



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem OR 97301-1266
 503-986-0900
 www.oregon.gov/owrd

RECEIVED Application for Instream
 MAY 01 2017 Water Right Certificate

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SECTION 1: ORGANIZATION INFORMATION AND SIGNATURE


Organization Information

NAME OREGON DEPT. OF FISH AND WILDLIFE		PHONE 503-947-6000	FAX 503-947-6202
ADDRESS 4034 FAIRVIEW INDUSTRIAL DR. SE			CELL
CITY SALEM	STATE OR	ZIP 97302-1142	E-MAIL *

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

AGENT / BUSINESS NAME ANNA PAKENHAM STEVENSON / OREGON DEPT. OF FISH AND WILDLIFE		PHONE 503-947-6084	FAX 503-947-6202
ADDRESS 4034 FAIRVIEW INDUSTRIAL DR. SE			CELL
CITY SALEM	STATE OR	ZIP 97302-1142	E-MAIL * ANNA.P.STEVENSON@STATE.OR.US

* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Note that paper copies of the Final Order/documents will also be mailed.)

	Anna Pakenham Stevenson Water Program Manager	5/1/17
_____ Applicant Signature	_____ Print Name and Title	_____ Date
_____ Applicant Signature	_____ Print Name and Title	_____ Date

SECTION 2: NOTIFICATION TO DEQ, ODFW, AND PARKS

Please indicate the date you notified other state agencies of your intent to file an instream water right application.

Oregon Department of Environmental Quality was notified on: October 17 2016

Oregon Department of Fish and Wildlife was notified on: N/A

Oregon Parks and Recreation Department was notified on: October 17 2016

SECTION 3: NOTIFICATION TO AFFECTED LOCAL GOVERNMENTS

Please provide copies of letters of your intent to file an instream water right application to each affected local government within whose jurisdiction the instream use is proposed. Affected local government means any city, county or metropolitan service district formed under ORS Chapter 268 or an association of local governments performing land-use planning functions under ORS 197.190.

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SECTION 4: SOURCE AND REACH

Stream or lake name: Coe Branch Tributary to: Clear Branch

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If the source is a stream, indicate the reach delineated by river mile (the upstream point to the downstream point) of the proposed instream water right:

Coe Branch, tributary to Clear Branch, beginning at river mile 3.5 (NWSE, S4, T2S, R9E, WM) in Hood River County (45.422902, -121.675658) and continuing downstream to river mile 0.0 (SWSW, S23, T1S, R9E, WM) in Hood River County (45.46307, -121.645767).

If the source is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume and page, or decree name). _____

If the source is stored water and you do not, or will not, own the reservoir(s), please enclose a copy of your written agreement with the owner of the reservoir to release flows identified in this application.

SECTION 5: PUBLIC USES AND AMOUNTS

ODFW Administrative Rule 635-400-0015(7) & (8) require ODFW to request flows that meet the following standard:

(7) An instream flow requirement shall be specified as a quantity of water or water surface elevation as determined by the methodologies in this section and dependent upon other habitat factors, fish or wildlife species plans, basin or subbasin plans, management objectives or other commission policies for the waterway.

(8)(a) The instream flow requirement for any specified period shall be no less than the highest instream flow or water surface elevation required by any of the fish or wildlife species of management interest during that period;

OWRD Administrative Rule 690-077-0015(4) requires OWRD to limit the approved flow to meet the following standard:

(4) If natural streamflow or natural lake levels are the source for meeting instream water rights, the amount allowed during any identified time period for the water right shall not exceed the estimated average natural flow or level occurring from the drainage system, except where periodic flows that exceed the natural flow or level are significant for the applied public use. An example of such an exception would be high flow events that allow for fish passage or migration over obstacles.

The public uses to be served by the requested instream water right are: For the conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat. Applied flows include water for fish and wildlife migration, spawning, nesting, brooding, egg incubation, larval or juvenile development, juvenile and adult rearing and aquatic life. Flow levels will vary based on life cycle and life stage development needs.

The monthly (or half-monthly) flows in cubic feet-per-second (CFS) or acre-feet (AF) or by lake elevation (LE) necessary to support the public uses are:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Unit
14	14	20	20	20	14	14	20	20	20	14	14	CFS

If this is a multi-agency request, please indicate the monthly (or half-monthly) flows in cubic feet-per-second (cfs) or acre-feet (af) or by lake elevation (le) that are necessary to support the public uses for each category of public use.

USE	J	F	M	A	M	J	J	A	S	O	N	D	
													<input type="checkbox"/> CFS
													<input type="checkbox"/> AF
													<input type="checkbox"/> LE
													<input type="checkbox"/> CFS
													<input type="checkbox"/> AF
													<input type="checkbox"/> LE

SECTION 6: DATA, METHODS, AND COMPLIANCE

Please describe the technical data and methods used to determine the requested amounts.

ODFW relied on an IFIM/PHABSIM study to determine the requested amounts (Middle Fork Hood River IFIM Study, Watershed Professionals Network 2013. See attached). This method quantifies physical habitat at different streamflow rates for all life stages of fish, based on stream hydraulics (Bovee et al 1998; Bovee 1997; Bovee 1982). It typically requires measurements at one to three flows, and uses hydraulic simulation to predict habitat over a wide range of flows. Results are tabulated for spawning and incubation, fry, juvenile and adult rearing, and passage flows. Criteria for spawning, rearing, and incubation include depth, velocity, substrate and cover. Fish passage is based on depth and velocity only.

ODFW used the habitat vs. flow relationships produced by this study to derive recommended flows in Coe Branch. ODFW used the habitat vs. flow relationships for appropriate species and life stages to recommend flow levels specifically designed to meet the seasonal biological requirements of important fish species in the Coe Branch. These recommended flows were used in this instream water right application. The desired flow levels are determined by examining habitat vs. flow over the range of flows simulated, for each species and life stage according to the appropriate time periods.

Please provide written documentation of how your agency complied with the requirements contained in your own administrative rules for instream water rights, including application of the required methods to determine requested flows.

OAR 635-400-0015 Determination of Instream Flow Measurement Methodologies

The methodology used in the study was IFIM/PHABSIM (Middle Fork Hood River IFIM Study, Watershed Professionals Network 2013. See attached). As such, it conformed to the procedures laid out in the agency’s rules- Determination of Instream Flow Measurement Methodologies, Oregon Administrative Rules Division 400, 635-400-0015. Specifically, the studies on Coe Branch used IFIM/PHABSIM to produce a relationship between physical habitat and flow. ODFW is satisfied that correct field and computer procedures were followed to produce the results (Bovee et al 1998; Bovee

1997; Bovee 1982). ODFW examined and interpreted the results of the study to determine the requested flows.

OAR 635-400-0020- Standards for Selection of Streams or Stream Reaches for Instream Water Right Applications

Consistent with our rules, ODFW used the following resources and standards to prioritize waterways for instream water right applications: 1) basin and subbasin plans, management objectives, statutes, administrative rules and Commission policies; 2) the presence of fish and wildlife species that are considered endangered, threatened, sensitive or otherwise important; 3) the need to conserve, maintain or enhance fish or wildlife habitats or functions, including but not limited to, passage, spawning, incubation, rearing, and wintering habitats that maintain or improve the species.

OAR 635-400-0025- Responsibilities to WRD

ODFW will coordinate with OWRD for instream water rights monitoring as necessary for priority reaches. Specifically, ODFW will coordinate with OWRD to develop monitoring plans for instream water rights, revise or create a Memorandum of Understanding between the ODFW and WRD to include issues related to instream water rights, such as measuring, monitoring and enforcement of instream water rights.

OAR 635-400-0030- Internal Process for Instream Water Right Application

Instream Water Rights application initiation, consultation, review, processing, submittal, and record keeping was consistent with ODFW rules. Specifically, the application was initiated and processed by the proper ODFW staff, was presented to OWRD within the timelines stated in the internal rules, and ODFW shall also abide by the review requirements and make any required corrections requested by OWRD.

References:

Bovee, K.D., B.L. Lamb, J.M. Bartholow, C.B. Stalnaker, J. Taylor, and J. Henriksen. 1998. Stream habitat analysis using the Instream Flow Incremental Methodology. U.S. Geological Survey, Biological Resources Division Information and Technology Report USGS/BRD-1998- 0004. viii+131 pp. <https://www.fort.usgs.gov/publication/3910>

Bovee, K.D. 1997. Dave collection procedures for the Physical Habitat Simulation System. . U.S. Geological Survey, Biological Resources Division Information and Technology Draft Report USGS/BRD-1997- 146pp. <https://www.fort.usgs.gov/sites/default/files/products/publications/20002/20002.pdf>

Bovee, K.D. 1982. A guide to stream habitat analysis using the instream flow incremental methodology. Instream Flow Information Paper 12. U.S. Fish and Wildlife Service FWS/OBS-82/26. 248 pp. <http://www.arlis.org/docs/vol1/Susitna/1/APA193.pdf>

SECTION 7: REMARKS

Use this space to clarify any information you have provided in the application. _____

SECTION 8: MAP

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YOU ARE ENCOURAGED TO PROVIDE THIS INFORMATION:

A means and location for measuring the instream water right:

- Please see section 6

The strategy and responsibility for monitoring flows for the instream right:

- Please see section 6

Any provisions needed for managing the water right to protect the public uses: None

- Please see section 6

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

- SECTION 1: _____
- SECTION 2: _____
- SECTION 3: _____
- SECTION 4: _____
- SECTION 5: _____
- SECTION 6: _____
- SECTION 7: _____
- SECTION 8: _____
- Other: _____

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Oregon

Kate Brown, Governor

Department of Fish and Wildlife
Fish Division
4034 Fairview Industrial Drive SE
Salem, OR 97302
(503) 947-6201
FAX (503) 947-6202
www.dfw.state.or.us/

Date: November 14, 2016

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[Enter Addressee Here]

Generic Notification letter: See addressee list on Page 9

REFERENCE: Proposed Instream Water Right Application in Your Jurisdiction

The Water Resources Department requires applicants intending to file an application for an instream water right to notify local governments that could be affected, so that the local government can make sure that the proposed new use does not result in a land use that would be incompatible with its comprehensive plan.

As such, we are notifying you under OAR 690-077-0020 (j) that we intend to submit applications to the Oregon Water Resources Department for instream rights in your area.

The proposed place of instream use would be in the following streams and respective reaches:

Eagle Creek, tributary to the Columbia River:

Reach #1:

Description:

- Eagle creek, tributary to the Columbia River, beginning at the mouth, river mile 0.0 in the SWNE quarter of Section 22, Township 2 N, Range 7 E W.M. in Multnomah County (45.6405, -121.9319) and continuing upstream to Metlako Falls at river mile 2.1 in the SWNW quarter of Section 25, Township 2 N, Range 7 E W.M. in Hood River County (45.6278, -121.8988).

Amount of water (in cubic feet per second) requested by month:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Unit
70	70	70	120	120	120	70	84	143	143	120	120	CFS

Herman Creek, tributary to the Columbia River:

Reach #1:

Description:

- Beginning at the mouth of Herman Creek, tributary to the Columbia River, at river mile 0.0 in the NESE quarter of Section 6, Township 2 N, Range 8 E W.M. in Hood River

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County (45.6834, -121.8616) and continuing upstream to the confluence of East Fork Herman Creek and Herman Creek at river mile 4.2 in the NW SW quarter of Section 15, Township 2 N, Range 8 E W.M. in Hood River County (45.6549, -121.819).

Amount of water (in cubic feet per second) requested by month:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Unit
60	60	60	102	102	102	60	72	122	122	102	72	CFS

Fifteenmile Creek, tributary to the Columbia River:

Reach #1: Upstream of Dufur

Description:

- In Fifteenmile Cr, tributary to the Columbia River, beginning in Dufur at the Highway 197 crossing, river mile 30.6 in the SWSE quarter of Section 25, Township 1 S, Range 13 E W.M. in Wasco County (45.4504, -121.1196), and continuing upstream to the unnamed barrier at river mile 49.4 in the NWSW quarter of Section 28, Township 2 S, Range 11 E W.M. in Wasco County (45.3656, -121.4402).

Amount of water (in cubic feet per second) requested by month:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Unit
10	10	15	26	26	26	15	15	10	10	10	10	CFS

Reach #2: Beginning at the mouth

Description:

- In Fifteenmile Creek, tributary to the Columbia River, beginning at the mouth, river mile 0.0 in the SWNW quarter of Section 31, Township 2 N, 14 E W.M. in Wasco County (45.6141, -121.1231) and continuing upstream to Dufur at the Highway 197 crossing, river mile 30.6 in the SWSE quarter of Section 25, Township 1 S, Range 13 E W.M. in Wasco County (45.4504, -121.1198).

Amount of water (in cubic feet per second) requested by month:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Unit
13	13	20	34	34	34	20	20	13	13	13	13	CFS

Lindsey Creek, tributary to the Columbia River:

Reach #1:

Description:

- Beginning at the mouth of Lindsey Creek, tributary to the Columbia River, river mile 0.0 in the NENE quarter of Section 5, Township 2 N, Range 9 E W.M. in Hood River County (45.6903, -121.7136) and continuing to river mile 4.2 at North Lake Dam, in the NESE

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quarter of Section 24, Township 2 N, Range 8 E W.M. in Hood River County (45.6429, -121.757).

Amount of water (in cubic feet per second) requested by month:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Unit
20	20	20	34	34	34	20	20	41	41	34	20	CFS

Mill Creek, tributary to the Columbia River:

Reach #1:

Description:

- Beginning at the mouth of Mill Creek, tributary to the Columbia River, river mile 0.0 in the SWSW quarter of Section 34, Township 2 N, Range 13 E W.M. in Wasco County (45.6068, -121.1872), continuing upstream to the confluence of North Fork and South Fork Mill Creek, river mile 8.1 in the SESW quarter of Section 22, Township 1 N, Range 12 E W.M. in Wasco County (45.5506, -121.3079).

Amount of water (in cubic feet per second) requested by month:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Unit
10	10	15	26	26	26	15	15	10	10	10	10	CFS

South Fork Mill Creek, a tributary of Mill Creek:

Reach #1:

Description:

- Beginning at the mouth of South Fork Mill Creek, tributary to Mill Creek, river mile 0.0 in the SESW quarter of Section 22, Township 1 N, Range 12 E W.M. in Wasco County (45.5506, -121.3079) and continuing upstream to the Crow Creek Reservoir Dam at river mile 10.1 in the NENW quarter of Section 20, Township 1 S, Range 11 E W.M. in Wasco County (45.474998, -121.451698).

Amount of water (in cubic feet per second) requested by month:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Unit
0	0	0	0	0	17	10	10	7	7	7	0	CFS

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Neal Creek, a tributary to the Columbia River:

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Reach #1:

Description:

- Beginning at the mouth of Neal Cr, tributary to Hood River, river mile 0.0 in the NENE quarter of Section 14, Township 2 N, Range 10 E W.M. in Hood River County (45.6639, -121.5256), and continuing upstream to the confluence of West Fork Neal Creek and Neal Creek, river mile 5.8 in the SESW quarter of Section 6, Township 1 N, 11 E W.M. in Hood River County (45.5951, -121.4995).

Amount of water (in cubic feet per second) requested by month:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Unit
45	45	45	45	45	45	45	45	45	25	25	25	CFS

Odell Creek, tributary to the Hood River:

Reach #1:

Description:

- Beginning at the mouth of Odell Creek, tributary to the Hood River, at river mile 0.0 in the NESW quarter of Section 14, Township 2 N, Range 10 E W.M. in Hood River County (45.6566, -121.5396) and continuing upstream to river mile 4.0 in the NESW quarter of Section 34, Township 2 N, Range 10 E W.M. in Hood River County (45.6121, -121.5587).

Amount of water (in cubic feet per second) requested by month:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Unit
20	50	50	50	50	50	20	20	20	20	20	20	CFS

West Fork Hood River, a tributary of the Hood River:

Reach #1:

Description:

- In West Fork Hood River, tributary to Hood River, beginning at the mouth, river mile 0.0 in the NWNE quarter of Section 1, Township 1 N, Range 9 E W.M. in Hood River County (45.6052, -121.6333) and continuing upstream to the confluence of Elk Creek and McGee Creek, river mile 14.7 in the SWNW quarter of Section 25, Township 1 S, Range 8 E W.M. in Hood River County (45.4569, -121.7818).

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Amount of water (in cubic feet per second) requested by month:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Unit
150	250	250	250	250	250	150	165	165	165	190	190	CFS

Green Point Creek, tributary to the West Fork Hood River:

Reach #1:

Description:

- Beginning at the mouth of Green Point Creek, tributary to West Fork Hood River, river mile 0.0 in the SENW quarter of Section 12, Township 1 N, Range 9 E W.M. in Hood River County (45.5873, -121.6439), and continuing upstream to the confluence of Green Point Creek and Long Branch Creek, river mile 3.1 in the NWNE quarter of Section 9, Township 1 N, Range 9 E W.M. in Hood River County (45.5914, -121.6987).

Amount of water (in cubic feet per second) requested by month:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Unit
90	120	120	120	120	120	50	80	80	80	120	120	CFS

Middle Fork Hood River, a tributary of the Hood River:

Reach #1:

Description:

- Beginning at the mouth of Middle Fork Hood River, tributary to Hood River, river mile 0.0 in the NWNW quarter of Section 18, Township 1 N, Range 10 E W.M. in Hood River County (45.5755, -121.6269) and continuing upstream to Eliot Branch at river mile 9.1 in the NESW quarter of Section 23, Township 1 S, Range 10 E W.M. in Hood River County (45.4655, -121.6381).

Amount of water (in cubic feet per second) requested by month:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Unit
0	0	0	255	255	255	0	150	0	255	255	0	CFS

Clear Branch, tributary to the Middle Fork Hood River:

Reach #1:

Description:

- Beginning at the mouth of Clear Branch, tributary to the Middle Fork Hood River, river mile 0.0 in the NESW quarter of Section 23, Township 1 S, Range 9 E W.M. in Hood

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East Fork Hood River, a tributary of the Hood River:

Reach #1: Beginning at the mouth

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Description:

- The East Fork Hood River, tributary to Hood River, beginning at river mile 0.0 in the NWNE quarter of Section 1, Township 1 N, Range 9 E W.M. in Hood River County (45.6053, -121.6333) and continuing upstream to river mile 6.2 in the SENW quarter of Section 28, Township 1 N, Range 10 E W.M. in Hood River County (45.5451, -121.5814).

Amount of water (in cubic feet per second) requested by month:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Unit
180	210	210	210	210	210	150	150	175	175	180	180	CFS

Reach #2:

Description:

- In the East Fork Hood River, tributary to Hood River, beginning at river mile 6.2 in the SENW quarter of Section 28, Township 1 N, Range 10 E W.M. in Hood River County (45.5451, -121.5814), and continuing upstream to river mile 16.8, just above the confluence of Polallie Creek and the East Fork Hood River in the SESE quarter of Section 5, Township 2 S, Range 10 E W.M. in Hood River County (45.4185, -121.5685).

Amount of water (in cubic feet per second) requested by month:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Unit
175	175	175	175	175	175	110	110	145	145	175	175	CFS

Reach #3:

Description:

- The East Fork Hood River, tributary to Hood River, beginning at river mile 16.8, just above the confluence of Polallie Creek and the East Fork Hood River in the SESE quarter of Section 5, Township 2 S, Range 10 E W.M. in Hood River County (45.4185, -121.5685) and continuing upstream to the confluence of Cold Spring Creek and East Fork Hood River, river mile 17.8 in the SWSE quarter of Section 8, Township 2 S, Range 10 E W.M. in Hood River County (45.4048, -121.5703).

Amount of water (in cubic feet per second) requested by month:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Unit
75	75	75	127	127	127	127	75	75	50	50	75	CFS

Letter to [Name}
November 14, 2016
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If you have any questions regarding the proposed applications, or are interested in receiving additional information, please contact Anna Pakenham Stevenson at 503-947-6084 or Anna.p.stevenson@state.or.us

Sincerely,

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Anna Pakenham Stevenson
Water Quality and Quantity Program Manager

Addressee's for Hood Basin Notification Letter

Hood River County
Planning and Zoning
601 State St.
Hood River, OR 97031

Wasco County
Planning Department
2705 East 2nd Street
The Dalles, OR 97058

Multnomah County
Land Use Planning
1600 SE 190th Avenue
Portland, Oregon 97233

CONFEDERATED TRIBES OF THE
WARM
SPRINGS RESERVATION OF OREGON
PO Box C
1233 Veteran's Street
Warm Springs, OR 97761

CONFEDERATED TRIBES OF SILETZ
INDIANS
201 SE Swan Avenue
P.O. Box 549
Siletz, OR 97380

CONFEDERATED TRIBES OF GRAND
RONDE
9615 Grand Ronde Road
Grand Ronde, OR 97347

City of Hood River
Planning Department
211 2nd Street
Hood River, OR 97031

Cascade Locks City Hall
P.O. Box 308
140 SW WaNaPa
Cascade Locks, OR 97014

The Dalles City Hall
Planning Department
313 Court Street
The Dalles, Oregon 97058

City of Dufur
PO Box 145
175 NE Third St
Dufur, Oregon 97021

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