

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho,
County of Jerome

SS.

MAY 19 1983

L. L. LANGDON
ASST. PUBLISHER

Department of Water Resources
Southern District Office

being first duly sworn,
deposes and says that he is the printer (publisher) of the Jerome
North Side News, a newspaper published every week in Jerome, County
of Jerome, State of Idaho; that said newspaper has been continuous-
ly and uninterruptedly published for a period of seventy-eight consecu-
tive weeks prior to the first publication of the annexed notice, and is
a newspaper qualified to publish legal notices as provided by act of
the 1919 session of the legislature of the State of Idaho, known as
House Bill 145; that the annexed advertisement was published once

each week for two consecutive issues in said newspaper
proper and not in a supplement; that the date of the first publication

of said advertisement was on the 12th day of May

19 83 and the date of the last publication was on the 18th

day of May, 19 83

Subscribed and sworn to before me this 18th

day of May, 19 83.
(SEAL)

Darla Pratt
NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Numer of Picas per Line 13

Number of Lines in Notice 88

Number of Insertions 2

Lines tabular at 4c / Pica

88 Lines straight at 34.32 3c / Pica

88 Subsequent lines at 22.88 2c / Pica

TOTAL COST 57.20

COPY OF NOTICE

(Paste Here)

Varies Claims
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water
BILL TO

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the
following claims to water rights have
been established by diversion and ap-
plication to beneficial use:

36-4195

CITY OF JEROME, 152 E. AVE. A,
JEROME, ID 83338

Source: GROUNDWATER

Priority Date: 01/01/1907

Diversion Point: NENW Sec 19 T 08S
R 17E

Use: MUNICIPAL (0.3899 CFS)

IN: WITHIN CITY LIMITS OF
JEROME

36-4196

CITY OF JEROME, 152 E. AVE. A,
JEROME, ID 83338

Source: GROUNDWATER

Priority Date: 01/01/1956

Diversion Point: SWNW Sec 18 T
08S R 17E

Use: MUNICIPAL (2.5622 CFS)

MUNICIPAL (3.1192 CFS)

IN: WITHIN CITY LIMITS OF JEROME

36-4197

CITY OF JEROME, 152 E. AVE. A,
JEROME, ID 83338

Source: GROUNDWATER

Priority Date: 01/01/1921

Diversion Point: NENW Sec 19 T 08S
R 17E

Use: MUNICIPAL (3.1192 CFS)

IN: WITHIN CITY LIMITS OF
JEROME

36-4198

CITY OF JEROME, 152 E. AVE. A,
JEROME, ID 83338

Source: GROUNDWATER

Priority Date: 001/01/1917

Diversion Point: NENW Sec 19 T 08S.
R 17E

Use: MUNICIPAL (0.7798 CFS)

IN: WITHIN CITY LIMITS OF
JEROME

36-4199
OXHART ESTATE, BOX 233,
HAZELTON, ID 83335
Source: GROUNDWATER
Priority Date: 03/15/1960
Diversion Point: NENE Sec 16 T 08S
R 21E

Use: IRRIGATION (0.80 CFS)
STOCKWATER (0.07 CFS)

DOMESTIC (0.11 CFS)

IN: SWNW Sec 15 T 08S R 21E

NWNW Sec 15 T 08S R 21E NENE Sec

16 T 08S R 21E FOR 40 ACRES

36-4200

OXHART ESTATE, BOX 233,
HAZELTON, ID 83335

Source: GROUNDWATER

Priority Date: 03/15/1959

Diversion Point: NENE Sec 16 T 08S
R 21E

Use: IRRIGATION (3.10 CFS)

IN: NENE NWNE SWNE SENE Sec

16 T 08S R 21E FOR 155 ACRES

36-4202

OREGON SHORT LINE RAILROAD
CO., UNION PACIFIC RAILROAD CO.,
P.O. BOX 1592, POCATELLO, ID

83204

Source: GROUNDWATER

Priority Date: 06/05/1925

Diversion Point: SWSE Sec 14 T 08S
R 16E

Use: DOMESTIC (0.04 CFS)

IN: SWSE Sec 14 T 08S R 16E

Any exception to any claim of water

right may be filed with the Director of

the Idaho Department of Water Re-

sources, 1041 Blue Lakes Blvd. North,

Twin Falls, Idaho 83301.

A. KENNETH JOHNSON

Division

5-12-83

FILED

Important Information About Your Water Right

August 27, 2001

RICHARD L. KECHTER
RT 4 BOX 4230
BURLEY, ID 83318

Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating into Partial Decree An Express Statment Regarding General Provisions, Nunc Pro Tunc* (hereinafter "*Order*") for water right number 36-04200. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The Purpose of the *Order* is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the *Order*, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This *Order* also incorporates into the *Partial Decree* an express statement that the *Partial Decree* is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This *Order* in combination with the *Partial Decree* that was issued for this water right on February 24, 1998, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the *Partial Decree* to show evidence of the water right. The original of this *Order* and the original of the *Partial Decree* for this water right are on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Order* is entered *Nunc Pro Tunc*, meaning that the *Order* will be treated as if it were issued the same date that the *Partial Decree* was originally issued.

Sincerely,



Diana Delaney
Case Administrator

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Water Right 36-04200

Case No. 39576)

ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT
IN PARTIAL DECREE AND INCORPORATING INTO PARTIAL
DECREE AN EXPRESS STATEMENT REGARDING GENERAL
PROVISIONS, *NUNC PRO TUNC*

A *Partial Decree* was entered for the above-captioned irrigation water right on February 24, 1998. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this recommendation and the time period for filing objections has now expired.

THEREFORE, IT IS ORDERED that the period of use for the irrigation element of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 03-15 11-15

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following.

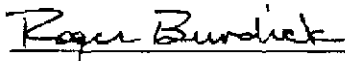
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify any subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Dated August 27, 2001


ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-04200

1998 FEB 24 PM 12:02
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

NAME & ADDRESS: RICHARD L. KECHTER
RT 4 BOX 4230
BURLEY ID 83318

SOURCE: GROUNDWATER

QUANTITY: 0.84 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-02363 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.40 CFS AND A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1484 AF.

PRIORITY DATE: 03/15/1974

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T08S R21E S16 SWNWSE Within JEROME County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.84 CFS

PLACE OF USE:	IRRIGATION	Within JEROME County			
T08S R21E S16		WENE 4	NWNE 32	SWNE 40	SENE 14
		NENW 36	NWNW 3	SWNW 5	SENW 40
		NESW 32	SESW 30	NESE 19	NWSE 37
		SWSE 40	SESE 39		
	371 ACRES TOTAL				

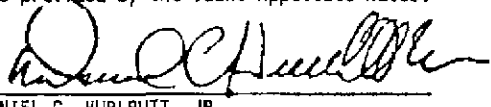
USE OF THIS RIGHT WITH RIGHT NO. 36-02363 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 371 ACRES IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
NO. 36-02363 PURSUANT TO SECTION 42-1426, IDAHO CODE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-04200

PAGE 1
FEB-12-1998

• •

This
Right has been
Decreed in the
SRBA.

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 Oxhart Estate
(Name of Claimant)
Box 233, Hazelton, Idaho, 83335 Telephone No 438-5142
(Mailing Address) (Zip Code) Martin Wolters

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) March 15, 1959

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)
Groundwater tributary to _____

(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, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo, Day)	(Mo, Day)
Quantity	<u>3.10 cfs</u>	Use	<u>Irrigation</u>	Period of Use From <u>Mar 15</u>	To <u>Nov 15</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) 3.10 cfs TOTAL QUANTITY USED
(cfs, af)

(5) A) Point of diversion (Location of point where water is diverted from its source)
NE 1/4 NE 1/4, Sec 16 Twp 8S Rge 21E B.M. County of Jerome
Additional points of diversion _____

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.
300 H.P. pump delivering to sprinkler system.
(Originally developed under gravity ditches)

(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.

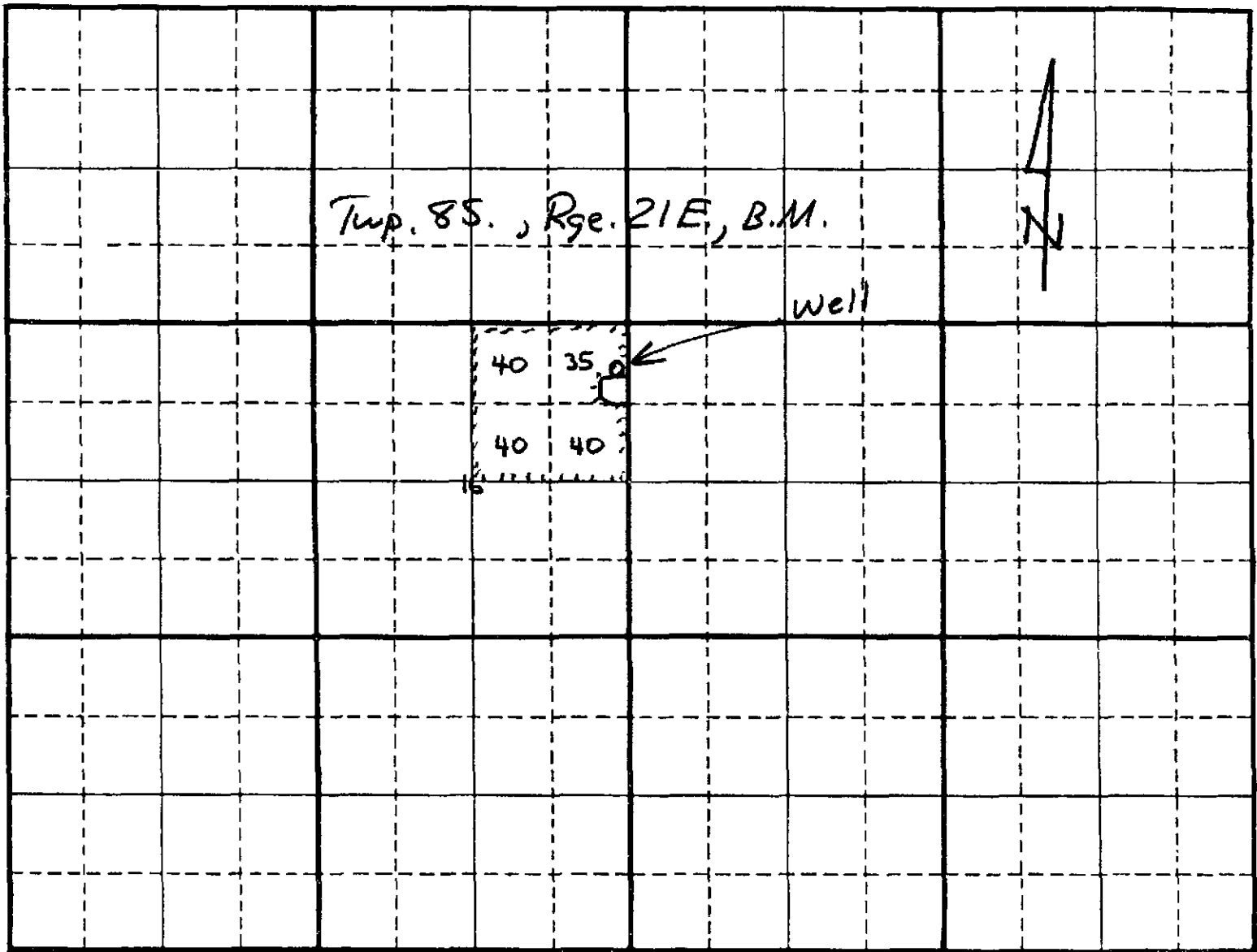
T	R	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S	21E	16	35	40	40	40													155

No. of acres 155

B) If water is used for other than irrigation, fully describe that use, being as specific as possible _____

NOTE Include here the type and number of stock watered _____
If you are claiming water as a member of an organization, list name of organization _____

(8) Remarks Lands as now irrigated are irrigated from two wells.
Claimant will add appropriate points of diversion to
this and other licensed by transfer.



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)
) ss.
County of Fremont)

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.

OXHART ESTATE
WILLIMATTE MANAGEMENT COMPANY, Inc. Trustee
By: Dorothy Rutledge, President
(Claimant)

Sworn to before me this 5th day of April, 1983.

Notary Public
Residing at St. Anthony

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by ADM Date 4/15/83 Exception filed by _____ Date _____
Preliminary work by ADM Date 4-20-83 Forwarded to claimant by _____ Date _____
\$30.00 fee received by ADM Date 4/15/83 # 27214064
Published in Mountain Record Date 5/19 & 5/26/83

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho,
County of Jerome

SS

MAY 19 1983

L. L. LANGDON
ASST. PUBLISHER

Department of ...
Southern ...

being first duly sworn,
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North Side News, a newspaper published every week in Jerome, County
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and uninterruptedly published for a period of seventy-eight consecu-
tive weeks prior to the first publication of the annexed notice, and is
a newspaper qualified to publish legal notices as provided by act of
the 1919 session of the legislature of the State of Idaho, known as
House Bill 145, that the annexed advertisement was published once

each week for 12 consecutive issues in said newspaper
proper and not in a supplement, that the date of the first publication

of said advertisement was on the 13th day of July

1983, and the date of the last publication was on the 15th

day of May, 1983

Subscribed and sworn to before me this

day of July, 1983

(SEAL)

NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Numer of Picas per Line

Number of Lines in Notice

Number of Insertions

Lines tabular at 16 / Pica
Lines straight at 34 / Pica
Subsequent lines at 27 / Pica

TOTAL COST 57.30

COPY OF NOTICE

(Paste Here)

TYPE OF NOTICE

PLAT THE ATTORNEY

DEED DATE

PLAT DATE

PLAT DATE

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the
following claims to water rights have
been established by diversion and ap-
plication to beneficial use

36-4195

CITY OF JEROME, 152 E AVE A,
JEROME, ID 83338

Source GROUNDWATER

Priority Date 01/01/1907

Diversion Point NENW Sec 19 T 08S
R 17E

Use MUNICIPAL (0.3899 CFS)

IN WITHIN CITY LIMITS OF
JEROME

36-4196

CITY OF JEROME, 152 E AVE A,
JEROME, ID 83338

Source GROUNDWATER

Priority Date 01/01/1966

Diversion Point SWNW Sec 18 T
08S R 17E

Use MUNICIPAL (0.6622 CFS)

MUNICIPAL (0.1142 CFS)

IN WITHIN CITY LIMITS OF JEROME

36-4197

CITY OF JEROME, 152 E AVE A,
JEROME, ID 83338

Source GROUNDWATER

Priority Date 01/01/1921

Diversion Point NENW Sec 19 T 08S
R 17E

Use MUNICIPAL (0.1192 CFS)

IN WITHIN CITY LIMITS OF
JEROME

36-4198

CITY OF JEROME, 152 E AVE A,
JEROME, ID 83338

Source GROUNDWATER

Priority Date 001/01/1917

Diversion Point NENW Sec 19 T 08S
R 17E

Use MUNICIPAL (0.7798 CFS)

IN WITHIN CITY LIMITS OF
JEROME

36-4199

OXHART ESTATE, BOX 233

HAZELTON ID 83335

Source GROUNDWATER

Priority Date 03/15/1960

Diversion Point NENE Sec 16 T 08S

R 21E

Use IRRIGATION (0.80 CFS)

STOCKWATER (0.07 CFS)

DOMESTIC (0.11 CFS)

IN SWNW Sec 16 T 08S R 21E

NW 1/4 Sec 15 T 08S R 21E NENE Sec

16 T 08S R 21E FOR 40 ACRES

36-4200

OXHART ESTATE, BOX 233,

HAZELTON, ID 83335

Source GROUNDWATER

Priority Date 03/15/1969

Diversion Point NENE Sec 16 T 08S

R 21E

Use IRRIGATION (0.10 CFS)

IN NENE NWNE SWNE SENE Sec

16 T 08S R 21E FOR 155 ACRES

36-4202

ORFCON SHORT LINE RAILROAD

CO, UNION PACIFIC RAILROAD CO

P.O. BOX 1592, POCAHELLO ID

83204

Source GROUNDWATER

Priority Date 06/05/1925

Diversion Point SWSE Sec 14 T 08S

R 16E

Use DOMESTIC (0.04 CFS)

IN SWSE Sec 14 T 08S R 16E

Any exception to any claim of water

right may be filed with the Director of

the Idaho Department of Water Re-

sources, 1041 Blue Lakes Blvd. North,

Twin Falls, Idaho 83301

A. KENNEDY

5-12-83

This
Right has been
Decreed in the
SRBA.

DEPARTMENT OF WATER RESOURCES
SAC, DENVER

RECEIVED
MAY 23 1977

OXHART ESTATE
BOX 233
HAZELTON

ID 80735

RE: Claim No. 35-4209

Dear Claimant,

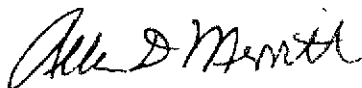
The Department of Water Resources has considered the filing of your claim to a water right, and no further action is anticipated under Section 42-243 and 42-244, IRRAD CODE. Your claim will be retained in the file and will be available at any time for use by you or the court.

The filing and advertising of the claim does not constitute the claim, 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 supportive evidence that you would like to have recorded in the claim, you may have that information or evidence added at any time. Please refer to the claim identification number on a separate sheet with your office.

We are enclosing a copy of your claim for the 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 Resources Analyst

Enclosure

MICROFILMED

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:

36-4200-

OXHART ESTATE

BOX 233, HAZELTON, ID 81005

Source: GROUNDWATER

Priority Date: 03/15/1959

Diversion Pt: NENE Sec 16 T 08S R 21E

Use: IRRIGATION (3.10 CFS)

In. NENE NWNE SWNE SENE Sec 16 T 08S R 21E FOR 155 ACFES

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 ~~5/19 & 5/26/83~~

5/19 + 5/26/83

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

MAY 6, 1983

North Side News
P. O. Box 468
Jerome, Idaho 83278

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 sale 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 JUNE 6, 1983.

Yours truly,

Mary A. Newby
Secretary

Encl.

RECEIVED
MAY 11 1983

IDENT. NO. 76-4200

WATER RIGHT
DATA ENTRY LOG

[illegible]

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: J. E. Stanton

Right Number 96-4200 Applicant _____

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 ADL Date 5/23/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By RC Date 5/31/83

RECEIVED
MAY 24 1983
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 24 1983
DEPARTMENT OF WATER RESOURCES