R-642

Malad, Idaho May 31st. 1949

RECEIVED
JUN 2 1949
Department of Reclamation

Governor C. A. Robins;
State of Idaho;
John H.McKinney; Com. Public Works;
James Reid; Director of Highways
State of Idaho;
Mark R. Kulp; Com. of Reclamation
State of Idaho;
Boise, Idaho;

Dear Governor Robins; Com'r;McKinney,
Director Reid, and Com'r; Kulp

On May 20th. our Board of Directors, and Reservoir Committee of the Malad Valley Irrigating Company, Inc., held a meeting with our Secretary of State J. D. Price who is also one of our state Board of Water Examiners, and who happened to be here in his home city, at this time for the High School graduation, and we prewented to him the problem of constructing the Devil Creek Dam in Section 12-13-36 E which will impound about 7000 acre feet of water.

The only obstacle now in the way of construction of this dam, is that 2.5 miles of highway 191 the greater part of which will be covered by the impounded waters, and it will be necessary to provide for a road of this distance along the hillside above the dam.

The re-alignment of this road is not without its advantages in that it would take out several turns and bends, but would not create increased elevation. This is the most important two miles of highway in Idaho, because;

1st. - If the State cannot move this road, the reservoir cannot be constructed.

2nd. - Water in Malad Valley is of greater value than any other water in Idaho;

3rd. - The filing permit to construct Reservoir for storage of this water terminates in September of this year and may be lost completely to the citizens of Malad Valley; and further it runs out of our valley.

4th. - We are under a tremendous cost in the construction of this dam, and cannot include the cost of the road in building costs, for such would be prohibitive.

5th.- We are a group of people willing to sacrifice and pay for our own advancement, instead of obtaining subsidization from our federal government.

6th.- In view of the excessive costs which were attached to the oiling of the Elkhorn road, over what the costs were as offered by our county commissioners of Oneida County at the time the gravel was applied, makes us believe we are entitled to favorable consideration by the State, for we are only asking a mere 2.5 miles of changed highway to allow us to conserve a natural water resource for our people and our children. And we hereby ask you to set a date in the next ten days and come and see our proposed project and change this piece of road and allow us to build this reservoir.

Respectively Submitted;

MALAD VALLEY IRRIGATING COMPANY INC.

CONTINUED next page.

By ITS DIRECTORS; to-wit;

Roy O Daniel President
Larry L Harrison Vice-Pres;
Jesse R. Ward Director
Lloyd D Smith Director
Jesse R Shelley Director

And being our full Board of Directors; ALSO

BY OUR RESERVOIR COMMITTEE; to-wit;

Walter Jones
D L Evans
Jesse H Dredge
Joseph D Jones
J. H. Fredrickson

And this being our full RESERVOIR COMMITTEE;

To Governor C. A. Robins; State of Idaho,
To John R. McKinney; Commissioner of Public Works; for State of Idaho
To James Reid; Director of Highways;for State of Idaho
To Mark R. Kulp; Commissioner of Reclamation of Idaho
CC To J. D. Price, Secretary of State of Idaho.

DIRECTORS
I. D. ZUNDEL, President
J. W. WARD, Vice-President
D. L. EVANS, Secretary

# MALAD VALLEY IRRIGATING CO.

MALAD CITY, IDAHO

DIRECTORS
WILLIAM HILL
GEO. W. JONES

June 8, 1940

Department of Reclamation
State Capital
Boise, Idaho

Attention: Commissioner James Spofford

Dear Mr. Spofford:

I am enclosing herewith application for permit covering our proposed reservoir together with check for $7.75. I will appreciate it if you will check it over carefully and if you detect any errors, either correct them or return it to me for correction.

Yours very truly

MALAD VALLEY IRRIGATING CO.

D. L. Evans.

D. L. Evans
Secretary

DLE/e

ENC.

RECEIVED
JUN 10 1940
10 30 AM
Department of Reclamation

R-682

Form No. 30

# STATE OF IDAHO
## DEPARTMENT OF RECLAMATION
## BOISE

Boise, Idaho, JULY 2, 1940

Application No. 26409

Mr. D. L. Evans, Secretary,
Malad Valley Irrigating Co.
Malad, Idaho

SIB:

Application which has been filed under the above number is herewith returned for correction in the following particulars:

A tracing and blue print in accordance with enclosed Instructions are required on all applications in excess of 2500 acre feet.

We note that you show water from Birch Creek but no feeder canal. We believe it would be best to show your point of diversion from Birch Creek under Par. 5.(b)

Under "Remarks" show the acre feet to be impounded from each source of supply.

You are allowed 60 days from date of first return for correction, as stamped in second line on back of application, to file completed application. If received after that date application can be refiled under a new number with later priority, requiring additional fee.

Yours truly,

JAMES SPOFFORD

COMMISSIONER OF RECLAMATION.

By .....

Deputy Commissioner

Encl: App. 26409
Receipt # 17435

L-652

DIRECTORS
I. D. ZUNDEL, President
J. W. WARD, Vice-President
D. L. EVANS, Secretary

# MALAD VALLEY IRRIGATING CO.

MALAD CITY, IDAHO

DIRECTORS
WILLIAM HILL
GEO. W. JONES

August 24, 1940

RECEIVED
AUG 26 1940
Department of Reclamation

Department of Reclamation
State Capitol Building
Boise, Idaho

Attention: Mr. James Spofford

Dear Sir:

Confirming my discussion by telephone this morning I wish to advise that the water from Birch Creek approximating 2500 acre feet with 500 acre feet of the flow of Devil Creek will be impounded in the proposed reservoir on Devil Creek as indicated in our application for permit. As you know $\frac{3}{4}$ of the flow of Devil Creek below the power house in Sec. 27, 13S 36E is decreed to our company. The other $\frac{1}{4}$ has been used for 40 to 50 years in the production of power at Malad by Crowther Brothers Milling Company and their predecessors; so it seems reasonable that we can impound the amount of water requested.

I trust this will be satisfactory with your office. If there is any further information needed, please advise.

Yours very truly,

Malad Valley Irrigating Co.

D. L. Evans

Secretary

DLE/ej

R-682

August 27, 1940

Re: Application No. 2640

Malad Valley Irrigating Co.
Malad, Idaho

Attention- Mr. D. L. Evans

Gentlemen:

We are returning your application for permit, and maps, which must be returned to this department by August 31st, for the following corrections:

1. Check your land list against the maps.

2. Correct paragraph 5.

3. Show quantity of water from each of Birch and Devil Creek, under Source.

Very truly yours,

JAMES SWINFORD
Commissioner of Reclamation

By

Deputy Commissioner

BJA
Encl.

2-650

Capacity increased from 3000 to 6000 feet.

Additional fees enclosed $5.75.

D.F.E.

R-6[illegible]

September 17, 1940

Re: Permit No. 2-682

Malad Valley Irrigating Co.
Malad, Idaho

Attention Mr. D. L. Evans.

Gentlemen:-

We enclose herewith Permit No. 2-682, as per your application, for reservoir - and call attention to the limitations and conditions of same, as shown on page 4.

We are also enclosing Receipt No. 17559, for the additional $3.00 filing fee, and personal check of Jesse Spafford, in the amount of $2.75, for the refund due you having paid $5/75 for this additional fee.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

Chief Clerk

JLA
Encls.

2-682

# C E R T I F I C A T E  O F  A M E N D M E N T

## ARTICLES OF INCORPORATION

## MALAD VALLEY IRRIGATING COMPANY

---

KNOW ALL MEN BY THESE PRESENTS: That we, D. M. Daniels, and J. O. Thomas, the President and Secretary, respectively, of the Malad Valley Irrigating Company, a corporation, organized and existing under the laws of the State of Idaho; and

That we, D. M. Daniels, J. O. Thomas, Nephi Lewis, H. C. Blood, and R. J. Harding, who are all the directors of said corporation, and who constitute a majority of said Board of Directors, do hereby certify:

That said Malad Valley Irrigating Company, a corporation, duly incorporated under the laws of the State of Idaho, on or about the 21st day of April, 1882; that said corporation at the date of its incorporation and ever since said date has had a capital stock of $2800.00, divided into 56 shares of the par value of $50.00 per share and that at all the times hereinafter mentioned 56 shares of said stock were issued and outstanding and fully paid up;

That pursuant to a resolution of the Board of Directors of the Malad Valley Irrigating Company, duly passed by a majority vote of the directors of said company, at a special meeting of said Board of Directors duly called and held on the 19th day of February, 1921, at the principal place of business of said corporation, to-wit: at the courtroom of the County Courthouse in Malad, in the County of Oneida, State of Idaho, a special meeting of the stockholders of said corporation was called to be held at the principal place of business of said corporation, to-wit: at the courtroom of the County Courthouse in Malad, County of Oneida, State of Idaho, on Saturday the 26th day of March, 1921, at 2 o'clock P. M. of that day, for the purpose among other things of amending the articles of incorporation so as to increase the amount of the capital stock of said corporation from 56 shares to 925 shares, and the following notice was published in the Idaho Enterprise, a semi-weekly newspaper printed and published in Malad City, County of Oneida, State of Idaho, in every issue thereof

for at least thirty days prior to the said meeting of the stockholders of said corporation and therein referred to, to-wit:

NOTICE OF SPECIAL MEETING

of the Stockholders of the Malad Valley Irrigating Company.

Notice is hereby given that in pursuance of a resolution duly passed by a majority vote of the directors of the Malad Valley Irrigating Company, a corporation, organized and existing under the laws of the State of Idaho, at a special meeting of the board of directors of said company, duly held on the 19th day of February, 1921, at the Court room of the County Courthouse in Malad, County of Oneida, State of Idaho a meeting of the stockholders of said corporation is hereby called, and will be held at the courtroom of the county courthouse at Malad, County of Oneida, State of Idaho, on Saturday, the 26th day of March, 1921, at 2 o'clock P. M. on that day, for the purpose of amending the articles of incorporation so as to increase the amount of its capital stock from 56 shares to 928 shares; also for the purpose of amending the by-laws of said corporation; and the transaction of all and any such or other business as may lawfully come before such meeting.

By order of the Board.

Dated February 19th 1921.

D. M. Daniels, President

J. O. Thomas, Secretary

That on the 26th day of March, 1921, at 2 o'clock P. M. of that day, at the principal place of business of said corporation, to-wit: at the Courtroom of the County Courthouse in Malad, in the County of Oneida, State of Idaho, at a special meeting of the stockholders of said corporation, the following resolution was duly passed by a vote of at least two-thirds of the subscribed capital stock, said resolution being in words and figures as follows:

R E S O L U T I O N

Resolved that the Articles of Incorporation of the Malad Valley Irrigating Company shall be amended as follows:

That Article 6 shall be amended so that it shall, as amended, read as follows, to-wit:

The amount of capital stock of this corporation shall be Forty six thousand four hundred dollars, divided into Nine hundred twenty eight shares of the par value of fifty dollars each.

Dated at Malad, Idaho, this 26th day of March, 1921.

(Signed) E. C. Rice

That the total number of shares of the subscribed capital stock of said corporation at said time was 56 shares. That the amount of capital stock represented at said meeting of said stockholders of said corporation was 43-1/3 shares. That the total vote in the affirmative by which said resolution increasing the capital stock from 56 shares to 928 shares as aforesaid was passed, was 43-1/3 shares. That the total vote in the negative by which said resolution was passed as aforesaid was NO shares.

That the amount to which the capital stock of said corporation has been increased is Forty six thousand four hundred dollars, divided into Nine hundred twenty eight shares of the par value of fifty dollars each.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of said corporation to be hereunto affixed, this 26th day of March, 1921.

(Signed) Pres D. M. Daniels
President, Malad Valley Irrigating Company and Chairman of said meeting

(Signed) J. O. Thomas
Secretary

(Signed) H. C. Blood

(Signed) Moshi Lewis

(Signed) R. J. Harding

Directors of the Malad Valley Irrigating Company and constituting a majority of the board of directors of said company.

- - - - - -

State of Idaho
County of Oneida, ss.

D. M. Daniels, President of the Malad Valley Irrigating Company, and Chairman of the above specified special stockholders meeting, and J. O. Thomas, Secretary of said Company, and of said meeting, be- each duly sworn, depose and say: That they are, respectively, the President and Secretary of the Malad Valley Irrigating Company, a corporation, mentioned in the foregoing certificate, and that they were, respectively, the Chairman and Secretary, of the special stockholders meeting specified and mentioned in said certificate; that they together with the other three directors whose names are signed to the foregoing certificate constitute the board of directors of said corporation; that they have read the foregoing certificate and know the contents thereof and that the same is true of their own knowledge.

(Signed) D. M. Daniels

(Signed) J. O. Thomas

Subscribed and sworn to before me this 26th day of March, 1921.

(Signed) J. Peter Jensen
Clerk of the District Court.

(Seal)

- - - - - - - - - - -

State of Idaho
County of Oneida, ss.

I, J. Peter Jensen, County Recorder of the County of Oneida State of Idaho, do hereby certify the foregoing to be a full, true and correct copy and duplicate of the certificate of Amendment of the Articles of Incorporation of the Malad Valley Irrigating Company, filed in my office at Malad, in the County of Oneida, State of Idaho, this 25th day of March, 1921.

In witness whereof, I have hereunto set my hand and affixed the official seal of said office at Malad, Idaho, this 26th day of March, 1921.

( Signed) J. Peter Jensen

( Seal)

County Recorder, Oneida County, State of Idaho

- - - - - - - - - - -

State of Idaho

County of Oneida, ss.

I, J. Peter Jensen, County Recorder of the County of Oneida, State of Idaho, do hereby certify the foregoing to be a full, true and correct copy and duplicate of the certificate of Amendment of the Articles of Incorporation of the Malad Valley Irrigating Company, filed in my office at Malad, in the County of Oneida, State of Idaho, this 26th day of March, 1921.

In witness whereof, I have hereunto set my hand and affixed the official seal of said office at Malad, Idaho, this 26th day of March, 1921.

( Signed) J. Peter Jensen

( Seal)

County Recorder, Oneida County,
State of Idaho

2762-c copy

AMENDMENT TO

CERTIFIED COPY OF ARTICLES

OF INCORPORATION OF

MALAD VALLEY IRRIGATION COMPANY

Increasing Capital Stock from
$2800.00 to $48,400.00

Department of State
Secretary's Office

Filed this 19th day of April
1921 at 10:00 o'clock a.m. and
recorded in Book A-14 of Domes-
tic Corporation page 71-75

Records of the State of Idaho

(Signed) Robert C. Jones
Secretary of State
(Signed) By C. L. Williams
Chief Clerk

CERTIFICATE OF AMENDMENT OF ARTICLES TO ENLARGE OBJECTS AND PURPOSES

KNOW ALL MEN BY THESE PRESENTS: That we, J. H. Dredge and D. S. Jones, the president and Secretary respectively of the Malad Valley Irrigating Company, a corporation, organized and existing under the laws of the State of Idaho, and that I, J. H. Dredge and D. S. Jones, and Nephi Lewis A. F. Scott and William Hill, who are directors of said corporation, or who constitute a majority of this Board of Directors do hereby certify that said Malad Valley Irrigating Company, a corporation, duly incorporated under the laws of the State of Idaho, on or about the 21st day of April, 1902; that said corporation at the date of its incorporation and ever since said date has had a capital stock of $2800.00, divided into 56 shares of the par value of $50.00, and at all times hereinafter mentioned 56 shares of said stock were issued and outstanding; that said shares are fully paid up; that pursuant to a resolution of the Board of Directors of the Malad Valley Irrigating Company duly held on the 18th day of June, 1917, at the principal place of business of said corporation in Malad City, Oneida County, Idaho, the following notice was published in the Idaho Enterprise, a newspaper published in Malad City, County of Oneida, State of Idaho, once a week for at least thirty days prior to the meeting of the stockholders of said corporation therein referred to: "Notice of Stockholders Meeting to Consider an Amendment of the purposes of the Corporation. Notice is hereby given that in pursuance of a resolution and an order of the Board of Directors of the Malad Valley Irrigating Company, unanimously adopted at a regular meeting of the said Board duly held on the 18th day of June, 1917, at the principal place of business of said corporation a meeting of the stockholders of said corporation is hereby called for and will be held at the principal place of business of said corporation, to-wit: The court house, Malad City, Oneida County, Idaho, on July 26, 1917, at 2 o'clock p. m., for the purpose of considering and acting upon the proposition to amend the articles of incorporation so as to include, among the objects and purposes now granted, the power to build, construct and otherwise acquire reservoirs, dams canals, laterals, and other works for the purpose of storing and impounding water for distribution, and to borrow money upon the credit of the corporation, and do all things necessary for the attainment of said objects, or either of them."

Jesse H. Dredge, President

David S. Jones, Secretary."

That on the 26th day of July, 1917, at 2o'clock p. m. at the principal place of business, to-wit: Court house, Malad City, Idaho, at a special meeting of the stockholders of said corporation the following resolution was duly past by vote representing at least two-thirds of the subscribed capital stock: Resolved that the articles of incorporation of the Malad Valley Irrigating Company be and the same are hereby amended so as to include among the objects and purposes now granted the power to build, construct and otherwise acquire reservoirs, dams, canals, laterals and other works for the purpose of storing and impounding water for distribution for irrigation and domestic and culinary purposes and for power purposes and to borrow money upon the credit of the corporation and to do all things necessary for the attainment of said objects, or either of them; that the powers herein granted shall and the same are to be in addition to the powers already granted and the same as if written in said original articles as an additional paragraph to the objects mentioned and set forth in said original order.

That the total number of shares of the subscribed capital stock of said corporation at said times was 56 shares;

That the amount of stock represented at said meeting of said stockholders of said corporation was 41-3/4 shares

That the total vote in the affirmative by which said amendment enlarging the powers of said corporation, as aforesaid, was 41-6/16 shares

That the total vote in the negative by which said resolution was adopted enlarging the powers of said corporation was 6/16 shares

That the powers, purposes and objects of said corporation has, by said vote on said resolution, been amended so as to include among its objects and purposes the matters and things contained in said resolution

MALAD VALLEY IRRIGATING COMPANY

By (Signed) J. H. Dredge
President

By (Signed) David S. Jones
Secretary

(Signed) Nephi Lewis

(Signed) Archibald E Scott

(Signed) William Hill

Directors of the Malad Valley Irri gating Company and constituting a majority of the board of directors of said company.

CERTIFICATE OF TRUE COPY

State of Idaho

County of Oneida ss

I, Jenkin Jones, Clerk of the District Court of the Fifth Judical District of the State of Idaho, and and for the County of Oneida, do hereby certify that the foregoing is a true and correct copy of the original Certificate of Amendment of Articles to enlarge objects and purposes now on file in my office at Malad, Ida

Given under my hand and the seal of said Court, at office in Malad City, Idaho, this 31 day of July, A. D. 1917

Attest: (Signed) Jenkin Jones Clerk

(SEAL)

[illegible] Corp.

MAIN VALLEY
PRINTING COMPANY

Certificate of Amendment

enlarging purposes of

Corporation

DEPARTMENT OF STATE
Secretary's Office

Filed this 6th day of Aug.
1917 at 10 O'clock A. M.
and recorded in Book 3-S
of Dom. Corp'ns on page
539.
Records of the State of
Idaho

(Signed) W. E. Pettengill
Secretary of State
(Signed) S. E. Marsden
Chief Clerk

We the undersigned Trustees of the Malad Valley Irrigating Company and the secretary of the same, do hereby certify

That the Malad Valley Irrigating Company was a corporation existing on the 3d day of October 1882 formed under the laws of the Territory of Idaho, under the Act of the Territorial Legislation and approved January 12th 1875, and is still existing.

That a meeting of the trustees of said corporation duly called, was held on the 3nd day of August 1895 at 8 o'clock P. M. at the office of said corporation in the city of Malad, County of Oneida, State of Idaho,

That at said time and place, all the Trustees and Secretary, of said corporation assembled as a Board of Trustees of said corporation; that there and then the said Trustees by a unanimous vote made an election, and resolved unanimously to continue the existence of said corporation, the Malad Valley Irrigating company, under the Civil Code of the state of Idaho, Chapter 1 Art. 4 Revised statutes of Idaho 1887-Approved February 10, 1887, applicable thereto and the statutes amendatory thereof and supplementary thereto.

(Signed) D. M. Daniels (Signed) W. D. Lewis

(signed) J. R. Dodge (Signed) J. R. Thomas

(signed) E. R. Evans Trustees

(Signed) J. R. Thomas, Secretary

State of Idaho
County of Oneida ss.

We D. M. Daniels, J. R. Dodge, William D. Lewis, E. R. Evans and J. R. Thomas, Trustees and J. R. Thomas secretary of the Malad Valley Irrigating Company do hereby certify and declare that we are trustees of said Company and comprise the whole board thereof: That we have read the foregoing certificate and know the contents thereof and that the matters, things, facts and proceeding as set forth and described in said certificate did well and truly take place in manner and form as therein set forth and described and that the same are true and correct.

(Signed) J. R. Thomas,
Secy.

(Signed) D. M. Daniels
(Signed) J. R. Dodge
(Signed) William D. Lewis
(Signed) Ed. R. Evans
(Signed) J. R. Thomas

I hereby certify that the above is a full true and correct copy of an Instrument now on file in my office.

(Seal) (Signed) D. J. Raynolds

Recorder of Oneida County

7768 Copy

Certificate of Continuance

of

Rapid Valley Irrigation

Company

Department of State
Secretary's Office

Filed this 5th day of August
1918 at 3:30 o'clock P.M. and
recorded in Book "C" of Domes-
tic Incorp. on page 67.

Secretary of State of Idaho

(Signed) L. W. Gooch
Secretary of State
(Signed) E.

Know all men by these presents that we the undersigned have this day associated ourselves togetner for the purpose of Incorporating under the Laws of the Territory of Idaho a Corporation to be known by the name of Malad Valley Irrigating Company

2nd

And we hereby certify that the objects for which this corporation is formed are , to purchase build own and possess ditches dams and all canals etc necessary to take out the waters of Marsh creek Devil creek Birch creek and Spring creek for the purpose of Irrigation in what is known as Malad Valley in this Oneida County Territory of Idaho

3rd

That its principal place of business shall be in Malad City Oneida County Idaho Territory

4th

That the time of its existence shall be Forty Nine years from and after the date of incorporation hereof

5th

That the number of its trustees shall be five and that the names of those who shall be trustees and serve as such officers the first year and until the election and qualification of their successors are Henry Peck, James Daniels, W. W. Evans, Jenkin Jones and James E. Jones

6th

That the capital stock of this corporation shall be two thousand eight hundred dollars divided into fifty six shares of fifty dollars each

7th

That the other officers beside the trustees above named shall be a President Vice President Secretary and Treasurer. The President and secretary to be selected by the board of Trustees from among their number and the Vice President and Treasurer to be elected annually at the election of said Trustees, and until said first election George Stuart shall serve as Vice President and Richard Jones Treasurer

In Witness Whereof we have hereunto set our hands and seals

(Signed) William T. Evans Seal

Derra S. Williams Seal

John E. Davis Seal

William T. Griffith Seal

Witness of Mark J. W. Morgan

His
Jesse R X Dredge Seal
Mark
James P. Harrison Seal

Eurys J. Davis Seal

Dana B. Williams Seal

Thomas Daniels Seal

Matthew Hill Seal
His
William W X Woodland Seal
Mark

Witness Above Mark J. W. Morgan

Lewis Williams Seal

James E. Jones Seal
his
David J Roberts Seal
marks

Witness Above Mark J. W. Morgan

Hugh Thomas Seal
George S. Thomas
John D. Daniels Seal

Signed Sealed & Delivered in Presence of J. W. Morgan — Anne W. Vander Wood Seal

Joseph N. Ireland Seal

- - - - - - - - -

Territory of Idaho

County of Oneida ss

On this 31st day of March in the year A.D. 1882 before me , Joseph W. Morgan Probate Judge of Oneida Oneida County I. T. personally appeared William T. Evans, David J. Williams, John E. Davis William T. Griffiths, Jesse R. Dredge, James P. Harrison, Eurys J. Davis, David B. Willams, Thomas Daniels, Mathew Hill, William W. Woodland, Lewis Williams, James E. Jones David J. Roberts, Hugh Thomas, George S. Thomas, John D. Daniels, Anne W. Vander Wood & Joseph N. Ireland known to me to be the same person whose names are subscribed to the foregoing instrument and they severally duly acknowledged to me that the executed the same,

As witness my hand and the seal of the probate court of Oneida County Idaho Ty

(Signed) Joseph W. Morgan
Probate Judge

Jesse Thomas Seal
John L. Thomas Seal
Geo Stuart Seal

Thomas W. Thomas Seal
His
Daniel W. x Thomas Seal
Mark
Witness of mark J. W. Morgan

James Phillips Seal
his
Nephi x Campbell Seal
mark
Witness of mark J.W. Morgan

Thomas Daniels as administrator seal
of the estate of Thos W. Richards

William E. Jones Seal

William W. Morgan Seal
her
Sarah W. x Jenkins Seal
mark
Witness of mark J. W. Morgan

Thomas Ea Thomas Seal

Benjamin N. Adams Seal
his
Morgan x Vaughan Seal
mark
Witness of mark J. W. Morgan

John E. Owens Seal

James Daniels Seal

William T. Owens Seal

Sarah D. Thomas for D. D. Thomas Seal

Seineon E. Peabody Seal

David T. Owens Seal

R. G. Evans Seal
her
Catherine x Fallius Seal
mark
Witness of mark J.W. Morgan
her
n Mary Ann x Hobbs Seal
mark

Witness of mark J. W. Morgan

Richard Jones Seal
her
Alice x Evans Seal
mark
Witness of mark J. W. Morgan

Daniel Evans Seal
his
Edward J. x Evans Seal
mark
Witness of mark Daniel Evans

John J. Williams Seal

Benjamin E. Jones Seal

James H. Daning Seal

Dan W. Kent Seal

John W. Lusk Seal

his
John x Barrett Seal
mark

Witness of Mark J. W. Morgan

Henry Stubb Seal

Jenkin Jones Seal

Henry Peck Seal

his
James x Baily Seal
mark

Witness of mark J. W. Morgan

Territory of Idaho

County of Oneida

On this 4th day of April in the year A. D. 1882 personally appeared before me J. W. Morgan probate Judge of Oneida County I. T. personally appeared Jesse Thomas John S. Thomas Geo Stuart Thomas W Thomas Daniel W Thomas, James Phillips Nephi Cambpell, Thomas Daniels as administrator of the Estate of Thomas W. Richards deceased William E. Jones William W. Morgan Sarah W Jenkins Thomas Ea Thomas Benjamin N Adams Morgan Vaughan John E Owens James Daniels, William T. Owens, Sarah D Thomas Seimeon E. Peabody David S Owens R G Evans Catherin Fallis Mary Ann Hobbs Richard Jones Alice Evans Daniel Evans Edward J. Evans John J Williams Benjamin E Jones James H Denning Dan W Kent, John W. Lusk John Barrett Henry Stubbs Jenkin Jones Henry Peck and James Bailey known to me to be the persons whose names are subscribed to the foregoing instrument and they severally duly acknowledged to me that they executed the same

Witness my hand and the seal of the Probate court of Oneida County Idaho Territory

(Seal) Joseph W. Morgan

Probate Judge

Henry B. Marsh Seal

her
Eleanor x Jones Seal
mark

Witness of mark J W. Morgan

Nephi Lewis Seal

Signed Sealed and delivered William D. Lewis Seal

In presence of J. W. Morgan William H. Jones Seal

1882

Territory of Idaho
County of Oneida ss

On this 5th day of April in the year A. D. 1882 before me Joseph W. Morgan Probate Judge of Oneida County Idaho Ty personally appeared Henry B. Marsh Eleanor Jones Nephi Lewis William D. Lewis and W. H. Jones known to me to be the persons whose names are subscribed to the foregoing instrument and they severally duly acknowledge to me that they executed the same

Witness my hand and the seal of the Probate Court of Oneida County I. T.

(Signed) J. W. Morgan
Probate Judge

William W. Evans Seal

Signed and sealed in the presence of J. W. Morgan

Territory of Idaho
County of Oneida ss

On this 7th day of April in the year A. D. 1882 before me J W Morgan Probate Judge of Oneida County I T personally appeared William W. Evans known to me to be the same person whose name is subscribed to the foregoing instrument and he duly acknowledged to me that he executed the same

Witness my hand and the seal of the Probate Court of Oneida County Idaho Ty

(Signed) J W Morgan
Probate Judge

his
Morgan x Jones Seal
mark
Witness of mark J W Morgan

Sarah Waylett Seal

Signed and Sealed in the
presence of J. W. Morgan

Territory of Idaho
County of Oneida ss

On this 8th day of April A D 188[illegible] before me Joseph W.

Morgan Probate Judge of Oneida County Idaho Ty personally appeared Morgan Jones and Sarah Waylett known to me to be the persons whose names are subscribed to the foregoing instrument and they severally duly acknowledge to me that the executed the same

Witness my hand and seal of the Probate Court of Oneida County Idaho Ty

Joseph M. Morgan
Probate Judge

Joseph N. Ireland Seal
Administrator of the Estate of Morgan M. Morgan
deceased

Her
Ellen x Colton Seal
mark

Witness of mark J W Morgan

D. L. Evans Seal

his
John x Price Seal
mark

Witness of mark J W Morgan

Thomas D. Daniels Seal

R. G. Evans Seal

Administrator of Estate
of Daniel Daniels deceased

Signed and sealed in presence
of J. W. Morgan

Territory of Idaho

County of Oneida ss

On this 13th day of April AD 1882 before me J. W. Morgan probateJudge of Oneida County, I T personally appeared J N Ireland administrator of the Estate of M M Morgan deceased, Ellen Colton Elizabeth R. Jenkins D. L. Evans John Price Thomas D Daniels and R. G. Evans Administrator of the Estate of Daniel Daniels deceased known to me to be the same persons whose names are subscribed to the foregoing instrument and they severally duly acknowledged to me that they executed the same

Witness my hand and the seal of the Probate court of Oneida county Idaho Ty

(Seal)

Joseph M. Morgan
Probate Judge

E-652

David E Leigh Seal

Daniel M. Daniels Seal

Herbert R Jones Seal

her
Ann X Ceaston Seal
mark

Witness of mark J W Morgan

Territory of Idaho

County of Oneida

On this 14th day of April A D 1882 before me J W Morgan Probate Judge of Oneida County, I T. personally appeared David Leigh, Daniel M. Daniels, Herbert Jones and Ann Ceaston known to me to be the persons whose names are subscribed to the foregoing instrument and they severally duly acknowledged to me that they executed the same

Witness my hand and the seal of the Probate Court of Oneida County I T.

(Seal)

J. W. Morgan
Probate Judge

Joseph W. Morgan Seal

Territory of Idaho

County of Oneida ss

On this 21st day of April A D 1882 before me Wm B Thews Clerk of the District Court of the 3d Judicial District of Idaho Territory personally appeared Joseph W Morgan known to me to be the person whose name is subscribed to the above acknowledgement

Witness my hand and the seal of the District Court this 21st day of April A D 1882

Wm B Thews

Clerk of the District Court 3d
Judicial District Idaho Territor y

Territory of Idaho

County of Oneida ss

I, Wm B. Thews Clerk of the 3d Diat court of Idaho Territory do hereby certify that the above is a full true and correct of the articles of Incorporation of the Malad Valley Irrigating Company as the same appears on the Files in my office

Witness my hand and the seal, of the court hereto affixed this 13th day of May A D 1882 (signed) Wm B. Thews

Clk of the Dist Court

3d Judl Dist  I  T

By  H  R  Evans
Deputy Clk

COPY OF

ARTICLES OF INCORPORATION

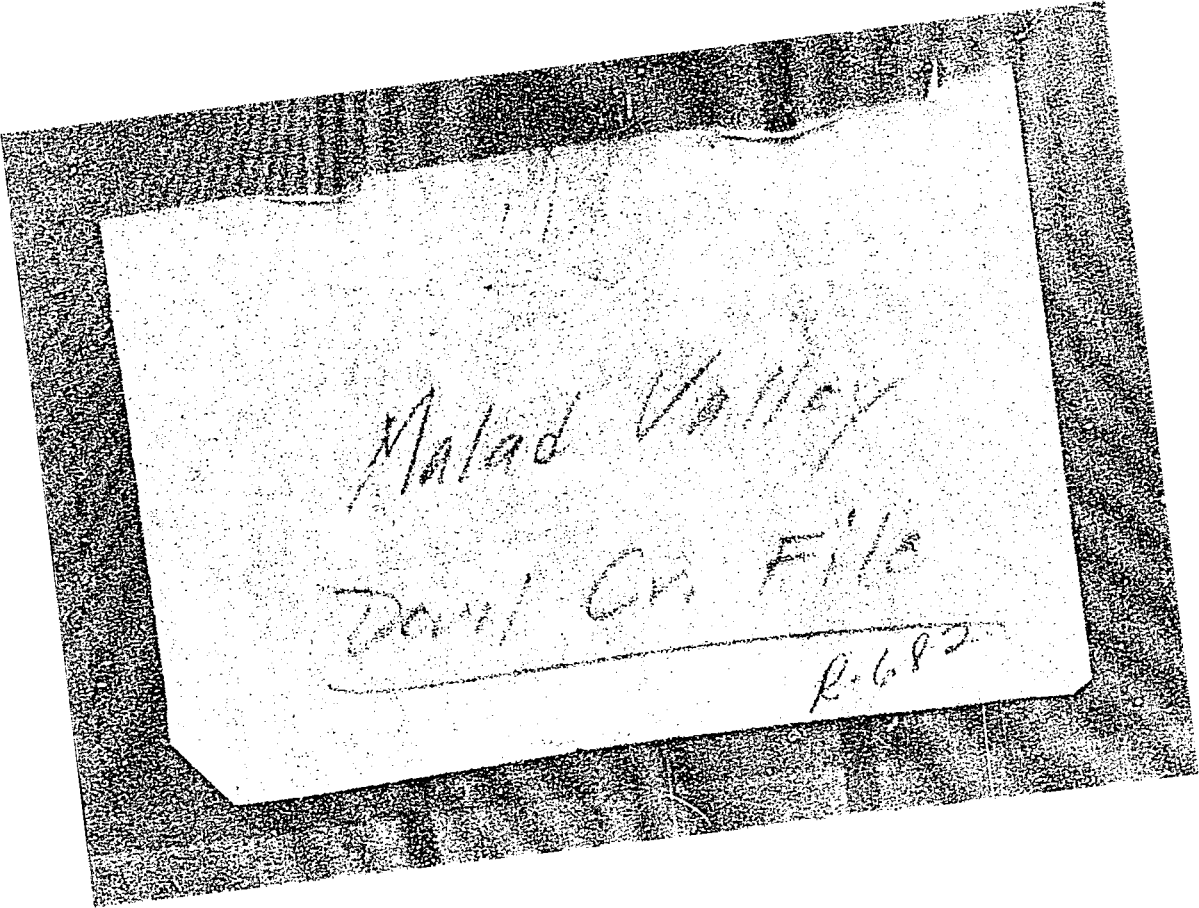
OF THE

DELAD VALLEY IRRIGATED COMPANY

Filed in the Office of the
Territorial Secretary June
12, 1888

Signed

T. F. Singiser
Secretary


Mailed Copy
Don't On File
R-682

Form No. 7

# State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

## INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Malad Valley Irrigating Company

Malad, Idaho

Boise, Idaho, July 3, 1945

Dear Sirs:-

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. R-582.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before September 5, 1945. Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

MARK R. KULP

~~Commissioner of Reclamation~~

State Reclamation Engineer

August 17, 1943

Re: Permit No. R-682

Mr. J. D. Wood
Director of Highways
Building

Dear Mr. Wood:

We give below an abstract of Permit No. R-682, upon the request of your Mr. J. A. Chamberlin:

Name - Malad Valley Irrigating Company
Address - Malad, Idaho- Oneida County
Officers- D. L. Evans, Secretary & Treasurer
Quantity of water filed on- 6,000 acre feet
Location - In channel of Devil Creek
Point of diversion- or Outlet of reservoir- Northeast 1500 feet from the West ¼ corner of Section 13, Twp. 13 South, Range 35 East, B. M.
Area of high water line - 160 acres
Capacity - 6,000 acre feet
Height of dam- 70 feet
Length at top- 1,000 feet
Length at bottom- 400 feet
Kind of construction- Earth fill
Estimated cost - $200,000
Date of filing- June 10, 1940
Proof of completion of works due- September 6, 1945
" " beneficial use " - " 6, 1948

The above includes all available data filed with the permit. However, Mr. Spofford may have some other information relative to the dam that is not of record.

Mr. Spofford will probably return to the office some time Wednesday or Thursday.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Roy L. Thompson
Supervisor of Water Distribution

R:A

R-682

September 10, 1943

Mr. J. D. Wood,
Commissioner of Public Works,
Building.

Dear Mr. Wood:

Herewith find enclosed Drawing No. 66-D-41-General Plan and Section of Malad Dam; and Drawing No. 119-MCK-12, Malad Reservoir Site; which have been prepared by the U. S. Bureau of Reclamation, and transmitted to this office by letter dated August 26, 1943.

It is stated in their letter that the designing section of the Denver office has approved Drawing No. 66-D-42 and it represents substantially the dam that will be built, and that the proposed dam will be constructed on Axis A-A shown on Drawing No. 119-MCK-12.

It is to be noted that the location and height of the dam have been changed somewhat from that shown on the reservoir application No. R-682 filed by the Malad Valley Irrigation Company, the data on which was mailed to you on August 17, 1943.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer

S:A
Encls.

R-682

Permit: R-682

Malad City, Idaho
July 12, 1945

To the Department of Reclamation
State of Idaho, Boise, Idaho

Gentlemen:

Application is hereby made for extension of time in which to complete works under Permit R-682 dated September 6, 1940, to September 6, 1947, and for extension of time of Benficial use of water stored under said permit to September 6, 1949

Owing to the conditions arising because of the World War it has been impossible to complete works provided under said permit and thus impossible to store water for beneficial use

Malad Valley Irrigating Company
By, [signature] Agent

GW due 9-6-45
Bu - 9-6-49

RECEIVED
JUL 12 1945
Department of Reclamation

R-682

July 13, 1945

Re: Permit No. R-682

Malad Valley Irrigating Company
Malad, Idaho

Mr. D. L. Evans, Agent

Gentlemen:

We are in receipt of your letter of July 12th in which you request an extension until September 6,1947 for completion of works, and until September 6, 1949 for beneficial use, under the above numbered permit.

We enclose a summary of Senate Bill No. 13 passed by the last session of the Legislature, which provides for an extension under the conditions mentioned in your letter; and we also enclose an application for such extension. You will note that an extension of time for making proof of completion of works automatically extends the time for a like period for making proof of beneficial use.

This bill provides that a notice of such application must be published once a week for two consecutive weeks, in a newspaper of general circulation in the county in which the works are located. This notice will be made out in this Department, upon receipt of the application, and will be similar to the form enclosed.

In returning the application, please also return Form 11, which is your authorization for us to have the notice published at your expense, in the newspaper designated by you.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

R-682

PERMIT NO. R-682

APPLICATION FOR EXTENSION OF TIME FOR COMPLETION OF WORKS
UNDER SENATE BILL NO. 13, SESSION LAWS OF 1945.

STATE OF IDAHO )
( 
County of Oneida )

D. L. Evans of Malad, State of Idaho, being first duly sworn, upon his oath deposes and says: he is agent of the Malad Valley Irrigating Company which is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. R-682

That under the terms and conditions of said Permit, completion of works thereunder is required by September 1st 6, 1945.

That the Company has heretofore in good faith performed the following work and taken the following steps to bring about the completion of the said works described under the said permit, to-wit:

surveying reservoir site and digging test pits, estimating costs of labor, material, land etc

That the Company is unable to complete the remainder of said works and submit proof of completion of works within the required time, for the following reasons, to-wit:

war conditions depleted labor supply, increased the cost of materials and labor and made construction work too expensive

Wherefore, he makes application to the State Reclamation Engineer to extend the time for Completion of Works under the said permit to September 1st 6, 1949, pursuant to the provisions of Senate Bill No. 13, Session Laws of 1945.

D. L. Evans

Subscribed and sworn to before me this 16 day of July, 1945

J. R. Ray

Notary Public for Idaho
Residing at Malad, Idaho

My commission expires
Jany 20, 1947

Date of receipt at office of Department of Reclamation July 17 1945

R-682

July 18, 1945

Re: Permit No. R-682

Malad Valley Irrigating Company,
C/o D. L. Evans, Agent,
Malad, Idaho.

Gentlemen:

We acknowledge receipt of your application for extension of time for completion of works under your Permit No. R-682, and also your authorization to have the notice in connection therewith published in the Idaho Enterprise.

We have set August 11th, at 10:00 A.M., at Room 107 State House, Boise, Idaho, as the time and place for the hearing- and have sent a copy of the notice to the Idaho Enterprise, with instructions to publish it once a week for two consecutive weeks prior to that date, and to send you the affidavit of publication together with statement of the cost.

It will not be necessary for you to appear at the hearing, as your statement is already contained in the application. If any protests should be received, you will be duly notified; otherwise, upon receipt from you of the affidavit of publication, the extension will be approved.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

A Chief Clerk

R-682

Form No. 11

**NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE**

(Date) July 16, 1945

(P. O.) Malad City, Idaho

TO THE STATE RECLAMATION ENGINEER :
~~COMMISSIONER OF RECLAMATION~~:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the The Idaho Enterprise of Malad City, Idaho, published in the county in which the works are situated.

Malad Valley Irrigating Company

By [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.

R-682

NOTICE FOR PUBLICATION

NOTICE OF APPLICATION FOR EXTENSION OF TIME FOR COMPLETION OF WORKS UNDER SENATE BILL NO. 73, SESSION LAWS OF 1943 1945

Notice is hereby given, that on the 11th day of August 1945, at 10:00 o'clock, A. M., a hearing will be held by the State Reclamation Engineer, or his deputy, at Room 107 State House, Boise, County of Ada, State of Idaho, for the purpose of receiving any protests, testimony and evidence regarding an application for extension of time for completion of works under Permit to Appropriate the Public Waters of the State of Idaho, No. R-682. The said protests and evidence may be submitted either orally or by affidavits by any person or persons owning or in possession of a right to the use of any waters of a stream or source of supply affected by the said extension.

1. The number of said Permit is R-682

2. The name and post-office address of the person or persons or corporation holding said permit or permits are:

Malad Valley Irrigating Company, Malad City, Idaho

3. The amount of water claimed by the said permit or permits is 6,000 acre feet from Devil Creek which is tributary to Snake River

MARK R. KULP

State Reclamation Engineer

R-682

Form No. 11-A

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

Date . July 18, 1945 . .

The Idaho Enterprise

Malad, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for two consecutive weeks prior to August 11, 1945 the date set for hearing, the expense of the publication to be paid by the applicant, Malad Valley Irrigating Company, C/o D. L. Evans, Malad, Idaho to whom you should furnish proof of publication on or prior to the date set for hearing.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Chief Clerk

R-682

# THE IDAHO ENTERPRISE

Publishers & Printers Clyde Hanson, Lessee

MALAD CITY, IDAHO

7-23-45

RECEIVED
JUL 25 19[illegible]
Department of Reclamation

State Reclamation Dept.,
Boise, Idaho

Dear Sirs:-

We are in receipt of your notice for publication of the Malad Valley Irrigating Co. which will be published in our issues of Aug. 2 and 9.

Yours respectfully

THE IDAHO ENTERPRISE

Clyde Hanson
Clyde Hanson, Lessee

R-682

August 13, 1946

Re: Permit No. R-582

Malad Valley Irrigating Co.
C/o D. L. Evans
Malad, Idaho

Dear Mr. Evans:

There were no protests filed at the time set for hearing on your application for extension of time for completion of works under the above numbered permit.

Therefore, upon receipt from you of the affidavit of publication, which the Idaho Enterprise was instructed to send you, the approval of this extension will be issued and sent you.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

A Chief Clerk

R-582

September 11, 1945

Re: Permit No. R-682

Mr. D. L. Evans
Malad, Idaho

Dear Mr. Evans:

We have not yet received the affidavit of publication from the Idaho Enterprise, in connection with the application of the Malad Valley Irrigating Co. for extension of time for completion of works under the above numbered permit.

As this extension cannot be approved until this affidavit of publication is on file in this Department, it is important that the matter be given your early attention.

Thanking you, we are,

Very truly yours,

MARK R. NULP
State Reclamation Engineer
By

A Chief Clerk

R-682

R-682

November 5, 1945

Idaho Enterprise Publishing Company
Malad, Idaho

Gentlemen:

We acknowledge receipt of the enclosed statement for publication of notice, amounting to $5.70. However, it is not accompanied by an affidavit of publication, or other information as to what the notice was.

We assume this is a legal publication in connection with a water right and judging from the date it is perhaps a notice of application for extension of time for completion of works under Permit No. R-681, of the Malad Valley Irrigating Company.

If this is correct, the statement, together with affidavit of publication, should be sent to Mr. D. L. Evans, of Malad, in accordance with office letter of July 18, 1945, transmitting this notice for publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

R-682

# Affidavit of Publication

State of Idaho } ss.
County of Oneida }

Sylvia Stratton being first duly sworn on her 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, and that said paper 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 2 successive weekly issues thereof the date of the first publication being the 2 day of Aug. 194 5. the date of the last publication being the 9 day of August, 194 5.

Sylvia Stratton

Subscribed and sworn to before me this 11 day of August, 194 5.

[illegible]
Notary Public, residing at Malad, Idaho

My Commission expires the 7 day of Jan 194 7

COSTS: 38 lines at 10c per line first insertion $ 3.80
5c per line each subsequent insertion $ 1.90
TOTAL $ 5.70

## NOTICE FOR PUBLICATION

**Notice of Application for Extension of Time for Completion of Works Under Senate Bill No. 13 Session Laws of 1943 1945.**

Notice is hereby given, that on the 11th day of August, 1945. at 10:00 o'clock, A. M. a hearing will be held by the State Reclamation Engineer, or his deputy, at Room 107 State House. Boise, County of Ada, State of Idaho, for the purpose of receiving any protests, testimony and evidence regarding an application for extension of time for completion of works under Permit to Appropriate the Public Waters of the State of Idaho, No R-682. The said protests and evidence may be submitted either orally or by affidavits by any person or persons owning or in possession of a right to the use of any waters of a stream or source of supply affected by the said extension.

1. The number of said Permit is R-682.

2. The name and post office address of the person or persons or corporation holding said permits are: Malad Valley Irrigating Company, Malad City, Idaho.

3. The amount of water claimed by the said permit or permits is 6,000 acre feet from Devil Creek which is tribuary to Snake River.

MARK R. KULP
State Reclamation Engineer
8-2-9t2

RECEIVED
JAN 2 1946
Department of Reclamation

R-682

APPROVAL OF STATE RECLAMATION ENGINEER

WHEREAS, Application for extension of time for Completion of Works under Permit to Construct a Reservoir and Store and Appropriate the Public Waters of the State of Idaho, No. R-682, has been made by the owner thereof, Malad Valley Irrigating Company, of Malad City, Idaho, which application was duly advertised for a period of two consecutive weeks in the Idaho Enterprise, of Malad, Idaho, stating that on the 11th day of August, 1945, a hearing would be held for the purpose of receiving any protests, testimony or evidence regarding such application; and,

WHEREAS, At the time set for the hearing no protest, testimony or evidence had been presented, either orally or by affidavit; and,

WHEREAS, It appears that the owner of said permit is entitled to a further extension of time within which to complete work:

NOW, THEREFORE, I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, by virtue of authority vested in me under Chapter 12 (Senate Bill 13) of the Session Laws of 1945, hereby extend the time for completion of works under Permit No. R-682 to September 6, 1949.

WITNESS MY HAND this 2nd day of January, A. D. 1946.

Mark R Kulp

MARK R. KULP

State Reclamation Engineer

R-682

Arnold Williams
XXXXXXXXXXX

January 8, 1946

Re: Permit No. R-662

Malad Valley Irrigating Company,
C/o Mr. D. L. Evans,
Malad, Idaho

Gentlemen:

We enclose herewith the approval of the State Reclamation Engineer of your application for extension of time for completion of works under the above numbered permit to September 6, 1949.

This should be attached to the original permit, of which it forms a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encl.

R-662

Malad Valley Irrigating Co.
Bx. 331 Malad City, Idaho
Jan. 30, 1948

Mr. Mark R. Sulp State Rec. Comm.
Boise, Idaho.

Dear Mr. Sulp

Will you please inform me whether the above named Co. has any filings that are now valid for the purpose of constructing a Reservoir in Oneida County, and if so to what date.

Very Truly Yours
Malad Valley Irrigating Co.
W. W. Clark Secy.

RECEIVED
JAN
Department of Reclamation

R-682

February 4, 1948

Re: Permit No. R-682

Mr. W. H. Clark, Sec.
Malad Valley Irrigating Co.
Box 331
Malad City, Idaho

Dear Mr. Clark:

Reference is made to your letter of January 30, 1948, in regard to reservoir permit in the name of the Malad Valley Irrigating Co.

Records in this department show reservoir permit R-682 for the storage of 6000 acre feet of water from Devil Creek. This was filed June 10, 1940 and completion of works proof was due September 6, 1945, but an extension was allowed for completion of works until September 6, 1949.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/dm

R-682

MALAD VALLEY IRRIGATING COMPANY

Box 331 - Malad, Ida.

February 25, 1948

Re: Permit No. R-682

Mr. Mark R. Culp, State Recl. Engineer
State House
Boise, Idaho.

Dear Mr. Culp:

Reference is made to your letter of February 4, 1948, in regard to reservoir permit R-682 in the name of the Malad Valley Irrigating Company.

You state in your letter that permit R-682 was filed by above named Company, June 10, 1940, with the due date for completion of work as September 6, 1945, but an extention was granted for completion of work to date of September 6, 1949.

It has recently been brought to the attention of the directors that you have approved a permit for Crowther Bros. Milling Company of Malad, Idaho to construct a 773.2 acre foot reservoir on Spring Creek, work to commense within ten days or two weeks. Spring Creek is contigent with and part of Devil Creek and will no doubt effect the project on which permit R-682 has been issued. Crowther Bros. has not advertised their intention of constructing a dam and the directors will appreciate an explanation as to why two permits have been issued for impounding the same waters.

Thanking you in advance for any information you consider may be of interest or value to the Company.

Very truly yours,

Malad Valley Irrigating Company

W. W. Clark
Secretary

WWC/hc

RECEIVED
Department of Reclamation

R-682

February 27, 1948

Re: Permit No. R-682

Mr. W. H. Clark, Sec'y
Malad Valley Irrigating Co.
Box 331
Malad, Idaho

Dear Mr. Clark:

Reference is made to your letter of February 25, 1948, in regard to the filing of Crowther Bros. Milling Company for reservoir permit on Spring Creek and Devil Creek.

You asked why two permits have been issued for impounding the same waters, but for your information, will state that all permits issued by this Department are only for any unappropriated public water of the State.

As no publication is required where the application is for less than 6250 acre feet, there was no notice published in connection with the Crowther Bros. application nor the application for Permit No. R-682.

Very truly yours,

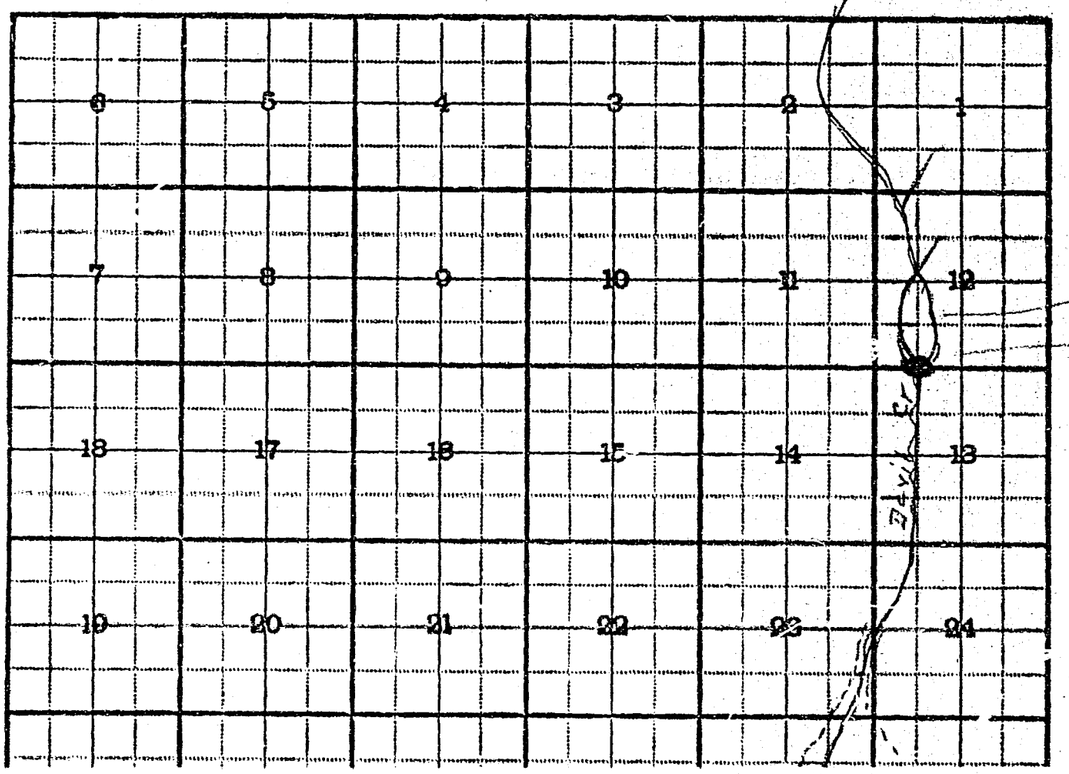
MARK R. KULP
State Reclamation Engineer

K/dm

R-682

SCALE: ONE INCH TO ONE MILE

Township 13 S Range 36 E




723—TOWNSHIP PLAT PRINTED AND FOR SALE BY IDAHO PRINTCRAFTERS, INC.

Devil Cr

R-807 Pacific Power & Light — Water

Devil Cr

vs Minidoka Valley Irrig. Dist. (R-687)

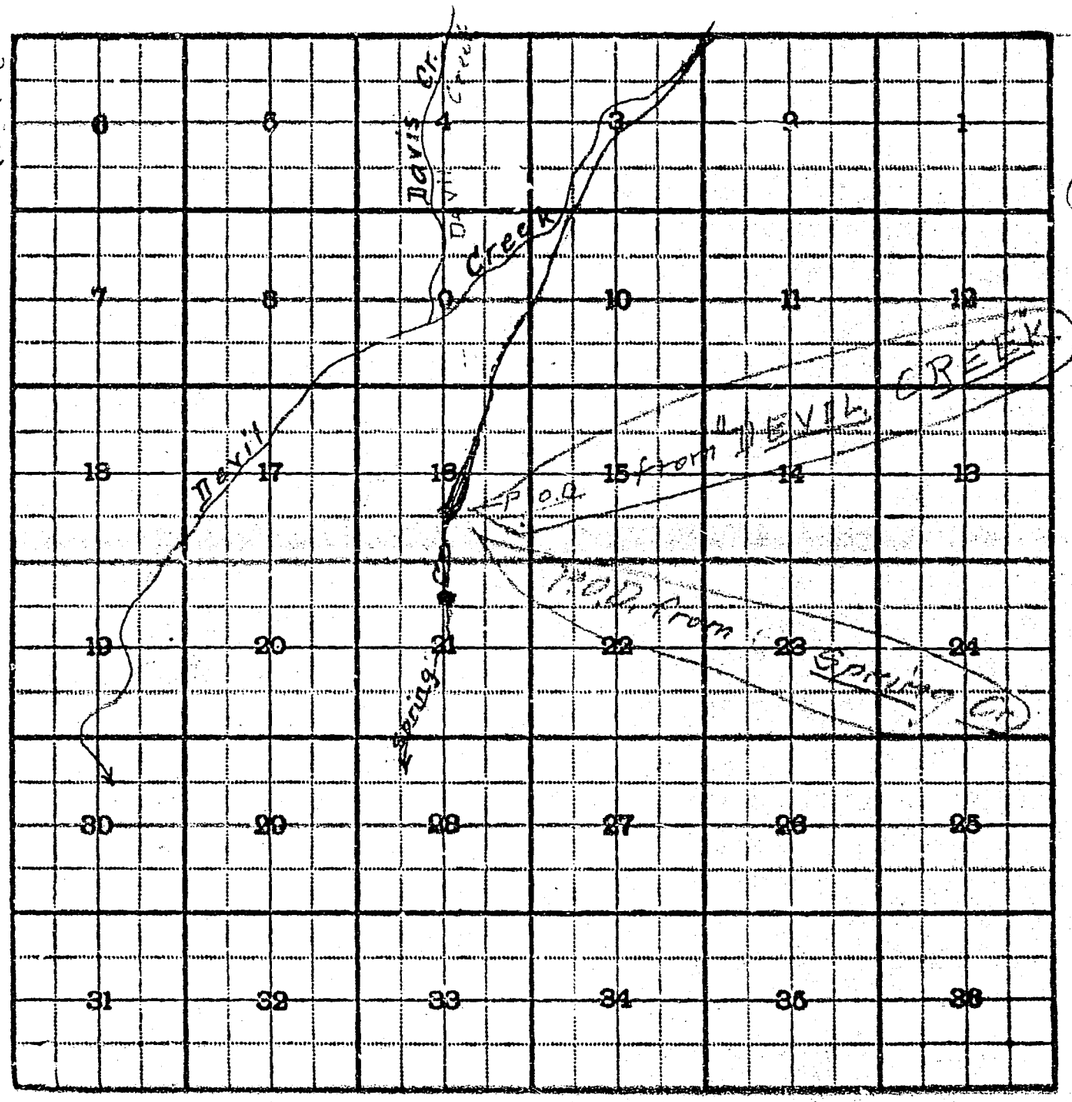
SCALE: ONE INCH TO ONE MILE

Township 14 S Range 36 E

R-807
Point of Diversion Dam is in channel of Spring Creek with water right Devil Cr. via Farmers Ditch

R-807
Pumping for 77.2
A.F. from Spring Cr

R-807
Pumping for 77.2
A.F. from Devil Cr




R-687
P.O.D. = Dam of Mv.I.Co in channel of Devil Cr
(P.O.D. = SW SW 13, T13S-R36E)

R-682

PRINTED AND FOR SALE BY IDAHO PHOTOGRAPHERS, INC.

SCALE: ONE INCH TO ONE MILE

Township 13 S Range 36 E

Res.
P.O.D. R-687

Dam of Beaver Dam is in channel of Spring Creek with water from Devil Cr. via feeder ditch.

R-6807
Filing for 77.3 c.f.s.
A.F. from Spring Cr.

R-6807
Filing for 77.3 c.f.s.
A.F. from Devil Cr.

R-6872
P.O.D. = Dam on NW¼ in channel of Devil Cr.
(P.O.D. = SW SW 13, T13S-R36E)

R-6.80

RECEIVED
Department of Reclamation

Malad, Idaho; March 22nd. 1949

Mr. Mark R. Kulp; State Engineer;
Dept. of Reclamation of Idaho
Boise, Idaho;

(Re- R-682 and R-807)

Dear Mr. Kulp;

Please make a ruling between the Malad Valley Irrigating Company waters on application No. R 26409 and Permit Number 682 for storage waters;

And Crowther Brothers Milling Co. Application for permit No. R 27896 and Permit No. R 807 for Storage waters.

And on our Company using the Stored waters of the Crowther Brothers Reservoir Company during the Irrigation Season of 1948 from April 15th. to Oct. 15th. of our irrigation waters passing through the Crowther Reservoir, built on our Channell water stream that we have always used, and we want our water as we have been using same in past in amounts we need and when we need same in irrigation to insure our crops and we should have protection through this Dam you gave them permit on to store our used water in winter months. And also if they are permited to run the water stored through their Dam in the winter for Power purposes for which they are storing this water we use in irrigation season each year and belongs to us.

Also advise if stored water can go through this Dam in Winter for Power, and by this loese the winter storage water as that water passing through the Dam for power in the Winter months cannot never be used for irrigation purposes, and this is what we want some ruling on to save this winter stored water for irrigation purposes in the irrigation seasons, and not to lose the same in the winter when run through the Dam for Power in the winter, and would be Power only. In a case like this when you let stored water in an Irrigation locality run through the Dam in the winter for Power, can you prove up on a dam by using water this way; when it is needed badly in the irrigation season as we have always used the same.

Please make a ruling for us on Power Water and Irrigation Water in the Crowther Dam which Crowther Company wants to sell to us for Irrigation purposes, and we cannot use the same only in the irrigation season. Then again if he permits water to run through this same Dam in the Winter for Power purposes, where are we coming off by this use of our waters; and there seems to be no spring run off or flood waters this Spring.

Also give us a ruling on our first above Permit belonging to our Co. for commencement of building a Reservoir for Storage purposes in Sec. 12 Tp. 13- S.R. 36 this year for all the waters above this point of Dam.

Thanking you for a return reply we are.

Yours very truly
Malad Valley Irrigating Company
By [signature] Its President
By [signature] Its Secretary.

R 682

R-682

March 30, 19

Malad Valley Irrigating Company
Malad, Idaho

Gentlemen:

I have your letter of March 22, 1949:

Permit No.R-682, Malad Valley Irrigating Company is for 6,000 acre feet from Devil Creek, with priority of June 10, 1940; and Permit No. R-807, Crowther Brothers Farming Company, is for 2 acre feet from Spring Creek and Devil Creek, with priority of January 30, 1948.

Both permits are for the appropriation and storage of unappropriated water and if the terms of the permits are fulfilled, and satisfactory proofs are made and accepted, licenses will be issued with the above noted priorities.

The issuance of a permit does not guarantee that there is any unappropriated water available for appropriation. In many cases, and yours is a good example, there are perfectly good water rights existing which have never been made a matter of official record. In such cases the relative rights to the use of water can be determined only by a court in adjudication proceedings.

When unappropriated water is appropriated and stored in a reservoir for power purposes, the appropriator can use it as he sees fit, regardless of whether it is in an irrigation community or not.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

R-682

R-682

March 30, 1949

Malad Valley Irrigating Company
Malad, Idaho

Gentlemen:

I have your letter of March 22, 1949:

Permit No.R-682, Malad Valley Irrigating Company is for 6,000 acre feet from Devil Creek, with a priority of June 10, 1940; and Permit No. R-807, Crowther Brothers Milling Company, is for 773.2 acre feet from Spring Creek and Devil Creek, with priority of January 30, 1948.

Both permits are for the appropriation and storage of unappropriated water and if the terms of the permits are fulfilled, and satisfactory proofs are made and accepted, licenses will be issued with the above noted priorities.

The issuance of a permit does not guarantee that there is any unappropriated water available for appropriation. In many cases, and yours is a good example, there are perfectly good water rights existing which have never been made a matter of official record. In such cases the relative rights to the use of water can be determined only by a court in adjudication proceedings.

When unappropriated water is appropriated and stored in a reservoir for power purposes, the appropriater can use it as he sees fit, regardless of whether it is in an irrigating community or not.

Very truly yours,

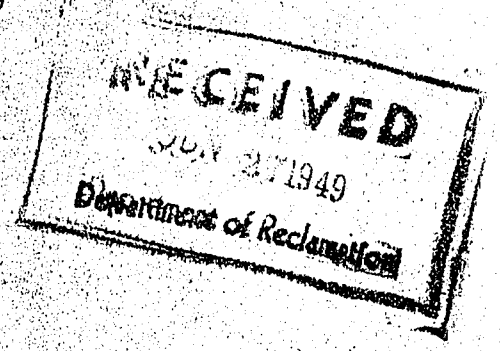
MARK R. KULP
State Reclamation Engineer

R-682

# *Malad Valley Irrigating Co.*

*Malad City, Idaho*

June 24th. 1949




Department of Reclamation;
Mark R. Kulp;
Commissioner of Reclamation and
Idaho State Reclamation Engineer;
Boise, Idaho;

Dear Commissioner Kulp;

Our Engineer Mr. Wendell Smith now has our Reservoir plans of our dam at your office for approval.

We understand that we already got the permit to build this dam and will ask you to please confirm this, and increase the storage capacity of same to 7000 acre feet.

We are anxious to get started to work as soon as possible that we can get the bottom part completed this fall before cold weather, when the water level is the lowest, and will probably need a little extension of time, and we hereby ask you to please grant us sufficient extension of time to complete same, and will very much appreciate your assistance to this end.

And awaiting your reply with approval of our plans, we are.

Yours very truly,

MALAD VALLEY IRRIGATING COMPANY

By Perry D. Harrison
Perry D. Harrison Secty.

R-682

June 27, 1949

Re: Permit No. R-682

Malad Valley Irrigating Co.
Malad City, Idaho

Attention: Mr. Perry D. Harrison

Dear Mr. Harrison:

There is no statutory provision for extension of time for completion of works under Permit No. R-682 except, matters within the jurisdiction of the United States, or by litigation of any nature which might bring the title to the water in question (41-204 I.C.A.).

Permit No. R-682 is for 6000 acre feet and an addition of 1000 acre feet to a total of 7000 feet is not possible as the addition would constitute a new appropriation and a new permit would be required for the addition.

We are reviewing the plans and expect to have the review completed within two or three days.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:bh

R-682

Form No. 7

# State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

## INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Malad Valley Irrigating Co.

Malad, Idaho

Boise, Idaho, July 1, 1949

Dear Sirs:—

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. R-682.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before September 6, 1949. Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

MARK R. KULP

~~Commissioner of Reclamation~~

State Reclamation Engineer

R-682

July 20, 1949

Re: Permit No. R-682

Malad Valley Irrigating Company
Malad, Idaho

Attention: Mr. Leroy O. Daniels,
President.

Dear Mr. Daniels:

Reference is made to your request for an extension of time for completion of works under Permit No. R-682.

The records of this Department show that this Permit is dated September 6, 1940. Completion of Works Proof was originally due September 6, 1945, but a four year extension was allowed under special act of the legislature, allowing four years extension under certain conditions.

There is no provision under the present Statutes whereby a further extension can be allowed beyond September 6, 1949, unless such completion is prevented on account of the filing of a suit or other litigation which brings the title to the water in question. We quote below a portion of Section 41-204, I.C.A.

> "Provided, however, that in cases where the applicant if prevented from proceedings with his work by his failure to obtain necessary consent or final approval or rejection from the federal government because of the pendency of an application for right of way or other matter within the jurisdiction of the United States, or by litigation of any nature which might bring his title to said water in question, the department of reclamation upon proper showing of the existence of any such condition, and being convinced that said applicant is proceeding diligently and in good faith, shall extend the time so that the time caused by such delays shall be added to the time given in the original permit for each and every action required."

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:bh

R-682

COPY

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

| | |
|---|---|
| In the Matter of the Application of the Malad Valley Irrigating Company for an extension of time within which to build the reservoir and complete the works required in Permit No. R-682 as provided by Section 42-204 of the Idaho Code. | ORDER GRANTING EXTENSION |

WHEREAS, on the 31st day of August, 1949, the Department of Reclamation received an application from the Malad Valley Irrigating Company for extension of time within which to build a reservoir and complete the works required under Permit No. R-682, which application was signed by Leroy O. Daniels, President, and Perry D. Harrison, Secretary, and

WHEREAS, said application recites that a complaint has been filed in the District Court of Oneida County by said Malad Valley Irrigating Company, a corporation, plaintiff, vs. Crowther Brother's Milling Company, a corporation, et al, defendants, and

WHEREAS, the pendency of such litigation will prevent said Malad Valley Irrigating Company from proceeding with the construction of the reservoir and such other construction as is required under the provisions of Permit No. R-682:

IT IS THEREFORE ORDERED that by reason of the pendency of said litigation, the time for completion of the reservoir and other construction works required under the provisions of Permit No. R-682 is hereby extended for a period of time equal to the time during which the applicant herein is delayed in proceeding with its work and complying with said requirements as before stated; said extension of time to be dated from September 6, 1949, being the date when Proof of Completion of Works is now due under the terms of said Permit No. R-682 and an extension thereof; and said applicant herein should notify the Department of Reclamation of the removal of the disability above set forth within thirty (30) days from the date same is removed; as provided under the terms of Section 42-204 of the Idaho Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Reclamation of the State of Idaho, at Boise, Idaho, this 3rd day of September, A. D. 1949.

Mark R Kulp

MARK R. KULP
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of the Malad Valley Irrigating Company for an extension of time within which to build the reservoir and complete the works required in Permit No. R-682 as provided by Section 42-204 of the Idaho Code.

ORDER GRANTING EXTENSION

WHEREAS, on the 31st day of August, 1949, the Department of Reclamation received an application from the Malad Valley Irrigating Company for extension of time within which to build a reservoir and complete the works required under Permit No. R-682, which application was signed by Leroy O. Daniels, President, and Parry D. Harrison, Secretary, and

WHEREAS, said application recites that a complaint has been filed in the District Court of Oneida County by said Malad Valley Irrigating Company, a corporation, plaintiff, vs. Crowther Brother's Milling Company, a corporation, et al, defendants, and

WHEREAS, the pendency of such litigation will prevent said Malad Valley Irrigating Company from proceeding with the construction of the reservoir and such other construction as is required under the provisions of Permit No. R-682:

IT IS THEREFORE ORDERED that by reason of the pendency of said litigation, the time for completion of the reservoir and other construction works required under the provisions of Permit No. R-682 is hereby extended for a period of time equal to the time during which the applicant herein is delayed in proceeding with its work and complying with said requirements as before stated; said extension of time to be dated from September 6, 1949, being the date when Proof of Completion of Works is now due under the terms of said Permit No. R-682 and an extension thereof; and said applicant herein should notify the Department of Reclamation of the removal of the disability above set forth within thirty (30) days from the date same is removed: as provided under the terms of Section 42-204 of the Idaho Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Reclamation of the State of Idaho, at Boise, Idaho, this 3rd day of September, A. D. 1949.

Mark R Kulp

MARK R. KULP
State Reclamation Engineer

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ONEIDA

MALAD VALLEY IRRIGATION COMPANY, a corporation,

Plaintiff

vs.

CROWTHER BROTHERS MILLING COMPANY, a corporation, All unknown owners, claimants or any or all of the waters of Birch Creek, also known as Mill Creek, Devil Creek, located in Oneida County, Birch and Bannock County. Id-

Defendants.

.....

Comes now the plaintiff and for cause of action against the defendants and each of them, complains and alleges:

I

That at all times mentioned in this complaint the plaintiff was and now is a corporation organized and existing under and by virtue of the laws of the State of Idaho, with its principal place of business at Malad, Oneida County, Idaho.

II

That at all times mentioned in this complaint the defendant, Crowther Brothers Milling Company was and now is a corporation organized and existing under and by virtue of the laws of the State of Idaho, with its principal place of business in Malad, Oneida County, Idaho.

III

Plaintiff further alleges that there are persons interested in this controversy and in the waters of Birch Creek, also known as Mill Creek, Devil Creek, Spring Creek and Lower Birch Creek, whose names are unknown to the plaintiff or any officer

E-252

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ONEIDA

| | | |
|---|---|---|
| MALAD VALLEY IRRIGATION COMPANY, a corporation, | : | |
| Plaintiff | : | |
| vs. | : | |
| CROWTHER BROTHERS MILLING COMPANY, a corporation, All unknown owners or claimants of any or all of the waters of Birch Creek, also known as Mill Creek, Devil Creek, Spring Creek and Lower Birch Creek located in Oneida County, Idaho, and Bannock County. | : | COMPLAINT |
| Defendants. | : | |
| ..... | : | |

Comes now the plaintiff and for cause of action against the defendants and each of them, complains and alleges:

I

That at all times mentioned in this complaint the plaintiff was and now is a corporation organized and existing under and by virtue of the laws of the State of Idaho, with its principal place of business at Malad, Oneida County, Idaho.

II

That at all times mentioned in this complaint the defendant, Crowther Brothers Milling Company was and now is a corporation organized and existing under and by virtue of the laws of the State of Idaho, with its principal place of business in Malad, Oneida County, Idaho.

III

Plaintiff further alleges that there are persons interested in thds controversey and in the waters of Birch Creek, also known as Mill Creek, Devil Creek, Spring Creek and Lower Birch Creek, whose names are unknown to the plaintiff or any officer

R-682

of the plaintiff corporation who claim some right, title and interest in and to the said waters, but any right, title or interest of said defendants, or any of them, is subject to and inferior to the rights of the plaintiff.

IV

That the plaintiff now is and it and its predecessors in interest have been, for more than fifty years the owners and entitled to the use of all the waters flowing in what is known as Birch Creek, also known as Mill Creek, Devil Creek, Spring Creek, and Lower Birch Creek, the same including all of the natural flow of all of the flood waters, all of the winter waters and spring run-off waters of each of said creeks, and during all of said times, the said plaintiff and its predecessors in interest, under claim of right so to do by prior appropriation, did use for irrigation, domestic and culinary purposes all of the flow of the said streams above referred and their tributaries; that the waters of said creeks arise in Township 12 South, Range 35 and 13 and 36, East of the Boise Meridian and flow in a southerly direction for a long distance in their natural channels to where the plaintiff diverts the same therefrom into canals and laterals and by means thereof conducts the same to and upon the lands of its stockholders.

V

That on the 2nd day of July, 1940, the plaintiff filed application with the Department of Reclamation, State of Idaho, or the Commissioner thereof, for a permit to construct a reservoir in the Northwest quarter of Section 13, Township 13 South, Range 36 E.B.M. and to appropriate from Birch Creek, also known as Mill Creek, Devil Creek, Spring Creek and Lower Birch Creek, all of the unappropriated water of said creeks, including all the winter flow, flood waters and spring run-off waters which had not



E 6 3 2

been previously appropriated, for the purpose of filling the reservoir each and every year; that the Commissioner of Reclamation approved said application and issued Permit No. R6662 and provided therefor that work should begin on or before November 5, 1940; that thereafter the completion of work proof was extended from said date until the 6th day of September, 1949.

VI

That the stockholders of the plaintiff corporation are the owners in severalty of large tracts of land in Township 15 South, Range 36, E.B.M., Township 14 South, Range 36, E.B.M., Township 14 South, Range 35, E.B.M., Township 13 South, Range 35 E.B.M. and the various sections in said townships lying in what is known as Malad Valley, Oneida County, Idaho, all of said lands lying under the ditches and diversion works of said plaintiff and the stockholders of the plaintiff corporation, have at all times herein mentioned applied the water of said streams to the highest possible duty in the irrigation of their said lands and for domestic and culinary purposes, and the lands of the stockholders of the said plaintiff corporation are arid and dry and as a result thereof will not produce profitable crops without artificial irrigation, and that by irrigation said lands are highly productive and produce large and valuable crops of sugar beets, alfalfa, grains, and other valuable products; that in order to augment the amount of water for the irrigation of the lands belonging to the stockholders of the plaintiff corporation as aforesaid, the plaintiff intends to construct and build the dam above referred to and store therein all winter flow, all flood waters and all natural flow which is not necessary for irrigation, and all spring run-off waters of the creeks above referred to.

VII

That the defendant, Crowther Brothers Milling Company, a corporation, has, subsequent to the filing of the application



R-622

been previously appropriated, for the purpose of filling the reservoir each and every year; that the Commissioner of Reclamation approved said application and issued Permit No. R682 and provided therefor that work should begin on or before November 6, 1940; that thereafter the completion of work proof was extended from said date until the 6th day of September, 1949.

VI

That the stockholders of the plaintiff corporation are the owners in severalty of large tracts of land in Township 15 South, Range 36, E.B.M., Township 14 South, Range 36, E.B.M., Township 14 South, Range 35, E.B.M., Township 13 South, Range 36, E.B.M. and the various sections in said townships, lying in what is known as Malad Valley, Oneida County, Idaho, all of said lands lying under the ditches and diversion works of said plaintiff and the stockholders of the plaintiff corporation, have at all times herein mentioned applied the water of said streams to the highest possible duty in the irrigation of their said lands and for domestic and culinary purposes; that the lands of the stockholders of the said plaintiff corporation are arid and dry and as a result thereof will not produce profitable crops without artificial irrigation, and that by irrigation said lands are highly productive and produce large and valuable crops of sugar beets, alfalfa, grains, and other valuable products; that in order to augment the amount of water for the irrigation of the lands belonging to the stockholders of the plaintiff corporation as aforesaid, the plaintiff intends to construct and build the dam above referred to and store therein all winter flow, all flood waters and all natural flow which is not necessary for irrigation, and all spring run-off waters of the creeks above referred to.

VII

That the defendant, Crowther Brothers Milling Company, a corporation, has, subsequent to the filing of the application



R-682

for permit and the permit above referred to, filed on said waters for power purposes, and plaintiff alleges the said defendant claims the said waters adverse to the plaintiff and because of said claim of said defendant, the water right of the plaintiff to the use of said waters is in question, and plaintiff alleges that any right of the said defendant, Crowther Brothers Milling Company, a corporation, has in and to said waters is subsequent and inferior to the plaintiff's right.

VIII

That the said defendant, Crowther Brothers Milling Company, a corporation, has wrongfully entered in and upon the said creeks aforesaid and by means of dams and ditches have diverted water from said streams and has maintained and do now maintain in such streams, dams and obstructions to the flow of said water, and claims the same adverse to the plaintiff.

IX

That the said defendant, Crowther Brothers Milling Company, a corporation, and other persons whose names are unknown to the plaintiff, claim some right to the use of the waters of the said creeks above referred to, but none of said defendants have any right, title or interest in and to the waters of the said creeks or to the use thereof or any part thereof.

WHEREFORE, PLAINTIFF PRAYS JUDGMENT AGAINST THE DEFENDANTS AND EACH OF THEM, AS FOLLOWS:

1. That the defendants and each of them be required to set up their and each of their claims, if any they have, to the right to the use of any of the waters of said Birch Creek, also known as Mill Creek, Devil Creek, Spring Creek and Lower Birch Creek, the same to include all the natural flow, all flood waters, all winter waters and all spring run-off waters, and that upon final hearing in said cause, it be decreed that the defendants



E-682

have no right, title or interest in and to the use of any of the water of the said creeks.

2. That it be decreed that the plaintiff has the right, at all times, to the sole and exclusive use of all of the waters of Birch Creek, also known as Mill Creek, Devil Creek, Spring Creek and Lower Birch Creek, including the natural flow, all flood waters, all winter waters and all spring run-off waters, and that the right of the plaintiff to the use of said waters be quieted against any claim or or pretention of the defendants, and each of them, and that the defendants, and their and each of their agents and servants, be perpetually enjoined and restrained from diverting, obstructing, or in any manner interfering with the flow of the waters of Birch Creek, also known as Mill Creek, Devil Creek, Spring Creek and Lower Birch Creek, the same to include all the natural flow, all flood waters, all winter waters and all spring run-off waters, or do any other act or thing that will prevent or interfere with the use of the said waters by the plaintiff.

3. That the Court grant such other and further or different relief to the plaintiff as it may seem meet and equitable, together with costs herein incurred.

Merrill & Merrill

Merrill and Merrill
Attorneys for Plaintiff
Residing at Pocatello, Idaho.



R-652

STATE OF IDAHO )
: ss
COUNTY OF ONEIDA )

LEROY O. DANIELS, being first duly sworn, deposes and says:

That he is the President of the plaintiff corporation and makes this verification for and on behalf of said plaintiff; that he has read the above and foregoing complaint and knows the contents thereof and the facts therein stated are true as he verily believes.

Leroy O Daniels

Subscribed and sworn to before me this 29 day of August, 1949.

(seal)

Notary Public of Idaho
Residing at Malad, Idaho



R-682

Deputy

Fees Paid

By

70069

STATE of IDAHO,
County of Oneida, ss.

I hereby certify that
instrument was filed for record
the request of
[illegible]
at [illegible] o'clock A M this
30th day of August 1949
and recorded in Book Five
at page [illegible]

[illegible]
Recorder

By [illegible]
Deputy

Fees Paid [illegible]

# IN THE DISTRICT COURT

## of the FIFTH Judicial District of the State of Idaho In and for the County of

---

MALAD VALLEY IRRIGATION COMPANY, a corporation,

*Plaintiff*

vs.

CROWTHERS BROTHERS MILLING COMPANY, a corporation; All unknown owners or claimants of any or all of the waters of Birch Creek, also known as Mill Creek Devil Creek, Spring Creek and Lower Birch Creek located in Oneida County, Idaho; and Bannock County.

*Defendant*

# SUMMONS

THE STATE OF IDAHO SENDS GREETINGS TO THE ABOVE NAMED DEFENDANT:

You are hereby notified, that a complaint has been filed against you in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Oneida by the above named plaintiff and you are hereby directed to appear and plead to said complaint within twenty days of the service of this Summons, and you are further notified that unless you so appear and plead said complaint within the time herein specified, the plaintiff will take judgment against you as prayed in said complaint.

Witness my hand and the seal of said District Court this 30th day of August, 1949.

Merrill and Merrill
Attorney for Plaintiff

Pocatello, Idaho
Residence or Postoffice

John H. McAllister
Clerk

Address ..... Idaho By .....
Deputy

[SEAL] (SEAL)

GP

R-682

No. 378 Printed and For Sale by—Gateway Printers, Inc., Pocatello

No. ____

# DISTRICT COURT

Fifth Judicial District

County of

State of Idaho

# SUMMONS

*Plaintiff*

vs.

*Defendant*

Filed this day

of , 194

Clerk District Court

By ____ Deputy

I hereby certify that I received the within Summons on the day of , 194 and on the day of , 194 I personally served the same on being the defendant named in said Summons by handing to and leaving with the said defendant a true copy of the said Summons attached to which was a true and correct copy of the complaint on file in the action in which said Summons was issued.

Dated this day of , 194

Sheriff

By ____ Deputy

Fees . . . . . $

Mileage . . . $

Total . . . . $

GP

RECEIVED
Aug 31 1949
Department of Reclamation

Malad, Idaho, August 30th, 1949

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Mr. Mark R. Kulp
State Reclamation Engineer;
State Capital Building;
Boise, Idaho;

In Connection with
Application No. 20405
Permit No.R682 of Malad
Valley Irrigating Company
of Malad, Idaho;

Dear Mr. Kulp;

Inclosed please find herewith the following instruments to-wit;

1. Copy of the Complaint in the matter of;
MALAD VALLEY IRRIGATING COMPANY, a corporation;---Plaintiff
VS
Crowther Brothers Milling Company, a corporation
All unknown owners or claiments of any or all
of the waters of Birch Creek, also known as Mill
Creek, Devil Creek, Spring Creek and Lower Birch
Creek located in Oneida and Bannock Counties, Idaho---
Defendants;
which complaint has this day been duly filed with the Clerk of the District Court of Oneida County Idaho as is shown by the copy of said complaint hereto inclosed.

2. APPLICATION FOR EXTENSION OF TIME TO BUILD RESERVOIR by the Malad Valley Irrigating Company, duly authorized by its stockholders, by LeRoy O. Daniels, Its President by Parry D. Harrison Its Secretary herewith inclosed.

Yours very truly,

MALAD VALLEY IRRIGATING COMPANY

By Leroy O. Daniels Its President;

By Parry D. Harrison Its Secretary

Registered and
receipt therefor;

E-650

# APPLICATION FOR EXTENSION OF TIME TO BUILD RESERVOIR;

Malad, Idaho; August 29th. 1949

STATE OF IDAHO:
DEPARTMENT OF RECLAMATION;
Mr. Mark R. Kulp;
State Reclamation Engineer;
Boise, Idaho;

In connection with
Application No R20409
Permit No R682 of Malad Valley
Irrigating Company.

Dear Mr. Kulp;

In view ofour Permit No. R 682 for the building of our reservoir in Northwest quarter of Section 13 Tp. 13 S.R. 36 E. B.M. Oneida County, Idaho, expiring Sept. 6th. 1949, preliminary work f r plans and specifications for which have been obtained with permit to build, and not sufficient time to complete the building of this project, and in connection with action having been filed in the District Court of Idaho in and for Oneida County by our Company as Plaintiff, where our waters may be in question; we hereby make this application to you for an extension of time of Three years from September 6th. 1949 to fully complete the building of this said Reservoir project which is necessary additional time required for correction of any obstructions and to fully complete the building of the same.
And attached herewith is a copy of the complaint in the above said action which has been filed in said court in Oneida County, Idaho.

RESPECTIVELY, we are;

MALAD VALLEY IRRIGATING COMPANY
duly authorized by its stockholders

By LeRoy E. Daniels Its President
LeRoy E. Daniels

By Parry D. Harrison Its Secretary
Parry D. Harrison

R-682

R-682

September 3, 1949

Malad Valley Irrigating Company
Malad, Idaho

Attention: Mr. Leroy O. Daniels,
President

Gentlemen:

We enclose herewith, Order Granting Extension of Time for completion of works under Permit No. R-682.

Your special attention is directed to the last paragraph to the effect that you should notify this Department within thirty (30) days after conclusion of the litigation in question.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:bh

Enc.

R-682

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

| | | |
|---|---|---|
| In the Matter of the Application of the Malad Valley Irrigating Company for an extension of time within which to build the reservoir and complete the works required in Permit No. R-682 as provided by Section 42-204 of the Idaho Code. | ) | ORDER GRANTING EXTENSION |

WHEREAS, on the 31st day of August, 1949, the Department of Reclamation received an application from the Malad Valley Irrigating Company for extension of time within which to build a reservoir and complete the works required under Permit No. R-682, which application was signed by Leroy O. Daniels, President, and Perry D. Harrison, Secretary, and

WHEREAS, said application recites that a complaint has been filed in the District Court of Oneida County by said Malad Valley Irrigating Company, a corporation, plaintiff, vs. Crowther Brother's Milling Company, a corporation, et al, defendants, and

WHEREAS, the pendency of such litigation will prevent said Malad Valley Irrigating Company from proceeding with the construction of the reservoir and such other construction as is required under the provisions of Permit No. R-682;

IT IS THEREFORE ORDERED that by reason of the pendency of said litigation, the time for completion of the reservoir and other construction works required under the provisions of Permit No. R-682 is hereby extended for a period of time equal to the time during which the applicant herein is delayed in proceeding with its work and complying with said requirements as before stated; said extension of time to be dated from September 6, 1949, being the date when Proof of Completion of Works is now due under the terms of said Permit No. R-682 and an extension thereof; and said applicant herein should notify the Department of Reclamation of the removal of the disability above set forth within thirty (30) days from the date same is removed: as provided under the terms of Section 42-204 of the Idaho Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Reclamation of the State of Idaho, at Boise, Idaho, this 3rd day of September, A. D. 1949.

MARK R. KULP
State Reclamation Engineer

R-682

## APPLICATION FOR EXTENSION OF TIME

TO THE DEPARTMENT OF RECLAMATION
OF THE STATE OF IDAHO:

WHEREAS, there has heretofore been issued to the undersigned, The Malad Valley Irrigating Company, Inc., Permit No. R-682 for the construction of a reservoir and completion of works on Devil Creek, in Oneida County, State of Idaho, which said Permit was on the 3rd day of September, 1949, extended by reason of litigation between The Malad Valley Irrigating Company, a corporation, plaintiff, and Crowther Brothers, a corporation, defendant, which litigation has not yet been concluded; and

WHEREAS, there is another suit now pending in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Oneida, wherein William Hill et al are plaintiffs, and The Malad Valley Irrigating Co., a corporation, et al are defendants, in which said suit an injunction has been issued against said corporation and its directors, and which said suit prevents the work being now done as contemplated on said reservoir,

NOW, THEREFORE, IT IS RESPECTFULLY REQUESTED that the time under Permit No. R-682 be further extended to give to The Malad Valley Irrigating Company sufficient time to complete said works under said Permit following the conclusion of the litigation entitled William Hill et al vs. The Malad Valley Irrigating Company et al, and the undersigned respectfully pray that an Order granting such extension be duly issued.

DATED this 10th day of September, 1951.

ATTEST:

Raglan Sanders
Secretary

The Malad Valley Irrigating Company, Inc.

BY Walter Jones
President



R-682

STATE OF IDAHO )
: SS.
COUNTY OF ONEIDA )

WALTER JONES, being first duly sworn, deposes and says:

That he is the President of The Malad Valley Irrigating Company, Inc., a corporation, and as such makes this verification; that he has read the foregoing Application for Extension of Time and knows the contents thereof and the matters stated therein are true, as he verily believes.

Walter Jones

SUBSCRIBED AND SWORN to before me this 11th day of September, 1951.

John H. McAllister
NOTARY PUBLIC
Residing at: Malad, Idaho
Clerk of the District Court

(SEAL)

RECEIVED
SEP 12 1951
Department of Reclamation



R-682

...mber 12, 1951

RE: Permit No. R...

...ter Jones, President
Mr... Valley Irrigation Company, Inc.
...ad, Idaho

Dear Mr. Jones:

We enclose herewith, amendment to order of September 3, 1949, granting extension of time for completion of works on Permit No. R-682, on account of pending litigation.

Very truly yours,

KARL R. KULP
State Reclamation Engineer

K:fs
Enc.

R-682

MERRILL & MERRILL
COUNSELORS AND ATTORNEYS AT LAW
POCATELLO, IDAHO

A.L.MERRILL
R.D.MERRILL
W.F.MERRILL

October 5, 1951

RECEIVED
OCT 6 1951
Department of Reclamation

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

Dear Mr. Kulp:

I believe you have received my letter dated September 5, 1951, enclosing application for extension of time on Malad Valley Irrigation Company. If the letter has not been so received please advise. If it has been received I would be pleased if you could let me know if there is anything additional that I should do before you make your decision.

Sincerely yours,

MERRILL & MERRILL

BY A. L. Merrill

ALM:lw

R-682

October 6, 1951.

RE: Permit No. R-682

Mr. A. L. Morrill
Attorney at Law
Pocatello, Idaho

Dear Mr. Morrill:

We have your letter of October 5, 1951, in regard to extension of time for completion of works on Permit No. R-682 of the Mated Valley Irrigation Company.

We did not receive a letter from you in regard to the matter, but we did receive an application for extension of time filed by Walter Jones, President, and an amendment to the order of September 3, 1949, was issued and sent him, a copy of which is enclosed herewith.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:fg
Enc.

R-682

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

---

| | | |
|---|---|---|
| In the Matter of the Application of the Malad Valley Irrigating Company for an extension of time within which to build the reservoir and complete the works required in Permit No. R-682 as provided by Section 42-204 of the Idaho Code. | ) | AMENDMENT TO ORDER OF SEPTEMBER 3, 1949 GRANTING EXTENSION |

WHEREAS, there has heretofore been issued to the undersigned, The Malad Valley Irrigating Company, Inc., Permit No. R-682 for the construction of a reservoir and completion of works on Devil Creek, in Oneida County, State of Idaho, which said Permit was on the 3rd day of September, 1949, extended by reason of litigation between The Malad Valley Irrigating Company, a corporation, plaintiff, and Crowther Brothers, a corporation, defendant, which litigation has not yet been concluded; and

WHEREAS, there is another suit now pending in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Oneida, wherein William Hill et al are plaintiffs, and The Malad Valley Irrigating Co., a corporation, et al, are defendants, in which said suit an injunction has been issued against said corporation and its directors, and which said suit prevents the work being now done as contemplated on said reservoir.

NOW, THEREFORE, the order of September 3, 1949, granting extension of time for completion of works under Permit No. R-682 is amended to include the disability imposed by the suit of William Hill, et al, vs. The Malad Valley Irrigating Company, et al.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Reclamation of the State of Idaho, at Boise, Idaho, this 2nd day of September, A. D. 1949. 1951

Mark R Kulp

MARK R. KULP
State Reclamation Engineer

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

RECEIVED
FEB 2 6 1957
Department of Reclamation

WILLIAM HILL, LEE GODDARD, WOODWELL DAVIS, ELLA E. HARRIS, JOHN O. WILLIAMS, OREN J. JONES, THELMA CLARK, THOMAS T. JONES, SAM I. DAIVS, T. J. DAVIS, THOMAS R. JONES, WILLIAM W. LEWIS, ED. B. JONES, in their own behalf, and also in behalf of all other persons similarly situated as are the plaintiffs,

Plaintiffs,

-vs-

THE MALAD VALLEY IRRIGATING COMPANY, a corporation ROY O. DANIELS, PARRY D. HARRISON WALTER JONES, and ROY O. DANIELS AS President, and PARRY D. HARRISON as Secretary of the MALAD VALLEY IRRIGATING COMPANY,

Defendants.

DECREE AND PERMANENT INJUNCTION

This cause came on for trial before the court sitting without a jury in the Oneida County Courthouse, at Malad City, Idaho, on February 4, 1952. A number of the plaintiffs appeared in person: and also by their attorney H. J. Swanson of Pocatello, Idaho, and the defendant corporation appearing by its officers and their attorneys, and the defendant directors appearing in person and also by their attorneys Merrill & Merrill, of Pocatello, Idaho. Thereupon the court proceeded to the trial of the cause and witnesses were sworn and evidence both oral and documentary was introduced by all parties. Thereupon the evidence was closed and the parties given time to prepare, serve, and file briefs. That briefs have been filed and the entire matter has been submitted to the court for its decision. And the court having considered all of the evidence introduced by the respective parties, and having considered the files, records and proceeding had herein and having read and considered the briefs filed by the respective parties, and having made its finding of fact and conclusions of law concluding that the relief prayed for by the plaintiffs should be granted and that the defendants should be restrained from taking any further action to enforce said assessment against any of the plaintiffs which the board of directors attempted to levy to pay any of the cost of building a dam across Devil Creek in Oneida County, Idaho, as described in the plaintiffs complaint and that the temporary injunction issued herein should be made permanent, NOW THEREFORE:

It is adjudged and decreed that the defendants and their successors in office, their agents and servants be, and they hereby are restrained from taking any further action to enforce said assessment against the plaintiffs or any or either of them; and it is further decreed that said assessment which the board of directors of the Malad Valley Irrigating Company, Inc., attempted to make on the 14th day of August, 1950, be, and the same hereby is, declared null and void as to any or either of the plaintiffs and that the temporary restraining order, as the same was further modified, by order of this court dated on the 18th day of December, 1950 wherein and whereby this court ordered that said defendant be, and they are hereby, restrained and enjoined from selling or attempting to sell any of the shares of stock owned by the plaintiffs in the Malad Valley Irrigating Company, Inc. and described in the Complaint in the above entitled cause, by virtue of an assessment thereon, mentioned in said Complaint, and from proceeding further for the collection of said assessment from the plaintiffs or against their shares of stock for the purposes mentioned in said Complaint; be and the same hereby is made permanent.

And the plaintiffs having hereto fore filed a bond in the sum of $15,000. in connection with the issuing of the temporary restraining order wherein the American Surety of New York is the surety and various ones of the plaintiffs and others are the principals and said bond having served its purpose,

It is further ordered and decreed that the said bond be and it is hereby cancelled as to any lia ility thereon, to be hereinafter incurred, and that the said principals, who signed said bond and the said surety be, and it and they are hereby, relieved from any liability thereon, to be hereafter incurred.

It is further adjudged and decreed that the plaintiffs do have and recover of and from the defendants their costs taxed in the sum of Dollars $368.00.

Decreed and entered this 28th day of August 1952.

/s/ L. E. Glennon
District Judge (Retired) and to whom Case was referred for trial.

E-282

Service of the foregoing Decree and Permanent Injunction received this 6th day of August, 1952.

/s/ Merrill & Merrill

MERRILL & MERRILL E.A.
Attorneys for the Defendants

Filed September 2, 1952
John H. McAllister, Clerk
Cleon Williams, Deputy

- - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -

Release of Judgment for Costs
Jan. 2, 1953

R-682

October 24, 1963

Re: Permit No. R-682
Malad Valley Irrigating Co.

I-15-1 (5) 17
Malad-Colton Lane
Oneida County

John P. Mix
Chief Right of Way Agent
Department of Highways
P. O. Box 879
Boise, Idaho

Dear Mr. Mix:

An agreement was entered February 26, 1960 between the Department of Highways and the Malad Valley Irrigating Co. providing certain conditions pending allowance of travel over the Interstate Highway.

We are interested in the section showing that construction of the dam would not be started before highway traffic is authorized to start using the Malad-Colton Lane section of the Interstate in lieu of U. S. highway No. 191.

Has such change in traffic been authorized and, if so, when? If not as yet authorized kindly give us the approximate date you believe such change can be authorized. Your letter of February 2, 1962 indicated that the road would be open in summer of 1963.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:cw

R-682

STATE OF IDAHO

IDAHO BOARD OF
HIGHWAY DIRECTORS

WALLACE C. BURNS - CHAIRMAN
ERNEST F. GAFFNEY - VICE CHAIRMAN
R. DOYLE SYMMS - MEMBER

WAYNE SUMMERS - SECRETARY

# DEPARTMENT OF HIGHWAYS

P. O. BOX 879
BOISE, IDAHO

G. BRYCE BENNETT
STATE HIGHWAY ENGINEER

October 28, 1963

I-15-1(5)17
Malad - Colton Lane
Monida County
Your File: Permit
No. R-682
Malad Valley Irrigating Company

RECEIVED
OCT 29 1963
Department of Reclamation

Ralph W. Thomas, Deputy
State Reclamation Engineer
107 State House
Boise, Idaho

Dear Mr. Thomas:

In checking with our District Engineer at Pocatello it appears that highway traffic, weather permitting, will be authorized to use the new Malad - Colton Lane Section of the Interstate Highway in lieu of U.S. Highway 191 within the next two weeks. The seal coating of the shoulders of the Interstate Highway will not be finished until summer of 1964 and therefore the highway project cannot be closed out and accepted at this time.

Construction of the dam could possibly be started before final completion and acceptance of the project. However, present U.S. Highway 191 should remain open until proper disposal or abandonment of the present U.S. Highway 191, to be inundated, has been made. This requires action by our Highway Board which could not be made until after completion and acceptance of the above project.

We will keep you advised after receipt of further information from our District Engineer from Pocatello.

Very truly yours,

G. BRYCE BENNETT
State Highway Engineer

John P. Mix

John P. Mix
Chief Right of Way Agent

JPM:GMH:cr

Pay us a visit in '63

R-682

July 15, 1965

RE: Permit No. 21844
R-682
Malad Valley Irrigating Company

J. M. Crowther
Attorney at Law
33 Bannock Street
Malad City, Idaho

Dear Mr. Crowthers

With letter dated December 5, 1960, this office sent to you indefinite extensions of time for completion of works on both of the above noted permits.

Enclosed is a form to relinquish a permit. As the decision by Judge John A. Carver, dated May 1, 1956 reversed the decision of the State Reclamation Engineer, it appears that Permit No. 21844 should be relinquished.

Kindly furnish this office with the date that the Interstate Highway was completed at the dam site in order that we may prepare the order for Permit R-682.

Your early attention to this matter is requested.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWTtct
Enc. relinquishment form

R-682

MERRILL & MERRILL
COUNSELORS AND ATTORNEYS AT LAW
POCATELLO, IDAHO

A.L.MERRILL
R.D.MERRILL
W.F.MERRILL

April 14, 1953

RECEIVED
APR 15 1953
Department of Reclamation

Mr. Mark R. Kulp
Department of Reclamation
Boise, Idaho

Dear Mr. Kulp:

Re: Permit No. R-682
Application No. 28830
Malad Valley Irrigating Co.

I am desirous of knowing the exact condition of filings on waters of Devil Creek and tributaries, and Birch Creek, also known as Mill Creek, on the Malad side of the river, and also any other water contributing to the flow of Malad Valley Irrigating Co. Permit No. R-682 I understand was originally issued to the Malad Valley Irrigating Co. for the appropriation of waters for reservoir uses and thereafter the time for the construction of the reservoir was extended. This extension would probably have expired, but on the 3rd day of September, 1949, you issued an order extending extension because of pending litigation. There were two actions pending at that time. One action by the Malad Valley Irrigating Co. against Crowther Bros. Milling Co. is still pending. I would be pleased if you would advise me whether or not Crowther Bros. Milling Co. has a filing upon any of the waters involved in the permit for the Malad Valley Irrigating Co. and if so the amount thereof and its present status. Also please advise if Permit R-682 is still in force and also please advise if there are any other filings upon this water. It occurred to us that probably this Canal Company might make some arrangements with the Crowther Bros. and could perhaps perfect a new filing so as to give them additional time within which to finance and develop their proposed reservoir construction. Of course we don't want to go to the latter expense if we are going to have difficulties with reference to water permits. Our particular objective now is to be sure that we will have a permit and then evolve plans for the financing of the reservoir.

Thanking you for such information as you can give us, we are

Sincerely yours,

ALM:EA

MERRILL & MERRILL
By A L Merrill

R-682

R 682

April 22, 1953

RE: Waters of Birch Creek and Devil Creek  Permit No. R-682

Messrs. Merrill & Merrill
Attorneys at Law
Pocatello, Idaho

ATT: Mr. A. L. Merrill

Dear Mr. Merrill:

License No. R-807 was issued on July 27, 1950, to Crowther Brothers Milling Company for 773.2 acre feet of water, with a priority of January 30, 1948. The source is Devil Creek and Spring Creek, with outlet in NW¼ SE¼ Section 16, Township 14 South, Range 36 East, B.M. Place of use is in Lot 7, Block 20, Malad Townsite in Section 21, Township 14 South, Range 36 East, B.M. Use is for waterpower for flour mill.

Permit No. R-682 to Malad Valley Irrigating Company, for 6,000 acre feet, filed on June 10, 1940, is in good standing with an extension of time, which ends as soon as the disability due to court action is removed.

Permit No. R-837 to Malad Valley Irrigating Company is for 1,000, acre feet. Completion of works proof is due on August 20, 1954.

I believe you are familiar with both the above permits.

RE: Birch Creek

A letter in the file of Permit No. R-807 states that in the year 1876 an agreement was made with the water users in Marsh Valley that they would get 1/4 of the stream during the irrigation season, until September 15, to October 1, of each year.

There is a decree signed March 13, 1903, by J. C. Rich, Judge of the District Court, dividing the waters of Birch Creek and Lost Creek in Bannock County, between the following:

Henderson & Sons
Melvin Henderson
Gwenlion Marley
Mary Davis
Mark Lawrence
Thomas Marley

R-682

There is another decree signed June 9, 1904, by Alfred Budge, District Judge, that allots the waters of Dry Hollow, Maple Creek, Station Creek, and that part of Birch Creek flowing towards Marsh Creek.

In file No. 2184, there is a copy of a decree in the District Court, 3rd Judicial District of Idaho Territory, held in and for the County of Oneida in the case of Thomas Daniels and others against William Woodland and others. In it the waters of Birch Creek are divided 3/4 to Malad water shed and 1/4 to Marsh Creek side.

License No. 9731 was issued to D. L. Evans for 12 cubic feet per second with priority of October 17, 1913, to be used for generating electricity for power and light purposes at a point which bears South 43°23'07" East 865.26 feet from 1/2 Section corner on West boundary of Section 27, Township 12 South, Range 36 East, B.M. Point of diversion bears South 83°29'32" West 9623.66 feet from 1/4 Section corner on West boundary of Section 27, Township 12 South, Range 36 East, B.M. This was sold to David O. True, and again sold to Western States Utilities Company

Permit No. 21844 was issued to Malad Valley Irrigating Company, with a priority of July 1st, 1949. Completion of works proof is due January 5, 1956. Beneficial use proof is due on January 5, 1961. This was protested and decision of State Reclamation Engineer to issue license made. Thereafter, notice of appeal was received.

This is a full list of record rights as far as I have been able to ascertain from the department files.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:fg

L-682

MALAD VALLEY IRRIGATION COMPANY
Malad City, Idaho
March 22, 1955

Crowther Brothers Milling Company
431 Mill Street
Malad City, Idaho

Gentlemen:

Pursuant to the meeting held between representatives of your company and the Board of Directors and Special Reservoir Committee of the Malad Valley Irrigation Company, and subject to ratification by the stockholders of said Malad Valley Irrigation Company at a stockholder meeting held for that purpose, we, the undersigned members of the Special Reservoir Committee and Board of Directors, on behalf of the Malad Valley Irrigation Company offer to purchase from you the following described property situated in the County of Oneida, State of Idaho, to-wit:

That certain dam and reservoir known as the Crowther Brothers dam and reservoir situated immediately North of Malad City, Idaho, having an approximate storage capacity of 1100 acre feet of water, together with the non-irrigation water and power rights, which includes all the normal flow of waters from Power House Canyon and Devil Creek including their tributaries during non-irrigation season, used in connection with the non-irrigation storage of water in said reservoir and the operation of the flour mill and elevators;

Including all conduits and fixtures used in connection with the operation and control of said dam and water, specifically including the steel conduit leading from the dam to the mill and elevators

and agree to pay therefore the sum of $21,000.00 for the water rights above described, and the further sum of $77,000.00 for the dam, reservoir site and fixtures above described, in the following manner;

$5,000.00 on or before May 1, 1955
$15,000.00 on or before December 10, 1955, and balance of said purchase price in annual installments of $10,000.00 on or before the first day of December of each succeeding year until the whole of said purchase price has been paid in full. Interest on the unpaid balance of principal shall be at the rate of 1% annum, payable with installments of principal

upon the following conditions:

1. That the Crowther Brothers Milling Company shall have the right to the use of the waters flowing from said dam and reservoir until such time as the whole of said purchase price has been paid in full by the Malad Valley Irrigation Company, for the purpose of developing power in their flour mill and elevator, providing they pay to said Malad Valley Irrigation Company an annual rental or sum equal to the amount of the interest on the unpaid balance of the purchase price above set forth.

R-682

MALAD VALLEY IRRIGATION COMPANY
Malad City, Idaho
March 22, 1955

continued, page 2

2. That the reservoir above described has a safe storage capacity of water equal to 1100 acre feet of water. It is agreed that during the year 1955, the safe storage capacity of said reservoir shall be determined by survey and measurement by some licensed engineer of the State of Idaho, and approved by the Reclamation Engineer's office of the State of Idaho. In the event that such survey and check shall reveal that the safe storage capacity of said reservoir is less than 1100 acre feet of water, then in that event the Crowther Brothers Milling Company shall have the right to raise the height of said dam sufficiently to bring the safe storage capacity to the agreed 1100 acre feet; otherwise, the purchase price shall be reduced at the rate of $70.00 per acre foot storage less than the agreed 1100 acre feet storage capacity of said reservoir. It is agreed that Crowther Brothers Milling Company shall have one year within which to raise the height of the dam after the survey by the engineer and the check by the State Reclamation Engineer.

3. That Crowther Brothers Milling Company Covenant that it is the lawful owners of all the above described property, and it has the good right, full power and lawful authority to convey the same, and that it will defend the title thereto against the lawful claims of all persons whomsoever.

4. That the Malad Valley Irrigation Company shall have the exclusive right to control the amount of water which shall be released or flow from the dam and reservoir after payment of the $5000.00 or May 1, 1955;

5. That the reservoir be filled to capacity on or before May 1, 1955.

/s/ Paul H. Mills
Committeeman

/s/ Joseph Ward Jr.
Committeeman

/s/ Cornelius Jones
President

/s/ Joseph Laws Sr.
Vice-President

/s/ Ives E. Jones
Secretary

/s/ Elden Ward
Director

/s/ Parry Ipsen
Director

Crowther Brothers Milling Company

by /s/ Norman Crowther

Notary Public

R-682

MERRILL & MERRILL
Counselors and Attorneys at Law
Pocatello, Idaho

A. L. Merrill
R. D. Merrill
W. F. Merrill

April 14, 1953

Mr. Mark R. Kulp
Department of Reclamation
Boise, Idaho

Dear Mr. Kulp:

RE: Permit No. R-682
Application No. 28830
Malad Valley Irrigating Co.

I am desirous of knowing the exact condition of filings on waters of Devil Creek and tributaries, and Birch Creek, also known as Mill Creek, on the Malad side of the river, and also any other water contributing to the flow of Malad Valley Irrigating Co. Permit No. R-682 I understand was originally issued to the Malad Valley Irrigating Co. for the appropriation of waters for reservoir uses and thereafter the time for the construction of the reservoir was extended. This extension would probably have expired, but on the 3rd day of September, 1949, you issued an order extending extension because of pending litigation. There were two actions pending at that time. One action by the Malad Valley Irrigating Co. against Crowther Bros. Milling Co. is still pending. I would be pleased if you would advise me whether or not Crowther Bros. Milling Co. has a filing upon any of the waters involved in the permit for the Malad Valley Irrigating Co. and if so the amount thereof and its present status. Also please advise if Permit R-682 is still in force and also please advise if there are any other filings upon this water. It occurred to us that probably this Canal Company might make some arrangments with the Crowther Bros. and could perhaps perfect a new filing so as to give them additional time within which to finance and develop their proposed reservoir construction. Of course we don't want to go to the latter expense if we are going to have difficulties with reference to water permits. Our particular objective now is to be sure that we will have a permit and then evolve plans for the financing of the reservoir.

Thanking you for such information as you can give us, we are

Sincerely yours,

MERRILL & MERRILL
BY
A. L. MERRILL

ALM:EA

R-682

R-682

April 22, 1953

RE: Waters of Birch Creek and Devil Creek Permit no. R-682

Messrs. Merrill & Merrill
Attorneys At Law
Pocatello, Idaho

ATT: Mr. A. L. Merrill

Dear Mr. Merrill:

License No. R-807 was issued on July 27, 1950, to Crowther Brothers Milling Company for 773.2 acre feet of water, with a priority of January 30, 1948. The source is Devil Creek and Spring Creek, with outlet in NW¼SE¼ Section 16, Township 14 South, Range 36 East, B. M. Place of use is in Lot 7, Block 20, Malad Townsite in Section 21, Township 14 South, Range 36 East, B. M. Use is for waterpower for flour mill.

Permit No. R-682 to Malad Valley Irrigating Company, for 6,000 acre feet, filed on June 10, 1940, is in good standing with an extension of time, which ends as soon as the disability due to court action is removed.

Permit No. R-837 to Malad Valley Irrigating Company is for 1,000 acre feet. Completion of Works proof is due on August 20, 1954.

I believe you are familiar with both the above permits.

RE: Birch Creek

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There is a decree signed March 13, 1903, by J. C. Rich, Judge of the District Court, dividing the waters of Birch Creek and Lost Creek in Bannock County, between the following:

Henderson & Sons
Melvin Henderson
Gwenlion Marley
Mary Davis
Mark Lawrence
Thomas Marley

R-682

There is another decree signed June 9, 1904, by Alfred Budge, District Judge, that allots the waters of Dry Hollow, Maple Creek, Station Creek, and that part of Birch Creek flowing towards Marsh Creek.

M.E. Hollister, Judge. Oct 11-1878

In file No. 21844, there is a copy of a decree in the District Court, 3rd Judicial District of Idaho Territory, held in and for the County of Oneida in the case of Thomas Daniels and others against William Woodland and others. In it the waters of Birch Creek are divided 3/4 to Malad water shed and 1/4 to Marsh Creek side. Thos Daniels et al vs Henry Talley et al (Book A Page 360 Rec. Records Oneida Co.)

Appealed Feb 2-1887.

License No. 9731 was issued to D. L. Evans for 12 cubic feet per second with priority of October 17, 1913, to be used for generating electricity for power and light purposes at a point which bears South 43°23'07" East 865.26 feet from 1/2 Section corner on West boundary of Section 27, Township 12 South, Range 36 East, B. M. Point of diversion bears South 83°29'32" West 9623.56 feet from 1/4 Section corner on West boundary of Section 27, Township 12 South, Range 36 East, B. M. This was sold to David O. True, and again sold to Western States Utilities Company.

Permit No. 21844 was issued to Malad Valley Irrigating Company, with a priority of July 19, 1949. Completion of Works proof is due January 5, 1956. Beneficial use proof is due on January 5, 1961. This was protested and decision of State Reclamation Engineer to issue license made. Thereafter, notice of appeal was received.

This is a full list of record rights as far as I have been able to ascertain from the department files.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:fg

R-681

February 18, 1957

R-682

Mr. John H. McAllister,
County Clerk
Oneida County
Malad, Idaho

Dear Sir:

Will you please advise us as to status of the following Court Case:

WILLIAM HILL, et al.,
Plaintiff,

vs.

MALAD VALLEY IRRIGATING COMPANY,
Defendant.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

EHH:agb

R-682

R-682

2184 = T-682

Gulf - Mobil Oil Co.

Lease - Beard Estate

Well - 6000 ft.

Spudded - Sept 6 - 1950

C/w dec [illegible] - 1951

C/w " " 1948

C/w exts to Sept 6 - 1949

C/w " " Sept 6 1950

Et eaton #1

Sec 5

Helstal v. SMU

Complete 8/28/52

2184

Gulf - Mobil Co.

Lease - Beard Co. - Duncan Co.

C - 467 ac.

Land - 8726 Acres

Approved - Jan - 51

C/w - dec Jan 5 - 56

C/w - dec Jan 5 - 61

2nd extension on record

Character filed Feb 22 - 57

Ext. granted Dec 1 - 55

Character exp May 1 - 1956

Ext. of time from 2-22-57 to 5-1-58

or to 4/30/60

24 5775

21844 Expires Jan 5, 1961
Proof due Jan 5, 1961
Proof ... Jan 5 - 1961

RECEIVED
NOV 8 1960
Department of Reclamation

November 7, 1960

George N. Carter
State Reclamation Engineer
State of Idaho
Boise, Idaho

21844
Re: Malad Valley Irrigating Co.
Permit No. ~~21144~~
R-682 conformation permit

Dear Mr. Carter:

Reference is made to your letter of November 1st and to your telephone conversation with Mr. Crowther this morning regarding the same.

As your files no doubt show, application was made by applicant a number of years ago for the appropriation and storage of water in Devil Creek, Spring Creek and their tributaries. This application was last extended approximately five (5) years ago, and proof of completion of works is due January 5, 1961.

The Irrigating Company, during the past few years, has made definite progress in getting ready to start actual construction of the dam site. They have purchased the land in question and also additional water rights, and were financially prepared to begin construction in 1959. However, due to the fact that the reservoir site includes land which was used by U. S. Highway 191, the program had to be co-ordinated with the State Highway Department. U. S. Highway 191 is included in the new Federal Interstate System and when federal funds were cut back it necessitated a delay in the Highway Department's schedule for completion of this section of road.

In the fall of 1959, Irrigating Co. officers met with officials of the State Highway Department relative to this problem, and it was determined that there would be a substantial saving, both to the Irrigating Company and to the State, if work on the reservoir was post-poned until after the completion of the new highway.

Due to the fact that the present schedule of this section of highway calls for construction to begin in the spring of 1961 and completion by the fall of 1962. It was felt by all concerned that the delay to the Irrigating Company would not be disproportionate to the saving thereby affected, and that the construction of the reservoir should be deferred at least until such time as traffic could be diverted over the new highway system.

R-682

This being the case, it appears a five-year extension of the time in which the Irrigating Company can make proof of completion is necessary. As things now stand, no further delays are foreseen or expected, and the reservoir should be completed within two years from the time the highway has progressed to the point where work on the reservoir can be started.

If you need any additional information or proof in order to take action on the request for extension, please advise us and we will be happy to furnish you with whatever evidence you require.

Yours very truly,

MALAD VALLEY IRRIGATING COMPANY

BY: Charles Nielsen
Charles Nielsen, President

Jesse R. Dredge
Jesse R. Dredge, Secretary

R-682

November 9, 1960

Re: Permit Nos. R-682 - 21844

Malad Valley Irrigating Co.
Charles J. Nielsen, President
Malad City, Idaho

Dear Mr. Nielsen:

Your letter of November 7, 1960 requesting an extension of time of five years of the date of proving completion of works under Permit No. 21844 has been received. Completion of Works under Permit No. 21844 is dependent upon completion of works under Permit No. R-682.

The State Reclamation Engineer gave an indefinite extension of time to the date when proof of completion of works would be due under Permit No. R-682 until the cases - The Malad Valley Irrigating Co. vs. Crowther Brothers and William Hill, et al vs. Malad Valley Irrigating Co. were settled. Our files do not seem to contain information when said cases were settled.

Kindly notify this office at your earliest convenience of the dates when said cases were settled. Five years from the later date would be the date when proof of completion of works is due under Permit No. R-682.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

R-682

RECEIVED
Department of Reclamation

**AGREEMENT**

THIS AGREEMENT, Made and entered into this 26 day of February, 1960, by and between the STATE OF IDAHO, DEPARTMENT OF HIGHWAYS, hereinafter called the State, and THE MALAD VALLEY IRRIGATING COMPANY, INC., hereinafter called the Company,

WITNESSETH:

THAT WHEREAS, the State, with the approval of and in cooperation with the United States Bureau of Public Roads, has programmed a project for the construction of a section of Interstate Highway between the City of Malad and Colton Lane County Road in Oneida County to be known as Project No. I-15-1(5)17; and

WHEREAS, the Company has prepared plans for the construction of a dam to create a water storage reservoir on Devil Creek; and

WHEREAS, the said dam will be located across and the said reservoir will inundate a portion of the existing highway U.S. 191; and

WHEREAS, the proposed Interstate Highway construction will require adjustment to the irrigation facilities of the Company,

NOW, THEREFORE, in consideration of the premises and of the several promises to be faithfully performed by each party as hereinafter set forth, the parties do hereby mutually agree as follows:

L-682

1. The State will construct the following structures:

a. Under each of the two two-lane Interstate roadways, a concrete structure having a minimum internal width of 10 feet and a height sufficient to provide adequate volume to maintain the maximum flow of Devil Creek.

b. A 48-inch pipe culvert under each of the two crossings of Spring Creek under the westerly ramp road of Interchange No. 1 in the NE¼SE¼ of Section 3, Township 14 South, Range 36 East, Boise Meridian.

2. The Company agrees to permit the State to construct two channel changes as set forth in a. and b. below. The Company agrees to accept the maintenance of such portions of the waterway of relocated Devil Creek as shall fall outside the Interstate Highway right of way, provided that the State acquires for the Company a permanent easement for such maintenance.

a. A channel change of Devil Creek across a portion of the SW¼SW¼ of Section 35, Township 13 South, Range 36 East, Boise Meridian.

b. A channel change of Devil Creek across a portion of the NW¼NW¼ of Section 24, Township 13 South, Range 36 East, Boise Meridian.

3. The State will acquire for the Company, either by purchase or eminent domain proceedings, a permanent easement for the construction and maintenance of such channel changes of Devil Creek as shall be required by Interstate Highway construction.

4. The State will maintain such portions of the waterway of the relocated Devil Creek as shall fall within the Interstate Highway right of way and all structures erected in connection therewith.

5. The State has tentatively programmed Project No.

I-15-1(5)17 for construction starting in 1961 and, dependent upon the availability of funds and the completion of the necessary right of way acquisition, will endeavor to start construction as programmed, but in any event the Company agrees not to start work on the proposed dam and reservoir until highway traffic is authorized to start using the Malad-Colton Lane section of the Interstate in lieu of the present U.S. 191 Highway. Upon completion of the Malad-Colton Lane section of the Interstate Highway and upon commencement of construction of the aforementioned dam, the State will remove the section of existing Highway U.S. 191 lying within the backwaters of the proposed dam from the State Highway System; provided, however, that the State may remove any portion of U.S. Highway 191 from the State Highway System at any time.

6. The State agrees to allow, if necessary, a temporary encroachment within the controlled access area of the Interstate Highway in the SW¼NW¼ of Section 13, Township 13 South, Range 36 East, Boise Meridian, for the purpose of keyway construction at the westerly end of the proposed dam.

7. The Company hereby accepts the plan of adjustment to its irrigation facilities as shown on the Interstate Highway plans; the Company has reviewed the proposed plans and agrees that no circuity of travel will be necessary for representatives of the Company to maintain and operate their present or future irrigation facilities.

8. The Company agrees to sell its rights to any lands, lying within the proposed reservoir and damsite, that shall be required for Interstate Highway construction.

R-682

9. The Company agrees to change its plans for dam and reservoir construction so as to provide for a spillway on the Easterly end of the proposed dam instead of on the Westerly end as now contemplated.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

APPROVED AS TO FORM:

Attorney

APPROVED:

Chief Right of Way Agent

ATTEST:

Secretary

(SEAL)

STATE OF IDAHO, DEPARTMENT OF HIGHWAYS,

By C. Bryce Bennett
C. BRYCE BENNETT
State Highway Engineer

ATTEST:

THE MALAD VALLEY IRRIGATING COMPANY, INC.,

By

R-682

STATE OF IDAHO

IDAHO BOARD OF
HIGHWAY DIRECTORS

ROSCOE C. RICH - CHAIRMAN
LEONARD K. FLOAM - VICE CHAIRMAN
WALLACE C. BURNS - MEMBER

WAYNE SUMMERS - SECRETARY

G BRYCE BENNETT
STATE HIGHWAY ENGINEER

WM. R. PADGETT
LEGAL COUNSEL

# DEPARTMENT OF HIGHWAYS

P. O. BOX 879
BOISE, IDAHO

February 29, 1960

I-15-1(9)17
Malad-Dolton Lane
Oneida County

RECEIVED
DEC 5 1960
Department of Reclamation

Mr. Charles J. Nielsen, President
Malad Valley Irrigating Company, Inc.
Malad City, Idaho

Dear Sir:

Reference is made to my letter of February 3, 1960, and to the meeting held between representatives of your Irrigating Company and the State Highway Department on February 4, 1960.

Enclosed please find a fully executed copy of the Agreement between the State of Idaho, Department of Highways, and the Malad Irrigating Company, Inc., covering the relocation of the Irrigating Company's facilities, revision of reservoir plans by Company, further agreeing that no circuity of travel will be necessary for representatives of the Irrigating Company to maintain and operate their present or future irrigation facilities, also agreeing to the maintenance by the Company of the reconstructed irrigation facilities outside of the Interstate Highway right of way and maintenance of irrigation facilities across the Interstate Highway by State Highway Department.

Please accept our thanks for the cooperation by you and members of your Company's Board of Directors in regards to this Agreement.

Very truly yours,

G. BRYCE BENNETT
State Highway Engineer

By: R. L. Byrum
Chief Right of Way Agent

RLB:WJ:hmd
Enclosure

R-682

RECEIVED
DEC 5 1960
Department of Reclamation

J. W. CROWTHER
ATTORNEY AT LAW

ONEIDA COUNTY
PROSECUTING ATTORNEY

33 BANNOCK STREET MALAD CITY, IDAHO
PHONE 36-W

November 30, 1960

Ralph W. Thomas, Deputy
State Reclamation Engineer
Boise, Idaho

Re: Permit Nos. R-682 - 21844

Dear Mr. Thomas:

Reference is made to your letter of November 9, 1960, to the Malad Valley Irrigating Company. Please be advised that the law suit involving Malad Valley Irrigating Co. vs. Crowther Brothers Milling Company was dismissed January 16, 1953. Judgment was entered in the suit involving William Hill, et al, Plaintiff, vs. Malad Valley Irrigating Company, Defendant, January 2, 1953. We know of no other litigation which is still pending.

We are enclosing herewith, a copy of the Agreement, dated February 26, 1960, between the Irrigating Company and the State Department of Highways, regarding the starting of construction of the proposed reservoir.

I trust that this is the information you desire and that you will now be in a position to grant the five-year extension, which was previously requested by the Irrigating Company. If there is any additional information which you need, please do not hesitate to call on us.

Yours very truly,

J. W. Crowther

JWC/gw

R-682

EXTENSION OF TIME

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

---

WHEREAS, Permit No. R-682, in the name of Malad Valley Irrigating Company was given an indefinite extension of time for proof of completion of works until after the case Malad Valley Irrigating Co. vs. Crowther Brothers Milling Company, which was dismissed January 16, 1953; and the case William Hill, et al, Plaintiff, vs. Malad Valley Irrigating Company which was settled January 2, 1953; and,

WHEREAS, the construction of the dam depended upon a relocation of a portion of U. S. Highway No. 191 and the location of the new interstate highway has been in doubt; and,

WHEREAS, on the 26th day of February, 1960, the Department of Highways and the Malad Valley Irrigating Company entered into an agreement which provided that the construction of the dam would not be started until highway traffic is authorized over the Malad-Colton Lane section of the Interstate in lieu of the present U. S. 191 Highway;

NOW, THEREFORE, An Extension of Time is allowed for Completion of Works for the length of time applicant has been prevented from proceeding pending completion of said Interstate Highway and a similar extension is allowed for every other act required under the terms and conditions of Permit No. R-682.

The Company must notify this office immediately upon notification from the Department of Highways to proceed with the construction.

Signed at Boise, Idaho, this 5th day of December, 1960.

Geo. N. Carter

State Reclamation Engineer

This is an indefinite extension of time

December 5, 1960

Re: Permits No. R-682
21814
Malad Valley Irrigating Co.

J. W. Crowther
Attorney at Law
33 Bannock Street
Malad City, Idaho

Dear Mr. Crowther:

Enclosed are extensions of time for both of the permits as requested.

Thank you for your letter of November 30th with copy of the agreement between the Company and the Highway Department.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

BY:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

R-682

January 25, 1962

RE: Permit No. R-682
Malad Valley Irrigating Company
I-15-1 (5) 17
Malad-Colton Lane
Oneida County

G. Bryce Bennett
State Highway Engineer
Boise, Idaho

Dear Mr. Bennett:

An Agreement was entered February 26, 1960 between the Department of Highways and the Malad Valley Irrigating Company providing certain conditions pending allowance of travel over the Interstate Highway.

We are interested in the section showing that construction of the dam would not be started before highway traffic is authorized to start using the Malad-Colton Lane section of the Interstate in lieu of U. S. 191 highway.

Has such change in traffic been authorized and when? If not authorized kindly give us the approximate date you believe such change can be authorized.

Thank you for your consideration.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Ralph W. Thomas
Deputy State Reclamation Engineer

RWT:mr

R-682

RECEIVED
FEB 5 1962
Department of Reclamation

IDAHO BOARD OF
HIGHWAY DIRECTORS

ROSCOE C. RICH - CHAIRMAN
WALLACE C. BURNS - VICE CHAIRMAN
ERNEST F. GAFFNEY - MEMBER

WAYNE SUMMERS - SECRETARY

STATE OF IDAHO

G. BRYCE BENNETT
STATE HIGHWAY ENGINEER

WM. R. PADGETT
LEGAL COUNSEL

# DEPARTMENT OF HIGHWAYS

P. O. BOX 879
BOISE, IDAHO

February 2, 1962

I-15-1(5)17
Malad-Colton Lane
Oneida County

Mr. George N. Carter
State Reclamation Engineer
107 State House
Boise, Idaho

Dear Sir:

Reference is made to your letter of January 25th requesting information concerning the construction of a dam which, according to agreement, would not be started before highway traffic is authorized to use the section of Interstate Highway in lieu of present U. S. 191 Highway.

The contract for the above project includes surfacing and the scheduled completion for this portion of the highway was set at three hundred (300) working days from January 1, 1962. In view of these circumstances, present highway traffic will not be diverted to the Interstate Highway until possibly late in the summer of 1963.

Very truly yours,

G. BRYCE BENNETT
State Highway Engineer

John P. Mix

John P. Mix
Chief Right of Way Agent

JPM:GMH:hmd

IDAHO TERRITORIAL CENTENNIAL 1863 1963

*Pay us a visit in '63*

R-682

21014

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO

IN AND FOR THE COUNTY OF ONEIDA

IN THE MATTER OF THE APPLICATION TO ENLARGE A RESERVOIR AND STORE AND APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 41-203, IDAHO CODE ANNOTATED, SUCH APPLICATION HAVING BEEN FILED BY THE MALAD VALLEY IRRIGATING COMPANY, AND NOTICE OF THE APPLICATION HAVING BEEN DATED THE 5th DAY OF AUGUST, 1949.

DECREE

The Court having heretofore entered its Findings of Fact and made certain Conclusions of Law, now, on this day, being fully advised in the premises,

IT IS ORDERED, ADJUDGED AND DECREED that the protestants and appellants, namely:

John E. Phillips
George W. Ware
Alton O. Ware
John Treasure
Ellen Wakeley
Dave Treasure
George Treasure
Cora Wakeley
Zanetta Wakeley
D. J. Phillips

are entitled to the absolute use and possession, benefit, and control of one-fourth of all of the waters of Birch Creek and its tributaries, which Creek is sometimes known as Mill Creek, and that such water is entitled to be diverted down the Marsh Creek-Bannock County side, and that the Malad Valley Irrigating Company, and its successors and assigns, have no right, title or interest in and to such waters or any portion thereof, and that the decision of the Commissioner of Reclamation of the State of Idaho, be, and the same is hereby, set aside to the extent of the uninterrupted use of one-fourth of all of the said waters, including flood water,

high water and normal-flow waters that are entitled to be, and should be, diverted to the Bannock-Birch Creek-Marsh Creek-Portneuf Side and permitted to flow down Birch Creek uninterrupted throughout each year for the full twelve months.

Appellants are entitled to costs in the sum of $_____.

Dated this 7th day of May, 1956.

JOHN A. CARVER

DISTRICT JUDGE

STATE OF IDAHO, )
) ss
COUNTY OF ONEIDA)

I, John H. McAllister, Clerk of the District Court and Ex-Officio Auditor and Recorder in and for Oneida County, State of Idaho, do hereby certify that the annexed is a full, true and correct copy of DECREE IN THE MATTER OF THE APPLICATION TO ENLARGE A RESERVOIR AND STOR AND APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 41-203, IDAHO CODE ANNOTATED, SUCH APPLICATION HAVING BEEN FILED BY THE MALAD VALLEY IRRIGATING COMPANY, AND NOTICE OF THE APPLICATION HAVING BEEN DATED THE 5th DAY OF AUGUST, 1949, now on file in my office, as the same appears on record in Book "E" of JUDGMENTS, at Page 250, Records of Oneida County, State of Idaho.

In Witness Whereof, I have hereunto set my hand and affixed my official seal this 6th day of March, 1957.

John H. McAllister
Clerk, Ex-Officio Recorder

E 2 82

21844

RECEIVED
MAR 8 1957
Department of Reclamation

March 7, 1957

Department of Reclamation
State of Idaho
Boise, Idaho

Attn: Mr. E. N. Humphrey
Deputy State Reclamation Engineer

Gentlemen:

We are enclosing herewith certified copy of Decree in the George W. Ware matter.

Very truly yours,

RUBY Y. BROWN

RYB:mr
Enc.

LAW OFFICES
O. R. BAUM
POCATELLO
IDAHO

RUBY Y. BROWN
ASSOCIATE

R-682

BEFORE THE STATE RECLAMATION ENGINEER
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT )
R-682: MALAD VALLEY )
IRRIGATING COMPANY )

ORDER TO SHOW CAUSE

WHEREAS, application R-26409 was received by the Department of Reclamation on June 10, 1940 and Permit R-682 was subsequently granted, and;

WHEREAS. Proof of Completion of Works was to be submitted on or before September 6, 1965 and Proof of Beneficial Use on or before September 6, 1947. and;

WHEREAS, on January 2, 1946 the time in which proof was to be made was extended until September 6. 1949, and;

WHEREAS, on September 3, 1949, September 12, 1951 and December 5, 1960. the Department of Reclamation granted extensions of time for indefinite periods of time, and;

WHEREAS, it appears that the granting of such extensions was in error since there is no statutory authority under which to grant an indefinite extension of time;

IT IS THEREFORE, ordered that the permit holder, Malad Valley Irrigating Company, show cause on or before May 31, 1968, to the State Reclamation Engineer why a definite date should not be placed on Permit R-682 for submission of Proof of Completion of Works and Beneficial Use of water.

Dated this 5TH day of April, 1968.

R. KEITH HIGGINSON
State Reclamation Engineer

R-682

April 8, 1968

Re: Permit No. R-682

Malad Valley Irrigating Company
Charles J. Nielsen, President
Malad City, Idaho 83252

Dear Mr. Nielsen:

Enclosed is an order to show cause as to why a definite date should not be placed on Permit R-682 for submission of Proof of Completion of Works and Beneficial Use of water.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kd

Enclosure: Order to show cause

cc. J. W. Crowther
Attorney at Law
33 Bannock Street
Malad City, Idaho 83252

R-682

WENDELL SMITH CONSULTING ENGINEER · ROUTE 2, PRESTON, IDAHO

Phone
852-0686

Consulting Engineer
Registered Idaho - Utah - Wyoming

May 6, 1968

- Plans
- Specifications
- Cost Estimates
- Water Supply
- Drainage
- Paving
- Dams
- Sewerage
- Airports
- Engineering Reports
- Investigations

Mr. Charles J. Nielsen, President
Malad Valley Irrigating Company
Malad, City, Idaho

Dear Mr. Nielsen:

This will confirm our conversation of May 6, 1968 concerning the construction schedule of the Malad Valley Irrigating Company Devil Creek Dam Project.

It is planned that providing funds are made available for construction of the project in July of 1968 that a contract will be let in August or September permitting construction to commence in the Fall of 1968.

The construction will continue through the Spring, Summer and Fall of 1969. Construction of the dam should be completed in the Fall of 1969. This will permit the storing of water to commence in the Fall of 1969 and Winter and Spring of 1970.

Very truly yours,

Wendell H. Smith

WHS/wk

R-682

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WASHINGTON, D.C. 20240

IN REPLY
REFER TO: 330

UNITED STATES SENATOR
RECEIVED
FEB 7 1968
LEN B. JORDAN

FEB 5 1968

Hon. Len B. Jordan
United States Senate
Washington, D. C.

Dear Senator Jordan:

Your letter of January 19 to Assistant Commissioner Stamm requested information on the funding of the Small Projects Loan application of the Malad Valley Irrigation Company of Malad City, Idaho. Your letter mentioned P.L. 90-218 and asked if the restrictive provisions of the act would affect the $200,000 program approved for this loan in the conference report on the 1968 Public Works Appropriation Act.

Application of P.L. 90-218 made it necessary to delay the start of this new loan to fiscal year 1969 and place the $200,000 in budgetary reserve for fiscal year 1968. These funds will remain available for use in fiscal year 1969. The fiscal policies established for water and power development in fiscal year 1969 did not, however, permit any additions to this amount. Thus, the proposed program for the fiscal year will total to the carryover of $200,000. This amount should allow the District to complete the planning and allow contract awards late in the fiscal year.

We appreciate your interest in this project.

Sincerely yours,

W B Bennett

Acting Commissioner

# Malad Valley Irrigating Co.

*Malad City, Idaho*

May 24, 1968

RECEIVED
MAY 27 1968
Department of Reclamation

Mr. R. Keith Higginson
State Reclamation Engineer
State House
Room 107
Boise, Idaho 83701

RE: Permit No. R-682
Malad Valley Irrigating Company

Dear Mr. Higginson:

Enclosed herewith is a schedule showing the principal steps which our company has taken recently to prepare to build our reservoir on Devil Creek, north of Malad City, Idaho. As you can see from the schedule, we have been constantly pressing in every possible way to get our application approved by the Bureau of Reclamation and the necessary funds appropriated. As soon as we get the money, we are ready to let a construction contract.

There have been a number of delays, but we are now informed by the Bureau of Reclamation in their letter to Senator Jordan dated 2/5/68, that we should now be able to complete planning and award our contracts early in fiscal year 1969.

You will note that our engineer has indicated in the attached letter of May 6, 1968, that if funds were to be made available in July of 1968, that the project could be completed for water storage in the winter of 1969-1970.

Please establish our new planned construction completion and first water storage date for the fall of 1969, and extend our application deadlines accordingly.

Sincerely,

Charles J. Nielsen
President

3 Incl:

1. Summary of Progress
2. USBR letter 2/5/68
3. Smith letter 5/6/68

cc: Ralph H. Jones, Sr.
Wendell H. Smith
E. K. Thomas

R-682

Summary of Recent Progress by the Malad Valley Irrigation Company on Devil Creek Dam Project

April 3, 1961

Core drilling was done on the Devil Creek Dam project site by the Gem State Testing Laboratory.

April 30, 1961

Excavation of keyway to develop additional water and begin actual construction of dam started by Marion Hess Construction Co., Inc.

December 5, 1963

Final payment made on approximately 200 acres of bottom land necessary for reservoir site costing a total of $ 53,300.00. Land now paid in full.

June 16, 1965

Formal application for project loan of $ 837,000.00 and grant of $ 402,000.00 submitted to Salt Lake Office of Bureau of Reclamation.

July 8, 1965

Malad Valley Irrigation Company Board of Directors signed contract with Engineer Wendell H. Smith and Bill Jewell to do engineering work on the project.

Dec. 31, 1965

Additional land purchase for recreation area required by National Park Service consisting of 12 acres at $ 4,250.00.

Oct. 15, 1965

The Malad Valley Irrigation Company was notified by Denver Office of Bureau of Reclamation that our project application was in order and that it had the full approval of the Regional office at Salt Lake and the Denver office. This application was placed on the doorsteps of Congress January 1, 1966.

June 28, 1966

A contract with the Army Corps of Engineers and the Malad Valley Irrigation Company was approved. This contract being necessary to receive flood control benefits totaling $ 245,000.00.

May 29, 1967

The Malad Valley Irrigation Company Board of Directors met with Mr. E. K. Thomas, Mr. Orr from the Regional Office and Mr. Nielsen, Regional Solicitors office of the Burea of Reclamation. Also present were company engineers Wendell H. Smith and Bill Jewell, Company attorney Ralph Jones, Sr., and William G. Jenkins. Purpose of the meeting was to review in



R-682

depth the repayment contract with the United States Government for the reservoir. This repayment contract was accepted by the Board after a few minor amendments.

Feb. 5, 1968

Office of Senator Len B. Jordan notified by N. B. Bennett, Acting Commissioner of the U. S. Bureau of Reclamation that the previously approved Malad Valley Irrigation Company funds as appropriated in P.L. 90-218 would be held over in budgetary reserve until fiscal year 1969 due to restrictive provisions. (Copy of letter attached)

April 22, 1968

A special meeting of the Malad Valley Irrigation Company stockholders was called to direct and give express authority to the Board of Directors to execute loan repayment contract 140-06-400, between the United States Government and the Malad Valley Irrigation Company and to amend the Articles of Incorporation to provide authority to increase the maximum annual assessment, if necessary, from $ 27,990.00 to $ 35,000.00.

The 703 shares represented in person and by proxy voted unanimously in favor of both proposals. Total outstanding stock is 933 shares.

May 18, 1968

Loan Repayment Contract 14-06-400 was signed by Company President Charles J. Nielsen and forwarded to the Salt Lake Regional Office of the Bureau of Reclamation.



R-682

May 27, 1968

Re: Permit No. R-682
Malad Valley Irrigating Company

Charles J. Nielsen, President
Malad Valley Irrigating Company
Malad City, Idaho

Dear Mr. Nielsen:

Pursuant to your letter of May 24, 1968, we are enclosing an application for extension of time form for your use. Please be advised that an application must be received on this form.

Please submit the application promptly.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

Enc: App of Time

R682

# Malad Valley Irrigating Co.

*Malad City, Idaho*

June 7, 1968

RECEIVED
JUN 12 1968
Department of Reclamation

Mr. Donald W. McEldowney
Appropriation Examiner
Department of Reclamation
Statehouse--Annex 2
Boise, Idaho 83701

RE: Permit No. R-682
Malad Valley Irrigating Company

Dear Mr. McEldowney:

Per your letter of May 27, 1968, enclosed is the completed Application for Extension form which you requested that we complete.

If there is any additional information which you require, we will be happy to submit it.

Sincerely,

Charles J. Nielsen

Charles J. Nielsen
President

1 Incl:
a/s

R-682

RECEIVED
JUN 10 1968
Department of Reclamation

COMMENTS ON APPLICATION FOR EXTENSION OF TIME ON PERMIT R-682
BY THE MALAD VALLEY IRRIGATING COMPANY June 6, 1968

| | DESCRIPTION OF WORK ALREADY PERFORMED: | COST |
|---|---|---|
| Jun 1956 | Purchase of Devil Creek water rights and Crowther Brothers Milling Company Reservoir | $ 85,000.00 |
| Sept 1958 | Purchase of 264 acres of land for reservoir site | 112,000.00 |
| Apr 1961 | Core drilling on dam site | 700.00 |
| May 1961 | Excavation of footings for keyway at the damsite and exploration of dam foundations | 2,500.00 |
| Dec 1963 | Purchase of 12 acres of additional land for recreation area required by National Parks Service | 4,250.00 |
| Dec 1964 | Additional core drilling at damsite | 1,150.00 |
| Jun 1965 | Application fee paid to Bureau of Reclamation | 1,000.00 |
| Oct 1966 | Payment to Wendell Smith, Consultant Engineer for plans, specifications and application work thus far accomplished | 5,000.00 |
| 1958-1968 | Construction of additional canals and diversion structures to accomodate the additional water that will be available when dam is completed | 10,500.00 |
| Jun 1968 | Soil sampling and testing | 350.00 |
| Jul 1968 | Study and review of plans and specifications drawn by Company's consulting engineer by Denver Office of Bureau of Reclamation | 1,500.00 |
| | TOTAL EXPENSES TO DATE | $ 223,950.00 |

REASONS WE HAVE BEEN UNABLE TO COMPLETE WORK WITHIN REQUIRED TIME:

The Federal Loan funds which were authorized for our project by P.L. 90-218 for Fiscal Year 1968, in the amount of $ 200,000.00 to begin actual construction have not as yet been made available to us. We now anticipate that the funds will be made available to us from Fiscal Year 1969 appropriations. All other requirements for beginning construction have been met.

R-682

RECEIVED
Department of Reclamation

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

# APPLICATION FOR EXTENSION OF TIME

State of Idaho )
County of Oneida ) Permit No. R-682

CHARLES J. NIELSEN, PRESIDENT
MALAD VALLEY IRRIGATING COMPANY (name) of 64 West 400 North, Malad City, Idaho 83252 (address)

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

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Waters of the State of Idaho No. R-682.

That under the terms and conditions of said permit, work thereunder was required to be completed by Indefinite, 19____.

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

See attached description

Costing $ 223,950.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:

See attached description

WHEREFORE, he asks that the State Reclamation Engineer extend the time for the completion of obligations under said permit to June 30, , 19 73.

Charles J. Nielsen
(signature)

Subscribed and sworn to before me this 6th day of June, 19 68.

William B. Parker
(notary public)

My commission expires 8/1/71.

Date of receipt at office of Department of Reclamation June 12, 1968.

## ACTION OF STATE RECLAMATION ENGINEER

I, R. KEITH HIGGINSON, State Reclamation Engineer of the State of Idaho, hereby approve the above application for extension of time for Permit No. R-682 to June 30, 1973.

Witness my hand this 22nd day of July, 19 68.

R. Keith Higginson
State Reclamation Engineer

* If other than the holder, Power of Attorney must be supplied.

Form 12

R-682

July 30, 1968

COPY

RE: Permit R-682

Charles J. Nielsen, President
Malad Valley Irrigating Company
64 West 400 North
Malad City, Idaho 83252

Dear Mr. Nielsen:

Enclosed herewith is a copy of the extension of time application you submitted to this office for approval. This extension is to June 30, 1973 as requested.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

R-682



R-682

# APPLICATION FOR PERMIT

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

Application No. R 26409
Permit No. R 682

1. Name of Applicant: MALAD VALLEY IRRIGATING COMPANY

Postoffice address: Malad County Oneida State Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: Malad, Idaho- Re-incorporated April, 1882

(b) Amount of Capital Stock: $ 46,400.00

(c) Amount paid in: $ 46,400.00

(d) Names and addresses of directors: I. D. Zundel, Pres.; J. W. Ward, Vice-Pres.; D. L. Evans, Secy.-Treas.; Geo. W. Jones, William Hill; all of Malad, Idaho

II. The financial resources of the corporation are:

(a) Cash on hand. $ 22.88

(b) Treasury Stock: $ None

(c) Bonds to be issued: $ None

(d) Other resources: Water rights Devil Creek and tributaries; 3/4 flow Birch Creek, Bannock County

2. Quantity of water to be stored: 6,000 acre feet per annum.

3. Source of water supply is Devil Creek (~~Creek~~) (~~River~~) (~~Spring~~), a tributary of Snake River.

4. The outlet of the proposed reservoir is located Northeast 1380 feet/distant from the W. ¼ corner of Section 13, Township 13 S. (bearing)
Range 36 E., B. M. and is in the SW ¼ of NW ¼ of Section 13, Township 13 S., Range 36 E., B. M. County of Oneida

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

(a) The reservoir is located in the channel of Devil Creek from Birch Creek (~~Creek~~) (~~River~~).

(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located 10°0' East 2040 feet distant from (bearing)
the SW corner of Section 27, Township 12 S., Range 36 E., B. M., and is in the NW ¼ of SW ¼ of Section 27, Township 12 S., Range 36 E., B. M.; width at bottom 6 feet, width at top 8 feet, depth of water 3 feet; average grade per mile 40 feet; Capacity cubic feet per second.

6. (a) The area of the high water line of the reservoir is 160 acres.

(b) The reservoir capacity is 6,000 acre feet.

7. Height of reservoir dam 70 feet, length at top 1000 feet, length at bottom 400 feet, size of outlet 3 feet by 3 feet. The dam is to be constructed of materials as follows: Earth fill, selected material

(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 acqueduct, thence to land to be irrigated without commingling with natural flow of Devil Creek (~~Creek~~) (~~River~~)? No

(b) Water stored in reservoir will be carried in the channel of Devil Creek (~~Creek~~) (~~River~~,) a distance of 9 miles to several points/~~point~~ of diversion located along stream channel feet, distant from the corner of Section (bearing)
Township , Range , B. M., and in the ¼ of ¼ of Section , Township , Range B. M.

9. Amount of water claimed from Devil Creek (~~Creek~~) (~~River~~) (~~Spring~~) in addition to that stored in reservoir all the flow, flood and natural flow cubic feet per second.

10. Water is to be used for Irrigation purposes.

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

(a) Point of use of water feet, distant from Corner of Section , Township , Range (bearing)
B. M. and is in the ¼ of ¼ of Section , Township , Range , B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to (Creek) (River) (Spring) at a point feet (bearing)
distant from the corner of Section , Township , Range , B. M., in the ¼ of ¼ 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. needed
No additional canals is/hereby referred to and made a part hereof.

13. Kind of diversion works: Dam
(Dam, canal, flume, pipe, etc.)

14. Height of diversion dam: 4 feet, length at top feet, length at bottom feet. The dam is to be constructed of materials as follows: Concrete

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

15. Size of headgate: Width feet, Height feet.

16. Diversion Canal: Width at bottom feet, width at water line feet, depth of water feet, Dimensions of Flume Diameter of Pipe inches; Length of Conduit miles. Average grade per mile feet.

17. Estimated cost of Works: Storage Works: $ 200,000 Diversion Works: $ None

18. Time required for completion of work 5 years.

19. Time required for complete application of water to proposed beneficial use is 3 years.

20. The land to be irrigated is described in the following tabulation:

(Give Irrigable acreage in each 40-acre subdivision.)

| Twp. | Range | Sec. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 15 S. | 36 E. | 6 | | 39 | | | 30 | | | | | | | | | | | | 69 |
| 14 S. | 36 E. | 31 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | | | 30 | 35 | 40 | 39 | 38 | 542 |
| | | 32 | 38 | 38 | 20 | 10 | 20 | 40 | 39 | 20 | | 35 | 35 | | | | | | 295 |
| | | 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 | 38 | 38 | 35 | | | | | 348 |
| | | 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 | 38 | 38 | 38 | 40 | 367 |
| | | 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 |
| 14 S. | 35 E. | 24 | | | | | | | | | | | | | | | | 39 | 39 |
| | | 25 | 39 | | 39 | 39 | | | | | | | | | 36 | 39 | 39 | 39 | 272 |
| | | 36 | 40 | 35 | | 39 | | | | | | | | | | | | | 114 |
| 13 S. | 36 E. | 13 | | | | | | | | | | 20 | 20 | | | | | | 40 |
| | | 24 | | | | | 20 | 20 | 10 | | | | | | | | | | 30 |
| | | 23 | | | | | | | | | | | | | 5 | | | 15 | 20 |
| | | 25 | | | | | | 15 | 30 | | | 5 | | | | | | | 50 |
| | | 26 | 35 | 10 | 15 | 30 | | | | | | | | | 25 | 25 | 30 | 10 | 180 |
| | | 35 | 10 | 35 | 38 | 10 | | | | 15 | 38 | 10 | 30 | 15 | | 30 | | | 231 |
| | | 34 | | | | | | | | | | | | | | | | 10 | 10 |

By D. L. Evans Agent.

Date of first receipt at office of Commissioner of Reclamation 10:30 A.M. June 10, 1940

Returned to applicant for correction July 2, 1940

Corrected application received August 31, 1940

---

# APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is R 682

Recorded in book R 3, page 682 Approved September 6, 1940

This is to certify that I have examined the within application for a permit to construct a reservoir and store and appropriate 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 November 5, 1940 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 March 6, 1943

The whole of said work to be completed on or before September 6, 1945

Beneficial use of water stored in accordance herewith, to be made on or before September 6, 1947

Witness my hand this 6th day of September, 1940.

JAMES SPOFFORD Commissioner of Reclamation.

13. Kind of diversion works: Dam (Dam, canal, flume, pipe, etc.)

14. Height of diversion dam: 4 feet, length at top feet, length at bottom feet. The dam is to be constructed of materials as follows: Concrete

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

15. Size of headgate: Width feet, Height feet.

16. Diversion Canal: Width at bottom feet, width at water line feet, depth of water feet, Dimensions of Flume Diameter of Pipe inches; Length of Conduit miles. Average grade per mile feet.

17. Estimated cost of Works: Storage Works: $ 200,000 Diversion Works: $ None

18. Time required for completion of work 5 years.

19. Time required for complete application of water to proposed beneficial use is 3 years.

20. The land to be irrigated is described in the following tabulation:

(Give Irrigable acreage in each 40-acre subdivision.)

| Twp. | Range | Sec. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 15 S. | 36 E. | 6 | | 39 | | | 30 | | | | | | | | | | | | 69 |
| 14 S. | 36 E. | 31 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | | | 30 | 35 | 40 | 39 | 38 | 542 |
| | | 32 | 38 | 38 | 20 | 10 | 20 | 40 | 39 | 20 | | 35 | 35 | | | | | | 295 |
| | | 33 | | | | | 30 | 40 | | | | | | | | | | | 70 |
| | | 30 | 40 | 40 | 36 | 40 | 35 | 39 | 38 | 39 | 39 | 39 | 38 | 40 | 38 | 40 | 40 | 40 | 682 |
| | | 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 | 38 | 38 | 35 | | | | | 348 |
| | | 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 | 38 | 38 | 38 | 40 | 367 |
| | | 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 |
| 14 S. | 35 E. | 24 | | | | | | | | | | | | | | | | 39 | 39 |
| | | 25 | 39 | | 39 | 39 | | | | | | | | | 38 | 39 | 39 | 39 | 272 |
| | | 36 | 40 | 35 | | 39 | | | | | | | | | | | | | 114 |
| 13 S. | 36 E. | 13 | | | | | | | | | | 20 | 20 | | | | | | 40 |
| | | 24 | | | | | 10 | 20 | 10 | | | | | | | | | | 30 |
| | | 23 | | | | | | | | | | | | | 5 | | | 15 | 20 |
| | | 25 | | | | | | 15 | 30 | | | 5 | | | | | | | 50 |
| | | 26 | 35 | 10 | 15 | 30 | | | | | | | | | 25 | 25 | 30 | 10 | 180 |
| | | 35 | 10 | 35 | 38 | 10 | | | | 15 | 38 | 10 | 30 | 15 | | 30 | | | 231 |
| | | 34 | | | | | | | | | | | | | | | | 10 | 10 |

By D. L. Evans Agent.

Date of first receipt at office of Commissioner of Reclamation 10:30 A.M. June 10, 1940

Returned to applicant for correction July 2, 1940

Corrected application received August 31, 1940

## APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is R 682

Recorded in book R 3, page 682 Approved September 6, 1940

This is to certify that I have examined the within application for a permit to construct a reservoir and store and appropriate 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 November 5, 1940 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 March 6, 1943

The whole of said work to be completed on or before September 6, 1945

Beneficial use of water stored in accordance herewith, to be made on or before September 6, 1948

Witness my hand this 6th day of September, 1940.

JAMES SPOFFORD Commissioner of Reclamation.

IN TESTIMONY WHEREOF, We, C. A. BOTTOLFSEN, Governor of the State of Idaho, and GEO. H. CURTIS, 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 6th day of September, 1940.

(SEAL)

Countersigned:
By GEO. H. CURTIS
Secretary of State

STATE OF IDAHO
By C. A. BOTTOLFSEN
Governor

APPROVAL OF STATE RECLAMATION ENGINEER

WHEREAS, Application for extension of time for Completion of Works under Permit to Construct a Reservoir and Store and Appropriate the Public Waters of the State of Idaho, No. R-682, has been made by the owner thereof, Malad Valley Irrigating Company, of Malad City, Idaho, which application was duly advertised for a period of two consecutive weeks in the Idaho Enterprise, of Malad, Idaho, stating that on the 11th day of August, 1945, a hearing would be held for the purpose of receiving any protests, testimony or evidence regarding such application; and,

WHEREAS, At the time set for the hearing no protest, testimony or evidence had been presented, either orally or by affidavit; and,

WHEREAS, It appears that the owner of said permit is entitled to a further extension of time within which to complete work:

NOW, THEREFORE, I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, by virtue of authority vested in me under Chapter 12 (Senate Bill 13) of the Session Laws of 1945, hereby extend the time for completion of works under Permit No. R-682 to September 6, 1949.

WITNESS MY HAND this 2nd day of January, A. D. 1946.

MARK R. KULP
State Reclamation Engineer

---

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

---

In the Matter of the Application of the Malad Valley Irrigating Company for an extension of time within which to build the reservoir and complete the works required in Permit No. R-682 as provided by Section 42-2-4 of the Idaho Code.

ORDER GRANTING EXTENSION

WHEREAS, on the 31st day of August, 1949, the Department of Reclamation received an application from the Malad Valley Irrigating Company for extension of time within which to build a reservoir and complete the works required under Permit No. R-682, which application was signed by Leroy G. Daniels, President, and Perry D. Harrison, Secretary, and

WHEREAS, said application recites that a complaint has been filed in the District Court of Oneida County by said Malad Valley Irrigating Company, a corporation, plaintiff, vs. Crowther Brother's Milling Company, a corporation, et al, defendants, and

WHEREAS, the pendency of such litigation will prevent said Malad Valley Irrigating Company from proceeding with the construction of the reservoir and such other construction as is required under the provisions of Permit No. R-682.

IT IS THEREFORE ORDERED that by reason of the pendency of said litigation, the time for completion of the reservoir and other construction works required under the provisions of Permit No. R-682 is hereby extended for a period of time equal to the time during which the applicant herein is delayed in proceeding with its work and complying with said requirements as before stated; said extension of time to be dated from September 6, 1949, being the date when Proof of Completion of Works is now due under the terms of said Permit No. R-682 and an extension thereof; and said applicant herein should notify the Department of Reclamation of the removal of the disability above set forth within thirty (30) days from the date same is removed: as provided under the terms of Section 42-204 of the Idaho Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Reclamation of the State of Idaho, at Boise, Idaho, this 3rd day of September, A. D. 1949.

(SEAL)

MARK R. KULP
State Reclamation Engineer

R-682

S T A T E  O F  I D A H O

DEPARTMENT OF RECLAMATION

In the Matter of the Application of the Malad Valley Irrigating Company for an extension of time within which to build the reservoir and complete the works required in Permit No. R-682 as provided by Section 42-204 of the Idaho Code.

AMENDMENT TO ORDER OF SEPTEMBER 8, 1949 GRANTING EXTENSION

WHEREAS, there has heretofore been issued to the undersigned, the Malad Valley Irrigating Company, Inc., Permit No. R-682 for the construction of a reservoir and completion of works on Devil Creek, in Oneida County, State of Idaho, which said Permit was on the 3rd day of September, 1949, extended by reason of litigation between The Malad Valley Irrigating Company, a corporation, plaintiff, and Crowther Brothers, a corporation, defendant, which litigation has not yet been concluded; and

WHEREAS, there is another suit now pending in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Oneida, wherein William Hill et al are plaintiffs, and The Malad Valley Irrigating Co., a corporation, et al, are defendants, in which said suit an injunction has been issued against said corporation and its directors, and which said suit prevents the work being now done as contemplated on said reservoir.

NOW, THEREFORE, the order of September 8, 1949, granting extension of time for completion of works under Permit No. R-682 is amended to include the disability imposed by the suit of William Hill, et al, vs. The Malad Valley Irrigating Company, et al.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Reclamation of the State of Idaho, at Boise, Idaho, this 15th day of September, A. D. 1951.

(SEAL)

MARK R. KULP
State Reclamation Engineer

EXTENSION OF TIME
S T A T E  O F  I D A H O
DEPARTMENT OF RECLAMATION

WHEREAS, Permit No. R-682, in the name of Malad Valley Irrigating Company was given an indefinite extension of time for proof of completion of works until after the case Malad Valley Irrigating Co. vs. Crowther Brothers Milling Company, which was dismissed January 16, 1953; and the case William Hill, et al, Plaintiff, vs. Malad Valley Irrigating Company which was settled January 2, 1953; and,

WHEREAS, the construction of the dam depended upon a relocation of a portion of U. S. Highway No. 191 and the location of the new interstate highway has been in doubt; and,

WHEREAS, on the 26th day of February, 1960, the Department of Highways and the Malad Valley Irrigating Company entered into an agreement which provided that the construction of the dam would not be started until highway traffic is authorized over the Malad-Colton Lane section of the Interstate in lieu of the present U. S. 191 Highway;

NOW, THEREFORE, An Extension of Time is allowed for Completion of Works for the length of time applicant has been prevented from proceeding pending completion of said Interstate Highway and a similar extension is allowed for every other act required under the terms and conditions of Permit No. R-682

The Company must notify this officeimmediately upon notification from the Department of Highways to proceed with the construction.

Signed at Boise, Idaho, this 5th day of December, 1960

s/ GEO. N. CARTER
State Reclamation Engineer

Seal

R-682

# APPLICATION FOR PERMIT

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

Application No. R 26409
Permit No. R 682

1. Name of Applicant: MALAD VALLEY IRRIGATING COMPANY

Postoffice address: Malad County Oneida State Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: Malad, Idaho- Re-incorporated April, 1882

(b) Amount of Capital Stock: $ 46,400.00

(c) Amount paid in: $ 46,400.00

(d) Names and addresses of directors: I. D. Zundel, Pres.; J. W. Ward, Vice-Pres.; D. L. Evans, Secy.-Treas.; Geo. W. Jones, William Hill; all of Malad, Idaho

II. The financial resources of the corporation are:

(a) Cash on hand: $ 22.88

(b) Treasury Stock: $ None

(c) Bonds to be issued: $ None

(d) Other resources: Water rights Devil Creek and tributaries; 3/4 flow Birch Creek, Bannock County

2. Quantity of water to be stored: 6,000 acre feet per annum.

3. Source of water supply is Devil Creek (Creek) ~~(River)~~ ~~(Spring)~~, a tributary of Snake River.

4. The outlet of the proposed reservoir is located Northeast 1360 feet (bearing) distant from the W. ¼ corner of Section 13, Township 13 S. Range 36 E., B. M. and is in the SW ¼ of NW ¼ of Section 13, Township 13 S., Range 36 E., B. M. County of Oneida

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

(a) The reservoir is located in the channel of Devil Creek from Birch Creek ~~(Creek)~~ ~~(River)~~.

(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located 10°0' East (bearing) 2040 feet distant from the SW corner of Section 27, Township 12 S., Range 36 E., B. M., and is in the NW ¼ of SW ¼ of Section 27, Township 12 S., Range 36 E., B. M.; width at bottom 6 feet, width at top 8 feet, depth of water 3 feet; average grade per mile 40 feet; Capacity cubic feet per second.

6. (a) The area of the high water line of the reservoir is 160 acres.

(b) The reservoir capacity is 6,000 acre feet.

7. Height of reservoir dam 70 feet, length at top 1000 feet, length at bottom 400 feet, size of outlet 3 feet by 3 feet. The dam is to be constructed of materials as follows: Earth fill, selected material

(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 acqueduct, thence to land to be irrigated without commingling with natural flow of Devil Creek ~~(Creek)~~ ~~(River)~~? No

(b) Water stored in reservoir will be carried in the channel of Devil Creek ~~(Creek)~~ ~~(River)~~, a distance of 9 miles to several points of diversion located along stream channel (bearing) feet, distant from the corner of Section Township, Range, B. M., and in the ¼ of ¼ of Section, Township, Range B. M.

9. Amount of water claimed from Devil Creek ~~(Creek)~~ ~~(River)~~ ~~(Spring)~~ in addition to that stored in reservoir all the flow, flood and natural flow cubic feet per second.

10. Water is to be used for Irrigation purposes.

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

(a) Point of use of water (bearing) feet, distant from Corner of Section, Township, Range B. M. and is in the ¼ of ¼ of Section, Township, Range, B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to (Creek) (River) (Spring) at a point (bearing) feet distant from the corner of Section, Township, Range, B. M., in the ¼ of ¼ 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. ~~no canal~~ needed

No additional canals hereby referred to and made a part hereof.

13. Kind of diversion works: Dam (Dam, canal, flume, pipe, etc.)

14. Height of diversion dam: 4 feet, length at top feet, length at bottom feet. The dam is to be constructed of materials as follows: Concrete

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

15. Size of headgate: Width feet, Height feet.

16. Diversion Canal: Width at bottom feet, width at water line feet, depth of water feet. Dimensions of Flume Diameter of Pipe inches; Length of Conduit miles. Average grade per mile feet.

17. Estimated cost of Works: Storage Works: $ 200,000 Diversion Works: $ None

18. Time required for completion of work 5 years.

19. Time required for complete application of water to proposed beneficial use is 3 years.

20. The land to be irrigated is described in the following tabulation:

(Give Irrigable acreage in each 40-acre subdivision.)

| Twp. | Range | Sec. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 15 S. | 36 E. | 6 | | 39 | | | 30 | | | | | | | | | | | | 69 |
| 14 S. | 36 E. | 31 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | | | 30 | 35 | 40 | 39 | 38 | 542 |
| | | 32 | 38 | 38 | 20 | 10 | 20 | 40 | 39 | 20 | | 35 | 35 | | | | | | 295 |
| | | 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 | 38 | 38 | 35 | | | | | 348 |
| | | 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 | 38 | 38 | 38 | 40 | 367 |
| | | 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 |
| 14 S. | 35 E. | 24 | | | | | | | | | | | | | | | | 39 | 39 |
| | | 25 | 39 | | 39 | 39 | | | | | | | | | 38 | 39 | 39 | 39 | 272 |
| | | 36 | 40 | 35 | | 39 | | | | | | | | | | | | | 114 |
| 13 S. | 36 E. | 13 | | | | | | | | | | 20 | 20 | | | | | | 40 |
| | | 24 | | | | | 30 | 20 | 10 | | | | | | | | | | 30 |
| | | 23 | | | | | | | | | | | | | 5 | | | 15 | 20 |
| | | 25 | | | | | | 15 | 30 | | | 5 | | | | | | | 50 |
| | | 26 | 35 | 10 | 15 | 30 | | | | | | | | | 25 | 25 | 30 | 10 | 180 |
| | | 35 | 10 | 35 | 38 | 10 | | | | 15 | 38 | 10 | 30 | 15 | | 30 | | | 231 |
| | | 34 | | | | | | | | | | | | | | | | 10 | 10 |

By D. L. Evans Agent.

Date of first receipt at office of Commissioner of Reclamation 10:30 A.M. June 10, 1940

Returned to applicant for correction July 2, 1940

Corrected application received August 31, 1940

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# APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is R 682

Recorded in book R 3, page 682 Approved September 6, 1940

This is to certify that I have examined the within application for a permit to construct a reservoir and store and appropriate 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 November 5, 1940 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 March 6, 1943

The whole of said work to be completed on or before September 6, 1945

Beneficial use of water stored in accordance herewith, to be made on or before September 6, 1948

Witness my hand this 6th day of September, 1940.

JAMES SPOFFORD Commissioner of Reclamation.

13. Kind of diversion works: Dam
(Dam, canal, flume, pipe, etc.)

14. Height of diversion dam: 4 feet, length at top feet, length at bottom feet. The dam is to be constructed of materials as follows: Concrete

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

15. Size of headgate: Width feet, Height feet.

16. Diversion Canal: Width at bottom feet, width at water line feet, depth of water feet, Dimensions of Flume Diameter of Pipe inches; Length of Conduit miles. Average grade per mile feet.

17. Estimated cost of Works: Storage Works: $ 200,000 Diversion Works: $ None

18. Time required for completion of work 5 years.

19. Time required for complete application of water to proposed beneficial use is 3 years.

20. The land to be irrigated is described in the following tabulation:

(Give Irrigable acreage in each 40-acre subdivision.)

| Twp. | Range | Sec. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 15 S. | 36 E. | 6 | | 39 | | | 30 | | | | | | | | | | | | 69 |
| 14 S. | 36 E. | 31 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | | | 30 | 35 | 40 | 39 | 38 | 542 |
| | | 32 | 38 | 38 | 20 | 10 | 20 | 40 | 39 | 20 | | 35 | 35 | | | | | | 295 |
| | | 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 | 38 | 38 | 35 | | | | | 348 |
| | | 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 | 38 | 38 | 38 | 40 | 367 |
| | | 2 | | | | | | 15 | | | | | | | | | | | 15 |

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

MALAD VALLET IRRIGATING CO. Applicant.

By D. L. Evans Agent.

Date of first receipt at office of Commissioner of Reclamation 10:30 A.M. June 10, 1940

Returned to applicant for correction July 2, 1940

Corrected application received August 31, 1940

---

# APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is R 682

Recorded in book R 3, page 682 Approved September 6, 1940

This is to certify that I have examined the within application for a permit to construct a reservoir and store and appropriate 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 November 5, 1940 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 March 6, 1943

The whole of said work to be completed on or before September 6, 1945

Beneficial use of water stored in accordance herewith, to be made on or before September 6, 1948

Witness my hand this 6th day of September, 1940.

JAMES SPOFFORD Commissioner of Reclamation.

IN TESTIMONY WHEREOF, We, C. A. BOTTOLFSEN, Governor of the State of Idaho, and GEO. H. CURTIS, 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 6th day of September, 1940.

(SEAL)

Countersigned:
By GEO. H. CURTIS
Secretary of State

STATE OF IDAHO
By C. A. BOTTOLFSEN
Governor

APPROVAL OF STATE RECLAMATION ENGINEER

WHEREAS, Application for extension of time for Completion of Works under Permit to Construct a Reservoir and Store and Appropriate the Public Waters of the State of Idaho, No. R-682, has been made by the owner thereof, Malad Valley Irrigating Company, of Malad City, Idaho, which application was duly advertised for a period of two consecutive weeks in the Idaho Enterprise, of Malad, Idaho, stating that on the 11th day of August, 1945, a hearing would be held for the purpose of receiving any protests, testimony or evidence regarding such application; and,

WHEREAS, at the time set for the hearing no protest, testimony or evidence had been presented, either orally or by affidavit; and,

WHEREAS, It appears that the owner of said permit is entitled to a further extension of time within which to complete work:

NOW, THEREFORE, I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, by virtue of authority vested in me under Chapter 12 (Senate Bill 15) of the Session Laws of 1945, hereby extend the time for completion of works under Permit No. R-682 to September 6, 1949.

WITNESS MY HAND this 2nd day of January, A. D. 1946.

MARK R. KULP
State Reclamation Engineer

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STATE OF IDAHO
DEPARTMENT OF RECLAMATION

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In the Matter of the Application of the Malad Valley Irrigating Company for an extension of time within which to build the reservoir and complete the works required in Permit No. R-682 as provided by Section 42-2-4 of the Idaho Code.

ORDER GRANTING EXTENSION

WHEREAS, on the 31st day of August, 1949, the Department of Reclamation received an application from the Malad Valley Irrigating Company for extension of time within which to build a reservoir and complete the works required under Permit No. R-682, which application was signed by Leroy O. Daniels, President, and Parry D. Harrison, Secretary, and

WHEREAS, said application recites that a complaint has been filed in the District Court of Oneida County by said Malad Valley Irrigating Company, a corporation, plaintiff, vs. Crowther Brother's Milling Company, a corporation, et al, defendants, and

WHEREAS, the pendency of such litigation will prevent said Malad Valley Irrigating Company from proceeding with the construction of the reservoir and such other construction as is required under the provisions of Permit No. R-682.

IT IS THEREFORE ORDERED that by reason of the pendency of said litigation, the time for completion of the reservoir and other construction works required under the provisions of Permit No. R-682 is hereby extended for a period of time equal to the time furing which the applicant herein is delayed in proceeding with its work and complying with said requirements as before stated; said extension of time to be dated from September 6, 1949, being the date when Proof of Completion of Works is now due under the terms of said Permit No. R-682 and an extension thereof; and said applicant herein should notify the Department of Reclamation of the removal of the disability above set forth within thirty (30) days from the date same is removed: as provided under the terms of Section 42-204 of the Idaho Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Reclamation of the State of Idaho, at Boise, Idaho, this 3rd day of September, A. D. 1949.

(SEAL)

MARK R. KULP
State Reclamation Engineer

R-682

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of the Malad Valley Irrigating Company for an extension of time within which to build the reservoir and complete the works required in Permit No. R-682 as provided by Section 42-204 of the Idaho Code.

AMENDMENT TO ORDER OF SEPTEMBER 3, 1949 GRANTING EXTENSION

WHEREAS, there has heretofore been issued to the undersigned, the Malad Valley Irrigating Company, Inc., Permit No. R-682 for the construction of a reservoir and completion of works on Devil Creek, in Oneida County, State of Idaho, which said Permit was on the 3rd day of September, 1949, extended by reason of litigation between The Malad Valley Irrigating Company, a corporation, plaintiff, and Crowther Brothers, a corporation, defendent, which litigation has not yet been concluded; and

WHEREAS, there is another suit now pending in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Oneida, wherein William Hill et al are plaintiffs, and The Malad Valley Irrigating Co., a corporation, et al, are defendants, in which said suit an injunction has been issued against said corporation and its directors, and which said suit prevents the work being now done as contemplated on said reservoir.

NOW, THEREFORE, the order of September 3, 1949, granting extension of time for completion of works under Permit No. R-682 is amended to include the disability imposed by the suit of William Hill, et al, vs. The Malad Valley Irrigating Company, et al.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the official seal of the Department of Reclamation of the State of Idaho, at Boise, Idaho, this 12th day of September, A. D. 1951.

(SEAL)

MARK R. KULP
State Reclamation Engineer

EXTENSION OF TIME
STATE OF IDAHO
DEPARTMENT OF RECLAMATION

WHEREAS, Permit No. R-682, in the name of Malad Valley Irrigating Company was given an indefinite extension of time for proof of completion of works until after the case Malad Valley Irrigating Co. vs. Crowther Brothers Milling Company, which was dismissed January 16, 1953; and the case William Hill, et al, Plaintiff, vs. Malad Valley Irrigating Company which was settled January 2, 1953; and,

WHEREAS, the construction of the dam depended upon a relocation of a portion of U. S. Highway No. 191 and the location of the new interstate highway has been in doubt; and,

WHEREAS, on the 26th day of February, 1960, the Department of Highways and the Malad Valley Irrigating Company entered into an agreement which provided that the construction of the dam would not be started until highway traffic is authorized over the Malad-Colton Lane section of the Interstate in lieu of the present U. S. 191 Highway;

NOW, THEREFORE, An Extension of Time is allowed for Completion of Works for the length of time applicant has been prevented from proceeding pending completion of said Interstate Highway and a similar extension is allowed for every other act required under the terms and conditions of Permit No. R-682

The Company must notify this officeimmediately upon notification from the Department of Highways to proceed with the construction.

Signed at Boise, Idaho, this 5th day of December, 1960

s/ GEO. N. CARTER
State Reclamation Engineer

Seal

ACTION OF STATE RECLAMATION ENGINEER

I, R. Keith Higginson, State Reclamation Engineer of the State of Idaho, hereby approve the above application for extension of time for Permit No. R-682 to June 30, 1973.

Witness my hand this 22nd day of July, 1968. /s/ R. KEITH HIGGINSON
State Reclamation Engineer

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. R-682/29-2559 )

in the name of MALAD VALLEY IRRIGATING CO. )

) ORDER MODIFYING REQUIREMENTS FOR COMPLETION OF PERMIT TO APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. R-682 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.

2. The conditions of the above-numbered permit are modified as follows:

   a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.

   b. The permittee will not be required to submit proof of completion of works as originally specified, but will be required to submit proof to the Department of Reclamation of the application of the water to beneficial use on or before June 30, 1973. The permit holder should be aware that failure to complete one-fifth (1/5) of the works within one-half (1/2) of the time originally set for completion of works may be grounds for cancellation at the instance of the Department.

Dated this 22nd day of June, 1970.

R. KEITH HIGGINSON
State Reclamation Engineer

June 22, 1970

Re: Permit No. R-682 (New No. 29-2559)

Malad Valley Irrigating Co.
64 West 400 North
Malad City, Idaho 83252

Gentlemen:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department: previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply them upon request at any time.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:DR
Encl: Order
Advertising package

29-2559
R-682

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Malad Valley Irrigating Company, Malad, Idaho, has received an approved Permit No. R-682/29-2559 issued by the Idaho State Reclamation Department authorizing the storage of 6,000 acre feet per annum of water from Devil Creek, tributary of the Snake River. The priority to be established under this permit is June 10, 1940, and the permit was approved September 6, 1940.

Water is to be diverted by a reservoir from a point within the SW¼NW¼ of Sec. 13, T. 13S, R. 36E, B.M., Oneida County, to be used for irrigation in the NW¼NE¼, NE¼NW¼, Sec. 6, T. 15S, R. 36E, B.M.; E½, NW¼, E½SW¼, Sec. 31, N½, W½SW¼, Sec. 32, N½NW¼, Sec. 33, all of Sec. 30, all of Sec. 29, W½NE¼, W½, Sec. 28, W½, W½SE¼, Sec. 21, all of Sec. 20, E½NE¼, SW¼NE¼, S½, Sec. 19, W½NW¼, W½SW¼, Sec. 15, all of Sec. 16, all of Sec. 17, E½SE¼, Sec. 18, W½NW¼, W½SW¼, Sec. 10, all of Sec. 9, E½, E½NW¼, E½SW¼, Sec. 8, NW¼NW¼, Sec. 2, N½, SW¼, NW¼SE¼, Sec. 3, all of Sec. 4, N½, E½SW¼, NW¼SW¼, SE¼, Sec. 5, S½NE¼, N½SE¼, SW¼SE¼, Sec. 6, T. 14S, R. 36E, B.M.; SE¼SE¼, Sec. 24, E½NE¼, SW¼NE¼, SE¼, Sec. 25, N½NE¼, SE¼NE¼, Sec. 36, T. 14S, R. 35E, B.M.; W½SW¼, Sec. 13, W½NW¼, Sec. 24, E½SE¼, Sec. 23, W½NW¼, NW¼SW¼, Sec. 25, E½, Sec. 26, NE¼, SE¼NW¼, SW¼, NW¼SE¼, Sec. 35, SE¼SE¼, Sec. 34, T. 13S, R. 36E, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Idaho Department of Reclamation on or before June 30, 1973. Any protest against the issuance of the license for the above referenced permit should be filed with the Department within ten days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Idaho Enterprise, Malad City, Idaho, on _____

and _____.

October 21, 1970

Re: Permit No. R-682 (New Number - 29-2559)

JONES, POMEROY & JONES, Lawyers
Central Building
Pocatello, Idaho 83201

ATTENTION: Ralph H. Jones

Dear Mr. Jones:

Please be advised that Malad Valley Irrigation Company has until June 30, 1973, within which to submit evidence of the extent of beneficial use made under this permit. If their project is completed, and the water has been fully applied to beneficial use, they may submit the required evidence before that date.

We are enclosing a beneficial use form, and instructions, for your consideration.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cm

Enc: beneficial use form, with instructions

29-2559
R-682

Jones, Pomeroy & Jones
Lawyers
CENTRAL BLDG.
PHONE 232-3461
Pocatello, Idaho 83201

T. O. JONES, DECEASED
C. W. POMEROY, DECEASED
RALPH H. JONES
RALPH H. JONES, JR.
LAMONT JONES

RECEIVED
SEP 21 1970
Department of Water Administration

September 18, 1970

State of Idaho
Department of Reclamation
State House
Boise, Idaho 83701

Attention: Reclamation Commissioner

Re: Malad Valley Irrigating Co.

Dear Sir:

I was just informed on the telephone this morning by the president of the Malad Valley Irrigation Co., at Malad City, Idaho, that they need some information in regard to the Malad Valley Irrigation Reservoir, which was just recently completed.

As I understand, your department has approved the damn.

We understand the permit to build the reservoir was No. 682, dated June 28, 1969, and the completion date was June, 1973.

Kindly advise if there is anything further to be done in respect to perfecting this permit and to getting a license.

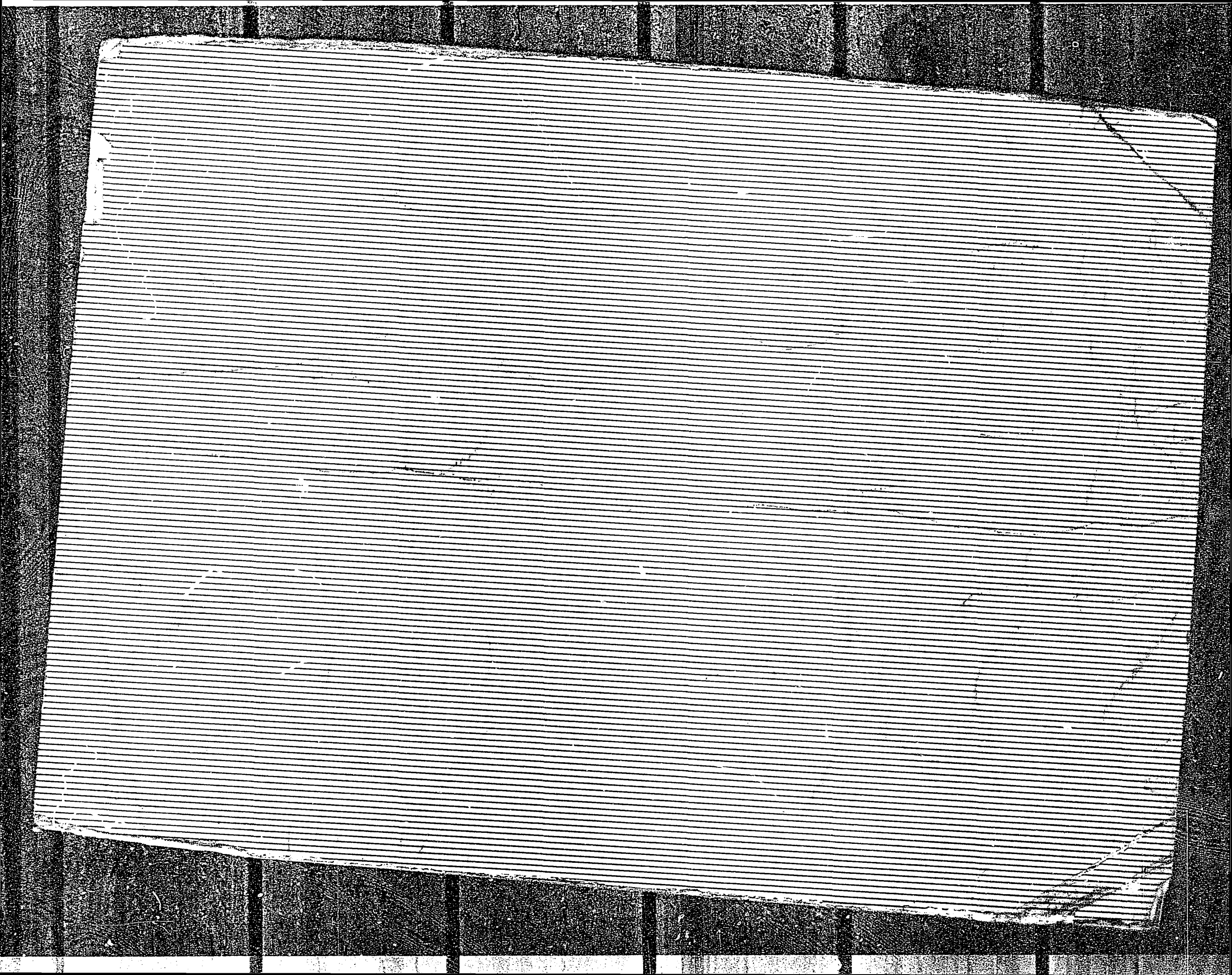
Yours truly,

JONES, POMEROY & JONES

By
Ralph H. Jones

RHJ rb

R. 682
29-3559



January 19, 1971

Re: Permit No. 29-2559

Jones, Pomery & Jones
Attorneys at Law
Box 610
Pocatello, Idaho 83201

Attn: Ralph Jones

Dear Mr. Jones:

Reference is made to our telephone conversation of January 19, 1971. In reviewing Permit No. 29-2559, the Department finds that it will be necessary for Malad Valley Irrigation Company to identify their specific points of diversion and acres irrigated in each 40-acre tract as outlined under the permit. Since the Company was able to do this originally when filed, it should not be difficult to identify the lands now that they are irrigated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:kh

Enclosures

29 2559

Jones, Pomeroy & Jones
Lawyers
CENTRAL BLDG.
PHONE 232-3461
Pocatello, Idaho 83201

T. D. JONES, DECEASED
C. W. POMEROY, DECEASED
RALPH H. JONES
RALPH H. JONES, JR.
LAMONT JONES

RECEIVED
JAN 28 1971
Department of Water Administration

January 27, 1971

State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Attention: Donald W. McEldowney

Re: Permit No. 29-2559
Malad Valley Irrigating
Company, Inc.

Dear Mr. McEldowney:

Enclosed please find Proof of Application of Water to Beneficial Use with respect to the above referenced Permit No. 29-2559.

Yours truly,

JONES, POMEROY & JONES

Ralph H. Jones

RHJ bf

29 2559

April 12, 1971

Re: Permit No. 29-2559 - Malad Valley Irrigating Company, Inc.

Mr. Ralph H. Jones
JONES, POMEROY & JONES
Central Bldg.
Pocatello, Idaho 83201

Dear Mr. Jones:

We acknowledge receipt of the affidavit submitted as proof of beneficial use in connection with the above referenced permit.

Before a license can be issued, it will be necessary for notice of this permit to be published for twonconsecutive weeks in a newspaper in the county in which the works are situated. If you will complete and return the enclosed form, we will cause the notice to be published.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enclosure

cc: Malad Valley Irrigating Co., Inc.
Enclosure

29 2559

Jones, Pomeroy & Jones
Lawyers
CENTRAL BLDG.
PHONE 232-3461
Pocatello, Idaho 83201

T. O. JONES, DECEASED
C. W. POMEROY, DECEASED
RALPH H. JONES
RALPH H. JONES, JR.
LAMONT JONES

RECEIVED
APR 14 1971
Department of Water Administration

April 13, 1971

State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Attention: Mr. Donald W. McEldowney
Appropriation Supervisor

Re: Permit No. 29-2559 - Malad Valley Irrigating Company

Dear Mr. McEldowney:

Complying with your letter dated April 12, 1971, we are enclosing herewith notice of existing water permit publication authorization in the Idaho Enterprise in Malad City, Idaho. This office will pay the bill.

Yours truly,

JONES, POMEROY & JONES

By Ralph H. Jones

RHJ rb

enc

29 2559

NOTICE OF EXISTING WATER PERMIT

Department of Water Administration

Notice is hereby given that Malad Valley Irrigating Company, 64 West 400 North, Malad, Idaho, has received an approved Permit No. R-682/29-2559 issued by the Idaho Dept. of Water Administration authorizing the storage of 6,000 acre feet per annum of water from Devil Creek, tributary to the Snake River. The priority to be established under this permit is June 10, 1940, and the permit was approved September 6, 1940.

Water is to be diverted by a reservoir from a point within the SW¼NW¼ of Sec. 13, T. 13S, R. 36E, B.M., Oneida County, to be used for irrigation in the NW¼NE¼, NE¼NW¼, Sec. 6, T. 15S, R. 36E, B.M.; E½, NW¼, E½SW¼, Sec. 31, N½, W½SW¼, Sec. 32, N½NW¼, Sec. 33, all of Sec. 30, all of Sec. 29, W½NE¼, W½, Sec. 28, W½, W½SE¼, Sec. 21, all of Sec. 20, E½NE¼, SW¼NE¼, S½, Sec. 19, W½NW¼, W½SW¼, Sec. 15, all of Sec. 16, all of Sec. 17, E½SE¼, Sec. 18, W½NW¼, W½SW¼, Sec. 10, all of Sec. 9, E½, E½NW¼, E½SW¼, Sec. 8, NW¼NW¼, Sec. 2, N½, SW¼, NW¼SE¼, Sec. 3, all of Sec. 4, N½, E½SW¼, NW¼SW¼, SE¼, Sec. 5, S½NE¼, N½SE¼, SW¼SE¼, Sec. 6, T. 14S, R. 36E, B.M.; SE¼SE¼, Sec. 24, E½NE¼, SW¼NE¼, SE¼, Sec. 25, N½NE¼, SE¼NE¼, Sec. 36, T. 14S, R. 35E, B.M.; W½SW¼, Sec. 13, W½NW¼, Sec. 24, E½SE¼, Sec. 23, W½NW¼, NW¼SW¼, Sec. 25, E½, Sec. 26, NE¼, SE¼NW¼, SW¼, NW¼SE¼, Sec. 35, SE¼SE¼, Sec. 34, T. 13S, R. 36E, B.M.

Proof of application of the water to beneficial use was received by the Department on January 28, 1971. Any protest against the issuance of a license for the above referenced permit must be filed with the Idaho Dept. of Water Administration, Statehouse, Boise, Idaho, 83707, within ten days of the last date of publication of this notice.

R. KEITH HIGGINSON
Director

Published in the Idaho Enterprise, Malad City, Idaho, on April 22nd and April 29th, 1971.

---

Permit No. R-682/29-2559

Director:

You are hereby authorized to have the above notice published at my expense in the Idaho Enterprise of Malad City, Idaho; published in the county in which the works are situated.

Malad Valley Irrigating Company

By [signature] its attorney
(Signature)

4/13/71
(Date)

P. O. Box 610
(Address)

Pocatello, Idaho 83201

29 2559

April 14, 1971

Re: Permit No. R-682/29-2559 - Malad Valley Irrigating Co.

Idaho Enterprise
P.O. Box 205
Malad, Idaho 83252

Gentlemen:

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

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

The expense of the publication is to be paid by Jones, Pomeroy & Jones, Lawyers ~~Central Building, Pocatello, Idaho~~ 83201, to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriations Supervisor

DWM/BB
Enc: legal notice

29 2559

April 14, 1971

Re: Permit No. R-682/29-2559 - Malad Valley Irrigating Co.

Jones, Pomeroy & Jones
Central Building
Pocatello, Idaho 83201

ATTENTION: Ralph H. Jones

Dear Mr. Jones:

The legal notice for the above-referenced permit is being published in the Idaho Enterprise, Malad, Idaho 83252 on April 22nd and April 29th, 1971.

You will be required to submit an affidavit of publication to this department. The affidavit may be obtained from the above-mentioned newspaper upon payment of the bill of publication.

Thank you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/ER
cc: Malad Valley Irrigating Co.
64 W, 400 N
Malad, Idaho 83252

29 2559

NOTICE OF EXISTING WATER PERMIT

RECEIVED
APR 1971
Department of Water Administration

Notice is hereby given that Malad Valley Irrigating Company, 64 West 400 North, Malad, Idaho, has received an approved Permit No. R-682/29-2559 issued by the Idaho Dept. of Water Administration authorizing the storage of 6,000 acre feet per annum of water from Devil Creek, tributary to the Snake River. The priority to be established under this permit is June 10, 1940, and the permit was approved September 6, 1940.

Water is to be diverted by a reservoir from a point within the SW¼NW¼ of Sec. 13, T. 13S, R. 36E, B.M., Oneida County, to be used for irrigation in the NW¼NE¼, NE¼NW¼, Sec. 6, T. 15S, R. 36E, B.M.; E½, NW¼, E½SW¼, Sec. 31, N½, W½SW¼, Sec. 32, N½NW¼, Sec. 33, all of Sec. 30, all of Sec. 29, W½NE¼, W½, Sec. 28, W½, W½SE¼, Sec. 21, all of Sec. 20, E½NE¼, SW¼NE¼, S½, Sec. 19, W½NW¼, W½SW¼, Sec. 15, all of Sec. 16, all of Sec. 17, E½SE¼, Sec. 18, W½NW¼, W½SW¼, Sec. 10, all of Sec. 9, E½, E½NW¼, E½SW¼, Sec. 8, NW¼NW¼, Sec. 2, N½, SW¼, NW¼SE¼, Sec. 3, all of Sec. 4, N½, E½SW¼, NW¼SW¼, SE¼, Sec. 5, S½NE¼, N½SE¼, SW¼SE¼, Sec. 6, T. 14S, R. 36E, B.M.; SE¼SE¼, Sec. 24, E½NE¼, SW¼NE¼, SE¼, Sec. 25, N½NE¼, SE¼NE¼, Sec. 36, T. 14S, R. 35E, B.M.; W½SW¼, Sec. 13, W½NW¼, Sec. 24, E½SE¼, Sec. 23, W½NW¼, NW¼SW¼, Sec. 25, E½, Sec. 26, NE¼, SE¼NW¼, SW¼, NW¼SE¼, Sec. 35, SE¼SE¼, Sec. 34, T. 13S, R. 36E, B.M.

Proof of application of the water to beneficial use was received by the Department on January 28, 1971. Any protest against the issuance of a license for the above referenced permit must be filed with the Idaho Dept. of Water Administration, Statehouse, Boise, Idaho, 83707, within ten days of the last date of publication of this notice.

R. KEITH HIGGINSON

Director

Published in the Idaho Enterprise, Malad City, Idaho, on _____ and _____.

---

Permit No. R-682/29-2559

Director:

You are hereby authorized to have the above notice published at my expense in the Idaho Enterprise of Malad City, Idaho;

published in the county in which the works are situated.

Malad Valley Irrigating Co Inc,
By Charles J Nielsen Pres
(Signature)

64 W. 400 N
(Address)

4-14-1971
(Date)

Malad City Idaho 83252

29 2559

*STATE OF IDAHO*
*DEPARTMENT OF WATER ADMINISTRATION*
Statehouse – Annex 2
Boise, Idaho 83707
(208) 384-2215

R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

April 16, 1971

Re: Permit No. R-682/29-2559

Malad Valley Irrigating Co.
64 West, 400 North
Malad, Idaho 83252

Gentlemen:

We acknowledge receipt of the advertising authorization received on this date in connection with the above referenced permit. Please be advised that on April 14, 1971, we received an advertising authorization signed by Mr. Ralph H. Jones. Therefore, the legal notice is being published in the Idaho Enterprise on April 22nd, and April 29th, 1971, at your attorneys' expense.

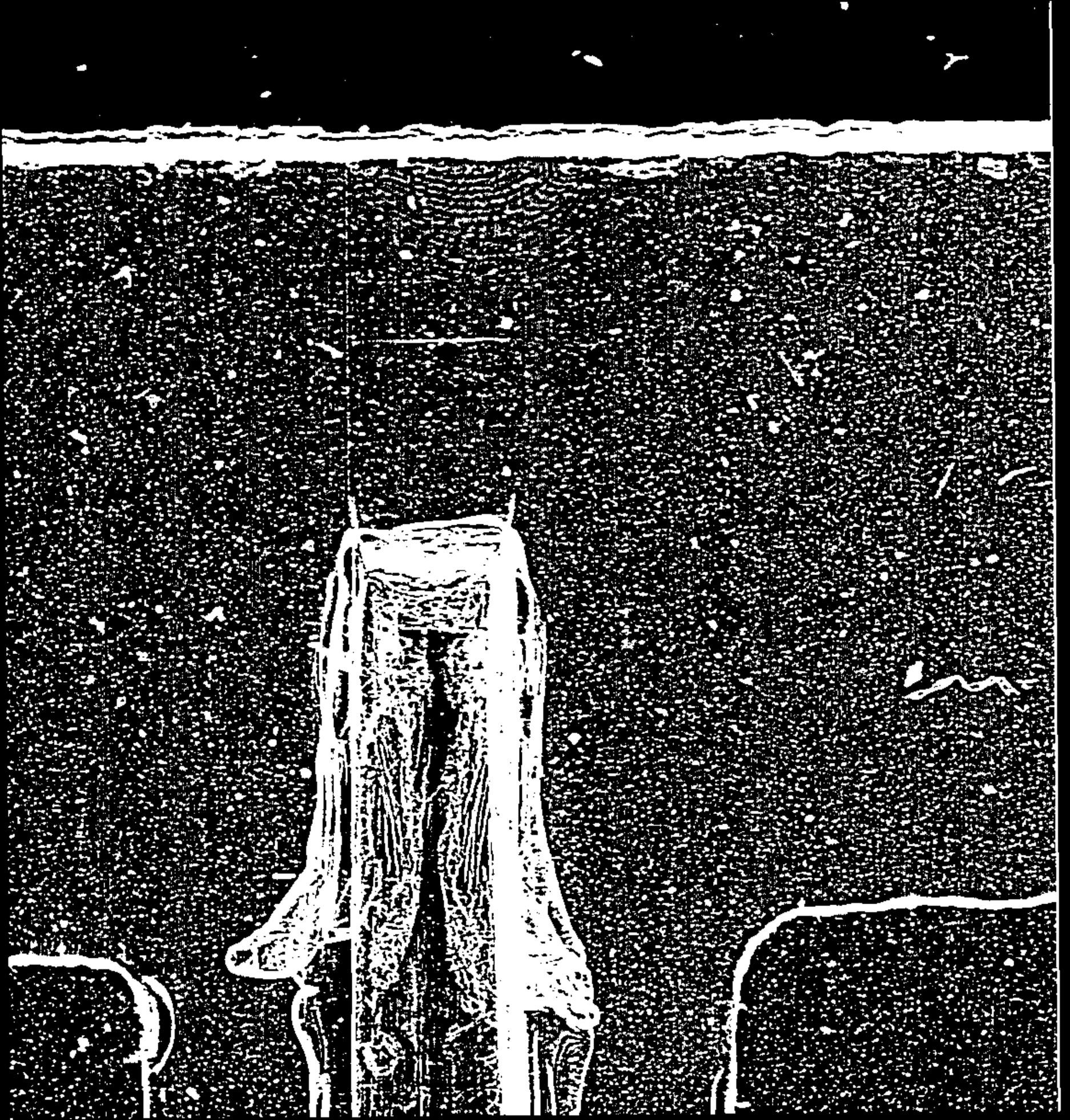
If you should have any questions concerning this matter, do not hesitate to contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DR/bb
cc: Mr. Ralph H. Jones
Central Building
Pocatello, Idaho

29 2559



June 4, 1971

Re: Permit No. 29-2559 - Malad Valley Irrigating Company

Mr. Ralph H. Jones
JONES, POMEROY & JONES
P.O. Box 610
Pocatello, Idaho 83201

Dear Mr. Jones:

As of this date, we have not yet received the affidavit of publication to be submitted in connection with the above referenced permit.

Many newspapers do not keep copies of these advertisements for their files, therefore, we recommend that you obtain the affidavit as soon as possible from the Idaho Enterprise at Malad City and submit it to the Department. A field examination cannot be scheduled for this permit until we are in receipt of the affidavit.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

29 2559

Jones, Pomeroy & Jones
Lawyers
CENTRAL BLDG.
PHONE 232-3461
Pocatello, Idaho 83201

T. D. JONES, DECEASED
C. W. POMEROY, DECEASED
RALPH H. JONES
RALPH H. JONES, JR.
LAMONT JONES

RECEIVED
JUN 18 1971
Department of Water Administration

June 15, 1971

State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Attention: Donald W. McEldowney

Re: Permit No. 29-2559
Malad Valley Irrigating Company

Dear Mr. McEldowney:

Enclosed please find Affidavit of Publication in the above referenced matter.

Yours truly,

JONES, POMEROY & JONES

Ralph H Jones

Ralph H. Jones

RHJ b

29 2559

June 21, 1971

Re: Permit No. R-682/29-2559

Malad Valley Irrigating Company
64 West 400 North
Malad, Idaho 83252

Gentlemen:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

Before a license can be issued, a field examination must be made by a representative from this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may make arrangements for someone to show him the system.

Very truly yours,

COPY

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

cc: Ralph H. Jones
JONES, POMEROY & JONES
P.O. Box 610, Pocatello

29 2559

Jones, Pomeroy & Jones
Lawyers
CENTRAL BLDG.
PHONE 232-3461
Pocatello, Idaho 83201

T. D. JONES, DECEASED
C. W. POMEROY, DECEASED
RALPH H. JONES
RALPH H. JONES, JR.
LAMONT JONES

RECEIVED
JUL 6 1971
Department of Water Administration

July 2, 1971

State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Attention: Mr. Donald W. McEldowney
Appropriation Supervisor

Re: Permit No. R-682/29-2559

Dear Mr. McEldowney:

This is to acknowledge your letter dated June 21 and to advise that we will have a party available to take you around as soon as you can be here.

Please advise.

Yours truly,

JONES, POMEROY & JONES

By Ralph H. Jones
Ralph H. Jones

RHJ rb

29 2559

NOTICE

June 17, 1971

Re: Permit Nos. 29-2559
(15-2081)

This Permit was approved with two separate sources of water supply. Each source is in a separate basin. See Permit #29-2559 for correspondence.

Donald W. McEldowney
Appropriation Supervisor

29 2559

## NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Malad Valley Irrigating Company, 64 West 400 North, Malad, Idaho, has received an approved Permit No. R-682/29-2559 issued by the Idaho Dept. of Water Administration authorizing the storage of 6,000 acre feet per annum of water from Devil Creek, tributary to the Snake River. The priority to be established under this permit is June 10, 1940, and the permit was approved September 6, 1940.

Water is to be diverted by a reservoir from a point within the SW¼NW¼ of Sec. 13, T. 13S, R. 36E, B.M., Oneida County, to be used for irrigation in the NW¼-NE¼, NE¼NW¼, Sec. 6, T. 15S, R. 36E, B.M.; E½, NW¼, E½-SW¼, Sec. 31, N½, W½SW¼, Sec. 32, N½NW¼, Sec. 33, all of Sec. 30, all of Sec. 29, W½NE¼, W½, Sec. 28, W½, W½SE¼, Sec. 21, all of Sec. 20, E½NE¼, SW¼NE¼, S½, Sec. 19, W½-NW¼, W½SW¼, Sec. 15, all of Sec. 16, all of Sec. 17, E½SE¼, Sec. 18, W½NW¼, W½SW¼, Sec. 10, all of Sec. 9, E½, E½-NW¼, E½SW¼, Sec. 8, NW¼-NW¼, Sec. 2, N½, SW¼, NW¼-SE¼, Sec. 3, all of Sec. 4, N½, E½SW¼, NW¼SW¼, SE¼ Sec. 5, S½NE¼, N½SE¼, SW¼SE¼, Sec. 6, T. 14S, R. 36E, B.M.; SE-¼SE¼ Sec. 24, E½NE¼, SW¼-NE¼, SE¼ Sec. 25, N½NE¼, SE¼NE¼, Sec. 36, T. 14S, R. 35E, B.M.; W½SW¼, Sec. 13, W½NW¼, Sec. 24, E½SE¼, Sec. 23, W½NW¼, NW¼SW-¼, Sec. 25, E½, Sec. 26, NE¼, SE¼NW¼, SW¼, NW¼-SE¼, Sec. 35, SE¼SE¼, Sec. 34, T. 13S, R. 36E, B.M.

Proof of application of the water to beneficial use was received by the Department on January 28, 1971. Any protest against the issuance of a license for the above referenced permit must be filed with the Idaho Dept. of Water Administration, Statehouse, Boise, Idaho, 83707, within ten days of the last date of publication of this notice.

R. KEITH HIGGINSON
Director

Published in the Idaho Enterprise, Malad City, Idaho, on April 22nd and April 29th, 1971.

# Affidavit of Publication

RECEIVED
JUN 16 1971

State of Idaho
County of Oneida, ss.

Norma Champney being first duly sworn on h.. oath, states: That .. he is Per Clerk ... Water Administration 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 per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for ... successive weekly issues thereof the date of the first publication being the 22 day of ....April..... 19.71. the date of the last publication being the 29. day of .April.... 19..71.

Norma Champney

Subscribed and sworn to before me this 29. day of .....April....., 19 71...

.....

Notary Public, residing at Malad, Idaho

My Commission expires the .... day of ....., 19....

Costs: 32 lines at 13c per line first insertion $.4.16

33. lines tabulated at 20c per line $.6.60

10c per line each subsequent insertion $.6.50

TOTAL ..... $.17.26

(Rates for legal notices are fixed by Idaho law)

29 2559

Identification No. _____

Permit No. R 682

New Number 29-2559

RECEIVED

JAN 28 1971

Department of Water Administration

# STATE OF IDAHO
# 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. Date of Priority that you are prepared to establish ~~A right to decreed waters from Devil Creek and tributaries 1922 additional water purchased Crowther Bro. 1962.~~ All water rights Devil Creek & tributaries; and

4. a) Source from which water was appropriated 3/4 flow of Birch Creek also known as Mill Creek, and all flood waters and run off empounded in reservoirs.

   b) Location of the point of diversion: in West part on Creek in NE¼ NW¼ SW¼ SE¼ 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 miles 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 (cfs and/or acre feet per annum) for irrigation purposes from 4/5 (Month-Day) to 10/1 (Month-Day) incl.

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

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

   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) Breifly 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 breif 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 devises 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.

29 2559

Item typed 9-29-71

mjl

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

| Township | Range | Sec. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 13 S. | 36 E. | 6 | | 39 | | | 30 | | | | | | | | | | | | 69 |
| 14 S. | 36 E. | 31 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | | | 30 | 35 | 40 | 39 | 38 | 547 |
| | | 32 | 38 | 38 | 20 | 10 | 20 | 40 | 39 | 20 | | 35 | 35 | | | | | | 295 |
| | | 33 | | | | | 30 | 40 | | | | | | | | | | | 70 |
| | | 30 | 40 | 40 | 36 | 40 | 35 | 39 | 38 | 39 | 39 | 39 | 38 | 40 | 39 | 40 | 40 | 40 | 688 |
| | | 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 | 38 | 38 | 35 | | | | | 348 |
| | | 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 | 36 | | | | | 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 | 36 | 40 | 30 | 39 | 39 | 39 | 40 | 37 | 38 | 30 | 39 | 35 | 38 | 591 |
| | | 8 | 30 | 40 | 20 | 33 | 40 | | | 10 | 20 | | | 20 | 38 | 38 | 38 | 40 | 367 |
| | | 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 |
| 14 S. | 35 E. | 24 | | | | | | | | | | | | | | | | 39 | 39 |
| | | 25 | 39 | | 39 | 39 | | | | | | | | | 38 | 39 | 39 | 39 | 272 |
| | | 36 | 40 | 35 | | 39 | | | | | | | | | | | | | 114 |
| 13 S. | 36 E. | 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 |
| | | 35 | 10 | 35 | 38 | 10 | | | | 15 | 38 | 10 | 30 | 15 | | 30 | | | 231 |
| | | 34 | | | | | | | | | | | | | | | | 10 | 10 |

9. Ir[illegible]uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

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 in two directions, west to individual ditches approximately 3 miles and south to individual ditches approximately 4½ 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..

| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |

Total number of acres irrigated 8726

10. Remarks: See attached, schedule

The above information is a true statement of the extent to which the above numbered permit has been developed.

MALAD VALLEY IRRIGATING COMPANY, INC.

Jan 26, 1971 (Date)

By Charles J. Nielsen (Signature) President

State of IDAHO )
ss.
County of BANNOCK )

On this 26th day of January, 19 71, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Barbara Fuger
Notary Public residing at Pocatello, Idaho

My commission expires Jan 9, 1972

NOTICE

June 17, 1971

Re: Permit Nos. 29-2559
(15-2081)

This Permit was approved with two separate sources of water supply. Each source is in a separate basin. See Permit #29-2559 for correspondence.

Donald W. McEldowney
Appropriation Supervisor

15 2081

Form 211
2/80

RECEIVED
JUL 26 1984

Ident. No. _____

**STATE OF IDAHO**

Department of Water Resources

Licensing

# APPLICATION FOR AMENDMENT OF A PERMIT

APPROVED

**To change the point of diversion and/or the place of use.**

Comes now Malad Valley Irrigating Co., Inc. Phone _____

of (address) c/o Terrell W. Jones Rt. 1 Malad, ID 83252 , and represents to the Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 15-2081/29-2559 , and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW ¼ NW ¼, Section 13 , Township 13S , Range 36E , B.M., County of Oneida . Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 4464.0 (cfs or acre feet per annum) for Storage for Irrigation purposes from 11/1 to 4/1 (both dates inclusive)

Amount 4464.0 (cfs or acre feet per annum) for Irrigation from Storage purposes from 4/1 to 11/1 (both dates inclusive)

Amount _____ (cfs or acre feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ (cfs or acre feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

3. Place of use or land to be irrigated:

| TWP | RGE | SEC | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTALS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| | | | | | | | SEE ATTACHED LAND LIST | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

**Total number of acres to be irrigated =** _____

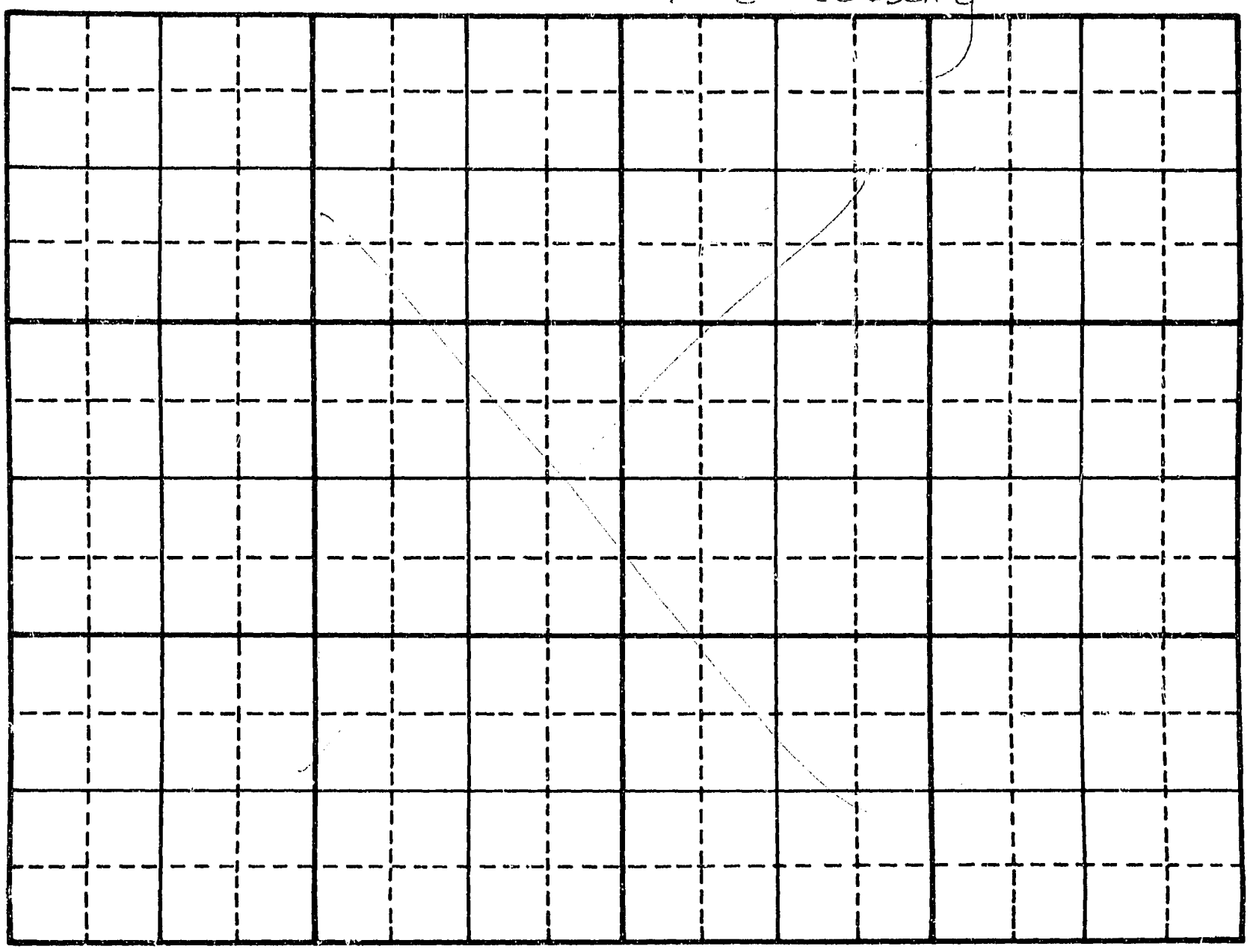
4. a. Who owns the property at the point of diversion? M V I

b. Who owns the land to be irrigated or the place of use? Stock holder's of MVI

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches. Not Necessary



**Scale: 2 inches equal 1 mile.**

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Malad Idaho, this 16 day of July, 1984.

Lowell Jones
(Signature)

PRESIDENT

---

**FOR DEPARTMENT USE ONLY** #34951

Preliminary check by Jeri Fee = $20.00 Receipted by LG Date 7-26-84

Publication prepared by N/A Date _____ Published in N/A

Publication dates _____

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**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

I, A. KENNETH DUNN, of the Department of Water Resources hereby

Approve the above Application for Amendment for Permit No. 15-2081/29-2559.

Witness my hand this 10TH day of AUGUST, 1984.

Norman C Young
Acting for the Director

LAND LIST ATTACHMENT
FOR 15-2081/29-2559

Description and location of place of use:

| TWP. | RANGE | SEC. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTALS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 13S | 36E | 13 | | | | | | | 2 | | | 16 | 12 | | | | | | 30 |
| | | 23 | | | | | | | | | | | | | 12 | | | 28 | 40 |
| | | 24 | | | | | | 22 | 16 | | | 1 | 7 | | | | | | 46 |
| | | 25 | | | | | | 6 | | | | | | | | | | | 6 |
| | | 26 | 40 | 4 | 16 | 40 | | | | | | | | 1 | 29 | 29 | 38 | 13 | 210 |
| | | 34 | | | | | | | | | | | | | | | | 15 | 15 |
| | | 35 | 6 | 40 | 38 | 2 | 12 | | | 21 | 32 | 2 | 29 | 28 | | 24 | 2 | | 236 |
| 14S | 36E | 2 | | | | | | 15 | 1 | | | | | | | | | | 16 |
| | | 3 | 40 | 5 | 38 | 34 | | | | | | | | 12 | 3 | 35 | 2 | | 169 |
| | | 4 | 16 | 40 | 21 | 34 | 40 | 40 | 40 | | 23 | 40 | | | 40 | 40 | 40 | 40 | 454 |
| | | 5 | 40 | 40 | 40 | 40 | 40 | 22 | 40 | 40 | 40 | 34 | 16 | 40 | 40 | 40 | 40 | 40 | 592 |
| | | 6 | | | | 40 | | | | | | | | | 38 | | | 8 | 86 |
| | | 8 | 22 | 37 | 17 | 28 | 40 | | | 26 | | | | | 40 | 40 | 40 | 40 | 330 |
| | | 9 | 40 | 40 | 40 | 30 | 40 | 26 | 40 | | 40 | 40 | 40 | 40 | 17 | 40 | 40 | 8 | 521 |
| | | 10 | | | | | | 22 | 7 | | 7 | 35 | 40 | | | | | | 111 |
| | | 15 | | | | | | | | | | | 5 | | | | | | 5 |
| | | 16 | 32 | 37 | 24 | | 40 | 35 | 16 | 23 | 30 | 14 | 40 | 40 | 40 | 24 | 40 | 40 | 475 |
| | | 17 | 32 | 38 | | 4 | | 22 | 16 | 7 | 40 | 40 | 36 | 40 | 21 | 34 | 40 | 40 | 410 |
| | | 18 | | | | 3 | | | | | | | | | 3 | | | | 6 |
| | | 19 | 27 | | 40 | 32 | | | | | 40 | 40 | 40 | 40 | 31 | 40 | 40 | 30 | 400 |
| | | 20 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 21 | | 4 | 27 | 10 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 16 | 40 | 40 | 12 | 469 |
| | | 28 | | 11 | 3 | | 40 | 40 | 40 | 37 | 35 | 40 | 40 | 32 | | | | | 318 |
| | | 29 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | | 40 | 8 | 5 | 34 | 36 | | 12 | 455 |
| | | 30 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 33 | 33 | 12 | 40 | 33 | 11 | 562 |
| | | 31 | | | | | | 24 | 36 | | 40 | | 40 | 40 | 40 | 40 | 40 | 40 | 340 |
| | | 32 | | | | | | | | | | 40 | 40 | | | | | | 80 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres irrigated 7022

State of Idaho

Department of Water Resources

# WATER RIGHT LICENSE

License of Water Right No. 15-2081/29-2559 Priority June 10, 1940 Amount 4464.0 acre feet

THIS IS TO CERTIFY, that Malad Valley Irrigating Co., Inc.

of Malad, Idaho, has complied with the terms and conditions of Permit No. 15-2081/29-2559 issued pursuant to Application for Permit dated June 10, 1940, and has submitted proof to the Department of Water Resources on January 28, 1971, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 4464.0 acre feet of water from Devil Creek, tributary to Malad River, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

| Beneficial Use | | Period of Use | | | Rate of Diversion | | Annual Volume |
|---|---|---|---|---|---|---|---|
| Storage for Irrigation | from | November 1 | to | April 1 | at N/A | cfs and | 4464.0 acre feet |
| Irrigation from Storage | from | April 1 | to | November 1 | at N/A | cfs and | 4464.0 acre feet |
| | from | | to | | at | cfs and | |

(both dates inclusive)

Subject, however, to the condition that no more than 4464.0 acre feet of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 4464.0 acre feet per year, said waters to be diverted within the SW¼NW¼ Section 13, Twp 13S, Rge 36E in the County of Oneida

Description and location of place of use:

| Twp. | Range | Sec. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| | | | | | | | SEE ATTACHED LAND LIST | | | | | | | | | | | | |

Total number of acres irrigated _____

**NOTE:** Modifications to or variance from this license must be made within the limits of Section 42-222, **Idaho Code**, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31ST day of AUGUST, 19 84.

Acting for the Director

RECEIVED
MAY 3
Department of Water Resources

HARDING and LEE, Chartered
ATTORNEYS & COUNSELORS AT LAW
137 EAST 50 SOUTH
MALAD CITY, IDAHO 83252

DON L. HARDING
GLENN M. LEE

TELEPHONE
208-766-2201

April 30, 1976

State of Idaho
Department of Water Resources
373 W. Franklin
Boise, Idaho

Re: Malad Valley Irrigating Company Water Permit Bond
to State of Idaho

Gentlemen:

A number of years ago, pursuant to Section 42-204 of the Idaho Code, Malad Valley Irrigating Company acquired a Water Permit Bond. The purpose of this bond was to insure completion of its water works and provide responsibility in the event the same were not completed. Malad Valley Irrigating Company has continued to keep that bond in effect over the period of these years since that time even though the water works has been completed for many years.

I discussed this matter with Mr. Loy Johnson from your Idaho Falls office and we agree that the purpose of the bond no longer exists and that the law has for sometime been amended to omit this. In light of these facts and my discussion with Mr. Johnson, I am writing representing Malad Valley Irrigating Company to ask that the company be released from this bond requirement as provided in Idaho Code 42-204.

We would appreciating hearing from you on this matter at your earliest convenience. If you have questions regarding this matter, please feel free to contact us.

Very truly yours,

HARDING AND LEE, Chartered

Glenn M. Lee

Glenn M. Lee, Esq. ia
Attorney at Law

GML/ia

cc: Rex Daniels

May 13, 1976

Glenn M. Lee
Harding and Lee, Chartered
137 East 50 South
Malad City, Idaho 83252

Dear Mr. Lee:

We have searched our records and did not find a water right permit in the name of Malad Valley Irrigating Company that still requires a bond.

The section of Idaho Code, 42-204, that required a bond was amended in 1967, deleting the requirement. Shortly after that the Department modified all of the existing permits by removing the bond requirement. Therefore, unless there was an oversight, any permit that Malad Valley Irrigating Company has should have no bond requirement still in effect.

If they do have such a permit, please let us know the permit number so that it can be modified.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

29-2559

AS

# LAND LIST ATTACHMENT

Description and location of place of use:

| TWP. | RANGE | SEC. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTALS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 15S | 36E | 6 | | 39 | | | 30 | | | | | | | | | | | | 69 |
| 14S | 36E | 31 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | | | 30 | 35 | 40 | 39 | 38 | 542 |
| | | 32 | 35 | 38 | 20 | 10 | 20 | 40 | 39 | 20 | | 35 | 35 | | | | | | 295 |
| | | 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 | 39 | 38 | 30 | 39 | 40 | 39 | 39 | 603 |
| | | 28 | | 25 | 25 | | 38 | 38 | 38 | 38 | 35 | 38 | 38 | 35 | | | | | 348 |
| | | 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 | 38 | 38 | 38 | 40 | 367 |
| | | 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 |
| | | 35 | 10 | 35 | 38 | 10 | | | | 15 | 38 | 10 | 30 | 15 | | 30 | | | 231 |
| | | 34 | | | | | | | | | | | | | | | | 10 | 10 |

Total number of acres irrigated

15-3081

AS

# LAND LIST ATTACHMENT

Description and location of place of use:

| TWP. | RANGE | SEC. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTALS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 15S | 36E | 6 | | 39 | | | 30 | | | | | | | | | | | | 69 |
| 14S | 36E | 31 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | | | 30 | 35 | 40 | 39 | 38 | 542 |
| | | 32 | 38 | 38 | 20 | 10 | 20 | 40 | 39 | 20 | | 35 | 35 | | | | | | 295 |
| | | 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 | 39 | 38 | 30 | 39 | 40 | 39 | 39 | 603 |
| | | 28 | | 25 | 25 | | 38 | 38 | 38 | 38 | 35 | 38 | 38 | 35 | | | | | 348 |
| | | 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 | 516 |
| | | 18 | | | | | | | | | | | | | 20 | | | 35 | 55 |
| | | 10 | | | | | | 30 | 15 | | | 35 | 38 | | | | | | 118 |
| | | 9 | 35 | 38 | 39 | 35 | 40 | 30 | 39 | 39 | 39 | 40 | 39 | 38 | 30 | 39 | 35 | 38 | 591 |
| | | 8 | 30 | 40 | 20 | 33 | 40 | | | 10 | 20 | | | 20 | 38 | 38 | 38 | 40 | 367 |
| | | 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 |
| | | 35 | 10 | 35 | 38 | 10 | | | | 15 | 38 | 10 | 30 | 15 | | 30 | | | 231 |
| | | 34 | | | | | | | | | | | | | | | | 10 | 10 |

Total number of acres irrigated

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
*EASTERN REGION*

John V. Evans
*Governor*

C. Stephen Allred
*Director*

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

January 19, 1978

RE: Permit No. 15-2081

Malad Valley Irrigating Co.
Grant Jones Ranch 766-2771
Pleasantview, ID 83252

ATTN: Grant Jones, President

Dear Mr. Jones:

Our records show that a field examination needs to be completed for your Permit No. 15-2081. As this examination has been in our files for many years, we are looking forward to its completion this year. Upon completion of the examination, a license will be issued to Malad Valley Irrigating Co. for the amount of water actually being put to a beneficial use.

The permit describes the irrigation of approximately 8,500 acres of land using 6,000 AF of Devil Creek storage water. In order to complete the examination, a copy of the Bureau of Reclamation reservoir survey and dam construction details are needed.

Also, I would like to get together with you in the near future to determine the location and quantity of lands irrigated by this project. Please contact me and we will arrange a meeting in Malad to review the system and develop a land list.

Very truly yours,

ANTHONY R. KOZLOWSKI
Water Resource Agent

ARK:cd

Grant Jones called our office Jan 19, 77. We will arrange a meeting within a couple of weeks. Waiting to receive a list of stockholders

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
*EASTERN REGION*

John V. Evans
*Governor*

C. Stephen Allred
*Director*

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

April 5, 1978

RE: Permit No. 15-2081

Malad Valley Irrigating Co.
Grant Jones Ranch
Pleasantview, ID 83252

ATTN: Grant Jones

Dear Mr. Jones:

This letter is a brief reminder that to date I have not yet received a list of stockholders in your irrigation company.

This list will be used to complete an examination of your Permit No. 15-2081.

As soon as I receive the list, I will arrange to be at the Malad ASCS office for two days to meet with stockholders in a manner similar to the examination conducted for St. John's Irrigation Company.

Very truly yours,

Anthony R. Kozlowski

ANTHONY R. KOZLOWSKI
Water Resource Agent

ARK:cd

# DEPARTMENT OF WATER RESOURCES

## FIELD REPORT

Permit No. 15-2081

Examination for

1. Name of permit holder Malad Valley Irrigating Company

   Post office address Malad City, Idaho Phone _____

   Person to contact Grant Jones - president Phone 766-2771

2. Source of water supply: Groundwater ☐ Surface water ☒ Devil Creek
   (name spring, stream, etc.)

   Tributary to _____

3. Water will be used for the following purposes:

   Amount Capped c.f.s. for Irrigation.
   AF/Annum (nature of use)

   Period of Use: from _____ to _____
   (mo.-day) inclusive (mo.-day)

   Amount _____ c.f.s. for _____
   _____ AF/Annum (nature of use)

   Period of Use: from _____ to _____
   (mo.-day) inclusive (mo.-day)

   Amount _____ c.f.s. for _____
   _____ AF/Annum (nature of use)

   Period of Use: from _____ to _____
   (mo.-day) inclusive (mo.-day)

   Other uses: _____

4. Total amount to be appropriated:

   Max Rate of Diversion _____ cubic feet per second and annual volume 6000 AF/Annum.

5. Location of Point(s) of Diversion:

   Township 13S N/S, Range 36E E/W, B.M., Section 13, Subdivision SW ¼ NW ¼ Oneida County

   Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ ¼ _____ ¼, _____ County

   Township _____ N/S, Range _____ E/W, B.M., Section _____ Subdivision _____ ¼ _____ ¼, _____ County

   Other Points of Diversions: _____

   Description of diverting works: Devil Creek reservoir, canal carrying water approximately 19.75 miles to points of diversion

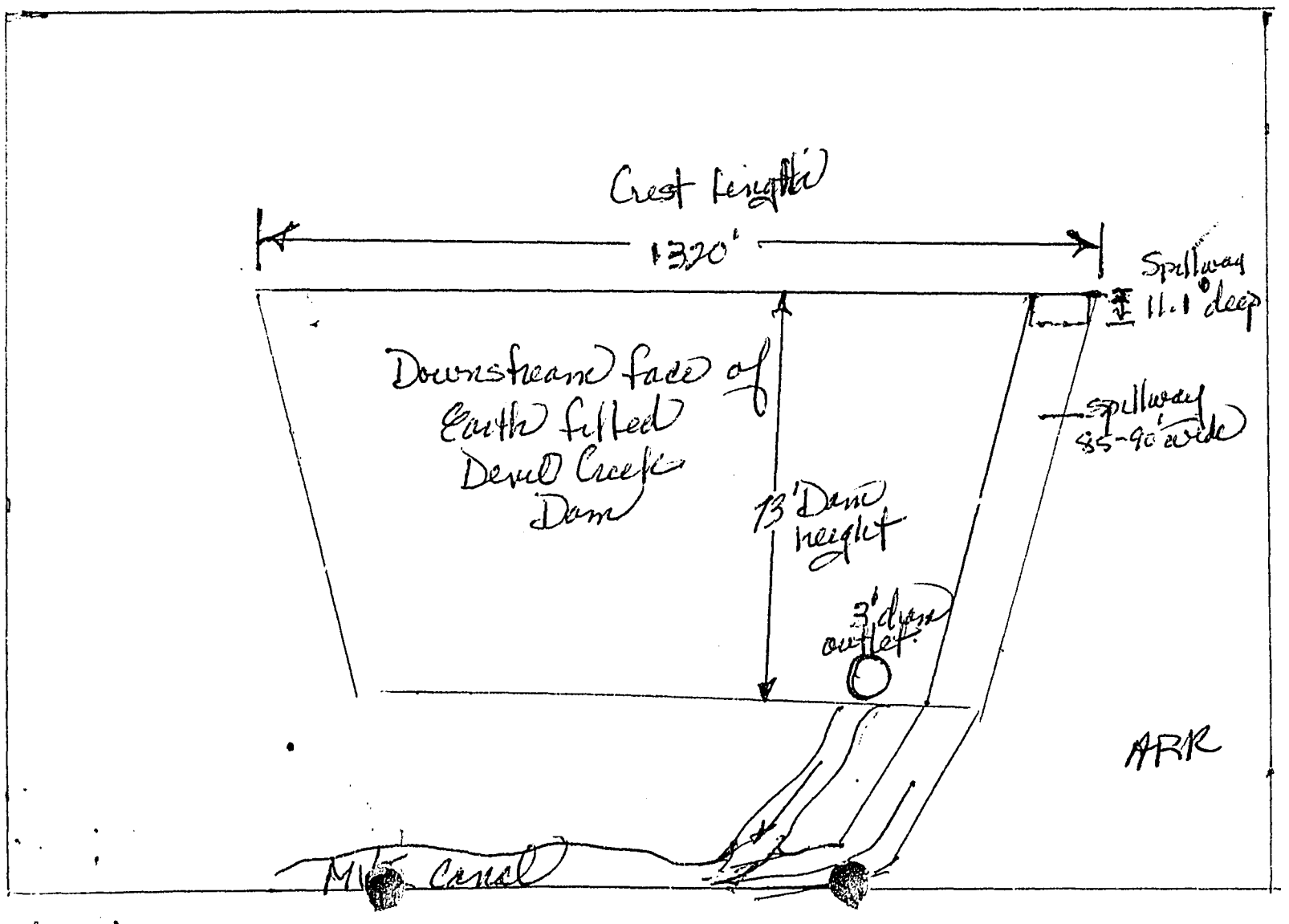
   Measuring device required: yes ☐ no ☐

6. Lands to be irrigated or place of use.

| TWP. | RANGE | SEC. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTALS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| | | | | | See attached land list. | | | | | | | | | | | | | | |

TOTAL ACREAGE 8720a

Diagram of System



DATE OF EXAM May, 1978

ACREAGE
Found 7.014
Recommended 7.014

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q=_____c.f.s. V=_____ AF/Ann. from _____ to _____
Domestic Q=_____c.f.s. V=_____ AF/Ann. from _____ to _____
Livestock Q=_____c.f.s. V=_____ AF/Ann. from _____ to _____
Storage for irrigation 450 Af from Nov 1 to April 1
Irrigation from storage 450 Af from April 1 to Nov 1
4464

Is water co-mingled? yes_____ no X

Name source: n/a
twp._____N/S, Rge_____E/W, B.M., Sec._____, Sub._____¼ _____¼ _____
County

Exchange? yes_____ no X

Name source exchanged with: n/a
twp._____N/S, Rge_____E/W, B.M., Sec._____, Sub._____¼_____¼_____
County

Point of injection: n/a
twp._____N/S, Rge_____E/W, B.M., Sec._____, Sub._____¼_____¼_____
County

Point of exchange: n/a
twp._____N/S, Rge_____E/W, B.M., Sec._____, Sub._____¼_____¼_____
County

Total Q measured n/a Method of measurement n/a

Total Q recommended n/a Meter No. n/a Type n/a Condition n/a

Total V recommended ~~450~~ 4464 Af/yr

Recommended Amendments:

P.D.
Place of Use See rough draft amendment.
Other
None

MEASUREMENT CALCULATION:
Active storage capacity = 450 Af. This value obtained from dam safety program files and also from 1977 publication Distribution Inventory of Dams in Idaho.

SYSTEM DESCRIPTION:
Surface water from Devil Creek is stored in an on-stream reservoir by Devil Creek dam - 142 surface acres, 73' high dam, 3' steel pipe outlet, Elsewatter - dia 85-90', free board @ crest is 12 to 15'. Earth fill dam completed in 1969. Crest length = 1320', max auth Q discharge 360 cfs. Spillway is a concrete lined channel thru abutment and is 11.2 deep.

REMARKS:
System shown & described by Grant Foxes president of Mud Valley Irrigation Co.

Examiner's Signature Anthony R. Koslowske Date 2-21-79

Checked by John D. Carlson Date 3/31/80

Approved by [illegible] Date 2-16-83

Land List for both amendment and R. D. Lierse

Malad Valley Irrigation Co.

15-2081

# LAND LIST ATTACHMENT

Description and location of place of use:

| TWP. | RANGE | SEC. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTALS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 13S | 36E | 13 | | | | | | | (2) | | | 16 | 12 | | | | | | 30 |
| | | 23 | | | | | | | | | | | | | 12 | | | 28 | 40 |
| | | 24 | | | | | | 22 | 16 | | | (1) | (7) | | | | | | 46 |
| | | 25 | | | | | | 6 | | | | | | | | | | | 6 |
| | | 26 | 40 | 4 | 16 | 40 | | | | | | | | (1) | 29 | 29 | 38 | 13 | 210 |
| | | 34 | | | | | | | | | | | | | | | | 15 | 15 |
| | | 35 | 6 | 40 | 38 | 2 | (12) | | | 21 | 32 | 2 | 29 | 28 | | 24 | (2) | | 236 |
| 14S | 36E | 2 | | | | | | 15 | (1) | | | | | | | | | | 16 |
| | | 3 | 40 | 5 | 38 | 34 | | | | | | | | 12 | (3) | 35 | (2) | | 169 |
| | | 4 | 16 | 40 | 21 | 34 | 40 | 40 | 40 | | 23 | 40 | | | 40 | 40 | 40 | 40 | 454 |
| | | 5 | 40 | 40 | 40 | 40 | 40 | 22 | 40 | 40 | 40 | 34 | (16) | 40 | 40 | 40 | 40 | 40 | 592 |
| | | 6 | | | | 40 | | | | | | | | | 38 | | | (8) | 86 |
| | | 8 | 22 | 37 | 17 | 28 | 40 | | | 24 | | | | | 40 | 40 | 40 | 40 | 330 |
| | | 9 | 40 | 40 | 40 | 30 | 40 | 26 | 40 | | 40 | 40 | 40 | 40 | 17 | 40 | 40 | 8 | 521 |
| | | 10 | | | | | | 22 | 7 | | (7) | 35 | 40 | | | | | | 111 |
| | | 16 | 32 | 37 | 24 | | 40 | 35 | 16 | 23 | 32 | 14 | 40 | 40 | 40 | 24 | 40 | 40 | 415 |
| | | 15 | | | | | | | | | | | 5 | | | | | | 5 |
| | | 17 | 32 | 38 | | 4 | | 22 | 16 | 1 | 40 | 40 | 36 | 40 | 21 | 34 | 40 | 40 | 410 |
| | | 18 | | | | (3) | | | | | | | | | 3 | | | | 6 |
| | | 19 | 27 | | 40 | 32 | | | | | 40 | 40 | 40 | 40 | 31 | 40 | 40 | 32 | 480 |
| | | 20 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 21 | | (4) | (27) | (10) | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | (16) | 40 | 40 | (12) | | 469 |
| | | 28 | | 11 | 3 | | 40 | 40 | 40 | 37 | 35 | 40 | 40 | 32 | | | | | 318 |
| | | 29 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | | 40 | 8 | 5 | 34 | 36 | | 12 | 455 |
| | | 30 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 33 | 33 | 17 | 40 | 33 | 11 | 562 |
| | | 31 | | | | | | 24 | 36 | | 40 | | 40 | 40 | 40 | 40 | 40 | 40 | 340 |
| | | 32 | | | | | | | | | | 40 | 40 | | | | | | 80 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres irrigated 1022

O = not identified on Permit

174 AC

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

   a. Decree to _____ (Name)

   in case of _____ vs _____

   dated _____ in _____ (Name of court) county of _____

   b. License No. _____ issued by the Idaho Department of Water Resources

   c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

   _____

   _____

3. Source of water _____ tributary to _____

4. Date of priority _____

5. Water is used for the following purposes:

   amount _____ for _____ purposes from _____ to _____

   amount _____ for _____ purposes from _____ to _____

   amount _____ for _____ purposes from _____ to _____
   (month/day — both dates inclusive)

6. Total amount of water under right: a. _____ cubic feet per second
   &/or
   b. _____ acre feet per annum

7. Location of original point of diversion is _____ ¼ of _____ ¼ of Section _____

   Township _____ Range _____, B.M., in _____ County

   Additional points of diversion, if any _____ _____

   _____

8. Lands irrigated or place of use:

| TWP. | RANGE | SEC. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTALS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres to be irrigated _____

MAP(S) TOO LARGE TO FILM - SEE FILE...

Calculations for On Stream Storage W/NO Direct Flow

## Storage for Irrigation Use

V= Active capacity – 4464 Af per dam Saftey file

## Irrigation from Storage Use

V= 7022 Ac x 5.0 = 35,110.0 Af

~~=~~ Limit to 4464.0 Af

RC 2/16/83

US Army Corps
of Engineers
Walla Walla District

for more information of this Report. See the dam Saftey file

FILE COPY

# Bear River Basin

## Devil Creek Dam

## Oneida County, Idaho

## Federal Number ID 00229

## State Number D15-2081

# Phase I Inspection Report
# National Dam Safety Program

**Prepared by:**

**State of Idaho, Department of Water Resources**

**February 1982**

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
BUILDING 602, CITY-COUNTY AIRPORT
WALLA WALLA, WASHINGTON 99362

REPLY TO
ATTENTION OF

NPWEN-DB

28 April 1982

Honorable John V. Evans
Governor of Idaho
Boise, Idaho 83720

Dear Governor Evans:

Inclosed is a copy of the Devil Creek Dam Inspection Report prepared by the Idaho Department of Water Resources under a contract authorized by Public Law 92-367.

This report presents a brief executive summary, background information about the project, details of the inspection and records evaluation, findings, and recommendations.

Copies of this report are being furnished to the Department of Water Resources for their records. They will forward a copy to the owner of the dam. Public release of the inspection report and initiation of public statements fall within your prerogatives. However, now that the report has been officially distributed, the Corps is required under the Freedom of Information Act to respond fully to inquiries on information contained in the report and make it accessible for review on request.

Sincerely,

H. J. THAYER
Colonel, CE
District Engineer

1 Incl
As stated

DEVIL CREEK DAM

Summary Table

| | |
|---|---|
| TYPE | Earthfill |
| HEIGHT | |
| Structural | 84.5 ft. |
| Hydraulic | 73.4 ft. |
| LENGTH | 1333 ft. |
| TOP WIDTH | 30 ft. |
| SLOPES | |
| Upstream | 3:1 |
| Downstream | 2:1 |
| ZONING | See Appendix V |
| RESERVOIR (at spillway crest/5172.4) | |
| Surface area | 142 acres |
| Storage | 4464 ac-ft. |
| OUTLET WORKS | |
| Conduit size | 4 ft. diameter downstream<br>3 ft. diameter upstream |
| Gate | Two 3.0 ft. sq. high pressure slide gates |
| Discharge capacity at spillway crest | 220 cfs |
| DRAINAGE AREA | 14.8 sq. miles |
| EMERGENCY SPILLWAY | |
| Width | See plans |
| Depth | See plans |
| Discharge capacity at top of dam (5183.5) | 8,700 cfs |
| FLOODS | |
| 100-Year frequency: | |
| Estimated peak inflow rate | 305 cfs |
| Maximum reservoir gage | 5173.3 ft. |
| Freeboard: | |
| Available | 10.2 ft. |
| Required by IDWR | 4.0 ft. |

Summary Table (cont'd.)

| | |
|---|---|
| Thunderstorm PMF: | |
| Estimated peak inflow rate | 8950 cfs |
| Maximum reservoir gage | 5182.1 ft. |
| Rain-On-Snow PMF: | |
| Estimated peak inflow rate | 2800 cfs |

February 25, 1983

RE: Permit No. 15-2081/29-2559

Malad Valley Irrigating Co. Inc.
64 West 400 North
Malad, ID 83252

Gentlemen:

A representative of this Department made an examination of the works covered by your Permit No. 15-2081/29-2559 and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 4464.0 acre feet Source: Devil Creek

The maximum quantity diverted shall not exceed 4464.0 acre feet per year.

Point of diversion: SW¼NW¼, Sec. 13, Twp. 13S, Rge. 36E, Oneida County

Beneficial use: Storage for irrigation and irrigation from storage (see at attached land list for place of use).

Priority date established: June 10, 1940

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a $20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure & Attachment

LAND LIST ATTACHMENT
FOR 15-2081/29-2559

Description and location of place of use:

| TWP. | RANGE | SEC. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTALS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 13S | 36E | 13 | | | | | | | 2 | | | 16 | 12 | | | | | | 30 |
| | | 23 | | | | | | | | | | | | | 12 | | | 28 | 40 |
| | | 24 | | | | | | 22 | 16 | | | 1 | 7 | | | | | | 46 |
| | | 25 | | | | | | 6 | | | | | | | | | | | 6 |
| | | 26 | 40 | 4 | 16 | 40 | | | | | | | | 1 | 29 | 29 | 38 | 13 | 210 |
| | | 34 | | | | | | | | | | | | | | | | 15 | 15 |
| | | 35 | 6 | 40 | 38 | 2 | 12 | | | 21 | 32 | 2 | 29 | 28 | | 24 | 2 | | 236 |
| 14S | 36E | 2 | | | | | | 15 | 1 | | | | | | | | | | 16 |
| | | 3 | 40 | 5 | 38 | 34 | | | | | | | | 12 | 3 | 35 | 2 | | 169 |
| | | 4 | 16 | 40 | 21 | 34 | 40 | 40 | 40 | | 23 | 40 | | | 40 | 40 | 40 | 40 | 454 |
| | | 5 | 40 | 40 | 40 | 40 | 40 | 22 | 40 | 40 | 40 | 34 | 16 | 40 | 40 | 40 | 40 | 40 | 592 |
| | | 6 | | | | 40 | | | | | | | | | 38 | | | 8 | 86 |
| | | 8 | 22 | 37 | 17 | 28 | 40 | | | 26 | | | | | 40 | 40 | 40 | 40 | 330 |
| | | 9 | 40 | 40 | 40 | 30 | 40 | 26 | 40 | | 40 | 40 | 40 | 40 | 17 | 40 | 40 | 8 | 521 |
| | | 10 | | | | | | 22 | 7 | | 7 | 35 | 40 | | | | | | 111 |
| | | 15 | | | | | | | | | | | 5 | | | | | | 5 |
| | | 16 | 32 | 37 | 24 | | 40 | 35 | 16 | 23 | 30 | 14 | 40 | 40 | 40 | 24 | 40 | 40 | 475 |
| | | 17 | 32 | 38 | | 4 | | 22 | 16 | 7 | 40 | 40 | 36 | 40 | 21 | 34 | 40 | 40 | 410 |
| | | 18 | | | | 3 | | | | | | | | | 3 | | | | 6 |
| | | 19 | 27 | | 40 | 32 | | | | | 40 | 40 | 40 | 40 | 31 | 40 | 40 | 30 | 400 |
| | | 20 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 21 | | 4 | 27 | 10 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 16 | 40 | 40 | 12 | 469 |
| | | 28 | 11 | 3 | | | 40 | 40 | 40 | 37 | 35 | 40 | 40 | 32 | | | | | 318 |
| | | 29 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | | 40 | 8 | 5 | 34 | 36 | | 12 | 455 |
| | | 30 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 33 | 33 | 12 | 40 | 33 | 11 | 562 |
| | | 31 | | | | | | 24 | 36 | | 40 | | 40 | 40 | 40 | 40 | 40 | 40 | 340 |
| | | 32 | | | | | | | | | | 40 | 40 | | | | | | 80 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres irrigated 7022

April 12, 1983

RE: Permit No. 15-2081/29-2559

Malad Valley Irrigating Co. Inc.
64 West 400 North
Malad, ID 83252

Dear Sirs:

On February 25, 1983, we forwarded to you an Amendment for Water Permit so that you could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, we have not received this amendment.

If we do not receive the amendment within fifteen (15) days, we will issue a Water Right License which reduces the amount that could have been allowable to you.

Since the license will be a permanent water right your prompt attention to this matter will be appreciated.

If you have any questions please contact us as soon as possible.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

15-2081/

REVIEW FOR LICENSING PERMIT NO. 29-2559 WITHOUT THE REQUESTED AMENDMENT

**********

Permit identified P/D as SWNW Sec 13 T135 R36E

P/U as See attachment A

Total acres 8726

Nature of use as N/A

Field examiner found P/D as SWNW Sec 13 T135 R36E.

P/U as See attachment B

TOTAL acres 7022

Nature of use as N/A

TO LICENSE WITHOUT THE REQUESTED AMENDMENT, WE MUST REDUCE THAT FOUND BY THE FIELD EXAMINER TO THAT WHICH IS IDENTIFIED ON THE PERMIT

P/D SWNW Sec 13 T135 R36E

P/U See attachment C

Total acres 6848

Nature of use N/A

NEW CALCULATIONS

Q= N/A

V= N/A (same as field exam)

Reviewed by [signature] date 5/5/83

19. Time required for complete application of water to proposed beneficial use is 3 years.

Attachment A "Permit identified"

20. The land to be irrigated is described in the following tabulation:

(Give Irrigable acreage in each 40-acre subdivision.)

| Twp. | Range | Sec. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 15 S. | 36 E. | 6 | | 39 | | | 30 | | | | | | | | | | | | 69 |
| 14 S. | 36 E. | 31 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | | | 30 | 35 | 40 | 39 | 38 | 542 |
| | | 32 | 38 | 38 | 20 | 10 | 20 | 40 | 39 | 20 | | 35 | 35 | | | | | | 295 |
| | | 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 | 38 | 38 | 35 | | | | | 348 |
| | | 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 | 38 | 38 | 38 | 40 | 367 |
| | | 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 |
| 14 S. | 35 E. | 24 | | | | | | | | | | | | | | | | 39 | 39 |
| | | 25 | 39 | | 39 | 39 | | | | | | | | | 38 | 39 | 39 | 39 | 272 |
| | | 36 | 40 | 35 | | 39 | | | | | | | | | | | | | 114 |
| 13 S. | 36 E. | 13 | | | | | | | | | | 20 | 20 | | | | | | 40 |
| | | 24 | | | | | 30 | 20 | 10 | | | | | | | | | | 30 |
| | | 23 | | | | | | | | | | | | | 5 | | | 15 | 20 |
| | | 25 | | | | | | 15 | 30 | | | 5 | | | | | | | 50 |
| | | 26 | 35 | 10 | 15 | 30 | | | | | | | | | 25 | 25 | 30 | 10 | 180 |
| | | 35 | 10 | 35 | 38 | 10 | | | | 15 | 38 | 10 | 30 | 15 | | 30 | | | 231 |
| | | 34 | | | | | | | | | | | | | | | | 10 | 10 |

Total 8726

By D. L. Evans Agent.

Date of first receipt at office of Commissioner of Reclamation 10:30 A.M. June 10, 1940

Returned to applicant for correction July 2, 1940

Attachment B
"Field examiner found"

LAND LIST ATTACHMENT
FOR 15-2081/29-2559

Description and location of place of use:

| TWP. | RANGE | SEC. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTALS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 13S | 36E | 13 | | | | | | | 2 | | | 16 | 12 | | | | | | 30 |
| | | 23 | | | | | | | | | | | | | 12 | | | 28 | 40 |
| | | 24 | | | | | | 22 | 16 | | | 1 | 7 | | | | | | 46 |
| | | 25 | | | | | | 6 | | | | | | | | | | | 6 |
| | | 26 | 40 | 4 | 16 | 40 | | | | | | | | 1 | 29 | 29 | 38 | 13 | 210 |
| | | 34 | | | | | | | | | | | | | | | | 15 | 15 |
| | | 35 | 6 | 40 | 38 | 2 | 12 | | | 21 | 32 | 2 | 29 | 28 | | 24 | 2 | | 236 |
| 14S | 36E | 2 | | | | | | 15 | 1 | | | | | | | | | | 16 |
| | | 3 | 40 | 5 | 38 | 34 | | | | | | | | 12 | 3 | 35 | 2 | | 169 |
| | | 4 | 16 | 40 | 21 | 34 | 40 | 40 | 40 | | 23 | 40 | | | 40 | 40 | 40 | 40 | 454 |
| | | 5 | 40 | 40 | 40 | 40 | 40 | 22 | 40 | 40 | 40 | 34 | 16 | 40 | 40 | 40 | 40 | 40 | 592 |
| | | 6 | | | | 40 | | | | | | | | | 38 | | | 8 | 86 |
| | | 8 | 22 | 37 | 17 | 28 | 40 | | | 26 | | | | | 40 | 40 | 40 | 40 | 330 |
| | | 9 | 40 | 40 | 40 | 30 | 40 | 26 | 40 | | 40 | 40 | 40 | 40 | 17 | 40 | 40 | 8 | 521 |
| | | 10 | | | | | | 22 | 7 | | 7 | 35 | 40 | | | | | | 111 |
| | | 15 | | | | | | | | | | | 5 | | | | | | 5 |
| | | 16 | 32 | 37 | 24 | | 40 | 35 | 16 | 23 | 30 | 14 | 40 | 40 | 40 | 24 | 40 | 40 | 475 |
| | | 17 | 32 | 38 | | 4 | | 22 | 16 | 7 | 40 | 40 | 36 | 40 | 21 | 34 | 40 | 40 | 410 |
| | | 18 | | | | 3 | | | | | | | | | 3 | | | | 6 |
| | | 19 | 27 | | 40 | 32 | | | | | 40 | 40 | 40 | 40 | 31 | 40 | 40 | 30 | 400 |
| | | 20 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 21 | | 4 | 27 | 10 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 16 | 40 | 40 | 12 | 469 |
| | | 28 | 11 | 3 | | | 40 | 40 | 40 | 37 | 35 | 40 | 40 | 32 | | | | | 318 |
| | | 29 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | | 40 | 8 | 5 | 34 | 36 | | 12 | 455 |
| | | 30 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 33 | 33 | 12 | 40 | 33 | 11 | 562 |
| | | 31 | | | | | | 24 | 36 | | 40 | | 40 | 40 | 40 | 40 | 40 | 40 | 340 |
| | | 32 | | | | | | | | | | 40 | 40 | | | | | | 80 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres irrigated 7022

LAND LIST ATTACHMENT C
FOR 15-2081/29-2559

"Recommend for licensing w/o Amendment

Description and location of place of use:

| TWP. | RANGE | SEC. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTALS | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | | |
| 13S | 36E | 13 | | | | | | | | | | 16 | 12 | | | | | | | 28 |
| | | 23 | | | | | | | | | | | | | 12 | | | 28 | 40 | |
| | | 24 | | | | | | 22 | 16 | | | | | | | | | | | 38 |
| | | 25 | | | | | | 6 | | | | | | | | | | | 6 | |
| | | 26 | 40 | 4 | 16 | 40 | | | | | | | | | 29 | 29 | 38 | 13 | | 209 |
| | | 34 | | | | | | | | | | | | | | | | 15 | 15 | |
| | | 35 | 6 | 40 | 38 | 2 | | | | 21 | 32 | 2 | 29 | 28 | | 24 | | | | 222 |
| 14S | 36E | 2 | | | | | | 15 | | | | | | | | | | | | 15 |
| | | 3 | 40 | 5 | 38 | 34 | | | | | | | | 12 | | 35 | | | | 164 |
| | | 4 | 16 | 40 | 21 | 34 | 40 | 40 | 40 | | 23 | 40 | | | 40 | 40 | 40 | 40 | 454 | |
| | | 5 | 40 | 40 | 40 | 40 | 40 | 22 | 40 | 40 | 40 | 34 | | 40 | 40 | 40 | 40 | 40 | | 576 |
| | | 6 | | | | 40 | | | | | | | | | 38 | | | | | 78 |
| | | 8 | 22 | 37 | 17 | 28 | 40 | | | 26 | | | | | 40 | 40 | 40 | 40 | 330 | |
| | | 9 | 40 | 40 | 40 | 30 | 40 | 26 | 40 | | 40 | 40 | 40 | 40 | 17 | 40 | 40 | 8 | 521 | |
| | | 10 | | | | | | 22 | 7 | | | 35 | 40 | | | | | | | 104 |
| | | 15 | | | | | | | | | | | 5 | | | | | | 5 | |
| | | 16 | 32 | 37 | 24 | | 40 | 35 | 16 | 23 | 30 | 14 | 40 | 40 | 40 | 24 | 40 | 40 | 475 | |
| | | 17 | 32 | 38 | | 4 | | 22 | 16 | 7 | 40 | 40 | 36 | 40 | 21 | 34 | 40 | 40 | 410 | |
| | | 18 | | | | | | | | | | | | | 3 | | | | | 3 |
| | | 19 | 27 | | 40 | 32 | | | | | 40 | 40 | 40 | 40 | 31 | 40 | 40 | 30 | 400 | |
| | | 20 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 | |
| | | 21 | | | | | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | | 40 | 40 | | | 400 |
| | | 28 | 11 | 3 | | | 40 | 40 | 40 | 37 | 35 | 40 | 40 | 32 | | | | | 318 | |
| | | 29 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | | 40 | 8 | 5 | 34 | 36 | | 12 | 455 | |
| | | 30 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 33 | 33 | 12 | 40 | 33 | 11 | 562 | |
| | | 31 | | | | | | 24 | 36 | | 40 | | | 40 | 40 | 40 | 40 | 40 | | 300 |
| | | 32 | | | | | | | | | | 40 | 40 | | | | | | 80 | |
| | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |

Total number of acres irrigated 6848

January 10, 1984

RE: Permit No. 15-2081/29-2559

Malad Valley Irrigating Co., Inc.
c/o Terrel W. Jones
Rt. 1
Malad, ID 83252

Dear Mr. Jones:

We are sending you the enclosed information in reference to a water permit in the name of Malad Valley Irrigating Co., Inc. as it is our understanding that you are now the president of this organization.

In 1978 a representative of this Department made an examination of the works covered by Permit No. 15-2081/29-2559 and found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 4464.0 acre feet Source: Devil Creek trib. to Malad River

The maximum quantity diverted shall not exceed 4465.0 acre feet per year.

Point of diversion: SW¼NW¼ Section 13, Twp 13S, Rge 36E

Beneficial Use: Storage for irrigation and irrigation from storage (see attached land list)for place of use)

Priority date established: June 10, 1940

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendmentnform for your use in this matter.

Please sign the amendment application and return it to this office along with a $20.00 filing fee within 30 days in order that we might issue your license as

set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure & Attachment

March 23, 1984

RE: Permit No. 15-2081/29-2559

Malad Valley Irrigating Co., Inc.
c/o Terrell W. Jones
Rt. 1
Malad, ID 83252

Dear Permit Holder:

On January 10, 1984, we forwarded to you an Amendment for Water Permit so that you could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, we have not received this amendment.

If we do not receive the amendment within fifteen (15) days, we will issue a Water Right License which reduces the amount that could have been allowable to you.

Since the license will be a permanent water right your prompt attention to this matter will be appreciated.

If you have any questions please contact us as soon as possible.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

LAND LIST ATTACHMENT
for 15-2081/29-2559

Description and location of place of use:

| TWP. | RANGE | SEC. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTALS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 13S | 36E | 13 | | | | | | | | | | 16 | 12 | | | | | | 28 |
| | | 23 | | | | | | | | | | | | | 12 | | | 28 | 40 |
| | | 24 | | | | | | 22 | 16 | | | | | | | | | | 38 |
| | | 25 | | | | | | 6 | | | | | | | | | | | 6 |
| | | 26 | 40 | 4 | 16 | 40 | | | | | | | | | 29 | 29 | 38 | 13 | 209 |
| | | 34 | | | | | | | | | | | | | | | | 15 | 15 |
| | | 35 | 6 | 40 | 38 | 2 | | | | 21 | 32 | 2 | 29 | 28 | | 24 | | | 222 |
| 14S | 36E | 2 | | | | | | 15 | | | | | | | | | | | 15 |
| | | 3 | 40 | 5 | 38 | 34 | | | | | | | | 12 | | 35 | | | 164 |
| | | 4 | 16 | 40 | 21 | 34 | 40 | 40 | 40 | | 23 | 40 | | | 40 | 40 | 40 | 40 | 454 |
| | | 5 | 40 | 40 | 40 | 40 | 40 | 22 | 40 | 40 | 40 | 34 | | 40 | 40 | 40 | 40 | 40 | 576 |
| | | 6 | | | | 40 | | | | | | | | | 38 | | | | 78 |
| | | 8 | 22 | 37 | 17 | 28 | 40 | | | 26 | | | | | 40 | 40 | 40 | 40 | 330 |
| | | 9 | 40 | 40 | 40 | 30 | 40 | 26 | 40 | | 40 | 40 | 40 | 40 | 17 | 40 | 40 | 8 | 521 |
| | | 10 | | | | | | 22 | 7 | | | 35 | 40 | | | | | | 104 |
| | | 15 | | | | | | | | | | | 5 | | | | | | 5 |
| | | 16 | 32 | 37 | 24 | | 40 | 35 | 16 | 23 | 30 | 14 | 40 | 40 | 40 | 24 | 40 | 40 | 475 |
| | | 17 | 32 | 38 | | 4 | | 22 | 16 | 7 | 40 | 40 | 36 | 40 | 21 | 34 | 40 | 40 | 410 |
| | | 18 | | | | | | | | | | | | | 3 | | | | 3 |
| | | 19 | 27 | | 40 | 32 | | | | | 40 | 40 | 40 | 40 | 31 | 40 | 40 | 30 | 400 |
| | | 20 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 21 | | | | | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | | 40 | 40 | | 400 |
| | | 28 | 11 | 3 | | | 40 | 40 | 40 | 37 | 35 | 40 | 40 | 32 | | | | | 318 |
| | | 29 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | | 40 | 8 | 5 | 34 | 36 | | 12 | 455 |
| | | 30 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 33 | 33 | 12 | 40 | 33 | 11 | 562 |
| | | 31 | | | | | | 24 | 36 | | 40 | | | 40 | 40 | 40 | 40 | 40 | 300 |
| | | 32 | | | | | | | | | | 40 | 40 | | | | | | 80 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres irrigated 6,848

CONVERSATION MEMORANDUM

DATE 5/25/84

FILE 29-2559

NAME OF PARTY TERRELL JONES

EMPLOYEE D. TUTHILL (766-2605)

RE: Application for AMENDMENT

Mr. Jones said the amendment is approved & signed & should have been submitted by the Secretary 3 weeks ago. He will check it out and insure it is submitted.

Dro

CONVERSATION MEMORANDUM

DATE 6-21-84

FILE 29-2559

NAME OF PARTY TERRELL JONES

EMPLOYEE D. TOTHILL

RE: Application for Amendment

I called Mr. Jones about the amendment. He indicated that it had been mailed 4 weeks ago. He checked on the $20 fee check — the Bank indicated it had not yet been returned/cleared.

I indicated that we would prepare and send another amendment. He said he would stop payment on the already-sent check and prepare a new one to accompany the amendment. He will expedite this process.

Another amendment prepared and sent 6/26/84.
Call up on July 15.

SC

September 6, 1984

RE: Permit No. 15-2081/29-2559

Malad Valley Irrigating Co., Inc.
c/o Terrell W. Jones
Rt. 1
Malad, ID 83252

Gentlemen:

Enclosed herewith is a copy of your Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc
Enclosures