

Affidavit of Publication

STATE OF IDAHO, }
County of Bonner, } ss.

L. E. Pietsch being first duly sworn on
oath deposes and says that he is Publisher
of The Sandpoint News-Bulletin, a weekly
newspaper printed and published at Sandpoint,
Bonner County, Idaho; that the said Sandpoint
News-Bulletin has been continuously and unin-
terruptedly published in said Bonner County
during a period of 18 months or 78 weeks
prior to the first publication of the hereto
attached notice for publication in the case of
Notice of Correction, Claim to a Water
Right No. 96-4054 in the name of John
M. &/or Irene E. Dunn was advertised
incorrectly on April 12 and 19, 1973.

as it was published in the regular and entire issue
of the said paper for a period of two
consecutive weeks, commencing on the 3rd
day of May, 19 73, and end-
ing on the 10th day of May,
19 73, and that said notice was published in said
newspaper, and not in supplemental form.

L. E. Pietsch

Subscribed and sworn to before me this

16th day of May, 19 73.

Cheryl's Parrott

Notary Public for Idaho,
Residing at Sandpoint, Idaho.

RECEIVED

MAY 17 1973

Department of Water Administration
Northern District Office

NOTICE OF CORRECTION

Notice is hereby given that
Claim to a Water Right No.
96-4054 in the name of John
M. & or Irene E. Dunn was
advertised incorrectly on April
12 and April 19, 1973. The pur-
poses for using the water were
advertised as being irrigation
and domestic purposes.
Whereas, the actual purposes
are irrigation and stockwater-
ing.

Any exception to this correc-
tion may be filed with the Idaho
Department of Water Adminis-
tration, 401 Front Ave., Room
209, Coeur d' Alene, Idaho
83814.

R. KEITH HIGGINSON
Director

Published in the Sandpoint
News-Bulletin, Sandpoint, ID
on May 3 and May 10, 1973.
M3-10

96 4054

Affidavit of Publication

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terruptedly published in said Bonner County
during a period of 18 months or 78 weeks
prior to the first publication of the hereto
attached notice for publication in the case of
Notice of Claim to a Water Right, No.
96-4054, filed by John M. &/or Irene E.
Dunn, Box 154 Hope, Idaho.

as it was published in the regular and entire issue
of the said paper for a period of two
consecutive weeks, commencing on the 12th
day of April, 19 73, and end-
ing on the 19th day of April,
19 73, and that said notice was published in said
newspaper, and not in supplemental form.

L. E. Pietsch

Subscribed and sworn to before me this

20th day of April, 19 73.

Byron G. Gault

Notary Public for Idaho,
Residing at Sandpoint, Idaho.

NOTICE OF CLAIM TO A WATER RIGHT NO. 96-4054

Notice is hereby given that
John M. &-or Irene E. Dunn,
Box 154, Hope, Idaho,
have filed a claim to a water
right established by diversion
and application to beneficial
use of 0.42 cubic feet per sec-
ond of water from Unnamed
Springs and Stream, tributary
to Jack O'Neil Creek with point
of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 7, T. 56N, R. 2E, B.M.,
Bonner County.

The water is claimed to be
used from May 1 to Oct. 1 for
the irrigation of 20 acres (0.40
cfs); and from May 1 to Nov. 1
for domestic purposes (0.02
cfs) with a priority of April,
1963; the place of use is with-
in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, T.
56N, R. 2E, B.M.

Any exception to this claim
of water right may be filed
with the Idaho Department of
Water Administration, 401
Front Avenue, Coeur d'Alene,
Idaho 83814.

R. KEITH HIGGINSON
Director

Published in the Sandpoint
News-Bulletin, Sandpoint, Ida-
ho on April 12 and April 19,
1973. A12-19

96 4054

Identification No. 96-4054

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant John M. &/or Irene E. Dunn
post office address Box 154, Hope, Idaho
2. The point of diversion is in SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 7 Township 56N
Range 2E B.M. located on Unnamed Springs and Stream
(name of source)
tributary to Jack O'Neil Creek in Bonner County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

April, 1963 amount: 0.42 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 0.42 c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

(0.40 cfs) use Irrigation period of use from May 1 to Oct. 1 (both dates inclusive)
(0.02)cfs) use Stockwater period of use from May 1 to Nov. 1 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of SEE ITEM 9
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped _____ ; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____
_____ ;

attach well logs if available; has there been any change in pump or motor since well was first completed
; if so, give dates and explain

c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet;
width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000
feet is _____ feet; material through which ditch passes is _____ inches;
maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches;
type of pipe _____; grade of pipe per 1000 feet is _____
Please explain any changes or increase in size of conveying system since water was first appropriated, giv-
ing date and dimensions if possible

d. If water is stored: name of reservoir _____
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____
if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe
location of reservoir by 40-acre subdivisions _____
has there been any enlargement of the reservoir since it was first built _____, if so, give dates and
describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
56N	2E	7																	20
																			20

Total number of acres to be irrigated _____

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered 15 head of cattle

7. Where water is used for domestic or municipal purposes give number of families served _____ name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
Dug pond over underground springs (apprx. 14 feet deep), and also divert water from an Unnamed Stream to supplement the pond. Water is then pumped from the pond by a centrifugal pump with a capacity of approx. 98 g.p.m. to be used for irrigation purposes. The cattle drink directly from pond, and also the stream.

State of Idaho }
County of KOOTENAI } ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 6TH day of April, 1973.
John M. Damm Claimant

Corda M. Roberts Notary Public
Residing at COEUR D'ALENE, IDAHO

My commission expires SEPT. 11, 1976

For Department Use Only

Received by <u>CR</u> Date <u>4-6-73</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>CR</u> Date <u>APR 10</u> #10610	_____	_____	_____
Fee received by <u>CR</u> Date <u>4-6-73</u> Fee \$ <u>20.00</u>	_____	_____	_____
Approved for publication by <u>CR</u> <u>6 APR 173</u>	_____	_____	_____
Published in <u>SANDPOINT BULLETIN</u> Dates <u>4-12-73</u>	_____	_____	_____
<u>4-19-73</u>			

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:
Date of priority claimed: May 18, 1871 amount: 0.8 c.f.s. or _____ acre feet
June 1, 1901 amount: 0.4 c.f.s. or _____ acre feet
Total claimed: 1.2 c.f.s. or _____ acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:
use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.

9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing a Claim to a Water Right is \$10.00. Your claim and fee may be submitted to one of the following offices:

Southern District
Idaho Dept. of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Northern District
Idaho Dept. of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, Idaho 83814

Western District
Idaho Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Eastern District
Idaho Dept. of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

This Indenture, made this _____ day of _____ October _____ in the year
of our Lord One Thousand Nine Hundred and _____ Twenty eight _____ between
_____ Della Pierce _____

of _____ Hope _____, County of _____ Bonner _____
State of _____ Idaho _____ the part Y _____ of the first part, and
_____ M. J. Dunn _____

of _____ Hope _____, County of _____ Bonner _____
State of _____ Idaho _____ the part y _____ of the second part.

WITNESSETH, that the said part y _____ of the first part, for and in consideration of the sum of
One Dollar (\$1.00) and other valuable consideration _____ DOLLARS
lawful money _____ of the United States of America, to her _____ in hand
paid by the said part y _____ of the second part, the receipt whereof is hereby acknowledged, has _____
granted, bargained and sold, and by these presents does _____ grant, bargain, sell, convey and confirm
unto the said part y _____ of the second part, and to his _____ heirs and assigns forever, all the following
described real estate, situated in _____

County of Bonner, State of Idaho, to-wit: a tract of land in the Southeast Quarter
of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 7, Twp. 56 N. Range 2 E.
B. M. described as follows: Beginning at a point on the East and
West center line of Sec. 7, Twp. 56 N. Range 2 E. B. M. 1038 ft. more or
less west from the east quarter corner of said Section 7 at a stake
designated Station #1, thence run northerly angle right 50°30' 210 ft.
to Station #2, thence West parallel with the center line of said Sec. 7
60 feet to Station #3, thence southerly parallel with the above describ-
ed line between Stations 1 and 2, 210 feet to Station #4, thence easterly
along the center line of said Section 7 to Station #1, the place of
beginning.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto be-
longing or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues
and profits thereof, and all estate, right title and interest, in and to the said property, as well in law as in
equity, of the said part y _____ of the first part.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises,
together with the appurtenances, unto the part y _____ of the second part, and to his _____ heirs and assigns
forever. And the said part y _____ of the first part, and her _____ heirs, the said premises in the quiet and
peaceable possession of the said part y _____ of the second part, his _____ heirs and assigns, against the
said part y _____ of the first part, and her _____ heirs, and against all and every person and persons whom-
soever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever
DEFEND.

IN WITNESS WHEREOF, the said part y _____ of the first part has _____ hereunto set her
hand _____ and seal _____ the day and year first above written.

Signed, sealed and delivered in the presence of

Della Pierce (Seal.)

_____ (Seal.)

RECORDED

No. 72330

Warranty Deed

Della Pierce

TO
M. J. Larson

Dated _____, 19____

STATE OF IDAHO,
County of Bonner } ss.

I hereby certify that this instrument was filed for record at request of *M. J. Larson* at *15* minutes past *3* o'clock P. M., this *23* day of *Nov*, A. D. 19 *28* in my office, and duly recorded in Book 48 of Deeds, at page *131*.

Robert J. McCune
Ex-officio Recorder.

By *Deputy* Deputy.
Fees, \$ *1.50*

copy 1544 kept

John Larson
Notary Public for Idaho.
Residing at: *Walla*

year in this certificate first above written.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and the same.
subscribed to the within instrument, and acknowledged to me that *she* executed
known to me to be the person whose name
in and for said County and State, personally appeared *Della Pierce*
John Larson
Notary Public
On this *25th* day of *October* in the year 19 *28*, before me

STATE OF IDAHO,
County of Bonner.
ss. *John Larson*

Office of the Clerk of the District Court, Ex-Officio Auditor and Recorder, Bonner County, Idaho

RECEIVED this day the
following Instrument as
shown on Reception Record
of even date herewith.

ROBT S. McCREA

Clerk of the District Court,
and ex-officio Auditor and
Recorder.

Margaret H. King
Deputy
Fees must be paid in
advance.

Sandpoint, Idaho,.....

Nov. 24, 1928

Lella Pierce

TO

REQUEST OF

M. J. Dunn

M. J. Dunn

W. Deed

Fees \$ *1.50*

Any Inquiry Regarding this Instrument
Please refer to this Number.

72390

96 4054

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day of May, 19 73, and end-
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L. E. Pietsch

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16th day of May, 19 73.

Cheryl J. Smith

Notary Public for Idaho,
Residing at Sandpoint, Idaho.

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83814.

R. KEITH HIGGINSON

Director

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M3-10

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96-4054, filed by John M. &/or Irene E.
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Notary Public for Idaho,
Residing at Sandpoint, Idaho.

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Idaho 83814.

R. KEITH HIGGINSON
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1973. A12-19

96 4054

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor

R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

May 23, 1973

Re: Claim to a Water Right No. 96-4054

John M. &/or Irene E. Dunn
Box 154
Hope, ID 83836

Dear Mr. & Mrs. Dunn:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of a claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we may be of further assistance, feel free to contact us.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

Enc: copy of claim

96 4054

RECEIVED

ADVERTISING INSERTION ORDER

MAY 17 1973

SANDPOINT NEWS-BULLETIN

Department of Water Administration
Northern District Office

COMPLETE COVERAGE OF THE SANDPOINT TRADE AREA

P.O. Box 218, Sandpoint, Idaho 83864

To Whom Billed:

Name Idaho Dept. of Water Administration No. 6921

Address _____

Name of Advertiser _____

Ad No. _____ Ad Size: _____ x _____

Caption Notice of Correction

Insertion Dates: May 3, 10

Copy:

DATE 5-3-73

Type of Advertising

- ☐ National Display
- ☐ Local Display
- ☐ Classified Display
- ☐ Classified
- ☐ Reader
- ☐ Card of Thanks

XX ☐ Legal

☐ _____

John M. & or Irene E. Dunn

I hereby certify that the above is true and correct, that the amount of liability has after allowing all past credits, and that no part of the same has been paid.

SANDPOINT NEWS-BULLETIN

John M. Dunn

Total Space 24 lines x 36¢ = \$ 8.64
(Col. Inches/Weeks) (rate) (Billing)

96 4054

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 96-4054 in the name of John M. &/or Irene E. Dunn was advertised incorrectly on April 12 and April 19, 1973. The purposes for using the water were advertised as being irrigation and domestic purposes. Whereas, the actual purposes are irrigation and stockwatering.

Any exception to this correction may be filed with the Idaho Department of Water Administration, 401 Front Ave., Room 209, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON

Director

Published in the Sandpoint News-Bulletin, Sandpoint, ID on May 3 and May 10, 1973.

96 4054

April 6, 1973

Re: Application Nos. 96-7137 through 96-7164 - Richard Hansen
" " 96-7166 - Mark L. &/or Donna Cowdrey
Claim No. 96-4051 - Mr. & Mrs. Jacob C. Stappler
" " 96-4052 - Frank Hubbard
" " 96-4053 - John M. &/or Irene E. Dunn
" " 96-4054 - John M. &/or Irene E. Dunn

Sandpoint News-Bulletin
P.O. Box 218
Sandpoint, ID 83864

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Fred Eisenbarth
Northern District Manager

Bill submitted 4-30-73 by de

FE:CR

Enc: Legal Notices (6)

96 4054

23
2

ADVERTISING INSERTION ORDER

SANDPOINT NEWS-BULLETIN

COMPLETE COVERAGE OF THE SANDPOINT TRADE AREA

P.O. Box 216, Sandpoint, Idaho 83864

To Whom Billed:

Idaho Department of Water
Name Administration

Address _____

Name of Advertiser _____

Ad No. _____ Ad Size: _____ x _____

Caption Notice of Claim to a Water Right

Insertion Dates: April 12, 19

Copy:

John M &-or Irene E. Dunn

AIO. No 6563

DATE 4-12-73

Type of Advertising

- ☐ National Display
☐ Local Display
☐ Classified Display
☐ Classified
☐ Reader
☐ Card of Thanks
☒ Legal
☐ _____

Total Space 37 lines x 36¢ = \$ 13.32
(Col. Inches/Words) (rate) (Billing)

NOTICE OF CLAIM TO A WATER RIGHT

NO. 96-4054

Notice is hereby given that John M. &/or Irene E. Dunn,

Box 154, Hope, Idaho

~~xxx~~ have filed a claim to a water right established by diversion and application to beneficial use of 0.42 cubic feet per second ~~acres feet per annum~~ of water from Unnamed Springs and Stream, tributary to Jack O'Neil Creek with point of diversion in the SE~~1~~SE~~4~~, Sec. 7, T. 56N, R. 2E, B.M.,
Bonner County

The water is claimed to be used from May 1 to Oct. 1 for the irrigation of 20 acres;(0.40 cfs); and from May 1 to Nov. 1 for domestic purposes (0.02 cfs) with a priority of April, 1963; the place of use is within the SE~~1~~SE~~4~~, Sec. 7, T. 56N, R. 2E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON

Director

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