

Memorandum

Date: April 20, 2011

To: File 36-8735

From: Craig L. Saxton

Re: Condition of approval #4 on permit 36-8735

Condition of Approval #4 on the approved Application for Amendment of Permit 36-8735 reads:

"The right holder shall not use water under this approval for a dairy operation larger than 600 milking cows, and 100 dry cows and replacement calves and heifers."

The intent of this condition does not appear to be to prevent use of this right if the dairy were further expanded. This permit is the result of amending a permit to change 6.5 acres of irrigation to stockwater and commercial use for 600 milking cows and 100 dry cows. The limit on the number of head was based on the volume limitations of the permit before amendment and the size of the dairy at the time of amendment.

There were no protests filed to the advertized amendment so the condition on the permit is not the result of a protest settlement agreement.

The licensed maximum diversion rate and volume is the limiting factor for how many dairy and dry stock can be watered under this right. Therefore, the condition listed above will not be carried over and included in the approval conditions for license 36-8735.