

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: **A37-00398**
Date Received: 12/27/1991
Receipt No: S014010
Received By: _____

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

1. Name: FLAT TOP SHEEP COMPANY 208-788-2850
Address: PO BOX 88
CAREY ID 83320
2. Date of Priority: APR 15, 1901
3. Source: MULDOON CREEK, SOUTH FORK Trib. to: MULDOON CREEK
FRIEDMAN CREEK MULDOON CREEK, SOUTH FORK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 02N | 21E | 12 | SW | SE | | | BLAINE |
| | | 14 | NE | SE | | | BLAINE |
5. Description of diverting works:
CONC. CHECK WITH HEADGATES TO DITCHES.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 3.200 | | |
7. Total Quantity Appropriated is:
3.200 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 480.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	21E	13	NW	NE		IRR	10.0
			NE	NW		IRR	30.0
			NW	NW		IRR	30.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	21E	13	SW		NW		IRR	35.0
			SE		NW		IRR	30.0
			NE		SW		IRR	20.0
			NW		SW		IRR	30.0
			Section Acres 185.0					
		14	SE		NE		IRR	30.0
			NE		SW		IRR	10.0
			SW		SW		IRR	25.0
			SE		SW		IRR	15.0
			NE		SE		IRR	5.0
			NW		SE		IRR	20.0
			SE		SE		IRR	5.0
			Section Acres 110.0					
		22	NE		NE		IRR	20.0
			NW		NE		IRR	20.0
			SW		NE		IRR	30.0
			SE		NE		IRR	30.0
			NE		NW		IRR	10.0
			SE		NW		IRR	35.0
			NE		SW		IRR	20.0
			SW		SW		IRR	30.0
			SE		SW		IRR	20.0
			NE		SE		IRR	20.0
			NW		SE		IRR	20.0
			SW		SE		IRR	30.0
			SE		SE		IRR	30.0
			Section Acres 315.0					
		23	NE		NE		IRR	25.0
			NW		NE		IRR	10.0
			SW		NE		IRR	35.0
			SE		NE		IRR	37.0
			NE		NW		IRR	5.0
			NW		NW		IRR	10.0
			SW		NW		IRR	5.0
			SE		NW		IRR	25.0
			NE		SW		IRR	40.0
			NW		SW		IRR	15.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	21E	23	SE	SE		IRR	40.0
			Section Acres				447.0
		24	SW	NW		IRR	35.0
			SE	NW		IRR	10.0
			NE	SW		IRR	30.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	25.0
			Section Acres				180.0
		25	SW	NE		IRR	10.0
			NE	NW		IRR	20.0
			NW	NW		IRR	40.0
			SW	NW		IRR	35.0
			SE	NW		IRR	30.0
			NE	SW		IRR	30.0
			NW	SW		IRR	25.0
			SW	SW		IRR	25.0
			SE	SW		IRR	25.0
			NW	SE		IRR	30.0
			SW	SE		IRR	20.0
			SE	SE		IRR	20.0
			Section Acres				310.0
		26	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	38.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	30.0
			SE	SW		IRR	25.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	30.0
			SE	SE		IRR	25.0
			Section Acres				588.0
		27	NE	NE		IRR	35.0

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	21E	27	NW		NE		IRR	40.0
			SW		NE		IRR	15.0
			SE		NE		IRR	40.0
			NE		NW		IRR	20.0
			NW		NW		IRR	20.0
			SW		NW		IRR	15.0
			SE		NW		IRR	20.0
			NE		SW		IRR	30.0
			NW		SW		IRR	25.0
			SE		SW		IRR	10.0
			NE		SE		IRR	40.0
			NW		SE		IRR	35.0
			SW		SE		IRR	20.0
			SE		SE		IRR	20.0
							Section Acres	385.0
		28	NE		NE		IRR	30.0
			SE		NE		IRR	15.0
			NE		SE		IRR	10.0
							Section Acres	55.0
		35	NE		NE		IRR	10.0
			NW		NE		IRR	5.0
			SW		NE		IRR	20.0
			SE		NE		IRR	25.0
			NE		NW		IRR	15.0
			NW		NW		IRR	10.0
			SE		NW		IRR	10.0
							Section Acres	95.0
							Total Acres	2670.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
SEE A37-00390

14. Remarks:

ALL OF THIS WATER FROM FRIEDMAN CREEK, TRAIL CREEK AND SPRINGS
IS COMINGLED AND USED ON THE ABOVE LAND BY SURFACE AND SUBSURFACE
IRRIGATION.

RECORDED
FEB 22 1993

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

CATHERINE M. GILE, ET. AL.

Decree Plaintiff

JAMES LAIDLAW, ET. AL.

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 _____ 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

MICROFILMED
FEB 22 1993

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 _____

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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: A37-00398
Date Received: _____
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: Flat Top Sheep Company Phone: 788-2850 or
Address: P.O. Box 88 726-7568
Carey, Idaho 83320
2. Date of Priority: April 15, 1901
3. Source: S. Fork Muldoon Creek Trib. to: Muldoon Creek
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
2N	21E	12	SW	SE			Blaine
2N	21E	14	NE	SE			Blaine

5. Description of diversion works:
Concrete check and headgates, distribution ditches and
resulting subsurface from springs.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.
Irrigation	April 1	Nov. 1	3.2		

7. Total Quantity Claimed is:
3.2 C.F.S. (and/or) Acre Feet
8. Total consumptive use claimed is:
480 Acre Feet Per Annum.

9. Non-irrigation uses:
Stockwater

10. Description of place of use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
2N	21E	13	NW	NE			10

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Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
			NE	NW		30
			NW	NW		30
			SE	NW		30
			SW	NW		35
			NE	SW		20
			NW	SW		30
		14	SE	NE		30
			NE	SE		5
			NW	SE		20
			SE	SE		5
			NE	SW		10
			SE	SW		15
			SW	SW		25
		22	NE	NE		20
			NW	NE		20
			SW	NE		30
			SE	NE		30
			NE	NW		10
			SE	NW		35
			NE	SW		20
			SW	SW		30
			SE	SW		20
			NE	SE		20
			NW	SE		20
			SW	SE		30
			SE	SE		30
		23	NE	NE		25
			NW	NE		10
			SW	NE		35
			SE	NE		37
			NE	NW		5
			NW	NW		10
			SW	NW		5
			SE	NW		25
			NE	SW		40
			NW	SW		15
			SW	SW		40
			SE	SW		40
			NE	SE		40
			NW	SE		40
			SW	SE		40
			SE	SE		40
		24	SW	NW		35
			SE	NW		10
			NE	SW		30
			NW	SW		40
			SW	SW		40
			SE	SW		25
		25	SW	NE		10
			NE	NW		30

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Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
			NW		NW			40
			SW		NW			35
			SE		NW			30
			NE		SW			30
			NW		SW			25
			SW		SW			25
			SE		SW			25
			NW		SE			30
			SW		SE			20
			SE		SE			20
		26	NE		NE			40
			NW		NE			40
			SW		NE			40
			SE		NE			40
			NE		NW			40
			NW		NW			38
			SW		NW			40
			SE		NW			40
			NE		SW			40
			NW		SW			40
			SW		SW			30
			SE		SW			25
			NE		SE			40
			NW		SE			40
			SW		SE			30
			SE		SE			25
		27	NE		NE			35
			NW		NE			40
			SW		NE			15
			SE		NE			40
			NE		NW			20
			NW		NW			20
			SW		NW			15
			SE		NW			20
			NE		SW			30
			NW		SW			25
			SE		SW			10
			NE		SE			40
			NW		SE			35
			SW		SE			20
			SE		SE			20
		28	NE		NE			30
			SE		NE			15
			NE		SE			10
		35	NE		NE			10
			NW		NE			5
			SW		NE			20
			SE		NE			25
			NE		NW			15

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Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
			NW	NW		10
			SE	NW		10

TOTAL: 2,670.00

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

Blaine

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

13. Other water rights used at the same place and for the same purposes as described above.

37-00390, 00391, 00392, 00393, 00394, 00395, 00396, 00397, 00399, 00400, 00401; 37-02017, 37-02092, 37-02234, 37-02294, 37-02461, 37-02500

14. Remarks:

All of this water from Friedman Creek, Trail Creek and springs is comingled and used on the above land by surface and subsurface irrigation.

15. Basis of Claim: Decree.

Water Right Number: 37-00398

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 x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1 - showing lands now irrigated - circled numbers represent actual lands irrigated by surface and subsurface irrigation.

For Organizations:

I do solemnly swear or affirm that I am President of Flat Top Sheep Company, that I have signed the foregoing document in the space below as President of Flat Top Sheep Company and that the statements contained in the foregoing document are true and correct.

John T. Peavey
 John T. Peavey
 President - Flat Top Sheep Company

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Dec 19, 1991
Date

State of Idaho)
) ss.
County of Minidoka)

Subscribed and sworn (or affirmed) before me this 19th day of
~~November~~, 1991.
December

(SEAL)

Rogueda Ling
Notary Public for Idaho
Residing at: Rupert, Idaho
My Commission Expires: 10/30/94

17. Notice of Appearance:

Notice is hereby given that I, Roger D. Ling, will be acting as attorney at law on behalf of the claimant signing the 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: Rogueda Ling
Address: P. O. Box 396, Rupert, ID 83350
Date: Dec 19, 1991

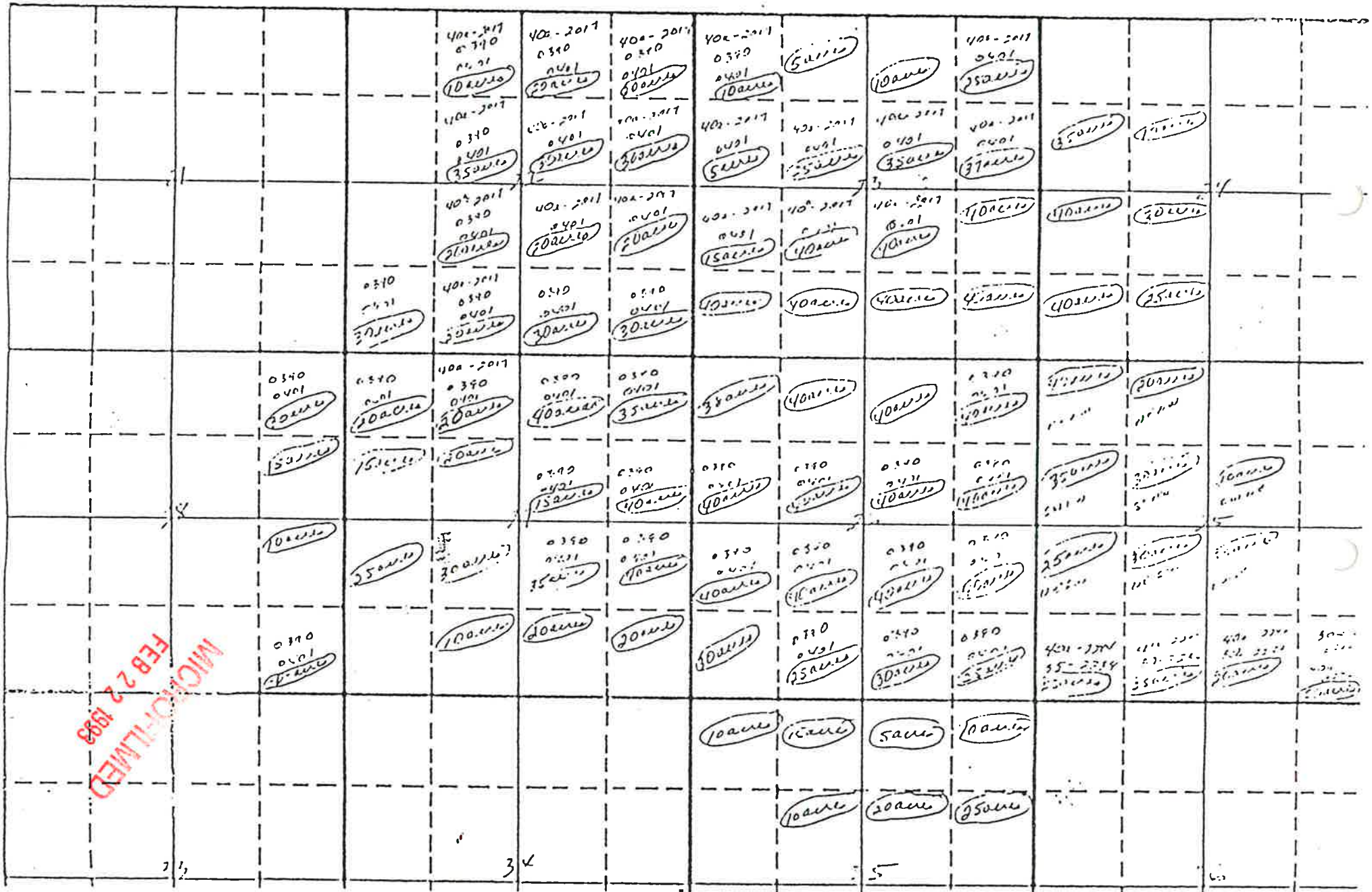
COPY

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Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

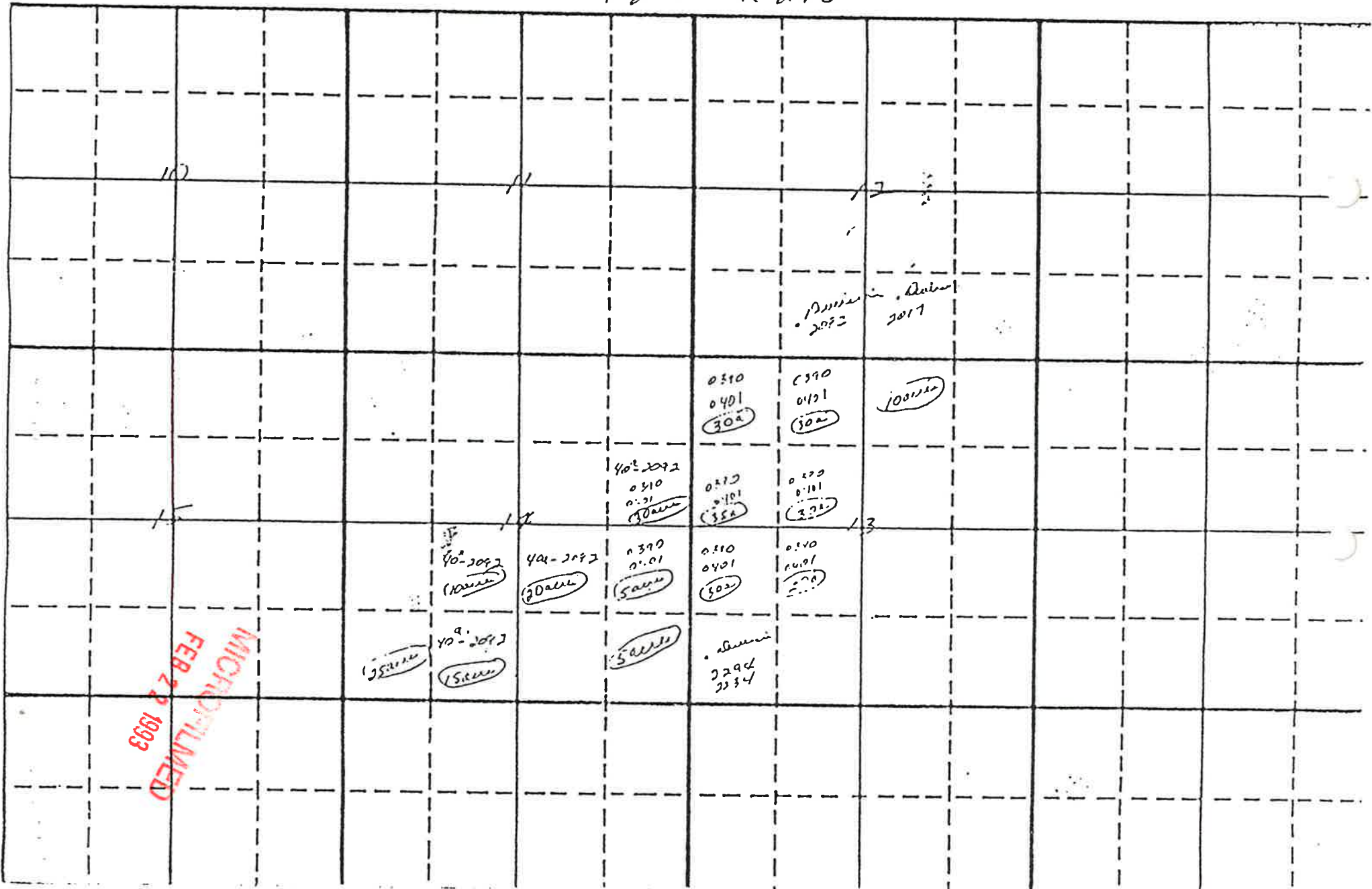
+ 2 N R 21 E



FEB 22 1988
MICHOILMED

Show 40-acre subdivisions, townships, ranges and ditches.

+2N R215



12/12/2006

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

RIGHT NUMBER: 37-398

NAME AND ADDRESS: FLAT TOP SHEEP CO
PO BOX 88
CAREY ID 83320

SOURCE: FRIEDMAN CREEK

TRIBUTARY: SOUTH FORK MULDOON CREEK

QUANTITY: 3.200 CFS

PRIORITY DATE: 04/15/1901

POINT OF DIVERSION:

T02N R21E S12 SESWSE Within BLAINE County

T02N R21E S14 NENESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/15 10/31

3.200 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R21E S13	NENW	26.50	T02N R21E S13	NWNW	29.00
T02N R21E S13	SWNW	28.00	T02N R21E S13	SENW	32.00
T02N R21E S13	NESW	12.00	T02N R21E S13	NWSW	23.00
T02N R21E S14	SWNE	5.10	T02N R21E S14	SENE	25.00
T02N R21E S14	NESW	1.70	T02N R21E S14	SESW	3.60
T02N R21E S14	NESE	40.00	T02N R21E S14	NWSE	36.00
T02N R21E S14	SWSE	38.00	T02N R21E S14	SESE	29.00
T02N R21E S22	SESE	5.20	T02N R21E S23	NENE	32.00
T02N R21E S23	NWNE	8.70	T02N R21E S23	SWNE	34.00
T02N R21E S23	SENE	36.00	T02N R21E S23	NENW	1.50
T02N R21E S23	SENW	27.00	T02N R21E S23	NESW	40.00
T02N R21E S23	NWSW	13.00	T02N R21E S23	SWSW	35.00
T02N R21E S23	SESW	40.00	T02N R21E S23	NESE	40.00
T02N R21E S23	NWSE	40.00	T02N R21E S23	SWSE	40.00
T02N R21E S23	SESE	40.00	T02N R21E S24	SWNW	38.00
T02N R21E S24	SENW	0.10	T02N R21E S24	NESW	18.00
T02N R21E S24	NWSW	39.00	T02N R21E S24	SWSW	39.00
T02N R21E S24	SESW	17.00	T02N R21E S25	NENW	13.00
T02N R21E S25	NWNW	39.00	T02N R21E S25	SWNW	39.00
T02N R21E S25	SENW	28.00	T02N R21E S25	NESW	18.00
T02N R21E S25	NWSW	38.00	T02N R21E S25	SWSW	8.10
T02N R21E S26	NENE	40.00	T02N R21E S26	NWNE	40.00
T02N R21E S26	SWNE	40.00	T02N R21E S26	SENE	40.00
T02N R21E S26	NENW	40.00	T02N R21E S26	NWNW	40.00
T02N R21E S26	SWNW	40.00	T02N R21E S26	SENW	40.00
T02N R21E S26	NESW	40.00	T02N R21E S26	NWSW	40.00
T02N R21E S26	SWSW	37.00	T02N R21E S26	SESW	32.00
T02N R21E S26	NESE	40.00	T02N R21E S26	NWSE	40.00

12/12/2006

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

T02N R21E S26	SWSE	32.00	T02N R21E S26	SESE	28.00
T02N R21E S27	NENE	35.00	T02N R21E S27	NWNE	26.00
T02N R21E S27	SWNE	40.00	T02N R21E S27	SENE	38.00
T02N R21E S27	NENW	2.50	T02N R21E S27	SWNW	2.40
T02N R21E S27	SENE	35.00	T02N R21E S27	NESW	17.00
T02N R21E S27	NWSW	2.80	T02N R21E S27	SESW	3.10
T02N R21E S27	NESE	40.00	T02N R21E S27	NWSE	40.00
T02N R21E S27	SWSE	20.00	T02N R21E S27	SESE	19.00
T02N R21E S35	NENE	13.00	T02N R21E S35	NWNE	14.00
T02N R21E S35	SWNE	25.00	T02N R21E S35	SENE	20.00
T02N R21E S35	NENW	16.00	T02N R21E S35	NWNW	8.40
T02N R21E S35	SENE	5.30			

2127 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 2,127 acres in a single irrigation season. Combined Right Nos.: 37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-398, 37-399, 37-400, 37-401, 37-2092, 37-2234, 37-2294, 37-2260A, and 37-2260B.

The rights listed below are limited to the irrigation of a combined total of 1,600 acres in a single irrigation season. Combined Right Nos.: 37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-398, 37-399, 37-400, and 37-401.

This right is limited to the irrigation of 1,600 acres within the place of use described above in a single irrigation season.

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: BASIS OF CLAIM - Decreed

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

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

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-398

WATER RIGHT NUMBER: 37-398

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES LAIDLAW
	BELLEVUE, ID 83313
Current Owner	MRS JAMES LAIDLAW
	, ZZ

Priority Date: 04/15/1901

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SOUTH FORK MULDOON CREEK	MULDOON CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	3.200 CFS	
	<u>Total Diversion:</u>	3.200 CFS	

Location of Point(s) of Diversion
SOUTH FORK MULDOON CREEK

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	21E	13					X	X	X	X	X	X							
02N	21E	14				X									X				
02N	21E	22	X	X			X			X	X		X	X			X	X	
02N	21E	23						X											
02N	21E	26	X		X	X			X	X	X	X		X	X	X	X	X	
02N	21E	27	X	X	X	X	X	X							X	X			
02N	21E	28	X															X	

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-398

Conditions of Approval:

1. ORIGINALLY DECREED TO JAMES LAIDLAW IN THE FROST DECREE.
SOURCE MAY INCLUDE FRIEDMAN CR. ACCORDING TO USGS MAP.
AC. IRRIG. NOT SPECIFIED. FARM = 1600 AC.

Remarks:Comments:Dates and Other Information:

Licensed Date:
Decreed Date: 10/15/1931
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 370
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: James Laidlaw, et al
Decree Plaintiff: Catherine M Gile, et al
Civil Case Number:
Judicial District: Fourth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits: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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

31-DEC-1991

ROGER D. LING
PO BOX 396
RUPERT ID 83350

RE: ADJUDICATION CLAIM NO. A36-08273, A36-08274, A36-08275,
A36-02454B, A36-07007B, A36-07021,
A36-02455, A37-04116, A37-01217,
A36-15339, A37-04397, A36-04268,
A36-07138, A37-00390, A37-00391,
A37-00392, A37-00393, A37-00394,
A37-00395, A37-00396, A37-00397,
A37-00398, A37-00399, A37-00400,
A37-00401, A37-02092, A37-02234,
A37-02294 - FLAT TOP SHEEP COMPANY

Mr. Ling:

Pursuant to the notification that you are representing the claimant(s) on the above referenced Adjudication Claim(s), please find enclosed copies of the computer generated claim(s) based on the information from the original claim(s) which has been entered in our computer records.

Please review the record(s) and if you have any corrections or any questions, feel free to contact this office.

Sincerely,


Jeanie Robertson
Records Clerk

/jr
Enclosures

MICROFILMED
FEB 22 1993