

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 77461**

This is to certify that: AL & JERRY LUECK FARMS LLC

5415 S RAINBOW RD  
 BUCKEYE AZ 85326  
 623-386-0607

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 63-8230      | WR/Decreed          | 10/27/1975      | 1.01 cfs    | 228 af        | N/A               | 50.5               | GROUND WATER  |
| 63-7460      | WR/Decreed          | 07/06/1971      | 5.58 cfs    | 1267 af       | N/A               | 281.5              | GROUND WATER  |
| 63-8239      | WR/Decreed          | 04/09/1973      | 1.6 cfs     | 383 af        | N/A               | 85.0               | GROUND WATER  |
| 63-8256      | WR/Decreed          | 01/21/1976      | 0.9 cfs     | 203 af        | N/A               | 45.0               | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 63-8230               | NO           | NO         | NO         | YES            | NO                   | NO                   |
| 63-7460               | NO           | NO         | NO         | YES            | NO                   | NO                   |
| 63-8239               | NO           | NO         | NO         | YES            | NO                   | NO                   |
| 63-8256               | NO           | NO         | NO         | YES            | NO                   | NO                   |

**Summary of Water Rights After the Approved Change**

| <u>Existing Right</u> | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 63-8230               | <b>63-8230</b>                   | 1.01 cfs             | 228 af                 | N/A               | 50.5               |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 63-7460               | <b>63-7460</b>                   | 5.58 cfs             | 1267 af                | N/A               | 281.5              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 63-8239               | <b>63-8239</b>                   | 1.6 cfs              | 383 af                 | N/A               | 85.0               |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 63-8256               | <b>63-8256</b>                   | 0.9 cfs              | 203 af                 | N/A               | 45.0               |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>8.08 cfs</b>      | <b>2081 af</b>         | <b>N/A</b>        | <b>462.0</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 11 day of August, 20 11

  
 for John Westra, Western Regional Manager

SUPPORT DATA

63-7460

**WATER RIGHT NO. 63-7460**  
**As Modified by Transfer No. 77461**

In accordance with the approval of Transfer No. 77461, Water Right No. 63-7460 is now described as follows.

**Right Holder:** AL & JERRY LUECK FARMS LLC  
 5415 S RAINBOW RD  
 BUCKEYE AZ 85326

**Priority Date:** July 06, 1971

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 10/31  | 5.58 CFS              | 1,267.0 AF    |
|                       |             |           | 5.58 CFS              | 1,267.0 AF    |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |      |                 |                        |
|--------------|------|-----------------|------------------------|
| GROUND WATER | SESW | Sec. 13 Twp 07N | Rge 05W PAYETTE County |
| GROUND WATER | SESE | Sec. 24 Twp 07N | Rge 05W PAYETTE County |
| GROUND WATER | SESE | Sec. 24 Twp 07N | Rge 05W PAYETTE County |

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE   |    |    |      | NW |    |    |    | SW   |      |      |      | SE   |      |    |    | Totals |
|-----|-----|-----|------|----|----|------|----|----|----|----|------|------|------|------|------|------|----|----|--------|
|     |     |     | NE   | NW | SW | SE   | NE | NW | SW | SE | NE   | NW   | SW   | SE   | NE   | NW   | SW | SE |        |
| 07N | 05W | 24  | 40.0 |    |    | 20.0 |    |    |    |    | 34.5 | 39.0 | 40.0 | 28.0 | 40.0 | 40.0 |    |    | 281.5  |

Total Acres: 281.5

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

**WATER RIGHT NO. 63-7460**  
**As Modified by Transfer No. 77461**

**CONDITIONS OF APPROVAL**

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/3/2009.
7. Rights 63-7460 and 63-8230 when combined shall not exceed a total diversion rate of 5.58 cfs.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
9. The following rights are diverted through points of diversion described above: 63-7460, 63-8230, 63-8239 and 63-8256.
10. Use of this right is combined with water from Black Canyon Irrigation District.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 11 day of August, 20 11

  
John Westra, Western Regional Manager

**WATER RIGHT NO. 63-8230**  
**As Modified by Transfer No. 77461**

In accordance with the approval of Transfer No. 77461, Water Right No. 63-8230 is now described as follows.

**Right Holder:** AL & JERRY LUECK FARMS LLC  
 5415 S RAINBOW RD  
 BUCKEYE AZ 85326

**Priority Date:** October 27, 1975

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 10/31  | 1.01 CFS              | 228.0 AF      |
|                       |             |           | 1.01 CFS              | 228.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |      |                 |                        |
|--------------|------|-----------------|------------------------|
| GROUND WATER | SESW | Sec. 13 Twp 07N | Rge 05W PAYETTE County |
| GROUND WATER | SESE | Sec. 24 Twp 07N | Rge 05W PAYETTE County |
| GROUND WATER | SESE | Sec. 24 Twp 07N | Rge 05W PAYETTE County |

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW   |      |    |    | SE |    |    |      | Totals |
|-------------|----|----|----|----|----|----|----|----|------|------|----|----|----|----|----|------|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW   | SW | SE | NE | NW | SW | SE   |        |
| 07N 05W 13  |    |    |    |    |    |    |    |    |      |      |    |    |    |    |    | 30.0 | 30.0   |
| 07N 05W 24  |    |    |    |    |    |    |    |    | 10.5 | 10.0 |    |    |    |    |    |      | 20.5   |

Total Acres: 50.5

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

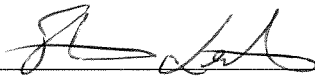
**WATER RIGHT NO. 63-8230**  
**As Modified by Transfer No. 77461**

**CONDITIONS OF APPROVAL**

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/3/2009.
7. Rights 63-7460 and 63-8230 when combined shall not exceed a total diversion rate of 5.58 cfs.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
9. The following rights are diverted through points of diversion described above: 63-7460, 63-8230, 63-8239 and 63-8256.
10. Use of this right is combined with water from Black Canyon Irrigation District.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 11 day of August, 20 11

  
\_\_\_\_\_  
John Westra, Western Regional Manager

**WATER RIGHT NO. 63-8239**  
**As Modified by Transfer No. 77461**

In accordance with the approval of Transfer No. 77461, Water Right No. 63-8239 is now described as follows.

**Right Holder:** AL & JERRY LUECK FARMS LLC  
 5415 S RAINBOW RD  
 BUCKEYE AZ 85326

**Priority Date:** April 09, 1973

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | to 11/15  | 1.60 CFS              | 383.0 AF      |
|                       |             |           | 1.60 CFS              | 383.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |      |                 |                        |
|--------------|------|-----------------|------------------------|
| GROUND WATER | SESW | Sec. 13 Twp 07N | Rge 05W PAYETTE County |
| GROUND WATER | SESE | Sec. 24 Twp 07N | Rge 05W PAYETTE County |
| GROUND WATER | SESE | Sec. 24 Twp 07N | Rge 05W PAYETTE County |

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE |    |      |    | NW |    |    |    | SW |    |    |      | SE |    |    |      | Totals |
|-----|-----|-----|----|----|------|----|----|----|----|----|----|----|----|------|----|----|----|------|--------|
|     |     |     | NE | NW | SW   | SE | NE | NW | SW | SE | NE | NW | SW | SE   | NE | NW | SW | SE   |        |
| 07N | 05W | 13  |    |    |      |    |    |    |    |    |    |    |    | 30.0 |    |    |    | 40.0 | 70.0   |
| 07N | 05W | 24  |    |    | 15.0 |    |    |    |    |    |    |    |    |      |    |    |    |      | 15.0   |

Total Acres: 85

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

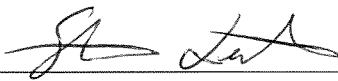
**WATER RIGHT NO. 63-8239**  
**As Modified by Transfer No. 77461**

**CONDITIONS OF APPROVAL**

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/3/2009.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
8. The following rights are diverted through points of diversion described above: 63-7460, 63-8230, 63-8239 and 63-8256.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 11 day of August, 20 11

  
for John Westra, Western Regional Manager

**WATER RIGHT NO. 63-8256**  
**As Modified by Transfer No. 77461**

In accordance with the approval of Transfer No. 77461, Water Right No. 63-8256 is now described as follows.

**Right Holder:** AL & JERRY LUECK FARMS LLC  
 5415 S RAINBOW RD  
 BUCKEYE AZ 85326

**Priority Date:** January 21, 1976

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | to 11/15  | 0.90 CFS              | 203.0 AF      |
|                       |             |           | 0.90 CFS              | 203.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |      |                 |                        |
|--------------|------|-----------------|------------------------|
| GROUND WATER | SESW | Sec. 13 Twp 07N | Rge 05W PAYETTE County |
| GROUND WATER | SESE | Sec. 24 Twp 07N | Rge 05W PAYETTE County |
| GROUND WATER | SESE | Sec. 24 Twp 07N | Rge 05W PAYETTE County |

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE |    |      |    | NW |    |      |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|------|----|----|----|------|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW   | SE | NE | NW | SW   | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 07N | 05W | 24  |    |    | 25.0 |    |    |    | 20.0 |    |    |    |    |    |    |    |    |    | 45.0   |

Total Acres: 45

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
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5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

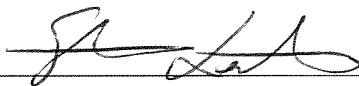
**WATER RIGHT NO. 63-8256**  
**As Modified by Transfer No. 77461**

**CONDITIONS OF APPROVAL**

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/3/2009.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
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This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 11 day of August, 20 11

  
for John Westra, Western Regional Manager