



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

April 25, 2023

THE PRESERVE LLC
251 E FRONT ST STE 203
BOISE ID 83702-7312

RE: Change in Ownership Water Right Nos: 63-2813C, 63-32356, & 63-32592

Dear Interested Party:

The Idaho Department of Water Resources (Department) received a Notice of Change in Water Right Ownership (Notice) from you on November 16, 2022 for the above referenced water rights. The Notice could not be processed because a copy of the entire deed was not received.

On March 16, 2023, the Department requested the required information from you. As of the date of this letter, the Department has not received the required information.

The Department is returning your Notice of Change in Water Right Ownership and the attachments. A refund of \$225 has been requested and will be mailed to The Preserve Assn under separate cover from the Idaho State Controller's Office. You may re-submit your request with the appropriate documents and fees.

If you have any questions regarding this matter, please contact me at (208) 287-4920.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

SCANNED
APR 25 2023

Judd, Debbi

From: Judd, Debbi
Sent: Thursday, April 20, 2023 1:17 PM
To: IdwrPayable
Subject: Refund request

TO: Fiscal
FROM: Debbi Judd
DATE: April 20, 2023
RE: **Refund: Ownership change**

Please refund \$225. Three ownership changes were returned unprocessed.

NAME: THE PRESERVE ASSN
ADDRESS: 251 E FRONT ST STE 203
BOISE ID 83702-7312

RECEIPT #: W050886

Thank you.
Debbi

Debbi Judd
Technical Records Specialist
debbi.judd@idwr.idaho.gov

Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise, ID 83720-0098
208-287-4920
www.idwr.idaho.gov

RECEIVED

NOV 16 2022

WATER RESOURCES
WESTERN REGION

RECEIVED

MAR 06 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

DEPARTMENT OF
WATER RESOURCES

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.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
63-2813C	Yes ☒	Yes ☐		Yes ☐	Yes ☐
63-32356	Yes ☐	Yes ☐		Yes ☐	Yes ☐
63-32592	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Eaglefield LLC / David and Moira Elcox
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): The Preserve LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
251 E Front st Boise ID 83702
Mailing address City State Zip
208 342-7368
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: _____

6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
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: [Signature] HOA President/Preserve 11-16-2022
Signature of new owner/claimant Title, if applicable Date
Ernie Gentile

- Signature: _____
Signature of new owner/claimant Title, if applicable Date
Print name

For IDWR Office Use Only:

Received by LE Date 11/16/2022 Receipt No. W050886 Receipt Amt. \$225.00
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 _____

SCANNED
APR 25 2023

Recording requested by:

Franklin G. Lee
GIVENS PURSLEY LLP
601 W. Bannock Street
Boise, Idaho 83702
(208) 388-1200

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 10/26/10 10:36 AM
DEPUTY Bonnie Oberbillig
RECORDED - REQUEST OF
Pioneer

AMOUNT 55.00 16



320832-6

NON-MERGER DEED IN LIEU OF FORECLOSURE

For value received, EAGLEFIELD, LLC, an Idaho limited liability company ("**Grantor**"), does hereby grant, bargain, sell and convey unto THE PRESERVE LLC, an Idaho limited liability company ("**Grantee**"), whose address is 1859 S Topaz Way, Suite 200, Meridian, Idaho 83662, the real property situate in Ada County, Idaho more fully set forth in Exhibit A, attached hereto and incorporated herein by reference (the "**Property**") TOGETHER with all appurtenances thereon or appertaining thereto of every kind and nature.

This conveyance includes (a) all appurtenances thereon or appertaining thereto of every kind and nature; (b) all estate property and rights of Grantor in all land lying in streets and roads adjacent to the foregoing real property and all access rights and easements pertaining to such property; (c) all water stock relating to the real property, (d) all shares of stock or other evidence of ownership of any part of the real property that is owned by Grantor in common with all others, (e) all documents of membership in any water owners or members associations or similar group having responsibility for any part of the water or water rights pertaining to the property; (f) all privileges, tenements, reversions, remainders, irrigation, and water rights and stock, oil and gas rights, royalties, minerals, and mineral rights, hereditaments and appurtenances belonging to or in any way pertaining to the foregoing property; (g) all compensation, awards, damages, rights of action, or proceeds, including insurance proceeds arising out of or relating to a taking or damage to the real property by reason of any public or private improvement, condemnation proceeding, including change of grade, fire, earthquake, or other casualty injury or decrease in the value of the property; (h) all plans, specifications, contracts, agreements, and purchase orders pertaining to such real property; and (i) all general intangibles relating primarily to the development or use of the property, including but not limited to all development rights, permits, conditional use permits, plats and other rights to develop the real property.

TO HAVE AND TO HOLD the foregoing premises with their appurtenances unto Grantee, its assigns and transferees forever, and Grantor does hereby covenant to and with Grantee that it is the owner in fee simple of the foregoing premises and that it is free from all encumbrances and liens except matters of record and real property taxes; and that Grantor will warrant and defend the same from all lawful claims whatsoever.

This Deed does not affect a merger of the fee ownership and the lien of that certain Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing dated March 31, 2006 and recorded in the real property records of Ada County, Idaho on April 5, 2006 as Instrument No. 106052014 (the "**Deed of Trust**"), and the fee interest and the lien of the foregoing Deed Of Trust shall hereafter remain separate and distinct. This Deed shall not operate to preclude Grantee from proceeding under any action to enforce the Deed of Trust or any other security

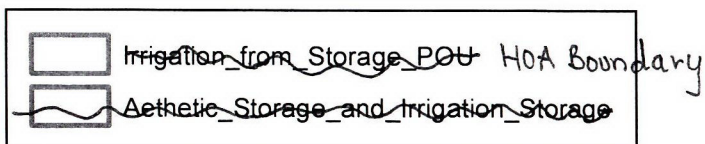
SCANNED
APR 7 5 2023

State of Idaho
Department of Water Resources

Aesthetic and Irrigation Storage Proposal
The Preserve LLC Boundary Map



0 0.075 0.15 0.3 Miles



SCANNED
APR 25 2023

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

9/27/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 63-2813C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EAGLEFIELD LLC 6951 N DUNCAN LN BOISE, ID 83714 2089394310
Current Owner	DEAN L QUENZER
Current Owner	MARVIN E QUENZER
Current Owner	RON L QUENZER 3680 N BLACK CAT RD MERIDIAN, ID 83642-5330 2088885990
Original Owner	HERBERT H BAYER
Original Owner	LAWRENCE L COPE EAGLE, ID
Original Owner	E L HARRIS RT 1 EAGLE, ID 83616

Priority Date: 05/23/1950

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	0.34 CFS	175.3 AFA
Total Diversion			0.34 CFS	175.3 AFA

Location of Point(s) of Diversion:

SCANNED
APR 25 2023

GROUND WATER | NESE | Section 11 | Township 04N | Range 01W | ADA County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	01W	11		SWNE	40									
				NESW	40									
				NESE	11.5		NWSE	38						

Total Acres: 129.5

Conditions of Approval:

1. Quenzers are current owners of 37.5 acre portion of the claimed place of use. Eaglefield, LLC has an agreement with Quenzers to purchase this portion of the property. Eaglefield, LLC owns the remainder of the property. This claim is filed jointly between the parties.
2. C18 This partial decree is subject to such general provisions 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. Section 42-1412(6), Idaho Code.
3. E53 Right Nos. 63-2813C and 63-32356 are limited to a total combined annual diversion volume of 175.3 AF.
4. E55 Right Nos. 63-2813C and 63-32356 are limited to the irrigation of a combined total of 129.5 acres in a single irrigation season.

Dates:

Licensed Date:

Decreed Date: 02/06/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector: AND

Water District Number: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

SCANNED
APR 25 2023

Combined Acres Limit: 129

Combined Volume Limit: 175.3

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

SCANNED
APR 7 5 2023

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

9/27/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 63-32356

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EAGLEFIELD LLC 6951 N DUNCAN LN BOISE, ID 83714 2089394310

Priority Date: 01/04/1938

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	0.32 CFS	165 AFA
Total Diversion			0.32 CFS	165 AFA

Location of Point(s) of Diversion:

GROUND WATER | NWSE | Sec. 11 | Township 04N | Range 01W | ADA County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	01W	11		SWNE 8										
				NWSE 32										

Total Acres: 40

Conditions of Approval:

SCANNED
APR 25 2023

1. C18 This partial decree is subject to such general provisions 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. Section 42-1412(6), Idaho Code.
2. E53 Right Nos. 63-2813C and 63-32356 are limited to a total combined annual diversion volume of 175.3 AF.
3. E55 Right Nos. 63-2813C and 63-32356 are limited to the irrigation of a combined total of 129.5 acres in a single irrigation season.
4. J01 Property is also known as Lots 1/2 & 7/8, Newells Acreage.
5. W50 Use of this right is combined with water from Middleton Irrigation Association.

Dates:

Licensed Date:

Decreed Date: 04/29/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 129

Combined Volume Limit: 175.3

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

SCANNED
APR 25 2023

Cary Act Number:

Mitigation Plan: False

SCANNED
APR 25 2023

Water Right Report : 63-325921 (Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	ELCOX, DAVID J	6951 N DUNCAN LN	BOISE	ID	83714
Current Owner	ELCOX, MOIRA	6951 N DUNCAN LN	BOISE	ID	83714

Water Right Status

Priority Date : 5/23/1950
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	04N	01W	11	0				NE SE ADA	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/01	11/15	0.06 CFS	19.80 AFA
TOTAL			0.06 CFS	19.80 CFS

Places of Use

Place of Use Legal Description : IRRIGATION (ADA county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
04N	01W	11					NE SE 4.4

Irrigation Totals

Total Acres Acre Limit
4.40

Conditions

Code Conditions

C18 This partial decree is subject to such general provisions 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. Section 42-1412(6), Idaho Code.

Dates

Licensed Date :
Decreed Date : 4/18/2008
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :

Other Information

State or Federal :
Water District Number : TBD
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Civil Case Number :
Decree Plaintiff :

SCANNED
APR 7 5 2023

Enlargment Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

11/16/2022

© 2021 - ExternalSearch - [Privacy](#)

SCANNED
APR 25 2023



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

March 16, 2023

THE PRESERVE LLC
251 E FRONT ST STE 203
BOISE ID 83702-7312

RE: Change in Ownership Water Right Nos: 63-2813C, 63-32356, and 63-32592

Dear Interested Party:

The Department of Water Resources (Department) acknowledges receipt of your Notice of Change in Water Right Ownership (Notice).

Our review of your Notice indicates that additional information is required before the Department can process the change. The information required is indicated below:

 X Evidence of Water Right Ownership: copy of Deed, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question – One page of a Non-Merger Deed in Lieu of Foreclosure was submitted. Please provide a copy of the entire deed.

Because the Department cannot process the Notice without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed.

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions regarding this matter, please contact me at (208) 287-4920 or debby.judd@idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Debby Judd".

Debby Judd
Technical Records Specialist

SCANNED
MAR 17 2023