

08/31/2001

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

RIGHT NUMBER: 29-10560

NAME AND ADDRESS: KIRK SWIM
LINDA SWIM
3423 CRYSTAL CREEK RD
POCATELLO, ID 83244

SOURCE: CRYSTAL CREEK TRIBUTARY: RATTLESNAKE CREEK

QUANTITY: 0.03 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 03/15/1915

POINT OF DIVERSION: T08S R34E S30 NENWNE Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
01-01 12-31

QUANTITY
0.03 CFS

PLACE OF USE:

STOCKWATER Within POWER County
T08S R34E S30 NWNE

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Township , 8S34E



 Irrigated Area

 Place of Diversion

 Section Line

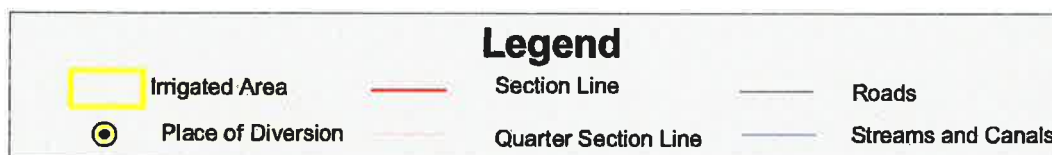
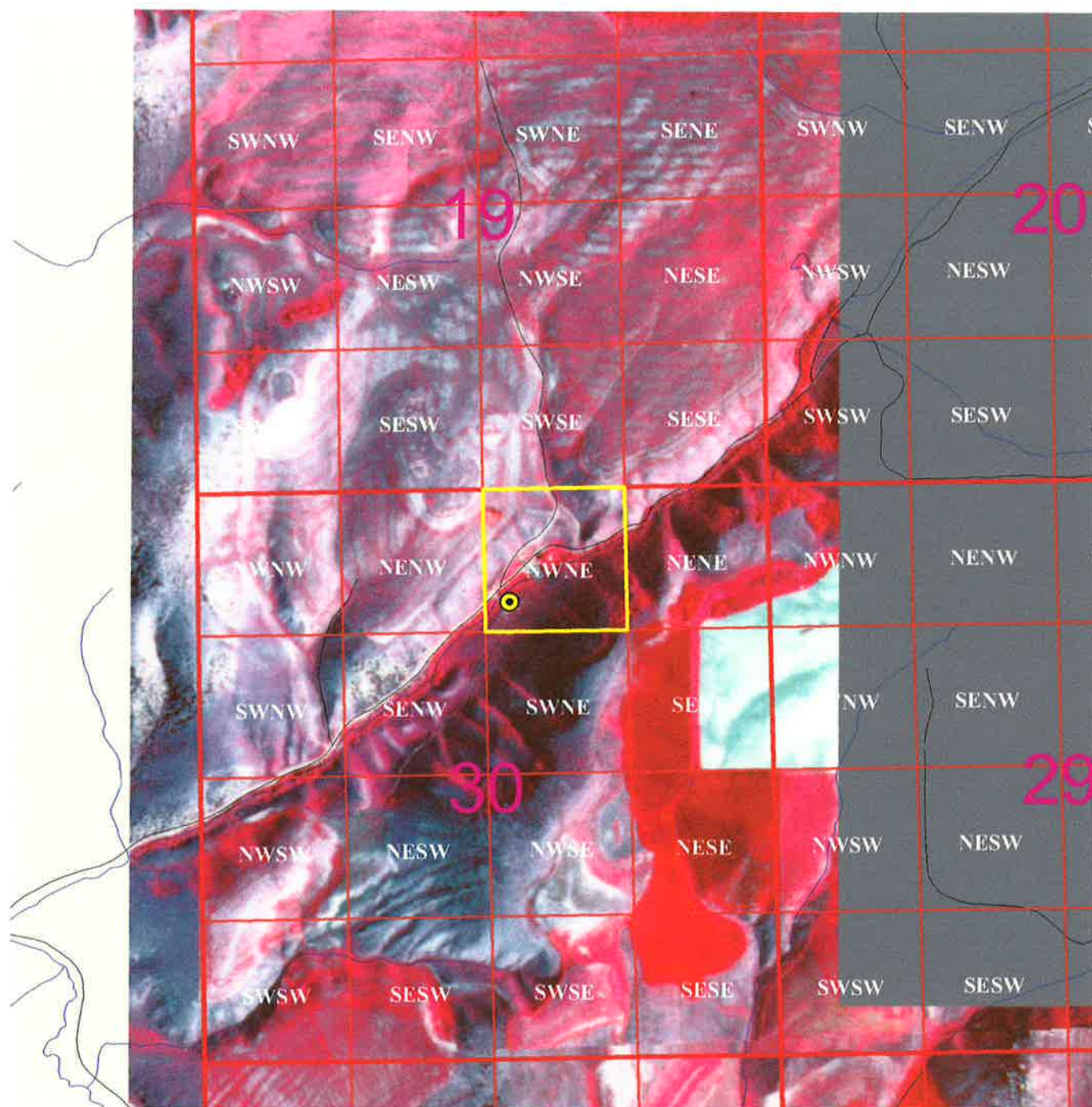
 Quarter Section Line

 Roads

 Streams and Canals



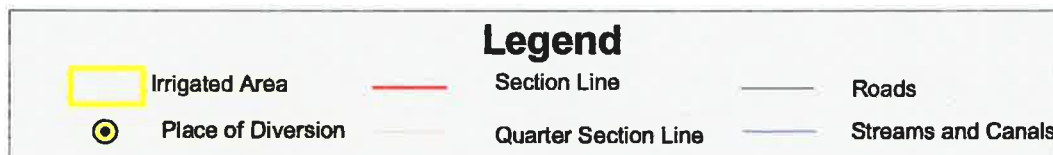
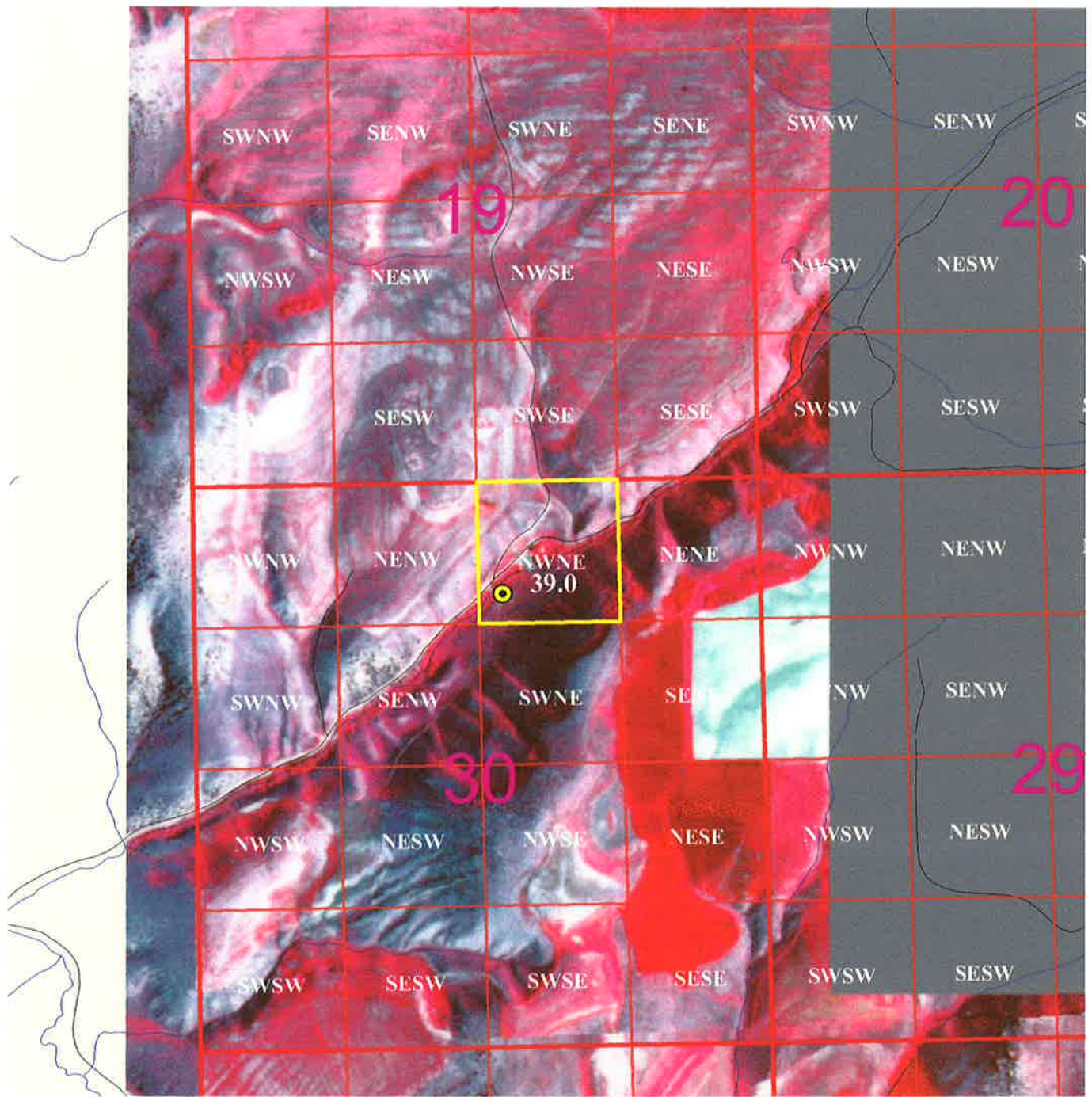
Township , 8S34E



900 0 900 1800 Feet



Township , 8S34E



900 0 900 1800 Feet



AJ5809NP
No. A29-10560

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/23/00
PAGE: 98

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LINDA SWIM	03/15/1915	IRRIGATION	03-15 11-15	0.030 CFS	
C	KIRK SWIM		STOCKWATER	01-01 12-31	0.030 CFS	
	STAR RT 3423 CRYSTAL CREEK					
	POCATELLO ID 83201					
	(208) 335-2153			TOTAL DIVERSION: CONSUMPTIVE USE:	0.060 CFS	3.00 AFA

Water Source: CRYSTAL CREEK
RATTLESNAKE CREEK

Tributary to: RATTLESNAKE CREEK
BANNOCK CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T08S R34E S30 NWNE POWER County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
08S	34E	30	:		01			:					:					:					:	1.0
																							TOTAL ACRES	1.0

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE												
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
08S	34E	30	:		S			:					:					:					:	

POU County: POWER

Non-Irrigation Uses: STOCKWATER, 100 HEAD OF CATTLE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-10558 A29-10558

Remarks: GEN DOMESTIC WELL

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 10/22/92 THOMPSON 03/29/95 POST-STD 04/12/00 CVANDERM 04/13/00 CVANDERM

September 18, 2001

This is a statement in regard to water rights on property now owned by Kirk Swim.

When we purchased the ranch in April, 1971 there was a diversion ditch from Crystal Creek carrying water into the yard for domestic use. This ditch has been used for that purpose and is still in use.

I remember the ditch being used by the original owners but they are deceased. I can only affirm its use by the Swim family since 1971.

Rhea Swim

RECEIVED

SEP 26 2001

Department of Water Resources
Eastern Region



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

Assumptions

Invoice #

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked
Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

0

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description	
Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System

☐

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

☐

New Contact Comments

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IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

6" casing - submersible pump. Tag on casing.

Assumptions

Horse power, pressure head, and elevation head.

Invoice

2000-037-01-0

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked

OD ID 271635 01.JPG

Photos

OD ID 271635 02.JPG

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

0.041158691297574

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
- ☐ Half full
- ☐ More than half full
- ☐ Full

Diameter

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

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Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description	Concrete lined	.016
	Smooth earth	.025
	Earth	.033
	Rough bed, weeds on sides	.04
	Smooth natural stream	.033
	Rough natural stream	.1

Pumped System ☒

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information ☒

New Contact Comments

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State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

September 13, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Kirk and Linda Swim
3423 CRYSTAL CREEK RD
POCATELLO ID 83244

Re: Claim A29-10560

Dear Water User:

Last spring I wrote you requesting additional information or documentation of the use of this water right. I need this information to make an accurate recommendation to the court in the Snake River Basin Adjudication. Because this right has never been confirmed by a court decree or a department investigation, I need documentation that the water uses were developed prior to March 25, 1963 (ground water source) or May 20, 1971 (surface water source).

Please refer to the letter and pamphlet sent last spring, and provide documentation. Remember that affidavits must clearly identify "first person" knowledge (I did..., I saw...) and clearly state when the use of water was first seen by the person.

Feel free to contact me or my supervisor Ernest Carlsen if you have questions.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-10560 V1

Comments:

1. bcontor 8/31/2001 Disallowal

Comment: Irrigation portion disallowed as no evidence of priority has been submitted to verify pre-1971 development. Stockwater coded with "not a determination" language for same reason.

2. bcontor 8/31/2001 Irrigation

Comment: Field inspection and GIS indicates only lawn and garden irrigation, see layout in file. 0.58 acres indicated.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

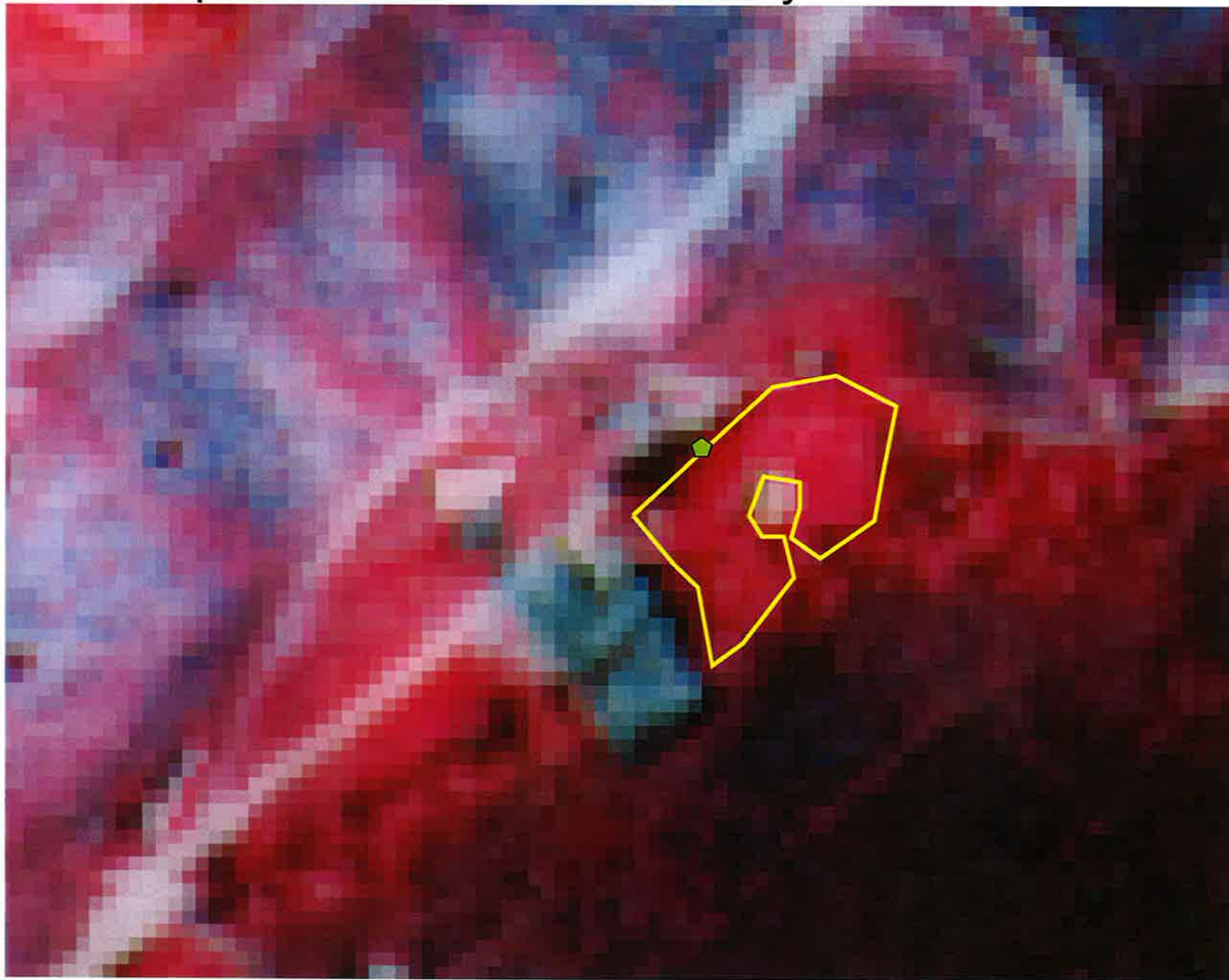
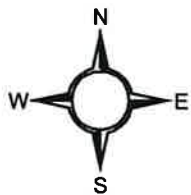
Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	8/31/2001 2:39:26 PM	bcontor			Active
Priority Date	8/31/2001 2:46:51 PM	bcontor			Active
POD	8/31/2001 2:51:24 PM	bcontor			Active
Source	8/31/2001 2:51:53 PM	bcontor			Active
POU	8/31/2001 2:52:22 PM	bcontor			Active
Use	8/31/2001 2:54:19 PM	bcontor			Active
Season	8/31/2001 2:55:08 PM	bcontor			Active
Quantity	8/31/2001 2:55:50 PM	bcontor			Active
Summary	8/31/2001 2:57:13 PM	bcontor	8/31/2001 2:57:13 PM	bcontor	Active

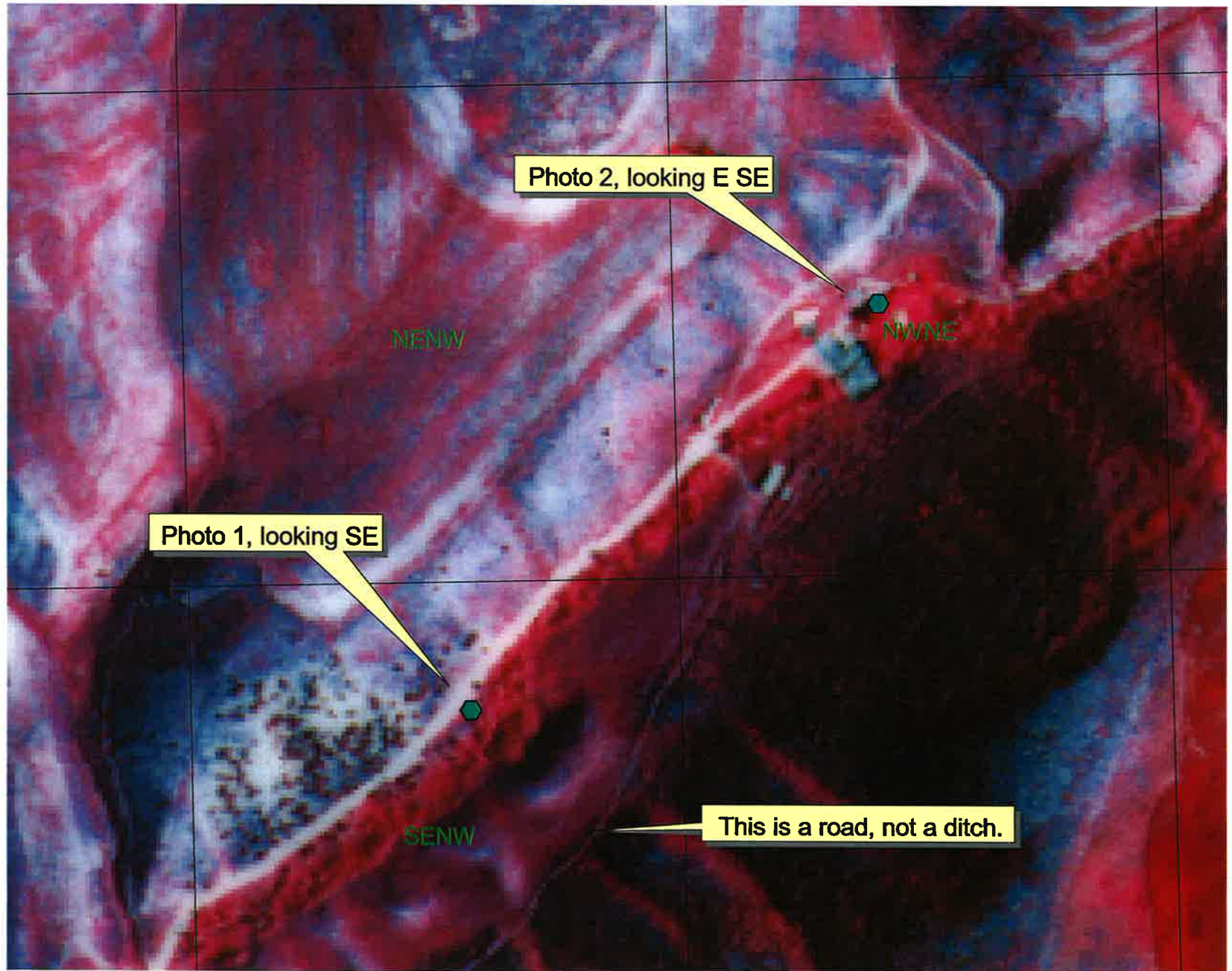
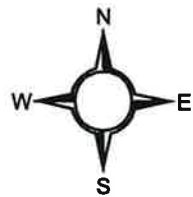
Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	8/31/2001 2:39:23 PM	bcontor	1. Appointment has not been scheduled. Comment for 1: Field inspection completed.

POU map 29-10560. 0.58 acres inside yellow line.



GPS Locations 29-10560
Field Inspection 8/25/2001
8S 34E 30



A29-10560.

Photo of Place of Use, looking East from parking area. GPS location on hood of white pickup. Photo taken 8/25/2001 by B. Contor.



Kitt Alinda Swin Fieldwork 8/25/01

1) Photo showing old ditch on S side of
camp, old pole
Photo from road looking S @
GPS 620612
178724
Waypoint 612

2) No one home. Photo looking E-SE @
house and lawn. No other in. seen
GPS 620943
179055
Waypoint 613

3) I got at and washed. #1 is a
road, not a ditch.

Byron G. Carter 8/25/01

900 N SKYLINE STE A
IDAHO FALLS ID 83402



KIRK AND LINDA SWIM
STAR ROUTE 3423 CRYSTAL CREEK
POCATELLO ID 83201

QW VALUE 
PB3523907
\$00.01 AUG 17 2001
MAILED FROM ZIP CODE 83402

8/17/2001

Dear Water Users:

Tentatively I plan to come to the Arbon area to look at the place of use of a number of water rights. I will plan to do a quick drive-by inspection of your irrigation claimed under number A29-10560.

If you would like to meet me, please give me a call at 525-7161.

Thank you,

Bryce A. Contor

Bryce A. Contor
Senior Water Resource Agent

*I will come
Wed Aug 29*

bcontor@idwr.chs 8/15

Contor, Bryce

From: Contor, Bryce

Sent: Thursday, August 16, 2001 4:52 PM

To: 'gmartin@shoshone-bannock.com'; 'eteton@shoshone-

Subject: Additional claim

There is an additional beneficial use claim in the name of Kirk and Linda Swim for one acre of irrigation from Crystal Creek, tributary to Rattlesnake Creek. The claim number is 29-10560 and the claimed priority date is 3/15/1915. I have not looked at this yet.

Tentatively I'm going to try to go into the field on August 29 to look at these Rattlesnake Creek rights.

Bryce.

MAY 16 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNORKARL J. DREHER
DIRECTOR

May 3, 2001

Kirk Swim
Linda Swim
Star Route 3423 Crystal Creek
Pocatello, Idaho 83201

Re: Adjudication Claim 29-10560

Dear Water User:

Attached is a copy of an Adjudication Claim for a water right near American Falls or Pocatello, Idaho. This claim is based upon "beneficial use." This means that the underlying water right was perfected by the original user simply developing a diversion and using the right. This was completely legal and appropriate up until March 25, 1963, for ground water uses, or up until May 20, 1971 for surface water uses. However, this method of perfecting a water right did not result in a paper record of the water right with the department.

In order to recommend your water right to the court, I need documentation of priority date and beneficial use. The enclosed pamphlet describes some typical sources that may be used. If an affidavit is used, it must clearly show that the person making the affidavit personally observed the water use, and when this was observed. The more detail the affidavit gives, indicating dates, circumstances, amounts and details of water use, the better. As I review the documentation provided, my standard will be:

The documentation should tend to indicate that diversion works were in place and had adequate capacity for the claimed use. The documentation should also tend to indicate that water was applied to the claimed beneficial use on the claimed place of use.

Please review these documents, and provide documentation of the historical use of this right. Feel free to call me if you have questions. You should be able to reach me Thursday or Friday mornings.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

Log for claim A29-10560

Spatial Dynamics AMH

7/19/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s34e	30	NWNE	1	39	Permissible place of use/indiscernable
Totals:			1	39	

MAY 16 2001

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: A29-10560
Date Received: 10/22/1992
Receipt No: E012362
Received By: _____

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

1. Name: KIRK SWIM 208-335-2153
Address: STAR ROUTE 3423 CRYSTAL CREEK
POCATELLO ID 83201

OR

Name: LINDA SWIM 208-335-2153
Address: STAR ROUTE 3423 CRYSTAL CREEK
POCATELLO ID 83201

2. Date of Priority: MAR 15, 1915

3. Source: CRYSTAL CREEK Trib. to:
RATTLESNAKE BANNOCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	34E	30	NW	NE			POWER

5. Description of diverting works:
DIRT DAM AND PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.030		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is 3.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 100 HEAD OF CATTLE

MICROFILMED

NOV 16 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	34E	30	NW	NE		IRR	1.0
			NW	NE		STOCK	

Section Acres 1.0

Total Acres 1.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
NONE

14. Remarks:
DOMESTIC WELL

15. Basis of Claim: BENEFICIAL USE

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

MICROFILMED

NOV 16 1992

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 _____

MICROFILMED

NOV 15 1992

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

A29-10560

Date Received

Receipt Number

EO 12362 / 90

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAR 14 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Kirk or Linda Swim Phone (208) 335-3153Mailing Address Star Pt. 3433 Crystal CK Pocatello Id Zip 832012. Date of Priority (Only one (1) per claim) 3/15/19153. Source of water supply (a) Crystal Creek
which is tributary to (b) Rattlesnake - Bannock Creek4. a. Location of existing point of diversion is: Township 8 S Range 34 E Section 30,
1/4 of NW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of POWER

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

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. DIRT DAM & PIPE

A2910560



MICROFILMED

NOV 16 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 5/15 to 11/15 amount .03 or _____

For STOCK WATER purposes from 1-1 to 12-31 amount .03 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .06 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 3 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 WATER FOR 100 HD OF CATTLE

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	
<u>2S</u>	<u>34E</u>	<u>30</u>		<u>1</u>															<u>1</u>
		<u>30</u>		<u>5</u>															

Total number of acres irrigated 1

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

12. Do you own the property listed above as place of use? Yes YES 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.
DOMESTIC WELL or None ()

14. Remarks:

MICROFILMED

NOV 16 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A large grid of 16 columns and 16 rows of squares. Each square contains a small crosshair symbol, consisting of a vertical line and a horizontal line intersecting at the center. The grid is composed of 256 squares in total.

NOV 16 1992

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) Kirk Swain Date 3/12/90
Linda Swain Date 3/12/90

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
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 Power) SS.

Subscribed and sworn (or affirmed) before me this 12th day of March 19 90

SEAL

Notary Public Carter Fritschle

Residing at Carter Fritschle, Notary Public
Residing at Eagle, Idaho

My Commission Expires My commission Expires March 21, 1994

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ 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 _____

MICROFILMED
NOV 16 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant