

Application for Water Right Instream Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
For questions, please call (503) 986-0900, and ask for Transfer Section.

FOR ALL INSTREAM TRANSFER APPLICATIONS

Check all items included with this application. (N/A = Not Applicable)

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Map Checklist.
- Part 3 – Completed Instream Transfer Application – Applicant Information and Signature.
- Part 4 – Completed Instream Transfer Application – Water Right Information. Please include a separate Part 4 for each water right. List all water right certificates to be transferred here: **83571 and 76714.**
- Part 5 – Completed Instream Transfer Application - Proposed Instream Use Information.

Attachments:

- Completed Instream Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- Fees – Amount enclosed: **\$925 (\$1850 – 50% = \$925).**
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0883.
Note: Instream transfers are considered both a change in place of use and character of use. In addition, an automatic 50% fee waiver applies to all instream transfers.
- N/A Affidavit(s) of Consent.
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- Land Use Notice - Notice of the intent to file an instream transfer application must be provided to each affected local government along the proposed reach. Copies of the notices must be enclosed with the instream transfer application.

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(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- | | |
|--|---|
| <input type="checkbox"/> Application fee not enclosed/insufficient | <input type="checkbox"/> Map not included or incomplete |
| <input type="checkbox"/> Land Use Form not enclosed or incomplete | <input type="checkbox"/> Land use notice not included or incomplete |
| <input type="checkbox"/> Additional signature(s) required | <input type="checkbox"/> Part _____ is incomplete |

Other/Explanation _____

Staff: _____ 503-986-0____ Date: ____/____/____

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Part 2 of 5 – Map Checklist

Your transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For list of CWREs see http://www1.wrd.state.or.us/pdfs/cwre_listing.pdf.
- OR**
- N/A Waiver of requirement that map be prepared by a CWRE. Completed map waiver form is signed by the Department's Regional Manager and included in the application. The map **must** still meet Department mapping requirements described below.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on white or clear paper or film.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, three (3) paper copies and an electronic copy in a .pdf, .tiff or .jpg format are required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, quarter-quarter, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- Existing diversion point(s) with distance and bearing or coordinates from a recognized survey corner. This information can generally be found in your water right certificate or permit. ***The Department has a map of COID's POD #11 on file.**

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Part 3 of 5 – Applicant Information and Signature

Type of Instream Transfer		
<input checked="" type="checkbox"/> Permanent Instream Transfer	or	<input type="checkbox"/> Time-Limited Instream Transfer

Applicant Information

APPLICANT/BUSINESS NAME City of Bend Attn: Patrick Griffiths, Water Resources Coordinator		PHONE NO. 541-317-3008	ADDITIONAL CONTACT NO.
ADDRESS 62975 Boyd Acres Road		FAX NO. 541-317-3076	
CITY Bend	STATE OR	ZIP 97701	E-MAIL pgriffiths@ci.bend.or.us

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

APPLICANT/BUSINESS NAME GSI Water Solutions, Inc. Attn: Adam Sussman		PHONE NO. 541-753-0745	ADDITIONAL CONTACT NO.
ADDRESS 1600 Western Blvd., Suite 240		FAX NO. 541-754-4211	
CITY Corvallis	STATE OR	ZIP 97333	E-MAIL asussman@gsiws.com

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.
- Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No

If NO, include signatures of all landowners (and mailing address if different than the applicant's) or attach affidavits of consent (and mailing addresses) from all landowners or individuals/entities to which the water right(s) has been conveyed.

Check one box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm 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; **OR**
- I affirm that the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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

Applicant signature

Patrick Griffiths
Name (and title if applicable) (print)

Date

Applicant signature

Name (and title if applicable) (print)

Date

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In your own words tell us what change(s) you want made and the reason for the change(s): **Water is being transferred instream to generate mitigation credits for the City of Bend.**

Check the following boxes that apply:

Check here if any of the water rights proposed for transfer are located within or served by an irrigation district or other water district before the transfer. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME Central Oregon Irrigation District	ADDRESS 1055 SW Lake Court	
CITY Redmond	STATE OR	ZIP 97756

Check here if water for any of the rights is supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME Bureau of Reclamation - Pacific Northwest Regional Office	ADDRESS 1150 North Curtis Road, Suite 100	
CITY Boise	STATE ID	ZIP 83706-1234



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction the proposed instream reach will be located.

ENTITY NAME City of Maupin	ADDRESS 408 Deschutes Avenue	
CITY Maupin	STATE OR	ZIP 97037

ENTITY NAME Deschutes County - Planning Division	ADDRESS 117 NW Lafayette Ave.	
CITY Bend	STATE OR	ZIP 97701

ENTITY NAME Jefferson County - Planning Division	ADDRESS 85 Southeast D Street	
CITY Madras	STATE OR	ZIP 97741

ENTITY NAME Confederated Tribes of the Warm Springs	ADDRESS 1233 Veterans Street	
CITY Warm Springs	STATE OR	ZIP 97761

ENTITY NAME City of Bend - Planning Division	ADDRESS 710 NW Wall Street	
CITY Bend	STATE OR	ZIP 97701

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ENTITY NAME Wasco County - Planning & Development	ADDRESS 2705 East 2nd Street	
CITY The Dalles	STATE OR	ZIP 97058

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Part 4 of 5 – Water Right Information

Please use a separate Part 4 for each water right being changed. See instructions at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.

CERTIFICATE # 83571

Name on Certificate: Central Oregon Irrigation District

Date(s) of Priority: Oct. 31, 1900 and Dec. 2, 1907

Source(s) of Water to be Affected by the Transfer: Deschutes River

Description of Water Delivery System

System capacity: **POD 11 = 590.145 (per Special Order V. 80, P. 394)** cubic feet per second (cfs) OR _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. **The North Canal (NC) is one of COID's two main delivery canals. The NC is located near Bend on the Deschutes River (~RM 165) and travels approximately 25 miles northesast. The NC is now piped for 2.5 miles and the remaining portion is constructed in the basalt (open earth). See Affidavit of Use (Supplemental B) for individual water delivery descriptions.**

Other Water Rights

Are there other water right certificates, water use permits or ground water registrations associated with the "from" lands? Yes No

If YES, list the certificate, water use permit, or ground water registration numbers: **76714.**



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

Table 1. Location of Authorized Point(s) of Diversion (POD)

(Note: If the POD name is not specified on the certificate, assign it a name or number here. Also, if the POD is not described in the Certificate, provide a description below)

#11	COID	North	Canal	17	S	12	E	29	SE	NE	850 feet North and 630 feet West from E 1/4 corner of Section 29
-----	------	-------	-------	----	---	----	---	----	----	----	--

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Will the proposed instream transfer affect the entire water right?

Yes Then Table 2 on Page 6 does not need to be completed.

No Then complete all of Table 2 to describe the portion of the water right to be changed.

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Table 2. Description of Change to Water Right Certificate # 83571

List only the part of the right that will be changed. For the acreage in each quarter-quarter, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD, specify the acreage associated with each POD.

Trp	Reg	Sec	Q1	Q2	Q3	Q4	Tax Lots	Govt Lot or Dist	Acres If Applicable	Type of Use (based on Certificate)	Priority Date (or the date of the original Diversion License)	POD # (name and number from Table 1)
2	S	9	E	14	NE	NW	100		15.0	Irrigation	4/1/1900	POD #1 POD #2
"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"
15	S	13	E	19	N W	NE	100		9.65	IR		#11
15	S	13	E	04	N W	SE	100		2.80	IR		#11
15	S	13	E	30	NE	SW	1411		10.60	IR		#11
14	S	13	E	16	NE	SE	103		0.04	IR		#11
14	S	13	E	16	N W	SE	103		1.90	IR		#11
15	S	13	E	10	SE	SW	500		0.10	IR		#11
15	S	13	E	10	SE	SW	800		0.25	IR		#11
15	S	13	E	05	NE	SW	902		9.35	IR		#11
TOTAL ACRES									34.69			

Additional remarks: Water is being transferred instream and will be used to generate mitigation credits.

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Part 4 of 5 – Water Right Information

Please use a separate Part 4 for each water right being changed. See instructions at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.

CERTIFICATE # 76714

Name on Certificate: Central Oregon Irrigation District

Date(s) of Priority: February 28, 1913

Source(s) of Water to be Affected by the Transfer: Crane Prairie Reservoir

Description of Water Delivery System

System capacity: **POD 11 = 590.145 (per Special Order V. 80, P. 394)** cubic feet per second (cfs) OR _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. **The North Canal (NC) is one of COID's two main delivery canals. The NC is located near Bend on the Deschutes River (~RM165) and travels approximately 25 miles northesast. The NC is now piped for 2.5 miles and the remaining portion is constructed in the basalt (open earth). See Affidavit of Use (Supplemental B) for individual water delivery descriptions.**

Other Water Rights

Are there other water right certificates, water use permits or ground water registrations associated with the "from" lands? Yes No

If YES, list the certificate, water use permit, or ground water registration numbers: **83571**.



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

Table 1. Location of Authorized Point(s) of Diversion (POD)

(Note: If the POD name is not specified on the certificate, assign it a name or number here. Also, if the POD is not described in the Certificate, provide a description below)

#11 COID North Canal		17	S	12	E	29	SE	NE		850 feet North and 630 feet West from E 1/4 corner of Section 29

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Will the proposed instream transfer affect the entire water right?

Yes Then Table 2 on Page 6 does not need to be completed.

No Then complete all of Table 2 to describe the portion of the water right to be changed.

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Table 2. Description of Change to Water Right Certificate # 76714

List only the part of the right that will be changed. For the acreage in each quarter-quarter, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD, specify the acreage associated with each POD.

Tran	Reg	Sec	1/4	1/4	Tax Lot	Gov./Loc./DLC	Acreage if Applicable	Type of Use listed on Certificate	Priority Date (if no date, date of all acres or type of use)	POD #	
2	S	9	E	14	NE NW	100	15.0	Irrigation	4/1/1900	POD #1 POD #2	
"	"	"	"	"	"	"	EXAMPLE	"	"	"	
15	S	13	E	19	NW NE	100	9.65	IR		#11	
15	S	13	E	04	NW SE	100	2.80	IR		#11	
15	S	13	E	30	NE SW	1411	10.60	IR		#11	
14	S	13	E	16	NE SE	103	0.04	IR		#11	
14	S	13	E	16	NW SE	103	1.90	IR		#11	
15	S	13	E	10	SE SW	500	0.10	IR		#11	
15	S	13	E	10	SE SW	800	0.25	IR		#11	
15	S	13	E	05	NE SW	902	9.35	IR		#11	
							TOTAL ACRES	34.69			

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Additional remarks: Modification of this supplemental water right reduces the number of acres to which stored water may be applied for supplemental irrigation by 34.69 acres under the water right evidenced by Certificate 76714; however the maximum quantity of stored water that can be diverted for use under the right remains unchanged.

100

100

100

Part 5 of 5 – Proposed Instream Use Information

Identify the Public Use for which the instream right is requested (check at least one box):

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.
- Recreation
- Navigation
- Pollution Abatement

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Instream use proposed to be created by the instream transfer:

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Originating Water Right Number (as identified in Part 4)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
83571	10/31/1900	Deschutes River	4/1-4/30 & 10/1-10/26	0.238	
83571	10/31/1900	Deschutes River	5/1-5/14 & 9/16-9/30	0.318	
83571	10/31/1900	Deschutes River	5/15-9/15	0.589	
TOTAL VOLUME					189.08

*Tip: To calculate rate (if other than the rate allowed by the right), divide the volume by the number of days in the period and then divide by 1.983471; or

**Tip: To calculate volume, multiply the rate by the number of days in the instream period and then multiply by 1.983471.

Note: The instream rate may not exceed the max rate allowed by the existing right(s) and the total volume may not exceed to max volume or duty allowed by the existing right(s).

Additional Information: The instream period has been modified to prevent enlargement and injury.

Identify the location of the proposed instream water right.

- Water is requested to be protected at a point.
Location (i.e. the point of diversion (POD) – use the POD Name or Number from Table 1): _____
- Water is requested to be protected within a reach:
Location of proposed reach (If an instream water right reach is requested, identify the upstream and downstream extent of the reach): **From authorized POD (#11) to Lake Billy Chinook (~ RM 120).**

Recommendations for conditions on the instream use to avoid taking away or impairing existing water rights.

- None
- Other (such conditions may include, but are not limited to, reductions in the instream flow levels in cfs per month or total ac-ft, the effective reach(es) or lake levels of the instream flow, measuring locations and the strategy for monitoring the instream flow or lake levels): _____

Are there any existing instream water rights on the same point or within the same requested reach(es) or lake, or on a portion thereof:

No

Yes (identify other instream water rights): **OWRD**

keep a current list of all instream water rights within this particular reach of the Deschutes R.

Note: New instream water rights are generally (but not always) additive to instream water rights established under ORS 537.348 (instream transfer application process) and ORS 537.470 (allocation of conserved water) and replace a portion of instream water rights established under ORS 537.341 (state agency application process) or ORS 537.346 (conversion of minimum perennial streamflows) with an earlier priority date.

Is it your intent to have the proposed instream water right transfer be additive to any instream water right established under ORS 537.348 and ORS 537.470 and replace a portion of any instream water right established under ORS 537.341 and ORS 537.346 with an earlier priority date?

Yes

No. If no, please explain your intent below:

If the proposed conversion would add to the amounts of an existing instream water right(s) established under ORS 537.341 or 537.346, provide documentation demonstrating why additional instream flows are necessary. Supporting documentation should include information from the Oregon Dept. of Fish and Wildlife (ODFW) (fish life), Dept. of Environmental Quality (DEQ) (pollution abatement), and/or Parks and Recreation Dept. (recreation).

Is the requested instream flow intended to exceed the estimated average natural flow or level occurring from the drainage system?

No; **OR**

Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); **OR**

Yes, and it is presumed that flows that exceed the estimated average natural flow or natural lake levels are significant because:

- The requested flow does not exceed the maximum amount of any instream water right application applied for under ORS 537.341 (state agency instream water right application process) for the same reach or portion thereof, and the requested public use is for the same public use as the afore mentioned instream water right application, **and**
- For the specified time period that flows are requested to exceed the estimated average natural flow or lake level, the stream is in an ODFW flow restoration priority watershed. A copy of the priority watershed map indicating the specific watershed involved should be included with the application. Priority watershed maps may be found on the OWRD web page; **or**
- The stream is listed as water quality limited and DEQ has provided scientific information that demonstrates that increased flows would improve water quality. The scientific information provided by DEQ should be included with the transfer application.

For a Time Limited Instream Transfer, please answer the following:

The time-limited instream transfer is for a specific number of years:

_____ Begin Year to _____ End Year

Time-limited instream transfer is to terminate based upon other conditions:

Conditions: _____

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100%

100%

100%

100%



Water Resources Department

**Central Oregon Irrigation District
Calculator for Certificate 83571**

Revised: 3/9/2009

This calculator is primarily designed to facilitate the calculation of how much water may be protected instream through instream leases and transfers. However, the calculator can also be used to determine the rate and duty associated with other transfers and cancellations. For questions regarding its use, please contact Laura Wilke at 503-986-0884.

Enter Total Number of Acres Involved from POD #1 (CO Canal)

Enter Total Number of Acres Involved from POD #11 (North Canal, also known as PB Canal)

Rate and duty for the acres by which the water right will be reduced by at the Point of Diversion (POD).

POD #1	October 31, 1900	December 2, 1907	Combined
Season 1 Rate (CFS)	0.000		
Season 2 Rate (CFS)	0.000		
Season 3 Rate (CFS)	0.000	0.000	0.000
Duty (AF)			0.00

POD #11	October 31, 1900	December 2, 1907	Combined
Season 1 Rate (CFS)	0.433		
Season 2 Rate (CFS)	0.577		
Season 3 Rate (CFS)	0.762	0.306	1.068
Duty (AF)			342.91

The transmission loss associated with this right is not transferable or protectable instream. The following tables show the amount of water that is protectable for Instream Leases and Instream Transfers, under the October 31, 1900 priority date. (Please contact the Department if you prefer to protect water instream under the combined October 31, 1900 and December 2, 1907 priority dates.) To prevent enlargement and injury, the instream use has been modified from the authorized season of April 1 through October 31, to April 1 through October 26.

From POD #11 to Lake Billy Chinook	
Season 1 Rate (CFS)	0.238
Season 2 Rate (CFS)	0.318
Season 3 Rate (CFS)	0.589
Maximum Volume (AF)	189.08

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Water Right Transfer Supplemental Form D

WATER RIGHTS ISSUED IN THE NAME OF AN IRRIGATION DISTRICT

The Department encourages applicants to coordinate with districts during the planning and preparation of transfer applications involving water rights issued in the name of an irrigation district or involving the transfer of water rights located within the boundaries of an irrigation district.

This form must be included with your transfer application if the transfer involves rights issued in the name of an irrigation district.

1. APPLICANT INFORMATION

Name: City of Bend

Address: 62975 Boyd Acres Road

City: Bend State: OR Zip: 97701

Home Phone: _____ Work Phone: 541-317-3008 Other Phone: _____

Fax: 541-317-3076 E-Mail address: pgriffiths@ci.bend.or.us

2. DISTRICT INFORMATION

District Name: Central Oregon Irrigation District

Address: 1055 SW Lake Court

City: Redmond State: OR Zip: 97756

Home Phone: _____ Work Phone: 541-548-6047 Other Phone: _____

Fax: 541-548-0243 E-Mail address: info@coid.org

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3. WATER RIGHT(S) ISSUED IN THE NAME OF AN IRRIGATION DISTRICT(S)

Water right(s) issued in the name of a district proposed for transfer:

	Application / Decree	Permit / Previous Transfer	Certificate
1.		-	83571
2.		-	76714
3.		-	
4.		-	
5.		-	
6.		-	

4. DISTRICT CONCURRENCE WITH PROPOSED WATER RIGHT TRANSFER

The district certifies the following:

- (1) The applicant has conferred with the district about the proposed water right transfer application;
- (2) The district has reviewed the applicant's proposed water right transfer application and maps; and
- (3) The district concurs with the proposed water right transfer application.



 District Manager Signature

Steve Johnson, COID District Manager

 Name (print) Date

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