



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

October 27, 2008

Dylan B Lawrence
Moffatt Thomas Chartered
101 S Capitol Blvd 10th Floor
PO Box 829
Boise ID 83701

Re: Application For Permit # 63-32659—Snake River Dairies LLC

Dear Mr. Lawrence:

As you are aware, our agency is again processing new appropriations for ground water in the Boise Basin. Our office has completed an initial review of your client's application described above. When reviewing an application for permit, *Idaho Code* § 42-203A(5) requires IDWR to consider the following information:

(a) That it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho.

Most of the above information is satisfied by the permit application. However, the following items are needed regarding the availability of water and local public interest concerns relating to large dairy operations:

1. Information evaluating the effect your proposed stockwater and commercial diversion will have on the local aquifer and on neighboring wells.
2. Public interest criteria related to the water resource must be addressed. Other government agencies may require permit approvals relating to public water pursuant to your project. Describe your correspondence and discussions to date with the Idaho Department of Environmental Quality and the Idaho Department of Agriculture concerning their water related permit requirements.

Date

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-It was noted, the commercial use .04 cfs (18 gal/min) flow rate appears low for a dairy operation of this magnitude. Commercial use normally includes all "non-drinking" water uses at the dairy—such as milk processing, cleanup, staff restrooms, etc. May this already be included in another water right? Please provide specifics and basis for flow rate.

-Under Attachment "A" narrative, it states water will be used for 2 residences. If this is true, a separate *domestic* beneficial use should be included on the application—2 residences, 04 cfs total for in-home domestic use. .08 cfs total should be used to include yard/garden (up to ½ ac each).

Please submit the requested information and/or amended application to allow final evaluation of your client's application to be completed. You may seek additional time to provide the information by making a written request to delay or interrupt processing. Your written response including the requested information, or a request for more time to seek the information, must be received within sixty (60) days of the date of this letter. The application will be voided without a timely reply.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,



John Westra, Manager
Western Region

Enclosure: Application for Permit,