

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, MARGARET PARKS

Publisher of the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2

consecutive weeks, commencing with the issue dated MAR 24

1983 and ending with the issue dated MAR 31 1983

Margaret Parks

Subscribed and sworn to before this 1st day of April

1983

Ethel M. Beck

Notary Public, residing at Challis, Idaho. My commission expires on

1/26/86

72-4134
HUNT, GLEN DON H.
HC # 611 BOX 3021,

CHALLIS, ID 83226

Source: WARM SPRING
CREEK trib. to SALMON
RIVER

Priority Date: 11/01/1962

Diversion Pt: SESE Sec 11
T 13N R 19E SWSW Sec 12 T
13N R 19E

Use: STOCKWATER (4.00
CFS)

In: SESE Sec 11 T 13N R
19E SWSW Sec 12 T 13N R
19E

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APR 5 1983

Department of Water Resources
Southern District Office

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that GLENDON H. HUNT
(Name of Claimant)
H.C. 61 Bx 3021 CHALLIS, IDAHO Telephone No. 879-2592
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 1962

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
WARM SPRING CR. tributary to SALMON RIVER

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AEA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>4.0 cfs</u>	Use <u>Livestock</u>	Period of Use From <u>11-1</u>	To <u>4-1</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 4.0 cfs TOTAL QUANTITY USED.
(cfs, gpd, AEA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE 1/4 SE 1/4, Sec. 11 Twp. 13N Rge. 19E B.M., County of CUSTER.
Additional points of diversion: SW 1/4 SW 1/4, Sec. 12 T13N R19E

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
CHANGED THE STREAM BANKS SO CATTLE
COULD DRINK

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
13N	19E	11																	
		12											X						

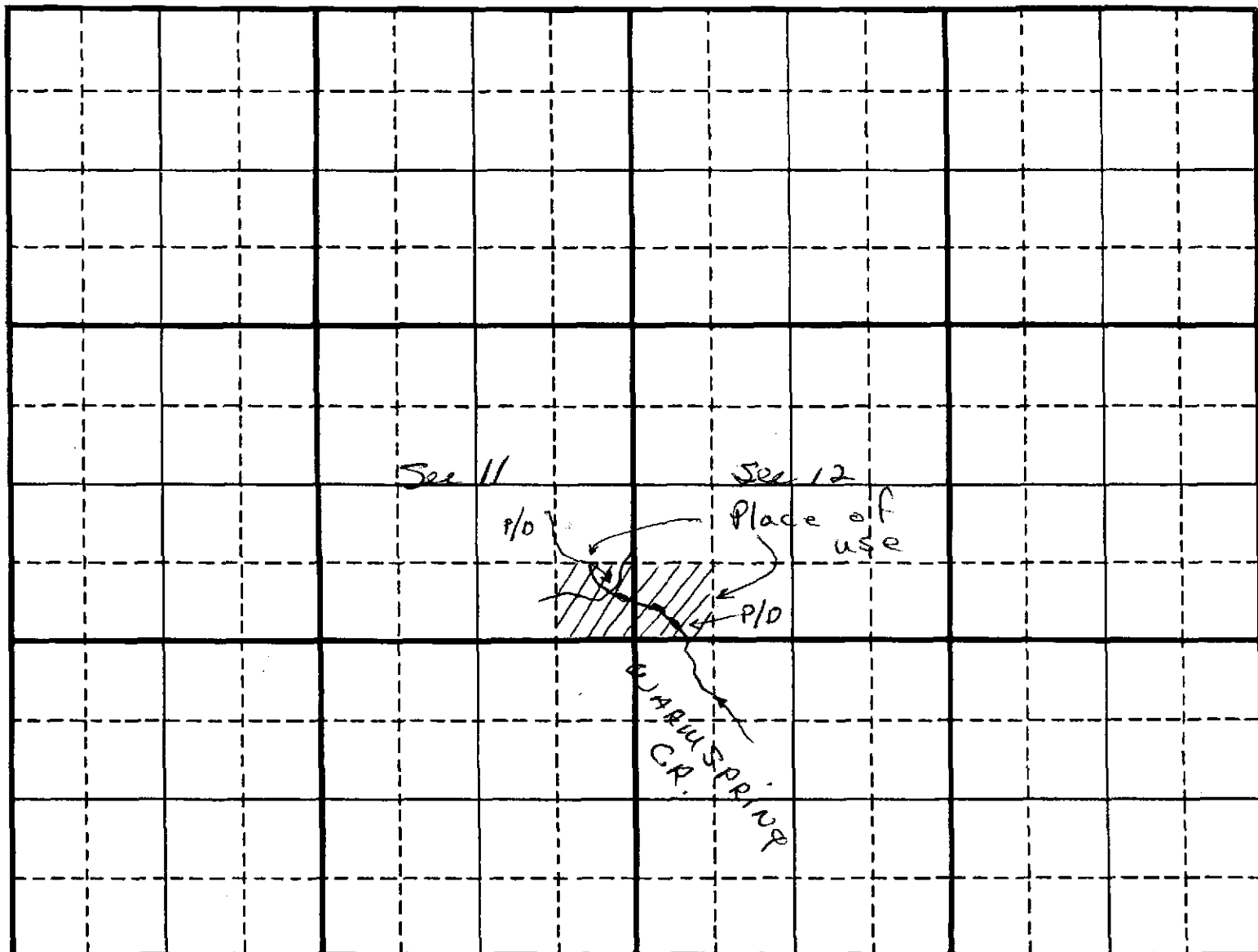
No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
THE AMOUNT FILED FOR IS ALSO FOR KEEPING
NO STREAM FROM FREEZING OVER

NOTE: Include here the type and number of stock watered: _____

(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Custer) 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 affiant's knowledge.

Sworn to before me this 2 day of February, 1983.

Glendon H. Hunt
(Claimant)

Loren O'Halloran
Notary Public
Residing at Twin Falls

My commission expires LIFE

FOR DEPARTMENT USE ONLY

Received by <u>St. Andrew</u>	Date <u>2/2/83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>GR</u>	Date <u>2-22-83</u>		claimant by:	
60,00 fee received by <u>Marsha</u>	Date <u>2/14/83</u> # <u>23996</u>			
Published in <u>Custer Publishing Co</u>		<u>Lynn & Rose Johnson</u>	<u>L.H.</u>	<u>4/14/83</u>
Dates <u>3/24 & 3/31/83</u>		<u>Cliff Hansen</u>	<u>L.H.</u>	<u>4/14/83</u>
		<u>G.C. Westergard</u>	<u>L.H.</u>	<u>4/14/83</u>

AFFIDAVIT OF PUBLICATION

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1. MARGARET PARKS.....

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consecutive weeks, commencing with the issue dated MAR 24.....

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Margaret Parks

Subscribed and sworn to before this 1st day of April.....

1983

Ethel M. Peck

Notary Public, residing at Challis, Idaho. My commission expires on

1/26/86

72-41134
HUNT, GLENDON H.
HC # 611 BOX 3021,

CHALLIS, ID 83226

Source: WARM SPRING
CREEK trib. to SALMON
RIVER

Priority Date: 11/01/1962

Diversion Pt: SESE Sec 11

T 13N R 19E SWSW Sec 12 T
13N R 19E

Use: STOCKWATER (4.00
CFS)

In: SESE Sec 11 T 13N R
19E SWSW Sec 12 T 13N R
19E

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APR 5 1983

Department of Water Resources
Southern District Office

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Challis, Idaho

OCT 17 1983

Oct 10, 1983

Dear Sir,

Department of Water Resources
Sacramento District Office

I am writing regarding to water claims 72-4135 72-4134. I talked to Mr. Holmes sometime ago, he stated there was no Time Limit in Protesting. These people are diverting the water out of Warm Spring Creek and bringing it down the west side of the area. They do not have access to the Salmon River. They are damaging the Challis Irrigation Canal, the Keyes Ditch also the Upper McCarson Canal. The Warm Spring Creek does run on the East side of the area and does run into the River.

I came on this side of the River in 1953, at that time there was 100 inches of water on this west side and the rest stayed in it proper place.

I personally have put the water back in the Warm Spring Creek many times when they have tried to put too much water on the west side. The 2 Claims is on the same property. I know for a fact there Claims are False. Other people know this to be correct.

Department of Water Resources

WRODCEM

Thank You Golden Westergard

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

MARCH 31, 1983

GLENDON H. HUNT
HC # 61 BOX 3021
CHALLIS

ID 83226

RE: Claim No. 72-4134

Dear Claimant:

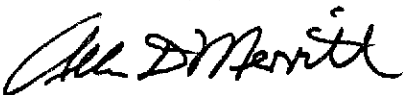
The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,



ALLEN D. MERRITT
Senior Water Resource Analyst

Enclosure

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APR 22 1983

Department of Water Resources

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

April 14, 1983

Glendon H. Hunt
HC 61 - Box 3021
Challis, Idaho 83226

Re: Claim to a Water Right No. 72-4134.

Dear Mr. Hunt:

We are enclosing copies of affidavits in opposition to your claim to a water right, submitted by Cliff M. Hansen, Lynn and Rose Johnson, and Cliff Hanse, Lynn Johnson and G. C. Westergard, stockholders in the Upper McGowan Ditch.

The following is a quote from the provisions under which this claim has been filed (section 42-243b, of the IDAHO CODE):

"At any time 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 Water Resources 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 Resources. 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 confirmation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya
Encl:

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

C. Stephen Allred
Director

April 14, 1983

Cliff M. Hansen
Challis,
Idaho 83226

Re: Claim to a Water Right No. 72-4134 and 72-4135

Dear Mr. Hansen:

We are in receipt of your exception to a Claim to a Water Right filed by Glendon H. Hunt and Ryan Hunt. The following excerpt from Section 42-243b of the Idaho Code explains what has been done and what will be done in regards to the exception you have filed:

42-243b. Recording of claims by Department, Corrections
"At any time 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 Water Resources 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 Resources. 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 hearing or evaluate for confirmation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya
Encl:

LOREN O. HOLMES



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

April 14, 1983

Cliff Hansen
Lynn Johnson
G. C. Westergard
Stockholders Upper McGowan Ditch
HC 63 Box 1777
Challis, Idaho 83226

Re: Claim to a Water Right No. 72-4134 and 72-4135

Gentlemen:

We are in receipt of your exception to a Claim to a Water Right filed by

The following excerpt from Section 42-243b of the Idaho Code explains what has been done and what will be done in regards to the exception you have filed:

42-243b. Recording of claims by Department, Corrections
"At any time 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 Water Resources 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 Resources. 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."

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If you have any questions regarding this matter, please contact us.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya
Encl:

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MAY 11 1983



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

April 14, 1983

Lynn & Rose Johnson
Box 87
Challis, Idaho 83226

Re: Claim to a Water Right No. 72-4134 and 71-4135

Dear Mr. & Mrs. Johnson:

We are in receipt of your exception to a Claim to a Water Right filed by

The following excerpt from Section 42-243b of the Idaho Code explains what has been done and what will be done in regards to the exception you have filed:

42-243b. Recording of claims by Department, Corrections
"At any time 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 Water Resources 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 Resources. 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."

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If you have any questions regarding this matter, please contact us.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya
Encl:

April 5, 1983
Challis, Idaho 83226

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APR 11 1983

Department of Water Resources
Southern District Office

A. Kenneth Dunn
Director of the Idaho
Department of Water Resources
1041 Blue Lakes Blvd, North
Twin Falls, Idaho 83301

Dear Mr. Dunn:

We are writing to protest the claim for stock water rights of #72-4135, Ryan Hunt and #72-4134 Glendon Hunt amount to 8 cfs's of water.

This is an excessive amount of water to be diverted from Warm Springs Creek with no outlet to the Salmon River. The only outlet for this water is to run thru his neighbors ranch, thru a subdivision, across the county road into the Lower McGowan Ditch in which the owners of this ditch refuse to accept this amount of water running into their canal.

The above applicants are stockholders in the Challis Irrigation Canal and the waste water could run down it, but the stockholders refuse to let any water run in their canal.

The 8 cfs's of water is more water than will be left in the original Warm Springs Creek Channel with the outlet to the river. If this amount is granted to these people there will not be enough water left in the Warm Springs Creek to fill the water rights that are on file at this time in your office from Warm Springs Creek.

Also if these application are allowed, there should be some statement as to how they propose to take the water to the river or back into the Warm Springs Channel.

Please refer to the controversy that was had this last December of 1982 that your representative, Terry G. Blau mediated as this will also be a problem.

Sincerely

Lynn Johnson
Rose Johnson
Lynn & Rose Johnson
Box 87
Challis, Idaho 83226

Please refer to error of ditch name
on my protest dated April 5, 1983
Should have been Upper McGowan Ditch

Thank You
Lynn Johnson

RECEIVED

Should be Upper

RECEIVED Challis, Id.
April 8, 1983

Dear Mr. Dunn

I would like to protest filing No. 72-4135 by Ryan Hunt & No. 72-4134 by Blendon H Hunt. The water they are filing on must be dumped into Upper Mc Gowan Ditch which is a privately owned irrigation ditch, of which I am a one-third owner. Water must travel in this ditch for approximately $\frac{1}{2}$ mile before it can continue on down the Warm Springs Channel to the river. The water upon entering our irrigation ditch leaves an excessive amount of sediment & keeps water in the ditch at all times. This puts a great burden on all ditch owners as the sediment needs to be cleaned out. As ditch owners do we have to make our ditch available to Ryan & Blendon Hunt

MICROFILMED

or should they provide their
own ditch? I would appreciate
an answer to this protest.
Thank you.

Sincerely,
Cliff M. Hansen

April 5, 1983
Challis, Idaho 83226

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APR 11 1983

A. Kenneth Dunn
Director of the Idaho
Department of Water Resources
1041 Blue Lakes Blvd, North
Twin Falls, Idaho 83301

Idaho Department of Water Resources
Southern District Office

Dear Mr. Dunn:

We, the undersigned shareholders in the Upper McGowan Ditch are filing this letter in protest to the claim for stock water rights of #72-4135, Ryan Hunt and #72-4134 Glendon Hunt amounting to 8cfs's of water.

This water if granted to the above applicants has no place to go except thru his next door neighbors ranch, across the county road and then spills into the Upper McGowan Ditch. The water fills the canal with silt and debris and causes the shareholders excessive cleaning bills in the spring over and above normal ditch maintenance.

The shareholders of this ditch absolutely refuse to accept this water in the ditch.

The above applicants are stockholders in the Challis Irrigation Canal and the waste water could run down it, but the stockholders refuse to let any water run in their canal.

This water runs down the Lone Pine flood plane channel which is susceptible to winter flooding when the weather is abnormal in January. With both the flood water and the waste water spilling into the canal, this causes many adverse conditions.

Sincerely

Undersigned Stockholders
Upper McGowan Ditch

Cliff M. Hansen

Cliff Hansen

Lynn Johnson

Lynn Johnson

G. C. Westergard

G. C. Westergard

MICROFILMED

72-4135

HUNT, RYAN
BOX 719, CHALLIS, ID
83226

Source: WARM SPRING
CREEK trib. to SALMON
RIVER

Priority Date: 11/01/1970
Diversion Pt: NENW
NWNW Sec 13 T 13N R 19E
Use: STOCKWATER (4.00
CFS)

In: NENW NWNW Sec 13 T
13N R 19E

72-4134

HUNT, GLENDON H.
HC # 61 BOX 3021,

CHALLIS, ID 83226

Source: WARM SPRING
CREEK trib. to SALMON
RIVER

Priority Date: 11/01/1962
Diversion Pt: SESE Sec 11
T 13N R 19E SWSW Sec 12 T
13N R 19E

Use: STOCKWATER (4.00
CFS)

In: SESE Sec 11 T 13N R
19E SWSW Sec 12 T 13N R
19E

April 5, 1983
Challis, Idaho 83226

RECEIVED

APR 8 1983

Department of Water Resources
Southern District Office

A. Kenneth Dunn
Director of the Idaho
Department of Water Resources
1041 Blue Lakes Blvd, North
Twin Falls, Idaho 83301

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The above applicants are stockholders in the Challis Irrigation Canal and the waste water could run down it, but the stockholders refuse to let any water run in their canal.

The 8 cfs's of water is more water than will be left in the original Warm Springs Creek Channel with the outlet to the river. If this amount is granted to these people there will not be enough water left in the Warm Springs Creek to fill the water rights that are on file at this time in your office from Warm Springs Creek.

Also if these application are allowed, there should be some statement as to how they propose to take the water to the river or back into the Warm Springs Channel.

Please refer to the controversy that was had this last December of 1982 that your representative, Terry G. Blau mediated as this will also be a problem.

Sincerely

Lynn Johnson
Rose Johnson
Lynn & Rose Johnson
Box 87
Challis, Idaho 83226

72-4135

HUNT, RYAN
BOX 719, CHALLIS, ID
83226

Source: WARM SPRING
CREEK trib. to SALMON
RIVER

Priority Date: 11/01/1970
Diversion Pt: NENW
NWNW Sec 13 T 13N R 19E
Use: STOCKWATER (4.00
CFS)

In: NENW NWNW Sec 13 T
13N R 19E

72-4134

HUNT, GLENDON H.
HC # 61 BOX 3021,

CHALLIS, ID 83226

Source: WARM SPRING
CREEK trib. to SALMON
RIVER

Priority Date: 11/01/1962
Diversion Pt: SESE Sec 11
T 13N R 19E SWSW Sec 12 T
13N R 19E

Use: STOCKWATER (4.00
CFS)

In: SESE Sec 11 T 13N R
19E SWSW Sec 12 T 13N R
19E

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

72-4134

HUNT, GLENDON H.

HC # 61 BOX 3021, CHALLIS, ID 83226

Source: WARM SPRING CREEK trib. to SALMON RIVER

Priority Date: 11/01/1962

Diversion Pt: SESE Sec 11 T 13N R 19E SWSW Sec 12 T 13N R 19E

Use: STOCKWATER (4.00 CFS)

In: SESE Sec 11 T 13N R 19E SWSW Sec 12 T 13N R 19E

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

A. KENNETH DUNN

Director

Published 3/24 & 3/31/83.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

MARCH 17, 1983

Custer Publishing Company
P. O. Box 405
Challis, Idaho 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before APRIL 4, 1983.

Yours truly,

Mary A. Hill
Secretary

Encl.

100-111111-1000

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: J.F. Stanton

Right Number 72- 4134 Applicant HUNT, Glendon H.

NOTE: *IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.*

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By ADm Date 4/18/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By KW Date 5/3/83

RECEIVED
MAY 18 1983