

AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT AMENDED
MINIMUM REQUIREMENTS CHECKLIST

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 and water right proof report or details report for Part 2A of the transfer application 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. * Means the item is always

Yes N/A required and must be included with application.

RECEIVED
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- * Completed Application for Transfer of Water Right form, Part 1.
- * Notarized signature of applicant(s) or applicant's authorized representative on first page of transfer application. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- * Application for Transfer Part 2A. Attach a Proof Report (obtained from Department) or Details Report (obtained on website) describing each water right in the transfer as currently recorded.
- Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- * 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. (See last page of the 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 not 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 Department 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/water/rights/>.
- #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.b.)
- * #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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant Charles and Janice DeGroot

Phone (208) 495-2131

Mailing address 10394 Melmont Rd., Melba, Idaho 83641

Email _____

- 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 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**.

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.

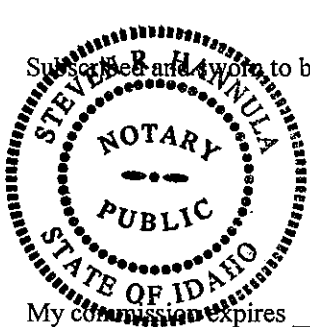
Janice De Groot
Charles De Groot
Signature of Applicant or Authorized Representative

Janice De Groot
Charles De Groot
Print Name and Title if applicable

- If signed by an authorized representative, attach Power of Attorney or documentation providing authority to sign on the applicant's behalf. Also attach documentation providing authority for others – consultants, attorneys or representatives – to act on the applicant's behalf. Label these documents **Attachment #4**.

Representative's name and mailing address _____

Phone _____ Email _____



Subscribed and sworn to before me this 7th day of January, 20 09.

Steve R Hennrich
(Notary Public)

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 _____

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. Adjust the stockwater POU to allow final buildout to progress south instead of west. Add two PODs to provide flexibility in locating a future well/replacement well. Adjust irrigation POU to a Permissible Place of Use.**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**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. <u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
63-2823C	5.0/2407.5	Irrigation	3/15 to 11/15	Ground Water / N/A
63-2823C	0.78/123.4	Stockwater	1/1 to 12/31	Ground Water / N/A
63-2823C	0.78/167.1	Commercial	1/1 to 12/31	Ground Water / N/A
63-2823C	0.06/2.4	Domestic	1/1 to 12/31	Ground Water / N/A
63-3049C	2.3/1117.7	Irrigation	3/15 to 11/15	Ground Water / N/A
63-3049C	0.35/72.3	Stockwater	1/1 to 12/31	Ground Water / N/A
63-3049C	0.35/97.8	Commercial	1/1 to 12/31	Ground Water / N/A

Total 8.43 cfs and/or 2700.4 ac-ft

2. Total amount of water being transferred or changed 8.43 cubic feet per second and/or 2700.4 acre-feet per annum.

3. Point(s) of Diversion:

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 #
			SE	NE	17	1N	2W	CANYON	Ground water	#1 (irrig)
			NE	SE	17	1N	2W	CANYON	Ground water	#2, #4, and #5
			SW	SE	17	1N	2W	CANYON	Ground water	#3 (irrig)
			NE	SE	17	1N	2W	CANYON	Ground water	Proposed Well #1
			SE	SE	17	1N	2W	CANYON	Ground water	Proposed Well #2

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	2W	17	40	40	40	40	40	40	40	40	40	40	37	40	40	40	40	40	637
															C/S	C/S	C/S	C/S	

Total Acres (for irrigation use) 535 acres

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: Currently three wells (200 hp, 100 hp, and a 100 hp) serve the irrigation needs of 3 pivots and hand lines. 2 wells (30 hp and 25 hp pumps) serve the dairy. Well #2 is cross connected to both irrigation and dairy. Proposed well(s) will be cross-connected to both irrigation and dairy systems.
- b. 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: NONE

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.

- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: The number of irrigated acres will not change. A portion of the new POU for Stockwater will be retired from irrigation.
- d. 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: Snake River rights 02-2196 and 02-2363 are used as supplemental water rights on the land, but are junior in priority to the ground water rights and are used that way.

e. 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 1 B.1. of the application, attach a Proof Report (obtained from Department) or Details Report (obtained from website @ <http://www.idwr.idaho.gov/apps/ExtSearch/SearchWRAJ.asp>) Label it Part 2A.

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.

Right Number: 63-2823C – Entire right is changed

1. amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

3. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			

Total Acres _____

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Close

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommended Right Report

1/7/2009

Part 2A

WATER RIGHT NO. 63-2823C

Owner Type	Name and Address
Current Owner	CHARLES DE GROOT
Current Owner	JANICE DE GROOT 10394 MELMONT RD MELBA, ID 83641 (208)495-2131
Original Owner	KENNETH D TIEGS
Original Owner	PHYLLIS TIEGS 10305 MELMONT RD MELBA, ID 83641 (208)495-2272

Priority Date: 07/24/1950

Basis: License

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	5 CFS	2407.5 AFA
STOCKWATER	01/01	12/31	0.78 CFS	123.4 AFA
COMMERCIAL	01/01	12/31	0.78 CFS	167.1 AFA
DOMESTIC	01/01	12/31	0.06 CFS	2.4 AFA
Total Diversion			5.78 CFS	

Location of Point(s) of Diversion:

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GROUND WATER	SENE	Sec. 17	Township 01N	Range 02W	CANYON County
GROUND WATER	NESE	Sec. 17	Township 01N	Range 02W	CANYON County
GROUND WATER	NESE	Sec. 17	Township 01N	Range 02W	CANYON County
GROUND WATER	SWSE	Sec. 17	Township 01N	Range 02W	CANYON County

DOMESTIC Use:
Number of homes: 2

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	02W	17		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	33		NWNW	33		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	40		SENE	40
				NWSE	3		SWSE	30		SESE	36			

Place of Use Legal Description: STOCKWATER CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	02W	17		NESW										
				NESE			NWSE							

Place of Use Legal Description: COMMERCIAL CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	02W	17		NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENE	
				NESW			NWSW			SWSW			SENE	
				NESE			NWSE			SWSE			SESE	

Place of Use Legal Description: DOMESTIC CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	02W	17		SWSE										

Total Acres: 535

Conditions of Approval:

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1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	046	Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3.	082	The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
4.	081	Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
5.	T17	Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6.	T08	Failure of the right holder to comply with the conditions of 5810 is cause for the Director to rescind approval of the transfer.
7.	S39	The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
8.	R32	This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
9.	E60	Right Nos. 63-2823C and 63-3049C are limited to a total combined diversion rate of 1.13 cfs for Stockwater and Commercial uses at a dairy, and to a total combined annual diversion volume of 123.4 AF for Stockwater use, 167.1 AF for Commercial use and 2407.5 AF at the field headgate fro Irrigation of 535 acres.
10.	C05	Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1 B.1. of the application, attach a Proof Report (obtained from Department) or Details Report (obtained from website @ <http://www.idwr.idaho.gov/apps/ExtSearch/SearchWRAI.asp>) Label it **Part 2A**.

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.

Right Number: 63-3049C – Entire right is changed

1. amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

3. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

Total Acres _____

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Close

Part 2 A

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommended Right Report

1/7/2009

WATER RIGHT NO. 63-3049C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHARLES DE GROOT
Current Owner	JANICE DE GROOT 10394 MELMONT RD MELBA, ID 83641 (208)495-2131
Original Owner	KENNETH D TIEGS
Original Owner	PHYLLIS TIEGS 10305 MELMONT RD MELBA, ID 83641 (208)495-2272

Priority Date: 05/31/1955

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	2.3 CFS	1117.7 AFA
STOCKWATER	01/01	12/31	0.35 CFS	72.3 AFA
COMMERCIAL	01/01	12/31	0.35 CFS	97.8 AFA
Total Diversion			2.65 CFS	

Location of Point(s) of Diversion:

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GROUND WATER	SENE	Sec. 17	Township 01N	Range 02W	CANYON County
GROUND WATER	NESE	Sec. 17	Township 01N	Range 02W	CANYON County
GROUND WATER	NESE	Sec. 17	Township 01N	Range 02W	CANYON County
GROUND WATER	SWSE	Sec. 17	Township 01N	Range 02W	CANYON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	02W	17		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	33		NWNW	33		SWNW	40		SENW	40
				NESW	40		NWSW	40		SWSW	40		SESW	40
				NWSE	3		SWSE	30		SESE	36			

Place of Use Legal Description: STOCKWATER CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	02W	17		NESW										
				NESE			NWSE							

Place of Use Legal Description: COMMERCIAL CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	02W	17		NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENW	
				NESW			NWSW			SWSW			SESW	
				NESE			NWSE			SWSE			SESE	

Total Acres: 535

Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	046	Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3.	082	The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
4.	081	Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

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5.	T17	Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6.	T08	Failure of the right holder to comply with the conditions of transfer 5810 cause for the Director to rescind approval of the transfer.
7.	S39	The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
8.	R32	This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
9.	E60	Right Nos. 63-2823C and 63-3049C are limited to a total combined diversion rate of 1.13 cfs for Stockwater and Commercial uses at a dairy, and to a total combined annual diversion volume of 123.4 AF for Stockwater use, 167.1 AF for Commercial use and 2407.5 AF at the field headgate for Irrigation of 535 acres.
10.	C05	Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

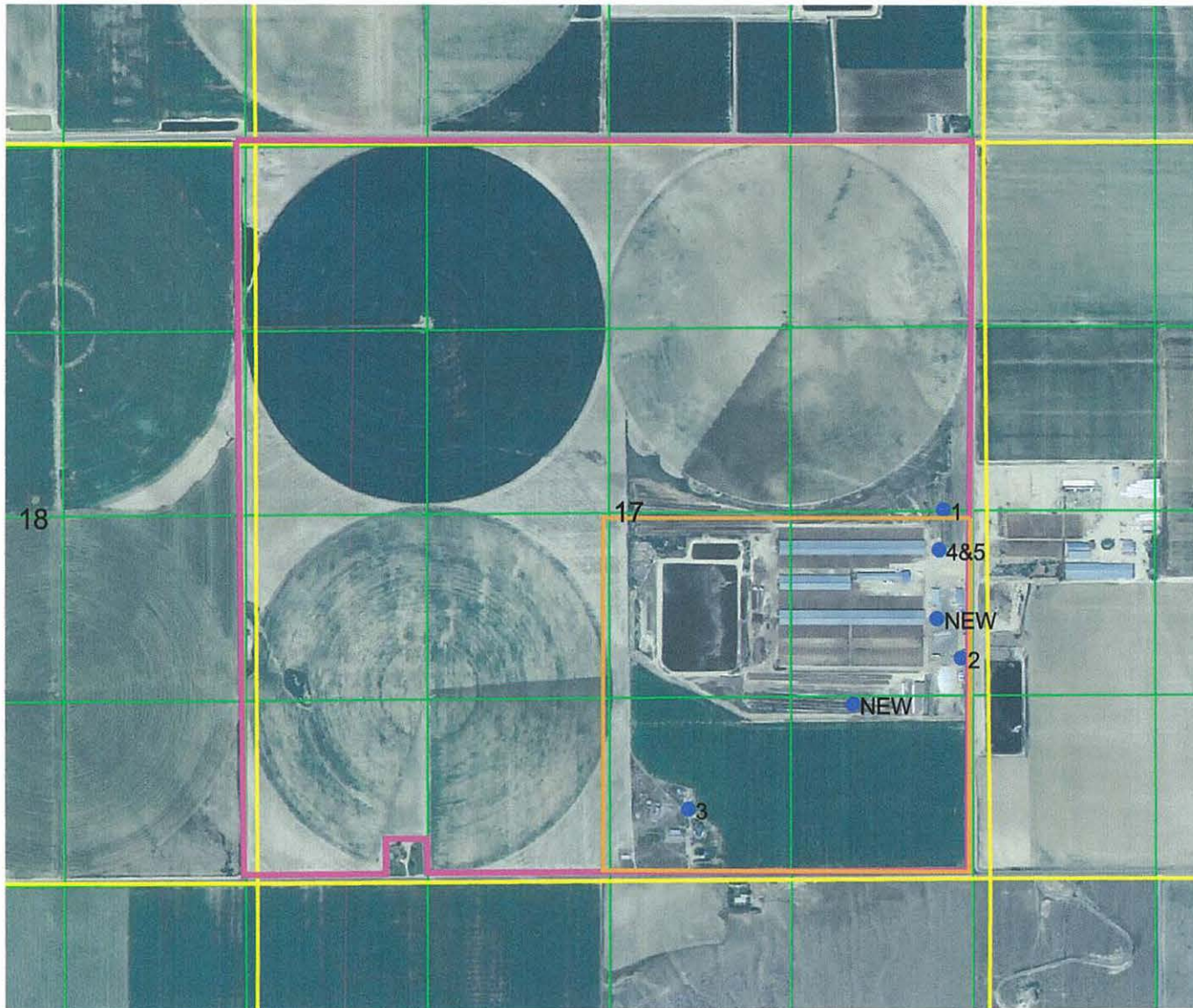
DLE Act Number:






Cary Act Number:

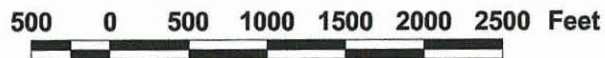
Mitigation Plan: False

**DeGroot Farm - Proposed PPU, Proposed POU
for Stockwater, and Commercial and New PODs
(T1N, R2W, section 17)**

Attachment #7a



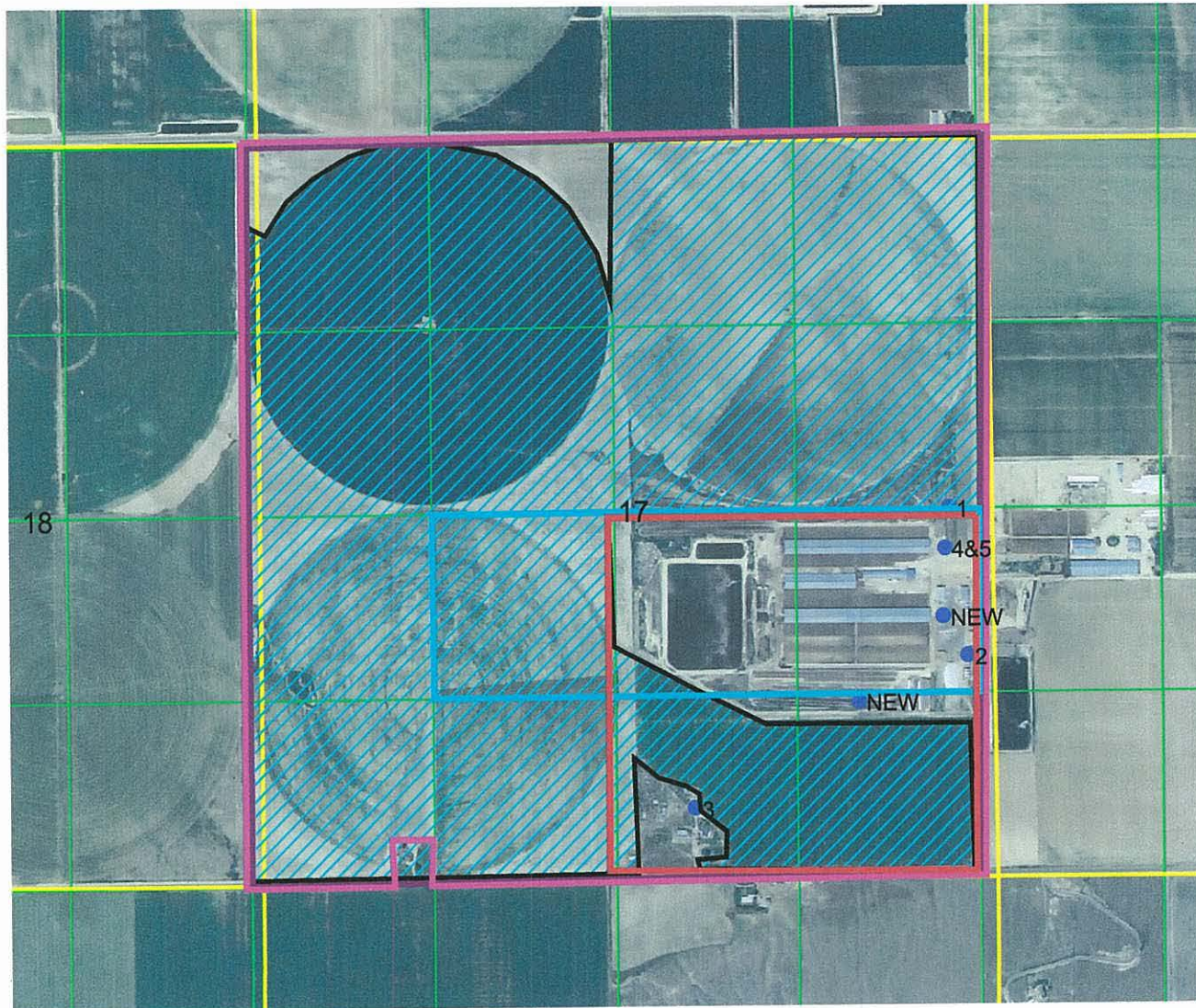
-  Proposed Stockwater and Commercial POU
-  Proposed Irrigation PPU
-  Wells
-  QQ
-  Section



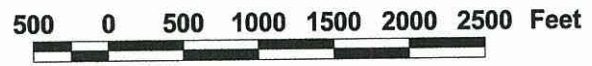
Prepared by ERO Resources
3314 Grace St.
Boise, ID 83703
(208) 373-7983
January 7, 2009

DeGroot Farm - Proposed and Existing POU for 63-2823C and 63-3049C
(T1N, R2W, Section 17)

Attachment #7b



- Proposed Stockwater and Commercial POU
- Proposed Irrigation PPU
- Existing Stockwater POU
- Existing Commercial POU
- Existing Irrigation POU 63-3049C & 63-2
- Wells
- Sections
- QQ



Prepared by ERO Resources
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January 7, 2009