

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 12/8/2004

RE: J & M CATTLE INC TRANSFER NO 71670, WATER RIGHT 57-7245

The transfer proposes to add a second well and expand the place of use. An application for permit, 57-11663, has been filed and sent to the State Office on 12/10/2004 for approval. 57-11663 for the commercial uses associated with this feedlot. The feedlot is a replacement heifer and calf rearing facility. The feedlot is located 1 mile due west of the intersection of Highways 78 and 45 in S ½ of NE S13, T1S R3W, Owyhee County.

AUTHORITY TO FILE:

The applicant has supplied warranty deeds showing they own the property and that they have the authority to put the ownership of these rights into their name.

WATER RIGHT VALIDITY:

A partial decree was issued on this right in the Snake River Basin Adjudication (SRBA) on 12/3/1996. The applicant has provided a statement from the previous owner that he used this feedlot up until March of 2000. The 2003 satellite photo shows the feedlot is still in existence. A CAFO Siting team visit has been done on the proposed facility. Therefore, I can find no evidence of forfeiture of this water right.

INJURY TO OTHER WATER RIGHTS:

This is an existing stockwater right that has been in place since 1979. A late protest was filed on the associated application for permit, but the applicant provided additional information to suggest that may not be injury to other water users.

ENLARGEMENT OF USE:

No addition to the rate or volume is being requested. The facility will go from 3,000 head or cattle to 3,000 Animal Units of calves. Calves drink much less water than full grown cattle, so the total number of calves could reach 15,000 animals per the CAFO Siting Team letter attached to the file. Whereas the Department doesn't regulate cattle numbers, and no new volume is being requested, it looks as though enlargement of the right should not be an issue.

LOCAL PUBLIC INTEREST:

There is no evidence to suggest that this application will not be within the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

Applicant proposed beneficial use consistent with irrigation standards for the area.

Review of the application finds there is no clear inconsistency with criteria of I.C. § 42-222 preventing processing of the application.

NARATIVE

The applicant is proposing to change a standard cattle feedlot into a calf rearing facility. The facility will have a larger number of animals than the original feedlot, but the total volume and rate of diversion will not change. Permit 57-11663 has recently been issued for the commercial component of the feedlot. The commercial component would include preparation of milk for the small calves and cleanup of the facility.

The calves will be raised to approximately 200 pounds and be moved to other facilities. The smaller size of the calves and the use of milk to feed the calves reduce the amount of stockwater needed for each animal. The facility is limited to 3000 animal units. According to John Bilderback of the Department of Agriculture, this would allow up to 15,000 head of calves 200 pounds and under. The University of Idaho worksheet by Dean Falk, shows that calves less than 200 pounds drink 2.0 to 3.3 gallons per day depending on the outside temperature. Therefore, the stockwater needs would range between 33.6 to 55.4 acre-feet per year if the facility is kept full year round. The water right allows an annual volume of 40.8 afa, which should be sufficient since the facility it is unlikely that the facility will remain at capacity year round.

CONDITIONS AND SUGGESTIONS

This transfer seems acceptable as listed on the front page of the transfer with the inclusion of the conditions on the draft approval.