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Robert E. Bakes, of counsel
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January 22, 2009

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Director
Idaho Department of Water Resources
322 E. Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720

RECEIVED
JAN 23 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Re: Transfer Approval Notices 74518 and 72670
Petitions for Reconsideration
MTBR&F File No. 22271.0002

Dear Director:

Please find enclosed an original and two copies of the Petition for Reconsideration for each of the above referenced Transfer Approval Notices for filing with the Department. Please date stamp the copies and return them in the envelopes provided.

Please note that the Department's Certificate of Service for the Transfer Approval Notice for Transfer No. 74518 includes Ronald A. Achs of Sun Valley. We believe this person is incorrectly listed and, therefore, request he be removed from the service list for the transfer.

Please contact this office if you have any questions or concerns. Thank you for your attention.

Very truly yours,



Scott L. Campbell

SLC/dll

Enclosures

cc: Allen Merritt
Chris Kretz
Scott King

Scott L. Campbell, ISB No. 2251
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22271.0002

Attorneys for Cassia Creek Farms LLC

THE STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 72670 IN THE NAME OF
CASSIA CREEK FARMS LLC

PETITION FOR RECONSIDERATION

**I.
INTRODUCTION**

Cassia Creek Farms LLC ("Applicant"), by and through its counsel, hereby presents this Petition for Reconsideration of the Transfer Approval issued by the Idaho Department of Water Resources on January 9, 2009. This Petition is brought pursuant to IDAPA 37.01.01.730.a and Idaho Code Sections 67-5243(3) and 67-5245(3)-(4).

**II.
ARGUMENT**

This Petition requests that Condition No. 5 on Transfer Approval of water right number 43-13578 be modified to two years instead of one year. The basis for this request is the potential delays in completing construction of the anticipated replacement and new wells which

are allowed by Transfer Nos. 72670 and 74518 will prevent the completion of the terms of the transfer with regard to this water right unless the time is changed.

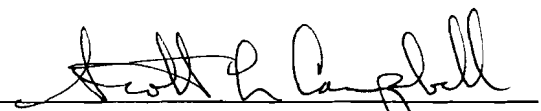
This Petition requests modification of Condition No. 6 as to water right 43-13604 from a one year period to three years. This requested change is based upon Exhibit A (letter of Wayne Downey, consultant for the Applicant) attached hereto and incorporated herein by reference, which indicates that construction of the necessary facilities for the stockwater and commercial water use (dairy) will require between 18 and 24 months from the beginning of construction. Additionally, because of the delay in receiving approval of the Transfer, the initial financial investors in this project have terminated their involvement. Because of that fact, the present economic turmoil, and the tight financial market conditions, Applicant anticipates that another 12 months may be required to obtain the necessary financial partners for this dairy proposal before construction can begin. Given these considerations, three years is an appropriate time frame for completion of the conditions to accomplish the changes authorized by the transfer approval.

III. CONCLUSION

Based upon these considerations and the good faith actions of the Applicant to date in this approval process, the Applicant requests that the Transfer No. 72670 be modified to reflect these changes.

DATED this 22nd day of January, 2009.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 
Scott L. Campbell – Of the Firm
Attorneys for Cassia Creek Farms LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of January, 2008, I caused a true and correct copy of the foregoing **PETITION FOR RECONSIDERATION** to be served by the method indicated below, and addressed to the following:

Director

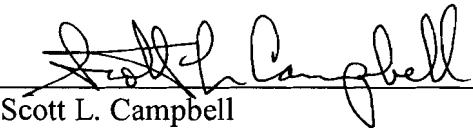
IDAHO DEPARTMENT OF WATER RESOURCES
322 E. Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720

☐ U.S. Mail, Postage Prepaid
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Allen Merritt

Water Rights Supervisor
IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION OFFICE
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

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Scott L. Campbell



1/22/09

To whom it may concern,

This letter is to inform interested parties of an estimate of time to complete the Cassia Creek Farms dairy project. Given our experience of building dairy projects of similar size and scope it is estimated that it will take 18 to 24 months from start of construction to substantial completion.

Sincerely,

Wayne Downey
General Manager
ARC Agriculture Resource Consulting LLC
a company of VANCE DAIRY CONSTRUCTION
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Exhibit A