

REVISED

MEMORANDUM

Date: December 22, 2009
To: Transfer 75352 File – Visser Holsteins
From: Jeanie Robertson
Re: Evaluation of Sufficiency of Information Submitted

This transfer creates a permissible place of use of 6,085.0 acres by tying together the points of diversion for 24 water rights currently diverting a combined total of 77.08 cfs and 17,624.6 AF for the irrigation of 4,900.3 acres in any given year. The applicant recently purchased a neighboring farm and wishes to tie the new rights together with his previous holdings. There are 9 surface water rights from Salmon Falls Creek and 15 ground water rights, one of which is injected into and then rediverted from Salmon Falls Creek. Thirteen existing wells on top, surface diversions from Salmon Falls Creek, and a hot well in the canyon which is injected into and diverted from Salmon Falls Creek, are being tied together but no new wells will be drilled. The thirteen wells on top are located within the Blue Gulch Critical Ground Water Management Area. (Decreed domestic and stock water right 47-13176 is also appurtenant to the property with a point of diversion in the SENWSW of Section 33 but Brockway's office confirmed it was a separate system and should not be included in either transfer.) A previous transfer from 2000 on some of the rights recognized a limitation of the Salmon Falls system diversion capacity so these limitations will be maintained in the combined limit conditions of this transfer too. I have attached a spread sheet which shows the combined limits as I understand them. (There is a companion transfer, 75353, which ties these same 13 wells together for stock and commercial purposes.) Location of the wells is between 3 ¼ - 5 ¼ miles north and 3 ¾ - 5 ½ miles west of Castleford.

****Prior Conditions:** There was a prior condition on 4 of the rights; 47-2331, 47-2341, 47-2342, and 47-2381, which limited the combined diversion rate to 12.74 cfs (purely additive), the acres to 1387 (purely additive) and the volume to 5548 AF, which is the acres times 4. The individual volumes add up to 5268.6 AF! I dropped the rate and acre limit on these four and corrected the combined volume limit to 5268.6 AF.

*******Application was amended to resolve a BLM protest. Removed 0.6 acres from the NESE and 0.4 acres from the NWSE of Section 17, T10S, R13E. Also used this opportunity to update the shape file to PLS which resulted in a total PPU acreage of 6082.6 acres instead of 6086.*******

- **Authority to File:**

The application was filed by Visser Holsteins DBA Eagle View Farms. It was signed by Jerrold Visser, who is listed on the Secretary of States Page as a Partner for Eagle View Farms. A letter from the lien holder, American AgCredit, was submitted agreeing with the proposed transfer.

- **Water Right Validity:**

The 23 rights in Basin 47 have all been recommended in the SRBA and some have been decreed since the transfer was filed. (Those records have been moved over to water rights.) There is one Basin 51 right which was decreed on 9/28/2007. There are no objections to any of the rights.

- **Injury to Other Water Rights:**

None anticipated. Thirteen existing wells on top, surface diversions from Salmon Falls Creek, and a well in the canyon which is injected into and diverted from Salmon Falls Creek, are being tied together but no new wells will be drilled. The same 13 wells are also listed on a companion transfer (75353) for stock and commercial uses. (A Protest was filed on previous transfer 5588 approved on some of these right in 2000 so

reference to their agreement will be maintained in this transfer.)

- **Enlargement of Use:**
None anticipated. This area is not in a measurement district yet but will presumably be in the future when measurement and reporting will be required. The surface rights are within water district 47G so comments will be requested from the water master.
- **Local Public Interest:**
No negative impacts anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Irrigation is recognized as a beneficial use of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.