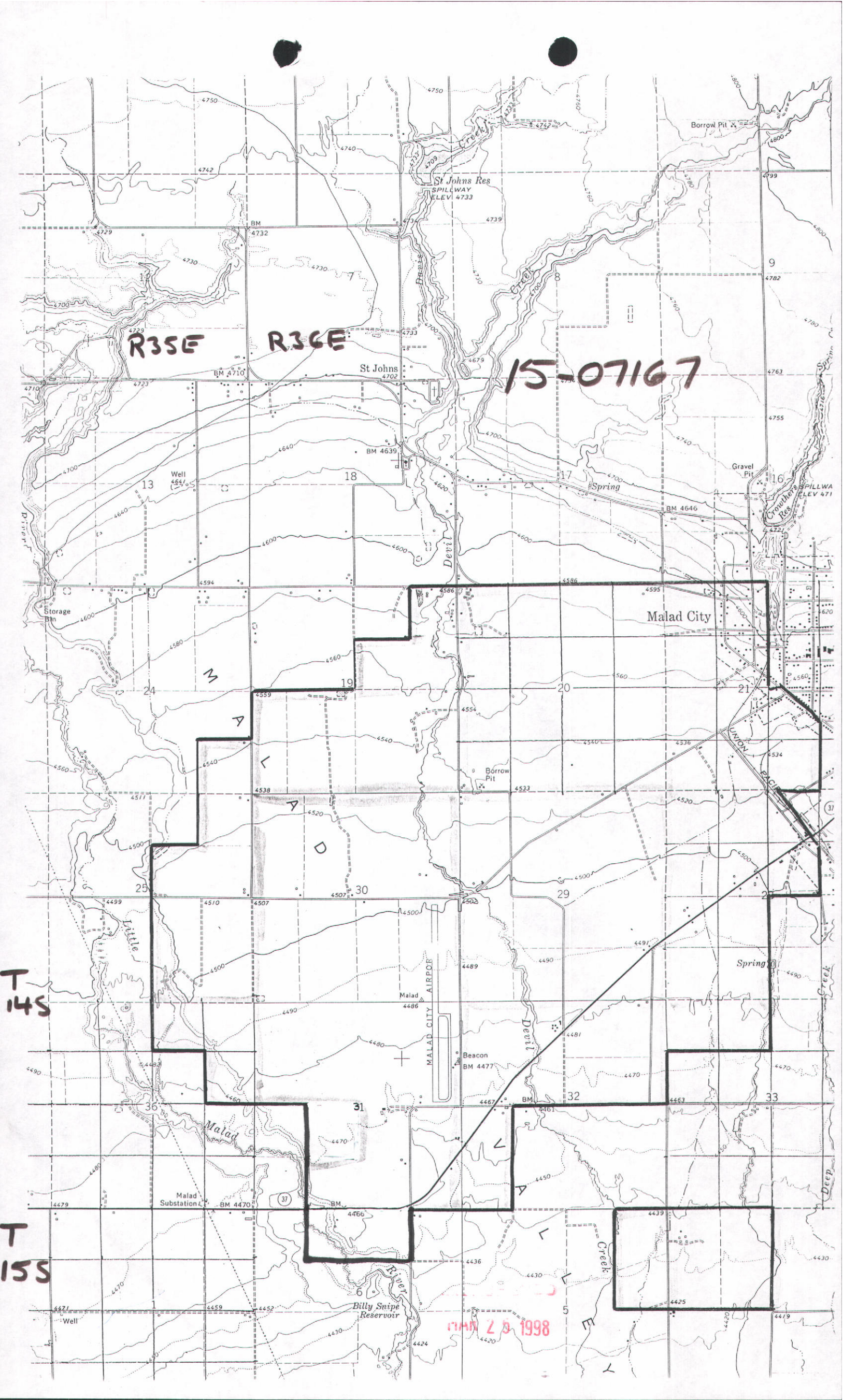




R3SE

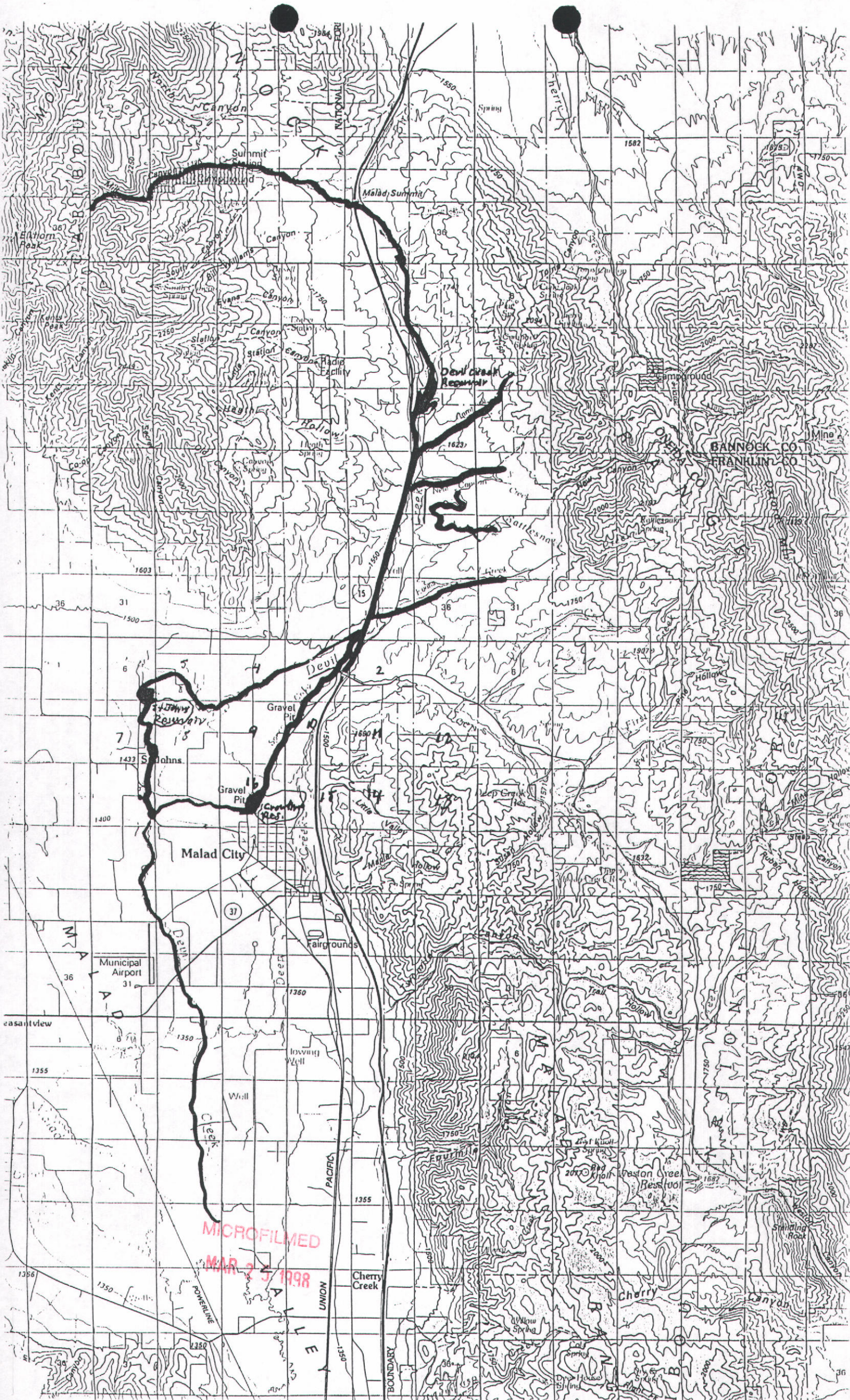
R3CE

15-07167

T 14S

T 15S

MAY 20 1998



Amount of Fee \$ 350⁰⁰
Receipt No. E024127
Receipt By: HWT
Date Received: 5-19-98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 15-07167 Telephone No. _____

2. Name(s) of Permit Holder(s): Malad Valley Irrigation Co, c/o President Grant Jones

3. Mailing Address: 2601 West 500 South Malad, Idaho 83252

4. Source of Water: Devil Creek If GROUNDWATER (well), Date Drilled: Mo. ____ / yr. ____

a. Well Driller: _____ Drilling Permit Number: _____

b. OPTIONAL:

Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

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

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

Irrigation (No. of acres): 4498.0 Other: Storage 1053.0 AF

6. Total rate of diversion and/or volume for which proof is submitted: _____ cfs OR 3.5 acre feet
At the field headgate for irrigation of the land listed on permit.

7. Measuring Device Requirement; (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes X or No _____

Has the measuring device been installed? Yes _____ or No X

Flow Measurement Port: Is a flow measurement port required? Yes _____ or No _____

Has the measurement port been installed? Yes _____ or No _____

8. Fee Enclosed: \$ 350.00 ~~125.00~~ (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: Grant Jones Telephone Number: 766-2771

Address: 2601 West 500 South Malad, Idaho 83252

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

Signature of permit holder: Grant H. Jones Pres. Date: 5-6-1998
(include your title, if on behalf of company or organization)

MICROFILMED

JUL 30 1998

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 15-07167

Proposed Priority: January 9, 1998

Maximum Storage Volume:

1053.0 AF

This is to certify, that **MALAD VALLEY IRRIGATION CO**
C/O PRESIDENT GRANT JONES
2601 W 500 S
MALAD ID 83252

has applied for a permit to appropriate water from:

SPRING CREEK

tributary of **DEVIL CREEK**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION STORAGE	01/01 to 12/31		1053.0 AF
IRRIGATION FROM STORAGE	04/15 to 10/15		1053.0 AF
Totals			1053.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 16, Township 14S, Range 36E
ONEIDA County

PLACE OF USE: IRRIGATION FROM STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
14S	35E	24	SESE 39.0				39.0
		25	NENE 39.0	SWNE 39.0	SENE 39.0		
			NESE 38.0	NWSE 39.0	SWSE 39.0		
			SESE 39.0				272.0
		36	NENE 40.0	NWNE 35.0	SENE 39.0		114.0
36E	19		NENE 35.0	SWNE 40.0	SENE 35.0		
			NESW 40.0	Lot 3 (NWSW) 40.0	Lot 4 (SWSW) 38.0		
			SESW 40.0	NESE 35.0	NWSE 38.0		
			SWSE 40.0	SESE 40.0			421.0
		20	NENE 39.0	NWNE 39.0	SWNE 40.0		
			SENE 40.0	NENW 39.0	NWNW 35.0		
			SWNW 35.0	SENW 40.0	NESW 40.0		
			NWSW 38.0	SWSW 10.0	SESW 38.0		
			NESE 40.0	NWSE 40.0	SWSE 40.0		
			SESE 40.0				593.0
		21	NENW 15.0	NWNW 38.0	SWNW 40.0		
			SENW 10.0	NESW 38.0	NWSW 40.0		
			SWSW 40.0	SESW 38.0	NWSE 15.0		
			SWSE 35.0				309.0
		28	NWNE 25.0	SWNE 25.0	NENW 38.0		
			NWNW 38.0	SWNW 38.0	SENW 38.0		
			NESW 35.0	NWSW 36.0	SWSW 36.0		
			SESW 35.0				344.0
		29	NENE 35.0	NWNE 36.0	SWNE 40.0		
			SENE 39.0	NENW 36.0	NWNW 35.0		
			SWNW 40.0	SENW 40.0	NESW 40.0		
			NWSW 37.0	SWSW 38.0	SESW 30.0		
			NESE 39.0	NWSE 40.0	SWSE 39.0		
			SESE 39.0				603.0

MICROFILMED 603.0

MAR 25 1998

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 15-07167

PLACE OF USE: IRRIGATION FROM STORAGE

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL	
15S	36E	30	NENE 40.0	NWNE 40.0	SWNE 36.0	622.0	
			SENE 40.0	NENW 35.0	Lot 1 (NWNW) 39.0		
		Lot 2 (SWNW)	38.0	SENE 39.0	NESW 39.0		
			Lot 3 (NWSW)	39.0	Lot 4 (SWSW)		38.0
				NESE 39.0	NWSE 40.0		SWSE 40.0
			SESE 40.0				
		31	NENE 40.0	NWNE 40.0	SWNE 40.0		542.0
			SENE 40.0	NENW 40.0	Lot 1 (NWNW) 40.0		
		Lot 2 (SWNW)	40.0	SENE 40.0	NESW 40.0		
				SESW 30.0	NESE 35.0		NWSE 40.0
			SWSE 39.0	SESE 38.0			
		32	NENE 38.0	NWNE 36.0	SWNE 20.0		293.0
SENE 10.0	NENW 20.0		NWNW 40.0				
	SWNW 39.0	SENE 20.0	NWSW 35.0				
	SWSW 35.0						
33	NENW 30.0	NWNW 40.0		70.0			
4	Lot 3 (NENW)	39.0	Lot 4 (NWNW)	39.0	SWNW 40.0		
		SENE 30.0					
5	Lot 1 (NENE)	39.0	SENE 20.0		148.0		
6	Lot 2 (NWNE)	39.0	Lot 3 (NENW)	30.0	59.0		
Total number of acres irrigated:					4498.0		

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1999.
2. Subject to all prior water rights.
3. 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.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
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. The issuance of this right does not grant any right-of-way or easement across the land of another.
7. Storage facility is also known as Crowther Reservoir.

MICROFILMED

MAY 15 1999

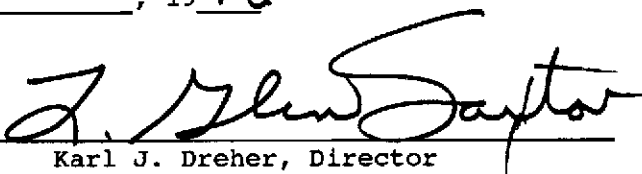
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 15-07167

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

17 th day of March, 1998


for Karl J. Dreher, Director



RECORDED

MAR 23 1998

15 7167

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

MAR 06 1998

Department of Water Resources

1. Name of Applicant Malad Valley Irrigation Company Phone 766-2771
Mailing address c/o President Grant Jones, 2601 W. 500 S., Malad, ID 83252
2. Source of water supply Devils Creek which is a tributary of Malad River
3. Location of point of diversion is Township 14 S. Range 36 E. Sec. 16 16 in the NE 1/4, SW 1/4, Govt. Lot 1/4, B.M., Onida County;
additional points of diversion if any: (Crowthers Reservoir Dam)
4. Water will be used for the following purposes:

Amount <u>1053 AF</u> for <u>Storage for Irr.</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive)	
(cfs or acre-feet per annum)	
Amount <u>1053 AF</u> for <u>Irr. from Storage</u> purposes from <u>4/15</u> to <u>10/15</u> (both dates inclusive)	
(cfs or acre-feet per annum)	
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)	
(cfs or acre-feet per annum)	
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)	
(cfs or acre-feet per annum)	
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)	
(cfs or acre-feet per annum)	
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)	
(cfs or acre-feet per annum)	
5. Total quantity to be appropriated is (a) _____ and/or (b) 1053 ~~930~~ A.F.
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source Earth filled dam, vertical control outlet gate and 22' outflow pipe
 - b. Height of storage dam 102 feet; active reservoir capacity 1053 A.F. acre-feet; total reservoir capacity 1053 acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is one * years (minimum 1 year) completed 1948
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

MICROFILMED

MAR 23 1998

9. Description of place of use:

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

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

(SEE ATTACHED)

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total number of acres to be irrigated 4501

10. Describe any other water rights used for the same purposes as described above. Devils Creek Reservoir
Water Right No. 15-02081

11. a. Who owns the property at the point of diversion? Applicant
b. Who owns the land to be irrigated or place of use? Shareholders of Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: This Application pertains to Crowther Reservoir and is intended to document the Applicant's storage water right that has existed since the Crowther Reservoir was constructed in 1948. (See Supporting Affidavit of Officers and Directors of Applicant.)

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

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

Malad Valley Irrigation Company

Grant Jones

Signature of Applicant (and title, if applicable)

By: Grant Jones, President

Received by HWT Date 1-9-98 Time _____ Preliminary check by _____
Fee \$300.00 Received by HWT # E023839 Date 1-9-98
Publication prepared by RB Date _____ Published in Ed Enterprise
Publication approved _____ Date Feb 5, 1998

MAR 25 1998

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15S	36E	6		39			30												69 *
14S	36E	31	40	40	40	40	40	40	40	40				30	35	40	39	38	542 *
		32	38	36	20	10	20	40	39	20		35	35						223 *
		33					30	40											70 *
		30	40	40	36	40	35	39	38	39	39	39	38	40	39	40	40	40	622 *
		29	35	36	40	39	36	35	40	40	40	37	38	30	39	40	39	39	603 *
		28		25	25		38	38	38	38	35	36	36	35					344 *
		21					15	38	40	10	38	40	40	38		15	35		309 *
		20	39	39	40	40	39	35	35	40	40	38	10	38	40	40	40	40	593 *
		19	35		40	35					40	40	38	40	35	38	40	40	421 *
		15						35	35			39	20						129
		16	35	15	10	33	38	35	35	25	35	38	38	35	38	5	10	20	445
		17	35	35	30	39	35	30	25	40	38	38	38	39	38	38	39	39	576
		18														20		35	55
		10						30	15			35	38						118
		9	35	38	39	35	40	30	39	39	39	40	37	38	30	39	35	38	591
		8	30	40	20	33	40			10	20			20	32	38	38	40	361
		2						15											15
		3	30	30	36	25	10	10	30	35	35	40	38	10		10			339
		4	10	30	39	30	35	35	38	35	40	25	20	30	38	35	39	39	518
		5	35	30	35	38	30	30	38	38	35	30		38	38	35	36	40	526
		6			40	39									35	40	35		189
14S	35E	24																39	39 *
		25	39		39	39									38	39	39	39	272 *
		36	40	35		39													114 *
13S	36E	13										20	20						40
		24						20	10										30
		23													5			15	20
		25						15	30			5							50
		26	35	10	15	30									25	25	30	10	180

Total number of acres irrigated _____

Additional parcels NOT Listed above

15S 36E 4 ~~40 40 40 30~~ *

15S 36E 5 40 20 *

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MAR 25 1982

*Land irrigated from Crowther Reservoir equals 4501 acres.

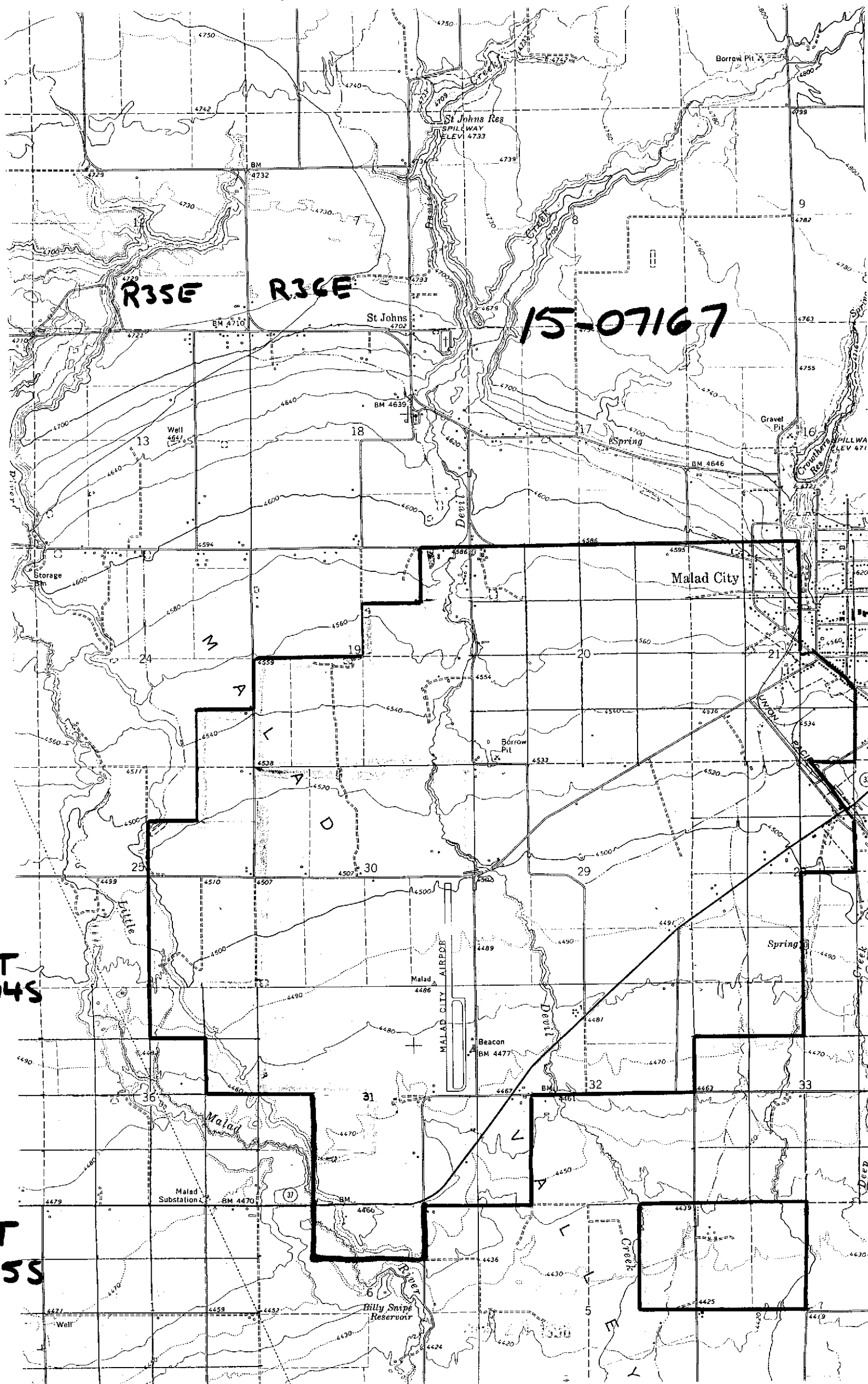
R3SE

R3CE

15-07167

T
14S

T
15S



**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 15-07167 Reviewed by Jy Date 7-9-98

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?

Irr. Storage

yes Address same as permit?

yes Proof timely received?

Correct Uses? yes

If not, complete calculation below.

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☒ Drilling permit required?

☒ Copy in the file? Drilling Permit No. _____

☒ Amount paid for permit

_____ Correct?

☒ Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?

NO Required?

350- Amount Submitted

☒ Installed?

yes Correct?

☒ Waiver requested?

PRIORITY CALCULATION

Date proof received

Date proof due

No. of days late

Priority Date

New Priority Date

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address X

Proof Made 5-15-98



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 10, 1998

Malad Valley Irrigation Co
c o Grant Jones
2601 W 500 S
Malad ID 83252

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 15-07167

Dear Permit Holder:

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

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

If you have questions concerning the field examination, please contact the department's EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

JUL 30 1998

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER**
JAMES P. PRICE***
LISA M. CRISTON****
BRENT R. KING
RICHARD A. HEARN, M.D.*****
ERIC L. OLSEN

*ALSO MEMBER IL & WY BARS
**ALSO MEMBER MO BAR
***ALSO MEMBER CO BAR
****ALSO MEMBER IL BAR
*****ALSO MEMBER D.C. BAR

LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED

CENTER PLAZA-CORNER FIRST & CENTER

POST OFFICE BOX 1391

POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101

FAX (208) 232-6109

ASSOCIATED WITH
McGRATH, MAROTZ
& SMITH
414 SHOUP
P. O. BOX 50731
IDAHO FALLS, ID 83405
TEL (208) 524-0731
FAX (208) 529-4166

STEPHEN J. McGRATH
SCOTT W. MAROTZ
BRYAN D. SMITH†
†ALSO ADMITTED IN CA

May 8, 1998

IDAHO DEPARTMENT OF WATER RESOURCES

Eastern Division

Attention: Harold Jones

900 N. Skyline Drive

Idaho Falls, Idaho 83402

RE: *Malad Valley Irrigating Company*

Dear Harold:

Enclosed please find the Proof of Beneficial Use pertaining to Permit No. 15-07167 which we are submitting on behalf of Malad Valley Irrigation Company, together with our check in the amount of \$125 for filing fees. Please process the same and issue a license. The license may be mailed directly to Malad Valley Irrigation Company c/o Grant Jones, President, at 2601 West 500 South, Malad, Idaho 83252. Please send a copy to me simultaneously for my file.

If you have any questions or if I can be of further assistance, please advise.

Sincerely,



RANDALL C. BUDGE

RCB:jmb

Enclosures

cc: Grant Jones

Additional fee requested. (225)
Huf
MAY 30 1998

RECEIVED
MAY 11 1998

Department of Water Resources
Eastern Region



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

March 17, 1998

PHILIP E. BATT
GOVERNOR

MALAD VALLEY IRRIGATION CO
C/O PRESIDENT GRANT JONES
2601 W 500 S
MALAD ID 83252

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 15-07167

Dear Permit Holder:

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

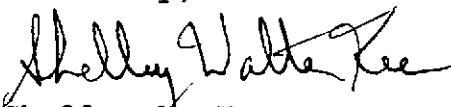
The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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

If the diversion dam is 10 feet or more in height, or has an impounding capacity of 50 acre-feet or more, certain dam safety requirements must be met. Please contact the regional office nearest you for details.

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

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

MICROFILMED

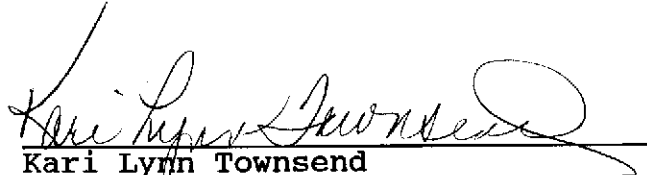
MAR 25 1998

CERTIFICATE OF MAILING

I hereby certify that on the 17th day of **March, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 15-07167

**MALAD VALLEY IRRIGATION CO
C/O PRESIDENT GRANT JONES
2601 W 500 S
MALAD ID 83252**


Kari Lynn Townsend
Secretary

MICROFILMED
MAR 25 1998

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED
MAR 25 1998

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lee*
 No.: 15-7167 Name: Malad Valley Irr. Co. Date: 3/16/98 Ad OK? ☒ ☒ Gvmt Lts: ☒
AREA OF CONCERN:

- No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust

PROTESTED:

- 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year

- 26A-P17

≤ 1 year/no proof

- P16**GROUNDWATER: (✓ FLO-CH)**

WMD (✓ MAP)

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

WMD Supplemental use

> 0.24 cfs/5 acres

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

≤ 0.24 cfs/5 acres

- 01M (report when notified)

- No MD

DRILLING PERMIT:

All wells (✓ WDQ3)

- 046-P23

Included w/permit

- Permit No. _____ - _____ - _____ - _____, P99

irr. in WD

- P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

IN/ABOVE MIN. STR. FLOW (✓ MAP)

- *WB9

WD (✓ MAP & LISTING)

- R04 (WD # _____)

> 0.10 cfs

- 01J-P08 (MD & LD)

≤ 0.10 cfs

- 01H-P01 (LD) or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE~~> 0.24 cfs/5 acres~~

- 01M or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

RIVER BASINS: (*Surface water):

Snake R (01)

- *W22 -P04, NA

(02/03-irr)

- 007 (w/ remark *WB9 if above Weiser), NA

Payette R(65)

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

Salmon R (70's)

- 029 (fish screens), NA

USE:

Domestic surface

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

>1 in rest. area

- 071-070

Fire Protection

- 077

Fish Propagation

- 029-007-042(req)-081 (WQ)-P10

Heating/Cooling

- R07 (injection well)

Irr ≤ 5 acres

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

> 5 acres

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

Mining

- 054(req) -081-P10

Municipal

- 022, 075, 004 (+memo?), NA (not in restricted area)

Power

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);

17G (FERC) or 17M (FERG); 18B-P09; >25 cfs-P18

Stockwater

- R37 (BLM/USFS); NA

Storage (✓ 3 compo.)

- 18A (in & out MD for on-stream storage), 18B-P09(>10' dam), NA

LOCATION:

42-248 area

- P84 (in 20/30/40/50/60/70/80 (87) basin)

Boise Front LoGeo.

- 058 (<85° GW temp only)

In-stream dev. *existing*- ~~P84~~ (stream channel alteration)

Irr Dist/Canal Co.

- 023 (Twin Falls area)

SWAN FALLS FLAG (See Code Chart)

-

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:- 004 (PD/PU) *Shareholders***OTHER CONDITIONS:**

-

STANDARD REMARKS:- *Older Str. / Crowther's Res.***BENEFICIAL USE DUE:**

- 4/1/ 1999

COMMENTS:

-

MEMORANDUM

DATE: March 16, 1998
TO: File No. 15-07167
FROM: Cindy Lou Zimmerman *CJ.*
SUBJECT: Application Review Recommendations

During the review of this application, I noted a couple of inconsistencies.

1. The application identifies the source as Devils Creek tributary to Malad River. The USGS map identifies the source as Spring Creek. The topography suggests that Spring Creek may have at one time been tributary to Devil Creek. However, Crowther Dam stopped flows below the reservoir. I recommend the source on this right be identified as Spring Creek tributary to Devil Creek. Skip Jones at Eastern Region agrees and advises that the source will be confirmed during the field exam.
2. The application map did not match the place of use description list. Skip advised that the place of use description listing is accurate and the application map may need to be adjusted. The database and the application map have been corrected to reflect the place of use description listing and government lots.

IDAPA rule 37.03.08.040.05.c. requires additional information be submitted on applications proposing storage in excess of 500 AF or irrigation in excess of 200 acres. The additional information to be submitted includes documentation on sufficiency of water supply; good faith, delay, or speculative purposes; financial resources; and local public interest. An affidavit in the files identifies that irrigation storage and irrigation from storage through the Crowther Reservoir has occurred continuously since 1948. Due to the unique circumstances of this filing, I do not see the need for requesting the additional information.

Per telecon with Grant Jones, President of Malad Valley Irrigation Co., the officers are Grant Jones, President; Gary Davis, Vice President; and, Lon Corbridge, Secretary/Treasurer. Directors include Lloyd Briggs and Louis Dredge. The watermaster is Bill Schwartz.

DAM SUMMARY SHEET

February 22, 1998

CROWTHER
15 - 2076

INVENTORY _____ AF
BASIN _____ 15
DAM NUMBER _____ 2076
FED ID NUMBER _____ ID00034
DAM NAME _____ CROWTHER
COUNTY _____ ONEIDA
STREAM _____ SPRING CREEK ←
REGION _____ E
PURPOSE _____ I
RISK CATEGORY _____ 1
SIZE CATEGORY _____ 1
Q-Q SECTION _____ NWSE - Spillway
SECTION _____ 16
TOWNSHIP _____ 14S
RANGE _____ 36E
LATITUDE DEC _____ 42.2033
LONGITUDE DEC _____ 112.2571
DAM TYPE _____ EARTH
→ STORAGE CAPACITY _____ 959.00 ACFT
HEIGHT _____ 85.00 ← FT
DRAINAGE AREA _____ 1.20 SQMI
RESERVOIR AREA _____ 33.00 AC
YEAR COMPLETED _____ 1948 ✓
CREST ELEVATION _____ 4,720.00 MSL
CREST LENGTH _____ 850.00 FT
SPILLWAY TYPE _____ GLHOLE
SPILLWAY DEPTH _____ 4.80 FT
SPILLWAY CAPACITY _____ 116.00 CFS
OUTLET TYPE _____ MPENCN
OUTLET SIZE _____ 23 IN
OUTLET CAPACITY _____ 74.00 CFS
IDF _____ PMF
IDF MAGNITUDE _____ 15,500.00 CFS
RELEASE CAPACITY _____ 190.00 CFS

CONDITION _____ FR
MAINTENANCE _____ REQUIRED
INSPECTION DATE _____ 0997 MO/YR
CERTIFICATE EXP DATE _____ 0698 MO/YR
LAST RISK EVALUATION _____ 0495 MO/YR
SURVEY DATE _____ 4/9/92 MO/DD/YR
CALL UP DATE _____ MO/DD/YR
CERT ISSUE DATE _____ 1/29/98 MO/DD/YR
INSPECTION INTERVAL _____ 2YR
PHASE I INSP DATE _____ 8/16/78
OPERATION PLAN _____ U
SEISMIC ANALYSIS _____ N
RESTRICTED _____ Y
JOINT INSPECTION _____
QUAD NUMBER _____ DD40
QUAD NAME _____ MALAD CITY WEST

DAM OWNER _____ MALAD VALLEY IRRIGATION CO
ADDRESS - 1 _____ C/O GRANT JONES, PRESIDENT
ADDRESS - 2 _____ 250 W SAMARIA LN
CITY _____ MALAD
STATE _____ ID
ZIP CODE _____ 83252
ZIP SUFFIX _____
PHONE _____ 7662771
AREA CODE _____ 208

GENERAL REMARKS : HYDROLOGY FOR SITE INCLUDES 1/2 OF FLOW FROM DEVIL CREEK DRAINAGE. DRAINAGE AREA = 38 SQMI. SPILLWAY WILL PASS 10% OF PMF. ORDER ISSUED 12/97 TO RELEASE STORAGE AND REPAIR DAM BY 6/1/98. RELEASE STORAGE PART OF ORDER WAS SUSPENDED IN 1/98.

TECHNICAL REMARKS : SPILLWAY & REL CAP ARE WITH 2.8' FB. AUX SPILLWAY IS ERCHAN W/ FUSEPLUG INSTALLED FEB 81. BOTTOM 25' W, DEPTH = 4.8' W/ 5.2:1 SIDESLOPES. FUSEPLUG IS 2.0' HIGH. SPILLWAY WILL PASS Q100 = 325 CFS WITH 2.8' FB & FUSEPLUG REMOVED.

RESTRICTIONS : THE MAXIMUM RESERVOIR LEVEL SHALL NOT EXCEED A MAXIMUM ELEVATION OF 20 FEET BELOW THE SPILLWAY CREST, IN ACCORDANCE WITH THE INTERIM OPERATING PLAN.

ALTERNATE CONTACTS : SEE OPERATION PLAN FOR ALTERNATE CONTACTS.

RECEIVED

MAR 06 1998

Statewide
Advertisement

DEPARTMENT OF WATER RESOURCES

Dist. for staffing

Submitted for advertising

1-12-98

Form No. 202
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATIONS FOR PERMIT ANALYSIS PERMIT

INITIAL REVIEW BY HWT DATE 1-9-98 APPLICATION NO. 15-7167
MALAD VALLEY IRRIG.

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated (only those areas highlighted in yellow)
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☒ Overlapping place of use (Describe source & relationship to present application on the back.)
☐ Overlapping point of diversion
☐ Yes ☐ No Field check required
☐ Yes ☐ No Field check by _____
☐ Yes ☐ No Field report attached
☐ Yes ☐ No Critical groundwater area
☐ Yes ☐ No Groundwater management area
☐ Yes ☐ No Send dam safety information
☐ Yes ☐ No Send power requirement letter
☐ Yes ☐ No Send fish farm requirement letter
☐ Yes ☐ No Power residency affidavit
☐ Yes ☐ No Power efficiency form
☐ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
☒ Yes ☐ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

_____ Date Requested _____

PROCESSING

☒ Yes ☐ No In form for advertising
☒ Yes ☐ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO

☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

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

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest Feb. 23, 1998
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☐ No Recommendations attached
☐ Yes ☐ No Measuring device required
☐ Yes ☐ No Access port required
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. _____
☐ Yes ☐ No Special conditions of approval or cover letter below.

Date of priority recommended 1-09-1998
By: HWS Date: 3-7-1998

STATE OFFICE REVIEW

By _____ Date: _____

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from

_____ City	_____ Idaho Fish & Game	_____ Irrigation Dist.
_____ County	_____ Idaho Health & Welfare	_____ Canal Company
_____ Reservations	_____ Div. of Environment	_____ Other _____

Project impacts/implications report

COMMENTS

[illegible]

2403

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
COUNTY OF ONEIDA)

RECEIVED

MAR 2 1998

Department of Water Resources
Eastern Region

Kristine D. Smith, begin duly sworn, deposes and says:
That she is the publisher of *THE IDAHO ENTERPRISE*, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said newspaper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said newspaper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said newspaper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with Feb. 5, 1998, and ending with the issue of Feb 12, 1998.

Kristine D. Smith

STATE OF IDAHO)
)
COUNTY OF ONEIDA)

On this 27 day of February in the year of 1998, before me, Susan J. Wittman, a Notary Public, personally appeared Kristine D. Smith, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Susan J. Wittman
Notary public for Idaho
Residing at Malad, Idaho
My commission expires: 2-9-2000

MICROFILMED

MAR 25 1998

**NOTICE OF APPLICATION FOR
WATER RIGHT**

The Following application(s)
have been filed to appropriate the
public waters of the State of Idaho:
**NOTICE OF APPLICATION FOR
WATER RIGHT
No. 15-07167**

The Following application (s)
have been filed to appropriate the
public waters of the State of Idaho:
**MALAD VALLEY IRRIGATION CO
C/O PRESIDENT GRANT JONES
2601 W 500 S
MALAD ID 83252**

This application pertains to
Crowther Reservoir and is in-
tended to document the Applicant's
storage water right that has existed
since the Crowther Reservoir was
constructed in 1948.

Source: DEVILS CREEK
Trib. to: MALAD RIVER
Diversion Pt: NESW SEC 16 T 14S
R 36E in ONEIDA COUNTY
Use: IRRIGATION

STORAGE (1053.00 AFA)
IRRIGATION FROM
STORAGE (1053.00 AFA)
Total Diversion: (1053.00 AFA)
Date Filed: 01/09/98
In: ONEIDA COUNTY

T14S R35E S24, S25, S36
T14S R36E S19, S20, S21, S28,
S29, S30, S31, S32, S33
T15S R36E S04, S05, S06
4,501 ACRES TOTAL

The permit will be subject to all
prior water rights. Protests must be
filed with the applicant and the Di-
rector, Dept. of Water Resources,
along with a \$25.00 filing fee, East-
ern Region, 900 N. Skyline, Idaho
Falls, Idaho 83402 on or before
February 23, 1998.

**KARL J. DREHER, Director
Published: 02/05/1998 & 02/12/
1998**

**NOTICE OF CLAIM TO WATER
RIGHT**

No. 15-04203

The Following claim has been
filed to appropriate the public wa-
ters of the State of Idaho:
**MALAD VALLEY IRRIGATION CO
C/O PRESIDENT GRANT JONES
2601 W 500 S
MALAD ID 83252**

This claim pertains to St. Johns
Reservoir and is intended to docu-
ment the Claimant's storage water
claim that has existed since St.
Johns Reservoir was constructed
in 1898.

Source: BIRCH CREEK
Trib. to: MALAD RIVER
Diversion Pt: NENE SEC 07 T 14
S R 36E in ONEIDA COUNTY
Use: IRRIGATION

STORAGE (810.00 AFA)
IRRIGATION
FROM STOPAGE (810.00 AFA)
Total Diversion: (810.00 AFA)
Date Filed: 05/01/1998
In: ONEIDA COUNTY

T13S R36E S13, S23, S24, S25,
S26, S35

T14S R35E S24, S25, S36
T14S R36E S02, S03, S04, S05,
S06, S08, S09, S10, S15, S16,
S17, S18, S19, S20, S21, S28,
S29, S30, S31, S32,
S33

T15S R36E S06

8,704 ACRES TOTAL

The claim will be subject to all
prior water rights. Protests must be
filed with the applicant and the Di-
rector, Dept. of Water Resources,
along with a \$25.00 filing fee, East-
ern Region, 900 N. Skyline, Idaho
Falls, Idaho 83402 on or before
February 23, 1998.

**KARL J. DREHER, Director
Published 02/05/1998/ & 02/12/
1998**

The permit(s) will be subject to
all prior water rights. Protests must
be filed with the applicant and the
director, Dept. of Water Resources,
along with a \$25.00 filing fee, East-
ern Region, 900 N. Skyline, Idaho
Falls, Idaho 83402 on or before
FEBRUARY 23, 1998.

**KARL J. DREHER, Director
Published: 2/5/1998 & 2/12/1998 L.
2403 2/5/12/98/T2**

MAR 25 1998

RETAIN THIS PORTION FOR YOUR RECORDS

REMITTANCE ADDRESS THE TIMES-NEWS - LEGAL P.O. BOX 548, TWIN FALLS, ID 83303-0548		BILL TO DEPT. OF WATER RESOURCES		
AD NUMBER 156851	CLASS 0050 LEGAL	SALESPERSON 5	BILLING DATE 02/12/98	LINES 32 * 2
AD DESCRIPTION NOTICE OF CLAIM TO WATER RIGHT NO 1			START DATE 02/05/98	STOP DATE 02/12/98
PUBLICATION		INSERTIONS	RATE	NET AMOUNT
4 THE TIMES NEWS LEGAL		2	LGS	56.32
TOTAL AD CHARGE				56.32
4 AFFIDAVIT CHARGE			AFFID	2.00
DAYS RUN				
PURCHASE ORDER legal			PAY THIS AMOUNT	
			58.32	58.32*

MESSAGE:

Eastern Region
RECEIVED
FEB 19 1998
Department of Water Resources
Eastern Region

DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

THE TIMES-NEWS - LEGAL
P.O. BOX 548, TWIN FALLS, ID 83303-0548

legal

AD NUMBER 156851	CLASS 050 LEGAL	START DATE 02/05/98	STOP DATE 02/12/98
AD DESCRIPTION NOTICE OF CLAIM TO WATER RIGHT NO 1		BILLING DATE 02/12/98	TELEPHONE NUMBER 208-525-7161

GROSS AMOUNT OF
58.32
DUE AFTER

☐ VISA ☐ MASTERCARD

CREDIT CARD NUMBER

EXPIRATION DATE: ____/____/____

SIGNATURE: _____

DEPT. OF WATER RESOURCES
900 N SKYLINE
IDAHO FALLS, ID

83402-1718

MICROFILMED
MAR 25 1998

TOTAL AMOUNT DUE 58.32
ENTER AMOUNT ENCLOSED

20400000001568510000000000000000583200000058324

Fun pre-school activity
1 day trial... no charge
20 yrs exp. refs. 735-08

NOTICE IS HEREBY
GIVEN THAT
I, VERNIA LEA BLACK,
Deceased
do hereby certify that the
Matter of the Estate
of VERNIA LEA BLACK
is being handled by me
as the executor of the
will of the deceased.

Verit of Publication
OF IDAHO
COUNTY OF TWIN FALLS } SS.

No 30226

I, Emily McKnight being first duly sworn upon oath, depose
and say that I am principle clerk of the TIMES-NEWS, published daily, 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 weeks,
commencing with the issue dated Feb. 5, 19 98,
and ending with the issue dated Feb. 12, 19 98.

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, until July 31, 1978, at which time said
newspaper began daily publication 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.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 12th day of Feb in the year of 1998, before me,
a Notary Public, personally appeared Emily McKnight,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly
sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Leslie Wiles
Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5/19/03

RECEIVED

FEB 19 1998

Department of Welfare

NOTICE OF CLAIM TO WATER RIGHT NO 15-07167

The following claim has been filed to appropriate the public waters of the State of Idaho:
MALAD VALLEY IRRIGATION CO
C/O PRESIDENT GRANT JONES
2601 West 500 South
Malad, Idaho 83252

This claim pertains to Crowther Reservoir and is intended to document the Applicant's storage water right that has existed since the Crowther Reservoir was constructed in 1948.

Source: DEVILS CREEK Trib. to: MALAD RIVER
Diversion Pt: NESW SEC 16 T 14S R 36E in ONEIDA COUNTY

Use: IRRIGATION STORAGE (1053.00 AFA)
IRRIGATION FROM STORAGE (1053.00 AFA)
Total Diversion: (1053.00 AFA)

Date Filed: 01/09/98

In: ONEIDA COUNTY

T14S R35E S24, S25, S36

T14S R36E S19, S20, S21, S28, S29, S30, S31, S32, S33

T15S R36E S04, S05, S06

4,501 ACRES TOTAL

The permit will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N. Skyline, Idaho Falls, Idaho 83402 on or before February 23, 1998.

KARL J. DREHER, Director

PUBLISH: February 5 and 12, 1998

vit of Publication

OF IDAHO } SS.
OF TWIN FALLS }

No 30226

Emily McKnight being first duly sworn upon oath, depose at I am principle clerk of the TIMES-NEWS, published daily, at ls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per attached, was published in the regular and entire issue of said newspaper, and not in any at thereof, for two consecutive weeks,

ing with the issue dated Feb. 5, 19 98,

ig with the issue dated Feb. 12, 19 98.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho mes, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except th of which newspapers prior to consolidation had been published under said names in said city and county y and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since litation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said began daily publication 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 on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each of, Thursday is announced as the day on which said legal notices will be published.

IDAHO
OF TWIN FALLS

On this 12th day of Feb in the year of 1998, before me,

a Notary Public, personally appeared Emily McKnight, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Leslie Wiles
Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5/19/03

RECEIVED

FEB 19 1998

Depart of W R F

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707-0040

LEGAL ADVERTISING INVOICE

Amount Due

\$111.00

Account Number/Trans. #	Identification		
100564	NOTICE OF APPLICATION FOR WATER RIGHT		
Ordered By	P.O. Number	Rate	Run Dates
RITA BODELL		TT	FEBRUARY 5, 12, 1998
STATE OF IDAHO DEPARTMENT OF WATER RESOURCES 900 N SKYLINE DRIVE IDAHO FALLS, ID 83402		Estimated Inches	Real Inches
		# Affidavits	Legal Number
		1	9575

RECEIVED

FEB 19 1998

Department of Water Resources
Eastern Region

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for two

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip

insertion(s) beginning with the issue of

FEBRUARY 5, 1998

and ending with the issue of

FEBRUARY 12, 1998

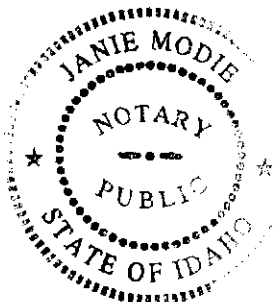
Janice Hildreth

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 12TH day of FEBRUARY in the year of 1998, before me, a Notary Public, personally appeared JANICE HILDRETH known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Janie Modie

Notary Public for Idaho
Residing at:

Boise, Idaho

My commission expires:

5/03

MAILED - 1998
MAR 25 1998

LEGAL NOTICE
NOTICE OF APPLICATION FOR WATER RIGHT
No. 15-07167

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

MALAD VALLEY IRRIGATION CO
C/O PRESIDENT GRANT JONES
2601 W 500 S
MALAD ID 83252

This application pertains to Crowther Reservoir and is intended to document the Applicant's storage water right that has existed since the Crowther Reservoir was constructed in 1948.

Source: DEVILS CREEK Trib. to: MALAD RIVER
Diversion Pt: NESW SEC 16 T 14S R 36E in ONEIDA COUNTY
Use: IRRIGATION STORAGE { 1053.00 AFA)
IRRIGATION FROM STORAGE { 1053.00 AFA)
Total Diversion: { 1053.00 AFA)

Date Filed: 01/09/98

In: ONEIDA COUNTY

T14S	R35E	S24,	S25,	S36							
T14S	R36E	S19,	S20,	S21,	S28,	S29,	S30,	S31,	S32,	S33	
T15S	R36E	S04,	S05,	S06							

4,501 ACRES TOTAL

The permit will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N. Skyline, Idaho Falls, Idaho 83402 on or before February 23, 1998.

KARL J. DREHER, Director

Pub. February 5 & 12, 1998

9575

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 02/12/98INVOICE NO. 165629Account No. 446600Description 165629NOTICEOFAPPLICATTimes 2Lines 29

Tab. Lines _____

\$ 87.00

SOLD TO: IDAHO DEPT. OF WATER RESOURCES
900 N. SKYLINE
IDAHO FALL ID 83402

RECEIVED
FEB 17 1998

Department of Water Resources
Eastern Region

LC
2/11/98

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 165629NOTICEOFA attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 02/05, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 02/05/98, and the last publication thereof being on the 02/12/98, and said 165629NOTICEOFA was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 13

day of FEBRUARY 1998

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 7/1/03

MICROFILMED

MAR 25 1998

165629

NOTICE OF APPLICATION FOR WATER RIGHT

No. 15-07167

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Use: IRRIGATION STORAGE (1053.00 AFA)
IRRIGATION FROM STORAGE (1053.00 AFA)

Total Diversion:

Date Filed: 01/09/98

In: ONEIDA COUNTY

T14S R35E S24, S25, S36

T14S R36E S19, S20, S21, S28, S29, S30, S31, S32, S33

T15S R36E S04, S05, S06

4,501 ACRES TOTAL

The permit will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N. Skyline, Idaho Falls, Idaho 83402 on or before February 23, 1998.

KARL J. DREHER, Director

Published: 02/05/1998 & 02/12/1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

January 23, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

THE TIMES NEWS
CLASSIFIED ADS
PO BOX 548
TWIN FALLS ID 83303

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before February 23, 1998.

Yours truly,

Rita Bodell
Secretary

Enc.

MICROFILMED

MAR 25 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

January 23, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LEWISTON MORNING TRIBUNE
CLASSIFIED ADS
PO BOX 957
LEWISTON ID 83501

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

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Rita Bodell
Secretary

Enc.

RECEIVED

MAR 25 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

January 23, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

IDAHO STATESMAN
CLASSIFIED ADS
PO BOX 40
BOISE ID 83707

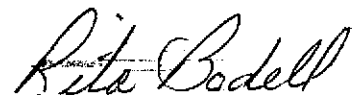
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Secretary

Enc.

Handwritten:
MAR 23 1998

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T14S R35E S24, S25, S36
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KARL J. DREHER, Director

Published: 02/05/1998 & 02/12/1998

RECEIVED
MAR 25 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 23, 1998

GRANT JONES
MALAD VALLEY IRRIGATION CO
2601 W 500 S
MALAD ID 83252

RE: Notice of Application for Permit No. 15-07167 and
Notice of Claim to a Water Right No. 15-04203

Dear Applicants:

This office is currently in the process of advertising the applications statewide and in the Idaho Enterprise on FEB. 05 & 12, 1998. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the applications are protested, you will be sent a copy of the protest. The protest must be resolved before the applications are approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones *rb*
Harold W. Jones
Water Right Supervisor

HWJ/rb

RECORDED

MAR 25 1998

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER**
JAMES P. PRICE***
LISA M. CHRISTON****
BRENT R. KING
RICHARD A. HEARN, M.D.*****
ERIC L. OLSEN

*ALSO MEMBER IL & WY BARS
**ALSO MEMBER MO BAR
***ALSO MEMBER CO BAR
****ALSO MEMBER IL BAR
*****ALSO MEMBER D.C. BAR

LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED

CENTER PLAZA-CORNER FIRST & CENTER

POST OFFICE BOX 1391

POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101

FAX (208) 232-6109

January 6th, 1998

ASSOCIATED WITH
McGRATH, MAROTZ
& SMITH
414 SHOUF
P. O. BOX 50731
IDAHO FALLS, ID 83405
TEL (208) 524-0731
FAX (208) 529-4166

STEPHEN J. McGRATH
SCOTT W. MAROTZ
BRYAN D. SMITH†
†ALSO ADMITTED IN CA

Idaho Department of Water Resources
Eastern Division
Attention: Harold Jones
900 N. Skyline Drive
Idaho Falls, Idaho 83402

RECEIVED

JAN 07 1998

Department of Water Resources
Eastern Region

Re: *Malad Valley Irrigating Company*

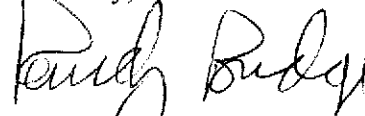
Dear Harold:

On behalf of Malad Valley Irrigating Company ("MVI"), I am enclosing the following for filing and processing:

1. Application for Permit pertaining to the Crowther Reservoir water rights, together with MVI's \$288 check for filing fees.
2. Affidavit of Water Right Claims.
3. Copy of Claim to a Water Right.

Based on the Affidavit, please process the Application and file the claim as part of the Department records effective as of 3/8/82 based on the indicated receipt by Coleen Wray. Thank you.

Sincerely,



RANDALL C. BUDGE

RCB:rr

Enclosures

cc: MVI Board of Directors

JAN 15 1998

**AFFIDAVIT OF WATER RIGHT CLAIMS
OF
MALAD VALLEY IRRIGATING COMPANY**

STATE OF IDAHO)
 : ss
County of Oneida)

The undersigned officers and directors of Malad Valley Irrigating Company, being first duly sworn, depose and state as follows:

1. The undersigned Affiants, Grant Jones, Lon Corbridge and Louis Dredge (hereinafter referred to collectively as "Affiants") as officers and directors, submit this Affidavit on behalf of Malad Valley Irrigating Company (hereinafter "the Company") for filing with the State of Idaho Department of Water Resources ("the Department") for the purpose of setting forth the rights owned and claimed by the Company to the public waters of Idaho established by permit, license, claim and by diversion and application to beneficial use under the laws and Constitution of the State of Idaho.

2. Affiant Grant Jones is 69 years of age, the President of the Company since 1996 and a shareholder since 1962. Affiant Lon Corbridge is 71 years of age, currently the Secretary of the Company, a past President and member of the Board of Directors continuously since 1985 and a shareholder since 1973. Affiant Louis Dredge is 55 years of age, a member of the Board of Directors continuously since 1977, a past President and shareholder since 1971.

The information contained in this Affidavit is true and correct to the best of Affiants' knowledge, information and belief based upon their personal knowledge, review of the Company's records, and observations as shareholders, board members and officers of the Company, together with the Articles of Incorporation, By Laws, Minutes and other records maintained by the Company since its inception.

3. The Company was incorporated as an Idaho nonprofit corporation by Articles of Incorporation filed with and approved by the Office of the Territorial Secretary of the State of Idaho on June 12, 1882. The Company has existed and operated since that time for the purpose of

MICROFILMED
MAR 25 1998

delivering irrigation water to its shareholders in Oneida County, Idaho. Presently the Company has 180 shareholders who collectively irrigate 8924 acres..

4. Attached hereto as Exhibit "A" and incorporated by reference is a map depicting Devil Creek and its tributaries together with Devil Creek, Crowther and St. Johns Reservoirs described below. Commencing on April 1, 1882, the Company has continuously diverted and applied to beneficial use all of the water naturally flowing in Devil Creek and its tributaries. The headwaters of Devil Creek arise in Mill Canyon, commonly known as Power House Canyon. Near the Malad Summit the water is divided with one-fourth diverted in a northerly direction into Marsh Valley and three-fourths diverted in a southerly direction into the Devil Creek drainage via a canal. There are numerous unnamed springs and streams tributary to Devil Creek including, but not limited to Campbell, Heath Hollow, Station, New Canyon, Rattlesnake, Evans, Birch and Spring Creeks. These creeks contribute to Devil Creek below Devil Creek Reservoir and above Crowther and St. Johns Reservoirs. The water naturally flowing in Devil Creek and its tributaries is contained and stored in Devil Creek, St. Johns and Crowther Reservoirs on a year-round basis, although the primary storage results from winter snowmelt and spring runoff.

During the normal irrigation season from April 1 through November 1 the natural flow is passed through the reservoirs and, combined with released storage water, provides the irrigation water needs of the shareholders. The records of the Company reflect that on the average it delivers approximately 7500 acre feet of water to the shareholders. The annual water delivered varies based upon availability, climatic conditions and needs and has varied from a low of 2500 acre feet in times of extreme drought to in excess of 10,000 acre feet in the best water years. The shareholders of the Company irrigate some 8924 acres located in Townships 13, 14 and 15 S., and Ranges 35 and 36 E., B.M., Oneida County. These lands are generally adjacent to Devil Creek downstream from Devil Creek Reservoir and are more specifically described in the "Land List Attachment" attached to the Application for Permit, attached hereto as Exhibit B.

5. St. Johns Reservoir was constructed and first became operational in the spring of 1898. In approximately 1908 this reservoir was washed out and rebuilt to a larger size in the same location. In 1952 this reservoir again was washed out and again was rebuilt a larger size at the same location. St. Johns Reservoir has a capacity of 810 A.F., is primarily filled from Birch Creek, and

is also used to store water naturally flowing in Devil Creek and water released from Devil Creek Reservoir.

Crowther Reservoir was constructed in 1948 and has been continuously used since that time for the purpose of storing and releasing irrigation water. Crowther Reservoir has a capacity of 1053 A.F., is filled from stored water released from Devil Creek Reservoir and from the natural flow of Devil Creek and its tributaries.

Devil Creek Reservoir was constructed in 1969. Department Water Right No. 15-02081 authorizes the storage of water from Devil Creek up to a maximum of 4464.0 A.F. per year, with a priority date of June 10, 1940. The authorized use is for storage for irrigation and irrigation from storage. This water right resulted from Bureau of Reclamation Permit No. R682, which authorized the construction of the Devil Creek Reservoir. Attached hereto as Exhibit C is a copy of the "Proof of Application of Water to Beneficial Use", based upon which License No. 15-02081 was issued.

Water from Right No. 15-02081 is also stored both in Devil Creek and Crowther Reservoirs. Water is diverted from Devil Creek at the "D.L. Evans Diversion" located in the SW1/4 SW1/4, Section 35, Township 13 S., Range 36 E., B.M., into the "Reservoir Diversion Ditch" which transports water in a southwesterly direction to St. Johns Reservoir, or remains in the natural drainage of Devil Creek which runs in a southerly direction to Crowther Reservoir.

6. There are no other water rights along Devil Creek drainage other than the Company's, except in the lower reach of New Canyon. The Company diverts all water flowing in New Canyon into a ditch near the mouth of the canyon which transports the water to Devil Creek. In the lower reach of New Canyon below the Company's diversion, water arises from springs and seeps into the New Canyon drainage where it is diverted and used by approximately three other users who are believed to hold rights pursuant to a private decree for irrigation purposes during the normal irrigation season. Return flows and winter flows in the lower reach of New Canyon are also stored year round in the Company's reservoirs described above.

7. There are no minimum stream flow requirements in Devil Creek or any of its tributaries. There are no minimum pool requirements on St. Johns or Crowther Reservoirs, although the Company does voluntarily maintain minimum pool levels to enhance fisheries and public recreation. Devil Creek Reservoir has a minimum pool requirement of 300 A.F.

8. On March 4, 1982, the Company filed a "Claim to a Water Right", under the provisions of Section 42-243, Idaho Code, pertaining to water naturally flowing in Birch Creek and stored in St. Johns Reservoir, a copy of which is attached as Exhibit "D". As indicated on page 2, this claim and the \$30 filing fee was receipted for on March 8, 1982, by the Department's employee initialed "CW", whom we have since been advised was Colleen Wray, the secretary/receptionist in the Department's Idaho Falls Office at that time. For reasons unknown, we are informed the Department has no record of this claim which apparently was not assigned an identifying number, published or processed, even though it was filed well before the 1988 cut-off date.

This claim appears to have been lost and not published or processed by the Department due to neglect or oversight. Accordingly, the Company requests that this claim now be accepted, filed and processed by the Department.

9. The Company has recently been informed by the Department that its records do not reflect the Company's water rights in Devil Creek which are stored in Crowther Reservoir. The Company's water rights in Crowther Reservoir are acknowledged in the remarks which are part of Water Right Nq. 15-02081, Exhibit C attached. To confirm and clarify the Company's water rights in Devil Creek and Crowther Reservoir, the Company's claimed rights in Crowther Reservoir are set forth in the Department's Form 202 "Application for Permit" attached hereto as Exhibit "E". The place of use is the same described in the "Land List Attachment" attached to the Application for Permit, Exhibit E attached. The Company requests that the Department properly file and process this Application for Permit pertaining to Devil Creek and Crowther Reservoir.

10. The Company will promptly respond to any inquiries and provide such additional information as may be requested by the Department upon filing, review and processing of this Affidavit and the attached exhibits.

DATED this 5 day of January, 1998.

MALAD VALLEY IRRIGATING COMPANY

By Grant B. Jones
GRANT JONES, President

By *Lon Corbridge*
LON CORBRIDGE, Secretary

By *Louis Dredge*
LOUIS DREDGE, Director

STATE OF IDAHO)
County of Oneida): SS
 Bannock)

On this 5 day of January, 1998, before me, the undersigned, a Notary Public in and for said state, personally appeared GRANT JONES, LON CORBRIDGE and LOUIS DREDGE, the President, Secretary and Director of Malad Valley Irrigating Company, known to me to be the persons whose names are subscribed to the foregoing and acknowledged to me that they executed the same on behalf of said Company.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Dandy Jacer
NOTARY PUBLIC FOR IDAHO,
Residing at Pocatello, Malad, Idaho
My Commission Expires: 10/11/2000 10-2003

(SEAL)

RECORDED
MAR 25 1998

EXHIBIT "A"

RECORDED
MAR 25 1958

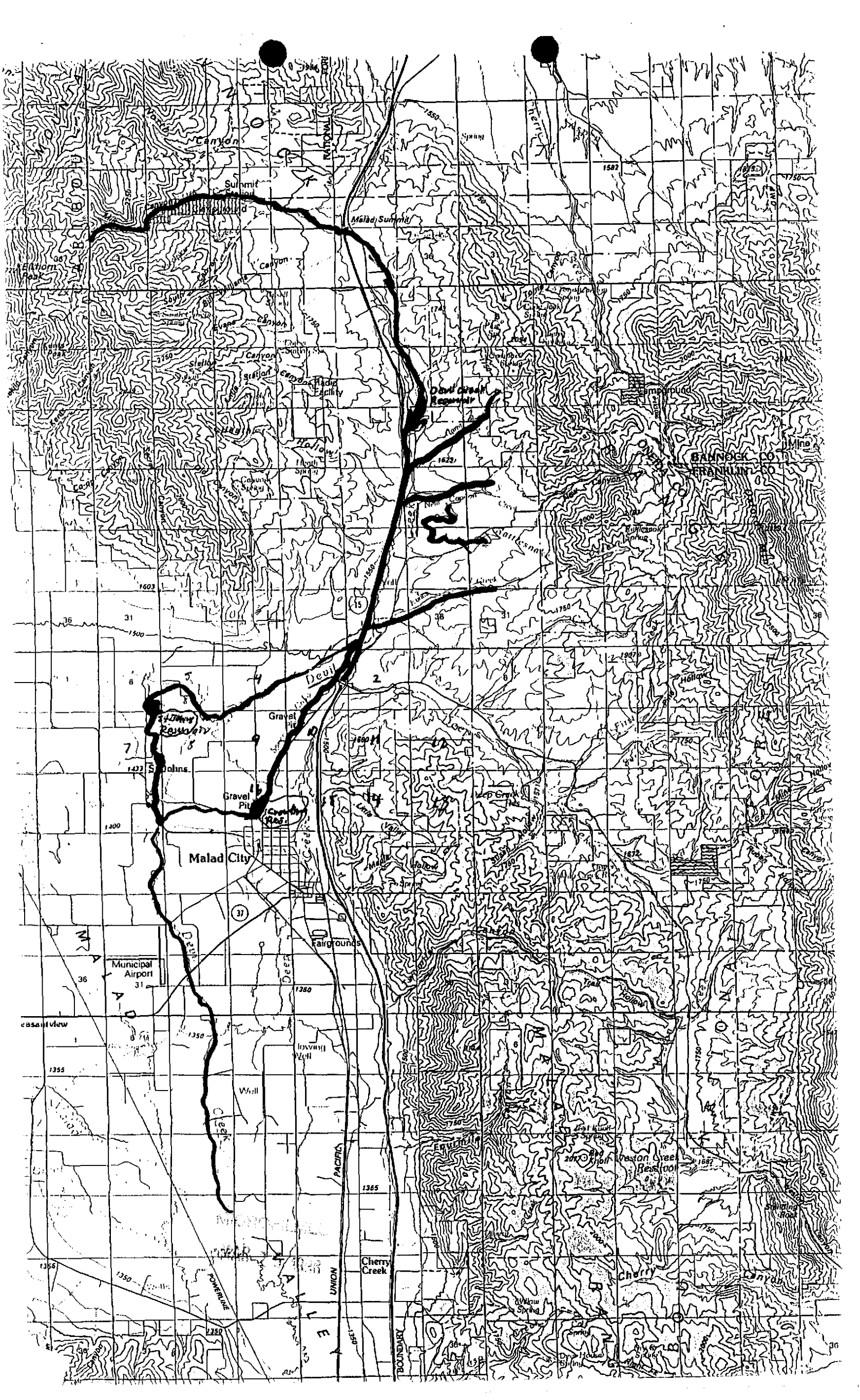


EXHIBIT "B"

UNRECORDED
MAR 25 1964

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15S	36E	6		39			30												69 *
14S	36E	31	40	40	40	40	40	40	40	40				30	35	40	39	38	542 *
		32	38	36	20	10	20	40	39	20		35	35						223 *
		33					30	40											70 *
		30	40	40	36	40	35	39	38	39	39	39	38	40	39	40	40	40	622 *
		29	35	36	40	39	36	35	40	40	40	37	38	30	39	40	39	39	603 *
		28		25	25		38	38	38	38	35	36	36	35					344 *
		21					15	38	40	10	38	40	40	38		15	35		309 *
		20	39	39	40	40	39	35	35	40	40	38	10	38	40	40	40	40	593 *
		19	35		40	35					40	40	38	40	35	38	40	40	421 *
		15						35	35			39	20						129
		16	35	15	10	33	38	35	35	25	35	38	38	35	38	5	10	20	445
		17	35	35	30	39	35	30	25	40	38	38	38	39	38	38	39	39	576
		18													20			35	55
		10						30	15			35	38						118
		9	35	38	39	35	40	30	39	39	39	40	37	38	30	39	35	38	591
		8	30	40	20	33	40			10	20			20	32	38	38	40	361
		2						15											15
		3	30	30	36	25	10	10	30	35	35	40	38	10		10			339
		4	10	30	39	30	35	35	38	35	40	25	20	30	38	35	39	39	518
		5	35	30	35	38	30	30	38	38	35	30		38	38	35	36	40	526
		6			40	39									35	40	35		189
14S	35E	24																39	39 *
		25	39		39	39									38	39	39	39	272 *
		36	40	35		39													114 *
13S	36E	13										20	20						40
		24						20	10										30
		23													5			15	20
		25						15	30			5							50
		26	35	10	15	30									25	25	30	10	180

Total number of acres irrigated

Additional parcels NOT Listed above

15S 36E 4 ~~40 40 40 40~~ 40 40 40 30

15S 36E 5 40 20 *

MAR 25 1938

*Land irrigated from Crowther Reservoir equals 4501 acres.

EXHIBIT "C"

MICROFILM

MAR 25 1968

Identification No. _____

Permit No. R 622

STATE OF IDAHO

New number 29-2559

DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Malad Valley Irrigating Company, Inc.

b) Post Office Address 64 W 400 N., Malad, Idaho 83252

2. Permit Number R-682 (New Number -29-2559)

3. ~~A right to decreed waters from Devil Creek and tributaries 1882~~ addition

3. Date of Priority that you are prepared to establish All water rights Devil Creek & tributaries 1882

4. a) Source from which water was appropriated 3/4 flow of Birch Creek also known as Mill Creek, and all Flood waters in West part on Creek in

b) Location of the point of diversion: N 1/4 SE 1/4 Section 27

Township 12 S., Range 36 E., Boise Meridian, Other points of diversion: _____

water carried in channel of Devil Creek a distance of approximately 19.75

is to several points of diversion located along stream channels.

5. a) The amount of water and use to which the water has been applied:

amount 40 cfs for irrigation purposes from 4/5 to 10/1 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

amount 30 cfs for irrigation purposes from 10-2 to 1-15 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

amount 35 cfs for irrigation purposes from 1-16 to 4-4 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

b) Total amount appropriated 40 cfs cfs and/or acre feet per annum

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Bureau of Reclamation

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____

b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean

source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief

description of diversion structure and/or canal or ditch) canal carrying water approximately 19.75 miles to points of diversion.

Main diversion dividing water between Bannock & Oneida County,

b) Describe the type and size of measuring device which you have installed at your point of diversion: Concrete structure 5 - 6 feet high with slots in side of stilling box. Other diversion are concrete, with measuring devices which permits various amounts of water to be diverted into different ditches. (See remarks attached).

c) Give well drillers name and address and date the well was completed None.

RECORDED
MAY 25 1966

[illegible]

Remarks:

The main diversion diverts water into Devil Creek channel which runs into the Devil Creek Reservoir, where the water is stored. Live water and storage water, during irrigation season, is distributed to the stockholders by means of diversion from the company's ditches to the individual owners.

The main diversion, after the water comes out of the reservoir, is what is known as David E. Evans diversion. The next diversion is the Jensen diversion, followed by the D. L. Evans diversion, at which point water is diverted in several directions; one goes to the St. Johns Reservoir and from the reservoir to the company's diversion where water is distributed south to the Robert Hess diversion, where water is distributed to individual ditches, west to individual ditches approximately 3 miles and south to individual ditches approximately 4 1/2 miles.

Also from the D. L. Evans diversion, water is distributed down the main channel into Crowthers Reservoir. From Crowthers Reservoir, after leaving the reservoir, water is distributed to the west and south; south to Samaria Lane diversion where water is diverted in two directions, west and south.

Also from the D. L. Evans diversion, water is distributed south to the Parry Jones diversion. From Parry Jones diversion, water is distributed on the east side of the old channel to David E. Jones diversion, and South from the Parry Jones diversion to the Harvey Jones diversion, where it is distributed to individual users and also south from Harvey Jones diversion to the Zundel diversion, which is the end of the company ditches.

When referring to the St. John Reservoir and Crowther Reservoir, these are reservoirs owned by Malad Valley Irrigating Company, Inc..

RECORDED
MAR 25 1940

EXHIBIT "D"

RECORDED
MAR 25 1958

(8) Remarks The land list included in this claim is the same lands for
Malad Valley Irrigation Company under License 29-2559 (changed from
15-2081) for Devil Creek Reservoir

[illegible]

Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ozweida) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sheldon E. Karl Pres
(Claimant)

Sworn to before me this 4th day of March, 1982. (Claim

Notary Public
Residing at Essie L. Sperry
Malad, Ida

My commission expires July 10, 1983

FOR DEPARTMENT USE ONLY

Received by CW Date 3-28-82 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____ claimant by: _____
\$20.00 fee received by CW Date _____
Published in _____
Dates _____

MAR 2 3 1944

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15S	36E	6		39			30												69
14S	36E	31	40	40	40	40	40	40	40	40				30	35	40	39	38	542
		32	38	36	20	10	20	40	39	20		35	35						293
		33					30	40											70
		30	40	40	36	40	35	39	38	39	39	39	38	40	39	40	40	40	622
		29	35	36	40	39	36	35	40	40	40	37	38	30	39	40	39	39	603
		28		25	25		38	38	38	38	35	36	36	35					344
		21					15	38	40	10	38	40	40	38		15	35		309
		20	39	39	40	40	39	35	35	40	40	38	10	38	40	40	40	40	593
		19	35		40	35					40	40	38	40	35	38	40	40	421
		15						35	35			39	20						129
		16	35	15	10	33	38	35	35	25	35	38	38	35	38	5	10	20	445
		17	35	35	30	39	35	30	25	40	38	38	38	39	38	38	39	39	576
		18													20			35	55
		10						30	15			35	38						118
		9	35	38	39	35	40	30	39	39	39	40	37	38	30	39	35	38	591
		8	30	40	20	33	40			10	20			20	32	38	38	40	361
		2						15											15
		3	30	30	36	25	10	10	30	35	35	40	38	10		10			339
		4	10	30	39	30	35	35	38	35	40	25	20	30	38	35	39	39	518
		5	35	30	35	38	30	30	38	38	35	30		38	38	35	36	40	526
		6			40	39									35	40	35		189
14S	35E	24																39	39
		25	39		39	39									38	39	39	39	272
		36	40	35		39													114
13S	36E	13										20	20						40
		24						20	10										30
		23													5			15	20
		25						15	30			5							50
		26	35	10	15	30									25	25	30	10	180

Total number of acres irrigated _____

NOT PLANNED

PAR 15 1958

LAND LIST ATTACHMENT

Description and location of place of use:

[illegible]

Total number of acres irrigated _____

100-443886-100

EXHIBIT "E"

RECEIVED
MAY 25 1960

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Malad Valley Irrigation Company Phone _____
Mailing address c/o President Grant Jones, 2601 W. 500 S., Malad, ID 83252
2. Source of water supply Devils Creek which is a tributary of Malad River
3. Location of point of diversion is Township 14 S. Range 36 E. Sec. 16 1/6 in the NE 1/4, SW 1/4, _____ 1/4, Govt Lot _____, B.M., _____ County;
additional points of diversion if any: (Crowthers Reservoir Dam)
4. Water will be used for the following purposes:
Amount 1053 AF for Storage for Irr. purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1053 AF for Irr. from Storage purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) _____ and/or (b) 930 A.F.
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source Earth filled dam, vertical control outlet gate and 22' outflow pipe
 - b. Height of storage dam 102 feet; active reservoir capacity 1053 A.F. acre-feet; total reservoir capacity 1053 acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is * years (minimum 1 year) completed 1948
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.
- (SEE ATTACHED)

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total number of acres to be irrigated 4501

10. Describe any other water rights used for the same purposes as described above. Devils Creek Reservoir
Water Right No. 15-02081

11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Shareholders of Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: This Application pertains to Crowther Reservoir and is intended to document the Applicant's storage water right that has existed since the Crowther Reservoir was constructed in 1948. (See Supporting Affidavit of Officers and Directors of Applicant.)

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Malad Valley Irrigation Company

Grant Jones
Signature of Applicant (and title, if applicable)
By: Grant Jones, President

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ _____ Received by _____ # _____ Date _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

MAR 23 1968

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15S	36E	6		39			30												69 *
14S	36E	31	40	40	40	40	40	40	40	40				30	35	40	39	38	542 *
		32	38	36	20	10	20	40	39	20			35	35					293 *
		33					30	40											70 *
		30	40	40	36	40	35	39	38	39	39	39	38	40	39	40	40	40	622 *
		29	35	36	40	39	36	35	40	40	40	37	38	30	39	40	39	39	603 *
		28		25	25		38	38	38	38	35	36	36	35					344 *
		21					15	38	40	10	38	40	40	38		15	35		309 *
		20	39	39	40	40	39	35	35	40	40	38	10	38	40	40	40	40	593 *
		19	35		40	35					40	40	38	40	35	38	40	40	421 *
		15						35	35			39	20						129
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		17	35	35	30	39	35	30	25	40	38	38	38	39	38	38	39	39	576
		18													20			35	55
		10						30	15			35	38						118
		9	35	38	39	35	40	30	39	39	39	40	37	38	30	39	35	38	591
		8	30	40	20	33	40			10	20			20	32	38	38	40	361
		2						15											15
		3	30	30	36	25	10	10	30	35	35	40	38	10		10			339
		4	10	30	39	30	35	35	38	35	40	25	20	30	38	35	39	39	518
		5	35	30	35	38	30	30	38	38	35	30		38	38	35	36	40	526
		6			40	39									35	40	35		189
14S	35E	24																39	39 *
		25	39		39	39									38	39	39	39	272 *
		36	40	35		39													114 *
13S	36E	13										20	20						40
		24						20	10										30
		23													5			15	20
		25						15	30			5							50
		26	35	10	15	30									25	25	30	10	180

Total number of acres irrigated

Additional parcels NOT Listed above

15S 36E 4 ~~40 35 30 30~~ 40 40 40 30 *

15S 36E 5 40 20 *

*Land irrigated from Crowther Reservoir equals 4501 acres.