

## MEMORANDUM

**To: Water Right File No. 47-8278**  
**From: Aaron Marshall**  
**Date: September 27, 2007**  
**Re: Water Right No. 47-8278, License Processing**

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### Chronology of Water Right No. 47-8278:

Water right permit no. 47-8278 was approved on December 13, 1991, with a priority date of July 17, 1991, and a proof of beneficial use due date of December 1, 1993. The permit carries a condition that states, "Stockwater use is for 450 dairy cattle."

Proof of Beneficial Use was received on November 15, 1993, with proper payment.

The original field examination was conducted by Charles E. Brockway, Certified Water Rights Examiner, on March 28, 2005. The Beneficial Use Field Report was received by the Department on April 25, 2005.

Notice of Change in Water Right Ownership was received on September 12, 2005, and was receipted as an assignment of permit. Assigned permit from Phoenix, a partnership, to Phoenix Dairy, LLC.

An amended Beneficial Use Field Report was received by the Department on November 16, 2005. This resulted in the reduction of the filed examiner's recommended volume from 53.5 AFA to 30.1 AFA.

Upon evaluation of water right permit no. 47-8278 for license issuance, I made the following observations:

The permit was issued for two points of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 14, T10S, R16E. The Beneficial Use Field Report indicates two points of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 14, T10S, R16E. The two wells are connected into the same conveyance system. They are distinguished as the primary well (south) and the backup well (north). The points of diversion overlap with claim nos. 47-12904 and 47-12905.

A magnetic flow meter was installed on August 30, 2005, after the initial field exam. The conditions of the permit have been met.

The field examiner made a theoretical flow computation and determined the combined discharge capacity for the two wells at **0.23 cfs**, less than the permitted 0.30 cfs. Therefore, the water right should be licensed for the lesser flow rate.

The Field Examiner's Handbook indicates a daily requirement of 35 gallons for dairy cattle. The field examiner used a daily requirement of 36.2 gallons based on the Kertz method. Using the Kertz method for 450 dairy cattle, the annual volume requirement is 18.2 acre-feet. The field examiner also recommended an annual volume for 250 calves and heifers in the amount of 2.4 acre-feet. Since, the stockwater component of the permit was issued for 450 dairy cattle, the total annual volume licensed for stockwater use should be **18.2 acre-feet**. The field examiner calculated an annual volume requirement for commercial use based on two milking parlors for a total of **9.5 acre-feet**. The water right should be licensed for a total combined annual volume of **27.7 acre-feet**.

The place of use overlaps with claim nos. 47-12904 (0.03 cfs for stockwater) and 47-12905 (0.04 cfs for domestic and 0.02 cfs for stockwater). Since partial decrees have not been issued in the SRBA for these claims, combined use limits are not applicable at this time. The claims were filed in 1988, prior to application for permit of right no. 47-8278. The claims appear to be for the original dairy operation while this right is for the enlargement of the dairy.