

RECEIVED

JUN 27 2018

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

82487

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) Stargazer Land & Cattle LPCheck 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: _____

**STATE OF IDAHO
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DEPARTMENT OF
WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) Stargazer Land & Cattle LP Phone 805-557-3725
Mailing address WA2-141-05-55 601 W Riverside Ave 5th FL Spokane, WA 99201 Email ben.jertberg@ustrust.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**.

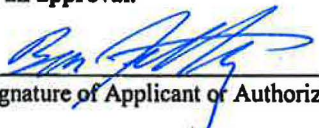
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Greg Sullivan Phone 208-736-8543
Mailing address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301 greg.sullivan@brockwayeng.com

- ☐ 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.


Signature of Applicant or Authorized Representative

Ben Jertberg Vice President 3/12/18
Print Name and Title if applicable U.S. Trust Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use

☐ Change nature of use ☐ Change period of use ☐ Other _____
- 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 include 4 wells as authorized points of diversions and to create a permissible place of use.

The irrigation place of use will be corrected with the transfer to match current management practices.

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

DEPARTMENT OF
WATER RESOURCES

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 ☒ ☐	63-7460	5.58/1267.0	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	63-8230	1.01/228.0	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	63-8239	1.6/383.0	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	63-8256	0.9/203.0	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	63-33343	1.2/270.0	Irrigation	3/15 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 9.28 cfs and/or 2351.0 acre-feet.

2. Total amount of water proposed to be transferred or changed 9.28 cubic feet per second and/or 2351.0 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 #
			SE	SW	13	07N	05W	Payette	Ground Water	
			SE	SE	24	07N	05W	Payette	Ground Water	
			SE	SE	24	07N	05W	Payette	Ground Water	
			SE	SW	13	07N	05W	Payette	Ground Water	New Well

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	05W	13											0.8	21			40	40	101.8
		14	40	40	40	40	33.2		40	40	40	40	40	40	40	40	40	40	593.2
Total Acres (for irrigation use)																			695.0*

*Irrigation within the PPU will be limited to 522.0 acres.

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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 ☒ ☐	63-7460	5.58/1267.0	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	63-8230	1.01/228.0	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	63-8239	1.6/383.0	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	63-8256	0.9/203.0	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	63-33343	1.2/270.0	Irrigation	3/15 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 9.28 cfs and/or 2351.0 acre-feet.

2. Total amount of water proposed to be transferred or changed 9.28 cubic feet per second and/or 2351.0 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 #
			SE	SW	13	07N	05W	Payette	Ground Water	
			SE	SE	24	07N	05W	Payette	Ground Water	
			SE	SE	24	07N	05W	Payette	Ground Water	
			SE	SW	13	07N	05W	Payette	Ground Water	New Well

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	05W	13											1.2	21			40	40	103.1
		14	40	40	40	40	35		40	40	40	40			40	40			435

Total Acres (for irrigation use) **538.1***

*Irrigation within the PPU will be limited to 462.0 acres.

Superseded by page 3 submitted 10-03-2018.

82487

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:

Existing PODs, mainline and delivery systems.

- b. Who owns the property at the point(s) of diversion? Stargazer Land & Cattle LP

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?

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: N/A

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:

There will be no change to the land that is currently being irrigated.

- 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:

None

- 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
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-8256

Current Owner: STARGAZER LAND & CATTLE LP

Priority Date: 1/21/1976

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

03/15 to 11/15

0.9 CFS

203 AF

Total Diversion

0.9 CFS

203 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4SW1/4

Sec. 13, Twp 07N, Rge 05W B.M.

PAYETTE County

GROUND WATER

SE1/4SE1/4

Sec. 24, Twp 07N, Rge 05W B.M.

PAYETTE County

GROUND WATER

SE1/4SE1/4

Sec. 24, Twp 07N, Rge 05W B.M.

PAYETTE County

Place of Use

IRRIGATION Within PAYETTE County

T07N R05W S24

NWNE

25.00

T07N R05W S24

NENW

20.00

Total Acres: 45

Conditions of Approval:

1. 01M 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.
2. T19 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.
3. R65 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. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 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 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/3/2009.
5. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. F06 The following rights are diverted through points of diversion described above: 63-7460, 63-8230, 63-8239 and 63-8256.

Decreed Date: 4/3/2009

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-8239

Current Owner: STARGAZER LAND & CATTLE LP

Priority Date: 4/9/1973

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.6 CFS	383 AF
	<u>Total Diversion</u>	1.6 CFS	383 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4	Sec. 13,	Twp 07N,	Rge 05W B.M.
PAYETTE County				
GROUND WATER	SE1/4SE1/4	Sec. 24,	Twp 07N,	Rge 05W B.M.
PAYETTE County				
GROUND WATER	SE1/4SE1/4	Sec. 24,	Twp 07N,	Rge 05W B.M.
PAYETTE County				

Place of Use

IRRIGATION Within PAYETTE County

T07N R05W S13	SESW	30.00	T07N R05W S13	SWSE	40.00
T07N R05W S24	NWNE	15.00			

Total Acres: 85

Conditions of Approval:

1. F06 The following rights are diverted through points of diversion described above: 63-7460, 63-8230, 63-8239 and 63-8256.
2. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 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 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/3/2009.
3. 01M 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.
4. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. T19 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.
6. R65 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.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Decreed Date: 4/3/2009

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-8230

Current Owner: STARGAZER LAND & CATTLE LP

Priority Date: 10/27/1975

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION 04/01 to 10/31
Total Diversion

1.01 CFS 228 AF
1.01 CFS 228 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4SW1/4 Sec. 13, Twp 07N, Rge 05W B.M.

PAYETTE County

GROUND WATER

SE1/4SE1/4 Sec. 24, Twp 07N, Rge 05W B.M.

PAYETTE County

GROUND WATER

SE1/4SE1/4 Sec. 24, Twp 07N, Rge 05W B.M.

PAYETTE County

Place of Use

IRRIGATION Within PAYETTE County

T07N R05W S13	SESE	30.00	T07N R05W S24	NESW	10.50
T07N R05W S24	NWSW	10.00			

Total Acres: 50.5

Conditions of Approval:

1. X35 Rights 63-7460 and 63-8230 when combined shall not exceed a total diversion rate of 5.58 cfs.
2. 01M 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.
3. F06 The following rights are diverted through points of diversion described above: 63-7460, 63-8230, 63-8239 and 63-8256.
4. X61 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.
5. R65 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.
6. T19 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. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. W14 Use of this right is combined with water from Black Canyon Irrigation District.

Decreed Date: 4/3/2009

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-7460

Current Owner: STARGAZER LAND & CATTLE LP

Priority Date: 7/6/1971

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	5.58 CFS	1267 AF
	<u>Total Diversion</u>	5.58 CFS	1267 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 24,	Twp 07N,	Rge 05W B.M.
PAYETTE County				
GROUND WATER	SE1/4SE1/4	Sec. 24,	Twp 07N,	Rge 05W B.M.
PAYETTE County				
GROUND WATER	SE1/4SW1/4	Sec. 13,	Twp 07N,	Rge 05W B.M.
PAYETTE County				

Place of Use

IRRIGATION Within PAYETTE County

T07N R05W S24	NENE	40.00	T07N R05W S24	SENE	20.00
T07N R05W S24	SWSW	34.50	T07N R05W S24	SESW	39.00
T07N R05W S24	NESE	40.00	T07N R05W S24	NWSE	28.00
T07N R05W S24	SWSE	40.00	T07N R05W S24	SESE	40.00

Total Acres: 281.5



82487

Conditions of Approval:

1. R65 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.
2. T19 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.
3. F06 The following rights are diverted through points of diversion described above: 63-7460, 63-8230, 63-8239 and 63-8256.
4. X61 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.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. W14 Use of this right is combined with water from Black Canyon Irrigation District.
7. T08 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. X35 Rights 63-7460 and 63-8230 when combined shall not exceed a total diversion rate of 5.58 cfs.
9. 01M 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. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Decreed Date: 4/3/2009

PART 2A

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report

6/25/2018

WATER RIGHT NO. 63-33343

Owner Type	Name and Address
Current Owner	STARGAZER LAND & CATTLE LP WA2-141-05-55 601 W RIVERSIDE AVE 5TH FL SPOKANE, WA 99201-0647
Original Owner	AL & JERRY LUECK FARMS LLC 5415 S RAINBOW RD BUCKEYE, AZ 85326 6233860607

Priority Date: 03/08/2010
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/01	11/15	1.2 CFS	
Total Diversion			1.2 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESW	Sec. 13	Township 07N	Range 05W	PAYETTE County
GROUND WATER	SESE	Sec. 24	Township 07N	Range 05W	PAYETTE County
GROUND WATER	SESE	Sec. 24	Township 07N	Range 05W	PAYETTE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION PAYETTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07N	05W	13		SESE	10									
		24		SWNE	11		SENE	20						
				NENW	11		SENW	4						
				SWSW	4									

Total Acres: 60

Conditions of Approval:

1. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. 01M 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.
3. 121 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.
4. R65 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.

Dates:

Proof Due Date: 01/01/2016

Proof Made Date: 01/02/2015

Approved Date: 12/29/2010

Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Application Received Date: 08/01/2011

Protest Deadline Date:

Number of Protests: 0

Field Exam Date::

Date Sent to State Off:

Date Received at State Off:

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

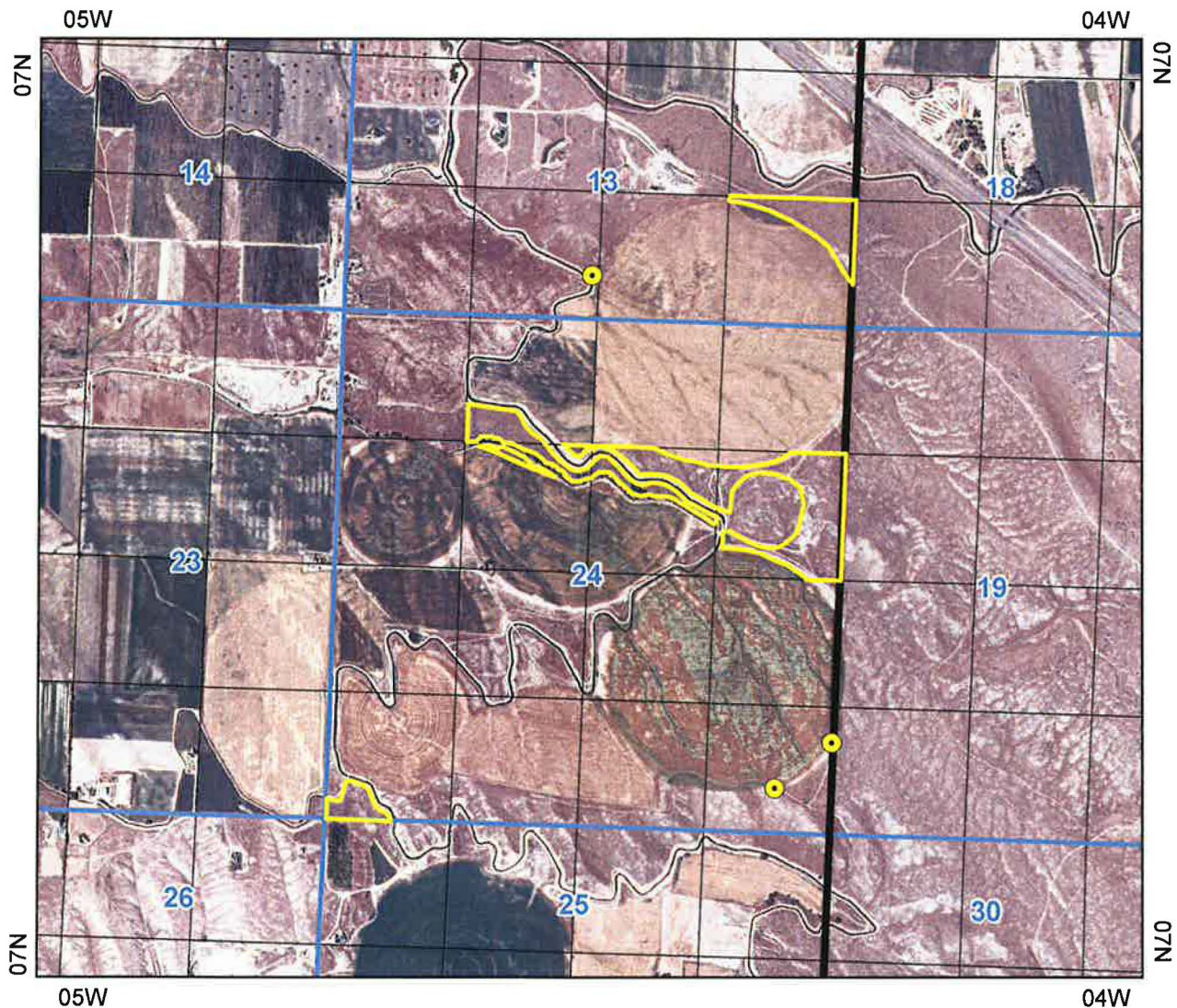
Close

State of Idaho
Department of Water Resources

Permit To Appropriate Water 63-33343

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.225 0.45 0.9 Miles

82487

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ 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. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

FOR DEPARTMENT USE ONLY

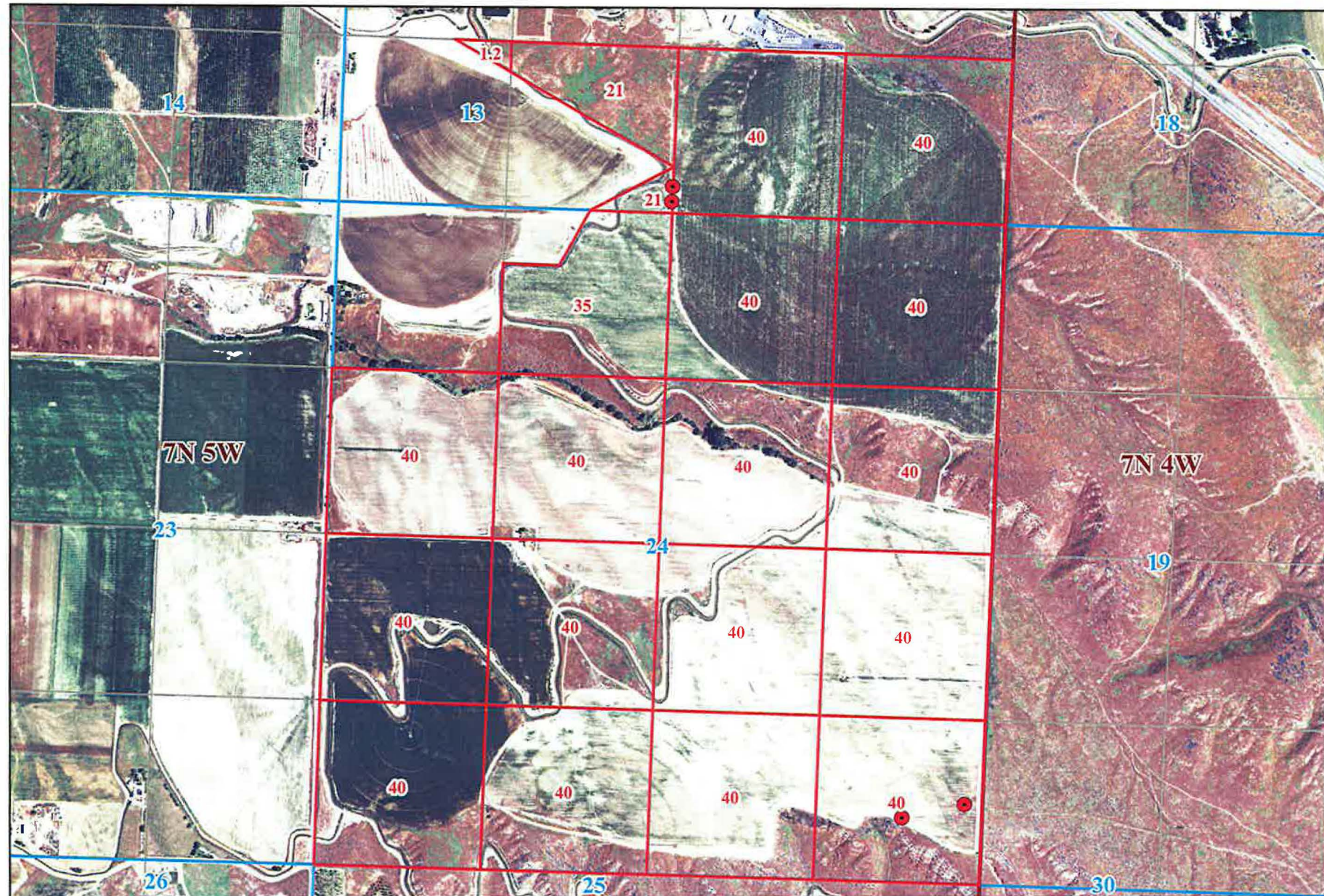
Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid 1220.00 Date 6-27-18 Received by AV Receipt # C105301

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)



STARGAZER LAND AND CATTLE LP
LUECK FARM

NAIP 2017 AERIAL
 522.0 Acres Irrigation

BROCKWAY ENGINEERING, PLLC.
 GWS -Date: 3/9/2018

Legend
 ● Lueck Farm PODs
 □ PPU per QQ

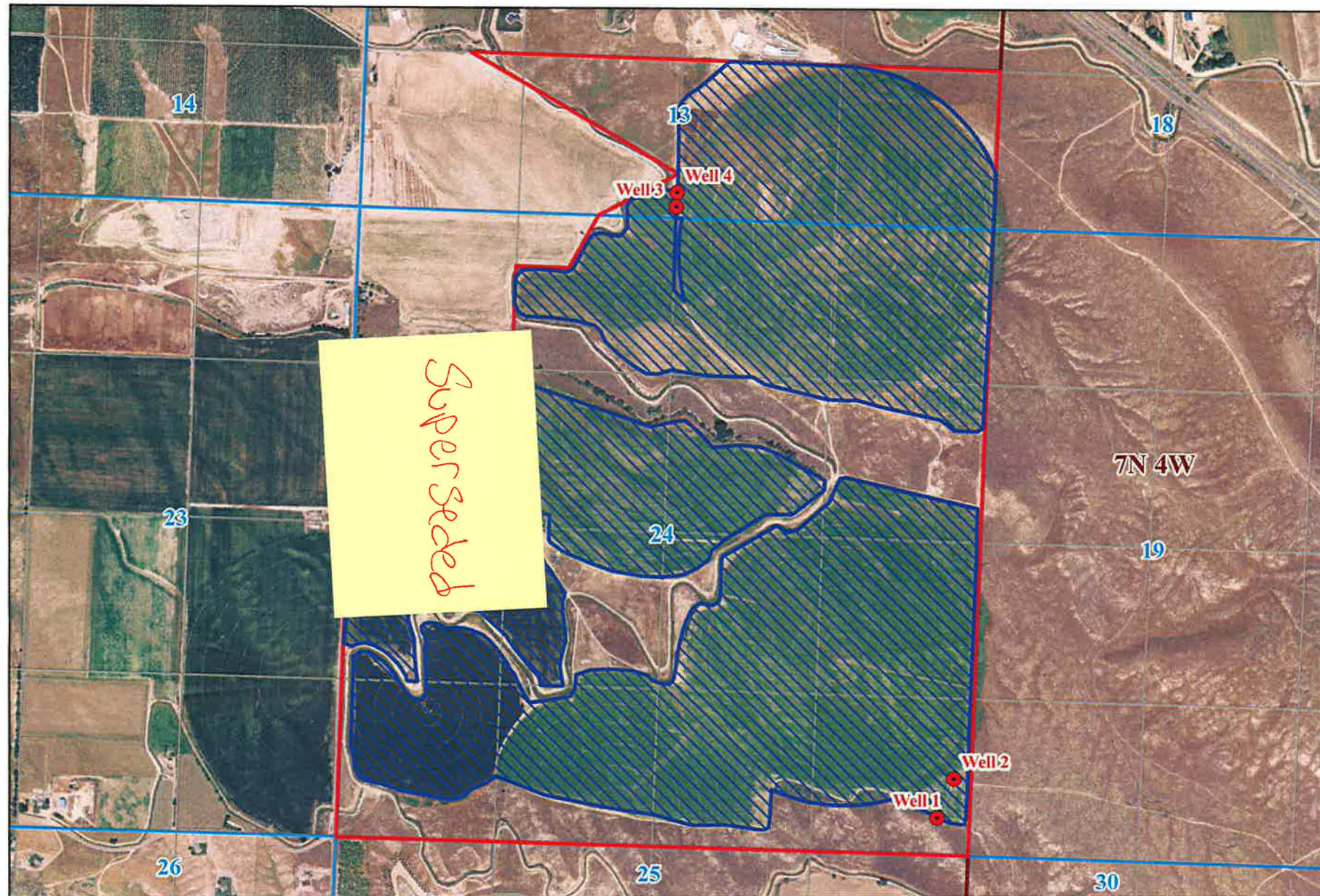


82487



 Lueck Farm PODs
 PPU per QQ

BROCKWAY ENGINEERING, PLLC.
GWS -Date: 10/3/2018



0 500 1,000 2,000 Feet

STARGAZER LAND AND CATTLE LP
LUECK FARM

NAIP 2017 AERIAL
522.0 Acres Irrigation

BROCKWAY ENGINEERING, PLLC.
GWS -Date: 6/21/2018

Legend

-  Lueck Farm PODs
-  2017 Irrigation
-  Lueck Farm



82487

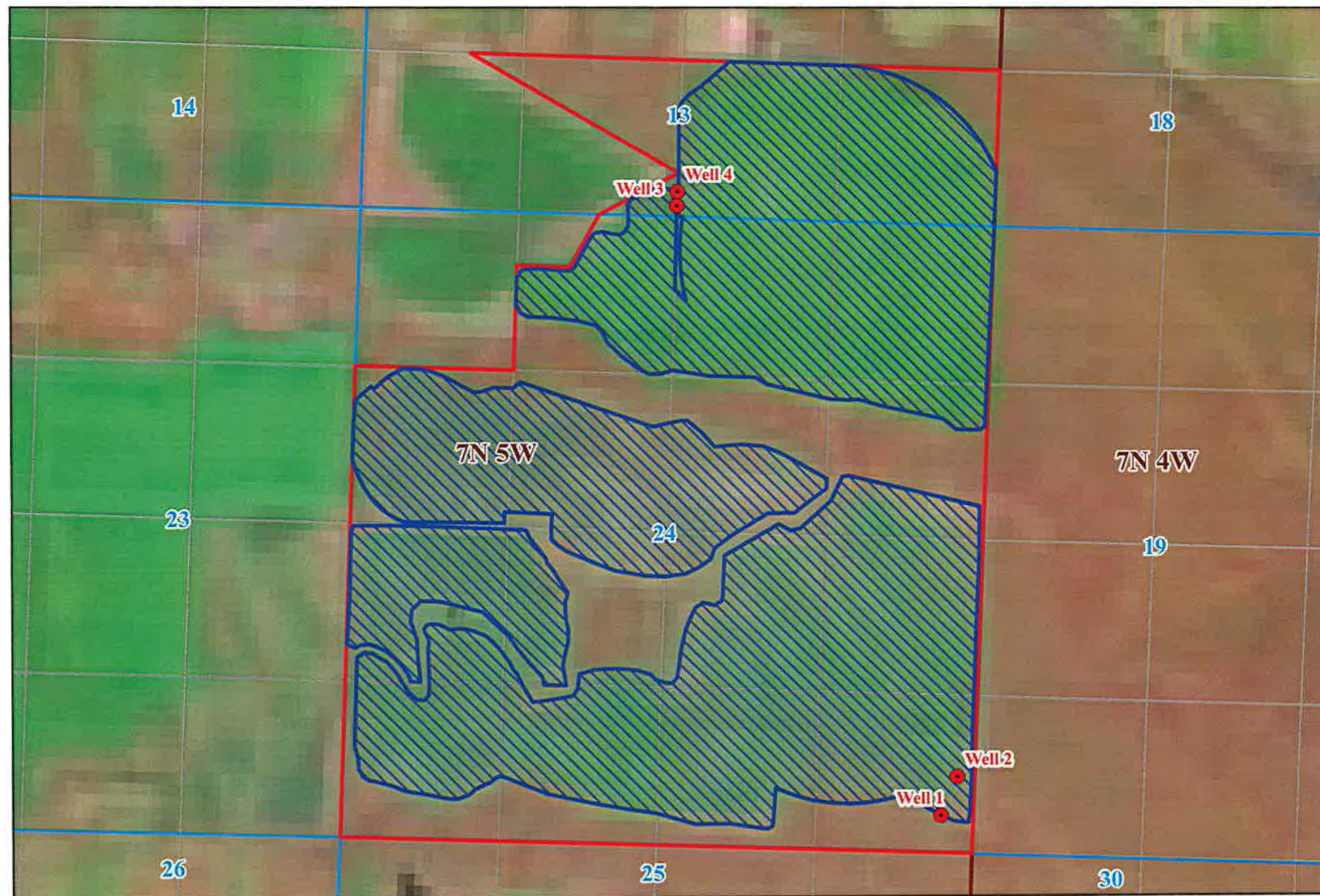


0 500 1,000 2,000 Feet

LUECK FARM

PERMIT 63-33343
NAIP 2017 AERIAL

- Legend**
- 63-33343_POU
 - Lueck Farm PODs
 - Mainline
 - Lueck Farm



0 500 1,000 2,000 Feet

STARGAZER LAND AND CATTLE LP
LUECK FARM

LANDSAT 2017 AERIAL
522.0 Acres Irrigation

Legend

- Lueck Farm PODs
- 2017 Irrigation
- Lueck Farm

82487

No. L 6863		Due no later than Apr 30, 2018		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address: Correct in this box if needed.		MICHAEL RUST 225 N 9TH ST SUITE 620B BOISE ID 83702			
		STARGAZER LAND & CATTLE, L.P. BEN JERTBERG US TRUST BANK OF AMERICA 2815 TOWNSGATE RD 315 WESTLAKE VILLAGE CA 91361		3. <u>New</u> Registered Agent Signature:*			
Office Held	Name	Street or PO Address	City	State	Country	Postal Code	
GENERAL PARTNER	STARGAZER MANAGEMENT LLC	3333 ALLEN PKWY UNIT 2208	HOUSTON	TX	USA	77019	
5. Organized Under the Laws of: TX L 6863		6. Annual Report must be signed.* Signature: Ben Jertberg Name (type or print): Ben Jertberg Date: 02/27/2018 Title: Vice President					
Processed 02/27/2018		* Electronically provided signatures are accepted as original signatures.					



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

October 12, 2018

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

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

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the INDEPENDENT ENTERPRISE on 10/17/2018 and 10/24/2018. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. 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.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Jean Hersley
Technical Records Specialist

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

Hersley, Jean

From: Hersley, Jean
Sent: Friday, October 12, 2018 9:57 AM
To: 'legals@ind-ent.com'
Subject: legal notice for your paper-transfer 82487
Attachments: LegalNoticeTransferMerged.doc

Please publish the attached legal notice on the days requested. Send the affidavit to: IDWR, PO Box 83720, Boise, ID, 83720-0098 on or before November 5, 2018. Thank you.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

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

Published on 10/17/2018 and 10/24/2018

Date: October 5, 2018
To: Transfer 82487
From: Sandra Thiel
Re: Review & Evaluation of Sufficiency of Information

Stargazer Land & Cattle LP's transfer proposes to include four wells as authorized points of diversion. They also intend to create a permissible place of use. Through the transfer they also intend to correct the irrigation place of use to match current management practices. Before the transfer decreed rights 63-7460, 63-8230, 63-8239 and 63-8256 shared three points of diversion. This transfer will add a fourth well to the system. Right 63-33343, licensed in 2018, authorizes diversion from all four wells. Together the five rights will authorized the irrigation of 522 acres within a 695 permissible place of use.

A portion of the irrigated area also receives water from Black Canyon Irrigation District. The A-line Canal bisects the property. According to Greg Sullivan of Brockway Engineering, the land to the west of the canal receives irrigation district water. Rights 63-7460, 63-8230 and 63-33343 all identify use with Black Canyon water and will include a condition requiring the use of surface water first.

On June 27, 2018, Mr. Sullivan submitted a Beneficial Use Field Report for permit 63-33343. Mr. Sullivan took measurements for three wells. These wells are the existing points of diversion for the rights mentioned above. He found well #1 produced 6.86 cfs, well #2 produced 2.56 cfs and well #3 produced 1.72 cfs for a total of 11.14 cfs. Since the existing rights combined authorize 8.08 cfs, with the additional 1.2 cfs the total system diversion rate should be limited to 9.28 cfs. He states there is a fourth well but it was not turned on during the exam. The narrative states it is physically impossible to turn on well #3 at the same time as well #4.

Authority to File: Ben Jertberg signed the transfer application. According to the Idaho Secretary of State Mr Jertberg is the vice president of Stargazer. The Payette County parcel data shows Stargazer Land & Cattle LP owns the land at the place of use.

Water Right Validity: Rights 63-7460, 63-8230, 63-8239 and 63-8256 were decreed in 2009. The Department licensed right 63-33343 in 2018. A review of the place of use for all five rights found that approximately 530 acres have been irrigated over the past five years. However, individually, each water right may have exceeded the authorized place of use quarter quarters. For instance right 63-7460 authorized 40 acres of irrigation in the SWSE but the imagery review only found 35. The right authorized twenty acres in the SENE; however, there were actually 25 acres of irrigation.

Injury to Other Water Rights: After the transfer the water right record will more accurately reflect irrigation use. No injury is anticipated.

Enlargement of Use: The transfer will not result an increase in acres.

Local Public interest: There are no apparent issues with local public interest. The Department will advertise the transfer.

Beneficial Use/Conservation of Water Resources: This transfer appears to be consistent with the conservation of water resources in Idaho.

Effect on Economy the Local Area: No adverse impacts anticipated.

Effect on Agricultural Base of the Local Area: The transfer shows no negative impacts on the local agriculture. Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.



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

June 27, 2018

STARGAZER LAND & CATTLE LP
WA2-141-05-55
601 W RIVERSIDE AVE 5TH FL
SPOKANE, WA 99201-0647

**RE: APPLICATION(S) FOR TRANSFER OF WATER RIGHTS: 63-7460, 63-8230, 63-8239,
63-8256 and 63-33343**

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of the application(s) for transfer of water rights 63-7460, 63-7230, 63-8239, 63-8256 and 63-33343. The Department will hold the application until water right permit 63-33343 has been licensed. The Department regrets any inconvenience caused by the delay.

If you have any questions, please contact me at (208) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist II

c: Brockway Engineering, PLLC



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JUN 27 2018

DEPARTMENT OF
WATER RESOURCES

June 25, 2018

Sandy Thiel
Idaho Department of Water Resources
The Idaho Water Center
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

Re: Stargazer Land and Cattle LP

Dear Mrs. Thiel:

Stargazer Land and Cattle LP desires to create a permissible place of use and to identify four existing wells as authorized points of diversion. The fourth well was drilled as a replacement well but it was decided to keep all four wells as possible water sources.

This transfer will provide IDWR with an updated irrigation place of use to better reflect current irrigation practices that are being utilized at this farm.

Water right permit 63-33343 has recently had a beneficial field exam performed and submitted to IDWR. This transfer cannot be processed until after 63-33343 is considered a licensed water right.

The period of use, beneficial use and ownership of these water rights will not be changing.

Please contact me if you have any questions or if additional information is required.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Ben Jertberg

Enc: Transfer Application, Aerial Maps, Part 2As, Aerial Maps, Annual Report, Brockway Engineering Check # 14763 for \$1,220.00

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506