

Affidavit of Publication

STATE OF IDAHO
County of Benewah, ss.

JoJane Hammes, being first duly sworn on oath, deposes and says that she is co-publisher and business manager of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah county, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of the notice of advertisement hereon.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of two issues, the first publication being on the 27th day of September, 1979 and the last on the 4th day of October, 1979.

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

JoJane Hammes
.....

Subscribed and sworn to before me this 27th day of September, 1979.

Shelly Hammes
.....
Notary Public in and for Benewah County, Idaho
Residing at St. Maries, Idaho

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

91-7041 *OK*

Name: Frank R. and-or Audrey N. Botts
Address: 935 Lincoln, St. Maries, Idaho 83861
Date Filed: Sept. 19, 1979
Amount: 0.08 cubic feet per second
Source: Groundwater
Means: Well & Pump
Point of Diversion: NWNW Sec 16 T 46N R 02W, Benewah county
Place of Use: NWNW Sec 16 T 46N R 02W for 1 acre
Use: Irrigation (0.02 cfs) from March 15 to Nov. 15; Stockwater (0.02 cfs) from Jan. 1 to Dec. 31; Domestic (0.04 cfs) from Jan. 1 to Dec. 31.

95-7973 *OK*

Name: Darryle Satterlee
Address: 1940 Eccles, Ogden, Utah 84404
Date Filed: Sept. 11, 1979
Amount: 0.04 cfs
Source: Spring
Means: Gravity Flow Pipe
Point of Diversion: SENW Sec 23 T 46N R 03W, Benewah county
Place of Use: SENW Sec 23 T 46N R 03W
Use: Domestic (0.04 cfs) from Jan. 1 to Dec. 31.

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 4055 Gov't Way, Coeur d'Alene, Idaho, 83814 on or before October 15, 1979.

C. STEPHEN ALLRED
Director

No. 5887 — Sept. 27-Oct. 4.

RECEIVED

OCT 5 1979

Department of Water Resources
Northern District Office

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10. Other water rights on these lands None

11. Other water right diverted from same p.d. None

12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached

☐ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks _____

15. Recommended Amendments _____

16. Examiner's/Consultant's Signature J. Beard Date 5/23/85

☐ Change P.D. as reflected above

☐ Change P.U. as reflected above

☐ Add P.D. as reflected above

☐ Add P.U. as reflected above

☒ None

☐ Other

Consultant's License Number _____

IDWR Director's Authorization to Conduct _____

Beneficial Use Examination _____

Date _____

CONSULTANT SEAL

UNRECORDED

MAR 04 1988



MICROFILMED

MAR 04 1988

TWP. 46 N RGE. 2 W SEC. 16 MAP # G-56 MAP SCALE 7 1/2
 DATE OF FIELD EXAM _____ FIELD REPORT MAP PERMIT # 91-7091

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 91-7041

Priority: September 19, 1979 Amount: .03 CFS 1.0 AFA

This is to certify, that FRANK R. BOTTS
AUDREY N. BOTTS

935 LINCOLN

ST. MARIES, ID 83861

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated September 19, 1979, and has submitted proof to the Department of Water Resources on September 18, 1984, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .03 cfs of water from a **GROUNDWATER** source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	03/15 to 11/15	.01 cfs	.8 afa
Stockwater	01/01 to 12/31	.02 cfs	.2 afa
Totals		.03 CFS	1.0 AFA

LOCATION OF POINT OF DIVERSION(S): NWNW , Sec. 16, Township 46N, Range 2W
Benewah County

PLACE OF USE: Irrigation

TWN RGE SEC

46N 2W 16 NWNW

PLACE OF USE: Stockwater, same as Irrigation use

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Actual acres irrigated = .25.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 29th day of February, 1988.

RECORDED

MAR 04 1988

Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant FRANK R. OR AUDREY N. BOTTS Phone _____

Post office address 935 LINCOLN, ST. MARIES, ID 83861

2. Source of water supply GROUNDWATER which is a tributary of _____

3. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 16 Township 46N

Range 2W B.M. BENEWAH County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.04 for DOMESTIC purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.02 for STOCKWATER purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.02 for IRRIGATION purposes from MAR 15 to NOV 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.08 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. WELL & PUMP

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 6 inches; proposed depth of well is 69 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 16 Township 46N
Range 2W B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

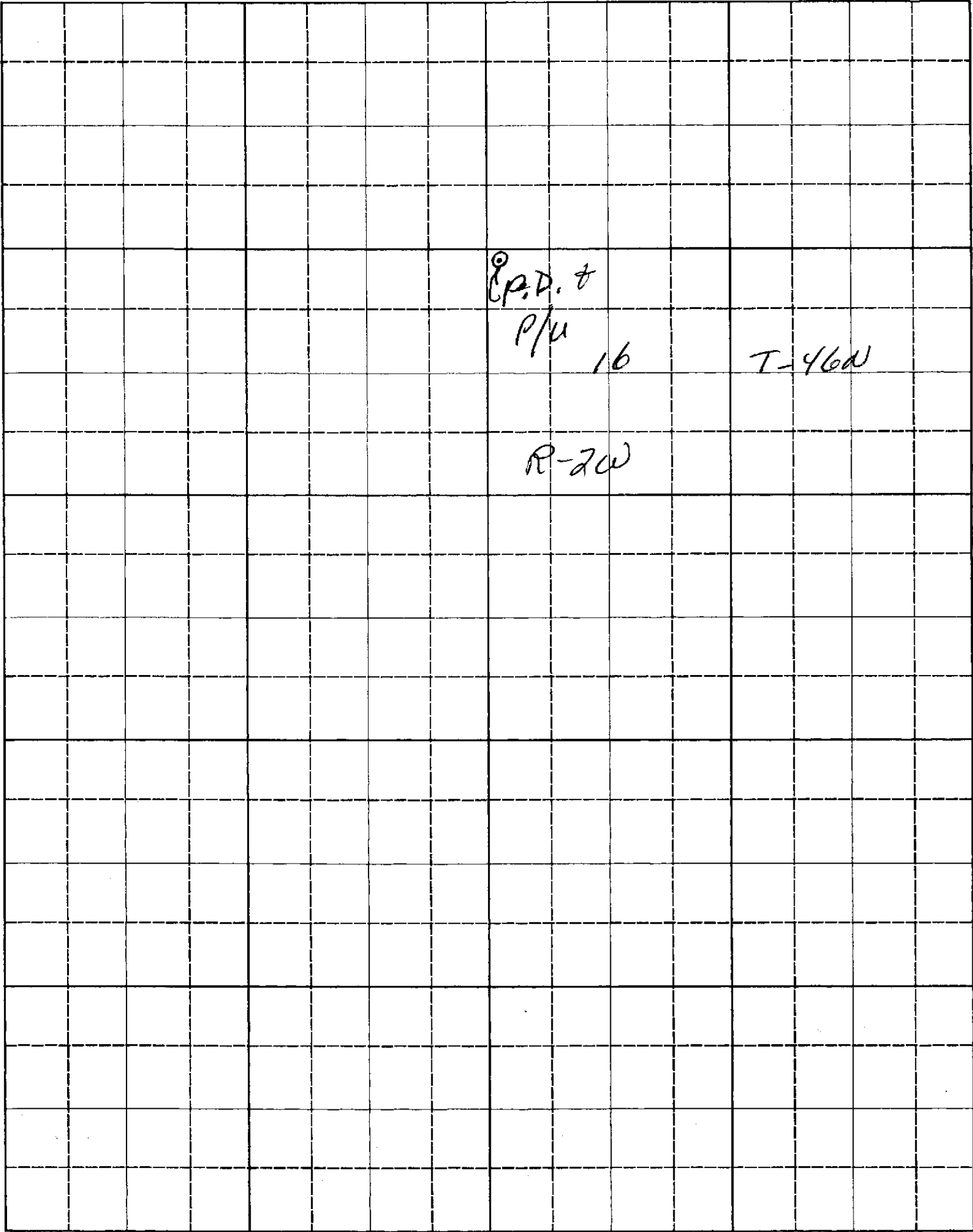
(3) List number of each kind of livestock to be watered 3 HEAD

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water ONE.

(5) If water is to be used for other purposes describe: _____

MICROFILMED

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Frank R. Botto
(Applicant)

Affidavit of Publication

STATE OF IDAHO
County of Benewah, ss.

JoJane Hammes, being first duly sworn on oath, deposes and says that she is co-publisher and business manager of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah county, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of the notice of advertisement hereon.

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That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

JoJane Hammes

Subscribed and sworn to before me this 27th day of September, 1979.

Shelly Hammes
Notary Public in and for Benewah County, Idaho
Residing at St. Maries, Idaho

NO. 123456789
Name: Darryle S. Hammes
Address: 1940 Locust, St. Maries, Idaho 83854
Date Filed: Sept. 11, 1979
Amount: 0.04 cfs
Source: Spring
Means: Gravity Flow Pipe
Point of Diversion: NW 1/4 Sec 10 T 2 N R 20 W, Benewah County, Idaho
Place of Use: NWNW Sec 10 T 2 N R 20 W for 1 acre
Use: Irrigation
March 15 to Nov. 15, 1979
Domestic (0.04 cfs) from Jan. 1 to Dec. 31.
If issued, this permit shall be subject to all laws, rules, regulations, orders and decrees of the Department of Water Resources, 4000 Carey Way, Coeur d'Alene, Idaho, 83814 and before October 15, 1979.
Director

RECEIVED

OCT 5 1979

Department of Water Resources
Northern District Office

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 91-7041
Name(s) of Permit Holder(s): Frank & or Audrey Botts
Post Office Address: 935 Lincoln
St. Maries ID

- ☒ I hereby certify that construction of diversion works for the above referenced permit began on Oct 1964 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.
- ☐ I hereby certify that construction of diversion works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

5/27/83
Date

Frank R Botts
Signature of Permit Holder

RECEIVED
PLACE
STAMP
HERE

JUN 2 1988

RECEIVED
MAY 27 1988

Department of Water Resources
Northern District Office

MICROFILMED

DEC 27 1988



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

February 29, 1988

FRANK R. & AUDREY N. BOTTS
935 LINCOLN
ST. MARIES, ID 83861

RE: Permit No. 91-7041

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MAR 04 1988

February 4, 1988

FRANK R. & AUDREY N. BOTTS
935 LINCOLN
ST. MARIES, ID 83861

RE: Permit No. 91-7041

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MAR 04 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED

JUL 26 1985

10-DAY

91-7041

Permit No.

1. Measurement Calculations

Department of Water Resources

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

irrigation 1/4 ac $\rightarrow$ 0.01 cfs

stock 3 head $\rightarrow$ 0.02 cfs

$Q_T = 0.03$ cfs

b) Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (0.25)(3.0) = 0.75 \text{ AFA}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 4.16 \text{ AFA}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 0.75 \text{ AFA}$

c) Volume Calculations for Other Uses:

stock, 3 head $\rightarrow$ 0.2 AFA

2. Overlap Review

a) Other water rights with same place of use: _____

b) Other water rights with same point of diversion: _____

c) Analysis:

MAR 04 1988

Permit No.	9-19-79	Amount	0.03	App. Date	9/19/79	Date Proof Submitted	9-18-84	System Capacity	0.03
------------	---------	--------	------	-----------	---------	----------------------	---------	-----------------	------

4. Permit Holder: Frank R or Audrey N. Bothe

Address: 935 Lincoln St. Marietta, ID 83861

5. Source: Groundwater tributary to _____

6. Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (af-ft)
-------------------	--------------------------	------------------------------	----------------------------

Stock	1/1	12/31	0.02	0.2
fermentation	3/15	11/15	0.01	0.75.8

Allowable Maximums: 0.03 ~~0.95~~ 1.0

No.	Govt. Lot	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	Sec.	Twp.	Rge.	County
			NW	NW	16	46N	2W	Bemuech

[illegible][illegible]

9. Recommended Conditions/Remarks: ~~Not~~ $Ac 1hr = 1/4$

10. Recommended Amendments

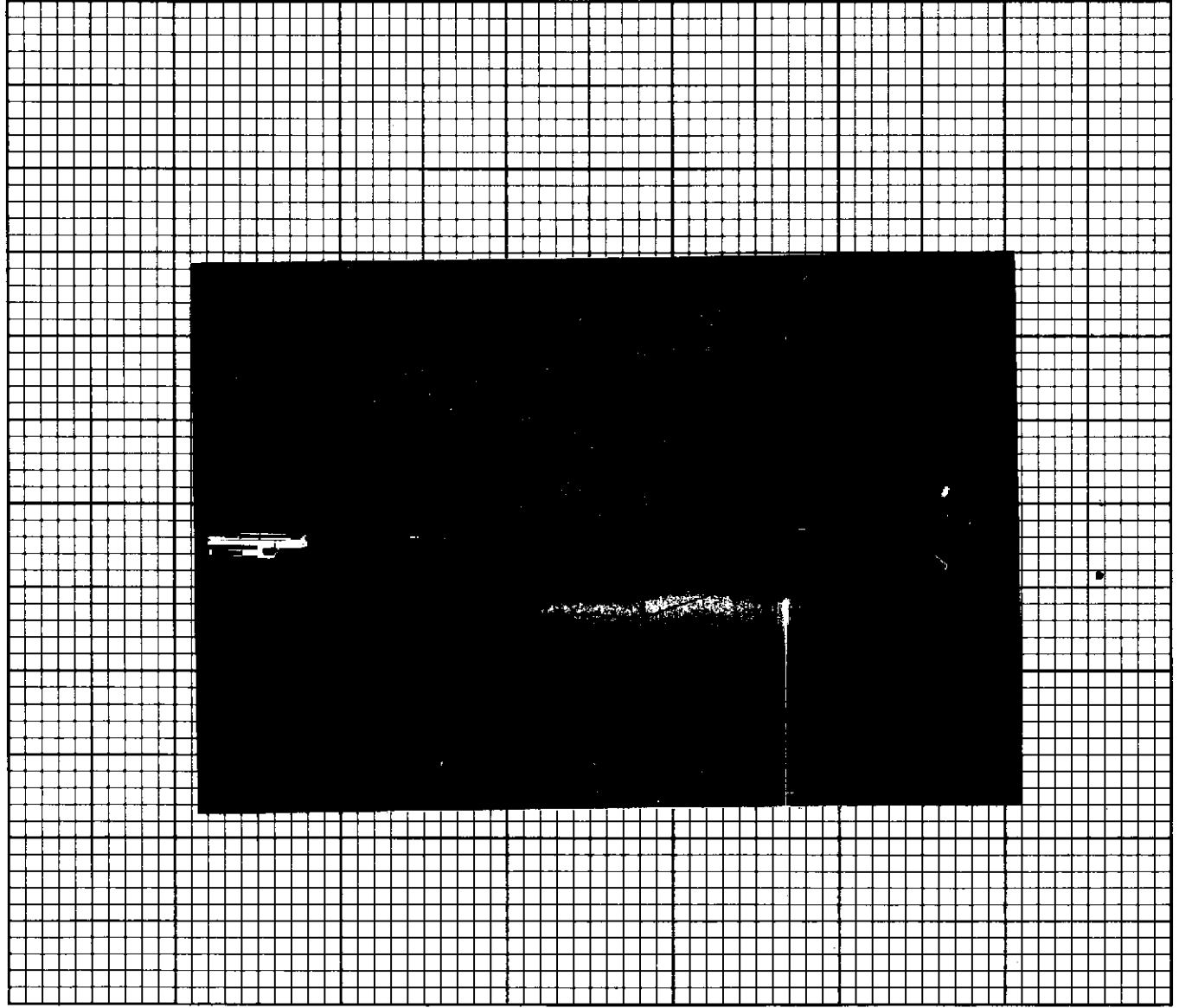
☐ Change P.D. as reflected above	☐ Add P.D. as reflected above	☐ Change P.U. as reflected above	☐ Add P.U. as reflected above	☐ Other
☒ None				

11. Examiner's Signature	<i>[Signature]</i>	Checked in Regional Office by	<i>[Signature]</i>	Approved in State Office by	<i>[Signature]</i>
Date	6/21/85	Date	7/24/85	Date	1-25-88

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
46N	2W	16						X 1/4										1/4	
Total Acres 1/4																			

10. Other water rights on these lands None
11. Other water right diverted from same p.d. None

12. Diversion and Delivery System Diagram: Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached ☐ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

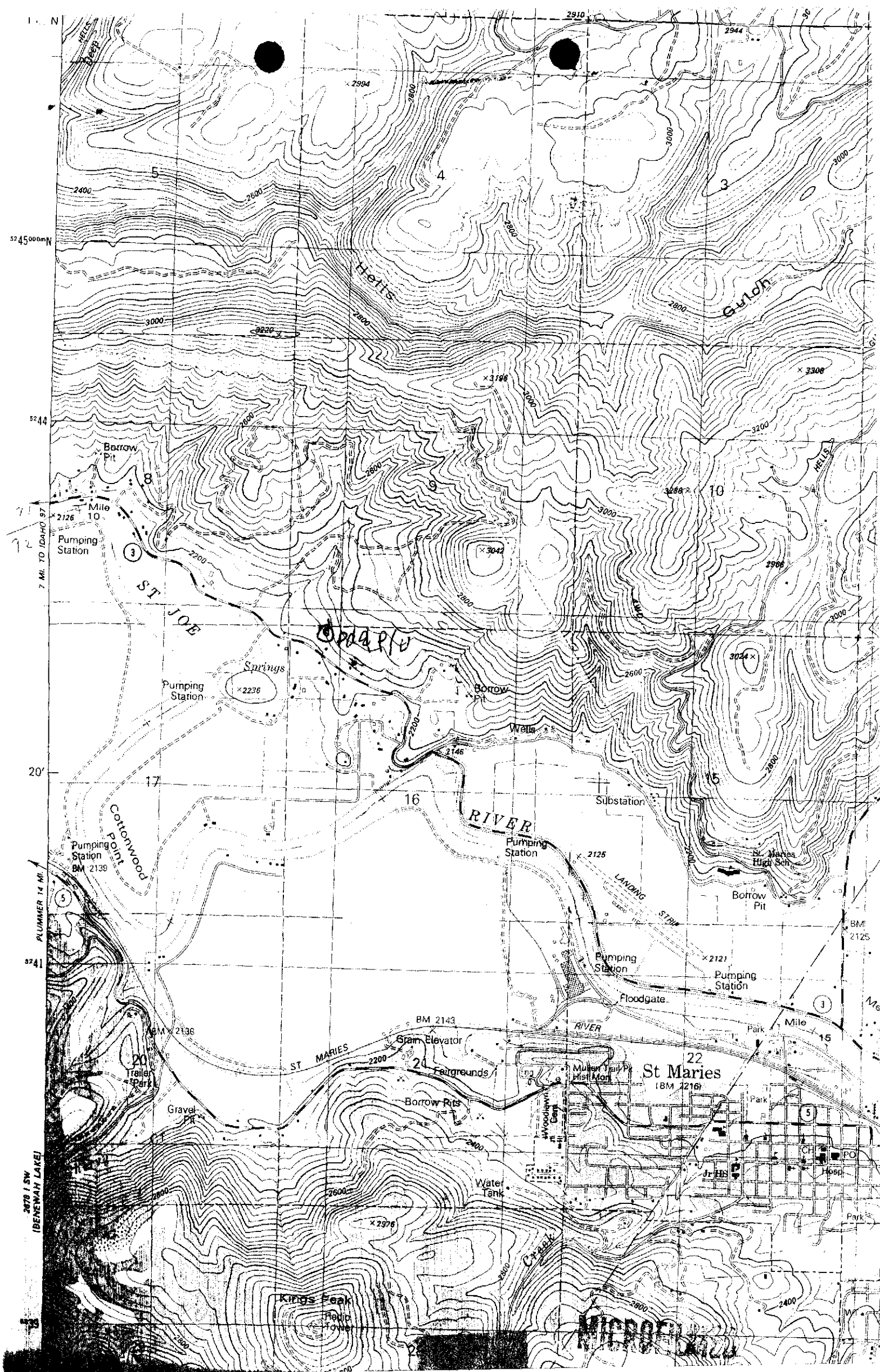
14. Remarks _____

15. Recommended Amendments
☐ Change P.D. as reflected above
☐ Add P.D. as reflected above
☐ Change P.U. as reflected above
☐ Add P.U. as reflected above
☐ Other
☒ None

16. Examiner's/Consultant's Signature *St. Bernard* Date 5/23/85

Consultant's License Number _____
IDWR Director's Authorization to Conduct Beneficial Use Examination _____
Date _____

CONSULTANT SEAL
MAN 04 1988



MAR 04 1988

TWP. 46 N RGE. 2 W SEC. 16 MAP # G-56 MAP SCALE 7 1/2
 DATE OF FIELD EXAM _____ FIELD REPORT MAP PERMIT # 97-7091

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

NOVEMBER 14, 1984

FRANK OR AUDREY BOLTS
935 LINCOLN
ST. MARIES ID 83861

RE: Permit No. 91-7041

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a Water Right License can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 765-4639 or in person at our office.

Sincerely,

/S/
TOM D. KING
Senior Water Resource Agent

cc: IDWR - State Office

FILED

MAR 04 1988

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 91-1041

Name(s) of Permit Holder: Frank or Audrey Botts

Post Office Address: 935 Lincoln, St. Maries, Id. 83861

Tel. No. 245-2926

Source of Water: GW

Extent of Use: ☐ Domestic (number of households)
☒ Stockwater 3 hd. (number and type of stock)
☒ Irrigation GARDEN 1/2 (acres)
☐ Other

Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

9/18/84
Date

RECEIVED

x Audrey Botts
Signature of Permit Holder

PLACE
13 CENT
STAMP
HERE

RECEIVED

SEP 18 1984

Department of Water Resources
Northern District Office

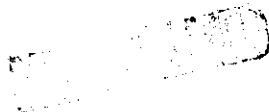


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SEP 24 1984

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138218

BOITS, FRANK R. & AUDREY N.
935 LINCOLN
ST. MARIES, ID 83861

PROOF DUE NOTICE

AUGUST 31, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 91-7041 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE NOVEMBER 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MAILED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

November 7, 1979

Frank & Audrey Botts
935 Lincoln
St. Maries, Idaho 83861

Dear Mr. & Mrs. Botts,

RE: Permit No. 91-7041

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:lr

Enclosure

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: KIC

APPLICATION NUMBER: 91-7041

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. N/A
☒ Yes ☐ No* In form for advertising.
Final date for protests: 10-15-79
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

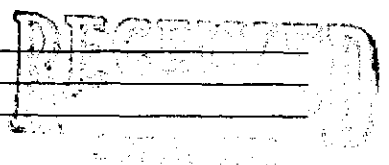
- ☒ Affidavit of publication received. Date: 10-5-79
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☐ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
9-19-79 Date of priority recommended.
Special conditions of approval or cover letter. _____

By: ASIA Date: 10-19-79

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.

By: Juni Date: 1/11/79



Department of Water Resources

91-2041..

BOTTS, FRANK R. &/or AUDREY N.

935 LINCOLN, ST. MARIES, ID 83861

Source: GROUNDWATER

Date Filed: 09/19/1979

Amount: 0.08 CFS

Diversion Point: NWNW Sec 16 T 46N R 02W, BENEWAH Co.

Use: IRRIGATION	(0.02 CFS)	from 03/15 to 11/15
STOCKWATER	(0.02 CFS)	from 01/01 to 12/31
DOMESTIC	(0.04 CFS)	from 01/01 to 12/31

Place of Use: NWNW Sec 16 T 46N R 02W FOR 1 ACRES

Diversion Means: WELL & PUMP

Notified