

HOFSTETTER LAW OFFICE

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November 5, 2010

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DEPARTMENT OF
WATER RESOURCES

Via Hand Delivery

Jeff Peppersack
Bureau Chief – Water Allocation Bureau
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Transfer No. 71619

Dear Mr. Peppersack:

On behalf of Basin and Range Resource Company, LLC, I enclose a Petition to Rescind Transfer No. 71619. As we discussed previously, the planned dairy which was the reason for Transfer No. 71619 never was constructed and Transfer No. 71619 never has been implemented. Due to the SRBA Court's schedule, the Court is no longer willing to hold the related water right Subcases in abeyance. Therefore, rather than proceed with SRBA Partial Decrees based on Transfer No. 71619, Basin and Range would like to rescind Transfer No. 71619 and file a new Transfer Application immediately thereafter to create a permissible place of use for irrigation.

As you know, we are working with Andrea Courtney and Jan Shurte of IDWR's Adjudication Bureau in connection with this matter. Please contact me, Ms. Shurte or Ms. Courtney should you need additional information. Further, I request that to the extent possible, IDWR expedite processing of this Petition so that we can attempt to resolve the related matters in the SRBA expeditiously.

If you have any questions about this matter or need any additional information, please do not hesitate to contact me. Thank you.

Sincerely,

HOFSTETTER LAW OFFICE, LLC



Dana L. Hofstetter

Enclosure

cc: Andrea Courtney w/ enclosure
Jan Shurte w/ enclosure