

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 72435)
IN THE NAME OF BIG SKY)
FARMS LTD. PARTNERSHIP)
_____)

**ORDER FOR AUGMENTATION
OF THE RECORD**

Application for transfer no. 72435 proposes a confined animal feeding operation (CAFO). On July 26, 2007, the Idaho Department of Water Resources ("IDWR") conducted a hearing for protests filed against the application. The applicant presented evidence at the hearing that an application for a livestock confinement operation was pending before the Jerome County Board of Commissioners.

Prior to issuance of an order disposing of the contested case for the application for transfer, the Jerome County Board of Commissioners issued a decision denying the application for a livestock confinement operation. The decision by the Jerome County Board of Commissioners amends and enhances evidence presented at the hearing.

Idaho Code § 42-222 states that a use proposed by an application for transfer must be a beneficial use. When a proposal for land use is denied by a local governmental entity, the beneficial use of water for the land use is not possible.

ORDER

IT IS HEREBY ORDERED that the contested case record for application for transfer no. 72435 is augmented with the findings of fact, conclusions of law and order of the Jerome County Board of Commissioners, dated November 1, 2007, denying Big Sky's application for a livestock confinement operation. Because of the likelihood that the parties already have a copy of the Jerome County Board of Commissioners' decision, IDWR is not distributing a copy of the decision to the parties. The parties may request a copy at any time from IDWR.

IT IS FURTHER ORDERED that on or before December 10, 2007, the parties may submit a request for an augmentation hearing, or any other requests for appropriate relief.

Dated this 19th day of November, 2007.



Gary Spackman
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of November, 2007, a true and correct copy of the document described below was served by placing the same in the United States mail, postage prepaid and properly addressed to the following:

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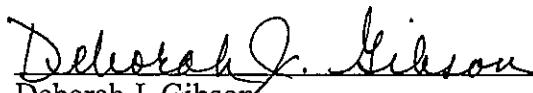
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