

11/17/2006

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

RIGHT NUMBER: 63-7665

NAME AND ADDRESS: CITY OF NYSSA
14 S 3RD ST
NYSSA OR 97913

SOURCE: GROUND WATER

TRIBUTARY:

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

QUANTITY: 0.950 CFS

PRIORITY DATE: 09/26/1972

POINT OF DIVERSION:

T06N R05W S7 NWNE Lot 1 Within CANYON County

Five points of diversion are located within Lot 1 (NWNE), S07, T06N, R05W.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
1/01 12/31

QUANTITY
0.950 CFS

PLACE OF USE:

Place of use is within the service area of the City of Nyssa municipal water supply system as provided for under Idaho Law.

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

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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

See remarks for additional conditions of approval.

11/21/2006

NOTICE OF ERROR
REPLY

RECEIVED

DEC 08 2006

DEPARTMENT OF
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 7, 2006

Water right number: 63-7665

(63-0766)

CITY OF NYSSA

14 S 3RD ST

NYSSA OR 97913

Telephone Number: (503)372-2264

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-5-06

SIGNATURE:

Bill Ewing

Please print your name:

Bill Ewing

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
DEC 09 2006

Draft

10/04/2005

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

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14 S 3RD ST
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T06N R05W S7 NWNE Lot 1 Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MUNICIPAL

1/01 12/31

0.950 CFS

PLACE OF USE:

Place of use is within the service area of the City of Nyssa municipal water supply system as provided for under Idaho Law.

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

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

~~WATER RIGHT ORIGINALLY REFERRED ONLY TO WELL NO. 4.~~

~~P/U CITY WATER CUSTOMERS (NYSSA, OR.) VIA CITY-OWNED
DISTRIBUTION SYSTEM CLAIM AMENDED PER TRANSFER NO. 4362
APPROVED 06/02/1994.~~

~~FIVE POINTS OF DIVERSION ARE LOCATED WITHIN LOT 1 (NWNE), S07,
T06N, R05W.~~

~~SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE
COPY OF APPROVED TRANSFER NO. 4362 IN FILE.~~

~~The right holder shall accomplish the change authorized by this transfer
within one (1) year of the date of this approval.~~

~~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.~~

~~Approval of this transfer does not preclude the opportunity for review of
the validity of the water right(s) in the ongoing Snake River Basin
Adjudication.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

See remarks for additional conditions of approval.

Draft

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7665 V1

WATER RIGHT NUMBER: 63-7665 V1

Owner Type Name and Address
Current Owner CITY OF NYSSA
 14 S 3RD ST
 NYSSA, OR 97913
 (503)372-2264

Priority Date: 09/26/1972

Basis: License

Status: Active

Source Tributary
GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	1/01 to 12/31	0.950 CFS	
	<u>Total Diversion:</u>	0.950 CFS	

Location of Point(s) of Diversion

GROUND WATER L1 (NW1/4NE1/4) Sec. 7, Twp 06N, Rge 05W, B.M.
CANYON County

Place of Use

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. WATER RIGHT ORIGINALLY REFERRED ONLY TO WELL NO. 4.
P/U CITY WATER CUSTOMERS (NYSSA, OR.) VIA CITY-OWNED DISTRIBUTION SYSTEM CLAIM AMENDED PER TRANSFER NO. 4362 APPROVED 06/02/1994.
FIVE POINTS OF DIVERSION ARE LOCATED WITHIN LOT 1 (NWNE), S07, T06N, R05W.
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER NO. 4362 IN FILE.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. 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.
6. 016 See remarks for additional conditions of approval.
7. 124 Place of use is within the service area of the City of Nyssa municipal water supply system as provided for under Idaho Law.
8. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-7665 V1

Comments:

1. awarntje 10/4/2005 POU

Comment: No city map and no POU was done

2. awarntje 10/4/2005 Conditions

Comment: Check conditions to see if all need to be here

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:

Water District Number:

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: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>
Contacts	10/4/2005 8:11:45 AM	awarntje			Active
Priority Date	10/4/2005 8:12:19 AM	awarntje			Active
POD	10/4/2005 8:13:05 AM	awarntje			Active
Source	10/4/2005 8:13:19 AM	awarntje			Active
Use	10/4/2005 8:23:22 AM	awarntje			Active
Season	10/4/2005 8:23:56 AM	awarntje			Active
Quantity	10/4/2005 8:24:25 AM	awarntje			Active
Summary			10/04/2005	awarntje	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	10/4/2005 8:11:45 AM	awarntje	(No) 1. Do you want to schedule an appointment? Comment for 1: Sufficient info in file

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7665 V1

General	10/4/2005 8:12:20 AM	awarntje	(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?
POD	10/4/2005 8:13:06 AM	awarntje	(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?
Source	10/4/2005 8:13:19 AM	awarntje	(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? (No) 11. Is a Source remark and/or condition required?
Use	10/4/2005 8:23:23 AM	awarntje	(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?
Season	10/4/2005 8:23:56 AM	awarntje	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (No) 14. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	10/4/2005 8:24:26 AM	awarntje	(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?

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-7665 V1

Summary 10/4/2005 8:27:00 AM awarntje

- (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?
(No) 5. Does this right have any combined use limits with other rights?
(No) 6. Is an additional remark and/or condition required?
(Yes) 7. Would you like to view the recommended right?
(No) 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?

Water Supply Bank:

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that _____ **CITY OF NYSSA**

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Municipal</u>	from <u>January 1</u> to <u>December 31</u>	at <u>0.95</u> cfs and	<u>N/A</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

Subject, however, to the condition that no more than 0.95 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed N/A acre feet per year, said waters to be diverted within the Government Lot 1, Sec. 7, Twp. 6N, Rge. 5W, B. M. in the County of Canyon

[illegible]

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 7 day of May, 19 79.

RECHT NEDERLAND

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: **A63-07665**
Date Received: 4/30/1990
Receipt No: W012320
Received By: _____

AMENDED

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

AMENDED

1. Name: CITY OF NYSSA 503-372-2264
Address: C/O CITY MANAGER
14 S. 3RD ST.
NYSSA OR 97913

2. Date of Priority: SEP 26, 1972

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	05W	7	NW	NE		1	CANYON

5. Description of diverting works:
5 INTERCONNECTED WELLS, VIA 2 STORAGE TANKS, INTO SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	0.950		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MUNICIPAL USE IS CITY OF NYSSA, OREGON & SURROUNDING SERVICE AREA

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
----------	-------	---------	--------	-----	-----	-----	-------

11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A63-07830, A63-03608

14. Remarks:

WATER RIGHT ORIGINALLY REFERRED ONLY TO WELL NO. 4.
P/U CITY WATER CUSTOMERS (NYSSA, OR.) VIA CITY-OWNED DISTRIBUTION
SYSTEM
CLAIM AMENDED PER TRANSFER NO. 4362 APPROVED 06/02/1994.
FIVE POINTS OF DIVERSION ARE LOCATED WITHIN LOT 1 (NWNE), S07,
T06N, R05W.
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY
OF APPROVED TRANSFER NO. 4362 IN FILE.

15. Basis of Claim: LICENSE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

✓ Carter
✓ Roxanne
M Western AJ

TRANSFER NO. 4362
WATER RIGHT NO(S). 63-03608/63-07665/63-07830 **RECEIVED**

AUG 11 1994

WATER RESOURCES
WESTERN REGION

This is to certify that: **CITY OF NYSSA**
14 S 3RD ST
NYSSA OR 97913

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 63-03608 : MUNICIPAL Priority: 08/03/1964	01/01 to 12/31	1.34 CFS	863.9 AF
Right No. 63-07665 : MUNICIPAL Priority: 09/26/1972	01/01 to 12/31	0.95 CFS	
Right No. 63-07830 : MUNICIPAL Priority: 07/18/1973	01/01 to 12/31	1.00 CFS	
TOTAL:		3.29 CFS	

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NWNE), Sec. 7, Township 06N, Range 05W
CANYON County

PLACE OF USE: Within the city of Nyssa, Oregon & the surrounding service area.

CONDITIONS/REMARKS:

- 040
T07
T08
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
 2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
 3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

MICROFILMED
OCT 07 1996

TRANSFER NO. 4362
WATER RIGHT NO(S). 63-03608/63-07665/63-07830

CONDITIONS/REMARKS:

- 10/1 4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- 0/16 * 5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 6. Five points of diversion are located within Lot 1 (NWNE), S07, T06N, R05W.

Dated this 2nd day of

June, 1994

[Signature]
Chief, Water Alloc. Bureau

MICROFILMED
OCT 07 1996

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: A63-07665
Date Received: 4-30-90
Receipt No: WD12320
Received By: _____

RECEIVED

APR 27 1990

30 ms

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF NYSSA
Address: C/O CITY MANAGER
14 S. 3RD ST.
NYSSA, OR

503-372-2264

97913

2. Date of Priority: SEP 26, 1972

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06N	05W	7	NW NE	1	CANYON

5. Description of diverting works:

4 INTERCONNECTED WELLS, VIA 2 STORAGE TANKS, INTO SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	0.950		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

MUNICIPAL USE IS CITY OF NYSSA

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
----------	-------	---------	------------	-----	-----	-------

11. Place of use in counties:

A63-07665

Page

1

Date: 04/25/90

MICROFILMED
AUG 21 1992

12. Do you own the property listed above as place of use? YES NO

13. Other Water Rights Used:
A63-07830, A63-03608

14. Remarks:

WATER RIGHT ORIGINALLY REFERRED ONLY TO WELL NO. 4.
P/U CITY WATER CUSTOMERS (NYSSA, OR.) VIA CITY-OWNED DISTRIBUTION
SYSTEM

15. Basis of Claim: LICENSE

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am City Manager of
Title
City of Nyssa, Oregon, that I have signed the foregoing
Organization
document in the space below as City Manager of
Title
City of Nyssa, Oregon and that the statements contained in the
Organization
foregoing document are true and correct.

MC Childs
Signature of Authorized Agent
City Mgr., City of Nyssa, Oregon
Title and Organization
4/25/90
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 25th day

of APRIL 19 90

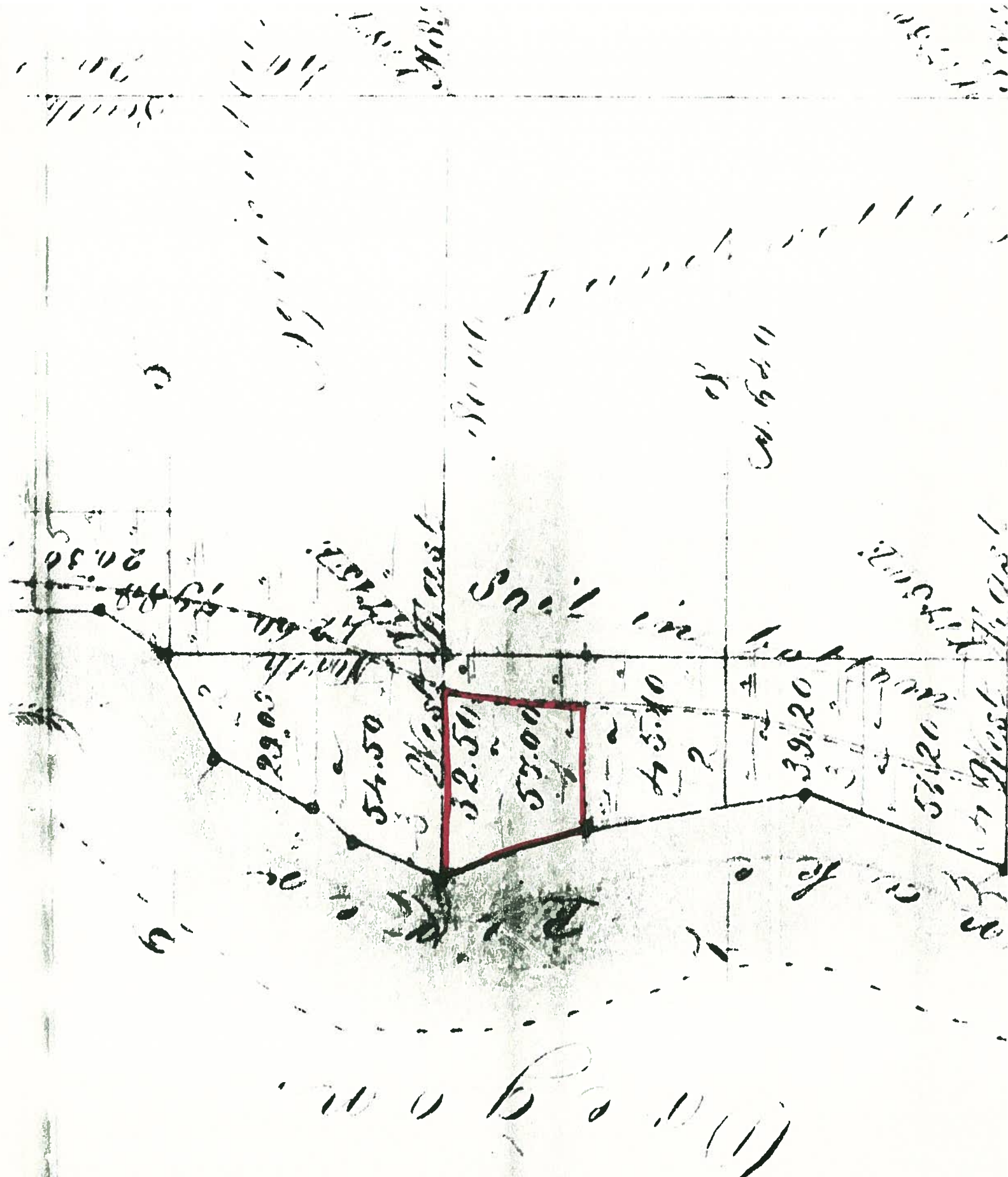
Ron Howerton
Notary Public

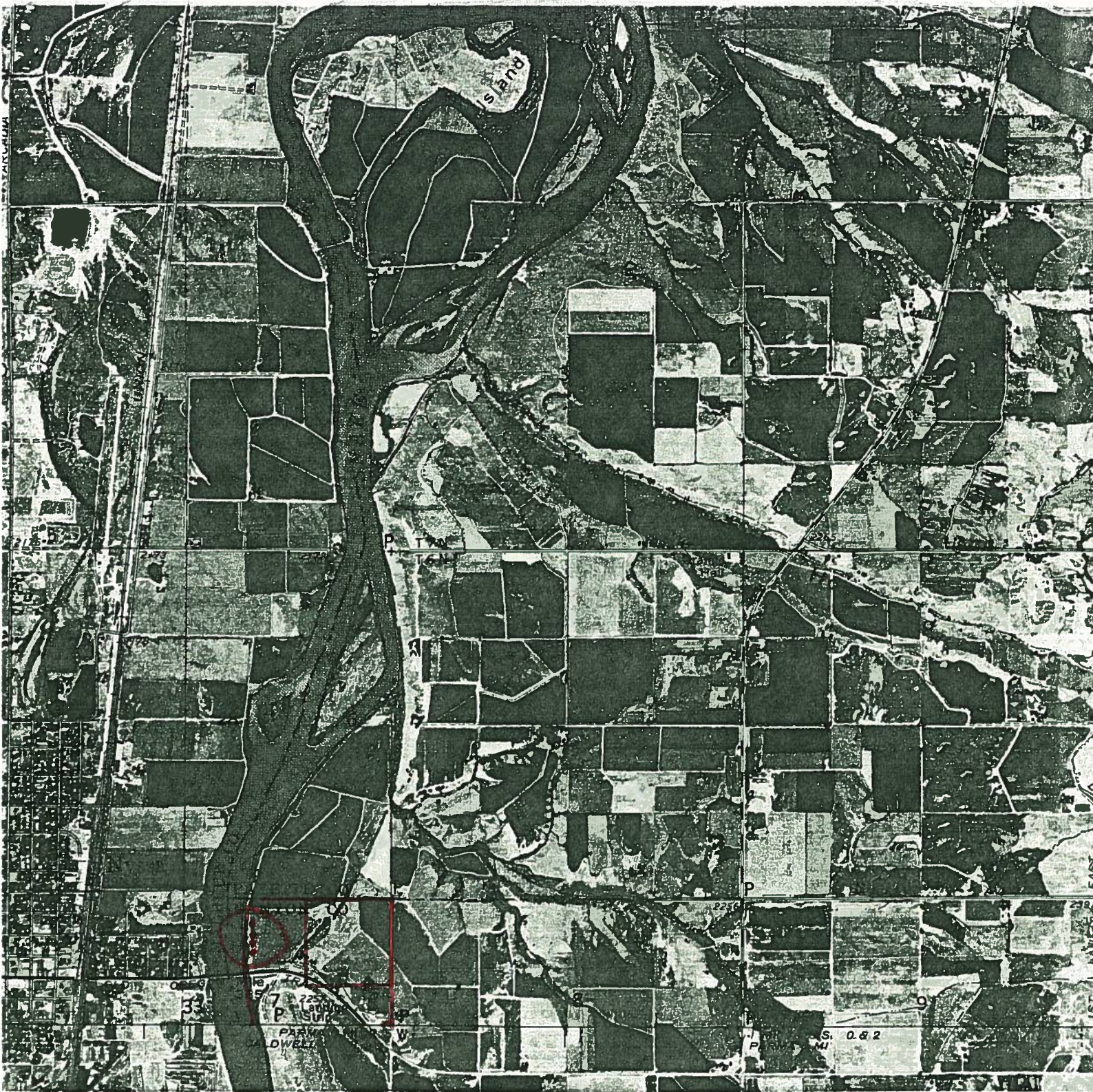
Seal

Residing at Ron Howerton

My Commission Expires Residing at Boise, Idaho

My Commission Expires December 8, 1994

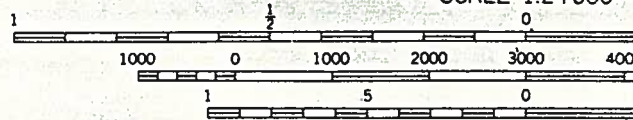




180 000 FEET (IDAHO)

PWNE LOT 1

SCALE 1:24 000



NORTH ↑

MICROFILMED

AUG 21 1992

by the Geological Survey

ograph prepared from 1:76,000-scale
otographs taken July 18, 1974

n: Idaho coordinate system, west zone
se Mercator)
ot grid ticks based on Idaho coordinate
est zone and Oregon coordinate system,
e
re Universal Transverse Mercator grid ticks,
1927 North American datum

Water Right Number - 63-07665

Adj. Flag Translation:	Standard Water Right Number	Old (D) Number -

Old (D) Number -

*** C - CURRENT OWNER ***
CITY OF NYSSA

1 1 1
1 2 3

State- OR Zip-

+ - -	- Priority Date	- - +
	09/26/1972	
	14	
	- - - Region	- - - +
	+ - - Stage	- - - +
	I. LICENSE	
		+ - - Status
		- - - +

```

+ - - - - Source - - - - - +
GROUNDWATER
+ - - - - Tributary - - - - - +

```

Twn	Rng	Sec	Tract NW	Lot	Rflg	County	Point of Diversion	Stream Index (Blank if no Index Code)
+	-	-	-	-	-	-	-	-

(27) CANYON

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume

40 - MUNICIPAL

0.950

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Div. Capacity - +	+ - Total Consumptive Use - +	+ - KW Usage - +
0.950				

+	Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
---	-----	-----	-----	-------	-----	-------	--------------	------	-------------	--------

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use - -

+ - - Other Rights for Same Use -

	P/U WITHIN CITY LIMITS OF NYSSA, OR.	Remarks
+-----+-----+		

-----+
MIC
-----+
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	

MICROFILMED
+ + +
AUG 21 1992

Water right number -	63-07665	Adj. flag translation:	Standard Water Right Number	
+ - - Audit Fields -	05/20/85	05/01/88	CONVERT	
+ - - - - -	- - - - -	- - - - -	Water Rights Dates and Flags Area	- - - - - +
Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee -
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls -
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right - P
Start Work Date	- 00/00/0000	Verified Date	- 05/20/1985	DLE/Carey Act -
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District -
Licensed Date	- 09/13/1979	Appl Received	- 00/00/0000	Transfer/Amended -
Decree Date	- 00/00/0000	Presumption Flag	-	Microfilm Roll Number -

MICROFILMED
AUG 21 1992

CITY OF NYSSA
14 SO. 3rd ST.
NYSSA, ORG. 97913



IDAHO DEPARTMENT OF WATER RESOURCES
Western Region
2735 Airport Way
Boise, ID 83705
(208) 334-2190

MICROFILMED
AUG 21 1992