

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

DEC 05 2006

DEPARTMENT OF
WATER RESOURCES

December 4, 2006

Cynthia Clark
Idaho Department of Water Resources
322 E. Front Street
P.O. Box 83702
Boise, ID 83702-0098

Subject: Water Bank Lease Agreement Extension- Visser Holsteins

Dear Cynthia:

Please find the enclosed extension application to lease water to the Water Supply Bank (WSB) submitted on behalf of Visser Holsteins, Eagle View Farms. An approved application to place the ground water rights and surface water rights from Salmon Falls Creek on the Eagle View Ranch into the State Water Bank was approved by your office on October 22, 2003. This agreement is valid until December 31, 2006. The enclosed lease application is an extension of the previous lease agreement, although two additional pivots on 253.6 acres are being added to the Eagle View Ranch. These two pivots will reduce the total number of acres being placed into the water supply bank to 1366.3 acres. A map included with the lease application outlines the areas of the two new pivots, and lists their associated acreage.

According to the data shown in the attached lease application, I would ask that the WSB lease application be approved, and that the rights be approved at the current rental rate.

Please notify our office of the final cost for the lease application. If you have any questions regarding this application, please feel free to give me a call. Our office is requesting copies on all correspondence regarding the WSB lease application process for rights described in the lease application. Thanks and have a great day.

Sincerely,

Zach Latham, Hydrologist

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

C. Clark
12/4/2006
Page 2

Attachments: Signed Water Supply Bank Application

cc: Mr. Jerry Visser, Visser Holsteins

Water Supply Bank No. _____

Water Right No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK**

RECEIVED

DEC 05 2006

**DEPARTMENT OF
WATER RESOURCES**

Name of Seller/Lessor VISSER HOLSTEINS dba EAGLE VIEW FARMS

Phone (208) 537-0918 Post office address P.O. BOX 665, CASTLEFORD, ID 83321

1. DESCRIPTION OF RIGHT:

Right as evidenced by:

- a. Decree No. See Attached Spreadsheet Table Decreed to _____
(Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of Court)
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Permit No. _____ issued by the Idaho Department of Water Resources.

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease, show "all" on line

a. below and skip the remainder of part 2.) **ALL EXCEPT 477.2 ACRES (4 PIVOTS) IN P.P.U.**

- a. Amount of water under right: _____ cubic feet per second
& / or
_____ 5465.2 acre-feet per annum
- b. Point of diversion _____ ¼ of _____ ¼ of Section _____ Township _____ Range _____
B.M. in _____ County
Additional points SEE ATTACHED TABLE IN SPREADSHEET

Visser Holsteins - DBA Eagle View Farms
6851 Bickmore
Chino, CA 91790

Water rights to be placed in water bank.

License Number	Source of Water	Tributary to	Priority Date	Amount (cfs)	Use	Period		Total Amount Under Right (cfs)	Total Amount Under Right (AFA)	Point(s) of Diversion			County	Conditions		
						From	To			1/4	1/4	Section				
✓ 47-02316B	Salmon Falls Creek	Snake River	1/12/1959	3.33	Irrigation	04/01	10/31	3.33	1166.4	SE	NE	20	10S	13E	Twin Falls	Limited to irrigation of 291.6 ac in PPU
✓ 47-02316C	Salmon Falls Creek	Snake River	1/12/1959	6.92	Irrigation	03/15	11/15	6.92	2324	SE	NE	20	10S	13E	Twin Falls	Limited to irrigation of 581.0 ac in PPU
✓ 47-02402	Salmon Falls Creek	Snake River	4/5/1965	6.40	Irrigation	03/15	11/15	6.40	1280	SE	NE	20	10S	13E	Twin Falls	Limited to irrigation of 320.0 ac in PPU
✓ 47-02417	Salmon Falls Creek	Snake River	4/19/1966	16.89	Irrigation	03/15	11/15	16.89	6640	SE	NE	20	10S	13E	Twin Falls	Limited to irrigation of 1660.0 ac in PPU
✓ 47-07642	Salmon Falls Creek	Snake River	4/30/1980	12.00	Diversion to Storage	04/01	10/31	12.00	140	SE	NE	20	10S	13E	Twin Falls	Storage Right
					Irrigation Storage	04/01	10/31	140								
					Irrigation From Storage	04/01	10/31									
Above rights when combined are limited to 24.71 cfs which is the diversion capacity of the Salmon Falls Creek Diversion.																
✓ 47-02331	Groundwater		3/22/1960	3.91	Irrigation	03/15	11/15	3.91	1244	NW	SW	5	10S	13E	Twin Falls	Limited to irrigation of 311.0 ac in PPU
										SE	NW	8	10S	13E	Twin Falls	
										SE	SW	8	10S	13E	Twin Falls	
										NE	NE	9	10S	13E	Twin Falls	
										NW	SW	9	10S	13E	Twin Falls	
										NW	NW	10	10S	13E	Twin Falls	
✓ 47-02341	Groundwater		9/12/1960	3.42	Irrigation	03/15	11/15	3.42	1662	NW	SW	5	10S	13E	Twin Falls	Limited to irrigation of 446.0 ac in PPU
										SE	NW	8	10S	13E	Twin Falls	
										SE	SW	8	10S	13E	Twin Falls	
										NE	NE	9	10S	13E	Twin Falls	
										NW	SW	9	10S	13E	Twin Falls	
										NW	NW	10	10S	13E	Twin Falls	
✓ 47-02342	Groundwater		9/12/1960	3.10	Irrigation	03/15	11/15	3.10	1240	NW	SW	5	10S	13E	Twin Falls	Limited to irrigation of 310.0 ac in PPU
										SE	NW	8	10S	13E	Twin Falls	
										SE	SW	8	10S	13E	Twin Falls	
										NE	NE	9	10S	13E	Twin Falls	
										NW	SW	9	10S	13E	Twin Falls	
										NW	NW	10	10S	13E	Twin Falls	
✓ 47-02381	Groundwater		11/13/1963	2.31	Irrigation	04/01	10/31	2.31	1122.6	NW	SW	5	10S	13E	Twin Falls	Limited to irrigation of 320.0 ac in PPU
										SE	NW	8	10S	13E	Twin Falls	
										SE	SW	8	10S	13E	Twin Falls	
										NE	NE	9	10S	13E	Twin Falls	
										NW	SW	9	10S	13E	Twin Falls	
										NW	NW	10	10S	13E	Twin Falls	

Above ground water rights when combined are limited to 12.74 cfs and a combined annual volume of 5548.0 af for the irrigation of 1387.0 acres.

The total instantaneous diversion of water from all points of diversion under these rights shall not exceed 37.45 cfs, nor a total combined annual volume of 7374.0 af for the irrigation of 1843.5 acres.

c. Place of use: P.P.U. TABLE AND AERIAL PHOTO ATTACHED

TWP	RGE	SEC	N.E.				N.W.				S.W.				S.E.				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres 1366.3

NOTE: 477.2 of 1843.5 acres will now be irrigated in the PPU. 1366.3 acres are to be placed into the Water Supply Bank.

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEROF, FOR SALE OR LEASE

a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

We are requesting an extension of the previous water bank lease agreement (EXCEPT: 2 additional pivots for a total of 4 pivots and their associated acreage, 477.2 ac): Application to Lease Water Right Nos. 47-2316B, 47-2316C, 47-2402, 47-2417, AND 47-7642 from Salmon Falls Creek and 47-2331, 47-2341, 47-2342, and 47-2381 from Ground Water to The Water Supply Bank (10/22/2003).

b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years.)

All water rights were accepted into the Water Supply Bank on 4/5/2001. All water rights, except for 223.6 acres (2 pivots) were re-accepted into the Water Supply Bank on 10/22/2003 (see 2 attached IDWR acceptance letters). Since 10/22/03, those 223.6 acres (two pivots) have been irrigated annually.

Place(s) of use:

Place of Use Legal Description: IRRIGATION TWIN FALLS County

EAGLE VIEW FARMS PPA

Township	Range	Section	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
10S	13E	3	SWSW	39.4		SESW	39						
		5	NWNW	25		SWNW	39.2						
		6	NWSW	39.2		SWSW	37.8						
		7	SESE	37.8									
		8	NENE	29.7									
			NENE	37.6		NWNE	38.6		SWNE	39.2		SENE	37.6
			NENW	38.6		NWNW	37.6		SWNW	38.5		SENE	37.6
		9	NESW	33.7		NWSW	39.2		SESW	40		SENE	35.1
			NENE	39.3		NWNE	39.3		SWNE	39.3		SENE	39.3
			NENW	39.3		NWNW	38.6		SWNW	38.6		SENE	39.3
			NESW	39.3		NWSW	38.6		SWSW	38.6		SENE	39.3
			NESE	39.3		NWSE	39.3		SWSE	39.3		SESE	38.2
		10	NWNE	31.8									
			NENW	39.3		NWNW	39.3		SWNW	39.3		SENE	36.7
			NWSW	40		SWSW	29						
		16	NENE	3.2		NWNE	25.2						
			NENW	40		NWNW	39		SWNW	34		SENE	24.5
		17	NENE	33.4		SWNE	27.1		SENE	34			

Total Acres: 1843.5

c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

Pumping plant capacity = 24.71 cfs per IDWR determination

d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

47-02316C, 47-02316B, 47-02402, 47-07642, 47-02331, 47-02341, 47-02342, 47-02381

e. If the water right is a permit, describe the work accomplished toward developing the right.

N/A

f. If the right to use the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. Remarks: N/A

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For Sale;

 X For Lease for period from 01/01/2007 to 12/31/2010
(Month, Day, Year) (Month, Day, Year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

_____ As a gift to the State of Idaho

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

 Current Rental Rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer the sale or lease of this right to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

 11-20-06
Date

 [Signature]
Signature

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED
BY 72 Date 5-7-01

May 4, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Charles E. Brockway
Brockway Engineering
2016 N. Washington St
Twin Falls, ID 83301

RE: APPLICATION TO LEASE WATER RIGHT NOS. 47-02316B, 47-02316C, 47-02402, 47-02417, 47-07642 FROM SALMON FALLS CREEK AND 47-02331, 47-02341, 47-02342 AND 47-02381 FROM GROUND WATER TO THE WATER SUPPLY BANK

Dear Dr. Brockway:

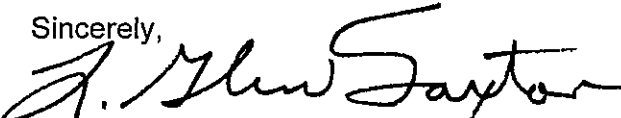
Thank you for the supplemental information you provided in your letter dated May 1, 2001 in connection with the above referenced matter.

Please consider that the water rights offered for lease as represented on Transfer No. 5588 which was approved on July 14, 2000, have been accepted into the Water Supply Bank ("bank") through December 31, 2003. Several items for the owner of the rights to keep in mind in connection with the lease are as follows:

1. The monetary return to the water right owner for rental of a right from the bank is \$2.25 per acre-foot of water per year for water that is rented.
2. There is no payment if a right is not rented from the bank.
3. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
4. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
5. While a water right is in the bank, forfeiture provisions are stayed.

Upon receipt of an application to rent water under the Salmon Falls rights, the department will seek comment from Charlie Runyon, the watermaster on Salmon Falls Creek relative to water availability. If you have questions, please feel free to contact me.

Sincerely,


L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: Allen Merritt - IDWR
Charlie Runyon, Watermaster



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

October 22, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RECEIVED

OCT 23 2003

CHARLES E BROCKWAY
BROCKWAY ENGINEERING
2016 N WASHINGTON ST
TWIN FALLS ID 83301

RE: APPLICATION TO LEASE WATER RIGHT NOS. 47-2316B, 47-2316C, 47-2402, 47-2417, AND 47-7642 FROM SALMON FALLS CREEK AND 47-2331, 47-2341, 47-2342, AND 47-2381 FROM GROUND WATER TO THE WATER SUPPLY BANK

Dear Mr. Brockway:

The department received your request, submitted on behalf of Visser Holsteins, to extend the term the Water Supply Bank ("bank") lease for the above referenced water rights from December 31, 2003 to December 31, 2006. Please consider that the offered water rights will remain leased to the bank:

Several items to keep in mind in connection with the lease of a water right to the bank are as follows:

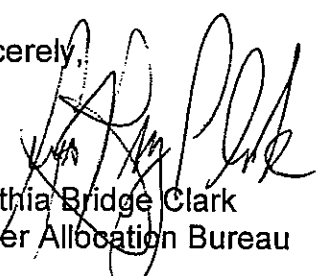
1. There is no rental payment to the owner of the water right if the right or a part thereof is not rented from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.
6. The lessor may be required to provide evidence of availability of the surface water source prior to rental of the right.

Upon receipt of an application to rent water under the Salmon Falls rights, the

department will seek comment from Charlie Runyon, the water master on Salmon Falls Creek, relative to water availability.

Additionally, the documentation of Limited Power of Attorney submitted with the application does not recognize right nos. 47-2316B and 47-2316C. If you will provide documentation of power of attorney with respect to these rights, department records will be updated accordingly. If you have questions, please feel free to contact me.

Sincerely,



Cynthia Bridge Clark
Water Allocation Bureau

c: Allen Merritt – IDWR Southern Region
Charlie Runyon – Watermaster