

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A21-02107
Date Received: 3/23/1989
Receipt No: E006474
Received By: data entry by.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLAUDE A. MALAN 801-394-7416
Address: 1745 29TH ST., #3
OGDEN, UT 84401

AND/OR
Name: ASTA J. MALAN 801-394-7416
Address: 1745 29TH ST., #3
OGDEN, UT 84401

2. Date of Priority: MAR 17, 1955

3. Source: SPLIT CREEK Trib. to: WARM RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12N	44E	4	SE	SE			FREMONT

5. Description of diverting works:
DAM, HEADGATES, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.700		

7. Total Quantity Appropriated is:
1.700 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 255.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	44E	9	NE	NE		IRR	20.0
					Section Acres		20.0
		10	NW	NW		IRR	14.0
			SW	NW		IRR	15.0
			NE	SW		IRR	36.0
					Section Acres		65.0
					Total Acres		85.0

11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

USED SUPPLEMENTALLY WITH LICENSE 10422 FOR 140 TOTAL ACRES

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 25457

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

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Ident. Number A21-02107Date Received 3/23/89Receipt Number E006474

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

RECEIVED

MAR 23 1989

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Claude A. and/or Asta J. Malan Phone (801) 394-7416
Mailing Address 1745 29th Street #3, Ogden, Utah Zip 84403
2. Date of Priority (Only one (1) per claim) February 15, 1955
3. Source of water supply (a) Split Creek
which is tributary to (b) Warm River
4. a. Location of existing point of diversion is: Township 12N Range 44 E Section 4,
1/4 of SE 1/4 of SE 1/4, Govt. Lot, B.M., County of Fremont
Additional points of diversion if any: none
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.
Diverting works consist of a 15'X4'X3' high diversion dam, headgates, and approximately
300' of ditches to the place of use. (See proof maps included with license 10422 and
25457 on file with the State Engineer.)

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Apr 15 to Oct 15 amount 1.70 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.70 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 255 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12N	44E	9	20																20
		10						14	15		36								65

Total number of acres irrigated 85

11. In which county (ies) are lands listed above as place of use located? Fremont

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

Used supplementally with license 10422 for a total of 140 acres. or None ()

14. Remarks:

This water right represents the additional acres developed by Claude A. Malan in 1955 on lands which he purchased from Ernest R. Clark and which already had licensed right 10422.

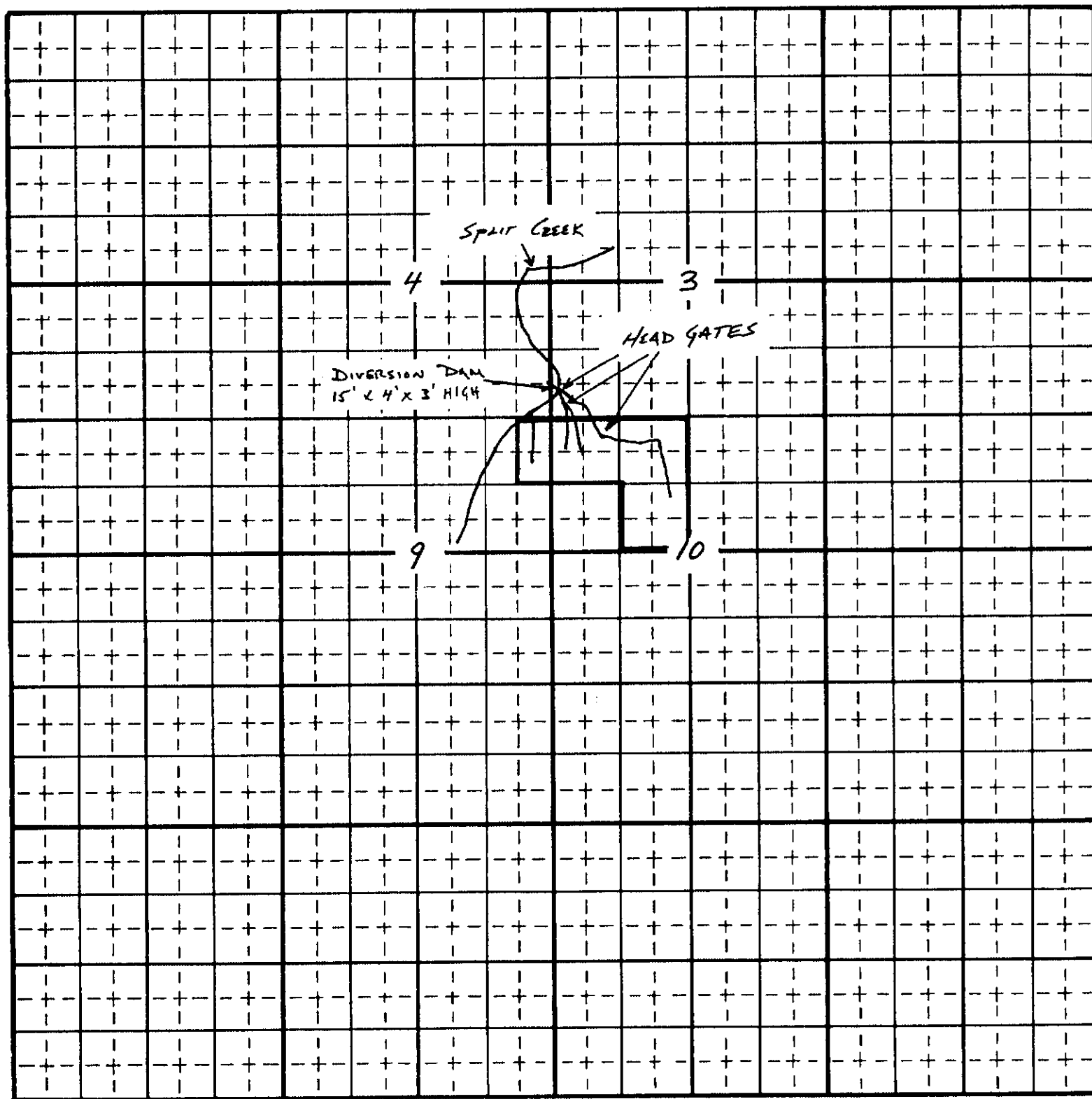
Last Name Malan Ident No. _____

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Copies: White State Yellow - 400 ft
OCT 20 1992

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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Last Name Malan

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____

Decree _____

If applicable provide IDWR Water Right Number 25457/21-2107

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments none

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Asta J. Malan Date 21 Mar 1989

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Utah)
County of Weber) SS.

Subscribed and sworn (or affirmed) before me this 26th day of March 1989

SEAL

Notary Public Shirley M. Nielsen

Residing at Ogden, Utah

My Commission Expires 9/10/90

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Malan Ident. Number _____

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Copies White-State, Yellow-Claimant



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Date: March 24, 1989

Tim Malan
1744 22nd St.
Ogden, UT 84401

RE: Water Right Claims Returned

Dear Mr. Malan:

The Idaho Department of Water Resources (IDWR) is returning your checks #492 (\$25.00), #493 (25.00), #494 (68.50) and three of the five Notices of Claim to Water Rights, received 3/23/89, because of insufficient fees and/or information. The IDWR cannot process the claim until the appropriate fees and/or information are submitted.

A water right claim for domestic purposes in connection with a commercial establishment, i.e. inn, hotel, restaurant, rental cabins, etc., must be filed on a long form (black ink). The short form (green ink) is for single family residences and/or stockwater.

The fee for each commercial water right claim (or domestic uses in connection with a business) is \$50.00 plus \$100.00 per cfs claimed for the commercial use. There is no additional fee for the claimed stockwater. Also, if the cabin referred to in the Irrigation/Power/Domestic/Stockwater claim is in connection with a business establishment, you must submit an additional \$4.00 for the claimed 0.04 cfs (\$72.50 total).

I have enclosed two new "long forms" for you to complete instead of the "short forms" if necessary. Please return the corrected claims with the appropriate fees within 30 days of the date of this letter. Failure to return the claims within the 30-day period may result in an assessment of a \$50.00 late-fee for each claim. I have also enclosed a receipt for the two additional irrigations claims, A21-02060 and A21-02107, received 3/23/89.

If you have any further questions, please call Tony Olenichak, Water Right Agent, at (208)-525-7161.

Sincerely,

Ernest Carlsen
Adjudication Supervisor

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OCT 20 1992

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

MALAN

CLAIM I.D. NO.

A21-02107

DATE RECEIVED

3/23/89

CK #

AMOUNT \$

YES

NO

1. Is the name and address complete with zip code?

☒

2. Is a priority date entered?

☒

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered?

☒

(b) Is a tributary to entered? (if required)

N/A

☒

4. Is the legal description of the p.d. sufficient?

☒

5. Is there a description of the diverting works?

☒

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

☒

Is the period of use included?

☒

Is a quantity claimed for each use?

☒

7. Is a total quantity claimed entered?

☒

8. If required is a consumptive use entered?

N/A

☒

Is the consumptive use correct?

N/A

☒

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.

N/A

☒

10. Is (are) the place(s) of use entered?

☒

11. Is (are) the county(ies) entered?

☒

12. Is the ownership of p.u. checked?

☒

13. Are other water rights listed or "none" indicated?

☒

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

N/A

☒

15. Is the basis of the claim checked?

☒

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)

☒

Has the claim been signed, sealed, and dated by a notary?

☒

Was this claim filed on time, or was an extension granted?

☒

Is the fee enclosed correct?

Exempt

☒

If this claim is based on an existing water right, has the identification number been entered?

N/A

☒

Should this claim be receipted and data entered?

☒

Claim checked by:

TO

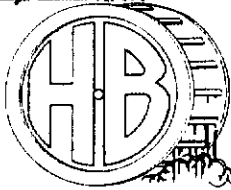
Comments: (8) CONSUMPTIVE USE HIGH. (10) CLAIMED P/U LEGALS

DISAGREE WITH LICENSE AND MAP.

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OCT 20 1992

E006474



BARNETT INTERMOUNTAIN WATER CONSULTING

106 West 500 South, Suite 101
Bountiful, Utah 84010
(801) 292-4662

March 21, 1989

RECEIVED

MAR 23 1989

Department of Water Resources
Eastern District Office

Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83401

To whom it may concern:

Attached please find five (5) different claims for water rights in Fremont County in the name of Claude A. and Asta J. Malan. We request that upon receipt of these claims you send us copies of the IDWR number which is assigned to each claim. This will expedite any future correspondence with your office. Please send a copy to the address on this letter head as well as:

Tim Malan
1744 22nd Street
Ogden, Utah 84401
(801) 399-3862

We appreciate your assistance. If you have any questions please contact us.

Sincerely,

Don Barnett

attachments

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OCT 20 1992
Gack A Barnett, P.E.