

HOFSTETTER LAW OFFICE

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February 24, 2010

RECEIVED

FEB 25 2010

DEPARTMENT OF
WATER RESOURCES

Via Facsimile and U.S. Mail

Nick Van Dyke
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Transfer No. 71619 and Water Right Nos. 63-3182, 63-3583, 63-7177, 63-7903
(split into 63-31839 and 63-31840), 63-7349 (split into 63-31841 and 63-31842), 63-3308
(split into 63-31854 and 63-31855) and 63-7533

Dear Mr. Van Dyke:

As you suggested earlier this week, Basin and Range Resource Company, LLC would like to seek a three (3) year extension of time for the implementation of Transfer No. 71619, instead of the one-year extension requested by my letter of February 17, 2010. I was not aware that the Idaho Department of Water Resources ("IDWR") grants greater than one-year extensions for this purpose. It is anticipated that the Payette County Confined Animal Feeding Operation ("CAFO") permit will remain in effect for at least two (2) more years and, therefore, a three year extension of time for the implementation of Transfer No. 71619 should provide adequate time to determine whether a CAFO will be implemented on the property and, thus, whether Transfer No. 71619 will be implemented. Therefore, on behalf of Basin and Range Resource Company, LLC, I request a three-year extension to implement Transfer No. 71619 provided that Basin and Range can rescind Transfer No. 71619 before the three (3) years conclude if the decision is made not to proceed with development of a CAFO on the property or, alternatively, Basin and Range can further extend the time for implementation if more time is later determined to be needed. I would further note that Basin and Range would like to retain Transfer No. 74601 on file with IDWR in the event that a CAFO operation is not pursued on the property over the next couple of years. If you have any questions about this request or need any additional information, please do not hesitate to contact me. Thank you.

Sincerely,
HOFSTETTER LAW OFFICE, LLC


Dana L. Hofstetter

cc: Jeff Peppersack via facsimile

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FAX COVER SHEET

DATE: February 24, 2010

TO: Nick Van Dyke

FAX: 287-6700

FROM: Dana Hofstetter

RE: Transfer No. 71619

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ORIGINAL BY MAIL: YES X NO

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