

10/16/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-2052A

NAME AND ADDRESS: GEORGE E SANTEE JR
PO BOX 2341
IDAHO FALLS ID 83403-2341

SOURCE: PATTERSON CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 0.600 CFS

PRIORITY DATE: 10/18/1909

POINT OF DIVERSION:

T14N R22E S8 NWNW Within LEMHI County

T14N R22E S9 SWSW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.600 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T14N R21E S01 Lot 1 NENE	20.00	T14N R22E S06 Lot 2 NWNE	29.00
T14N R22E S06 Lot 3 NENW	3.30	T14N R22E S06 Lot 4 NWNW	19.00
T15N R21E S36 SESE	40.00	T15N R22E S31 SWNE	0.20
T15N R22E S31 NESW	39.00	T15N R22E S31 Lot 4 SWSW	40.00
T15N R22E S31 SESW	36.00	T15N R22E S31 NWSE	24.00
T15N R22E S31 SWSE	38.00		

288.5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 304.8 acres in a single irrigation season. Combined Right Nos.: 73-36B, 73-61, 73-2052A, 73-2052B, 73-4028, 73-4083, 73-4086, & 73-10066

This right is limited to the irrigation of 30 acres within the place of use described above in a single irrigation season.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Source is also known as Big Spring Creek, Spring Creek or O Neal Creek.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

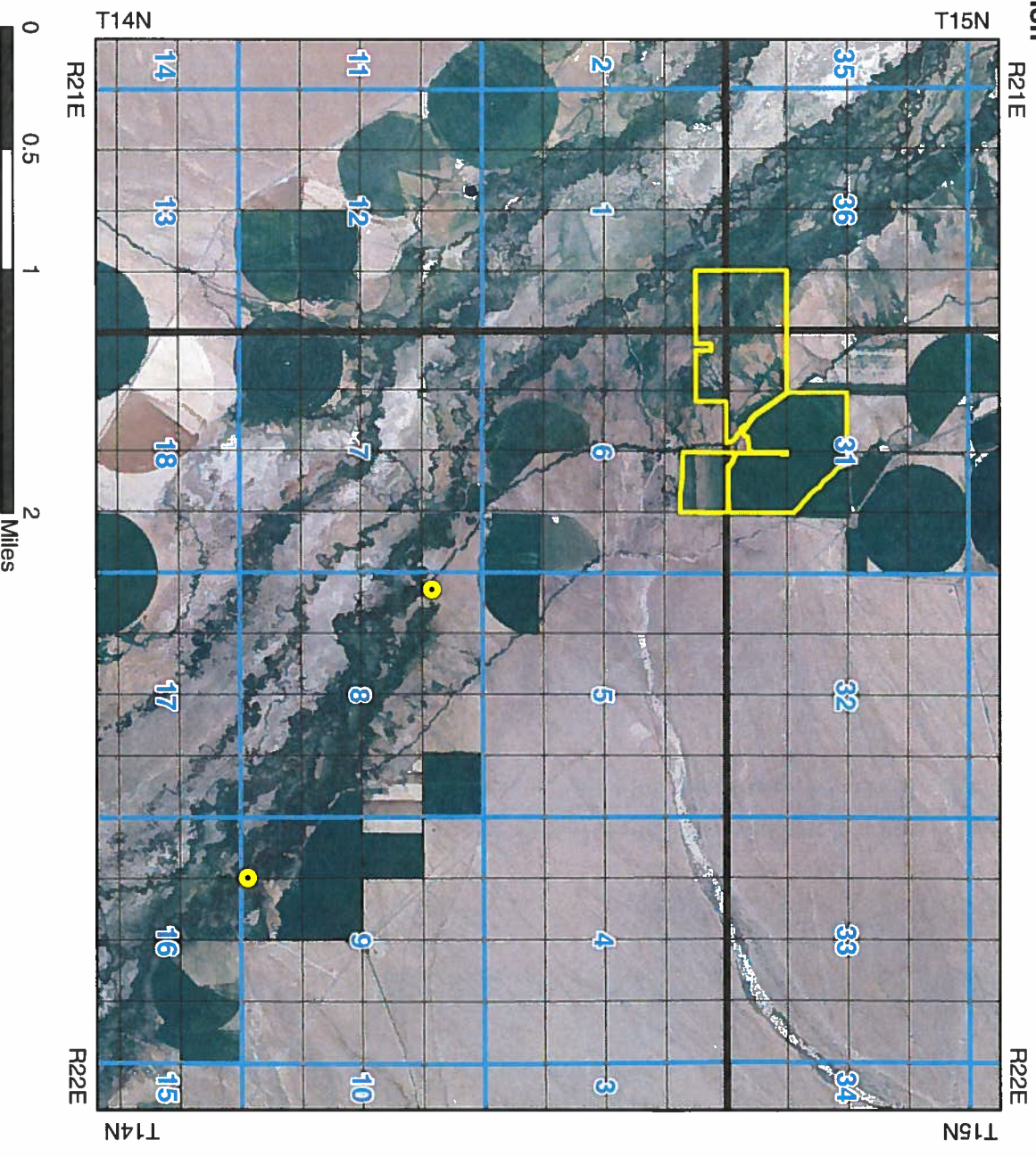
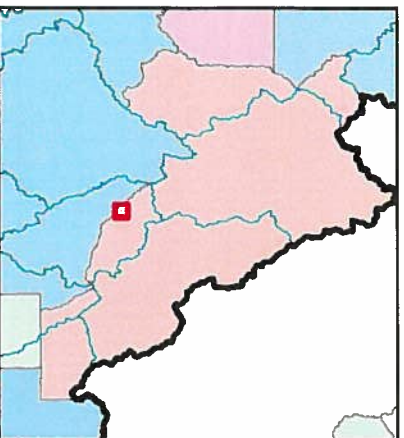
Idaho Department of Water Resources



Adjudication Recommendation
73-2052A
(IRRIGATION)

Legend

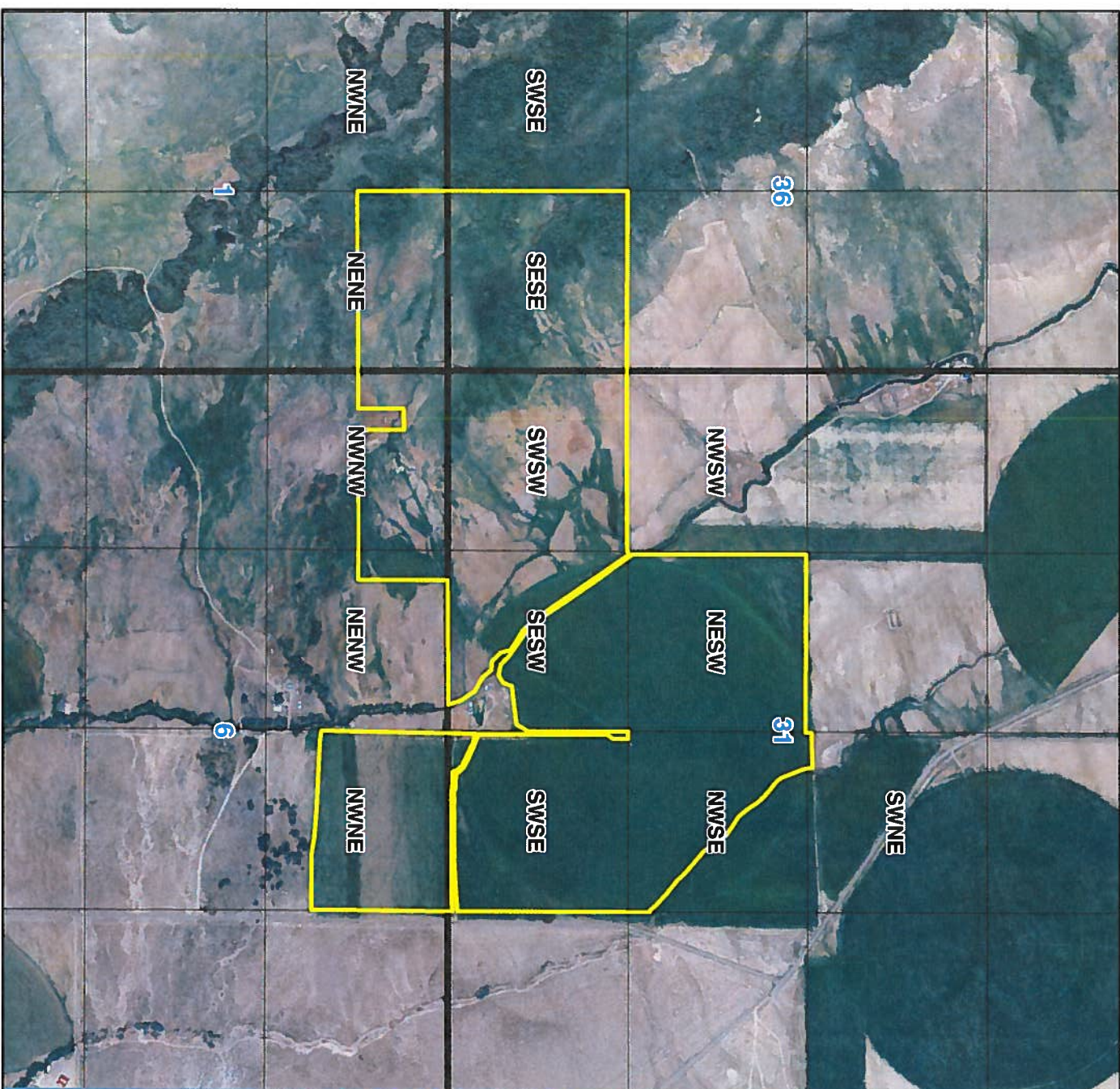
- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Prepared by Craig Saxton
On October 16, 2009
2004 Aerial Photography



73-2052A





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 31, 2009

GEORGE E SANTEE JR
PO BOX 2341
IDAHO FALLS ID 83403-2341

RE: Objections to Snake River Basin Adjudication (SRBA) recommendations 73-61,
73-2052A, 73-2052B, 73-4028, and 73-10066
Amended Claims Needed

Dear Mr. Santee,

I have been asked to review the objections to the above listed water rights. After reviewing the objections, it appears that the claims need to be amended. Your objections request that the recommendations should include elements that have not been claimed. IDWR can not recommend something that has not been claimed.

For your convenience I am enclosing 5 amended claims. I have highlighted in yellow items I have added to the claim and ~~crossed-out~~ things that are proposed to be removed. Please look over the claims and initial any changes you wish to make. When satisfied, sign the claims and you can either mail them back to me or bring them with you to the initial hearing.

Please feel free to contact me with any questions.

Sincerely,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau
craig.saxton@idwr.idaho.gov
208.287.4916

Enclosure(s)

RECEIVED

OCT 29 2007

DEPARTMENT OF
WATER RESOURCES

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

A. Subcase 73-2052A

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: George E. Santee, Jr.

Address: P.O. Box 2341

Idaho Falls, ID 83403-2341

Daytime Phone: (208) 522-0202

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: George E. Santee, Jr.

Address: P.O. Box 2341

Idaho Falls, ID 83403-2341

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point of Diversion**
Should be: Add Additional Point of Diversion: T14N R22E S8 NWNW.
Seems Reasonable
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be:

Add Additional Place of Use: T14N R21E S01 Lot 1 NENE 20.00 acres, T14N R22E S06 Lot 3 NENW 3.20 acres, T14N R22E S06 Lot 4 NWNW 19.00 acres, T15N R22E S31 Lot 4 SWSW 40.00 acres, T15N R22E S31 SESW 17.00 acres, T15N R21E S36 SESE 40 acres.	}	POU for 73-10066 Add
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10. ☐ **I object because:**
☐ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** _____

Water has been and continues to be diverted into Missouri Canal
to provide supplemental water for bottom land.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Bonneville)

George E. Santee, Jr., duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

George E. Santee, Jr.
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: October 26, 2007



Angie Thompson
Notary Public for Westmark Credit Union
Residing at: Idaho Falls
My Commission Expires: 11-24-2010

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on October 26, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: George E. Santee, Jr.

Address: P.O. Box 2341

Idaho Falls, ID 83403-2341

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

George E. Santee, Jr.
Signature of objector or attorney
mailing on Objector's behalf

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-2052A V1

WATER RIGHT NUMBER: 73-2052A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GEORGE E SANTEE JR PO BOX 2341 IDAHO FALLS, ID 83403-2341 (208)522-0202
Original Owner	JOHN W CALVIN , ID
Original Owner	RAY MAHONEY MAY, ID

Priority Date: 10/18/1909

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
PATTERSON CREEK	PAHSIMEROI RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.600 CFS	
	<u>Total Diversion:</u>	0.600 CFS	

Location of Point(s) of Diversion

PATTERSON CREEK	SW1/4SW1/4	Sec. 9, Twp 14N, Rge 22E, B.M.
LEMHI County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
14N	22E	6	29.0				29.0
			L 2				
15N	22E	31				38.0	38.0

Total Acres: 67

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 76 acres in a single irrigation season. Combined Right Nos.: 73-4028, 73-2052A, 73-2052B.
2. K06 This right is limited to the irrigation of 30 acres within the place of use described above in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-2052A V1

3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. B01 Source is also known as Big Spring Creek, Spring Creek or O Neal Creek.

Remarks:Comments:

1. rbrown 7/5/2006 POD
Comment: based on GPS data for the Thompson ditch

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number: 73
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		67

Combined Water Rights: 73-2052A , 73-2052B

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		67

Combined Water Rights: 73-4028 , 73-2052A , 73-2052B

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	12/27/2005 4:23:17 PM	dfavreau			Active
POD	12/27/2005 4:23:38 PM	dfavreau			Active
Source	12/27/2005 4:27:36 PM	dfavreau			Active
POU	12/27/2005 4:27:54 PM	dfavreau			Active
POU	12/27/2005 4:27:59 PM	dfavreau			Active
Use	12/27/2005 4:29:35 PM	dfavreau			Active
Season	12/27/2005 4:30:01 PM	dfavreau			Active
Quantity	12/27/2005 4:30:40 PM	dfavreau			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-2052A V1

Summary

07/05/2006

rbrown

Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	7/5/2006 2:21:31 PM	rbrown	Updated PLS
Summary	7/5/2006 2:30:11 PM	rbrown	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	7/5/2006 2:21:00 PM	rbrown	Updated shape
General	12/27/2005 4:23:18 PM	dfavreau	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Season	12/27/2005 4:30:01 PM	dfavreau	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (No) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POU	12/27/2005 4:28:58 PM	dfavreau	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-2052A V1

Quantity	12/27/2005 4:30:40 PM	dfavreau	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
POD	12/27/2005 4:23:39 PM	dfavreau	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POD	12/27/2005 4:24:23 PM	dfavreau	Updated shape
POU	12/27/2005 4:27:55 PM	dfavreau	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Source	12/27/2005 4:27:36 PM	dfavreau	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (Yes) 11. Is a Source remark and/or condition required?
POU	12/27/2005 4:28:00 PM	dfavreau	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (Yes) 14. Is a POU remark and/or condition required?
POU	12/27/2005 4:29:11 PM	dfavreau	Updated PLS for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-2052A V1

Use	12/27/2005 4:29:36 PM	dfavreau	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
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SubCase:

SubCase Number: 73-2052A
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: rbrown
Basis of Claim: License
Date Filed: 10/26/2007 Objection Status: Active

Water Supply Bank:

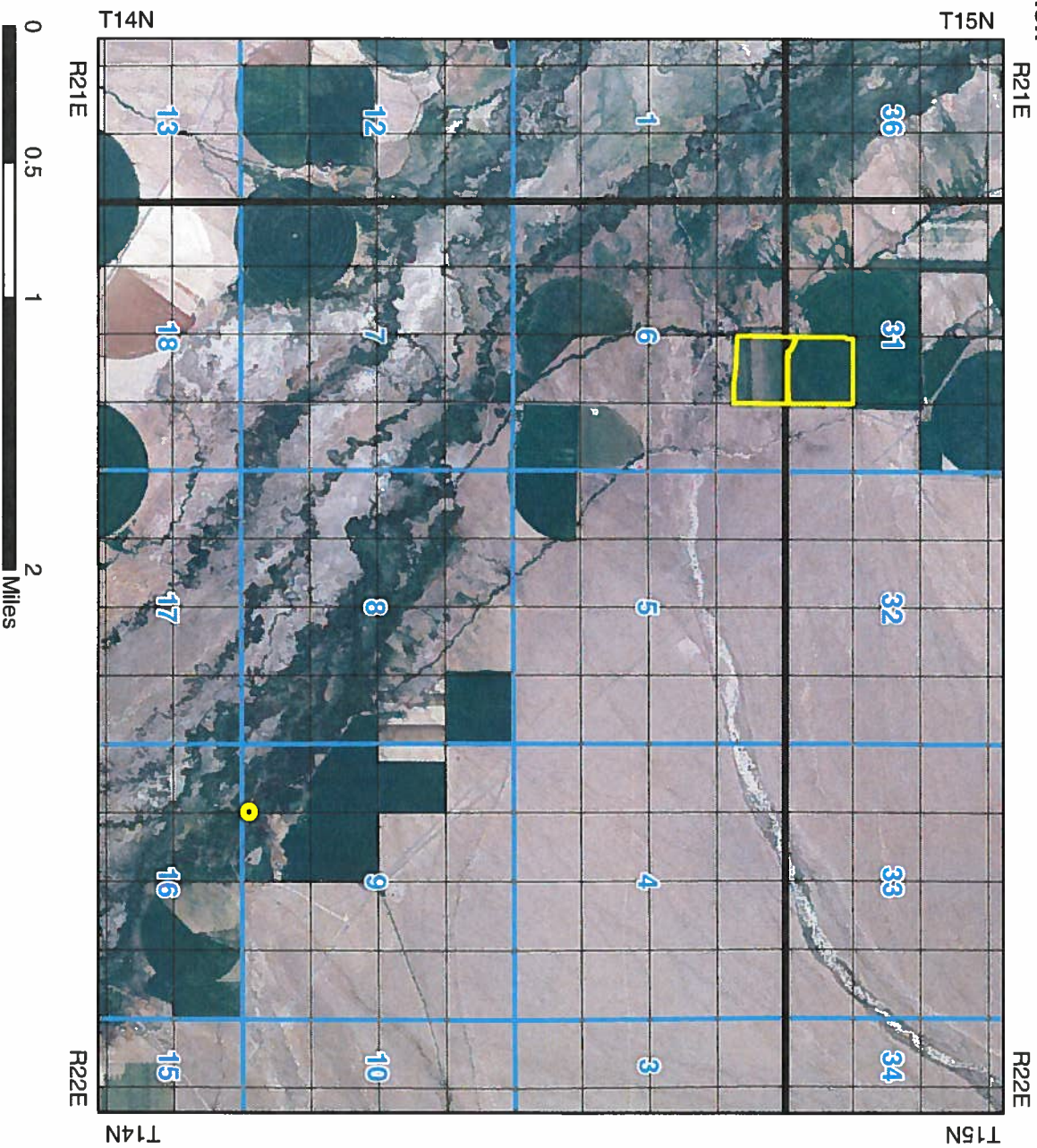
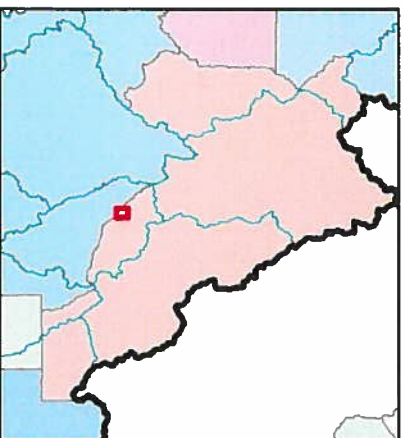
Idaho Department of Water Resources



Adjudication Recommendation
73-2052A
(IRRIGATION)

Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Prepared by Craig Saxton
On July 31, 2009
2004 Aerial Photography



73-2052A



10/27/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-2052A

NAME AND ADDRESS: GEORGE E SANTEE JR
PO BOX 2341
IDAHO FALLS ID 83403-2341

SOURCE: PATTERSON CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 0.600 CFS

PRIORITY DATE: 10/18/1909

POINT OF DIVERSION:

T14N R22E S9 SWSW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.600 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T14N R22E S06 Lot 2 NWNE	29.00	T15N R22E S31	SWSE	38.00
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67 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 76 acres in a single irrigation season. Combined Right Nos.: 73-4028, 73-2052A, 73-2052B.

This right is limited to the irrigation of 30 acres within the place of use described above in a single irrigation season.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Source is also known as Big Spring Creek, Spring Creek or O Neal Creek.

07/05/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-2052A
NAME AND ADDRESS: GEORGE E SANTEE JR
PO BOX 2341
IDAHO FALLS ID 83403-2341
SOURCE: PATTERSON CREEK TRIBUTARY: PAHSIMEROI RIVER
QUANTITY: 0.600 CFS
PRIORITY DATE: 10/18/1909
POINT OF DIVERSION:
T14N R22E S9 SWSW Within LEMHI County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.600 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T14N R22E S06 Lot 2 NWNE	29.00	T15N R22E S31	SWSE	38.00
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67 ACRES TOTAL

Right Nos. 73-2052A and 73-2052B are limited to the irrigation of a combined total of 67 acres in a single irrigation season.

This right is limited to the irrigation of 30 acres within the place of use described above in a single irrigation season.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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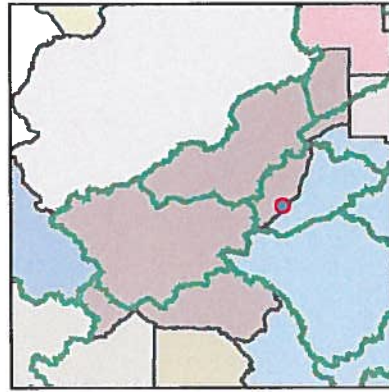
Idaho Department of Water Resources

SRBA Recommendation:

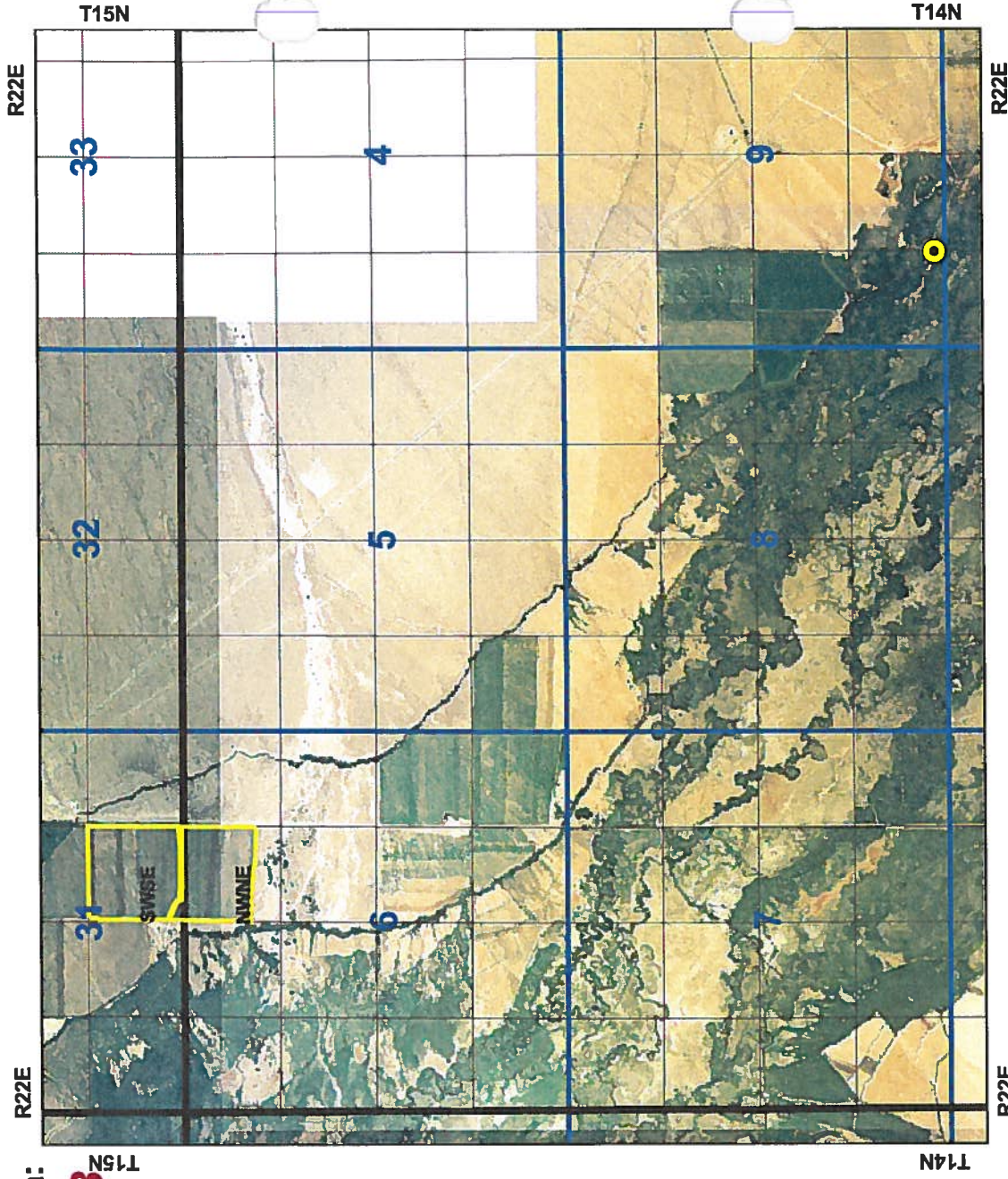
73-2052A, 73-2052B

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 73



0 1 2 Miles

Prepared by R. Brown
On Wednesday, July 5, 2006
1987/88 Aerial Photography

County: Lemhi
Stream: Big Spring Creek
Amount: $\frac{3}{5}$ of 1 cu.ft. per sec.
Use: irrigation and domestic.
Priority: October 18, 1909.

STATE OF IDAHO

Water License No. 5380

WHEREAS, On the 18th day of October, A. D. 1909,

John W. Calvin

of May, County of Lemhi, State of Idaho, duly made application (No. 7727) to me for a permit to use 3.2 cubic feet per second of the waters of Big Spring Creek,

County of Lemhi, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 1st day of November, A. D. 1909, Permit No. 5380 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 1st day of November, A. D. 1911, and for the application to beneficial use of said water on or before the 1st day of November, A. D. 1913, and,

WHEREAS, On the 29th day of August, A. D. 1911, John W. Calvin transferred to Robert H. Cleveland an undivided one-half interest in and to said Permit, and,

WHEREAS, On the 8th day of November, A. D. 1911, the time for completion of works, under said permit was extended to September 21st, 1912, and the time for beneficial use of water under said permit to September 21, 1914, and,

WHEREAS, On the 21st day of September, A. D. 1912,

Robert H. Cleveland

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 1.6 cubic feet per second of said waters, as evidenced by my Certificate No. 5380 dated March 15, 1913, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.6 cubic feet per second of said water, with date of priority of October 18, 1909, and

WHEREAS, On the 12th day of May, A. D. 1913, Robert H. Cleveland transferred to Ray Mahoney all his right, title and interest in and to said permit, and,

WHEREAS, On the 1st day of September, A. D. 1914,

Ray Mahoney

the holder of said permit, duly made proof of the application to beneficial use of $\frac{3}{5}$ of 1 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to Ray Mahoney

of May, County of Lemhi, State of Idaho, the holder and owner of said Permit No. 5380, a perpetual right, dating from October 18, 1909 to the use of $\frac{3}{5}$ of 1 cubic foot per second of the waters of Big Spring Creek,

in the County of Lemhi and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted in the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 16, T. 14 N., R. 22 E.B.M.,

and conducted to and upon 10 acres, divided as follows: 20 acres in SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 21, and 10 acres in Lot 2, Sec. 6, T. 14 N., R. 22 E.B.M.,

T 15 N, R 22 E

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source or supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 14th day of December A. D. nineteen hundred and fourteen.

Herbert Wing,

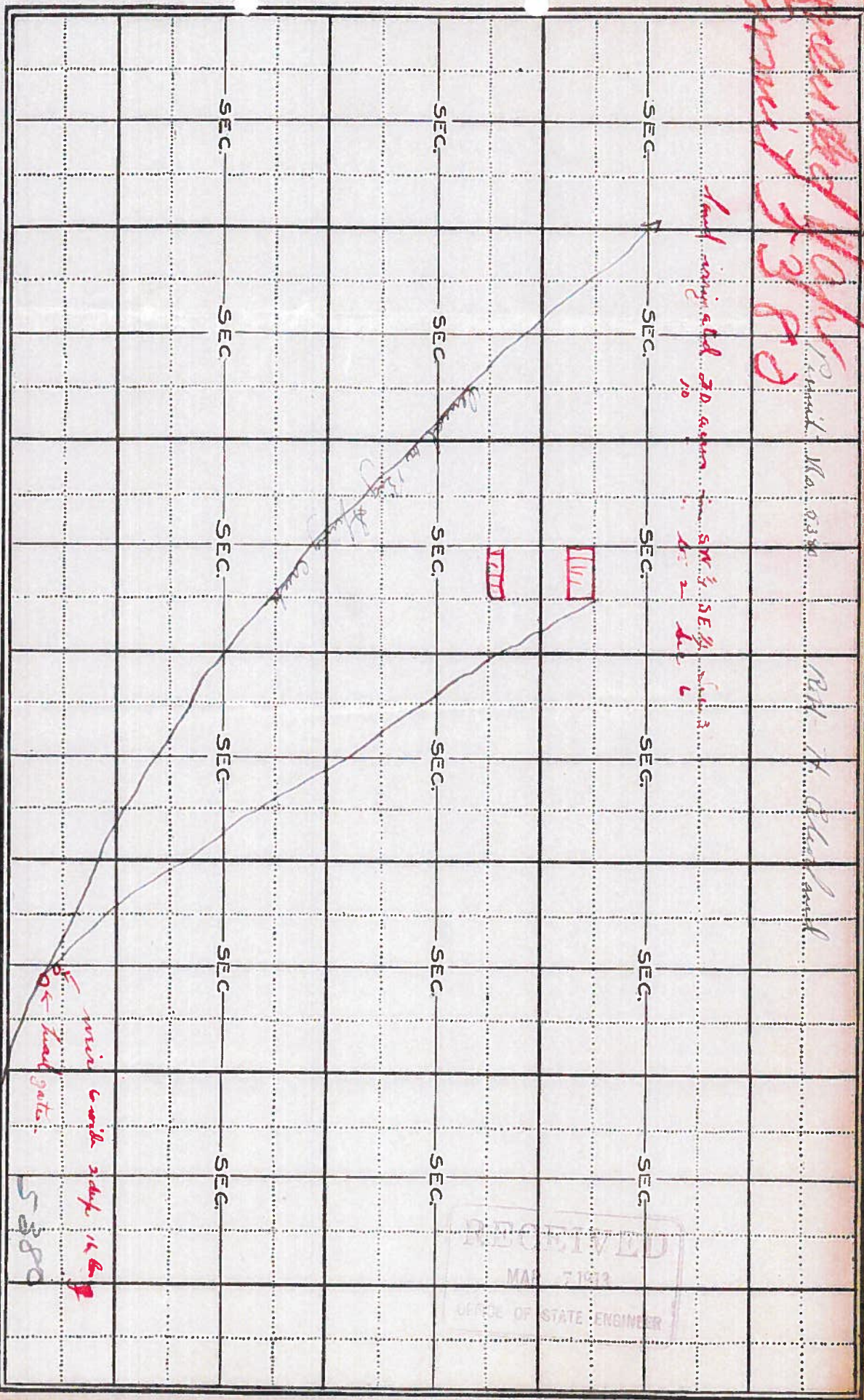
(Seal)

Acting State Engineer

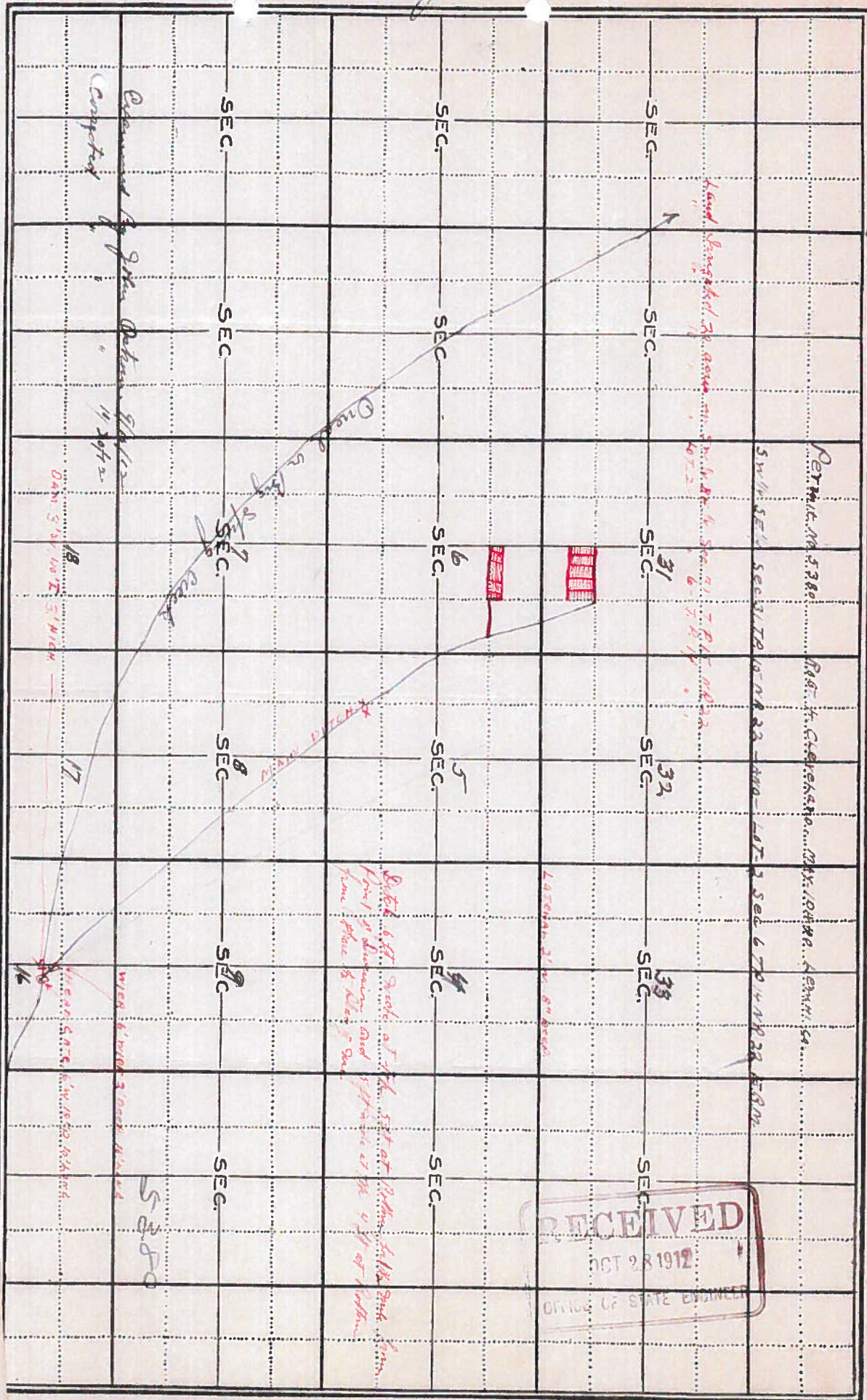
Name of Applicant

Edw. H. Cleveland

*Received 10/15/19
1891 3382*



190 H. Cleveland - May 1896



SCALE: 2 INCHES=1 MILE DRAW PLAN IN INK.