

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 15-07167

RECEIVED
OCT 17 2016
Department of Water Resources
Eastern Region

PRIORITY: January 09, 1998

Maximum Diversion Volume: 959.0 AF

Comes now

MALAD VALLEY IRRIGATING CO
C/O PRESIDENT LOUIS DREDGE
497 N 600 W
MALAD CITY ID 83252

and represents to the Idaho Department of Water Resources that it is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 15-07167, and requests that the permit be changed as follows:

SOURCE:
SPRING CREEK

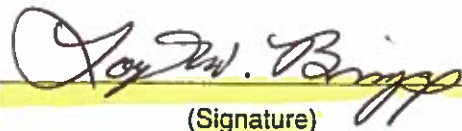
TRIBUTARY:
DEVIL CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION FROM STORAGE	04/01 to 10/31	959.0 AF
IRRIGATION STORAGE	01/01 to 12/31	959.0 AF

LOCATION OF POINT(S) OF DIVERSION:SPRING CREEK NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 16, Twp 14S, Rge 36E, B.M. ONEIDA County**PLACE OF USE:** IRRIGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	36E	16			X	X					X					X			

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 14th day of October, 2016.


(Signature)

ED 42533

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 15-07167

.....
FOR DEPARTMENT USE ONLY
Preliminary check by _____ Fee = \$100 Received by _____ # E042533 Date 10/17/16

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 15-07167 with the following:

CONDITIONS OF APPROVAL

1. Rights 15-2081, 15-4203, 15-4207, 15-7167 and 29-13103 when combined shall not exceed the irrigation of 4,498 acres.
2. Place of use for irrigation from storage is within the area served by Malad Valley Irrigation Company.
3. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
4. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
5. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. Storage facility is known as Crowther Reservoir.
8. The issuance of this right does not grant any right-of-way or easement across the land of another.

This amendment is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 18th day of October, 2016.



JAMES CEFALO
Water Resources Program Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 North Skyline Drive, Suite A Idaho Falls Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER - Governor
Gary Spackman - IDWR Director

October 4, 2016

Malad Valley Irrigating Company
c/o Loyd Briggs
410 N 2100 W
Malad City, ID 83252

RE: Amendment of Permit 15-7167

Dear Mr. Briggs:

In September 2016, I sent the enclosed letter to Louis Dredge, president of MVI, but have not received any response. I have been trying to issue a final license for Permit 15-7167 for over a year, but have not received any response from MVI. A final license cannot be issued for Permit 15-7167 until MVI files an application to amend the permit, correcting the point of diversion for Crowther Dam.

As I review MVI's water rights, it appears that MVI could file a beneficial use claim in a future adjudication for irrigation storage in Crowther Reservoir with a priority date of when MVI took ownership of the reservoir (1950s). If MVI were able to obtain a beneficial use water right in an adjudication, water right 15-7167 would be unneeded and would be meaningless. Perhaps, MVI is no longer interested in water right 15-7167 and that is why I have received no response to my multiple requests.

This letter is meant to serve as a final request for action. Without an amendment of permit, it is impossible to issue a final license for Permit 15-7167. If I don't receive a response to this letter within 30 days, I will assume MVI is no longer interested in Permit 15-7167 and will take steps to void the permit. MVI could still seek a beneficial use water right for Crowther Reservoir in a future adjudication. If MVI does want a final license for water right 15-7167, please sign the enclosed amendment and return it to IDWR's Idaho Falls office with the appropriate filing fee (\$100). Please feel free to call if you have any questions about the licensing process.

Sincerely,

James Cefalo

Encl: 9/29 Letter, Application for Amendment, Map, Field Exam

Cc: Kirk Corbridge (2390 N 100 W, Malad City, ID 83252)



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 North Skyline Drive, Suite A Idaho Falls Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER - Governor
Gary Spackman - IDWR Director

August 29, 2016

Malad Valley Irrigating Company
c/o Louis Dredge, President
497 N 600 W
Malad City, ID 83252

RE: Amendment of Permit 15-7167

Dear Mr. Dredge:

Over the last year, I have been working on issuing a final water right license for Permit 15-7167 held by MVI. The permit was issued in 1998 to cover the storage in Crowther Reservoir. The Permit described diversion of water from Spring Creek to fill the reservoir. Permit 15-7167 described the authorized point of diversion as Crowther Dam, located in the NESW of Section 16, T14S, R36E. However, Crowther Dam is actually located entirely within the NWSE of Section 16. It's not clear why the original application and resulting permit listed the wrong location for the dam.

Before a license can be issued for water right 15-7167, the permit must be amended to correct the point of div. to match the actual development. This is accomplished by submitting an "Application for Amendment (for licensing purposes)".

Enclosed are the Application for Amendment and a map showing the location of Crowther Dam and the proposed point of diversion for the water right. I've also included a copy of the field exam completed for the license. If the information on the amendment is correct, please sign the amendment and return it to our office with the appropriate filing fee (\$100).

Once the application for amendment is received, I will complete the water right process and issue a water right license. Please feel free to call if you have any questions about the licensing process.

Sincerely,

James Cefalo
(208) 525-7161

Encl: Application for Amendment, Map, Field Exam