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DEPARTMENT OF
WATER RESOURCES

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 72435	SOURCE: Groundwater County: Jerome RESPONSE OF SOUTH VIEW DAIRY TO DEAN AND EDEN DIMOND'S SUBMISSION OF ADDITIONAL ARGUMENT
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COMES NOW, South View Dairy, successor in interest to the Applicant Big Sky Farms Limited Partnership, by and through its attorney of record, John B. Lothspeich of the law firm Williams, Meservy & Lothspeich, LLP, and hereby submits South View Dairy's response to Dean and Eden Dimond's submission of additional argument.

Dean and Eden Dimond have provided a lengthy argument in opposition to the IDWR Transfer presently pending. The majority of the arguments have already been addressed through the testimony and evidence submitted at the hearing held before the Idaho Department of Water Resources and also addressed at the Status Hearing held herein on November 20, 2012.

It should be noted however, that the vast majority of the argument propounded by Dean and Eden Dimond are unfounded allegations that the Nutrient Management Plan has "major" problems.

As indicated at the status hearing, a Nutrient Management Plan has been approved by the Idaho Department of Agriculture. It should be noted that the Idaho Department of Agriculture is the

controlling agency to approve Nutrient Management Plans pursuant to Idaho Code §22-4906.

Idaho Code §22-4904(11) states in pertinent part:

“A Nutrient Management Plan is a plan for managing the amount, source, placement, form and timing of the land application of nutrients and soil amendments.”

This mandates continuing monitoring by the Idaho Department of Agriculture.

The Idaho Department of Agriculture’s approval of the Nutrient Management Plan, has been submitted in evidence and resulted in the Livestock Confinement Operation Permit being issued in this matter. It was also reviewed, as approved, at the Status Hearing held herein.

The Idaho Department of Agriculture and Jerome County will require continuing approval and compliance with the Nutrient Management Plan prior to the heifer facility being deemed operational and being given an approved occupancy permit.

Dean and Eden Dimond’s recent submission of information is simply a further attempt to admit additional evidence in a hearing already concluded.

For those reasons, we request that the Idaho Department of Water Resources not give weight to any of the argument submitted in their recent correspondence.

RESPECTFULLY SUBMITTED this 6th day of December, 2012.

Williams, Meservy & Lothspeich, LLP



JOHN B. LOTHSPICH
Attorney for Applicant

CERTIFICATE OF MAILING

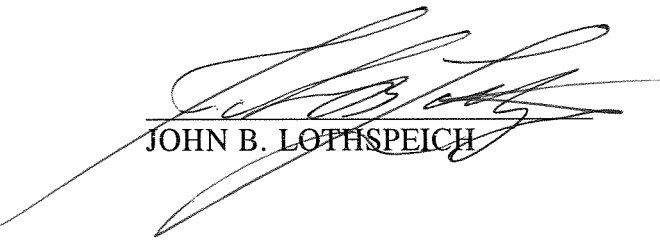
I HEREBY CERTIFY that on this date I caused a true and correct copy of the foregoing instrument to be served upon the following at the address and in the manner indicated below:

Gary Spackman Idaho Department of Water Resources PO Box 83720 Boise Idaho 83720-0098	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Court Folder ☐ Via Facsimile ☐ Other
IDWR Document Repository PO Box 83720 Boise ID 83720-0098	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Court Folder ☐ Via Facsimile ☐ Other
IDWR – Southern Region 1341 Fillmore St Ste 200 Twin Falls ID 83301	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Court Folder ☐ Via Facsimile ☐ Other
Deborah Gibson PO Box 83720 Boise ID 83720-0098	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Court Folder ☐ Via Facsimile ☐ Other
Dean T Dimond Eden Dimond 1454 Hwy 25 Jerome ID 83338	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Court Folder ☐ Via Facsimile ☐ Other
Richard Bullers 1482 Hunt Rd Jerome ID 83338	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Court Folder ☐ Via Facsimile ☐ Other
James Stewart 292 S 1250 E Jerome ID 83338	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Court Folder ☐ Via Facsimile ☐ Other
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Harold S Dimond 3059 S 1800 E Wendell ID 83355	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Court Folder ☐ Via Facsimile ☒ Other
Dennis H Dimond 1424 Hwy 25 Jerome ID 83338	☒ U.S. Mail, postage prepaid ☐ Hand Delivery ☐ Court Folder ☐ Via Facsimile ☒ Other

DATED this 6th day of December, 2012.

Williams, Meservy & Lothspeich, LLP


JOHN B. LOTH SPEICH