

03/26/2003

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

RIGHT NUMBER: 29-94C  
NAME AND ADDRESS: JOSEPH & BETH HOLBROOK TRUST  
21 N 4TH E  
SODA SPRINGS ID 83276  
SOURCE: TOPONCE CREEK TRIBUTARY: PORTNEUF RIVER  
POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM PORTNEUF RIVER.  
QUANTITY: 3.940 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 5.93 CFS. COMBINED RIGHT NOS.: 29-12B, 29-94C AND  
29-2435

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 29-12B AND 29-2435 SHALL  
PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 06/02/1905.

POINT OF DIVERSION:

T06S R38E S24 NESWSE Injection Within CARIBOU County Source: TOPONCE CREEK

T06S R38E S33 SWSESE Within CARIBOU County Source: TOPONCE CREEK

T06S R39E S19 NESWSW Lot 4 Rediversion Within CARIBOU County Source: TOPONCE

CREEK

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/15 09/15          | 3.940 CFS       |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS  
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,  
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE  
USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER  
THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO  
SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY  
DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR  
THIS RIGHT.

PLACE OF USE: IRRIGATION Within CARIBOU County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T06S R39E S29 | SWNE | 37.0 | T06S R39E S29 | SENE | 38.0 |
| T06S R39E S29 | NESW | 40.0 | T06S R39E S29 | SWSW | 38.0 |
| T06S R39E S29 | SESW | 34.0 | T06S R39E S29 | NWSE | 39.0 |
| T06S R39E S29 | SWSE | 11.0 | T06S R39E S30 | SESE | 9.1  |

246.1 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 246.1 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 29-12B, 29-94C AND 29-2435.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 146.6 ACRES WITHIN THE  
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

03/26/2003

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

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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

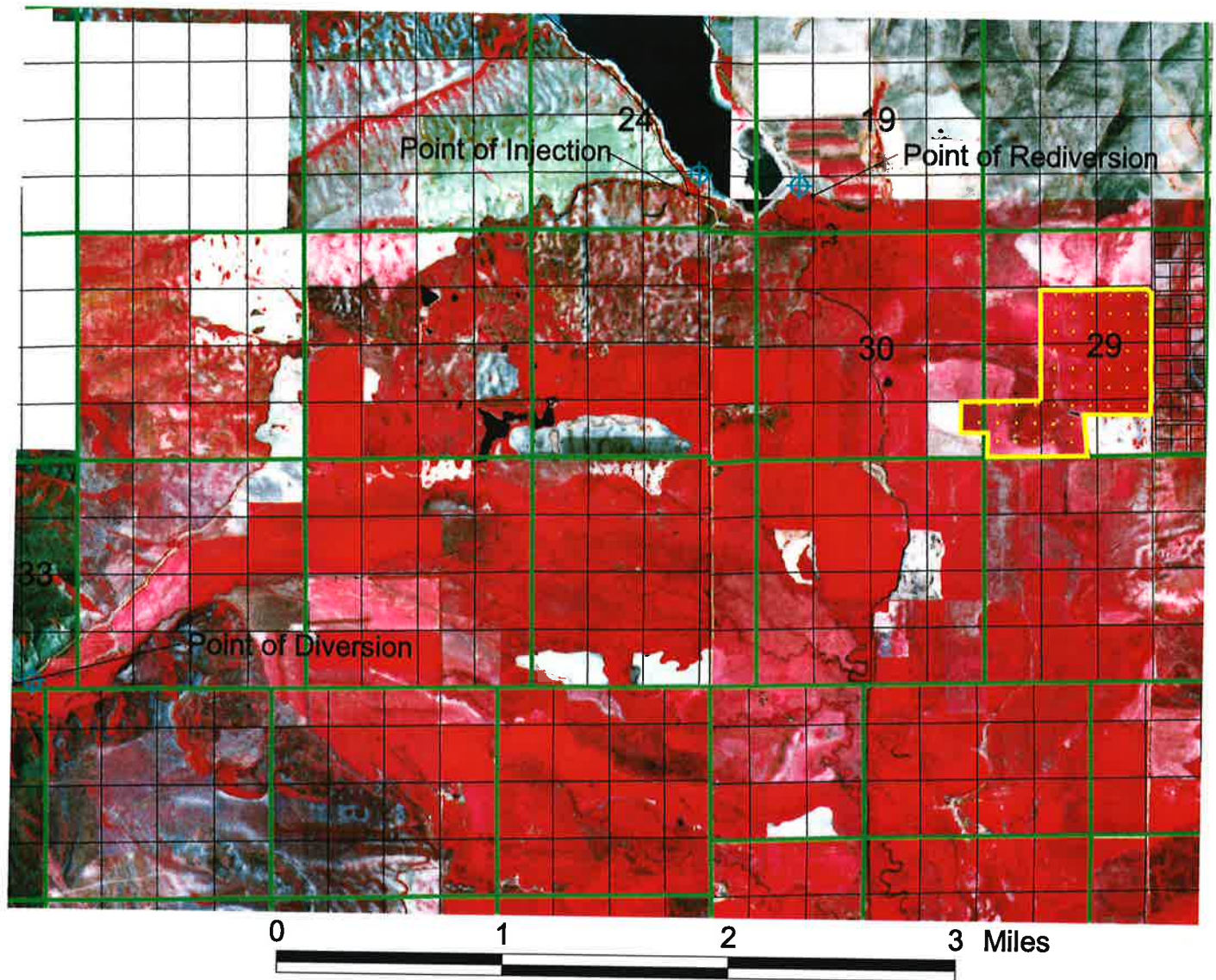
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT  
TO SECTION 42-1425, IDAHO CODE.



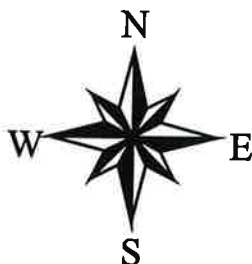
# Department of Water Resources

Claim No: 29-94C



Irrigated Acres = 246.1

-  Place of use.shp
-  Diversion.shp
-  Sections
-  QQ



GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepare by: E. Carlsen  
Date: March 2003

CHESTERFIELD RD

30 29

31 32

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JUN 22 2000

CHESTERFIELD RD

30 29

31 32

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JUN 22 2005

Shape 29-94C. (Red boundary)

CHESTERFIELD RD

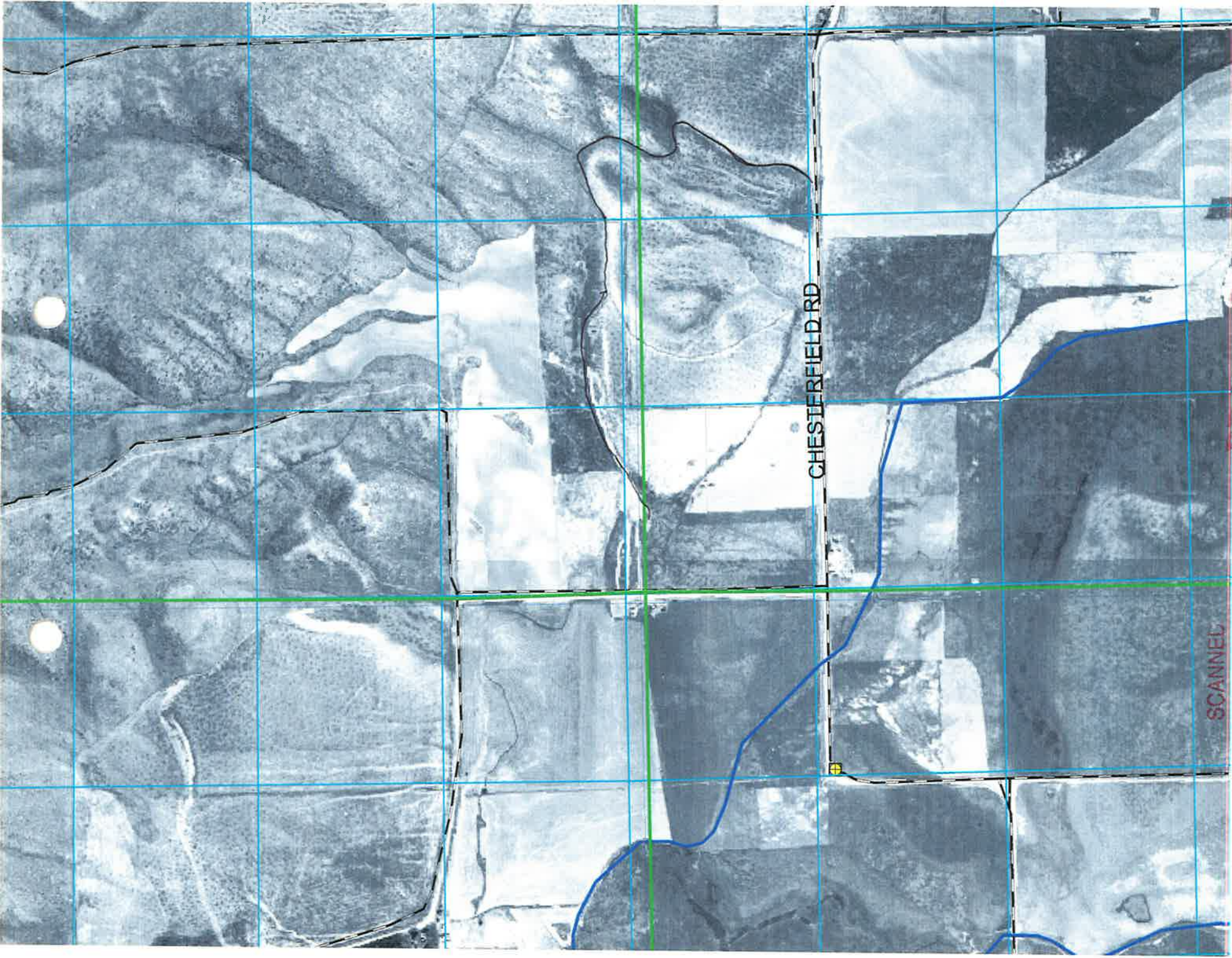
0 29

1 32

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CHESTERFIELD RD

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Summary Data Entry Form

Claim No.: 29-94C

Remarks and Conditions (Include Type, Category and Code if applicable):

C18

G02 Source Remark, Portneuf River

C03

F01 Exp Remark (fuda Canal)

Split or Combined Right Analysis:

Attached Field Notes or Other Documents:

Claim No.:

29-94C

Reviewer

CP  
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Date

2/20/03

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## Notes

2/12/03 - No change in POD, Matches decreed POD.  
The water however, is diverted through  
the feeder canal instead of the  
West or Bringham ditches.

Claimed Pou is also decreed Pou for  
197 acres.

POD: To Ponce @ head of feeder Canal.  
Pt of injection at Reservoir.  
pt of redirection at syphon.

POD changed because the decreed ditch  
was SESE Sec. 33, T 6S, R 39E.  
(West and Brangham Ditch) was plowed  
in and the water is diverted through  
the feeder Canal.

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29-94C.

claim for TOPonce water for the now defunct  
Westside Canal Co.

1/21/03. Per Ernie Carlser, recommend these rights  
and let some come forth with any additional  
Evidence of use or nonuse.

My conversations with Steve Hebdon has been that as  
he remembers this TOPonce water was split equally  
between Floyd Banks, Russell Hebdon & Joe Holbrook.  
from the syphon.

POU claimed under this right was based on the  
decreed POU under the Union Grain & Elevator  
decree.

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71. BUTTERFIELD, A. J.

Chambers 29 0088 1911 June 15. .05 c.f.s. (2.24 inches)  
owned by Chambers?

Said water to be diverted through the Jensen No. 7, sometimes called Jensen Ditch, last above described, for the irrigation of 2.24 acres of land in the West half of the Southwest quarter, Section 34, Township 6, South, Range 38 East.

2.24 Ac.  
W 1/2 SW Sec 34  
T6S, R38E

72. JENSEN, PARLEY P.  
1905. May 19.

Chambers 29 0084 1.0 c.f.s.  
29-12843

Said water to be diverted through the Jensen No. 7, sometimes called the Jensen Ditch, last above described for the irrigation of 49.9 acres of land in the North half of the Southwest quarter, the Southeast quarter of the Northwest quarter, the Northwest quarter of the Southeast quarter, Section 34, Township 6 South, Range 38 East.

49.9 Ac.  
N 1/2 SW  
SENE  
NWSE

73. JENSEN, BEN D.  
1902 June 18.

1.88 c.f.s.

Said water to be diverted through the West and Brangham Ditch, which diverts from Toponce Creek in the Southeast quarter of the Southeast quarter, Section 33, Township 6 South, Range 38 East. From the Northwest corner of Section 3, Township 7 South, Range 38 East, the point of diversion bears North 42 degrees and 40 minutes East, 652 feet, for the irrigation of 33.2 acres of land in the Northeast quarter of the Northeast quarter; 15 acres in the Southeast quarter of the Northeast quarter; 30 acres in the Southwest quarter of the Northeast quarter, Section 34, Township 6 South, Range 38 East.

SE SE Sec. 33  
0.24 c.f.s./acre  
33.2 ac.  
NENE  
15 SENE  
30 SW NE  
78.2. Ac.

74. JENSEN, PARLEY P.  
1902. June 18.

.07 c.f.s.

Said water to be diverted through the said West and Brangham Ditch, last above described, for the irrigation of 3 acres of land in the Northwest quarter of the Northeast quarter, Section 34, Township 6 South, Range 38 East.

NW NE S34

75. BRANGHAM, GEORGE  
1902. June 18.

1.76 c.f.s.

Said water to be diverted through the said West and Brangham Ditch, last above described, for the irrigation of 73.3 acres of land in the Southwest quarter of the Southwest quarter, Section 26; and the North half of the Northwest quarter, Section 36, Township 6 South, Range 38 East.

76. SESSIONS, KEPLER

29 0088 1906. July 1. .14 c.f.s. ✓  
29 0089 1907. July 1. .22 c.f.s. ✓  
29 0090 1908. July 1. .60 c.f.s. ✓  
29 0091 1909. July 1. .96 c.f.s. ✓  
29 0092 1910. July 1. .29 c.f.s. ✓  
29 0093 1913. July 1. .19 c.f.s. ✓  
Total 2.4 c.f.s. ✓

Said water to be diverted through the said West and Brangham Ditch, last above described, for the irrigation of 100 acres of land in the North half of the South west quarter and the Southeast quarter of the Southwest quarter, Section 26, Township 6 South, Range 38 East.

N 1/2 SW  
SESW  
Sec. 26

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MAY 15 1996

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77. WEST SIDE CANAL COMPANY.

9 0094 1905. June 2. 13.14 c.f.s.  
29 0095 1913. April 1. 3.48 c.f.s.

Banks  
58

Holbrook 197 AC

Said water to be diverted through the West Side Canal, a continuation of the West and Brangham Ditch, Point of diversion, see West and Brangham Ditch, for the irrigation of 692.6 acres of land described as follows: 32.6 acres in the Southwest quarter of the Northeast Quarter, Section 26, Township 6 South, Range 38 East; 58 acres in the Northeast quarter of the Northeast quarter, Section 30; the Southeast quarter of the Southeast quarter, Section 19, Township 6 South, Range 39 East; 25 acres in the Northwest quarter of the Northwest quarter, Section 29; 30 acres in the Southwest quarter of the Northwest quarter, Section 29; the Southeast quarter of the Northeast quarter, Section 30; 60 acres in the West half of the Northeast quarter, the East half of the Northwest quarter, Section 32; 50 acres in the Northeast quarter of the Southwest quarter, the Southwest quarter of the Northeast quarter, the Southeast quarter of the Northwest quarter, Section 32; 40 acres in the Southeast quarter of the Northwest quarter, 32 acres in the Southwest quarter of the Northeast quarter, 30 acres in the East half of the Southwest quarter, 80 acres in the West half of the Southeast quarter, 15 acres in the Southwest quarter of the Southwest quarter in Section 29, Township 6 South, Range 39 East. 40 acres in the South half of the Southwest quarter, Section 3, 35 acres in the West half of the Northwest quarter, Section 10; 15 acres in the Northeast quarter of Northeast quarter; 60 acres in the South half of the Northeast quarter, 40 acres in the Southeast quarter of the Northwest quarter, Section 9, Township 7 South, range 39 East.

T6S, R38E.

65:39E

40 SENW.  
32 SW NE.  
30 E 1/2 SW  
80 SW 1/2 S  
15 SW SW  
197 ac.

T7S, R39E

29 0096 1905. May 19. .05 c.f.s. (2.72 inches)

Chambers  
29-12863

Said water to be diverted through said Jensen Ditch No. 1, which diverts from Toponce Creek, in the Southeast quarter of the Southwest quarter, Section 34, Township 6 South, Range 38 East. From the Southeast quarter corner of Section 34, the Point of diversion bears north, 31 degrees and 40 minutes west, 1504 feet, for the irrigation of 2.72 acres of land, in the Northeast quarter of the Southwest quarter, Section 34, Township 6 South, Range 38 East.

29 0097 1905. May 19. .27 c.f.s. (13.4 inches)

Chambers  
29-12863

Said water to be diverted through Jensen Ditch No. 2, which diverts from Toponce Creek, in the Northeast quarter of the Southwest quarter, Section 34, Township 6 South, Range 38 East. From the Southeast quarter corner of Section 34, the point of diversion bears North, 3 degrees and 15 minutes West, 1350 feet, for the irrigation of 13.4 acres of land in the Northwest quarter of the Southeast quarter, Section 34, Township 6 South, Range 36 East.

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Microfilm

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 29-94C  
Date Received: 12/24/2002  
Receipt No:  
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**



1. Name of Claimant(s)

JOSEPH & BETH HOLBROOK TRUST Phone: (208)547-3450  
21 N 4TH E  
SODA SPRINGS ID USA 83276

2. Date of Priority: 06/02/1905

3. Source: TOPONCE CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
|----------|-------|---------|-----------------------|---------|------|
| 06S      | 38E   | 33      | SW SE SE              | CARIBOU |      |

5. Description of diverting works:

DITCHES, SYPHON AT THE RESERVOIR

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/15 | 09/15 | 3.94   |            |

7. Total Quantity Appropriated is:  
3.94 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 Lot | Use        | Acres |
|----------|-------|---------|----------------|------------|-------|
| 06S      | 39E   | 29      | SW NE          | IRRIGATION | 32    |
|          |       |         | SE NW          | IRRIGATION | 40    |
|          |       |         | NE SW          | IRRIGATION | 30    |
|          |       |         | SW SW          | IRRIGATION | 15    |

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NW SE  
SW SE

IRRIGATION 40 /  
IRRIGATION 40 /

Section Acres 197

Total Acres 197 /

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM REPRESENTS A PORTION OF WEST SIDE CANAL COMPANY, WHICH IS DEFUNCT, WE HAVE MAINTAINED OUR PORTION OF THE RIGHT, THROUGH THE FEEDER CANAL AND SYPHON

OTHER WATER RIGHTS USED: 29-12B, 29-2435

STOCKWATER, 200 CATTLE

15. Basis of Claim: Decreed

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.

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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 29-94CDate Received 12-24-02Receipt Number E 028403

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

DEC 24 2002

Department of Water Resources  
Eastern Region

Please type or print clearly

1. Name of Claimant (s) Joseph & Beth Holbrook Trust Phone ( 208 ) 547-3450  
Mailing Address 21 N. 4th East. Soda Zip 83276
2. Date of Priority (Only one (1) per claim) 6-2-1905
3. Source of water supply (a) TOPONCE Creek  
which is tributary to (b) Portneuf River.
4. a. Location of existing point of diversion is: Township 6S Range 38E Section 33,  
SW 1/4 of SE 1/4 of SE 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of Caribou

Additional points of diversion if any: \_\_\_\_\_

b. If instream flow, beginning point of claimed instream flow is:

Township 6S Range 38 Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,  
Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_  
\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. ditches. siphon at the

reservoir;

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/15 to 9/15 amount 3.94 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 3.94 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is \_\_\_\_\_ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stock, Range Cows, 200 head.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 6S  | 39E | 29  |        |       | 32    |       |        |       |       | 40    | 30     |       | 15    |       |        | 40    | 40    |       | 197    |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 197.

11. In which county (ies) are lands listed above as place of use located? Caribou.

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

29-12B & 29-2435 or None ( )

14. Remarks: This claim represents a portion of West Side Canal Company which is defunct, we have maintained our portion of the right, through the feeder canal & the siphon.

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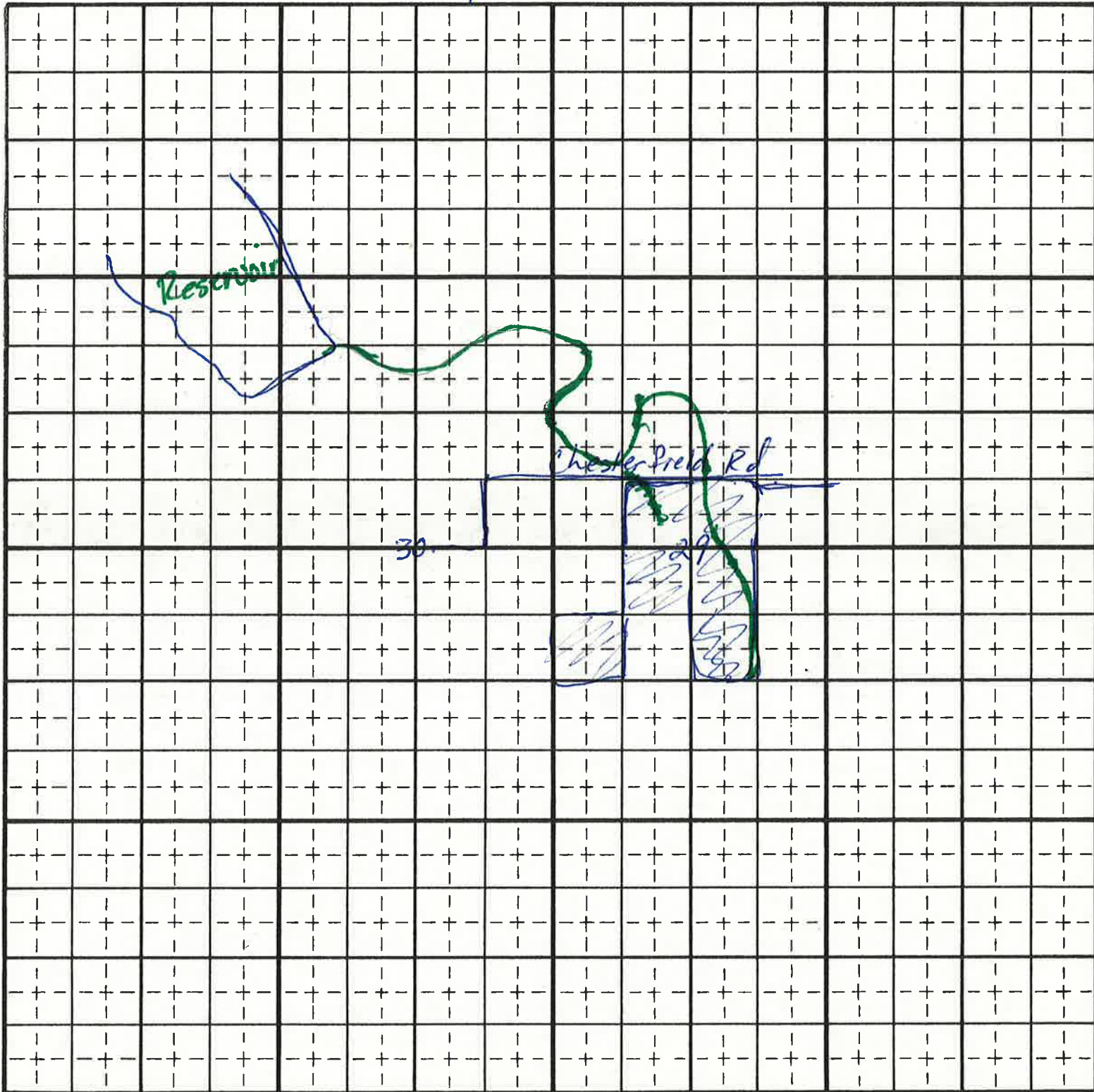
Last Name Holbrook

Ident No. 29-94C

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

T6S, R39E Sec. 29.



# PROFILES

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Last Name

Holbrook

Ident No.

29-94C

*Copies: White-State, Yellow-Claimant*

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_

Decree ☒

If applicable provide IDWR Water Right Number \_\_\_\_\_

Court \_\_\_\_\_ Case Number 2203 Decree Date 8/6/1932

Plaintiff vs Defendant Union Grain Elev vs - McCammon Ditch.

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 0

**For Individuals:** I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Joseph L Holbrook Date 12-23-02

Title \_\_\_\_\_

**For Organizations:** I do solemnly swear or affirm that I am \_\_\_\_\_

of \_\_\_\_\_, that I have signed the foregoing

Organization

document in the space below as \_\_\_\_\_ of \_\_\_\_\_

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )

County of Bannock ) SS.

Subscribed and sworn (or affirmed) before me this 23rd day of December 19 2002



Notary Public Cindy E Bird

Residing at Lava Hot Springs

My Commission Expires May 1, 2007

Please Print Name

17. Notice of Appearance

Notice is hereby given that \_\_\_\_\_ 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 \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

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JUN 22 2005

Last Name Holbrook Ident. Number 29-94C

Copies White-State, Yellow-Claimant