**Oregon Water Resources Department**
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

# Application for Water Right
# Transfer

*Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at **www.wrd.state.or.us/OWRD/PUBS/forms.shtml**.*

## 1. TYPE OF TRANSFER APPLICATION

Please check one

- ☒ Permanent Transfer
- ☐ Temporary Transfer
  - total number of years: _____
  - (begin year: _____)
  - (end year: _____)
- ☐ Instream Transfer
  - ☐ Permanent
  - ☐ Time-Limited
- ☐ Drought Transfer
- ☐ Other

## 2. APPLICANT INFORMATION

Name: **Desert Springs Bottled Water Company c/o Brad E. & Tammie L. Williams**
(First / Last)

Address: **P.O. Box 273**

**Echo** (City) **O R** (State) **97826** (Zip)

Phone: **(541) 376-8474** (Home) **(541) 376-8345** (Work) _____ (Other)

Fax: _____ E-Mail address: _____

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## 3. AGENT INFORMATION

*(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)*

Name: **William** (First) **I** **Porfily** (Last)

Address: **P.O. Box 643**

**Stanfield** (City) **OR** (State) **97875** (Zip)

Phone: _____ (Home) **(541)449-1327** (Work) **(541)561-7259** (Other)

Fax: **(541)449-1327** E-Mail address: **bporfily@my180.net**

- If an agent is listed above, please check ***one*** of the following:
  - ☐ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; ***or***
  - ☒ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

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## 4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

| | Application / Decree | Permit / Previous Transfer | Certificate |
|---|---|---|---|
| 1. | | **G-6268** | **51220** |
| 2. | | | |
| 3. | | | |
| 4. | | | |

- Check **all** proposed change(s) included in this transfer application:

XX Place of Use ☐ Point of Diversion ☐ Additional Point of Diversion

XX Character of Use XX Point of Appropriation ☐ Additional Point of Appropriation

☐ Instream Transfer ☐ Surface Water source to Ground Water source

- Reason(s) for change(s): **Desert Springs Bottled Water Company production is approaching the 5000 gallons per day that is allowed from a well with out a water right. The sale of bottled is expected to exceed the 5000 gallons per day this year. The owners of Desert Springs Bottle Water Company are acquiring a portion of the property irrigated under Water Right Certificate 51220 and are transferring the place of use, character of use and the point of appropriation of the water right to allow increase production in their bottled water business.**

## 5. WATER DELIVERY SYSTEM

- Describe the ***current*** water delivery system ***or*** the system that ***was in place*** at some time *within the last 5 years*. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

  *The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.*

**The well is equipped with a 40 hp submersible pump with a 15 hp booster. The pumps deliver water to two part center pivots with solid set hand lines in the corners out side of pivots. The center pivots require 400 gpm each to operate. Only one of the pivots or the solid set can be operated at any given time.**

- System capacity: **0.90** cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

**N/A**

## 6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:

  - Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
  - Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
  - Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; ***or***
  - If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

## 7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☒ Yes ☐ No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☐ Yes ☒ No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? ☐ Yes ☒ No

  *If "**Yes**", for any of the above, list the name and mailing address of the district, agency and/or entity:*

  **Stanfield Irrigation District, P.O. Box 416, Stanfield , OR 97875**

  **This water right is in the District but is not Served by the District.**

- List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

  **Umatilla County, 216 SE 4th, Pendleton, OR 97801**

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## 8. LAND OWNERSHIP

- Does the applicant own the lands **FROM** which the right is being transferred? ☐ Yes ☒ No

  *If "**No**", provide the following information. **For Temporary Transfers**, also include a **notarized statement granting consent** to the transfer from **each** of the landowners:*

  Names of Current Landowner(s): **William J. and Yvonne M. Elfering**
  First Last

  Address: **1889 E. Highland Avenue,**

  **Hermiston,** **OR** **97838**
  City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?

  ☒ Yes ☐ No ☐ N/A - *NOT APPLICABLE TO INSTREAM TRANSFERS*

  *If "**No**", provide the following information:*

  Names of Receiving Landowner(s): _____
  First Last

  Address: _____

  _____
  City State Zip

- Check ***one*** of the following:

  ☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

  ☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

  ☐ N/A. *(Not applicable. Application is for an Instream Water Right Transfer.)*

## 9. ATTACHMENTS

*Check each of the following attachments included with this application.*
***The application will be returned if all required attachments are <u>not</u> included.***

**Supplemental Form A –**
**Description of Proposed Change(s) to a Water Right**

☒ A **<u>separate</u>** Supplemental Form A is enclosed for **<u>each</u>** water right to be affected by this transfer.

**Supplemental Form B –**
**Evidence of Use Affidavit(s)**

☒ At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), **<u>and</u>**

☒ The Evidence of Use Affidavit **must** be accompanied by **supporting documentation.**

**Map**

☒ *Water Right Transfer*
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.

☐ *Temporary Transfer or Historical POD Change*
A map meeting the requirements of OAR 690-380-3100 must be included but need **<u>not</u>** be prepared by a Certified Water Right Examiner.

**Water Well Report(s)/Well Log(s):**

☒ The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.

☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.

☐ N/A. The application does **<u>not</u>** involve a change in point of appropriation or a change from surface water to ground water, so water well reports are **<u>not</u>** required.)

**Land Use Information Form:**

☒ Enclosed; ***or***

☐ Not Required if **<u>all</u>** of the following are met:
- ❶ In EFU zone or irrigation district,
- ❷ Change in place of use only,
- ❸ No structural changes needed, including diversion works, delivery facilities, other structures, ***and***
- ❹ Irrigation only.

**Fees:**

☒ Amount enclosed: $ **<u>1200</u>**
See the Department's Fee Schedule at <u>www.wrd.state.or.us</u> or call (503) 986-0900.

***<u>Instream Water Right Transfers, also include:</u>***

**Supplemental Form C –**
**Instream Water Right Transfer**

☐ Complete this form to describe the desired nature and attributes for the proposed instream water right.

***<u>Temporary Transfers, also include:</u>***

**Recorded Deed:**

☐ The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

**Affidavit of Consent:**

☐ If the applicant is **NOT** the owner of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

**Before submitting your application to the Department, be sure you have:**

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for **all** named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

## 10. SIGNATURES

- **Check *one* of the following, as appropriate, and sign the application in the signature box below:**

☒ In accordance with OAR 690-380-3000(13)(a), **I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required *[pursuant to OAR 690-380-4010(5)]* to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:**

(a) A **report of ownership and lien information** that has been prepared by a title company *within the last three months;*

(b) A **copy of written notification** of the proposed transfer provided by the applicant to **all lien holders** on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, **a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded** must be submitted;* **and**

(c) If the landowner identified in the report of ownership and lien information is **not** the applicant, a **notarized statement consenting to the transfer** *(attached)* signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

☐ **I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor.** Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.

☐ **I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation.** Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is **NOT** required to provide the above described report of ownership and lien information. *(NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.)*

- **I (we) affirm that the information contained in this application is true and accurate.**

| applicant signature | name (print) | date |
|---|---|---|
| Brad E Williams | **Brad E Williams** | 2-21-08 |
| Tammie L Williams | **Tammie L .Williams** | 2-21-08 |



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## AFFIDAVIT OF CONSENT OF WATER RIGHT TRANSFER

State of Oregon )
) SS
County of Umatilla )

We, William J. and Yvonne M. Elfering, 1889 E Highland Avenue, Hermiston, OR 97838, being first duly sworn, dispose and say:

We are the owner of Tax Lot 1300 in Lot 2 SW ¼ SW ¼ of Section 7, Township 4 North, Range 29 East W.M., and the appurtenant water rights described in Water Right Certificate 51220;

We consent to the attached water right transfer application changing the place of use, character of use and the point of appropriation for a portion of the above-mentioned water rights from 29.9 acres of irrigation to commercial use as requested by Brad E. and Tammie L. Williams

William J Elfering — 2/18/08
William J. Elfering — Date

Yvonne M. Elfering — 2-15-08
Yvonne M. Elfering — Date

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State of Oregon
County of Umatilla

Subscribed and Sworn to Before Me this 18 day of Feb, 2008 by William J. Elfering.

OFFICIAL SEAL
WILLIAM I PORFILY
NOTARY PUBLIC – OREGON
COMMISSION NO. 424703
MY COMMISSION EXPIRES JAN. 26, 2012

William I. Porfily
Notary Public – State of Oregon

My commission expires JAN 26 2012

State of Oregon
County of Umatilla

Subscribed and Sworn to Before Me this 18 day of Feb, 2008 by Yvonne M. Elfering.

OFFICIAL SEAL
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NOTARY PUBLIC – OREGON
COMMISSION NO. 424703
MY COMMISSION EXPIRES JAN. 26, 2012

William I. Porfily
Notary Public – State of Oregon

My commission expires JAN 26. 2012.

# Water Right Transfer Supplemental Form A
## DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

*List only **one** water right per page. A **separate Supplemental Form A** must be completed for **each** certificate, permit, decree, or other right involved in the proposed transfer.*

*Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.*

- Certificate Number or other identifying number: **51220**

## 1. TYPE OF CHANGE(S) PROPOSED

(Check ***all*** that apply.)

| Point of Diversion or Appropriation | Place of Use | Character of Use |
|---|---|---|
| ☒ **Change** (The old point of diversion or appropriation will **not** be used for the portion of the water right affected by the transfer.) | ☐ **All of the right will be exercised at a different location than currently authorized** (Use of water at the current location will be discontinued.) | Proposed new use: |
| ☐ **Additional** (Both the old ***and*** new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) | ☒ **Only a portion of the right will be exercised at a different location than currently authorized** (Use of water at the current location will be discontinued.) | ☐ **Irrigation** |
| ☐ **Historic Point of Diversion or Appropriation Change** (Unauthorized point of diversion or appropriation used for more than 10 years.) | | ☐ **Municipal** |
| ☐ **Surface Water to Ground Water** (A new point of appropriation will be used **instead of** the old point of diversion. The old point of diversion will **not** be used.) | | ☐ **Quasi-municipal** |
| ☐ **Point of Diversion Change due to Government Action** (The old point of diversion or appropriation can no longer be used due to government action.) | | ☒ **Commercial** |
| ☐ **Exchange** (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.) | | ☐ **Industrial** |
| | | ☐ **Instream** (complete and attach ***Supplemental Form C***) |
| | | ☐ **Domestic** (indicate number of households) _____ |
| | | ☐ **Other** _____ |
| | | ☐ **Substitution** (A supplemental ground water right will be substituted for a primary surface water right.) |
| | | ☐ **Supplemental Use to Primary Use** (Primary water right shall be cancelled and the supplemental water right will change to primary use.) |

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## 2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer *(check and complete **one** of the following):*

| | | | |
|---|---|---|---|
| ☒ | Certificated Right | **51220**<br>Certificate Number | **G-6268**<br>Permit Number or Decree Name |
| ☐ | Adjudicated, Non-certificated Right | Name of Decree | Page Number |
| ☐ | Permit for which Proof has been Approved | Permit Number | Date Claim of Beneficial Use Submitted |
| ☐ | Transferred Right for which Proof has been Filed | Previous Transfer Number | Date Claim of Beneficial Use Submitted |

- Name on Permit, Certificate, or Decree: **Frank E. and Doylene M. Dye**
- County: **Umatilla**
- Authorized Use(s) to be Affected by Transfer: **Irrigation**
- Priority Date(s): **December 2, 1974**

  *If there are **multiple Priority Dates** identified on the water right, any information provided on **pages 3 through 6** of this form **must identify** which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: **Basalt Well**

  Tributary to: **Umatilla River Basin**

  *If there are **multiple Sources** listed on the water right, any information provided on **pages 3 through 6** of this form **must identify** which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

***For applications proposing a Change in Place of Use or Character of Use:***

- Are there **Other Water Rights,** Permits or Ground Water Registrations associated with this land?

  ☐ Yes ☒ No ☐ N/A – *No Change in Place of Use or Character of Use*

  *If "**Yes**", what are the Permit, Registration or Certificate Numbers?* _____

  *Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer **must be included in the transfer or be cancelled**, except as provided in OAR 690-380-2240(5).*

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- Certificate Number or other identifying number: **51220**

*The following information **must be provided** only for those points of diversion or appropriation that **are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.)** Attach additional pages as necessary.*

*Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.*

## Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

*(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)*

| If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____) | Source and Priority Date | Township | Range | Mer | Sec | ¼ ¼ | Tax Lot, DLC or Gov't Lot | Survey Coordinates (coordinates from a recognized survey corner) |
|---|---|---|---|---|---|---|---|---|
| **Umat 2103** | **Well 12-2-1974** | **4N** | **28E** | **WM** | **12** | **SE SE** | **TL 800** | **150 ft North and 760 ft West from the SE Corner, Section 12** |
| | | | | | | | | |
| | | | | | | | | |

- Does the water right being transferred involve a ground water source(s)?

☒ Yes ☐ No *(Surface water source only.)*

*If "**Yes**", for each authorized point of appropriation (well) involved, you must either:*

A. *Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: http://www.wrd.state.or.us)*

***or***

B. *If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.*

## Construction of Existing Authorized Point(s) of Appropriation – *(Only needed if no well log is available.)*

*Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.*

| OWRD Well No. as identified in table above | Diameter | Type and size of casing | No. of feet of casing | Intervals casing is perforated (in feet) | Seal depth | Est. depth to water | Est. depth to water bearing stratum | Type of access port or measuring device | Total well depth |
|---|---|---|---|---|---|---|---|---|---|
| **See Attached Well LOG Umat 2103** | | | | | | | | | |
| | | | | | | | | | |





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- Certificate Number or other identifying number: **51220**

*The following information **must be provided** only for those places of use that **are involved in thetransfer (i.e., list only the portion of the water right you propose to transfer.)** Attach additional pages as necessary.*

*Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.*

**Location of Existing Authorized Place of Use to be Affected:**

*(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)*

| Source and Priority Date | Township | Range | Mer | Sec | ¼ ¼ Section | Tax Lot, DLC or Gov't Lot | Acres (if applicable) |
|---|---|---|---|---|---|---|---|
| **Well 12-2-1974** | **4N** | **29E** | **WM** | **7** | **Lot 2 SW SW** | **1300** | **29.9** |
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- Certificate Number or other identifying number: **51220**

## 3. PROPOSED CHANGES TO THE WATER RIGHT

*Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.*

### Location of Proposed Point(s) of Diversion or Appropriation:

*(i.e., the "TO" point(s) of diversion or appropriation)* ☐ *N/A – Instream Water Right Transfer*

*(NOTE: Complete this table **only** if a Change in Point of Diversion or Appropriation is being proposed.)*

| Source | Township | Range | Mer | Sec | ¼ ¼ Section | Tax Lot, DLC or Gov't Lot | Survey Coordinates (coordinates from a recognized survey corner) |
|---|---|---|---|---|---|---|---|
| **Well** | **3N** | **29E** | **WM** | **15** | **NW SW** | **TL 202** | **1520 ft North & 540 ft East from the SW Corner Section 15** |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☒ Yes ☐ No ☐ N/A - *No proposed well(s) listed above.*

  *If "**Yes**", attach and **clearly label** the corresponding well log(s) for each proposed well, **or** if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: http://www.wrd.state.or.us)*

  *If "**No**", describe the anticipated construction for the proposed well(s) in the following table:*

### Construction of Proposed Point(s) of Appropriation or Well(s)

*Well numbers in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.*

| Well already built? (Yes/No) | If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-___) | Diameter | Type and size of casing | No. of feet of casing | Intervals casing is perforated (in feet) | Seal depth | Est. depth to water | Est. depth to water bearing stratum | Type of access port or measuring device | Total well depth |
|---|---|---|---|---|---|---|---|---|---|---|
| **Yes** | **Umat 1306** | **See Attached Well Log** | | | | | | | | |
| | | | | | | | | | | |
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- Certificate Number or other identifying number: **51220**

*Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.*

**Location of Proposed Place of Use:** *(i.e., the "TO" lands)* ☒ *N/A – Instream Water Right Transfer*

*(NOTE: Complete this table **only** if a Change in Place of Use is being proposed.)*

| Source | Township | Range | Mer | Sec | ¼ ¼ Section | Tax Lot, DLC or Gov't Lot | Acres (if applicable) |
|---|---|---|---|---|---|---|---|
| **Well** | **3N** | **29E** | **WM** | **15** | **NW SW** | **TL 202** | **Commercial Use** |
| **Well** | **3N** | **29E** | **WM** | **15** | **SW SW** | **TL 202** | **Commercial Use** |
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Remarks: _____