

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. \_\_\_\_\_

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

RECEIVED

Name of applicant: Carl LueckPhone: (623) 386-0361

OCT 31 2005

Post Office address: 4702 Elmore Road Rd, Fruitland, ID 83619WATER RESOURCES  
WESTERN REGION**A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion      ☒ Add diversion point(s)      ☒ Change place of use  
☒ Change nature of use      ☒ Change period of use      ☐ Other

2. Describe the reason for the proposed changes: Applicant wishes to transfer water rights from irrigation use to stockwater and commercial use for the purpose of construction and operation of a new dairy. Applicant also wishes to drill two new wells for dairy use and to combine all water rights into one system with a common place of use. Applicant also wishes to change the time of use for certain irrigation rights.

**B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE**

| 1. Right Number | Priority   | Amount<br>(cfs/ac-ft) | Nature<br>of Use | Period of Use |    |       |
|-----------------|------------|-----------------------|------------------|---------------|----|-------|
| 63-21079        | 04/01/1943 | .02                   | Stockwater       | 01/01         | to | 12/31 |
|                 |            | .04                   | Domestic         | 01/01         | to | 12/31 |
| 63-7460         | 07/06/1971 | 5.3 / 1203.8          | Irrigation       | 03/15         | to | 11/15 |
|                 |            | .19 / 27.1            | Stock water      | 01/01         | to | 12/31 |
|                 |            | .09 / 12.4            | Commercial       | 01/01         | To | 12/31 |
| 63-8230         | 10/27/1975 | .79 / 177.8           | Irrigation       | 03/15         | to | 11/15 |
|                 |            | .15 / 21.3            | Stock water      | 01/01         | to | 12/31 |
|                 |            | .07 / 9.7             | Commercial       | 01/01         | To | 12/31 |
| 63-8239         | 04/09/1973 | 1.34 / 319.5          | Irrigation       | 03/15         | to | 11/15 |
|                 |            | .18 / 27.1            | Stock water      | 01/01         | to | 12/31 |
|                 |            | .08 / 12.4            | Commercial       | 01/01         | To | 12/31 |
| 63/8256         | 01/21/1976 | .9 / 203              | Irrigation       | 03/15         | to | 11/15 |

63-7460 in combination with 63-8230 limited to a total of 5.58 cfs for all uses.

2. Total amount of water being transferred 8.14 cubic feet per second and/or 2014 acre-feet per annum.

3. Source of water Ground water tributary to NA

**4. Point(s) of Diversion:**

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp  | Rge. | County  | Local Name for diversion |
|-----|-----|-----|-----|------|------|------|---------|--------------------------|
|     |     | NE  | SW  | 24   | 07 N | 05 W | Payette | New Dairy #1             |
|     |     | SE  | SW  | 24   |      |      |         | New Dairy #2             |
|     |     | SE  | SE  | 24   |      |      |         | Irrigation #1            |
|     |     | SE  | SW  | 13   |      |      |         | Irrigation #2            |

**5. Lands irrigated or place of use:**

| TWP. | RGE. | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 7N   | 5W   | 13   |        |        |        |        |        |        |        |        |        |        |        | 16     |        |        | 40     | 30     | 86     |
|      |      | 24   | 37     | 40     |        | 9      | 20     |        |        |        |        | 10     | 34     | 39     | 40     | 28     | 39     | 40     | 336    |
|      |      | 24   |        |        | S,C    |        |        |        | S,C    | S,C    | S,C    | S,C    |        |        |        |        |        |        |        |

Total acres irrigated: 422

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. \_\_\_\_\_

**PART 1****6. General Information:**

- a. Description of diversion system: The dairy will drill two new wells (one a back-up) and connect the existing irrigation wells into a single system. The system will be used to land apply liquid wastes. The current domestic well is near the corrals and will be capped and abandoned.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages or contracts? ☒ Yes      No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: Some of the land formerly irrigated has been used for corrals, structures and buildings associated with the dairy operation. Other portions dried up are handline irrigated areas or areas too steep for efficient farming.
- d. Remarks: See Attached Documents:
- Attachments:** A. **Proof of Ownership/Standing / Lien holder permission**  
 B. **Daily fresh water requirement for Dairy**  
 C. **Crop history and calculation of historic consumptive use and annual diversion**  
 D. **Flow, Volume, and Allocation Calculations**

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**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_  
 And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

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Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

\_\_\_\_\_

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

*(Attach one copy for each right)*

### A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

|               |            |
|---------------|------------|
| a. Decree No. | Decreed to |
|---------------|------------|

in case of

dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_

b. License No. **63-21079**

c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.

d. Transfer No. \_\_\_\_\_ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

**Tax Notice**      ☐ **Warranty Deed**      ☒ **Other** See owners affidavit, deed, and copy of sale agreement.

### 3. Source of water

#### 4. Date or priority

5. Water is used for the following purpose:

| Amount (cfs/ac-ft) |     |  |               |  |    |
|--------------------|-----|--|---------------|--|----|
|                    | for |  | purposes from |  | to |
|                    | for |  | purposes from |  | to |
|                    | for |  | purposes from |  | to |
|                    | for |  | purposes from |  | to |

6. Total amount of water under right                      cubic feet per second and/or                      acre-feet per annum

7. Point(s) of Diversion:

[illegible]

8. Lands irrigated or place of use:

[illegible]

9. Describe any other water right used for the same purpose as described above:

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non use?      No              If yes, describe:

Close

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

10/06/2005

WATER RIGHT NO. 63-21079

| <b>Owner Type</b> | <b>Name and Address</b>                                              |
|-------------------|----------------------------------------------------------------------|
| Current Owner     | GREG OBENDORF<br>26496 DEB LN<br>PARMA, ID 83660<br>(208)722-6451    |
| Original Owner    | ROBERT J BROWN<br>1624 AMITY AVE<br>NAMPA, ID 83686<br>(208)466-5552 |

Priority Date: 04/01/1943

Basis: Decreed

Status: Active

| <b>Source</b> | <b>Tributary</b> |
|---------------|------------------|
| GROUND WATER  |                  |

| <b>Beneficial Use</b> | <b>From</b> | <b>To</b> | <b>Diversion Rate</b> | <b>Volume</b> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| STOCKWATER            | 1/01        | 12/31     | 0.02 CFS              |               |
| DOMESTIC              | 1/01        | 12/31     | 0.04 CFS              |               |
| Total Diversion       |             |           | 0.06 CFS              |               |

Location of Point(s) of Diversion:

|              |        |         |              |           |                |
|--------------|--------|---------|--------------|-----------|----------------|
| GROUND WATER | NWNESW | Sec. 24 | Township 07N | Range 05W | PAYETTE County |
|--------------|--------|---------|--------------|-----------|----------------|

Place(s) of use:

Place of Use Legal Description: STOCKWATER PAYETTE County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 07N      | 05W   | 24      |     | NESW  |       |     |       |       |     |       |       |     |       |       |

Place of Use Legal Description: DOMESTIC PAYETTE County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 07N      | 05W   | 24      |     | NESW  |       |     |       |       |     |       |       |     |       |       |

Conditions of Approval:

|    |     |                                                                                                                                                                                                                                                                                                                 |
|----|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | C18 | THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE. |
| 2. | N13 | THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.                                                                                                                                                                                                                                 |
| 3. | N11 | THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.                                                                                                                                                                                                         |
| 4. |     | STOCKWATER, 50 RANGE CATTLE PARCEL NO. RP07N05W243020                                                                                                                                                                                                                                                           |

Dates:

Licensed Date:

Decreed Date: 03/24/2000

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1.

| Amount (cfs/ac-ft) |     |  |               |  |    |  |
|--------------------|-----|--|---------------|--|----|--|
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

### C. Description of unchanged portion of right

1.

| Amount (cfs/ac-ft) |     |            |               |      |    |       |
|--------------------|-----|------------|---------------|------|----|-------|
| .02                | for | Stockwater | purposes from | 1/01 | to | 12/31 |
| .04                | for | Domestic   | purposes from | 1/01 | to | 12/31 |
|                    | for |            | purposes from |      | to |       |
|                    | for |            | purposes from |      | to |       |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. \_\_\_\_\_

**APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

a. Decree No.

Decreed to

in case of

dated

in

county of

b. License No. **63-7460**

c. Claim No.

on file with the Idaho Department of Water Resources.

d. Transfer No.

which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice☐ Warranty Deed☒ Other See owners affidavit, deed, and copy of sale agreement

3. Source of water

4. Date or priority

6. Water is used for the following purpose:

| Amount (cfs/ac-ft) |     |  |               |  |    |
|--------------------|-----|--|---------------|--|----|
|                    | for |  | purposes from |  | to |
|                    | for |  | purposes from |  | to |
|                    | for |  | purposes from |  | to |
|                    | for |  | purposes from |  | to |

6. Total amount of water under right

cubic feet per second and/or

acre-feet per annum

8. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp | Rge. | County | Local Name for diversion |
|-----|-----|-----|-----|------|-----|------|--------|--------------------------|
|     |     |     |     |      |     |      |        |                          |
|     |     |     |     |      |     |      |        |                          |
|     |     |     |     |      |     |      |        |                          |

9. Lands irrigated or place of use:

| TWP. | RGE. | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
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|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

9. Describe any other water right used for the same purpose as described above:

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non use?      No      If yes, describe:

Close

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

10/06/2005

WATER RIGHT NO. 63-7460

| <u>Owner Type</u> | <u>Name and Address</u>                                |
|-------------------|--------------------------------------------------------|
| Current Owner     | G M BROWN                                              |
| Current Owner     | ROBERT J BROWN<br>1620 E LINCOLN ST<br>NAMPA, ID 83651 |
| Original Owner    | G M BROWN                                              |

Priority Date: 07/06/1971  
Basis: License  
Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 4/01        | 10/31     | 5.58 CFS              | 1267 AFA      |
| Total Diversion       |             |           | 5.58 CFS              |               |

Location of Point(s) of Diversion:

|              |      |         |              |           |                |
|--------------|------|---------|--------------|-----------|----------------|
| GROUND WATER | SESE | Sec. 24 | Township 07N | Range 05W | PAYETTE County |
|--------------|------|---------|--------------|-----------|----------------|

Place(s) of use:

Place of Use Legal Description: IRRIGATION PAYETTE County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 07N             | 05W          | 24             |            | NENE         | 40           |            | SENE         | 20           |            |              |              |            |              |              |
|                 |              |                |            | SWSW         | 34           |            | SESW         | 39           |            |              |              |            |              |              |

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

### Nature of use, time of use, and place of use all changed

1.

| Amount (cfs/ac-ft) |     |            |               |      |    |       |
|--------------------|-----|------------|---------------|------|----|-------|
| .28 / 63           | for | Irrigation | purposes from | 4/01 | to | 10/31 |
|                    | for |            | purposes from |      | to |       |
|                    | for |            | purposes from |      | to |       |
|                    | for |            | purposes from |      | to |       |

3. Point(s) of Diversion:

[illegible]

4. Lands irrigated or place of use:

[illegible]

#### D. Description of unchanged portion of right

1.

| Amount (cfs/ac-ft) |     |  |               |  |    |  |
|--------------------|-----|--|---------------|--|----|--|
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |

3. Point(s) of Diversion:

[illegible]

4. Lands irrigated or place of use:

[illegible]

**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 2**  
*(Attach one copy for each right)*

### A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

| a. Decree No. | Decreed to |
|---------------|------------|
| 1             |            |
| 2             |            |
| 3             |            |
| 4             |            |
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| 100           |            |

in case of

dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_

b. License No. **63-8230**

c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.

d. Transfer No. \_\_\_\_\_ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice      ☐ Warranty Deed      ☒ Other See owners affidavit, deed, and copy of sale agreement

### 3. Source of water

#### 4. Date or priority

7. Water is used for the following purpose:

| Amount (cfs/ac-ft) |     |  |               |  |    |  |
|--------------------|-----|--|---------------|--|----|--|
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |

6. Total amount of water under right                      cubic feet per second and/or                      acre-feet per annum

9. Point(s) of Diversion:

[illegible]

10. Lands irrigated or place of use:

[illegible]

9. Describe any other water right used for the same purpose as described above:

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non use?      No                      If yes, describe:

**Close**

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

10/06/2005

WATER RIGHT NO. 63-8230

| <b>Owner Type</b> | <b>Name and Address</b> |
|-------------------|-------------------------|
| Current Owner     | G M BROWN               |
| Current Owner     | ROBERT J BROWN          |
|                   | NAMPA, ID               |

Priority Date: 10/27/1975

Basis: License

Status: Active

| <b>Source</b> | <b>Tributary</b> |
|---------------|------------------|
| GROUND WATER  |                  |

| <b>Beneficial Use</b> | <b>From</b> | <b>To</b> | <b>Diversion Rate</b> | <b>Volume</b> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 4/01        | 10/31     | 1.01 CFS              | 228 AFA       |
| Total Diversion       |             |           | 1.01 CFS              |               |

Location of Point(s) of Diversion:

|              |      |         |              |           |                |
|--------------|------|---------|--------------|-----------|----------------|
| GROUND WATER | SESE | Sec. 24 | Township 07N | Range 05W | PAYETTE County |
|--------------|------|---------|--------------|-----------|----------------|

Place(s) of use:

Place of Use Legal Description: IRRIGATION PAYETTE County

| <b>Township</b> | <b>Range</b> | <b>Section</b> | <b>Lot</b> | <b>Tract</b> | <b>Acres</b> | <b>Lot</b> | <b>Tract</b> | <b>Acres</b> | <b>Lot</b> | <b>Tract</b> | <b>Acres</b> | <b>Lot</b> | <b>Tract</b> | <b>Acres</b> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 07N             | 05W          | 13             |            | SESE         | 30           |            |              |              |            |              |              |            |              |              |
|                 |              | 24             |            | NESW         | 11           |            | NWSW         | 10           |            |              |              |            |              |              |

Total Acres: 51

Conditions of Approval:

|    |     |                                                                                                                                       |
|----|-----|---------------------------------------------------------------------------------------------------------------------------------------|
| 1. | 001 | A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works. |
| 2. | 016 | See remarks for additional conditions of approval.                                                                                    |
| 3. |     | AC. IRR.=50.5. SHALL NOT EXCEED 5.58 CFS.                                                                                             |

Dates:

Licensed Date: 09/13/1979

Decreed Date:

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

**Nature of use, time of use, and place of use all changed**

1.

| Amount (cfs/ac-ft) |     |  |               |  |    |  |
|--------------------|-----|--|---------------|--|----|--|
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

#### E. Description of unchanged portion of right

1.

| Amount (cfs/ac-ft) |     |  |               |  |    |  |
|--------------------|-----|--|---------------|--|----|--|
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

**APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2***(Attach one copy for each right)***A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
 in case of \_\_\_\_\_  
 dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_

b. License No. **63-8239**

c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.

d. Transfer No. \_\_\_\_\_ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice      ☐ Warranty Deed      ☒ Other See owners affidavit, deed, and copy of sale agreement

3. Source of water \_\_\_\_\_

4. Date or priority \_\_\_\_\_

8. Water is used for the following purpose:

| Amount (cfs/ac-ft) |     |  |               |  |    |  |
|--------------------|-----|--|---------------|--|----|--|
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |

6. Total amount of water under right \_\_\_\_\_ cubic feet per second and/or \_\_\_\_\_ acre-feet per annum

10. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp | Rge. | County | Local Name for diversion |
|-----|-----|-----|-----|------|-----|------|--------|--------------------------|
|     |     |     |     |      |     |      |        |                          |
|     |     |     |     |      |     |      |        |                          |
|     |     |     |     |      |     |      |        |                          |

11. Lands irrigated or place of use:

| TWP. | RGE. | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

9. Describe any other water right used for the same purpose as described above:

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non use?      **No**      If yes, describe:

Close

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

10/06/2005

WATER RIGHT NO. 63-8239

| <b>Owner Type</b> | <b>Name and Address</b>                                                   |
|-------------------|---------------------------------------------------------------------------|
| Current Owner     | RINHOLD STOHLER<br>5100 ELMORE RD<br>FRUITLAND, ID 83619<br>(208)452-3279 |

Priority Date: 04/09/1973

## Basis: License

Status: Active

# Source Tributary

## GROUND WATER

| <b>Beneficial Use</b> | <b>From</b> | <b>To</b> | <b>Diversion Rate</b> | <b>Volume</b> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 3/15        | 11/15     | 1.6 CFS               | 383 AFA       |
| Total Diversion       |             |           | 1.6 CFS               |               |

Location of Point(s) of Diversion:

GROUND WATER SESW Sec. 13 Township 07N Range 05W PAYETTE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION PAYETTE County

[illegible]

Total Acres: 85

Conditions of Approval:

|        |                                                                                                                                       |
|--------|---------------------------------------------------------------------------------------------------------------------------------------|
| 1. 001 | A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works. |
|--------|---------------------------------------------------------------------------------------------------------------------------------------|

Dates:

Licensed Date: 09/13/1979

Decreed Date:

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

**Nature of use, time of use, and place of use all changed**

1.

| Amount (cfs/ac-ft) |     |  |               |  |    |  |
|--------------------|-----|--|---------------|--|----|--|
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |

5. Point(s) of Diversion:

[illegible]

6. Lands irrigated or place of use:

[illegible]

#### F. Description of unchanged portion of right

1.

| Amount (cfs/ac-ft) |     |  |               |  |    |  |
|--------------------|-----|--|---------------|--|----|--|
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |

5. Point(s) of Diversion:

[illegible]

6. Lands irrigated or place of use:

[illegible]

**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 2**  
*(Attach one copy for each right)*

#### A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. Decreed to

in case of

dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_

b. License No. 63-8256

c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.

d. Transfer No. \_\_\_\_\_ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice      ☐ Warranty Deed      ☒ Other See owners affidavit, deed, and copy of sale agreement

### 3. Source of water

4. Date or priority

9. Water is used for the following purpose:

| Amount (cfs/ac-ft) |     |  |               |  |    |  |
|--------------------|-----|--|---------------|--|----|--|
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |

6. Total amount of water under right                      cubic feet per second and/or                      acre-feet per annum

11. Point(s) of Diversion:

[illegible]

12. Lands irrigated or place of use:

[illegible]

9. Describe any other water right used for the same purpose as described above:

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non use? **No** If yes, describe:

**Close**

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Water Right Report**

10/06/2005

WATER RIGHT NO. 63-8256

| <b><u>Owner Type</u></b> | <b><u>Name and Address</u></b>                                            |
|--------------------------|---------------------------------------------------------------------------|
| Current Owner            | RINHOLD STOHLER<br>5100 ELMORE RD<br>FRUITLAND, ID 83619<br>(208)452-3279 |

**Priority Date:** 01/21/1976

## Basis: License

**Status: Active**

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <b><u>Beneficial Use</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
|------------------------------|--------------------|------------------|------------------------------|----------------------|
| IRRIGATION                   | 3/15               | 11/15            | 0.9 CFS                      | 203 AFA              |
| Total Diversion              |                    |                  | 0.9 CFS                      |                      |

**Location of Point(s) of Diversion:**

|              |      |         |              |           |                |
|--------------|------|---------|--------------|-----------|----------------|
| GROUND WATER | SESW | Sec. 13 | Township 07N | Range 05W | PAYETTE County |
|--------------|------|---------|--------------|-----------|----------------|

**Place(s) of use:**

**Place of Use Legal Description: IRRIGATION PAYETTE County**

[illegible]

Total Acres: 45

**Dates:**

Licensed Date: 09/13/1979

Decreed Date:

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

**Other Information:**

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

**Close**

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

**Place of use is expanded.**

1.

| Amount (cfs/ac-ft) |     |  |               |  |    |  |
|--------------------|-----|--|---------------|--|----|--|
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |
|                    | for |  | purposes from |  | to |  |

6. Point(s) of Diversion:

[illegible]

7. Lands irrigated or place of use:

[illegible]

**G. Description of unchanged portion of right**

**1.**

| Amount (cfs/ac-ft) |     |  |               |  |    |
|--------------------|-----|--|---------------|--|----|
|                    | for |  | purposes from |  | to |
|                    | for |  | purposes from |  | to |
|                    | for |  | purposes from |  | to |
|                    | for |  | purposes from |  | to |

6. Point(s) of Diversion:

[illegible]

7. Lands irrigated or place of use:

[illegible]

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. \_\_\_\_\_

## PART 3

## B. CHANGES IN NATURE OF USE

| 1. New Nature of use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |    |       |
|----------------------|-----------------------|-----------------|---------------|----|-------|
|                      |                       |                 |               | to |       |
| Stockwater           | .52 / 75.5            | 365             | 01/01         | to | 12/31 |
| Commercial           | .24 / 34.5            | 365             | 01/01         | to | 12/31 |

2. Quantity and quality of return flows and location of discharge: Process water in the amount of 34.5 afa will be collected and stored in a lagoon and land applied on the total irrigation PPU. Wastewater will be applied to growing crops.

3. Describe effects on other water uses resulting from the proposed change: No effect on other users.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

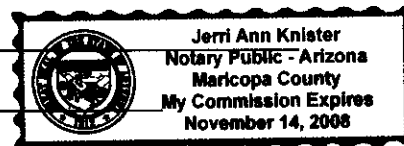
*Carl H. Lueck*

(Signature of Applicant)

Subscribed and sworn to before me this 20<sup>th</sup> day of October, 19 2005

*Jerri Ann Knister*  
(Notary Public)

My commission expires Nov. 14, 2008



## FOR DEPARTMENT USE ONLY

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments

Received by DB Date 10/31/05 Protest filed by \_\_\_\_\_

Prelim. check by \_\_\_\_\_ Fee \$570 \$1,050 - \*

Receipted by DB W033556 Date 10/31/05

Published in \_\_\_\_\_ Copies of protest forwarded by \_\_\_\_\_

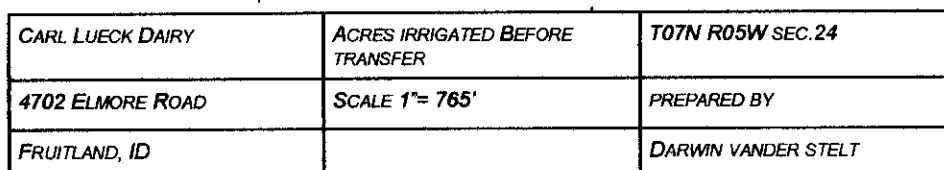
Pub. Dates \_\_\_\_\_ Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

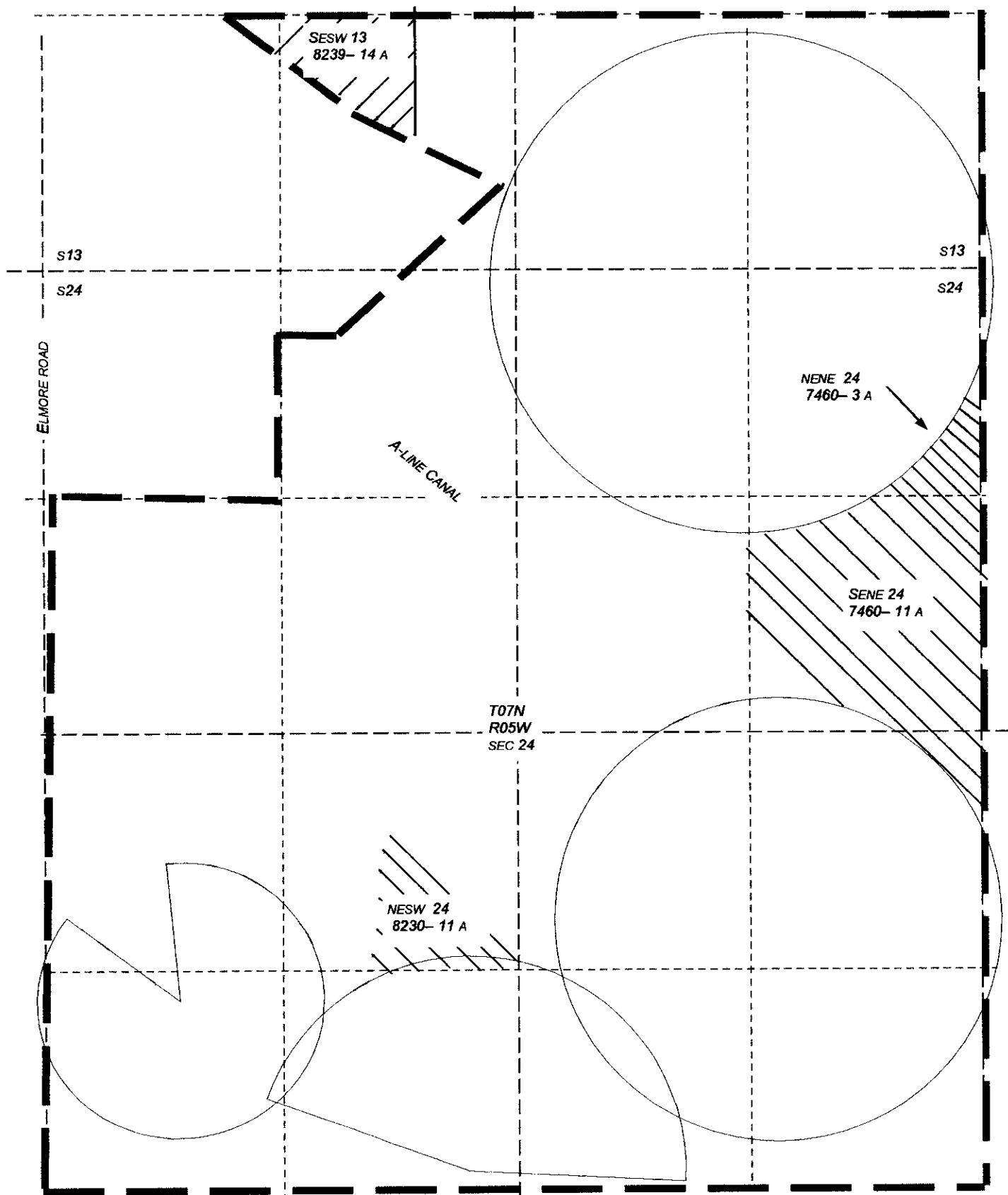
Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ rec'd \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

\* 8.14 cfs = \$570 fee, overpaid \$460, refund processed 11/1/05





|                  |                |                     |
|------------------|----------------|---------------------|
| CARL LUECK DAIRY | ACRES DRIED UP | T07N R05W SEC.24    |
| 4702 ELMORE ROAD | SCALE 1"= 765' | PREPARED BY         |
| FRUITLAND, ID    |                | DARWIN VANDER STELT |



## Attachment B

### Daily Fresh Water Requirement For Dairy Facility Worksheet

For: **Carl Leuck**

Drinking Water Estimates (see Table 1 & 2):

Holstein weight 1400  
Jersey 1000

|                                                                   | Number | Use/day | Size<br>Adjustment<br>100% | Use/day | Total<br>Gal/Day | Total<br>Gals/Yr. | Acre-feet/<br>(AF/a) |
|-------------------------------------------------------------------|--------|---------|----------------------------|---------|------------------|-------------------|----------------------|
| Milking Cows                                                      | 1600   | 36      | 36.0                       | 57600   | 57600            |                   |                      |
| Dry Cows                                                          | 400    | 13      | 13.0                       | 5200    | 5200             |                   |                      |
| Total Cows                                                        | 2000   |         |                            | 0       | 62800            | 22,922,000        | 70.35                |
| Heifers:                                                          |        |         |                            |         |                  |                   |                      |
| Age                                                               | Number | Use/day | 100%                       |         | Total            |                   |                      |
| 16-24 mo.                                                         | 840    | 11      | 11.0                       |         | 9240.0           |                   |                      |
| 13-15 mo.                                                         | 320    | 9       | 9.0                        |         | 2880.0           |                   |                      |
| 9-12 mo.                                                          | 420    | 7       | 7.0                        |         | 2940.0           |                   |                      |
| 5-8 mo                                                            | 420    | 6       | 6.0                        |         | 2520.0           |                   |                      |
| Total Heifers                                                     | 2000   |         |                            |         | 17580.0          | 6,416,700         | 19.69                |
| Deduct: Covered by stockwater right 63-21079 = (.02*7.5*24*60*60) |        |         |                            |         | 12960            | 4,730,400         | -14.52               |
| Stockwater to be obtained by transfer                             |        |         |                            |         |                  |                   | 75.52                |

### Milk House and Parlor Estimate (see Table 4)

| Item                                                              | Gals/Op | x's/day | Gals/day      |                   |               |
|-------------------------------------------------------------------|---------|---------|---------------|-------------------|---------------|
| Bulk Tank                                                         | 250     | 1       | 250           |                   |               |
| Pipeline rinse, wash, acid                                        | 375     | 2       | 750           |                   |               |
| Deckflush 180x's 25turns                                          | 4500    | 2       | 9000          |                   |               |
| Cleanup hose                                                      | 2066    | 2       | 4132          |                   |               |
| Cow Prep                                                          | 0.2     | 2       | 640           |                   |               |
| Holding pen flush 4 x's/milking                                   | 8000    | 2       | 16000         |                   |               |
| <b>Total Milk House and Parlor Water Used:</b>                    |         |         | <b>30772</b>  | <b>11,231,780</b> | <b>34.47</b>  |
| <b>Total Gals/Day</b>                                             |         |         | <b>111152</b> |                   |               |
| <b>Total Fresh Water Diverted Annually (af/a consumptive use)</b> |         |         |               |                   | <b>109.99</b> |
| Stock water needed                                                |         |         | 68.7%         | <b>75.52</b>      | afa           |
| Commercial water needed                                           |         |         | 31.3%         | <b>34.47</b>      | afa           |

**Acres to be taken out of production @ 2.82 afa/acre consumptive use 39.0**

Acres out for stock water 26.8  
Acres out for Commercial 12.2

From:

63-7460 14 ac  
63-8230 11 ac  
63-8239 14.0 ac

Prepared by  
Darwin Vander Stelt

## Attachment C Flow, Volume, and Allocation Calculations

|                                                |          |               |                                                  |
|------------------------------------------------|----------|---------------|--------------------------------------------------|
| <b>Amount of water (afa) to be transferred</b> |          | <b>110</b>    | (From Dairy worksheet, Attachment A)             |
|                                                | <b>%</b> | <b>Volume</b> | <b>Acres to dry</b>                              |
| Stockwater                                     | 68.7%    | 75.52         | <b>26.8</b> (volume needed/consumptive use/acre) |
| Commercial                                     | 31.3%    | 34.47         | <b>12.2</b> (volume needed/consumptive use/acre) |
| <b>Historic consumptive use per acre</b>       |          | <b>2.82</b>   | (From Attachment C. Crop history etc)            |
| Acres to dry up in Section 13&24               |          | <b>39</b>     | (From Dairy worksheet, Attachment A)             |

Acres dried on each WR

|         |       |
|---------|-------|
| 63-7460 | 14 ac |
| 63-8230 | 11 ac |
| 63-8239 | 14 ac |

### Total Flow for each license:

| Priority           | Acres | Flow (cfs) | Flow/acre (cfs) |                                                |
|--------------------|-------|------------|-----------------|------------------------------------------------|
| 7/6/1971 63-7460   | 281.5 | 5.58       | 0.020           | } not to exceed 5.58 cfs by note<br>on 63-8230 |
| 10/27/1975 63-8230 | 50.5  | 1.01       | 0.020           |                                                |
| 4/9/1973 63-8239   | 85    | 1.60       | 0.019           |                                                |
|                    | 332   | 7.18       | total cfs       |                                                |

| Allocation of flow under license | 63-7460     | after transfer:                          |
|----------------------------------|-------------|------------------------------------------|
| Total licensed flow              | 5.58        | cfs                                      |
| Acres irrigable                  | 281.5       |                                          |
| acres irrigable (after transfer) | 267.5       | (281.5- 14 acres out of production)      |
| flow for irrigation              | 5.30        | (acres irrigable X's licensed flow/acre) |
| acres out for stockwater         | 9.6         | (from dairy worksheet- 69%)              |
| flow for stock water             | 0.19        | (acres out X's licensed flow/acre)       |
| acres out for Commercial         | 4.4         | (from dairy worksheet- 31%)              |
| flow for Commercial              | 0.09        | (acres out X's licensed flow/acre)       |
| total flow after transfer        | <b>5.58</b> | <b>cfs</b> (total of the three flows)    |

### Allocation of Volume after transfer:

#### Total Diversion:

|                                          |               |                                       |
|------------------------------------------|---------------|---------------------------------------|
| Tot. diversion/irrigation                | <b>1203.8</b> | (267.5 acx4.5 afa)                    |
| Tot. diversion/ commercial               | <b>12.4</b>   | =cons.use x's ac dried for commercial |
| Tot. diversion/ stockwater               | <b>27.1</b>   | =cons.use x's ac dried for stockwater |
| Total allowable diversion after transfer | <b>1243</b>   |                                       |

## Attachment C Flow, Volume, and Allocation Calculations (continued)

| Allocation of flow under license                              | 63-8230     | after transfer:                          |
|---------------------------------------------------------------|-------------|------------------------------------------|
| Total licensed flow                                           | 1.01        | cfs                                      |
| Acres irrigable                                               | 50.5        |                                          |
| acres irrigable (after transfer)                              | 39.5        | (50.5- 11 acres out of production)       |
| flow for irrigation                                           | 0.79        | (acres irrigable X's licensed flow/acre) |
| acres out for stockwater                                      | 7.6         | (from dairy worksheet- 69%)              |
| flow for stock water                                          | 0.15        | (acres out X's licensed flow/acre)       |
| acres out for Commercial                                      | 3.4         | (from dairy worksheet- 31%)              |
| flow for Commercial                                           | 0.07        | (acres out X's licensed flow/acre)       |
| total flow after transfer                                     | <u>1.01</u> | cfs (total of the three flows)           |
| Note to limit flow to 5.58 cfs in combination with WR 63-7460 |             |                                          |

### Allocation of Volume after transfer:

#### Total Diversion:

|                                          |       |                                       |
|------------------------------------------|-------|---------------------------------------|
| Tot. diversion/irrigation                | 177.8 | (50.5 acx4.5 afa)                     |
| Tot. diversion/ commercial               | 9.7   | =cons.use x's ac dried for commercial |
| Tot. diversion/ stockwater               | 21.3  | =cons.use x's ac dried for stockwater |
| Total allowable diversion after transfer | 209   |                                       |

| Allocation of flow under license | 63-8239     | after transfer:                          |
|----------------------------------|-------------|------------------------------------------|
| Total licensed flow              | 1.60        | cfs                                      |
| Acres irrigable                  | 85.0        |                                          |
| acres irrigable (after transfer) | 71.0        | (85- 14 acres out of production)         |
| flow for irrigation              | 1.34        | (acres irrigable X's licensed flow/acre) |
| acres out for stockwater         | 9.6         | (from dairy worksheet- 69%)              |
| flow for stock water             | 0.18        | (acres out X's licensed flow/acre)       |
| acres out for Commercial         | 4.4         | (from dairy worksheet- 31%)              |
| flow for Commercial              | 0.08        | (acres out X's licensed flow/acre)       |
| total flow after transfer        | <u>1.60</u> | cfs (total of the three flows)           |

### Allocation of Volume after transfer:

#### Total Diversion:

|                                          |       |                                       |
|------------------------------------------|-------|---------------------------------------|
| Tot. diversion/irrigation                | 319.5 | (71 acx4.5 afa)                       |
| Tot. diversion/ commercial               | 12.4  | =cons.use x's ac dried for commercial |
| Tot. diversion/ stockwater               | 27.1  | =cons.use x's ac dried for stockwater |
| Total allowable diversion after transfer | 359   |                                       |

|                         |            |
|-------------------------|------------|
| Total acres dried up    | 39.0       |
| total commercial water  | 34.5 afa   |
| total stockwater        | 75.5 afa   |
| total water transferred | <u>110</u> |

## Attachment D

### Crop History Evaluation for estimation of Diversion Volume and Consumptive Use

Date: 10/18/05

The crop rotation has been potatoes, grain, and alfalfa hay

| Year | Crop    | %<br>Total | acres                                     |
|------|---------|------------|-------------------------------------------|
| 1    | Potato  | 16.7%      | 76.9                                      |
| 2    | Wheat   | 16.6%      | 76.6                                      |
| 3    | Alfalfa | 66.7%      | 307.7                                     |
| 4    | Alfalfa |            |                                           |
| 5    | Alfalfa |            |                                           |
| 6    | Alfalfa |            |                                           |
|      |         | 100%       | 461.5 total ac irrigated with groundwater |

#### Allen and Brockway Data

Transfer No. Carl Leucke Transfer

Allen and Brockway report site: Parma

| Year          | Crop         | Acres      | Method    | App.<br>Eff. %** | IR for Crop<br>mm/season | Crop Div Vol<br>AF/Ann | Crop CU<br>AF/Ann |
|---------------|--------------|------------|-----------|------------------|--------------------------|------------------------|-------------------|
|               | Alfalfa Hay  | 307.68     | sprinkler | 70%              | 933                      | 1345.46                | 941.82            |
|               | Potatoes     | 76.89      | sprinkler | 70%              | 710                      | 255.85                 | 179.10            |
|               | Winter Wheat | 76.61      | sprinkler | 70%              | 715                      | 256.73                 | 179.71            |
| <b>Totals</b> |              | <b>461</b> |           |                  |                          | <b>1858</b>            | <b>1300.63</b>    |

#### Summary

|                         |      |        |                              |      |
|-------------------------|------|--------|------------------------------|------|
| Average Acres Irrigated | 461  | Acres  | Average Diversion Vol/acre   | 4.03 |
| Total Diversion         | 1858 | AF/ann | Average Consumptive Use/acre | 2.82 |
| Total Consumptive Use   | 1301 | AF/ann |                              |      |

318861

Order No. P- 18481

**EXHIBIT A**

**PARCEL I**

Land in Twp. 7 N., R. 5 W., B.M., Payette County, Idaho:

In Sec. 13: The SW1/4SE1/4; S1/2SW1/4 lying North and East of Black Canyon Irrigation District "A" Line Canal;

In Sec. 24: The NW1/4NE1/4; N1/2NE1/4NW1/4 lying South and East of Black Canyon Irrigation District "A" Line Canal.

**PARCEL II**

Land in Twp. 7 N., R. 5 W., B. M., Payette County, Idaho:

In Sec. 13: SE1/4SE1/4;

In Sec. 24: S1/2; S1/2NE1/2; NE1/4NE1/4; and S1/2NE1/4NW1/4.

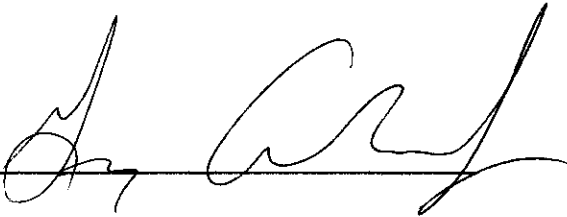
**PARCEL III**

Together with an ingress-egress easement recorded August 24, 1993 as Instrument No. 245102, Official Records.

October 28, 2005

I Greg Obendorf attest to the purchase and sale agreement with Carl Luke is  
contingent upon getting this water transfer. Thank you for your  
consideration.

By

A handwritten signature in black ink, appearing to read 'Greg Obendorf', is written over a horizontal line.