

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: A72-04064
Date received: _____
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: UNITED STATES OF AMERICA (USDA-Forest Service)
Address: 324 25th Street Phone (801) 625-5360
Ogden, Utah 84401

2. Date of Priority: 12/03/1938

3. Source: OBRIEN SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	Tract	Lot	County
-----	-----	-----	-----	---	-----
11 N	15 E	28	SENE		CUSTER

5. Description of diverting works: HEADBOX

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.	(or)	Elevation/ Well Depth
-----	----	--	-----	----	-----	----	-----
RECREATION	Jun.1	Sep.30	0.02		0.00		0

7. Total Quantity Appropriated is: 0.02 C.F.S. / 0.00 A.F.A.

8. Total consumptive use is: de minimus

9. Non-irrigation uses: OTHER Livestock Numbers:

10. Place of Use:

Township	Range	Section	Tract	Lot	County
-----	-----	-----	-----	---	-----
11 N	15 E	28	SENE		CUSTER

Purpose of use: RECREATION Acres Irrigated:

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used: NONE

14. Remarks: Quad No. 5

7680 PERSON/DAYS

APPLICATION DATE: 06/03/1980

15. Basis of Claim: BENEFICIAL USE/APPLICATION

Reference Information:

National Forest: SAWTOOTH

Forest Service Record ID: 04 14 17060201 58 0 0011 0

IDWR Water State Filing No.: 72-04064

Allotment No.:

Notice is hereby given that the United States Department of Justice will represent the Department of Agriculture, Forest Service, in all matters pertaining to the Snake River Basin Adjudication. All notices required by law to be mailed by the Director to the Claimant should be mailed to the individuals at the address below:

Jack Haugrud
Geoffrey Garver
Daria J. Zane
U.S. Department of Justice
Environment and Natural Resources Division
General Litigation Section
P.O. Box 663
Washington, D.C. 20044-0663
202-272-4134

This form is an attachment to a letter forwarding the claims of the U.S. Department of Agriculture, Forest Service. The signature and affirmation on such letter constitutes the signature of the authorized agent representing the United States of America required for each such claim.

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A72-04064



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

02-Nov-1993 15:57

Randy Breamer
380 E Parkcenter Blvd
Suite 330
Boise, ID 83706

A72-04064

RE: Evidence of Priority

RESPONSE DEADLINE
DECEMBER 1, 1993

Dear Mr. Breamer:

The Notice of Claims identified on the attached Selection File Contents Report have been filed in the Snake River Basin Adjudication (SRBA) in the name of the USFS. The Notices indicate these water uses are 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. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit.** Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided supporting the priority date that has been claimed.** Please find enclosed a pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. Since time is short we request that the evidence be submitted as soon as possible with a target deadline of December 1, 1993. If additional notices of claims are to be submitted by USFS for rights presently not claimed and the basis of those claims are "Beneficial Use" it is requested that the evidence of priority be submitted at the time the claims are filed.

Please note that the notices highlighted in yellow are associated with water rights that are based on decrees, licenses or permits. I do not know if this is a data entry error or these notices are intended to claim something different than the state law water right. If you could clarify this matter it will be helpful.

If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at this office.

Respectfully submitted,


Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

CC: Valdon Hancock, Sawtooth Nat'l Forest
Steve Spencer, Challis Nat'l Forest

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A71-00041	A71-00043	A71-00050	A71-04024	A71-04029	A71-04030	A71-07098	A71-07106	A71-07137	A71-10269
A71-10277	A71-10278	A71-10306	A72-04064	A72-04067	A72-10584	A72-10861	A72-10931		

TOTAL RECORDS IN SELECTION FILE: 18

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AJ5809NP
NO. A72-04064

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/04/93
PAGE: 13

OWNER
CODE NAME & ADDRESS

C UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
324 25TH STREET
OGDEN UT 844012394
(801) 625-5360

PRIORITY
DATE

12/03/1938 RECREATION

WATER USE

USE PERIOD
FROM TO

DIVERSION
RATE

DIVERSION
VOLUME

06-01 09-30
0.02 CFS
0.02 CFS

TOTAL DIVERSION:

WATER SOURCE: OBRIEN SPRING

TRIBUTARY TO: SINKS

STAGE: BENEFICIAL USE

POINT(S) OF DIVERSION:

T11N R15E S28

CUSTER COUNTY

PLACE OF USE LEGAL DESCRIPTION FOR: RECREATION

NE NE NE NE NE NE NE NE NE NE
LT AC LT AC LT AC LT AC LT AC LT AC LT AC LT AC LT AC
: : : : : : : : : :
11N 15E 28 : : : : : : : : : :
R : : : : : : : : : :
POU COUNTY: CUSTER

REMARKS: FOREST SERVICE RECORD ID = 041417060201580011 00

DATES: EXAM MADE DATE:

VERIFIED DATE:

MISC: WATER DISTRICT NUMBER:

FIELD INSPECTION FLAG:

PRESUMPTION FLAG:

*Sinkham
Sawtooth N.F.*

DATA ENTRY
ENTERED
CHECKED

Debra Duff
5/16/94

VERIFIED

DEC 2 2 1993

CERTIFIED

DEC 7 1993

WATER EXAMINER

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NOV 0 1 1994

JUL 15 1994
Department of Water Resources
Southern Region Office

R PROOF

CVR

MAPS

PHOTOS

MISC

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NOV 1981

DATE: 02/17/94
PAGE: 1

Stage: BENEFICIAL USE

CUSTER County

SE

POU County: CUSTER

Remarks: FOREST SERVICE RECORD ID = 041417060201580011 00

PLACE OF USE IS LOWER O'BRIEN CAMPGROUND.

Dates: Exam Made Date: 02/17/1994 Verified Date: 02/17/1994

Misc: Water District Number: Field Inspection Flag:

Comments: Date: 02/17/1994 User-ID: KEEN Subject: CLAIM REVIEW
DESKTOP REVIEW, DRAFT RECOMMENDATION, AND DATA ENTRY BY S.W. KEEN

Audit: 02/17/94 KEEN

for
S. i. k. a
2-17-97

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 1
GENERAL INFORMATION

09:45:04
10/27/93
157
CLAIM NUMBER: A72-04064

LAST: HAUGRUD, JACK AND/OR GEOFFREY GARVER
ADDRESS: US DEPT OF JUSTICE
ENV & NR DIV GEN LIT SEC
PO BOX 663
WASHINGTON
CITY: WASHINGTON
PHONE NUMBER: 202-272-4134

FIRST:

STATE: DC ZIP: 200440663

OWNER CODE: A

LAST: US DEPT OF AGRICULTURE
ADDRESS: FOREST SERVICE
324 25TH STREET
CITY: OGDEN
PHONE NUMBER: 801-625-5360

FIRST:

STATE: UT ZIP: 844012394

OWNER CODE: K

LAST: USES
ADDRESS:
CITY: X
PHONE NUMBER:

FIRST:

STATE: UT ZIP: 0

OWNER CODE: K

LAST: BOYLE
ADDRESS: USDA FOREST SERVICE
324 25TH STREET
CITY: OGDEN
PHONE NUMBER: 801-625-5360

FIRST: GARY

STATE: UT ZIP: 844012394

OWNER CODE: R

LAST: AMERICA ACTING THROUGH
ADDRESS: USDA FOREST SERVICE
324 25TH STREET
CITY: OGDEN
PHONE NUMBER: 801-625-5360

FIRST: UNITED STATES OF

STATE: UT ZIP: 844012394

OWNER CODE: C

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CLAIM REMARKS: FOREST SERVICE RECORD ID = 041417060201580011 00

3 Keep in remarks

FIELD EXAMINATION INFORMATION

CONTACT PERSON:

PHONE NUMBER: ()

DATE OF FIELD EXAM: / /

APPOINTMENT MADE: Y() N()

TIME: A() P()

ACCOMPANIED BY:

PHONE NUMBER: ()

RELATIONSHIP TO CLAIMANT:

DIRECTIONS TO PROPERTY / NOTES:

Desktop Review

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A. AJ CLAIM: # A72-04064

PRIORITY DATE: 12-03-1938

STAGE: J *de*

B. WR RECORD: # 72-04064

PRIORITY DATE: 12-31-1938

STAGE: S

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE

FIELD
EXAMINERARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y () N (☒)
IF YES EXPLAIN.

NOTES:

Public campaigns fall within the definition of a domestic use, and this use will be recommended as domestic. Because no evidence of priority is being required for small domestic rights, the claimed priority will be recommended.

Does not violate mandatory printed requirement.

RECOMMENDED PRIORITY DATE:

12-3-1938

REVIEWED BY

S.W. Ken

DATE

~~2-9-1994~~
2-9-1994**MICROFILMED**
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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A72-04064	11N	15E	28		SE	NE		CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX
A72-07300 NONE

WR RECORDS IN SAME 40 ACRE TRACT

NONE

SOURCE: GERIEN SPRING

TRIB: SINKS

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
72-04064	11N	15E	28		SE	NE		CUSTER

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

A72-07300

NONE

SOURCE: O'BRIEN SPRING

TRIB:

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)DATABASE
YFIELD
EXAMINER

NOTES:

- U.S.F.S. map submitted with the claims shows the spring at T 11N, R 15E, S 28 NESENE
- No spring is indicated at this location on the U.S.G.S. ~~1960~~ "Sunbeam, shade" (U271)
- Map included with the statutory claim in 1980 shows the spring at T 11N, R 15E, S 28 NESENE or SENENE (on the line).

- Source is not indicated or named on the USGS quad. Since it has not been licensed previously, recommend as just Spring. This location is within a few yards of the Salomon River. Therefore, it is doubtful that the spring just sinks. Recommend as tributary to the river.

Unsurveyed Area.
Locations below are best estimates

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:
TWP. RGE. SEC. 1/4 1/4

1/4 LOT

COUNTY

DIVERSION NAME

NW 15E 28

SE NE

Custer

SOURCE: Spring

TRIB: Salmon River

REVIEWED BY:

DATE:

SYSTEM DESCRIPTION:

Shedbox, pipeline, apigut

Not recommended to a 10-acre tract because this area is unimproved, and locations are best guesses.

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A. ROOT WATER RIGHT NUMBERS: A72-04064

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.
T1N	15E	28	SE	NE		HAUGRUD, JACK AND/OR GEOFFREY A72-04064	/	72-04064	/	
			SE	NE		HAUGRUD, JACK AND/OR GEOFFREY A72-07300	/	72-07300	/	
TOTAL ACRES							A72-04064			

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () N ()
 IF YES SEE ATTACHED SHEET.

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE Y FIELD EXAMINER

POU COUNTY: CUSTER

PRESUMPTION FLAG: N/A

NOTES:

- ~~Statutory~~ claim maps the ~~POU~~ POU at the line between the SENE + NENE, S28. The map included with the claims by the USFS shows SENE, S28.
 - U.S.G.S. Topo shows the campground in this area.

Recommend the P.O.U. as claimed.

RECOMMENDATIONS:

TOTAL ACRES: N/A

REVIEWED BY: S.W. Kean

DATE: 2-17-94

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 1 1994

A. AS CLAIMED USES:

PURPOSES
A72-04064 RECREATIONMONTH/DAY
FROM 06-01 TO 09-30DIVERSION QUANTITY
.020 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.020 CFS

B. WR RECORDED USES:

PURPOSES
72-04064 DOMESTICMONTH/DAY
FROM 06-01 TO 09-30DIVERSION QUANTITY
.015 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.015 CFS

PRESUMPTION FLAG: N/A

C. FIELD EXAM REQUIRED?

	FIELD	EXAMINER
DUE TO WATER-USE DISCREPANCY?	(Y/N)	Y
DUE TO DIVERSION RATE DISCREPANCY?	(Y/N)	Y
DUE TO PERIOD FROM/TO DISCREPANCY?	(Y/N)	N

Domestic purposes

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☒) N(☐)Y(☐) N(☐) Explain in notes, below.

NOTES:

- Sawtooth National Forest map shows campgrounds in this area as being open 6/15 to 9/15. Allen Pruitt's memo on Basin 71 campgrounds suggest a season as long as 5/1 to 9/30 for campgrounds. Based on this letter, the claimed season is verifiable. Recommend as claimed.

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

AJ TOTAL CLAIMED DIVERSION RATE:

0.020

CFS

WR ROOT RIGHT TOTAL DIVERSION RATE:

0.015

CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in notes. **

Y() N()

*Revised up**Small Domestic purposes - measurement not necessary*

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
Y

B.

FLOW MEASUREMENT

MEASUREMENT METHOD

SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM:

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A72-04064	RECREATION	HAUGRUD, JACK AND/OR GEOFFREY FROM	06-01 TO 09-30	.020 CFS	
A72-07300	RECREATION	HAUGRUD, JACK AND/OR GEOFFREY FROM	06-01 TO 09-30	.020 CFS	10 AF/A

Spring Groundwater

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D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES $\times$ 0.02 CFS/ACRE = CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AE/A

ACRES $\times$ CONSUMPTIVE VOL. AE/A FOR AREA

TOTAL CONSUMPTIVE USE AE/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AE/A

ACRES $\times$ DIVERSION VOL. AE/A FOR AREA

TOTAL DIVERSION VOLUME AE/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

NOTES: (Include limitations on CONSUMPTIVE USE for combined rights.)

N/A

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RECOMMENDATIONS:

REC.
PURPOSES

REC. PERIOD
FROM TO

REC. DIV
RATE CFS

REC. DIV
VOL. AF/A

REC. CONS.
USE

Domestic

6-1 9-30

0.02

N/A

De minimis

DATABASE EXAMINER

DATABASE EXAMINER

DATABASE EXAMINER

TOTAL FOR THIS RIGHT

0.02

N/A

De minimis

REVIEWED BY:

S.W. Ken

DATE:

2-17-94

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. ARDUNTACCEPTED
AS CLAIMED
()
()
()
NEEDS
REVIEW
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-04064

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

OLD RIGHT
NUMBERSCURRENT
CLAIM NUMBERSDIVERSION
RATECURRENT "R"
CLAIM NUM."R" DIV.
RATEWR RIGHT
NUMBERSDIVERSION
RATEDATABASE
0.015

EXAMINER

CFS

A72-04064

0.020

72-04064

0.015

TOTAL CFS

0.020

0.015

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW SHEET ATTACHED? (Y/N)DATABASE
NFIELD
EXAMINER

NOTES:

No Split

AUTHENTICATION:

SIGNATURE:

NAME OF FIELD EXAMINER:

DATE:

TITLE:

Shelley Walter Ken

Shelley Walter Ken

2-17-94

Sr. W.R. Dept

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UNITED STATES OF AMERICA
USDA FOREST SERVICE
324 25TH STREET
OGDEN UT 844012394
(801) 625-5360

HERBERT
HOLDMAN

0.02 CES

stage: **PROFICIAL** 158

CLUSTER County

POL County: CLUSTER

Remarks: FOREST SERVICE RECORD ID = 04141706020150011 00

Notes:	Exam Mode Date:	Verified Date: 2/17/99
--------	-----------------	------------------------

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

4
RST
UMT
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WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y		Desktop S.W. Keen 2-17-94	No	6	S.W. Keen 2-17-94	S.W. Keen 2-17-94	S.W. Keen 2-17-94
POINT OF DIV	Y			No	1, 6			
SOURCE	Y			Yes	1, 6			
PLACE OF USE	Y			No	1, 6			
DIV. AMOUNT CFS/VOLUME	Y			No	6			
CONSUMPTIVE USE	-			No	6			
PURPOSES	Y			Yes	6			
PERIOD OF USE				No	6			
BASIS OF CLAIM	Y			No	6			
REMARKS	Y			Yes	6			

VERIFIED BY CODES

TOPO MAP/ORTHO-PG = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

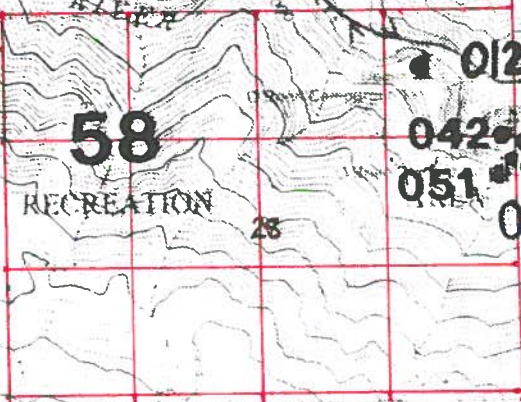
NOT REFILED

POOR ORIGINAL

A72-04064
USFS
= 011

RISE

TIIN



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72-04064

FOR SAWTOOTH

POOR ORIGINAL

RECEIVED

DEC 9 1993

Department of Water Resources
Southern Region Office

Lower O'Brien Camp Ground

Inspected 8/5/68

This is a spring installation which was constructed in 1933.

The collection area is heavily overgrown with trees and small plants. The spring is in a slight gully which extends upward several hundred feet. The spring is the low point of this gully and any surface water will be picked up by the collection box.

The transmission and distribution systems seem to be adequate.

The system has a history of bad water quality tests.

To make this an acceptable system I recommend the following:

1. Construct a new collection system with fencing and diversion ditch to provide protection from pollution.

2. Install Chlorinator Tank

3. Perform general repairs on headbox and system in general.

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D. B. D. B. T

Lower O'Brien C. G.

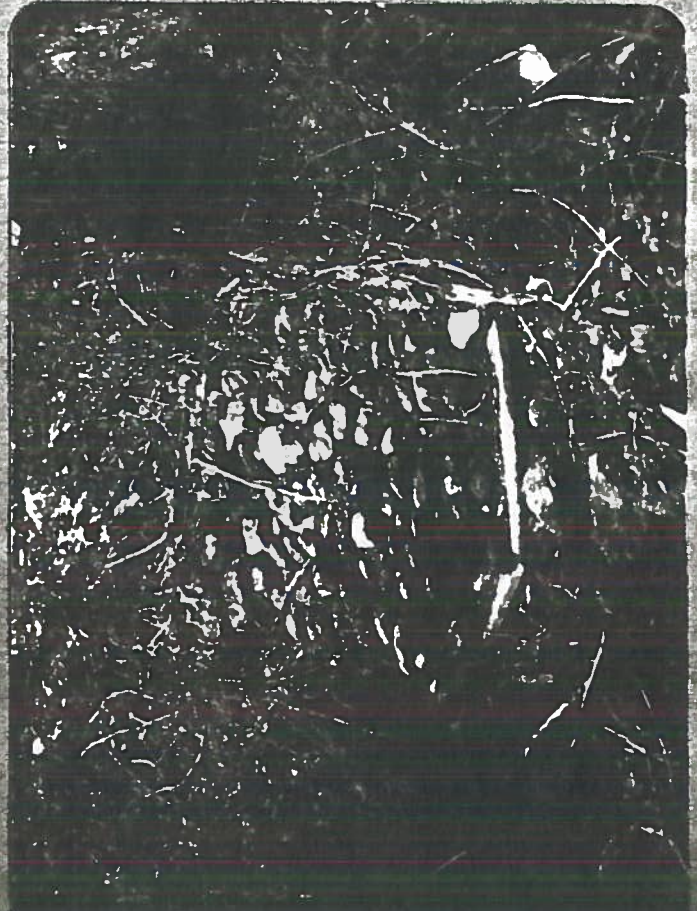
POOR ORIGINAL



Spring Box



MICROFILMED
Drumge (23 May 1979)
NOV 01 1984



Spring Box