



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 8, 2014

Re: Preliminary Order Requiring Measuring Devices and Controlling Works for Diversions in Water District No. 29, Upper Portneuf River and Tributaries

Dear Water User,

The Idaho Department of Water Resources ("Department" or "IDWR") has issued the enclosed order requiring installation of measuring devices and controlling works for certain water rights and diversions within Water District No. 29, Upper Portneuf River and Tributaries. Pursuant to Section 67-5243, Idaho Code, the preliminary order will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as explained in the enclosed information sheet.

Please note that the Preliminary Order contains several important deadlines as follows:

- 1) Holders of water rights listed in Attachment A of the Preliminary Order shall install or maintain measuring devices and controlling works prior to diversion of water for the 2015 irrigation season; and
- 2) Holders of water rights listed in Attachment A of the Preliminary Order shall submit plans for measuring devices and controlling works to the Water District 29 watermaster no later than February 1, 2015. Submitted plans should describe the types of devices to be installed, including drawings and dimensions.

Please refer to the enclosed document "*Minimum Acceptable Standards for Open Channel and Closed Conduit Measuring Devices*" for information on types of measuring devices acceptable to IDWR. This document and other information on the topic are available on IDWR's website at the following address:

http://www.idwr.idaho.gov/WaterManagement/WaterMeasurement/water_measurement.htm

If you have questions concerning the Preliminary Order or the Department's water measurement standards, please contact Tim Luke, IDWR, at 208-287-4959 or Steve Hebdon, Water District 29 Watermaster, at 208-221-6208.

Respectfully,

Tim Luke
Chief, Water Compliance Bureau

Encl: *Explanatory Information to Accompany a Preliminary Order*
Minimum Acceptable Standards for Open Channel and Closed Conduit Measuring Devices
List of Approved Closed Conduit Flow Meters

Cc: Steve Hebdon, Watermaster, Water District 29
IDWR Eastern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

| | | |
|--|---|-------------------|
| IN THE MATTER OF REQUIRING MEASURING |) | |
| |) | |
| DEVICES AND CONTROLLING WORKS ON |) | |
| |) | PRELIMINARY ORDER |
| WATER DIVERSIONS IN WATER DISTRICT NO. 29, |) | |
| |) | |
| UPPER PORTNEUF RIVER AND TRIBUTARIES |) | |
| <hr/> |) | |

During the 2014 irrigation season, staff from the Idaho Department of Water Resources (Department), working in coordination with the Water District No. 29 watermaster, determined that a number of water diversions from the Portneuf River and Toponce Creek near the Chesterfield Reservoir either had no measuring devices and controlling works (headgates) or lacked sufficient measuring devices and controlling works. On February 27, 2008, the Department issued the *Order Requiring Measuring Devices and Controlling Works on Water Diversions in Water District No. 29*, for diversions from Toponce Creek. On October 5, 1990, the Department issued a general order requiring the installation of measuring devices and controlling works for diversions in Water District 29, including diversions from Toponce Creek and the Portneuf River near Chesterfield Reservoir.

A primary purpose of a water district is the administration of water rights within the water district by a watermaster. A watermaster administers water rights in part by measuring diversions and adjusting controlling works to deliver the authorized flow rate and/or volume to the water right holders within the water district. Measurement and control of diversions is necessary to assure the proper and equitable delivery of water in accordance with authorized water rights.

Section 42-701, Idaho Code, provides in pertinent part:

42-701. INSTALLATION AND MAINTENANCE OF CONTROLLING WORKS AND MEASURING DEVICES BY WATER APPROPRIATORS – PROCEDURE UPON FAILURE TO INSTALL AND MAINTAIN – MEASURING AND REPORTING OF DIVERSIONS – PENALTY FOR FAILURE TO COMPLY – REPORT FILING FEE.

1. The appropriators or users of any public waters of the state of Idaho shall maintain to the satisfaction of the director of the department of water resources suitable headgates and controlling works at the point where the water is diverted. Each device shall be of such construction that it can be locked and kept closed by the watermaster or other officer in charge, and shall also be of such construction as to regulate the flow of water at the diversion point. Each such appropriator shall construct and maintain, when required by the director of the department of water resources, a rating flume or other measuring device at such point as is most practical in such canal, ditch, wellhead or pipeline for the purpose of assisting the watermaster or department in determining the amount of water that may be diverted into said canal, ditch, wellhead or pipeline from the stream, well or other source of public water. Plans for such headgates, rating flumes or other measuring devices shall be approved by the department of water resources.

2. If an appropriator determines that installation and maintenance of a measuring device required by the director would be burdensome for his diversion, the appropriator may, upon approval of the director, execute an agreement with the director and submit to the director such information and technical data concerning the diversion and pumping facilities as the director determines necessary to establish the relationship of power usage to water withdrawal by any pump use to divert public water.

3. Any appropriator or user of the public waters of the state of Idaho that neglects or refuses to construct or maintain such headgates, controlling works, or measuring devices..., upon receiving ten (10) days' notice from the director of the department of water resources within which to begin and diligently pursue to completion the construction or installation of the required device or devices or to begin and diligently pursue to completion a remedy to such defects as exist in accordance with said notice, then the director of the department of water resources may order the duly qualified and acting watermaster of the water district to shut off and refuse to deliver at the point of diversion, the water owned by such appropriator or user until the user does construct and maintain such headgates, controlling works or measuring devices or remedy the defects which exist or the director may take action pursuant to section 42-1701B, Idaho Code, to enforce the requirement to construct, install or maintain such devices.

4. The appropriators or users of the public waters of the state of Idaho shall be given a reasonable time within which to complete construction of such headgates, controlling works or measuring devices, depending upon the size and extent thereof, when due diligence has been used in the prosecution of such work.

ORDER

IT IS HEREBY ORDERED AS FOLLOWS:

1. The holders of those water rights identified in Attachment A of this Order that divert water from Toponce Creek, the Portneuf River or other sources listed for the water rights in Attachment A, shall install and maintain measuring devices and lockable controlling works of a type acceptable to the Department prior to diverting water during the 2015 irrigation season.

2. Based on a 2014 field visit by Department staff, the Department has determined that adequate measuring devices and controlling works exist for the King Creek Grazing Association Pipeline and the Redford Ditch diversions from Toponce Creek. These two diversions and associated water rights are listed in Attachment A of this Order to assure that the measuring devices and controlling works are adequately maintained during the 2015 and subsequent irrigation seasons.


3. The holders of those water rights in Attachment A of this Order shall install or maintain lockable controlling works of a type acceptable to the Department that will allow the watermaster to control the delivery of water from the respective sources. Controlling works shall be installed prior to diverting water during the 2015 irrigation season.

4. Those water right holders identified in Attachment A of this Order must submit written plans for measuring devices and controlling works to the Water District 29 watermaster no later than February 1, 2015. Plans shall be reviewed by the watermaster and Department to determine whether proposed measuring devices and controlling works are of a type acceptable to the Department. If measuring devices and/or controlling works are already in place, a written description of the devices or works shall be submitted to the Department by February 1, 2015.

5. Measuring devices that are acceptable to IDWR are listed in IDWR's *Minimum Acceptable Standards for Open Channel and Closed Conduit Measuring Devices* (copy attached).

6. The watermaster shall shut off and refuse to deliver water to the holder of any water rights listed in Attachment A with a diversion in Water District No. 29 that does not have an adequate measuring device and/or lockable controlling works at any and all times during the 2015 irrigation season.

Dated this 8 day of DECEMBER, 2015


MAT WEAVER
DEPUTY DIRECTOR

ATTACHMENT A
List of Water Rights Diversions Subject to Measuremnet Order

| Current Owner | Basin | Sequence | Suffix | Diversion | Priority Date | Diversion Rate (cfs) | Source List | Water Use List |
|------------------------------------|-------|----------|--------|--|---------------|----------------------|----------------|--|
| BANKS, ERMA M | 29 | 10 | | Banks Pump | 4/14/1883 | 2.320 | PORTNEUF RIVER | IRRIGATION |
| BANKS, ERMA M | 29 | 10246 | | Banks Pump | 5/1/1881 | 1.310 | PORTNEUF RIVER | IRRIGATION |
| BANKS, ERMA M | 29 | 94 B | | PMV Feeder Canal & Siphon Ditch Rediversion | 6/2/1905 | 2.000 | TOPONCE CREEK | IRRIGATION |
| BAR O BAR RANCH LLC | 29 | 110 A | | Kelly Toponce Canal | 6/1/1886 | 2.600 | TOPONCE CREEK | IRRIGATION |
| C V CATTLE INC | 29 | 121 | | PMV Feeder Canal | 7/1/1882 | 0.480 | TOPONCE CREEK | IRRIGATION |
| C V CATTLE INC | 29 | 122 | | PMV Feeder Canal | 6/17/1902 | 0.720 | TOPONCE CREEK | IRRIGATION |
| C V CATTLE INC | 29 | 123 | | PMV Feeder Canal | 7/2/1903 | 1.100 | TOPONCE CREEK | DIVERSION TO STORAGE, IRRIGATION FROM STORAGE, IRRIGATION STORAGE, IRRIGATION |
| C V CATTLE INC | 29 | 125 | | PMV Feeder Canal | 6/1/1910 | 1.080 | TOPONCE CREEK | DIVERSION TO STORAGE, IRRIGATION FROM STORAGE, IRRIGATION STORAGE |
| C V CATTLE INC | 29 | 10320 | | PMV Feeder Canal | 7/6/1868 | 1.170 | TOPONCE CREEK | IRRIGATION |
| C V CATTLE INC | 29 | 13499 | | PMV Feeder Canal | 4/1/1975 | 2.370 | TOPONCE CREEK | IRRIGATION |
| C V CATTLE INC | 29 | 124 | | | 7/1/1908 | 2.680 | TOPONCE CREEK | IRRIGATION |
| C V CATTLE INC | 29 | 13556 | | | 4/1/1970 | 0.700 | TOPONCE CREEK | IRRIGATION |
| C V RANCHES | 29 | 10313 | | CV Ranches Ditch | 4/15/1880 | 1.140 | PORTNEUF RIVER | IRRIGATION |
| C V RANCHES | 29 | 10314 | | CV Ranches Ditch | 5/1/1881 | 3.150 | PORTNEUF RIVER | IRRIGATION |
| C V RANCHES | 29 | 13532 | | CV Ranches Ditch | 4/1/1975 | 4.290 | PORTNEUF RIVER | IRRIGATION |
| C V RANCHES | 29 | 10315 | | CV Ranches Injection to Portneuf R fr Drain & Rediver Pump fr Portneuf R | 6/1/1969 | 1.000 | UNNAMED DRAIN | IRRIGATION |
| C V RANCHES | 29 | 10318 | | CV Ranches Injection to Portneuf R fr Drain & Rediver Pump fr Portneuf R | 6/1/1967 | 3.200 | UNNAMED DRAIN | IRRIGATION |
| CALDWELL, DARWIN; CALDWELL, ELOISE | 29 | 246 B | | Kelly Toponce Canal & Redford Ditch | 7/6/1868 | 1.300 | TOPONCE CREEK | IRRIGATION |
| CALDWELL, DARWIN; CALDWELL, ELOISE | 29 | 13361 | | Kelly Toponce Canal & Redford Ditch | 7/6/1868 | 1.630 | TOPONCE CREEK | IRRIGATION |
| CRANDALL FARMS INC | 29 | 12 A | | Crandal Pump fr Portneuf R | 4/15/1913 | 2.000 | PORTNEUF RIVER | IRRIGATION |
| CRANDALL FARMS INC | 29 | 10173 | | Crandal Pump fr Portneuf R | 4/15/1880 | 6.740 | PORTNEUF RIVER | IRRIGATION |
| CRANDALL FARMS INC | 29 | 10174 | | Crandal Pump fr Portneuf R | 9/1/1888 | 3.720 | PORTNEUF RIVER | IRRIGATION |
| CRANDALL FARMS INC | 29 | 13429 | | Crandal Pump fr Portneuf R | 4/1/1974 | 12.460 | PORTNEUF RIVER | IRRIGATION |
| CRANDALL FARMS INC | 29 | 12 A | | Crandal Pump fr Portneuf R | 4/15/1913 | 2.000 | PORTNEUF RIVER | IRRIGATION |
| CRANDALL FARMS INC | 29 | 10173 | | Crandal Pump fr Portneuf R | 4/15/1880 | 6.740 | PORTNEUF RIVER | IRRIGATION |
| CRANDALL FARMS INC | 29 | 10174 | | Crandal Pump fr Portneuf R | 9/1/1888 | 3.720 | PORTNEUF RIVER | IRRIGATION |
| CRANDALL FARMS INC | 29 | 13429 | | Crandal Pump fr Portneuf R | 4/1/1974 | 12.460 | PORTNEUF RIVER | IRRIGATION |
| CRANDALL FARMS INC | 29 | 112 | | Crandal Pump fr Portneuf R | 4/15/1883 | 0.800 | TOPONCE CREEK | IRRIGATION |
| CRANDALL FARMS INC | 29 | 113 A | | Crandal Pump fr Portneuf R | 4/15/1885 | 2.100 | TOPONCE CREEK | IRRIGATION |
| CRANDALL FARMS INC | 29 | 114 A | | Crandal Pump fr Portneuf R | 4/15/1886 | 0.380 | TOPONCE CREEK | IRRIGATION |
| CRANDALL FARMS INC | 29 | 10178 | | Crandal Pump fr Portneuf R | 6/17/1902 | 3.300 | TOPONCE CREEK | IRRIGATION |
| FRANK, NORMAN W; FRANK, WANDA J | 29 | 11 | | Reservoir Siphon Ditch | 9/26/1903 | 1.540 | PORTNEUF RIVER | IRRIGATION |

ATTACHMENT A
List of Water Rights Diversions Subject to Measuremnet Order

| Current Owner | Basin | Sequence | Suffix | Diversion | Priority Date | Diversion Rate (cfs) | Source List | Water Use List |
|-----------------------------------|-------|------------------|--------|---|---------------|----------------------|----------------|------------------------|
| FRANK, NORMAN W; FRANK, WANDA J | 29 | 10065 | | Reservoir Siphon Ditch | 4/1/1974 | 1.540 | PORTNEUF RIVER | IRRIGATION, STOCKWATER |
| GORDON, JENNIFER; GORDON, JOSEPH | 29 | 86 | | Gordon Pipe at King Ck Grzng Pipeline Div Box | 6/18/1902 | 0.070 | TOPONCE CREEK | IRRIGATION |
| GORDON, JENNIFER; GORDON, JOSEPH | 29 | King Ck Pipeline | A | Gordon Pipe at King Ck Pipeline Div Box | 6/17/1902 | 1.000 | TOPONCE CREEK | IRRIGATION |
| GORDON, JENNIFER; GORDON, JOSEPH | 29 | 12863 | | Gordon Pipe at King Ck Pipeline Div Box | 5/19/1905 | 1.530 | TOPONCE CREEK | IRRIGATION |
| GORDON, JENNIFER; GORDON, JOSEPH | 29 | 12864 | | Gordon Pipe at King Ck Pipeline Div Box | 7/15/1907 | 0.280 | TOPONCE CREEK | IRRIGATION |
| GORDON, JENNIFER; GORDON, JOSEPH | 29 | 13249 | | Gordon Pipe at King Ck Pipeline Div Box | 6/18/1902 | 2.480 | TOPONCE CREEK | IRRIGATION |
| HATCH JR, A PAUL; HATCH, AUDREY H | 29 | 110 B | | Redford Ditch (a) | 6/1/1886 | 0.580 | TOPONCE CREEK | IRRIGATION |
| HATCH JR, A PAUL; HATCH, AUDREY H | 29 | 10215 | | Redford Ditch (a) | 6/17/1902 | 0.110 | TOPONCE CREEK | IRRIGATION |
| HATCH JR, A PAUL; HATCH, AUDREY H | 29 | 13472 | | Redford Ditch (a) | 6/17/1902 | 0.270 | TOPONCE CREEK | IRRIGATION |
| HATCH, JERRY W | 29 | 100 | | Hatch Ditch | 6/18/1902 | 0.580 | TOPONCE CREEK | IRRIGATION |
| JOSEPH & BETH HOLBROOK TRUST | 29 | 94 C | | PMV Feeder Canal & Siphon Ditch Rediversion | 6/2/1905 | 3.940 | TOPONCE CREEK | IRRIGATION |
| JOSEPH & BETH HOLBROOK TRUST | 29 | 12 B | | Reservoir Siphon Ditch | 4/15/1913 | 1.990 | PORTNEUF RIVER | IRRIGATION |
| KIMBALL LANE LTD PARTNERSHIP | 29 | 26 | | | 9/1/1888 | 1.760 | PORTNEUF RIVER | IRRIGATION |
| KING CREEK GRAZING ASSN | 29 | 10121 | | King Ck Grzng Pipe & Redford Ditch | 7/6/1868 | 3.540 | TOPONCE CREEK | IRRIGATION |
| KING CREEK GRAZING ASSN | 29 | 10122 | | King Ck Grzng Pipe & Redford Ditch | 7/6/1868 | 2.000 | TOPONCE CREEK | IRRIGATION |
| KING CREEK GRAZING ASSN | 29 | 10123 | | King Ck Grzng Pipe & Redford Ditch | 6/17/1902 | 1.800 | TOPONCE CREEK | IRRIGATION |
| KING CREEK GRAZING ASSN | 29 | 10124 | | King Ck Grzng Pipe & Redford Ditch | 4/15/1885 | 0.900 | TOPONCE CREEK | IRRIGATION |
| KING CREEK GRAZING ASSN | 29 | 10125 | | King Ck Grzng Pipe & Redford Ditch | 6/17/1902 | 2.280 | TOPONCE CREEK | IRRIGATION |
| KING CREEK GRAZING ASSN | 29 | 91 B | | King Ck Grzng Pipeline | 7/1/1909 | 0.480 | TOPONCE CREEK | IRRIGATION |
| KING CREEK GRAZING ASSN | 29 | 93 B | | King Ck Grzng Pipeline | 7/1/1913 | 0.100 | TOPONCE CREEK | IRRIGATION |
| KING CREEK GRAZING ASSN | 29 | 107 B | | King Ck Grzng Pipeline | 6/17/1902 | 0.600 | TOPONCE CREEK | IRRIGATION |
| KING CREEK GRAZING ASSN | 29 | 10222 | | King Ck Grzng Pipeline | 7/6/1888 | 11.930 | TOPONCE CREEK | IRRIGATION |
| KING CREEK GRAZING ASSN | 29 | 10327 | | King Ck Grzng Pipeline | 6/18/1902 | 2.990 | TOPONCE CREEK | IRRIGATION |
| KING CREEK GRAZING ASSN | 29 | 10329 | | King Ck Grzng Pipeline | 7/1/1908 | 0.300 | TOPONCE CREEK | IRRIGATION |
| KING CREEK GRAZING ASSN | 29 | 10330 | | King Ck Grzng Pipeline | 7/1/1910 | 0.150 | TOPONCE CREEK | IRRIGATION |
| KING CREEK GRAZING ASSN | 29 | 10331 | | King Ck Grzng Pipeline | 7/6/1888 | 3.140 | TOPONCE CREEK | IRRIGATION |
| KING CREEK GRAZING ASSN | 29 | 13231 | | King Ck Grzng Pipeline | 7/1/1906 | 0.070 | TOPONCE CREEK | IRRIGATION |
| KING CREEK GRAZING ASSN | 29 | 13232 | | King Ck Grzng Pipeline | 7/1/1907 | 0.110 | TOPONCE CREEK | IRRIGATION |
| KING CREEK GRAZING ASSN | 29 | 13483 | | Redford Ditch | 4/15/1886 | 0.220 | TOPONCE CREEK | IRRIGATION |
| PERKINS, WAYNE C | 29 | 90 A | | PMV Feeder Canal | 7/1/1908 | 0.300 | TOPONCE CREEK | IRRIGATION |
| PERKINS, WAYNE C | 29 | 91 A | | PMV Feeder Canal | 7/1/1909 | 0.480 | TOPONCE CREEK | IRRIGATION |
| PERKINS, WAYNE C | 29 | 92 A | | PMV Feeder Canal | 7/1/1910 | 0.145 | TOPONCE CREEK | IRRIGATION |
| PERKINS, WAYNE C | 29 | 93 A | | PMV Feeder Canal | 7/1/1913 | 0.095 | TOPONCE CREEK | IRRIGATION |

ATTACHMENT A
List of Water Rights Diversions Subject to Measurement Order

| Current Owner | Basin | Sequence | Suffix | Diversion | Priority Date | Diversion Rate (cfs) | Source List | Water Use List |
|---|-------|----------|--------|---|---------------|----------------------|----------------|---|
| PERKINS, WAYNE C | 29 | 94 A | | PMV Feeder Canal | 6/2/1905 | 1.040 | TOPONCE CREEK | IRRIGATION |
| PERKINS, WAYNE C | 29 | 10248 | | PMV Feeder Canal | 7/1/1906 | 0.070 | TOPONCE CREEK | IRRIGATION |
| PERKINS, WAYNE C | 29 | 13248 | | PMV Feeder Canal | 7/1/1907 | 0.110 | TOPONCE CREEK | IRRIGATION |
| PERKINS, WAYNE C | 29 | 13482 | | PMV Feeder Canal | 4/15/1946 | 1.200 | TOPONCE CREEK | IRRIGATION |
| PHILLIPS, CARL L; PHILLIPS, NOLA RAE | 29 | 30 | | Phillips Upper & Lower Divs fr Portneuf R (b) | 10/18/1889 | 3.840 | PORTNEUF RIVER | IRRIGATION |
| PHILLIPS, CARL L; PHILLIPS, NOLA RAE | 29 | 31 | | Phillips Upper & Lower Divs fr Portneuf R (b) | 5/1/1887 | 3.430 | PORTNEUF RIVER | IRRIGATION |
| PHILLIPS, CARL L; PHILLIPS, NOLA RAE | 29 | 13320 | | Phillips Upper & Lower Divs fr Portneuf R (b) | 8/7/1932 | 3.840 | PORTNEUF RIVER | IRRIGATION |
| PHILLIPS, CARL L; PHILLIPS, NOLA RAE | 29 | 13321 | | Phillips Upper & Lower Divs fr Portneuf R (b) | 8/7/1932 | 3.430 | PORTNEUF RIVER | IRRIGATION, STOCKWATER |
| PORTNEUF MARSH VALLEY CANAL CO LTD | 29 | | | PMV Feeder Canal | 7/6/1912 | 164.430 | TOPONCE CREEK | DIVERSION TO STORAGE, IRRIGATION FROM STORAGE, IRRIGATION STORAGE |
| SHOSHONE BANNOCK TRIBES | 29 | 231 | | King Ck Grzng Pipeline | 7/6/1868 | 1.590 | TOPONCE CREEK | IRRIGATION |
| SHOSHONE BANNOCK TRIBES | 29 | 238 | | King Ck Grzng Pipeline | 7/6/1868 | 1.733 | TOPONCE CREEK | IRRIGATION |
| SHOSHONE BANNOCK TRIBES | 29 | 239 | | King Ck Grzng Pipeline | 7/6/1868 | 1.679 | TOPONCE CREEK | IRRIGATION |
| TOPONCE CANAL CO LTD | 29 | 103 | | Kelly Toponce Canal | 6/17/1902 | 25.000 | TOPONCE CREEK | IRRIGATION |
| TOPONCE CANAL CO LTD | 29 | 10322 | | Kelly Toponce Canal | 6/28/1902 | 18.530 | TOPONCE CREEK | IRRIGATION |
| (a) Rights list POD as both Toponce Canal & Redford Ditch but diverted at Redford Ditch per watermaster. | | | | | | | | |
| (b) Rights list two PODs but only one used per watermaster. | | | | | | | | |
| Rights without listed diversion names indicate uncertainty as to where rights may be diverted and/or used. | | | | | | | | |
| All King Creek Grazing Assn rights from Toponce Creek list multiple PODs (up to 7) but rights are diverted from Pipeline and Redford Ditch only as per watermaster. The King Creek Grazing Assn and Redford Ditch had adequate measuring devices and controlling works installed in 2014. | | | | | | | | |
| Water diverted from or injected to one source, and diverted from another source require measuring devices at both point of diversion/point of injection and point of re-diversion. This applies to rights 29-94B, 29-94C, 29-10315 & 29-10318. | | | | | | | | |