



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 25, 1996

**RE: NOTICE OF CONFERENCE - PETITIONS FOR DELIVERY OF GROUND WATER
WITHIN WATER DISTRICT 13T, BANCROFT-LUND AREA**

Dear District 13T Wateruser:

On March 11, 1996, Warren P. Lloyd and David Lloyd filed Petitions for Delivery Call (petitions) with the Department of Water Resources (department) seeking the delivery of water rights by priority within Water District 13T. On March 18, 1996, Paul N. Christensen filed a similar petition with the department. The petitioners state that they are in a position to accept mitigation from junior-priority ground water right holders. The oldest water right of the petitioners is in the name of Keith Lloyd and has a priority of August 8, 1962. The petitions potentially affect ground water rights with priorities later than August 8, 1962.

The department is required to treat the petitions as a potential contested case under the Administrative Procedures Act, since the petitions may result in the issuance of an order by the department.

Hence, the department will consolidate the three (3) petitions into one (1) proceeding and has scheduled a conference to seek informal resolution of the matter as provided in Section 67-5241, Idaho Code, IDAPA Rule 37.03.11.03003 (Conjunctive Management Rule 30.03) and the procedural and substantive rules of the department. A formal record of the conference will not be preserved. If the conference does not resolve the matter, the department will proceed in accordance with Conjunctive Management Rule 40, will schedule and conduct a formal hearing as needed and will subsequently issue an order in the contested case.

Matters to be discussed at the conference include but are not limited to the following:

- ▶ Reasons for the filing of the petitions including determination of issues and admissions of fact.
- ▶ Potential solutions to the alleged problem including acceptable and offered mitigation, if any.
- ▶ Available resource data and/or data which needs to be collected.

Notice of Conference

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April 25, 1996

- ▶ Procedures to determine whether material injury is occurring.
- ▶ Hearing procedure and potential hearing dates if a hearing is required.

The department has scheduled the informal conference in this matter as follows:

Date: May 16, 1996

Time: 1:00 p.m.

Place: American Legion Hall, Grace Idaho

Notice of this conference and copies of the petitions are being provided to all water users in Water District 13T who have priorities of water use junior to the petitioners.

The conference will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within ten (10) days prior to the conference.

If you have questions concerning this notice, please contact the department at (208)327-7900.

Sincerely,



NORMAN C. YOUNG
Administrator

C: IDWR - Eastern Region

AGENDA FOR BANCROFT-LUND CONFERENCE
GRACE, IDAHO
MAY 16, 1996

PURPOSE OF CONFERENCE

To discuss the process to be followed in addressing the
issues raised by the petitions.
Opportunity for informal resolution.
Preparation for contested case proceeding.
Testimony on the merits of the petitions or legal arguments
will not be heard at this conference.

BACKGROUND *Initial complaints + protests late 1970's*
Advised commenced GW studies
Designation as a ground water management area in October 21,
1991.

Limited new appropriations.
Measurement
Summary order limiting diversions.
Entry of Decree July 28, 1992.
Creation of Water District May 26, 1995.
Water measurement.
Limit use to existing rights.
No administration by priority.
Filing of petitions. March 1996.

REVIEW OF CONJUNCTIVE MANAGEMENT RULES *- Oct 1994*
Rule 40 applies to Water Districts - petitions cite Rule 40.
Rule 41 applies to GW Management Districts - applicable???
Review options under rule 40.
Rejection
Curtailement, possibly phased over 5 years
Mitigation.
Review findings that must be made to implement Rule 40:
Area of Common Ground Water Supply Rule 31.
Material injury and reasonableness of water diversions
under Rule 42.
Mitigation plans - Rule 43

DISCUSSION

Settlement
Contested case preparation
Notice of petition - answers to be filed.
Hearing schedule
Discovery
Studies
exchange of exhibits
witness lists
stipulations
burdens of proof

WRAP UP

Mailed 10/14/94

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF THE PETITION)	
FOR DELIVERY CALL OF A & B)	Docket No.
IRRIGATION DISTRICT FOR THE)	37-03-11-1
DELIVERY OF GROUND WATER AND)	
FOR THE CREATION OF A GROUND)	NOTICE OF PRE-HEARING
WATER MANAGEMENT AREA.)	CONFERENCE
)	

Notice is hereby given that a pre-hearing conference regarding the above-titled matter will be held in the auditorium of Minidoka County High School, 300 W. Highway 25, Rupert, Idaho, beginning at 6:00 p.m., Wednesday, November 16, 1994. The presiding officer at the conference will be R. Keith Higginson, Director.

The conference will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department at least ten (10) days prior to the conference.

Notice is further given that the Department received 200 responses to the original Notice of Petition, Docket No. 37-03-11-1, which was sent to approximately 7200 holders of water rights to divert ground water from the Eastern Snake Plain Aquifer with priorities later-in-time than September 9, 1948, the priority date claimed by the A&B Irrigation District. A list of Respondents and potential Intervenors (late responses) is contained in the service list attached to this notice. Several of the responses were made on behalf of groups of ground water users, some of which identified members of the group and some for which the individual members are not presently identified.

The 200 representatives or individuals who have responded are now invited to participate in a pre-hearing conference. While the meeting will be open to the public, space limitations and good order will make it necessary to limit participation in the conference to the Department, the petitioner and those who are listed as respondents.

The matter of the petition will be reviewed informally using the following agenda:

1. Welcome and Introduction

2. Purpose of Meeting

- To discuss the process to be followed in addressing the issues raised by the petition. We will not hear testimony or opinion on the merits of the petition or any argument or defenses against applicability of the petition to any party at this pre-hearing conference.

3. Description of respondents

4. Status of conjunctive management rules

- Temporary rules - extended until October 10
- Final rules adopted - effective October 7

5. Provisions of rules applicable to the petition

- Petition is a delivery call by a senior-priority right holder against junior-priority ground water rights.
- The Eastern Snake Plain Aquifer is an area of the state in which ground water rights have not been incorporated into an existing water district (Rule 30).
- Ground water rights have not been adjudicated and there is no interim court order which can be used as the basis for creation of a water district (Rules 30.07 and 30.08).
- The delivery call is within an area already designated as having a common ground water supply (Rule 50). It is that area identified by the USGS on maps included in Professional Paper 1408-F excluding areas south of the Snake River and west of the line separating Section 34 and 35, T10S, R20E.

6. Options available:

Informal resolution - Parties may agree to an interim or permanent solution without a formal contested case hearing. (The pre-hearing conference is part of the informal process) (Rule 30.03).

Contested Case - We will need to establish a hearing schedule and discuss such matters as order of procedure -burden of proof - discovery - exchange of exhibits - stipulations - how to accommodate the large number of respondents.

Adjudication - Completion of the adjudication is necessary before expanding an existing water district or creating a new water district.

Order cessation of pumping - Rule 30.07g - By summary order the Director may prohibit or limit withdrawals taking into effect the existence of any approved mitigation plan.

Designate a ground water management area - Rule 30.07h - If it appears that the water supply is insufficient to meet the demands of all those having rights or if current withdrawals exceed the reasonably anticipated average rate of future natural recharge of the aquifer (RAARFNR).

Potential new legislation - Need has been expressed for ground water pumpers to be represented through some aquifer-wide organization.

7. Discussion

If any agreement is reached between the petitioner and respondents at this conference or a continuation thereof, such agreement will be reduced to writing and will be included in an order issued by the Director. If no agreement is reached, a tentative schedule for contested-case proceedings will be discussed and will be set forth in a further order from the Director.

The Director will not hear or act on any motions at this conference but will accept written motions for future consideration and action. Motions which appear appropriate at this time are:

- Motion to consider the matter under the final rules for conjunctive management adopted October 7, 1994. This could result in exclusion of some ground water users who received the original notice but whose wells are located south of the Snake River and west of the line separating Section 34 and 35 T10S R20E.
- Motion to allow late respondents to intervene in the proceeding.

- Motion to allow augmentation of responses which identified ground water pumper groups but which did not provide the names of individual water right holders represented.

Several of the responses to the Notice of Petition included motions requesting various actions which will be acted on following the pre-hearing conference.

DATED this 17TH day of October, 1994.


R. KEITH HIGGINSON, Director

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of October, 1994, a true and correct copy of the foregoing NOTICE OF PRE-HEARING CONFERENCE was mailed postage prepaid to:

Each person listed on the attached service list for Docket No. 37-03-11-1.


SHARLA CURTIS, Secretary

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE PETITION)
FOR DELIVERY CALL OF A & B) Docket No.
IRRIGATION DISTRICT FOR THE) 37-03-11-1
DELIVERY OF GROUND WATER AND)
FOR THE CREATION OF A GROUND) NOTICE OF PRE-HEARING
WATER MANAGEMENT AREA) CONFERENCE
)

SERVICE LIST

Roger D. Ling
Ling Nielsen & Robinson
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Rupert ID 83350

representing:
Falls Irrigation District
A&B Irrigation District

Aberdeen Springfield Canal Co
PO Box Y
Aberdeen ID 83210

Everett H &/or Betty L Adkins
2798 N 1000 E
Montevieu ID 83435

Ken Anderson
2908 S 2000 W
Rexburg ID 83440

LaDell &/or Sherry Anderson
Rt 1 Box 1316
Paul ID 83347

W J Anderson
Anderson Nelson & Hall
PO Box 51630
Idaho Falls ID 83405

representing:
City of Shelley
W J Anderson
Grace Lewis
City of Ammon
Falls Water Co.

James Annest
PO Box 686
Burley ID 83318

representing:
Costa &/or Ruth Delis
James Annest

Terry B &/or Phyllis W Arrington
210 N Hansen
Shelley ID 83274

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Idaho Falls ID 83402

for estate of L.W. Ball

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David &/or Karan Becker
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Twin Falls ID 83301-8179

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Moffatt Thomas Barrett
Rock & Fields
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Water Resource Coalition

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Hill City ID 83337

Boyce L Benson
PO Box 164
Moreland ID 83256

William B Benson
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Moreland ID 83256

David R Bethke
3149 W Rast Rd
American Falls ID 83211

Stephen J Blaser
Blaser Sorensen & Hansen
PO Box 1047
Blackfoot ID 83221

representing:
Larry J. Clement
Tate Clement
Zane Clement
Lois Jane Hahn Belter
Marjorie Sainz
Stephen J. Blaser

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representing:
City of Rupert

Henry Boomer
Boomer & Laggis
PO Box 70
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representing:
American Falls-Aberdeen Area
Groundwater Users Assn.

Ken & Marilyn Boswell
1669 W 600 S
Pingree ID 83262

Ralph E Bowler
Bowler Ranches Inc
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Julia A Bradshaw
561 N 1400 W
Blackfoot ID 83221

Terrell V Bradshaw
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Blackfoot ID 83221

David Brucks Family Trust
c/o Hazel L Brucks
384 N 4100 E
Rigby ID 83442

Charles Bryan
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Blackfoot ID 83221

Robert & Joan Buffi
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Aberdeen ID 83210

Velma Butler
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Hansen ID 83334

James A Buzzard
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Leland Call
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Paul Christensen
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Robert &/or Jeraldean Christensen
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Pingree ID 83262

Don J Collins
705 W 100 S
Blackfoot ID 83221

Howard &/or Mary Conrad
Rt 1
Murtaugh ID 83344

responses also filed for
Conrad Ranches
Conrad Land & Livestock, Inc.

Dale E Cope
800 E 2886 N
Montevideo ID 83435

Wendel C Dean
Rt 3 Box 199
Rupert ID 83350

Degner Farms Inc
c/o Clarence Degner
2952 N 4200 E
Hansen ID 83334

Desert Ridge Farms Inc
PO Box 185
Paul ID 83347

Gary & Ruth Dimond
3027 S 1800 E
Wendell ID 83355

Harold & Carolyn Dimond
3059 S 1800 E
Wendell ID 83355

Doug Driscoll
PO Box 371
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Ted T Edwards
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Spencer ID 83446

Don E Everingham
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Martin Brothers Land & Idaho
Livestock Lmt. Partnership
Lloyd & Shannon Brown
Jestin & Barbara Croft
City of Idaho Falls
Sundown Corp.
Brent Stolworthy
Gladys Vanderford Trust
LDS Church
Florian & Opal Wernette
Val D Hammond

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representing:
Idaho Dept. of Fish & Game

representing:
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Larry Tominaga
Frank J. Suchan
Paul Cemetery Maintenance
District
Donald G. Suchan

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Interstate Mfg. Co.
Ron S. Jones
Wm Kerbs & L.W. Routh

representing:
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Brent Call
Dave & Lyle Robison
Sho Nukaya
Dennis Snarr
Sid Jensen
Dane Watkins
Clarren Holm
Greg Thomason
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in behalf of:
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M. Jay Meyers

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Orin & Linda Woodbury
John R. & Evelyn Lois Seymour
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Southwest Irrigation District
Wayment Farms, Inc.
Joe & Reta Ehrler Family Trust
Richard Shawn Kechter
Scott Jensen
dba Jensen Dairy Farm

William A Parsons cont'd

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Jerome ID 83338

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Merlin & Mary Ann Plant
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Blackfoot ID 83221

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C/O Tim Qualls
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C Michael Reece
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David &/or Margene Rich
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Rigby Thatcher Andrus
Rigby Kam & Moeller
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Robert Reynolds

representing:
Fremont-Madison Irrig. Dist.
Quality Farms, Inc.
Robert & Sue Huskinson
Sun-Glo Industries
New Sports & Fitness Center
Val Schwendiman Farms, Inc.
David Schwendiman Farms, Inc.

representing:
Earl M. Hardy
Gary E. Cox

representing:
J&M Family Investment
Winding Brook Corp.

representing:
View Ranch Inc.

Sherman L Ruff
Ruff Times Farms
3005 W 2100 S
Aberdeen ID 83210

John A Sanders Family Ltd. Partnership
c/o John Sanders
2107 Hoover Dr
Santa Clara CA 95051

The Sanders Family Trust
C/O Roger M Sanders
19600 Shore Pine Lane
Brookings OR 97415

Property sold to:
Ron & Linda Parish
PO Box 60
Firth ID 83236

Elaine Saurey
3778 N 2000 W
Rexburg ID 83440-3229

Schmidt Bros
c/o Omer Schmidt
3600 S 2111 E
Wendell ID 83355

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representing:
US Fish & Wildlife Service
National Park Service

Scott R Seedall
Pike & Seedall
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representing:
D & G Farms

Max A &/or Karen B Serr
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Paul ID 83347

Archie Service
Jim Spinner
Service Gaser & Kerl
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Pocatello ID 83205-6009

representing:
Clarence Gohl
Big Sky Water Users Assn.

Charles Shackelford
PO Box 212
Aberdeen ID 83210

Larry & Janet Marie Shark
Rt 2 Box 36
Buhl ID 83316

J Walter Sinclair
Benoit Alexander Sinclair
Harwood & High
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representing:
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Slim Pickens Farms
c/o Fred L Kopp
2697 Kopp Rd
American Falls ID 83211

N Randy Smith
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Thayne & Andrea Driscoll
W. Brock & Tena Driscoll
M. Dirk & Dayna Driscoll
Driscoll Brothers
DLW, Inc.

John & Karen Smuin
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Monteview ID 83435

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Hogue Speck & Aanestad
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Ketchum ID 83340

representing:
Acequia, Inc.
Estate of Rosemary Haley

Fred R Stewart
Rt 4 Box 4826
Jerome ID 83338

Phyllis L. Stewart
Rt 4 Box 4826
Jerome ID 83338

Chad &/or Betty Stibal
Clyde &/or Bonne Gamble
174 N 1700 W
Blackfoot ID 83221

J O Stimpson
428 E 370 S
Dietrich ID 83324

Stroschein Ranches Inc
c/o Tom S Stroschein
965 S 2400 W
Aberdeen ID 83210

Paul &/or Virginia Stroschein
724 5th St
Rupert ID 83350

Ronald Stroschein
1292 S 1200 W
Aberdeen ID 83210

G Kent Taylor
Taylor & Groom
PO Box 1901
Twin Falls ID 83303-1901

representing:
David Ra Smith

Gary A Ternus
PO Box 8
Blackfoot ID 83221

Curt R Thomsen
Thomsen & Stephens
PO Box 50560
Idaho Falls ID 83405

representing:
Idaho Pacific Corp.

Bill Torngren
3250 N 55th E
Idaho Falls ID 83401

Norma Torngren
Torngren Investments
1065 Canal Ave
Idaho Falls ID 83402

Kevin F Trainor
Stephan Kvanvig Greenwood
Stone & Trainor
PO Box 83
Twin Falls ID 83303-0083

representing:
Michael & Katherine
Branchflower

Gary & Karen Trego
53 N 550 W
Blackfoot ID 83221

Triple Ace Inc
c/o Russell &/or Lisa Patterson
Rt 2 Box 2778
Paul ID 83347

Fay Tripp
640 W Center St
Blackfoot ID 83221

James C Tucker
Patrick D Madigan
Rosholt Robertson & Tucker
PO Box 2139
Boise ID 83701-2139

representing:
Idaho Power Co.

Bruce Turner
Water Canyon #13
Declo ID 83323

William VanderPol
Rockridge Dairy
970 E 3700 N
Castleford ID 83321

Tim &/or Delbert Waters
1931 Hunt Rd
Jerome ID 83338

Waterside Farms
c/o Joe Morgan
PO Box 1271
Burley ID 83318

Douglas R Whipple
Byington Holloway
Whipple & Jones
PO Box 188
Burley ID 83318

representing:
Joint School District #151

Ardel Wickel
Rt 1 Box 37A
Declo ID 83323

Marcella S Wicker
c/o A Gustaf Bryngelson
Rt 3 Box 187A
Rupert ID 83350

Jaynalene Williams
803 W Victory
Boise, ID 83706

Richard or Myrna Winberg
1027 S 2600 W
Aberdeen ID 83210

Winding Brook Corp
c/o Rodney H Moore
PO Box 53
Nampa ID 83653

Fritz Wonderlich
Benoit Alexander Sinclair
Harwood & High
PO Box 366
Twin Falls ID 83303-0366

representing:
City of Twin Falls

Vaughn Wood
1616 W 700 N
Blackfoot ID 83221

David Zimmerman
Zimmerman Land & Livestock
2625 Daves Rd
American Falls ID 83211

Glen Zimmerman
5200 Idaville Rd
Tillamook OR 97141

Brian & Wulf Lebrecht
PO Box 834
Blackfoot ID 83221

Sessions Trust
c/o Beth Anderson
2908 S 2000 W
Rexburg ID 83440

Lisa R Kirol
896 Fairway Dr
Boulder City NV 89005

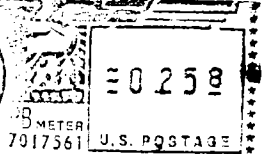
Mary Sligar
Northwest Co Inc
1196 Addison Ave W
Twin Falls ID 83301

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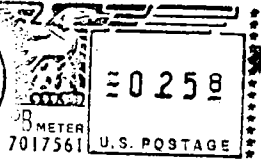


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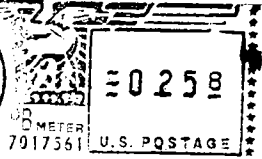
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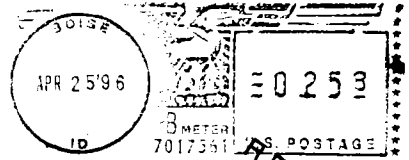
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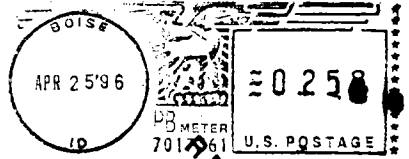
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BOYD & LORITA L MC NEILL

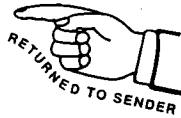


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