

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Water Rights: 34-7106B, 34-13621,
34-13622

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party (split) UNGER – UNGER & NO TELLUM CREEK RANCH LLC
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

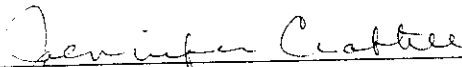
DATED: May 10, 2001

Ernest Carlson
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on May 11th, 2001, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
ROBERT UNGER
24121 SW NEWLAND RD
WILSONVILLE OR 97070
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
ROBERT UNGER
24121 SW NEWLAND RD
WILSONVILLE OR 97070
NO TELLUM CREEK RANCH LLC
4550 E THOUSAND OAKS BLVD #202
WESTLAKE VILLAGE CA 91362
4. One copy to:
Each party in the subcase, or attorney of record
N/A
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

05/09/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 34-13621

NAME AND ADDRESS: ROBERT UNGER
24121 SW NEWLAND ROAD
WILSONVILLE OR 97070

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.390 CFS
108.50 AFY

PRIORITY DATE: 03/18/1975

POINT OF
DIVERSION: T08N R23E S29 NESW Lot 21 Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/15

QUANTITY
0.390 CFS
108.50 AFY

PLACE OF USE: IRRIGATION Within CUSTER County
T08N R23E S29 NWSW 31.0

31 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 34-7106B

State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 9, 2001

ROBERT UNGER
24121 SW NEWLAND RD
WILSONVILLE OR 97070

RE: Notice of Change of Water Right Ownership (NCO) for
34-7106B and Notice of Completed Administrative Proceeding
(NCAP)

Dear Mr. Unger:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Je n'aperçois Crabtree

Jennifer Crabtree
Technical Records Specialist

Enclosure

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
34-7106B		☒			

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

- ☒ C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**. ** Cross Hatched.*

3. Name and Address of Former Owner/Claimant(s)

Robert Unger
24121 S. Newland Road.
Wilsonville, OR 97070

4. New Owner/Claimant(s)

No Tellum Creek Ranch, LLC

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

4550 E. Thousand Oaks Blvd. #202

City, State and ZIP Code

Westlake Village, CA 91362

New Telephone Number

(805) 379-0188

5. Date you acquired the property

1/31/01

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>34-7106B</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.20 CFS</u>	<u>16 acres.</u>
Stock		
Domestic		
Other		
Total	<u>.20 CFS</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

7. Signature of New Owner(s) or Claimant(s) Mark Sel
(include title if applicable) Manager/Owner

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____	AJ Date _____	WR _____ Date _____

K23477

0221303

WARRANTY DEED

For Value Received Donald E. Burget, a single man

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Alyn B. Scheu, a single man

whose address is: 395 W. 21st Street, Upland, CA 91784

Hereinafter called the Grantee, the following described premises situated in Custer County, Idaho, to-wit:

See Attached Exhibit "A"

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: July 7, 2000

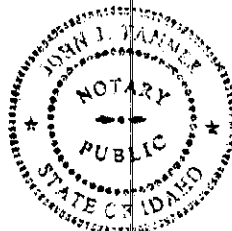
Donald E. Burget
Donald E. Burget

STATE OF IDAHO)

COUNTY OF BLAINE)

On this 7th day of July, in the year of 2000, before me the undersigned, personally appeared Donald E. Burget, known or identified to me (or procured to me on the oath of), to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same.

John J. Wainale
Notary Public of Idaho
Residing at Blaine County, Idaho
Commission Expires: August 17, 2001



Custer County Reg. of

First AmericanTitleTime 4:30 P.M.7/12

Ethel M. Peck, Clerk

James R. Langley

Deputy

Exhibit "A"

4. The Land referred to in this Commitment is described as follows:

Township 8 North, Range 23 E.B.M., Custer County, Idaho
Section 30:

SE $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{4}$ NE $\frac{1}{4}$ and the following described tract: All of Lot 3, EXCEPTING THEREFROM THE FOLLOWING: Commencing at the intersection of the West line of said Lot 3 with the line of fence 14 chains South of the NW corner of said Lot 3; thence N. 78° E. 2.78 chains; thence S. 69° E. 2.72 chains; thence S. 71 $\frac{1}{2}$ ° E. 3.35 chains; thence N. 78 $\frac{1}{2}$ ° E. 1.16 chains; thence S. 63 $\frac{1}{2}$ ° E. 0.77 chains; thence N. 47 $\frac{1}{2}$ ° E. 1.14 chains; thence N. 36° E. 4.47 chains; thence N. 30° E. 1.17 chains; thence N. 54 $\frac{1}{2}$ ° E. 2.55 chains; thence N. 48° E. 3.15 chains; thence N. 47 $\frac{1}{2}$ ° E. 3.51 chains to intersection of said fence line with the East line of said Lot 3, 5.11 chains South of the NE corner of said Lot 3; thence North along East line of said Lot 3 to NE corner thereof; thence West along the North line of said Lot to the NW corner thereof; thence South along the West line of said Lot 3, 14 chains to the Place of Beginning. ALSO: A fraction of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, South of the County road described as: Commencing at a point 5.35 chains East of the SW corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30; thence along the fence line N. 45°40' E. 5.04 chains; thence N. 41° E. 1.37 chains; thence N. 45°15' E. 4.92 chains; thence N. 22°15' E. 1.53 chains; thence N. 7°30' E. 1.73 chains; thence N. 2°10' W. 4.68 chains; thence N. 5°40' E. 1.71 chains; thence N. 20° W. 1.19 chains; thence N. 10° E. 1.66 chains to intersection of said fence line with North line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence East along said North line 6.22 chains to the NE corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence South along East line to SE corner; thence West along the South line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ said Section 30 a distance of 14.69 chains to the Place of Beginning; EXCEPT: County road right-of-way.

Section 31:

W $\frac{1}{2}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{4}$ NW $\frac{1}{4}$; and NW $\frac{1}{4}$ SE $\frac{1}{4}$

(Continued)

Exhibit "A"

(Continued)

Township 8 North, Range 22 E.B.M., Custer County, Idaho
Section 15: ~~W~~~~4~~SE~~4~~, SE~~4~~SE~~4~~, that part of NE~~4~~SE~~4~~ lying West of
Highway.
Section 14: That part of SW~~4~~SW~~4~~ lying West of the Highway.
Section 22: NE~~4~~NE~~4~~, SE~~4~~NE~~4~~.
Section 23: W~~4~~NE~~4~~, NW~~4~~SW~~4~~.
EXCEPTING COUNTY ROAD RIGHT-OF-WAY.

0222276

K23477

WARRANTY DEED

Custer County Reg. of.

1st American Title

Time 10:54 A.M. Date 1-31-2001

Bethel M. Peck, Clerk

Deputy 9.00

Deputy

For Value Received Allyn B. Scheu, a single man

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

No Tellum Creek Ranch, LLC, an Idaho limited liability company

whose registered address is: No Tellum Creek Ranch, LLC, c/o CT Corporation System, 300 No. 6th Street, Boise, Idaho 83701

Hereinafter called the Grantee, the following described premises situated in Custer County, Idaho, to-wit:

See Attached Exhibit "A"

SUBJECT TO all easements, rights of way, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current year's taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: Jan 29/01[Signature]
Allyn B. ScheuSTATE OF Idaho)
COUNTY OF Blaine) ss

On this 29th day of Jan, in the year of 2001, before me the undersigned, personally appeared Allyn B. Scheu, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same.

Notary Public of Idaho
Residing at: Blaine County
Commission Expires: 8/17/2001

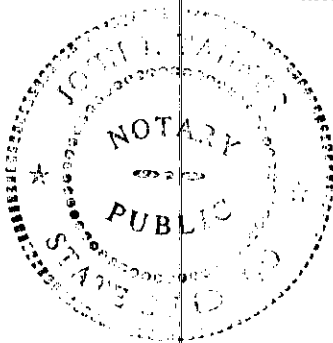


Exhibit "A"

4. The Land referred to in this Commitment is described as follows:

Township 8 North, Range 23 E.B.M., Custer County, Idaho

Section 30:

SEX, EXSWX, SXNE and the following described tract: All of Lot 3, EXCEPTING THEREFROM THE FOLLOWING: Commencing at the intersection of the West line of said Lot 3 with the line of fence 14 chains South of the NW corner of said Lot 3; thence N. 78° E. 2.78 chains; thence S. 69° E. 2.72 chains; thence S. 71½° E. 3.35 chains; thence N. 78½° E. 1.16 chains; thence S. 63½° E. 0.77 chains; thence N. 47½° E. 1.14 chains; thence N. 36° E. 4.47 chains; thence N. 30° E. 1.17 chains; thence N. 54½° E. 2.55 chains; thence N. 48° E. 3.15 chains; thence N. 47½° E. 3.51 chains to intersection of said fence line with the East line of said Lot 3, 5.11 chains South of the NE corner of said Lot 3; thence North along East line of said Lot 3 to NE corner thereof; thence West along the North line of said Lot to the NW corner thereof; thence South along the West line of said Lot 3, 14 chains to the Place of Beginning. ALSO: A fraction of the SEXNW, Section 30, South of the County road described as: Commencing at a point 5.35 chains East of the SW corner of the SEXNW Section 30; thence along the fence line N. 45°40' E. 5.04 chains; thence N. 41° E. 1.37 chains; thence N. 45°15' E. 4.92 chains; thence N. 22°15' E. 1.53 chains; thence N. 7°30' E. 1.73 chains; thence N. 2°10' W. 4.68 chains; thence N. 5°40' E. 1.71 chains; thence N. 20° W. 1.19 chains; thence N. 10° E. 1.66 chains to intersection of said fence line with North line of said SEXNW; thence East along said North line 6.22 chains to the NE corner of said SWNW; thence South along East line to SE corner; thence West along the South line of said SEXNW said Section 30 a distance of 14.69 chains to the Place of Beginning; EXCEPT: County road right-of-way.

Section 31:

WYNEX; NEXNEX; EXNW; and NWSEX

(Continued)

Exhibit "A"

(Continued)

Township 8 North, Range 22 E.B.M., Custer County, Idaho
Section 15: ~~W~~~~X~~SE~~X~~, SE~~X~~SE~~X~~, that part of NE~~X~~SE~~X~~ lying West of
Highway.
Section 14: That part of SW~~X~~SW~~X~~ lying West of the Highway.
Section 22: N~~X~~NE~~X~~, S~~X~~NE~~X~~.
Section 23: W~~X~~NW~~X~~, NW~~X~~SW~~X~~.
EXCEPTING COUNTY ROAD RIGHT-OF-WAY.

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30	29

38

①

54

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31	32

⑧

32.2