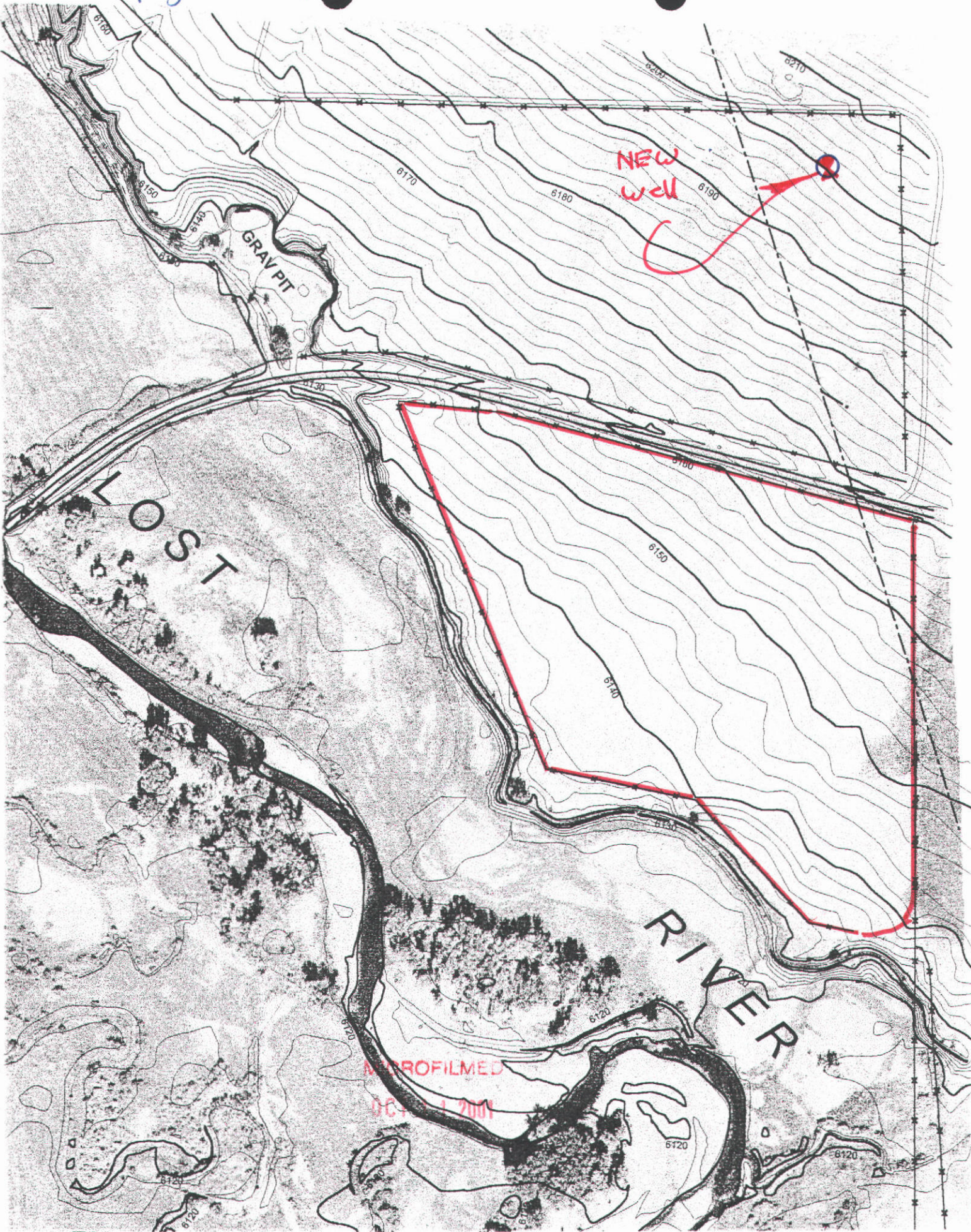




RECEIVED

JUN 29 2001

Department of Water Resources
Eastern Region**AFFIDAVIT OF PUBLICATION**

State of Idaho, County of Custer, ss:

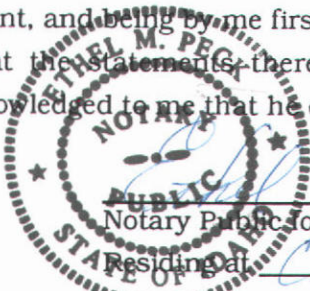
I, Ruth E. Burchill, representing the
Challis Messenger, a weekly newspaper, pub-
lished at Challis, Idaho, do solemnly swear that
the notice hereto attached and made a part here-
of, was published in the regular and entire issue
of the Challis Messenger for 2
consecutive weeks, commencing with the issue
dated June 21 2001 and ending with
the issue dated June 28 2001.

Ruth E. Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 28th day of June in the
year of 2001 before me, a Notary Public,
personally appeared Ruth E. Burchill
known or identified to me to be the person
whose name subscribed to the within instru-
ment, and being by me first duly sworn, declared
that the statements therein are true, and ac-
knowledgeed to me that he executed the same.



Notary Public for Idaho

Residing at

My commission expires: 3-19-04**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 69210**

NO TELLUM CREEK RANCH
LLC, C/O MARK SCHEU, 4550 E.
THOUSAND OAKS BLVD. #202,
WESTLAKE VILLAGE, CA 91362,
has filed Application No. 69210 for
changes to the following water
rights within CUSTER County:

Right No. 34-7106B

Priority: 3/18/75

Source: GROUND WATER

Use IRRIGATION (47

acres) 0.59 CFS 164.5 AFA

Total Amount 0.59

CFS 164.5 AFA

Point(s) of Diversion L21 NESW
S29 T08N R23EPlace of Use S29 and 30 T08N
R23E

The purpose of the transfer is to
change a portion of the above
rights as follows: The applicant
has purchased the 16 acres in the
SENE and NESE Sec 30 T08N
R23E and wants to drill his own
well in SENE Sec 30 T08N R23E
for his 0.20 cfs of this water right.

Protests may be submitted
based on the criteria of Sec 42-
222, Idaho Code.

Any protest against the pro-
posed change must be filed with
the Department of Water Resourc-
es, Eastern Region, 900 N Skyline
Dr. Ste. A, Idaho Falls ID 83402
together with a protest fee of \$25
for each application on or before
July 9, 2001. The protestant must
also send a copy of the protest to
the applicant.

KARL J. DREHER, Director

Pub: June 21 & 28, 2001.

MICROFILMED

OCT 11 2001

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

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

MICROFILMED

OCT 15 2001

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.

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1973 - 1981

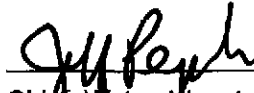
WATER RIGHT NO. 34-13622
As Modified by Transfer No. 69210

- 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

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OCT 11 2001

Page 1 of 6
RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No 69210

JUL 18 2001

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources
Name of ApplicantNO TELUM CREEK RANCH LLCC/O Mark Scheu
Phone 805-379-0188Post Office address 4550 E. Thousand Oaks St 202 Westlake Village Calif91362

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>34-7106B</u>	<u>3-18-1975</u>	<u>0.20 cfs</u>	<u>Irrigation</u>	<u>4-15</u> to <u>10-15</u>
<u>34-13628</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	30	8N	23E	Clatsop	

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	
8N	23E	30				10									6				16

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JUL 18 2001

Total Acres 16

69210

PART 1

6 General Information

a. Description of diversion system Well, pump + sprinklers

NA. 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: NA.

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 _____.

MICROFILMED.
For the Director
OCT 11 2001

05/22/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 34-7106B

Owner Type **Name and Address**
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

Source **Tributary to**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
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

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
08N	23E	29		NWSW	31									
		30		SENE	10									
				NESE	6									

Total Acres: 47

Comments.

Author	Date	Subject	Comment
JTHOMPSO	4/4/1996	ADDRESS	CHANGED ADDRESS PER SF3 4/4/96/JT (WRONG #ON SF3)
ARUBERRY	11/19/96	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.

MICROFILMED
MAY 11 2001

1) 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>	

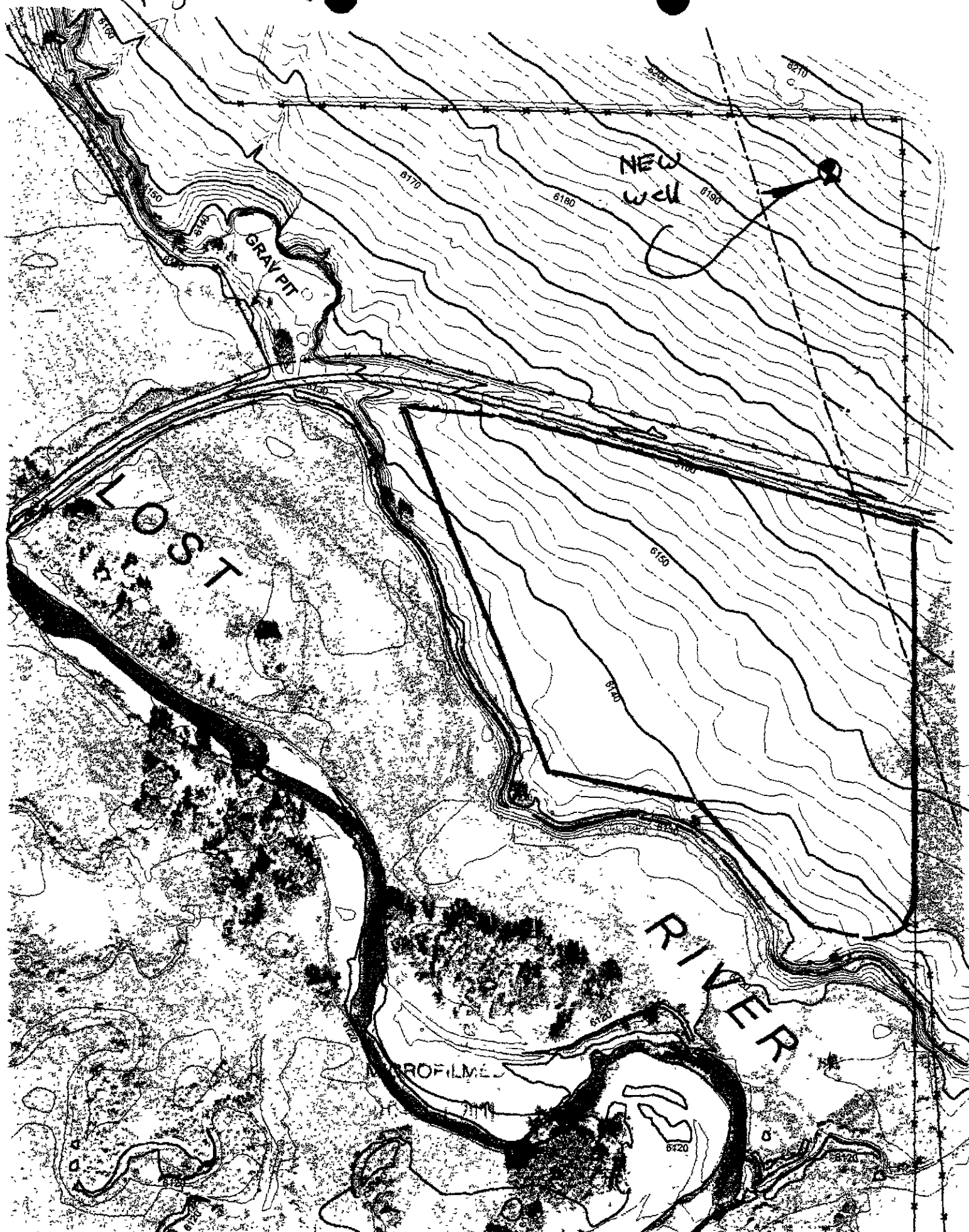
3 Lands irrigated or place of use:

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>

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DEC 11 2001

Total Acres 31



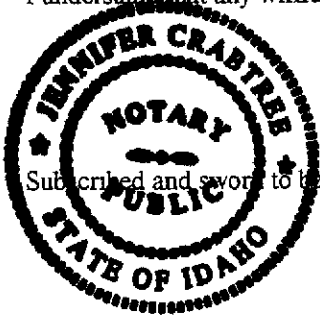
PART 3

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 #EO26730 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 ROC

Copy of transfer sent to lien holder _____

MICROFILMED

6/11/2001

K23477

WARRANTY DEED

Custer County Reg. of
St. American Title
Time 10:54 A.M. Date 1-31-2001
Beth M. Peck, Clerk
Deputy
9.00

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.

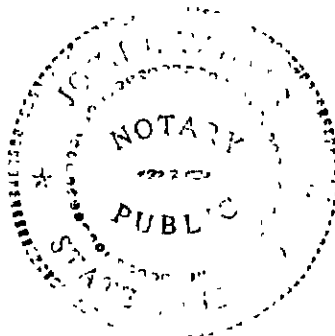
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free 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. Scheu

STATE 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



MICROFILMED
1-31-2001

ATTACHMENT T 69210
1 OF 3

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~~, ~~ESW~~, ~~SNE~~ 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 ~~SE~~~~NW~~, Section 30, South of the County road described as: Commencing at a point 5.35 chains East of the SW corner of the ~~SE~~~~NW~~ 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~~~~NW~~; thence East along said North line 6.22 chains to the NE corner of said ~~SW~~~~NW~~; thence South along East line to SE corner; thence West along the South line of said ~~SE~~~~NW~~ said Section 30 a distance of 14.69 chains to the Place of Beginning; EXCEPT: County road right-of-way.

Section 31: ~~WN~~~~E~~; ~~NE~~~~N~~~~E~~; ~~E~~~~N~~~~W~~; and ~~NW~~~~S~~~~E~~

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(Continued)

T 69210
ATTACHMENT 2 OF 3

Exhibit "A"

(Continued)

Township 8 North, Range 22 E.B.M., Custer County, Idaho

Section 15: W~~X~~SEX, SE~~X~~SEX, that part of NE~~X~~SEX lying West of Highway.

Section 14: That part of SW~~X~~SW~~X~~ lying West of the Highway.

Section 22: N~~X~~NEX, S~~X~~NEX.

Section 23: W~~X~~NW~~X~~, NW~~X~~SW~~X~~.

EXCEPTING COUNTY ROAD RIGHT-OF-WAY.

MICROFILMED

T 69210
ATTACHMENT 3 OF 3



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 2, 2001

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

RE. Transfer No.: 69210 - Water Right 34-13622 - Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

Camela S. Skaggs
for Jeff Peppersack, Manager
Water Rights Permits Section

MICROFILMED

OCT 11 2001

JP:klt
Enclosure(s)

CERTIFICATE OF MAILING

I hereby certify that on October 2, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69210 - WATER RIGHT 34-13622

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


Kari Lynn Townsend
Secretary

MICROFILMED
OCT 11 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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(05-01)

DATE REVIEWED 9-28-01 CR

ALL OF RIGHT(S) W=Water Right C=SRBA Claim R=SRBA Recommendation

R/34-13622	/	/	/	/
/	/	/	/	/
/	/	/	/	/
/	/	/	/	/

[illegible]

Standard Season 4-4 to 10-31 Standard Volume 3.5/2.5

(1) ☒ Priority (2) ☒ Use (3) 3 Season W61 (4) ☒ Rate (5) ☒ Volume
(6) Source (7) 7 P/D (8) ☒ P/U (9) ☒ Proof/Owner (10) ☒ Map
Warranty Deed & SRBA split
(11) NA Water District (12) Yes Pertinent Conditions (13) No Expansion
WM/Rcvd T19

③ Allow extended season to standard by condition w/rel.

⑦ Change P/O

34-7106B split - 34-13622 = Applicant's portion of Rt.

Conditions/Remarks W61, 046, 01M, R63, T07, T08, T19

WRs for Update Comments 34-71016R ✓

Database Updated to Reflect Final Action 10-2-2001 CS



Idaho Secretary of State Viewing Business Entity

[[New Search](#)] [[Back to Summary](#)]
[[Get a certificate of existence for NO TELLUM CREEK RANCH, LLC](#)]

NO TELLUM CREEK RANCH, LLC

4550 E THOUSAND OAKS BLVD STE 202
WESTLAKE VILLAGE, CA 91362

Type of Business: LIMITED LIABILITY COMPANY

Status: EXISTING 29 Dec 2000

State of Origin: IDAHO

Date of Origination/Authorization: 29 Dec 2000

Current Registered Agent: CT CORPORATION SYSTEM
300 N 6TH ST
BOISE, ID 83701

File Number: W13865

Date of Last Annual Report: N/A

Amendments:

Amendment 0 filed 29 Dec 2000 ARTICLES OF
ORGANIZATION

[View Document Online](#)
[Download \(TIFF](#)
[format\)](#)

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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 and the name of the initial registered agent at that address 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 K. Treiger-Organizer

IDAHO SECRETARY OF STATE

12/29/2000 09:00
CR: 119065036 CT: 2040 RH: 3637%1 P 100.00 = 100.00 ORGAN LLC # 3
1 P 20.00 = 20.00 EXPEDITE C N A

W13865

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RECEIVED

JUL 18 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

5-22-01
T69210

Department of Water Resources

INITIAL REVIEW BY: RCW

1. Right number 34-766 B Applicant NO TELLUM CREEK RANCH

2. Type of right: ☒ Decree ☐ License ☐ Claim ☐ SRBA Recommendation

3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s)
☐ Change place of use ☐ Other _____

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☒ All of right.

b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant)

c. Map for remainder of right? ☐ Yes ☒ No

d. ☒ Check description of point(s) of diversion.

e. ☒ Check description of place of use

f. ☒ Check map (shows p.d. and p.u. after transfer).

g. ☒ Check for correct signature, notarization, and fee.

h. ☒ Check proof of ownership of right &/or land from which water is transferred.

i. ☒ Check for expansion in use of right. Comments NONE

j. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) NONE

k. ☒ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? 34

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Reviewed by Adjudication Staff? ☐ Yes ☐ No

3. Is transfer published correctly? ☒ Yes ☐ No

4. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* _____

4. By RCW Date 7/18/01

RECEIVED

JUN 29 2001

Department of Water Resources
Eastern Region

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

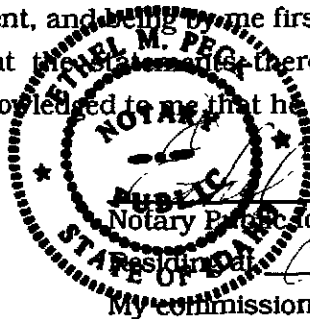
I, Ruth E. Burchill, representing the
Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated June 21 2001 and ending with the issue dated June 28 2001.

Ruth E Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 28th day of June in the year of 2001 before me, a Notary Public, personally appeared Ruth E Burchill known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Notary Public for Idaho

Residing at ChallisMy commission expires: 3-19-04NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 69210

NO TELLUM CREEK RANCH
LLC, C/O MARK SCHEU, 4350 E.
THOUSAND OAKS BLVD. #202,
WESTLAKE VILLAGE, CA 91362,
has filed Application No. 69210 for
changes to the following water
rights within CUSTER County:

Right No. 34-7106B

Priority: 3/18/75

Source: GROUND WATER

Use IRRIGATION (47

acres) 0.59 CFS 164.5 AFA

Total Amount 0.59

CFS 164.5 AFA

Point(s) of Diversion L21. NESW
S29 T08N R23EPlace of Use S29 and 30 T08N
R23E

The purpose of the transfer is to
change a portion of the above
rights as follows: The applicant
has purchased the 16 acres in the
SENE and NESE Sec 30 T08N
R23E and wants to drill his own
well in SENE Sec 30 T08N R23E
for his 0.20 cfs of this water right.

Protests may be submitted
based on the criteria of Sec 42-
222, Idaho Code.

Any protest against the proposed
change must be filed with
the Department of Water Resources,
Eastern Region, 900 N Skyline
Dr. Ste. A, Idaho Falls ID 83402,
together with a protest fee of \$25
for each application on or before
July 9, 2001. The protestant must
also send a copy of the protest to
the applicant.

KARL DREHER, Director

Pub: June 21 & 28, 2001.

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JUN 11 2001



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

June 13, 2001

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

RE: Application for Transfer No 69210
Water Right No(s) 34-7106B

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right transfer application. Please refer to the above referenced transfer number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Challis Messenger on June 21 and 28, 2001. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

A handwritten signature in cursive script that reads "Harold W. Jones".

Harold W Jones
Water Right Supervisor

HWJ:sc

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OCT 11 2001

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/11/2005 BY 1005 1005



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

June 13, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Legal Notice Department

Challis Messenger

PO Box 405

Challis ID 83226

RE. Transfer No 69210

Water Right No(s). 34-7106B

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues) If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before July 9, 2001 Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*Mailed
6/13/01
SC*

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OCT 11 2001

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 69210

NO TELLUM CREEK RANCH LLC, C/O MARK SCHEU 4550 E THOUSAND OAKS BLVD #202
WESTLAKE VILLAGE CA 91362, has filed Application No. 69210 for changes to the following water
rights within CUSTER County:

Right No. 34-7106B

Priority 3/18/75

Source GROUND WATER

Use IRRIGATION (47 acres) 0.59 CFS 164.5 AFA

Total Amount 0.59 CFS 164.5 AFA

Point(s) of Diversion L21 NESW S29 T08N R23E

Place of Use S29 and 30 T08N R23E

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant has purchased the 16 acres in the SENE and NESE Sec 30 T08N R23E and wants to drill
his own well in SENE Sec 30 T08N R23E for his 0.20 cfs of this water right.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern
Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each
application on or before July 09, 2001. The protestant must also send a copy of the protest to the
applicant.

KARL J DREHER, Director

Published on June 21 and 28, 2001

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OCT 11 2001