

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

January 13, 2006

Jeanie Robertson
Idaho Department of Water Resources
Southern Region Office
1341 Fillmore, Suite 200
Twin Falls, ID 83301

*(no check)
check send* 1-18-06

RECEIVED

JAN 17 2006

Department of Water Resources
Southern Region

Re: Rosa Transfer for Dairy #1 & Proposed Dairy #3

Dear Jeanie:

Please find the enclosed Applications for Transfer of Water Right submitted on behalf of Edward Rosa. Mr. Rosa is proposing to split water right 37-7009 for use in an existing dairy (Dairy #1) in Township 6S, Range 15E, Section 10, SWNW, for use in a proposed dairy (Dairy #3) in Township 6S, Range 15E, Section 14, NW, and to continue but reduce the irrigated acres at its current POU. This right was recently decreed to Dianne Bean on December 11, 2002, but the land and right has been acquired by Edward & Karen Rosa on September 29, 2004 (see attached deed). However, since that time Edward and Karen have had a divorce; therefore the water right has been changed to Edward's name (see attached quitclaim deed) and a change of ownership should have already been submitted.

Historically this water right has been used to irrigate 151.7 acres within its described POU. FSA records for the 2005 season show that that approximately 107.5 acres of sugar beets were being irrigated. Therefore, according to Allen & Brockway (1983) the consumptive irrigation requirement for the crop should be 2.63 af/ac (Shoshone 1 station).

According to Bob Ohlensehlen of Nutrient Management Solutions, LLC the proposed dairy in section 14 (Dairy #3) would require 144 afa in order to supply enough water for the commercial and stockwater use of the dairy (see attached Water Requirements Spreadsheet-New Facility). Therefore, in order to provide enough water for Dairy #3 the "Dairy #3 transfer" is proposing to dry up 54.8 acres of water right 37-7009 ($54.8 \text{ acres} \times 2.63 \text{ af/ac} = 144.1 \text{ afa}$). The water will be extracted from the aquifer from two new POD's that will be located at the proposed barn site. However since the POD's are next to the existing POD for 37-7009 and within the same model cell the water transfer model does not apply, and no additional mitigation should be required.

In addition, according to Bob Ohlensehlen of Nutrient Management Solutions, LLC the existing dairy in section 10 (Dairy #1) would require 21 afa in order to supply enough water for the commercial and stockwater use of the dairy

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

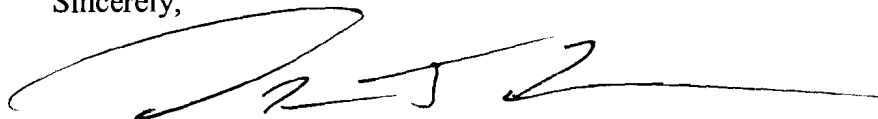
FAX: 736•8506

(see attached Water Requirements Spreadsheet-Existing Dairy). Dairy #1 already has an existing water right 37-11200 that can provide 13,000 gpd (~14.6 afa) for the dairy. However, within the rights conditions of approval it states that the right is only for a 50 cow dairy/100 dairy stock and that the decree is not a determination of historical use. Therefore, in order to ensure that Dairy #1 has a sufficient water supply, the "Dairy #1 transfer" is proposing to dry up 6.4 acres of water right 37-7009 ($6.4 \text{ acres} \times 2.63 \text{ af/ac} = 16.8 \text{ afa}$) to provide an additional 16.8 afa to the dairy. With these two rights the dairy could have approximately 31.4 afa for use at the dairy and should provide a sufficient water supply.

The water for Dairy #1 is being proposed to be transferred approximately 1.25 miles to the northwest. However, according to the old transfer spreadsheet that is proscribed in the current transfer guidelines the POD will still be in the same model cell as the existing POD for 37-7009. The old model cells that is proscribed in the current transfer guidelines was used to determine the if the model was required to determine the effects of the transfer. Even though there is a new enhanced model, it has not been used since our office has been notified that the new transfer spreadsheet still has a couple of errors and is considered to be in beta version. Therefore, Rick Raymondi and Karl Dreher of IDWR in Boise told us to continue to use the older model that is specified in the transfer guidelines until we are notified that the corrections with the new model have been completed. Therefore, according to the transfer guidelines there should be no need to run the model to determine if any further mitigation is required.

I have also included a limited power of attorney regarding these transfer's and a check for a total of \$390.00 (\$100.00 for Dairy #1 and \$290.00 for Dairy #3) to cover the costs of the transfer fees. If you or any other agent processing these transactions have any questions regarding the transfers, please feel free to give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daren T. Nelson', with a long horizontal line extending to the right.

Daren T. Nelson.

Attachments: Application of Transfer: Rosa Dairy #1
Figure: Rosa: Dairy #1 Transfer
NMS: Water Requirement Spreadsheet: Existing Dairy
Application of Transfer: Rosa Dairy #3
Figure: Rosa: Dairy #3 Transfer
NMS: Water Requirement Spreadsheet: New Facility
FSA Documentation
Limited Power of Attorney
Deeds: New Quitclaim & Old Warranty Deed

cc: Reagon Hatch
Edward Rosa

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Edward M. Rosa, hereby nominate and appoint Brockway Engineering, PLLC (Daren T. Nelson) as my attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or matters pertaining to water right transfers before the Idaho Department of Water Resources for the following water right transactions:

Transfers regarding 37-7447A & 37-7009 or portion thereof to stockwater/commercial rights

in Gooding County, Idaho. Additionally, I hereby ratify and confirm any and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the applications, and transfers above-mentioned. Further, I hereby declare that each and every application, transfer, agreement, receipt, or payment which shall be by my said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these present. This Limited Power of Attorney will become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 6 day of Dec 2005.

Edward M. Rosa

Signature

Signature

State of Idaho)

County of Twin Falls)

ss.

On this 6th Day of December, 2005, before me, a Notary Public in and for said County and State, personally appeared Edward M. Rosa, known or identified to me to be the individual whose name and subscription to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

S
E
A
L



Will Davidson
Notary Public

In and for said State and County

November 18, 2010

My Commission Expires

Instrument # 208

GOODING, GOODING, IDAHO

2004-10-08

02:17:19 No. of Pages: 2

Recorded for : LAND TITLE

HELEN EDWARDS

Ex-Officio Recorder Deputy

Fee: 6.00

RECEIVED
OCT 13 2004
Department of Water Resources
Southern Region

WARRANTY DEED

FOR VALUE RECEIVED, BEAN FAMILY, L.L.C., an Oregon limited liability company, hereinafter referred to as "Grantor," does hereby grant, bargain, sell and convey unto **EDWARD ROSA and KAREN ROSA**, husband and wife, whose address is 1772 East 1700 South, Gooding, Idaho, 83330-4807, hereinafter referred to as "Grantee," the following described real property situated in Gooding County, Idaho, to-wit:

**2149 B Hwy. 26

TOWNSHIP 6 SOUTH, RANGE 15 EAST, OF THE BOISE MERIDIAN
GOODING COUNTY, IDAHO

Section 11: SW ¼

Section 14: NW ¼

Together with all water rights appurtenant thereto, including , but not necessarily limited to, water evidenced by IDWR Water Right No. 37-7009 in the amount of 3.040 cfs.

3.040

Subject to a Mortgage of even date herewith executed by Grantors in favor of Grantee.

To have and to hold the said premises and their appurtenances unto the said Grantees, their successors and assigns, forever.

The said Grantor does hereby covenant to and with the said Grantees that it is the owner in fee simple of said premises; that said premises are free from all encumbrances, except all matters of record and easements which are apparent; and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 29 day of Sept, 2004.

BEAN FAMILY, L.L.C.

By: Dianne Bean
DIANNE BEAN
Its: Member

STATE OF OREGON)
)ss.
County of IDAHO)

On this 29 day of SEPT., 2004, before me, a Notary Public, in and

for said County and State, personally appeared DIANNE BEAN, known or identified to me to be a member of BEAN FAMILY, L.L.C., the limited liability company that executed the foregoing instrument, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



(!rlm/realst/wd llc bean)

Carol M Gilbert
NOTARY PUBLIC
Residing at: 468 S.W. CAPLES RD ROSEBURG, OR
My commission expires: 5/30/2008

Instrument # 208.

GOODING, GOODING, IDAHO

2004-10-08

02:18:34

No. of Pages: 1

Recorded for : LAND TITLE

HELEN EDWARDS

Ex-Officio Recorder Deputy

Fee: 3.00

RECEIVED
OCT 13 2004
Department of Water Resources
Southern Region

QUITCLAIM DEED

FOR VALUE RECEIVED, **DIANNE BEAN**, an individual, hereinafter referred to as "Grantor", does hereby convey, release, remise and forever quitclaim unto **EDWARD ROSA and KAREN ROSA**, husband and wife, whose address is 1772 East 1300 South, Gooding, Idaho, 83330-4807, all of her right, title and interest in and to the following State of Idaho water rights as claimed in the Snake River Basin Adjudication:

3.040 cfs of IDWR No. 37-7009 for irrigation purposes.

To have and to hold the said premises and their appurtenances unto the said Grantees, their successors and assigns, forever.

DATED this 6th day of OCTOBER, 2004.

"GRANTOR"

Dianne Bean
DIANNE BEAN

STATE OF OREGON)

ss.

County of DOUGLAS)

On this 6th day of OCTOBER, 2004, before me, a Notary Public for the State of Idaho, personally appeared DIANNE BEAN, known or identified to me to be the person who subscribed her name to the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Carol M. Gilbert
NOTARY PUBLIC
Residing at 4168 SW CARNES RD RSBG, OR 97470
My commission expires 5/30/2008

!rlm\realest\qed water _bean2

QUITCLAIM DEED

For value received, Edward M. Rosa and Karen R. Rosa, as grantor hereby quitclaims unto Edward M. Rosa, the grantee whose current mailing address is 2149 B Highway 26, Gooding, Idaho 83330, all of the grantor's right, title, and interest in and to the following described water right situated in Gooding County, Idaho, on record with the Idaho Department of Water Resources:

Water right 37-7009, priority date 01/16/1968 &
Water right 37-7447A, priority date 07/30/1975

Grantor has caused this quitclaim deed to be executed this 6 day of
December 20 05.

By Edward M. Rosa
Edward M. Rosa

Karen R. Rosa
Karen R. Rosa

State of Idaho)
County of Gooding) S.S.

On this 6 day of December, in the year of 2005, before me, a Notary Public, personally appeared Karen Rosa & Edward M. Rosa, proved to me on The basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

John A. Board
Notary Public
In and for said State and County

John A. Board
My Commission Expires on

5-1-2010

S
E
A
L

See Page 2 for Privacy Act and Public Burden Statements.

[illegible]

Operator Name and Address ID

JEFFREY PAVKOV 0457

2175 STATE HIGHWAY 46

GOODING, ID 83330-5306

Original: *John*

Revision:

Cropland: 132.5

Farmland: 320.0

NOTE: The authority for collecting the following information is Pub.L 107-76. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Act.

Producer Name	ID	C/C	Share	C/C	Share
JEFFREY PAVKOV	0457	SBEET	1.0000	FALOW	1.0000

Crop Type	Prac	IU	Reported	Determined	Crop Type	Prac	IU	Reported	Determined
FALOW	I		35.60		OFAV	I		.00	
					SBEET	I	PR	107.50	

OPERATOR'S CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct, and that all required crops and land uses have been reported for the farm as applicable. The signing of this form gives FSA representatives authorization to enter and inspect crops and land uses on the above identified land.

Operator's Signature

See manual 578

Date

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, sex, age, marital status, or disability.

REPORT OF COMMODITIES

PROGRAM YEAR 2005

FARM NUMBER: 2418

FARM AND TRACT DETAIL LISTING

DATE: 08-01-2005

Operator Name and Address ID
 JEFFREY PAVKOV 0457
 2175 STATE HIGHWAY 46
 GOODING, ID 83330-5306

Original: _____

Revision: _____

Cropland: 132.5

Farmland: 320.0

Tract Number	CLU/ Field	Irr Prc	Var/ C/C Type	Int Use	Lnd Use	Rpt Unt	Reported Quantity	Determined Quantity	Crp Lnd	O/ M	C/C Stat	Prod Share	Prod ID	RMA Unt	Opt Unt
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0		Ir	OFAV		F FAV		.00					1.0000	0457		
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C/C Type Prac IU Non-Irrig Irrigated
 OFAV I .00

Photo Number/Legal Description: None

Cropland: .0 Reported on Cropland: .00 Difference: .00 Reported on Non-Cropland: .00

64	1	Ir	SBEET		Proces	A	107.50		Y		I	1.0000	0457		
	2	Ir	FALOW			A	35.60		Y		I	1.0000	0457		

C/C Type Prac IU Non-Irrig Irrigated C/C Type Prac IU Non-Irrig Irrigated
 FALOW I 35.60 SBEET I PR 107.50

Photo Number/Legal Description: N11 11/14-6-15

Cropland: 132.5 Reported on Cropland: 143.10 Difference: 10.60 Reported on Non-Cropland: .00

Shoshone 1 WNW Consumptive Use from Allen and Brockway 83

** Monthly average daily (mm/day) and Seasonal Totals (mm) **

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Total	
ETr										
MEAN ETr	1.82	4.91	6.48	8.15	8.27	6.79	5.24	3.57	1377.	
STDV ETr	0.46	0.51	0.54	0.58	0.36	0.46	0.46	0.37	50.	
Alfalfa Hay										
MEAN CU		3.07	6.00	7.10	6.72	5.12	3.44	1.20	994.	2.995
MEAN IR		2.62	5.35	6.53	6.57	4.92	3.14	0.85	913.	3.00
STDEV CU		0.32	0.50	0.51	0.29	0.34	0.30	0.13	37.	
STDEV IR		0.60	0.82	0.97	0.39	0.57	0.57	0.37	57.	
Dry Beans										
MEAN CU			1.94	3.16	7.14	4.70	0.72		541.	
MEAN IR			1.51	2.78	7.01	4.54	0.51		500.	1.64
STDEV CU			0.16	0.23	0.31	0.31	0.06		23.	
STDEV IR			0.41	0.57	0.39	0.50	0.34		31.	
Field Corn										
MEAN CU			1.94	3.55	7.44	6.27	3.92	0.99	735.	2.22
MEAN IR			1.47	3.12	7.29	6.06	3.63	0.66	677.	
STDEV CU			0.16	0.25	0.32	0.42	0.35	0.10	29.	
STDEV IR			0.45	0.64	0.42	0.64	0.59	0.34	38.	
Silage Corn										
MEAN CU			1.94	3.55	7.44	6.27	3.92		705.	
MEAN IR			1.47	3.12	7.29	6.06	3.63		656.	2.15
STDEV CU			0.16	0.25	0.32	0.42	0.35		29.	
STDEV IR			0.45	0.64	0.42	0.64	0.59		39.	
Sweet Corn										
MEAN CU			1.94	3.42	7.23	6.04			571.	1.74
MEAN IR			1.47	2.99	7.08	5.83			531.	
STDEV CU			0.16	0.24	0.32	0.40			26.	
STDEV IR			0.45	0.63	0.41	0.63			36.	
Peas										
MEAN CU		1.49	3.68	6.61	2.89				445.	~~1.24~~
MEAN IR		1.13	3.18	6.13	2.79				401.	1.32
STDEV CU		0.15	0.30	0.47	0.13				21.	
STDEV IR		0.41	0.57	0.86	0.21				42.	
Potatoes										
MEAN CU		1.47	2.09	5.59	6.95	5.27	3.07		744.	
MEAN IR		1.17	1.72	5.21	6.83	5.12	2.86		697.	2.29
STDEV CU		0.15	0.17	0.40	0.30	0.35	0.27		30.	
STDEV IR		0.36	0.38	0.70	0.36	0.51	0.45		42.	
Sugar Beets										
MEAN CU		1.47	1.95	3.79	7.88	6.68	4.55	2.37	875.	
MEAN IR		1.08	1.46	3.34	7.73	6.46	4.23	2.00	802.	2.63
STDEV CU		0.15	0.16	0.27	0.34	0.45	0.40	0.25	31.	
STDEV IR		0.45	0.45	0.67	0.44	0.68	0.65	0.47	46.	
Spring Grain										
MEAN CU		1.54	4.88	8.13	6.83	1.39			693.	2.11
MEAN IR		1.19	4.35	7.61	6.70	1.25			642.	
STDEV CU		0.16	0.40	0.58	0.30	0.09			30.	
STDEV IR		0.41	0.67	0.98	0.37	0.30			49.	
Winter Grain										
MEAN CU	0.83	4.49	6.48	8.15	6.59	1.24			847.	2.54
MEAN IR	0.37	4.03	5.85	7.59	6.45	1.10			774.	
STDEV CU	0.21	0.47	0.54	0.58	0.29	0.08			37.	
STDEV IR	0.36	0.72	0.84	1.02	0.37	0.31			62.	
Pasture										
MEAN CU		3.04	4.99	6.27	6.37	5.23	4.04	2.75	995.	
MEAN IR		2.61	4.40	5.76	6.23	5.04	3.74	2.37	918.	3.01
STDEV CU		0.32	0.41	0.45	0.28	0.35	0.36	0.29	35.	
STDEV IR		0.59	0.71	0.87	0.37	0.57	0.60	0.49	53.	
Vegetables										
MEAN CU			1.98	4.26	6.37	5.40	3.58		657.	2.03

MEAN IR	1.	3.91	6.26	5.25	3.36	0.
STDEV CU	0.	0.30	0.28	0.36	0.32	8.
STDEV IR	0.37	0.60	0.34	0.52	0.49	34.

End of Data Set

42.7
HEL

12
48.0
HEL

13
46.2
HEL

2418
T-64

10 11
15 14

1
107.5
HEL

2
35.6
HEL

N-11

Art
Gross
add to
Farm