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Documents

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: A55-10080
Date Received: 11/21/1988
Receipt No: W001974
Received By: DE JAL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GEORGE JOHNSTONE 208-337-3015
Address: RT. 1 BOX 1144
HOMEDALE, ID 83628

AND/OR

Name: JUANITA JOHNSTONE 208-337-3015
Address: RT. 1 BOX 1144
HOMEDALE, ID 83628

2. Date of Priority: JUL 01, 1954

3. Source: SPRINGS Trib. to: OLD MAN CREEK
SPRINGS RAIL CREEK
SPRINGS WILLIAM CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	05W	22	NE	SE	SW		OWYHEE
		27	NW	NE	NW		OWYHEE
		28	NE	NE	SE		OWYHEE
		35	NE	NE	NW		OWYHEE
			NW	NW	NW		OWYHEE

5. Description of diverting works:
5 PONDS FED FROM SPRINGS AND RUN-OFF.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.070		

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

8. Total consumptive use is Acre Feet Per Annum.

A55-10080

Page 1

Date: 01/17/89

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SEP 30 1992

9. Non-irrigation uses:
S/250 HEAD RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	05W	22	SE	SW		STOCK	
		27	NE	NW		STOCK	
		28	NE	SE		STOCK	
		35	NE	NW		STOCK	
			NW	NW		STOCK	

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
NONE

14. Remarks:
PONDS ARE VAIRABLE IN SIZE. SOURCE IS SPRINGS. SEE 55-2139 FOR
LOCATION MAPS.

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

Ident. Number A55-10080Date Received 11-21-88Receipt Number W001974

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 \$25

Department of Water Resources
Western Regional Office

RECEIVED

NOV 21 1988

Please type or print clearly

1. Name of Claimant (s) George & Juanita Johnstone Phone (208) 337-3015
Mailing Address RT1, Box 1144 Homedale, Idaho Zip 83628

2. Date of Priority (Only one (1) per claim) 7/1/1954

3. Source of water supply (a) SPRING 5 Springs
which is tributary to (b) old man creek, Rail Creek, William Creek

4. Location of point of diversion is: Township 7S Range 5W
Section 35, NE 1/4 of NE 1/4 of NW 1/4, Govt. Lot _____, B.M.,

County of Owyhee

Additional points of diversion if any: NW NE NW Sec 27
NE NE SE 11 28 } T 7S R 5W
NE SE SW Sec 22

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. 5 Ponds - Fed from
Natural springs & run off - Ponds used to hold
water - dug out. Source is springs

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

(Both dates are inclusive) (cfs)
For Stockwater purposes from 1/1 to 12/31 amount .07

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .07 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of
livestock) 250 hd/range

Copies: White, State, Yellow, Chairman

SEP 30 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
7S	5W	22												S				
7S	5W	35					S	S										
7S	5W	27					S											
7S	5W	28																S

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

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: Ponds are variable in size. Source is
springs - See 55-2139 for location map

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) George Johnstone Date 11/18/1988

Date _____

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

of _____, that I have signed the foregoing

document in the space below as _____ of _____

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 canyon) SS.

Subscribed and sworn (or affirmed) before me this 18 day of November 19 88

SEAL

Notary Public John K. Moyer

Residing at 15470 Homedale Rd.
Caldwell, Idaho

My Commission Expires Sept 21, 1994

Last Name Johnstone Ident No. _____

Copies White-State, Yellow-Claimant

SEP 30 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.

12/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Johnstone

CLAIM IDENT. NO.

A55-10080

DATE RECEIVED

11-21-89

CK #

2819

AMOUNT \$

510

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ Required Info? *
2. Is a priority date entered? ☐ YES ☐ NO ☐ Required Info? *
- Is the priority date acceptable in view of mandatory filing dates? ☐ YES ☐ NO ☐ Required Info? *
3. (a) Is a source entered? ☐ YES ☐ NO ☐ Required Info? *
- (b) Is a tributary to entered? (if required) ☐ YES ☐ NO ☐ Required Info? *
4. Is the legal description of the p.d. sufficient? ☐ YES ☐ NO ☐ Required Info? *
5. Is there a description of the diverting works? ☐ YES ☐ NO ☐ Required Info? *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☐ YES ☐ NO ☐ Required Info? *
- Is the period of use included? ☐ YES ☐ NO ☐ Required Info? *
- Is a quantity claimed for each use? ☐ YES ☐ NO ☐ Required Info? *
7. Is a total quantity claimed entered? ☐ YES ☐ NO ☐ Required Info? *
8. If required is a consumptive use entered? ☐ YES ☐ NO ☐ Required Info? *
- Is the consumptive use correct? ☐ YES ☐ NO ☐ Required Info? *
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, see Adjudication Memo # 4. ☐ YES ☐ NO ☐ Required Info? *
10. Is (are) the place(s) of use and purpose(s) indicated? ☐ YES ☐ NO ☐ Required Info? *
11. Is (are) the county(ies) entered? ☐ YES ☐ NO ☐ Required Info? *
12. Is the ownership of p.u. checked? ☐ YES ☐ NO ☐ Required Info? *
13. Are other water rights listed or "none" indicated? ☐ YES ☐ NO ☐ Required Info? *
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 ☐ Required Info? *
15. Is the basis of the claim indicated? ☐ YES ☐ NO ☐ Required Info? *
16. Has the claimant requested a monthly docket sheet? (If yes, describe payment status in "Comments" below.) ☐ YES ☐ NO ☐ Required Info? *
17. Is the claim signed by the claimant, and is the signature appropriate? ☐ YES ☐ NO ☐ Required Info? *
18. Has the claim been signed, sealed, and dated by a notary? ☐ YES ☐ NO ☐ Required Info? *
19. Was this claim filed on time, or was an extension granted? ☐ YES ☐ NO ☐ Required Info? *
20. Is the fee enclosed correct? ☐ YES ☐ NO ☐ Required Info? *
21. If this claim is based on an existing water right, has the identification number been entered? ☐ YES ☐ NO ☐ Required Info? *
22. Should this claim be receipted and data entered? ☒ YES ☐ NO ☐ Required Info? *

Claim checked by:

VERIFIED RDH

Date:

1-16-89Claim must be returned to claimant: ☐ (Yes) ☐ (No)Claimant must be sent a copy of amended claim for approval: ☐ (Yes) ☒ (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

Comments: 5 POINTS IN P/D - 25.00

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SEP 30 1992

AJ0749NP
No. R55-10080

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

DATE: 04/16/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GEORGE JOHNSTONE	07/01/1954	STOCKWATER	01-01 12-31	0.07 CFS	
C	JUANITA JOHNSTONE					
	RT 1 BOX 1144					
	HOMEDALE ID 83628			TOTAL DIVERSION:	0.07 CFS	
	(208) 337-3015					
	Water Source: SPRINGS		Tributary to: OLD MAN CREEK			Stage: BENEFICIAL USE
	SPRINGS		RAIL CREEK			
	SPRINGS		WILLIAM CREEK			
Point(s) of Diversion:	T07S R05W S22	NESESW			OWYHEE County	
	S27	NWNENW			OWYHEE County	
	S28	NENESE			OWYHEE County	
	S35	NENENW	NWNWNW		OWYHEE County	

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	:
07S	05W	22	:																	:
07S	05W	27	:																	:
07S	05W	28	:																	:
07S	05W	35	:																	:

POU County: OWYHEE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A55-10080 A55-10081 R55-10081

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 NOS. RP0122200, RP0122401, RP0122402, RP0122403
STOCKWATER, 250 RANGE CATTLE

Dates: Exam Made Date: Verified Date: 04/16/1997 Objection Filed Date:

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

MICROFILMED

JAN 0 5 1999

AJ0749NP
No. R55-10080

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

DATE: 04/16/97
PAGE: 2

Comments: Date: 01/17/1992 User-ID: SMITH Subject: COPIED FROM REMARKS
PONDS ARE VAIRABLE IN SIZE. SOURCE IS SPRINGS. SEE 55-2139 FOR
LOCATION MAPS.

Date: 04/03/1997 User-ID: STK-DSHA Subject: D&S STK-BLM UPDATE
USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK.
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

Audit: 04/16/97 MMINICUC

MICROFILMED

JAN 0 5 1999

AJ5809NP
No. R55-10080

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/04/97
PAGE: 23

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GEORGE JOHNSTONE	07/01/1954	STOCKWATER ✓	01-01 12-31	0.07 CFS	✓
C	JUANITA JOHNSTONE RT 1 BOX 1144 HOMEDALE ID 83628 (208) 337-3015			TOTAL DIVERSION:	0.07 CFS	✓
Water Source: SPRINGS SPRINGS SPRINGS		Tributary to: OLD MAN CREEK RAIL CREEK WILLIAM CREEK		Stage: BENEFICIAL USE		
Point(s) of Diversion:		T07S R05W S22 S27 S28 S35	NESESW NWNENW NENESE NENENW	OWYHEE County OWYHEE County OWYHEE County OWYHEE County		

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	: 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 Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac						
07S	05W	22	:	:	:	:	:	:	:	:	:	:	:	:	:
07S	05W	27	✓	:	S	:	:	:	:	:	:	:	:	:	:
07S	05W	28	✓	:	:	:	:	:	:	S	:	:	:	:	:
07S	05W	35	✓	:	S	S	:	:	:	:	:	:	:	:	:

PQU County: OWYHEE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A55-10080 A55-10081 R55-10081

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 NOS. RP0122200, RP0122401, RP0122402, RP0122403 ✓
STOCKWATER, 250 RANGE CATTLE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

MICROFILMED

JAN 0 5 1999

04/16/1997
No SLT Overlap

777

AJ5809NP
No. R55-10080

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/04/97
PAGE: 24

=====

Comments: Date: 01/17/1992 User-ID: SMITH Subject: COPIED FROM REMARKS
PONDS ARE VAIRABLE IN SIZE. SOURCE IS SPRINGS. SEE 55-2139 FOR
LOCATION MAPS.

Date: 04/03/1997 User-ID: STK-DSHA Subject: D&S STK-BLM UPDATE
USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK.
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

Audit: 01/17/92 SMITH 03/30/95 POST-STD 04/03/97 STK-DSHA

MICROFILMED

JAN 0 5 1999

OLD (D) NUMBER -

PHONE - 208-337-3015

JUL 19 1994

WATER RIGHT NUMBER - A55-10080

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - REMARKS - - - - - +
PONDS ARE VAIRABLE IN SIZE. SOURCE IS SPRINGS. SEE 55-2139 FOR
LOCATION MAPS.

+ - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.

+ - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 01/17/89 HARRIS 10/24/89 REFUNDML

+ - - - - COMMENTS - - - - - +
NO COMMENTS FOUND

+ - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - - +

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 00/00/0000	CIVIL CASE NUMBER	- 39576
OBJECTION FILED DATE	- 00/00/0000	FIELD INSPECTION FLAG	-	OLD CASE NUMBER	-
RESPONSE FILED DATE	- 00/00/0000	VERIFIED DATE	- 00/00/0000	OLD JUDICIAL DISTRICT	-
CLAIM RECEIVED DATE	- 01/16/1989	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- W001974	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	PDU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	- AND/OR		

RP 0122200
RP 0122401
RP 0122402
RP 0122403

DATA ENTRY

ENTERED 1-17-92 DMSCHECKED 7/3/92 AS

Verified By
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED

JUL 22 1991

PROOF

JUN 01 1991

CERTIFIED

JUL 18 1991

WATER EXAMINER

MICROFILMED

JUL 19 1994