

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Renumbered to A25-12224
Ident. Number: ~~A25-12224A~~
Date Received: 03/02/1989
Receipt No: X111111
Received By: _____

NOTICE OF **AMENDED CLAIM** TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH 208-378-5322
Address: REGIONAL DIRECTOR, P.N. REGION
BUREAU OF RECLAMATION
1150 NORTH CURTIS ROAD SUITE 100
BOISE, ID 83706-1234

2. Date of Priority: JAN 16, 1922 (PATENTED)

3. Source: COVE CREEK-SPRING Trib. to: TEX CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	41E	22	NW	NE	NE		BONNEVILLE

5. Description of diverting works:
SPRINGS - TEX CREEK WILDLIFE MANAGEMENT AREA

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.010		

7. Total Quantity Appropriated is:
0.010 C.F.S. (and/or) A.F.A.

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS
PER DAY.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	41E	22	NE	NE		STOCK	

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

COVE, CREEK TRIBUTARY TO TEX CREEK
DEVELOPED SPRING AND TANKS

15. Basis of Claim: BENEFICIAL USE

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations: I do solemnly swear or affirm that I am Water Rights Spec.
Title

of The Bureau of Reclamation, that I have signed the foregoing
Organization

document in the space below as Water Rights Spec. of The Bureau of Reclamation
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Dala S. Walton

Title and Organization Water Rights Spec., Bureau of Reclamation Date 2/2/98

State of Idaho)

)

County of Cassia)

Subscribed and sworn (or affirmed) before me this 2nd day of February 1998

SEAL

Notary Public Yvonne Daniel

Residing at Heyburn, Idaho

My Commission Expires 9/21/98

Please Print Name Yvonne Daniel

17. Notice of Appearance:

Notice is hereby given that I, Paul F. Holleman will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Paul F. Holleman

Address United States Dept. of Justice, ENRD/GLS

~~Date~~ 550 West Fort Street, MSC 033, Boise, Idaho 83724

Last Name Holleman Ident. Number Co. Lic #21,888

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A25-12224
Date Received: 3/02/1989
Receipt No: _____
Received By: _____

JUL 07 1989

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH 208-334-1165
Address: REGIONAL DIRECTOR, P.N. REGION
BUREAU OF RECLAMATION
BOX 043-550 WEST FORT STREET
BOISE, ID 83724

2. Date of Priority: JAN 01, 1918

3. Source: COVE CREEK Trib. to: TEX CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	41E	22	NE	NE	NW		BONNEVILLE

5. Description of diverting works:
SPRINGS - TEX CREEK WILDLIFE MANAGEMENT AREA

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.010		
WILDLIFE	01/01	12/31	0.010		

7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK AND WILDLIFE

A25-12224

Page 1

Date: 05/08/89

A2512224

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	41E	22	NE	NW		STOCK	
			NE	NW		WILDLF	

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
COVE, CREEK TRIBUTARY TO TEX CREEK
DEVELOPED SPRING AND TANKS

15. Basis of Claim: BENEFICIAL USE



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 15, 2001

UNITED STATES OF AMERICA ACTING THROUGH
REGIONAL DIRECTOR PN REGION CODE PN - 3100
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE ID 83706-5155

RE: NOTICE OF CHANGE OF ADDRESS

Dear Sir or Madam:

Per your request, I have changed the address on the adjudication numbers listed on the following page.

Water right numbers A29-02262, A29-02306, A29-02307, A29-02310, A29-02341, A29-02567, A29-02568 and A29-02571 do not have Bureau of Reclamation as the current owner. The current owner in our database is Falls Irrigation District. Therefore, these rights have not been changed.

All other water right numbers not listed above or on the following page will be processed by our other regions and mailed to you at a later date.

If you have any questions feel free to contact this office at 208-525-7161.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk
Eastern Region

Enclosure (1)

A01-00211A	A21-04155
A01-00214A	A21-04156
A01-00217	A21-04157
A01-00218	A21-10560
A01-00219	A21-10601
A01-00284	A22-07022
A01-02016	A22-07062
A01-02040	A23-04073
A01-02060	A23-10062
A01-02061	A25-07004
A01-02064	A25-07135
A01-02068	A25-07201
A01-04024	A25-12222
A01-04025	A25-12223
A01-04046	A25-12224
A01-04047	A25-12225
A01-04048	A25-12226
A01-04049	A25-12227
A01-04050	A25-12228
A01-04051	A25-12229
A01-04052	A25-12231
A01-04053	A25-12234
A01-04054	A25-12236
A01-04055	A29-02380
A01-04056	A29-02614A
A01-04057	A29-10045
A01-04060	A29-10046
A01-10034	A29-10047
A01-10042	A35-10358
A01-10043	
A01-10044	
A01-10045	
A01-10053	
A21-00024	
A21-00026	
A21-00027	
A21-00120	
A21-00121	
A21-00122	
A21-00123	
A21-00124	
A21-00125	
A21-00126	
A21-02156	

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CHANGE IN ADDRESS

JUN 15 2001

This form is solely for purposes of notifying IDWR of a change of address of an adjudication claim. Department of Water Resources
Eastern Region

[X] Water Right Number(s): See attached list

[] Old Mailing Address: United States of America Acting through
Regional Director PN Region
Bureau of Reclamation
Box 043-550 West Fort St.
Boise ID 83724

[X] New Mailing Address: United States of America Acting through
Regional Director PN Region Code PN-3100
Bureau of Reclamation
1150 N Curtis Rd Suite 100
Boise ID 83706-5155

[X] Telephone Number: (208) 378-5306 Gail McGarry

[X] Signature of Claimant: Alana S. Walton

[X] Date: 6/14/01

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Contact ID#
22796

BOR Paper Claim	Use	DWR New Computer Claim	BOR Paper Claim	Use	DWR New Computer Claim
A25-12223A	Stock ✓	A25-12223 ✓	A25-12228A	Stock ✓	A25-12228 ✓
B	w/L ✓	A25-13874 ✓	B	w/L ✓	25-13925 ✓
C	Stock ✓	A25-13875 ✓	C	Stock ✓	25-13926 ✓
D	w/L ✓	A25-13876 ✓	D	w/L ✓	25-13927 ✓
E	Stock/w/L ✓	A25-13877 ✓	E	Stock ✓	25-13928 ✓
			F	w/L ✓	25-13929 ✓
A25-12224A	Stock ✓	A25-12224 ✓	A25-12229A	Stock ✓	A25-12229 ✓
B	w/L ✓	A25-13915 ✓	B	w/L ✓	A25-13930 ✓
A25-12225A	Stock ✓	A25-12225 ✓	A25-12231A	Stock ✓	A25-12231 ✓
B	w/L ✓	A25-13916 ✓	B	w/L ✓	A25-13931 ✓
C	Stock & w/L ✓	A25-13917 ✓	C	Stock ✓	A25-13932 ✓
D	Stock ✓	A25-13918 ✓	D	w/L ✓	A25-13933 ✓
E	w/L ✓	A25-13919 ✓	E	Stock ✓	25-13934 ✓
F	Stock ✓	A25-13920 ✓	F	w/L ✓	25-13935 ✓
G	w/L ✓	A25-13921 ✓			
H	Stock & w/L ✓	A25-13922 ✓	A25-12234A	Stock ✓	A25-12234 ✓
			B	w/L ✓	A25-13936 ✓
A25-12226A	Stock ✓	A25-12226 ✓	A25-12236A	Stock ✓	A25-12236 ✓
B	w/L ✓	A25-13923 ✓	B	w/L ✓	A25-13937 ✓
A25-12227A	Stock ✓	A25-12227 ✓	A25-12238	Domestic ✓	
B	w/L ✓	A25-13924 ✓			



U.S. Department of Justice

Environment and Natural Resources Division

PFH
90-6-2-63C

*Fritz Holleman
United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
P.O. Box 663
Washington, D.C. 20044-0663*

*Telephone (202) 305-0494
Facsimile (202) 305-0267*

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FEB 10 1998

Department of Water Resources
Eastern Region

February 9, 1998

Earnest Carlson
Regional Adjudication Manager
Idaho Department of Water Resources
Eastern Regional Office
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Re: Amendments to Bureau of Reclamation claims in
Basin 25.

Dear Mr. Carlsen,

Please find enclosed amendments that BOR would like to make to its stock and wildlife claims in the Tex Creek Wildlife Management Area. Also enclosed is the affidavit of Dala Walton, Water Rights Specialist in the Snake River Area Office of the Bureau of Reclamation. Ms. Walton's affidavit explains the reasons for the amendments and the nature of the amendments.

Please call me with any questions or concerns.

Thank you,

Fritz Holleman

CC: Dala Walton
Kathleen Carr

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re the General Adjudication)
of Rights to the Use of Water)
from the Snake River Basin)
Water System)

The State of Idaho, ex rel.)
R. Keith Higginson in his)
official capacity as Director)
of the Idaho Department of)
Water Resources,)

Petitioner,)
vs.)

The United States; the State)
of Idaho; and all Claimants to)
use of water from the Snake)
River Basin Water System,)

Respondents.)

Case Nos. A25-12223A, A25-12223B,
A25-12223C, A25-12223D,
A25-12223E, A25-12224A,
A25-12224B, A25-12225A,
A25-12225B, A25-12225C,
A25-12225D, A25-12225E,
A25-12225F, A25-12225G,
A25-12225H, A25-12226A,
A25-12226B, A25-12227A,
A25-12227B, A25-12228A,
A25-12228B, A25-12228C,
A25-12228D, A25-12228E,
A25-12228F, A25-12229A,
A25-12229B, A25-12231A,
A25-12231B, A25-12231C,
A25-12231D, A25-12231E,
A25-12231F, A25-12234A,
A25-12234B, A25-12236A,
A25-12236B, and A25-12238

**AFFIDAVIT OF
DALA S. WALTON**

State of Idaho,)
County of Cassia.) ss.

I, Dala S. Walton, being first duly sworn on oath depose and say:

1. I am a Water Rights Specialist in the Snake River Area Office of the Bureau of Reclamation (Reclamation), Department of the Interior. I have been employed in this position for the past three years.

2. One of my assignments as Water Rights Specialist is to protect, analyze, and defend existing water rights in the Snake River Area, specifically the states of Idaho and Wyoming. The preparation of claims for filing in the Snake River Basin Adjudication (SRBA) is included in this assignment. Claims have been completed for all Reclamation Project diversions within the SRBA but modifications and revisions are required for the Tex Creek Wildlife Management Area (Tex Creek), the area designated by the Idaho Department of Water Resources (IDWR) as Basin 25 in the SRBA.

3. In June 1989, Reclamation delivered 98 claims to the Department of Interior Field Solicitor to be filed in the SRBA. Included were the claims for Tex Creek. The basis of the Tex Creek claims is beneficial use. The quantities, place of use, and points of diversion were determined by contacting the Idaho Fish and Game, who manage the area in a cooperative agreement with Reclamation. Based on this data and other records, we provided the most accurate information we had at the time to meet the filing deadline.

4. As the adjudication evolved, Reclamation determined the Tex Creek claim elements should be reconfirmed by an expert. On September 10, 1995, Reclamation contracted with Steve Haynes, a private consultant, to review each of the Tex Creek claims for supportive evidence that reconfirmed the water rights claimed by Reclamation. Mr. Haynes was the Fish and Game area Manager for Tex Creek from 1977 to 1993. He has a historical perspective that is based on conversations with prior owners and operators. He also has an in-depth knowledge of the area based on having spent a great deal of time on the ground while conducting resource inventories and project planning and supervision. On April 25, 1997, Mr. Haynes submitted his final report to Reclamation.

5. There were eleven original claims filed for Tex Creek. Mr. Haynes had additional data regarding each claim on certain elements to accurately describe the water rights. In addition, he found three new sites (A25-12223C, A25-12223D, A25-12223E, and A25-12225H) and determined that several claims had multiple points of diversion (A25-12225, A25-12228, and A25-12231) and should be claimed separately according to filing procedures of the IDWR. None of the claims exceed the domestic and stock rate of 13,000 gallons per day and should be reported with this class of claims. The claims were not previously designated in this class, and reporting them in this class will expedite their recommendation to partial decree. Mr. Haynes investigated and provided the patent dates for stock water use. In cases where no patent was established, the date of withdrawal from Bureau of Land Management or date acquired for establishment of the refuge was used for stock water. The priority date established for wildlife is the date the point of diversion was acquired or withdrawn for establishment of Tex Creek.

6. These amended and new claims are, therefore, being submitted for incorporation and inclusion in the claims to be adjudicated in the SRBA. We believe the claims to be accurate with the information now provided and do not anticipate any further changes.

Dated this 27th day of January, 1998.

Dala S. Walton
Dala S. Walton

Subscribed and sworn to before me this 27th day of January, 1998.

Yvonne Daniel
Notary Public in and for the State
Of Idaho, Residing at Burley.
My Commission expires 9-21-98.



United States Department of the Interior

BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
FEDERAL BUILDING & U.S. COURTHOUSE
BOX 043-550 WEST FORT STREET
BOISE, IDAHO 83724-0043

TAKE
PRIDE IN
AMERICA

IN REPLY
REFER TO:

PN 424

OCT 23 1991

RECEIVED

OCT 24 1991

Department of Water Resources
Eastern District Office

Mr. Eric Verner
Senior Water Rights Specialist
Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls ID 83402

Subject: Snake River Basin Adjudication Water Right Claims, Minidoka Project,
Idaho (Water Rights)

Dear Mr. Verner:

By two letters, each dated June 25, 1991, you requested supplemental evidence of priority for several beneficial use claims lodged in the subject case. The attached table shows some additional information about these claims, including the date of patent of the lands. Our additional comments and recommendations are as follows:

A25-12222. This claim is for a ground water well with first use in about 1987. We understand a beneficial use claim is not appropriate for ground water diversions after 1962. Therefore, this should be withdrawn from the SRBA proceedings. A water right will be obtained through the permit procedure.

A25-12223. This claim was submitted for stock and wildlife use from 4 natural springs tributary to Tex Creek. The quantity claimed is .02 cfs at 4 locations for a total of .08 cfs. The locations are shown on the attached table. Perhaps it would have been more appropriate to submit a separate claim for each location.

A25-12224. This claim was submitted for .02 cfs for stockwater and wildlife uses from a natural spring tributary to Cove creek.

A25-12225. This claim was submitted for .08 cfs for stockwater and wildlife use from 4 natural springs tributary to Indian Fork. The quantity claimed is .02 cfs at 4 locations so a total of .08 cfs was claimed. Perhaps it would have been more appropriate to submit a separate claim for each location.

A25-12226. This claim was submitted for .02 cfs for stockwater and wildlife uses from a natural spring tributary to Hayshed Creek.

A25-12227. This claim was submitted for .02 cfs for stockwater and wildlife uses from a natural spring tributary to Willow Creek.

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A25-12228. This claim was submitted for .02 cfs for irrigation and domestic uses from three springs tributary to Pipe Creek. There are three locations or points of diversion as listed on the attached table. The claim should have been for .02 cfs from each location for a total of .06 cfs. Again, perhaps separate claims should have been submitted for each location.

A25-12229. This claim was submitted for .02 cfs for stockwater and wildlife uses from a spring tributary to Spring Creek.

A25-12231. This claim was submitted for .02 cfs for stockwater and wildlife uses from two springs tributary to Dog Tooth Creek. The quantity claimed is .02 cfs at 2 locations for a total of .04 cfs. Again, perhaps separate claims should have been submitted for each spring.

A25-12234. This claim was submitted for .04 cfs for irrigation and wildlife uses from Indian Fork, a natural stream. The water is used to maintain 3 acres of ponds at the location shown on the attached table.

A25-12236. This claim was submitted for .05 cfs for irrigation, stockwater, and wildlife uses from Trail Creek, a natural stream. The water is used to maintain a two-acre pond at the location shown on the attached table.

The IDWR has advised that the existing evidence of priority is sufficient for claims not exceeding .02 cfs for domestic and stockwatering uses. All of the above claims except the last two fit into that category. The last two claims are for maintenance of ponds. A date of priority as of the date of patent of the lands is requested for each of these claims.

Please advise us of any action on our part that needs to be taken to separate the claims that were lumped together on the original filing.

Sincerely,



Regional Supervisor of
Water, Power, and Lands

Enclosure

cc: Mr. Jack Haugrud
General Litigation Section
US Department of Justice
PO Box 44378
Washington DC 20026-4378
(w/cy of incoming)
Project Superintendent, Burley ID
Field Solicitor, Boise ID

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POOR ORIGINAL

Twmsp	Range	Sec.	1/4	1/4	1/4	cfs	Patent Date
1 N	41 E	6	NW	SE	NW	.02	10/15/1918

Springs; Dog Tooth, Tributary to Blue Creek, Trib to Mdw Creek-
A25-12231

Twmsp	Range	Sec.	1/4	1/4	1/4	cfs	Patent Date
2 N	41 E	30	SE	SW	SW	.02	2/23/1917
2 N	41 E	30	SE	SW	SE	.02	2/23/1917

Ponds - Indian Fork Tributary to Tex Creek - A25-12234

Twmsp	Range	Sec.	1/4	1/4	1/4	Size	Patent Date
1 N	41 E	11	SW	SE		3 AC	9/30/1920

Pond, Trail Creek, Tributary to Tex Creek - A25-12236

Twmsp	Range	Sec.	1/4	1/4	1/4	Size	Patent Date
1 N	41 E	3	SW	SE		2 AC	4/19/1922

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APR 12 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

June 25, 1991

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

UNITED STATES OF AMERICA
REGIONAL DIRECTOR PN REGION
BUREAU OF RECLAMATION
BOX 043-550 WEST FORT STREET
BOISE ID 83724

RE: Evidence of Priority

Dear Regional Director:

The Notices of Claim identified with the numbers shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notices indicate the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notices and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notices have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notices be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority date by July 25, 1991, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

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Page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Eric Verner
Senior Water Agent

EV:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-12222
US BUREAU OF RECLAMATION

A25-12228
US BUREAU OF RECLAMATION

A25-12223
US BUREAU OF RECLAMATION

A25-12229
US BUREAU OF RECLAMATION

A25-12224
US BUREAU OF RECLAMATION

A25-12231
US BUREAU OF RECLAMATION

A25-12225
US BUREAU OF RECLAMATION

A25-12234
US BUREAU OF RECLAMATION

A25-12226
US BUREAU OF RECLAMATION

A25-12236
US BUREAU OF RECLAMATION

A25-12227
US BUREAU OF RECLAMATION

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