

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: A36-10118
Date Received: 6/28/1988
Receipt No: S000574
Received By: lw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PAUL R. LESNESKI 208-536-6561
Address: 3403S 1900E 83355
WENDELL, ID

AND/OR 208-536-6561
Name: B. BERDELL LESNESKI
Address: 3403S 1900E 83355
WENDELL, ID

2. Date of Priority: JUN 25, 1900

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	20E	29	NE	NE	NE		GOODING

5. Description of diverting works:
WELL & 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:
D/1 HOUSE & LAWN

A36-10118

Page 1

Date: 06/28/88

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
08S	15E	29	NE		NE		DOMEST	

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

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): Paul J. Lewinski Date: 6-28-99
Date: _____

State of Idaho)
County of T.F.) SS.

Subscribed and sworn (or affirmed) before me this 28 day
of June 19 88 Lois White
Notary Public

Seal

Residing at T.F.

My Commission Expires 5/95

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CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number (s): A36-04175
A36-10118

[] Old Mailing Address: Paul R Lesneski & B Berdell Lesneski
Rt. 2 Box 297
3403 S 1900 E
Wendell, ID 83355

[] New Mailing Address: delete Rt. 2 Box 297
(3403 S 1900 E) is correct

New Telephone Number: () -

[] Signature of Claimant: B. Berdell Lesneski
Date: 5-4-93

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 5/1/93 By: SC

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

RECEIVED

MAY 04 1993

Department of Water Resources
Southern Region Office

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OCT 20 1994

R PROOF

CVR

MAPS

PHOTOS

MISC

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OCT 20 1994

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.

in case follow-up is needed.

Berdell Lesneski

2. SUBJECT OF INQUIRY:

Objection filed by BLM
for description of P/D on BLM ground.

Review of Director's report finds that
it is listed in Range 20 E.

The correct Range should be R.15E.

3. RESPONSE TO INQUIRY:

I gave Mrs. Lesneski
2 copy of Response to objection form
and Rules of Procedure brochure.

4. IDWR STAFF AND DATE:

Print name and initial

WATER RIGHT CLAIM (Nos.):

A. Monte

5/4/93

A36-10118

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OCT 20 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 the Rights to the Use of Water)
from the Snake River Basin)
Water System)
_____)

Case No. 36-10118 -0001

The State of Idaho, ex rel.)
R. Keith Higginson in his)
official capacity as Director)
of the Idaho Department of)
Water Resources,)

RESPONSE TO OBJECTION

Petitioner,)

vs.)

The United States; the State)
of Idaho; and all Claimants to)
the use of water from the Snake)
River Basin Water System,)
_____)

Respondents.)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

RESPONSE TO OBJECTION NO. 36-10118 -0001 - PAGE 1

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2. Person who filed objection:

Name: US BUREAU OF LAND MANAGEMENT
Address: DEPT OF INTERIOR
3380 AMERICANA TERRACE
BOISE ID 83706

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

5. ☒ Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 5 and all allegations of the objection regarding this item, IDWR responds as follows.

There is an error in the description of the point of diversion of this right in the director's report. The recommendation should be corrected as shown in the attachment entitled "Recommended Water Rights Acquired Under State Law." IDWR denies the objection and all allegations of the objection except as expressly admitted herein.

CHANGES TO THE DIRECTOR'S REPORT

See attached List of Recommended Water Rights Acquired under State Law.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

	No. of Pages
Notice of Claim No. A36-10118	2
Recommended Water Rights Acquired under State Law	1

(Over)

VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

David B. Shaw, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



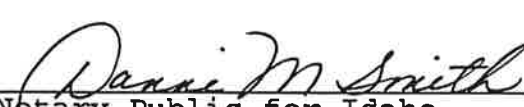
Signature of person filing response

By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 23rd day of August,
1993.



Notary Public for Idaho

Residing at: _____

My Commission expires: _____

Danni Smith, Notary Public

Residing at Boise, Idaho

My Commission Expires December 5, 1994

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of AUGUST, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared 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 the owner of the water right, and you must fill in the following information:

Name: PAUL R & B BERDELL LESNESKI
Address: 3403 S 1900 E
WENDELL ID 83355

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: US DEPT OF JUSTICE
Address: ENVT & NAT RESOURCES DIV
550 WEST FORT ST BOX 33
BOISE ID 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

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: A36-10118
Date Received: 6/28/1988
Receipt No: S000574
Received By: lw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PAUL R. LESNESKI
Address: 3403S 1900E
WENDELL, ID

83355

208-536-6561

AND/OR
Name: B. BERDELL LESNESKI
Address: 3403S 1900E
WENDELL, ID

83355

208-536-6561

2. Date of Priority: JUN 25, 1900

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	20E	29	NE	NE	NE		GOODING

5. Description of diverting works:
WELL & 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:
D/1 HOUSE & LAWN

A36-10118

Page

1

Date: 06/28/88

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Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	15E	29	NE NE		DOMEST	

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

14. Remarks:

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

16. Signature(s)

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): Paul P. Lesinski Date: 6-28-88
Date: _____

State of Idaho)
County of T.F.) ss.

Subscribed and sworn (or affirmed) before me this 28 day

of June 19 88

Notary Public

Seal

Residing at T.F

My Commission Expires 5/95

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OCT 20 1994
FEB 11 1993

AJ5856NP

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

DATE: AUG-18-1993
PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: GROUNDWATER						
36-10118	PAUL R LESNESKI B BERDELL LESNESKI 3403S 1900E WENDELL ID 83355	06/25/1900	DOMESTIC	01-01 12-31	.04	CFS BENEFICIAL USE
					TOTAL QUANTITY:	.04 CFS
NON-IRRIGATION-USES:						
DOMESTIC 1 HOME						
POINT OF DIVERSION:						
T08S R20E R15E S29 NENENE						
PLACE OF USE: DOMESTIC						
T08S R15E S29 NENE						
REMARKS: PARCEL NO. RP08S15E290000						

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RECEIVED

APR 30 1993

Department of Water Resources
Adjudication Bureau

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

Case No. 36-10118
(You must insert the
water right number you
are objecting to)

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

OBJECTION

Petitioner,

36-10118 -0001/
93-04-0379

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

(Over)

OBJECTION - 1

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By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting: United States of America
Bureau of Land Management
Name: U.S. Department of the Interior
Address: 3380 Americana Terrace
Boise, Idaho 83706

Briefly describe your interest in this water right:

The United States, through the Bureau of
Land Management, owns the land claimed as
as the Point of Diversion.

2. Owner of the water right:

Name: claimant PAUL R. LESNESKI
B. BERDELL LESNESKI
Address: 3403 S. 1900 E.
WENDELL, IDAHO 83355

3. If this objection is filed by an attorney:

Attorney Name: K. Jack Haugrud
Daria J. Zane
Attorney Address: U. S. Department of Justice
500 West Fort Street
Box 33
Boise, Idaho 83734
Attorney Phone No.: 202-272-4134/8351

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I object to the source of water.
3. ☐ Quantity: I object to:
 - a. ☐ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ Priority Date: I object to the priority date.
5. ☒ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☐ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☐ Place of Use: I object to:
 - a. ☐ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☐ Consumptive Use: I object to the annual volume of consumptive use.
11. ☐ Remarks: I object to the "remarks" listed with the water right.

12. ☐ Water Right Recommendation: I object to:
- a. ☐ this water right being recommended at all; or
- b. ☐ this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☐ Other: I object to: _____
- _____
- _____

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

Box 5 was checked because the claimed Point of Diversion of this water right is located on federal land thirty miles from the claimed Place of Use, located on private land. It appears the Point of Diversion described as, T08S R20E S29 NENENE, in the Director's Report is improper, because the legal description given by the Gooding County Assessor's Office for the Lesneski property matches the Place of Use (per telephone call on April 19, 1993), but does not match the Point of Diversion.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

The Directors report should be changed to correct the legal description for the Point of Diversion to T08S R15E S29 NENENE. If the legal description of the Point of Diversion is not corrected, the Directors report should be changed to recommend disallowance of this claim.

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary. _____

VERIFICATION (Must be Completed)

State of Idaho

County of Lincoln

MARY C. GAYLORD, SHOSHONE DIST. MANAGER, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.


Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 27th day of April,
1993.


Notary Public for Lincoln County
Residing at: Shoshone, Idaho
My Commission expires: July 1, 1994

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the Clerk of the Court. You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 30 day of April, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, 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 the owner of the water right, and you must fill in the following information:

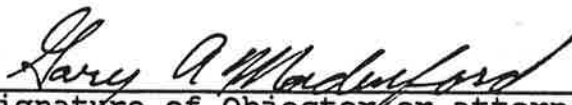
Owner name: PAUL R. LESNESKI
B. BERDELL LESNESKI
Owner's address: 3403 S. 1900 E.
WENDELL, IDAHO 83355

3. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice
500 West Fort Street
Box 33
Boise, Idaho 83734



Signature of Objector or attorney
mailing on Objector's behalf

1993 FEB 11 15:30
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IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

12 5/90 10:49:25
PAGE 1

WATER RIGHT NUMBER - A36-10118

ADJ. FLAG TRANSLATION: ADJUDICATION TEMPORARY WORK AREA CLC (CD) NUMBER -

+ - - - - LAST NAME - - - - + + - FIRST NAME - - + + - - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
LESNESKI

PAUL R.

1 - 3403S 1900E
2 -
3 -

CITY- WENDELL
PHONE - 208-536-6561
1 - 3403S 1900E

STATE- ID ZIP- 83355

LESNESKI

E. BERDELL

2 -
3 -
CITY- WENDELL
PHONE - 208-536-6561

STATE- ID ZIP- 83355

+ - - PRIORITY DATE - - + + - - - REGION - - - + + - - - STAGE - - - + + - - - STATUS - - - - +
06/25/1900 ERROR IN REGION J - BENEFICIAL USE

+ - - - - SOURCE - - - - - + + - - - - - TRIBUTARY - - - - - +
GROUNDWATER

TWN	RNG	SEC	TRACT	LOT	RFLG	COUNTY	POINT OF DIVERSION	STREAM INDEX (BLANK IF NO INDEX CODE)
08S	20E	29	NE NE NE			(47)	GOODING	

CODE	DESCRIPTION	PERIOD FROM	PERIOD TO	WATER USE	DIVERSION RATE	DIVERSION VOLUME
43 - DOMESTIC		01/01	12/31		0.040	

+ - 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
08S	15E	29	NE NE			43 DOMESTIC		(47) GOODING

TOTAL ACRES:

- + - - DIVERSION MEANS - WELL & PUMP
- + - - NON-IRRIGATION USE - D/I HOUSE & LAWN
- + - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - REMARKS - - - - - +
NO REMARKS FOUND.

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

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

WATER RIGHT NUMBER - A36-10118

ADJ. FLAG TRANSLATION: ADJUDICATION TEMPORARY WORK AREA

CONDITIONS OF APPROVAL

NO CONDITIONS OF APPROVAL FOLND.

DECREE PLAINTIFF

PLACED DEFENDANT

DEGREE DATE
00/00/0000

-COMMENTS-

NO COMMENTS FOUND

AUDIT FIELDS - 06/28/88 WHITE

10/03/89 REFUNDML

ALJUDICATION RIGHTS DATES AND FLAGS AREA

COURT REPORT FILING - 00/00/0000
OBJECTION FILED DATE - 00/00/0000
RESPONSE FILED DATE - 00/00/0000
CLAIM RECEIVED DATE - 06/28/1988
CLAIMS TAPE ERROR FLG -
FEE EXEMPT FLAG -

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FIELD INSPECTION MADE - 00/00/0000
FIELD INSPECTION FLAG -
VERIFIED DATE - 00/00/0000
LAST AMENDED DATE - 00/00/0000
RECEIPT NUMBER - S00C574
PCU OWNERSHIP FLAG - Y
NAME CONNECTOR - AND/OR

```

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

```

RP 08515EZ90000

DATA ENTRY

DATA ENTERED PC 5-23-91

ENTERED _____
CHECKED 2/27/92 AO

"Verified By"

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

CERTIFIED

JAN 25 1999

WATER EXAMINER

VERIFIED

JAN - 1991