

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79569

This is to certify that: ROLF ENGH
1928 HUMBOLDT AVE S
MINNEAPOLIS, MN 55403

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
71-10883	WR/DECREED	5/1/1918	0.600 cfs	N/A	N/A	34.7	POLE CREEK

Purpose of Transfer (Changes Proposed)

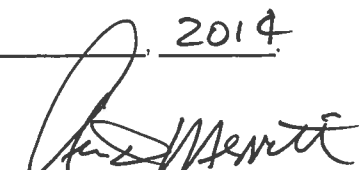
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
71-10883	NO	NO	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
71-10883	71-10883	0.600 cfs	N/A	N/A	34.7	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.600 cfs	N/A	N/A	34.7		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 25th day of November, 2014.


Southern Region Manager

WATER RIGHT NO. 71-10883**As Modified by Transfer No. 79569**

In accordance with the approval of Transfer No. 79569, Water Right No. 71-10883 is now described as follows:

Right Holder: ROLF ENGH
1928 HUMBOLDT AVE S
MINNEAPOLIS, MN 55403

Priority Date: 5/1/1918

Source: POLE CREEK

Tributary: SALMON RIVER

BENEFICIAL USE
IRRIGATION

From 05/01 **To** 10/31

Diversion Rate
0.600 cfs
0.600 cfs

LOCATION OF POINT(S) OF DIVERSION

POLE CREEK	NENE	Sec 22 Twp 07N Rge 14E	BLAINE County
POLE CREEK	NWNE	Sec 22 Twp 07N Rge 14E	BLAINE County
POLE CREEK	NWNE	Sec 22 Twp 07N Rge 14E	BLAINE County
POLE CREEK	SENE	Sec 22 Twp 07N Rge 14E	BLAINE County
POLE CREEK	NENW	Sec 22 Twp 07N Rge 14E	BLAINE County
POLE CREEK	SENE	Sec 23 Twp 07N Rge 14E	BLAINE County
POLE CREEK	SWNW	Sec 23 Twp 07N Rge 14E	BLAINE County
POLE CREEK	SESE	Sec 23 Twp 07N Rge 14E	BLAINE County
POLE CREEK	SENE	Sec 25 Twp 07N Rge 14E	BLAINE County
POLE CREEK	SWNENE	Sec 25 Twp 07N Rge 14E	BLAINE County
POLE CREEK	SENE	Sec 25 Twp 07N Rge 14E	BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	14E	24												0.2					0.2
07N	14E	25		9.1	6.5	0.9	14.9	3.1											34.5

POU Total Acres: 34.7

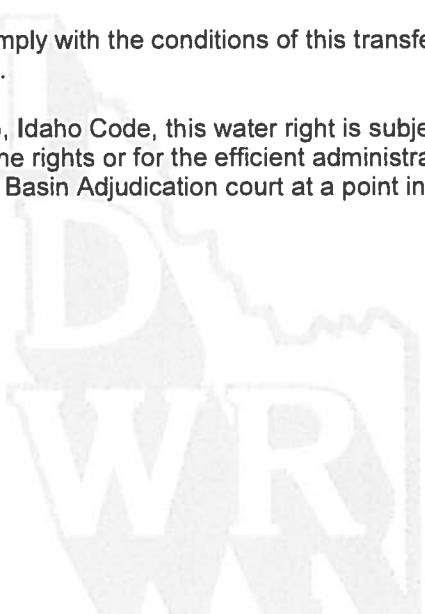
CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.71.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 79569

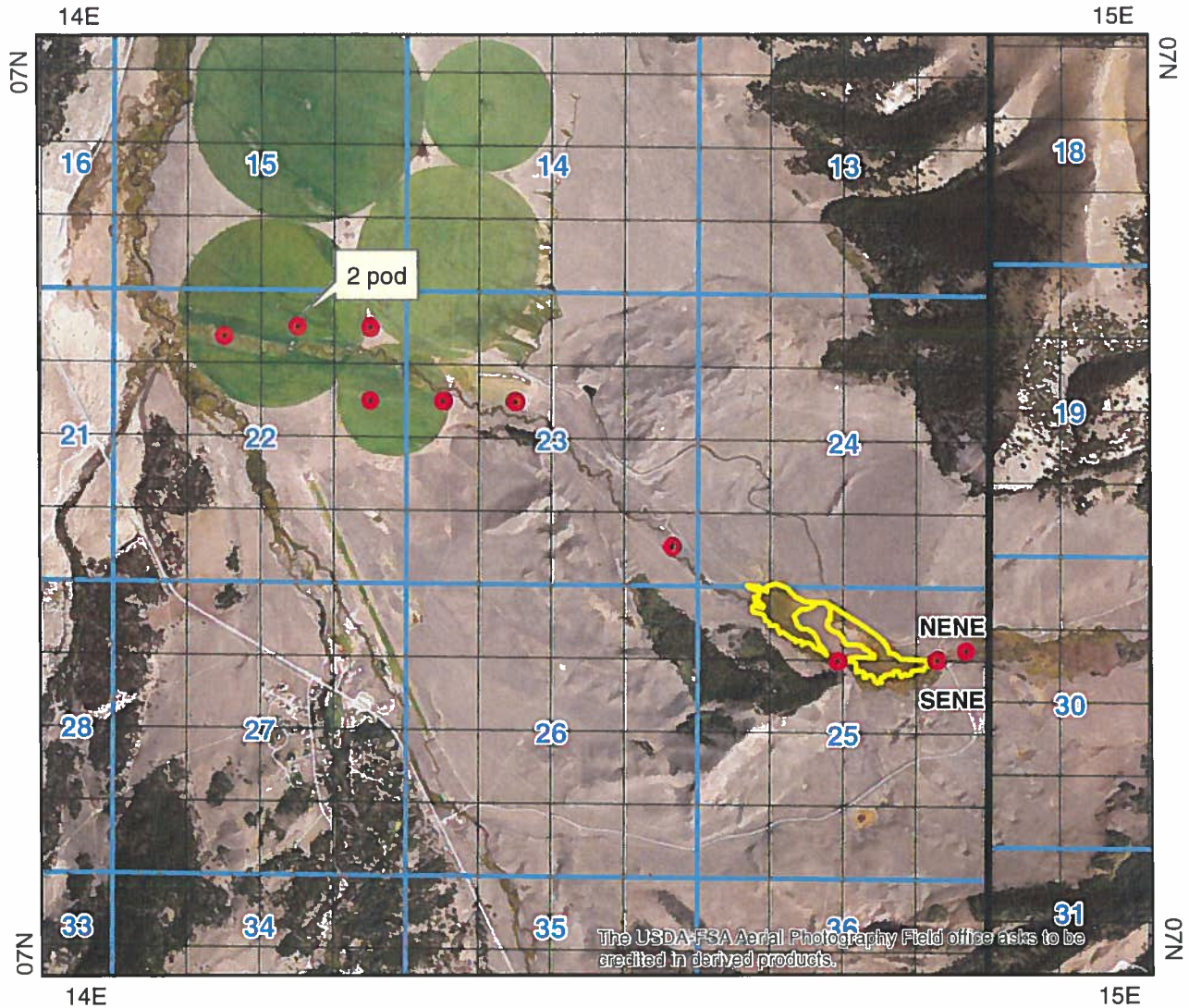
WATER RIGHT NO. 71-10883
As Modified by Transfer No. 79569

CONDITIONS OF APPROVAL

4. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
 5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- 

State of Idaho
Department of Water Resources
Attachment To Transfer No. 79569
71-10883

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.375 0.75 1.5 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 8, 2014

NICK MILLER WATERMASTER
WATER DISTRICT # 170
322 E FRONT ST
PO BOX 83720
BOISE, ID 83720-0098

Via e-mail

Re: **APPROVED Transfer No. 79569 (Rolf Engh)**

Dear Nick:

For your information and records, we have enclosed a copy of an Approved Application for Transfer(s) within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant

Enclosure



State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 8, 2014

JAN SKRUKRUD WATERMASTER
WATER DISTRICT # 71
PO BOX 203
STANLEY, ID 83278

Re: **APPROVED** Transfer No. 79491 (Salmon Falls Land & Livestock Co. Inc.)
Re: **APPROVED** Permit No. 71-10949 (Salmon Falls Land & Livestock Co. Inc.)
Re: **APPROVED** Transfer No. 79569 (Rolf Engh)

Dear Ms. Skrukrud:

For your information and records, we have enclosed a copy of an Approved Application for Transfer(s) and Approved Permit within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 4, 2014

ROLF ENGH
1928 HUMBOLDT AVE S
MINNEAPOLIS MN 55403

Re: Transfer No: 79569
Water Right No(s): 71-10883

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is fluid and cursive, with a large initial "A" and "M".

Allen Merritt
Southern Regional Manager

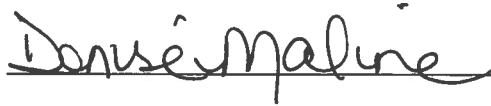
Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 79569
Water Right No(s): 71-10883**

**ROLF ENGH
1928 HUMBOLDT AVE S
MINNEAPOLIS MN 55403**

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

RECEIVED

NOV 24 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION

Rolf and Nancy Engh

1928 Humboldt Ave. S.
Minneapolis, Minnesota 55403
Phone: 612.851.7705

November 20, 2014

VIA CERTIFIED U.S. MAIL (Article Number 7010 1060 0002 0556 9628)

Ms. Jana Reeder
Idaho Department of Water Resources
650 Addison Avenue West, Suite #500
Twin Falls, ID 83301

Re: Water Right Number 71-10883

Dear Ms. Reeder:

Pursuant to your email, please find enclosed the signed Application for Transfer and attachments regarding the above-referenced water right.

If you have any questions or need anything further, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Rolf Engh", followed by a long horizontal flourish.

Rolf Engh

Reeder, Jana

From: ENGH, ROLF [reng@valspar.com]
Sent: Wednesday, November 12, 2014 2:26 PM
To: Reeder, Jana
Cc: BERGMAN, JENNIFER
Subject: Re: Ralf

Thanks Jana---will sign and return.

Rolf

On Nov 12, 2014, at 11:59 AM, "Reeder, Jana" <Jana.Reeder@idwr.idaho.gov> wrote:

Rolf,

The shapes depict the current and proposed legal descriptions of the acres that are or will be described on the face of your water right. I have drafted and attached a new application for Transfer that represents what appears to be your actual irrigated pasture acres. Please look over the new application. Page 4 has the new legal description for your proposed place of use, please compare to page 6 which is your water right's current place of use. If this appears correct please sign and date the new application on page 2 and mail the original copy back to:

IDWR
650 Addison Ave. West
Suite 500
Twin Falls, ID 83301
Attention Jana Reeder

Sorry for the inconvenience. If you have any questions feel free to call me at 208-736-3033.

Sincerely,
Jana

From: ENGH, ROLF [<mailto:reng@valspar.com>]
Sent: Thursday, November 06, 2014 2:03 PM
To: Reeder, Jana
Subject: RE: Ralf

Jana—thanks that looks correct, but not sure the significance of the drawings?

From: Reeder, Jana [<mailto:Jana.Reeder@idwr.idaho.gov>]
Sent: Thursday, November 06, 2014 11:50 AM
To: ENGH, ROLF
Subject: FW: Ralf

Rolf,

Allen has made a new shapefile for your irrigated acres that appear more realistic than the current shape. The number of irrigated acres will not change but the legal description may change slightly. I have attached a map for your reference.

Let me know your thoughts.

Thank you,
Jana

From: Merritt, Allen
Sent: Thursday, November 06, 2014 10:25 AM
To: Reeder, Jana
Subject: Ralf

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<engh.pdf>

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Reeder, Jana

From: ENGH, ROLF [reng@valspar.com]
Sent: Thursday, November 06, 2014 2:03 PM
To: Reeder, Jana
Subject: RE: Ralf

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Sent: Thursday, November 06, 2014 11:50 AM
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Subject: FW: Ralf

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Jana

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To: Reeder, Jana
Subject: Ralf

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Reeder, Jana

From: ENGH, ROLF [rengh@valspar.com]
Sent: Thursday, October 30, 2014 12:53 PM
To: Reeder, Jana
Subject: RE: Transfer

Jana---the reason for adding all the points of diversion requires a little background---

I acquired my water right from the Henslees when I they sold me the ranch adjacent to theirs in 2000. The Henslees, IDWR, USFS, Fish and Game, Bonneville Power Trust, local Indian tribe....et al are now involved a major redo of the Henslee's water usage to trade some assets for Henslee's reducing their diversion of water from the Pole Creek. I don't know all the details, but it is a \$5M capital project. Nor do I know all the exact new points of diversion that will come into being from the project. All I do know is that the Henslee's and I share the same hired man who manages all our irrigation and the two canals--- we cooperate on just about everything. So Mike Henslee and I talked about it and agreed it would make sense for my amended water right to have the same points as his....in case there was ever a problem with one on another point, all the others would be available. Since so many governmental agencies are involved in this, and particularly since the USFS is involved, I live in fear of losing my water due to some inadvertence in the amendment process or some agenda I am not fully aware of. Even though I am supportive, the entire project has been moving forward without much communication to me from the various agencies. My paramount goal is to protect what little water I do have as it is essential to irrigating my meadow. Does that help?

From: Reeder, Jana [<mailto:Jana.Reeder@idwr.idaho.gov>]
Sent: Thursday, October 30, 2014 12:35 PM
To: ENGH, ROLF
Subject: Transfer

Rolf,

The regional manager in our region knows this area quite well and was questioning if you need all these diversions on your water right. He indicated he thought some of these diversions service Salmon Falls Land and Livestock farms. He also indicated that it would be more logical to only have the diversions that service your farmland on the application. His thoughts are the three upstream diversions would be more realistic since there is no pump back system in place to divert the downstream diversions back to your property. I have enclosed a map for your reference. Let me know your thoughts.

Thank you,

Jana

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Reeder, Jana

From: ENGH, ROLF [reng@valspar.com]
Sent: Thursday, October 23, 2014 9:45 AM
To: Reeder, Jana
Subject: Re: Water Right Transfer 79569

Jana--thanks---yes the intention was to keep the existing points and add the new one--so it should be 11 total.

Rolf

> On Oct 23, 2014, at 11:37 AM, "Reeder, Jana" <Jana.Reeder@idwr.idaho.gov> wrote:

>

> Mr. Engh,

>

> I am processing the application for transfer that you submitted to the Department back in September of this year. In reviewing the application I noticed that you only listed 10 points of diversion. Your existing water right currently list 10 points of diversion. Unless I am mistaken, I believe you wanted to add the new point of diversion to your existing water right and that would total 11 points of diversion. The point of diversion in question is in the SWNE Section 25 Township 7N Range 14E. I need to clarify whether you intend to drop this diversion or if it was unintentionally left off the application before we can approve the transfer. I have attached a map for your reference.

>

> I have tried to contact you at the number on your application but have had no luck. Please contact me as soon as soon as possible to discuss this matter. My number is 208-736-3033 or simply reply to this email.

>

> Thank you,

> Jana

>

>

>

> <engh map.docx>

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Transactions are subject to the terms found at <http://www.coatings.com/notice.jsp>

MEMORANDUM

Date: October 23, 2014
To: Transfer 79569 File
From: Jana Reeder
Re: Evaluation of Sufficiency of Information Submitted

Upon final review it was noted that the applicant had inadvertently left off one of his existing points of diversion for water right 71-10883 on the transfer application. After contact with Mr. Engh, it was verified that the application should have been submitted with 11 points of diversion (10 existing and 1 proposed). As this is the way that the Department interpreted the application in preliminary processing and advertised the transfer it was not necessary to re-advertise the application. (see email from Rolf Engh dated 10/23/2014)

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho
County of Blaine

OCT 10 2014

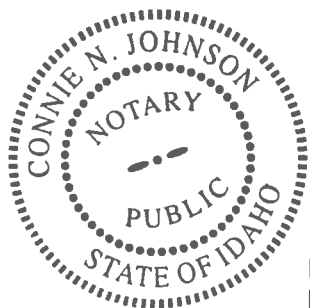
COPY OF NOTICE

Pam Morris, being DEPT OF WATER RESOURCES SOUTHERN REGION
sworn, deposes and says that she is the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 1 day of Oct., 20 14, and the date of the last publication was on the 8 day of Oct., 20 14

Subscribed and sworn to before me this 8 day of Oct., 20 14.

Connie N. Johnson
NOTARY PUBLIC



RESIDING AT HAILEY, IDAHO
MY COMMISSION EXPIRES ON 7/10/2018

IDAHO MOUNTAIN EXPRESS
P.O. Box 1013
Ketchum, Idaho 83340
COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 54
Number of Insertions 2

54 Lines tabular at 9.0 cents/pica
54 Lines straight at 49.68 8.0 cents/pica
54 Subsequent lines at 43.47 7.0 cents/pica
TOTAL COST \$93.15

OK
SM
10-16-14

Legal Notice
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR
BILL TO

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 79569

ROLF ENGH, 1928 HUMBOLDT AVE S, MINNEAPOLIS, MN 55403; has filed Application No. 79569 for changes to the following water rights within BLAINE County(s): Right No(s). 71-10883; to see a full description of these rights and the proposed transfer, please visit our website at www.idwr.idaho.gov and search under New Water Right Applications. The purpose of the transfer is to change a portion of the above rights as follows: Transfer 79569 proposes adding a new point of diversion (POD) on Pole Creek for water right 71-10883 that currently allows for the diversion of up to 0.6 cfs for the irrigation of 34.7 acres on existing pasture land located approximately 7.7 to 8.4 miles east and 21.0 to 21.3 miles south of the intersection of state highways 21 and 75 in Stanley. The new POD is located approximately 8.5 miles east and 21.5 miles of the intersection of state highways 21 and 75 in Stanley and will be the only active diversion. The 10 existing PODs will be retained as backup in case the USFS no longer authorizes the special use permit for the new POD.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before October 20, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH
IDAHO MOUNTAIN EXPRESS
Oct. 1, & 8 2014