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Documents
In File

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Identification No. 98-4009 f
Claim No. _____
Map No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION**

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant JAMES H HILL
post office address RR#1 MOYIE SPRINGS IDAHO 83845
2. The point of diversion is in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 4 Township 61 N
Range 3 E B.M. located on Dug well
(name of source)
tributary to _____ in _____ County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

SEPT 15, 1966 amount: .02 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed .02 c.f.s. or _____ acre feet.

- b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Domestic period of use from JAN 1 to DEC 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

- a. Surface water diversion dam and/or headgate: material is composed of _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

- b. Underground water diverting works: is well flowing or pumped pumped well; depth of well is 9 ft feet; diameter of well is 32 inches; type of pump is 34hp centrifical pump
capacity of pump is X g.p.m.; name and address of well driller is Same
_____ ;

98 4009

if feeder canal is used give maximum carrying capacity_____c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

[illegible]

98 4009

b. Do you get water through a ditch owned by several users? _____ If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served 2 name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities. _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

When we first bought this place in 1966 our well went dry, so there was a place down below our building that looked like we could get water so we dug this well which cost us \$1,000.00.

Mr. Allie the Original Owner told us this was on our property.

State of Idaho }
County of Boundary } ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 1st day of August 1972

James H. Hill
Claimant

Alice L. Kruegel
Notary Public

Residing at Bonniers Ferry

My commission expires May 18, 1973

Received by cl Date 8-4-72 For Department Use Only
Received by D Date 8-3-72 Exception filed by: Forwarded to claimant by: Date
Prelim. check by D Date 8-3-72
Fee received by cl Date 8-3-72 Fee \$ 10.00
Approved for publication by FE
Published in BONNERS FERRY HERALD Dates 8-17-72-74-72

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s. or</u>	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s. or</u>	<u> </u>	acre feet
		Total claimed:	<u>1.2 c.f.s. or</u>	<u> </u>	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

LAW OFFICES OF
STEPHEN BISTLINE
101 NORTH FIRST AVENUE
SANDPOINT, IDAHO 83864

STEPHEN BISTLINE
GARY A. FINNEY

TELEPHONE
CONGRESS 3-2105

August 24, 1972

RECEIVED

AUG 25 1972

Idaho Dept. of Water Administration
401 Front Avenue
Coeur d'Alene 83814

Department of Water Administration
Northern District Office

Re: Claim of Water Right
No. 98-4009

Dear Sirs:

STATE OF IDAHO)
) ss.
County of Bonner)

Gary Finney, being duly sworn on oath deposes and says:

I am the attorney for Mr. Harold Todd, Moyie Springs, Idaho and on his behalf make this exception to the Claim of Water Right No. 98-4009 made by James H. Hill, R.R. #1 Moyie Springs, Idaho.

I am familiar with the facts of this matter and make this exception for the reason that Mr. Todd disagrees that a right has been established as set forth in the claim of James Hill. Mr. Todd excepts because Mr. Hill has not applied the water from a ground source in SW 1/4, SE 1/4, Sec. 4, T. 61 N, R 3 E, B.M., Boundary County to a beneficial use. In fact Mr. Hill's point of diversion is on land owned by Mr. Todd, which trespass would avoid any accrual of a water rights. Also, the water claimed has never been used since at least 1968-1969, nor has it ever been used on a year around basis. By Mr. Hill's own testimony before the Water board on August 2, 1972,

98 4009

he admitted his only use has been during the fall months, i.e.
the dry months of the year. Any water right of Mr. Hill has been
forfeited and abandoned.

Gary Finney
Gary Finney

Subscribed and sworn to before me this 24th day of August,
1972.

Dorcas J. Sommerfeld
Notary Public of the State of Idaho
residing at Sandpoint, therein.

August 24, 1972

RECEIVED

AUG 25 1972

Department of Water Administration
Northern District Office

Idaho Dept. of Water Administration
401 Front Avenue
Coeur d'Alene 83814

Re: Claim of Water Right
No. 98-4009

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) ss.
County of Bonner)

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98 4009

he admitted his only use has been during the fall months, i.e.
the dry months of the year. Any water right of Mr. Hill has been
forfeited and abandoned.

Gary Finney

Subscribed and sworn to before me this _____ day of August,
1972.

Notary Public of the State of Idaho
residing at Sandpoint, therein.

Ida Dept.

RECEIVED

August 24, 1972

SEP 1 1972

Department of Water Administration
Northern District Office

Idaho Dept. of Water Administration
401 Front Avenue
Coeur d'Alene 83814

Re: Claim of Water Right
No. 98-4009

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STATE OF IDAHO)
) ss.
County of Bonner)

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I am familiar with the facts of this matter and make this exception for the reason that Mr. Todd disagrees that a right has been established as set forth in the claim of James Hill. Mr. Todd excepts because Mr. Hill has not applied the water from a ground source in SW 1/4, SE 1/4, Sec. 4, T. 61 N, R 3 E, B.M., Boundary County to a beneficial use. In fact Mr. Hill's point of diversion is on land owned by Mr. Todd, which trespass would avoid any accrual of a water rights, Also, the water claimed has never been used since at least 1968-1969, nor has it ever been used on a year around basis. By Mr. Hill's own testimony before the Water board on August 2, 1972,

he admitted his only use has been during the fall months, i.e.
the dry months of the year. Any water right of Mr. Hill has been
forfeited and abandoned.

Gary Finney

Subscribed and sworn to before me this _____ day of August,
1972.

Notary Public of the State of Idaho
residing at Sandpoint, therein.

AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF IDAHO }
County of Boundary } ss.

SEP 3 1972

W. H. Chubb

being first duly sworn upon his oath, deposes and says that he is the publisher (or foreman) of the _____ Northern District Office

_____ publisher of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that

the advertisement of _____ Idaho Department of Water Administration

a _____ Notice of Claim to Water right No. 98-4009

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for _____ 2 _____ consecutive issues, commencing with the issue dated _____ Aug. 17, 1972 _____, and ending with the issue dated _____ Aug. 24, 1972 _____.

Rich M. Hoaglan

Subscribed and sworn to before me this _____ 5 _____ day of _____, 1967.

Notary Public in and for the County of Boundary, State of Idaho, residing at Bonners Ferry, Idaho

98-4009

NOTICE OF CLAIM TO A WATER

NO. 98-4009

Notice is hereby given that James H. Hill, R.R. No. 1, Moyie Springs Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from a ground water source with point of diversion in the SW 1/4 SE 1/4, Sec. 4, T. 61N, R. 3E, B.M., Boundary County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of September 15, 1966; the place of use is within the SW 1/4 SE 1/4, Sec. 4, T. 61N, R. 3E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on Aug. 17 and Aug. 24, 1972.

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor

R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

November 28, 1972

Re: Claim to a Water Right No. 98-4009

James H. Hill
R.R. #1
Moyie Springs, ID 83845

Dear Mr. Hill:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of a claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

Enc: copy of claim

98 4009

September 6, 1972

Re: Claim to a Water Right No. 98-4009 - James H. Hill

Bonniers Ferry Herald
212 Main
Bonniers Ferry, ID 83805

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced item. The legal notice was to have been published in your newspaper on August 17 and August 24, 1972.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Fred Eisenbarth
Water Resource Examiner
Northern District

FE:CR

98-4009

LAW OFFICES OF
STEPHEN BISTLINE
101 NORTH FIRST AVENUE
SANDPOINT, IDAHO 83864

STEPHEN BISTLINE
GARY A. FINNEY

TELEPHONE
CONGRESS 3-2105

August 31, 1972

RECEIVED

SEP 1 1972

Department of Water Administration
Northern District Office

Mr. Fred Eisenbarth
State of Idaho
Department of Water Administration
Northern District Office
401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814

Re: Claim of Water Right
No. 98-4009

Dear Sir;

Enclosed please find duplicate copy of Affidavit in the above entitled matter. My records do not show how many copies of the Affidavit were sent to prior, and since it is required by statute that you are sent two copies I am sending this one now for a precautionary measure.

Very truly yours, .

Gary A. Finney
Gary A. Finney
djs

GAF:djs'
encl: 1

98 4009

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor

K. Keith Higinson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

August 29, 1972

Re: Claim to a Water Right No. 98-4009 - James H. Hill

Gary A. Finney, Attorney
101 North First Avenue
Sandpoint, ID 83864

Dear Mr. Finney:

We are in receipt of your correspondence concerning the above referenced claim to a water right. The following is a quote from the provisions under which this claim has been filed (Section 42-225b of the Idaho Code):

"At anytime after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation (renamed Department of Water Administration on July 1, 1970) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If we can be of further assistance, please contact us.

Very truly yours,

Fred Eisenbarth
Water Resource Examiner
Northern District

FE:CR

cc: Harold Todd
BCC: State Office

00 47 00

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

August 29, 1972

Re: Claim to a Water Right No. 98-4009

James H. Hill
R.R. #1
Moyie Springs, Idaho 83845

Dear Mr. Hill:

In reference to the above claim, the enclosed is a copy of an exception filed by Gary Finney, Attorney for Harold Todd, in connection with this claim under the provisions of Chapter 2, Section 42-225b of the Idaho Code, which states the following:

"At anytime after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation (renamed Department of Water Administration on July 1, 1970) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If we can be of further assistance, please contact us.

Very truly yours,

Fred Eisenbarth
Water Resource Examiner
Northern District

FE:CR

bcc: State Office

98-4009

LAW OFFICES OF
STEPHEN BISTLINE
101 NORTH FIRST AVENUE
SANDPOINT, IDAHO 83864

STEPHEN BISTLINE
GARY A. FINNEY

TELEPHONE
CONGRESS 3-2105

August 24, 1972

RECEIVED

AUG 25 1972

Idaho Dept. of Water Administration
401 Front Avenue
Coeur d'Alene 83814

Department of Water Administration
Northern District Office

Re: Claim of Water Right
No. 98-4009

Dear Sirs:

STATE OF IDAHO)
) ss.
County of Bonner)

Gary Finney, being duly sworn on oath deposes and says:

I am the attorney for Mr. Harold Todd, Moyie Springs, Idaho and on his behalf make this exception to the Claim of Water Right No. 98-4009 made by James H. Hill, R.R. #1 Moyie Springs, Idaho.

I am familiar with the facts of this matter and make this exception for the reason that Mr. Todd disagrees that a right has been established as set forth in the claim of James Hill. Mr. Todd excepts because Mr. Hill has not applied the water from a ground source in SW 1/4, SE 1/4, Sec. 4, T. 61 N, R 3 E, B.M., Boundary County to a beneficial use. In fact Mr. Hill's point of diversion is on land owned by Mr. Todd, which trespass would avoid any accrual of a water rights. Also, the water claimed has never been used since at least 1968-1969, nor has it ever been used on a year around basis. By Mr. Hill's own testimony before the Water board on August 2, 1972,

he admitted his only use has been during the fall months, i.e.
the dry months of the year. Any water right of Mr. Hill has been
forfeited and abandoned.

Gary Finney
Gary Finney

Subscribed and sworn to before me this 29th day of August,
1972.

Delores J. Sommerfeldt
Notary Public of the State of Idaho
residing at Sandpoint, therein.

August 14, 1972

Re: Claim to a Water Right No. 98-4009

James H. Hill
R.R. #1
Moyie Springs, ID 83845

Dear Mr. Hill:

Attached herewith is your receipt No. 8663 in the amount of \$10 for the filing fee on the above referenced claim, which was received in this office.

Very truly yours,

Fred Eisenbarth
Water Resource Examiner
Northern District

FE:CR

Enc: Receipt

98 4009

August 11, 1972

Re: Claim No. 98-4009 - James H. Hill

Bonnors Ferry Herald
212 Main
Bonnors Ferry, ID 83805

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Fred Eisenbarth
Water Resource Examiner
Northern District

Bill submitted 9-11-72 by CR

FE:CR

98 4009

Enc: Legal Notice

STATEMENT

BONNERS FERRY HERALD

Complete Newspaper Coverage of Boundary County

P. O. Box 539

BONNERS FERRY, IDAHO — 83805

State of Idaho
Department of Water Administration
401 Front Ave. Rm. 209
Coeur d'Alene, Idaho 83814

1972

Aug. 17 Notice of claim to water right-#98409-
J.H. Hill- 29 lines 2 times \$ 10.31

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

SIGNED: The Bonners Ferry Herald

BY: Ruth M. Hoglan
Ruth M. Hoglan, bookkeeper

98 4009

NOTICE OF CLAIM TO A WATER RIGHT

NO. 98-4009

Notice is hereby given that James H. Hill,

R.R. #1, Moyie Springs, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.02 cubic feet per second ~~xxxx feet per annum~~
of water from a ground water source

with point of diversion in the SW 1/4, Sec. 4, T. 61N, R. 3E, B.M.,

Boundary County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic

purposes

with a priority of September 15, 1966;

the place of use is within the SW 1/4, Sec. 4, T. 61N, R. 3E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho
83814.

R. KEITH HIGGINSON

Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho

on Aug. 17 and Aug. 24, 1972

98 4009

**NOTICE OF CLAIM TO A WATER
RIGHT**

NO. 98-4009

Notice is hereby given that James H. Hill, R.R. No. 1, Moyie Springs Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from a ground water source with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T. 61N, R. 3E, B.M., Boundary County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of September 15, 1966; the place of use is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, T. 61N, R. 3E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on Aug. 17 and Aug. 24, 1972.

C.K.
8-16-72
ck

98 4009