

Page 1 of 8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 11770

RECEIVED

AMENDED -- APPLICATION FOR TRANSFER OF WATER RIGHT

JAN 19 2005

PART 1

Department of Water Resources
Southern Region

Name of applicant JAMES H. SPAFFORD &/OR VIRGINIA L. SPAFFORD TRUST Phone (208) 423-6133

Post Office address 3614 NORTH 3600 EAST, KIMBERLY, ID 83341-5321

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe the reason for the proposed changes APPLICANT SOLD A TRACT OF LAND WITH THE WELL APPURTENANT, AND WANTS TO MOVE HER PORTION OF WATER TO (2 WELLS) - 1 EXISTING (AND 1 NEW ONE TO BE) WELL (DRILLED) ON (HER) REMAINING LAND.

out
out
out

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|----------------|-------------------|------------------------|-------------------|-----------------------|
| <u>33-2050</u> | <u>11/10/1948</u> | <u>0.90 (4.81 CFS)</u> | <u>IRRIGATION</u> | <u>04-01 to 10-31</u> |
| <u>33-2102</u> | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
- Total amount of water being transferred (4.81) cubic feet per second and/or _____ acre-feet per annum.
- Source of water GROUNDWATER 0.90 tributary to _____
- Point(s) of Diversion: _____

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
<u>SW</u>	<u>SE</u>	<u>SW</u>	<u>23</u>	<u>06N</u>	<u>29E</u>	<u>BUTTE</u>		
<u>NW</u>	<u>NE</u>	<u>NE</u>	<u>26</u>	<u>06N</u>	<u>29E</u>	<u>BUTTE</u>		

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
<u>06N</u>	<u>29E</u>	<u>23</u>									<u>40</u>			<u>38</u>					<u>(78)</u> - out
<u>06N</u>	<u>29E</u>	<u>26</u>	<u>37</u>				<u>39</u>												<u>76</u>

RECEIVED
MAY 10 2005

Department of Water Resources
Eastern Region

Total acres (154)

PART 1

6. General Information:

a. Description of diversion system WELL AND PUMP TO DITCH

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? NO Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
NONE

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 33-14866

WATER RIGHT NUMBER: 33-14866

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MRS JESSE M STROPE 3614 N 3600 E KIMBERLY, ID 83341-5321
Original Owner	JESSE M STROPE 3614 N 3600 E KIMBERLY, ID 83341-5321
Current Owner	VIRGINIA L SPAFFORD TRUST 3614 N 3600 E KIMBERLY, ID 83341-5321 (208)423-6133

Priority Date: 11/10/1948

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
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GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.900 CFS	
	<u>Total Diversion:</u>	0.900 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4SE1/4	Sec. 22, Twp 06N, Rge 29E, B.M.
BUTTE County		

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	
06N	29E	26	37.0			39.0													76.0

Total Acres: 76

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 33-02102 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 812 AF.
2. C18 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.
3. USE OF THIS RIGHT WITH RIGHT NO. 33-02102 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 232 ACRES IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 33-14866

4. E18 USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM BLAINE COUNTY CANAL CO.

Remarks:Comments:Dates and Other Information:

Licensed Date:
Decreed Date: 8/11/2000
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	812	232

Combined Water Rights: 33-2102 , 33-14866 , 33-14867 , 33-14868

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:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 33-2102

WATER RIGHT NUMBER: 33-2102

<u>Owner Type</u>	<u>Name and Address</u>
Previous Owner	JAMES H SPAFFORD 3614 N 3600 E KIMBERLY, ID 83341 (208)423-6133
Previous Owner	VIRGINIA S SPAFFORD 3614 N 3600 E KIMBERLY, ID 83341 (208)423-6133
Current Owner	VIRGINIA L SPAFFORD TRUST 3614 N 3600 E KIMBERLY, ID 83341-5321 (208)423-6133
Original Owner	JESSE M STROPE 3614 N 3600 E KIMBERLY, ID 83341-5321

Priority Date: 06/21/1961

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
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GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	1.600 CFS	
	<u>Total Diversion:</u>	1.600 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4NE1/4	Sec. 26, Twp 06N, Rge 29E, B.M.
BUTTE County		

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	
06N	29E	26	37.0			40.0													77.0

Total Acres: 77

Conditions of Approval:

- USE OF THIS RIGHT WITH RIGHT NO. 33-02050 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 812 AF.

page 6078

71770

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 33-2102

2. USE OF THIS RIGHT WITH THE RIGHT LISTED ABOVE IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 232 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 77 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. C18 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.
4. E18 USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM BLAINE COUNTY CANAL CO.

Remarks:

Comments:

1. KEEN 6/28/1994 CLAIM REVIEW
Comment: DESKTOP REVIEW BY S.W. KEEN ON 5-5-94. FIELD REVIEW IN CONCERT WITH BLAINE COUNTY CANAL INSPECTION 6-21-94 THROUGH 6-23-94. DATA ENTRY TODAY BY S.W. KEEN.
2. AJU10-EC 11/22/1999 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
3. BCONTOR 11/24/1999 SEASON OF USE
Comment: LICENSE DOES NOT SPECIFY SEASON OF USE. MAP VALUES USE. BCONTOR 11/24/1999.

Dates and Other Information:

Licensed Date:
Decreed Date: 8/11/2000
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND/OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	812	232

Combined Water Rights: 33-2102 , 33-14866 , 33-14867 , 33-14868

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	812	232

Combined Water Rights: 33-2050 , 33-2102

71770

① 130.0 (2) 6.0 (3) 13.0 (4) 12.8 (5) 14.7 (6) 2.0

907
T-323
NHFL

AIF
Furrow

NEW WELL
33-2050

907
T-410
NHFL
OLD WELL
33-2102

POB

23 24

907
T-322
NHFL
37 acres/33-2050
37 acres/33-2102

39 acres/33-2050
40 acres/33-2102

①
75.7

①
73.1

Fallow
10.7
①
10

643
T-462
NHFL
NW

643
T-424
NHFL
NW

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

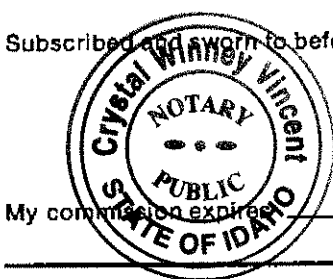
NONE

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

JAMES STEPHEN SPAFFORD, TRUSTEE (Signature of Applicant)

Subscribed and sworn to before me this 14th day of May, 19 2005.



My commission expires

4/8/2010

(Notary Public)

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by DC Fee \$290

Received by JR Date 1/18/2006 5027303

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

64

NO. 0037193

RECORDED

JUL 24 2001

AM 3:45 PM

BUTTE COUNTY RECORDER

Sally A. Womack

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, Made by Virginia L. Spafford, as Personal Representative of the Estates of Jesse M. Strobe, Sr. and Thelma H. Strobe, Deceased, hereinafter referred to as "Grantor," to James H. Spafford and Virginia L. Spafford, husband and wife, of 3614 N. 3600 E., Kimberly, Twin Falls County, Idaho, hereinafter referred to as "Grantees":

WHEREAS, Grantor is the qualified Personal Representative of said estate, filed as Probate No. SP 00-10, records of Butte County, Idaho;

THEREFORE, For valuable consideration received, Grantor sells and conveys to Grantees the following described real property situate in Butte County, Idaho, described more particularly as follows, to-wit:

Section 26: A portion of Township 6 North, Range 29 East, Butte County, Idaho, being the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 26 lying South of 3800 North Road, beginning at Section 23, 24 & 25 going South 2,640' more or less, then West 1320' more or less, then North 2,640' more or less, and East 1320' more or less, to the Point of Beginning (80.00 acres more or less).

Section 23: A portion of Township 6 North, Range 29 East, Butte County, Idaho, being the E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 23 lying North of 3800 North Road, beginning at 1,320' more or less from the Southwest corner off 3800 North, thence East 1320' more or less, thence North 2,640' more or less, thence West 1320' more or less, thence South 2,640' more or less to the Point of Beginning, on the North side of 3800 North Road (80.00 acres more or less).

Section 22: A portion of Township 6 North, Range 29 East, Butte County, Idaho, being the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 22 lying North of 3800 North Road, beginning at 1,320' more or less, West of the Southeast corner at Sections 23, 26 and 27, thence North 2,640' more or less, thence West 1,320' more or less, thence South 2,640' more or less, thence East 1,320' more or less along 3800 North Road to the Point of Beginning (80.00 acres more or less).

PERSONAL REPRESENTATIVE'S DEED - 1

T 71770

ATTACHMENT 1 OF 1

EXECUTED This 24 day of July, 2001.

Virginia L. Spafford
Virginia L. Spafford
Personal Representative of
the Estate of Jesse M. Strobe, Sr.
and Thelma H. Strobe, Deceased

STATE OF IDAHO)
 : ss
County of Butte)

On this 24 day of July, 2001, before me, the undersigned, a notary public in and for said state, personally appeared Virginia L. Spafford, known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of Jesse M. Strobe, Sr. and Thelma H. Strobe, Deceased, and acknowledged to me that she executed the same as such Personal Representative of said Estates.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in this certificate first above written.



Teresa I. Marcotte
NOTARY PUBLIC FOR IDAHO
Residing at Arco
Commission Expires 6/26/05

PERSONAL REPRESENTATIVE'S DEED - 2

T 71770
ATTACHMENT 2 OF 7

NO. 0041620

RECORDED

DEC 30 2004

~~NOT RECORDED~~

WARRANTY DEED

FOR VALUE RECEIVED, JAMES HENRY SPAFFORD and VIRGINIA S. SPAFFORD, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto JAMES HENRY SPAFFORD and VIRGINIA S. SPAFFORD as Trustees of The Spafford Trust dated the 7th day of September, 1994, the Grantee, whose address is 3614 North 3600 East, Kimberly, Idaho, 83341, the following described parcels, to-wit:

Section 24: A portion of Township 6 North, Range 29 East, Butte County, Idaho being the E1/2NW1/4 of Section 24 lying South of 3800 North Road beginning at Section 23, 24 and 25 going South 2,640' more or less, then West 1,320' more or less, then North 2,640' more or less, and East 1,320' more or less, to the Point of Beginning (80.00 acres more or less).

West

Section 23: A portion of Township 6 North, Range 29 East, Butte County, Idaho, being the E1/2SW1/4 of Section 23 lying North of 3800 North Road, beginning at 1,320' more or less from the Southwest corner of 3800 North, thence East 1,320' more or less, thence North 2,640' more or less, thence West 1,320' more or less, thence South 2,640' more or less to the Point of Beginning, on the North side of 3800 North Road (80.00 acres more or less).

Together with (i) any and all appurtenances belonging or appertaining thereto; (ii) any and all improvements located thereon; (iii) any and all appurtenant easements or rights of way affecting such real property and any of Grantors' rights to use the same; (iv) any and all rights of ingress and egress to and from such real property and any of Grantors' rights to use same; (v) any and all mineral rights and interests of Grantors relating to such real property (present or reversionary); (vi) any and all rights to the present or future use of waste water, waste water capacity, discharge, water or other utility facilities to the extent such rights pertain to or benefit such real property or the improvements located thereon, including without limitation, all reservations of or commitments or

WARRANTY DEED - 1

letters covering any such use in the future, whether now owned or hereafter acquired; (vii) any and all rights and interests of Grantors, if any, to any leases covering all or any portion of such real property; and (viii) all right, title and interest of Grantors, if any, in and to (a) any and all roads, streets, alleys and ways (open or proposed) affecting, crossing, fronting or bounding such real property, including any awards made or to be made relating thereto including, without limitation, any unpaid awards or damages payable by reason of damages thereto or by reason of a widening of or changing of the grade with respect to same, (b) any and all strips, gores or pieces of property abutting, bounding or which are adjacent or contiguous to such real property (whether owned or claimed by deed, limitations or otherwise), (c) any and all air rights relating to such real property and (d) any and all reversionary interests in and to such real property (such real property together with any and all of the related improvements, appurtenances, rights and interests referenced in items (i) through (viii) above are herein collectively referred to as the "Property").

TO HAVE AND TO HOLD the said Property together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantees, their successors and assigns forever, subject to the matters herein stated; and Grantors do hereby bind themselves and their successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantees, their successors and assigns, against every person whatsoever lawfully claiming or to claim the same or any part thereof, to the full extent such matters are valid and subsisting and affect the Property.

DATED this 22 day of December 2004.

James Henry Spafford

JAMES HENRY SPAFFORD

Virginia S. Spafford
VIRGINIA S. SPAFFORD

STATE OF IDAHO.)

: ss.

COUNTY OF TWIN FALLS.)

On this 22 day of December 2004, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared JAMES HENRY SPAFFORD and VIRGINIA S. SPAFFORD, personally known or proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Bruce G. Evans
Notary Public for Idaho
My Commission Expires on 8-12-05

WARRANTY DEED - 2

NO. 0041924
RECORDED

APR 18 2005

AM 12:05 PM
BUTTE COUNTY RECORDER

RESIGNATION OF TRUSTEE AND
DESIGNATION OF SUCCESSOR TRUSTEE

Tully S. Afflu

WHEREAS, JAMES HENRY SPAFFORD, M.D. and VIRGINIA S. SPAFFORD, husband and wife, entered into a trust agreement dated the 7th day of September, 1994; and

WHEREAS, pursuant to the terms of the trust as set forth in Article 8.01 the grantors were given the right to resign as trustee of the trust. JAMES HENRY SPAFFORD, M.D. and VIRGINIA S. SPAFFORD do hereby resign as trustee of the trust, with such resignation to be effective on the 14 day of April, 2005; and

WHEREAS, pursuant to the terms of the trust as set forth in Article 8.02 the grantors, upon the resignation of a trustee, were given the power to appoint a successor trustee of the trust; and

NOW THEREFORE, pursuant to the power granted to JAMES HENRY SPAFFORD, M.D. and VIRGINIA S. SPAFFORD, grantors do hereby appoint JAMES STEPHEN SPAFFORD as the sole successor trustee. In the event that JAMES STEPHEN SPAFFORD resigns or is otherwise unable or unwilling to act as trustee, then in that event JAMES HENRY SPAFFORD, M.D. and VIRGINIA S. SPAFFORD do hereby appoint ROB ROY SPAFFORD as sole successor trustee.

DATED This 13 day of April, 2005.

JAMES H. Spafford MD
JAMES HENRY SPAFFORD, M.D., Grantor

Virginia S. Spafford
VIRGINIA S. SPAFFORD, Grantor

James H Spafford MD
JAMES HENRY SPAFFORD, M.D., Trustee

Virginia S. Spafford
VIRGINIA S. SPAFFORD, Trustee

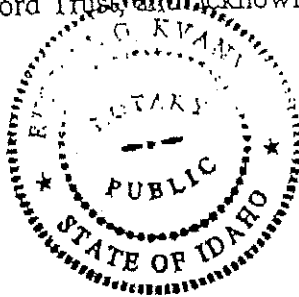
ATTACHMENT T 71770
5 OF 7

STATE OF IDAHO)

: ss.

COUNTY OF TWIN FALLS)

On this 13 day of April, 2005, before me, the undersigned, a Notary Public for Idaho, personally appeared JAMES HENRY SPAFFORD, M.D. and VIRGINIA S. SPAFFORD, known or identified to me to be the persons whose names are subscribed to the foregoing instrument, as grantors of The Spafford Trust, and acknowledged to me that they executed the same as such grantors.



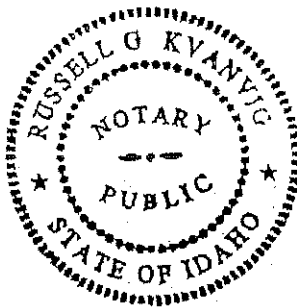
Russell Kvanvig
Notary Public for Idaho
My Commission Expires on 8-12-05

STATE OF IDAHO)

: ss.

COUNTY OF TWIN FALLS)

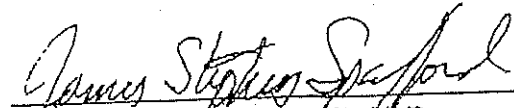
On this 13 day of April, 2005, before me, the undersigned, a Notary Public for Idaho, personally appeared JAMES HENRY SPAFFORD, M.D. and VIRGINIA S. SPAFFORD, known or identified to me to be the persons whose names are subscribed to the foregoing instrument, as trustee of The Spafford Trust, and acknowledged to me that they executed the same as such trustee.



Russell Kvanvig
Notary Public for Idaho
My Commission Expires on 8-12-05

ACCEPTANCE OF APPOINTMENT
AS SUCCESSOR TRUSTEE

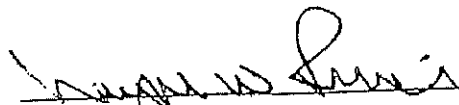
JAMES STEPHEN SPAFFORD does hereby accept appointment as successor trustee of The Spafford Trust dated the 7th day of September, 1994, and indicates such acceptance in writing effective upon the 14th day of April, 2005, subject to all of the terms and conditions thereof.



JAMES STEPHEN SPAFFORD

STATE OF IDAHO)
) ss.
COUNT OF TWIN FALLS)

On this 14th day of April, 2005, before me, the undersigned, a notary public for Idaho, personally appeared JAMES STEPHEN SPAFFORD, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.



Notary Public for Idaho
My Commission Expires on 12/01/06

