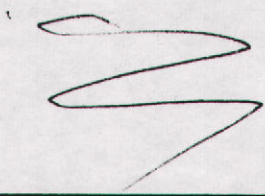


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Documents
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION

RECEIVED

MAY 19 2004

(To change point of diversion, place of use or purpose of use)

Department of Water Resources

Name of Applicant BRION EGAN Phone (208) 374-5460Post Office Address HC 61 Box 1060, Dubois ID 83423

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) thereof Drought conditions have cut
water rights this will allow the water to be used on the crop needing
the water

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

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
SEE ATTACHED PAGE 4/1 to 10/31
to
to
to
2. Total amount of water being transferred 17.35 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Medicine Lodge tributary to Sinks
4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	NE	SE	25	11N	34E	CLARK	old McGarry P/O's
		NW	SW	SE	31	11N	35E	CLARK	
			NW	SW	8	10N	35E	CLARK	Egan Diversion

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	35E	6													25	38	37	31	136
		7									31			29		31	29		120
		17					39	42	33	40	40	40	4	39	32.7	39	38	32.7	419.4
		18	34	40	40	28	39			39									220.0
11N	35E	31	40	39	38	40													157

Total Acres 1652.4

TC-32-09

B. Description of Right(s) or Portion thereof, After Requested Change

Basin	Sequence	Suffix	Basis	Priority Date	Rate(cfs)	Volume(af)	Water Use(s)	Owner(s)
MEDICINE LODGE								
32	25	✓	Decreed	1883-10-01	3.36		IRR & STOCK	MC GARRY, JACK
32	43	✓	Decreed	1884-10-15	2.00		IRR & STOCK	MC GARRY, PATRICK T
32	1	B	Decreed	1883-06-20	0.60	217.8	IRRIGATION	EGAN, BRION D & GARY
32	2	B ✓	Decreed	1883-10-01	0.34	123.4	IRRIGATION	"
32	3	B ✓	Decreed	1884-05-15	1.41	511.8	IRRIGATION	"
32	4	B ✓	Decreed	1885-04-15	0.47	170.6	IRRIGATION	"
32	5	B ✓	Decreed	1885-11-01	0.47	170.6	IRRIGATION	"
32	9	A ✓	Decreed	1884-02-01	0.18	80.6	IRRIGATION	EGAN, BRION D
32	10	A ✓	Decreed	1884-04-15	0.27	123.1	IRRIGATION	"
32	11	A ✓	Decreed	1884-05-01	1.17	534.8	IRRIGATION	"
32	12	A ✓	Decreed	1885-04-15	3.37	928.9	IRRIGATION	"
32	13	A ✓	Decreed	1885-11-01	0.21	97.6	IRRIGATION	"
32	29	✓	Decreed	1883-10-01	1.00		IRRIGATION	EGAN, BRION D & DEANNA
32	30	✓	Decreed	1884-02-01	1.50		IRRIGATION	"
32	31	✓	Decreed	1886-08-01	1.00		IRRIGATION	"
TOTAL =					17.35 cfs			

Drought Emergencies Change
 Brion Egan
 5/5/2004

TC-32-09

6. General Information:

- a. Who owns the water right to be changed? APPLICANT (Change in Ownership Documents sent to Boise)
- b. Describe the arrangement allowing use of the right N/A
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Better use of water will be able to move water to most water use crop
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain. Rights have been used but Drought conditions have required watermaster to cut rights (cannot irrigate all ground)
- e. Absent the changes, how would the right be used for the remainder of the year? Would continue to water untill drought conditions required watermaster to cut rights
- f. Describe other water rights used for the same purpose.
NONE
- g. Remarks: Water master Dist 32-C will move the water and charge losses to insure no injury to other rights on Medicine Lodge

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and 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.

Bruce Egan
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 5/5/04 Fee \$50.00

Received KW 5/4/04 # E029797 Recommend: approve deny

Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-32-09

And said application is hereby Approved, subject to the following limitations and conditions:

The diversion at any point of diversion will be subject to the approval of the water master

Witness my hand this 11 day of May, 2004.

Robert D. Carl
For the Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT Brion Egan)
32-25/43/1B/2B/3B/4B/5B/9A/10A/11A/12A)
32-13A/29/30/31

ORDER AUTHORIZING
TEMPORARY CHANGE TC-32-09

WHEREAS, a drought emergency has been declared for Clark
County to allow administrative actions to lessen the severe impacts of the drought
conditions in the counties; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a
drought emergency, the director of the Department of Water Resources ("Department")
is authorized to allow temporary changes in the point of diversion, the place of use, and
the purpose of use for valid existing water rights when the director determines that such
changes can be accomplished in accordance with the provisions of section 42-222A,
Idaho Code; and

WHEREAS, on 5/5/04, Brion Egan submitted the attached
Temporary Change Application TC-32-09 to the Department; and

WHEREAS, the Department has reviewed the application and has determined
the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is APPROVED subject to the
following conditions:

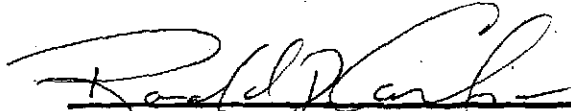
- 32-25/43/1B/2B/3B/4B/5B/9A/10A/11A/12A/13A
1. Diversion and use of right no(s). 32-29/30/31 is authorized only
at the point of diversion and place of use described on the application.
 2. This temporary change approval does not authorize construction of a new
well as a new point of diversion.
 3. The applicant assumes all risk of curtailment or mitigation should the
diversion and use of water under the temporary change approval cause
injury to other water rights, constitute an enlargement in use of the original
right, be inconsistent with the conservation of water resources within the
state of Idaho, or not be in the local public interest.
 4. This temporary change approval may only be used to provide a

ORDER AUTHORIZING
TEMPORARY CHANGE TC-32-09

replacement water supply to lands or other uses which normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

5. Right(s) 32-25 et. al are limited to the irrigation of a total of 1052.4 acres in a single irrigation season.
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicant agrees to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The watermaster of Water District No. 32 is authorized to administer the temporary change approval.
11. This temporary change approval expires on 12/31/04 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 11th day of May, 2004.


RONALD D. CARLSON
EASTERN REGION MANAGER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of applicant Brian Egan Phone 208 374-5460
Post Office address HC 61 Box 1060 Dubois Id. 83423

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) therefor Change Point of Diversion to My Check (T10N R35E S8) Old Point of Diversion is upstream Approx. 2 mi. Holmes will vacate his 160 Acres and I will use water to supplement mine on Existing 160 Acres. We are not expending Acreage. We are only Supplementing my water rights to compensate for lost water

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

1. Right Number	Priority	Amount	Nature	Period of Use
<u>32-00001</u>	<u>6/20/83</u>	<u>1.64 CFS</u>	<u>Irrigation</u>	<u>4/01 to 10/31</u>
<u>32-00002</u>	<u>10/01/83</u>	<u>.36 CFS</u>	<u>Irrigation</u>	<u>4/01 to 10/31</u>
<u>32-00003</u>	<u>5/15/84</u>	<u>1.50 CFS</u>	<u>Irrigation</u>	<u>4/01 to 10/31</u>
<u>32-00004</u>	<u>4/15/85</u>	<u>.50 CFS</u>	<u>Irrigation</u>	<u>4/01 to 10/31</u>
<u>32-00005</u>	<u>11/01/85</u>	<u>.50 CFS</u>	<u>Irrigation</u>	<u>4/01 to 10/31</u>

2. Total amount of water being transferred 3.50 cubic feet/second and/or _____ acre-feet per annum.

3. Source of water Medicine Lodge Creek tributary to None / Water Sinks

4. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			NW	SW	8	10 N	35 E	Clark	Medicine Lodge Creek (Egan Diversion)

5. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>10N</u>	<u>35E</u>	<u>17</u>									<u>X</u>			<u>X</u>		<u>X</u>	<u>X</u>		<u>160 Acres</u>

MICROFILMED 160 acres

1111 2 3 2003

6. General Information:

a. Who owns the water right to be changed? Gerald Holmes

b. Describe the arrangement allowing use of the right See Attached Contract

c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Land will be dried up for the term of change

d. Has the water right sought to be transferred been used this year? Yes If yes, explain. Gerald has irrigated his ground but will quit when water is transferred (pasture grass)

e. Absent the changes, how would the right be used for the remainder of the year? Irrigation

f. Describe other water rights used for the same purpose.
My water rights are used for same purpose - Irrigation

g. Remarks: We are doing this because of Drought we are actually Irrigating less Acres because Holmes will not irrigate his 160 and all I am doing is supplementing the water I lost to Irrigate an existing 160

I hereby assume all risk in accordance with House Bill No. 4 and 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.

Bruce Egan
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by HWT Date 6-8-01 Fee \$50
Receipted HWT 6-8-01 # E026744 Recommend: X approve deny
Watermaster recommendation Approve

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No.
And said application is hereby , subject to the following limitations and conditions:

1. This approval expires November 1, ²⁰⁰¹~~1992~~ and thereafter the right reverts to the use existing prior to the temporary change.

Witness my hand this 11th day of June ²⁰⁰¹~~1992~~

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AUG 08 2001

MICROFILMED
JUL 23 2003

WATER RIGHT NUMBER	NAME	CFS
32-00001	RIGHT SPLIT INTO PARTS A & B THRU APPROVED TRANSFER 5067.	
32-00001A	HOLMES BROTHERS	0.64
32-00001B	EGAN , GARY EGAN , BRION	0.64

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FEB 20 1998MICROFILMED
JUL 23 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5067
WATER RIGHT NO(S). 32-00001B/32-00002B/32-00003B/32-00004B
32-00005B/32-07081D

This is to certify that: **GARY EGAN**
BRION EGAN
HC 61 BOX 1060
DUBOIS ID 83423

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 32-00001B : IRRIGATION Priority: 06/20/1883	04/15 to 10/15	* 0.64 CFS	217.8 AF
Right No. 32-00002B : IRRIGATION Priority: 10/01/1883	04/15 to 10/15	* 0.36 CFS	123.4 AF
Right No. 32-00003B : IRRIGATION Priority: 05/15/1884	04/15 to 10/15	* 1.50 CFS	511.8 AF
Right No. 32-00004B : IRRIGATION Priority: 04/15/1885	04/15 to 10/15	* 0.50 CFS	170.6 AF
Right No. 32-00005B : IRRIGATION Priority: 11/01/1885	04/15 to 10/15	* 0.50 CFS	170.6 AF
Right No. 32-07081D : IRRIGATION Priority: 06/20/1977	04/15 to 10/15	1.95 CFS	560.0 AF
TOTAL:		** 3.20 CFS	** 560.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
Right No. 32-00001B/32-00002B/32-00003B/32-00004B/32-00005B : MEDICINE LODGE CREEK	SINKS

Right No. 32-07081D :
GROUNDWATER

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JUL 23 2003
FEB 28 1985

TRANSFER NO. 5067
WATER RIGHT NO(S). 32-00001B/32-00002B/32-00003B/32-00004B
32-00005B/32-07081D

LOCATION OF POINT(S) OF DIVERSION:

Right Nos. 32-00001B/32-00002B/32-00003B/32-00004B/32-00005B :

NWSW , Sec. 8, Township 10N, Range 35E

Right No. 32-07081D :

NWNW , Sec. 17, Township 10N, Range 35E

CLARK County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N 35E 7	NESW 31	SESW 29	NWSE 31	
	SWSE 29			120
17	NWNW 12	SWNW 8		20
18	NENE 13	SENE 7		20
	Total number of acres irrigated:			160

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water from Medicine Lodge Creek will be regulated by the watermaster of State Water District No. 32C.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department on the Medicine Lodge Creek diversion in a manner that will provide the watermaster suitable control of the diversion.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code in connection with diversion of groundwater under Right 32-07081D.
4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under Right 32-07081D and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
5. Right 32-07081D shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

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JUL 23 2003

FEB 26 2006

TRANSFER NO. 5067

WATER RIGHT NO(S). 32-00001B/32-00002B/32-00003B/32-00004B
32-00005B/32-07081D

CONDITIONS OF APPROVAL AND REMARKS

10. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- ** 11. Rights 32-00001B, 32-00002B, 32-00003B, 32-00004B, 32-00005B and 32-07081D when combined shall not exceed a total diversion rate of 3.20 cfs, a total annual diversion volume of 560.0 af at the field headgate, and the irrigation of 160.0 acres.
- * 12. The portion of Rights 32-00001B, 32-00002B, 32-00003B, 32-00004B and 32-00005B assessed as channel losses under Transfer 5067 is 6% of each right or 0.21 cfs.

Dated this 18th day of February, 1998


Chief, Water Allocation Bureau

RECORDED

FEB 26 1998 MICROFILMED

JUL 23 2003

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 32-00001B

NAME AND ADDRESS: BRION EGAN
GARY EGAN
HC 61 BOX 1060
DUBOIS, ID 83423

SOURCE: MEDICINE LODGE CREEK TRIBUTARY: SINKS
QUANTITY: 0.60 CFS
217.80 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.20 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 560 AF. COMBINED RIGHT
NOS.: 32-00002B, 32-00003B, 32-00004B, 32-00005B, 32-07081D

PRIORITY DATE: 06/20/1883

POINT OF DIVERSION: T10N R35E S08 NWSW Within Clark County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 0.60 CFS
217.80 AFY

PLACE OF USE: Irrigation Within Clark County
T10N R35E S07 NESW 31.0 SESW 29.0
NWSE 31.0 SWSE 29.0
S17 NWNW 12.0 SWNW 8.0
S18 NENE 13.0 SENE 7.0
160.0 Acres Total

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 160 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00002B, 32-00003B,
32-00004B, 32-00005B, 32-07081D

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF APPURTENANT
SURFACE WATER RIGHTS IN CONJUNCTION WITH GROUNDWATER DIVERTED
UNDER RIGHT 32-07081D AND SHALL ONLY DIVERT GROUNDWATER WHEN
WATER FROM THE APPURTENANT SURFACE WATER RIGHTS CANNOT BE
DELIVERED TO THE RIGHT HOLDER.

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. I.C. SECTION 42-1412(6).

MICROFILMED

JUL 23 2003

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

Contract
Between
Gerald Holmes and Brion Egan

June 4, 2001

We the undersigned enter into an agreement this 6 day in the month of June 2001.

The conditions of this agreement are as follows.

1. Subject to approval of the department of water resources. Gerald Holmes will transfer the use of all owned surface water to Brion Egan starting June 25, 2001 to September 15, 2001. This is a temporary transfer and only to be used for the above dates. Water will be diverted down stream to Egans check, in Medicine Lodge Creek, T10N R35E S8. It is understood that during the above dates that Holmes will not be able to take or use any water in his ditch or on his land until September 15 2001 when this contract expires.
2. Payment for the above use of Holmes water, will be as follows. Egan will deliver to Holmes upon his request 50 ton of good feeder hay. If the combination of Egans water and Holmes water allows for the irrigation of the two large pivots through 3rd crop and up to September 15, 2001. Egan will deliver to Holmes an additional 15 ton of hay.

GERALD HOLMES

Signed: Gerald Holmes

BRION EGAN

Signed: Brion Egan

MICROFILMED
AUG 08 2001

MICROFILMED
JUL 23 2003

WATER DIST. #32-C
GREGORY A. SHENTON – WATERMASTER
BART A. MAY – DEPUTY WATERMASTER
P.O. BOX 33
DUBOIS, IDAHO 83423
(208) 374-5274
(208) 374-5696 fax

Idaho Department Of Water Resources

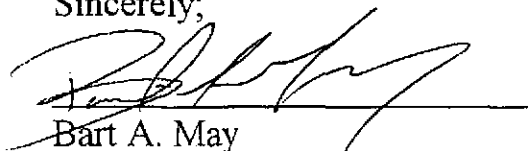
June 6, 2001

As you are aware, our county has declared it's self as a drought emergency county. Brian Egan has come to our office and has asked us about transferring the Holmes decreed water rights, "32-00001, 32-00002, 32-00003, 32-00004, and 32-00005" to his diversion for the purpose of irrigation of his crops. We do not see a problem with this, as long as Holmes no longer diverts water out of his diversion and Egan agrees to a 6%, "six percent" channel seepage loss. We also see no injury to other senior water right holders by the temporary transfer of this water for this year. Therefore we do endorse approval of this temporary transfer.

Below are the decreed water rights in which we believe to be part of this agreement.

Right number	priority	amount	6% loss	total diverted
32-00001	6/20/83	.64cfs	.04cfs	.60cfs
32-00002	10/01/83	.36cfs	.02cfs	.34cfs
32-00003	05/15/84	1.50cfs	.09cfs	1.41cfs
32-00004	04/15/84	.50cfs	.03cfs	.47cfs
32-00005	11/01/85	.50cfs	.03cfs	.47cfs
TOTAL		3.50cfs	.21cfs	3.29cfs

Sincerely,


Bart A. May
Deputy Water master

MICROFILMED
AUG 08 2001

MICROFILMED
JUL 23 2003