?
Y Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

Y Is a measuring device or access port required?
Y Has one been installed?
N/A Waiver or modification of measuring device requested

Remarks:

Proof acceptable

N/A

Priority Calculation:

Date proof received _____

Date proof due _____

No. of days late _____

Priority date _____

NEW PRIORITY DATE _____

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

Form 217
03/86

For Office Use Only
Fee Received 1300.00
Date 11-16-88
Receipt # C003411
Receipt by [Signature]
Reviewed by [Signature]
Sent to region [Signature]

NOV 15 1988

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 47-07367 or 47-7367
Name(s) of Permit Holder: Fred R. Harrell
Post Office Address: 7431 Larchview
Dallas, Tx. 75240 Telephone No. (214) 239-5063
Source of Water: seep spring located in NW 1/4 Sec. 33T. 95R. 15E.
Extent of Use: Unimproved Stream

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation _____ (acres) Other/Remark For Fish

propagation & power development

Total rate and/or volume for which proof is submitted 9.0 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: 1981

Measuring Device: Required? ☒ Yes ☐ No
Installed? ☒ Yes ☐ No
Fee enclosed \$ 300.00
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☐ No

Person to contact to accompany the Department representative during the field examination:

Steven Kohnstoeper (Name) (208) 733-0874 (Telephone Number)

1418 Blue Lake Blvd. N. - Twin Falls, Idaho 83301
(Address)

The above information is my true statement of the extent to which the above numbered permit has been developed. I relinquish any undeveloped portion of the permit to the state of Idaho.

7 Nov. 88
Date

[Signature]
Signature of Permit Holder (and title, if appropriate)

RECEIVED
FEB 08 1989

December 29, 1988

Tunnel Creek Inc.
P.O. Box 351
Twin Falls, ID 83303

RE: Permit No. 47-7367

Gentlemen:

This office acknowledges receipt of the assignment conveying this permit to you. The assignment has been entered into the department's records.

Prior to the assignment of the water right, proof of beneficial use and the licensing examination fee had been submitted by Fred Harrell. The department reviewed that proof and consequently notified the region that a field examination is needed.

Your proof of beneficial use form received in the Southern Regional office on November 25, 1988 is returned and your fee of \$300 will be refunded under separate cover.

Your letter requests modification of the measuring device requirement. At the time the field inspection is conducted, the field examiner should make a recommendation regarding the change.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

c: Acct. Sec.
S. Region

RECEIVED

FEB 08 1989

Tunnel Creek, Inc.

RECEIVED

NOV 26 1988

Producers and Processors of RAINBOW TROUT & RUBY RAINBOWS • COHO SALMON & CHANNEL CATFISH

November 25, 1988

Director
Idaho Department of Water Resources
1301 North Orchard
Boise, Id 83706

Dear Sir:

Jim Stanton of your Twin Falls office suggested I write to you regarding our permit no. 47-7367. We purchased this fish farm from Fred R. Harrell on November 22, 1988. We must prove beneficial use by December 1, 1988. As we are presently operating the fish farm, that should be no problem. However, there is no fall from the point of diversion until the water exits the first pair of concrete raceways. Therefore, we request permission to install a measuring device where the water spills over the dam boards of the first pair of ponds. This should present no problem since the water is contained within concrete from the point of diversion to the point of discharge. (Please see the enclosed sketch)

Thank you for your consideration.

Sincerely yours,



Mark L. Luper

MICROFILMED

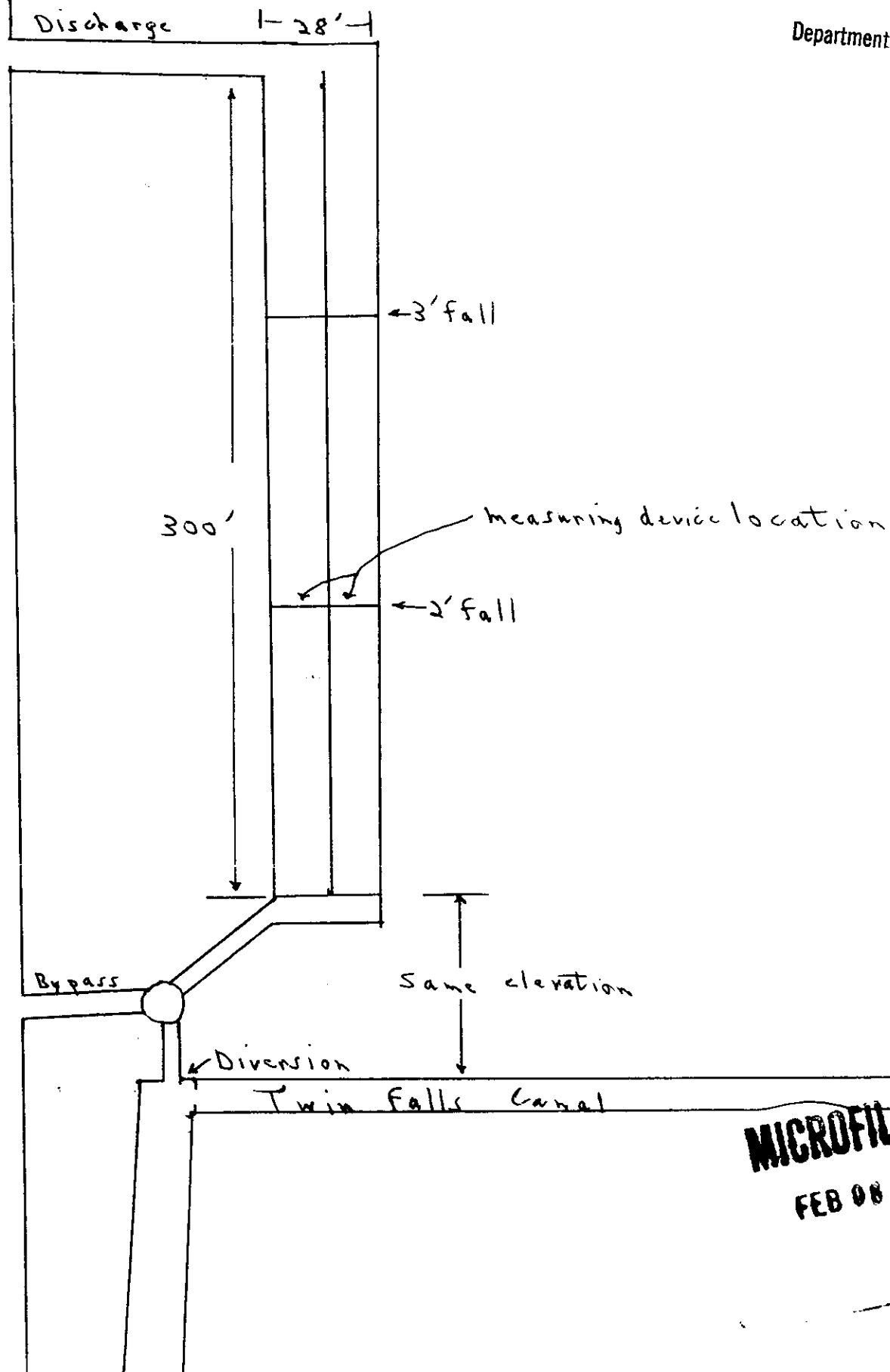
FEB 08 1989

Facility using 9 SF. of Water
Under Permit # 47-7367

RECEIVED

NOV 28 1988

Department of Water Resources



MICROFILMED
FEB 08 1989

FRED R. HARRELL
7431 LARCHVIEW DR.
DALLAS, TX 75240

September 30, 1988

138488

PROOF DUE NOTICE

RE: PERMIT NO. 47-07367

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 1, 1988. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

FEB 08 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

FEB 08 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 47-7367

Name(s) of Permit Holder(s): Free R. Harrell

Post Office Address: 7431 Larchview Drive
Dallas, TX 75240

☒ I hereby certify that construction of diversion works for the above referenced permit began on August 1, 1989. I understand that I must
(date) continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is
not an acceptable reason.

Aug 84
Date

Free R. Harrell
Signature of Permit Holder

PLACE
STAMP
HERE

RECEIVED

AUG 1 1984

Department of Water Resources
Southern District Office



MICROFILMED

FEB 08 1989

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

May 18, 1983

Fred R. Harrell
7431 Larchview Drive
Dallas, TX 75240

Dear Mr. Harrell:

Re: Permit No. 47-7367

This office acknowledges receipt of the assignment conveying the above-referenced permit to you. The assignment has been entered into the department's records. Enclosed is a copy of the permit for your records.

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use is extended to December 1, 1988.

The 1982 Idaho Legislature added a requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date a permit is issued. In the case of this extension, you must commence works within a year from the day the extension was signed and proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction. If you are still prevented from commencing construction eleven months from now, note the reason on the blue card and return it then.

In connection with the development of a water right under this permit, the department wishes to call to your attention an Idaho Supreme Court decision issued in November 1982 which likely could affect your future use of water.

The decision in the case of Idaho Power Company vs the State of Idaho, et al stated in part that Idaho Power Company's use of water for power generation purposes at the Swan Falls dam on the Snake River is not subordinated to upstream depletion by later in time use. The question of whether Idaho Power's 8,400 cfs water right at Swan Falls dam has been diminished by subsequent development, however, was remanded back to the district court for determination. The findings of the district court could restrict water

Fred R. Harrell

May 18, 1983

Page 2

availability or require compensation to Idaho Power Company for uses developed later in time than Idaho Power Company's water right at Swan Falls dam.

Sincerely,

RITA I. FLECK

Secretary/Records Manager

Enclosure: Permit
Ext. of Time
Blue postcard



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

December 8, 1978

Re: Permit No. 47-7367

Everett Weaver
Rte. #4
Buhl, Idaho 83316

Dear Mr. Weaver:

Your approved copy of your Application for Permit is enclosed and we direct your attention to the conditions of approval on the fourth page.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

MEMORANDUM

TO: File
FROM: Jim Johnson
RE: Fish Pond Description

December 4, 1978

Per phone conversation with Mr. Everett Weaver, the following information was determined about Mr. Weaver's intentions for development under this application;

There will be a total of 10 ponds when project is complete.

Two ponds will be in a line with one another. The first three-pond complex will be about 700' x 10' x 3'; and the second will be 650' x 10' x 3'. There will be two dividers in each three-pond complex that will evenly divide the structure into three ponds.

A four-pond complex will be located in a draw, or gulley. It will be about 700' long by 60' wide and variable depth. Three ponds will be about 300' long and the fourth will be about 100' long. See the attached aerial photograph for location.

A7-7367

STAFF REVIEW - STATE OFFICE

1. ✓ Name vs. Signature
2. S.W. Source
3. 2 Point of Diversion
4. ✓ Amnt. & Period of Use
5. ✓ Descrip. of Diverting Wrks.
6. 5 Time req. for Proof of B/U
7. ✓ Place of Use for other than irrig.
8. N/A Place of Use for irrigation (add acres)
9. APP Property Owner at Pt. ✓ of Div. & Pl. of Use
10. ✓ Map
11. 105 Fee & Rec't. No.

Copies Sent To:

NO Idaho Health Department
1 Idaho Fish & Game Dept.
1 Bureau of Land Management

NO U.S.F.S.
1 Dept. of Lands
1 Other

Dam Safety Information N/A (Goes to Permit Section)

Check:

Critical G.W. Area yes ✓ no

Other rights on same land 47-7091- see memo dated 6-14-78

Withdrawals of all protests received ✓ yes no

Conditions:

ID Power Co. Letter - Snake R. No

ID Power Co. Letter - G.W. & Tribs. Yes

Snake River Condition No

Payette River Letter No

Priority Date 1-18-77

Water Quality #16 No

Water Quality #10 Yes
 intrastate ✓ interstate no

Meas. Dev. or Sc. Meas. No

Totalizing meter No

Supplemental No

Right-of-Way Cond. No

Watermaster Cond. No
 Wtr. Dist No. no

Meas. Dev. Cond. for apps with
 a Water Dist. No

Condition # 3 & # 10

Jim

Reviewer

11/28/78

Date

MICROFILMED

In The Matter of Protest against)
Permit No 47-7367 in the)
Name of Everett Weaver)

Agreement

I hereby withdraw my protest against application
for permit 47-7367 with the understanding that the diversion
in lateral 32-A will be controlled by the Canal Co. and that
the effluent from the fish ponds will not be discharged
into lateral 32-A without the agreement of Richard Morris ~~the~~ the protestant

Richard Morris

I agree to the above conditions

Everett Weaver

RECEIVED

NOV 1 1973

Department of Water Resources
3000 Central Expressway
Sacramento, CA 95834

11/1/73

47-7367 - Everett Weaver

Conference Room, Department of Health & Welfare, Twin Falls, Idaho

November 1, 1978 - 9:00 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Bill Martin	Route 4	self
Everett Weaver	Route 4	Everett Weaver
Tex Martin	RT # 4	Self
Kenneth Smith Thwait	RT # 2	Self

CONFIDENTIAL

I hereby Waive my-Protest
on Water application no. 47-7367 for

Everett Weaver.

Oct 27, 1978

Said to night

Orlin Freeman

A. L. Mague

Glendale Ranch Inc.

by: J. Dale Stull Co.

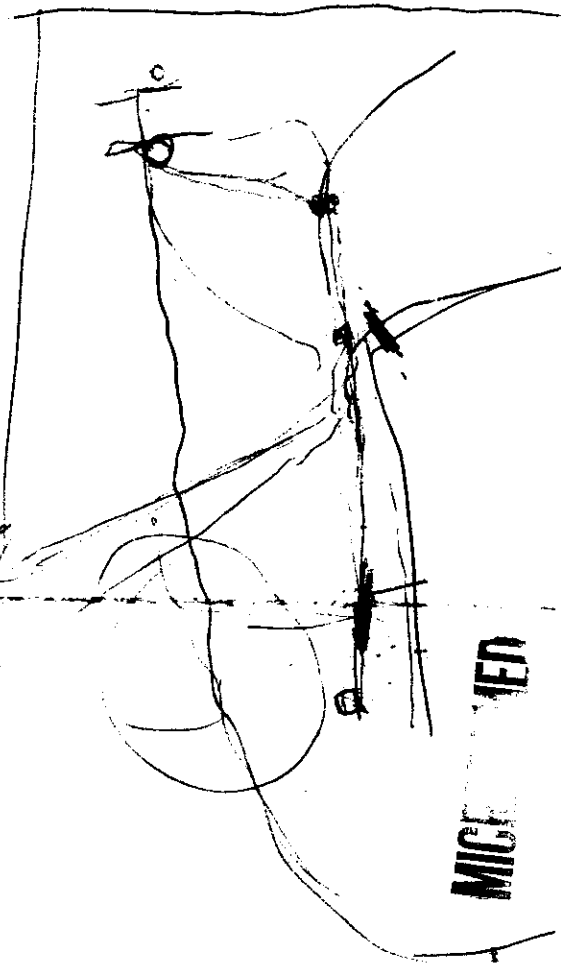
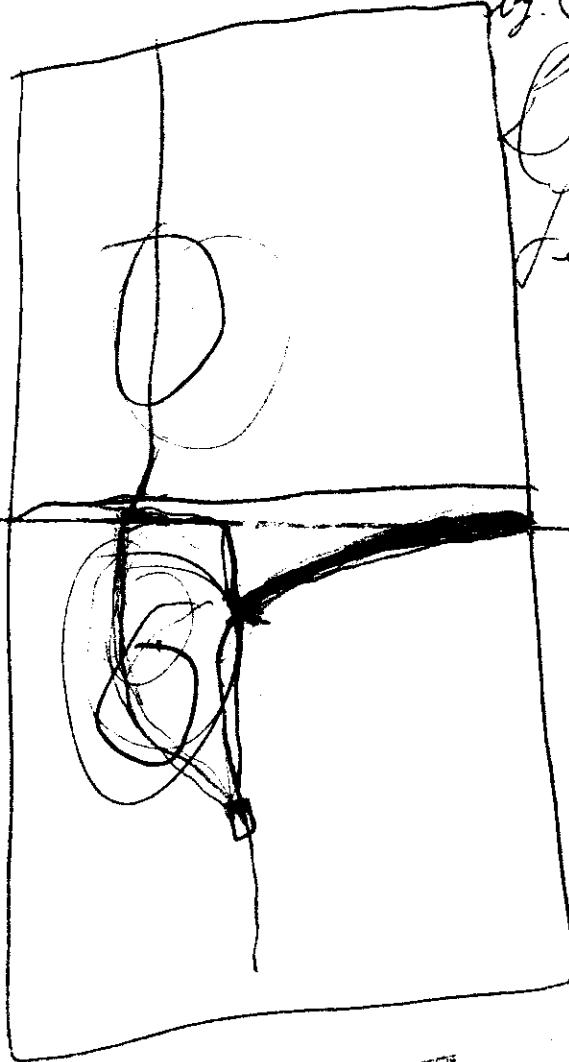
Conf. Contract

Geo Martin Oct 27 1978

RECEIVED

1978

Department of Water Resources
Southern District Office



47-7367

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Protest Against Approval)
of Application for Permit No. 47-7367 in) NOTICE OF CONFERENCE AND/OR HEARING
the name of Everett Weaver)
_____)

On January 18, 1977, Everett Weaver filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On February 7, 1977, the Department received protests against approval of said application from John A. Rosholt in behalf of the Twin Falls Canal Company. Subsequent protests were received from Leo Martins, Orlin Fruman, Glen Dale Ranches, Inc., Dench Cantrell, Gail Wright, Richard Morris and Allen Moore. On March 17, 1978, the Twin Falls Canal Company withdrew their protest.

The Department has set the matter of protest for conference and/or hearing for Wednesday, November 1, 1978, at 9:00 a.m., in the Conference Room of the Department of Health and Welfare, 677 Filer Avenue, Twin Falls, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party desiring the taking of stenographic notes by a qualified court reporter must request such in writing at least five (5) days before the date set for hearing and must submit to the director the name of a qualified reporter who is available on the date set for hearing. The party requesting the reporter shall bear the expense of the reporter's attendance fees. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 18th day of October, 1978.

Loren O. Holmes

Loren O. Holmes
Southern Region Supervisor

STATE OF IDAHO

In the Matter of Protest Against Approval)

of Application for Permit No. 47-7367 in)

On January 18, 1977, Everett Weaver filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho.

The Department has set the matter of protest for conference and/or hearing for Wednesday, November 1, 1978, at 9:00 a.m., in the Conference Room of the Department of Health and Welfare, 677 Filer Avenue, Twin Falls, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 18th day of October, 1978.

Loren O'Hallinan

Loren O. Holmes
Southern Region Supervisor

MICROFILM

47-7367 - Everett Weaver

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

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☐ Show to whom, date, and address of delivery \$

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☐ Show to whom and date delivered \$

☐ RESTRICTED DELIVERY

☐ Show to whom, date, and address of delivery \$

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2. ARTICLE ADDRESSED TO:

Leo Martins - Rt. 4
Buhl, Idaho 83316

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

004

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐ Addressee

☐ Authorized agent

4.

DATE OF DELIVERY

10-19-78

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

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INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300



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- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

47-7367 - Everett Weaver

- SENDER: Complete items 1, 2, and 3
Add your address in the "RETURN TO" space on reverse

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☐ Show to whom, date, and address of delivery \$
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 Show to whom and date delivered \$
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery \$
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2. ARTICLE ADDRESSED TO:

Dench Cantrell

Rt. 4, Buhl, Idaho 83316

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

007

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

DATE OF DELIVERY

10/20/78

POSTMARK

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**RETURN
TO**



**IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301**

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

47-7367 - Everett Weaver

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☒ Show to whom and date delivered \$
☐ Show to whom, date, and address of delivery \$
☐ RESTRICTED DELIVERY
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☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery . \$
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Orlin Fruman Rt. 4
Buhl, Idaho 83316

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

005

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Vada Freeman

4 DATE OF DELIVERY

10-19-78

POSTMARK

5. ADDRESS (Complete only if requested)

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OFFICIAL BUSINESS

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PENALTY FOR PRIVATE
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**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

PS Form 3811, Apr. 1977
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

47-7367 - Everett Weaver

- SENDER: Complete items 1, 2, and 3
Add your address in the "RETURN TO" space on reverse.

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☐ RESTRICTED DELIVERY
Show to whom and date delivered \$
☒ RESTRICTED DELIVERY
Show to whom, date, and address of delivery, \$____
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Everett Weaver - Rt. 4
Buhl, Idaho 83316

3. ARTICLE DESCRIPTION:

REGISTERED NO. | CERTIFIED NO. | INSURED NO.

001

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4

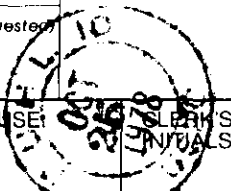
DATE OF DELIVERY

POSTMARK

10/25/78

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OFFICIAL BUSINESS

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PENALTY FOR PRIVATE
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OF POSTAGE, \$300



**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

(Street or P.O. Box)

(City, State, and ZIP Code)

47-7367 - Evertt Weaver

PS Form 3811, Apr 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

- SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

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Show to whom and date delivered \$
☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery, \$
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Glenn Dale Ranches, Inc.
Rt. 4 - Buhl, Idaho 83316

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

006

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4.

DATE OF DELIVERY

10-19-78

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

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OF POSTAGE, \$300



**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

47-7367 - Everett Weaver

● SENDER: Complete items 1, 2, and 3.

Add your address in the "RETURN TO" space on reverse.

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☐ Show to whom, date, and address of delivery. \$
☐ RESTRICTED DELIVERY
Show to whom and date delivered. \$
☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery. \$ ____
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Gail Wright - Rt. 4
Buhl, Idaho 83316

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4.

DATE OF DELIVERY

10/20/78

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5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

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INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

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PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE

1041 E. LAKE BLVD. NORTH

TWIN FALLS, IDAHO 83301

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

47-7367 - Everett Weaver

- SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

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☐ Show to whom, date, and address of delivery \$
☐ RESTRICTED DELIVERY
Show to whom and date delivered \$
☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery . \$
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Richard Morris - Route 4
Buhl, Idaho 83316

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

003

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4

DATE OF DELIVERY

POST MARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

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INITIALS

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SENDER INSTRUCTIONS

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**RETURN
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IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

47-7367 - Everett Weaver

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

- SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☒ Show to whom and date delivered ¢
☐ Show to whom, date, and address of delivery ¢
☐ RESTRICTED DELIVERY
Show to whom and date delivered ¢
☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery \$____
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Allen Moore - Route 4

Buhl, Idaho 83316

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

002

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Allen Moore

4.

DATE OF DELIVERY

10/19/78

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP CODE in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300



**RETURN
TO**



**IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH**

TWIN FALLS, IDAHO 83401
(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

Name and
Address
of Sender

JOHN L. BARNETT, JR.
JAN 15, 1965, 10:01 AM

Indicate type of mail:

☐ REGISTERED ☐ REGISTERED
☐ C.O.D.
☐ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional
 copies of this bill.
 POSTMARK AND DATE OF RECEIPT

[illegible]

TOTAL NO. OF PIECES
LISTED BY SENDER

TOTAL NO. OF
PIECES FILED AT P.O.

POSTMASTER, PER (Name of receiving employee)

* Under "Remarks" class postage paid if other than first class mail.

FS Form 3877, Dec. 1973

APPLICATION FOR REGISTERED, REGISTERED C.O.D. AND CERTIFIED MAIL

any number of value is registered in international register.

★ U. S. GOVERNMENT PRINTING OFFICE: 1971-0-7

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 18, 1978

Merlene Pruett, Supervisor
Clerical Support Section
Department of Health & Welfare
677 Filer Avenue
Twin Falls, Idaho 83301

Dear Merlene Pruett:

This is to confirm the use of the Conference Room for conference and/or hearing to be held by this office on Wednesday, November 1, 1978 at 9:00 a.m., 11:00 a.m., and 2:00 p.m.

Thank you for your cooperation in this matter.

Very truly yours,

Mary A. Hill
Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

INTER-DEPARTMENT MEMO — 1

DATE 6-14-78

FROM Jim Stanton

TO Terry Blau

SUBJECT Expansion of Water Use Under Permit 47-7133, Leo Martins

Per your request, I have on this date examined the fish ponds built by Mr. Martins under Permit 47-7133. I found that three ponds had been built, while only two ponds were there during my pre-license examination of last summer. The condition of the ground and lack of vegetation around the uppermost pond indicated that it had been recently built. Also, new diverting works had been built. This work constitutes an expansion of this right, since the work was done after proof of beneficial use had been filed. I took several photographs to document my findings.



SIGNATURE

INTER-DEPARTMENT MEMO — 1

FROM Sheryl Merritt *Sm*

DATE June 14, 1978

TO File

SUBJECT Application for Permit No. 47-7367 - Everett Weaver

On June 9, Mr. Weaver came into the office concerning the above-referenced permit. He had been told by Mike Steele that a meeting would be held with the protestants in an attempt to solve the protests against his application. This meeting was never scheduled. Mr. Weaver again requested a meeting with the protestants at the time of his visit.

He also informed Allen Merritt and Gary Funderburg of a possible expansion of water right filed in the name of Leo Martins No. 47-7133.

On June 13, Mr. Weaver telephoned our office and talked with Terry Blau, Acting Regional Supervisor. Terry told him that he would have someone go out and look at the ponds, but it probably would not be until sometime in July before we would be able to set up a meeting with the protestants. He said that would be just fine.

On June 14, Jim Stanton made a trip to Mr. Martins' ponds to take photos and observe the work being done.

SIGNATURE

RECORDED

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

R. P. PARRY
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED O. DECKER
ROBERT C. PAINE
J. EVAN ROBERTSON
THOMAS G. WALKER, JR.
JAMES C. TUCKER

THE IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 1906
TWIN FALLS, IDAHO 83301
(208) 733-3722

T. M. ROBERTSON (1911-1977)
JOHN H. DALY (1913-1968)

March 15, 1978

RECEIVED

MAR 17 1978

Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301

Department of Water Resources
Southern District Office

Re: Application of Everett Weaver-47-7367

Gentlemen:

The Twin Falls Canal Company hereby withdraws their protest to Application for Permit No. 47-7367.

The Twin Falls Canal Company has an agreement which governs their relationship with Mr. Weaver regardless of the conditions of the permit. A copy of that agreement executed by both parties is attached hereto.

You have the permission of the Canal Company to use it in any way to integrate as conditions on the permit or disregard it since it is exclusively binding on both parties regardless of the issuance of the permit.

Sincerely,


JOHN A. ROSHOLT

JAR:kf

Attachment

cc: Cliff Montgomery
Everett Weaver

MICROFILMED

RECEIVED

MAR 17 1978

Department of Water Resources
Southern District Office

AGREEMENT

THIS AGREEMENT, made and entered into this 7th day of Feb, 1978, by and between the TWIN FALLS CANAL COMPANY, a non-profit Idaho irrigation corporation organized under the laws of the State of Idaho, hereinafter called the "Company", and EVERETT WEAVER and ENNIE WEAVER, husband and wife of Route 4, Buhl, Idaho, hereinafter called "Weaver",

WHEREAS, Weaver has filed application for Permit No. 47-7367 with the Department of Water Resources of the State of Idaho to divert 9 cubic feet of water for fish propagation and power purposes; and

WHEREAS, the Company has previously protested said application because it involved Weaver's use of Lateral 32A of the Company; and

WHEREAS, the parties have had several meetings for the purposes of trying to work out their mutual differences so that Weaver's project will not interfere with the normal operation of the Company so that the protest can be dismissed;

NOW, THEREFORE, in consideration of the sum of \$ 800.00 to the Company in hand paid, the result of which is hereby acknowledged, and the mutual covenants and agreements hereinafter set forth, the parties hereto agree as follows:

1. The Company will undertake certain changes in Lateral 32A in the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 28, Township 9 South, Range 15 East, Boise Meridian, Twin Falls County, Idaho, so that all of the waters of Lateral 32A and the adjacent coulee can be conveyed in Lateral 32A to a point on the property of Weaver where a structure can be built to again divide the water so as to supply the users of Lateral 32A and allow the diversion of certain of said waters from the lateral at such times as the water is not necessary for delivery to the users of said

1 lateral. Exhibit "A" hereto is a sketch of the proposed change
2 and is incorporated in this agreement by reference.

3 2. All of the changes contemplated on the sketch
4 attached hereto as Exhibit "A" shall be constructed by the Twin
5 Falls Canal Company at the expense of Weaver. The Company shall
6 charge in accordance with their equipment schedule and labor
7 schedule, which is attached hereto as Exhibit "B". All billings
8 to Weaver shall be paid within 30 days of mailing.

9 3. It is understood and agreed that nothing in this
10 contract shall be construed to impair the easement and right of
11 way of the Company for the full flow of water for irrigation and
12 drainage across the lands of Weaver. The Company reserves the
13 right to the full use and enjoyment of said premises and nothing
14 herein shall be construed as a conveyance of any part of the
15 mineral rights.

16 4. Weaver agrees that the utilization of any water
17 rights which will be acquired pursuant to Permit No. 47-7367 are
18 subordinated to the existing rights of the Company and may be
19 utilized at such times as water is available without
20 interference to the Company.

21 5. Weaver agrees to be responsible for any
22 maintenance which will be necessary by reason of the new
23 construction over and above the maintenance costs of the Company
24 which would have been incurred if the changes had not been made.
25 Billings will be made to Weaver for such excess maintenance
26 costs as heretofore stated in this agreement.

27 6. Weaver does further agree to indemnify and save
28 harmless the Company for and against all claims, suits, damages,
29 costs, losses and expenses in any manner resulting from or
30 arising out of the change, including damages to crops resulting
31 from the loss of delivery of water by the Company.
32

1 7. Upon the execution of this agreement, the Company
2 will withdraw their protest to Permit No. 47-7367, but it is
3 understood by the parties hereto that this agreement shall be
4 construed as a condition or conditions of said permit insofar as
5 the relationship of the parties to this agreement.

6 The parties hereto bind their heirs, personal
7 representatives, successors and assigns.

8 IN WITNESS WHEREOF, this agreement has been executed
9 the day and year first above written.

10 TWIN FALLS CANAL COMPANY

11 By: Tommy Olmstead
12 President

13 ATTEST:

14 Bill Watt
15 Secretary

16 Everett Weaver
17 EVERETT WEAVER

18 Ernie Weaver
19 ERNIE WEAVER
20
21
22
23
24
25
26
27
28
29
30
31
32

1 STATE OF IDAHO)
2) ss.
3 County of Twin Falls)

4 On this 23rd day of February, 1978, before me,
5 the undersigned, a Notary Public in and for said County and
6 State, personally appeared Tom Olnstead and
7 Bill Watt, known to me to be the President and
8 Secretary, respectively, of the TWIN FALLS CANAL COMPANY, the
9 corporation that executed the foregoing instrument and
10 acknowledged to me that such corporation executed the same.

11 IN WITNESS WHEREOF, I have hereunto set my hand and
12 affixed my official seal, the day and year in this certificate
13 first above written.

14 Doris V. Finney
15 NOTARY PUBLIC IN AND FOR IDAHO
16 Residing at: Twin Falls, Idaho

17 STATE OF IDAHO)
18) ss.
19 County of Twin Falls)

20 On this 1st day of February, 1978, before me,
21 the undersigned, a Notary Public in and for said County and
22 State, personally appeared EVERETT WEAVER and Ennice WEAVER,
23 husband and wife, known to me to be the persons whose names are
24 subscribed to the within instrument, and acknowledged to me that
25 they executed the same.

26 IN WITNESS WHEREOF, I have hereunto set my hand and
27 affixed my official seal, the day and year in this certificate
28 first above written.

29 Doris V. Finney
30 NOTARY PUBLIC IN AND FOR IDAHO
31 Residing at: Twin Falls, Idaho
32

EXHIBIT A

EXHIBIT "A"

FISH POND

LOT 32A
S → N

West

HEAD GATE
located on 32A

X on north side flows

MICROFILMED

Estimate on Cost
for Everett Weaver

Labor & Mileage 465.00

Machine Work 60.00

Materials Used 275.00

\$ 800.00

EXHIBIT B



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

February 14, 1977

Mr. Everett Weaver
Rte. #4
Buhl, Idaho 83316

RE: Application for Permit #47-7367

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 47-7367. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

Michael L. Steele

Michael L. Steele
Southern Region Supervisor

MLS:sb

enc.

bc: Boise office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

February 14, 1977

Mr. Allen Moore
Route 4
Buhl, Idaho 83316

RE: Application For Permit #47-7367

Dear Mr. Moore:

This is to acknowledge receipt of your protest/to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

Michael L. Steele
Southern Region Supervisor

MLS:sb

bc: Boise office



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN DISTRICT

Cecil D. Andrus
Governor

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

R. Keith Higginson
Director

February 14, 1977

Mr. Richard Morris
Route 4
Buhl, Idaho 83316

RE: Application For Permit #47-7367 - Everett Weaver

Dear Mr. Morris:

This is to acknowledge receipt of your protest/to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
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You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

Michael L. Steele
Southern Region Supervisor

MLS:sb

bc: Boise office

RECEIVED

FEB 14 1977

Department of Water Resources
Southern District Office

February 14, 1977

Idaho Department of Water Resources
1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301

Gentlemen:

We protest Application No. 47-7367 submitted January 18, 1977 for the following reasons;

- 1) Degradation of existing water quality
- 2) Protect existing water rights, including the present flow in lateral 32A used for stock water during winter months
- 3) Application is vague-stream or streams are not located and identified; number, size and location of ponds are not indicated; etc. - which allows change of intent after application approval.

Allen Moore

Thank you,

Richard Morris

Richard Morris
Route 4, Buhl, Idaho

Allen Moore
Route 4, Buhl, Idaho

February 1, 1977

We are protesting Application No. 47-7367 for the reasons that:

1. It is a Lateral named 32A for the purpose of irrigation and stock water.
2. Lateral 32A is maintained by Twin Falls Canal Company and should continue this way.
3. It will reduce the quantity of water under existing water rights.
4. The water supply itself is insufficient for the purpose for which it is sought to be appropriated.
5. Application is not made in good faith.
6. Water supply is too low for present irrigation supply. If there are fish ponds, it will be further reduced.
7. Water flow leaving ponds is very unclean and unsanitary for further use.

RECEIVED

FEB 8 1977

Department of Water Resources
Southern District Office

Lee Martin RT#4 Buhl Idaho
Derek Cantrell R#4 Buhl Idaho
David Smith R-4 Buhl Idaho
Glenn Dale R#4 Buhl Idaho
Orlin L. Loomis R-4 Buhl Idaho

MICROFILMED

PARRY, ROBERTSON, DALY & LARSON
LAWYERS

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1968)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE
J. EVAN ROBERTSON

THE IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 525
TWIN FALLS, IDAHO 83301

TELEPHONE
(208) 733-3722

OUR FILE NUMBER

February 4, 1977

RECEIVED

FEB 7 1977

Department of Water Resources
Southern District Office

Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: Protest of Application No. 47-7367

Dear Sir:

Find enclosed the protest of the Twin Falls Canal Company concerning the application of Everett Weaver under application No. 47-7367.

Please address a copy of all correspondence in regard to said permit to the Twin Falls Canal Company at P. O. Box 326, Twin Falls, Idaho 83301, as well as this office.

Sincerely,

John A. Rosholt
JOHN A. ROSHOLT

JAR:bg

Enclosure

cc: Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

MICROFILMED

RECEIVED

FEB 7 1977

Department of Water Resources
Southern District Office

1 PARRY, ROBERTSON, DALY & LARSON
2 P. O. Box 525
3 Twin Falls, Idaho 83301
4 Telephone: 733-3722
5
6
7
8

9 BEFORE THE DEPARTMENT OF WATER RESOURCES
10 OF THE
11 STATE OF IDAHO

12 IN THE MATTER OF APPLICATION) PROTEST OF TWIN FALLS
13 FOR PERMIT NO. 47-7367,) CANAL COMPANY TO APPLICATION
14 EVERETT WEAVER) FOR PERMIT
15

16 Comes now the Twin Falls Canal Company, by and
17 through their attorneys, Parry, Robertson, Daly & Larson,
18 and respectfully allege:

19 1. That protestant Twin Falls Canal Company is
20 a nonprofit, public irrigation corporation, which owns and
21 operates a complex system of canals and ditches so as to
22 deliver water to member shareholders who farm 202,000 acres
23 in Twin Falls County, Idaho.

24 2. That application No. 47-7367 proposes to
25 divert 9.0 cubic feet per second of water from Lateral No.
26 32A of the Twin Falls Canal Company system, which water is
27 owned by the Company, and is part of the water delivered to
28 many stockholders whose lands are entitled to water by the
29 Twin Falls Canal Company.

30 3. That the water sought to be appropriated is
31 in the laterals and canals of the Twin Falls Canal Company
32 are in fact private waters and not subject to appropriation

MICROFILMED

1 for any purpose.

2 4. That a use of the water for fish propagation
3 will reduce the quality of the water for Twin Falls Canal
4 Company stockholders which reduces the quantity of high
5 quality water.

6 5. Permission of Company to construct on Company
7 property has not been obtained.

8 NOW, THEREFORE, the Twin Falls Canal Company
9 hereby protests application No. 47-7367 for the following
10 reasons, to-wit:

11 (1) That the use proposed in application No. 47-
12 7367 reduces the quantity of water available to protestant
13 under protestant's prior rights.

14 (2) The intended supply of water is private water
15 and not subject to appropriation.

16 (3) That the quality of the water available for
17 Twin Falls Canal Company stockholders reduces the quantity
18 of high quality water.

19 WHEREFORE, the Twin Falls Canal Company by and
20 through their attorneys, Parry, Robertson, Daly & Larson,
21 respectfully request that application No. 47-7367 be denied
22 by the Department of Water Resources and that no permit be
23 issued pursuant thereto.

24 DATED this 4 day of February, 1977.

25 PARRY, ROBERTSON, DALY & LARSON

26
27 By: Thomas A. Rosholt
28 P. O. Box 525
29 Twin Falls, Idaho 83301
30 Attorneys for Protestant
31 Twin Falls Canal Company
32

INTER-DEPARTMENT MEMO — 1

DATE 2/1/77

FROM Gary Funderburg

TO File #47-7367

SUBJECT Surface Water Application #47-7367

On February 1, 1977, I made a field trip for surface water application #47-7367 to the purposed point of diversion and place of use. The applicant purposes to divert water from the South side lateral 32A, which is water from field drains and is used for irrigation purposes below purposed place of use. The applicant purposes to use the water for fish propogation and power. The applicant has fish ponds existing with other rights from same lateral. A quarter mile below purposed place of use is other fish propogation and irrigation uses. There appeared to be an appropriate amount of water for the purposed use.

Gary Funderburg
SIGNATURE
MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES SOUTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

February 1, 1977

Mr. Everett Weaver
Rte. #4
Buhl, Idaho 83316

RE: Application For Permit #47-7364 & #47-7367

Dear Mr. Weaver:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 47-7364. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

Michael L. Steele

Michael L. Steele
Southern Region Supervisor

MLS:sb

enc.

bc: Boise office

NOT RECORDED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES SOUTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

February 8, 1977

Twin Falls Canal Company
P.O. Box 326
Twin Falls, Idaho 83301

RE: Application for Permit #47-7364 & #47-7367

Gentlemen:

This is to acknowledge receipt of your protest/to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
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4. Has the applicant sufficient financial resources with which to complete the project?

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You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

Michael L. Steele
Michael L. Steele
Southern Region Supervisor

MLS:sb

bc: Boise office



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

February 8, 1977

Mr. Leo Martins
Rte. #4
Buhl, Idaho 83316

RE: Application for Permit #47-7367

Dear Mr. Martins:

This is to acknowledge receipt of your protest/to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
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You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

Michael L. Steele
Michael L. Steele
Southern Region Supervisor

MLS:sb

bc: Boise office

RECEIVED
FEB 10 1977
TWIN FALLS, IDAHO



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

February 8, 1977

Mr. Orlin Fruman
Rte. #4
Buhl, Idaho 83316

RE: Application for Permit #47-7367

Dear Mr. Fruman:

This is to acknowledge receipt of your protest/to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

Michael L. Steele
Southern Region Supervisor

MLS:sb

bc: Boise office

RECORDED
INDEXED
FEB 10 1977
SOUTHERN DISTRICT



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

February 8, 1977

Glenn Dale Ranches, Inc.
Buhl, Idaho 83316

RE: Application for Permit #47-7367

Gentlemen:

This is to acknowledge receipt of your protest/to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
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Very truly yours,

Michael L. Steele
Southern Region Supervisor

MLS:sb

bc: Boise office



DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higgins
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

February 8, 1977

Mr. Dench Cantrell
Rte. #4
Buhl, Idaho 83316

RE: Application for Permit #47-7367

Dear Mr. Cantrell:

This is to acknowledge receipt of your protest/to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
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Very truly yours,

Michael L. Steele
Michael L. Steele
Southern Region Supervisor

MLS:sb

bc: Boise office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3570

February 8, 1977

Gail Wright
Rte. #4
Buhl, Idaho 83316

RE: Application for Permit #47-7367

Dear Ms. Wright:

This is to acknowledge receipt of your protest/to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

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Very truly yours,

Michael L. Steele
Southern Region Supervisor

MLS:sb

bc: Boise office

January 19, 1977

Times News
P.O. Box 548
Twin Falls, Idaho 83301

RE: Application For Permit #47-7367 - Everett Weaver

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:sb

Enclosure

Bill submitted: 2/2/77

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Everett Weaver
Rte. #4, Buhl, Idaho 83316
has on 1/18/77 submitted Application No. 42-7367
for a permit to appropriate 9.0 cubic feet per second ~~XXXXXXfeetXXXXXX~~
of water from an unnamed stream
by means of diversion dams and screens. Power will be developed by diversion into
pipeline with pinstock.
within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, Twp. 9 S, Rge. 15 E., B.M., Twin Falls County
SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, Twp. 9 S, Rge. 15 E., B.M.
to be used from Jan. 1 to Dec. 31
for fish propogation and power
within the E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 28, Twp. 9 S, Rge. 15 E., B.M.

If issued, this permit will be subject to all prior water rights. Protests
against the granting of the permit must be filed with the Idaho Department of
Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or be-
fore Feb. 14, 1977.

R. KEITH HIGGINSON

Director

Published in the Times News
on 1/27 and 2/3/77