

11/30/2005

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 21-2107

GIOR LP
265 S STATE ST
MORGAN UT 84050
Telephone Number: (801)829-6263

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Period of use

2. Describe the changes you wish to make in the proposed recommendation:

water use period 4/15 to 10/15

3. Give a brief explanation as to why you disagree with these portions:

To conform with original claim document. Civil Case No. 39576, Receipt No. E006474

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/11/05

SIGNATURE: *[Signature]*

Please print your name: Ben H. Milan, Opr. Mgr.

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED

DEC 19 2005

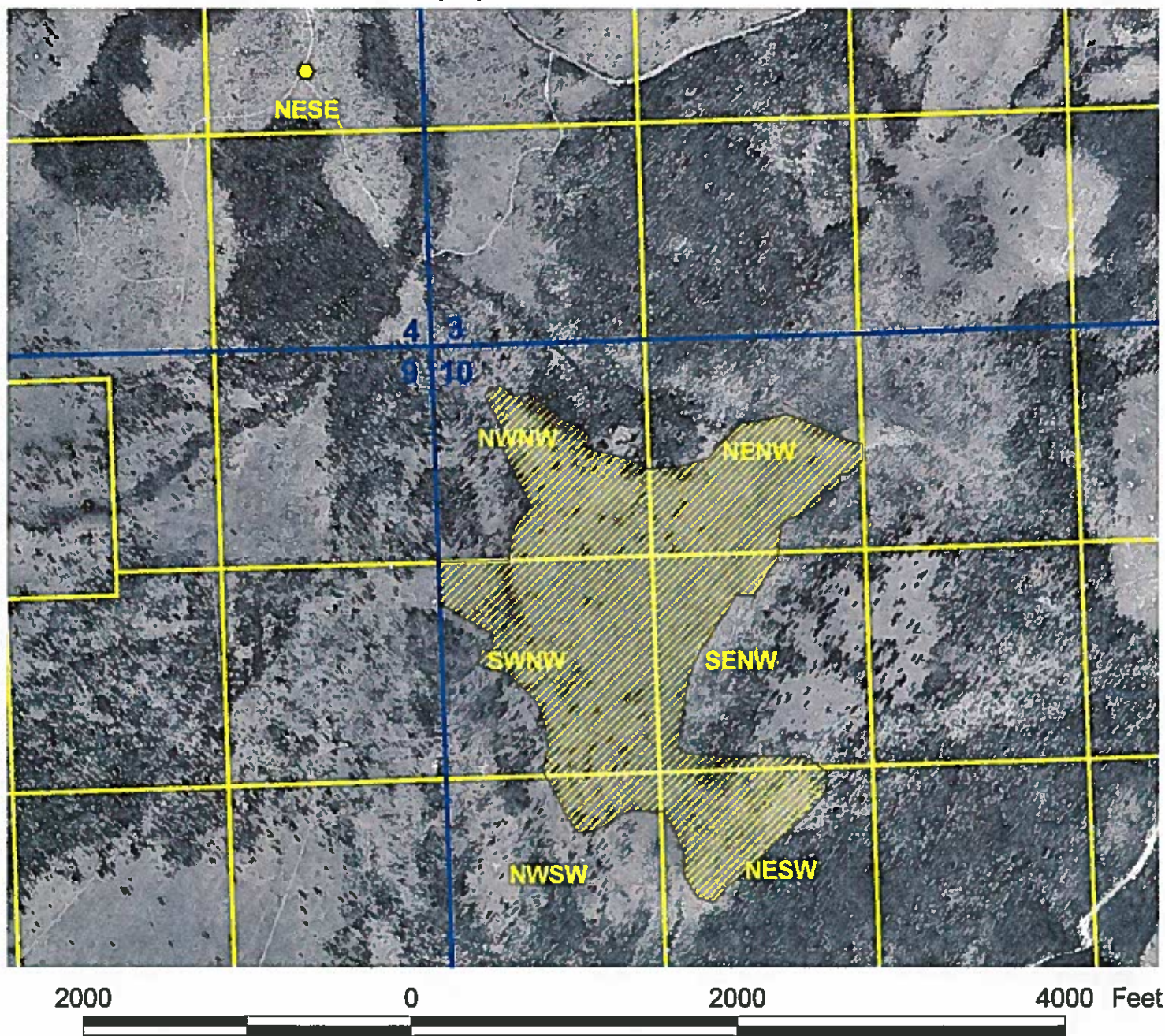
Department of Water Resources
Eastern Region



State of Idaho
Department of Water Resources
Eastern Region



Claim No.(s): 21-2060, 21-2107

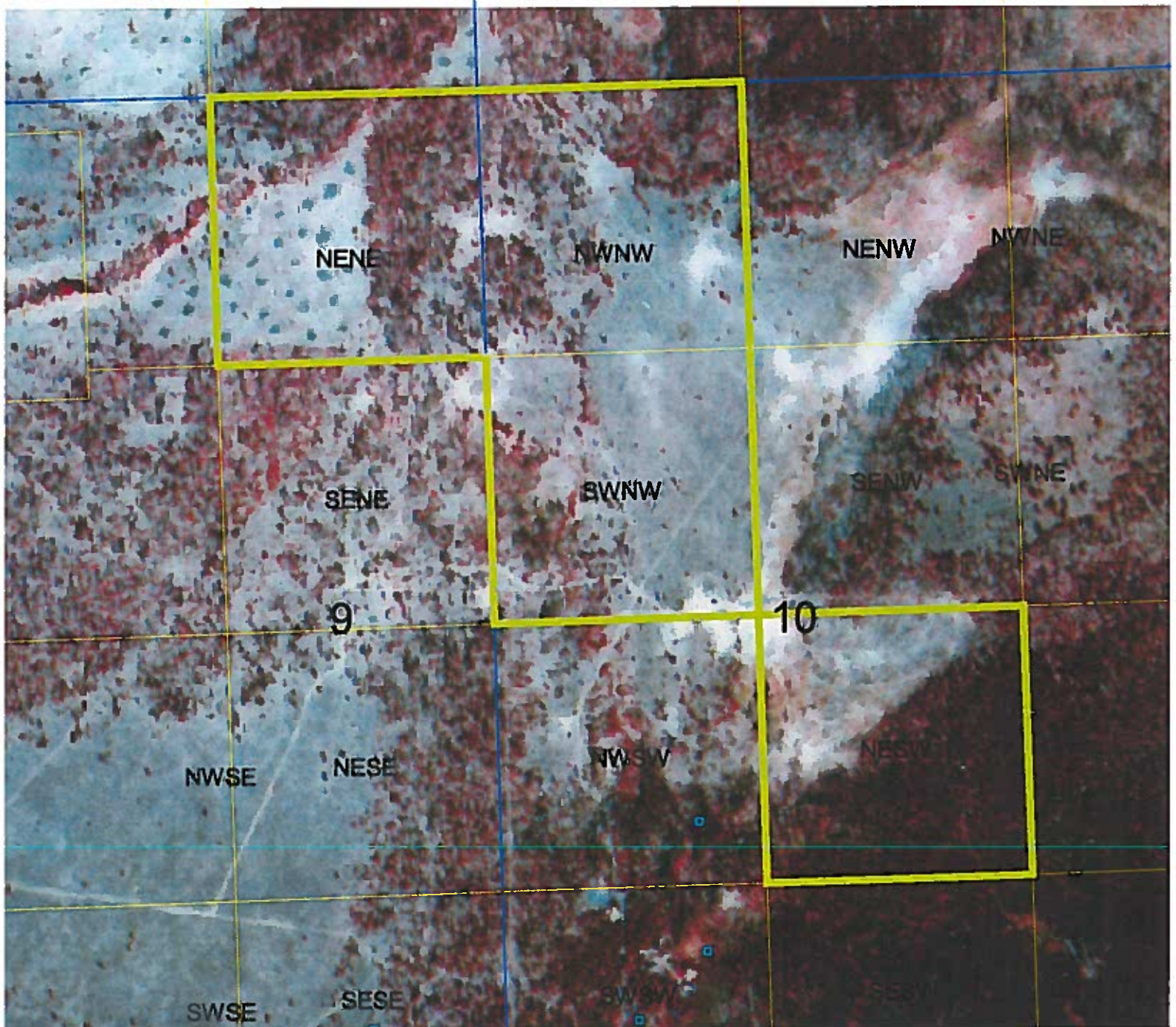


- Place of Use
- Sections
- Quarter Quarter
- Points Of Diversion

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by T. Galbraith
Date: Nov. 2005



21-2107
12N 44E



SCANNED
DEC 14 2004

PROFILED

Claim No. 21-2107

Document Checklist

☒ Copy License/Decree

☐ Copy Transfer

☒ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required

☐ Generate, mail and file "Evidence of Priority" letter

☒ Generate Arcview Map

Claim no. _____

Claimant Contact Log

Date _____

Remarks

Agent initials

Claim Number: _____

[illegible]

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

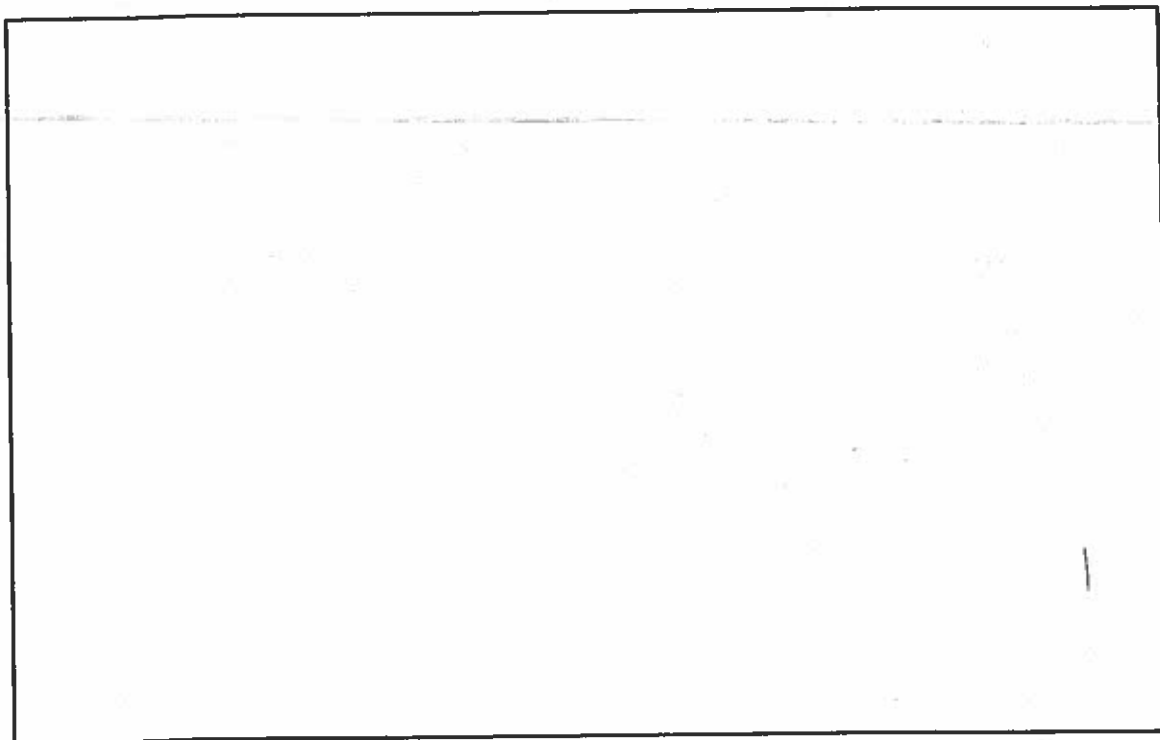
Accompanied By: _____ Phone No: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

Reviewer: _____ Date: _____

Water Right No(s). _____



GPS DATA:

Tag # _____ Location: _____

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: _____

SN: _____

PUMP

Make: _____ Model: _____ Disch: _____

SN: _____

NOTES:

Field Exam Date: _____ Agent: _____

Claim Number: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, _____ County: _____

Source: _____ Tributary to: _____

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

Transfers Pending or approved: _____

[illegible]

Reviewer: _____ Date: _____

Claim Number: _____

[illegible][illegible]

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

Reviewer: _____ **Date:** _____

Season of Use and Quantity Data Entry Form

Claim Number: _____

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

[illegible]

Reviewer: _____

Date: _____

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 25457/21-2107 Priority March 17, 1955 Amount 1.70 cfs
(late proof)

THIS IS TO CERTIFY, that CLAUDE A. MALAN
of Ogden, Utah, has complied with the terms and conditions of Permit
No. 25457/21-2107 issued pursuant to Application for Permit dated February 15, 1955,
and has submitted proof to the Department of Water Administration on March 25, 1966,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 3.80 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from Split Creek
tributary of Warm River, is hereby confirmed in the following amounts:
Amount 1.70 cfs for Irrigation from May 1 to Oct. 1 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 1.70 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SE 1/4 Sec. 4, Twp. 12 N, Rge. 44 E, B.M.

in the county of Fremont; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 255 acre feet per year or _____
3.0 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	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	
12 N	44 E	9	20																20
		10					14	16		36									65

Total number of acres irrigated 85

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 11th day of

June, 19 73.


Director

21-2107

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. 25457/21-2107

This proof is for Beneficial Use In Water District No.

1. Name of applicant Claude A. Malan

2. Source of water supply: Split Creek

3. Location of point of diversion: Is in the SE/4 of Section 4
T. 12 N. R. 44 E. County of Fremont

4. Describe works as they exist, giving dimensions and capacities of same: Small earth & rock filled dam, height 2' width 10'. It is possible to adjust water of diversion by changing height of dam.

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NE/4, Sec. 9; NW/4, SE/4, Sec. 10, T. 12 N., R. 44 E., B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: System shown by Mr. Claude A. Malan. Application for permit indicates license already existing for 1.1 CFS. No. 10422 on same lands.
21-2060

Base: Check my conclusion that Split Cr. is tributary to Snake River with previous license. Also this is same P.D. as previous license so location should be the same. Class of use data was furnished by Fremont County Assessor.

This examination was made on the 11th day of September, 1972

(Signed) John Ferchauer Examiner.

21-2107

✓ Norma C. Young, P.E. 11/8/72

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

DATE Sept 11, 1972 DISCHARGE MEASUREMENT NOTES

C. Malam River at P.D. Split creek

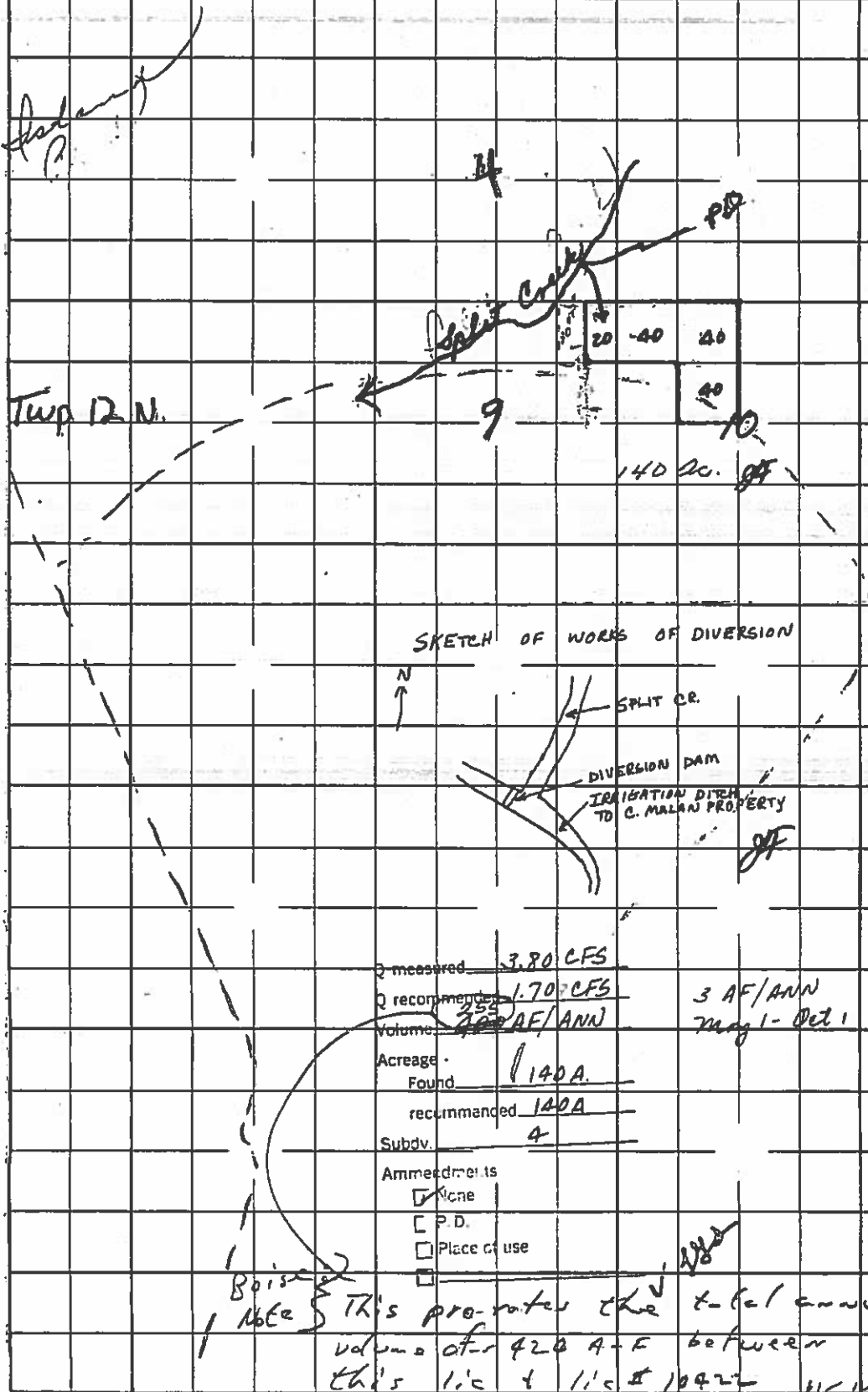
[illegible]

No. 1 of 1 Sheets. Comp. by St Ont. by 11/18/72

127.

No Aerial Photo Available

Rep 44 EBM.



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

21-2107



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

SCANNED

AUG 16 2001

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

MICROFILMED

OCT 20 1992

0/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME MALAN CLAIM I T. 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.
MICROFILMED
OCT 20 1992



Do NOT MICROFILM

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

MICROFILMED

OCT 20 1992

Jack A. Barnett, P.E.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 27, 2001

GIOR LP
ATTN: BEN MALAN - OPERATING MANAGER
265 S STATE ST
MORGAN UT 84050

RE: CHANGE IN OWNERSHIP FOR A21-02060, A21-02107, A21-11204, A21-11212 AND A21-11203

Dear Mr. Malan:

The request for Change in Ownership concerning the Notices of Claim numbers A21-02060, A21-02107, A21-11204 and A21-11212 have been processed and the Notices modified to reflect GIOR LP as the new owner.

Water right number A21-11203 has been partially decreed by the Snake River Basin Adjudication Court and requires a \$25 fee.

Please mail the enclosed copy of the Change of Water Right Ownership form with a check for \$25.00 made payable to IDWR to:

Id Dept of Water Resources
Attn: Kari Lynn Townsend
1301 N Orchard St
Boise ID 83706

Enclosed is a copy of the Notices of Claim, with GIOR LP shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure: Notice(s) of Claim

SCANNED

DEC 14 2004

PROFILED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

OK JC 12/21/01
RECEIVED
OCT 22 2001
 Department of Water Resources
 Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>21-2107</u>					
<u>21-2060</u>					
<u>21-11204</u>					
<u>21-11212</u>					
<u>21-11203</u>					

RECEIVED

DEC 10 2001

Department of Water Resources
 Eastern Region

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Claude A. Malan & Astan Malan
1750 29th St. Ogden, Utah 84401

4. New Owner/Claimant(s)

G10R, L.P.

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

265 S. State St.

City, State and ZIP Code

Morgan, Utah 84050

New Telephone Number

(801) 829-6263

5. Date you acquired the property

May 18, 2001

SCANNED

DEC 14 2004

PROFILED

12/19/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 21-2107

NAME AND ADDRESS: GIOR LP
265 S STATE ST
MORGAN UT 84050

SOURCE: SPLIT CREEK

TRIBUTARY: WARM RIVER

QUANTITY: 1.700 CFS

Right Nos. 21-2060 and 21-2107 are limited to a total combined diversion rate of 1.76 cfs.

PRIORITY DATE: 03/17/1955

POINT OF DIVERSION:

T12N R44E S4 SWNESE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/15

QUANTITY
1.700 CFS

PLACE OF USE: IRRIGATION Within FREMONT County

T12N R44E S10	NENW	17.0	T12N R44E S10	NWNW	15.0
T12N R44E S10	SWNW	29.0	T12N R44E S10	SENW	11.0
T12N R44E S10	NESW	12.0	T12N R44E S10	NWSW	4.1

88.1 ACRES TOTAL

Right Nos. 21-2060 and 21-2107 are limited to the irrigation of a combined total of 88.1 acres in a single irrigation season.

This right is limited to the irrigation of 85 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

11/30/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 21-2107
NAME AND ADDRESS: GIOR LP
265 S STATE ST
MORGAN UT 84050

SOURCE: SPLIT CREEK TRIBUTARY: WARM RIVER

QUANTITY: 1.700 CFS
Right Nos. 21-2060 and 21-2107 are limited to a total combined diversion rate of 1.76 cfs.

PRIORITY DATE: 03/17/1955

POINT OF DIVERSION:
T12N R44E S4 SWNESE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	1.700 CFS

PLACE OF USE: IRRIGATION Within FREMONT County

T12N R44E S10	NENW	17.0	T12N R44E S10	NWNW	15.0
T12N R44E S10	SWNW	29.0	T12N R44E S10	SENW	11.0
T12N R44E S10	NESW	12.0	T12N R44E S10	NWSW	4.1

88.1 ACRES TOTAL

Right Nos. 21-2060 and 21-2107 are limited to the irrigation of a combined total of 88.1 acres in a single irrigation season.

This right is limited to the irrigation of 85 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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 21-2107
Date Received: 3/24/1989
Receipt No: E006474
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GIOR LP Phone: (801) 829-6263
265 S STATE ST
MORGAN UT USA 84050

2. Date of Priority: 03/17/1955

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
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	4/15	10/15	1.7	

7. Total Quantity Appropriated is:
1.7 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
12N	44E	9	NE NE	IRRIGATION	20
Section Acres					20

12N	44E	10	NW	NW	IRRIGATION	14
			SW	NW	IRRIGATION	15
			NE	SW	IRRIGATION	36
Section Acres						65
Total Acres						85

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:

14. Remarks:

15. Basis of Claim: License

SCANNED

AUG 10 2001

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

A2102107



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	Lot	County
12N	44E	4	SE	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

9. Non-irrigation uses:

*This claim needs
to be amended
as shown on
P. 2
JC 12/21/01*

A21-02107

Page 1

Date

MICROFILMED
OCT 20 1992

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 ^{NE}	NW	IRR	14.0
			SW ^{SE}	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**

**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

3/23/89

Receipt 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) 394-7416Mailing Address 1745 29th Street #3, Ogden, Utah Zip 844032. Date of Priority (Only one (1) per claim) February 15, 19553. Source of water supply (a) Split Creek
which is tributary to (b) Warm River4. 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 FremontAdditional 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
			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	
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:

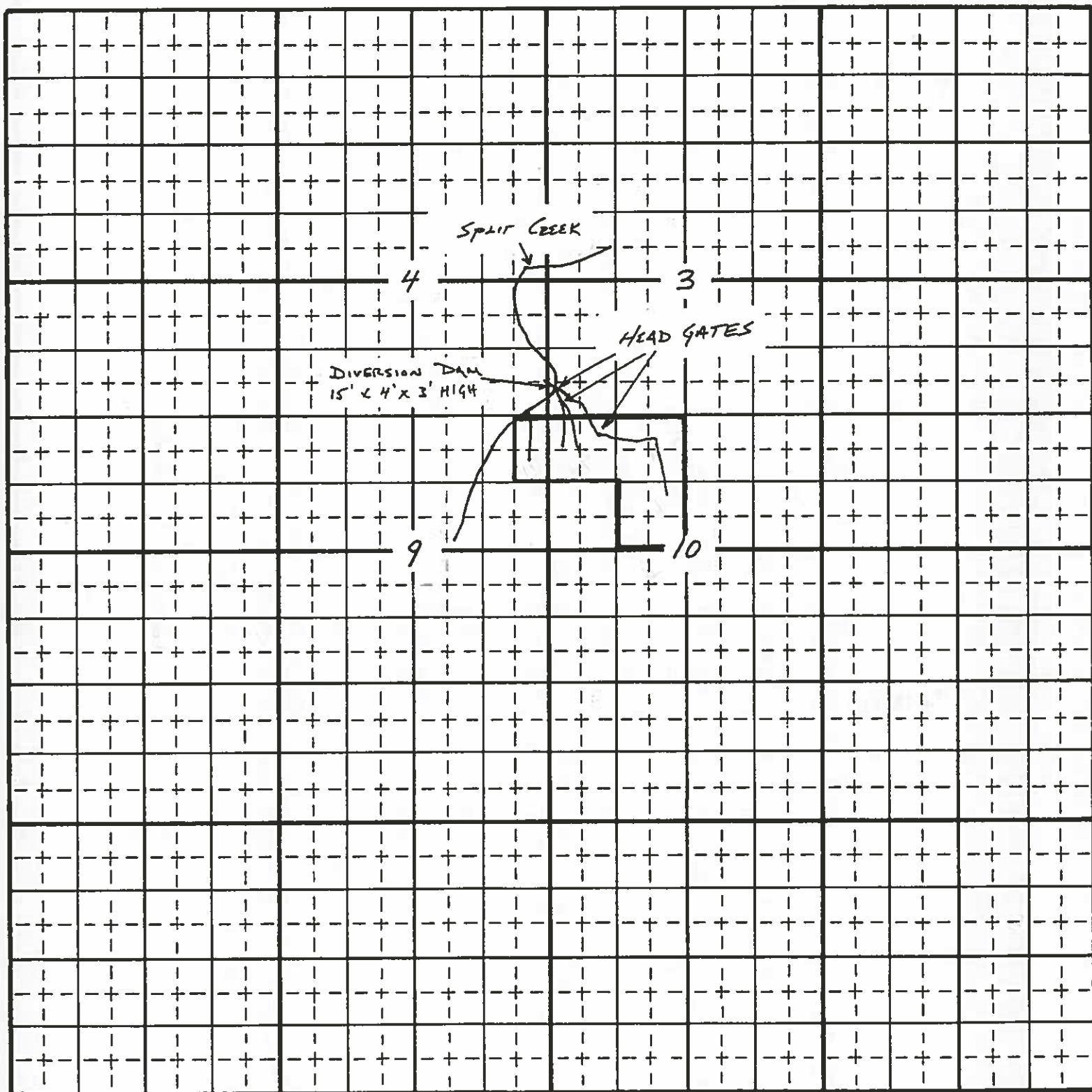
This water right represents the additional acres developed by Claude A. Malan in 1955 on lands which he purchased from Ernest R. Clark and which already had licensed right 10422.

Last Name Malan Ident No. _____

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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) Osta 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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