

TO: DE RUYTER DAIRY TRANSFER FILE

FROM: DANIEL A. NELSON

DATE: 12/18/07

SUBJECT: THINGS NEEDED TO COMPLETE TRANSFER

This transfer was a hand-me-down for Lori Graves when she left. I haven't done any review on this transfer.

It was determined during Lori Grave's review that this transfer be held until Owyhee County either approved or denied the conditional use permit for this project. The reason that the decision was made was that CAFO Siteing Team gave this dairy a High Risk assessment. In other counties across the state, they will not grant a conditional use permit with a High Risk assessment. We haven't had a High Risk assessment in Owyhee County, so we don't know what Owyhee County will do with the conditional use permit.

The applicant has hired Scott Campbell as his attorney. I did meet with Mr. Campbell on 12/10/2007. Mr. Campbell wants the department to proceed with processing of the application. Mr. Campbell states we don't have the authority to hold the application, and that we must process the application. If we are asked to process this application by our state office staff, I would probably recommend it for denial without advertising. Without county approval, I believe we would need to fall back on the CAFO Siteing team's assessment, and recommend that the proposal is not in the public's best interests. Mr. Campbell would then have the opportunity to address his concerns in a hearing setting, which is where I believe these issues should be worked out.

Other than the information given above, I haven't done an in-depth review of the application. It will need a full review once a decision is made on what needs done.