

RECEIVED

DEC 07 2005

Department of Water Resources
Southern Region

December 06, 2005

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

Re: Rosa Transfer to Dairy #2

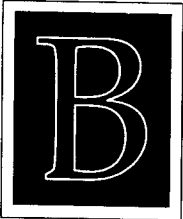
Dear Allen:

Please find the enclosed Applications for Transfer of Water Right submitted on behalf of Edward and Karen Rosa. The Rosa's are proposing to transfer water right 37-7447A for use in an expansion of a dairy in Township 5S, Range 14E, Section 6, NESE. This right was recently decreed on December 12, 2002.

Historically this water right has been used to irrigate 15 acres of pasture at the Rosa's home. Therefore, there are no FSA records that will provide evidence for this claim. However, the applicant and the former owners have verified that it has been in pasture since at least 1988. This right currently shares its POD from a well that is used to irrigate these 15 acres and the 18 acres owned by their next door neighbor (who owns 37-7447B).

Within the conditions of approval for this right it suggests that the right should be a supplemental ground water right and is used to supplement irrigation water from the American Falls Reservoir District # 2. However, this property does not have any associated surface water shares and has not had any shares on the property since at least 1975. The American Falls Reservoir District #2 has also confirmed that according to their records the property (15 acres) has never had any surface water shares (see attached letter). When the field exam was completed for the original right on 05/20/1980 there was no evidence of any surface water shares on the property (see attached field exam). In addition, if needed the prior owner has agreed to provide an affidavit stating that to his knowledge there have been no shares on the property while it was in his custody (from 2003-1988). Therefore we are proposing that this water right should be considered as a primary ground water right and that the full historical water use of the 15 acres be provided from this right.

Historically the dairy has been running on a stockwater exemption in order to supply enough water to ~ 300 cattle. However, the dairy is currently being expanded and additional water would be required. According to Bob Ohlensehlen of Nutrient Management Solutions, LLC the expansion would



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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

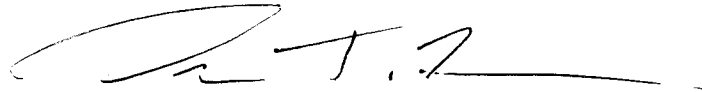
FAX: 736•8506

require ~ 44 ac-ft in order to supply enough water for the commercial and stockwater portion of the dairy (see attached Water Requirements Spreadsheet). In order to ensure that the dairy will have enough water the historical use (45.2 ac-ft) of the entire right will be transferred to the dairy for commercial and stockwater use.

Since, the water is being proposed to be transferred approximately 6.5 miles to the north the Ground Water Rights Transfer Spreadsheet was run to estimate its effects on the aquifer and the snake river. The old model that is proscribed in the current transfer guidelines was used to determine the effects of the transfer. The new enhanced model was not used since our office has recently been notified that the new transfer spreadsheet still has a couple of errors and is still considered to be in beta version. Therefore, Rick Raymondi 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. The model results show that the transfer should actually have a positive impact on the reaches of the snake river and the aquifer (see attached model results).

I have also included a limited power of attorney regarding this transfer and a check for a total of \$250.00 to cover the costs of the transfer fee. If you or the agent processing this transaction has any questions regarding the transfer, please feel free to give me a call.

Sincerely,



Daren T. Nelson.

Attachments: Application of Transfer: Rosa Dairy #2
Figure: Map of Proposed Dairy POU & 37-7447A
Ground Water Rights Transfer Spreadsheet: Rosa
Letter from American Falls Reservoir District #2
Limited Power of Attorney
NMS: Water Requirement Spreadsheet

cc: Reagon Hatch
Edward Rosa