

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: A21-11212
Date Received: 3/23/1989
Receipt No: E007036
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.
OGDEN, UT 84403

AND/OR

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

2. Date of Priority: JUL 04, 1907

3. Source: SPRINGS Trib. to: BUFFALO RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13N	44E	19	NE	SW	NE	5	FREMONT
			SE	SW	NE	5	FREMONT

5. Description of diverting works:
SPRING HOUSE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	03/01	12/15	0.080		
STOCKWATER	03/01	12/15	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/12-PERSON INN, S/15 HORSES, INCIDENTAL IRRIGATION

A21-11212

Page 1

Date: 05/03/89

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OCT 23 1992

A2111212

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	44E	19	SW	NE		DOMEST	
			SW	NE		STOCK	

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:
NONE

14. Remarks:

HISTORICALLY THE WATER HAS BEEN USED FOR DOMESTIC PURPOSES FOR A HUNTING/PACK INN. IN MORE RECENT TIMES THE PROPERTIES HAVE BEEN USED AS A BASE FOR LOGGING OPERATIONS.

15. Basis of Claim: BENEFICIAL USE

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME MALANCLAIM IDENT. NO. 121-11212DATE RECEIVED 3/23/89

CK # _____

AMOUNT \$ _____

YES

NO

Required
Info?

1. Is the name and address complete with zip code? X
2. Is a priority date entered? X
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. X
3. (a) Is a source entered? X
- x (b) Is a tributary to entered? (if required) N/A X
4. Is the legal description of the p.d. sufficient? X
5. Is there a description of the diverting works? X
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
Is the period of use included? X
Is a quantity claimed for each use? X
7. Is a total quantity claimed entered? X
- x 8. If required is a consumptive use entered? N/A X
- x Is the consumptive use correct? N/A X
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 X
10. Is (are) the place(s) of use and purpose(s) indicated? X
11. Is (are) the county(ies) entered? X
12. Is the ownership of p.u. checked? X
- x 13. Are other water rights listed or "none" indicated? X
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 X
15. Is the basis of the claim indicated? X
- x 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A X
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. X
18. Has the claim been signed, sealed, and dated by a notary? X
19. Was this claim filed on time, or was an extension granted? X
20. Is the fee enclosed correct? Exempt X
- x 21. If this claim is based on an existing water right, has the identification number been entered? N/A X
22. Should this claim be data entered? X

Claim checked by: TO Date: 5/2/89Claim must be returned to claimant: (Yes) X (No)Claimant must be notified of modifications: X (Yes) (No)

Receipt Prepared by: _____

Date: _____

Claim data entered by: _____

Date: _____

Sent to claimant by: _____

Date: _____

Checked by: _____

Date: _____

Comments: @ DO NOT CODE "INCIDENTAL IRRIGATION"

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DOES THIS QUALIFY FOR A \$2500 CLAIM?

OCT 23 1992

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 A21-11212
Date Received 3/23/89
Receipt Number E007036

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

APR 24 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, Ogden Utah Zip 84403

2. Date of Priority (Only one (1) per claim) July 4, 1907

3. Source of water supply (a) Springs (Malan Springs)
which is tributary to (b) Buffalo River

4. a. Location of existing point of diversion is: Township 13N Range 44E Section 19,
NE 1/4 of SW 1/4 of NE 1/4, Govt. Lot, 5 B.M., County of Fremont

Additional points of diversion if any: SE 1/4 SW 1/4 NE 1/4 of Section 19, Gov Lot 5

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.

Water is diverted from spring areas by cleaning out the springs and the construction
of a spring house from which water is carried to place of use.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from Mar 1 to Dec 15 amount 0.08 or _____

For Stockwatering purposes from Mar 1 to Dec 15 amount 0.02 or _____

For Incidental Irrig. purposes from Mar 1 to Dec 15 amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.10 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is de minimus 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 uses for an inn (12 persons), stockwatering of 15 horses, and incidental outside irrigation.

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
13N	44E	19			Lot 5 D S														--

Total number of acres irrigated incidental

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. _____ or None (XX)

14. Remarks:

Historically the water has been used for domestic purposes for a hunting/pack inn.

In more recent times the properties have been used as a base for logging operations.

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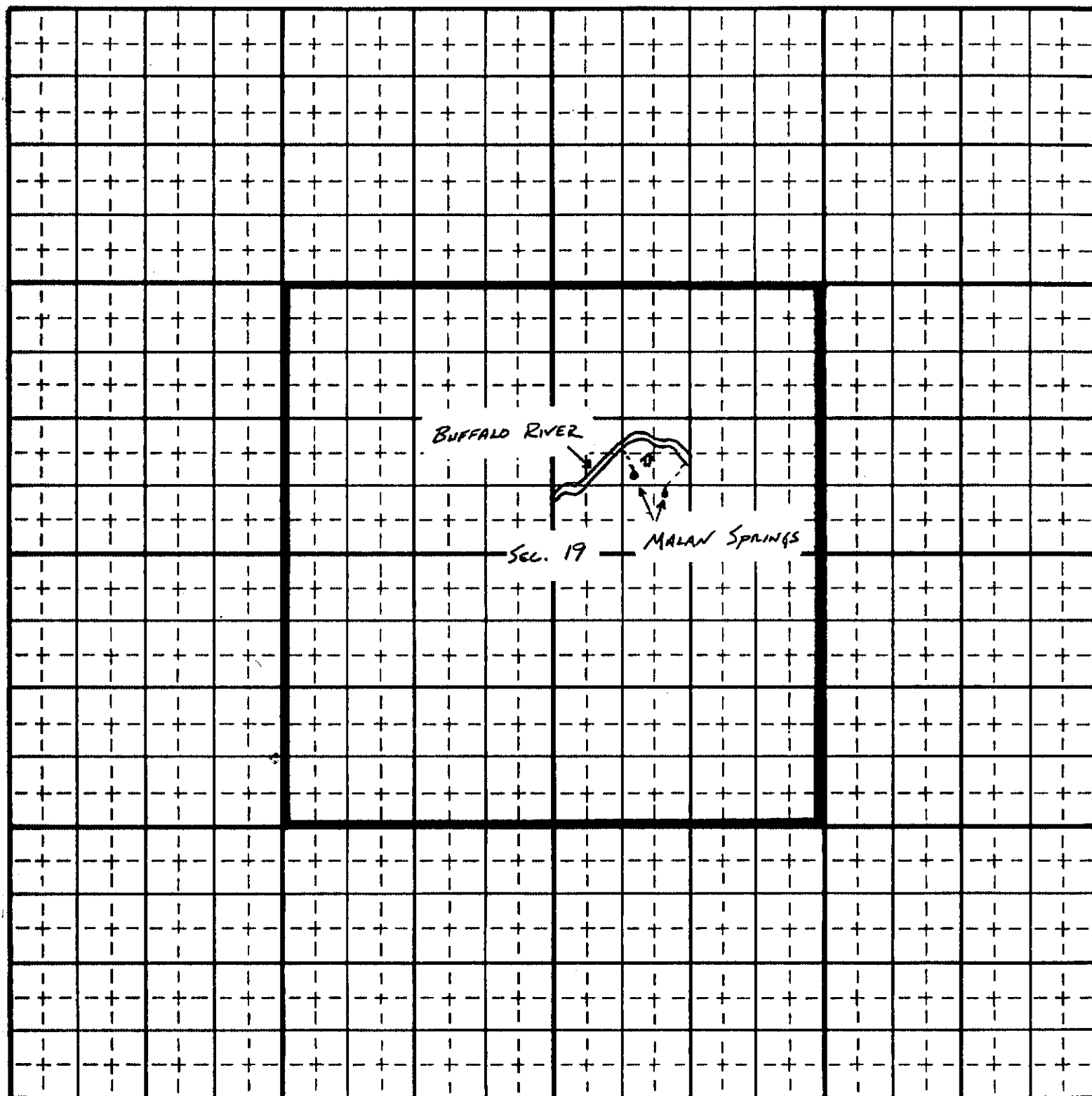
OCT 23 1992

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~~ 4 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 X 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 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

19 Apr 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 _____

Title

of _____

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

Nineteenth

day of

April

19 89

SEAL

Notary Public

Donald M. Pelly

Residing at

Ogden, Utah

My Commission Expires

October 12, 1991

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

RECEIVED

APR 24 1989

Department of Water Resources
Eastern District Office

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

April 18, 1989

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

Dear Tony:

Attached please find our revised claim for beneficial use of waters on our Buffalo Inn properties in the Island Park area. As you will recall, you requested that we revise this claim by filing it on the more appropriate long form. This is because the properties were historically used for commercial purposes.

We hope that all is in order on this revised claim. If you have any further questions please contact us. We appreciate the attention you have given this claim.

Sincerely,


Tim Malan

attachments

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OCT 23 1992



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 23 1992

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

05/25/92 21:37:24
PAGE 1

WATER RIGHT NUMBER - A21-11212

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

[illegible]

*** C - CURRENT OWNER ***
MALAN

CLAUDE A.

1 - 1745 29TH ST.

2 -

3.

CITY- OGDEN

STATE- UT ZIP- 84403

PHONE - 801-394-7416

HALAN

ASTA J.

1 - 1745 29TH ST.

2 -

—

CITY- GGDEN

STATE- UT ZIP- 84403

PHONE - 201-394-7416

PRIORITY	DATE	REGION	STAGE	STATUS
07/04/1907	ERROR IN REGION	J - BENEFICIAL USE		

+ - - - - SOURCE - - - - - + SPRINGS	+ - - - - - - - - - - - - - - - + TRIBUTARY BUFFALO RIVER
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21

[illegible]

13N	44E	19	NE SW NE	5	(43)	FREMONT
			SE SW NE	5	(43)	FREMONT

+	CODE	DESCRIPTION	PERIOD FROM	PERIOD TO	WATER USE	DIVERSION RATE	DIVERSION VOLUME	+
---	------	-------------	-------------	-----------	-----------	----------------	------------------	---

43 - DOMESTIC	03/01	12/15	0.080
04 - STOCKWATER	03/01	12/15	0.020

+ - TOTAL DIV. RATE - +	+ - TOTAL DIV. VOLUME - +	+ - TOTAL DIV. CAPACITY - +	+ - TOTAL CONSUMPTIVE USE - +	+ - KW USAGE - +
0.100			0.0	

TWN	RNG	SEC	TRACT	LOT	ACRES	PLACE OF USE CODE	DESCRIPTION	COUNTY
14N	12E	36	1	1	1.00	000	RESIDENTIAL	CLATSOP

13N	44E	10	03	04	STOCKWATER	(43)	FREMONT
13N	44E	10	03	43	DOMESTIC	(43)	FREMONT

+ - - DIVERSION STAIRS - SPRING HOUSE

+ - - NON-IRRIGATION USE - 0/12-PERSON INA. 5/15 HORSES. INCIDENTAL IRRIGATION

+ - - OTHER RIGHTS FOR SAME USE - NONE

[illegible]

HISTORICALLY THE WATER HAS BEEN USED FOR DOMESTIC PURPOSES FOR A HUNTING/PAK INN. IN MORE RECENT TIMES THE PROPERTIES HAVE BEEN USED AS A BASE FOR LOGGING OPERATIONS.

MICROFILMED
NOV 06 1990

WATER RIGHT NUMBER - A21-11212

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - OLD WATER RIGHT NUMBERS - - - - - +
+ - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.
+ - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.
+ - - - - DECREE PLAINTIFF - - - - + + - - - - DECREE DEFENDANT - - - - + + - DECREE DATE - +
00/00/0000
+ - - AUDIT FIELDS - 05/03/89 GLENICHA 10/24/89 REFUNDML
+ - - - - COMMENTS - - - - - +
NO COMMENTS FOUND
+ - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - - +

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 00/00/0000	CIVIL CASE NUMBER	- 39576
OBJECTION FILED DATE	- 00/00/0000	FIELD INSPECTION FLAG	-	OLD CASE NUMBER	-
RESPONSE FILED DATE	- 00/00/0000	VERIFIED DATE	- 00/00/0000	OLD JUDICIAL DISTRICT	-
CLAIM RECEIVED DATE	- 05/01/1989	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- E007036	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLAG	-	PDU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	- AND/OR	NOTICE OF ERROR FLAG	-

RP 5582 A

DATA ENTRY

ENTERED

CHECKED 4-19-94

"Verified By"
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED

OCT 11 1992

PROOF

U 1992

CERTIFIED

OCT 21 1993

WATER EXAMINER