

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 20 2021

DEPARTMENT OF
WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions. DE

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
63-123F ✓	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Lexington Hills, Inc.

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): SUEZ Water Idaho Inc.

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or

8248 W. Victory Road

Boise

ID

83709

Mailing address

City

State

Zip

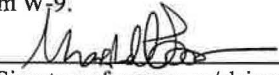
208-362-3858

robert.newbry@suez.com

Telephone

Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: 10/18/2021
6. Do you own the land identified as the water right place of use? Yes ☐ No ☐ N/A
- o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
7. This form must be signed and submitted with the following **REQUIRED** items:
- ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- ☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- ☒ Filing fee (see instructions for further explanation):
- o \$25 per *undivided* water right.
- o \$100 per *split* water right.
- o No fee is required for pending adjudication claims.
- ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
- ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature:  Vice President and General Manager 10/19/2021

Signature of new owner/claimant

Title, if applicable

Date

Marshall Thompson

Print name

Signature: _____ Title, if applicable _____ Date _____

Signature of new owner/claimant

Title, if applicable

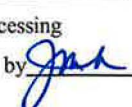
Date

Print name

For IDWR Office Use Only:

Received by: KH Date: 10.20.21 Receipt No. 2111176 Receipt Amt. \$ 25.00

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☒

Name on W-9 _____ Approved by _____ Processed by  Date 10-27-21

SPECIAL WARRANTY DEED FOR WATER RIGHT

LEXINGTON HILLS, INC., an Idaho corporation ("Grantor"), does hereby grant, bargain, sell, assign, and convey to SUEZ WATER IDAHO INC., an Idaho corporation whose address is 8248 W. Victory Rd, Boise, ID, 83709 ("Grantee"), and to Grantee's heirs, successors and assigns forever, all of Grantor's right title and interest in and to decreed water right number 63-123F in the records of the Idaho Department of Water Resources, more particularly described in Exhibit A attached hereto and incorporated by reference (the "Water Right").

Grantor retains no residual or reversionary interest in any of the Water Right conveyed.

Grantor hereby covenants and warrants to Grantee as follows:

- (A) Grantor is the owner of the Water Right;
- (B) Grantor has not conveyed any of the Water Right to anyone other than Grantee;
- (C) The Water Right is conveyed free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Right to Grantee.

Grantor makes no other covenants or warranties as to the Water Right.

IN WITNESS WHEREOF, the undersigned has caused their name to be hereunto subscribed.

DATED this 24th day of September, 2021.

GRANTOR:

LEXINGTON HILLS, INC., an Idaho corporation

By: 
Duane Stueckle, President

STATE OF IDAHO)
) ss.
County of Ada)

On this 24th day of September, 2021, before me, a Notary Public in and for said State, personally appeared DUANE STUECKLE, known or identified to me to be the President of LEXINGTON HILLS, INC., an Idaho corporation, the corporation that executed the instrument or the person who executed the instrument on behalf of such corporation and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Randy Schrader
NOTARY PUBLIC FOR IDAHO
Residing at: Boise, ID
My commission expires: 3/30/24

EXHIBIT A

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT - SRBA
TWIN FALLS CO, IDAHO
FILED
2009 SEP 4 PM 12 39

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-00123F

NAME AND ADDRESS: LEXINGTON HILLS INC
1615 E STONYBROOK CT
EAGLE, ID 83616

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.385 CFS

The right holder is entitled to the quantity of water decreed
herein at the point of redirection from the Farmer's Union Canal.

PRIORITY DATE: 05/01/1964

POINT OF DIVERSION: TOWN R02E S05 W02E Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	01-01 TO 11-15	1.385 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1965 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 19576.

PLACE OF USE:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 136.8 ACRES WITHIN THE BOUNDARY OF THE LEXINGTON HILLS SUBDIVISION, THE LEXINGTON HILLS EAST SUBDIVISION, AND LEXINGTON ON THE RIM. THE PLACE OF USE FOR THIS RIGHT DOES NOT OVERLAP WITH THE PLACE OF USE FOR RIGHT NO 63-123G.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The ability to transfer this water right pursuant to Idaho Code Section 42-222 is contingent upon a finding by the Department that such transfer will not be cause for the Department to further limit the use of water right 63-11413.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 63-00123F. File Number: 00210

PAGE 1
Sep-01-2009

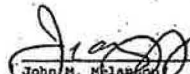
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. McLaughlin
Presiding Judge of the
Snake River Basin Adjudication

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 63-00123F File Number: 00210

PAGE 2
Sep-03-2009



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

October 27, 2021

SUEZ WATER IDAHO
8248 W VICTORY RD
BOISE ID 83709

Re: Change in Ownership for Water Right No(s): 63-123F

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

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

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)