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Robert E. Bakes, of counsel

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

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

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

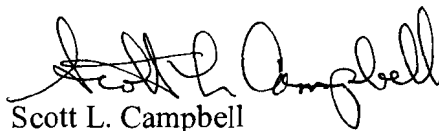
Dear Director:

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. Aches 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

RECEIVED

JAN 23 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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. 74518 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 the Transfer Approval Notice be modified to correct certain errors identified by the consultant for the Applicant which are specifically identified in Exhibit A (correspondence from Scott King, SFP Engineering) attached hereto and incorporated

herein by reference. The Applicant believes that these calculations and corrected information should be incorporated into the Transfer Approval under Transfer No. 74518 because they represent the appropriate calculations for these elements of the water rights. Applicant requests that the Transfer Approval Notice be modified accordingly.

Additionally, Applicant requests that the conditions on each of the water rights under Transfer Approval 74518 which require completion of the transfer within one year be modified to two years. The basis of this request is the potential delays in completing construction of the anticipated replacement and new wells which are allowed by Transfers 72670 and 74518.

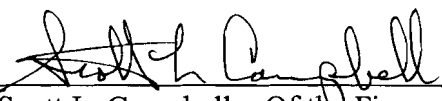
Based upon Applicant's review, this requested change impacts Condition 5 on Water Rights 43-2489, 43-2504, 43-2516, 43-2517, 43-2575, 43-13351, 43-13352; Condition 7 on Water Rights 43-13577, 43-2488, 43-2475, 43-2472; and Condition 8 on Water Right 43-2519.

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. 74518 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

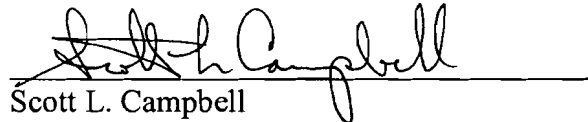
I HEREBY CERTIFY that on this 22nd day of January, 2009, I caused a true and correct copy of the foregoing **PETITION FOR RECONSIDERATION** to be served by the method indicated below, and addressed to the following:

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

☒ U.S. Mail, Postage Prepaid
☒ Hand Delivered
☐ Overnight Mail
☐ Facsimile

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

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
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☐ Facsimile


Scott L. Campbell



January 21, 2009

Christopher Kretz
Cassia Creek Farms, LLC
PO Box 580
Danville, CA 94526

Subject: Combined Use Limit Discrepancy Issue, Transfer No. 74518

Dear Mr. Kretz,

Per your request, I have reviewed the recently approved water right Transfer No. 74518. This review indicates the following two discrepancies with combined use limits imposed on the transferred rights:

1. The following combined use limit identifies a diversion rate of 25.0 cfs. My review indicates this diversion rate should instead be **25.58 cfs**.

"Rights 43-2471, 43-2472, 43-2475, 43-4199, and 43-13577 when combined shall not exceed a total diversion rate of 25.0 cfs, a total annual maximum diversion volume of 5296.0 af at the field headgate, and the irrigation of 1324 acres."

2. The following combined use limit identifies a diversion rate of 70.8 cfs. My review indicates this diversion rate should instead be **71.38 cfs**.

"Rights 43-2471, 43-2472, 43-2475, 43-2488, 43-2489, 43-2504, 43-2505, 43-2516, 43-2517, 43-2519, 43-2575, 43-4199, 43-13351, 43-13352, 43-13577, and 43-13603 when combined shall not exceed a total diversion rate of 70.8 cfs, a total annual maximum diversion volume of 16419.6 af at the field headgate, and the irrigation of 4128.8 acres."

I have communicated with Jeanie Robertson of IDWR's Southern Region office regarding the combined use limits. Ms. Robertson has confirmed that the rate-of-flow combined use limits as applied by IDWR and outlined above appear to be in error and the higher rates listed per my review are correct. In addition, I discussed possible errors in the annual volume limit listed in the #2 item above. Ms. Robertson has

confirmed that the annual volume amount of 16419.6 af is correct. Please let me know if you have any further questions.

Sincerely,



Scott N. King, P.E.
Supervising Engineer

cc: Scott Campbell / Moffatt Thomas

File: 272.0060