

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 82161 IN THE NAME)
OF SUEZ WATER IDAHO INC)
_____)

**ORDER GRANTING
PETITION TO INTERVENE**

On October 9, 2018, Lexington Hills, Inc. ("Lexington"), through its counsel John Marshall Law PLLC, submitted to the Idaho Department of Water Resources ("Department") a Petition to Intervene ("Petition") as authorized by Rule of Procedure IDAPA 37.01.01.350 (Rule 350) in the matter of Application for Transfer No. 82161.

Neither SUEZ Water Idaho Inc. ("Applicant"), nor the protestant Lexington Hills Homeowners Association Inc, nor protestant Farmers Union Ditch Company Ltd filed a motion opposing the Petition as provided in Rule 354 of the Department's Rules of Procedure.

Rule 352 of the Department's Rules of Procedure states that "Petitions to intervene must be filed at least fourteen (14) days before the date set for formal hearing or prehearing conference, whichever is earlier, unless a different time is provided by order or notice. Petitions not timely filed must state a substantial reason for delay. The presiding officer may deny or conditionally grant petitions to intervene that are not timely filed for failure to state good cause for untimely filing, to prevent disruption, prejudice to existing parties or undue broadening of the issues, or for other reasons. Intervenors who do not file timely petitions are bound by orders and notices earlier entered as a condition of granting the untimely petition."

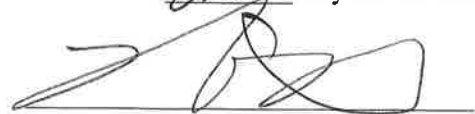
The Applicant proposes to transfer the water right owned by Lexington. Lexington owns the water right and is under contract to sell the subject water right to Applicant if the Department approves the transfer. Lexington has demonstrated a direct and substantial interest in the above captioned matter. Further, while Lexington's interests may align closely with the Applicant's, Lexington's interests are not adequately represented by the Applicant.

The Department should conditionally grant the Petition.

ORDER

IT IS THEREFORE HEREBY ORDERED that the Lexington's Petition to Intervene in the above captioned matter is GRANTED, on the condition that Lexington shall not broaden the issues to be heard at hearing.

Dated this 24th day of October 2018



Nick Miller
Manager, IDWR Western Region



DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082
Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 24, 2018

SUEZ WATER IDAHO
8248 W VICTORY RD
BOISE ID 83709

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GIVENS PURSLEY LLP
601 W BANNOCK ST
PO BOX 2720
BOISE ID 83701-2720

LEXINGTON HILLS HOMEOWNERS ASSN INC
9601 W STATE ST STE 203
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FARMERS UNION DITCH CO LTD
JERRY A KISER
PO BOX 8389
BOISE ID 83707

LEXINGTON HILLS, INC.
JOHN M MARSHALL
JOHN MARSHALL LAW PLLC
575 W BANNOCK ST STE B
BOISE ID 83702

Re: Order in the matter of Water Right Transfer No. 82161

Dear Interested Parties:

The accompanying order issued by the Department is an Order Granting Petition to Intervene.

If you have any questions regarding this matter, please call me at 208-334-2190.

Sincerely,

Nick Miller
Western Regional Manager

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of October, 2018, true and correct copies of the foregoing **ORDER GRANTING PETITION TO INTERVENE** were served by placing a copy of the same with postage prepaid, and properly addressed to the following:

RE: 82161

SUEZ WATER IDAHO
8248 W VICTORY RD
BOISE ID 83709

MICHAEL P LAWRENCE
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Rachel Neely
Administrative Assistant