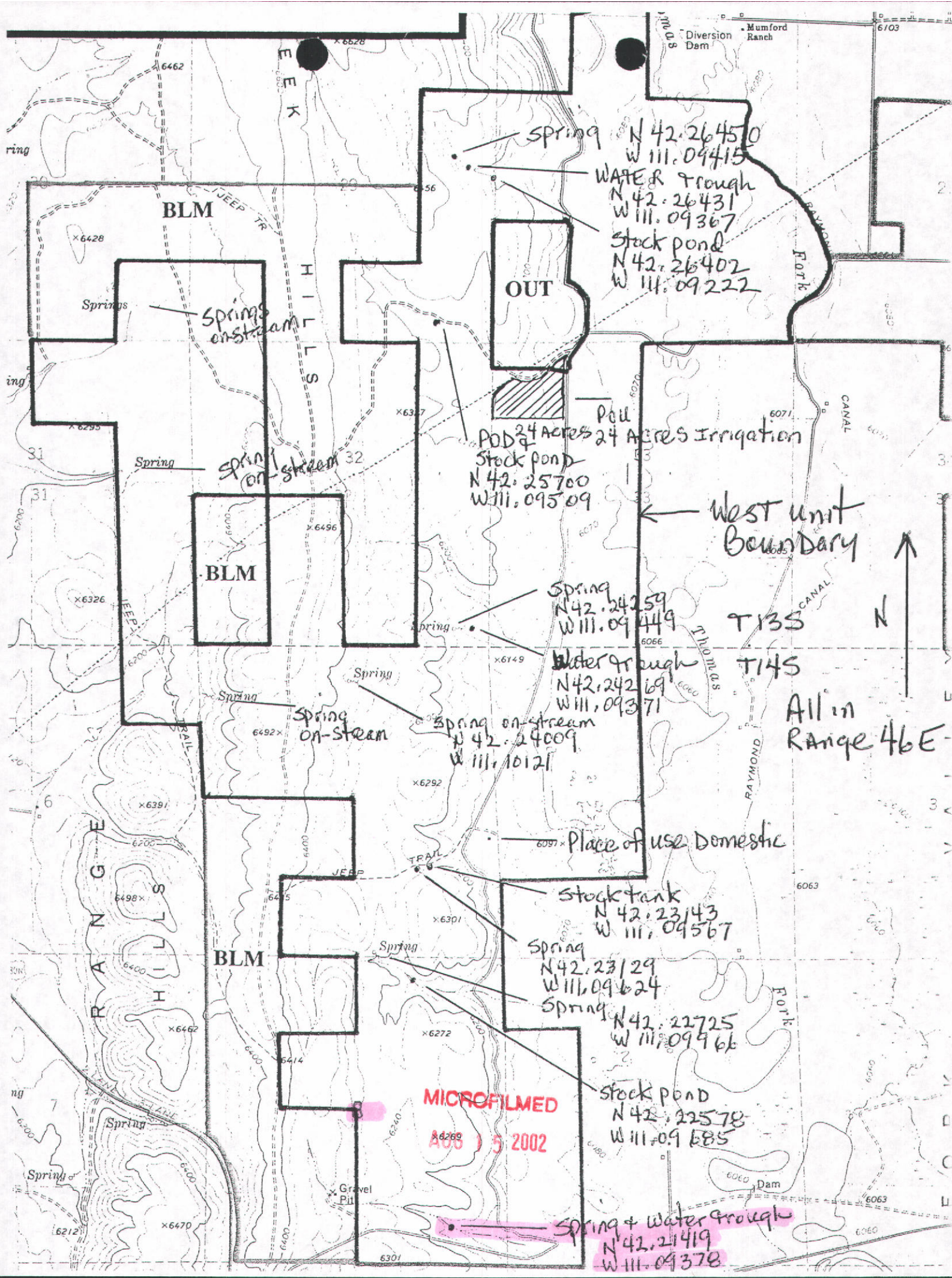




RECEIVED

AUG 14 2002

Claim No. 11-7503

Department of Water Resources
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

RECEIVED

JUN 27 2002

Department of Water Resources
Eastern Region

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Bar-M Land & Livestock of Idaho, LLC

(Name of Claimant)

910 West 2100 South, Ogden, UT 84401

(Mailing Address)

Telephone No: (801) 399-9994

(Zip Code)

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) May 15, 1880

A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Unnamed Spring tributary to Thomas Fork River

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs or af)

(Irrigation, Domestic, Stock, Etc.)

(Both dates inclusive)

(MM/DD) (MM/DD)

Quantity <u>.066 cfs</u>	Use <u>stockwatering</u>	Period of Use From <u>01/01</u> to <u>12/31</u>
Quantity _____	Use _____	Period of Use From _____ to _____
Quantity _____	Use _____	Period of Use From _____ to _____
Quantity _____	Use _____	Period of Use From _____ to _____

4. .066 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Govt. Lot _____
Sec. 8 Township 14S Range 46E B.M., Bear Lake County;
additional points of diversion, if
any: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.
The water is diverted from a spring located north 42.21419 and west 111.09378 at elevation 6146 feet. The means of diversion is a 1 1/2 - 2 inch black plastic pipe which dumps the water into a steel water trough in close proximity to the point of diversion.
See attached map.

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AUG 15 2002

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.

D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SE	SW	
14S	46E	8															S		

TOTAL ACRES _____

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific. Water is used for domestic livestock watering

NOTE: Include here the type and number of stock watered: 300 cattle

7. Remarks: Two affidavits from former owners of the west unit of the Thomas Fork Ranch are attached in support of this claim.

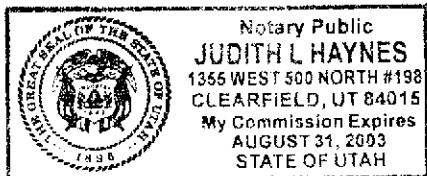
8. Map -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of use if available.

State of UT)
County of Davis) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Ry M. M. M.
Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 24 day of June, 2002.



Judith L. Haynes
Notary Public

Residing at: Davis County, UT

My commission expires: 8/31/03

FOR DEPARTMENT USE ONLY

Received by _____

Date _____

Published News Examiner

in

Prelim. check by _____

Date _____

Publication dates July 17 & 24, 2002

Fee 250

Receipt # E027908

Publication checked by OG

Date 8/12/02

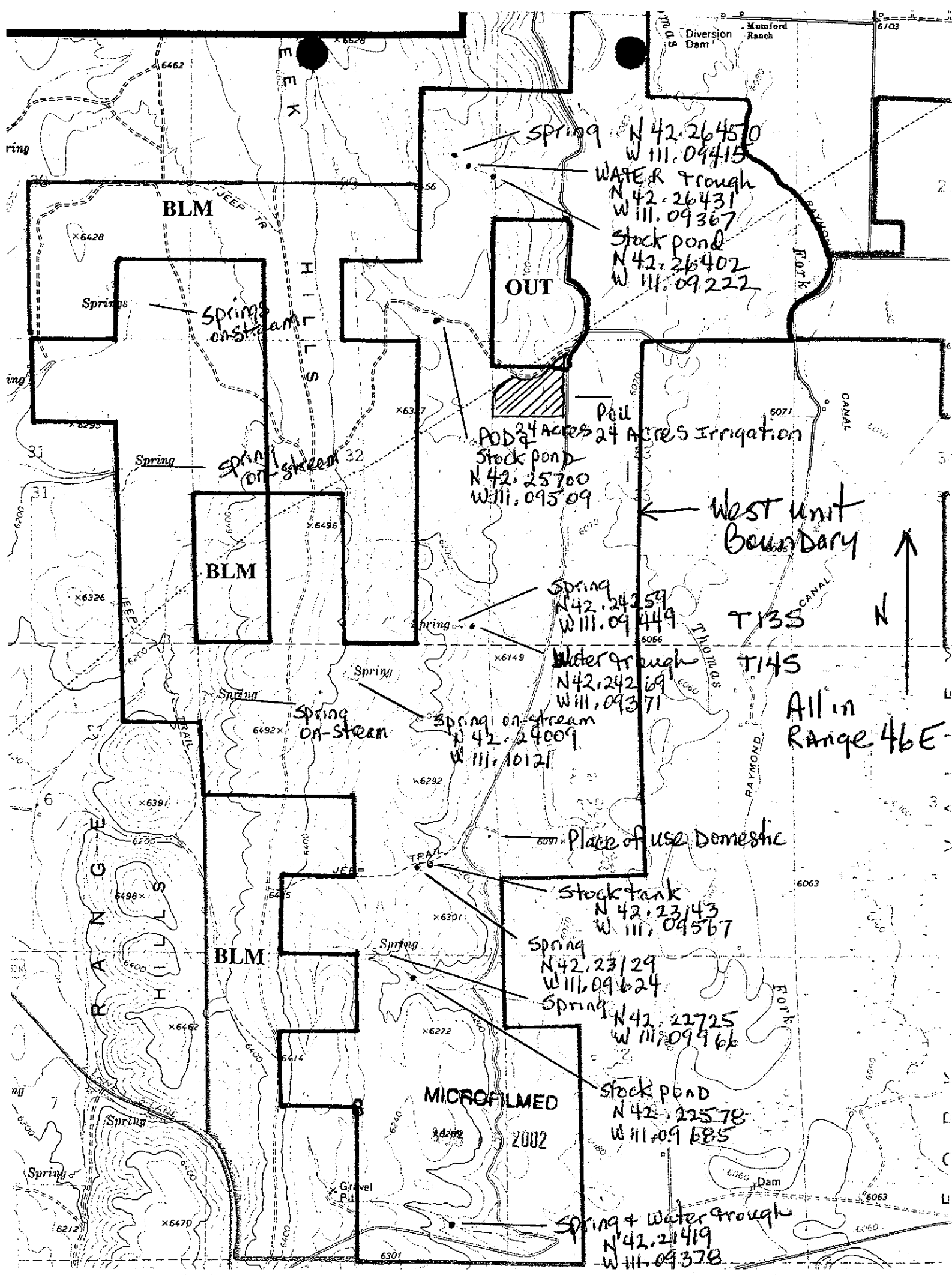
Receipt prepared by _____

Date _____

Examination by _____

MICROFILMED

AUG 15 2002



STATE OF IDAHO)
 : ss.
COUNTY OF BEAR LAKE)

1. I am the owner and/or caretaker of the Thomas Fork Ranch (the "Ranch"), have personal knowledge of the information included in this affidavit and am intimately familiar with water use on the Ranch located approximately 21 miles east of Montpelier, Idaho.
2. I was born on 10-20-54, _____.
3. The West Unit of the Ranch consists of land legally described as:

Section 8: NE ¼; SE ¼; SE ¼ NW ¼

ALL 15 2002

Section 9: SW ¼ NW ¼; W ½ SW ¼

4. I irrigated land, watered stock and supplied the homestead of the West Unit of the Ranch with water naturally occurring in springs and runoff, from 1989 to the present time.
5. I witnessed the full maximum beneficial use for irrigation of land, watering stock and to supply the homestead of the West Unit from 1965 to the present time, being well acquainted with the West Unit and its prior owners.
6. I used and witnessed use of water from springs and runoff in the following locations:
 - Section 28, T13S, R46E, Boise Meridian: Spring and runoff located near W ¼ corner of Section 28.
 - Section 30, T13S, R46E, Boise Meridian: Two springs located in SE ¼ SE ¼ of Section 30.
 - Section 31, T13S, R46E, Boise Meridian: Spring located near SW corner of SE ¼ of NE ¼ in Section 31.
 - Section 32, T13S, R46E, Boise Meridian: Spring located near SE corner of NW ¼ of SW ¼ in Section 32; and Spring located near SW corner of NW ¼ of SE ¼ of Section 32; and Spring located near SE corner of Section 32.
 - Section 33, T13S, R46E, Boise Meridian: Runoff located near NW corner of Section 33, irrigating approximately 35 acres in and near the NW 1/4 of NW 1/4 of Section 33.
 - Section 5, T14S, R46E, Boise Meridian: Spring located in NW ¼ of Section 5; and Spring near N ¼ corner of Section 5; and spring near unimproved road and near NW corner of SW ¼ of SE ¼ of Section 5; and Spring near SW corner of SW ¼ of SE ¼ of Section 5.
 - Section 8, T14S, R46E, Boise Meridian: Spring located in NE ¼ of SW ¼ of Section 8.
7. I used and witnessed use of water from springs and runoff in the above locations for the stockwatering of 300 cattle, the domestic use of 1 family residence and the irrigation of 35 acres.

DATED this 22 day of April, 2002.

Paul J. Etcheverry
Paul J. Etcheverry

SUBSCRIBED AND SWORN to before me this 22 day of April, 2002.

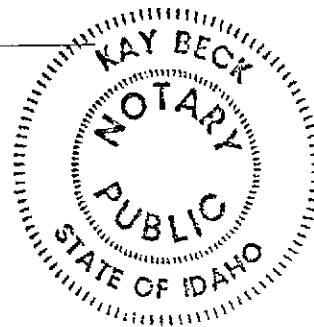
Kay Beck
Notary Public

My commission expires:

12-01-2006

MICROFILMED

AUG 15 2002



STATE OF IDAHO)
 : ss.
COUNTY OF BEAR LAKE)

1. I am the prior owner and/or caretaker of the Thomas Fork Ranch (the "Ranch"), have personal knowledge of the information included in this affidavit and am intimately familiar with water use on the Ranch located approximately 21 miles east of Montpelier, Idaho.
2. I was born on 02-18-1918, _____.
3. The West Unit of the Ranch consists of land legally described as:

Section 8: NE $\frac{1}{4}$; SE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$

APR 15 2002

Section 9: SW ¼ NW ¼; W ¼ SW ¼

4. I irrigated land, watered stock and supplied the homestead of the West Unit of the Ranch with water naturally occurring in springs and runoff, from 1962 to the present time.
5. I witnessed the full maximum beneficial use for irrigation of land, watering stock and to supply the homestead of the West Unit from 1945 to the present time, being well acquainted with the West Unit and its prior owners.
6. I used and witnessed use of water from springs and runoff in the following locations:
 - Section 28, T13S, R46E, Boise Meridian: Spring and runoff located near W ¼ corner of Section 28.
 - Section 30, T13S, R46E, Boise Meridian: Two springs located in SE ¼ SE ¼ of Section 30.
 - Section 31, T13S, R46E, Boise Meridian: Spring located near SW corner of SE ¼ of NE ¼ in Section 31.
 - Section 32, T13S, R46E, Boise Meridian: Spring located near SE corner of NW ¼ of SW ¼ in Section 32; and Spring located near SW corner of NW ¼ of SE ¼ of Section 32; and Spring located near SE corner of Section 32.
 - Section 33, T13S, R46E, Boise Meridian: Runoff located near NW corner of Section 33, irrigating approximately 35 acres in and near NW ¼ of NW ¼ of Section 33.
 - Section 5, T14S, R46E, Boise Meridian: Spring located in NW ¼ of Section 5; and Spring near N ¼ corner of Section 5; and spring near unimproved road and near NW corner of SW ¼ of SE ¼ of Section 5; and Spring near SW corner of SW ¼ of SE ¼ of Section 5.
 - Section 8, T14S, R46E, Boise Meridian: Spring located in NE ¼ of SW ¼ of Section 8.
7. I used and witnessed use of water from springs and runoff in the above locations for the stockwatering of 300 cattle, the domestic use of 1 family residence and the irrigation of 35 acres.

DATED this 22 day of April, 2002.

John Etcheverry
John Etcheverry

SUBSCRIBED AND SWORN to before me this 22 day of April, 2002.

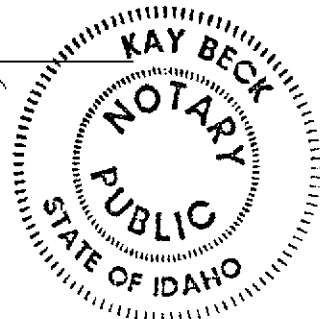
Kay Beck
Notary Public

My commission expires:

12-01-06

MICROFILMED

AUG 15 2002



KRUSE, LANDA & MAYCOCK, L.L.C.

50 WEST BROADWAY (300 SOUTH)
EIGHTH FLOOR, BANK ONE TOWER
SALT LAKE CITY, UTAH 84101-2034

JODY L. WILLIAMS
STEVEN J. VUYOVICH

WRITER'S E-MAIL
jwilliams@klmlaw.com
svuyovich@klmlaw.com

MAILING ADDRESS:
Post Office Box 45561
Salt Lake City, Utah 84145-0561

TELEPHONE: (801) 531-7090
TELECOPY: (801) 531-7091
(801) 359-3954

WRITER'S VOICE MAIL
Extension 234
Extension 240

June 20, 2002

RECEIVED
JUN 27 2002
Department of Water Resources
Eastern Region

Harold Jones
Water Right Supervisor
Idaho Dept. Water Res. Eastern Region
900 No. Skyline Dr.
Idaho Falls, Idaho 83402-1718

Re: Filing of Stockwater Claims Pursuant to Idaho Code § 42-243

Dear Harold:

This letter is to clarify and support the filing of multiple claims filed pursuant to Idaho Code § 42-243 ("243 Claims") for the use of livestock water from unnamed springs, the irrigation of 24 acres from an unnamed seasonal stream, and one domestic use from an unnamed spring located on property of the West Unit of the Thomas Fork Ranch, near Montpelier, Idaho. The \$2,500.00 filing fee, ten 243 Claims complete with a copy of a U.S.G.S. 7½ minute topographic map and two supporting affidavits for each claim, one full size U.S.G.S. 7½ minute topographic map, and one aerial photograph, are included with this letter.

The West Unit of the Thomas Fork Ranch has been under the ownership of the Etcheverry family for three generations. The established irrigation rights used on the West Unit are decreed in 1902 in *Fawcett Bros. v. Thomas Fork Irrigation Company* and have priority dates ranging from May 15, 1880 to April 1, 1886. The land was irrigated for the purpose of raising hay and feed for livestock. Livestock have grazed on the land now known as the West Unit since water was first diverted and the land was first operated as a ranch on May 15, 1880.

Livestock numbers have varied over time. The entire Thomas Fork Ranch (the West Unit and the East Unit) have been used to carry as many as 1,000 head of cattle. The West Unit has been continuously stocked with a minimum of 300 head of cattle which have watered from springs and other water sources located on the West Unit (see the affidavits of John and Paul Etcheverry included with each 243 Claim).

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AUG 15 2002

KRUSE, LANDA & MAYCOCK, L.L.C.

Harold Jones

June 20, 2002

Page 2

Numerous springs are present on the West Unit. There is a constant flow of water from many of these springs. Many of these springs have been developed. Some of these springs remain in their natural state whereby livestock drink directly from the spring or the streams flowing from the springs.

Bar-M Land & Livestock of Idaho, L.L.C. recently purchased the West Unit of the Thomas Fork Ranch and is filing these claims to protect its right to use these natural springs as a source of livestock water for 300 head of cattle.

In addition, there are 24 acres of land located in the SE¼ of the SE¼ of Section 29, T 13S, R 46E, B.M. that have been irrigated since 1962 from a seasonal stream emanating from melting snows and spring runoff located within the West Unit.

Finally, there is one domestic use that has been continuously used to supply water to a homestead located within the West Unit and in the NE¼ of the SE¼ of Section 5, T 14S, R 46E, B.M.

Please call if you have any questions concerning the 243 Claims accompanying this letter.

Very truly yours,

KRUSE, LANDA & MAYCOCK, L.L.C.



Steven J. Vuyovich

SJV:bjw
Enclosures

MICROFILMED

AUG 15 2002

State of Idaho
Department of Water Resources

RECEIVED
AUG 14 2002

CLAIM ANALYSIS SHEET

Department of Water Resources

INITIAL REVIEW BY: HWT

Right Number 11-7503 Applicant BAR M L&L

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By HWT Date 8-12-02

STATE OFFICE PROCESSING:

- ☐ Claim review complete.

By _____ Date _____

No 6425

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Bear Lake

ss.

Rosa Moosman

being duly sworn,

deposes and says:

That he is the Editor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

July 17, 192002, and ending

with the issue of July 24, 192002

Fees, \$237.44

Subscribed and sworn to before me this 3/5 day

of July, 192002

Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 23, 192003

Original in 11-7494

Place Of Use: STOCKWATER
T13S R46E S32 SESE

11-7501

Point(s) of Diversion: SWSNE
S29 T13S R46E, BEAR LAKE
County

Source SPRING, Tributary To
THOMAS FORK

Use: STOCKWATER

01/01 To 12/31 0.07 CFS

Total Diversion: 0.07 CFS

Date Filed: 07/08/2002

Place Of Use: STOCKWATER

T13S R46E S28 SWNW

T13S R46E S29 SENE

11-7502

Point(s) of Diversion: NWN-
WNE S5 T14S R46E, BEAR
LAKE County

Source SPRING, Tributary To
THOMAS FORK

Use: STOCKWATER

01/01 To 12/31 0.07 CFS

Total Diversion: 0.07 CFS

Date Filed: 07/08/2002

Place Of Use: STOCKWATER

T14S R46E S5 NWNE

11-7503

Point(s) of Diversion: SWSESE
S8 T14S R46E, BEAR LAKE
County

Source SPRING,
Tributary To THOMAS FORK

Use: STOCKWATER

01/01 To 12/31 0.07 CFS

Total Diversion: 0.07 CFS

Date Filed: 07/08/2002

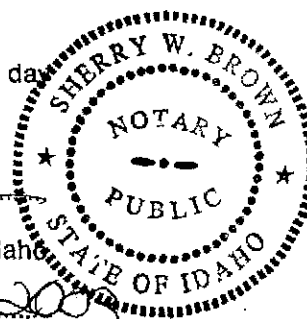
Place Of Use: STOCKWATER

T14S R46E S8 SESE

Exceptions to a claim may be
filed with the Department of
Water Resource, Eastern Region,
900 N Skyline Dr Ste A, Idaho
Falls ID 83402 together with an
exception fee of \$25.00

KARL J. DREHER,
Director

Publish on July 17 and 24,
2002 — Legal No. 6425.





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 09, 2002

Bar M Land & Livestock LLC
910 W 2100 S
Ogden UT 84401

RE: Water Right Claim No: 11-7494, 11-7495, 11-7496, 11-7497, 11-7498, 11-7499, 11-7500, 11-7501, 11-7502 and 11-7503

Dear Claimant(s):

The Department of Water Resources acknowledges receipt of your water right claim. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the claim has been prepared and is scheduled for publication in the News Examiner on July 17 and 24, 2002. If exceptions to the claim are filed you will be sent a copy of the exceptions(s).

The filing and advertising of the claim does not confirm the water right claimed. It will serve to record and preserve the information and the evidence, including any exceptions, regarding the claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have the information or evidence added at any time. Corrections to the claim may be made by filing an amended claim; no additional filing fees are required to amend a claim.

Also, 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.

We are enclosing a copy of the claim for your records. Please feel free to contact this office if you have any questions.

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc

MICROFILMED

AUG 15 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 09, 2002

Legal Notice Department
NEWS-EXAMINER
PO BOX 278
MONTPELIER ID 83254

RE: Statutory Claim No. 11-7494, 11-7495, 11-7496, 11-7497, 11-7498, 11-7499, 11-7500, 11-7501, 11-7502 and 11-7503

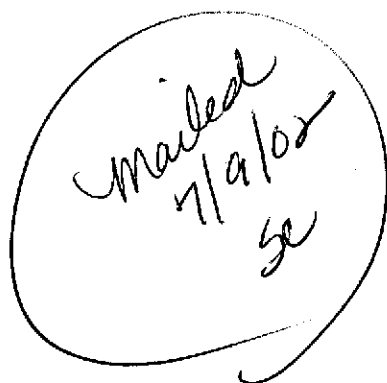
Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before August 5, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



MICROFILMED

AUG 15 2002

The following claim(s) have been filed based on diversion and beneficial use of water:

BAR M LAND & LIVESTOCK LLC
910 W 2100 S
OGDEN UT 84401

11-7494

Point(s) of Diversion: SWNWNW S5 T14S R46E, BEAR LAKE County

Source SPRING, Tributary To SHEEP CREEK

Use: STOCKWATER 01/01 To 12/31 0.07 CFS

Total Diversion: 0.07 CFS

Date Filed: 07/02/2002

Place Of Use: STOCKWATER

T14S R46E S5 NWNW

11-7495

Point(s) of Diversion: SWSESE S29 T13S R46E, BEAR LAKE County

Source UNNAMED STREAM, Tributary To THOMAS FORK

Use: IRRIGATION 04/15 To 10/15 0.48 CFS

Use: STOCKWATER 01/01 To 12/31 0.07 CFS

Total Diversion: 0.55 CFS

Date Filed: 07/02/2002

Place Of Use: STOCKWATER

T13S R46E S29 SESE

Place Of Use: IRRIGATION

T13S R46E S33 NWNW

Number of Acres 24

11-7496

Point(s) of Diversion: SWSENE S31 T13S R46E, BEAR LAKE County

Source SPRING, Tributary To SHEEP CREEK

Use: STOCKWATER 01/01 To 12/31 0.07 CFS

Total Diversion: 0.07 CFS

Date Filed: 07/02/2002

Place Of Use: STOCKWATER

T13S R46E S31 SENE

11-7497

Point(s) of Diversion: SWSWSE S5 T14S R46E, BEAR LAKE County

Source SPRING, Tributary To THOMAS FORK

Use: STOCKWATER 01/01 To 12/31 0.07 CFS

Total Diversion: 0.07 CFS

Date Filed: 07/02/2002

Place Of Use: STOCKWATER

T14S R46E S5 SWSE

MICROFILMED

AUG 15 2002

T14S R46E S8 NENE

11-7498

Point(s) of Diversion: SWSESE S30 T13S R46E, BEAR LAKE County

Source SPRINGS, Tributary To SHEEP CREEK

Use: STOCKWATER 01/01 To 12/31 0.07 CFS

Total Diversion: 0.07 CFS

Date Filed: 07/02/2002

Place Of Use:STOCKWATER

T13S R46E S30 SESE

11-7499

Point(s) of Diversion: SENWSE S5 T14S R46E, BEAR LAKE County

Source SPRING, Tributary To THOMAS FORK

Use: STOCKWATER 01/01 To 12/31 0.07 CFS

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.11 CFS

Date Filed: 07/02/2002

Place Of Use:STOCKWATER

T14S R46E S5 NESE NWSE

Place Of Use:DOMESTIC

T14S R46E S5 NESE

11-7500

Point(s) of Diversion: SESESE S32 T13S R46E, BEAR LAKE County

Source SPRING, Tributary To THOMAS FORK

Use: STOCKWATER 01/01 To 12/31 0.07 CFS

Total Diversion: 0.07 CFS

Date Filed: 07/02/2002

Place Of Use:STOCKWATER

T13S R46E S32 SESE

11-7501

Point(s) of Diversion: SWSENE S29 T13S R46E, BEAR LAKE County

Source SPRING, Tributary To THOMAS FORK

Use: STOCKWATER 01/01 To 12/31 0.07 CFS

Total Diversion: 0.07 CFS

Date Filed: 07/08/2002

Place Of Use:STOCKWATER

T13S R46E S28 SWNW

MICROFILMED
AUG 15 2002

T13S R46E S29 SENE

11-7502

Point(s) of Diversion: NWNWNE S5 T14S R46E, BEAR LAKE County

Source SPRING, Tributary To THOMAS FORK

Use: STOCKWATER 01/01 To 12/31 0.07 CFS

Total Diversion: 0.07 CFS

Date Filed: 07/08/2002

Place Of Use: STOCKWATER

T14S R46E S5 NENE

11-7503

Point(s) of Diversion: SWSESE S8 T14S R46E, BEAR LAKE County

Source SPRING, Tributary To THOMAS FORK

Use: STOCKWATER 01/01 To 12/31 0.07 CFS

Total Diversion: 0.07 CFS

Date Filed: 07/08/2002

Place Of Use: STOCKWATER

T14S R46E S8 SESE

Exceptions to a claim may be filed with the Department of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with an exception fee of \$25.00.

KARL J DREHER, Director

Published on July 17 and 24, 2002

MICROFILMED

AUG 15 2002