



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

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

PHONE: (208) 334-2190 FAX: (208) 334-2348 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER, Governor  
DAVID R. TUTHILL, JR., Director

July 3, 2007

BERNARD & TONI CHOUTCHOURROU  
C/O SCOTT KING SPF WATER ENGINEERING  
600 E RIVER PARK LN STE 105  
BOISE ID 83706

Re: Application for Transfer for Portion of "Mellin Water Right No. 63-7194"

Dear Scott:

Mrs. Choutchourrou called today to ask about this transfer application. She hoped processing would resume to help them with their plans. Processing is resuming for this 2005 application for which objections have not been filed in the Snake River Basin Adjudication.

You probably recall that the Idaho Department of Water Resources (IDWR) completed a "preliminary processing" that consisted of a cursory review of the application and a published legal notice. Protests were not filed against the application. That procedure meant that normal processing, including a thorough review and analysis, would resume once conditions allowed IDWR to do that.

I reviewed the application based on the applicant's request. The following items need attention at your earliest convenience. Please recall that the ownership split has already been completed and that the applicant's portion of the "Mellin right" is identified as SRBA Recommendation No. 63-32654.

1) Application Context – The applicants also have right nos. 63-9179B and 63-12364 that can be diverted from the same wells proposed in the transfer application. The two older rights are assumed to cover dairy operations through about 2000. Please explain how 63-32654 will fit into the overall dairy operation (also see the item 2 below).

2) Beneficial Use – The application proposes 0.50 CFS/135.2 AF for stockwater use but does not identify the type and number of animals. Please provide that information to determine if the proposed amount of water is consistent with IDWR beneficial use guidelines. Additionally, dairy proposals typically include commercial use for all other aspects of the operation beyond providing drinking water for animals. Applications typically include some details explaining the commercial water requirements of the operation and how the application partially or totally covers those requirements. Land application of wastewater is also typically described and included as commercial use.

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The same amount of water listed for stockwater is usually listed for commercial use without both uses being additive. Please amend the application to include commercial use or explain why that is not necessary.

3) Irrigation Consumptive Use Data – The application references this data without much other discussion or inclusion of the data. Please provide the consumptive use data along with a comparison of the rate and volume for the new use(s) versus the irrigation use. The information should include total stockwater and commercial requirements, the portion of that total now covered under the other two rights, and the portion proposed to be covered by the transfer application. For the purposes of dairies, IDWR typically considers the dairy diversion volume equal to the dairy consumptive volume. In other words, the dairy use is treated as fully consumptive, mostly because of land application of wastewater from the operation.

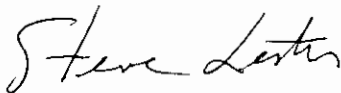
4) Total Volume – The application proposes a 135.2 AF volume. The completed water right split included 135 AF. Application clarification should address this minor difference.

The application can be amended as noted above. The applicant would need to endorse changes made to the original notarized application or would need to submit a replacement application labeled as amended. A replacement application should include a notarized signature. These revisions would be considered a clarification instead of an expansion of the application. Therefore, the \$50 re-advertising fee and additional legal notice would not be necessary.

**Please submit the requested information to allow final evaluation of the application to be completed. The applicant may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The information or a request for more time to seek the information must be received within the next sixty (60) days. The application will be rejected without a timely written reply.**

Please let me know if you have any questions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Steve Lester".

Steve Lester  
Water Rights Supervisor