

So 7/16/01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 69210

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 C/O Mark Scheu

Name of Applicant NO TELUM CREEK RANCH LLC Phone 805-379-0188
Post Office address 4550 E. Thruway Oaks St 202 Westlake Village Calif
91362

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 We have purchased 16 acres of
the original ranch + want to drill our own well.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>34-7106B</u> <u>24-12028</u>	<u>3-18-1975</u>	<u>0.20 cfs</u>	<u>Irrigation</u>	<u>4-15</u> to <u>10-15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.20 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	NE	SE	NE	<u>30</u>	<u>8N</u>	<u>23E</u>	<u>Cluster</u>	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>8N</u>	<u>23E</u>	<u>30</u>				<u>10</u>									<u>6</u>				<u>16</u>

Total Acres 16

5. General Information:

a. Description of diversion system Well, pump + sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

N.A. 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:

N.A.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____

For the Director

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T69210

05/22/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 34-7106B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONALD BURGET PO BOX 150 MACKAY, ID 83251 (208)588-2620
Original Owner	ROBERT UNGER 24121 S W NEWLAND ROAD WILSONVILLE, OR 97070 (503)638-2488

Priority Date: 03/18/1975
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary to</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/15	10/15	0.59 CFS	164.5 AFA	
Total Diversion			0.59 CFS	164.5 AFA	

Location of Point(s) of Diversion:

GROUND WATER NESW Lt 21 Sec. 29 Township 08N Range 23E CUSTER County

IRRIGATION Use:
Acre Limit: 47

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER 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>
08N	23E	29		NWSW	31									
		30		SENE	10									
				NESE	6									

Total Acres: 47

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
JTHOMPSON	4/4/1996	ADDRESS	CHANGED ADDRESS PER SF3 4/4/96/JT (WRONG #ON SF3)
ARUBERRY	11/19/1996	SPLIT BY CHANGE OF OWNERSHIP	34-07106 WAS SPLIT BY CHANGE OF OWNERSHIP AS: 34-07106A 0.42 CFS, 34 AC, T. PENCE 34-07106B 0.39 CFS, 31 AC, R. UNGER ----- TOTAL 0.81 CFS, 65 AC, CLAIMED IN-FULL ***19NOV96,ABR***

Dates:

Licensed Date:
Decreed Date: 02/25/1998
Enlargement Use Priority Date:

Water Right 34-7106B

PART 2

Transfer No. 69210

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 _____

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 0.20 cfs for Irrigation purposes from 4-15 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
<u>21</u>		<u>NE</u>	<u>SW</u>	<u>29</u>	<u>8N</u>	<u>23E</u>	<u>Custer</u>	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>8N</u>	<u>23E</u>	<u>30</u>				<u>10</u>									<u>6</u>				<u>16</u>

Total Acres 16

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.39 cfs for Irrigation purposes from 4-15 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

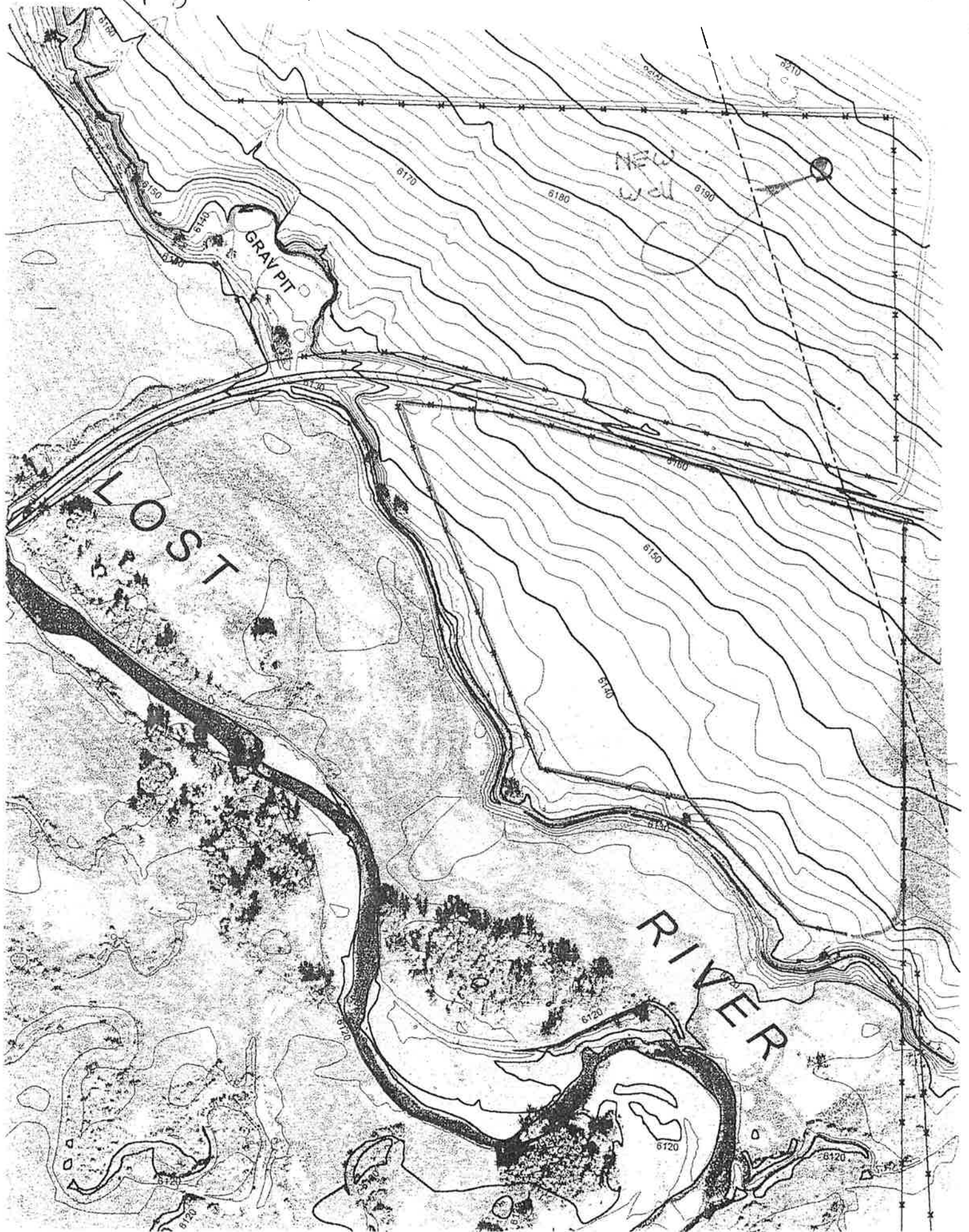
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
<u>21</u>		<u>NE</u>	<u>SW</u>	<u>29</u>	<u>8N</u>	<u>23E</u>	<u>Custer</u>	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>8N</u>	<u>23E</u>	<u>29</u>										<u>31</u>							<u>31</u>

Total Acres 31



PART 3

B. CHANGES IN NATURE OF USE

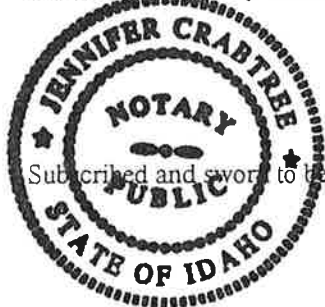
1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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.



Mark Sel
 (Signature of Applicant)

Subscribed and sworn to before me this 22 day of May, 20 01.

Jennifer Crabtree
 (Notary Public)

My commission expires 9/23/03

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 3 attachments
 Received by HWT Date 5-22-01 Protest filed by _____
 Prelim. Check by Kaw Fee \$100.00
 Received by HWT # E026730 Date 5-22-01
 Published in Challis Messenger Copies of protest forwarded by _____
 Pub. Dates June 21 & 28, 2001 Hearing held by _____ Date _____
 Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69210

RECEIVED

OCT 05 2001

Department of Water Resources
Eastern Region

This is to certify that: NO TELLUM CREEK RANCH LLC
C/O MARK SCHEU
4550 E THOUSAND OAKS BLVD #202
WESTLAKE VILLAGE CA 91362
(805) 379-0188

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. 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>Acres</u>	<u>Total</u>	<u>Source</u>
34-13622	AJC/License	03/18/1975	0.20 cfs	56.0 af	16.0	16.0	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>
34-13622	NO	YES	NO	NO	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>
34-13622	34-13622	0.20 cfs	56.0 af	16.0	16.0		N/A	N/A	N/A	N/A
TOTALS		0.20 cfs	56.0 af	16.0	16.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 2nd day of October, 2001


Acting Chief, Water Allocation Bureau

WATER RIGHT NO. 34-13622
As Modified by Transfer No. 69210

In accordance with the approval of Transfer No. 69210, Water Right No. 34-13622 is now described as follows.

Right Holder: NO TELLUM CREEK RANCH LLC
 C/O MARK SCHEU
 4550 E THOUSAND OAKS BLVD #202
 WESTLAKE VILLAGE CA 91362

Priority Date: 03/18/1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to 10/15	0.20 CFS	56.0 AF
		0.20 CFS	56.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESENE Sec. 30 Twp 08N Rge 23E CUSTER 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	
08N 23E 30				10.0									6.0				16.0

Total Acres: 16

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 34-13622
As Modified by Transfer No. 69210

6. 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.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

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 2nd day of October, 2001

Acting 
Chief, Water Allocation Bureau