

No Color
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: A63-17956
Date Received: 8/24/1989
Receipt No: W004947
Received By: DE JEN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNETH A TABBUTT 208-362-4206
Address: 9230 BIENAPFL
BOISE ID 83709

AND/OR

Name: BARBARA J TABBUTT 208-362-4206
Address: 9230 BIENAPFL
BOISE ID 83709

2. Date of Priority: APR 2, 1973

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	01E	26	SW	NE	SE		ADA

5. Description of diverting works:
87' WELL, 6" CASING, 1 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME

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10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	01E	26	NE SE		DOMEST	

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

NEW YORK CANAL SHARES FOR LAWN SPRINKLING.

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 _____

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JUL 26 1994

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

Identification No. ALB-17956
Date Received 8-24-89
Receipt Number W004947

NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED

AUG 24 1989

ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day. Department of Water Resources
Western Regional Office

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) KENNETH A. ^{or} BARBARA J. TABBOTT Phone (208) 362-4206

Mailing Address 9230 BIENAFEL, BOISE IDAHO Zip 83709

2. Date of Priority (Only one per claim) APRIL 2, 1973 Month/Day/Year

3. Source of water supply (Check one) ☒ Groundwater or Other () (a) _____

Name or kind of source

which is tributary to (b) _____

4. Location of point of diversion is: Township 03N Range 01E

Section 26, SW 1/4 of NE 1/4 of SE 1/4, Govt. Lot _____, BM.,

County of ADA

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. PT WELL W/ 6" CASING AND TAP PUMP STATIC WATER AT 56

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

For DOMESTIC purposes from 01/01 to 12/31 amount 0.040 (cfs)
(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.040 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) ONE HOUSEHOLD

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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 of use is: Township: 03N Range 01E

Section 26, NE 1/4 of SE 1/4, Govt. Lot _____, B.M.,

County of Ada for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

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

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. None ()

NEW YORK CANAL SHARES FOR LAWN SPRINKLING

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s) _____

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) [Signature] Date P-24-P9

_____ 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 _____

_____ Title _____ Organization _____

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____ } SS.

County of Ada }

Subscribed and sworn (or affirmed) before me this 24 day of August 1989

SEAL

Notary Public Rori Harris

Residing at Boise, Idaho

My Commission Expires 12-8-94

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

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JUL 26 1994

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.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: FEB-26-1999
PAGE: A-9-----
RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 63-17956

NAME & ADDRESS: KENNETH A TABBUTT
BARBARA J TABBUTT
2058 E EASY JET ST
MERIDIAN ID 83642-4552

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/02/1973

POINT OF DIVERSION: T03N R01E S26 SWNESE Within ADA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within ADA County
T03N R01E S26 NESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. R5457750160
PROPERTY ALSO KNOWN AS LOT 16, BLK 1, MAPLE RIDGE ESTATES SUB.

RECEIVED

MAR 30 1999

WATER RESOURCES
WESTERN REGION

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576) NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS
Water Right 63-17956

IDWR has completed the following Administrative Proceeding:

☒ Change of Address
☐ Substitution of Party
☐ I.C. 42-222 Transfer

CHANGE OF ADDRESS

Name of Claimant: KENNETH A TABBUTT
New Address: 2058 E EASY JET ST
MERIDIAN ID 83642-4552
Phone: (208) 288-2110

Claimant's Water Rights: 63-17956

The Claimant has filed Objections or Responses to the following water rights:

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
2/26/1999

63-17956

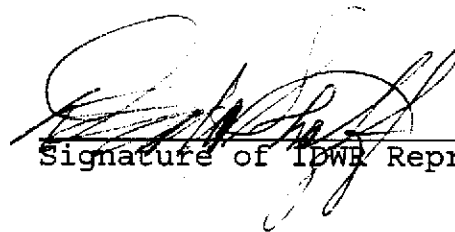
PAGE 1

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached Amended Director's Reports for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the Notice of Completed Administrative Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED:

3-16-99

A handwritten signature in black ink, appearing to be "R. J. [unclear]", is written over a horizontal line.

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 3-30-99 I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Each party in the subcase, or attorney of record:

KENNETH A TABBUTT
BARBARA J TABBUTT
2058 E EASY JET ST
MERIDIAN ID 83642-4552
3. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
4. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Sandy Egbert
Signature of person or attorney mailing the form



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

RECEIVED

FEB 25 1999

Department of Water Resources

DIRK KEMPTHORNE
GOVERNOR

February 22, 1999

KARL J. DREHER
DIRECTOR

KENNETH A AND BARBARA J TABBUTT
2058 E EASY JET ST
MERIDIAN ID 83642-4552

Re: Snake River Basin Adjudication (SRBA)
Adjudication Claim #63-17956
Change of Address

*record changed, NCAP
prepared. 2-25-99*

Dear Claimants:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right(s) can be sent only to the address on your water right(s) or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by March 1, 1999. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right(s) referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Kenneth A. Tabbutt
Claimant Signature

208-288-2110
Telephone No.

4-3-91

CLAIMANT'S NAME Tabbutt, Kenneth or Barbara CLAIM IDENT. NO. Ala3-17956DATE RECEIVED 8-24-89 RECEIPT # 10004947 AMOUNT \$ 25.00

	YES	NO	Require Info?
1. Is the name and address complete with zip code?	<u>X</u>		*
2. Is a priority date entered?	<u>X</u>		*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.	<u>X</u>		*
3. (a) Is a source entered?	<u>X</u>		*
(b) Is a tributary to entered? (if required) N/A <u>X</u>			
4. Is the legal description of the p.d. sufficient?	<u>X</u>		*
5. Is there a description of the diverting works?	<u>X</u>		
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	<u>X</u>		*
Is the period of use included?	<u>X</u>		
Is a quantity claimed for each use?	<u>X</u>		*
7. Is a total quantity claimed entered?	<u>X</u>		
8. If required is a consumptive use entered? N/A <u>X</u>			
Is the consumptive use correct? N/A <u>X</u>			
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 N/A <u>X</u>			*
10. Is (are) the place(s) of use and purpose(s) indicated?	<u>X</u>		*
11. Is (are) the county(ies) entered?	<u>X</u>		
12. Is the ownership of p.u. checked?	<u>X</u>		
13. Are other water rights listed or "none" indicated? (See Item No.'s 16 & 17 for checking other water rights)	<u>X</u>		
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.) N/A <u>X</u>			
15. Is the basis of the claim indicated?	<u>X</u>		
16. If the basis of claim is shown as license, permit, or decree is the existing water rt. no. listed? N/A <u>X</u> (Compare claim with the existing water rt. and either attach a proof report or state in comments that the existing right was compared to the claim)			*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. or name on the claim? N/A <u>X</u> (If yes, describe the right in "Comments" and attach a proof report) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.			
18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A <u>X</u>			
19. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	<u>X</u>		*
20. Has the claim been signed, sealed, and dated by a notary?	<u>X</u>		*
21. Was this claim filed on time, or was an extension granted?	<u>X</u>		*
22. Is the fee enclosed correct? Exempt <u>X</u>			*

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JUL 26 1994

23. Should this claim be data entered?

YES

NO

☒

☐

Claim reviewed by:

JD

Date

5-4-92

Claim data entered by:

JD

Date

11-9-92

Claim is being returned to claimant:

☐ (Yes) ☒ (No)

Claimant is being notified of modifications:

☐ (Yes) ☒ (No)

Comments:

DATE: 02/25/99
PAGE: 1

DIVERSION
VOLUME

0.040 CFS

TOTAL DIVERSION:

Stage: BENEFICIAL USE

ADA County

MS
MN[illegible]

POU County: ADA

Non-Irrigation Uses: 1 HOME

Other Rights: NEW YORK CANAL SHARES FOR LAWN SPRINKLING.

Conditions of Approval:

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

PARCEL NO. R5457750160
PROPERTY ALSO KNOWN AS LOT 16, BLK 1, MAPLE RIDGE ESTATES SUB.

Verified Date:

Objection Filed Date:

Field Inspection Flag:
Presumption Flag:

Comments: Date: 02/25/1999 User-ID: SSHERMAN Subject: ADDRESS CHANGE
ADDRESS CHANGE BY CLAIMANT LETTER.

Audit: 02/25/99 SSHERMAN

return
to sender

fee due 50¢

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

ADDRESS SERVICE
REQUESTED

PRESORTED
FIRST CLASS



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

PM METER
7078757

U.S. POSTAGE

IMPORTANT WATER RIGHT INFORMATION

only W/R

63-17956
KENNETH A TABBUTT
BARBARA J TABBUTT
9230 BIENAPFL
BOISE ID 83709

TAB66230 837092005 1498 06 11/12/98
FORM 3547

TABBUTT
20550 E EASY JET ST
MERIDIAN ID 83642-4552

83709-4526 35



U.S. POSTAL SERVICE
PS FORM 3547

DATE: 05/08/98
PAGE: 141

DIVERSION

0.04 CFS

Stage: BENEFICIAL USE

ADA County

5

NESE	NWSE	SWSE	SESE
Lt AC	Lt AC	Lt AC	Lt AC
---	---	---	---
D			

Other Rights: NEW YORK CANAL SHARES FOR LAWN SPRINKLING.

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.

Objection Filed Date:

Field Inspection

Date: 08/28/1997 User-ID: CORR2 Subject: COPIED FROM REMARKS
PARCEL NO. R5457750160
PROPERTY ALSO KNOWN AS LOT 16, BLOCK 1, MAPLE RIDGE ESTATES SUB.

08/15/97 AJU3-DSH

WATER RIGHT NUMBER - A63-17956 PREFIX TRANSLATION: ADJUDICATION CLAIM OLD (C) NUMBER -

*** C - CURRENT OWNER ***
TABBU T

KENNETH A
1 - 9230 BIENAPFL
2 -
3 -
CITY- BOISE
PHONE - 208-362-4206
STATE- ID ZIP- 83709

BARBARA J
1 - 9230 BIENAPFL
2 -
3 -
CITY- BOISE
PHONE - 208-362-4206
STATE- ID ZIP- 83709

PRIORITY DATE	REGION	FIRST NAME	ADDRESS	STATUS
04/02/1973	14 WESTERN	J	BENEFICIAL USE	
SOURCE			TRIBUTARY	
GROUNDWATER				

TWN	RNG	SEC	TRACT	LOT	RFLG	COUNTY	POINT OF DIVERSION	DIVERSION NAME	DIVERSION RATE	DIVERSION VOLUME
03N	01E	26	SW NE SE	(1)	ADA				0.040	
43 - DOMESTIC										
TOTAL DIV. RATE + TOTAL DIV. VOLUME + TOTAL DIV. CAPACITY + TOTAL CONSUMPTIVE USE + KW USAGE										
0.040										
TWN	RNG	SEC	TRACT	LOT	ACRES	PLACE OF USE	DESCRIPTION	COUNTY		
03N	01E	26	NE SE	43	DOMESTIC			(1) ADA		

DIVERSION MEANS - 87' WELL, 6" CASING, 1 HP PUMP

NON-IRRIGATION USE - DOMESTIC, 1 HOME

OTHER RIGHTS FOR SAME USE - NEW YORK CANAL SHARES FOR LAWN SPRINKLING.

REMARKS

NO REMARKS FOUND.

OLD WATER RIGHT NUMBERS

NO OLD WATER RIGHT NUMBERS FOUND.

CONDITIONS OF APPROVAL

NO CONDITIONS OF APPROVAL FOUND.

LOT 16 Bck Ridge Estates Sub. Maple

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MICROFILMED +
OCT 9 1966

+ - DECREE DATE - +
00/00/0000[illegible][illegible]

CIVIL CASE NUMBER	-	39576
OLD CASE NUMBER	-	
OLD JUDICIAL DISTRICT	-	
TEMPORARY RIGHT	-	P
WATER DISTRICT	-	
FEDERAL/STATE INDICATOR	-	S
PRESUMPTION FLAG	-	
NOTICE OF ERROR FLAG	-	

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

ENTERED 10-24-93
CHECKED 8-8-94

JUN 16 1993

MAY 15 1993

3133

WATER EXAMINER

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MAR 6 0 130