

PROOF OF PUBLICATION

RECEIVED

AUG 19 1968

Department of Reclamation

County of Ada,
ss.
State of Idaho,

.....Donna Griggs....., being first duly sworn, on oath
says he is the Office Manager..... of THE INTERMOUNTAIN OBSERVER,
a newspaper of general circulation, published weekly by the LITERARY EN-
TERPRISES, INC., publishers and printers thereof, at Boise, County of Ada,
State of Idaho;

That the annexed notice was published in said newspaper on each and every
week for two..... consecutive weeks, the first publication being
on the 10th day of August....., 1968, and the last publication
being on the 17th day of August....., 1968;

That said newspaper is of general circulation and has been printed and
published continuously and uninterruptedly in said county during a period of
more than seventy-eight consecutive weeks prior to the first publication of
the attached notice.

.....
Donna Griggs
.....

Subscribed and sworn before me this 17th day of August.....
1968.....

.....
A. J. Reynolds
.....
Notary Public

(SEAL)
My commission expires 8/30/71.....

NOTICE OF CLAIM TO A WATER RIGHT
No. 63-4024

Notice is hereby given that Carl Malmon, 3904 Gekeler Lane, Boise, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 222 cubic feet per second of water from a subterranean source with point of diversion in NE1/4SW1/4, sec. 26, T. 3 N., R. 2 E., B.M., Ada County; the water is claimed to be used from January 1 to December 31 for domestic with a priority of October 1, 1951; the place of use is Lots A, B, and part of C of Bergeson Homestead, sec. 28 and the NE1/4SW1/4, sec. 26, T. 3 N., R. 2 E., B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Intermountain Observer,
Boise, Idaho on August 10 and August 17.

63 4024

bill sub - 8/19/68

Identification No. 63-4024

Claim No. 42660

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant Carl Malmin
post office address 3901 Gekeler Lane, Boise, Idaho

2. The point of diversion is in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 26 Township 3N
Range 2E B.M. located on well
Lots A, B and part of C, Bergeson Homesite (name of source)
~~Sec. 26 & SW $\frac{1}{4}$ of S.W. $\frac{1}{4}$ to~~ Ada County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed: 10/1/1951
~~1950 to date~~ amount: .222 c.f.s. or _____ acre feet
600 gallons per hour amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed .222 c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:
use Household period of use from JAN 1 1951 to DEC 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____
Water well - depth of 139 feet from floor of pit.
 $\frac{1}{2}$ h.p. Jacuzzi pump.

b. Underground water diverting works: is well flowing or pumped pumped ; depth of well is 139 feet; diameter of well is 4 inches; type of pump is Jacuzzi
capacity of pump is 10 g.p.m.; name and address of well driller is _____
John Cowe (deceased)

63 4024

Yes; if so, give dates and explain Changed from Berkley pump to Jacuzzi pump on September 6, 1967. Berkley pump got sand in it and had to be replaced.

Conveying works: length of ditch to place of use is NA feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is 50 feet; diameter of pipe line is 1 inches; type of pipe STEEL & copper; grade of pipe per 1000 feet is NA. Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible None

If water is stored: name of reservoir NA ;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity_____c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

has there been any enlargement of the reservoir since it was first built_____, if so, give dates and describe_____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated _____

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? NA If yes, give the name of the ditch
_____. The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered N.A.

7. Where water is used for domestic or municipal purposes give number of families served One
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
The well was drilled in 1951 for domestic use. This claim is being
filed to protect our water rights because of other wells going in.
There will be quite a draw on the water table in this area and it
is quite low as it is now.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with
all attached information and certifies that all statements are true and accurate to the best of his knowledge.

June 17, 1968

(Date)

Carl Malmin

(Signature of Claimant)

State of Idaho

County of ADA } ss.

On this _____ day of June 1968, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

L. M. Scatt

Notary Public residing at Boise, Idaho

My commission expires 10-7-71

For Department Use Only

Received by <u>[Signature]</u>	Date <u>7-16-68</u>	Exception filed by: <u>[Signature]</u>	Forwarded to claimant by:	Date
Prelim. check by <u>[Signature]</u>	Date <u>7-16-68</u>			
Fee received by <u>[Signature]</u>	Date <u>7-16-68</u>	Fee \$ <u>10.00</u>		
Approved for publication by <u>[Signature]</u>	Date <u>8-1-68</u>			
Published in <u>[Signature]</u>	Dates <u>8-10-68</u>			

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s. or</u>	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s. or</u>	<u> </u>	acre feet
		Total claimed:	<u>1.2 c.f.s. or</u>	<u> </u>	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

PROOF OF PUBLICATION

RECEIVED

AUG 19 1968

Department of Reclamation

County of Ada,
ss.
State of Idaho,

Donna Griggs....., being first duly sworn, on oath
says he is the Office Manager..... of THE INTERMOUNTAIN OBSERVER,
a newspaper of general circulation, published weekly by the LITERARY EN-
TERPRISES, INC., publishers and printers thereof, at Boise, County of Ada,
State of Idaho;

That the annexed notice was published in said newspaper on each and every
week for two..... consecutive weeks, the first publication being
on the 10th day of August....., 19.68, and the last publication
being on the 17th day of August....., 19.68;

That said newspaper is of general circulation and has been printed and
published continuously and uninterruptedly in said county during a period of
more than seventy-eight consecutive weeks prior to the first publication of
the attached notice.

Donna Griggs

Subscribed and sworn before me this 17th day of August
19.68.....

G. J. Reynolds
Notary Public

(SEAL)
My commission expires 8/30/71.....

NOTICE OF CLAIM TO A WATER RIGHT
No. 68-1004

Notice is hereby given that Carl Mahood,
1904 1/2 1st St. N., Boise, Idaho has filed a
claim to a water right established by diver-
sion and application to beneficial use of 200
cfs. per second of water from a sub-
terranean source with point of diversion in
1967/1968, sec. 26, T. 3 N., R. 2 E., B.M.,
Ada County, the water is claimed to be used
from January 1 to December 31 for domestic
with a priority of October 9, 1951; the place
of use is Lots 20, 21, and part of 22, Sec-
tion 26, Range 2 N., Sec. 26, and the NE 1/4 of 1/4,
sec. 26, T. 3 N., R. 2 E., B.M.
Any objection to this claim of water right
may be filed with the Department of Reclama-
tion.

R. KEITH HIGGINS
State Reclamation Engineer
Published in the Intermountain Observer,
Boise, Idaho on August 18 and August 19.

63 4124

bill sub - 8/19/68

WATER RIGHT NUMBER 63-4024

WATER RIGHTS EDIT REPORT

12/11/79

PAGE 122

ACT
ION

N OWNER LAST NAME - MALMIN
N ADDRESS LINE 1 - 3901 GEKELE LN.

FIRST NAME - CARL

CITY - BOISE

STATE - ID ZIP CODE - 83706

N SOURCE - GROUNDWATER

N STAGE - STATRY CLM

PRIORITY - 10-01-1951 COUNTY - ADA

TOTAL DIV. RATE - .2200CFS

N DIVERSION POINT - NESW 26 03N 02E

N FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE - .2200CFS

N USE - DOMESTIC

PLACE OF USE - TWN 03N RNG 02E SEC 26 TRACT NESW

3/79

IDENT. NO.

u3-4024

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT DATA ENTRY LOG

Initials

Date

Item

Original form entered

Edit Report Correct

Date Protested

Date of Hearing

Date Approved/Denied
(Proof due date, stage and/or status,
conditions of approval, water district)

Record Verified

Amendment Approved

Extension Approved

Partial Proof

Proof Complete

Field Exam Received

Field Exam Accepted
and changes entered

License Signed

Transfer Approved

Keypunched by State Office

57.50

- DATA ENTRY -

New No.

1. Original Owner:

2. Address: 3901 Gekeler Ln.

3. City: *Boise*

State: 10

Zip: 83706

4. A. Source of Water:

B. Tributary of:

5. A. Stage (A,P,L,D,S,J): S

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

C. Priority Date: 10-1-1951

D. County: 01

E. Total Diversion Rate: .22

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

<u>Tract</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Gov't Lot</u>	<u>Rediv.</u>
<u>NE SW</u>	<u>26</u>	<u>3N</u>	<u>2E</u>		
<u>3</u>					

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

[illegible]

MEMORANDUM

TO: FILE
FROM: KEN FOIT
RE: 63-4024

August 19, 1976

Mrs. Carl (Emma) Malmin called today and stated that Carl had died and wanted to know what needed to be done to change the name of the water right claim in the Estate of Carl Malmin. After conferring with Darlene Reich, I notified Mrs. Malmin by telephone that no action was needed and that the water right identified in the claim would go with the land and should be enclosed with the land title.

August 28, 1968

Re: Claim No. 63-4024

Carl Malmin
3901 Gekeler Lane
Boise, Idaho

Dear Mr. Malmin:

Please be advised that the Department of Reclamation has received and processed your claim to a water right. The information in your claim is filed under Claim No. 63-4024. Please refer to this number when adding information or changing your claim.

Receipt No. W-304 in the amount of \$10.00 was given to you at the time you filed your claim. If you need further assistance, please contact the Department of Reclamation.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4024

Notice is hereby given that Carl Mahmin, 3901 Gekeler Lane, Boise, Idaho has filed a claim to a water right established by diversion and application to beneficial use of .222 cubic feet per second of water from a subterranean source with point of diversion in NE1/4SW1/4, sec. 26, T. 3 N, R. 2 E, B.M., Ada County; the water is claimed to be used from January 1 to December 31 for domestic with a priority of October 1, 1951; the place of use is Lots A, B, and part of C of Bergeson Homesite, sec. 26 and the NE1/4SW1/4, sec. 26, T. 3 N, R. 2 E, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Intermountain Observer,
Boise, Idaho on August 10 and August 17.

8/16

63 4024

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

August 1, 1968

Re: Application No. 63-7129 - C. L. or Ellan L. Lindemood
Application No. 63-7120 - Sacred Heart Mission School
Application No. 63-7125 - Richard P. Wells
Claim No. 63-4024 - Carl Malmin

Intermountain Observer
P. O. Box 7337
Boise, Idaho
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 date. If you can not publish the notice on the proposed dates please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, 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 same has been paid.

(Do not sign here)

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

Enclosure: legal notice

63 4024

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-7024

Notice is hereby given that Carl Malmin, 3901 Gekeler Lane, Boise,
Idaho has filed a claim to a water right
established by diversion and application to beneficial use of .222
cubic feet per second ~~per foot~~ of water from ~~a subterranean source~~
with point of diversion in NE/4SW/4, sec.
26, T. 3 N., R. 2 E., B.M., Ada County; the water is
claimed to be used from January 1 to December 31 for domestic
with a priority of October 1, 1951
; the place of use is Lots A, B, and part of
C of Bergeson Homesite, sec. 26 and the NE/4SW/4, sec. 26, T. 3 N.,
R. 2 E., B.M.,

Any exception to this claim of water right may be filed with the Department
of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Intermountain Observer, Boise, Idaho
on August 10 and August 17.

63 4024