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Department of Water Resources
Southern Region

COUNTY OF CASSIA

OFFICE OF THE COUNTY ADMINISTRATOR

KERRY D. McMURRAY
County Administrator
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August 1, 2003

Mr. Corey Skinner, PE
IDWR
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RE: Preston R. Allen & Sons Partnership pending applications for water rights transfers.

Dear Corey:

I appreciated your speaking with me on the telephone this morning concerning the Allen water right transfer applications. I am sending this letter in response to your earlier request for written comments regarding the proposed use of water.

I have asked my staff to conduct a full review of our records concerning Preston R. Allen & Sons Partnership (hereinafter, "Allen") CAFO operations in Cassia County. That review indicates only one (1) application for an Existing Livestock Confinement Operation Permit. My comments, therefore, are solely based upon that application. I am enclosing a copy of that for your information.

Cassia County Code Sections 9-10-4 (D) and (E) are concerned with status, rights and grandfather rights of CAFOs which were in existence prior to July 1, 1993. Allen applied for, and was granted, a "Prior Use L.C.O. Permit" under the auspices of these code sections. The permit affects property located at approximately 2560 East 300 South in Cassia County, Idaho. The legal descriptions are indicated on the enclosed application, and constitute 75 acres of land.

The Prior Use Permit is for a maximum capacity of 2500 head of beef. The site is located within the Prime Agricultural (AP) zone. Cassia County Code provides that prior use CAFOs in the AP zone shall be permitted to increase in size up to, not exceeding, 10,000 animal units. As a side note, under county regulation one (1) slaughter or feeder cow or one (1) beef-cow pair equals one (1.0) animal unit.

Allen is allowed to expand from 2500 head to a greater number, not to exceed 10,000 animal units, by filing an application for expansion with the Cassia County zoning administrator. I find no record of any such application for expansion of a prior use L.C.O.

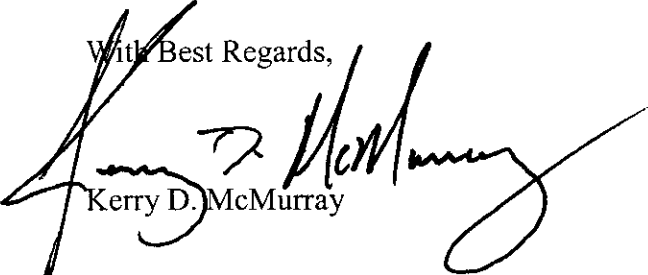
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County regulation also allows expansion beyond 10,000 animal units if Allen was to obtain a new CAFO permit and a conditional use permit, which specifically authorizes a greater number of animal units. No application for CAFO or condition use permits have been filed by Allen.

As far as I have been able to determine, Allen has met Cassia County requirements in protecting his rights under the prior use L.C.O. permitting process. I have no information otherwise that would impact on the proposed transfer of water rights in the Allen applications.

If I can be of further assistance or information, please contact me at your convenience.

With Best Regards,

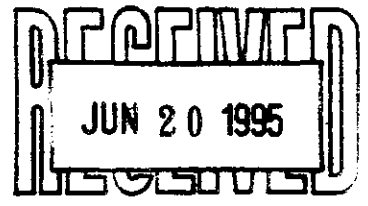


Kerry D. McMurray

Enclosure

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BOARD OF COUNTY COMMISSIONERS
CASSIA COUNTY, IDAHO



ACTING AS CASSIA COUNTY
PLANNING COMMISSION

APPLICATION FOR AN EXISTING
LIVESTOCK CONFINEMENT OPERATION PERMIT
"Prior Use L.C.O. Permit"

Application # A existing L.C.O. **956051**
Name of Applicant: Preston R. Allen & sons
Address: Star Rt Box 13 Deak
Telephone Number: 349 5573
Location of Property (address): 2560 E 300 S
Legal Description of Property: 10 S R 27 E S 35 NW 1/4 SW 1/4 SW 1/4 SW 1/4 5 acres
11 S R 27 E S 34 NW 1/4 NW 1/4 10 acres S 3 SE 1/4 210 acres S 10 NW 1/4 12 acres

Number of acres: 7.5 acres

Narrative description of the operation and facilities including location and maximum capacity of the current facilities and the numbers and type of livestock: Beef 1500 to 2500

Narrative description of any plans for future expansion and proposed timetable:

up grade holding pens no time table

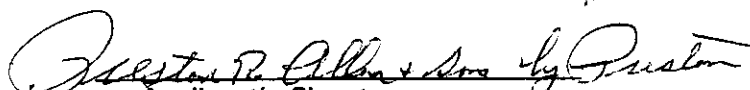
Attach an owner drawn scaled site plan of the facilities and structures located on the L.C.O.

A Filing Fee of \$75.00 must accompany this completed application if submitted after January, 1, 1995.

If the L.C.O. was under construction as of June 28, 1993, provide the following information:

a. Date construction began: 1972-73

b. Evidence of approval from the Idaho Department of Health and Welfare Division of Environmental Quality for the waste system design for solid and liquid waste.


Applicant's Signature

6-15-95
Date