

Claude A. Malan
1750 29th Street
Ogden, Utah

Permit No. 25457/21-2107

NOTE:

Examination for Beneficial Use

County Fremont

Sec. 4 T.12N R. 44E

Quantity: 1.70 c.f.s.

Source: Split Creek

P.D.: SE $\frac{1}{4}$ SE $\frac{1}{4}$, S. 4, T. 12 N., R. 44 E., B.M.

Use: Irrigation

Extension: 2/23/66

Protest:

Completion of Works: 2/19/60

Other Rights: License No. 10422, Split Creek 1915

Filed: 2/15/55

Due: 2/23/66

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

21-8107

Made: March 25/1966

Mr. Malan now living at
Pond's Lodge north of the tree.
Ask for him there. W. 7-12-71

INSIDE REPORT BY R.H.

TAY & COMPANY IN
ADVANCE

No Aerial Photo Available

Rge 44 EBM

Island

Twp 12 N.

4

Split Creek

PD

9

140 ac. 94

SKETCH OF WORKS OF DIVERSION

2

SPLIT CR.

DIVERSION DAM

IRRIGATION DITCH
TO C. MALAN PROPERTY

94

Q measured 3.80 CFS
Q recommended 1.70 CFS
Volume 253 AF/ANN
Acreage -
Found 140 A.
recommended 140 A
Subdv. 4
Amendments
☒ None
☐ P.D.
☐ Place of use
☐

3 AF/ANN
May 1 - Oct 1

Boise

Note } This pro-rates the total annual
volume of 420 A-F between
this lic & lic # 10422

AFFIDAVIT OF
PUBLICATION

State of Idaho }
County of Fremont } ss.

L.B. HUNSAKER

being first duly sworn, upon his
oath, deposes and says:

That he is the OWNER
of The Chronicle-News, a news-
paper as defined by Idaho
Codes Annotated, and that said
newspaper is a weekly news-
paper printed and published at
St. Anthony, in Fremont County,
Idaho, having a general circula-
tion in said county, and that
said newspaper has been print-
ed and published as a weekly
newspaper in said county for
more than 78 consecutive weeks
prior to the first publication of
the attached notice, advertise-

ment or publication of

NOTICE OF PROOF
APPLICATION OF WATER

And affiant further says that
said notice, advertisement or
publication, as per clipping
attached, was published in said
newspaper, in the regular and
entire issue thereof, and not in
any supplement issue thereof,

for FOUR consecutive is-
sues thereof; first publication

having been made on the 3

day of MARCH, 1966,
and the last publication on the

24 day of MARCH

1966.

And affiant further says that at
the times herein mentioned said
newspaper was made up of at
least four pages of at least five
columns each, printed from
type matter, of at least seven-
teen and three-fourths inches
deep.

L.B. Hunsaker
Subscribed in my presence and
sworn to before me this 18th

day of Mar

1966.

[Signature]
Notary Public for the
State of Idaho, resi-
(SEAL) dence and post office
address: St. Anthony,
Idaho.

RECEIVED
MAR 28 1966

Department of Reclamation

NOTICE FOR PUBLICATION
NOTICE OF PROOF
APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that
at 4:30 P.M. on the 25th day
of March, 1966, at Ogden,
County of Weber, State of Ut-
ah, before David K. Holther,
Notary Public, 602 Eccles
Building, proof will be sub-
mitted of the application to
beneficial use of 1.7 cubic feet
per second of the waters of
Split Creek in accordance with
the terms and conditions of
Permit No. 25457 heretofore
issued by the Department of
Reclamation of the State of
Idaho.

The name and post office
address of the person or cor-
poration holding said permit
Claude A. Malan, 1750-29th
Street, Ogden, Utah.

The use to which said water
has been applied is irrigation.

The amount applied to bene-
ficial use is 1.7 c.f.s.

The point of diversion of
said water is in SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 4, T 12 N, R 44 E, County
of Fremont, Idaho.

The place where said water
is used (LEGAL DESCRIP-
TION) In NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9,
NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$,
NW, Sec. 10, T. 12 N., R 44
E. 140 Acres.

The date of priority which
said user is prepared to estab-
lish is February 15, 1955.

CARL E. TAPPAN
State Reclamation
Engineer

(C.N. MAR. 3, 10, 17, 24, '66)

25457

April 9, 1962

RE: Permit No. 25457
Claude A. Malan

2710
Malan, Claude A.
Water Transmission
(Proposed)

Alvin F. Wright, Supervisor
Targhee National Forest
St. Anthony, Idaho

Dear Mr. Wright:

Permit No. 25457 was issued to Mr. Malan to divert 1.7 c.f.s. of water from Split Creek in the SE¹/₄SE¹/₄, Section 4, Township 12 North, Range 14 East to irrigate land in Sections 9 and 10. There are also two licensed water rights for diversion from the same 40-acre subdivision to irrigate lower lands.

It is entirely possible that one of the points of diversion had to be moved farther upstream to land in Section 3. According to Mr. Malan's map, which accompanied his application, it is possible that his ditch would cross a corner of Section 3.

We would appreciate the name of the stream and location of the point of diversion in future inquiries. Generally our records are not very accurate concerning the location of the ditch below the diversion.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

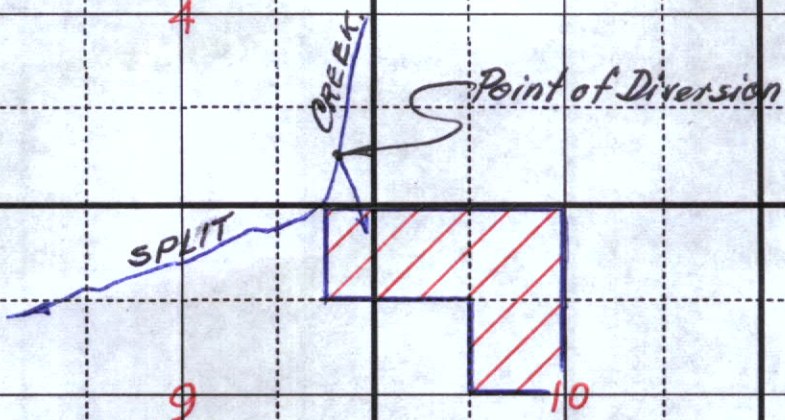
Carl E. Tappan
Assistant State Reclamation Engineer

GET:RWT:mr

25457

R-44E.

T.
12
N.



Permit Map No. **25457**
As Approved
FEB 23 1955
MARK R. KULP
State Reclamation Engineer

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 $\frac{1}{4}$ SE $\frac{1}{4}$ 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:

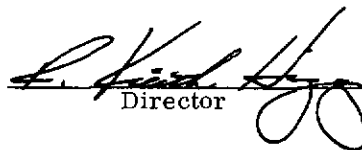
TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
12 N	44 E	9	20																20
		10					14	15		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 17th day of

June, 19 73.


Director

21-2107

25457
21-2107

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 33325
PERMIT No. 25457
DISTRICT No.

1750 - 29th St.
Ogden
Utah

1. Name of Applicant: CLAUDE A. MALON,

Postoffice address: Ogden, Utah.

County: Weber

State: Utah

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(b) Treasury stock:

(d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: 85 inches or 1.70

cubic feet per second.

3. Source of water supply: Split Creek

which is a tributary of to no stream,

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B. M., and is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 4 , T. 12.N. , R. 44.E. , B.M., County of Fremont

5. Water is to be used for Irrigation,

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water:

feet distant from

corner of Section

T. , R. , B.M., in the

of Section

, T.

, R.

, B.M.

(b) Amount of power generated:

H.P., under

feet head.

(c) Water is to be returned to

at a point

feet

distant from the

corner of Section

, T.

, R.

, B.M., in the

of Section

, T.

, R.

, B.M.

7. Estimated cost of works: \$200.00

8. Kind of works: Small Dam and ditch,

9. Height of dam 3 feet; length of dam at top 20 feet; length of dam at bottom 15

feet; material used in dam: Earth and rock,

10. Size of headgate: Width feet; height

feet.

11. Ditch: Width at bottom 2 feet; width at water line 5 feet; depth of water 1 feet;

dimensions of flume:

Diameter of pipe

inches; length of conduit

$\frac{1}{2}$

miles.

Average grade per mile

feet.

12. The time required for the completion of such work is Five, years.

13. The time required for the complete application of the water to the proposed use is None, additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Permit and License for 1.1 cubic feet per second No. 10422, from Split Creek on the same lands.

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

CLAUDE A. MALON

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 3-30 P.M. February 15, 1955

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 25457

Recorded in Book 90 Page 25457 Approved Feb. 23, 1955

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$_____ to be filed on or before _____

Work to begin on or before April 23, 1955 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before August 23, 1957

The whole of said work to be completed on or before February 23, 1960

Beneficial use of water appropriated in accordance herewith, to be made on or before February 23, 1960

WITNESS My hand this 23rd day of February, 1955

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLIE, Governor of the State of Idaho,

and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 23rd

day of February, 19 55.

STATE OF IDAHO

Countersigned:

(SEAL) _____ By _____ ROBERT E. SMYLIE

Governor.

By IRA H. MASTERS

Secretary of State.

REMARKS: Applicant desires to irrigate all of said lands increasing his water right to one inch per acre.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
12.N	44.E	9	20																20
		10					40 40 40												<u>120</u>
			Total Number of Acres to be Irrigated																140
			EXTENSION OF TIME APPROVAL OF STATE RECLAMATION ENGINEER ✓																
			I. GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to appropriate the Public Waters of the State of Idaho, No. 25457, to February 23, 1966.																
			Witness my hand this 18 day of February, 1960.																
			s/ GEO. N. CARTER State Reclamation Engineer																

Permit No. 25457
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that CLAUDE A. MALAN of Ogden, County of Weber, and State of Utah, the holder of Permit No. 25457, issued upon Application No. 33325, bearing date of priority of February 15, 1955, authorizing the diversion of 1.7 second feet of the waters of Split Creek, County of Fremont, State of Idaho, for irrigation purposes has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.7 second feet of the waters of Split Creek, tributary to no stream, that the point of diversion of said waters is SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T. 12 N., R. 44 E., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

140 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 10, T. 12 N., R. 44 E., B. M.

Witness my hand this 19 day of February, A. D. 1960.

s/ GEO. N. CARTER
State Reclamation Engineer

Proof of Completion of Works: February 8, 1960

C
June 12, 1973

Re: Permit No. 25457/21-2107

O
Mr. Claude A. Malan
1750 - 29th Street
Ogden, Utah 88403

P
Dear Mr. Malan:

Enclosed please find a copy of the Water License issued on the above referenced permit.

We are also enclosing Receipt #11014 for \$8.00 covering the licensing fee.

Y
Sincerely,

Bobby D. Fleenor
Assistant Director

kss

Enclosures

21-2107

June 6, 1973

Mr. Claude A. Malan
1750 - 29th Street
Ogden, Utah 84403

Dear Mr. Malan:

A representative of this department has made an examination of the works covered by your Permit No. 25457/21-2107 and has found the following:

Quantity of water diverted: 3.80 cfs Source: Split Creek

Amount of water that can be recognized as beneficially used under Idaho law: 1.70 cfs

The maximum quantity of water diverted shall not exceed 255 acre feet per season.

Beneficial Use: Irrigation of 85 acres within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 10; Twp. 12N, Rge. 44E, B.M.

Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4, Twp. 12N, Rge. 44E, B.M.

The priority date established is : March 17, 1955 (late proof)

A fee totaling \$ 8.00 must be received within 30 days from the date of this letter in order that we can issue you a Water License as set forth in this letter.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

21-2107

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

Claude A. Malan
1750 29th Street
Ogden, Utah

Permit No. 25457/21-2107

Examination for Beneficial Use

County Fremont

Quantity: 1.70 c.f.s.
21-

Source: Split Creek

P.D.: SE $\frac{1}{4}$ SE $\frac{1}{4}$, S. 4, T. 12 N., R. 44 E., B.M.

Use: Irrigation

Extension: 2/23/66

Protest:

Completion of Works: 2/19/60

Other Rights: License No. 10422, Split Creek 1915

Filed: 2/15/55

Due: 2/23/66

Mr. Malan now living at
Pond's Lodge west of the town.
Ask for him there. W.O. 7-12-71

NOTE: INSIDE REPORT BY RH.

TRW & CONTRACT IN

ADVANCE

Made: March 25, 1961.

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 $\frac{1}{4}$ SE $\frac{1}{4}$ 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 rate of diversion by changing height and composition 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 $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, 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

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

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

(Signed) John Ferebauer Examiner.

21-2107

✓ Roman C. Young, P.E. 11/8/72

-1-63

DEPARTMENT OF RECLAMATION

Date Sept 11, 1972 DISCHARGE MEASUREMENT NOTES

River at P.D. Smith creek

[illegible]

No. 1 of 1 Sheets. Comp. by 1

Chk, by

Page 44 EBM.

Twp 12 N.

SKETCH OF WORKS OF DIVERSION

Q measured	3.80 CFS
Q recommended	1.70 CFS
Volume	253 ~~200~~ AF/ANN
Acreage - Found	140 A.
recommended	140 A
Subdv.	4
Amendments	
☒ None	
☐ P.D.	
☐ Place of use	
☐	

3 AF/ANN
May 1 - Oct 1

Boise
Note

This pre-rates the total annual volume of 420 A-E between this l/c & l/c # 10422.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 25457/21-2107

REPORT ON PROOF OF Beneficial Use

Claude A. Malan
1750 29th Street
Ogden, Utah

Ask for him at
Pond; Lodge, Island Park

21-2107

March 29, 1966

Re: Permit No. 25457

Claude A. Malan
1750 29th Street
Ogden, Utah

Dear Mr. Malan:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the ~~Chronicle-News~~ ~~xxxxxxxxxxxxxxxxxxxx~~ ~~xxxx~~, all submitted in proof of completion of works and beneficial use on Permit No. 25457.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

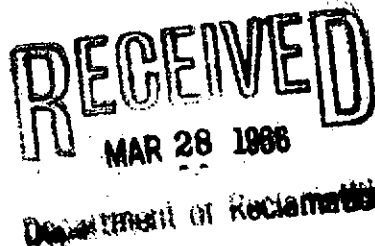
EPR:

25457

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 25457



PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF HOLDER

Ques. 1. State your name, residence occupation and postoffice address: _____

Claude A. Malan, 1750-29th Street, Ogden, Utah, builder

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf:

Ques. 3. State number, approval date of permit, and date of priority: _____

No. 25457; February 15, 1955; February 15, 1955

Ques. 4. State source of water supply: Split Creek

Give location of point of diversion, showing subdivision, section, township and range

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4, T. 12 N., R. 44 E., County of Fremont, Idaho

Ques. 5. Describe your works of diversion: 2" conc. headgate, 2 sec. of pipe

leading therefrom; state amount of water they are capable of con-

veying from point of diversion to place of use: 5 c.f.s.; Give name of canal or ditch

or other works by which water is conducted to such place of use: no name for ditch

_____; if a well, state depth of well _____; depth and size of

casing _____; depth to water _____; if pump is used,

state discharge of pump: _____; tell how it was measured or determined _____

_____; if sprinkler irrigation, give number and size

of nozzles and operating pressure: _____

Ques. 6. State for what purpose water is used: irrigation and stock watering

(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:

In NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 10, T. 12 N., R. 44 E.;

140 Acres.

25457

State nature of all improvements which have been made as a direct result of said use:

New ditches have been constructed, land cleared, land leveled, pasture productivity improved.

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: _____

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

Ques. 8: If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: February 15, 1955 - Time used since first use: 1.7 c.f.s.

Ques. 10. Describe all other water rights appurtenant to same place of use: _____

I have 1.1 c.f.s. under certificate issued 7/7/15, priority of 7/25/14

Water License No. 10422, Water District 36-A

(sign) Le Lande A. Mahan

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Ogden, County of Weber,
Utah
State of ~~Kan~~, on this 25th day of March, A. D. 19 66.

My commission expires: July 7, 1969

Daniel K. Hahner
NOTARY PUBLIC
Residing at Ogden, Utah

25457

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAR 28 1966
Department of Reclamation

PERMIT NO. 25457

Proof of Application of Water to Beneficial Use
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Darrell Boyd Crawford; 35; 1710-29th Street, Ogden, Utah

Ques. 2. Are you acquainted with Claude A. Malan, the holder of Permit No. 25457? How long have you known him and where does he reside?

Ans. Yes. Known him since 1947; he resides at 1750-29th Street, Ogden, Utah

Ques. 3. Have you read or heard read said Permit No. 25457, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Split Creek; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4 T. 12 N., R. 44 E., County of Fremont, Idaho; by open ditch.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 5 c.f.s.; 2 $\frac{1}{2}$ c.f.s

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation. In NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 10, T. 12 N. R. 44 E.; 140 Acres; natural meadow land; ditches have been constructed, land cleared and leveled, pasturage improved.

25457

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. None

Ques. 8. If for irrigation, state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Meadow land, quite porous; approximately 4 acre-feet per acre.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. By visits to the property in August of 1959, and every summer since.

(Signed) Darrell Boyd Crawford

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Ogden

County of Weber, State of Utah, on this 25th day of March,
A. D. 19 66.

Daniel K. J. J. J.

Notary Public

My commission expires July 7, 1969

Residing at Ogden, Utah

25457

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAR 28 1966

PERMIT NO. 25457

Proof of Application of Water to Beneficial Use
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Robert T. Marz; 31; 569-43rd Street, Ogden, Utah

Ques. 2. Are you acquainted with Claude A. Malan, the holder of Permit No. 25457? How long have you known him and where does he reside?

Ans. Yes. Known him since 1941; he resides at 1750-29th Street, Ogden, Utah

Ques. 3. Have you read or heard read said Permit No. 25457, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Split Creek; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4, T. 12 N., R. 44 E., County of Fremont, Idaho; by open ditch

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 5 c.f.s.; 2 $\frac{1}{2}$ c.f.s. (approx.) *RTM.*
DKR

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation. In NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 10, T. 12 N., R. 44 E.; 140 Acres; natural meadow land; ditches have been constructed, land cleared and leveled, pasturage improved. *RTM.*
DKR

25457

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. None.

Ques. 8. If for irrigation, state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Meadow land, quite porous; approximately 4 acre-feet per acre.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None ✓

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. By visits to the property in 1950 and periodically since.

(Signed)

Robert T. Marz

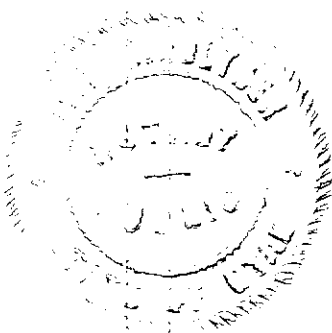
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Ogden,
County of Weber, State of Utah, on this 25th day of March,
A. D. 19 66.

Walter K. Hatcher

Notary Public.

My commission expires July 7, 1969

Residing at Ogden, Utah



25457

AFFIDAVIT OF
PUBLICATION

State of Idaho }
County of Fremont } ss.

L. B. HUNSAKER

being first duly sworn, upon his
oath, deposes and says:

That he is the OWNER
of The Chronicle-News, a news-
paper as defined by Idaho
Codes Annotated, and that said
newspaper is a weekly news-
paper printed and published at
St. Anthony, in Fremont County,
Idaho, having a general circula-
tion in said county, and that
said newspaper has been print-
ed and published as a weekly
newspaper in said county for
more than 78 consecutive weeks
prior to the first publication of
the attached notice, advertise-

ment or publication of

NOTICE OF PROOF
APPLICATION OF WATER

And affiant further says that
said notice, advertisement or
publication, as per clipping
attached, was published in said
newspaper, in the regular and
entire issue thereof, and not in
any supplement issue thereof,

for FOUR consecutive is-
sues thereof; first publication

having been made on the 3

day of MARCH, 1966,
and the last publication on the

24 day of MARCH

1966.

And affiant further says that at
the times herein mentioned said
newspaper was made up of at
least four pages of at least five
columns each, printed from
type matter, of at least seven-
teen and three-fourths inches
deep.

L. B. Hunaker
Subscribed in my presence and
sworn to before me this 18th

day of Mar

1966.

J. O. Hebert
Notary Public for the
State of Idaho, resi-
(SEAL) dence and post office
address: St. Anthony,
Idaho.

RECEIVED
MAR 26 1966

Department of Reclamation

NOTICE FOR PUBLICATION
NOTICE OF PROOF
APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that
at 4:30 P.M. on the 25th day
of March, 1966, at Ogden,
County of Weber, State of Ut-
ah, before David K. Holther,
Notary Public, 602 Eccles
Building, proof will be sub-
mitted of the application to
beneficial use of 1.7 cubic feet
per second of the waters of
Split Creek in accordance with
the terms and conditions of
Permit No. 25457 heretofore
issued by the Department of
Reclamation of the State of
Idaho.

The name and post office
address of the person or cor-
poration holding said permit
Claude A. Malan, 1750-29th
Street, Ogden, Utah.

The use to which said water
has been applied is irrigation.

The amount applied to bene-
ficial use is 1.7 c.f.s.

The point of diversion of
said water is in SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 4, T 12 N, R 44 E, County
of Fremont, Idaho.

The place where said water
is used (LEGAL DESCRIP-
TION) In NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9,
NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$,
NW, Sec. 10, T. 12 N., R 44
E. 140 Acres.

The date of priority which
said user is prepared to estab-
lish is February 15, 1955.

CARL E. TAPPAN
State Reclamation
Engineer
(C.N. MAR. 3, 10, 17, 24, '66)

25457

**NOTICE FOR PUBLICATION
NOTICE OF PROOF
APPLICATION OF WATER
TO BENEFICIAL USE**

Notice is hereby given that at 4:30 P.M. on the 25th day of March, 1966, at Ogden, County of Weber, State of Utah, before David K. Holther, Notary Public, 602 Eccles Building, proof will be submitted of the application to beneficial use of 1.7 cubic feet per second of the waters of Split Creek in accordance with the terms and conditions of Permit No. 25457 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and post office address of the person or corporation holding said permit Claude A. Malan, 1750-29th Street, Ogden, Utah.

The use to which said water has been applied is irrigation.

The amount applied to beneficial use is 1.7 c.f.s.

The point of diversion of said water is in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T 12 N, R 44 E, County of Fremont, Idaho.

The place where said water is used (LEGAL DESCRIPTION) In NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, NW, Sec. 10, T. 12 N., R 44 E. 140 Acres.

The date of priority which said user is prepared to establish is February 15, 1955.

CARL E. TAPPAN
State Reclamation
Engineer

(C.N. MAR. 3, 10, 17, 24, '66)

25457

FREMONT COUNTY
CHRONICLE-NEWS
ST. ANTHONY, IDAHO

February 2, 1966

RE: Permit No. 25457

Claude A. Malan
1750 - 29 Street
Ogden, Utah

Dear Mr. Malan:

In answer to your request of January 31, please be advised that the Forms 10 and 11 received in connection with Permit No. 25457 have been examined and found correct.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

Donald J. Watts
Office Engineer

DJW:mr

25457

C
O
P
Y

February 2, 1966

Re: Permit No. 25457

Claude A. Malan,
1750 - 29th St.,
Ogden, Utah.

Dear Mr. Malan:

This acknowledges the Notice of Proof of ~~Completion~~ ^{XXXXXXXXXXXXXXXXXXXX} of Works and Application of water to Beneficial Use, under Permit No. ~~25457~~ ²⁵⁴⁵⁷. The proofs are to be made at ~~4:30~~ ^{4:30} o'clock ~~P.M.~~ ^{P.M.} on the ~~29th~~ ^{29th} day of ~~March~~ ^{March}, 19~~66~~ ⁶⁶, before ~~David K. Holther, 602 Eccles Bldg., Ogden, Utah~~ ^{David K. Holther, 602 Eccles Bldg., Ogden, Utah} Notary Public.

Fremont County Chronicle News
St. Anthony, ~~Idaho~~ ^{Idaho}, we have mailed the Notice to the St. Anthony, Idaho, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the AFFIDAVIT OF PUBLICATION.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk
cc: Notary

25457

Re: Permit No. 25457
Claude A. Malan

February 2, 1966

Fremont County Chronicle News,
St. Anthony, Idaho.

Gentlemen:

Enclosed you will find a legal notice which we wish to have published for four consecutive weeks prior to March 25, 1966. The expense of the publication is to be paid by Claude A. Malan of 1750 - 29th St., Ogden, Utah to whom you should furnish proof of publication on or prior to the above date.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the notice for checking at least one week prior to the first publication.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

25457

Ogden, Utah
January 31, 1966

RECEIVED
FEB 1 1966

Department of Reclamation

State Reclamation Engineer
Boise
Idaho

Dear Sir:

I enclose Form 10 in duplicate and Form 11: respectively,
the Notice for Publication and form letter.

Since Don Watts has advised me by phone that I could make
proof here in Ogden, I have fixed the notice to show the office
of my attorney who will serve as notary public.

Would you advise me that these papers are in proper order.

Respectfully,

Claude A. Malan

CLAUDE A. MALAN
1750-29th Street
Ogden, Utah

25457

RECEIVED
FEB 1 1968

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) January 31, 1966

(P. O.) 1750-29th Street, Ogden, Utah

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Fremont County Chronicle News of St. Anthony, Idaho, Published in the county in which the works are situated.

Leland A. Mahan

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

Engineer

25457

RECEIVED
FEB 1 1966

Department of Reclamation

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER

TO BENEFICIAL USE

Notice is hereby given that at 4:30 ^{P.}~~A.M.~~ on the 25th day of March, 1966,
at Ogden, County of Weber, State of Utah, before
David K. Holther, Notary Public, 602 Eccles Building, Ogden, Utah, proof will be submitted of the
application to beneficial use of 1.7 cubic feet per second of the waters of
Split Creek in accordance with the terms and conditions of
Permit No. 25457 heretofore issued by the Department of Reclamation of the State of
Idaho.

The name and post office address of the person or corporation holding said permit
Claude A. Malan, 1750-29th Street, Ogden, Utah.

The use to which said water has been applied is irrigation.

The amount applied to beneficial use is 1.7 c.f.s.

The point of diversion of said water is in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T 12 N., R 44 E.
County of Fremont, Idaho.

The place where said water is used (LEGAL DESCRIPTION) ~~in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 9, and NE $\frac{1}{4}$,
NW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Sec. 10, all being in T 12 N., R 44 E. 140 Acres.~~
In NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 10, T. 12 N., R 44 E. 140 Acres.

The date of priority which said user is prepared to establish is February 15, 1955

CARL E. TAPPAN
State Reclamation Engineer

25457

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Re: Permit No. 25457

Date: Dec. 1, 1965

Claude A. Malan
1750 - 29th St.
Ogden, Utah

Dear Mr. Malan:

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. 25457 is due not later than Feb. 23, 1966. If by this date you are not prepared to make this proof, you may make it at a later date, however, your priority will be advanced the same length of time for which the proof is late.

Before this proof can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county.

We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date and/or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date, the name of the town, the address of the Notary Public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use, or lands which are irrigated -- by legal land description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your notice is published, or you may have to readvertise and complete another set of proof forms.

Also enclosed is Form 11, which is authorization for us to have the notice published in the designated county newspaper, at your expense. This is to be returned with Forms 10.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, and at the place named, before the Notary Public, as advertised in the publication notice.

The amount of water allowed in a license cannot be more than is actually produced and measured and put to beneficial use, and cannot be more than the statutory amount allowable per acre of land actually found by field inspection to have been irrigated at the time of proof.

Very truly yours,


CARL E. TAPPAN
State Reclamation Engineer

Enc. Form 10 and 11

25457

April 9, 1962

RE: Permit No. 25457
Claude A. Malan

2710
Malan, Claude A.
Water Transmission
(Proposed)

Alvin F. Wright, Supervisor
Targhee National Forest
St. Anthony, Idaho

Dear Mr. Wright:

Permit No. 25457 was issued to Mr. Malan to divert 1.7 c.f.s. of water from Split Creek in the SE1/4, Section 4, Township 12 North, Range 14 East to irrigate land in Sections 9 and 10. There are also two licensed water rights for diversion from the same 40-acre subdivision to irrigate lower lands.

It is entirely possible that one of the points of diversion had to be moved farther upstream to land in Section 3. According to Mr. Malan's map, which accompanied his application, it is possible that his ditch would cross a corner of Section 3.

We would appreciate the name of the stream and location of the point of diversion in future inquiries. Generally our records are not very accurate concerning the location of the ditch below the diversion.

Very truly yours,

GEO. M. CARTER
State Reclamation Engineer
By

Carl E. Tappan
Assistant State Reclamation Engineer

CET:RWT:mr

25457

RT

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
TARGHEE NATIONAL FOREST

IN REPLY REFER TO:

2710
Malan, Claude A.
Water Transmission
(Proposed)

April 5, 1962

RECEIVED

APR 9 1962

Department of Reclamation

State Reclamation Engineer
Department of Reclamation
107 State House
Boise, Idaho

Attention: Mr. Ralph W. Thomas, Deputy

Dear Mr. Thomas:

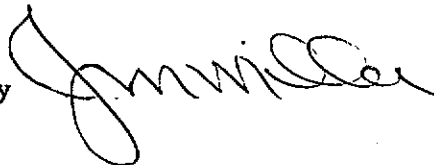
We have an application from Claude A. Malan, 1750 29th Street, Ogden, Utah, for a water transmission line (ditch) to transport water from National Forest land to his privately owned land. Said lands lie within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4, T. 12 N., R. 44 E., Boise Meridian.

We need to know if Mr. Malan holds a valid water right, and in what amount, before we can take steps to issue a special use permit.

Sincerely yours,

ALVIN F. WRIGHT
Forest Supervisor

By



25457 PD SESE4

in in 9410



25457

February 19, 1960

Re: Permit No. 25457

Mr. Claude A. Malan
1750 29th Street
Ogden, Utah

Dear Mr. Malan:

We enclose the extension of time which has been approved, extending the time to February 23, 1966 for beneficial use.

We also enclose the Certificate of Completion of Works on said permit, with departmental receipt No. 30006, in the amount of \$5.00 covering the fees.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS
Office Engineer

RT:ew
Enc. extension
certificate
receipt

2 5457

Ogden, Utah. Feb. 15, 1966.

Geo. N. Carter
State Reclamation Engineer
Department of Reclamation
Boise, Idaho.

Dear Mr. Carter:

We acknowledge receipt of your letter of February 9. Enclosed
is check in payment of fee for permit No. 25457.
Sorry to have overlooked sending it.

Very truly yours

Leland A. Malan
1750 - 29th Street
Ogden, Utah.

Enc: check
a/m

25457

February 9, 1960

RE: Permit No. 25457

Claude A. Malan
1750 29th St
Ogden, Utah

Dear Mr. Malan:

We acknowledge receipt of Form 6, Proof of Completion of Works, completed by you February 8, 1960, and the request for an extension of 6 years time in which to make beneficial use of the water.

The Proof of Completion of Works should have been accompanied by the fee of \$5.00 as set forth in the form letter sent you with the blank form for the proof.

The extension of time for beneficial use of the water will be considered and probably approved by the State Reclamation Engineer upon his return to the office.

Kindly remit the fee of \$5.00 for the Certificate of Completion of Works at your earliest convenience.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

RT:EPR:mr

25457

RY

STATE OF IDAHO
Department of Reclamation

RECEIVED
FEB 9 1960
Department of Reclamation

Permit No. 25457

Application for Extension of Time for Beneficial Use Proof

UTAH
STATE OF ~~XXXX~~ }
County of Weber } SS

CLAUDE A. MALAN, of 1750-29th Street, Ogden,

State of Utah, being first duly sworn, upon his oath deposes and says:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 25457

That, under the terms and conditions of said permit, proof of beneficial use thereunder was required to be made by February 23, 1960.

That he has heretofore put to beneficial use .85 second feet of water and has irrigated 35 acres.

That, for the following reasons, he is unable to put to beneficial use within the required time the remainder of the water appropriated under his permit, to-wit: .85 sec. ft. because of the need for additional lands to be cleared; for the need to construct further lateral ditches; to conclude and to prevent illegal use of water by those further up the stream.

State Reclamation Engineer

WHEREFORE, He asks that the ~~Commissioner of Reclamation~~ extend the time for the making of proof of beneficial use under said permit to February 23, 1966.

Subscribed and sworn to before me this 8th day of February, 1960.

My commission expires July 7, 1961 Residing at Ogden, Utah

Date of receipt at office of Department of Reclamation Feb. 9, 1960

STATE RECLAMATION ENGINEER

APPROVAL OF ~~COMMISSIONER OF RECLAMATION~~

State Reclamation Engineer

I, GEO. N. CARTER, ~~Commissioner of Reclamation~~ of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to Appropriate the Public Waters of the State of Idaho, No. 25457, to February 23, 1966.

Witness my hand this 18 day of February, 1960

25457

G. N. Carter
State Reclamation Engineer

Permit No. 25457

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

RECEIVED
FEB 9 1960
Department of ReclamationSTATE OF ~~IDAHO~~ ^{UTAH}

County of Weber

ss.

CLAUDE A. MALAN

, being first duly sworn, upon his oath deposes and says:
First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 25457, and that his postoffice address is 1750-29th St., Ogden, State of Utah.

Second: That the name of the stream from which said water is to be diverted is Split Creek.

Third: That the point of diversion of said water is SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4, T.12 N., R.44 E., B.M., County of Fremont.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by February 23, 1960.

Fifth: That the use for which said water is intended is irrigation.

Sixth: That on the date above mentioned, the works constructed under said permit were (~~not yet~~) fully completed and consisted of the following:

I. Kind of works: Small dam and ditch

(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam 3 feet, length of dam at top 35 feet, length of dam at bottom 18 feet. Material used in construction Earth and rock

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir none acre feet.

(c) Size of headgate: Width none feet, height none feet.

(d) Conduit ditch width at bottom 3 feet, width at water line 5 feet, depth of water 2 $\frac{1}{2}$ feet; diameter of pipe 0 inches, average grade per mile is small feet. Length of conduit is half miles.

Seventh: That said works are capable of conducting to the place of intended use 7.5 second feet of water.

Eighth: That water appropriated under said permit is available for 140 acres of land described as follows: 20 ac. NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 9, T12N, R44E and NE $\frac{1}{4}$ of NW $\frac{1}{4}$; NW $\frac{1}{4}$ of NW $\frac{1}{4}$; SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 10, T12 N, R44E.

Ninth: Remarks: That the works constructed are ample to supply the prior appropriations of Gill, Clark, and Vanncy, and the water sought under the instant permit.

Claude A. Malan
(Sign Here)

Subscribed and sworn to before me this 8th day of February, 1960.

My commission expires July 7, 1961

Residing at Ogden, Utah

25457

Upon payment of fee

R1

January 26, 1960

Re: Permit No. 25457

Claude A. Malan
1750 29th St.
Ogden, Utah

Dear Mr. Malan:

Enclosed is Form for application for extension of time for beneficial use proof.

The proof of Completion of Works on Form 6 means only that you have completed the works of diversion so you can get the water on your land.

Provided you can complete Form 6, you should complete the enclosed form requesting until February 23, 1966 before making your proofs of beneficial use of the water. You can make the proofs at any prior time.

If your works of diversion have not been completed, the permit will have to be cancelled as you have had the full five years allowable, and it would not help to extend the time for the beneficial use. You can apply for another permit to cover the same land.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS
Office Engineer

RT:ew

Enc. application
extension of time

25457

RECEIVED
JAN 25 1960

Department of Reclamation

January 22, 1960

Department of Reclamation
Room 107, State House
Boise, Idaho

Re: Application No. 33325
Permit No. 25457

Attention: Mr. Geo. N. Carter

Gentlemen:

I acknowledge receipt of your Form 5-A letter of December 1, 1959, together with the enclosures.

I believe, I must hereby make application for an extension of time within which to make proof of the completion of works and application of water to beneficial use beyond the initial date set therefor of February 23, 1960.

The circumstances which exist and reasons for additional time within which to make proof are these:

The dam and ditch contemplated under the Application for Permit have been constructed, and applicant has expended in connection with this activity approximately \$250 and further expenditures will be necessary; and applicant has expended approximately \$900 in clearing lands and making the same ready for the beneficial application of water thereon.

The water has been from time to time been tampered with and illegally taken by others further up the stream so that such waters applicant has not yet been able to put to beneficial use. Activities have been taken to prevent the use of such waters, but additional time is needed to conclude this phase.

It appears to me now that the particular lands I seek to irrigate may require an additional quantity of water per acre than my application indicated due to the condition of the soil, and

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Department of Reclamation
Page 2
January 22, 1960

it may be necessary for me in this connection to amend my application to bring this about. However, I will probably personally discuss this matter with you or correspond in detail about the circumstances.

I am not familiar with the requirements for seeking an extension of time under the Idaho laws, nor the expense in connection with such application, nor am I familiar with the facts and circumstances which likely need be shown to justify the Department in granting an extension of time. However, will you advise me what I must do under the circumstances, and I will comply with your requirements.

I believe, a one year extension would be adequate.

Respectfully,

Claude A. Malan

Claude Malan
1750 29th Street
Ogden, Utah

25457

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

RE: Permit No. 25457Date Dec. 1, 1959

Claude A. Malon
1750 29th St.
Ogden, Utah

Dear Sir:

Under the terms of your Permit No. 25457 you are required to make proofs of completion of works and application of water to beneficial use on or before

February 23, 1960

We enclose Form 6 to be filled in and sworn to by you before a Notary Public, and returned to this department on or before the above date, for making proof of completion under the permit. Upon receipt of this affidavit, provided same satisfactorily shows the completion of works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion of Works will be issued to you.

We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date (allowing for four weeks publication), the name of the town, the address of the Notary Public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and your two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use or lands which are irrigated--by 40-acre legal land description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your Notice is published.

Also enclosed is Form 11, which is the authorization for us to have the Notice published in the designated county newspaper, at your expense. This is to be returned with Forms 10.

At the time we send the notice to the newspaper will will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set and at the place named, before the Notary Public, as advertised in the publication notice.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

Enc. Form 6
Form 10
Form 11

25457

March 3, 1955

RE: Permit No. 25457

Mr. Claude A. Malon
1750 - 29th Street
Ogden, Utah

Dear Mr. Malon:

We enclose Permit No. 25457 and direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

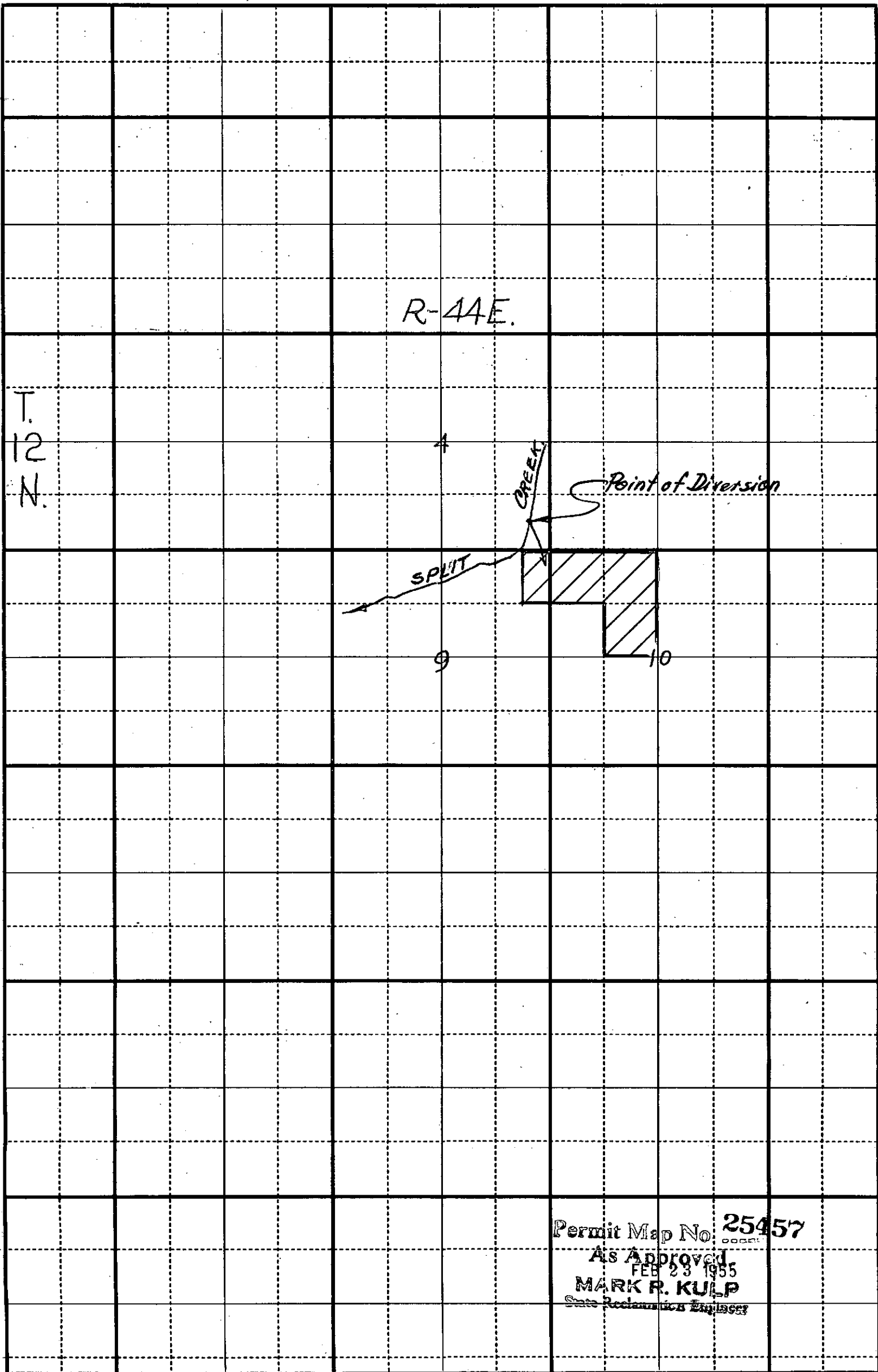
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

25457



Permit Map No. 25457
As Approved
FEB 23 1955
MARK R. KULP
State Reclamation Engineer

Permit 25457

January 6, 1955

Mr. Claude Malan
1750 29th Street
Ogden, Utah

Dear Mr. Malan:

In reply to a telephone request, we enclose a form of application for permit to appropriate the public waters of the State of Idaho together with a pamphlet giving regulations and instructions in regard to filing same. This application can be approved for unappropriated water.

The party who telephoned in regard to this mentioned the fact that a former appropriator had not used the water for a number of years but did not state whether this was a decreed water right or a permit right. If a decreed right, the matter should be taken up with the watermaster.

When this application is approved, it will be signed by the proper State Officials and sent you as a use permit under which you may proceed with the construction of the work described in the application. In order to complete your water right, two proofs are required as follows:

First, proof of completion of works which is made by affidavit before a Notary Public. The time required for making this proof should be stated under Question 12 in the application.

The final proof is made when the water has been completely applied for irrigation or whatever purpose it is intended. Notice of such proof must be published for four consecutive weeks in a county newspaper at your expense, and at the time set for proof, depositions are to be executed by yourself and two witnesses in proof of such beneficial use. The additional time required for making this proof should be stated under Question 13 in the application.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

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Enc.

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