BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-12515, Lake County		PROPOSING APPROVAL OF A
•)	CHANGE IN POINTS OF
)	APPROPRIATION AND CHANGE IN
)	PLACES OF USE

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

KENNETH AND LESLIE HUFFORD REVOCABLE LIVING TRUST DBA HUFFORD ESTATE LLC PO BOX 99 FORT ROCK, OR 97735

Findings of Fact

- 1. On October 24, 2016, KENNETH AND LESLIE HUFFORD REVOCABLE LIVING TRUST, DBA HUFFORD ESTATE LLC, filed an application to change the points of appropriation and to change the place of use under Certificates 52635, 87207, 90484, 90486, 91427, 91428, and 91429. The Department assigned the application number T-12515.
- 2. Notice of the application for transfer was published on November 1, 2016, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 3. On March 16, 2017, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of the deficiencies in the application. Table 2 under Certificate 87207 did not correctly identify the amount of acres being transferred, Table 1 under Certificate 90486 did not correctly describe the authorized point of appropriation, and Table 2 under Certificate 91429 did not correctly describe the amount of

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

acres being transferred. The Department requested that the deficiencies be resolved by April 14, 2017.

- 4. On April 5, 2017, the applicant's agent submitted a revised Table 2 for Certificates 87207 and 91429.
- 5. On April 14, 2017, the applicant's agent submitted a revised Table 1 for Certificate 90486, resolving the deficiencies.
- 6. On October 18, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12515 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of November 19, 2019, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
- 7. The portion of the first right to be transferred is as follows:

Certificate: 52635 in the name of JOHN AND NORMA FLAMING

(perfected under Permit G-9349)

Use: IRRIGATION of 15.0 ACRES

Priority Date: APRIL 28, 1981

Rate: 0.1875 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured

under any other right existing for the same lands, shall be limited to

ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year and shall conform to such reasonable rotation system as

may be ordered by the proper state officer.

Source: WELL 2 in the FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	14 E	WM	23	NW SE	WELL 2 - 1320 FEET SOUTH AND 1450 FEET WEST FROM THE E1/4 CORNER OF SECTION 23

	IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres					
25 S	14 E	WM	23	NE SE	3.6					
25 S	14 E	WM	23	NW SE	3.8					
25 S	14 E	WM	23	SW SE	3.8					
25 S	14 E	WM	23	SE SE	3.8					
				TOTAL	15.0					

8. Transfer Application T-12515 proposes to move the authorized point of appropriation approximately 1.5 miles from the existing point of appropriation to:

Г	Гwр	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
2	25 S	15 E	WM	19	NW SW	3	WELL 6 - 3700 FEET SOUTH AND 1310 FEET EAST FROM THE NW CORNER OF SECTION 19

Transfer Application T-12515 also proposes to change the place of use of the right to:

		IRR	[GATI	ON		
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
25 S	15 E	WM	19	NE SW		3.8
25 S	15 E	WM	19	NW SW	3	3.7
25 S	15 E	WM	19	SW SW	4	3.7
25 S	15 E	WM	19	SE SW		3.8
						15.0

10. The portion of the second right to be transferred is as follows:

Certificate:

87207 in the name of KENNETH AND LESLIE HUFFORD REVOCABLE

LIVING TRUST DBA HUFFORD ESTATE LLC

(perfected under Permit G-9348)

Use:

IRRIGATION of 18.8 ACRES

Priority Date: APRIL 28, 1981

Rate:

0.235 CUBIC FOOT PER SECOND

Limit/Duty:

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year and shall conform to such reasonable rotation system as

may be ordered by the proper state officer.

Source:

A WELL in the FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	15 E	WM	19	NE NW	WELL 1 - 1330 FEET SOUTH AND 1440 FEET EAST FROM THE NW CORNER OF SECTION 19

	IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres				
25 S	15 E	WM	19	NE NW		4.2				
25 S	15 E	WM	19	NW NW	1	4.5				
25 S	15 E	WM	19	SW NW	2	4.8				
25 S	15 E	WM	19	SE NW		4.5				
25 S	15 E	WM	19	NE SW		0.4				
25 S	15 E	WM	19	NW SW	3	0.4				
					TOTAL	18.8				

11. Transfer Application T-12515 proposes to move the authorized point of appropriation approximately 1500 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
25 S	15 E	WM	19	NW SW	3	WELL 6 - 3700 FEET SOUTH AND 1310 FEET EAST FROM THE NW CORNER OF SECTION 19

12. Transfer Application T-12515 also proposes to change the place of use of the right to:

		IRF	RIGAT	ION		
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
25 S	15 E	WM	19	NE SW		4.7
25 S	15 E	WM	19	NW SW	3	4.7
25 S	15 E	WM	19	SW SW	4	4.7
25 S	15 E	WM	19	SE SW		4.7
		iš.			TOTAL	18.8

13. The portion of the third right to be transferred is as follows:

Certificate: 90484 in the name of KENNETH AND LESLIE HUFFORD REVOCABLE

LIVING TRUST, DBA HUFFORD ESTATE LLC, AND KEN AND

MARIA CADE (perfected under Permit G-8407)

Use:

IRRIGATION of 2.0 ACRES

Priority Date: NOVEMBER 30, 1978

Rate:

0.025 CUBIC FOOT PER SECOND

Limit/Duty:

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of

each year.

Source:

WELL 1 (NEW) in the FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	14 E	WM	24	SE NW	WELL 1 (NEW) - 1344 FEET SOUTH AND 1396 FEET EAST FROM THE NW CORNER OF SECTION 24

	IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres				
25 S	14 E	WM	24	NE NW	1.8				
25 S	14 E	WM	24	SE NW	0.2				
		•		TOTAL	2.0				

14. Transfer Application T-12515 proposes to move the authorized point of appropriation approximately 3500 feet from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
25 S	15 E	WM	19	NW SW	3	WELL 6 - 3700 FEET SOUTH AND 1310 FEET EAST FROM THE NW CORNER OF SECTION 19

15. Transfer Application T-12515 also proposes to change the place of use of the right to:

		IRF	RIGAT	ION		
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
25 S	15 E	WM	19	NE SW		0.5
25 S	15 E	WM	19	NW SW	3	0.5
25 S	15 E	WM	19	SW SW	4	0.5
25 S	15 E	WM	19	SE SW		0.5
					TOTAL	2.0

16. The portion of the fourth right to be transferred is as follows:

Certificate: 90486 in the name of KENNETH AND LESLIE HUFFORD REVOCABLE

LIVING TRUST DBA HUFFORD ESTATE LLC

(perfected under Permit G-9348)

Use: IRRIGATION of 4.4 ACRES
Priority Date: APRIL 28, 1981

Rate: 0.06 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured

under any other right existing for the same lands, shall be limited to

ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year and shall conform to such reasonable rotation system as

may be ordered by the proper state officer.

Source: A WELL in the FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	14 E	WM	23	SW NE	WELL 6 - 1295 FEET NORTH AND 1382 FEET WEST FROM THE E1/4 CORNER OF SECTION 23

	I	RRIGA	TION		
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	14 E	WM	23	NE NE	1.1
25 S	14 E	WM	23	NW NE	1.1
25 S	14 E	WM	23	SW NE	1.1
25 S	14 E	WM	23	SE NE	1.1
				TOTAL	4.4

17. Transfer Application T-12515 proposes to move the authorized point of appropriation approximately 1.5 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
25 S	15 E	WM	19	NW SW	3	WELL 6 - 3700 FEET SOUTH AND 1310 FEET EAST FROM THE NW CORNER OF SECTION 19

18. Transfer Application T-12515 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
25 S	15 E	WM	19	NE SW		1.1
25 S	15 E	WM	19	NW SW	3	1.1
25 S	15 E	WM	19	SW SW	4	1.1
25 S	15 E	WM	19	SE SW		1.1
					TOTAL	4.4

19. The portion of the fifth right to be transferred is as follows:

91427 in the name of KENNETH AND LESLIE HUFFORD REVOCABLE **Certificate:**

LIVING TRUST, dba HUFFORD ESTATE LLC, AND KEN AND

MARIA CADE (perfected under Permit G-5878)

Use:

IRRIGATION of 1.2 ACRES

Priority Date: DECEMBER 13, 1973

Rate:

0.0144 CUBIC FOOT PER SECOND

Limit/Duty:

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source:

WELL 1 in the FORT ROCK VALLEY BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	14 E	WM	24	SE NW	NEW WELL 1 - 1344 FEET SOUTH AND 1396 FEET EAST FROM THE NW CORNER OF SECTION 24

	1	RRIGA	TION		
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	14 E	WM	24	SW NW	0.5
25 S	14 E	WM	24	SE NW	0.7
				TOTAL	1.2

20. Transfer Application T-12515 proposes to move the authorized point of appropriation approximately 3500 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
25 S	15 E	WM	19	NW SW	3	WELL 6 - 3700 FEET SOUTH AND 1310 FEET EAST FROM THE NW CORNER OF SECTION 19

21. Transfer Application T-12515 also proposes to change the place of use of the right to:

		IRF	RIGAT	ION		
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
25 S	15 E	WM	19	NE SW		0.3
25 S	15 E	WM	19	NW SW	3	0.3
25 S	15 E	WM	19	SW SW	4	0.3
25 S	15 E	WM	19	SE SW		0.3
					TOTAL	1.2

22. The portion of the sixth right to be transferred is as follows:

Certificate: 91428 in the name of KENNETH AND LESLIE HUFFORD REVOCABLE

LIVING TRUST, DBA HUFFORD ESTATE LLC

(perfected under Permit G-7105)

Use: IRRIGATION OF 4.1 ACRES, BEING IRRIGATION OF 0.7 ACRES

FROM NEW WELL 1 AND IRRIGATION OF 3.4 ACRES FROM NEW

WELL 2

Priority Date: JANUARY 28, 1977

Rate: 0.051 CUBIC FOOT PER SECOND (CFS), BEING 0.008 CFS FROM

NEW WELL 1 FOR IRRIGATION OF 0.7 ACRES AND 0.043 CFS

FROM NEW WELL 2 FOR IRRIGATION OF 3.4 ACRES

Limit/Duty: The amount of water used for irrigation, together with the amount secured

under any other existing for the same lands, shall be limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year and shall conform to such reasonable rotation system as

may be ordered by the proper state officer.

Source: NEW WELL 1 AND NEW WELL 2 IN FORT ROCK VALLEY BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	14 E	WM	24	NW NE	NEW WELL 2 - 1308 FEET SOUTH AND 1330 FEET WEST FROM THE NE CORNER OF SECTION 24
25 S	14 E	WM	24	SE NW	NEW WELL 1 1344 FEET SOUTH AND 1396 FEET EAST FROM THE NW CORNER OF SECTION 24

			IRRIC	GATION		
Twp	Rng	Mer	Sec	Q-Q	Acres	Well
25 S	14 E	WM	24	NE NE	0.9	NEW WELL 2
25 S	14 E	WM	24	NW NE	0.9	NEW WELL 2

Twp	Rng	Mer	Sec	GATION Q-Q	Acres	Well
25 S	14 E	WM	24	SW NE	0.8	NEW WELL
25 S	14 E	WM	24	SE NE	0.8	NEW WELL
25 S	14 E	WM	24	SE NW	0.7	NEW WELL
				TOTAL	4.1	

23. Transfer Application T-12515 proposes to move the authorized points of appropriation approximately 3500 feet from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot Measured Distances	
25 S	15 E	WM	19	NW SW	3	WELL 6 - 3700 FEET SOUTH AND 1310 FEET EAST FROM THE NW CORNER OF SECTION 19

24. Transfer Application T-12515 also proposes to change the place of use of the right to:

		IRF	RIGAT	ION		
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
25 S	15 E	WM	19	NE SW		1.1
25 S	15 E	WM	19	NW SW	3	1.0
25 S	15 E	WM	19	SW SW	4	1.0
25 S	15 E	WM	19	SE SW		1.0
					TOTAL	4.1

25. The portion of the seventh right to be transferred is as follows:

Certificate:

91429 in the name of KENNETH AND LESLIE HUFFORD REVOCABLE

LIVING TRUST, DBA HUFFORD ESTATE LLC

(perfected under Permit G-10708)

Use:

IRRIGATION of 3.0 ACRES

Priority Date: APRIL 18, 1985

Rate:

0.04 CUBIC FOOT PER SECOND

Limit/Duty:

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of

each year.

Source:

NEW WELL 1 IN FORT ROCK VALLEY BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	14 E	WM	24	SE NW	NEW WELL 1 - 1344 FEET SOUTH AND 1396 FEET EAST FROM THE NW CORNER OF SECTION 24

Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	14 E	WM	24	NW NW	1.8
25 S	14 E	WM	24	SW NW	1.2

26. Transfer Application T-12515 proposes to move the authorized point of appropriation approximately 3500 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	GLot Measured Distances	
25 S	15 E	WM	19	NW SW	3	WELL 6 - 3700 FEET SOUTH AND 1310 FEET EAST FROM THE NW CORNER OF SECTION 19	

27. Transfer Application T-12515 also proposes to change the place of use of the right to:

		IRF	RIGAT	ION		
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
25 S	15 E	WM	19	NE SW		0.8
25 S	15 E	WM	19	NW SW	3	0.7
25 S	15 E	WM	19	SW SW	4	0.7
25 S	15 E	WM	19	SE SW		0.8
					TOTAL	3.0

Transfer Review Criteria (OAR 690-380-4010)

- 28. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
- 29. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12515.
- 30. The proposed change would not result in enlargement of the rights.
- 31. The proposed change would not result in injury to other water rights.
- 32. All other application requirements are met.

Determination and Proposed Action

The changes in points of appropriation and changes in places of use proposed in Transfer Application T-12515 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-12515 is approved, the final order will include the following:

- 1. The changes in points of appropriation and changes in places of use proposed in Transfer Application T-12515 are approved.
- 2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 52635, 87207, 90484, 90486, 91427, 91428, 91429, and any related decree.

- 3. Water right Certificates 52635, 87207, 90484, 90486, 91427, 91428, and 91429 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer
- 4. The quantity of water diverted at the new point of appropriation (Well 6), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 2), under Certificate 52635.
- 5. The quantity of water diverted at the new point of appropriation (Well 6), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1), under Certificates 87207 and 90484.
- 6. The quantity of water diverted at the new point of appropriation (Well 6), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 6), under Certificate 90486.
- 7. The quantity of water diverted at the new point of appropriation (Well 6), shall not exceed the quantity of water lawfully available at the original point of appropriation (New Well 1), under Certificates 91427 and 91429.
- 8. The quantity of water diverted at the new point of appropriation (Well 6), shall not exceed the quantity of water lawfully available at the original point of appropriation (New Well 1 and New Well 2), under Certificate 91428.
- 9. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).
 - b. The water user shall maintain the meter or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meter or measuring devices; provided however, where the meter or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
- 10. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
- 11. The former place of use of the transferred rights shall no longer receive water under the rights.
- 12. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2021**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

13. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this DEC 2 0 2019

Lisa J. Varamillo, Transfer and Conservation Section Manager, for

THOMAS M. BYLER, DIRECTOR Oregon Water Resources Department

This Preliminary Determination was prepared by Jessica Joye. The application has now been assigned to Corey Courchane. If you have questions about the information in this document, you may reach me at 503-986-0825 or corey.a.courchane@oregon.gov

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: http://legalassistance.law.af.mil



Water Resources Department

725 Summer St NE, Suite A Salem, OR 97301 (503) 986-0900 Fax (503) 986-0904

December **20**, 2019

KENNETH AND LESLIE HUFFORD REVOCABLE LIVING TRUST DBA HUFFORD ESTATE LLC PO BOX 99 FORT ROCK, OR 97735

SUBJECT: Water Right Transfer Application T-12515

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12515. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Lake County Examiner newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me, at <u>corey.a.courchane@oregon.gov</u> or (503) 986-0825, if I may be of assistance.

Sincerely,

Corey Courchane

Transfer Specialist

Transfer and Conservation Section

cc:

T-12515

Brian M. Mayer, District 12 Watermaster (via e-mail) Dennis R. Glender, Agent for the applicant (via e-mail)

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