

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: A21-11204
Date Received: 3/23/1989
Receipt No: ~~E006932~~ E006933
Received 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 84403

AND/OR

Name: ASTA J. MALAN 801-394-7416
Address: 1745 29TH ST. #3
OGDEN, UT 84403

A2111204

2. Date of Priority: MAY 23, 1947

3. Source: SPRINGS Trib. to: WARM RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12N	44E	10	SE	NW	SW		FREMONT
			NE	SW	SW		FREMONT

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	04/01	12/15	0.020		
POWER	04/01	12/15	5.600		
IRRIGATION	04/15	10/15	0.290		

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

8. Total consumptive use is 43.8 Acre Feet Per Annum.

9. Non-irrigation uses:
D/1, S/4 HORSES & 10 COWS, P/12 V GENERATOR

A21-11204

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Date: 04/20/89

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	44E	10	NW	SW		IRR	1.3
			SW	SW		IRR	13.3
Section Acres							14.6
Total Acres							14.6

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:
A21-11203.

14. Remarks:

Waters are diverted from three springs and stream known as "Springs Little Warm River". In the upper spring a canvas diversion dam is used to flood irrigate below the spring. The middle spring has a masonry collection box and retention basin. The lower spring has been captured in a spring house. The middle and lower spring are diverted into ditches for irrigation. Lands above areas where they can be reached by gravity irrigation are sprinklered with one of two pumps. One of the pumps is an 8 HP gasoline pump. The other is driven by 7' undershot paddle wheel placed in a 15' X 4' steel raceway in the stream channel. The 8 HP gasoline pump also diverts and lifts water approx. 90' to a 1,100 gallon steel domestic storage tank. The paddle wheel is also used to run a 12 volt generator with 120 volt converters which supply power to the cabin.

15. Basis of Claim: BENEFICIAL USE

NO LATE FEE IF RECEIVED

BY 4/24/89

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

u.o.

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
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CIVIL CASE NUMBER: 39576
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RECEIVED

APR 19 1989

Department of Water Resources
Eastern District Office

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) May 23, 1947
3. Source of water supply (a) "Springs Little Warm River" Springs
which is tributary to (b) Warm River
4. a. Location of existing point of diversion is: Township 12 N. Range 44 E. Section 10,
NE 1/4 of SW 1/4 of SW 1/4, Govt. Lot, B.M., County of Fremont
Additional points of diversion if any: SE 1/4 of NW 1/4 of SW 1/4 of Section 10
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. see attached sheet.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from Jan 1 to Dec 31 amount 0.04 or _____

For Stockwater purposes from Apr 1 to Dec 15 amount 0.02 or _____

For Power purposes from Apr 1 to Dec 15 amount 5.60 or _____

For Irrigation purposes from Apr 15 to Oct 15 amount 0.29 or 43.8

7. Total quantity claimed (a) 5.95 (cfs) and/or (b) 43.8 (acre feet)

8. Total consumptive use claimed is 43.8 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic for 1 cabin, stockwatering for 4 horses, and 10 cows, and power with an undershot paddle wheel which drives a 12 V generator and the shaft of a water pump.

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.

[illegible]

Total number of acres irrigated	14.6
---------------------------------	------

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.

Other cabins were added with a later priority and thus a different additional or None ()
claim is being filed at this time also in the name of Malan.

14. Remarks:

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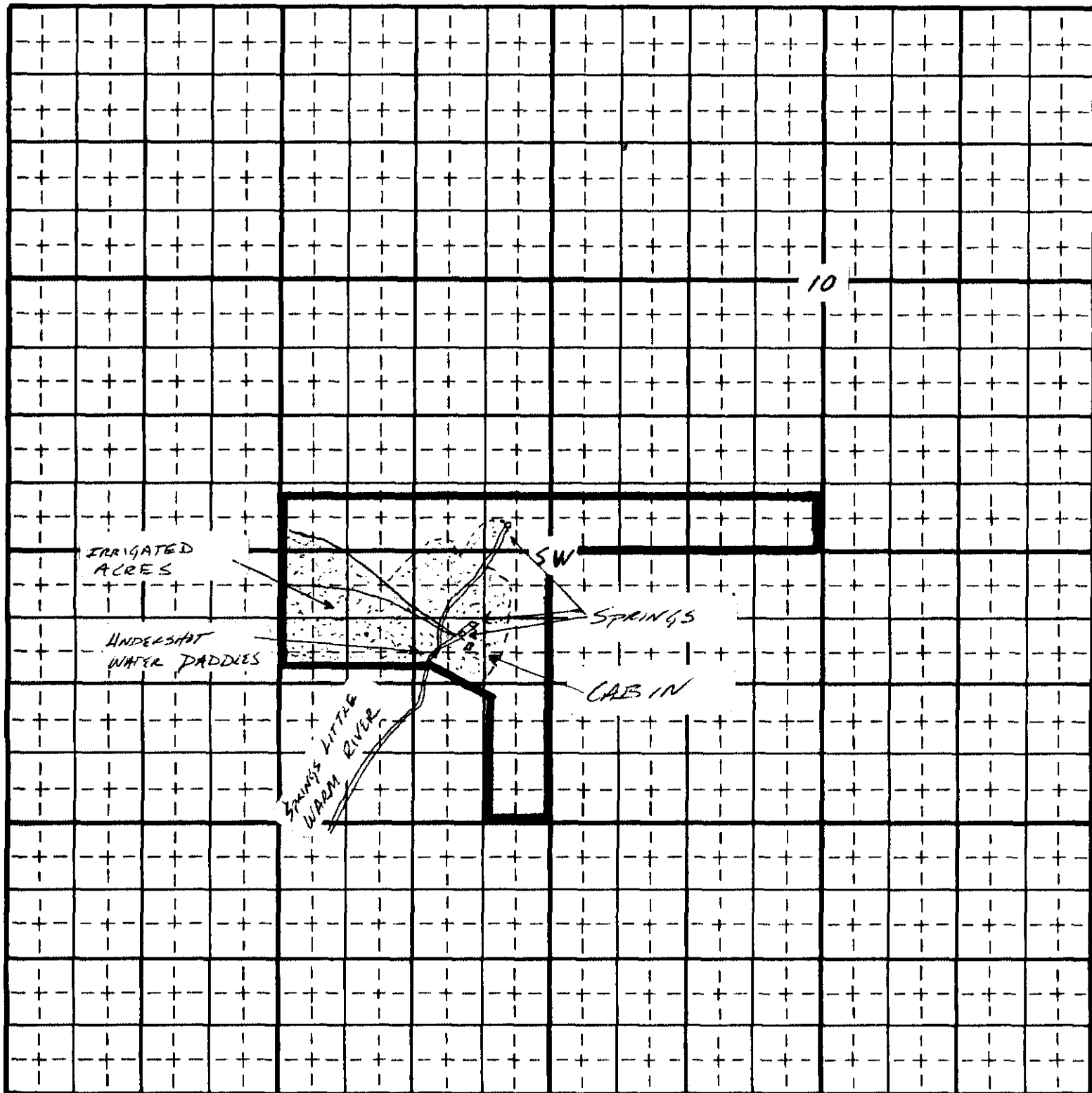
OCT 23 1992

Last Name Malan Ident No.

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile. 8 inches equals 1 mile.



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OCT 23 1992

Last Name Malan Ident No. _____

Copies: White-State, Yellow-Claimant

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

Decree _____

If applicable provide IDWR Water Right Number _____

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments one

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

Signature of Claimant (s) Neta 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 21st day of March 19 89

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 _____

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OCT 23 1992

Last Name Malan Ident. Number _____

Copies White-State, Yellow-Claimant

Additional Explanation to Malan Claim

DIVERTING WORKS

Waters are diverted by several methods from the three springs and stream which constitutes the headwaters of the Warm River and which is known as "Springs Little Warm River". In the upper spring a canvas diversion dam is placed in the spring area to flood irrigate lands below the spring. The middle spring has a masonry collection box and retention basin built into the spring area, while the lower spring has been captured in a spring house. Waters from the middle and lower spring are diverting into ditches which convey waters to the irrigated lands. Lands which are above areas where they can be reached by gravity irrigation are watered with spring waters via one of two pumps and sprinkler irrigated. One of the pumps is an 8 hp gasoline pump, and the other is driven by a 7 foot undershot paddle wheel placed in a 15' X 4' steel raceway in the natural stream channel. The 8 hp gasoline pump also diverts and lift waters approximately 90' to the 1,100 gallon steel domestic storage tank. The undershot paddle wheel is also used to run a 12 volt generator with 120 volt converters which supply power to the cabin. (See map for location. Note scale change.)

ENCLOSURE

OCT 23 1982

Last Name Malan

Ident. No. _____

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME MALANCLAIMMENT. NO. A21-11204DATE RECEIVED 3/23/89

CK # _____

AMOUNT \$ _____

YES NO Required Info?

1. Is the name and address complete with zip code? X NO *
2. Is a priority date entered? X NO *
- Is the priority date acceptable in view of mandatory filing dates? X NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. X NO *
3. (a) Is a source entered? X NO *
- x (b) Is a tributary to entered? (if required) X NO *
4. Is the legal description of the p.d. sufficient? X NO *
5. Is there a description of the diverting works? X NO *
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. X NO *
- Is the period of use included? X NO *
- Is a quantity claimed for each use? X NO *
7. Is a total quantity claimed entered? X NO *
- x 8. If required is a consumptive use entered? X NO *
- K Is the consumptive use correct? X NO *
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. X NO *
10. Is (are) the place(s) of use and purpose(s) indicated? X NO *
11. Is (are) the county(ies) entered? X NO *
12. Is the ownership of p.u. checked? X NO *
- x 13. Are other water rights listed or "none" indicated? X NO *
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.) X NO *
15. Is the basis of the claim indicated? X NO *
- x 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) X NO *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. X NO *
18. Has the claim been signed, sealed, and dated by a notary? X NO *
19. Was this claim filed on time, or was an extension granted? X NO *
20. Is the fee enclosed correct? X NO *
- x 21. If this claim is based on an existing water right, has the identification number been entered? X NO *
22. Should this claim be data entered? X NO *

Claim checked by: TO Date: 4/20/89Claim must be returned to claimant: (Yes) X (No)Claimant must be notified of modifications: (Yes) X (No)

Receipt Prepared by: _____

Date: _____

Claim data entered by: _____

Date: _____

Sent to claimant by: _____

Date: _____

Checked by: _____

Date: _____

Comments: (3) CORE SOURCE AS "SPRINGS"

RECEIVED

OCT 23 1992