

Lori Graves
IDWR
Southwest Regional Office
November 30, 2004

RE: Additional information regarding Application for for the proposed Jim Scarrow Dairy

Dear Ms. Graves,

Your letter of November 9 requests information to be considered when reviewing the above referenced Application. This letter and the attached documents will attempt to provide all the information that is required.

Your letter states that "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 16,600 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."

Please note that the application relates to 8299 cows and 8299 heifers, not 16,600 cows as indicated in your letter.

1. Injury to other water users: Information relating to the issue of "Injury to other water users" falls into two categories, one dealing with the effect of the changed nature of use and time of use on neighboring wells, the other relating to the appropriate disposal of dairy wastes so as not to contaminate groundwater.

On the question of injury to the aquifer, the relevant data is as follows:

1. There are 49 domestic wells and 6 irrigation wells within a slightly greater than 1 mile radius from the boundaries of the proposed Scarrow Dairy. (see attached maps).
2. The Ray Obendorf farm began irrigating in 1963. At the time the farm commenced operations, there were few domestic or irrigation wells in existence in the vicinity. There has been growth and development in this area, with 31 new domestic wells drilled in the past 15 years.
3. The USGS monitors four wells within or near the one-mile radius of the proposed Scarrow Dairy. The four wells marked on the map have been monitored at various times since 1957, and the data is recorded. See the attached USGS data print outs.

4. The data shows a stable water level in the area. The Obendorf farm, and the additional 31 domestic wells drilled since 1990, have had no appreciable effect on the water table during the past 15 years. One well (06N05W-36CDB!) has been measured 10 times since 1957 and as of 9/26/2004 was 8' higher than in 1957.
5. All the USGS wells show minimal variation between irrigation season readings and off season readings. If there is a seasonal effect, the data would support a conclusion that the summer pumping draws the table down several feet by the end of summer, with a gradual recharge by early spring.

Several conclusions may be drawn from these relevant facts:

1. The depth to water has not changed significantly in the past 50 years, in spite of a substantial increase in the number of wells. Because this transfer will not increase pumping, and only change the nature of use and time of use of the water, there will be no negative effect on water levels in the aquifer.
2. The Application for transfer may be beneficial in leveling out the small annual fluctuation in water levels by decreasing the quantity demanded at any given time, because the annual diversion volume will be spread out over 365 days each year.

The second area of concern for injury to neighbors is in the area of disposal of wastewater. Dairies are subject to the Clean Water Act as enforced by the Idaho Department of Agriculture. The Department has adopted a "Zero Discharge" Policy, which means that it is illegal to discharge wastewater into either the surface or the groundwater of the State of Idaho. The dairies are regularly inspected, and are required to have a Nutrient Management Plan, which explains how the dairy will comply with the Clean Water Act requirements. Copies of the Nutrient Management Plan for the dairy are attached.

The applicant has a good record of protecting groundwater on his existing dairy in Gooding County, as evidenced by the water tests attached to this document. Notice that groundwater nitrate levels have been reduced to half as a result of the sprinkler irrigation and good management practices implemented by the Scarrow dairies. Nutrients applied to sprinkler irrigated farmland in the form of organic manures are much less likely to percolate into groundwater because they are applied in a slow release form and are efficiently consumed by crop roots. High nitrate levels in groundwater are almost always associated with use of gravity irrigation and chemical fertilizers at high rates on high value crops like potatoes, onions, and mint.

2. Local Public Interest:

The proposed Scarrow Dairy has received a CAFO siting permit from Payette county for the purpose of constructing and operating a dairy, with a maximum capacity of 17,474 animal units, issued on September 28, 2004. The permit was granted after a series of public hearings in which elected public officials (Payette County Commissioners) heard public testimony on both sides of the issue, and determined that the proposed dairy was in the local public interest. A copy of the Certificate of Siting Permit is attached.

The proposed Scarrow Dairy will be licensed and inspected by the Idaho Department of Agriculture (IDA), and Marv Patton, Chief of the Dairy Bureau, has been informed.

Reference is made in your letter to the Idaho Dept. of Environmental Quality. The IDA is charged with enforcing the Clean Water Act in the dairy sector, as agreed in the current Memorandum of Understanding between the federal EPA and the IDA. The IDEQ plays no role in regulating dairies, and unless there is a specific statutory requirement for notification (I don't think there is one), we politely demur.

3. Effect on Local Agricultural Base: The existing Scarrow Dairy in Gooding County was highly praised during the public hearings on the Siting Permit as being a "good neighbor", and as having a positive effect upon the local community. The proposed dairy will be a well-appreciated participant in the local agricultural economy, purchasing local crops for feed, providing long term, full time, employment at good wages to numerous employees, and maintaining an attractive, low nuisance farm which enhances the local community.

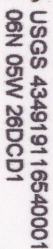
Should more information be required, please call me. Thank You!

Darwin Vander Stelt
Nutrient Management Service

Attachments:

1. List of domestic and irrigation wells around T06N R05W Sect. 22,23,and 24 (Proposed Scarrow Dairy
2. List of USGS test wells and data wells concentrated around T06N R05W Sect. 22,23,and 24 .
3. Nutrient Management Plan for Proposed Scarrow Dairy
4. Copy of Certificate of CAFO Siting Permit.

Key:
Domestic wells



1/4 mile south of symbol
USGS 434836116531201
DEN DENW 36CDB1

1/4 mile south of symbol
USGS 434836116531201
DEN DENW 36CDB1

Wells

USGS 434919116540001 06N 05W 26DCD1

Payette County, Idaho

Latitude 43°49'19", Longitude 116°53'58" NAD27

Gage datum 2,550. feet above sea level NGVD29

The depth of the well is 455. feet below land surface.

The depth of the hole is 455. feet below land surface.

[Table of data](#)

[Tab-separated data](#)

[Graph of data](#)

[Reselect period](#)

Date	Time	Water level, feet below land surface	Status
4/3/1980		232.44	
7/8/1981		246.12	P
6/4/1992		239.96	P

USGS 435105116532501 06N 05W 13CCC1

Payette County, Idaho

Latitude 43°51'05", Longitude 116°53'25" NAD27

Gage datum 2,565. feet above sea level NGVD29

The depth of the well is 355. feet below land surface.

The depth of the hole is 355. feet below land surface.

[Table of data](#)

[Graph of data](#)

[Reselect period](#)

Date	Time	Water level, feet below land surface	Status
3/17/1980		267.99	P
8/6/1980		272.16	R

Wells

USGS 434836116531201 06N 05W 36CDB1

Payette County, Idaho

Latitude 43°48'36", Longitude 116°53'12" NAD27

Gage datum 2,500.00 feet above sea level NGVD29

The depth of the well is 385 feet below land surface.

The depth of the hole is 385 feet below land surface.

[Table of data](#)

[Tab-separated data](#)

[Graph of data](#)

[Reselect period](#)

Date	Time	Water level, feet below land surface	Status	Date	Time	Water level, feet below land surface	Status
4/24/1957		190		3/21/1996		181.99	
4/3/1980		183.27		9/17/1996		184.09	
8/6/1980		204.77	R	3/16/1998		181.43	
7/9/1981		175.74	P	9/28/1998		181.98	
				3/20/2000		182.13	
				9/26/2000		182.82	

USGS 435206116562101 06N 05W 09DCA1

Payette County, Idaho

Latitude 43°52'03.2", Longitude 116°56'12.2" NAD83

Gage datum 2,350. feet above sea level NGVD29

The depth of the well is 115. feet below land surface.

The depth of the hole is 115. feet below land surface.

[Table of data](#)

[Tab-separated data](#)

[Graph of data](#)

[Reselect period](#)

Date	Time	Water level, feet below land surface	Status
5/22/1991		68.16	
7/1/2004		72.72	

Wells within 1 Mile of the Scarrow Farm

Well #	Contact	Use	TYPE	RWG	SEC	Tract	Well Address	Gallons Per Minute	Static Water Level	Total Depth	Casing Depth	Csg. DIA.	Construction Date	Permit Number	Tag Number
1	REMAX CAPITAL CITY	Domestic	06N	05W	13	SESE	28112 GRANDVIEW	100	23	142	-138	6	10/16/2000	767115	D0015611
2	JOHNSON, E G NELSON-DEPPE INC	Domestic	06N	05W	13	NENE	HWY 99 TO 20-26	60	0	220	297	6	1/22/2002	772933	D0019471
3	NELSON-DEPPE INC	Domestic	06N	05W	13	NWSW		9999	273	355			2/9/1973	798634	
4	INC	Irrigation	06N	05W	14	NWSE		0	260	484			8/25/1978	790522	
5	DEPPE, NELSON	Irrigation	06N	05W	14	NWSE		2300	255	404			10/31/1973	821758	
6	SMITH, MICHAEL, SMITH, MELANIE SMITH, LAWRENCE, SMITH, KATHY	Domestic	06N	05W	15	SENV	hwy 95 LOCKER AND 1ST LANE EAST	40	107	184	178	6	10/29/2001	771847	D0018967
7		Domestic	06N	05W	15	SENV		35	160	203	180	6	2/10/2002	772863	D0019575
8	NELSON, STANLEY		06N	05W	11	SE	2800 1ST LANE	0	31	205			6/24/1976	801337	
9	WALL, HAROLD E	Domestic	06N	05W	10	SWSW	EAST	20	90	174	124	6	8/12/1991	724323	
10	TAYLOR, JIM	Domestic	06N	05W	10	SWSW		100	21	210			5/23/1987	778986	
11	JOHNSON, LARRY	Domestic	06N	05W	10	SWSW		30	110	197			6/28/1976	821219	
12	SILVER, MARIAN A, SILVER, LARY D	Domestic	06N	05W	16	NWSE	1/2 ML N OF GRANDVIEW RD	42	78	224	212	6	2/20/1995	729053	
13	NELSON, BARBARA J	Domestic	06N	05W	16	SWNE	5/8 ML N OF GRANDVIEW RD	42	95	177	146	6	2/28/1995	729054	
14	WHIL, RON	Domestic	06N	05W	16	NENE	LOCKER & 1ST ST - NE CORNER	30	68	143	138	6	9/20/1996	730718	
15	LIBERTY HOMES	Domestic	06N	05W	16	SESE	1400 Grand View , 1 Mile East on Grand View	35	75	120	-69	6	1/20/2000	763038	D0000799
16	CARTWRIGHT, E R	Domestic	06N	05W	16	SESW		0	23	104			10/23/1979	778348	
17	HAGER, BILL	Domestic	06N	05W	21	NENE		15	73	140	100	6	6/12/1989	722950	
18	MC DANIEL, RALPH	Domestic	06N	05W	21	SESE	1250 WARD LANE	20	57	120	99	6	11/17/1993	727637	
19	RICHARD, JOHN	Domestic	06N	05W	21	SESW	PEARL RD	30	87	167	165	6	4/30/1985	729317	
20	VAN VLIET, DONNA	Domestic	06N	05W	21	SESW	27298 PEARL RD	25	106	189	169	6	8/23/1996	730578	
21	VAN VLIET, HUGO	Domestic	06N	05W	21	SESW		200	100	210			6/28/1979	777707	

22	NIXON, DALE	Domestic	06N	05W		NENES 1255 GRANDVIEW RD	100	55	216	201.9	6	11/18/2002	789119	D0025936
23	TAYLOR, JOHN	Domestic	06N	05W	21 W	SESE	20	120	210			10/29/1974	815714	
24	PHILLIPS, RUSSELL	Domestic	06N	05W	22 NENE		15	85	215	204	6	4/15/1989	722972	
25	WILKINSON, RAY	Domestic	06N	05W	22 SESW		150	120	220			8/17/1979	777706	
26	HILLARD, BO	Domestic	06N	05W	28 SENW		0	0	221			5/23/1986	813795	
27	WHEELER, KENNETH	Domestic	06N	05W	28 NENE	31827 PARMA RD	70	120	220	206	6	5/23/1995	729361	
28	WHEELER, SHANE	Domestic	06N	05W	28 NENE	27237 PEARL RD	30	135	220	198	6	6/12/1997	731386	
29	GARY TUTTLE CONSTRUCTION CO INC	Domestic	06N	05W	28 NENE	31945 PARMA RD	125	115	233	231	6	4/23/1999	733130	D0009354
30	HILLARD, WADE	Domestic	06N	05W	28 SWSE	FORT BOISE RD	40	148	230	198	6	6/18/1991	724555	
31	VINSON, JOHN	Domestic	06N	05W	28 SESW	31140 CIRCLE DR	30	79	125	119	6	8/19/1994	728425	
32	VINSON, JOHN	Injection	06N	05W	28 SESW	31140 CIRCLE DR	20	79	170	138	6	8/18/1994	728426	
33	WALZ, ART	Domestic	06N	05W	28 SWSE		9999	90	172			3/11/1970	798522	
34	BERNMAN, LYNN	Domestic	06N	05W	28 SESW		15	75	105			8/28/1974	809906	
35	EDWARDS, GEORGE	Domestic	06N	05W	28 SESW		10	85	111			3/31/1976	816854	
36	UNIVERSITY OF IDAHO	Irrigation	06N	05W	28 SENE		0	180	485			8/15/1977	790555	
37	UNIVERSITY OF IDAHO REGENTS	Irrigation	06N	05W	28 SENE	31601 PARMA RD	620	183	516	438	16	4/26/2004	810788	D0030987
38	UNIVERSITY OF IDAHO REGENTS	Irrigation	06N	05W	28 SENE	31601 PARMA RD		190	0		16	8/24/2004	810789	
39	MC AHREN, RICKY, MC AHREN, DEBORAH	Domestic	06N	05W	28 SESW	31082 CIRCLE DRIVE	15	97	160	150	6	9/10/2002	784906	D0025330
40	RUETH, HERB	Domestic	06N	05W	27 SESE		0	161	280			4/1/1978	814939	
41	SKOGSBERG, LONNIE D	Irrigation	06N	05W	26 SWSE		0	230	455			4/1/1977	790554	
42	CAFARELLI, WILLIAM BRYANT	Domestic	06N	05W	26 SW		1700	153	400			3/18/1967	798523	
43	SKOGSBERG, LONNIE D	Domestic	06N	05W	26 SWNW		9999	140	425			4/16/1982	812383	
44	MANN RANCH	Domestic	06N	05W	25 SWNE		22	13	54	52	6	4/25/1998	732132	D0001703
45	MANN RANCH	Domestic	06N	05W	25 SWNE	31801 MANN LANE	0	0	0				732133	D0001703
46	M & M FEEDLOT	Domestic	06N	05W	25 NWSE	31801 MANN LN	60	13	158	29	10	12/28/1998	732741	D0007831

Sheet 10															
47	MANN RANCH	Domestic	06N	05W	25	SWNE		18	19	50	46	6	5/22/1999	733259	D0009400
48	MANN RANCH	Domestic	06N	05W	25	SWNE		45	12	182	180	6	5/27/1999	733261	D0009401
49	MANN RANCH	Domestic	06N	05W	25	SWNE		0	12	30		6	5/27/1999	733343	
50	MANN RANCH	Domestic	06N	05W	25	SWNE		0	20	30		4	5/27/1999	733344	
	STEPHENS,														
51	BERDIS	Domestic	06N	05W	24	SESW		50	7	79	53	6	7/3/1980	723953	
52	OBENDORF, RAY	Irrigation	06N	05W	24	NWNW		2200	280	503			3/14/1963	814811	
53	MENDIOLA, JOHN	Domestic	06N	04W	7	SWSW	2998 HWY 52	4	100	360	-250	8	8/22/2000	766224	D0015476
54	HYDE, PAUL, HYDE, POLLY	Domestic	06N	05W	12	SWSW	2662 ELMORE	40	158	323	300	6	4/16/1996	730269	
55	BEHAG, JAMES J	Domestic	06N	05W	12	SWSW	ROCKY ROAD	20	24	52	-51	6	9/8/2000	766476	D0015109
56	OBENDORF, RAY	Irrigation	06N	05W	23	SWNE		0	140	410			5/4/1974	790553	
57	OBENDORF, RAY	Domestic	06N	05W	23	SESE		9989	270	503			3/25/1971	798520	
58	OBENDORF, RAY	Domestic	06N	05W	23	SWSE		1700	280	502			4/4/1967	798521	
59	OBENDORF, RAY	Irrigation	06N	05W	23	NESE		2000	300	540			4/15/1962	820625	
60	OBENDORF, RAY	Domestic	06N	05W	23	NESE		20	316	435			3/23/1963	825758	
61	OBENDORF, RAY	Irrigation	06N	05W	23	NWNE	No well log available								
62	OBENDORF, RAY	Irrigation	06N	05W	23	SWSE	No well log available								
63	OBENDORF, RAY	Irrigation	06N	05W	23	SESW	No well log available								

