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DEPARTMENT OF
WATER RESOURCES

Dylan B. Lawrence, ISB No. 7136
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Attorneys for Petitioner Snake River Dairies, LLC

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF A PETITION TO
RESCIND TRANSFER NO. 73927
INVOLVING WATER RIGHT NO. 63-7270B

AFFIDAVIT OF JERRY TLUCEK

STATE OF IDAHO)
) ss.
County of Canyon)

JERRY TLUCEK, having been duly sworn upon oath, deposes and states as follows:

1. My name is Jerry Tlucek. I am over the age of 18, and I reside at 15188 S. Can-Ada Road, Melba, Idaho. I have resided in the Melba area for approximately 38 years. I make this affidavit based upon my own personal knowledge.

2. On or about March 29, 2008, my wife Mary Louise Tlucek and I purchased property from Duane and Laura Ellen Pancheri, which included the NWNE of Section 29, Township 1 South, Range 1 West (the "Pancheri Property"). This is reflected in the

Warranty Deed of that date that is enclosed with the *Notice of Change in Water Right Ownership* that is attached as Exhibit D of the accompanying *Affidavit of Dylan Lawrence*. My wife and I still own this Pancheri Property.

3. I am also a member of Snake River Dairies, LLC, the Petitioner in this matter ("SRD"). On or about January 31, 2012, SRD purchased property from Glenn and Rhea Vander Woude in Sections 20 and 29 of Township 1 South, Range 1 West. This is reflected in the *Warranty Deed* of that date that is enclosed with the *Notice of Change in Water Right Ownership* that is attached as Exhibit E of the accompanying *Affidavit of Dylan Lawrence*. This is the same property that is described as the "Property" in the accompanying *Petition*, and which I will refer to as the "Vander Woude Property" in this affidavit for ease of reference.

4. I am aware that when IDWR approved the Vander Woudes' water right transfer on or about April 23, 2008, it approved the commercial use of water in the NWNE of Section 29, Township 1 South, Range 1 West. While my wife and I purchased that quarter-quarter section on or about March 29, 2008, and prior to transfer approval, I do not recall ever approving the transfer of water to that quarter-quarter section.

5. Since the time that my wife and I purchased the Pancheri Property in 2008, I have personally observed the operations and water use practices employed on the Vander Woude Property. To my knowledge, even after IDWR approved Transfer No. 73927, the Vander Woudes did not use water for commercial or stockwater purposes on the Vander Woude Property, and did not construct facilities one would typically expect in connection with a dairy. Instead, the only water use that I have observed on the Vander Woude Property is irrigation. The only significant change to the Vander Woude Property that I have observed since 2008 is that the Vander Woudes excavated an area that could potentially be used to store water. This excavation

is visible in the aerial photography attached as Exhibit A to the accompanying *Affidavit of Scott King, P.E.*

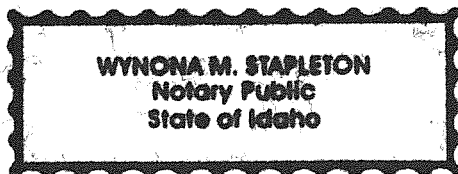
6. I am aware that the *Partial Decree* for the water right associated with the Vander Woude Property identifies one point of diversion, in the NESE of Section 20, which is the northern portion of the Vander Woude Property. There is no groundwater well in this location. Instead, to my knowledge, groundwater to irrigate the Vander Woude Property has always been withdrawn from an existing well to the south, in the SESE of Section 20.

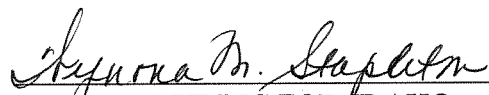
Further your affiant sayeth naught.


Jerry Tlucek

SUBSCRIBED AND SWORN to before me this 16th day of April, 2012

2012.



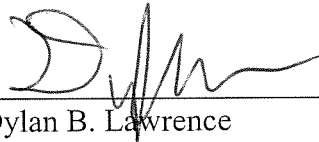

NOTARY PUBLIC FOR IDAHO
Residing at Melba, Idaho
My Commission Expires 9-28-2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of April, 2012, I caused a true and correct copy of the foregoing **AFFIDAVIT OF JERRY TLUCEK** to be served by the method indicated below, and addressed to the following:

There are no other parties of record to this matter at this time.

- ☐ U.S. Mail, Postage Prepaid
- ☐ Hand Delivered
- ☐ Overnight Mail
- ☐ Facsimile



Dylan B. Lawrence