

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77234

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Caribou Lands LLC Phone 480-889-0609
Mailing address 14400 N. 76th Pl, Scottsdale, AZ 85260 Email keith@finalplat.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Michael E. Holladay Phone 208-741-1483
Mailing address 10498 Hwy 95, Payette, ID 83661 Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

RECEIVED

APR 22 2011

Department of Water Resources
Eastern Region

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

[Signature]
Signature of Applicant or Authorized Representative

Keith Miller
Print Name and Title if applicable

4/18/11
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Delete point of diversion
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. See attached Part 1A.2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

77234

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☐ ☐	24-10700	0.41	Irrigation	06/15 to 09/01	Grouse Creek
☐ ☐				to	to Tin Cup Creek
☐ ☐	24-10700	0.08	Irrigation	06/15 to 09/01	Grouse Creek
☐ ☐				to	to Tin Cup Creek
☐ ☐	24-10700	5.6 AF	Recreation	01/01 to 12/31	Grouse Creek to Tin Cup Ck
☐ ☐			Storage	to	
☐ ☐	24-10700	5.6 AF	Wildlife Storage	01/01 to 12/31	Grouse Creek to Tin Cup Ck
☐ ☐	24-10700	5.6 AF	Fire Protection Storage	01/01 to 12/31	Grouse Creek to Tin Cup Ck
☐ ☐				to	

Total authorized under rights 0.49 cfs and/or 5.6 ac-ft

2. Total amount of water proposed to be transferred or changed 0.08 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		NE	SE	NW	8	05S	46E	Caribou	Grouse Creek	
		SE	SE	NW	8	05S	46E	Caribou	Grouse Creek	
		NE	NE	SE	8	05S	46E	Caribou	Grouse Creek	
				SW						

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	46E	8			3.2														
05S	46E	8			0.4														
05S	46E	8							4.5										
05S	46E	8								16.0									
05S	46E	8								0.1									
05S	46E	8									0.3								

Total Acres (for irrigation use) 24.5

77234

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: See attached Part 1A.2

- b. Who owns the property at the point(s) of diversion? Caribou Lands LLC
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: The irrigated land has been subdivided into building lots for home sites.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: N/A

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 24-10700

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use)	4.0
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Prelim. Check by _____ Date _____

Fee Paid \$100.00 Date 5-3-2011 Received by MS Receipt # E036616

Add'l Fee Paid _____ Date _____ Received by W Receipt # _____

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Part 1 A.2
Proposed Water Rights
Transfer for Water Right 24-10700 as modified by Transfer No. 75471

Caribou Land LLC, Grouse Creek Ranch Subdivision is requesting a water rights transfer for a portion of Water Right No. 24-10700 as modified to change the place of use for 4.0 ac of irrigation and deletion of a point of diversion that will not be used.

The transfer will provide water for irrigation of areas A and B-1 and along Stock Lane. See attached map; Water will be diverted from Grouse Creek south of Grouse Loop; See attached map. The water will be diverted at the existing concrete irrigation box with a bypass and stainless steel screen section connected to a 2-inch diameter PVC pipe. The 2-inch pipe will be long enough to allow installation of a lockable flow meter, if required by IDWR. The 2-inch pipe will allow 36 gpm at 3.6 fps to flow out of the creek and into area B-1. The 2-inch pipe will connect into a 3-inch diameter PVC pipe with valves and cleanout/blowoff and into B-1.

The 36 gpm or 0.08 cfs is allowed for 4.0 ac of irrigation. Area "A" is 0.39 ac, Area "B-1" is 0.42 ac and along Stock Lane is 3.19, giving 4.0 ac total. All 36 gpm will flow into Area "B-1" and then flow out of "B-1" and into a 3-inch pipe which will pass under Grouse Creek near the south end of the arch culvert on Grouse Loop. The 3-inch pipe will follow along the south side of Grouse loop, east toward Stock Lane, then discharge into the 12-inch diameter culvert under Grouse Loop. The culvert discharges into Area "A"; see attached map. The flow of 32 gpm will flow through Area "A" and into a piping system to irrigate along Stock Lane, using buried piping and drip lines. The water flowing out of "A" should be about 28 gpm and will be picked up by a buried pipe system with an intake screen and drip lines to irrigate trees and plants.

All pipes will have valves and cleanout/blowouts to control flows and cleanout pipes and/or blowout pipes for winter shutdown. The pipe lines will be buried to protect from freezing.

The point of diversion to be abandoned is in the NESENE of Section 8, Township 5 South, Range 46 E, B.M. The point will not be used in the future.

The 20.5 ac of water rights that will be left will may be put into the rental bank program that is administrated by the IDWR.

Caribou Lands has applied for and been approved a temporary water right until June 14, 2011 to finish working on the fish/fire pond and the new alignment for Grouse Creek north of Grouse Loop towards Hwy 34. The water will be pumped into the pond and alignment to allow better control of the flow in Grouse Creek. As the pond and alignments are completed, the entire flow will be diverted into the new alignment including the pond.

Part 1B.3.

3. Points of Diversion

Grouse Creek point of diversion in the NESENE will be deleted and will not be used when this transfer is approved.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75471

This is to certify that: CARIBOU LANDS LLC
14400 N 76TH PL
SCOTTSDALE AZ 85260
(480) 368-5205

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
24-10700	WR/Decreed	12/15/1902	0.55 cfs	N/A	N/A	27.5	SCHIESS CREEK

Purpose of Transfer (Changes Proposed)

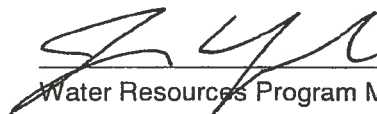
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
24-10700	NO	NO	YES	YES	YES	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
24-10700	24-10700	0.49 cfs	N/A	N/A	24.5		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.49 cfs	N/A	N/A	24.5		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 20th day of July, 20 10



Water Resources Program Manager

WATER RIGHT NO. 24-10700
As Modified by Transfer No. 75471

In accordance with the approval of Transfer No. 75471, Water Right No. 24-10700 is now described as follows.

Right Holder: CARIBOU LANDS LLC
 14400 N 76TH PL
 SCOTTSDALE AZ 85260

Priority Date: December 15, 1902

Source: GROUSE CREEK

Tributary: TIN CUP CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
WILDLIFE STORAGE	01/01	to 12/31		5.6 AF
FIRE PROTECTION STORAGE	01/01	to 12/31		5.6 AF
RECREATION STORAGE	01/01	to 12/31		5.6 AF
IRRIGATION	06/15	to 09/01	0.49 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUSE CREEK	NESENW	Sec. 8	Twp 05S	Rge 46E	CARIBOU County
GROUSE CREEK	SESENW	Sec. 8	Twp 05S	Rge 46E	CARIBOU County
GROUSE CREEK	NENESW	Sec. 8	Twp 05S	Rge 46E	CARIBOU County

PLACE OF USE: WILDLIFE STORAGE, FIRE PROTECTION STORAGE, RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	46E	8																	X

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	46E	8																	4.5 20.0 24.5

Total Acres: 24.5

WATER RIGHT NO. 24-10700
As Modified by Transfer No. 75471

CONDITIONS OF APPROVAL

1. The pond established by the storage of water under this right shall not exceed a total capacity of 4.6 acre-feet or a total surface area of 0.7 acres.
2. Right 24-10700 authorizes the diversion of an annual total of 5.6 acre-feet to be used for the initial filling of the pond and for the replacement of losses caused by evaporation from the pond and for replacement of losses caused by transpiration from riparian vegetation.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
8. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
10. The right holder shall install and maintain an impermeable liner in the pond to eliminate seepage losses.
11. The diversion and use of water under Transfer 75471 may also be subject to a separate agreement between the right holder and the Idaho Department of Fish and Game.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 20th day of July, 20 10


 Water Resources Program Manager

10/13

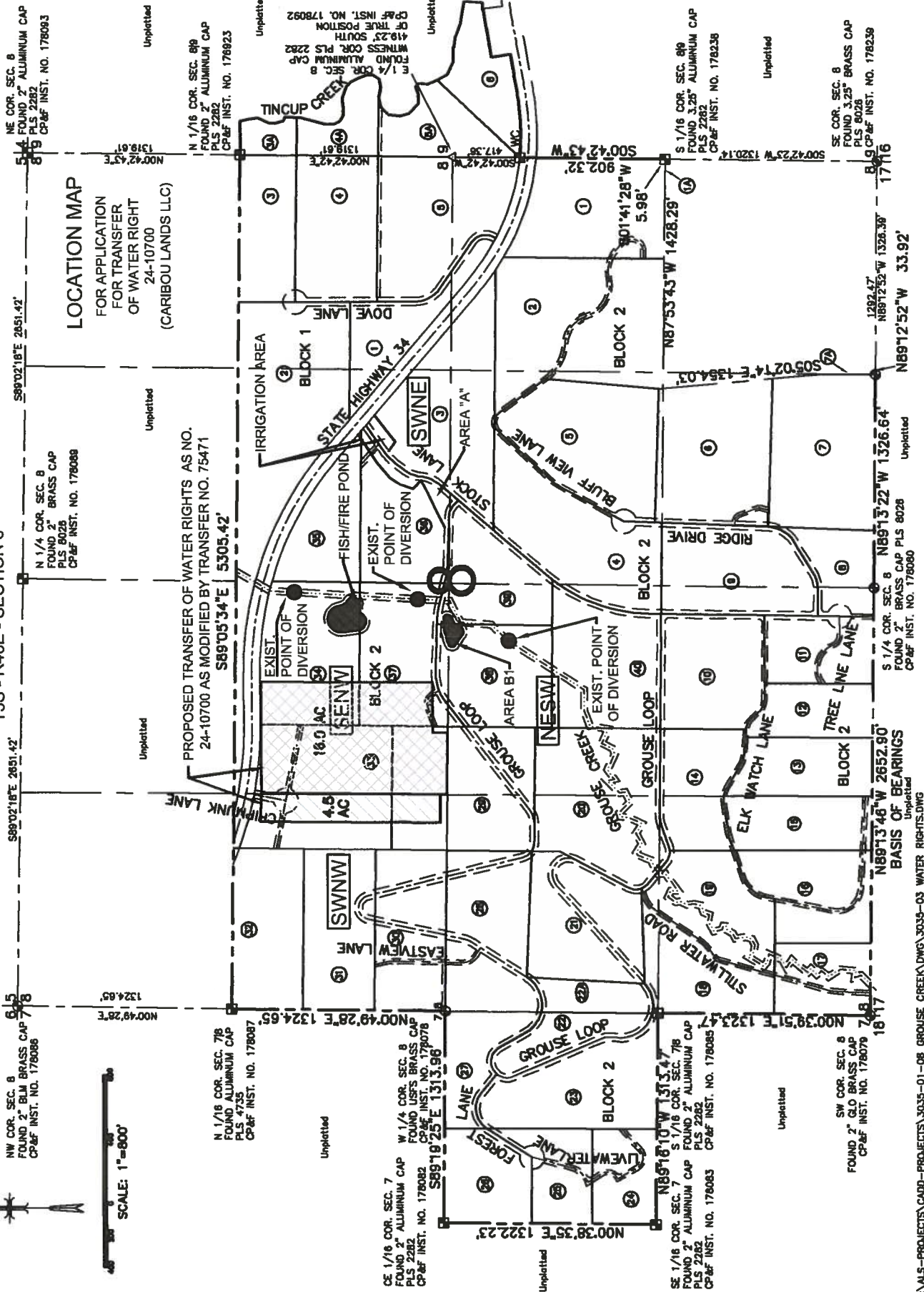
REVISED 4/6/11

CARIBOU LANDS LLC GROUSE CREEK RANCH SUB.



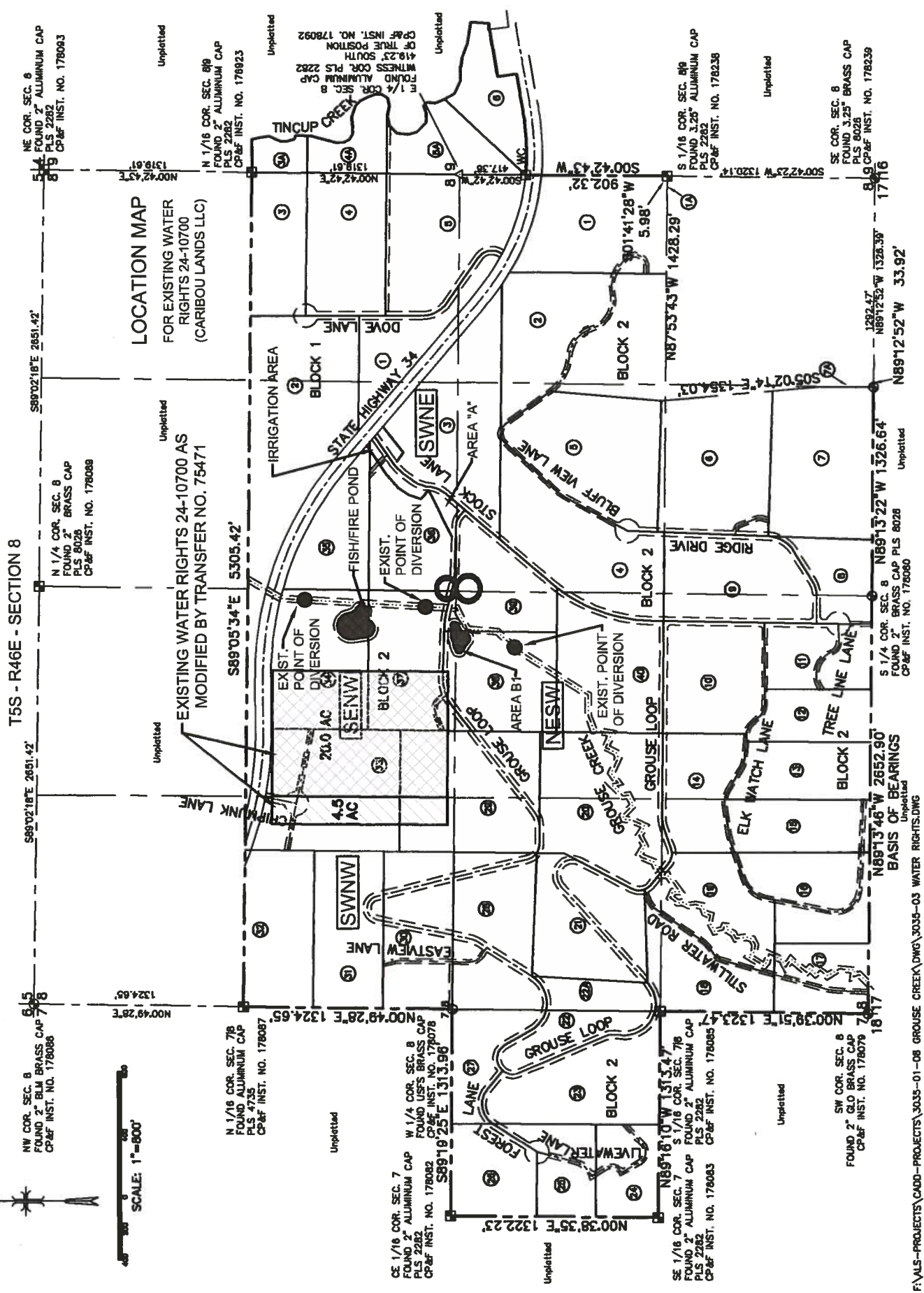
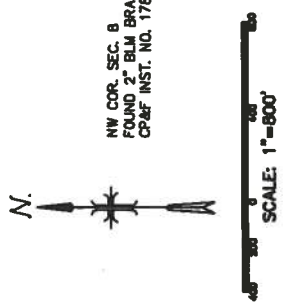
SCALE: 1"=800'

T5S - R46E - SECTION 8



REVISED 4/6/11

CARIBOU LANDS LLC
GROUSE CREEK RANCH SUB.





12/13

**CARIBOU LANDS LLC
GROUSE CREEK RANCH SUB.**

PROPOSED TRANSFER OF WATER RIGHTS NO. 24-10700
AS MODIFIED BY TRANSFER NO. 75471
(WEST SIDE)

77 234





13/13

**CARIBOU LANDS LLC
GROUSE CREEK RANCH SUB.**

PROPOSED TRANSFER OF WATER RIGHTS NO. 24-10700
AS MODIFIED BY TRANSFER NO. 75471
(EAST SIDE)



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77234

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

- | <u>Yes</u> | <u>N/A</u> | |
|-------------------------------------|--------------------------|--|
| ☒ | ☐ | * Means the item is <u>always required</u> and must be included with the application. |
| ☒ | ☐ | * Completed Application for Transfer of Water Right form, Part 1. |
| ☒ | ☐ | * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative. |
| ☒ | ☐ | * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded. |
| ☒ | ☐ | * Complete and attach an Application for Transfer Part 2B for <u>each water right</u> for which <u>only a portion</u> is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf |
| ☒ | ☐ | * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s). |
| ☒ | ☐ | * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.) |

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- | | | |
|-------------------------------------|-------------------------------------|--|
| ☐ | ☒ | #1 If the applicant is a business, partnership, organization, or association, and <u>not</u> currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.) |
| ☐ | ☒ | #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. |
| ☐ | ☒ | #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). |
| ☐ | ☒ | #3 Documentation of authority to make the change if the applicant is not the water right owner. |
| ☐ | ☒ | #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.) |
| ☐ | ☒ | #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm . |
| ☐ | ☒ | #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.) |
| ☒ | ☐ | * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.) |
| ☒ | ☐ | * #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. |
| ☐ | ☒ | #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) |
| ☐ | ☒ | #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.) |
| ☐ | ☐ | #9 Other. Please describe: _____ |

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