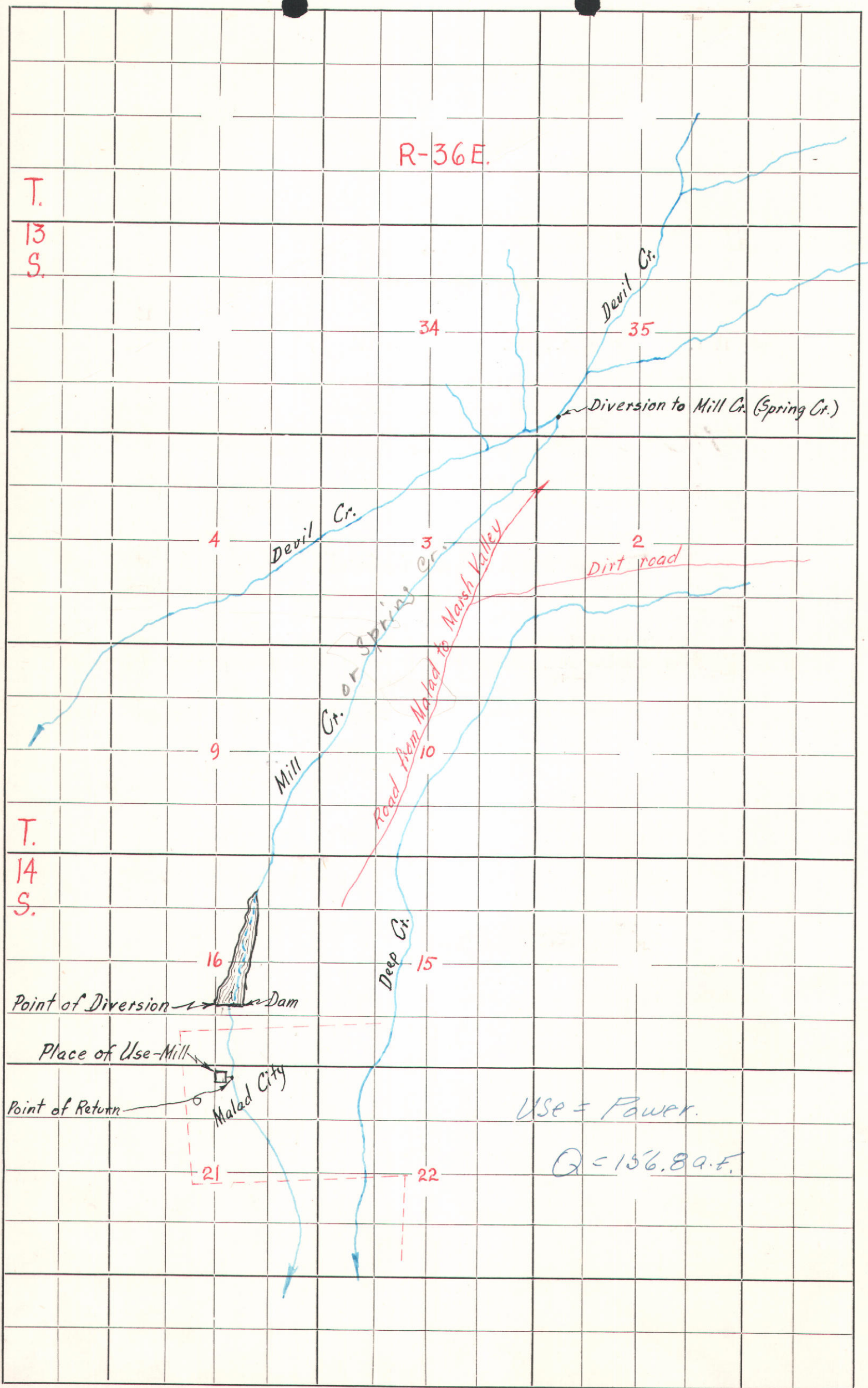




State of Idaho

License and Certificate of Water Right

Water License No. R-988Amount 156.8 ac.-ft.

Water District No. _____

Priority May 9, 1955

THIS IS TO CERTIFY that BROS. CROWTHER MILLING COMPANY
of Malad, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 9, 19 55; that Permit No. R-988
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
156.8 ~~acres~~ ^{acres} feet, was issued thereunder on February 15, 19 57, showing that said works
were completed on the 25th day of June, 19 56; and that on the 15th
day of June, 19 56, BROS. CROWTHER MILLING COMPANY

of Malad, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Spring Creek, Devil
Creek, Campbell Creek
& Birch Creek
, a tributary of _____, for the purpose of Water power at the milling
plant, under Use Permit No. R-988 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
10 of Licenses at page 5912, on the 15th day of February, 19 57;
The right hereby confirmed dates from May 9, 19 55;

The Point of Diversion is located
in the NW 1/4 SE 1/4, Sec. 16, Tp. 14 S., R. 36 E., B. M. County Oneida

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 156.8 ~~acres~~ ^{acres} feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			WATER TO BE USED FOR POWER AT THE MILLING PLANT		
			NW 1/4 NE 1/4 Section 21, Township 14 South, Range 36 East B.M.		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
15th day of February, 19 57.

/s/ Mark R. Kulp

State Reclamation Engineer.

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. 24378
Water District No. _____

Amount .16 c.f.s.
Priority August 29, 1953

THIS IS TO CERTIFY that **EIFFEL SHAFER HALL**
of **Route # 3, Caldwell, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **August 18**, 19**53**; that Permit No. **24378**
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
.70 second feet, was issued thereunder on **August 23**, 19**56**, showing that said works
were completed on the **18th** day of **July**, 19**56**; and that on the **4th**
day of **September**, 19**56**, **EIFFEL SHAFER HALL**

of **Caldwell**, State of **Idaho**, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of an unnamed
stream (water drainage course), for the purpose of **Irrigation**
, under Use Permit No. **24378** of the **Department of Reclamation**
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
10 of Licenses at page **5911**, on the **15th** day of **February**, 19**57**;
The right hereby confirmed dates from **August 29**, 19**53**;

The Point of Diversion is located
in the **NW 1/4 SW 1/4**, Sec. **30**, Tp. **5 N.**, R. **2 W.**, B. M. **Canyon** County **Canyon**
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed **.16** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N.	2 W.	30	NW 1/4 SW 1/4	40	8
Total number of acres irrigated - - - - -					8

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
15th day of **February**, 19**57**.

/s/ **Mark R. Kulp**
State Reclamation Engineer.

(SEAL)

APPLICATION FOR PERMIT

To Construct a Reservoir and Appropriate and Store
The Public Waters of the State of Idaho

15-2079

Application No. R 3447
Permit No. R 988

1. Name of Applicant: CROWTHER BROS. MILLING CO.

Postoffice address: Malad County Oneida State Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation: Malad, Idaho 1926 (b) Amount of Capital Stock: \$ 50,000.00
(c) Amount paid in: \$ 37,500. (d) Names and addresses of directors: E N Crowther, President;
N W Crowther, Sec'y
J L Crowther, V Pres.

II. The financial resources of the corporation are:

- (a) Cash on hand: \$12,000 (b) Treasury Stock: \$ 28,000
(c) Bonds to be issued: \$ None (d) Other resources: Approximately \$500,000 in assets

2. Quantity of water to be stored: 287 Devil Creek, Campbell Creek & Birch Creek from Power house canyon acre feet per annum.
3. Source of water supply is Spring Creek, / (Creek) (River) (Spring), a tributary of River.
4. The outlet of the proposed reservoir is located AS indicated in Permit 807-R
(bearing) feet, distant from the corner of Section , Township ,
Range , B. M. and is in the $\frac{1}{4}$ of $\frac{1}{4}$ of Section 10 , Township 18S , Range 5E , B.M. County of Custer

5. Fill out either (a) or (b).

- (a) The reservoir is located in the channel of Spring Creek (Creek) (River).
(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located on the creek feet distant from
(bearing)
the corner of Section , Township , Range , B. M., and is in the $\frac{1}{4}$ of $\frac{1}{4}$ of
Section , Township , Range B. M.; width at bottom feet, width at top
feet, depth of water feet; average grade per mile feet; Capacity cubic feet per second.
6. (a) The area of the high water line of the reservoir is 60 Acre feet acres.
(b) The reservoir capacity is 1100 acre feet.
7. Height of reservoir dam 109 feet, length at top 870 feet, length at bottom 760 feet, size of outlet feet
by feet. The dam is to be constructed of materials as follows: 23 inch round pipe with reinforced concrete setting
Detail blueprints are now on file in your office.
(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

8. (a) Will water stored in reservoir be diverted to canal or aqueduct, thence to land to be irrigated without commingling with natural flow of

No (Creek) (River)?

- (b) Water stored in reservoir will be carried in the channel of Spring Creek (Creek,) (River,) a distance
of $\frac{5}{8}$ miles to point of diversion located to Water wheel, feet, distant from the corner of Section
(bearing)
Township , Range , B. M., and in the $\frac{1}{4}$ of $\frac{1}{4}$ of Section Township , Range
B. M.

9. (a) Area of watershed above dam site 12 miles square north & west of dam square miles
(b) Estimated maximum flow of stream 60 to 100 Cu feet Per second cubic feet per second.

10. Water is to be used for Water power purposes.

11. If for mining, milling, power or manufacturing purposes give:

- As Specified in Permit 807-R
(a) Point of use of water feet, distant from Corner of Section , Township , Range
(bearing)
B. M. and is in the $\frac{1}{4}$ of $\frac{1}{4}$ of Section , Township , Range , B. M.
(b) Amount of power generated: 150 H. P., under 140 feet head.
(c) Water is to be returned to Spring Creek (Creek) (River) (Spring) at a point feet
(bearing)
distant from the corner of Section , Township , Range , B. M. in
the $\frac{1}{4}$ of $\frac{1}{4}$ of Section , Township , Range , B.M.

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed under the terms of Permit No.
807-R , which is hereby referred to and made a part hereof.

13. Kind of diversion works: From Water wheel into creek

(Dam, canal, flume, pipe, etc.)

14. Height of diversion dam: feet, length at top feet, length at bottom feet. The dam is to be constructed
of materials as follows: Earth Fill

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

15. Size of headgate: Width feet, Height 23 inch pipe feet.
16. Diversion Canal: Width at bottom feet, width at water line feet, depth of water feet, Dimensions of Flume Pipe running direct from dam to / Water wheel Diameter of Pipe 23 inches; Length of Conduit Five eighths/miles. Average grade per mile 80 feet per/mile.
17. Estimated cost of Works: Storage Works: \$ 110,000 Diversion Works: \$ 10,000
18. Time required for completion of work Already (1 year) complete since 1948 years.
19. Time required for complete application of water to proposed beneficial use is now in use for 7 years (None) years.
20. The land to be irrigated is described in the following tabulation:
This water can be used for irrigation between the natural channel of Devil Creek and Spring Creek. Below the Mill
(Give Irrigable acreage in each 40-acre subdivision.)

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	

Total Number of Acres to be Irrigated

21. Existing rights and/or valid permits appurtenant to lands described in Sec. 20 are Permit No. 807-R covers the complete and entire use of the flowing water of above streams during non-irrigation period. Also the appropriation of all spring runoff water until reservoir is full to capacity.
- Remarks:

In building this reservoir, the level of the dam was built about 9 feet higher than the original plan called for and the capacity is increased to 1060 acre feet which we would like to register in our name for beneficial use for water power. The water in the reservoir can be held until irrigation time and sold to the irrigation Co. as they need it. The only change in the old plans are indicated on the capacity survey and chart which was mailed in December, 1955. Residence Certificate is in R-807.

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and appropriate and store the public waters of Idaho as herein set forth, and that the enclosed map is hereby made a part of this application.

CROWTHER BROS. MILLING CO. Applicant.
By N. W. CROWTHER Sec'y. Agent.

Date of first receipt at Department of Reclamation: 8:00 A.M. May 9, 1955
Returned to applicant for correction May 17, 1955
Corrected application received March 7, 1956

APPROVAL OF STATE RECLAMATION ENGINEER

The number of this permit is R 988

Recorded in book R 4, page 988 Approved March 26, 1956

This is to certify that I have examined the within application for a permit to construct a reservoir and appropriate and store the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$, to be filed on or before

Work to begin on or before May 26, 1956 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One fifth of the work above specified to be completed on or before September 26, 1956

The whole of said work to be completed on or before March 26, 1957

Beneficial use of water stored in accordance herewith, to be made on or before March 26, 1957

Witness my hand this 26th day of March, 1956.

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLYE, Governor of the State of Idaho,
and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 26th day of March, 1956.

Countersigned:

(SEAL)

By JAS. H. YOUNG
Secretary of State.

STATE OF IDAHO
By ROBERT E. SMYLYE
Governor.

Permit No. R-988

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

BROS.

This is to certify that CROWTHER/MILLING COMPANY of Malad, County of Oneida, and State of Idaho, the holder of Permit No. R-988, issued upon Application No. R-34147 bearing date of priority of May 9, 1955, authorizing the diversion of 287 acre feet of the waters of A reservoir with source of water supply from Spring Creek, Devil Creek, Campbell Creek & Birch Creek from power house canyon, County of Oneida, State of Idaho, for Water power purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 156.8 acre feet of the waters of A reservoir with source of water supply from Spring Creek, Devil Creek, Campbell Creek & Birch Creek from power house canyon, that the point of diversion of said waters NW¹SE⁴ of Section 16, Township 14 South, Range 36 East B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Used for Water power at the milling plant, NW¹NE⁴ Section 21, Township 14 South, Range 36 E.B.M.

Proof of Completion of Works made: June 25, 1956.

Witness my hand this 15th day of February, A.D. 1957.

Proof of Completion of Works made: June 25, 1956.

Certificate of Completion of Works issued February 15, 1957.

/s/ Mark R. Kulp
State Reclamation Engineer

LICENSE ISSUED FOR 56885 ^{Acrc}
 Page 59/2

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. R-988

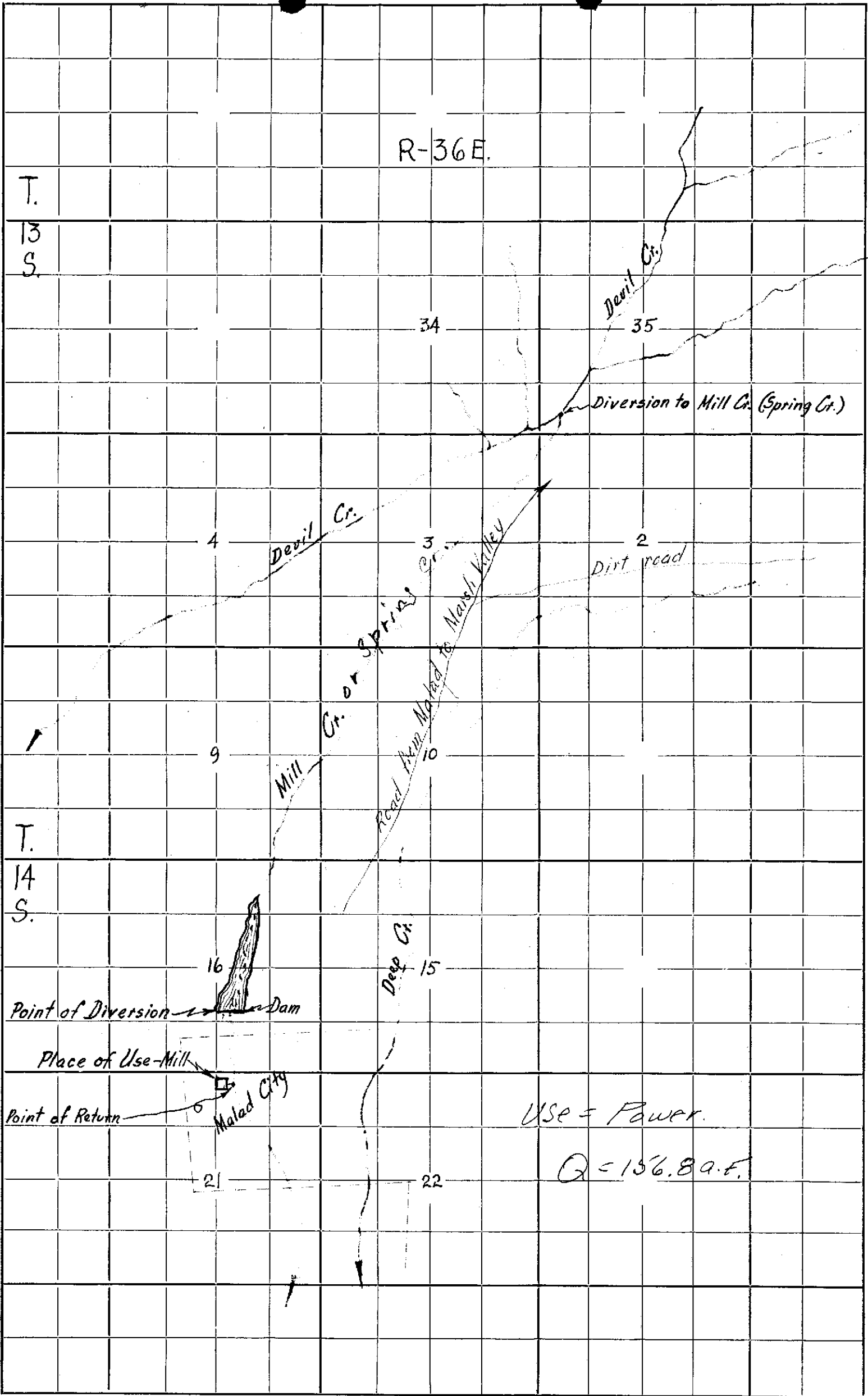
REPORT ON PROOF OF Beneficial Use

Crowther Milling Co., Malad, Idaho

*app 2870.7 ft. above
Water Level*

*156.8 ac ft
mark*

R-988



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

September 24, 1957

Re: Permit No. R-988

Crowther Milling Company
Malad
Idaho

Attention: Mr. N. W. Crowther

Dear Mr. Crowther:

We are returning your check dated June 25, 1956 in the amount of \$5.00 as another check in the amount of \$10.00 was submitted at a later date to cover Completion of Works & License fees on the above mentioned permit.

Departmental receipt No. 28430 was issued for those fees.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edna P. Rutledge (Mrs.)
Chief Clerk

EPR:lw
Encls. (1) - *Check*

R-988

February 15, 1957

Re: Permit No. R-988

Crowther Milling Company
Malad
Idaho

ATTENTION: Mr. N. W. Crowther

Dear Mr. Crowther:

We enclose Certificate of Completion of Works and License and Certificate of Water Right issued under Permit No. R-988 confirming the right to your use of 156.8 acre feet of water in reservoir, supplied by Spring Creek, Devil Creek, Campbell Creek & Birch Creek, for water power at the milling plant, with point of diversion in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, Township 14 South, Range 36 East B.M., with priority of May 9, 1955.

Also enclosed is departmental receipt No. 28430 for \$10.00 issued for payment covering the \$5.00 fee for Certificate of Completion of Works and \$5.00 License fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

ER:nls
Enclosures (3)

R-988



ROBERT E. SMYLLIE
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

February 4, 1957

Re: Permit No. R-988

Crowther Milling Company
Malad
Idaho

Attention: Mr. N. W. Crowther

Dear Mr. Crowther:

We now have the Report of our Field Engineer made in connection with Permit No. R-988 for water put to beneficial use showing a storage capacity of 155.8 acre feet of water being used for power at the milling plant.

Upon receipt of the statutory fees of \$10.00 (\$5.00 for Certificate of Completion of Works and \$5.00 License and Certificate of Water Right) a Certificate and License can be issued.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edna P. Rutledge
Chief Clerk

ER:nls

R-988

February 4, 1957

Re: Permit No. R-988

Growther Milling Company
Malad
Idaho

Attention: Mr. N. W. Growther

Dear Mr. Growther:

We now have the Report of our Field Engineer made in connection with Permit No. R-988 for water put to beneficial use showing a storage capacity of 156.8 acre feet of water being used for power at the milling plant.

Upon receipt of the statutory fees of \$10.00 (\$5.00 for Certificate of Completion of Works and \$5.00 License and Certificate of Water Right) a Certificate and License can be issued.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

ER:nls

R-988

Our records show source
as: Devil Cr., Spring Cr.,
Campbell Cr. and
Birch Cr. from Powerhouse
Canyon.

p. 988

December 6, 1956

Re: Permit No. R-988

Crowther Brothers Milling Company
Malad, Idaho

Attention: Mr. W. W. Crowther

Dear Mr. Crowther:

An inspection of the records shows that plans were submitted showing only a three-foot freeboard as the dam is presently constructed. Plans with less than five feet of freeboard are not approved.

A five feet of freeboard, we feel, is a reasonable freeboard and the amount necessary as a safety factor for your dam.

Accordingly, I am submitting an Engineer's report that will reduce the amount of storage from the 287 acre feet requested to 156.8 acre feet that may be licensed. This makes a total storage allowance for the reservoir of 930 acre feet under the two permits Nos. R-807 and R-930.

Due to the location of your reservoir in respect to the town of Malad, you are being herewith warned not to store water so high but that a five-foot freeboard still remains.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

ENH:ab
P. S.

You will receive the regular letter from the Chief Clerk regarding this before long.

R-988

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
RECORD OF DAMS

Permit No. R-807 & 988
File No. B-10

Name of Dam: Crowther Brothers Stream: Spring Creek & Devil Creek
Name of Owner: Crowther Bros. Location: T. 14S., R. 36 E., S16, NW $\frac{1}{4}$ SE $\frac{1}{4}$
Type: Earth Fill Purpose: Power-Also Irrigation Constructed: 1948
Engineer: Wendell H. Smith #470 Contractor: _____

DIMENSIONS OF DAM

Length on Bottom: _____ Ft.	Length on Crest: _____ 1250 Ft.
Height above Stream Bed: _____ 100 "	Depth to Bedrock: _____ ? "
Top Width: _____ 40-45 "	Upstream Slope: _____ 32% approx. 3:1
Freeboard: _____ 5 "	Slope Protection: <u>No special rip-rap. Gravel.</u>
Downstream Slope: _____ 50% or 2:1	Watershed Area: _____
Area of Reservoir at Spillway Level _____ 33 plus Acres.	Capacity of Reservoir _____ 930 Acre Feet.

Original area was 27.35 A. Claim A. 7' raise in Dam H.
Description of Foundation, including Cut-off Walls and other Precautions as to Safety: Concrete cut-off.
Wall down into blue-clay.
Dam was built 40' W. on crest, for added safety and to allow for no rip-rap.
Dam was built 7' higher. See R-988

Dimensions and Description of Spillway: Spillway is glory-hole type thru dam.
Intake is 5' d., 4' d. at toe of dam. Metal pipe. They raised this (in 1953?) by
putting a band around it about 2' dia. Later during high water one of Crowther Bros.
was cleaning debris away and fell in. He shot thru pipe. Lucky. Hospital.
They took the band off. Original freeboard was 7' 4".
Will not be approved for less than 5' freeboard.

Dimensions and Description of Outlet Works, Gate Hoisting Mechanism, etc.: 23" d. x 414' Length pipe thru bottom
of dam. Concrete cut-off collars each 25'.
6' x 3' steel screen over outlet. Control valve at downstream end of pipe. Pipeline
from outlet to Mill where water is used for power.
Drives a turbine that delivers 60 h.p. in the Mill.
Also drives a 50 h.p. G. E. Synchronous Motor.

Historical: In Permit No. 21844, there is a hearing record. Protest against M.V.I. regarding
storing waters of Birch or Mill Creek.
Tell of court case regarding division of waters.

In spring of 1956, a deal was made with M.V.I. whereby M.V.I. obtains right thru
Crowther Bros. to use the water for irrigation.

Thru R-988, they hoped to get a license to store 1060.2 acre feet.

Remarks: On September 11, 1956, reservoir was empty. I checked storage depth on upstream side
with a small hand level at 79.5' depth. H from top of outlet downstream was 90.1'.
Pool in bottom of reservoir when drained was approximately 2 acres in extent.

Information compiled by:

Date: December 6, 1956, 1956

E. N. HUMPHREY
Deputy State Reclamation Engineer

R-988

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. R-988This proof is for Beneficial Use In Water District No. _____1. Name of applicant Crowther Milling Co.,2. Source of water supply: Spring Creek, Devil Creek and Birch Creek3. Location of point of diversion: Is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16T. 14 S. R. 36 E., B.M County of Oneida4. Describe works as they exist, giving dimensions and capacities of same: _____

_____5. Water is used for: Water Power at the milling plant.6. State whether or not water has been turned into works of diversion: yes.7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation): _____

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: _____

A was determined by use of the graph on the plan submitted.See Plan on tracing cloth in steel cabinetThis examination was made on the 11 day of Sept, 1956(Signed) E. M. Humphrey Examiner.R-988

Crowther Milling Company
Malad, Idaho

Permit No. R-988

Examination for Beneficial Use

County Oneida

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
DEC 6 1956

Department of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Protest)
of J. P. Sorenson, Clarence Jones)
and Thomas V. Jones, and Oren J.)
Jones, Executor of the Last Will)
and Testament of Sarah Mae Jones,)
deceased against Permit No. R-988)
of Crowther Bros. Milling Company)

D E C I S I O N
OF
STATE RECLAMATION ENGINEER AND
DISMISSAL OF PROTEST.

Permit No. R-988 was issued to Crowther Bros. Milling Company for the appropriation and storage of 287 acre-feet of the waters of Spring Creek, Devil Creek and Birch Creek. Proofs were made on completion of works and notice of proofs of application to beneficial use was advertised as required by Statutes and protest was filed by J. P. Sorenson, Clarence Jones and Thomas V. Jones, and Oren J. Jones, Executor of the Last Will and Testament of Sarah Mae Jones, deceased, praying that the claimed rights of the protestants be confirmed or that license under Permit No. R-988 be denied or that License under said Permit, if issued, be made subject to the prior rights of protestants.

The STATE RECLAMATION ENGINEER finds,

- (1) That the claimed rights of the protestants are not a matter of official record in the office of the State Department of Reclamation, and
- (2) That Permit No. R-988 was issued for the appropriation and storage of unappropriated water, and
- (3) That the State Reclamation Engineer has no authority to determine or confirm prior rights or claims of prior rights, and
- (4) That License under Permit No. R-988 will be junior in priority to all rights prior to May 9, 1955 and,

IT IS THEREFORE, the decision of the State Reclamation Engineer, that

- (1) The protest be dismissed, and

R-988

(2) License will be issued under Permit No. R-988 confirming the right to appropriate and store 156.8 acre feet of the water of Spring Creek, Devil Creek, and Birch Creek with a priority date of May 9, 1955 and

(3) Anyone feeling himself aggrieved by the decision and issuance of License may appeal within 60 days to the District Court for Oneida County, Idaho, as outlined in Section 42-224 of the Idaho Code.

Given under my hand and the Seal of the Department of Reclamation of the State of Idaho, this 31st day of January, A. D. 1957.

Mark R. Kulp
MARK R. KULP
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Protest)
of J. P. Sorenson, Clarence Jones)
and Thomas V. Jones, and Oren J.)
Jones, Executor of the Last Will)
and Testament of Sarah Mae Jones,)
deceased against Permit No. R-988)
of Crowther Bros. Milling Company)

D E C I S I O N
OF
STATE RECLAMATION ENGINEER AND
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The STATE RECLAMATION ENGINEER finds,

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- (2) That Permit No. R-988 was issued for the appropriation and storage of unappropriated water, and
- (3) That the State Reclamation Engineer has no authority to determine or confirm prior rights or claims of prior rights, and
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R-988

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(3) Anyone feeling himself aggrieved by the decision and issuance of License may appeal within 60 days to the District Court for Oneida County, Idaho, as outlined in Section 42-224 of the Idaho Code.

Given under my hand and the Seal of the Department of Reclamation of the State of Idaho, this 31st day of January, A. D. 1957.

Mark R. Kulp
MARK R. KULP
State Reclamation Engineer

R-988

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Protest)
of J. P. Sorenson, Clarence Jones)
and Thomas V. Jones, and Oren J.)
Jones, Executor of the Last Will)
and Testament of Sarah Mae Jones,)
deceased against Permit No. R-988)
of Crowther Bros. Milling Company)

D E C I S I O N
OF
STATE RECLAMATION ENGINEER AND
DISMISSAL OF PROTEST.

Permit No. R-988 was issued to Crowther Bros. Milling Company for the appropriation and storage of 287 acre-feet of the waters of Spring Creek, Devil Creek and Birch Creek. Proofs were made on completion of works and notice of proofs of application to beneficial use was advertised as required by Statutes and protest was filed by J. P. Sorenson, Clarence Jones and Thomas V. Jones, and Oren J. Jones, Executor of the Last Will and Testament of Sarah Mae Jones, deceased, praying that the claimed rights of the protestants be confirmed or that license under Permit No. R-988 be denied or that License under said Permit, if issued, be made subject to the prior rights of protestants.

The STATE RECLAMATION ENGINEER finds,

- (1) That the claimed rights of the protestants are not a matter of official record in the office of the State Department of Reclamation, and
- (2) That Permit No. R-988 was issued for the appropriation and storage of unappropriated water, and
- (3) That the State Reclamation Engineer has no authority to determine or confirm prior rights or claims of prior rights, and
- (4) That License under Permit No. R-988 will be junior in priority to all rights prior to May 9, 1955 and,

IT IS THEREFORE, the decision of the State Reclamation Engineer, that

- (1) The protest be dismissed, and

R-988

(2) License will be issued under Permit No. R-988 confirming the right to appropriate and store 156.8 acre feet of the water of Spring Creek, Devil Creek, and Birch Creek with a priority date of May 9, 1955 and

(3) Anyone feeling himself aggrieved by the decision and issuance of License may appeal within 60 days to the District Court for Oneida County, Idaho, as outlined in Section 42-224 of the Idaho Code.

Given under my hand and the Seal of the Department of Reclamation of the State of Idaho, this 31st day of January, A. D. 1957.

Mark R. Kulp
MARK R. KULP
State Reclamation Engineer

R-988

June 14, 1956

RE: Permit No. R-988
Crowther Bros. Milling Co.

Messrs. Ray & Scott
Attorneys At Law
Malad City, Idaho

ATTENTION: Mr. E. L. Scott

Dear Mr. Scott:

We wish to acknowledge receipt of the Protest filed by
J. P. Sorenson and Others against the Application of Crowther Bros.
Milling Co. by Permit No. R-988.

Said Protest will be placed on file and you will be further
notified before final action is taken in the matter.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T:cu

R-988

Our records show:
Source: Spring Co., Devil Co.,
Hamphole Co. & Birch Co.

Use = Water Power (only)
R. 918

RECEIVED
JUN 13 1956
Department of Reclamation

Ray & Scott
Attorneys
Malad City
Idaho

June 12, 1956

Mr. Mark R. Kulp
Reclamation Engineer
State Reclamation Department
Boise, Idaho

Dear Mr. Kulp:

I am enclosing a Protest to the issuance of License to
Crowther Bros. Milling Co., under the terms of Permit No.
R-988, for filing.

Thanking you, I remain,

Very truly,

Ray & Scott

By

E. H. Scott

R-988

**CE FOR PUBLICATION
E. OF PROOF APPL
ATION OF WATER TO
BENEFICIAL USE**

Notice is hereby given that at 10 A.M. on the 15th day of June, 1956, at Malad, Idaho, County of Oneida, State of Idaho, before Bill Fallis, proof will be submitted of the application to beneficial use of 287 acre feet per second of the waters of Spring Creek, Devil Creek & Birch Creek in accordance with the terms and conditions of Permit No. R-988 heretofore issued by the Idaho Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Crowther Bros. Milling Co., Malad, Idaho.

The use to which said water as been applied is Reservoir storage for power & irrigation.

The amount applied to beneficial use is 287 acre feet.

The place where said water is used:

This water will be used by Malad Valley Irrigation Co. on the land between Deep Creek and Devil Creek South and West of Malad after it is used for power at Crowther Bros. Milling Plant.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Conduit pipe from Reservoir to the Flour Mill.

The right to take water from such works is based upon Permit No. R-988.

The source of supply from which such water is diverted is Spring Creek, Devil Creek, and Birch Creek or Mill Creek.

The date of priority which said user is prepared to establish is May 9, 1955. Reservoir use since 1948.

R-988
MARK R. KULP

State Reclamation Engineer

4-26-56 524-23-5-2-17-11

June 14, 1956

RE: Permit No. R-988

Crowther Bros. Milling Co., Inc.
Mald
Idaho

Gentlemen:

We are enclosing herewith a Protest filed against your Permit No. R-988 by J. P. Sorenson, Clarence Jones, Thomas V. Jones and Oren J. Jones.

Before final determination is made regarding your Permit filing you will be notified as to action concerning said Protest.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T:cu
Enc.

R-988

December 6, 1956

Re: Permit No. R-988

Crowther Brothers Milling Company
Malad, Idaho

Attention: Mr. N. W. Crowther

Dear Mr. Crowther:

An inspection of the records shows that plans were submitted showing only a three-foot freeboard as the dam is presently constructed. Plans with less than five-foot freeboard are not approved.

A five-foot of freeboard, we feel, is a reasonable freeboard and the amount necessary as a safety factor for your dam.

Accordingly, I am submitting an Engineer's report that will reduce the amount of storage from the 287 acre feet requested to 156.8 acre feet that may be licensed. This makes a total storage allowance for the reservoir of 930 acre feet under the two permits Nos. R-807 and R-930.

Due to the location of your reservoir in respect to the town of Malad, you are being herewith warned not to store water so high but that a five-foot freeboard still remains.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

ENH:ab

P. S. You will receive the regular letter from the Chief Clerk regarding this before long.

COPY

R-988

The IDAHO ENTERPRISE

Clyde & Marion Hanson, Publishers

PHONE 40

31 COURT ST.

MALAD CITY, IDAHO

April 20, 1936.

State of Idaho
Department of Reclamation
Boise, Idaho.

Gentlemen:

We have received your notice of publication regarding Permit No. R-988. It will appear in our issues of April 26, May 3-10-17 and you will receive a copy of the first publication.

In regard to the error in the notice of publication pertaining to Permit No. G-24871 of Samaria Lane Pump Co., Inc.: Your letter of the 16th was received too late for the correction to be made in our April 19th issue but will be made for subsequent issues.

Very truly yours,

Marion R. Hanson

Marion R. Hanson

R-988

RECEIVED
APR 18 1956
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) 4-10-1956
(P. O.) PAID IDAHO

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

IDAHO ENTERPRISE of PAID IDAHO published in
the county in which the works are situated.

CROWTHER BROS. MILLING CO.

x

[Handwritten Signature]

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

2-988

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10 A. M. on the 15th day of June, 1956,
at Malad, Idaho, County of Oneida, State of Idaho, before
E. O. Scott, proof will be submitted of the
application to beneficial use of 287 ^{acre} ~~cubic~~ feet per second of the waters of Spring Creek,
Devil Creek & Birch Creek in accordance with the terms and conditions of Permit No. R-988
heretofore issued by the Idaho Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are

Crowther Bros. Milling Co., Malad, Idaho.

The use to which said water has been applied is Reservoir storage for power & irrigation.

The amount applied to beneficial use is 287 acre feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)

This water will be used by Malad Valley Irrigation Co. on the land between Deep
Creek and Devil Creek South and West of Malad after it is used for power at
Crowther Bros. Milling Plant.

The name of the canal or ditch or other works by which said water is conducted to such place of use is

Conduit pipe from Reservoir to the Flour Mill.

The right to take water from such works is based upon Permit No. R-988

The source of supply from which such water is diverted is Spring Creek, Devil Creek, and

Birch Creek or Mill Creek.

The date of priority which said user is prepared to establish is May 9, 1955. Reservoir use
since 1948.

MARK R. KULP

State Reclamation Engineer.

R-988

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

RE: Permit No. R-988

Idaho Enterprise
Malad
Idaho

Date:
April 18, 1956

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **June 15, 1956**, the date set for proof, the expense of the publication to be paid by the applicant, **Crowther Bros. Milling Co.**, of **Malad, Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R-988

January 31, 1957

Re: Permit No. R-988
Crowther Bros. Milling
Company

Messrs. Ray & Scott
Attorneys at Law
Malad City, Idaho

Attention: Mr. E. L. Scott

Dear Mr. Scott:

We enclose Decision of the State Reclamation Engineer and Dismissal of Protest relative to Permit No. R-988 in the name of Crowther Bros. Milling Company.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:ab
cc: Crowther Bros.

Enclosure

R-988

BEFORE THE RECLAMATION ENGINEER OF THE STATE
OF IDAHO IN AND FOR THE COUNTY OF ONEIDA

- - - -

J. P. SORENSON,
CLARENCE JONES and THOMAS V. JONES, and
OREN J. JONES, Executor of the Last Will
and Testament of Sarah Mae Jones,
deceased,

Protestants)

P R O T E S T

-vs-

CROWTHER BROS. MILLING COMPANY,
a Corporation,

Claimant)

- - - - -

Comes now the above named Protestants and respectfully
represent to the Reclamation Engineer of the State of Idaho:

I.

That they, the said Protestants, are the owners of certain
real estate situated in Sections 33, 28, 32, 33, Township 14 South,
Range 36 East, Boise Meridian, also Sec. 4, Tp. 15 S. R. 36 EBM, in
Oneida County, Idaho, immediately South of Malad City, and are entitled
to the use of the waters of Spring Creek and Devil Creek flowing
through said Oneida County for the period beginning March 15 each
year and continuing to May 1st of each year, or to such time as the right
of the Malad Valley Irrigating Company of Malad, Idaho, to divert said
waters for irrigation purposes commences.

II.

That such right of the Protestants to the use of said waters is
based upon the prior appropriation and application to beneficial use
of said waters by their predecessors in interest and the continued use
of said waters by Protestants and their predecessors in interest for
a period of 70 years and more.

III.

That the Applicant, Crowther Bros. Milling Company, a corpora-
tion, claims the right to the use of the waters of Birch Creek, and of
the said Spring Creek and Devil Creek for "Reservoir storage for
power and irrigation", claiming the right to the use of 287 acre feet

R-988

of said waters under the terms of Permit No. R988.

IV.

That the said claim or right of Claimant to the use of said waters under said permit is subordinate, inferior, and subject to the right of the Protestants to the use of said waters during the period mentioned aforesaid.

WHEREFORE, Protestants pray that the right to the use of said waters by Protestants be confirmed by said State Reclamation Engineer, and that the pending issuance of License to said Crowther Bros. Milling Company, a corporation, under the terms of Permit No. R-988 be denied, or that the License under said Permit if issued be made subject to the prior rights of Protestants, or that such other or further order be made as is proper in the premises.

RAY & SCOTT
Attorneys for Protestants
Residing at Malad, Idaho

State of Idaho

County of Oneida, ss

Clarence Jones being first duly sworn deposes and says: That he is one of the Protestants above named, and makes this verification for and on behalf of all; that he has read the foregoing Protest and knows the contents thereof and that the facts stated therein are true as he verily believes.

CLARENCE JONES

Subscribed and sworn to before me this 12th day of June, 1956.

E. L. SCOTT
Notary Public
Residing at Malad, Idaho

(SEAL)

L-988

BEFORE THE RECLAMATION ENGINEER OF THE STATE
OF IDAHO IN AND FOR THE COUNTY OF ONEIDA

- - - -

J. P. SORENSON,
CLARENCE JONES and THOMAS V. JONES, and
OREN J. JONES, Executor of the last Will
and Testament of Sarah Mae Jones,
deceased,

Protestants)

P R O T E S T

-vs-

CROWTHER BROS. MILLING COMPANY,
a Corporation,

Claimant)

- - - - -

Comes now the above named Protestants and respectfully
represent to the Reclamation Engineer of the State of Idaho:

I.

That they, the said Protestants, are the owners of certain
real estate situated in Sections 33, 38, 32, 33, Township 14 South,
Range 36 East, Boise Meridian, also Sec. 4, Tp. 15 S. R. 36 E&M, in
Oneida County, Idaho, immediately South of Malad City, and are entitled
to the use of the waters of Spring Creek and Devil Creek flowing
through said Oneida County for the period beginning March 15 each
year and continuing to May 1st of each year, or to such time as the right
of the Malad Valley Irrigating Company of Malad, Idaho, to divert said
waters for irrigation purposes commences.

II.

That such right of the Protestants to the use of said waters is
based upon the prior appropriation and application to beneficial use
of said waters by their predecessors in interest and the continued use
of said waters by Protestants and their predecessors in interest for
a period of 70 years and more.

III.

That the Applicant, Crowther Bros. Milling Company, a corpora-
tion, claims the right to the use of the waters of Birch Creek, and of
the said Spring Creek and Devil Creek for "Reservoir storage for
power and irrigation", claiming the right to the use of 287 acre feet

of said waters under the terms of Permit No. R988.

IV.

That the said claim or right of Claimant to the use of said waters under said permit is subordinate, inferior, and subject to the right of the Protestants to the use of said waters during the period mentioned aforesaid.

WHEREFORE, Protestants pray that the right to the use of said waters by Protestants be confirmed by said State Reclamation Engineer, and that the pending issuance of License to said Crowther Bros. Milling Company, a corporation, under the terms of Permit No. R-988 be denied, or that the License under said Permit if issued be made subject to the prior rights of Protestants, or that such other or further order be made as is proper in the premises.

RAY & SCOTT
Attorneys for Protestants
Residing at Malad, Idaho

State of Idaho

County of Oneida, ss

Clarence Jones being first duly sworn deposes and says: That he is one of the Protestants above named, and makes this verification for and on behalf of all; that he has read the foregoing Protest and knows the contents thereof and that the facts stated therein are true as he verily believes.

CLARENCE JONES

Subscribed and sworn to before me this 12th day of June, 1956.

E. L. SCOTT
Notary Public
Residing at Malad, Idaho

(SEAL)

R-988

BEFORE THE RECLAMATION ENGINEER OF THE STATE
OF IDAHO IN AND FOR THE COUNTY OF ONEIDA

- - - -

J. P. SORENNSEN,
CLARENCE JONES and THOMAS V. JONES, and
OREN J. JONES, Executor of the last Will
and Testament of Sarah Mae Jones,
deceased,

Protestants

P R O T E S T

-vs-

CROWTHER BROS. MILLING COMPANY,
a Corporation,

Claimant

- - - - -

Comes now the above named Protestants and respectfully
represent to the Reclamation Engineer of the State of Idaho:

I.

That they, the said Protestants, are the owners of certain
real estate situated in Sections 33, 28, 32, 33, Township 14 South,
Range 36 East, Boise Meridian, also Sec. 4, Tp. 15 S. R. 36 EBM, in
Oneida County, Idaho, immediately South of Malad City, and are entitled
to the use of the waters of Spring Creek and Devil Creek flowing
through said Oneida County for the period beginning March 15 each
year and continuing to May 1st of each year, or to such time as the right
of the Malad Valley Irrigating Company of Malad, Idaho, to divert said
waters for irrigation purposes commences.

II.

That such right of the Protestants to the use of said waters is
based upon the prior appropriation and application to beneficial use
of said waters by their predecessors in interest and the continued use
of said waters by Protestants and their predecessors in interest for
a period of 70 years and more.

III.

That the Applicant, Crowther Bros. Milling Company, a corpora-
tion, claims the right to the use of the waters of Birch Creek, and of
the said Spring Creek and Devil Creek for "Reservoir storage for
power and irrigation", claiming the right to the use of 237 acre feet

2-988

of said waters under the terms of Permit No. R968.

IV.

That the said claim or right of Claimant to the use of said waters under said permit is subordinate, inferior, and subject to the right of the Protestants to the use of said waters during the period mentioned aforesaid.

WHEREFORE, Protestants pray that the right to the use of said waters by Protestants be confirmed by said State Reclamation Engineer, and that the pending issuance of License to said Crowther Bros. Milling Company, a corporation, under the terms of Permit No. R-968 be denied, or that the License under said Permit if issued be made subject to the prior rights of Protestants, or that such other or further order be made as is proper in the premises.

RAY & SCOTT
Attorneys for Protestants
Residing at Malad, Idaho

State of Idaho

County of Oneida, ss

Clarence Jones being first duly sworn deposes and says: That he is one of the Protestants above named, and makes this verification for and on behalf of all; that he has read the foregoing Protest and knows the contents thereof and that the facts stated therein are true as he verily believes.

CLARENCE JONES

Subscribed and sworn to before me this 18th day of June, 1966.

E. L. SCOTT
Notary Public
Residing at Malad, Idaho

(SEAL)

R-988

BEFORE THE RECLAMATION ENGINEER OF THE STATE
OF IDAHO IN AND FOR THE COUNTY OF ONEIDA

- - - -

J. P. SOREKSON,
CLARENCE JONES and THOMAS V. JONES, and
CRIS J. JONES, Executor of the last Will
and Testament of Sarah Mae Jones,
deceased,

Protestants)

P R O T E S T

-vs-

CROWTHER BROS. MILLING COMPANY,
a Corporation,

Claimant

- - - - -

Comes now the above named Protestants and respectfully
represent to the Reclamation Engineer of the State of Idaho:

I.

That they, the said Protestants, are the owners of certain
real estate situated in Sections 33, 28, 32, 33, Township 14 South,
Range 36 East, Boise Meridian, also Sec. 4, Tp. 15 S. R. 36 ERM, in
Oneida County, Idaho, immediately South of Malad City, and are entitled
to the use of the waters of Spring Creek and Devil Creek flowing
through said Oneida County for the period beginning March 15 each
year and continuing to May 1st of each year, or to such time as the right
of the Malad Valley Irrigating Company of Malad, Idaho, to divert said
waters for irrigation purposes commences.

II.

That such right of the Protestants to the use of said waters is
based upon the prior appropriation and application to beneficial use
of said waters by their predecessors in interest and the continued use
of said waters by Protestants and their predecessors in interest for
a period of 70 years and more.

III.

That the Applicant, Crowther Bros. Milling Company, a corpora-
tion, claims the right to the use of the waters of Birch Creek, and of
the said Spring Creek and Devil Creek for "Reservoir storage for
power and irrigation", claiming the right to the use of 237 acre feet

R-988

of said waters under the terms of Permit No. R988.

IV.

That the said claim or right of Claimant to the use of said waters under said permit is subordinate, inferior, and subject to the right of the Protestants to the use of said waters during the period mentioned aforesaid.

WHEREFORE, Protestants pray that the right to the use of said waters by Protestants be confirmed by said State Reclamation Engineer, and that the pending issuance of License to said Crowther Bros. Milling Company, a corporation, under the terms of Permit No. R-988 be denied, or that the License under said Permit if issued be made subject to the prior rights of Protestants, or that such other or further order be made as is proper in the premises.

RAY & SCOTT
Attorneys for Protestants
Residing at Malad, Idaho

State of Idaho

County of Oneida, ss

Clarence Jones being first duly sworn deposes and says: That he is one of the Protestants above named, and makes this verification for and on behalf of all; that he has read the foregoing Protest and knows the contents thereof and that the facts stated therein are true as he verily believes.

CLARENCE JONES

Subscribed and sworn to before me this 18th day of June, 1906.

E. L. SCOTT
Notary Public
Residing at Malad, Idaho

(SEAL)

R-988

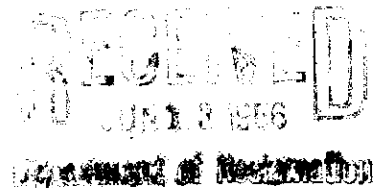
BEFORE THE RECLAMATION ENGINEER OF THE STATE
OF IDAHO IN AND FOR THE COUNTY OF ONEIDA

J. P. SORENSON,
CLARENCE JONES and THOMAS V. JONES, and
OREN J. JONES, Executor of the Last Will
and Testament of Sarah Mae Jones,
deceased,

Protestants

-vs-

CROWTHER BROS. MILLING COMPANY,
a Corporation, Claimant



P R O T E S T

Comes now the above named Protestants and respectfully
represent to the Reclamation Engineer of the State of Idaho:

I.

That they, the said Protestants, are the owners of certain
real estate situated in Sections 33, 28, 32, 33, Township 14 South,
also Sec. 4, Tp. 15 S. R. 36 EBM
Range 36 East, Boise Meridian, in Oneida County, Idaho, immediately
South of Malad City, and are entitled to the use of the waters of
Spring Creek and Devil Creek flowing through said Oneida County for
the period beginning March 15 each year and continuing to May 1st
of each year, or to such time as the right of the Malad Valley Irrigat-
ing Company of Malad, Idaho, to divert said waters for irrigation
purposes commences.

II.

That such right of the Protestants to the use of said waters is
based upon the prior appropriation and application to beneficial use
of said waters by their predecessors in interest and the continued use
of said waters by Protestants and their predecessors in interest for
a period of 70 years and more.

III.

That the Applicant, Crowther Bros. Milling Company, a corpora-
tion, claims the right to the use of the waters of Birch Creek, and of
the said Spring Creek and Devil Creek for "Reservoir storage for
power and irrigation", claiming the right to the use of 287 acre feet

R-988

of said waters under the terms of Permit No. R988.

IV.

That the said claim or right of Claimant to the use of said waters under said permit is subordinate, inferior, and subject to the right of the Protestants to the use of said waters during the period mentioned aforesaid.

WHEREFORE, Protestants pray that the right to the use of said waters by Protestants be confirmed by said State Reclamation Engineer, and that the pending issuance of License to said Crowther Bros. Milling Company, a corporation, under the terms of Permit No. R-988 be denied, or that the License under said Permit if issued be made ^{prior} subject to the/rights of Protestants, or that such other or further order be made as is proper in the premises.

Ray & Scott
Attorneys for Protestants
Residing at Malad, Idaho

State of Idaho

County of Oneida, ss

Clarence Jones being first duly sworn deposes and says: That he is one of the Protestants above named, and makes this verification for and on behalf of all; that he has read the foregoing Protest and knows the contents thereof and that the facts stated therein are true as he verily believes.

Clarence Jones

Subscribed and sworn to before me this 12th day of June, 1956

E. P. Scott
Notary Public
Residing at Malad, Idaho

It seems to me that
this permit will have to have
G/w proofs before B/U is made.
We have no publication notice
in folder.

To Hunt ^{by}
for inspection
R-988 - mark
6/20/56

June 22, 1956

Re: Permit No. R-988

Crowther Brothers Milling Company
Malad, Idaho

ATTENTION: Mr. N. W. Crowther

Dear Mr. Crowther:

In checking on the above captioned Permit we find that you have failed to make and submit the completion of works proof as required by Statute. Please refer to our letter of April 11, 1956.

In the event that you do not have the Form for making the completion of works proof, we enclose our Form 6 for that purpose, which should be executed before a Notary Public and returned to this department with the statutory fee of \$5.00.

We acknowledge receipt of the depositions of yourself and the two witnesses, also affidavit of publication in the Idaho Enterprise, all submitted in proof of beneficial use on Permit No. R-988.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR
Enc.

R-988

File and not even
Certificate of C. H.
until Labor makes
inspection also hold check
J. H. 2988

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 18 1956
Department of Reclamation

Permit No. R 988

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. CROWTHER BROS MILLING CO A CORPORATION MALAD IDAHO

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. N W CROWTHER SEC'Y

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. PERMIT NO 988R & WATER STORAGE COMPLETED Oct 15th 1948

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. SPRING CREEK DEVIL CREEK, CAMPBELL CREEK AND BIRCH CREEK
COMING OUT OF POWER HOUSE CANYON

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. OUR STORAGE RESERVOIR WITH CAPACITY OF 1060 ACRE FEET WAS COMPLETED IN 1948
and placed into benificial use .NO DIVERSION IS MADE OUT OF THE CREEK
EXCEPT TO IMPOUND THE WATER AND DRAW IT OUT THROUGH A 23 inch conduit
to the Flour mill where it is used for Power purposes.
Detail blue prints are now on file in the office of the
State Reclamation bureau.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. This water has been and is now being used for Powet purposes at our
flour mill and after the use for power it will be used for irrigation
during the irrigation season between Deep Creek and Devil Creek channels
by stockholders of Malad Valley Irrigation co With whom arrangements
have been made.

R-988

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. THE WATER WHEEL GENERATOR HAS A CAPACITY OF 150 H P and it is used for directly turning the wheels of the flour mill and for generating electric power for use in the flour mill

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 8 second feet

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. THE ENTIRE STREAM OF WATER FLOWING DOWN DEVIL CREEK HAS BEEN USED FOR POWER EVER SINCE THE RESERVOIR WAS BUILT IN 1948. No water has been wasted except a small percentage of runoff one or two years when the reservoir filled up

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans.

CROWTHER BROS MILLING CO

(Sign)

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Malad City, County of Oneida, State of Idaho, on this 15th day of June, A. D. 1956.

Bill Hallis

Probate Judge

My commission expires

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 18 1956
Department of Reclamation

PERMIT NO. 988

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. JESSE R DREDGE AGE 47 496 N 600 West Malad Idaho FARMER & CATTLE

Ques. 2. Are you acquainted with CROWTHER BROS MILLING CO, the holder of Permit No. 988 YES? How long have you known him and where does he reside?

Ans. CROWTHER BROS HAVE BEEN IN BUSINESS IN MALAD SINCE I CAN REMEMBER

Ques. 3. Have you read or heard read said Permit No. 988 Yes, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. CROWTHER RESERVOIR IT'S BUILD ON SPRING CREEK NEAR MALAD ABOUT 3/4 Mile North of the Flour Mill

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. About 15 Second feet Maximun through the water wheel, but normal maximun is around 12 to 13 feet

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been uted and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. The water is carried through the pipe line to the flour mill and used for power, then in the irrigation season the water is used by Malad Valley Irrigation Co for Irrigation

R-988

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. I beleive the water is all used for power. The reservoir is used to build up the reserve when the power is not required. The entire stream goes into the dam and is drawn out as the power is needed.
Except during the irrigation season when the flow is controlled by the irrigation Co but still used for power.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The dam is filled with runoff water every early spring and used for power and irrigation during the irrigation season

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. I use some of the water as a stockholder in the Irrigation Co

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I live within a couple of blocks from the Flour Mill and doing a lot of business at the mill have a good chance to make observations. I also talk with the men who control the streams

(Signed) Jesse R. Shulze

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Malad City, Idaho, County of Oneida, State of Idaho, on this 15th day of June, A. D. 1956.

Bill Hallis
Probate Judge ~~Notary Public~~

My commission expires _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHORECEIVED
JUN 18 1956

Department of Reclamation

PERMIT NO. 988

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. D LE ROY THOMAS Age 47 152 West 400 North MALAD IDAHO
FLOUR MILLER

Ques. 2. Are you acquainted with CROWTHER BROS MILLING CO, the holder of Permit No. 988? How long have you known him and where does he reside?

Ans. CROWTHER BROS HAVE BEEN OPERATING A FLOUR MILL IN MALAD SINCE 1912 and I HAVE KNOWN THEM ALL THE TIME

Ques. 3. Have you read or heard read said Permit No. 988, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. THE WATER FOR CROWTHER RESERVOIR IS SUPPLIED FROM SPRING CREEK, DEVIL CREEK CAMPBELL CREEK AND BIRTEH CREEK OUT OF POWER HOUSE CANYON TOGETHER WITH THE RUNOFF WATER FROM VARIOUS SMALL SPRINGS AND SNOW WATER ON THIS WATERSHED.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 4 to 12 second feet

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. THE WATER IS USED ENTIRELY FOR POWER FROM THE RESERVOIR THEN GOES FOR IRRIGATION DURING THE IRRIGATION SEASON

R-988

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. THIS WATER IS ALL USED THROUGH THE PIPELING FOR POWER

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. AFTER GOING THROUGH THE WATER WHEEL IT IS USED FOR IRRIGATION
BY MALAD VALLEY IRRIGATION CO BELOW THE FLOUR MILL

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. NO EXCEPT THAT I WORK IN THE FLOUR MILL WHERE
THE POWER IS USED.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I WORK AT THE MILL AND HAVE OCASSTON TO WATCH THE USE OF THE
WATER VERY CLOSELY. WATER IS A VERY VALUABLE ITEM IN THIS
DRY TERRITORY AND IT IS VERY CAREFULLY CONSERVED WHEN NOT
IN USE FOR POWER

(Signed) D. Leroy Thomas

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Malad City,
County of Oneida, State of Idaho, on this 15th day of June,
A. D. 19 56.

Bill Hallis
Probate Judge

Notary Public

My commission expires _____

RECEIVED
JUN 15 1956
Department of Reclamation

Affidavit of Publication

State of Idaho
County of Oneida, ss.

Sybil A. Stratton being first duly sworn on
h. oath, states: That. *She is principal Clerk*

of the Idaho Enterprise, a newspaper of general circulation in Oneida County, Idaho published weekly at Malad, in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That said Idaho Enterprise was at all of the times of publication of said notice a newspaper of general circulation made up of at least four pages of at least five columns each, printed from type matter or stereotyped forms of at least seventeen and three fourths inches depth, and said newspaper during all of the times of publication aforesaid had more than 200 bonafide subscribers thereto living within the county of Oneida in which said newspaper was published at regular intervals not less frequently than once a week.

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for *4* successive weekly issues thereof the date of the first publication being the *26th* day of *April*....., 1956.. the date of the last publication being the... *17th* day of *May*....., 1956...

Sybil A. Stratton.....

Subscribed and sworn to before me this.... day of 195.....

Notary Public, residing at Malad, Idaho

My Commission expires the.... day of 195...

Costs: *55* lines at *13*¢ per line first insertion \$. *7.15*
10 ¢ per line each subsequent insertion \$ *16.50*

TOTAL \$ *236.50*

NOTICE FOR PUBLICATION NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A.M. on the 15th day of June, 1956, at Malad, Idaho, County of Oneida, State of Idaho, before Bill Fallis, proof will be submitted of the application to beneficial use of 287 acre feet per second of the waters of Spring Creek, Devil Creek & Birch Creek in accordance with the terms and conditions of Permit No. R-988 heretofore issued by the Idaho Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or coporation holding said permit are Crowther Bros. Milling Co., Malad, Idaho.

The use to which said water has been applied is Reservoir storage for power & irrigation.

The amount applied to beneficial use is 287 acre feet.

The place where said water is used:

This water will be used by Malad Valley Irrigation Co. on the land between Deep Creek and Devil Creek South and West of Malad after it is used for power at Crowther Bros. Milling Plant.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Conduit pipe from Reservoir to the Flour Mill.

The right to take water from such works is based upon Permit No. R-988.

The source of supply from which such water is diverted is Spring Creek, Devil Creek, and Birch Creek or Mill Creek.

The date of priority which said user is prepared to establish is May 9, 1955. Reservoir use since 1948.

MARK R. KULP
State Reclamation Engineer
4-26-53-17 t4

R-988



Crowther Brothers Milling Company

Grain and Grain Products

Malad City, Idaho 6-16-1956

RECEIVED
JUN 18 1956

Department of Reclamation

Mark R Kulp
Department of Reclamation
Boise

Dear Mr Kulp:

We appreciate receiving your letter together with a copy of protest to our completion of works on your No 988 permit. The letter came this morning after we had completed our requirements yesterday on the permit.

It appears to us that this protest is of little effect because it was of course filed far too late because the original papers were completed in 1949 for the original dam which was the job which affected the flow of the stream.

We have taken care of their requirements for the meadows on which they want the water in the spring, and it will not hamper their using the program too much in the future of filling the reservoir for summer use. We do not believe there should be any special reservations made on our permit, because in the first place, the protest was filed too late and in the second place they are being taken care of on their requirements without it.

We are enclosing the papers all filled out showing proof of completion of our works and trust that it will be accepted and certificate granted.

Thanking you for your cooperation, we are

Yours very truly

CROWTHER BROS MILLING CO

R-988

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of ONEIDA

ss.

I N W CROWTHER

, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 988, and that his postoffice address is MALAD State of IDAHO

Second: That the name of the stream from which said water is to be diverted is SPRING CREEK CONNECTING WITH DEVIL CREEK, & BIRCH CREEK IN POWER HOUSE CANYON

Third: That the point of diversion of said water is THERE IS NO DIVERSION BUT THE RESERVOIR IS ABOUT 5/8 Mile from CROWTHER BROS MILLING PLANT DIRECTLY NORTH

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by MARCH 26 1957, 19

Fifth: That the use for which said water is intended is Power & Irrigation

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: RESERVOIR
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam 108 feet, length of dam at top 875 feet, length of dam at bottom 300 feet. Material used in construction Earth fill & Clay
About one half next to the water is clay and balance common earth with concrete core
(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir 1062 acre feet.

(c) Size of headgate: Width 22 inch feet, height 22 inch feet.

(d) Conduit x width at bottom feet, width at water line 780
(State whether ditch, flume or pipe)

feet, depth of water 85 feet; diameter of pipe 22 inches, average grade per mile is 80 feet. Length of conduit is 5/8 miles.

Seventh: That said works are capable of conducting to the place of intended use 35 second feet of water.

Eighth: That water appropriated under said permit is available for acres of land described as follows: Will be used by MALAD VALLEY IRRIGATION CO IN THE AREA BETWEEN DEEP CREEK AND DEVIL CREEK BELOW THE FLOUR MILL

Ninth: Remarks: That THIS RESERVOIR WAS ACTUALLY COMPLETED IN 1948 and the proof herewith is to complete the permit for the 289 additional acre feet over the amount claimed in our permit No 807R
The Water storage was built enough larger to store this extra 289 Acre Feet.

(Signature)
(Sign Here)

Subscribed and sworn to before me this 25th day of June, 1956

My commission expires

Probate Judge

Notary Public

R-988

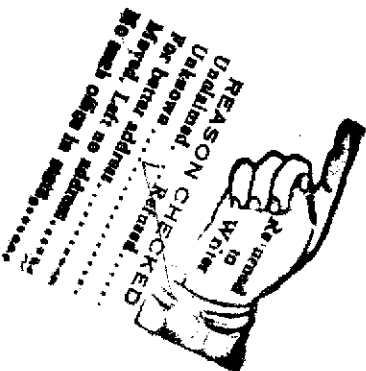
1956

AFTER 5 DAYS, RETURN TO

DEPARTMENT OF RECLAMATION

STATE HOUSE

BOISE, IDAHO



~~Mr. F. O. Scott~~
~~Malad City~~
~~Idaho~~



8-988

April 18, 1956

RE: Permit No. R-988

Crowther Brothers Milling Company
Malad City
Idaho

ATTENTION: Mr. N. W. Crowther

Dear Mr. Crowther:

We acknowledge receipt of your Notice for Beneficial Use proof on Permit No. R-988 to be made on June 15, 1956, before Mr. E. O. Scott, Notary Public.

We shall send a copy of the Notice to the Idaho Enterprise with instructions to publish it once a week for four weeks prior to that date and to send you the affidavit of publication together with statement of costs.

At the timeset, you should appear before Mr. Scott together with two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder for the purpose of executing the enclosed depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:cu
Enc.

CC: Mr. E. O. Scott

R-988

April 18, 1956

RE: Permit No. R-988

Crowther Brothers Milling Company
Malad City
Idaho

ATTENTION: Mr. N. W. Crowther

Dear Mr. Crowther:

We acknowledge receipt of your Notice for Beneficial Use proof on Permit No. R-988 to be made on June 15, 1956, before Mr. E. O. Scott, Notary Public.

We shall send a copy of the Notice to the Idaho Enterprise with instructions to publish it once a week for four weeks prior to that date and to send you the affidavit of publication together with statement of costs.

At the time set, you should appear before Mr. Scott together with two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder for the purpose of executing the enclosed depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:cu
Enc.
CC: Mr. E. O. Scott

R-988



ROBERT E. SMYLIE
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

April 11, 1956

RECEIVED
APR 18 1956
Department of Reclamation

Re: Permit No. R-988

Crowther Brothers Milling Company
Malad City, Idaho

ATTENTION: Mr. N. W. Crowther

Dear Mr. Crowther:

We have your letter of April 9th, stating that you are prepared to make proofs of completion of works and we assume you also want to make proof of beneficial use on the above captioned Permit at this time in order to bring same to License.

Before the beneficial use proofs are made, the statutes require publication of a notice once a week for four weeks in a newspaper in the county in which the Reservoir is located. This notice should be made in duplicate on Form 10 enclosed, setting the time and place and naming the notary public before whom the proofs are to be made.

The proofs may be made at any place convenient for you and your two witnesses but the date must be set far enough ahead to allow for four weeks publication.

Both copies of Form 10 are to be returned to this department together with Form 11 which is your authorization for us to have the notice published at your expense in the designated county newspaper.

We shall then send a copy of the notice to the newspaper with instructions in regard to publishing and shall send you the forms of deposition to be executed by yourself and two disinterested witnesses in making these proofs.

At the time we send the Forms for making the beneficial use proof we will also enclose the Form for making the proof of completion of works.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By *Edna P. Rutledge*
Chief Clerk

EPR
Enc1.

L-988

April 11, 1956

Re: Permit No. R-988

Crowther Brothers Milling Company
Malad City, Idaho

ATTENTION: Mr. H. W. Crowther

Dear Mr. Crowther:

We have your letter of April 9th, stating that you are prepared to make proofs of completion of works and we assume you also want to make proof of beneficial use on the above captioned Permit at this time in order to bring same to License.

Before the beneficial use proofs are made, the statutes require publication of a notice once a week for four weeks in a newspaper in the county in which the Reservoir is located. This notice should be made in duplicate on Form 10 enclosed, setting the time and place and naming the notary public before whom the proofs are to be made.

The proofs may be made at any place convenient for you and your two witnesses but the date must be set far enough ahead to allow for four weeks publication.

Both copies of Form 10 are to be returned to this department together with Form 11 which is your authorization for us to have the notice published at your expense in the designated county newspaper.

We shall then send a copy of the notice to the newspaper with instructions in regard to publishing and shall send you the forms of deposition to be executed by yourself and two disinterested witnesses in making these proofs.

At the time we send the Forms for making the beneficial use proof we will also enclose the Form for making the proof of completion of works.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

RFR
Encl.

R-988



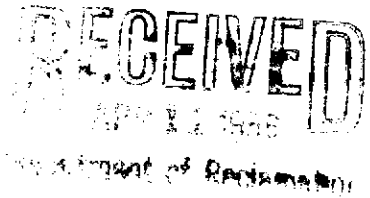
Crowther Brothers Milling Company

Grain and Grain Products

Malad City, Idaho

April 9, 1956

287 acre feet



Mark R. Kulp
State Reclamation Engineer
State Capitol
Boise, Idaho

Dear Mr. Kulp:

We refer to our permit #R 988, covering the additional water storage for our reservoir.

We would now like to go ahead and get the papers signed for proof of completion. We will appreciate it if you send us the necessary papers and further information regarding the acquisition on the final papers.

Yours very truly,

CROWTHER BROTHERS MILLING COMPANY

By N. W. Crowther

NWC:mat

R-988

April 2, 1956

RE: Permit No. E-988

Crowther Brothers Milling Co.
Malad
Idaho

Gentlemen:

We enclose Permit No. E-988 and direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose departmental receipt No. 27873 for the \$5.25 filing fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

Rshll
Enc.

R-988

The spillway from this reservoir is the same as in R-807 which has been licensed.

It consists of a pipe thru the dam.

E. N. H.

March 20-56

R-988

MAP OF ORIGINAL APPLICATION ALSO APPLIES TO THIS APPLICATION.

TRACING OF CAPACITY TABLE AND REVISION DETAILS IS IN MAP

FILING CABINET II-R IN VAULT. -R-988

HP

R-988



ROBERT E. SMYLLIE
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER
BOISE

May 17, 1955

Crowther Brothers Milling Co.
Malad
Idaho

ATTENTION: Mr. N. W. Crowther

Dear Mr. Crowther:

We are returning your application for permit for correction and additional information.

First-the amount should be changed to 326.8 acre feet as you already have a License for 773.2 acre feet. ✓

Second-there needs to be a set of plans for the higher dam. ✓

Third-there needs to be an additional capacity table. ✓
There is nothing in the old survey to show capacity at the higher elevation.

Fourth-please fill out the blank for Proof of Idaho Citizenship. ✓

As soon as the above information is furnished, your application will be immediately processed.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll
Enc.

R-988

Checks OK. 

E.N.H. has packet p. 988
Check in Pend. Envelope

February 28, 1956

RE: Permit No. R-807

Crowther Brothers Milling Co.
Malad City
Idaho

ATTENTION: Mr. N. W. Crowther

Dear Mr. Crowther:

We received your letter of February 25, 1956, stating that relative to your Application for Permit for additional water storage on your Reservoir, "it would increase the water storage on your Permit No. R-807".

You also stated that you have, "filled out a new Application blank last fall to increase the amount of storage in your dam and that if we would look in our files, you believe that we would find where you sent us the \$5.00 filing fees together with the Application".

We wish to state that we received your Application and Permit together with your check for \$5.25 as filing fees, however, we wish to draw your attention to our Office letter of May 17, 1955, in which said letter states that your Application for Permit was returned to you for correction and additional information.

Our files disclose that again on October 5, 1955, we wrote you another letter stating that the Application for Permit had not been returned to the Office and if you were still interested in filing it, and if not your check would be returned in payment of filing fee.

We still hold your check for \$5.25 and are enclosing a new application blank in case the original application has been mislaid. Providing you do return the original application sent us last May, this application would have to be considered as a new filing with a new filing date as when received and returned to this Office.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

T:cu
Enc.

R-988



Crowther Brothers Milling Company
Grain and Grain Products

Malad City, Idaho

February 25, 1956

RECEIVED
FEB 28 1956
Department of Reclamation

Mark L. Kulp
State Department of Reclamation
Boise, Idaho

Dear Mr. Kulp:

Thanks for your letter of the 24th regarding our application for permit for additional water storage on our reservoir, which would increase the water storage on our permit #R 807.

We believe that we filled out a new application blank last fall when we first requested the permit to increase the amount of storage in our dam. If you will look in your files, we believe that you will find where we sent you the \$5.00 filing fees together with the application.

You will recall that we did not have the new drawing for the Increase Capacity Table at that time, however early in December we sent you this Increased Capacity Table certified by our licensed engineer, which should complete the application.

If you do not have this application on file please let us know immediately and we will make up the new application, as we would like to get the permit as soon as possible.

Thanking you for your co-operation, we are

Yours very truly,

CROWTHER BROTHERS MILLING COMPANY

By W. W. Crowther

NWC:mat

R-988

Elmer:

See if new permit has been
issued to Crowther Bros.

If not and fees paid etc - see
that they get it or it is
processed.

Answer Jones letter

If Crowther Bros have not had permit
issued it means only that they
have no official record of ~~a~~ a
right to appropriate. They
may have a ~~right~~ right by having
used and stored the additional amount

R-988

If the work is not completed or the water applied to beneficial use as contemplated in the permit, the State Reclamation Engineer, shall, thirty (30) days after the time limited therefor in the permit has expired, give notice by registered mail to the permittee at the address shown on his application, that unless the permittee appears within fifteen (15) days after the mailing of such notice and shows the State Reclamation Engineer good cause why such permit shall not be cancelled, then such permit will be cancelled. Upon default of the permittee after such notice, or upon failure of the permittee to show good cause in accordance with said notice, the State Reclamation Engineer shall proceed to cancel the permit.

SEC. 13. PROOF OF COMPLETION OF WORKS AND APPLICATION TO BENEFICIAL USE.

Within thirty days after the expiration of the time limited in any permit issued under this section or at any time before such expiration, the permittee may give notice to the State Reclamation Engineer that he is prepared to prove that he has completed construction of his works and applied ground water to beneficial use in the manner contemplated by the permit. Such notice shall also state:

1. The name and post office address of the permittee.
2. The description of the well and other works, if any, constructed.
3. The amount of ground water that has been used.

4. The place and nature of such use and if for

SUNDAY
NOV. 1955

20

This Permit must
have printed thereon
that it is issued
Subject to

Chap. 142 S.L. 1937,

p. 988

(This form to be used only for applications for permit to appropriate water for Power purposes)

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

RECEIVED
MAR 7 1956
Department of Reclamation

(Individual)

I, N W CROWTHER of MALAD IDAHO
County of ONEIDA, State of Idaho, do hereby certify that I am a
bona fide resident of the State of IDAHO, or am qualified to do business in Idaho
under the laws of the State of Idaho.

Subscribed and sworn to before me this 5th day of MARCH 1956

E. J. Scott
Notary Public
Residence Malad Idaho
My commission expires 5/19/59

AFFIDAVIT TO ESTABLISH RESIDENCE
OR QUALIFICATIONS TO DO BUSINESS
UNDER THE LAWS OF IDAHO
(Corporation)

I, N W CROWTHER of MALAD IDAHO
County of ONEIDA State of IDAHO, being first duly sworn, depose
and say:

That I am the SECRETARY of the CROWTHER BROS MILLING CO
MALAD IDAHO; that as such I am in charge of the registered office
of the said corporation, as provided by Section 29-142, I. C. A., located at MALAD
Idaho, wherein are kept the records provided by Section 29-143, I. C. A., and that a
majority of the stockholders of said corporation are bona fide residents of the
State of Idaho; or we are a legal corporation qualified to do business in the State
of Idaho under the laws of the State of Idaho.

Subscribed and sworn to before me this 5th day of March 1956

Malad Idaho
Notary Public
Residence Malad Idaho
My commission expires 5/19/59

This permit is issued subject to the provisions of Chapter 142, as
amended by Chapter 66 of the Session Laws of 1947. In the event of its sale,
transfer, assignment, or of its being mortgaged, without a compliance with the
provisions of this act, it shall be cancelled and revoked by the State Reclamation
Engineer.

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