

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: A29-10000
Date Received: 4/11/1988
Receipt No: E000082

VOIDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANK ROBERT JOHNSON 208-232-6246
Address: 8551 W. POCA TELLO CREEK ROAD
POCA TELLO, ID 83201
AND/OR
Name: IRENE FERGUS JOHNSON 208-232-6246
Address: 8551 W. POCA TELLO CREEK ROAD
POCA TELLO, ID 83201

2. Date of Priority: JUN 30, 1974

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	35E	20	NE	SW	NW		BANNOCK

5. Description of diverting works:
DOMESTIC WELL TO ONE HOME

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	11/15	0.040		
STOCKWATER	11/01	05/15	0.020		
DOMESTIC	01/01	12/13	0.040		

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

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC-1 / STOCKWATER FOR 4 TO 6 HEAD OR RANGE CATTLE.

A29-10000

Page 1

Date: 04/11/88

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	35E	20	SW		NW		IRR	2.0
			SW		NW		DOMEST	
			SW		NW		STOCK	

Section Acres 2.0

Total Acres 2.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
29-0443 / 29-0444

14. Remarks:

THIS CLAIM TAKEN ON PAPER FORM. CODED 3/21/88 BY ESV.
EVIDENCED BY OLD RECEIPT NO. 46476.

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

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 _____

46476
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: A29-10000
Date Received: 3/21/1988
Receipt No: E000024
16/06/88

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANK ROBERT JOHNSON 208-232-6246
Address: 8551 W. POCA TELLO CREEK ROAD
POCA TELLO, ID 83201

AND/OR

Name: IRENE FERGUS JOHNSON 208-232-6246
Address: 8551 W. POCA TELLO CREEK ROAD
POCA TELLO, ID 83201

2. Date of Priority: JUN 30, 1974

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	35E	20	NE	SW	NW		BANNOCK

5. Description of diverting works:
DOMESTIC WELL TO ONE HOME

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	11/15	0.040		
STOCKWATER	11/01	05/15	0.020		
DOMESTIC	01/01	12/13	0.040		

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

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC-1 / STOCKWATER FOR 4 TO 6 HEAD OR RANGE CATTLE.

A29-10000

Page 1

Date: 03/23/88

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NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	35E	20	SW		NW		IRR	2.0
			SW		NW		DOMEST	
			SW		NW		STOCK	

Section Acres 2.0

Total Acres **2.0**

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
29-0443 / 29-0444

14. Remarks:
THIS CLAIM TAKEN ON PAPER FORM. CODED 3/21/88 BY ESV.
EVIDENCED BY OLD RECEIPT NO. 46476.

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

MICROFILMED
NOV 13 1992

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: 39356

Ident. Number A 29-10000Date Received 3/16/88 1238 hrsReceipt Number \$52.00 46476

(See receipt # E000024)

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

VOIDED

Please type or print clearly

1. Name of Claimant (s) FRANK ROBERT JOHNSON AND/OR
IRENE FERGUS JOHNSON Phone (208) 232-6246

Mailing Address 8551 W. POCA TELLO CK. RD. POCA TELLO, IDAHO Zip 83201

2. Date of Priority (Only one (1) per claim) JUNE 30, 1974

3. Source of water supply (a) GROUND WATER
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 6 SO. Range 35 E. Section 20,
NE 1/4 of SW 1/4 of NW 1/4, Govt. Lot, — B.M., County of BANNOCK

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. DOMESTIC WELL TO ONE

HOME, GARDEN, ORCHARD, PASTURE AND STOCK,
2-HORSES, AND 2 TO 4 COWS. (HERFORD COWS).

4

62A

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NOV 13 1992



6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For DOMESTIC purposes from 1-1 to 12-31 amount 0.04 or _____

For STOCK WATER purposes from 11-1 to 5-15 amount 0.02 or _____

For IRRIGATION purposes from 4-15 to 11-15 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) DOMESTIC - 1, STOCK WATER 4 TO 6 HEAD,

10. Description of place of use:

a. If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>6 S</u>	<u>35 E</u>	<u>20</u>							<u>2</u>										<u>2</u>
									<u>D/S</u>										

Total number of acres irrigated 2

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

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
29-0443 \ 0444 or None ()

14. Remarks:

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NOV 13 1992

Last Name JOHNSON Ident No. A 29-10000

Copies: White - State, Yellow - Claimant

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 0

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

Signature of Claimant (s) Frank Robert Johnson and/or Date 3-16-88

Deane Ferguson Johnson Date 3-16-88

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

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

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 16th day of March 19 88

SEAL

Notary Public Deane Wray

Residing at Idaho Falls

My Commission Expires 5/29/1991

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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NOV 13 1992

Last Name JOHNSON Ident. Number A 29-10000

Copies White-State, Yellow-Claimant

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 29-10000

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FRANK ROBERT JOHNSON
Current Owner	IRENE FERGUS JOHNSON
	8551 W POCATELLO CREEK RD
	POCATELLO, ID 83201
	(208)232-6246

Priority Date: 06/30/1974
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary to</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
~~IRRIGATION~~	~~4/15~~	~~11/15~~	~~0.04 CFS~~		
STOCKWATER	11/01	5/15	0.02 CFS		
DOMESTIC	1/01	12/13	0.04 CFS		
Total Diversion			0.04 CFS		

Location of Point(s) of Diversion:

GROUND WATER	NESWNW	Sec. 20	Township 06S	Range 35E	BANNOCK County
--------------	--------	---------	--------------	-----------	----------------

IRRIGATION Use:
Acre Limit: 2

Place(s) of use:

Place of Use Legal Description: IRRIGATION	BANNOCK County
--	----------------

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06S	35E	20		SWNW	2									

Place of Use Legal Description: STOCKWATER	BANNOCK County
--	----------------

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06S	35E	20		SWNW										

Place of Use Legal Description: DOMESTIC	BANNOCK County
--	----------------

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06S	35E	20		SWNW										

Total Acres: 2

Remarks:

1. General THIS CLAIM TAKEN ON PAPER FORM. CODED 3/21/88 BY ESV.
EVIDENCED BY OLD RECEIPT NO. 46476.

Dates:

Licensed Date:
Claim Received Date:
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:

Other Information:

Receipt Number(s): E000082
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

TO _____ DATE 4 / 7 / 19 72
ADDRESS Frank Johnson
SHIP TO Pine Creek Road
ADDRESS _____

F. O. B.

Received for drilling	10 in
Well	157 ft a 10 ⁰⁰

Is Full		588	00

PURCHASED BY



GRAYLINE FORMS 59050 PAPER PATENTED BY HCR. CO

IS 59050 PAPER PATENTED BY HCR. CO.

233-4760
S. 11th St

321.73 1" Pipe 1/2"

JOE BRENNAN PUMPS

225 E. CHURCH RD.
FOCATELLO, IDAHO 83201

PHONE: 237-5302

No. 487-10 Date 4-9-1972

Name. Foundations Milling

Address

SOLD BY		CASH	C. O. D.	CHARGE	ON ACCT.	ADSE. RETD.	PAID OUT
QUAN.	DESCRIPTION					AMOUNT	
1	1/2 H. P. pump					162	40
2	80' well					16	80
3	switch & gauge					7	18
4	check valve					6	30
5	fittings					35	00
6	2 hydraulic					68	60
7						296	28
8	Tax					8	85
9	freight					10	00
10						315	17
11							
12							

Customer's
Order No.

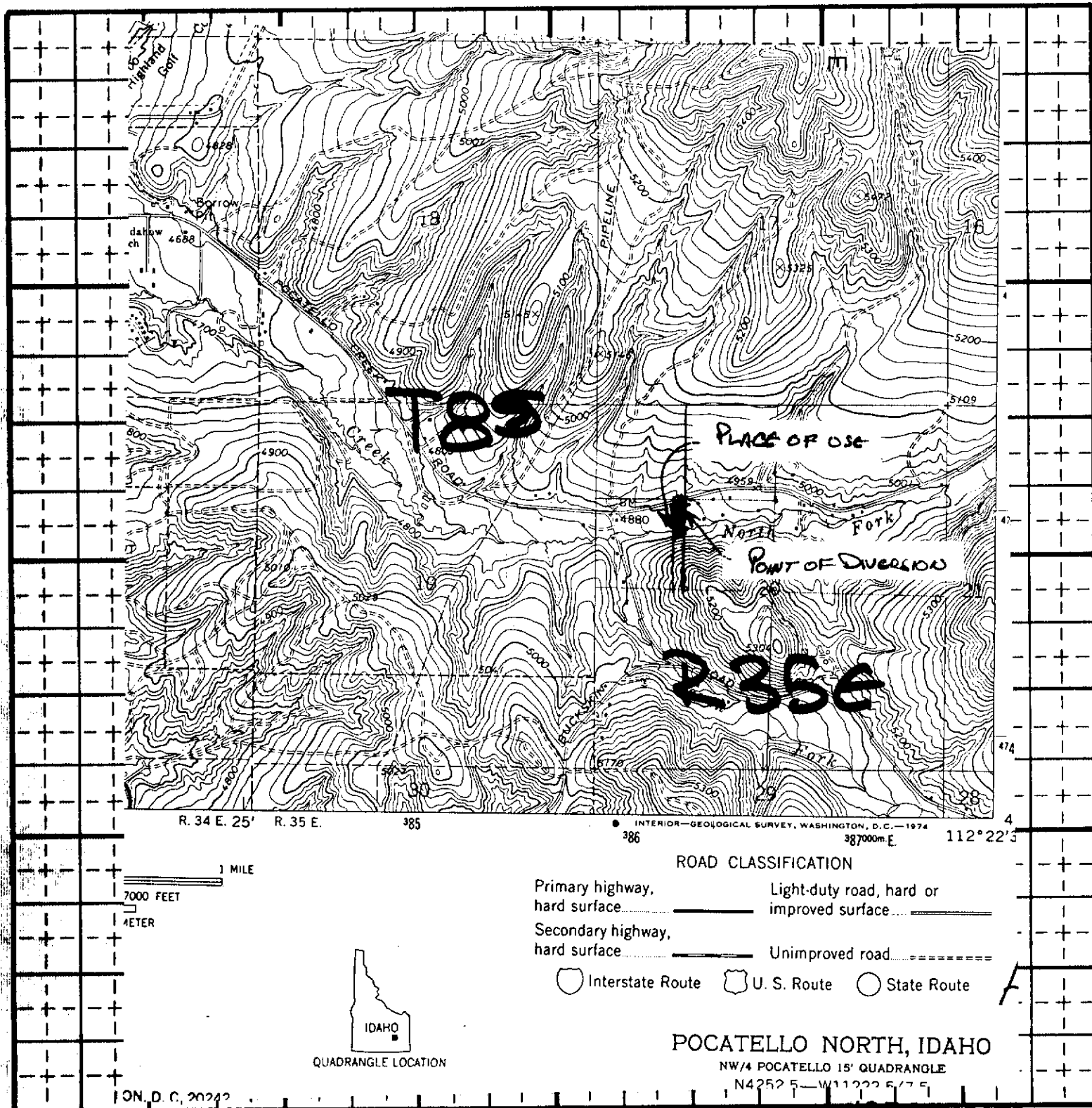
Rec'd
By

KEEP THIS SLIP FOR REFERENCE

5H 24 Rediform

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



MICROFILMED

NOV 13 1992

Last Name JOHNSON

Ident No. A 29-10000

Copies: White-State, Yellow-Claimant

6/5/01 Frank came in and dropped off
Receipts for drilling well in 1970
and pump receipts.
After wife is in town, they will review
the amended claim and receipt is to.

May 24, 2001

FRANK ROBERT JOHNSON
IRENE FERGUS JOHNSON
8551 W POCATELLO CR RD
POCATELLO ID 83201

RE: APPLICATION FOR PERMIT

Dear Mr. Johnson,

Issue #1

Enclosed is the Application for Permit we discussed over the phone. Again, the reason we need to file an Application for Permit is Idaho Code, Statute 42-229 states that any use of water from a groundwater source beginning after March 25, 1963 must be perfected by application permit and license procedure.

For your convenience, I have enclosed two reference maps. I have outlined in yellow what looks like the irrigated place of use within the boundaries of what Bannock County tax-lot information indicates as your property. Note, that I only find 1.10 acres of irrigation in the SENW. If you feel this assessment is inaccurate, please be sure to fill out the permit application to most accurately represent your groundwater use.

I have enclosed a third map for your use to draw in the irrigated placed of use and location of the well. You can return this map with the permit application and the filing fee of \$100.00.

Issue #2

The permit application you will be filing will replace adjudication claim 29-10000. Statute 42-229 prevents me from recommending claim 29-10000. I am enclosing a Request for Withdrawal of Claim form. It is your option weather you wish to withdrawal the claim or not. If you choose to do so and request a filing fee refund, our records show that you paid \$52.00 under receipt #E000082.

If a refund is approved, it might offset the Permit Application filing fees.

Issue #3

I checked IDWR's records for a copy of the well log for your groundwater well. We do not have that on record. But as we discussed, a notarized statement stating when the well was drilled should be sufficient evidence of priority.

Lastly

I apologize for the inconvenience. However, I am encouraged that we are getting all of the necessary details worked out. By working through these details, I feel we are on the right track to securing your water rights within the statutes and rules set by Idaho Code.

As always, please feel free to call me with any questions at (208) 525-7161.

Respectfully Submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

May 14, 2001

1/2 in

29-10000
FRANK ROBERT JOHNSON
IRENE FERGUS JOHNSON
8551 W POCATELLO CR RD
POCATELLO ID 83201

RE: EVIDENCE OF PRIORITY

Dear Claimant (s):

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. The Notice(s) of Claim identified with the number shown **above in the "address" label and at the "end" of this letter** has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

.....
The Department can not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by June 15, 2001, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at 525-7161.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

Enclosure: . Brochure on "Evidence of Priority"
Notice of Claim 29-10000

Log for claim A29-10000

Spatial Dynamics LTD

9/25/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s35e	20	SWNW	2	3.1	
Totals:			2	3.1	

spoke with Frank. Needs to file Permit on this
water Right. This claim needs to be withdrawn
or disallowed.

AJ5809NP
No. A29-10000

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 140

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FRANK ROBERT JOHNSON	06/30/1974	IRRIGATION	04-15 11-15	0.040 CFS	
C	IRENE FERGUS JOHNSON		STOCKWATER	11-01 05-15	0.020 CFS	
	8551 W POCATELLO CREEK RD		DOMESTIC	01-01 12-13	0.040 CFS	
	POCATELLO ID 83201					
	(208) 232-6246					
				TOTAL DIVERSION:	0.040 CFS	
				CONSUMPTIVE USE:		5.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T06S R35E S20 NESWNW

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
06S	35E	20	:																	:	2.0
																				TOTAL ACRES	2.0

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
06S	35E	20	:																	:	

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
06S	35E	20	:																	:	

POU County: BANNOCK

Non-Irrigation Uses: DOMESTIC-1 / STOCKWATER FOR 4 TO 6 HEAD OR RANGE CATTLE.

Other Rights: 29-0443 / 29-0444

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

29-04243 29-07274 29-11171 29-11249 A29-00443C A29-00443I A29-00444A A29-04195 A29-04243 A29-07274
A29-07594 A29-11171 A29-11249

Other Water Rights Listing Overlapping Place(s) of Use:

A29-00443 A29-00443C A29-00443H A29-00443I A29-00444 A29-00444A A29-04195 A29-04367 A29-07594 A29-10783

Remarks: GEN THIS CLAIM TAKEN ON PAPER FORM. CODED 3/21/88 BY ESV.
EVIDENCED BY OLD RECEIPT NO. 46476.

AJ5809NP
No. A29-10000

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 141

=====

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	Presumption Flag:
Audit:	03/25/88 VERNER	05/18/88 NOYES	07/29/94 THOMPSON 03/29/95 POST-STD

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

Receipt No. E000082

Date: 04/11/88
Time: 10:08:41

Received
From: FRANK R. JOHNSON

Type of Payment

ADJUDICATION FEE

Program Acct

Amount

0410162 9337 6490

\$52.00

Total

\$52.00

CHECK 270

WR/NO: A29-10000

Idaho Department of Water Resources

Region: Eastern

Signature: _____

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NOV 13 1992