

MEMORANDUM

DATE: January 10, 2008

TO: Water Right File 47-8278

FROM: Shelley W. Keen *SWK*

RE: Discussion regarding the annual volume recommendation

This morning I discussed the annual volume recommendation for Right 47-8278 with Chuck Brockway, Sr. The application indicated that water would be used for "450 dairy cattle." Dr. Brockway's recommendation of 30.1 af included 2.4 af for non-milking replacement heifers in addition to water for 450 milking cattle. Dr. Brockway explained that when dairy operators refer to milking 450 animals, they typically have replacement heifers on hand as well.

IDWR must evaluate applications based on the specific statements in those applications. If IDWR were to infer what might have been intended beyond those specific statements, every application would be open for reinterpretation, and thousands of water rights would be in question. In this case, IDWR reduced the recommended volume by 2.4 af to 27.7 af because the application was specific about the number of cattle to be included. If the statement in the application had been "a 450 milking cow dairy," IDWR may have been able to conclude that the replacement cattle were included.

In the big picture, 2.4 af is a small amount. However, IDWR must evaluate each application and permit on its own merits.