MINUTES OF THE SPECIAL MEETING OF THE ALLEGHANY COUNTY WATER DISTRICT



The special meeting of May 29, 2015 was called to order at 5:36pm.

The purpose of this Special Meeting was to invite the residents of Alleghany to attend as the Board was going to take action on 2 letters we received from the State Water Resources Control Board (SWRCB) regarding the drought situation in the State. The ACWD has been ordered to curtail all outside watering in the town of Alleghany. This meeting was held in the 16 to 1 Gym.so we could accommodate members of the town of Alleghany.

Present: Directors Arbogast, Vieirra, Allen, Hamb and DeWeese. Also present Secretary Hauck and Water Treatment Operator Bruce Coons and many residents of Alleghany.

Public Response:

1. Board President Rae brings the audience up to speed on the 2 letters received from the State. There was much discussion on the letters and what options we have.

New Business:

- 1. Resolution #92 was presented to the Board for approval. A Resolution Appointing Designee to Carry Out Responsibilities Under Financing Agreement. Director Hamb moves to adopt Resolution #92 and Director Allen seconds. Ayes, unanimous.
- 2. Ordinance #31 is presented to the Board for approval. "An Emergency Drought Ordinance Effective June 1, 2015 Until Such Time as The Water Resources Control Board Lifts The Curtailment Order Issued on May 1, 2015 And An Ordinance Amending Ordinance No. 3 Entitled: An Ordinance Establishing Rates, Rules and Regulations for Water Service By The Alleghany County Water District." Director Vieira moves and Director Allen seconds. Ayes, unanimous.

There being no more business before the Board that is covered under the Special Meeting. this meeting adjourned at 6:30pm.

Next regular meeting scheduled for June 9, 2015 at 5:30pm.

Submitted. Donna Hauck, Secretary

Resolution NO. 92

A RESOLUTION APPOINTING DESIGNEE TO CARRY OUT RESPONSIBLITIES UNDER FINANCING AGREEMENT

WHEREAS, the Alleghany County Water District has applied to the Safe Drinking Water Fund DWSRF project no. 4600012-006P

WHEREAS, the Alleghany County Water District (ACWD) must appoint a representative to carry out the responsibilities of the finance agreement related to said project, therefore;

BE IT RESOLVED by the Alleghany County Water District Board of Directors that, the President (or the designee thereof) of said Board of Directors is designated to represent ACWD in carrying out ACWD's responsibilities under the financing agreement, including certifying disbursement requests on behalf of ACWD and in compliance with applicable state and federal laws.

Passed and adopted at a special meeting of the board of directors of the Alleghany County Water District on the **29th** of **May 2015**

Signature	: Donne	Han	k
Ü	By: Donna Hauck		
1.00	Secretary -		

Alleghany County Water District

Votos	21/05	กอเ	IOC	absent	abstain
Votes:	ayes	nay	/es	anseur	 anstani



ORDINANCE NO. 31

AN EMERGENCY DROUGHT ORDINANCE EFFECTIVE JUNE 1ST 2015
UNTIL SUCH TIME AS THE WATER RESOURCES CONTROL BOARD
LIFTS THE CURTAILMENT ORDER ISSUED ON MAY 1ST 2015
AND AN ORDINANCE AMENDING ORDINANCE NO. 3
ENTITLED "AN ORDINANCE ESTABLISHING RATES,
RULES AND REGULATIONS FOR WATER SERVICE
BY THE ALLEGHANY COUNTY WATER DISTRICT"

BE IT ORDAINED by the Board of Directors of the Alleghany County Water District, Sierra County, California as follows:

Per directive of the State of California Water Resources Control Board and by the authority vested in Alleghany County Water District by the state of California all outdoor uses of district water including but not limited to commercial agriculture and livestock, personal and public lawns, gardens and golf courses; swimming pools, car washing etc. are hereby prohibited.

Section 1. Section 1601 of Article 16 of Ordinance No. 3, cited in the title, passed and adopted by said Board on August 4, 1977, be, and it is hereby amended to read as follows:

1601. Rates for water service are herby established as follows:

Type of Use	Monthly Rate
Vacant Un-improved property base rate covers zero gallons	\$23.00
Single-Family Residential is defined as one meter attached to a habitable structure* as well as lots with only a non-commercial building such as a garage or out-building whether habitable or not. The base metered rate is based on a monthly water usage of up to 6,000 gallons, 1.50 for each 500 gallons or fraction thereof above 6,000 gallons.	\$36.00
Multi-family Residential is defined as more than one kitchen in a single dwelling or more than one *habitable structure attached to one water meter The base metered rate is based on a monthly water usage of up to 6,000 gallons; 1.50 for each 500 gallons or fraction thereof above 6,000 gallons.	\$40.00
Commercial includes: Any Library, Post Office, Firehouse, School, Hotel, Motel, Inn, Bar or Saloon, Restaurant, Service Station, Store or Mercantile Outlet, Mobile Home or Recreational Vehicle Park or any other Commercial Building. The base metered rate is based on a monthly water usage of up to 6,000 gallons; 1.50 for each 500 gallons or fraction thereof above 6,000 gallons.	\$40.00
Cemetery monthly rate (under this ordinance no water can be used at the cemetery)	\$10
County Yard The base metered rate is based on a monthly water usage of up to 6,000 gallons; 1.50 for each 500 gallons or fraction thereof above 6,000 gallons.	\$65

^{* &}quot;Habitable" is defined as having indoor plumbing.

Summary

- (1) The Alleghany water district has been ordered by the State of California Water Resources Control Board to PROHIBIT ALL outdoor water use via a curtailment on our water rights.
- (2) Additionally all small water districts in the state are required to either cut down water usage by 25% compared to 2013 levels OR limit outdoor watering to two days a week.
- The curtailment order (NO outdoor water use) has a higher priority over the other order but we still have to comply with both rules (1 & 2 above).
- This does not impact our ability to use water to fight fires BUT <u>currently there is not enough water flowing out of the Ram Spring (our water source) to pump 40 Gallons Per Minute (GPM)</u> which is our Standard Operating Procedure in the event of a fire. On May 21st the flow into the sump at the Ram Spring was 18.5 GPM so we really DO need to cut back our water use, even without the State telling us to do so. We are going to work on capturing more of the water at the Ram Spring in order to increase the flow into the 1,000 gallon sump.
- We are working with the County to develop a drafting pond at the Cumberland Spring
 which is owned by the water district and to develop other water drafting sights in town
 for fire protection and possibly for irrigation as well.
- The orders from the State only apply to the water that is pumped to the water tank and this is the number that needs to be reduced by at least 25% in order for the State to see that we are complying.
- We need to show compliance because we have applied for a grant from the State. They will be examining our usage closely. As a community we need to do this. The Alleghany Water District does not want to play "water cop" (nor do we have the resources to do so) and we don't want everybody narking out their neighbors. Our means of enforcement will most likely be a reduction in the number of gallons that are covered in the monthly flat rate (currently 12,000 gallons) but this will be decided at the meeting on May 29th.
- There are many resources available for information on water conservation. The water board will be gathering such information and making it available upon request. If you have information to share please let us know.

Rae Bell Arbogast ACWD President log of recent events:

5/5/15 The State Water Board adopted Resolution No. 2015-0032 in response to the Governor's April 1st executive order, the Resolution is titled "TO ADOPT AN EMERGENCY REGULATION FOR STATEWIDE URBAN WATER CONSERVATION most of this applies only to Urban users (defined as 3,000 or more water connections), however one section DOES apply to small systems such as Alleghany's and that section mandates that we either reduce use by 25% over 2013 usage OR limit outside watering to two days per week. This went into effect on May 15th and must be complied with by June 1st.

Our plan was to address this at our regular meeting on May 12th. However on May 8th we got a NOTICE OF UNAVAILABILITY OF WATER AND IMMEDIATE CURTAILMENT FOR THOSE DIVERTING WATER IN THE SACRAMENTO RIVER WATERSHED WITH A POST-1914 APPROPRIATIVE RIGHT

Within the notice is this verbiage: Compliance Certification Required: Curtailed post-1914 diverters are required to document receipt of this notice by completing an online Curtailment Certification Form within seven days. (and a link is provided). I went online to do the online certification but it requires that the following box be checked in order to submit the form: I hereby certify that all outdoor uses of water have been prohibited, including but not limited to commercial agriculture and livestock, personal and public lawns, gardens, and golf courses; swimming pools; car washing; etc.

I tried to submit the form without checking the box, because this was the FIRST we had heard of this but it would not submit. I then tried calling the curtailment hotline to ask them about it, but I got an answering machine, so I sent an email to the address provided on the form.

I corresponded back and forth with Paul of the State's curtailment division for several days and it all boiled down to "yes you have to do this but our attorneys are still reviewing how this applies to domestic water suppliers so this could change and Fire protection use is OK. Just do the online certification as soon as you can and keep documentation of all of our correspondence to show that you did not just ignore the order."

Then through another avenue (I was signed up for a webinar on the water use restrictions passed on May 5th and I started asking the sponsors of the webinar questions) I got a direct answer from Caren Trgovcich Chief Deputy Director of the State Water Board on May 19th and she confirmed that the curtailment order overrides the mandate passed on May 5th.

On May 26th I attended an online webinar about the State Water Board resolution passed on May 5th. This DOES still apply to the district but the curtailment takes precedence over that. By complying with the curtailment we will also be complying with the May 5th rule because we should see a 25% reduction in water use AND we are doing MORE than restricting outdoor use to two days per week by not allowing any outdoor watering at all.

ACWA







State Water Resources Control Board

May 1, 2015

ALLEGHANY COUNTY WATER DISTRICT PO BOX H ALLEGHANY, CA 95910

In Regards to Water Right(s,

NOTICE OF UNAVAILABILITY OF WATER AND IMMEDIATE CURTAILMENT FOR THOSE DIVERTING WATER IN THE SACRAMENTO RIVER WATERSHED WITH A POST-1914 APPROPRIATIVE RIGHT

On January 23, 2015 and again on April 2, 2015, the State Water Resources Control Board (State Water Board) issued a Notice of Surface Water Shortage and Potential for Curtailment due to dry conditions throughout the State. On April 1, 2015, the Governor issued an executive order, order B-29-15, continuing the state of emergency, initially enacted on January 17, 2014, due to drinking water shortages, diminished water for agriculture production, degraded habitat for fish and wildlife, increased wildfire risk and the threat of saltwater contamination to fresh water supplies in the Sacramento-San Joaquin Delta.

Curtailment of Post-1914 Water Rights:

Based upon the most recent reservoir storage and inflow projections, along with forecasts for future precipitation events, the State Water Board has determined that the existing water supply in the Sacramento River watershed is insufficient to meet the needs of all water rights holders. With this notice, the State Water Board is notifying all holders of post-1914 appropriative water rights within the Sacramento River watershed of the need to immediately stop diverting under their post-1914 water rights, with the exceptions discussed below. Please be advised that, if you continue to divert under a claim of pre-1914 right, most or all pre-1914 rights in the Sacramento River watershed are likely to be curtailed later this year due to the extreme dry conditions. This condition of curtailment will continue until water conditions improve. Even if there is water physically available at your point of diversion, that water is necessary to meet senior water right holders' needs or is water released from storage that you are not entitled to divert. If precipitation occurs in the following weeks or months, you should not commence diversion before being notified by the State Water Board that water is legally available for diversion under your priority of right.

Permission to initiate diversions during or following significant rainfall events may be posted at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/index.shtml#notices. You can get immediate email updates from the State Water Board about these notices by subscribing to "Drought Updates" at: http://www.waterboards.ca.gov/resources/email_subscriptions/

Compliance Certification Required:

Curtailed post-1914 diverters are required to document receipt of this notice by completing an online Curtailment Certification Form (Form) within seven days. The Form confirms your cessation of diversion under the specific post-1914 water right, and, if applicable, identifies the alternate water supply you will use in lieu of the curtailed water right. Completion of the Form is mandatory to avoid unnecessary potential enforcement proceedings. You are required to complete the Form for each post-1914 water right identified through this curtailment at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/curtailment/2015curt_form.php

FEUCIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

To Water Right Users in the Sacramento River Watershed

RECEIVED

Exceptions to Curtailment:

If your diversion is for hydroelectric generation by direct diversion only and all water diverted is returned to the same stream system, you may continue to divert under your post-1914 permit or license. If you continue to divert under the above circumstances, you must identify that on the Form and provide the information requested. If you have previously collected water to storage in a reservoir covered by a post-1914 right prior to this curtailment notice, you still may beneficially use that previous stored water consistent with the terms and conditions of your post-1914 water right. However, you must bypass all inflow into the reservoir at all times during the curtailment.

No Exception for Health and Safety:

There is no exception to the curtailment notice for health and safety needs. However, we are aware that some water users must comply with directives issued by the Division of Drinking Water (DDW), or local health or drinking water regulation to provide continued water service to meet minimum health and safety standards. Should you continue to divert water under a curtailed water right to meet human health and safety needs, you must complete the Form identifying your health and safety needs, whether there is an applicable DDW, state or local regulation and your attempts at securing an alternate water supply. The State Water Board will carefully analyze the non-exempted continued diversions for minimum health and safety needs on a case-by-case basis.

Potential Enforcement:

Those who are found to be diverting water beyond what is legally available to them may be subject to administrative fines, cease and desist orders, or prosecution in court. The State Water Board may levy fines of \$1,000 per day of violation and \$2,500 for each acre-foot diverted or used in excess of a valid water right. (See Water Code, §§ 1052,1055.) Additionally, if the State Water Board issues a Cease and Desist Order against an unauthorized diversion, violation of any such order can result in a fine of \$10,000 per day. (See Water Code, §§ 1831, 1845.)

The State Water Board is encouraging diverters to work together to reach local voluntary agreements that not only provide solutions that help local communities with water shortages, but also prevent impacts to other legal users of water and do not cause unreasonable effects on fish and wildlife. If you have any questions, please call our Curtailment Hotline at (916) 341-5342, contact us by email at: SWRCB-Curtailment-Certification@waterboards.ca.gov, or review our drought year webpage at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/index.shtml

The State Water Board also encourages water right holders to assist in the prevention of unlawful diversion of water and in discouraging any waste or unreasonable use of water.

To assist the State Water Board, you may file a complaint at:

http://www.dtsc.ca.gov/database/CalEPA_Complaint/index.cfm.

We recognize the burden and loss this notice creates for you during the drought, and want to assure that others do not illegally benefit from your curtailments.

Sincerely,

Thomas Howard Executive Director

Romas Howard



Rae Bell Arbogast <raebell44@gmail.com>

Reply to your question regarding the webinar

Trgovcich, Caren@Waterboards < Caren. Trgovcich@waterboards.ca.gov>

Tue, May 19, 2015 at 12:46

PM

To: Dave Bolland <DaveB@acwa.com>, "raebell44@gmail.com" <raebell44@gmail.com>

Cc: Tiffany Giammona <TiffanyG@acwa.com>, "Gomberg, Max@Waterboards"

<max.gomberg@waterboards.ca.gov>, "Oppenheimer, Eric@Waterboards"

<Eric.Oppenheimer@waterboards.ca.gov>, "Lauffer, Michael@Waterboards"

<michael.lauffer@waterboards.ca.gov>, "Evoy, Barbara@Waterboards" <Barbara.Evoy@waterboards.ca.gov>

Rae Bell – you are correct, the more stringent requirement associated with the curtailment (prohibition on all outdoor uses) that is specific to your source of supply is what governs your situation.

Caren Trgovcich

Chief Deputy Director

State Water Board

(916) 341-5727

ctrgovcich@waterboards.ca.gov

From: Dave Bolland [mailto:DaveB@acwa.com]

Sent: Tuesday, May 19, 2015 11:40 AM

To: 'raebell44@gmail.com'

Cc: Tiffany Giammona; Trgovcich, Caren@Waterboards; Gomberg, Max@Waterboards; Oppenheimer,

Eric@Waterboards; Lauffer, Michael@Waterboards **Subject:** Reply to your question regarding the webinar

[Quoted text hidden]

Curtailment Certification

- NO DIVERSION I hereby certify that I will not be diverting any water under the above specified appropriative water right nor will I be serving its place of use from any other water supply during the 2015 water diversion curtailment period.
- ALTERNATE SOURCE I here certify that I will not be diverting any water under the above specified appropriative water right during the 2015 curtailment period. However, I will be serving all or a portion of its place of use with my alternate source(s) of water, as specified below:
 - Ground (well) water. (If selected, user must enter a location and depth field). Location:
 - 0-50 feet from stream or water source
 - 51 feet or more from stream or water source

Depth:

- 0-25 feet depth below ground
- 26 feet or more below ground
- Riparian water right(s) and/or pre1914 appropriative water right(s)*
 - Water use is reported under Statement of Water Diversion and Use No(s)
 - My use is excluded from filing a Statement of Water Diversion and Use under California Water Code section 5101.
 - None of the Above
- Contract (purchased) water from:

Contract Number(s):

2015 contract amount (acre-feet):

□ Water transferred from:

Amount transferred (acre-feet):

Transfer period: start date (Month/day/year)

I end date (Month/day/year):

Will serve the place of use by withdrawing water that was stored prior to the start of this curtailment period under Permit/License Number:

- Other source (specify):
- HYDROELECTRIC POWER GENERATION/OTHER NONCONSUMPTIVE USE I hereby certify that I am directly diverting water for hydroelectric power generation or other nonconsumptive use and all water diverted is returned to the stream.

The questions below regarding fire suppression, air quality, and human health and sanitation request information to better understand your specific water supply situation, but are not intended to provide relief from the requirement to cease diversion under this water right.

- FIRE SUPPRESSION I hereby certify that there is no alternative source available for fire suppression use as required by CA Department of Forestry and Fire Protection or other appropriate authority, and that the estimated rate of use would be gallons per minute or cubic feet per second.
- AIR QUALITY I hereby certify that there is no alternative source available to address critical air quality impacts, as required by CA Air Resources Board or other appropriate authority, and that the estimated rate of use would be gallons per minute or cubic feet per second.

HUMAN HEALTH AND SANITATION -

- ☑ I hereby certify there there is no alternative source available to supply basic human health and sanitation needs.
- Curtailment of this source would prohibit compliance with state or local health or drinking water regulations.

Water diverted under this water right is operated by:

- A public water system permitted by or regulated by the SWRCB's Division of Drinking Water (DDW), formerly know as the CA Department of Public Health.
- A public or private water company permitted by or regulated by a local county health department or by the CA Public Utilities Commission (CPUC)
- A private party serving fewer than 15 connections.

What is your 7-digit public water system number or other identifier? 4600012

What is the name of the community served by this water right? Alleghany

How many connections does this water right serve?

© 0-14 | • 15-199 | © 200 or more

What is the current per capita use of water (in gallons per person per day) of your customers?

0-50 | 51-75 | 76 or more

How many days will your existing supply last if you are unable to continue to divert?

- 0-5| 6-20| 21 or more
- ☐ I hereby certify that all outdoor uses of water have been prohibited, including but not limited to commercial agriculture and livestock; personal and public lawns, gardens, and golf courses; swimming pools; car washing; etc.

By electronically submitting this form I declare that the information in this certification is true to the best of my knowledge.

Name: Rae Bell Arbogast

Additional Comments:

Our understanding is that the outside watering restrictions only apply to Urban systems. Has this changed?

93 Characters Left

Submit Certification

SCOTT RIVER WATERSHED: For Water Rights in the Scott River Watershed, please choose your application number or decree number from the Application No. drop down box. Your password is a six digit number that matches your street address number or your P.O. Box number. If this number is less than six digits, zeros will be added to the front of the number (for example, if your street address is 157 Main Street, your password would be 000157).

did not Submit (Yet) Questions & Concerns Re: Water Curtailment Order

Are we in the Sacramento River Water Shed?
Yes, the Yuba Water Shed goes into the Sacramento River

How does the curtailment effect fire suppression use? It doesn't. With the online certification there is a place to show that the water is used for fire protection.

Can other water sources be used?

Yes. The curtailment only applies to water that the water district produces (i.e. is pumped to the water tank). The district has no say over other water sources besides its own.

Will the state really be enforcing this for small communities such as ours? Probably not, BUT and this is a big BUT, we have applied for a grant from the State and our usage will be examined closely to see that we have at least tried to comply.

NOTICE

OF SPECIAL MEETING OF THE BOARD OF DIRECTORS OF ALLEGHANY COUNTY WATER DISTRICT

Friday, May 29, 2015 at 5:30 pm Old School Gym 527 Miners Street Alleghany

This agenda has been prepared and posted at least 72 hours prior to the regular meeting of the Board of Directors in accordance with the Ralph M. Brown Act. Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order. Details and supporting materials concerning agenda items are available for public reference by calling 530-287-3204 or email: alteghanywater@gmail.com

- 1. Call to Order
- 2. Roll call
- 3. Public Response Time Information Session Regarding Curtailment order The public may be heard on an item before or during the consideration of any agenda item to be considered by the board, subject to reasonable time limitations for each speaker. Members of the public may address matters under the jurisdiction of the Board of Directors, and not on the posted agenda, provided that no action shall be taken on any item not appearing on the agenda. The Board cannot take action on any unscheduled items unless it is declared by a vote of at least two-third (2/3) of the Board that there is an urgent need to take immediate action, and the need for action came to the attention of the District after the agenda was posted.
- 4. New Business (Action Items):
 - a) Resolution # 92 appointing designee to carry out responsibilities under financing agreement
 - b) Ordinance #31 Emergency Ordinance in response to curtailment order from the State Water Resources Control Board.
- 5. Next regular meeting date, Items for next agenda & Adjournment

ACWP

A.V.F.D. Emergency Phone Tree Kze Bell Your Name: Activation Date: 5/26/15 TIME: Name of the person activating the phone tree: 5elf Reason for phone tree activation (WHY you are making calls):

Special meeting to discuss/take action on

curtailment order Jan Stiche - notified in person Follow up calls 5/28

STARTED STUGIS 8.15 FINISHED 8:45

* 5/29 Special mans

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	287-3432	Leslie & Rushell Baker			Yes	
	20, 5132	101 Main St. Alleghany			les	
	287-3442	Larry & Sherry Vieira	10			
	263-8925	104 Main St. Alleghany	Yes			
,	287-3209	Don & Bernice McLeod	V			
•		105 Main St. Alleghany	Yes		<u> </u>	
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CONTINUED: **NAME & ADDRESS** LEFT **MADE** NO PHONE # CONTACT MSG. CONTACT Alleghany Fire House (#1) 287-9844 105 Plaza Court Alleghany 287-3408 Wayne Babros 352 Main St. Alleghany 963-3030 5/26 287-3040 Burns & Vicky Tenney Tried cell 5/28 355 Main St. Alleghany 287-3427 Alleghany Post Office 356 Main St. Alleghany (Bruce Coons) Underground Gold Miners Museum 287-3330 356 Main St. Alleghany (Rae Arbogast) Glen & Lin Renfree 287-3000 359 Main St. Alleghany Ed & Anita Snyder 287-3248 363 Main St. Alleghany 287-3720 Mike Miller 604 Mammoth Springs Rd. Alleghan 287-3223 Darrell Smeltzley #287.8205 264-6256 Faris Dolgoff & Debi Studabaker 287-9833 701 Kanaka Creek Rd. Alleghany Ron Brack & Nicole Hatch 535-8902 NA (satellite phone) Upper Plumbago Mine 287-3223 Sixteen- to- One Mine Office 287-3224 527 Miners ST. Alleghany Sixteen-to-One Gold Sales Office 287-3504 527 Miners St. Alleghany res 287-3264 Sixteen-to-One/ the MINE itself... N/A 506 Miners St. Alleghany Ray Wittkopp 287-9840 (775)826-5848 530 Miners ST. Alleghany Ken Krake & Carolyn Shultz Yes 287-3446 528 Miners St. Alleghany 1:5Mg 798-8082

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- /		521 Miners St. Alleghany	Yes			
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	287-3133	Cheryl Durett & Dave Pittma	n N/			
		320 Water St. Forest City	n N/A			
	287-3418	Lily Downing	N			
, [107 Main St. Alleghany	//			
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Den Hooley 3214 res