



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

RECEIVED BY OWRD Application for a Permit to

JUN 19 2013

Store Water in a Reservoir

SALEM, OR

(Alternate Review)

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate application for each reservoir

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". 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. APPLICANT INFORMATION

Applicant: Gutierrez Cattle Co. by Tim M. Isaga
Mailing Address: PO Box 1076
West Sacramento CA 95691
City State Zip
Phone: (916) 372-5595
Home Work Other
*Fax: (916) 372-5615 *E-Mail Address: _____
*optional information

2. AGENT INFORMATION

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

Agent: Bruce Estes Estes Surveys, LLC
Mailing Address: 60382 Arnold Mkt. Rd.
Bend OR 97702
City State Zip
Phone: _____
Home Work Other
*Fax: (541) 382-7391 *E-Mail Address: estesurveysllc@msn.com
*optional information

3. LOCATION AND SOURCE

A. Reservoir Name: Kirk's Reservoir

B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.

Source: Unnamed Draw Tributary to: Watson Creek
The reservoir is above Meadow Res. #1

C. County in which diversion occurs: Crook

App. No. R-07912

For Department Use

Permit No. _____ Date _____

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
16 S	22 E	31	SE 1/4 NE 1/4	1400

E. Dam: Maximum height of dam: 12⁶ feet. If excavated, write "zero feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 9.1

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) ☐ Yes ☒ No

4. WATER USE

Indicate the proposed use(s) of the stored water. **NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does NOT limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.** If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water.

Multipurpose

5. PROPERTY OWNERSHIP

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Do you own all the land where you propose to divert, transport, and use water?

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☒ **Yes** (please check appropriate box below then skip to section 5)

☒ There are no encumbrances

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☐ This land is encumbered by easements, right of way, roads of way, roads or other encumbrances (please provide a copy of the recorded deed(s))

☐ **No** (Please check the appropriate box below)

☐ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

6. ENVIRONMENTAL IMPACT

A. Channel: Is the reservoir ~~in-stream~~ on or off channel? ☒ Yes ☐ No

B. Wetland: Is the project in a wetland? ☐ Yes ☒ No ☐ Don't know

C. Existing: Is this an existing reservoir? ☒ Yes ☐ No

If yes, how long has it been in place? 2 years, but we breached the dam due to no permit. We were not aware that a permit was required for sheet runoff.

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D. Fish Habitat: Is there fish habitat upstream of the proposed structure? ☐ Yes ☒ No ☐ Don't know
If yes, how much? _____ miles.

E. Partnerships: Have you been working with other agencies? ☐ Yes ☒ No

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

7. DESCRIPTION

Provide a description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

There is no diversion. The dam is in a dry wash area that only has water in the spring time when it rains. Sometimes snow melt is involved.

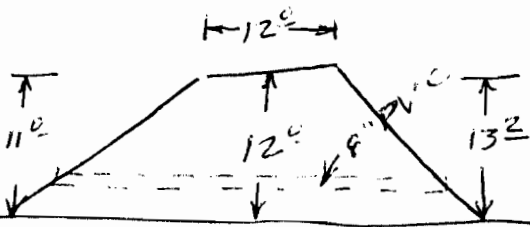
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If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).



There are no fish. A fish would have to crawl about 4000' over dry land to reach this site

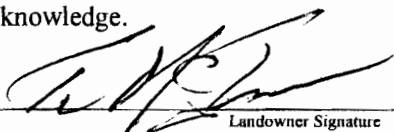
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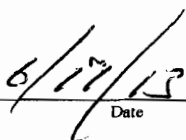
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8. SIGNATURE

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.


Landowner Signature


Date

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount. \$912.50

FEE STRUCTURE: The fee is based on the number of acre-feet proposed to be stored. The base fee is \$300. In addition, there is a fee of \$25 per acre-foot or fraction thereof. Example: 0.3 AF= \$325; 1.5 AF= \$350; 20.0 AF= \$800; 30.0 AF= \$1050. Plus a permit recording fee of \$400 (this fee is refunded if no permit is issued).

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WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

The review of alternate reservoirs is limited to these criteria only.

Application #: R-

Applicant's Name: Gutierrez Cattle Co.
SE 1/4 NE 1/4, Sec 31, T.16S, R.22E, W.M.

(sheet run off in
unnamed draw)

1) Does the proposed reservoir have the potential to injure existing water rights?

☐ NO ☒ YES

Explain: AS long as the applicant does not store water when ISWR

lost. 76089 is not met.

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2) Can conditions be applied to mitigate the potential injury to existing water rights?

☐ NO ☒ YES

If YES, which conditions are recommended:

Staff Plate in reservoir and outlet works.

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3) Did you meet with staff from another agency to discuss this application?

☒ NO ☐ YES

Who:

Agency:

Date:

Who:

Agency:

Date:

Watermaster signature:



Date: 5-2-13

WRD Contact:

Caseworker:

Water Rights Division, 503-986-0900 / Fax 503-986-0901

NOTE: This completed form must be returned to the applicant.

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Land Use Information Form



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

Applicant: Gutierrez Cattle Co. by Tim M^cIsaac
First Last

Mailing Address: P O Box 1076

West Sacramento CA 95691 Daytime Phone: (916) 372-5595
City State Zip

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>16S</u>	<u>22E</u>	<u>31</u>	<u>SENE</u>	<u>1400</u>		☒ Diverted	☒ Conveyed	☒ Used	<u>Reservoir</u>
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed **RECEIVED BY OWRD**

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B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☒ Permit to Use or Store Water ☐ Water Right Transfer ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License ☐ Allocation of Conserved Water ☐ Exchange of Water

Source of water: ☒ Reservoir/Pond ☐ Ground Water ☐ Surface Water (name) Unnamed Draw & sheet run-off

Estimated quantity of water needed: 91 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☒ Other multipurpose res.

Briefly describe:

Dam placed in draw to catch water

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): CHAPTER 18.16 CCC

☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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CROOK COUNTY PLANNING DEPT.
300 N. E. Third Street
Prineville, OR 97654

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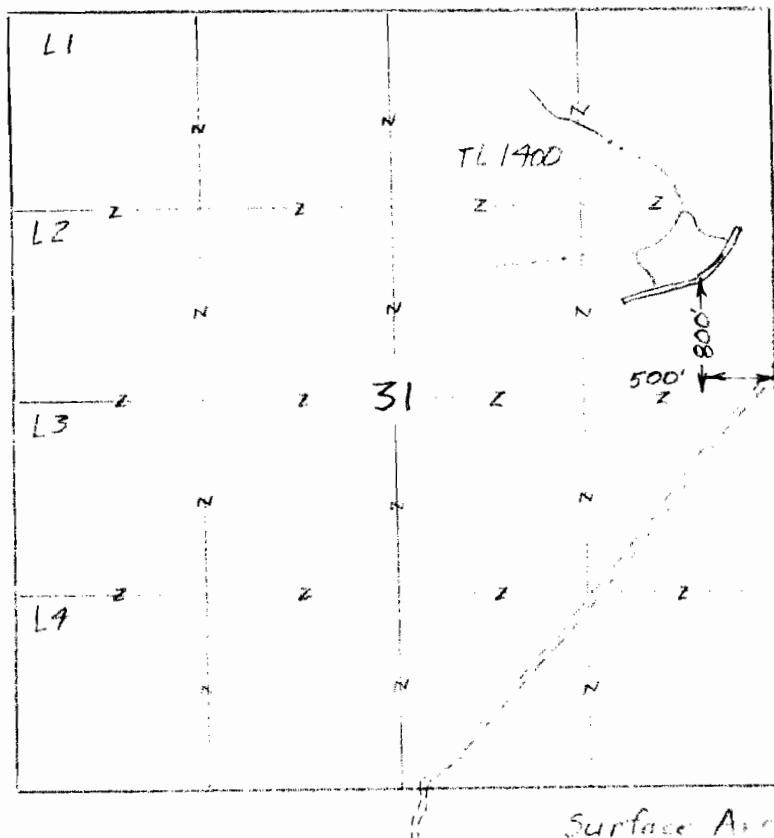
Name: PHIL STENBECK Title: ASSISTANT PLANNING DIRECTOR
 Signature: [Signature] Phone: (541) 447-8156 Date: 5/6/13
 Government Entity: CROOK COUNTY PLANNING (T16, R22E, S31, TL 1400)
ZONED EFU-1

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: Gutierrez Cattle Co.
 City or County: Crook Staff contact: Debbie Kowalski
 Signature: D. Kowalski Phone: 541-447-8156 Date: 5/3/13

T. 16 S., R. 22 E., W. M.



Scale 1" = 1320'
(4" = 1 mile)

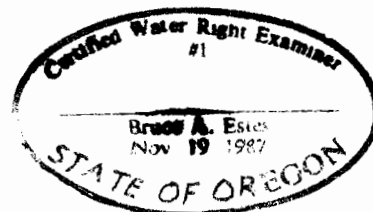
Surface Area 46 acres

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Application Map
for
GUTIERREZ CATTLE CO.



This map is for the purpose of
locating a water right only
and has no intent to provide
legal dimensions or the location
of property lines.

ESTES SURVEYS, LLC

PO Box 17516
Salem, OR 97305-7516
(503) 585-7589

60382 Arnold Rd
Bend, OR 97702
(541) 382-7391

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Gutierrez Cattle Co. / Tim McBride

PO Box 1076, West Sacramento, CA 95691 (916) 372-5595

Reservoir Name: _____ Source: Unnamed Draw ^{sheet runoff} Volume (AF): 91

Twp Rng Sec QQ: T16S, R22E, Sec 31 SE 1/4 NE 1/4 Basin Name: Watson Creek ☐ in-channel
above Merwin Res. #1 ☒ off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District staff.

1) Is the proposed project and AO¹ off channel? ☒ YES ☒ NO
(if yes then proceed to #4; if no then proceed to #2)

2) Is the proposed project or AO located where NMF² are or were historically present?..... ☐ YES ☒ NO
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

- a. Is there an ODFW-approved fish-passage plan?..... ☐ YES ☐ NO
b. Is there an ODFW-approved fish-passage waiver or exemption?..... ☐ YES ☐ NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

4) Would the proposed reservoir pose any other significant detrimental impact to an existing fishery resource?.....

☐ YES ☒ NO

Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

- ☐ Any diversion or appropriation of water for storage during the period _____ through _____ poses a significant detrimental impact to existing fishery resources.
(For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)
If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

- ☐ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

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¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635-412-0005 (32)

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If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?
☐ NO (explain) ☐ YES (select from Menu of Conditions on next page)

ODFW Signature: Tim Porter Print Name: Tim Porter
ODFW Title: Asst. District Fish Biologist Date: 6-10-13

NOTE: This completed form must be returned to the applicant.

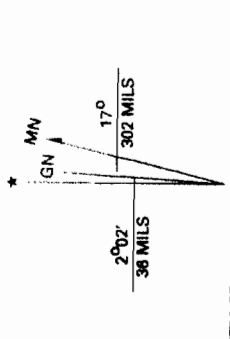
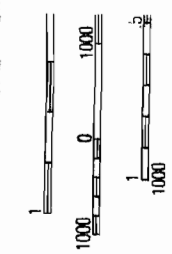
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Large Table &
Rabbit Valley

UTM GRID AND 1995 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET

R A B B I T

25
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R 22E
R 21E

T. 17 RECEIVED BY OWRD

T. 175 JUN 19 2013

SALEM, OR

Watson Butte

**ESTES
SURVEYS_{LLC}**

SURVEYS
CONSULTING

LAND & WATER RIGHTS
Bruce A. Estes, PLS, CWRE

60382 Arnold Mkt. Rd.
Bend, OR 97702
(541) 382-7391
FAX 382-7391

WATER RESOURCES DEPT
SALEM, OREGON

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FAX
24 Jun 2013

To: Jerry Sauter (503) 986-0901

From: Bruce Estes

Subject: Gutierrez Cattle Co. LD

Copy of page 1 of warranty Deed from Merwin
Ranches, Inc. to Gutierrez Cattle Co. & page 2 of
Attachment A

R-87912

MIDLAND TITLE CO

202999

WARRANTY DEED

MERWIN RANCHES, INC., an Oregon Corporation, Grantor, conveys and warrants to GUTIERREZ CATTLE COMPANY, an Oregon corporation, Grantee, the following described real property free of encumbrances except as specifically set forth herein, situated in Crook County, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

SUBJECT TO: (1) 1988-1989 taxes which are a lien, but not yet payable. (2) Reservation of all minerals contained in Patents from the United States of America as to the following described property:

In Township 16 South, Range 22 East of the Willamette Meridian:

Section 12: E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$.
Section 14: E $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$ NW $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{2}$.
Section 20: All.
Section 22: S $\frac{1}{2}$ S $\frac{1}{2}$.
Section 26: SW $\frac{1}{2}$ NW $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{2}$, SE $\frac{1}{2}$ SW $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{2}$.

(3) Reservation of all minerals contained in deeds from the State of Oregon as to the following described property:

In Township 16 South, Range 21 East of the Willamette Meridian:

Section 36: All.

In Township 16 South, Range 22 East of the Willamette Meridian:

Section 36: SW $\frac{1}{2}$.

(4) Reservation of all minerals contained in deeds from Oregon & Western Colonization Company as to the following described property:

In Township 16 South, Range 21 East of the Willamette Meridian:

Section 23: All.
Section 25: All.
Section 27: All.
Section 35: All.

In Township 16 South, Range 22 East of the Willamette Meridian:

Section 9: All.
Section 17: All.
Section 31: All.

(5) Reservations contained in deeds from Oregon & Western Colonization Company, as recorded in book 41 of Deeds at page 613, Book 42 of Deeds at page 250, Book 52 of Deeds at page 153, Book 53 of Deeds at page 569 and Book 55 of Deeds at page 463, records of Crook County, Oregon. (6) Rights of way granted to the United States of America, as set out in Book 48 of Deeds at page 16, Book 48 of Deeds at page 506, Book 71 of Deeds at page 113 and Book 84 of Deeds at page 129 records of Crook County, Oregon. (7) Rights of way and easements for pole lines granted to Central Electric Cooperative, Inc., as recorded in Book 66 of Deeds at

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Legal Description
C-02999

TRACT II:

IN TOWNSHIP 16 SOUTH OF RANGE 21 EAST OF THE WILLAMETTE MERIDIAN:

- Section 23: All.
- Section 25: All.
- Section 27: All.
- Section 35: All.
- Section 36: All.

IN TOWNSHIP 16 SOUTH OF RANGE 22 EAST OF THE WILLAMETTE MERIDIAN:

- Section 31: Lots 1, 2, 3, and 4, the East half of the West half, and the East half.
- Section 32: The Northeast quarter of the Southwest quarter, the South half of the Southwest quarter, and the Southwest quarter of the Southeast quarter.

IN TOWNSHIP 17 SOUTH OF RANGE 21 EAST OF THE WILLAMETTE MERIDIAN:

- Section 1: Lots 1, 2, 3, and 4, the South half of the North half, and the South half.
- Section 2: The South Half of the South half.
- Section 3: Lots 1, 2, 3 and 4, the South half of the North half, and the South half.
- Section 11: The North half of the North half.

IN TOWNSHIP 17 SOUTH OF RANGE 22 EAST OF THE WILLAMETTE MERIDIAN:

- Section 5: All.
- Section 6: Lots 5 and 6, the Southeast quarter of the Northwest quarter, the Northeast quarter of the Southwest quarter, the West half of the Northeast quarter, and the North half of the Southeast quarter.

KEY PUNCHED

JUL 18 1988

STATE OF OREGON
COUNTY OF CROOK } PS 88037
I CERTIFY THAT THE WITHIN INSTRUMENT WAS
RECEIVED FOR RECORD ON THE 15th DAY OF
July, 1988 AT 3:45 P.M.
AND RECORDED IN DEEDS
RECORDS OF SAID COUNTY, MP NO. 88037
DELLA M. HARRISON, CROOK COUNTY CLERK
By: *[Signature]* DEPUTY

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June 17, 2013

Oregon Water Resources Department
North Mall Office Building
725 Summer St. NE, Suite A
Salem, Oregon 97301

Gentlemen:

Re: Gutierrez Cattle Company -
Application for a Permit to
Store Water in a Reservoir

The following is an application for a new reservoir for the Gutierrez Cattle Company in Crook County, Oregon.

Included with this application is a Watermaster Report, Crook County Land Use Approval, and ODF&W approval form. Also included is a Gutierrez Cattle Company check in the amount of \$950.00 to cover the necessary fees. If you need any further information with regard this application, please copy any correspondence to Bruce Estes, our Water Rights Consultant, at 60382 Arnold Market Road, Bend, OR 97702, telephone 541/382-7391, with original to our office c/o Agriculture Industries, Inc.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim McIsaac', written over a horizontal line.

Tim McIsaac
Executive Vice President
for Gutierrez Cattle Company

TM:dlm

cc: Mr. Bruce Estes, PLS, CWRE

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