

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82487**

This is to certify that: **STARGAZER LAND & CATTLE LP**
2815 TOWNSGATE RD STE 315
WESTLAKE VILLAGE, CA 91361

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. A summary of the changes is also listed below. 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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-33343	WR/LICENSE	3/8/2010	1.200 cfs	N/A	N/A	60.0	GROUND WATER
63-7460	WR/DECREED	7/6/1971	5.580 cfs	1267.0 af	N/A	281.5	GROUND WATER
63-8230	WR/DECREED	10/27/1975	1.010 cfs	228.0 af	N/A	50.5	GROUND WATER
63-8239	WR/DECREED	4/9/1973	1.600 cfs	383.0 af	N/A	85.0	GROUND WATER
63-8256	WR/DECREED	1/21/1976	0.900 cfs	203.0 af	N/A	45.0	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>
63-33343	NO	NO	YES	NO	NO	NO
63-7460	NO	NO	YES	YES	NO	NO
63-8230	NO	NO	YES	YES	NO	NO
63-8239	NO	NO	YES	YES	NO	NO
63-8256	NO	NO	YES	YES	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>
63-33343	63-33343	1.200 cfs	N/A	60.0	695.0	N/A	N/A	N/A	N/A	N/A
63-7460	63-7460	5.580 cfs	N/A	281.5	695.0	N/A	N/A	N/A	N/A	N/A
63-8230	63-8230	1.010 cfs	N/A	50.5	695.0	N/A	N/A	N/A	N/A	N/A
63-8239	63-8239	1.600 cfs	383.0 af	85.0	695.0	N/A	N/A	N/A	N/A	N/A
63-8256	63-8256	0.900 cfs	203.0 af	45.0	695.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		9.280 cfs	N/A	522.0	695.0		N/A	N/A	N/A	N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82487

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 9th day of November, 2018.



PAMELA S. SKAGGS, Water Rights Section Mgr.

WATER RIGHT NO. 63-7460**As Modified by Transfer No. 82487**

In accordance with the approval of Transfer No. 82487, Water Right No. 63-7460 is now described as follows:

Right Holder: STARGAZER LAND & CATTLE LP
2815 TOWNSGATE RD STE 315
WESTLAKE VILLAGE, CA 91361

Priority Date: 7/6/1971

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

5.580 cfs

5.580 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 13 Twp 07N Rge 05W PAYETTE County
GROUND WATER	SESW	Sec 13 Twp 07N Rge 05W PAYETTE County
GROUND WATER	SESE	Sec 24 Twp 07N Rge 05W PAYETTE County
GROUND WATER	SESE	Sec 24 Twp 07N Rge 05W PAYETTE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	05W	13											0.8	21			40	40	101.8
07N	05W	24	40.0	40.0	40.0	40.0	33.2		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	593.2

Right Acre Limit: 281.5

POU Total Acres: 695.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 281.5 acres within the authorized place of use in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1,267.0 af at the field headgate for the place of use.
3. Rights 63-7460 and 63-8230 when combined shall not exceed a total diversion rate of 5.58 cfs.
4. Rights 63-7460, 63-8230, 63-8239, 63-8256, and 63-33343 when combined shall not exceed a total diversion rate of 9.28 cfs.

WATER RIGHT NO. 63-7460

As Modified by Transfer No. 82487

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/3/2009.
6. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
7. Use of this right is combined with water from Black Canyon Irrigation District.
8. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
9. The following rights are diverted through points of diversion described above: 63-7460, 63-8230, 63-8239, 63-8256 and 63-33343.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.

WATER RIGHT NO. 63-8230**As Modified by Transfer No. 82487**

In accordance with the approval of Transfer No. 82487, Water Right No. 63-8230 is now described as follows:

Right Holder: STARGAZER LAND & CATTLE LP
2815 TOWNSGATE RD STE 315
WESTLAKE VILLAGE, CA 91361

Priority Date: 10/27/1975

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

1.010 cfs

1.010 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 13 Twp 07N Rge 05W PAYETTE County
GROUND WATER	SESW	Sec 13 Twp 07N Rge 05W PAYETTE County
GROUND WATER	SESE	Sec 24 Twp 07N Rge 05W PAYETTE County
GROUND WATER	SESE	Sec 24 Twp 07N Rge 05W PAYETTE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	05W	13											0.8	21			40	40	101.8
07N	05W	24	40.0	40.0	40.0	40.0	33.2		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	593.2

Right Acre Limit: 50.5

POU Total Acres: 695.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 50.5 acres within the authorized place of use in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 228.0 af at the field headgate for the place of use.
3. Rights 63-7460 and 63-8230 when combined shall not exceed a total diversion rate of 5.58 cfs.
4. Rights 63-7460, 63-8230, 63-8239, 63-8256, and 63-33343 when combined shall not exceed a total diversion rate of 9.28 cfs.

WATER RIGHT NO. 63-8230

As Modified by Transfer No. 82487

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/3/2009.
6. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
7. Use of this right is combined with water from Black Canyon Irrigation District.
8. The following rights are diverted through points of diversion described above: 63-7460, 63-8230, 63-8239, 63-8256 and 63-33343.
9. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.

WATER RIGHT NO. 63-8239**As Modified by Transfer No. 82487**

In accordance with the approval of Transfer No. 82487, Water Right No. 63-8239 is now described as follows:

Right Holder: STARGAZER LAND & CATTLE LP
2815 TOWNSGATE RD STE 315
WESTLAKE VILLAGE, CA 91361

Priority Date: 4/9/1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	1,600 cfs	383.0 af
			1,600 cfs	383.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 13 Twp 07N Rge 05W PAYETTE County
GROUND WATER	SESW	Sec 13 Twp 07N Rge 05W PAYETTE County
GROUND WATER	SESE	Sec 24 Twp 07N Rge 05W PAYETTE County
GROUND WATER	SESE	Sec 24 Twp 07N Rge 05W PAYETTE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	05W	13											0.8	21			40	40	101.8
07N	05W	24	40.0	40.0	40.0	40.0	33.2		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	593.2

Right Acre Limit: 85.0

POU Total Acres: 695.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 85 acres within the authorized place of use in a single irrigation season.
2. Rights 63-7460, 63-8230, 63-8239, 63-8256, and 63-33343 when combined shall not exceed a total diversion rate of 9.28 cfs.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. The following rights are diverted through points of diversion described above: 63-7460, 63-8230, 63-8239, 63-8256 and 63-33343.

WATER RIGHT NO. 63-8239
As Modified by Transfer No. 82487

CONDITIONS OF APPROVAL

5. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

WATER RIGHT NO. 63-8256**As Modified by Transfer No. 82487**

In accordance with the approval of Transfer No. 82487, Water Right No. 63-8256 is now described as follows:

Right Holder: STARGAZER LAND & CATTLE LP
2815 TOWNSGATE RD STE 315
WESTLAKE VILLAGE, CA 91361

Priority Date: 1/21/1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.900 cfs 0.900 cfs	203.0 af 203.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 13 Twp 07N Rge 05W PAYETTE County
GROUND WATER	SESW	Sec 13 Twp 07N Rge 05W PAYETTE County
GROUND WATER	SESE	Sec 24 Twp 07N Rge 05W PAYETTE County
GROUND WATER	SESE	Sec 24 Twp 07N Rge 05W PAYETTE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	05W	13											0.8	21			40	40	101.8
07N	05W	24	40.0	40.0	40.0	40.0	33.2		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	593.2

Right Acre Limit: 45.0

POU Total Acres: 695.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 45 acres within the authorized place of use in a single irrigation season.
2. Rights 63-7460, 63-8230, 63-8239, 63-8256, and 63-33343 when combined shall not exceed a total diversion rate of 9.28 cfs.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. The following rights are diverted through points of diversion described above: 63-7460, 63-8230, 63-8239, 63-8256 and 63-33343.

WATER RIGHT NO. 63-8256
As Modified by Transfer No. 82487

CONDITIONS OF APPROVAL

5. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

WATER RIGHT NO. 63-33343

As Modified by Transfer No. 82487

In accordance with the approval of Transfer No. 82487, Water Right No. 63-33343 is now described as follows:

Right Holder: STARGAZER LAND & CATTLE LP
2815 TOWNSGATE RD STE 315
WESTLAKE VILLAGE, CA 91361

Priority Date: 3/8/2010

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	1.200 cfs 1.200 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 13 Twp 07N Rge 05W PAYETTE County
GROUND WATER	SESW	Sec 13 Twp 07N Rge 05W PAYETTE County
GROUND WATER	SESE	Sec 24 Twp 07N Rge 05W PAYETTE County
GROUND WATER	SESE	Sec 24 Twp 07N Rge 05W PAYETTE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	05W	13											0.8	21			40	40	101.8
07N	05W	24	40.0	40.0	40.0	40.0	33.2		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	593.2

Right Acre Limit: 60.0

POU Total Acres: 695.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 60 acres within the authorized place of use in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 270.0 af at the field headgate for the place of use.
3. Rights 63-7460, 63-8230, 63-8239, 63-8256 and 63-33343 when combined shall not exceed a total diversion rate of 9.28 cfs.

WATER RIGHT NO. 63-33343

As Modified by Transfer No. 82487

CONDITIONS OF APPROVAL

4. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Section 42-222, Idaho Code, or other Department approval.
5. Use of this right is combined with water from Black Canyon Irrigation District.
6. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
7. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
8. The following rights are diverted through points of diversion described above: 63-7460, 63-8230, 63-8239, 63-8256 and 63-33343.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

November 9, 2018

STARGAZER LAND & CATTLE LP
2815 TOWNSGATE RD STE 315
WESTLAKE VILLAGE CA 91361

Re: Transfer No: 82487
Water Right No(s): 63-7460, 63-8230, 63-8239, 63-8256, 63-33343

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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) 287-4951.

Sincerely,



Pamela S. Skaggs, Manager
Water Rights Section

Enclosure

c:

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2018 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 82487

Water Right No(s): 63-7460, 63-8230, 63-8239, 63-8256, 63-33343

**STARGAZER LAND & CATTLE LP
2815 TOWNSGATE RD STE 315
WESTLAKE VILLAGE CA 91361**

**BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301**



Darla Block

Technical Records Specialist

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 Water Resource 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 service date 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.

RECEIVED

NOV 05 2018

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Payette }

Dawnita Haueter
Of Payette, Payette County, Idaho, being
First duly sworn, deposes and says:

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NOV 08 2018

DEPARTMENT OF
WATER RESOURCES

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 82487
STARGAZER LAND
& CATTLE LP, 2815
TOWNSGATE RD STE 315,
WESTLAKE VILLAGE, CA
91361; has filed Application
No. 82487 for changes to
the following water rights
within PAYETTE County(s):
Right No(s). 63-33343, 63-
7460, 63-8230, 63-8239,
63-8256. The purpose of
the transfer is to change a
portion of the above rights
as follows:
combine 5 water rights in
a common system using 4
wells to irrigate 522 acres
within a 695 acre place of
use located in Sections 13
& 24, T7N, R5W in Payette
County, N of Fairview Ave, E
of Elmore Rd & SW of I-84.
**For additional information
concerning the property
location, contact IDWR
State office at (208)
287-4800; or for a full
description of the transfer,
please see <http://www.idwr.idaho.gov/water-rights/transfers/search.html>**
**Protests may be submitted
based on the criteria of
Idaho Code Sec. 42-222.
Any protest against the
proposed change must be
filed with the Department
of Water Resources,
322 E Front St, PO Box
83720, Boise ID 83720-
0098 together with a
protest fee of \$25.00 for
each application on or
before 11/5/2018. The
protestant must also send
a copy of the protest to
the applicant.**
GARY SPACKMAN, Director

Legal Number 00027
October 17, 24, 2018

- 1) That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not party to the above entitled action.
- 2) That I am the representative of the Independent Enterprise, a weekly newspaper published in the County of Payette and State of Idaho; that the said newspaper is in general circulation in the said Count of Payette, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
- 3) That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper and was printed in the newspaper proper, and not in a supplement.

That said notice was published the following:
October 17, 24, 2018

Legal # 00027
Transfer No. 82487
Department of Water Resources
2735 Airport Way
Boise ID, 83705

Dawnita Haueter

State of Idaho}
County of Payette}

On this 31st day of October in the year 2018
Before me a Notary Public, personally appeared.
Dawnita Haueter, known or identified to me to be
the person whose name is subscribed to the within
instrument, and being by me first duly sworn,
declared that the statements therein are true, and
acknowledge to me that he/she executed the
same.

Patrice Dobesh

Notary Public for Idaho
Residing at *Washington Co*
My Commission expires *9-3-2019*

PATRICE DOBESH
COMMISSION NUMBER 19715
NOTARY PUBLIC
STATE OF IDAHO