

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 63-33343

PRIORITY: March 08, 2010

Maximum Diversion Rate: 1.20 CFS

It is hereby certified that:

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

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 08, 2010, and has submitted Proof of Beneficial Use on January 02, 2015. An examination confirms water is diverted from:

SOURCE:

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/01 to 11/15

DIVERSION RATE

1.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE¼SW¼ Sec. 13, Twp 07N, Rge 05W, B.M. PAYETTE County

GROUND WATER SE¼SW¼ Sec. 13, Twp 07N, Rge 05W, B.M. PAYETTE County

GROUND WATER SE¼SE¼ Sec. 24, Twp 07N, Rge 05W, B.M. PAYETTE County

GROUND WATER SE¼SE¼ Sec. 24, Twp 07N, Rge 05W, B.M. PAYETTE 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	
07N	05W	24			19.0					31.0	7.0					3.0			60.0

Total Acres: 60

CONDITIONS OF APPROVAL

1. 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.
2. 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.

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 63-33343

3. 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.
4. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. 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.
6. 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.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

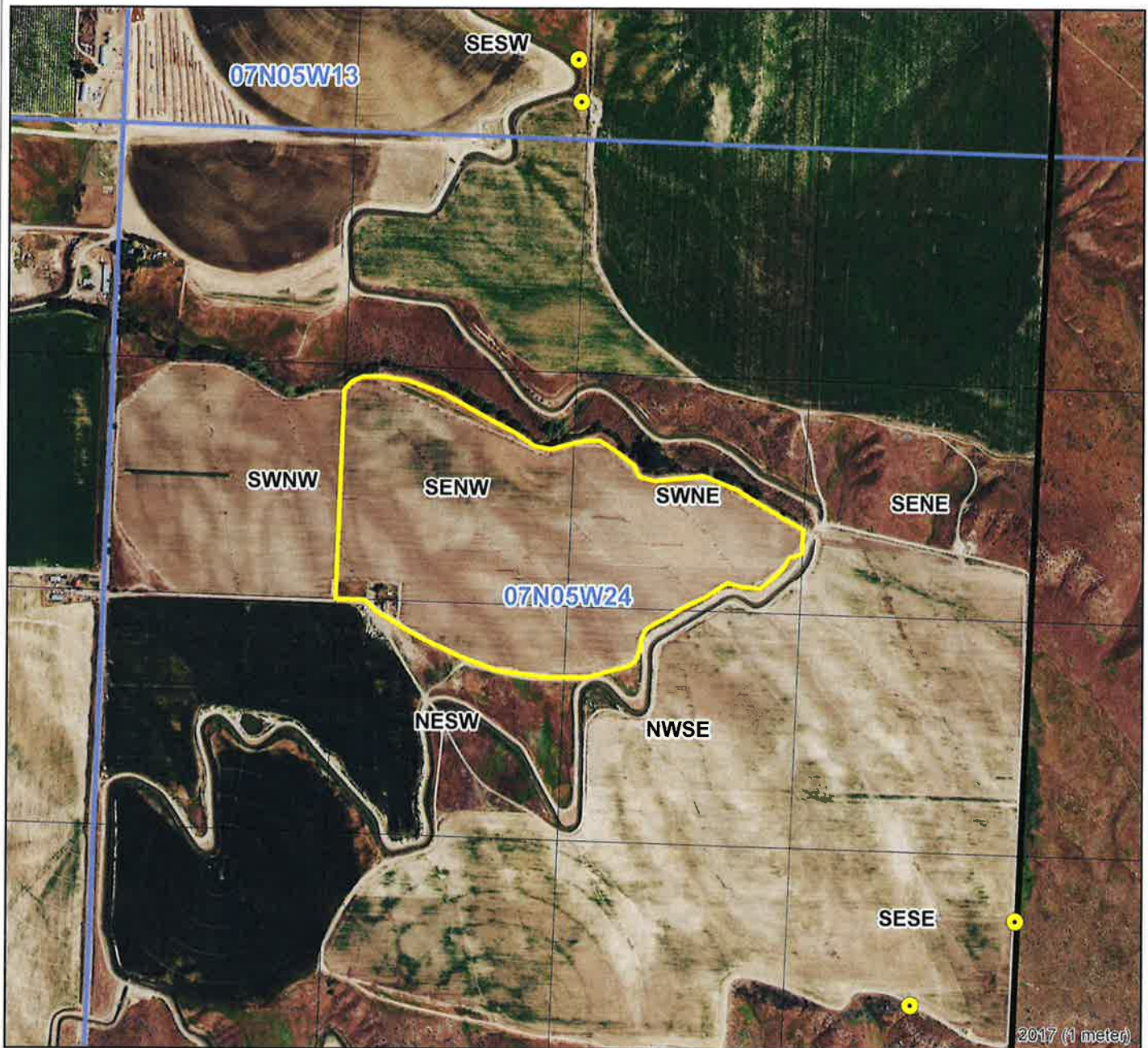
Signed this 28 day of August, 2018.



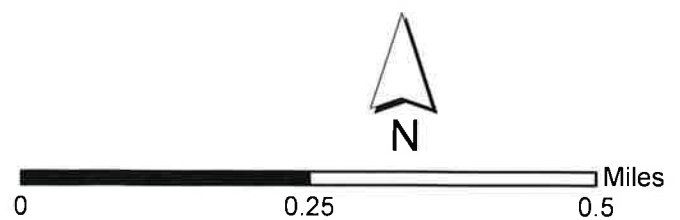
CLAY WEBSTER
Water Rights Supervisor

State of Idaho
Department of Water Resources
Water Right License
63-33343

This map depicts the IRRIGATION places of use boundary and point of diversion for this water right at the time of this approval and is attached to this document solely for illustrative purposes.



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





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

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

C.L. "Butch" Otter
Governor

Gary Spackman
Director

August 29, 2018

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

RE: License No. 63-33343

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Also enclosed is a copy of the approved application for amendment.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, 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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 287-4910.

Sincerely,

Clay Webster
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2018, I served a true and correct copy of Water Right License No. 63-33343 by U.S. Mail, postage prepaid, to the following:

STARGAZER LAND & CATTLE LP (Current Owner)
2815 TOWNSGATE RD STE 315
WESTLAKE VILLAGE CA 91361

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



Darla Block
Technical Records Specialist I

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.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-33343

RECEIVED

AUG 21 2018

DEPARTMENT OF
WATER RESOURCES

PRIORITY: March 08, 2010

Maximum Diversion Rate: 1.20 CFS

Comes now

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

and represents to the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 63-33343, and requests that the permit be changed as follows:

SOURCE:
GROUND WATER

BENEFICIAL USE
IRRIGATION

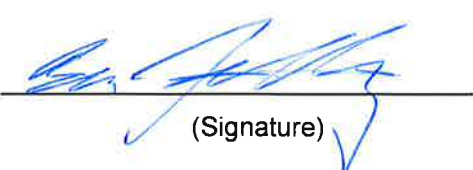
PERIOD OF USE **DIVERSION RATE**
03/01 to 11/15 1.20 CFS

LOCATION OF POINT(S) OF DIVERSION:GROUND WATER SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 13, Twp 07N, Rge 05W, B.M. PAYETTE CountyGROUND WATER SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 13, Twp 07N, Rge 05W, B.M. PAYETTE CountyGROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, Twp 07N, Rge 05W, B.M. PAYETTE CountyGROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, Twp 07N, Rge 05W, B.M. PAYETTE 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	
07N	05W	24			19.0					31.0	7.0					3.0			60.0

Total Acres: 60

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 7th day of August, 2018.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-33343

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100 Received by AV # C105539 Date 8/21/2018

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 63-33343 with the following:

CONDITIONS OF APPROVAL

1. 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.
2. 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.
3. 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.
4. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. 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.
6. 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.

This amendment is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 8th day of August, 2018.



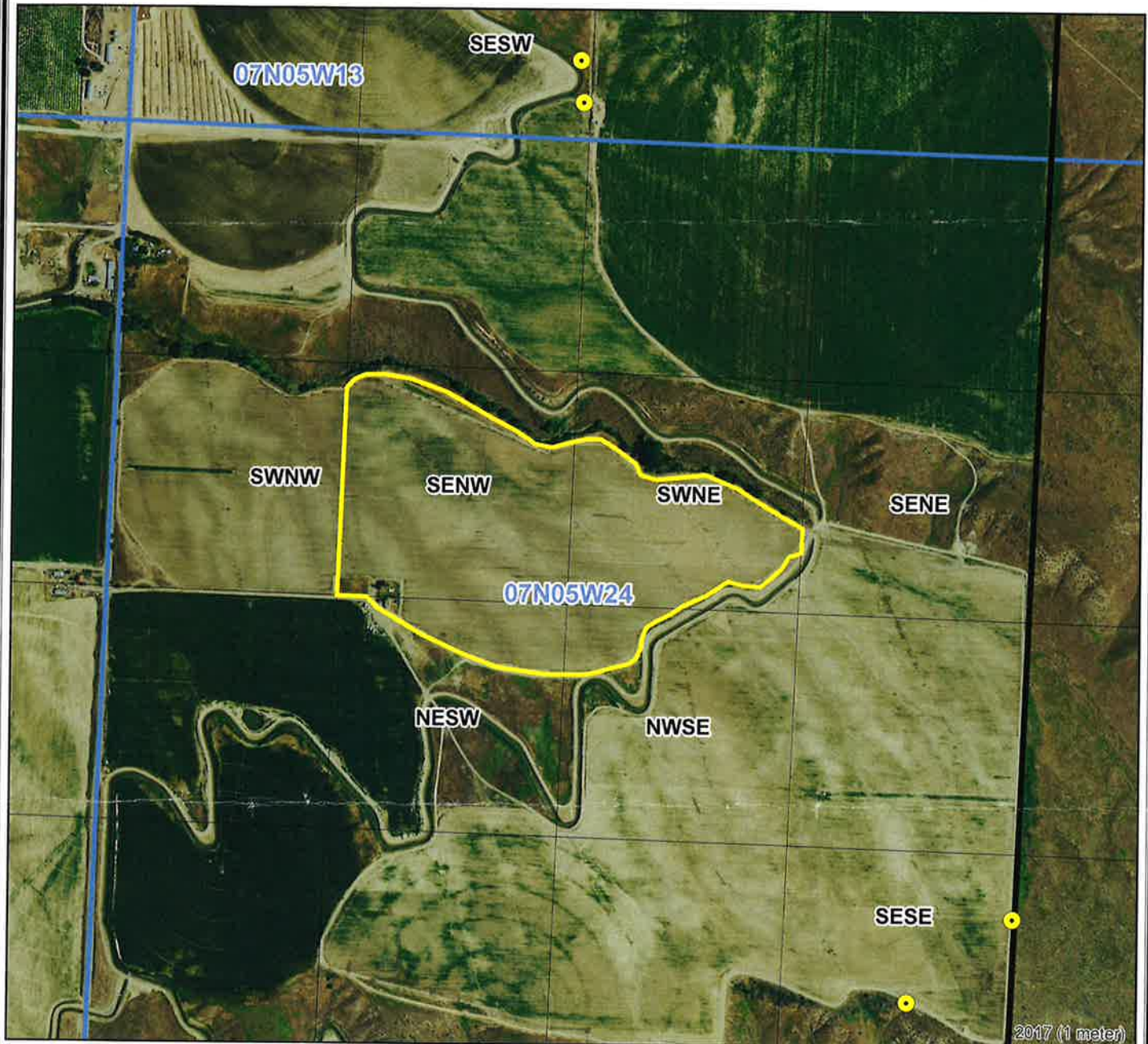
CLAY WEBSTER
Water Rights Supervisor

State of Idaho
Department of Water Resources

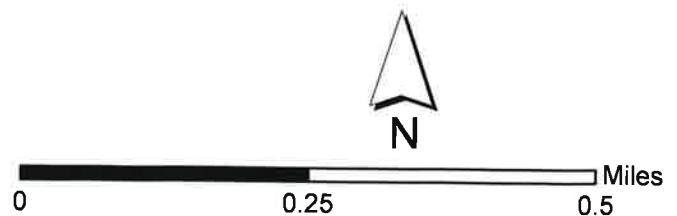
Water Right License Amendment

63-33343

This map depicts the IRRIGATION places of use boundary and point of diversion for this water right at the time of this approval and is attached to this document solely for illustrative purposes.



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





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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 26, 2018

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

Re: Water Right Permit No. 63-33343

Dear Permit Holder(s):

The Idaho Department of Water Resources issued a permit for 63-33343 on December 29, 2010. Previous owners Al and Jerry Lueck Farms LLC submitted proof of beneficial use on November 9, 2011. The enclosed application for amendment includes a beneficial use that was developed differently than what was authorized under the permit. The amendment includes quarter quarters not on the permit and add a fourth point of diversion.

By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee within 30 days, by August 26, 2018.

If you have any questions, please call me at (208)287-4881 or sandra.thiel@idwr.idaho.gov.

Sincerely,

Sandra Thiel
Sr. Water Resource Agent

Enclosures: License Amendment, Map

C: Greg Sullivian, Brockway Engineering