

RECEIVED

SEP 26 1974

Department of Water Resources

SEP 26 1974

STATE OF IDAHO)
COUNTY OF ADA) ss.

Verna L. Johnson, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho Statesman for

2 ~~consecutive~~ ^{Thursday} insertions, beginning with the issue of Sept. 5, 19 74, and ending with the issue of Sept. 12, 19 74.

Verna L. Johnson

Subscribed and sworn to before me this 24th

day of September, 19 74.

Jana A. Young
Notary Public for Idaho, Residing at Boise, Idaho

**NOTICE OF CLAIM
TO A WATER RIGHT**
No. 63-4274
Notice is hereby given that DR. OSCAR MALMIN, 127 E. Wayne Ave., Akron, Ohio has filed a claim to a water right established by diversion and application to beneficial use of .06 cubic feet per second from a groundwater source with the point of diversion in the SE 1/4 NW 1/4, Sec. 26, T. 3 N, R. 2 E, B.M. Ada County.
The water is claimed to be used from Jan. 1 to Dec. 31 for domestic use with a priority of 1946; the place of use is within the SE 1/4 NW 1/4, Sec. 26, T. 3 N, R. 2 E, B.M.
Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 33220.
R. KEITH HIGGINSON
Director
Pub. Sept. 5 & 12, 1974 783

Ok
9-26-74
CW

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Dr. Oscar Malmin (name of claimant)
of 127 E. Wayne Ave., Akron, Ohio 44301, claims a right to the diversion and beneficial use of (mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Groundwater
_____, tributary to, _____

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount <u>.06</u>	Use <u>Domestic</u>	Period of Use: From <u>Jan. 1</u> To <u>Dec. 31</u>
Amount _____	Use _____	Period of Use: From _____ To _____
Amount _____	Use _____	Period of Use: From _____ To _____
(cfs, gpm or a/f)	(dom., irri., stock, etc.)	(both dates inclusive)

(3) Total quantity of water claimed: .06 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) 1946

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (give location of point where water is diverted from its source)
SE ¼ NW ¼, Sec. 26 Twp. 3 N Rge. 2 E B. M. County of Ada
Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Well with pump and domestic system

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	2E	26								X									

Total No. of acres _____

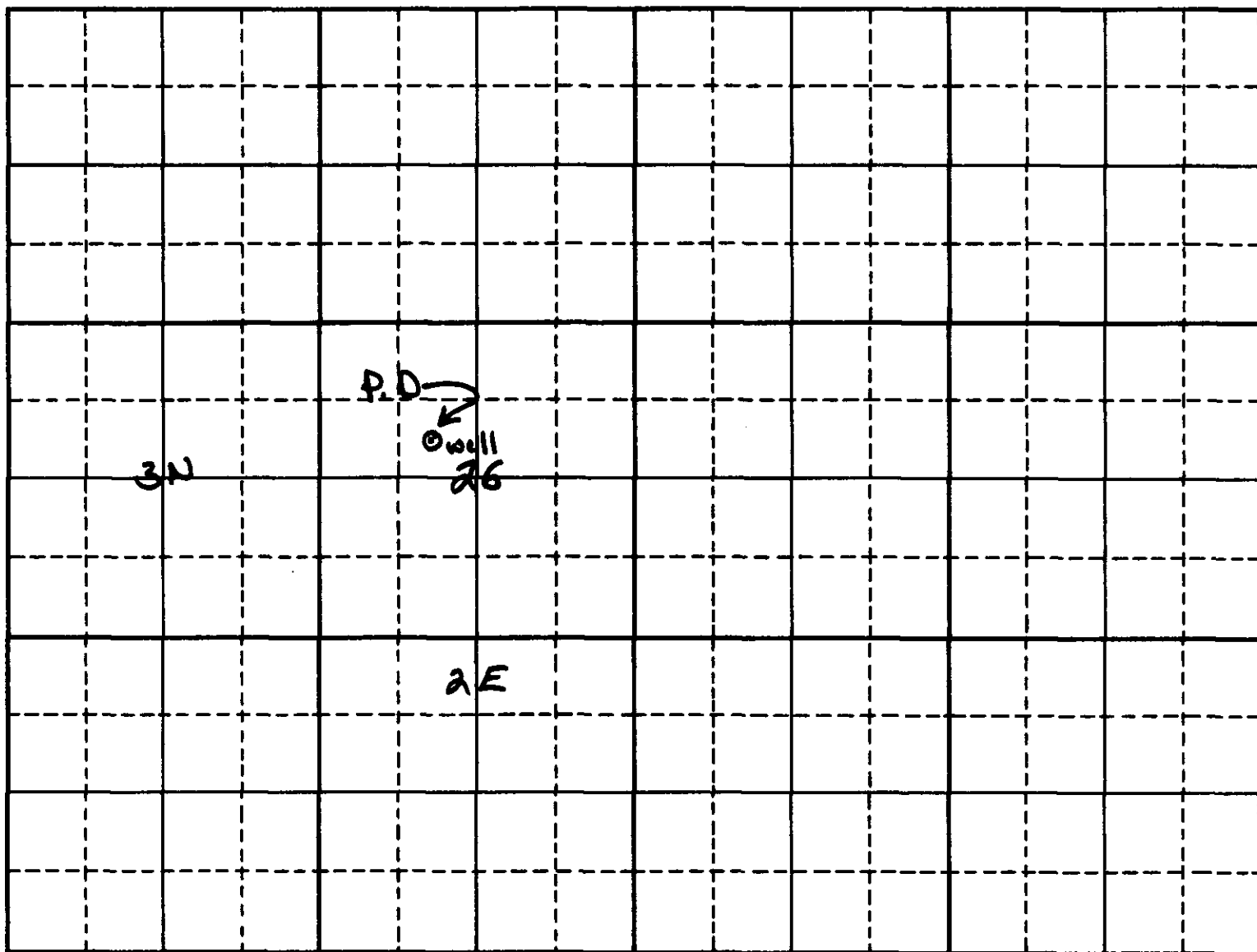
B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic use for one home with apartment

(7) If you are claiming water as a member of an organization, list name of organization: _____

WATER RIGHTS

(8) Remarks Lots 1 through 4, Burgeson Home Site Acres

SE 1/4 NW 1/4, Sec. 26, T. 3 N, R. 2 E.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Oscar Malinin
Mr. William B. Cook (Claimant)

Sworn to before me this 28 day of August, 19 74.

Susan Wilkey
Notary Public
Residing at Boise, Idaho

My commission expires 8-6-78

For Department Use Only

Received by <u>Ca</u>	Date <u>8-28-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>CEB</u>	Date <u>28 Aug 74</u>		claimant by:	
\$10.00 fee received by <u>Ca</u>	Date <u>8-28-74</u>			
Approved for publication by <u>Ca</u>	Date <u>9-26-74</u>			
Published in <u>Idaho Statesman</u>	Date <u>8-27-74</u>			
Dates <u>Sept. 5 & Sept. 12</u>				

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 63-4274

CB 29 Aug 74

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) CB 29 Aug 74

In form to receipt

(2) NA

Send Copies to:

Idaho State Health Department
Idaho Fish and Game Department
Bureau of Land Management

(3) NA

Request Special Use Permit from U.S.F.S.
Request Easement from B.L.M.
Request Information from Applicant

(4) CB 29 Aug 74

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. 63

(7) _____

Critical groundwater area: yes _____ no X

(8) _____

Groundwater levels:

_____ Declining, X Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) Cu 9-26-74

Affidavit of Publication received(date) OK

(12) CB 26 Sept 74

Final date for protests none by 26 Sept 74
Protests received: yes _____ no X

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) _____

Action recommended:

_____ Approve

_____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District Western

By Bob Ballman

Date 26 Sept 74

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Department of Water Resources

SEP 26 1974

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Jana A. Gering
Notary Public for Idaho, Residing at Boise, Idaho

Ok
9-26-74
CW

MICROFILMED

ACT
ION

N OWNER LAST NAME - MALMIN FIRST NAME - OSCAR
N ADDRESS LINE 1 - 127 E. WAYNE AVE.
N CITY - AKRON STATE - OH ZIP CODE - 44301
N SOURCE - GROUNDWATER
N STAGE - STATRY CLM PRIORITY - 06-01-1946 COUNTY - ADA TOTAL DIV. RATE - .0600CFS
N DIVERSION POINT - SENW 26 03N 02E
N FROM - 01-01 TO - 12-31 USE - DOMESTIC USE DIV. RATE - .0600CFS
N USE - DOMESTIC PLACE OF USE - 1WN 03N RNG 02E SEC 26 TRACT SENW

IDENT. NO. 63-4274

WATER RIGHT
DATA ENTRY LOG

[illegible]

- DATA ENTRY -

OTd No.

New No.

1. Original Owner: Oscar Malmin

Present Owner: _____

3. City: Akron State: OH Zip: 44301

B. Tributary of:

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 6-1-1946

D. County: 01

E. Total Diversion Rate: .06

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

6. A. Point of Diversion SE NW 26 3N 2E

7. Period of Use, Use, Diversion Rate/Volume:

from to for purposes. Amount

from	to	for	purposes.	Amount

from to for purposes. Amount

from	to	for	purposes.	Amount

from to for purposes. Amount

from to for purposes. Amount

8. Use Code: D

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	
3N	2E	26								D									

9. A. Decree Name:
- B. Decree Date:
10. Remarks: A.
B.
C.
D.
E.
11. Other Uses (Non-irrigation explanatory information):
12. Other Rights for Same Use:
13. A. Proof Due Date:
- B. Date Permit Approved or Denied:
- C. Protested Date:
- D. Hearing Date:
- E. Old Number:
- F. Proof Made (P or blank):
- G. Field Exam Made (P,R,F or blank):
- H. Conditions of Approval: _____
14. Diversion Means (brief narrative):

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
WESTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse — Annex 2
Boise, Idaho 83707
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

September 26, 1974

Dr. Oscar Malmin
127 E. Wayne Ave.
Akron, Ohio 44301

Dear Dr. Malmin:

The Department of Water Resources has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not in itself guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing for your records a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KHF:cia

Enclosure

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse Annex 2
Boise, Idaho 83707
(208) 384-2215
Western District Office



Water Rights Administration
Water Resource Forestry and
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

August 30, 1974

The Idaho Statesman
Box 2640
Boise, ID 83701

Re: Application for Permit No. 61-7194 - Gable A Ranch
63-8024 - Green Acre Properties, Inc.
Claim to a Water Right No. 63-4273 - Willis Lee & Rose Willsey Burnham
63-4274 - Dr. Oscar Malmin

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Sincerely,

NOTED

Bill Submitted
9-26-74
Cu

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4274

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Ada County

The water is claimed to be used from Jan. 1 to Dec. 31
for domestic use

with a priority of 1946;
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Department of Water Resources, Statehouse, Boise, Idaho, 83720.

R. KEITH HIGGINSON

Director

Published in the The Idaho Statesman, Boise, ID
on Sept. 5, 1974 and Sept. 12, 1974.

MICROFILMED

OSCAR MALMIN, D.D.S., M.Sc.
127 EAST WAYNE AVENUE
AKRON, OHIO 44301
TELEPHONE 724-1316

August 20, 1974

Mrs. W. B. Cook
3621 Federal Way
Boise, Idaho 83705

Dear Sister:

I have returned this form for a Claim To A Water Right to you, so that it can be properly notarized, and the claim officially registered.

This letter is my designation of power of attorney to act in this matter of filing of the Water Right.

Please present this letter to the notary public, so that proper authorization is given in the performance of that office.

I have included a copy of the letter to be retained for our files on the property.

Thank you for acting on my behalf in this matter.

Affectionately,

A handwritten signature in cursive script that reads "Oscar Malmin".

Oscar Malmin, D.D.S.

OM/lb

Enclosure

MICROFILMED