

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/26/2023

Water Right 37-215D After Split

Owner Type **Name and Address**
Current Owner PICABO LIVESTOCK CO INC
 PO BOX 748
 PICABO, ID 83348
 (208) 788-3530

Priority Date: 3/31/1877

Basis: Decreed

Status: Active

Source
LOVING CREEK
SILVER CREEK

Tributary
SILVER CREEK
LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	3.980 CFS	
STOCKWATER	01/01	12/31	0.080 CFS	
	<u>Total Diversion</u>		3.980 CFS	

Source and Point(s) of Diversion:

LOVING CREEK	NESENW	Sec. 24, Twp 01S, Rge 19E, BLAINE County
SILVER CREEK	SWSWSE	Sec. 20, Twp 01S, Rge 20E, BLAINE County
SILVER CREEK	NESW	Sec. 20, Twp 01S, Rge 20E, BLAINE County
SILVER CREEK	NWSW	Sec. 26, Twp 01S, Rge 20E, BLAINE County
SILVER CREEK	SWNENW	Sec. 30, Twp 01S, Rge 20E, BLAINE County
SILVER CREEK	L1(NENWNW)	Sec. 30, Twp 01S, Rge 20E, BLAINE County

Place Of Use:

STOCKWATER within BLAINE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	20E	19	X			X							X L4	X	X	X	X	X	
01S	20E	20						X	X		X	X	X	X	X	X	X	X	
01S	20E	21			X	X					X	X	X	X	X	X	X	X	
01S	20E	22							X	X	X	X	X	X					
01S	20E	26										X	X	X					
01S	20E	27		X	X		X	X	X	X	X	X	X	X	X	X	X	X	
01S	20E	28	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
01S	20E	29	X	X	X	X	X	X	X	X	X			X	X	X	X	X	

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01S	20E	30	X	X	X	X	X	X	X							X	X	X	X	
01S	20E	31	X	X		X														
01S	20E	33	X	X				X												
01S	20E	34	X	X				X	X											
01S	20E	35							X	X										

IRRIGATION within BLAINE County

			NE				NW				SW				SE					
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals	
01S	20E	19	40.0			39.0							38.0 L4	39.0	26.0	32.0	35.0	37.0	286.0	
01S	20E	20					40.0	40.0		30.0	38.0	19.0	19.0	40.0	36.0	11.0	36.0		309.0	
01S	20E	21			40.0	27.0				40.0	40.0	40.0	36.0	40.0	40.0	37.0	28.0		368.0	
01S	20E	22							23.0	19.0	6.8	36.0	37.0	27.0					148.8	
01S	20E	26									14.0	36.0	3.0						53.0	
01S	20E	27		20.0	29.0		36.0	18.0	32.0	22.0	15.0	24.0	0.6	7.0	30.0	16.0	25.0	36.0	310.6	
01S	20E	28	20.0	24.0	34.0	29.0	17.0	22.0	40.0	38.0	40.0	40.0	32.0	38.0	40.0	40.0	36.0	6.4	496.4	
01S	20E	29	29.0	38.0	40.0	40.0	33.0	27.0	33.0	40.0	36.0				40.0	39.0	2.8	29.0	426.8	
01S	20E	30	30.0	35.0	40.0	31.0	18.0	2.0 L1		15.0					37.0	40.0	35.0	40.0	323.0	
01S	20E	31	40.0	15.0		40.0													95.0	
01S	20E	33	4.9	19.0			4.4												28.3	
01S	20E	34	40.0	40.0			34.0	0.5											114.5	
01S	20E	35						41.0	25.0										66.0	

Right Acre Limit: 199.20
POU Total Acres: 3,025.4

Conditions of Approval:

1. X27 This right is limited to the irrigation of 200 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-2627A, 37-11892, 37-11898, 37-11900, 37-11903, 37-11911, 37-11914, 37-20609, 37-23408, 37-23412, 37-23414, 37-23415, & 37-23416 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the points of diversion of 17,096.6 af. rate of 0.17 cfs and a total annual maximum diversion volume of 15.6 af at the point of diversion for stockwater purposes.
3. 192 When water is diverted under this right at the Point of Diversion, located in TWP 01S, RNG 20E, Sec. 20 NESW, the watermaster shall deliver 0.22 cfs from the following rights: 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, 37-20609, 37-23408, 37-23412, 37-

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- 23415, & 37-23416 into the point of diversion, located in TWP 01S, RNG 19E, Sec. 24 NESENW, locally known as the Gillihan Ditch, to mitigate for injury to other water users which have historically relied on sharing ditch loss with the right owner. Future adjustment to the amount needed for mitigation may be made by IDWR if improved conveyance loss analysis is developed. If water use from the headgate located in TWP 01S, RNG 20E, Sec. 20 NESW is curtailed the mitigation requirement ceases.
4. The Silver Creek point of diversion located in TWP 01S, RNG 20E, Sec. 20 NESW is limited to a maximum diversion rate of 10 cfs, when diverted under rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, 37-20609, 37-23408, 37-23412, 37-23415, & 37-23416.
5. The Silver Creek point of diversion located in TWP 01S, RNG 20E, Sec. 26 NWSW is limited to a maximum diversion rate of 6 cfs, when diverted under rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, 37-20609, 37-23408, 37-23412, 37-23415, & 37-23416.
6. R05 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. 37.
7. R43 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).
8. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
9. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
10. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. T19 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.
13. As long as the dike situated in the SE1/4SE1/4NE1/4, Section 27, T.1S., R.20E., B.M., Blaine County, Idaho, located approximately at Latitude N 43° 18.586' and Longitude W 114° 03.483', is maintained so as to prevent the waters of Silver Creek from wasting through sink holes, Water Rights 37-215G and 37-215D, and all splits therefrom, are for saved or salvaged water and shall therefore have the prior and exclusive right to the delivery of 6.4 cfs of the waters of Silver Creek, as established by, controlled by, and subject to the provisions within the Frost v. Alturas Water Company decree (Lincoln County District Court, December 13, 1909). Accordingly, they shall not be subject to the priority system during calls in times of scarcity. The above described dike was first constructed on 6-1-1899. This date is listed solely for purpose of documenting when the saved and salvaged water was first put to beneficial use, and not for purpose of subjecting this right (or any splits therefrom) to

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priority calls based upon this date.

Comments:

- 1 pskaggs 5/7/2004 Transferred Right
This is now a approved transfer, transfer number = 69626

- 2 tfawcett 10/14/2009 Updated conditions
Conditions updated to reflect preliminary order changing transfer approvals dated 8/12/2009.

- 3 scellan 5/13/2010 update to priority date
Added Priority Date remark regarding perpetual use right.

- 4 djones 8/13/2013 Water Right
This water right record was updated by decree record from old RightID 36893 to new RightID 577665

- 5 jcooper 10/9/2013 Updated Shape
Updated PODShape

- 6 amerritt 11/22/2013 Transferred Right
This is now an approved transfer. Transfer Number = 78831

- 7 wmills 1/9/2015 Updated Shape
Updated PODShape

- 8 amerritt 1/27/2015 Transferred Right
This is now an approved transfer. Transfer Number = 79437

- 9 djudd 1/26/2023 Split Right
Split into 37-215D and 37-23412 due to change in ownership.

- 10 djudd 1/26/2023 POU
Updated Shape

Dates and Other Information:

Decreed Date: 11/30/2010
State or Federal: S
Water District Number: 37
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
72.780	9,489.6	2,711.3

Water Rights

37-2627A ,37-11911 ,37-11914 ,37-21 ,37-22 ,37-186 ,37-187 ,37-189 ,37-213 ,37-215D ,37-333 ,37-351A ,37-352A ,37-377 ,37-378 ,37-695

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72.780	9,489.6	2,711.3	,37-942 ,37-2405 ,37-11892 ,37-11898 ,37-11900 ,37-11903 ,37-20609 ,37-23408 ,37-23412 ,37-23414 ,37-23415 ,37-23416 ,37-21 ,37-22 ,37-186 ,37-187 ,37-189 ,37-213 ,37-215D ,37-333 ,37-351A ,37-352A ,37-377 ,37-378 ,37-695 ,37-942 ,37-2405 ,37-11892 ,37-11898 ,37-11900 ,37-11903 ,37-20609 ,37-23408 ,37-23412 ,37-23415 ,37-23416 ,37-21 ,37-22 ,37-186 ,37-187 ,37-189 ,37-213 ,37-215D ,37-333 ,37-351A ,37-352A ,37-377 ,37-378 ,37-695 ,37-942 ,37-2405 ,37-11892 ,37-11898 ,37-11900 ,37-11903 ,37-20609 ,37-23408 ,37-23412 ,37-23415 ,37-23416
72.780	9,505.2		

SubCase:

SubCaseNumber: 37-215D

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent:

Basis of Claim: Decreed

Date Filed: 11/9/2007

Objection Status: Active

Water Supply Bank:

N/A

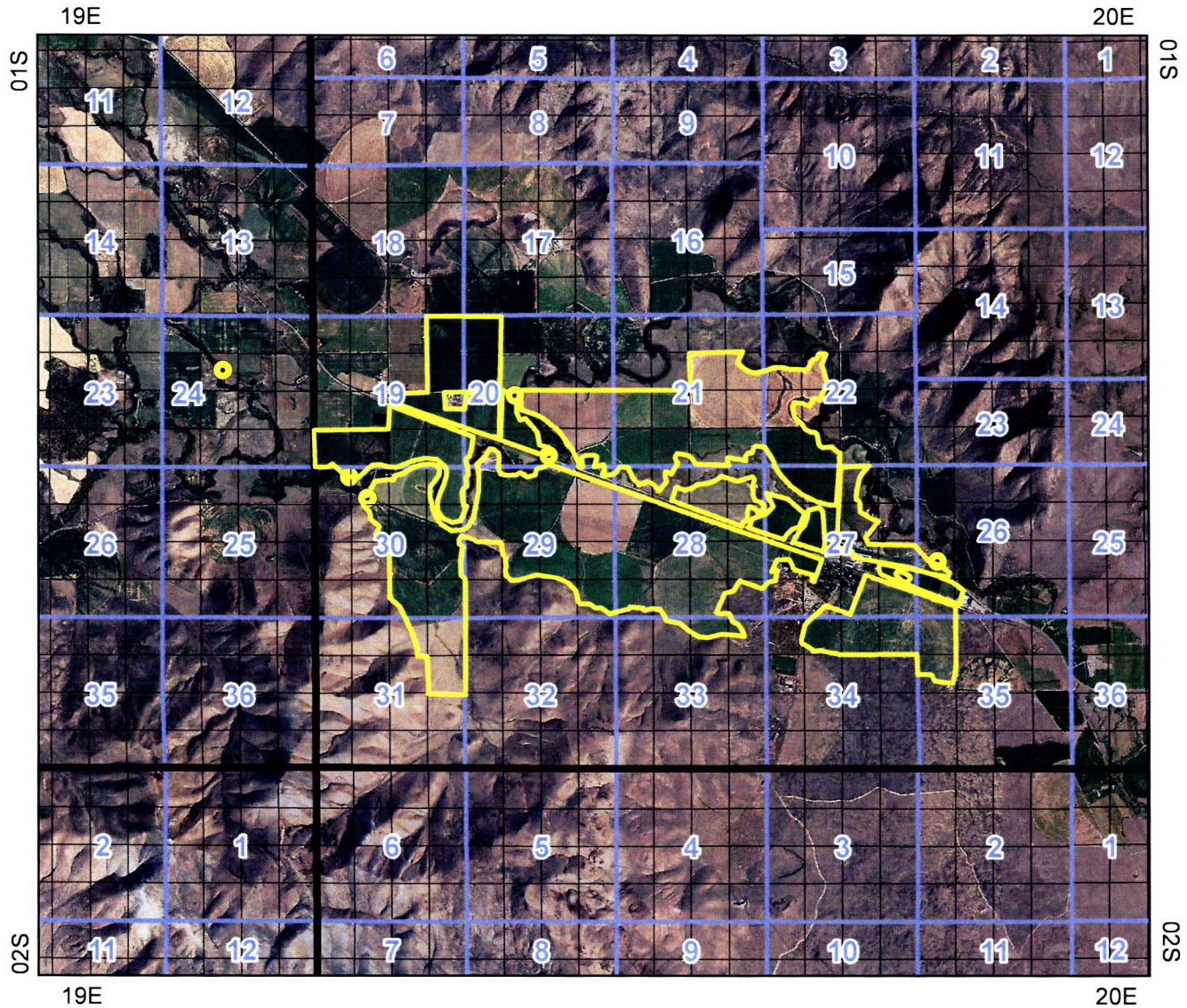
SCANNED
JAN 31 2023

State of Idaho
Department of Water Resources

Water Right

37-215 D

After Split



- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Point of Diversion

SCANNED
JAN 31 2023

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1/25/2023

Water Right 37-215D Before Split

Owner Type **Name and Address**
Current Owner PICABO LIVESTOCK CO INC
 PO BOX 748
 PICABO, ID 83348
 (208) 788-3530

Priority Date: 3/31/1877

Basis: Decreed

Status: Active

Source
LOVING CREEK
SILVER CREEK

Tributary
SILVER CREEK
LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	4.000 CFS	
STOCKWATER	01/01	12/31	0.080 CFS	
	<u>Total Diversion</u>		4.000 CFS	

Source and Point(s) of Diversion:

LOVING CREEK	NESENW	Sec. 24, Twp 01S, Rge 19E, BLAINE County
SILVER CREEK	SWSWSE	Sec. 20, Twp 01S, Rge 20E, BLAINE County
SILVER CREEK	NESW	Sec. 20, Twp 01S, Rge 20E, BLAINE County
SILVER CREEK	NWSW	Sec. 26, Twp 01S, Rge 20E, BLAINE County
SILVER CREEK	SWNENW	Sec. 30, Twp 01S, Rge 20E, BLAINE County
SILVER CREEK	L1(NENWNW)	Sec. 30, Twp 01S, Rge 20E, BLAINE County

Place Of Use:

STOCKWATER within BLAINE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	20E	19	X			X							X L4	X	X	X	X	X	
01S	20E	20						X	X		X	X	X	X	X	X	X	X	
01S	20E	21			X	X					X	X	X	X	X	X	X	X	
01S	20E	22							X	X	X	X	X	X					
01S	20E	26										X	X	X					
01S	20E	27		X	X		X	X	X	X	X	X	X	X	X	X	X	X	
01S	20E	28	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
01S	20E	29	X	X	X	X	X	X	X	X	X			X	X	X	X	X	

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01S	20E	30	X	X	X	X	X	X	L1		X					X	X	X	X	
01S	20E	31	X	X		X														
01S	20E	33	X	X				X												
01S	20E	34	X	X				X	X											
01S	20E	35							X	X										

IRRIGATION within BLAINE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	20E	19	40.0			39.0							38.0 L4	39.0	26.0	32.0	35.0	37.0	286.0
01S	20E	20						40.0	40.0		30.0	38.0	19.0	19.0	40.0	36.0	11.0	36.0	309.0
01S	20E	21			40.0	27.0					40.0	40.0	40.0	36.0	40.0	40.0	37.0	28.0	368.0
01S	20E	22								23.0	19.0	6.8	36.0	37.0	27.0				148.8
01S	20E	26										14.0	36.0	3.0					53.0
01S	20E	27		20.0	29.0		36.0	18.0	32.0	22.0	15.0	24.0	0.6	12.0	30.0	16.0	32.0	36.0	322.6
01S	20E	28	20.0	24.0	34.0	29.0	17.0	22.0	40.0	38.0	40.0	40.0	32.0	38.0	40.0	40.0	36.0	6.4	496.4
01S	20E	29	29.0	38.0	40.0	40.0	33.0	27.0	33.0	40.0	36.0				40.0	39.0	2.8	29.0	426.8
01S	20E	30	30.0	35.0	40.0	31.0	18.0	2.0 L1		15.0					37.0	40.0	35.0	40.0	323.0
01S	20E	31	40.0	15.0		40.0													95.0
01S	20E	33	4.9	19.0			4.4												28.3
01S	20E	34	40.0	40.0			34.0	0.5											114.5
01S	20E	35						41.0	25.0										66.0

Right Acre Limit: 200.00
POU Total Acres: 3,037.4

Conditions of Approval:

1. X27 This right is limited to the irrigation of 200 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-2627A, 37-11892, 37-11898, 37-11900, 37-11903, 37-11911, 37-11914, and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the points of diversion of 17,096.6 af. When combined these rights shall not exceed a total annual maximum diversion volume for irrigation purposes of 17,081 af at the point of diversion and the irrigation of 2711.3 acres. When combined these rights shall also not exceed a total diversion rate of 0.17 cfs and a total annual maximum diversion volume of 15.6 af at the point of diversion for stockwater purposes.
3. 192 When water is diverted under this right at the Point of Diversion, located in TWP 01S, RNG 20E, Sec. 20 NESW, the watermaster shall deliver 0.22 cfs from the following rights: 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-

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1/25/2023

use, and not for purpose of subjecting this right (or any splits therefrom) to
priority calls based upon this date.

Comments:

- | | | | |
|---|----------|------------|-------------------------|
| 1 | pskaggs | 5/7/2004 | Transferred Right |
| This is now a approved transfer, transfer number = 69626 | | | |
| | | | |
| 2 | tfawcett | 10/14/2009 | Updated conditions |
| Conditions updated to reflect preliminary order changing transfer approvals dated 8/12/2009. | | | |
| | | | |
| 3 | sclellan | 5/13/2010 | update to priority date |
| Added Priority Date remark regarding perpetual use right. | | | |
| | | | |
| 4 | djones | 8/13/2013 | Water Right |
| This water right record was updated by decree record from old RightID 36893 to new RightID 577665 | | | |
| | | | |
| 5 | jcooper | 10/9/2013 | Updated Shape |
| Updated PODShape | | | |
| | | | |
| 6 | amerritt | 11/22/2013 | Transferred Right |
| This is now an approved transfer. Transfer Number = 78831 | | | |
| | | | |
| 7 | wmills | 1/9/2015 | Updated Shape |
| Updated PODShape | | | |
| | | | |
| 8 | amerritt | 1/27/2015 | Transferred Right |
| This is now an approved transfer. Transfer Number = 79437 | | | |

Dates and Other Information:

Decreed Date: 11/30/2010
State or Federal: S
Water District Number: 37
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
72.780	9,489.6	2,711.3

Water Rights

37-2627A ,37-11911 ,37-
11914 ,37-21 ,37-22
,37-186 ,37-187 ,37-189
,37-213 ,37-215D ,37-
333 ,37-351A ,37-352A
,37-377 ,37-378 ,37-695
,37-942 ,37-2405 ,37-
11892 ,37-11898 ,37-
11900 ,37-11903 ,37-
20609

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72.780	9,489.6	2,711.3	37-21 ,37-22 ,37-186 ,37-187 ,37-189 ,37-213 ,37-215D ,37-333 ,37- 351A ,37-352A ,37-377 ,37-378 ,37-695 ,37-942 ,37-2405 ,37-11892 ,37- 11898 ,37-11900 ,37- 11903 ,37-20609
72.780	9,505.2		37-21 ,37-22 ,37-186 ,37-187 ,37-189 ,37-213 ,37-215D ,37-333 ,37- 351A ,37-352A ,37-377 ,37-378 ,37-695 ,37-942 ,37-2405 ,37-11892 ,37- 11898 ,37-11900 ,37- 11903 ,37-20609

SubCase:

SubCaseNumber: 37-215D

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent:

Basis of Claim: Decreed

Date Filed: 11/9/2007

Objection Status: Active

Water Supply Bank:

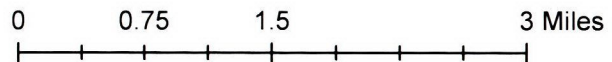
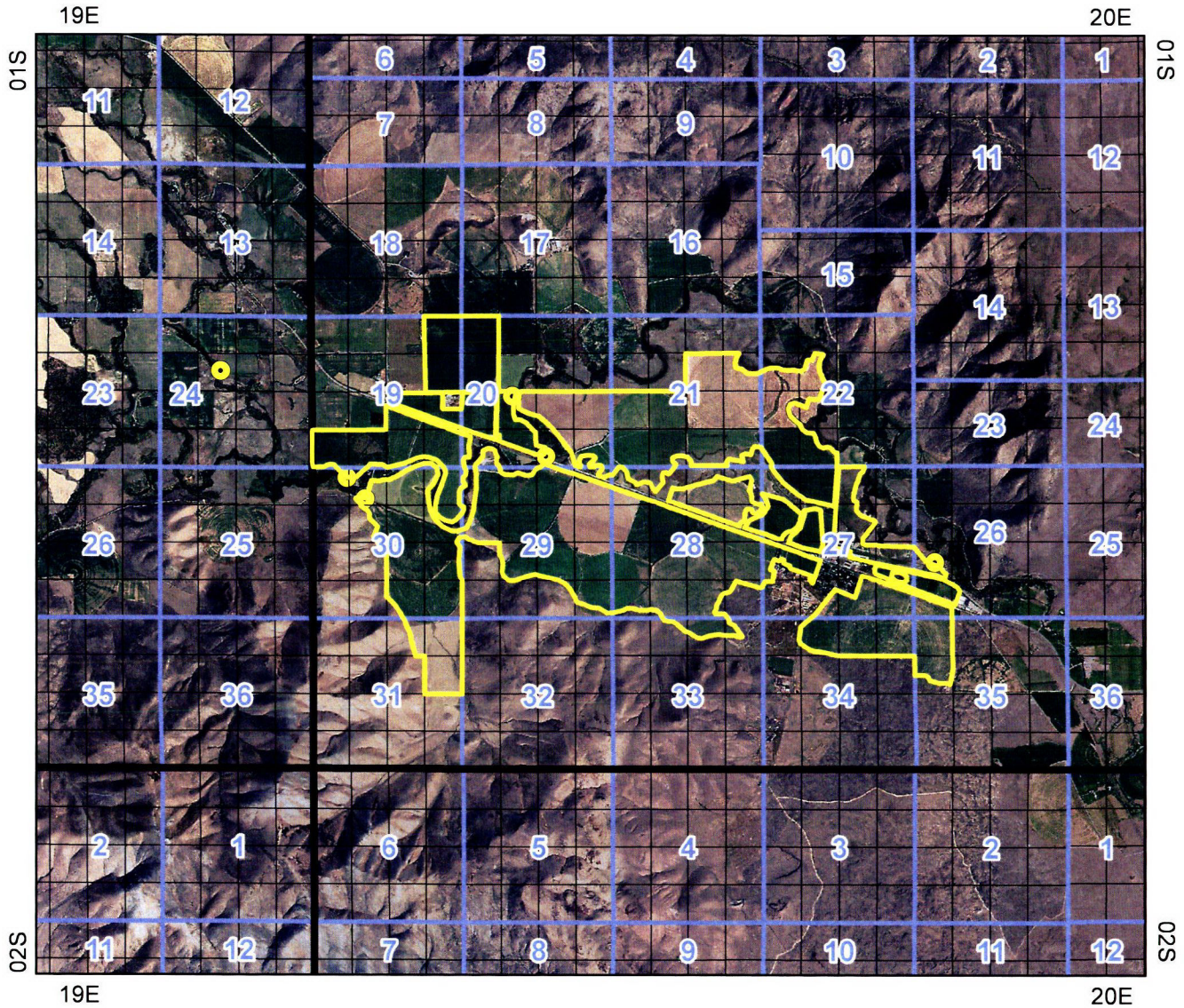
N/A

State of Idaho
Department of Water Resources

Water Right

37-215D

Before Split



-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion

SCANNED
JAN 31 2023



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
JAN 04 2023
DEPARTMENT OF
WATER RESOURCES

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
37-2627A	Yes ☒	Yes ☐	+ 37-23414	Yes ☐	Yes ☐
37-20609	Yes ☒	Yes ☐	+ 37-23416	Yes ☐	Yes ☐
37-11900	Yes ☒	Yes ☐	+ 37-23415	Yes ☐	Yes ☐
37-21	Yes ☒	Yes ☐	+ 37-23408	Yes ☐	Yes ☐
37-215D	Yes ☒	Yes ☐	+ 37-23412	Yes ☐	Yes ☐

2. Previous Owner's Name: Picabo Livestock Company Inc
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Picabo Brewing Company LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- | | | | |
|------------------------|-------------------------------|--------------|--------------|
| <u>PO Box 675</u> | <u>Picabo</u> | <u>ID</u> | <u>83348</u> |
| <u>Mailing address</u> | <u>City</u> | <u>State</u> | <u>Zip</u> |
| <u>952-334-4502</u> | <u>fctonnemaker@gmail.com</u> | | |
| <u>Telephone</u> | <u>Email</u> | | |
4. If the water rights and/or adjudication claims were split, how did the division occur?
☒ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: April 24, 2018
6. Do you own the land identified as the water right place of use? Yes ☐ No ☒
 o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: 
 Signature of new owner/claimant
Frank C. Tonnemaker
 Print name

President
 Title, if applicable

12.24.22

Date

Signature: _____
 Signature of new owner/claimant

 Print name

 Title, if applicable

Date

Received by KU Date 1. 4. 23

For IDWR Office Use Only:
 Receipt No. C115031

Receipt Amt. 500 --

Active in the Water Supply Bank? Yes ☐ No ☐

If yes, forward to the State Office for processing

W-9 received? Yes ☐ No ☐

Name on W-9 _____

Approved by _____

Processed by dj

Date 1/26/23

SCANNED
JAN 31 2023