



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 25, 2005

Steve Hannula
ERO Resources Corp
1106 N Cole Rd Ste C
Boise ID 83704-8661

RE: Rhead's Application for Transfer

Dear Steve:

The above referenced application for transfer is being processed for your clients by the Idaho Department of Water Resources (IDWR). Additional information is needed for complete evaluation of the proposal.

When reviewing an application for transfer, *Idaho Code* § 42-222 requires IDWR to consider the following factors:

(1) injury to other water rights, (2) enlargement of use of the original water right sought to be transferred, (3) local public interest, (4) conservation of water resources of the state of Idaho, and (5) affect on the agricultural base of the local area.

The application for transfer proposes a change from irrigation use to commercial and stockwater uses associated with a 6000 cow dairy. The computations attached to the application attempt to show that the use of water authorized by the original water right will not be enlarged. The computations accompanying the application assume conservation measures employed in a modern dairy. The other factors that must be considered by IDWR are not addressed by the application.

This letter requests information relative to the criteria IDWR must consider.

Injury to Other Water Users

1. Please supply information evaluating the effect your proposal will have on the local aquifer and neighboring wells.

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Local Public Interest

Water right applications related to the construction and operation of large dairies have sparked significant controversy in recent years.

1. Please supply written documentation from the County that you have contacted local government concerning your proposal. Their letter should specify whether your proposal will comply with all current zoning ordinances, and if the County has any concerns about your proposal.
2. Please show that you have contacted the Idaho Department of Agriculture and the Idaho Department of Environmental Quality concerning your proposal, and that you are currently working with these agencies to meet their requirements for your facility.

Effect on Local Agricultural Base

1. Please explain the positive and negative effects the proposed dairy will have on the existing agricultural economy and lifestyle of the local area.

Please submit the requested information to allow final evaluation of your 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 thirty (30) days of the date of this letter. The application will be removed from the records of this agency 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,



Lori Graves

Sr. Water Resource Agent

Cc: Daryl and Robert Rhead