



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

5/18/2004

DARWIN VANDERSTELT
16931 STAR RD
NAMPA ID 83687

COPY

RE: Application for Transfer Number 71130 for Ed Van Grouw and Transfer Number 71131
for Dan Van Grouw

Dear Mr. Vanderstelt:

The Idaho Department of Water Resources (IDWR) is processing the above referenced applications for transfer. Our State Office Staff are currently reviewing your applications. Additional information is needed for complete evaluation of the proposal. This information was typically requested during the advertising process. However, we are now required to attain this information prior to the advertising process on all transfers.

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 1553-cow dairy for Ed Van Grouw and a 2072 cow dairy for Dan Van Grouw. 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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2. Please explain waste management techniques that will protect other water users from ground water contamination and surface water users from release of waste into surface channels or delivery canals.

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.

Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Respectfully,



Daniel A. Nelson
Senior Water Right Agent

cc Ed Van Grouw
Dan Van Grouw