

MEMORANDUM

Date: May 8, 2024
To: Transfer 88742
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the point of diversion and place of use for water right 25-4304. The new point of diversion is in Basin 35, so the water right was renumbered prior to data entry into the transfer program. The new water right number is 35-14848.

Authority to File:

The applicant is the current water right owner of record. Jefferson County tax lot data shows the applicant as the owner of the proposed place of use. The applicant has authority to make the change.

Water Right Validity:

The right included in this transfer was decreed in the SRBA in 2005. Review of aerial photography shows an active feed lot at the current place of use. Forfeiture is not an issue.

Injury to Other Water Rights:

Other rights do not appear to be injured by the proposed change. Application included a report of ESPA modeling for impacts to the Snake River. The report showed that mitigation is not required. The water master was notified and did not oppose the approval of this transfer. Department published notice of the application and no protests were filed.

Enlargement of Use:

Neither the rate nor volume will increase as a result of this transfer. The existing feedlot is also supplied by water right 25-7526. Water right 25-7526 describes stockwater use by 4,000 cattle. Water right 25-4304 (35-14848) describes stockwater use by 2,500 cattle. Neither right bears a combined limit condition referring to the other right. It is not clear whether the two rights represent the same cows. I reviewed records from Bonneville County, the state of Idaho, and the applicant about the number of cattle at the feedlot. Even though the county shows the feedlot only has a capacity of 1,875 animals, internal records from the applicant confirm that the feed lot has served up to 6,500 cattle at times over the last ten years. Inspection reports from the Department of Agriculture confirm that the county estimates of capacity are incorrect. Based on the evidence available at this time, it does not appear that water rights 25-4304 and 25-7526 are stacked. If the rights are independent, water right 25-4304 can be moved without affecting water right 25-7526. Water right 25-7526 is poor. Even though it describes stockwater use for 4,000 cattle, the authorized rate (0.10 cfs) is not sufficient to provide water for 4,000 cattle. The applicant is aware of the limited diversion rate and confirmed that they are ramping down operations at the existing feedlot for eventual closure. Enlargement does not appear to be an issue.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

Head Count per Month 2021

Month	Invoice Date	Yardage	Days	Head	#NAME?
Jan-21	2/1/2021	179726	31	5,798	
Feb-21	3/1/2021	152995	28	5,464	5464
Mar-21	4/1/2021	158587	31	5,116	5116
Apr-21	5/1/2021	159627	30	5,321	5321
May-21	6/1/2021	177246	31	5,718	5718
Jun-21	7/1/2021	196773	30	6,559	6559
Jul-21	8/1/2021	197602	31	6,374	6374
Aug-21	9/1/2021	201366	31	6,496	6496
Sep-21	10/1/2021	177734	30	5,924	5924
Oct-21	11/1/2021	176612	31	5,697	5697
Nov-21	12/1/2021	185502	30	6,183	6183
Dec-21	1/1/2022	194820	31	6,285	6285

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 25-07526

Priority: September 27, 1989

Maximum Diversion Rate:
Maximum Diversion Volume:

0.10 CFS
53.6 AF

This is to certify, that KEITH SKAAR
CHERIE SKAAR

1826 E 49TH N

IDAHO FALLS ID 83401

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 27, 1989; and has submitted Proof of Beneficial Use on December 6, 1990. An examination indicates that the works have a diversion capacity of 0.100 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.10 CFS	53.6 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 3(NENW), Sec. 4, Township 02N, Range 38E
BONNEVILLE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

02N 38E 4 Lot 3(NENW)

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. Stockwater use is for 4000 range cattle.

APPROVED
MAY 27 1989

LIVESTOCK ENVIRONMENTAL INSPECTION REPORT

FACILITY NAME/OWNER/ADDRESS/CITY/EMAIL SRS Cattle LLC/ Scott & Ryan Steele 1810 East 49th North Idaho Falls, Idaho 83401 (208) 390-5765 PLANT/PERMIT #	DATE: 09/19/2019	INSPECTION TYPE: ☐ ROUTINE ☐ FOLLOW-UP ☐ PRE-QUALIFYING ☐ QUALIFYING ☐ COMPLAINT ☐ NMP REVIEW ☐ OTHER	REPEAT NON-COMPLIANCE
	# OF ANIMALS: Fresh & Dry: <u>NA</u> Replacements: <u>4000</u> Beef: <u>0</u> Poultry: <u>NA</u> Other:		DISCHARGE INSPECTION
			UPDATE NMP
			TIME START: 8:30am TIME FINISH: 9:30am

ITEM/DESCRIPTION	Comment	Non-Compliance	Discharge	Remarks:
1. WASTE SYSTEM				This facility operated as a partial Approved Feedlot and background facility for beef calves and dairy heifers. They feed Dairy heifers for producers from 400 to 500 pounds until bred and close to calving and then return to dairy. The beef calves are purchased from local producers or purchased at Livestock Auctions and back ground to 800 to 900 pounds and sold to other feedlots to be finished. Drove around facility and found no violations. FB: 4 feet of 5 feet 1a&b) This facility was design to drain to ponds, but due to years and years of manure removal, corrals are 2' to 3' lower than drain ditches. Corrals have been cleaned. 1e) Producer said the had graded all of their corrals so all liquid waste water drain to pond. Producer is building another liquid pond. New pond cannot be used until it is approved by ISDA. 1h) Animals confined from waterways. Producer #112 Sunny--Dry This feedlot capacity is 4000 head so Environmental Management Plan is required. NMP reviewed today.
a. Waste Containment	X			
Type <u>Earthen</u>				
Freeboard				
b. Corral/Facility Containment	X			
☒ In-Corral ☐ Pond				
c. Separation System				
d. Construction Approved				
e. Adequate Liquid Storage				
f. Land Application Appropriately Managed				
g. Evidence of Past Discharge				
h. Animals Confined From Waterways	X			

☐ **Compliance Date:**

Terms of Compliance:

☐ Photographs Attached

LIVESTOCK ENVIRONMENTAL INSPECTION REPORT

FACILITY NAME/OWNER/ADDRESS/CITY/EMAIL
SRS Cattle LLC/ Scott & Ryan Steele

1810 East 49th North
Idaho Falls, Idaho 83401
(208) 390-5765
PLANT/PERMIT #

DATE: 04/23/2020

OF ANIMALS:
Fresh & Dry: NA
Replacements: NA
Beef: 3700
Poultry: NA
Other: _____

INSPECTION TYPE:

- ☐ ROUTINE
☐ FOLLOW-UP
☐ PRE-QUALIFYING
☐ QUALIFYING
☐ COMPLAINT
☐ NMP REVIEW
☐ OTHER

REPEAT NON-COMPLIANCE

DISCHARGE INSPECTION

UPDATE NMP

TIME START: 2:30pm

TIME FINISH: 3:30pm

ITEM/DESCRIPTION	Comment	Non-Compliance	Discharge
1. WASTE SYSTEM			
a. Waste Containment	X		
Type Earthen			
Freeboard			
b. Corral/Facility Containment	X		
☒ In-Corral ☐ Pond			
c. Separation System			
d. Construction Approved			
e. Adequate Liquid Storage			
f. Land Application Appropriately Managed			
g. Evidence of Past Discharge			
h. Animals Confined From Waterways	X		

Remarks:

This facility operated as a partial Approved Feedlot and background facility for beef calves and dairy heifers. They feed Dairy heifers for producers from 400 to 500 pounds until bred and close to calving and then return to dairy. The beef calves are purchased from local producers or purchased at Livestock Auctions and back ground to 800 to 900 pounds and sold to other feedlots to be finished.

Drove around facility and found no violations.

FB: 1 foot of 5 feet

1a&b) This facility was design to drain to ponds, but due to years and years of manure removal, corrals are 2' to 3' lower than drain ditches. Corrals are being cleaned today.

1e) Producer said the had graded all of their corrals so all liquid waste water drain to pond. Producer is building another liquid pond. New pond almost completed, but winter weather stopped construction. New pond cannot be used until it is approved by ISDA.

1h) Animals confined from waterways.

Producer #112

Cloudy/Rain--Wet

This feedlot capacity is 4000 head so Environmental Management Plan is required. NMP reviewed on 9/19/2019.

Compliance Date:

Terms of Compliance:

☐ Photographs Attached

INSPECTOR SIGNATURE **Kelly Mortensen**

Digitally signed by Kelly Mortensen
Date: 2020.04.29 14:08:28 -06'00'

Delivered to Producer By: _____
Email

Date: 4/23/2020

LIVESTOCK ENVIRONMENTAL INSPECTION REPORT

FACILITY NAME/OWNER/ADDRESS/CITY/EMAIL SRS Cattle LLC/ Scott & Ryan Steele 1810 East 49th North Idaho Falls, Idaho 83401 (208) 390-5765 PLANT/PERMIT #	DATE: 8/30/2021	INSPECTION TYPE: ☐ ROUTINE ☐ FOLLOW-UP ☐ PRE-QUALIFYING ☐ QUALIFYING ☐ COMPLAINT ☐ NMP REVIEW ☐ OTHER	REPEAT NON-COMPLIANCE	
	# OF ANIMALS: Fresh & Dry: <u>NA</u> Replacements: <u>3650</u> Beef: <u>200</u> Poultry: <u>NA</u> Other: _____		DISCHARGE INSPECTION	
			UPDATE NMP	
			TIME START: 1:00pm TIME FINISH: 2:00pm	

ITEM/DESCRIPTION	Comment	Non-Compliance	Discharge	Remarks:
1. WASTE SYSTEM				This facility operated as a background facility for beef calves and dairy heifers. They feed Dairy heifers for producers from 400 to 500 pounds until bred and close to calving and then return to dairy. The beef calves are purchased from local producers or purchased at Livestock Auctions and back ground to 800 to 900 pounds and sold to other feedlots to be finished. Drove around facility and found no violations. Pond #1 FB: 2 feet of 5 feet Pond #2 FB: This pond is being lined and sides made with slope. Before use it must be inspected by Idaho Department of Agriculture. 1a&b) This facility was design to drain to ponds, but due to years and years of manure removal, corrals are 2' to 3' lower than drain ditches. Corrals have been cleaned. 1h) Animals confined from waterways. Producer #112 Sunny--Dry This feedlot capacity is 4000 head so Environmental Management Plan is required. NMP will be reviewed the 1st part of October.
a. Waste Containment	X			
Type Earthen (2)				
Freeboard				
b. Corral/Facility Containment	X			
☒ In-Corral ☐ Pond				
c. Separation System				
d. Construction Approved				
e. Adequate Liquid Storage				
f. Land Application Appropriately Managed				
g. Evidence of Past Discharge				
h. Animals Confined From Waterways	X			

	Compliance Date:
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Terms of Compliance:

☐ Photographs Attached

Remarks:

This facility operated as a background facility for beef calves and dairy heifers. They feed Dairy heifers for producers from 400 to 500 pounds until bred and close to calving and then return to dairy. The beef calves are purchased from local producers or purchased at Livestock Auctions and back ground to 800 to 900 pounds and sold to other feedlots to be finished.

Drove around facility and found no violations.

Pond #1 FB: 2 feet of 5 feet
Pond #2 FB: This pond is being lined and sides made with slope. Before use it must be inspected by Idaho Department of Agriculture.

1a&b) This facility was design to drain to ponds, but due to years and years of manure removal, corrals are 2' to 3' lower than drain ditches. Corrals have been cleaned.

1h) Animals confined from waterways.

Producer #112

Sunny--Dry

This feedlot capacity is 4000 head so Environmental Management Plan is required. NMP will be reviewed the 1st part of October.

INSPECTOR SIGNATURE **Kelly Mortensen** Digitally signed by Kelly Mortensen Date: 2021.09.08 14:42:20 -06'00' Delivered to Producer By: Email Date: 8/30/2021

LIVESTOCK ENVIRONMENTAL INSPECTION REPORT

FACILITY NAME/OWNER/ADDRESS/CITY/EMAIL SRS Cattle LLC/ Scott & Ryan Steele 1810 East 49th North Idaho Falls, Idaho 83401 (208) 390-5765 PLANT/PERMIT #	DATE: 07/25/2022	INSPECTION TYPE: ☐ ROUTINE ☐ FOLLOW-UP ☐ PRE-QUALIFYING ☐ QUALIFYING ☐ COMPLAINT ☐ NMP REVIEW ☐ OTHER	REPEAT NON-COMPLIANCE
	# OF ANIMALS: Fresh & Dry: <u>NA</u> Replacements: <u>3900</u> Beef: <u>0</u> Poultry: <u>NA</u> Other: _____		DISCHARGE INSPECTION
			UPDATE NMP
	TIME START: 10:00am TIME FINISH: 11:00am		

ITEM/DESCRIPTION	Comment	Non-Compliance	Discharge	Remarks:
1. WASTE SYSTEM				
a. Waste Containment	X			This facility operated as a background facility for beef calves and dairy heifers. They feed Dairy heifers for producers from 400 to 500 pounds until bred and close to calving and then return to dairy. The beef calves are purchased from local producers or purchased at Livestock Auctions and back ground to 800 to 900 pounds and sold to other feedlots to be finished.
Type <u>Earthen</u>				Drove around facility and found no violations.
Freeboard				Pond #1 FB: 1 foot of 5 feet Pond #2 FB: They are working with Kate Leavitt with Idaho Department of Agriculture to approve this pond.
b. Corral/Facility Containment	X			1a&b) This facility was design to drain to ponds, but due to years and years of manure removal, corrals are 2' to 3' lower than drain ditches. Corrals are being cleaned.
☒ In-Corral ☐ Pond				1h) Animals confined from waterways.
c. Separation System				Producer #112
d. Construction Approved				Sunny--Dry
e. Adequate Liquid Storage				This feedlot capacity is 4000 head so Environmental Management Plan is required. NMP reviewed on 4/08/2022.
f. Land Application Appropriately Managed				
g. Evidence of Past Discharge				
h. Animals Confined From Waterways	X			

☐ Compliance Date:

Terms of Compliance:

☐ Photographs Attached

INSPECTOR SIGNATURE **Kelly Mortensen**

Digitally signed by Kelly Mortensen
Date: 2022.08.08 08:59:18 -06'00'

Delivered to Producer By: _____
Email

Date: 07/25/2022



ZONING & BUILDING DEPARTMENT

605 N. Capital Avenue
Idaho Falls, ID 83402

(208) 524-7920
Fax # (208) 529-1330

MEMORANDUM

February 6, 2020

Scott Steele Feedlot Use Hearing for a CAFO

Parcel #RP02N38E042497 / 81.87 ACRES SW1/4 SEC 4, T 2N, R 38

On September 27, 2006 the Planning and Zoning Commission held a public hearing for an application by Scott Steele. The application is for a Use Permit to verify capacity and validate compliance with Bonneville County Zoning Ordinance Chapter 4 Section 1-438, Animal Regulations of an existing Cattle Feeding Operation in an Agriculture A-1 Zone. The general location of the property is 1810 E 49th N, Idaho Falls, ID. The Planning and Zoning Commission **APPROVED** the application to validate the existing CAFO operation and set the capacity of 1,875 animal units.

On October 10, 2006 Donald Purcell, an adjacent property owner, filed an Appeal to the Board of County Commissions for the decision of the Planning and Zoning Commission. The Appeal was heard at a public hearing by the Board of County Commissions on November 16, 2006. The Board of County Commission issued their decision in the "Finding of Fact" on November 22, 2006. The Commissioners **DENIED the Appeal**. The decision stated that the Steele Feedlot Operation is in compliance with the laws that were in effect in Bonneville County prior to the Counties adoption of the CAFO section of the Zoning Ordinance. The Commissioners determined that the Steele feedlot complies with all of the required standards to be validated as an existing CAFO operation with a capacity of 1,875 animal units.

The property in which the approved CAFO is located has been rezoned and a land use map amendment have occurred. The zoning and land use changes do not affect the existing CAFO. The CAFO is in compliance as long as Mr. Steele continues the Ag use. If the use ceases and the owner initiates converting the property to change from the existing Ag use to an industrial use then the I&M-1 zoning designations become effective.