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In File

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: A78-10366
Date Received: ~~10/13/1988~~ 6-8-88
Receipt No: W001075
Received By: DE ~~AL~~

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNETH MALSTROM 208-253-4276
Address: HC 62, BOX 1535
COUNCIL, ID 83612

OR
Name: LORAIN MALSTROM 208-253-4276
Address: HC 62, BOX 1535
COUNCIL, ID 83612

2. Date of Priority: SEP 30, 1972

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
19N	02E	29	NE	NW			ADAMS

5. Description of diverting works:
WELL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSEHOLD W/LAWN AND GARDEN

A78-10366

Page 1

Date: 10/13/88

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10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
19N	02E	29	NE NW		DOMEST	

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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

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06/08/88

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RECEIVED
AUG 11 1988

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$2

JUN 8 1988

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Kenneth or Lorain Malstrom phone (208) 253-4276Mailing Address Hc 62 Box 1535 Council Id Zip 836122. Date of Priority (Only one (1) per claim) September 19723. Source of water supply (a) Groundwater
which is tributary to (b) _____4. Location of point of diversion is: Township 19N Range 2ESection 29, NE 1/4 of NW 1/4 of _____ 1/4, Govt. Lot _____, B.M.,County of Adams

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. _____

Department of Water Resources
Western Regional Office

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)

For Domestic purposes from 1/1 to 12/31 amount 0.02 (cfs)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.02 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of livestock) Domestic; Household Lawn, Garden

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Copies: White, Blue, Yellow, Green

OCT 06 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

10. Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
19N	2E	29					D											

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

12. Do you own the property listed above as place of use? Yes ☒ 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 ()

14. Remarks: _____

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

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

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

Signature of Claimant (s) Loraine Malstrom Date 5/30/88
Patricia E. Notary Date 5/30/88

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

of _____ Title _____
Organization _____ that I have signed the foregoing

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 Idaho)
County of Adams) SS.

Subscribed and sworn (or affirmed) before me this 30 day of May 19 88

SEAL

Notary Public Patricia E. Notary

Residing at Council

Last Name Malstrom Ident No. _____ My Commission Expires 10-27-89

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Copies White-State, Yellow-Claimant

OCT 06 1992

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

CLAIMANT'S NAME Malstrom, Kenneth CLAIM IDENT. NO. A78-
DATE RECEIVED 06/08/88 CK # 887 AMOUNT \$ 25⁰⁰

YES NO

1. Is the name and address complete with zip code? ☒ YES ☐ NO
2. Is priority date entered? ☒ YES ☐ NO
- 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. ☒ YES ☐ NO
3. (a) Is a source entered? ☒ YES ☐ NO
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO
4. Is the legal description of the p.d. complete? ☒ YES ☐ NO
5. Is there a description of the diverting works? ☒ YES ☐ NO
6. Are the water uses appropriate for the form? The short form limited domestic and stockwater. Instream stockwater must use long form. ☒ YES ☐ NO
- Is the period of use included? ☒ YES ☐ NO
- Is a quantity claimed for each use? ☒ YES ☐ NO
7. Is a total quantity claimed entered? ☒ YES ☐ NO
8. Is the consumptive use correct? ☒ YES ☐ NO
- If required is a consumptive use entered? ☒ YES ☐ NO
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim. ☒ YES ☐ NO
10. Is (are) the place(s) of use entered? ☒ YES ☐ NO
11. Is (are) the county(ies) entered? ☒ YES ☐ NO
12. Is the ownership of p.u. checked? ☒ YES ☐ NO
13. Are other water rights listed or "none" checked? ☒ YES ☐ NO
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO
15. Is the basis of the claim checked? ☒ YES ☐ NO
16. Is the claim signed by the claimant?
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?) ☒ YES ☐ NO
- Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO
- Is the fee enclosed correct? ☒ YES ☐ NO
- If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A
- Should this claim be receipted and data entered? ☒ YES ☐ NO

Claim checked by: Eth

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Comments: _____

OCT 06 1992

SRBA

SUBCASE SUMMARY REPORT 78-10366

[Return to SRBA Home Page](#)

SRBA
04-19-2005

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 78-10366 FILE#: 00000
CLAIMANT: MALSTROM, KENNETH
 HC 62 BOX 1535

COUNCIL ID 83612
STATUS: PD UNDELIVERED SPECIAL MASTER:
WATER SOURCE: GROUNDWATER

****** PARTIES INVOLVED ******

KENNETH MALSTROM C PRO SE
LORAIN MALSTROM C PRO SE

****** ROA ENTRIES ******

08-18-2000	PARTIAL DECREE FILED	08-18-2000
09-18-2000	PARTIAL DECREE RETURNED UNDELIVERABLE	09-18-2000

[Return to SRBA Home Page](#)

AJ0749NP
No. R78-10366

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/07/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KENNETH MALSTROM	09/30/1972	DOMESTIC	01-01 12-31	0.02 CFS	
C	LORAIN MALSTROM					
	HC 62 BOX 1535					
	COUNCIL ID 83612					
	(208) 253-4276					
				TOTAL DIVERSION:	0.02 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T19N R02E S29

NENW

ADAMS County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
				NENE NWNE SWNE SENE				NENW NWNW SWNW SENW				NESW NWSW SWSW SESW				NESE NWSE SWSE SESE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
19N	02E	29	:																	:
			:																	:

POU County: ADAMS

Non-Irrigation Uses: 1 HOME

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. RP0030000031B
PROPERTY ALSO KNOWN AS BLK 31 ROWELL'S PARK ADDITION.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 11/09/1998 User-ID: AWARNTJE Subject: COPIED FROM REMARKS
W/LAWN AND GARDEN

Audit: 12/07/98 LHARRIS

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KENNETH MALSTROM	09/30/1972	DOMESTIC	01-01 12-31	0.02 CFS	
C	LORAIN MALSTROM					
	HC 62 BOX 1535					
	COUNCIL ID 83612					
	(208) 253-4276					
				TOTAL DIVERSION:	0.02 CFS	

Stage: BENEFICIAL USE

ADAMS County

NE												NW				SW				SE															
		NENE		NWNE		SWNE		SENE		: NENW		NWNW		SWNW		SENW		: NESW		NWSW		SWSW		SESW		: NESE		NWSE		SWSE		SESE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:		
19N	02E	29	:									:								:								:							
			:									:								:								:							

Non-Irrigation Uses: 1 HOME

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

Remarks: EXP RP0030000031B
AKA: ROWELL'S PARK ADDITION, BLK 31

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 11/09/1998 User-ID: AWAARNTJE Subject: COPIED FROM REMARKS
W/LAWN AND GARDEN

Audit: 11/09/98 AWARNTJE



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

September 29, 1998

KARL J. DREHER
DIRECTOR

RE: Snake River Basin Adjudication (SNRA)
Water Right No. A78-10366 & A78-10367

LORAIN H MALSTROM
C/O NEAL BOWMAN
402 S 750 E
DIETRICH ID 83324

Dear Mr. Malstrom:

We have been advised you may be the new owner(s) of the property with the water right referenced above.

Before we can modify our records to reflect your new ownership of the water right referenced above, we need Form 42-248/42-1409(6) completed. This form is enclosed for your use. Please return the **form, documentation and proof of domestic use** to my attention at this office no later than **October 10, 1998**.

Please call this office toll-free at 1/800-451-4129 if you have any questions.

Sincerely,

Anita L. Warntjes
Administrative Assistant
Adjudication Bureau

ALW
Encl: Form 42-248/42-1409(6)
Water Right Profile Report

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: FEB-12-1998
PAGE: A-307

RIGHT NUMBER: 78-10366

NAME & ADDRESS: KENNETH MALSTROM
LORAIN MALSTROM
HC 62 BOX 1535
COUNCIL ID 83612

- LORAIN H MALSTROM
c/o Neal Bowman
402 S 750 E
Dietrich ID 83324

SOURCE: GROUNDWATER

QUANTITY: 0.02 CFS

PRIORITY DATE: 09/30/1972

POINT OF DIVERSION: T19N R02E S29 NENW Within ADAMS County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC D/I HOUSEHOLD W/LAWN AND	01-01 12-31	0.02 CFS

PLACE OF USE: DOMESTIC Within ADAMS County
T19N R02E S29 NENW

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RP0030000031B
AKA BIKs 31, ~~31, 32, 33~~ Rowell's Park Addition

Verified by Dmf Date: 9/25/98
Verification Source: Parcel file & plat map