

MEMORANDUM

May 16, 2012

Re-numbered 12/2012 # 78316

TO: Protested Transfer File X72468, Rosa

FROM: Cindy Yenter, Watermaster Water District 130 (cy)

RE: Extent of use at dairy site under proposed transfer

This transfer was filed and protested in 2006, and has remained unresolved. Allen Merritt asked me to investigate use at the proposed dairy expansion site. I also investigated the acreage identified to be idled as a result of the transfer.

The dairy is in operation and appears full. I did not speak to anyone onsite. When I pulled into the dairy I estimated 70-100 cows were in the holding pen closest to the road. From the road ¼ mile to the south of the dairy, I could observe at least five pens the same size. There may be additional pens behind the haystacks that are not visible from the road, and some cows in the barn or other holding areas. My initial feeling was a herd of around 600; the dairy spreadsheet included with the transfer was in fact based on a milking herd of 600, with heifers and dry cows also kept onsite.

The pasture to be idled in order to facilitate the transfer is located approximately 5 miles south and 3.5 miles east of the dairy, and may be irrigated pursuant to decreed water right 37-7447A. As this pasture is situated along Highway 26 I have already observed that it has not been irrigated several years. Analysis of available imagery indicates that significant irrigation last occurred in approximately 2004, and then for only a portion of the acres. Last full irrigation was sometime in 2002 or 2003 based on the mosaic spot photos for those years.

The partial decree for 37-7447 was issued 12/11/2002. The right was split with Rosa receiving part A. Based on the decree date, forfeiture would not have been an issue under this right until the beginning of the irrigation season 2008, two years after the transfer was filed. There has been no beneficial use under the right since 2008.

The adjacent landowner to the east, who held 37-7447B at the time, filed one of the transfer protests citing possible forfeiture and no beneficial use under 37-7447A. At the time forfeiture was not an issue, but it may be at this point unless accomplished transfer is asserted. That landowner, Carolyn Elexpuru, is no longer the owner of record of 37-7447B and to my knowledge has moved out of the area.

It should also be pointed out that Mr. Rosa does not own the entire 15 acres appurtenant to 37-7447A, and the entire right might not be available for transfer. Thronson owns a 1.7-acre parcel to the west of Rosa's home, upon which about one acre of 7447A is appurtenant.

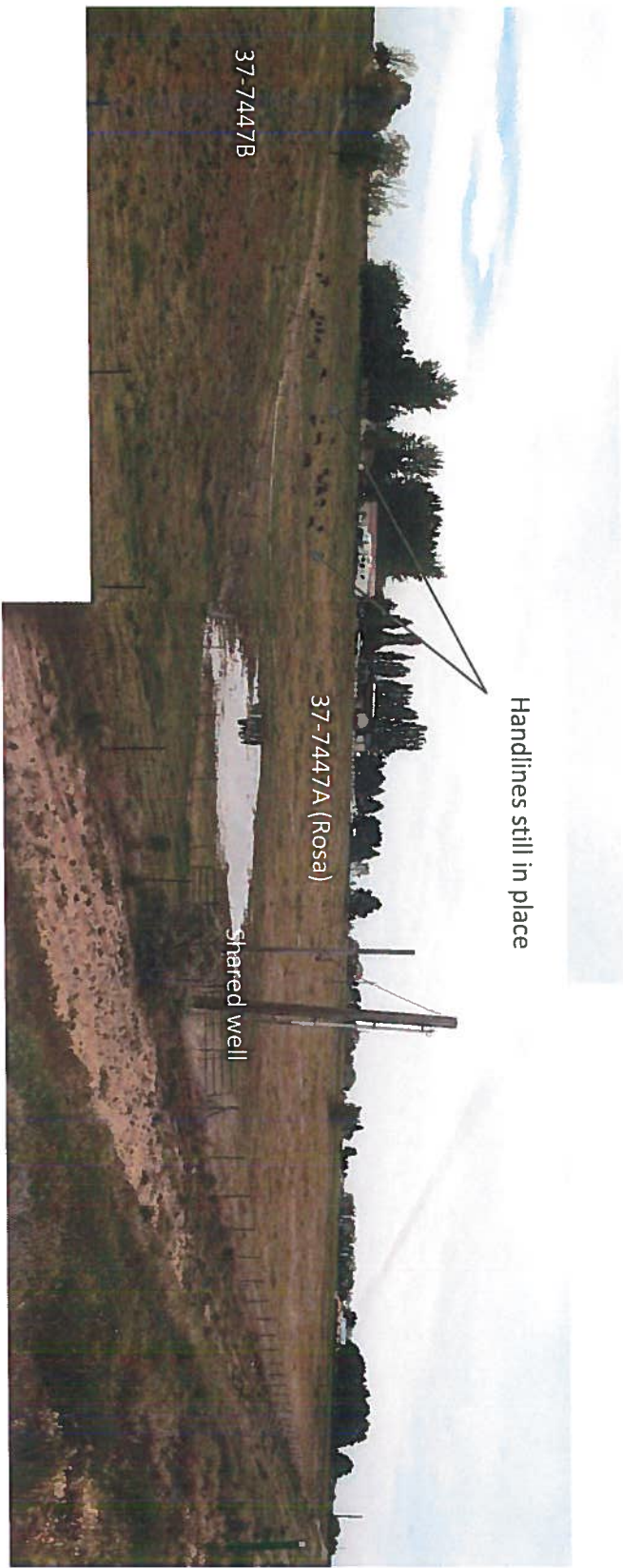
May 15, 2012 Rosa Dairy *W* → *Re-numbered 12/2012 - #78316*
Dairy identified in ~~X72468~~, 05S 14E Sec12. View to North from 1400 S Rd.



Holding Pens

Dry cows?

Pasture identified as idled in 06S 15E Sec10 (far side of cross fence where cattle are). View to SW from Hwy 26.



Handlines still in place

37-7447A (Rosa)

Shared well

37-7447B