

NOV 26 2003

Form 1-222
12-92

(Internet)

Department of Water Resources
Southern Region

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Western Farm Service, Inc. Phone (559) 436-2800
Post Office address P. O. Box 1168, Fresno, CA 93715 Locy/ off: 678-1187

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
 ☒ Add diversion point(s)
 ☐ Change place of use
☐ Change nature of use
 ☐ Change period of use
 ☒ Other please see attachments
- Describe the reason for the proposed changes To register the water rights in the name of the legal owner of the property.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|----------------|----------|--------------------|-------------------|------------------------|
| <u>45-7648</u> | | <u>0.200cfs</u> | <u>Commercial</u> | <u>Jan 1 to Dec 31</u> |
| | | | | to |
| | | | | to |
| | | | | to |
- Total amount of water being transferred 0.200 cubic feet per second and/or 2.60 acre-feet per annum.
- Source of water ground water tributary to _____
- Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE			14	11S	22E	Cassia	22SW 400S Burley, ID 83318

5. Lands irrigated or place of use:

Twp.	Rge.	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	
11S	22E	14	5			25													30

Total acres 30

PART 1

6. General Information:

a. Description of diversion system Deep well - 350 feet deep - submersible pump

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Land is not irrigated from the well. It is for commercial use.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

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Transfer No. _____

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☐ Warranty Deed☒ Other please see attachments3. Source of water ground water tributary to _____4. Date or priority 6-13-89

5. Water is used for the following purpose:

amount .02 cfs for domestic purposes from Jan 1 to Dec 31
(cfs/ac-ft)
amount .18 cfs for commercial purposes from Jan 1 to Dec 31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.200 cubic feet per second and/or 2.60 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE			14	11S	22E	Cassia	22SW 400S Burley, ID 83318

8. Lands irrigated or place of use:

Twp.	Rge.	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	
11S	22E	14	5			25													30

9. Describe any other water rights used for the same purpose as described above N/A Total acres 30

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PART 2 Department of Water Resources
Southern Region

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED
(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	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	

Total acres _____

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-7648

WATER RIGHT NUMBER: 45-7648

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PURE GRO CO RT 2 BOX 2280 BURLEY, ID 83318 (208)678-1187

Priority Date: 06/13/1989

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	1/01 to 12/31	0.200 CFS	2.60 AF
	<u>Total Diversion:</u>	0.200 CFS	2.60 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4	Sec. 14, Twp 11S, Rge 22E, B.M.
CASSIA County		

Place of Use

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	22E	14	X																

Conditions of Approval:

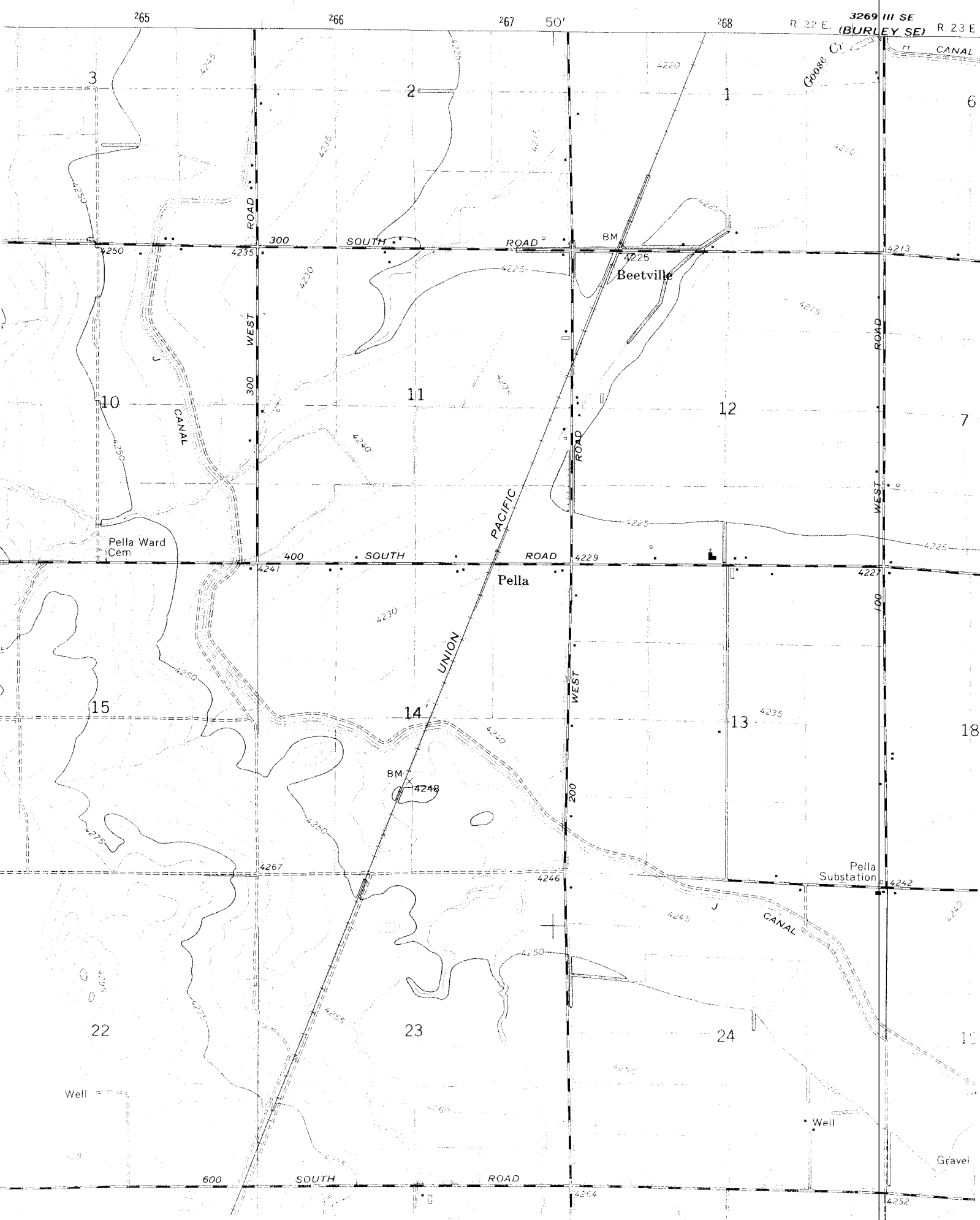
- 09E Water used under this right when discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.

Remarks:

- General Commercial use is for an agriculture fertilizer & chemical plant.

Comments:Dates and Other Information:

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>No Changes</u>	_____	_____	_____ to _____
		_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:
No return flows or discharges

3. Describe effects on other water uses resulting from the proposed change:
No changes

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Randy Orgill, Controller

(Signature of Applicant)

Subscribed and sworn to before me this 20th day of NOVEMBER, 192003



Christina Comstock
(Notary Public)

My commission expires 6/30/04

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by J. Stanton Date 11-26-03 Protest filed by _____

Prelim. check by _____ Fee \$100.5026304

Receipted by JS Date 12-2-03

Published in _____

Pub. dates _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

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Department of Water Resources
Southern Region

07/30/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-7648

WATER RIGHT NUMBER: 45-7648

Owner Type

Current Owner

Name and Address

PURE GRO CO
RT 2 BOX 2280
BURLEY, ID 83318
(208)678-1187

Priority Date: 06/13/1989

Basis: License

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

COMMERCIAL

From To

1/01 to 12/31

Diversion Rate

0.200 CFS

Annual Volume

2.60 AF

Total Diversion:

0.200 CFS

2.60 AF

Location of Point(s) of Diversion

GROUND WATER

CASSIA County

NE1/4NE1/4

Sec. 14, Twp 11S, Rge 22E, B.M.

Place of Use

COMMERCIAL

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	22E	14	X																

Conditions of Approval:

- 09E Water used under this right when discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.

Remarks:

- General Commercial use is for an agriculture fertilizer & chemical plant.

Comments:Dates and Other Information:

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ATTACHMENT

2 Of 3

THIS "AGREEMENT", dated as of February 18, 1993, is made by and between PUREGRO COMPANY, a California corporation ("PureGro"), AND CROP PRODUCTION SERVICES, INC., a Delaware corporation ("CPS").

WHEREAS, PureGro's assets include certain retail agricultural chemical outlets in Arizona, California, Idaho, Oregon, Utah and Washington, wholesale agricultural chemical operations, foliar fertilizer blending operations and trucking operations, and other assets, inventories, accounts receivable, prepayments, rebates, materials and supplies, and various contracts and permits related to the operation of the foregoing (the "PureGro Business"); and

WHEREAS, CPS desires to purchase certain of such assets from PureGro and PureGro desires to sell such assets to CPS, upon the terms and subject to the conditions set forth in this Agreement;

NOW, THEREFORE, in consideration of the premises and the representations, warranties and agreements herein contained, the parties agree as follows:

ARTICLE 1
DEFINITIONS

Initial capitalized words and phrases used in this Agreement have the meanings as defined in this Agreement as follows:

"Accounts Receivable" - Section 2.1(h).

"Accrued Vacation Pay" - Section 2.3(e).

"Active Ingredient" - Section 2.7(c).

"Adjusted Purchase Price" - Section 3.3.

"Agreement" - Section 17.6.

"Assets" - Section 2.1.

"Assumed Liabilities" - Section 2.3.

"Bailed Property" - Section 2.1(e).

"Chemical Substance" - Section 2.5(d).

"Chicago" - Section 6.1.

"Closing" - Section 4.1.

"Closing Date" - Section 4.1.

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"Environmental Claim" - Section 2.5(a).
 "Environmental Cleanup Liability" - Section 2.5(b).
 "Environmental Law" - Section 2.5(c).
 "Excess Capital Expenditures" - Section 3.1(c).
 "Excluded Assets" - Section 2.2.
 "Initial Purchase Price" - Section 3.1.
 "Inventory" - Section 2.1(b).
 "Leased Personal Property" - Section 2.1(d).
 "Leased Real Property" - Section 2.1(a).
 "Material Contracts" - Section 2.3(a)(i).
 "Miscellaneous Assets" - Section 2.1(k).
 "Other Purchased Office Furniture and Equipment" - Section 2.1(n).
 "Owned Personal Property" - Section 2.1(c).
 "Owned Real Property" - Section 2.1(a).
 "Permits" - Section 2.1(i).
 "Prepaid Assets" - Section 2.1(j).
 "Prepayments" - Section 2.3(b).
 "Proposed Amendment" - Section 12.1(b).
 "Proposed Transferees" - Section 7.1.
 "PureGro Business" - First Recital.
 "PureGro Group" - Section 13.2.
 "Real Property" - Section 2.1(a).
 "Release" or "Released" - Section 2.5(e).
 "Retained Liabilities" - Section 2.4.
 "Specified Chemical Substance" - Section 2.7(e).
 "Title Policies" - Section 6.1.

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- "Title Report" - Section 6.2.
- "Trademarks" - Section 2.1(f).
- "Transferred Employees" - Section 7.6.
- "Unit" or "Unit No." - Schedule 2.1(a).
- "Unocal" - Section 4.2(1).
- "Warranty Claims" - Section 15.2(a).
- "Work" - Schedule 2.7(j).

ARTICLE 2
SALE OF ASSETS AND ASSUMPTION OF LIABILITIES

- 2.1 Assets of the PureGro Business to be Purchased and Sold. PureGro shall sell and/or cause to be assigned, transferred, conveyed and delivered to CPS and CPS shall purchase from PureGro the following:
- (a) the fee ownership of the real property identified as owned property in Schedule 2.1(a) attached to this Agreement ("Owned Real Property") and PureGro's leasehold interests in the real property identified as leased property in Schedule 2.1(a) ("Leased Real Property"), provided, that, no sale, assignment or transfer shall be made of any lease if an attempted assignment or transfer thereof would constitute a breach thereof or render any assigned rights unenforceable. Included is a schedule of "Property Leases By Unit - CPS Sale" dated 01/28/93 as a part of Schedule 2.1(a). Owned Real Property and Leased Real Property are hereinafter collectively referred to as "Real Property";
 - (b) all raw materials, work in process, finished products, and spare parts for resale, except for products PureGro has for sale in Hawaii, as further defined in Section 3.3(a) ("Inventory");
 - (c) all items of tangible personal property owned by PureGro, other than Inventory, and identified in the computer report dated February 5, 1993, entitled "PureGro Company Fixed Assets - CPS", Report No. FXA 401, which is hereby incorporated by reference ("Owned Personal Property");
 - (d) all items of personal property leased by PureGro and identified in Schedule 2.1(d) ("Leased Personal Property");

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SCHEDULE 2.1(a)
REAL PROPERTY

Unit No.	Address	Owned Real Property	Leased Real Property
107	Burley, ID 400 South, 225 West Burley, ID		X
108	Rupert, ID Hwy #24 Rupert, ID		X
109	George, WA Star Rt. / 99 N. Beverly Rd. Quincy, WA	X	
114	Northwest Trucking Twin Falls ID 1798 Floral Ave. Twin Falls, ID		X
115	Pasco, WA 3482 Glade N. Rd. Pasco, WA (N. Glade & Selph Landau)	X	
117	Othello, WA 1529 W. Lee Rd. Othello, WA	X	
118	Glade, WA 3486 Glade N. Rd. Pasco, WA		X
119	Basin City, WA 6551 R-70 Basin City, WA	X	
125	Yuba City, CA 584 Franklin Ave. Yuba City, CA	X	
128	Watsonville, CA 215 Riverside Rd. Watsonville, CA		X
134	Modesto, CA	X	

Schedule 2.1(a) Real Property
February 18, 1993

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Department of Water Resources
Southern Region

26979

CASSIA COUNTY, IDAHO
DARRELL H. ROSKELLEY

RECORDED

15.00

00 JUN 19 PM 2 48

RECORDED AT THE RECORDS

Sahar & S. Muroob
A.E. 526087, Palm Ave
Suite 42,
Akhesno, CA 93704

ATTACHMENT

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1734-97

QUITCLAIM DEED

Grantor reserves all income (including, without limitation, rentals, license fees and royalties from any license and other rights to use the Property) granted by Grantor or Grantor's predecessors in interest. Grantee agrees that if Grantee receives any such income, Grantee will promptly forward the income to Grantor.

EXCEPTING from this quitclaim and RESERVING unto Grantor, its successors and assigns, forever, all minerals and all mineral rights of every kind and character now known to exist or hereafter discovered underlying the Property, including without limiting the generality of the foregoing, oil and gas and rights thereto, together with the sole, exclusive and perpetual rights to explore for, remove and dispose of said minerals by any means or methods suitable to the Grantor, its successors and assigns, but without entering upon or using the surface of the Property, and in such manner as not to damage the surface of the Property, or to interfere with the use thereof by the Grantee, its successors and assigns.

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging; TO HAVE AND TO HOLD, subject to the aforesaid provisions, the Property unto the said Grantee and unto its successors and assigns.

Grantor, Federal ID No. 94-6001323, is not a foreign corporation and withholding of Federal Income Tax from the amount realized will not be made by Grantee. A Certification prepared in conformance with IRS regulations under Section 1445 of the Internal Revenue Code is attached as Exhibit B.

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IN WITNESS WHEREOF, the Grantor has caused this deed to be duly executed as of the 20 day of July, 1999.

Attest:

UNION PACIFIC RAILROAD COMPANY

M. F. Heenan
Assistant Secretary

By Robert E. Anderson
Title:

(Seal)

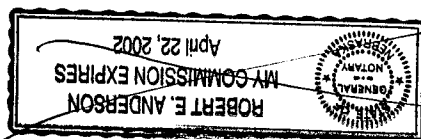
ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

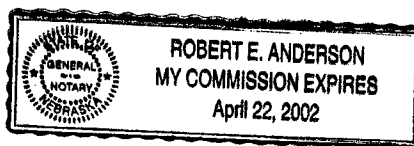
On this 20 day of July, 1999, before me, a Notary Public in and for said County and State, personally appeared Dave Uhrich and Mike Heenan who are the Assistant Vice Pres and the Assistant Secretary, respectively, of Union Pacific Railroad Company, a Delaware corporation, and who are personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to in the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

(Seal)



Robert E. Anderson
Notary Public



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UNION PACIFIC RAILROAD COMPANY
Cassia County, Idaho

EXHIBIT "A"

A 100.00 foot wide strip of land situate in the SE¼ of Section 11 and the NE¼ of Section 14, all in Township 11 South, Range 22 East of the Boise Meridian in Cassia County, Idaho, more particularly described as follows:

COMMENCING at the northeast corner of said Section 14, said corner is marked by a 5/8 inch rebar;

Thence South 89°47'17" West, along the north line of said Section 14, a distance of 1,176.83 feet, to a P.K. nail, said nail being the **POINT OF BEGINNING**;

Thence South 21°45'12" West (South 21°45'55" rec.) parallel to and 150.00 feet distant southeasterly, measured at right angles, from the centerline of the main track of the Oakley Branch of the Eastern Idaho Railroad Company, as now constructed and operated, a distance of 807.00 feet, to a ½ inch rebar;

Thence South 89°47'17" West (West rec.), a distance of 107.83 feet, to a point that is 50.00 feet distant southeasterly, measured at right angles, from the centerline of the main track of said Oakley Branch;

Thence North 21°45'12" East, along a line parallel to and 50.00 feet distant southeasterly, measured at right angles, from the centerline of the main track of said Oakley Branch, a distance of 807.00 feet, to the north line of said Section 14;

Thence continuing North 21°45'12" East, along a line parallel to and 50.00 feet distant southeasterly, measured at right angles, from the centerline of the main track of said Oakley Branch, a distance of 790.00 feet;

Thence North 89°47'17" East (East rec.), a distance of 107.93 feet, to a ½ inch rebar, said rebar being 150.00 feet distant southeasterly, measured at right angles, from the centerline of the main track of said Oakley Branch;

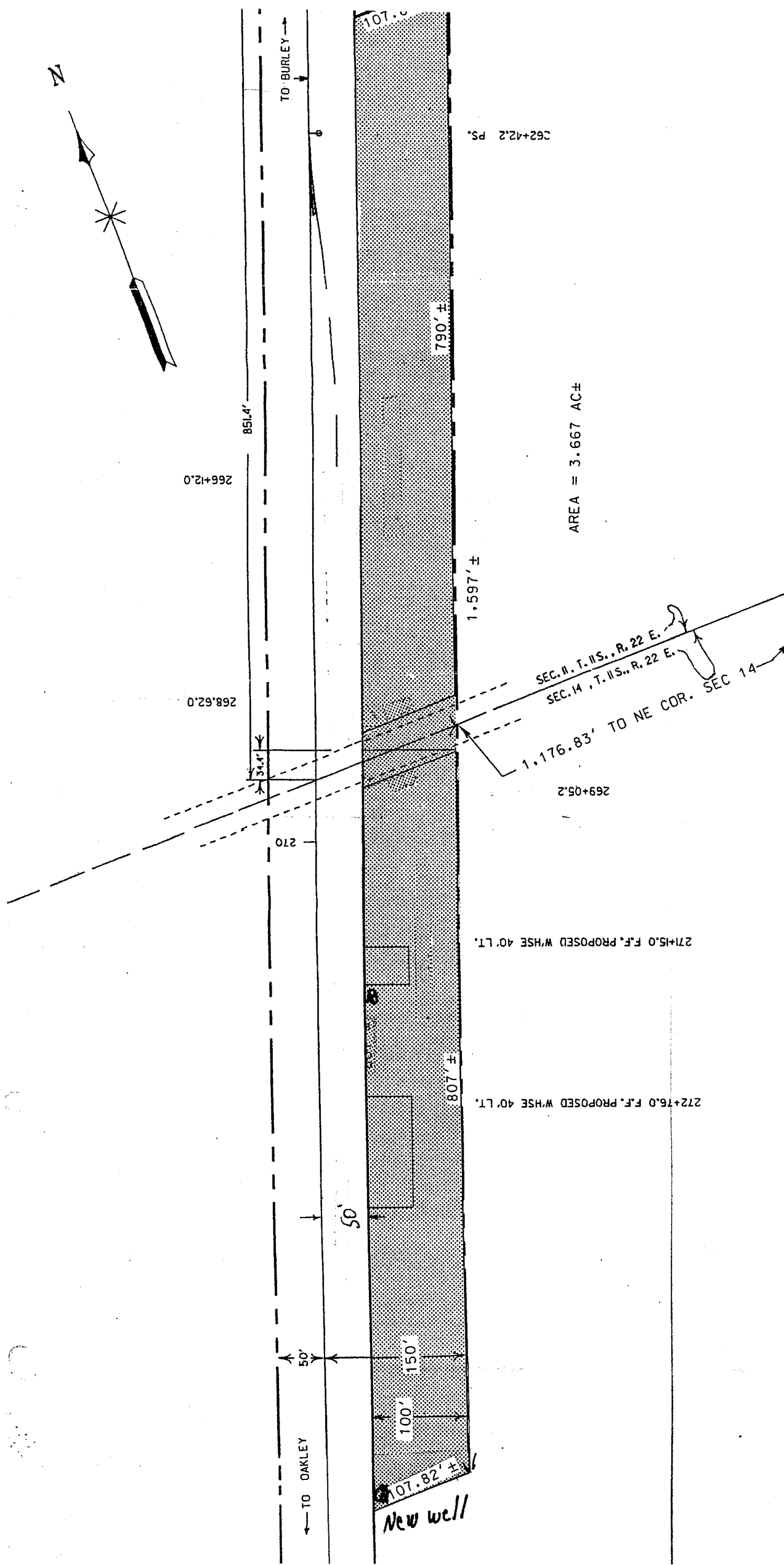
Thence South 21°45'12" West (South 21°45'55" West rec.) parallel to and 150.00 feet distant southeasterly, measured at right angles, from the centerline of the main track of said Oakley Branch, a distance of 790.00 feet, to the **POINT OF BEGINNING**.

Containing an area of 3.67 acres, more or less.

Office of Real Estate
Omaha, Nebraska
July 9, 1999

Written by: LEF
1734-97

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Southern Region



NOTE: BEFORE YOU BEGIN ANY WORK, SEE AGREEMENT FOR FIBER OPTIC PROVISIONS.

EXHIBIT "A"

UNION PACIFIC RAILROAD COMPANY

PELLA, CASSIA COUNTY, IDAHO

M.P. 5.15 - OKLEY BRANCH

TO ACCOMPANY AGREEMENT WITH WESTERN FARM SERVICE

SCALE: 1" = 100'

OFFICE OF REAL ESTATE

OMAHA, NEBRASKA DATE: 7-6-99

UPC 0110 1734-07

LEGEND:

SALE AREA SHOWN

UPRR CO. R/W OUTLINED

OSL

VS 1

2

CADD FILENAME

SCAN

IDV7002

CERTIFICATION OF NON-FOREIGN STATUS

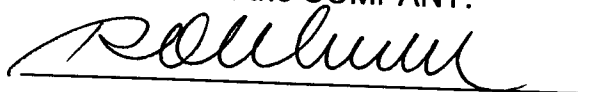
Under Section 1445(e) of the Internal Revenue Code, a corporation, partnership, trust, or estate must withhold tax with respect to certain transfers of property if a holder of an interest in the entity is a foreign person. To inform the transferee that no withholding is required with respect to UNION PACIFIC RAILROAD COMPANY's interest in it, the undersigned hereby certifies the following on behalf of UNION PACIFIC RAILROAD COMPANY (hereinafter the "COMPANY"):

1. The COMPANY is not a foreign corporation, foreign partnership, foreign trust, or foreign estate (as those terms are defined in the Internal Revenue Code and Income Tax Regulations);
2. The COMPANY's U.S. employer identification number is 94-6001323; and
3. The COMPANY's office address is 1416 Dodge Street, Omaha, Nebraska 68179 and state of incorporation is Delaware.

The COMPANY agrees to inform the transferee if it becomes a foreign person at any time during the three year period immediately following the date of this notice.

The COMPANY understands that this certification may be disclosed to the Internal Revenue Service by the transferee and that any false statement contained herein could be punished by fine, imprisonment, or both.

Under penalties of perjury, I declare that I have examined this certification and to the best of my knowledge and belief it is true, correct, and complete, and I further declare that I have authority to sign this document on behalf of the COMPANY.



Title: Assistant Vice Pres.

Date: July 20, 1999

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