

05/26/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-5

NAME AND ADDRESS: NORTH SIDE CANAL CO LTD
921 N LINCOLN AVE
JEROME ID 83338

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 300.000 CFS

PRIORITY DATE: 12/23/1915

POINT OF DIVERSION:

T10S R21E S22 SESE Within JEROME County

T10S R21E S28 SWNW Lot 5 Within JEROME County

T10S R21E S28 SWSNW Lot 5 Within JEROME County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

3/15 11/15

300.000 CFS

PLACE OF USE:

155787 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use is within the area served by North Side Canal Company.

Use of the rights listed below is limited to the irrigation of a combined total of 155,787 acres in a single irrigation season. Combined Right Nos.: 1-5, 1-16, 1-210, 1-212, and 1-213.

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

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

Water is delivered through North Side Main Canal, Milner Gooding Canal, and P A Lateral.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

1-5

Water Right Number - A36-02147

Adj. Flag Translation: Adjudication Temporary Work Area Old (D) Number - 22339

*** C - CURRENT OWNER ***
KINCAID

JAMES RAY

1 - 2575 E. 1200 S.
2 -
3 -

City- HAZELTON
Phone - 208-829-5146

State- ID Zip- 83335

Priority Date - + 08/28/1951 17 Region - +

License - + L -

Status - +

Source - + GROUNDWATER

Tributary - +

Twn	Rng	Sec	Tract	Lot	R1g	County	Point of Diversion	Stream Index (Blank if no Index Code)
10S	21E	20	NW NE		(53)	JEROME		

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15		2.180	

Total Div. Rate - + 2.180 Total Div. Volume - + Total Div. Capacity - + Total Consumptive Use - + KW Usage - +

510

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
10S	21E	20	NW NE		40.0	01	IRRIGATION		(53) JEROME
10S	21E	20	NE NW		40.0	01	IRRIGATION		(53) JEROME
10S	21E	20	NW NW		40.0	01	IRRIGATION		(53) JEROME
10S	21E	20	SW NW		10.0	01	IRRIGATION		(53) JEROME
10S	21E	20	SE NW		40.0	01	IRRIGATION		(53) JEROME

Total Acres: 170.0

P/U for this claim Canal Corp.

Acres

Diversion Means - WELL AND PUMP, GRAVITY FLOW.

Non-Irrigation Use -

Other Rights for Same Use - NORTHSIDE CANAL, A36-02370

REMARKS - WELL IS NOT THE PRIMARY SOURCE OF WATER BUT IS STILL IN USE.

Old Water Right Numbers - No Old Water Right Numbers found.

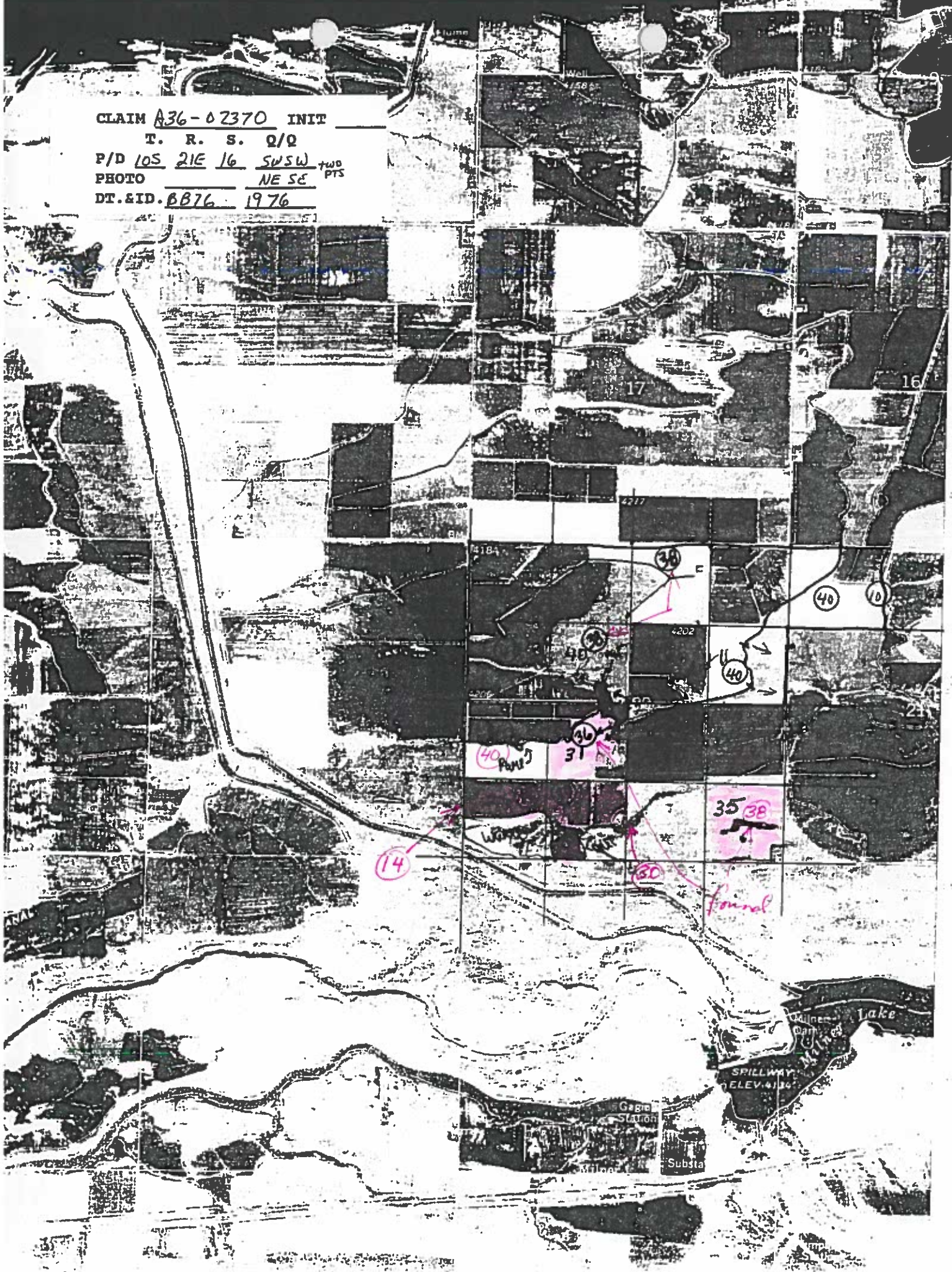
CLAIM A36-02370 INIT

T. R. S. Q/Q

P/D LOS 21E 16 SWSW ^{two} _{PTS}

PHOTO NE SE

DT.&ID. BB76 1976



NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 1-5

NORTH SIDE CANAL COMPANY
921 NORTH LINCOLN AVENUE
JEROME ID 83338
(208) 324-2319

SCANNED
JUN 02 2005

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

NSCC disagrees with the number of irrigated acres identified in the proposed recommendation.

2. Describe the changes you wish to make in the proposed recommendation:

The number of irrigated acres should be recommended as claimed 161,369.61. NSCC is currently in the process of modifying IDWR's initial ArcView shapefile to accurately reflect the total number of irrigated acres within the project. The updated information will be provided to IDWR in an electronic format as soon as possible.

In addition, the following remark should be added to accurately describe NSCC's water delivery system:

Water diverted pursuant to this right and water right nos. 1-16, 1-210, 1-212, 1-213, 1-215, and 1-220 is conveyed through and stored in the Main Canal, the Milner-Gooding Canal, the P A Lateral, Wilson Lake, numerous canals, laterals, coulees, and regulating ponds located throughout the project.

3. Give a brief explanation as to why you disagree with these portions:

The preliminary recommendation incorrectly identifies 155,787 total acres within the place of use.

RECEIVED
JUN 01 2005

I AGREE with this proposed recommendation: no changes need to be made.

DATE: May 26, 2005

SIGNATURE: Ted Diehl

Department of Water Resources
Eastern Region

Please print your name: Ted Diehl

PROCESSED

WMT
5/12

SD-0601-2 Last Name: NO SIDE CANAL

STATE

S	First	O	Water	Priority		Total	Use
L	Name	N	Right No.	Date	Source	Diversion	Code Desc
-	NORTH SIDE CANAL COMPANY LTD						
-		C	36-14904	03/15/1950		0.040	04 STOCK
-		C	36-14905	03/20/1948	GROUNDWATER	0.040	43 DOMEST
-							04 STOCK
-		C	36-14903	10/20/1948	GROUNDWATER	0.040	43 DOMEST
-							04 STOCK
-		C	36-14901	01/30/1943	GROUNDWATER	0.040	43 DOMEST
-							04 STOCK
-		C	36-14902	11/11/1957	GROUNDWATER	0.040	43 DOMEST
-							04 STOCK
-	NORTH SIDE CANAL COMPANY LTD.						
-		C	A01-00005	12/23/1915	SNAKE RIVER	300.000	01 IRR
-		C	A01-00016	08/06/1920	SNAKE RIVER	1260.000	01 IRR
-		C	A01-00210Z0	10/11/1900	SNAKE RIVER	400.000	01 IRR
-							02 IRR S
-							03 IRR FS

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+ American Falls Res. Dist = A01-00006

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NOV 25 2005

STATE

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SD-0601-2 Last Name: NO SIDE CANAL

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SE L	First Name	OWN	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc

NORTH SIDE CANAL COMPANY LTD.							
		C	A01-00213	06/16/1908	SNAKE RIVER	890.000	01 IRR
		C	A01-00220	06/29/1910	SNAKE RIVER	3000.000	01 IRR
		C	A01-02064C	03/30/1921	SNAKE RIVER	387814.000	02 IRR S
							03 IRR FS
		C	A01-10042B	03/29/1921	SNAKE RIVER	9400.000	02 IRR S
							03 IRR FS
		C	A01-10045B	05/24/1913	SNAKE RIVER	312007.000	02 IRR S
							03 IRR FS
		C	A37-13378	03/20/1948	GROUNDWATER	0.040	43 DOMEST
							04 STOCK
		C	A37-13379	05/12/1956	GROUNDWATER	0.040	43 DOMEST
							04 STOCK
		C	A37-13380	06/02/1955	GROUNDWATER	0.040	43 DOMEST
							04 STOCK
		C	A37-00507	06/15/1890	BIG WOOD RI	15.000	01 IRR

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NOV 25 2005

SD-0601-2 Last Name: NOR SIDE CANAL

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
---	NORTH SIDE CANAL COMPANY LTD						
---		C	A36-14904	03/15/1950	GROUNDWATER	0.040	43 DOMEST 04 STOCK
---		C	A36-14900	03/02/1949	GROUNDWATER	0.040	43 DOMEST 04 STOCK
---		C	A36-14901	01/30/1943	GROUNDWATER	0.040	43 DOMEST 04 STOCK
---		C	A36-14902	11/11/1957	GROUNDWATER	0.040	43 DOMEST 04 STOCK
---		C	A36-14903	10/20/1948	GROUNDWATER	0.040	43 DOMEST 04 STOCK
---		C	A36-14905	03/20/1948	GROUNDWATER	0.040	43 DOMEST 04 STOCK
---		C	36-14900	03/02/1949	GROUNDWATER	0.040	43 DOMEST 04 STOCK
---		C	36-14904	03/15/1950	GROUNDWATER	0.040	43 DOMEST

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MICROFILMED
NOV 7 1994SCANNED
NOV 25 2005

1 John A. Rosholt
Gary D. Slette
2 ROSHOLT, ROBERTSON & TUCKER
P. O. Box 1906
3 Twin Falls, Idaho 83303-1906
Telephone: (208) 734-0700
4 4742p/shs/1-2-92

5
6
7
8 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
9 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

10 * * * * *

11 In Re the General Adjudication)
12 of Rights to the Use of Water)
13 from the Snake River Basin)
Water System.)

CASE NO: 39576

14 The State of Idaho, ex rel.)
15 A. Kenneth Dunn in his official)
capacity as director of the)
16 Idaho Department of Water)
Resources,)

NOTICE OF
APPEARANCE

17 Petitioner,)

18 vs.)

19 The United States; the State)
20 of Idaho; and all claimants)
to the use of water from the)
21 Snake River Basin Water System,)

22 Defendants.)

23 * * * * *

24 COME NOW, TWIN FALLS CANAL COMPANY, NORTH SIDE CANAL
25 COMPANY, LTD. and AMERICAN FALLS RESERVOIR DISTRICT, by and
26 through their attorneys, John A. Rosholt and Gary D. Slette of

MICROFILMED
NOV 17 1994
SCANNED
NOV 25 2005

1 the firm of ROSHOLT, ROBERTSON & TUCKER, and, pursuant to Order
2 of this Court entered December 17, 1991, enter their appearance
3 in the above-captioned case.

4 DATED this 2nd day of January, 1992.

5 ROSHOLT, ROBERTSON & TUCKER
6 P. O. Box 1906
7 Twin Falls, ID 83303-1906

8 *John A. Rosholt*

9 JOHN A. ROSHOLT

10 *Gary D. Slette*
11 GARY D. SLETTE

12 CERTIFICATE OF MAILING

13 I hereby certify that on this 2nd day of January,
14 1992, I caused to be served a true copy of the foregoing NOTICE
15 OF APPEARANCE by the method indicated below, and addressed to
16 each of the following:

17 Larry Echohawk
18 Attorney General
19 State of Idaho
20 Statehouse, Room 210
21 Boise, Idaho 83720

✓
____ U.S. Mail, Postage Prepaid
____ Hand Delivered
____ Overnight Mail
____ Telecopy (Fax)

22 David Shaw
23 Adjudication Bureau Chief
24 Idaho Department of Water
25 Resources
26 1301 North Orchard
27 Statehouse Mail
28 Boise, Idaho 83720 (6 copies)

✓
____ U.S. Mail, Postage Prepaid
____ Hand Delivered
____ Overnight Mail
____ Telecopy (Fax)

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SCANNED

NOV 25 2005

1 Peter C. Monson, Esq.
2 Assistant Attorney General
3 U.S. Department of Justice
4 Land and Natural Resources
5 Division
6 Indian Resources Section,
7 Rm. 6317
8 P. O. Box 44378
9 Washington, D.C. 20026-4378

✓

U.S. Mail, Postage Prepaid
Hand Delivered
Overnight Mail
Telecopy (Fax)

6 Don A. Olowinski
7 HAWLEY, TROXELL, ENNIS
8 & HAWLEY
9 P. O. Box 1617
10 Boise, Idaho 83701

✓

U.S. Mail, Postage Prepaid
Hand Delivered
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John A. Rosholt

JOHN A. ROSHOLT

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NOV 25 2005

North Side Canal Co LTD

Service Area Boundary

Water Right No.:

- 01-5
- 01-16
- 01-210
- 01-212
- 01-213
- 01-215
- 01-220



01-5
01-16
01-210
01-212
01-213
01-215
01-220

SCAN

NOV 25 2005



GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: E. Carlsen
Date: April 2005

04/05/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-5

NAME AND ADDRESS: NORTH SIDE CANAL CO LTD
921 N LINCOLN AVE
JEROME ID 83338

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 300.000 CFS

PRIORITY DATE: 12/23/1915

POINT OF DIVERSION:

T10S R21E S22 SESE Within JEROME County

T10S R21E S28 SWNW Lot 5 Within JEROME County

T10S R21E S28 SWSNW Lot 5 Within JEROME County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 - 11/15	300.000 CFS

PLACE OF USE:

155787 ACRES TOTAL

Place of use is within the area served by North Side Canal Company.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Use of the rights listed below is limited to the irrigation of a combined total of 155,787 acres in a single irrigation season. Combined Right Nos.: 1-5, 1-16, 1-210, 1-212, 1-213, 1-215, and 1-220.

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

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Water is delivered through North Side Main Canal, Milner Gooding Canal, and P A Lateral.

RECEIVED

AUG 14 1992

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

Department of Water Resources
Southern Region Office

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A01-00005

Date Received: 4/12/1990

Receipt No: S012011

Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: NORTH SIDE CANAL COMPANY LTD. 208-324-2319
Address: 921 NORTH LINCOLN
JEROME ID 83338

2. Date of Priority: DEC 23, 1915

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	21E	22		SE	SE		JEROME
		28		SW	NW		JEROME

5. Description of diverting works:
MILNER DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	300.000		

7. Total Quantity Appropriated is:
300.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
----------	-------	---------	--------	-----	-----	-----	-------

11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

A01-00005

Page 1

Date MAR 20 1993

NOV 25 2005

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13. Other Water Rights Used:
SEE REMARKS

14. Remarks:

ALL THE WATER GOES ON A TOTAL OF 155,787 ACRES AS IDENTIFIED ON CLAIM A01-00212.

OTHER WATER RIGHTS USED ARE A01-00210, -00212, -00213, -00215, -00220, -00016 AND A37-00507, -04240, -04241.

STORAGE RIGHTS A01-10042B, -10045B, -10053A, -10043A, -02064C & -02064D.

P/U WITHIN NORTH SIDE CANAL COMPANY SERVICE AREA.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

BURLEY IRRIGATION DISTRICT ET
Decree Plaintiff

HENRY EAGLE.
vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ Secretary _____ of _____ Title

North Side Canal Company, that I have signed the foregoing
Organization

document in the space below as _____ Secretary _____ of _____ Title

North Side Canal Company and that the statements contained in the
Organization
foregoing document are true and correct.

Ed Eagle
Signature of Authorized Agent

Secretary, North Side Canal Company
Title and Organization

August 11, 1992

Date

A01-00005

SCANNED
Page

2

NOV 25 2005

MICROFILMED
Date

MAR 20 1993

State of Idaho

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 11th day

of August 19 92

Leah D. Eck
Notary Public

Seal

Residing at Twin Falls, Idaho

My Commission Expires 6-18-98

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A01-00005
Date Received: 4/12/1990
Receipt No: S012011
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NORTH SIDE CANAL COMPANY LTD. 208-324-2319
Address: 921 NORTH LINCOLN
JEROME, ID 83338

2. Date of Priority: DEC 23, 1915

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	21E	28	SW	NW			JEROME

5. Description of diverting works:
MILNER DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	300.000		

7. Total Quantity Appropriated is:
300.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	11E	8	SW	NE		IRR	40.0

Section Acres 40.0

Total Acres 40.0

A01-00005

Page 1

Date: 04/27/90

PROTECTED

SCANNED

NOV 25 2005

MICROFILMED

MAR 20 1993

11. Place of use in counties: ELMORE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:

ALL THE WATER GOES ON A TOTAL OF 155,787 ACRES AS IDENTIFIED ON
CLAIM SUFFIXES A01-0021220, Z1, Z2, Z3, Z4 & Z5.

OTHER WATER RIGHTS USED ARE A01-0021020 & Z1, -00213, -00215,
-00220, -00016 AND A37-00507, -04240, -04241.

P/U WITHIN NORTH SIDE CANAL COMPANY SERVICE AREA.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

BURLEY IRRIGATION DISTRICT ETA
Decree Plaintiff

vs

HENRY EAGLE.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

For Organizations: I do solemnly swear or affirm that I am SECRETARY Title
of NORTH SIDE CANAL COMPANY, LTD. Organization, that I have signed the foregoing
document in the space below as SECRETARY Title of NORTH SIDE CANAL COMPANY, LTD. Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Ted Diehl
Title and Organization SECRETARY, NORTH SIDE CANAL COMPANY, LTD. Date 4-5-90

State of Idaho/or Idaho)
County of Jerome) SS.

Subscribed and sworn (or affirmed) before me this 5th day of April 19 90

SEAL

Notary Public Mary D. Carr

Residing at Twin Falls, Idaho

My Commission Expires 3/19/92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, JOHN A. ROSHOLT will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature John A. Rosholt

Address P.O. BOX 1906, TWIN FALLS ID 83303-1906

Date 4/9/90

Last Name NORTH SIDE CANAL Ident. Number _____
COMPANY, LTD.

Copies: White, Staff, Yellow, Claimant
MICROFILMED

MAR 20 1993