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November 9, 1998

RECEIVED

NOV 12 1998

Department of Water Resources

Glen Saxton, Chief
Water Allocation Bureau
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: *Birch Creek Water District*

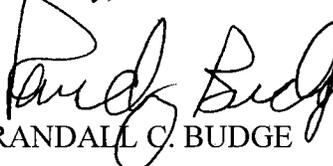
Dear Mr. Saxton:

This will provide additional comments on behalf of Malad Valley Irrigation Company ("MVI") following the public hearing held in Downey October 28, 1998, on the Application for form a water district for Birch Creek.

Please be advised that MVI supports the formation of the district as an appropriate means of better regulating the flows among the users and preventing unauthorized uses and depletions that would adversely affect existing water rights. In forming the district, MVI would urge that the entire Birch Creek-Mill Creek drainage be included. This is to enable the watermaster to control and regulate the flows upstream from the existing diversion dam where new development has been and is expected to continue to occur.

Thank you for your consideration.

Sincerely,


RANDALL C. BUDGE

RCB:rr

cc: MVI Board of Directors
Birch Creek Water Users, c/o Dennis Phillips