

**STARTING
LEFT
SIDE OF
FILE**

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. CD35810
Receipt By: JM
Date Received: 11-11-04

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 16 2004

DEPARTMENT OF
WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 94-2383 Telephone No. (28) 689-3212
2. Name of Permit Holder(s): City of Harrison
3. Mailing Address: P.O. Box 73
City Harrison State Idaho Zip 83833
4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo. June / yr. 2002
Well Driller: Fogle Well Drilling Drilling Permit Number: 779597
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: Municipal
6. Total rate of diversion and/or volume for which proof is submitted: .17 cfs OR _____ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No _____
Has the measuring device been installed? Yes X or No _____

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Rhonda E. Wilson Telephone Number: (28) 689-3212
Address: P.O. Box 73 Harrison Idaho 83833

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder:

(Signature) (include your title, if on behalf of company or organization)

Date: 11-10-04

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 94-07383

Priority: October 14, 1999

Maximum Diversion Rate:

0.33 CFS

This is to certify, that CITY OF HARRISON
PO BOX 73
HARRISON ID 83833

has applied for a permit to appropriate water from: GROUNDWATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
MUNICIPAL	01/01 to 12/31	0.33 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 7(NENE), Sec. 1, Township 47N, Range 04W
KOOTENAI County

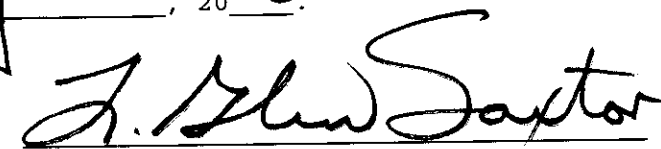
PLACE OF USE: See Remarks

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before January 1, 2005.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
6. Place of use is within the service area of the City of Harrison.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

7th day of January, 2000.


Karl J. Dreher, Director
for

MICROFILMED

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JAN 3 2000

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant City of Harrison Phone 208 689-3212
Mailing address PO Box 73 Harrison, ID 83833
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 47N Range 4W Sec. 1, in the _____ 1/4,
NE 1/4, NE 1/4, Govt. Lot 7, B.M., Kootenai County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.33 for Municipal purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.33 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source well
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 10 inches; proposed depth of well is 350 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? NO
 - e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. City of Harrison P.W.S. # ID/280083
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

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JAN 11 2001

9. 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 the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
47N	4W	1	m	m	m	m													
47N	3W	6					m	m	m	m	m	m	m	m		m	m		

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 94-7071

11. a. Who owns the property at the point of diversion? City of Harrison

b. Who owns the land to be irrigated or place of use? _____

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

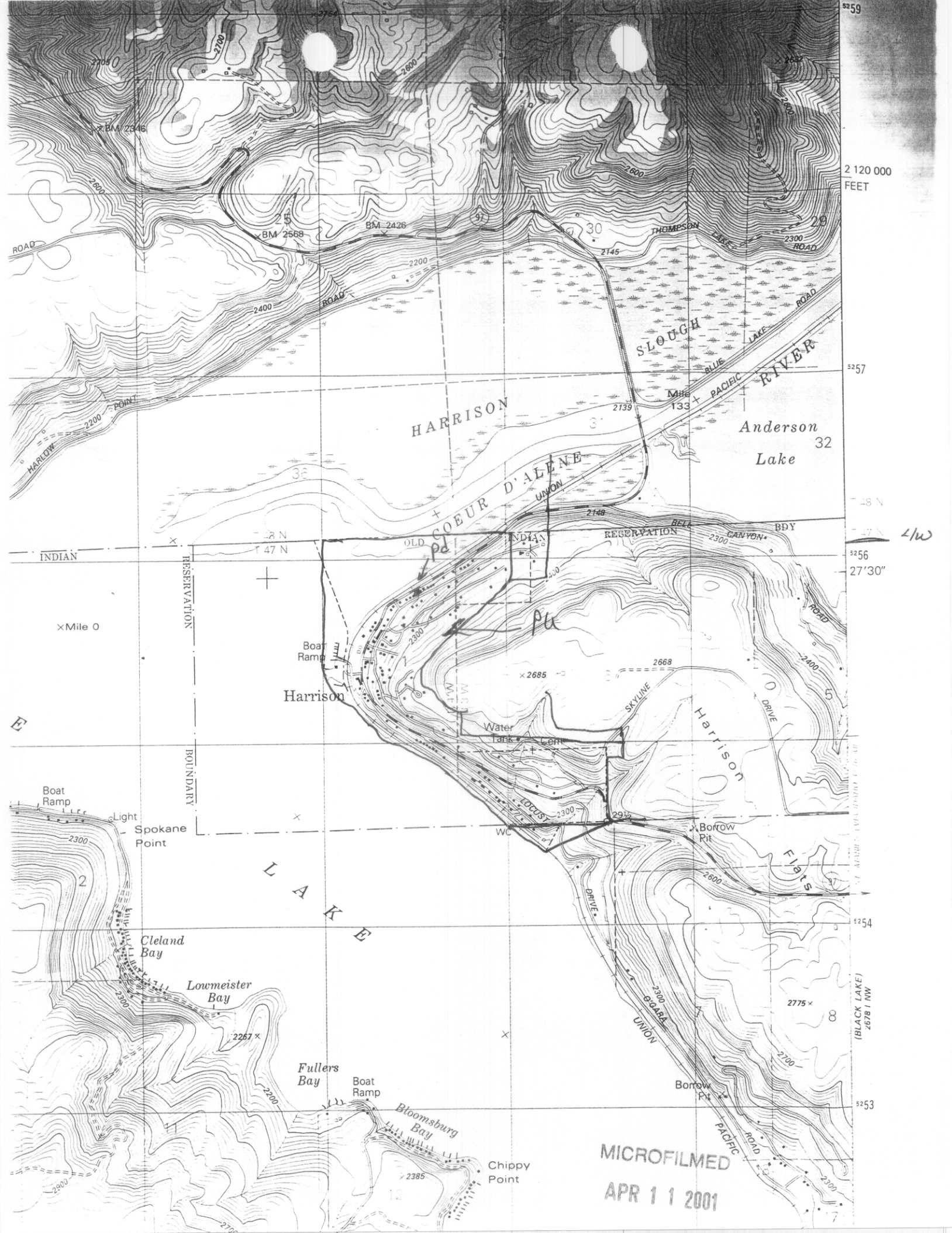
12. Remarks: Place of use is within the service area of the city system.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

David D. L. Mayan
Signature of Applicant (and title, if applicable)

Received by DL Date 10/14/99 Time 4:00 Preliminary check by AB
 Fee \$ 100 Received by DL # N 13298 Date 10/14/99
 Publication prepared by cb Date 11/10/99 Published in CDA Press 11/12 + 25/99
 Publication approved cb Date 12/7/99



**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 6, 2006

City of Harrison
PO Box 73
Harrison ID 83833

PROOF ACKNOWLEDGMENT LETTER

Re: Permit No 94-7383

Dear Permit Holders:

The department acknowledges receipt of the proof of beneficial use ("proof") form submitted for the above-referenced permit. The next step in the process of developing a water right is for the department to conduct the field examination to determine and confirm the use of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov

If you have questions about the field examination, please contact the Northern Regional Office of the department in Coeur d'Alene at (208) 769-1450.

Sincerely,

A handwritten signature in cursive script that reads "Christine Roberts".

Christine Roberts
Technical Records Specialist

Encl.

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 94-7383

Reviewed By: croberts

Date: March 6, 2006

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:		779597
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		C075810	Well driller's report filed?		
Additional Amount Due:			Measuring device required?	X	
Name and address same as permit?	X		Measuring device installed?	X	
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	11/16/2004
Date proof due	- 01/01/2005
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 10/14/1999
New priority date	= 10/14/1999

Deficiencies of Actions Items

Acknowledge Proof/City of Harrison proof shows .17cfs as opposed to .33 Permit shows. Fee submitted is for .17cfs \$50.00

October 31, 2004

CITY OF HARRISON
PO BOX 73
HARRISON, ID 83833

PROOF DUE NOTICE

RE: PERMIT NO. 94-7383

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 01, 2005. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

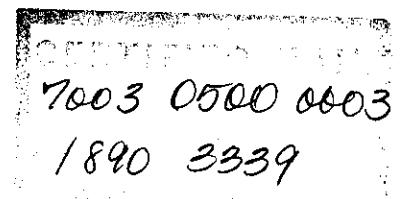
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

January 10, 2000

DIRK KEMPTHORNE
GOVERNOR

CITY OF HARRISON
PO BOX 73
HARRISON ID 83833

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 94-07383

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

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APR 11 2001

SK:klt

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of **January, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 94-07383

CITY OF HARRISON
PO BOX 73
HARRISON ID 83833


Kari Lynn Townsend
Secretary

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APR 11 2007

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the order. 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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 issuance 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.

DAVID D. LEFARD
MAYOR



COUNCIL MEMBERS

SHARON YABLON ANNIE RUSSELL
ARLEEN WOODSIDE DAVE COPE
RON JEAN-BLANC
LYNNETTE JEAN-BLANC

Listing of City officials

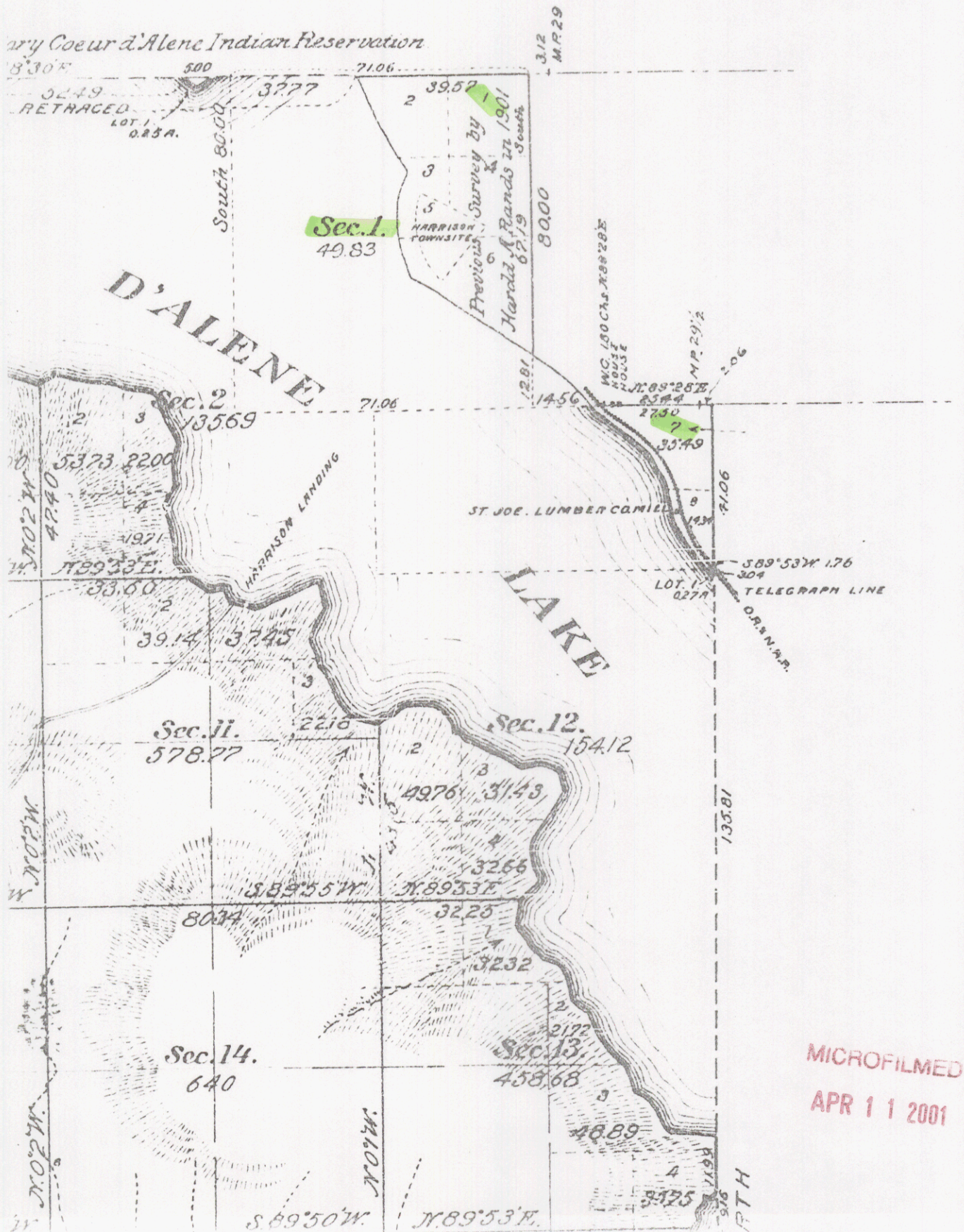
P.O. BOX 73 HARRISON, IDAHO 83833-0073

PHONE : (208) 689-3212
FAX: (208) 689-9014

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APR 11 2001

ary Coeur d'Alene Indian Reservation
83°30'E 500 71.06



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AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Kootenai,

STACIE WALKER

being first duly sworn

upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

LEGAL NOTICE

of which the annexed is a printed copy, was published in the regular *THURSDAY* issue of said newspaper for *2* consecutive *WEEKS* commencing on the *18* day of *NOVEMBER*, 19*99*, and ending on the *25* day of *NOVEMBER*, 19*99*, and such publication was made as often during said period as said *daily* newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Stacie Walker

Subscribed and sworn to before me this *25* day of *November*, 19*99*.

Regina Mason

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

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DEC 07 1999

IDWR/North

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MY COMMISSION EXPIRES 6/18/03

APR 11 2001

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

94-07383

CITY OF HARRISON
PO BOX 73
HARRISON, ID 83833
Source: GROUNDWATER
Diversion Pt: LOT 7 (NENE)
Use: MUNICIPAL

Sec 1 T 47N R 04W in KOOTENAI County.
(0.330 CFS)
(0.330 CFS)

Total Diversion:
Date Filed: 10/14/1999

Place of use is within the service area of the City of Harrison

95-09009

ROSS POINT WATER DISTRICT
PO BOX 70
POST FALLS, ID 838770070
Source: GROUNDWATER
Diversion Pt:

Sec 1 T 50N R 05W in KOOTENAI County.
Sec 31 T 51N R 04W in KOOTENAI County.
Sec 35 T 51N R 05W in KOOTENAI County.
Sec 36 T 51N R 05W in KOOTENAI County.

Use: MUNICIPAL

Total Diversion:

Date Filed: 2/12/1999

Place of use is within the service area of the Ross Point Water District.

95-09033

ILLICH, THOMAS J
1306 E BLACKWOOD LANE
SPOKANE, WA 992236399
Source: COEUR D'ALENE
Diversion Pt: LOT 6 (SESE)
Use: DOMESTIC

Tributary: SPOKANE RIVER
Sec 25 T 48N R 05W in KOOTENAI County.
(0.040 CFS)
(0.040 CFS)

Total Diversion:
Date Filed: 9/30/1999
In: KOOTENAI County
T48N R05W S25

Lot 6 (SESE)

95-09034

HOYT, BRAD
HOYT WATER COMPANY LLC
8610 E MARINGO DR
SPOKANE, WA 99210
Source: GROUNDWATER
Diversion Pt: SWSE

Sec 8 T 51N R 05W in KOOTENAI County.
Sec 8 T 51N R 05W in KOOTENAI County.
(1.000 CFS)
(1.000 CFS)

Use: MUNICIPAL

Total Diversion:

Date Filed: 3/26/1999

Place of use is located within the service area of Hoyt Water Company LLC.

For additional information concerning the property location, call the Northern Regional Office at (208) 769-1450.

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814, together with a protest fee of \$25.00 on or before DECEMBER 6, 1999.

Legal 181
November 18, 25, 1999

KARL J. DREHER, Director

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DEC 07 1999

IDWR/North

94-07383

CITY OF HARRISON
PO BOX 73
HARRISON, ID 83833

Source: GROUNDWATER

Diversion Pt: LOT 7 (NENE) Sec 1 T 47N R 04W in KOOTENAI County.

Use: MUNICIPAL	(	0.330 CFS)
Total Diversion:	(	0.330 CFS)

Date Filed: 10/14/1999

Place of use is within the service area of the City of Harrison.

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APR 11 2001

November 10, 1999

David LePard, Mayor
City of Harrison
PO Box 73
Harrison ID 83833

Re: Water Appropriation Application No. 94-07383

Dear Mr. LePard:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If your source is groundwater, a Well Drilling Permit is required for all wells constructed after July 1, 1987.

A "Domestic" well drilling permit should be obtained for a rate of diversion of up to 18 gallons per minute (0.04 CFS) and a daily volume of up to 2,500 gallons per day. The cost for this permit is \$75.00. For any other use, including multiple homes, or municipal, etc., the Drilling Permit fee is \$200. These Permits can be obtained by your driller, also. It is sometimes possible to upgrade an existing Domestic Drilling Permit by submitting a fee for the difference. This, however, depends on the individual well.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

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APR 11 2001

AB:db