

RECEIVED

JAN 12 2015

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

79762

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Mackay Land Co & No Tellum Creek Ranch LLCCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes ☐ N/A ☐ * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☐ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☐ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☐ #10 Other. Please describe: _____

79762

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Mackay Land Co & No Tellum Creek Ranch LLC Phone (805)490-2038
Mailing address 4550 E Thousand Oaks Blvd #202 Email mark@scheuproperties.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

No Tellum Creek Ranch, LLC
Mark
Signature of Applicant or Authorized Representative

MARK SCHEU, MANAGING MEMBER 1/5/15
Print Name and Title if applicable Date

Mackay Land Co, LLC
Mark
Signature of Applicant or Authorized Representative

MARK SCHEU, MANAGING MEMBER 1/5/15
Print Name and Title if applicable Date

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 your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

This transfer proposes to split water rights 34-14041 & 34-14043 and combine the new rights with 34-14040 & 34-14042 creating a new pivot with a new point of diversion. The place of use and point of diversion for water rights 34-14040 & 34-14042 will also change to the new pivot location.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	34-14040	0.74 cfs	Irrigation	05/01 to 10/15	Big Lost River to Sinks
☒ ☐	34-14042	0.71 / 126	Irrigation	04/01 to 10/31	Groundwater
☐ ☒	34-14041	0.81 cfs	Irrigation	05/01 to 10/15	Big Lost River to Sinks
☐ ☒	34-14043	0.78 / 136.5	Irrigation	04/01 to 10/31	Groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.98 cfs and/or N/A acre-feet.

2. Total amount of water proposed to be transferred or changed 1.98 cubic feet per second and/or N/A acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Yes	3		NW	SW	31	07N	25E	Custer	Groundwater	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	25E	31							1			47	17.5						65.5
									Lot 2			Lot 3	Lot 4						
07N	24E	36													8			1.5	9.5
Total Acres (for irrigation use)																			75

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

A new well will be drilled at the NE end of the pivot. A flow meter will be installed before groundwater co-mingles with surface water going to the pivot. The surface water will either be delivered via canal along the north end of the pivot or piped from line feeding existing pivot nearby. Pump will be controlled by a lockable power supply.

- b. Who owns the property at the point(s) of diversion? Mackay Land Co

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
It will be dry.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/15/2015

Water Right 34-14040

Owner Type **Name and Address**
Current Owner MACKAY LAND CO
4550 E THOUSAND OAKS BLVD #202
WESTLAKE VILLAGE, CA 91362

Priority Date: 10/12/1884

Basis: Decreed

Status: Active

Source **Tributary**
BIG LOST RIVER SINKS

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	05/01	10/15	0.740 CFS	
	Total Diversion		0.740 CFS	

Source and Point(s) of Diversion

BIG LOST RIVER SWNESW Sec. 20, Twp 07N, Rge 24E, CUSTER County

Place Of Use

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	24E	36														36.0			36.0

POU Total Acres: 36.0

Conditions of Approval:

1. WATER IS DELIVERED THROUGH THE SWAUGER DITCH.
2. THE APPROPRIATOR IS ENTITLED TO THE AMOUNT DESCRIBED ABOVE AT THE POINT OF MEASUREMENT IN T07N, R24E, S28, NESWSE.
RIGHTS 34-14040 AND 34-14042 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .95 CFS.
3. USE OF THIS RIGHT WITH RIGHT NO. 34-14042 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 36 ACRES IN A SINGLE IRRIGATION SEASON.
4. 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.

Comments:

1. Iroberts 10/21/2008 Ownership Change
Split Water Right 34-94C (parent) into 34-14040 (Sayer) and 34-14041 (No Tell em)

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/15/2015

2.	Iroberts Updated Shape	10/21/2008	POD
3.	Iroberts Updated Shape	10/22/2008	POU

Dates and Other Information

Decreed Date: 12/14/2001
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 34
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.950		36.0
34-14040 ,34-14042		

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/15/2015

Water Right 34-14041

Owner Type **Name and Address**
Current Owner NO TELLUM CREEK RANCH LLC
 4550 E THOUSAND LLC
 2655 1ST ST #245
 SIMI VALLEY, CA 93065-1547

Priority Date: 10/12/1884

Basis: Decreed

Status: Active

Source **Tributary**
BIG LOST RIVER SINKS

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	05/01	10/15	3.580 CFS	
	Total Diversion		3.580 CFS	

Source and Point(s) of Diversion

BIG LOST RIVER SWNESW Sec. 20, Twp 07N, Rge 24E, CUSTER County

Place Of Use

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	24E	36					39.0	39.0	30.0	39.0	22.0	4.0							173.0

POU Total Acres: 173.0

Conditions of Approval:

1. RIGHTS 34-14041 & 34-14043 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 173 ACRES IN A SINGLE IRRIGATION SEASON.
2. WATER IS DELIVERED THROUGH THE SWAUGER DITCH.
3. 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.
4. THE APPROPRIATOR IS ENTITLED TO THE AMOUNT DESCRIBED ABOVE AT THE POINT OF MEASUREMENT IN T07N, R24E, S28, NESWSE. RIGHTS 34-14041 AND 34-14043 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.57 CFS.

Comments:

1. Iroberts 10/21/2008 Ownership Change

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/15/2015

Split Water Right 34-94C (parent) into 34-14040 (Sayer) and 34-14041 (No Tell em)

2. Iroberts 10/21/2008 POD
Updated Shape

3. Iroberts 10/22/2008 POU
Updated Shape

Dates and Other Information

Decreed Date: 12/14/2001

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Water District Number: 34

Mitigation Plan: False

Combined Use Limits

Rate

4.570

34-14041 ,34-14043

Volume

Acres

173.0

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/15/2015

Water Right 34-14042

Owner Type **Name and Address**
Current Owner MACKAY LAND CO
4550 E THOUSAND OAKS BLVD #202
WESTLAKE VILLAGE, CA 91362

Priority Date: 5/11/1960

Basis: Decreed

Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.710 CFS	126.0 AF
	Total Diversion		0.710 CFS	126.0 AF

Source and Point(s) of Diversion

GROUND WATER NWNWNW Sec. 36, Twp 07N, Rge 24E, CUSTER County

Place Of Use

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	24E	36														36.0			36.0

Right Acre Limit: 10.7

POU Total Acres: 36.0

Conditions of Approval:

1. This right when combined with 34-14040 shall not exceed 0.95 cfs and shall not exceed irrigation of more than 36 acres in a single season.

Comments:

1. Iroberts 10/22/2008 Ownership Change
Split Water Right 34-2369A(parent) into 34-14042 (Sayer) & 34-14043 (No tell em)
2. Iroberts 10/22/2008 POD
Updated Shape
3. Iroberts 10/22/2008 POU
Updated Shape

Dates and Other Information

Decreed Date: 12/14/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/15/2015

Civil Case Number: 39576
Judicial District: FIFTH
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.950		36.0
34-14040 ,34-14042		

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/15/2015

Water Right 34-14043

Owner Type **Name and Address**
Current Owner NO TELLUM CREEK RANCH LLC
4550 E THOUSAND LLC
2655 1ST ST #245
SIMI VALLEY, CA 93065-1547

Priority Date: 5/11/1960

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	3.360 CFS	591.5 AF
	<u>Total Diversion</u>		3.360 CFS	591.5 AF

Source and Point(s) of Diversion

GROUND WATER NWNWNW Sec. 36, Twp 07N, Rge 24E, CUSTER County

Place Of Use

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	24E	36					39.0	39.0	30.0	39.0	22.0								169.0

Right Acre Limit: 50.3

POU Total Acres: 169.0

Conditions of Approval:

1. This right when combined with 34-14041 shall not exceed 4.57cfs and shall not exceed irrigation of more than 173 acres in a single season.

Comments:

1. Iroberts 10/22/2008 Ownership Change
Split Water Right 34-2369A(parent) into 34-14042 (Sayer) & 34-14043 (No tell em)
2. Iroberts 10/22/2008 POD
Updated Shape
3. Iroberts 10/22/2008 POU
Updated Shape

Dates and Other Information

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/15/2015

Decreed Date: 12/14/2001
Civil Case Number: 39576
Judicial District: FIFTH
Owner Name Connector: And
Mitigation Plan: False

Combined Use Limits

Rate

4.570

34-14041 ,34-14043

Volume

Acres

173.0

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A



ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

1. The name of the limited liability company is: NO TELLUM CREEK RANCH, LLC
2. The address of the initial registered office is: c/o CT CORPORATION SYSTEM, 300 North 6th Street, Boise, Idaho 83701
agent at that address is: CT CORPORATION SYSTEM and the name of the initial registered agent is: CT CORPORATION SYSTEM
3. The mailing address for future correspondence: 4550 E. Thousand Oaks Blvd, Suite 202, Westlake Village, CA 91362
4. Management of the limited liability company will be vested in:
Manager(s) ☒ or Member(s) ☐ . (please check the appropriate box)
5. If management is to be vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is to be vested in the members, list the name(s) and address(es) of at least one initial member.

Name

Address

Allyn B. Scheu

4550 E. Thousand Oaks, Blvd., Suite 202
Westlake Village, CA 91362

6. Signature of at least one person responsible for forming the limited liability company:

Adam R. Treiger-Organizer

Secretary of State, Idaho
IDAH0 SECRETARY OF STATE

12/29/2000 09:00
CK: 119065836 CT: 2848 BH: 369796

1 @ 100.00 = 100.00 ORGAN LLC # 3
1 @ 20.00 = 20.00 EXPEDITE C # 4

W13665

FILED/EFFECTIVE



ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

Nov 15 3 30 PM '01

SEC

S..

FE

- The name of the limited liability company is: Mackay Land Company, LLC
- The address of the initial registered office is: c/o CT CORPORATION SYSTEM, 300 North 6th Street, Boise, Idaho 83701 and the name of the initial registered agent at that address is: CT CORPORATION SYSTEM
- The mailing address for future correspondence: 4550 E. Thousand Oaks Blvd., Suite 202, Westlake Village, California 91362
- Management of the limited liability company will be vested in:
Manager(s) ☒ or Member(s) ☐ . (please check the appropriate box)

- If management is to be vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is to be vested in the members, list the name(s) and address(es) of at least one initial member.

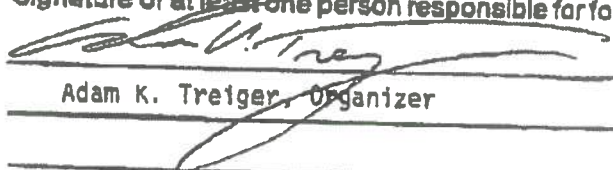
NameAddress

Mark L. Scheu

4550 E. Thousand Oaks Blvd., Suite 202,

Westlake Village, California 91362

- Signature of at least one person responsible for forming the limited liability company:


 Adam K. Treiger, Organizer

Secretary of State use only

 IDAHO SECRETARY OF STATE
 11/15/2001 05:00
 CK: 85987 CT: 20160 BH: 429910
 1 @ 100.00 = 100.00 ORGAN LLC # 2
 1 @ 20.00 = 20.00 EXPEDITE C # 3

W17096 TOTAL P.02

Received 11-15-2001 12:24

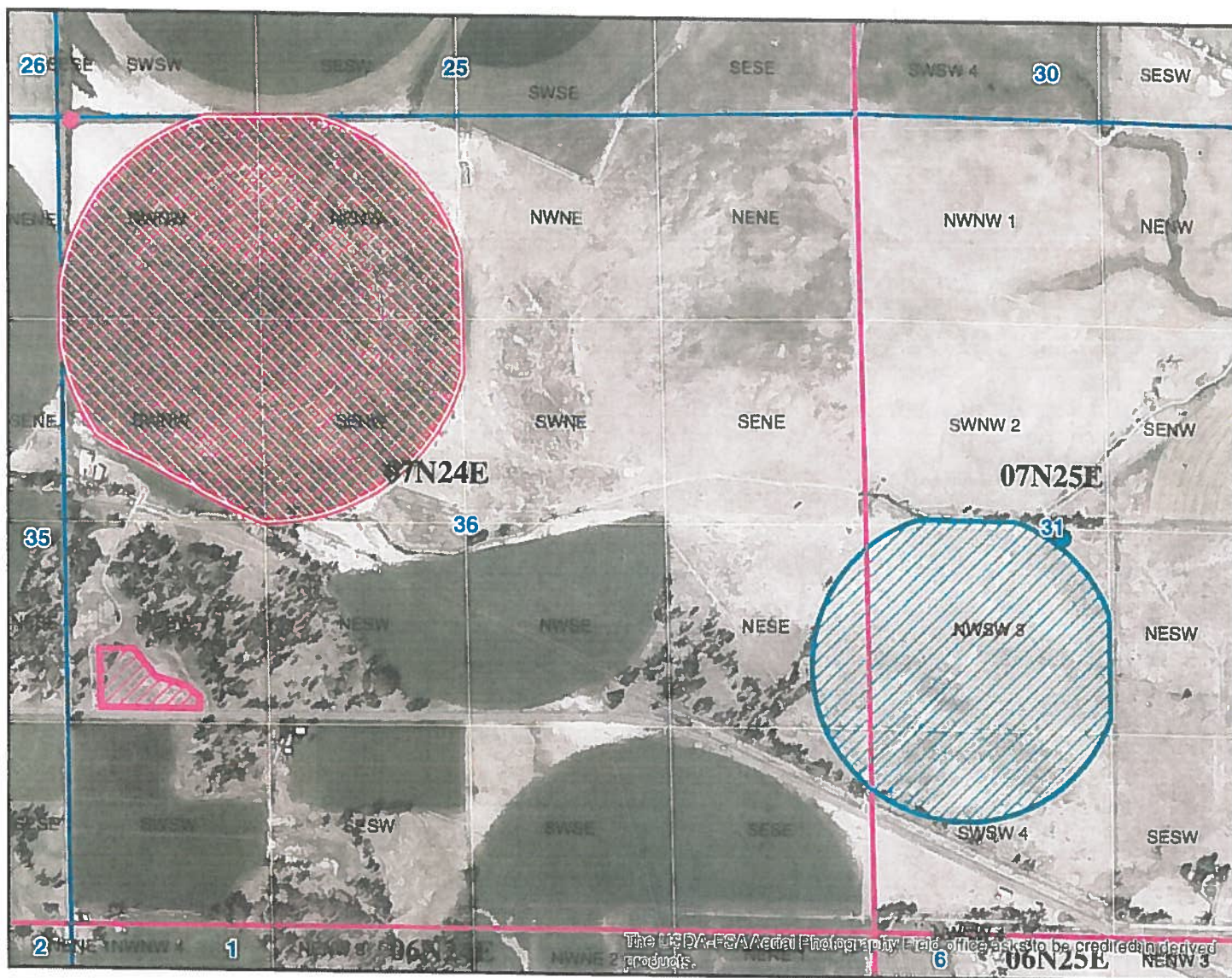
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Page 002

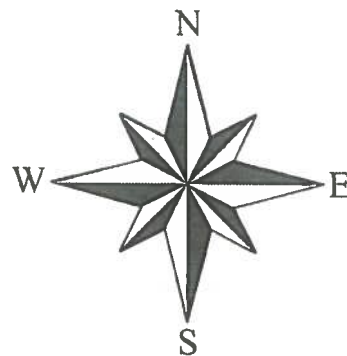
79762

Proposed Water Use



Legend

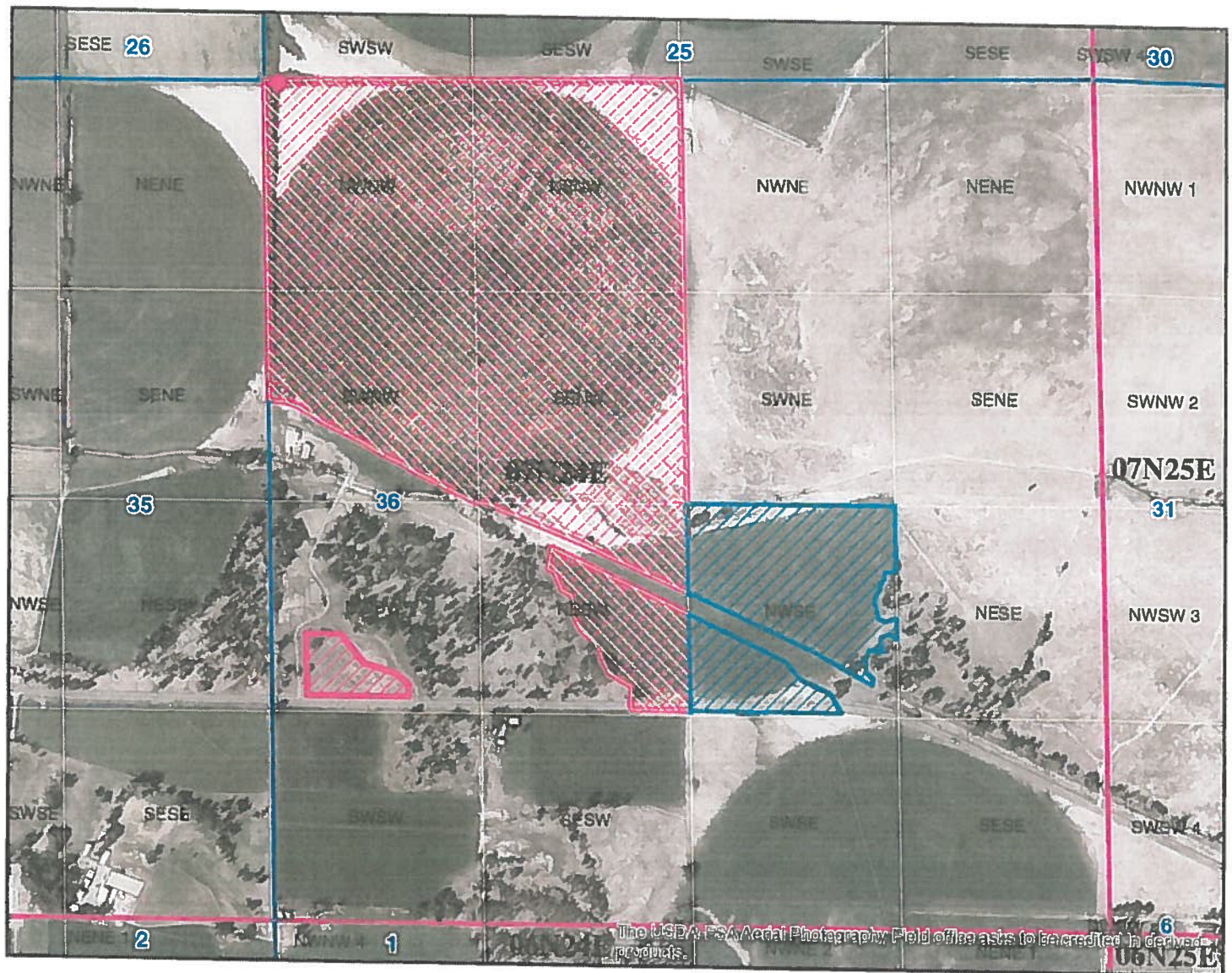
- 34-14040, 34-14042, 34-14041 Split & 34-14043 Split Point of Diversion
- 34-14041 & 34-14043 Point of Diversion
-  34-14040, 34-14042, 34-14041 Split & 34-14043 Split Place of Use
-  34-14043 Place of Use
-  34-14041 Place of Use
-  Township/Range
-  Sections
- QQ



0 0.125 0.25 0.5 Miles

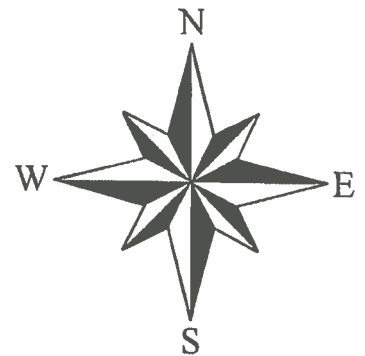
Imagery: 2013 NAIP
Idaho Department of Water Resources
Map Prepared by Heather Bohac, January 2, 2015

Current Water Use



Legend

- 34-14040, 34-14041, 34-14042 & 34-14043 Point of Diversion
- ▨ 34-14040 & 34-14042 Place of Use
- ▨ 34-14043 Place of Use
- ▨ 34-14041 Place of Use
- ▭ Township/Range
- ▭ Sections
- QQ



0 0.125 0.25 0.5 Miles

Imagery: 2013 NAIP
Idaho Department of Water Resources
Map Prepared by Heather Bohac, January 2, 2015

NO TELLUM CREEK RANCH

2655 FIRST STREET, SUITE 245
SIMI VALLEY, CA 93065

TEL. (805) 379-0188
FAX. (805) 379-3768

RECEIVED

JAN 12 2015

Department of Water Resources
Eastern Region

January 8, 2015

Mrs. Heather Bohac
Water Resource Agent Sr
Idaho Department of Water Resources
900 N Skyline Drive Suite A
Idaho Falls, ID 83402-1718

Re: *Water Transfer Permit # 34-14041 & 34-14043*
No Tellum Creek Ranch, LLC to Mackay Land Company, LLC

Dear Mrs. Bohac:

Enclosed is an executed Application for Water Transfer regarding the above Water Rights, along with a check in the amount of \$780.00. Also per your request I have provided an agreement outlining the purchase of the Water Rights from No Tellum Creek Ranch, LLC to Mackay Land Company, LLC (notarized). Please let me know if you need anything else from me.

Thank you very much for your help on this.

Sincerely,



Mark L. Scheu
Managing Member

79762

WATER RIGHTS PURCHASE AGREEMENT

This Agreement is dated the 5th day of January, 2015, by and between No Tellum Creek Ranch, LLC, an Idaho Limited Liability Company ("Seller"), and Mackay Land Company, an Idaho Limited Liability Company ("Buyer").

RECITALS:

WHEREAS, Seller owns certain merchantable and valid water rights referred to as Right Number 34,14040, 34-14041, 34-14042 and 34-14043 more specifically called out in the attached Application for Transfer of Water Right, ("water rights"); and

WHEREAS, Buyer desires to purchase a portion of the water rights, comprising of a total of 39 acres of said water rights under the terms and conditions contained herein.

WITNESSETH:

1. Agreement to Sell and Purchase Water Rights. Seller hereby agrees to sell and convey to Buyer, and Buyer hereby agrees to purchase and acquire from Seller all of Seller's right, title and interest in and to the 39 acres of water rights subject to the terms of this Agreement to the extent the water rights are accepted for transfer by the Idaho Department of Water Resources.
2. Purchase Price and Terms. Buyer shall pay Seller \$10.00 Dollars for said water rights.
3. Warranties of Seller. Seller does hereby represent, covenant and warrant to Buyer that the Seller has the full right and authority to enter into this Agreement and to consummate the transactions intended in this Agreement, and no other consent to do so is required.
4. Miscellaneous Provisions. Any other documentation that maybe required to close and consummate the transaction after the signing of this Agreement shall be made and delivered by the parties as required.
5. Representations. All statements contained in this Agreement or any other instrument delivered by or on behalf of Seller as provided in this Agreement, or in connection with this transaction, will be deemed representations and warranties by Seller as provided in this Agreement.

SELLER:

No Tellum Creek Ranch, LLC, an Idaho Limited Liability Company

Mark Scheu, Dated 1/7/15
Mark Scheu, Managing Member

BUYER:

Mackay Land Company, LLC, an Idaho Limited Liability Company

Mark Scheu, Dated 1/7/15
Mark Scheu, Managing Member

*See Attached Acknowledgment
KKW 1/7/15*

79762

ACKNOWLEDGMENT

"Water Rights Purchase"
Agreement

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Ventura

On January 7th, 2015 before me, Kevin K Wood, Notary Public
(insert name and title of the officer)

personally appeared Mark Scheu
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Kevin K Wood (Seal)

