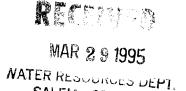
TELEPHONE (503) 267-2872 FAX (503) 267-0588

705 SO. 4TH, P.O. BOX 118 COOS BAY, OREGON 97420



SALEM, OREGON

PRE-1909 CLAIM OF BENEFICIAL USE AND SITE REPORT REFERENCE FILE #SRW-543

Information:

Dane Smith and my representative, Tom Hoshall, visited the place of use on March 17, 1995. All uses of the vested claim were found as described. Mr. Smith pointed out historic aspects and references documenting the continued use since the late 1880's. A barn constructed in 1885 is still standing. The existing house (which is the second residence constructed at this site) was built in 1913 - the original house was constructed sometime in the late 1880's. The ranch is documented in a local book "History of Haines Slough."

Permittee:

Dane Smith Smiling "S" Ranch 265 Haynes Way North Bend, Oregon 97459 (503) 756-1629

Sources:

Unnamed stream, a tributary of Palouse Creek/Haines Slough, Coos Bay.

Diversion point:

Described as perforated section of 4" PVC placed in stream with small clay head gate (3' long x 1' tall). 30' of 4" PVC delivered gravity flow to a 1200 gal. fiberglass storage tank. Flow at time of inspection was 1/2 - 3/4 gal./min. (estimated).

Motor/pump:

N.A. - system is based on gravity flow.

Pipe:

From storage tank: $1 \frac{1}{2}$ " x 600' of black poly pipe delivers gravity flow to house and several hose bibs; an additional 400' then serves the barn and three water troughs.

Uses:

- Domestic, including 1/2 acre garden and orchard;
- Stock water (82 head = 82: 24 cattle, 30 llamas, 20 yaks, six sheep and two goats) from troughs and stream.
- Barn cleaning

Amount requested/calculatio... Requested 0.022 CFS

Gravity Supply: Pressure measured @ house = 32 lbs. = 70' of head

House: $1 \frac{1}{2} \times 600'$ poly pipe @ 32 PSI = 5.3 PSI/100 = 36 gal/min. or 0.08 cfs

Barn: 1 1/2 x 1000' poly pipe @ 45 PSI/1000' = 4.5 PSI/100' = 33 gal./m

or 0.074 cfs

Stock: Cattle 24 x 15 gal./day 360 gal./day

30 x 10 gal./day Llamas 300 gal./day = Yaks 20 x 5 gal./day 100 gal./day = Sheep 6 x 1.5 gal./day 9 gal./day == 2 x 2.5 gal./day Goats 5 gal./day

774 gal./day

MAR 2 9 1995 NATER RESOURCES DEPT.

SALEM, OREGON

Barn: 35 gal./day/hd. 35 x 60 2,100 gal./day

Lift/head:

Head: Domestic 70'

Barn 105'

(gravity system)

Survey tie/point of beginning:

- P.O.B. to E 1/4 corner (NE corner NE 1/4 of SE 1/4) of Section 13, Township 24 South, Range 13 West, W.M.
- Survey tie by aerial photo #1992 21B-85, string chain and compass

Claim of beneficial use:

Domestic .08 cfs (includes 1/2 acre lawn/garden based on system capacity)

Stock .002 cfs (1.08 gal./min. based on 12 hr. day use) .007 cfs (2.92 gal.min. based on 12 hr. day use) Barn = 0.089 cfs

Conclusion:

The final proof survey and inspection of SRW 543 was completed on March 17, 1995, and the facts contained in this report and accompanying proof map are correct to the best of my knowledge.

TE OF ORE

I, Dane Smith, agree to the findings of the CWRE and do submit this site report and map as claim of beneficial use of the water as provided under the terms and conditions of our SRW 543.

PRE-1909 VESTED WATER RIGHTS APPLICATION MAP

LOCATED IN THE SE1/4 OF SECTION 13, T. 24S., R. 13W., W.M., COOS COUNTY, OREGON

SCALE 1"=400'

DATE SURVEYED: 9/14/1988

FOR: DANE SMITH

BENEFICIAL USE CLAIMED: DOMESTIC INC.1/2AC.GARDEN/ORCHARD

(Most REPORT ONTE: 3/17/95)

BARN AND STOCKWATER TROUGHS (3)

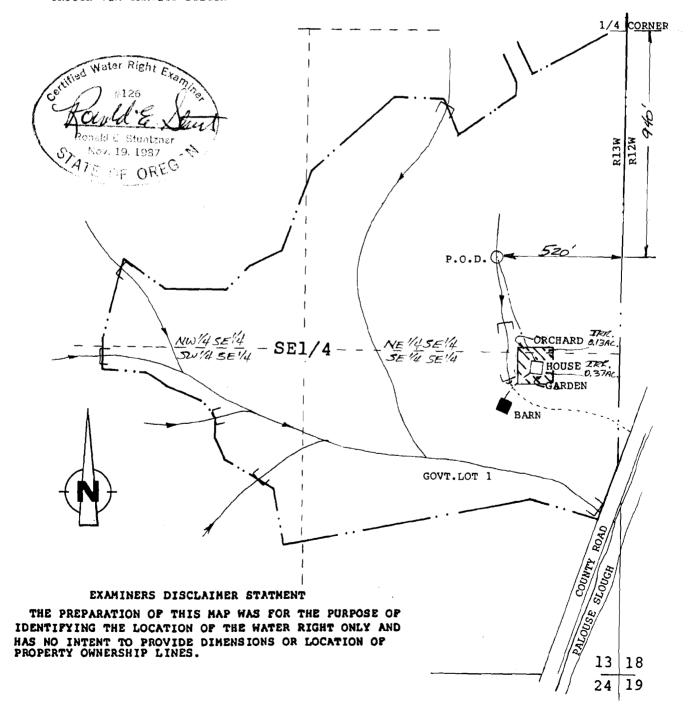
MAR 29 1995

IN-STREAM STOCKWATER (

INCLUSINGTER HESOURCES DEFT. SALEM, OREGON

SOURCE: UNNAMED STREAMS SHOWN

NOTE: DIVERSION POINT IS FOR DOMESTIC, BARN AND STOCKWATER TROUGH VIA GRAVITY SYSTEM



SWR# 543

T-1909 VESTED WATER RIGHTS APPLICATION MAP

LOCATED IN THE SEL/4 OF SECTION 13, T. 24S., R. 13W., W.M., COOS COUNTY, OREGON

SCALE 1"=800' 1:

This Should read 1"=400'

DATE SURVEYED:9/14/1988

FOR: DANE SMITH

BENEFICIAL USE CLAIMED: DOMESTIC INC. 1/2AC. GARDEN/ORCHARD

BARN AND STOCKWATER TROUGHS (3)

IN-STREAM STOCKWATER (

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INCLUSIVE

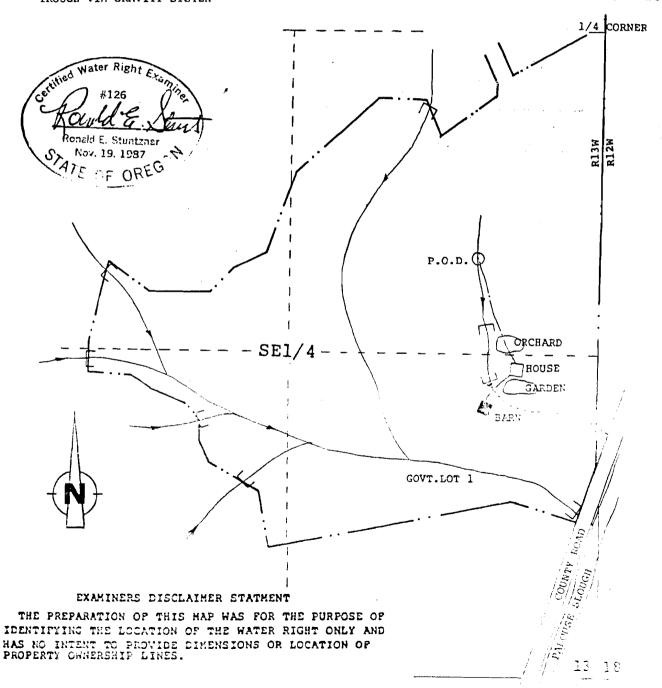
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N As Salay . The

SOURCE: UNNAMED STREAMS SHOWN

NOTE: DIVERSION POINT IS FOR DOMESTIC, BARN AND STOCKWATER TROUGE VIA GRAVITY SYSTEM

WATER RESOURCES DEPT. SALEM, CAREGON



Watermaster's Office District No. 19 Coos County Courthouse Coquille, OR 97423

Name: Dane Smith Receipt

Date: December <u>3</u>, 1992

Amount: \$ 90090

Pre-1909 application form.

Received by: James Lings :

E 42

BARGAIN AND SALE DEED

VIRGINIA LOUISE SMITH, Granton, conveys to DANE EDWARD SMITH, Grantee, all of larginght, title and interest in and to the following described real property situated in Coos County, Oregon:

See Exhibit "A" attached hereto and by this reference made a part hereof

The true and actual consideration for this conveyance is the execution of the terms and provisions of that certain Property Settlement Agreement between the parties executed in the month of February, 1987. This bargain and sale deed is hereby executed in conformance with said Property Settlement Agreement involving grantor and grantee.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH AFPROPRIATE CITY OR COUNTY PLANNING DEPARTMENTS TO VERIFY APPROVED USES.

Until a change is requested, all tax statements shall be sent to Dr. Dane E. Smith, 3500 Cedar, North Bend, Oregon 97459.

After recording, return to Robert E. Brasch, Attorney at Law, 3020 Broadway, North Bend, Oregon 97459.

DATED this / 7 day of - 2/2 ______, 1987

VIRGINIA LOUISE SMITH

STATE OF OREGON

County of Coos)

Personally appeared before me this/)day of February, 1987 the above-named VIRGINIA LOUISE SMITY and acknowledged the foregoing instrument to be her voluntary act and deed.

Notary Public for Gregon
My Commission Expires: V-/- 7

Public Control

13843 13843

() ','

FERRY & SAM

EXHIBIT "A"

Bergioning at a point on the East boundary of Section 13, Township 24 South, Range 13 best of the Williamstte Heridian, Cook County, Oregon, 768.83 feet South of the East quarter corner of sald Section 13; thence Wort 117.40 feet to an iron pipe; thence South 47° 21' West, 234.77 feet to an iron rod; thence North 730 16' West, 552.89 feet to an iron rod; thence North 160 01' 15" East. 337.58 feet to an iron pipe; thence North 240 05' 30" West, 153.12 Feet to an iron pipe; thence Borth 87° 36° 30" West, 203.48 feet to an iron pipe; thence South 49° 08' 15" West, 473.59 feet to an iron pipe; thence South 19° 35' Nest, 344.57 Feet to an iron pipe: thence South 640 19! West, 150.29 feet to an iron pipe: thence South 43° 15' West, 143.46 feet; thence North 89° 17' 30" West, 253.12 feet to an from rod; thence North 54" 24" West, 212.26 feet to an iron rod; thence South 150 30" (3" West, 345.05 feet to an iron pipe; thence South 00 15' West, 123.54 feet to an iron rod; i'm South 86" 46' 45" East, 187.08 feet to an iron rod designated as point"A"; thence South 53" 14' East, 95.78 feet; thence South 66" 42' 30" East, 161.25 feet; thence South 48° 11' East, 15.5? Fort: thence South 28° 58' East, 52.23 Feet; thence South 48° 21' East, 35.30 fort: thence Couth 23° 56' East, 52.33 feet; thence South 0° 02' 30" West, 83.68 feet; thence South 260 04' East, 93.73 feet; thence South 590 11' 30" East, 217.39 feet to an it'm rod; thence South 10° 14' 45" East. 228.13 feet to an iron rod; thence North 72" East (Morth 79° 47' East desc.). 1056.82 feet to an aluminum pipe; thence bookh 76° 32' East, 295.69 feet to the Mesterly boundary of the Haynes Slough County Road: thence Northeaster's along said county road boundary, 360 feet to the East boundary of Section thence North along the East boundary of said Section 13,820 feet to the point of begins Reing a portion of the East half of Section 13, Township 24 South, Rance 12 West of the Williamette Heridian, Coos County, Oregon.

ALSO, Reginning at the meander corner of the right bank of Haynes Slough on the West boundary of Section 18, Township 24 South, Range 12 Vest of the Willamette Meridian, Go. County, Oregon; thence North 381 feet to an igon boil 1 inch in diameter, 18 inches low in the ground: thence South 289 43° Tast, 352 feet, here or less, to the right bank of 1 years Slough: thence downstroam along said bank to the point of beginning.

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WARRANTY DEED

THON ALL HER BY THESE EPESENTS, That WILLIS A. SUTTON KNOW ALL MEN BY THISE TRESENTS. That WILLIS A. SUTTON and LURA JUNE SUTTON, husband and wife, hercinafter known as the content of the sutton of the sutton and wife, retrinafter known as a subject of the sutton and wife, retrinafter known as a subject of the sutton of the support of the subject of the support of the supp the Grantees, their bears and assigns, all the following real projects, with the tenements, hereditaments, a properties and assigns situated in the County of Coos, State of Dregon, bounded and with the first and the County of Coos, State of Dregon, bounded and with the first and the County of Coos, State of Dregon, bounded and with the County of Coos, State of Dregon, bounded and the County of Coos, State of Dregon of Coos, State o 35 follows, to-witt.

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couth 16 1. 1. 52.23 feet; thence South 0° 12.30° kest, 83.66 freel thence 5° 11.30° East, 92.30° kest, 83.66 freel thence 5° 11.30° East, 92.73 feet to an iron 100, thence North 211.39 feet to an iron 100, thence North 211.39 feet to an iron 100, thence North 211.39 feet to an AT East desc. 1, 1056.82 feet to an iron 100 kerterly boundary of feet to an iron 100 kerterly boundary of Fast, 195.69 feet to Merterly boundary of Fast, 195.69 feet to make the property thence Northeasterly 150 kerterly 100 kerterl

feet to an in mipe; thence South 76° 32° feet to an in mipe; thence South 76° 32° feet to an in mipe; thence South 76° 32° feet to an in mipe; the Haynes Slouth County Road; thence Northeasterly along said county road boundary, 380 feet to the along said county road boundary. along said county road noundary, saw seet to the East boundary of Section 13; thence Korth along

Marranty Deed - 1

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MANSON thy; with the telebrate, heren Alip County of goto and State critical real property; and the right arising and stenes the together with the sign of in together with the signs of imprise and spreas for said purposes. The aforesaid states from the said to said said and

by the led howers as the there as of horacly four (24) doubt of though the and in Com County', Congress . . WARRED CONTRACTOR PSANCE DE COUT. COTT

NAUSON PATENT - JAN. 21,1892 The United States of Associan, However level to whom these presents shall come beauting: Application 4317. Whereas There has bondeposite in the Remod Lang Office of the Unite States a Contident of the Register of the have office at Rowling Ore gon wherein it reppears that becoment to the Ast of language approved 20th they 1862, " To decree Home State Lo, takent Sollhis on the Colle Domin," and the arts Supplemental thereto, the Claim of Charles & love near leas being tollished is meduly consermented, in compounty to the for the West half of the West half of the alouth inestation ates of section therein in a normalist teacost cour stauth in The one the steen West of Bollameth Kendern on the gon Containing right we have The a december the Lord Come to to be a second with bancon de the 1 24 segue foreser Sugar lace of wester a cor weened thater right for the very agricultural, me reductioning or other proglams is no reglete to ditalice it it reserve in reset in consection with such water right as may be recognized and new relieful, the recal custom lane and deen only louds and oles dubid to er to a a fire severe by a tree were code to solved and remove his one thoughter area . It is it which to in level the fittermen beach of much as promise to on that the I the mount better or ileaded to the blowled hick state was were rause live without to be small balant and the And She to seral reend Color to be be seemed affected. we will ster was no at level to pringling the third day of June in the good A to see the thousand right and well known to a and fle South if the it relate states the one kunder and figureth. 1 by the & elicant: Benjamin Harrison. South By whim Ho Farking and herety. vande Volis Soje 355. I. M. Barrand, Rounder of the bound Line office werder lanny kit 1892. Consig Chat

the said Tract shows described; To MAYE AND TO HOLD THE same, together with all the vight. in conformity with the several sets of Congress in such case made and previded, NAVE SIVES BOR KHOR IE. Inc. the United States of America, in considering of the Press. INNU CHPICR by the Surveyor General, which said Sreet has been Purchased by the said John Land. 1304 BOOK according to the Official Plat of the Survey of the said Lands, returned to the SHEEMAL descrive the bore borning one Britishes select in the contesting one patent to the part series thereit the Bouth-west quester of the forth-warf in Township twenty-ass Bouch of rote traine s and here making provide provided for the male of the Public Land" and the sets supplemental [004] 9800 half-light of the provisions of the Act of Congress of the Seth of April, 1650, endiffer 15435# ##3 end bies and by she need sen TERMAN INT tend essenge it yesterne, negation then and the printer of the 1 011m 01E solida itano chara se the unitable sections of the kind of the Research of the Leville Science of the Contract ut ottena WHIREAS John Lane of Dougles County, Oregon, has deposited in the TO MIT TO WHOM THESE PPERSONS STALL COME, STREETING: to kaumon THE DRILED STATES OF AMERICA, . 10 43930 "Jepues " 3 T eued .uoPean dos otrana Asecon (JAES) THE BELLOW COLLEGE CLERK! IN NI : 9061'HZ Assurer pepacoes P.W. Nenson 3 300 (qne ATTMENS AND PROOF BOOK AND THE THE POST SPORT SPORT MARKEUR 100011044 SIN SOLDH get part of men and transfer of the entity beet the specific and an energy of the sub-TI DUE and his own news thereunder as attorney in fact for said Job Commeti, and that he executed ty t. we we will all the transfer and the state of the common to the second as principles the retained the received the second s DINKING A the will show the apparence of the fire intermentable of the control of the contr TO HAY bediaseab facibitation is personally known of the the identities included the constituent, the personal process of the constituent of the personal process of the personal per ete elluen Letter interstitued a gotery bublic for Gregoripensonally eppeared the show and within TOU UNION on this lath dey of Jaminty, 1905, at D uglas Courty, Oregon, before DOG BILL rue jeej™noù ga Kaulicz COMAGA DU ு முறிச்சுப்பூர் சிருச்சுப் DOLLANG, . Shart at gentoisk inniffmelt. C. L. Mela Carundeen welleto a 4 / 0.3*20104 AUVEST. TO SOLUMN SAL SUS U. 110mm403 40F "GOUTHER TO A SECOND IN THE STORY OF THE PARTY OF THE SECOND AND THE SECOND ASSECT A SECOND A SECOND ASSECT A "Wekepaseta estato inimet tie most esea enpusjep to case the see that be selected and the transporter and the state of the beautiful desiration and the selected and th JOH COMOP bies to sigule set at serve end at an tentitated bies standans. The end differ and differ . Debtosen , pus of the medeau op themselves. And the set to be connected to meteby consumers to much Lett Pded, The selfand blee and offur, assessmentings that Alle, assisted that Gion of Cua Cyak of AR PERION Lenge 13 mest B. B. 01 6no 10 he horize-east greef of the South-cast greefer (will of the location 13 Tp. de South presents to hergeth, self and convey with Cherles E. Hansen the following described premises to-we unasey eq eses at the but but but but bottemper to bit bettimes perfected and but but ever DINOS DATE THIS INTERTAINED WINDERSTER, That Job Correction single men, for the consideration of 11/1 35 NO MY 3W 330436800 DVAY CIOSTIVA cyete 10 Wotery Public in and for the State of California Wotery Public in and for the State of Benta Berbers. Chees Weterin, County Jest : (SEAL) punos es : 'SB61 '/Z Arentrer pepasoses afoad eus Siven whiler my hand and official seal this 30th day of August A.D.1902. to pemper .benetimes alered; secorne ben 19892 DUE eecs od? Tol book him you wastillov bins cort old as ome od? beloce him beingle od tod? FLT Term es begbeinomine bra, memustant missim eds metuesme ode bne mi bedienseb isubivibni eds PURC PERS brid on of, members a, filemanco doù benesque vilenceraq en enclad, SOCI.C.A, taugua le California duly commissioned, smorn and qualified, do hereby certify that on the Josh day DETAIL OR

009

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP OCK NAME Sour COMST	# 17 UNADJUDICATED AREA ? UES
RECEIPT # 96017	s w r number 543
CHECK ENCLOSURES	PRELIMINARY DATA BASE ENTRY
ACKNOWLEDGEMENT LETTER	ENTER ON STREAM INDEX
CHECK QUADRANGLE MAP	CHECK GLO PLATS
WATERMASTER CHECKLIST	PUBLIC NOTICE PUBLICATION
township, range, sect: north arrow CWRE stamp disclaimer date survey was perfor P.O.B. of survey	itch, etc.) ion rmed ty of diversion system title
WATER RIGHT RECORD CHECK	FIELD INSPECTION
FINAL FILE REVIEW FIN	NAL DATA BASE ENTRY
ENTER ON PLAT CARDS	Don- 12/8
C:\WP51\SWR\CHCKLIST.1 7-30-92	Jem Simpson (Assist W.M.) at Cognille called and wanted for know how too what the proorty date was. I told him we would be contacting the applicant and would contacting the applicant and would keep him (Jim) aware of anythis keep him (Jim) aware of anythis

Oregon

March 30, 1995

WATER
RESOURCES
DEPARTMENT

RONALD E STUNTZNER PO BOX 118 COOS BAY OR 97420

RE: SWR-543

Dear Mr Stuntzner,

This will acknowledge the receipt of the map and report to support the pre-1909 vested water right claim in the name of DANE SMITH you returned with corrections and completions. I have added the map and report to the file. Thank you for your attention to this matter. If you have any questions, please give me a call.

Sincerely,

Don Knauer

Adjudication Specialist

M:\W\S\C\5\SWR-0543.002



STUNTZNAZ-126

2-13-95 SWR 543

STUNTZNERS WAI mas & inpo

we kin

TO: WATER RIG

3-16-95

FROM: DON KN

Tun cours to say THE

SUBJECT: PRE-1

Alright you guys, this is to get the maps, reports

t is, it's time er Resources

Department. There's tank around the office of putting together _ with a tough leader to travel around and retrieve the required documents.

You may remember, I reviewed maps for compliance with Oregon Revised Statutes and Oregon Administrative Rules submitted to support pre-1909 vested water right claims. For the past few months and up to a year ago I have returned maps, requested mylars, asked for clarification, and asked for reports. Some of these files are getting stale.

It is very important that you give me something, preferably the map, mylar, report, etc. but at minimum you must give me a submittal date. The review of the files cannot be completed without the map, report, etc. It is a determent to the claimant, your client, for this issue to go unresolved.

If you need copies of anything in the files, just let me know. I have hand written below the file numbers of those I returned to you. The toll free number is 1-800-624-3199.

j:/wp51/swr/claimant/cwrememo.94

SWR-441 GRARHART

9-15-94 RON TOOK SMNTZLAZ Octo 932, 199 a. wax



December 29, 1993

WATER
RESOURCES
DEPARTMENT

RONALD E. STUNTZNER P.O. BOX 118 COOS BAY OR 97420

RE: File# SWR-543

DEAR RONALD E. STUNTZNER,

The Water Resources Department (WRD) received a little over 600 surface water registration statements in December, 1992. All of the files have been set up and reciepts for the fees have been sent. The next step is to insure the maps received in support of the claims are acceptable based on Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR).

I am returning the map you prepared for Dane Smith. You will find the item which requires completion or correction shown below. I have the description followed by the ORS or OAR site and paraphrased statute or rule.

diversion point location ORS 539.240 (2) (d) (A) "...in reference to an established corner

of the US public lands survey or recorded subdivision..."

diversion point size OAR 690-28-025-(4)-(c) "The dimensions and capacity of any

existing diversion systems."

paper OAR 690-14-170-1 "...in ink on permanent-quality linen or 0.003-

inch mylar..."

 $^{1}/_{10}$ acre OAR 690-28-025-(4)-(d) "The number of acres irrigated in each

quarter quarter shall be shown to the nearest tenth of an acre."

It appears the scale is actually 1"=400' rather than 1"=800'. And the final map must be on mylar or the like.

You must return the map before the claim can be processed. If you cannot have the map to the WRD within 60 days, please inform me as to when it can be expected. Please mark all correspondence with the file number.

As always, if you have any questions, please give me a call.

Sincerely,

Don Knauer

Adjudication Specialist

Enclosures

J:\WP51\SWR\CLAIMANT\5\SWR-0543.00M



April 23, 1993

WATER
RESOURCES
DEPARTMENT

DANE SMITH 265 HAYNES WAY NORTH BEND OR 97459

Dear MR SMITH,

This will acknowledge that your Surface Water Registration Statement in the name of DANE SMITH has been received by our office. The fees in the amount of \$400.00 have been received and our receipt #96017 is enclosed. Your registration statement has been numbered SWR-543.

Our office will review your form and map in the near future. If necessary we will schedule a meeting with you that will include a site inspection. If there are problems with your form we are usually able to take care of them during our visit. We will be able to answer any questions you might have about the adjudication process at that time.

Please feel free to contact this office if you have any questions.

Sincerely,

Don Knauer

Adjudication Specialist

Enclosure

J:\WP51\SWR\CLAIMANT\5\SWR-0543.001



STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 96017

3850 PORTLAND ROAD NE SALEM, OR 97310

ECEIVED FROM:		March	1	LICATION	
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eu. oi	AFON. # OTHER ARCHITEN		TRA	ANSFER	
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842.010	ADJUDICATIONS				\$ 1/20
831.087	PUBLICATIONS/MAPS				\$ /
830.650	PARKING FEES Name/month				\$
	OTHER: (IDENTIFY)				\$
REDUCT	TION OF EXPENSE				
		CASH ACCT.			\$
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03-00-0	WHD OPERATING ACCT				
	MISCELLANEOUS:				
840.001	COPY FEES				\$
850.200	RESEARCH FEES				\$
880.109	MISC REVENUE: (IDENTIFY)				\$
520.000	OTHER (P-6): (IDENTIFY)				<u> </u>
	WATER RIGHTS:	EXAM FEE	_		RECORD FE
842.001	SURFACE WATER	\$	842	2.002	<u> </u>
842.003	GROUND WATER	\$	842	2.004	<u> </u>
842.005	TRANSFER	\$	84	2.006	\$
	WELL CONSTRUCTION	EXAM FEE	-	,	LICENSE FE
842.022	WELL DRILL CONSTRUCTOR	\$	842	2.023	S
842.016	WELL DRILL OPERATOR	\$		2.019	\$
	LANDOWNER'S PERMIT		842	2.024	\$
06-00-0	WELL CONST START FEI	Ē			
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	MONITORING WELLS	\$	7	CARD #	
45-00-0	LOTTERY PROCEEDS				
864.000	LOTTERY PROCEEDS				\$
07-00-0	HYDRO ACTIVITY	LIC NUMBER	1		
842.011	POWER LICENSE FEE(FW/WRD)]	[\$
842.115	HYDRO LICENSE FEE(FW/WRD)		1		\$
	HYDRO APPLICATION				\$