



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1445 North Orchard • Boise, Idaho 83706-2239 • (208) 373-0550

RECEIVED
DEC - 7 2004
DEPARTMENT OF
WATER RESOURCES

Dirk Kempthorne, Governor
C. Stephen Allred, Director

December 2, 2004

Lori Graves
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

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DEC 10 2004

WATER RESOURCES
WESTERN REGION

RE: Revised Comments: Water Right No. 57-11663 in the name of J+M Cattle Inc.
Application for Permit to Appropriate the Public Waters of the State of Idaho

Dear Ms. Kreger:

Per my telephone conversations with you and Joe Baldwin from this Department, I have revised my original comments regarding this application.

Commercial Water Supply

This facility does not serve 25 or more people over 60 days per year, which is the criteria that is used to determine if a new water system must be designed and tested as a public drinking water system. Therefore, the siting and construction of this well are not subject to the Department's review and approval. Also, the well water will not be subject to initial and ongoing monitoring requirements and it may be unsafe to drink.

We recommend that all water fixtures be marked as "nonpotable", and that NSF-61 approved bottled water be provided for all visitors and employees.

If you have any questions, please contact me at (208) 373-0162, or via e-mail at srae@deq.state.id.us.

Sincerely,

Stephen H. Rae, P.E.
Staff Engineer

SHR:vee G:\Engineering\Srae\Reviews\Planning and Zoning Comments\IDWR-REV-57-11663-J+M Cattle Inc_11-23-04.doc

cc: Charles W. Ariss, P.E., Regional Manager-Engineering, Boise Regional Office
File 24, Manager's File, Reading File



IDAHO STATE DEPARTMENT OF AGRICULTURE

ENGINEERING SERVICES



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NOV 09 2004

WATER RESOURCES
WESTERN REGION

November 8, 2004

Ms. Lori Graves
Sr. Water Rights Agent
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Dear Ms. Graves,

The Idaho State Department of Agriculture ("ISDA") has inspected J&M Cattle Company (Mr. Jon Mortenson's) facility located at Upper Reynolds Road, SW of Melba, ID, Section 13, 1 South, 3 West.

At the time of the inspection, the facility is in compliance with ISDA rules. Future expansions and changes of the facility will be reviewed and inspected by ISDA to ensure continued compliance.

If you need anything else, please let me know.

Sincerely,


John Bilderback
Resource Engineer

cc: J&M Cattle Company, Jon Mortenson
cc: ISDA J&M Cattle Company File



OWYHEE COUNTY
Post Office Box 128
Murphy, Idaho
83650

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NOV 08 2004

WATER RESOURCES
WESTERN REGION

Phone: (208) 495-9851
Fax: (208) 495-2051

4 November 2004

Sue Kreger
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Re: Application for Permit ID #57-11663

Dear Ms. Kreger:

Thank you for the opportunity to comment on the J&M Cattle Inc. application to appropriate the public waters of the State of Idaho.

J&M Cattle has applied for a conditional use permit to establish a calf feeding operation on the property described in the application. As of this date, no decision has been issued. I respectfully request that any permit issued by your agency approving appropriation of water for the use described be allowed under the condition that the operation show proof of compliance with Article II of the Owyhee County Code (zoning ordinance) prior to the commencement of water use.

Sincerely,

A handwritten signature in cursive script that reads "Kay Kelly-Breach".

Kay Kelly-Breach
Planning & Zoning Administrator

cc: J&M file

same language as in W. Owyhee



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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NOV 01 2004

WATER RESOURCES
WESTERN REGION

1410 North Hilton • Boise, Idaho 83706-1255 • (208) 373-0502

October 27, 2004

Dirk Kempthorne, Governor
Toni Hardesty, Director

Ms. Lori Graves, Senior Water Agent
Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705-5082

Re: J&M Cattle expansion

Dear Ms Graves:

This letter is to inform you that the Department of Environmental Quality (DEQ) is working with Jon Mortenson, J&M Cattle to insure that all relevant water quality and environmental standards are met at the proposed facility expansion project. DEQ participated in a site visit to the facility as a member of the CAFO Site Advisory team and was a co-signer on the site suitability determination letter to Mr. Mortenson.

If you need additional information, please contact me at 373-0248.

Sincerely,

A handwritten signature in cursive script that reads "Joe Baldwin".

Joe A. Baldwin, P.G.
Hydrogeologist
Technical Services

JAB:ab

c: CAFO Files
COF

Jon's Copy

August 18, 2004

To: Ms. Kay Kelly, Planning and Zoning Administrator
Owyhee County
Post Office Box 128
Murphy, Idaho 83650

From: Jon Mortensen, Property owner

Subject: Additional information requested my Mr. John Bilderback, ISDA

Dear Ms. Kelly;

I am providing additional information as requested by Mr. John Bilderback, letter dated August 10, 2004, to be used by the Idaho State CAFO Siting Team. This information is provided following the format of the CAFO Siting Advisory Team Request form for questions 4 through 14 as follows:

4. Water Right Information

Water right and usage for the 180 acres were established with the prior use of the property as a cattle feeding lot. The Idaho Water Resources on February 15, 1916 issued a domestic water permit and on May 27, 1979 issued a water permit for a 3,000 cattle feed lot, see **Conditional Use Permit Application (CUP) Attachment No. A.**

5. Vicinity Map with site location

The planned structures and site improvements for the calves' feeding area, location of a metal building for the mixing and storage of milk, designated parking area, existing location of wells, compost area, vicinity location and location of lagoon ponds for animal waste are shown on the Site Layout Map, see **(CUP) Attachment No. D.**

The subject property is located outside of the FEMA flood zone mapped area and not included in the designated 100 year flood plain area, see **Attachment "FEMA Flood Map" page 5.**

Information concerning wells within one mile of the subject property was obtained from the Idaho Department of Water Resources for wells permitted since 1987 and all licensed property, see **(CUP) Attachment No. E.** Also, a Site Map is provided that shows the projects location and land use improvements within a one mile radius, see **Attachment "Site Map", page 6.**

The water sources that exist on the site include the Bernard Ditch and the Reynolds Creek Irrigation Lateral as shown on the Site Layout Map. There are no other water sources in the vicinity that would affect the subject property.

A Contour Map at one foot intervals is provided of the subject property lying south of the Reynolds Creek Irrigation Lateral, see **Attachment "Contour Map", page 7.**

FROM :

FAX NO. : 2084952051

Sep. 13 2004 10:54AM P2

09/07/2004 14:26 FAX

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IDAHO STATE DEPARTMENT
OF AGRICULTURE

ENGINEERING SERVICES



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SEP 03 2004

DEPT. OF ENVIRONMENTAL QUALITY
TECHNICAL SERVICES OFFICE

September 3, 2004

Ms. Kay Kelly
Planning and Zoning Administrator
Owyhee County
PO Box 128
Murphy, ID 83650-0128

RE: J&M Cattle, CAFO Siting Team Site Suitability Determination

Dear Ms. Kelly:

The Idaho State CAFO Siting Team has completed its review of the application for J&M Farm's proposed dairy calf raising facility, located in Township 1 South, Range 3 West of Section 13 in Owyhee County. The review was completed in response to a request made by the Owyhee County Commissioners in accordance with IDAPA 02.04.18.

The Team, consisting of representatives from the Idaho Department of Environmental Quality (IDEQ), Idaho Department of Water Resources (IDWR), and the Idaho State Department of Agriculture (ISDA) performed a site evaluation (from 1:30 PM to 2:30 PM) on August 30, 2004. A final review meeting was conducted on the same day and again on September 2, 2004.

The information evaluated for this facility included the application package provided by Owyhee County, IDWR well log information and water right records, IDWR State-wide Ambient Ground Water Quality Monitoring Program network data, IDEQ data, ISDA Regional Agricultural Ground Water Quality Monitoring Program data, well driller reports and discussion with Jon Mortenson (the owner/operator) during the site review.

The following technical factors contributed in determination of the rating.

- The proposal is for a new dairy calf raising facility. The number of animal units being proposed is 3,000 Animal Units. Using a 200-pound average, the total capacity of the proposed facility is approximately 15,000 calves.
- A Nutrient Management Plan was not included nor evaluated because Owyhee County did not require a plan to be submitted as part of the application.
- The proposed facility will control 80 irrigated acres.
- There appears to be adequate water rights for the stock water use. Additional water rights or transfers will be needed for the industrial/commercial use for this facility. Issues involving water availability are matters to be heard and decided on by IDWR in a separate water right process prescribed by law. Upon completion of the water right and transfer process, IDWR will make a final determination.

"Serving consumers and agriculture by safeguarding the public, plants, animals and the environment through education and regulation."

ISDA Engineering Services • PO Box 790 • Boise, ID 83701 • (208) 332-8665 • (208) 334-3637 (Fax)

FROM :

FAX NO. : 2094952051

Sep. 13 2004 10:55AM P3
0003

09/07/2004 14:27 FAX

- Average precipitation is 11 inches per year. Groundwater recharge is primarily from precipitation, canals and irrigation.
- The groundwater table and first encountered water in the local area varies from 78 (in ¼ NW ¼ SE of Section 13) to greater than 514 feet (in ¼ NE ¼ NE Section 13) below ground surface. This indicates significant variability in the groundwater level in this section.
- The general regional groundwater flow direction is presumed to be north to northeast towards the Snake River.
- Groundwater quality data within the area suggest median nitrate concentrations to be between 0 and 2 parts per million in the local area and are stable or decreasing.
- The nearest 303(d) listed water body is the Snake River which is located approximately 2 miles northeast and down gradient from the proposed facility. This section of the Snake River has an approved TMDL (completed by DEQ 2003, approved by EPA, January 2004) for nutrients, specifically Total Phosphorus.
- Liquid wastewater including runoff from the facility will be contained within waste storage ponds (to be built). The wastewater will evaporate or be land applied on the 80 acres owned by the calf raising operation.
- Solid waste will be composted on-site or directly land applied.
- Odor Control. The lagoons will contain wastewater from the milk facility, flushing of the calf hutch alleys and any runoff from the facility. With properly maintained composting practices, odors can be minimized. Because the proposed facility is planning on flushing the hutch alleys, odors may be greater than a traditional scrape waste system. Additional methods of odor control may need to be implemented.
- Pest Control. The facility will implement pest control practices.
- The CAFO Siting Team did not review any information regarding air quality. For a more specific evaluation of air quality concerns, please contact the regional IDEQ office.

A critical concern from the data used for this site evaluation is the number of down gradient domestic wells, which are estimated to be older wells and more vulnerable to contamination. The presence of these wells makes it absolutely necessary to ensure all waste containment is adequately built to meet all the current regulations and standards. The producer must have any new wastewater containment structures approved by ISDA including dewatering prior to use.

The final facility engineering and site plans must be submitted to ISDA for final approval before construction can commence. The engineering plans for this facility will need to be completed by a Professional Engineer if a flushing waste system design is implemented. Additionally, ISDA will ensure the waste containment and animal housing activities are a minimum of 100 feet from a well or residence.

The following recommendation is based on the information supplied to the team through the producer and site-specific conditions at the time of the evaluation. However, information used for evaluating the ground water, geology and soils is based on regional information and may not fully characterize the local conditions affecting the specific facility. Any changes or modification in the application or at the site may alter the Suitability Determination. The Suitability Determination, as determined by the Team, is **Low Risk**.

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ISDA Engineering Service • PO Box 790 • Boise, ID 83701 • (208) 332-6665 • (208) 334-3177 fax

FROM :

FAX NO. : 2084952851

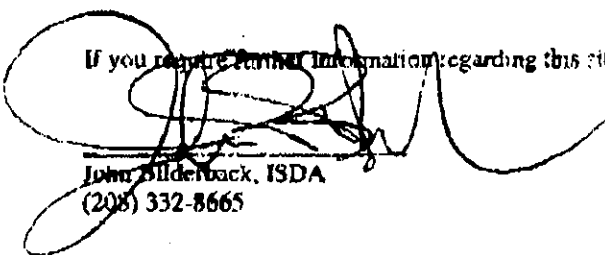
Ep. 13 2004 10:55 AM Pg 14/04

09:07:2004 14:28 FAX

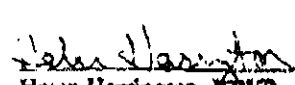
The following individuals were present at the CAFO Site Team evaluation. The names depicted in bold type are the individuals responsible for the suitability determination.

1. **John Bilderback, ISDA, Resource Engineer**
2. Craig Tesch, ISDA, Hydrogeologist
3. **Joe Baldwin, IDEQ, Senior Environmental Hydrogeologist**
4. Dennis Owsley, Environmental Hydrogeologist
5. Kathryn Dallas, Environmental Hydrogeologist
6. Mike Ingham, Water Quality Science Officer
7. **Helen Harrington, IDWR, Technical Hydrogeologist**
8. Lori Graves, IDWR, Senior Water Right Agent
9. Kay Kelly, Owyhee County Planning and Zoning Administrator
10. Jon Mortenson, Owner/Operator

If you require further information regarding this site determination, please feel free to contact us.



John Bilderback, ISDA
(208) 332-8665



Helen Harrington, IDWR
(208) 327-7950



Joe Baldwin, IDEQ
(208) 373-0248

ATTACHMENTS

1. IDEQ produced map (including animal units in the area, public water systems, residential wells, irrigated acres and population)
2. IDWR nitrate concentrations map

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OWYHEE COUNTY
Planning & Zoning
Post Office Box 128
Murphy, Idaho 83650

Phone: (208) 495-9851
Fax: (208) 495-2051

20 May 2004

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MAY 24 2004

Sue Krueger
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

WATER RESOURCES
WESTERN REGION

Re: J&M Cattle Inc./Application for Permit/ID#57-11663

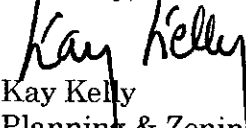
Dear Ms. Krueger:

I am in receipt of your letter of May 14, 2004 regarding the above-numbered Application for Permit to appropriate the public waters of the State of Idaho.

The description of the proposed use on the application, stock water for 3,000 head of beef/dairy replacement heifers, indicates that J & M Cattle must obtain approval via a conditional use permit prior to establishing that size of cattle feeding operation in Owyhee County.

If you have any questions, please contact us.

Sincerely,



Kay Kelly

Planning & Zoning Administrator

cc: John Mortensen
Que Fullmer
Idaho Department of Agriculture