

WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("Lease") is between the Idaho Water Resource Board ("Board"), and

Lessor: TELFORD LANDS LLC
 1450 W HWY 24
 PAUL ID 83347
 (208)431-5957
 telfordsunvalleyseed@gmail.com

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed an application to lease the water rights described below into the Water Supply Bank.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to the conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right	Priority Date	Source	Tributary	Leased Rate	Annual Leased Volume	Total Leased Acres
34-618	9/1/1884	Big Lost River	Sinks	0.42 cfs	NA	18.1 ac
34-7179	4/6/1982	Ground Water	NA	0.02 cfs	NA	18.1 ac
Total Annual Combined Limit				0.44 cfs	63.4 af	18.1 ac

Water Right	Priority Date	Source	Tributary	Leased Rate	Annual Leased Volume	Total Leased Acres
34-7179	4/6/1982	Ground Water	NA	0.34 cfs	154.4 af	NA
34-2330B	6/1/1977	Ground Water	NA	0.23 cfs	55.9 af	16.0 ac
34-7077	9/5/1974	Ground Water	NA	1.04 cfs	91.2 af	26.1 ac
34-7080B	9/23/1974	Ground Water	NA	0.69 cfs	130.4 af	37.3 ac
34-7092	1/14/1975	Ground Water	NA	1.56 cfs	289.5 af	82.7 ac
34-7121A	1/9/1976	Ground Water	NA	0.06 cfs	22.0 af	37.3 ac
34-7121B	1/9/1976	Ground Water	NA	0.49 cfs	144.1 af	41.2 ac
34-12376	6/1/1977	Ground Water	NA	0.16 cfs	39.9 af	11.4 ac
34-13840	4/6/1982	Ground Water	NA	0.16 cfs	32.4 af	9.3 ac
34-13842	12/17/1975	Ground Water	NA	0.06 cfs	25.6 af	18.2 ac
Total Annual Combined Limit				4.82 cfs	905.1 af	276.7 ac

SUPPORT DATA

IN FILE # 34-618

Water Right	Priority Date	Source	Tributary	Leased Rate	Annual Leased Volume	Total Leased Acres
34-13659	6/1/1889	Big Lost River	Sinks	0.13 cfs	NA	NA
34-13661	6/1/1896	Big Lost River	Sinks	0.13 cfs	NA	NA
Total Annual Combined Limit				0.13 cfs	19.6 af	5.60 ac

Annual Combined Lease Totals

5.26 cfs 988.1 af 276.7 ac

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** This Lease shall take effect when both parties have signed it and shall continue in effect until December 31, 2015.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

TELFORD LANDS LLC

1450 W HWY 24

PAUL ID 83347

By

Printed Name

Date

Title

IDAHO WATER RESOURCE BOARD

322 East Front Street

P.O. Box 83720

Boise, ID 83720-0098

By

Brian Patton, Acting Administrator
Idaho Water Resource Board

Date

Lease approved by IDWR

Date

ATTACHMENT A

WATER RIGHT NOS. 34-618, 34-2330B, 34-7077, 34-7080B, 34-7092, 34-7121A, 34-7121B, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840, and 34-13842

WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water right or portion thereof leased to the bank is described as follows:

Lessor: **TELFORD LANDS LLC**
 1450 W HWY 24
 PAUL ID 83347
 (208)431-5957

LOCATION OF POINT(S) OF DIVERSION for Rights 34-7080B, 34-7121A, 34-7077, 34-7179, 34-2330B, 34-7121B, 34-7092, 34-12376, 34-13840, 34-13842

GROUND WATER	NWNW	Sec. 21, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	NWSE	Sec. 29, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	SWNE	Sec. 32, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	NWSE	Sec. 32, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	L3 (NENW)	Sec. 5, Twp 04N, Rge 26E, BUTTE County
GROUND WATER	L2 (NWNE)	Sec. 4, Twp 04N, Rge 26E, BUTTE County
GROUND WATER	L2 (NWNE)	Sec. 4, Twp 04N, Rge 26E, BUTTE County

LOCATION OF POINT(S) OF DIVERSION for Right 34-618, 34-13659 and 34-13661

BIG LOST RIVER	SESE	Sec. 4, Twp 05N, Rge 26E, BUTTE County
----------------	------	--

BENEFICIAL USE
IRRIGATION

SEASON OF USE

4/1 to 10/31 34-2330B, 34-12376, 34-13840
 4/1 to 11/01 34-7077, 34-7080B, 34-7121B, 34-7179, 34-13842
 4/15 to 10/15 34-7092, 34-7121A
 5/1 to 10/15 34-618, 34-13659, 34-13661

PLACE OF USE TO BE IDLED UNDER THIS LEASE: 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	
04N	25E	36	8.9	7.4	7	8.4	5.7	5.5	5.2	5.5	6.2	6.2	6.9	7.3	8	7.7	7.1	7.4	110.4
04N	25E	35	8	7		7.8									6.9		6.4	7	43.1
03N	25E	12	6.9	8.3	6.6	8.9	6.2	9	8.3	9.7				1.4	6.6	7.4	3.9	3.8	87
03N	26E	17						7.8	1.4										9.2
03N	26E	18	1	11.9	4.8	0.4	2.3		0.8			5.8							27

Total Acres: 276.7

CONDITIONS APPLICABLE TO ALL LEASED WATER RIGHTS

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department, even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, nor does it improve the status of the right or accomplish the resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code §§ 42-248 and 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) leased to the bank are subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Use of water under this right is regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
13. When combined with all other rights, the leased rights shall provide not more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
14. Un-leased portions of rights 34-7179, 34-2330B, 34-7080B, 34-7121B, 34-7121A, 34-7092, 34-7077, 34-12376, 34-13840, 34-13842 are limited to irrigation of a combined total of 1,847.3 acres in a single irrigation season, a total combined diversion rate of 35.25 cfs, and a total combined annual diversion volume of 6,596.4 af.
15. The un-leased portions of rights 34-13659 and 34-13661 are limited to irrigation of a combined total of 37.4 acres in a single irrigation season, a total combined volume of 130.9.

16. The un-leased portion of rights 34-618 and the portion of ground water right 34-7179 associated with 34-618, when combined, shall not exceed a total annual maximum diversion volume of 423.1 af at the field headgate.
17. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
18. Rights 34-618, 34-2330B, 34-7077, 34-7080B, 34-7092, 34-7121A, 34-7121B, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840, and 34-13842 are delivered through the Moore Diversion and/or the Timberdome Canal.
19. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the land authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
20. Should all or any portion of water right nos. 34-2330B, 34-7077, 34-7080B, 34-7092, 34-7121A, 34-7121B, 34-12376, 34-7179, 34-13840, and 34-13842 ever be curtailed as a result of a delivery call, the irrigated place of use for water right nos. 34-2330B, 34-7077, 34-7080B, 34-7092, 34-7121A, 34-7121B, 34-12376, 34-13840, 34-13842 (all describing a place of use of 258.6 acres) and water right no. 34-7179 (276.7 acres) shall be reduced by the number of irrigated acres authorized to be irrigated by the individual water right that is curtailed.

CONDITIONS APPLICABLE TO RIGHT(S) 34-618

21. The of use for irrigation described above may be extended in seasons of unusual period characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.

CONDITIONS APPLICABLE TO RIGHT(S) 34-7092

22. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/15/2002.

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

DEC 15 2014

DEPARTMENT OF
WATER RESOURCESWATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLIST

An application to lease or sell a water right into the Water Supply Bank must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Incomplete applications will be returned to applicants for completion.**

Designated Applicant Telford Lands LLCWater Right No. 34-7092

One water right per application

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

YES

- ☒ Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).
- ☒ Application filing fee of \$250.00. If you are submitting more than one lease application and the water rights have a common place of use, or common diversion rate, or common diversion volume, the combined maximum fee is \$500.00.

Attachment N/A YES

- 1A ☒ ☐ Contact information for *all owners* of the water right that is being leased or sold on this application.
- 1B ☐ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
- 1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
- 1D ☒ ☐ Written consent from irrigation district or water delivery company.
- 1E ☐ ☒ Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
- 2 ☐ ☒ Description of a water right portion offered to the Water Supply Bank.
- 3D ☒ ☐ Evidence demonstrating that a water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.
- 4 ☐ ☒ A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. If you don't already have a detailed map, you can create one using IDWR's online General Mapping Tool (<http://maps.idwr.idaho.gov/mapall/>) to locate a water right place of use or point of diversion.

Department Use Only

Fee Amount \$ 500Received By: gmkDate Received: 12-15-14Receipt # C099694W-9 received? Yes ☐ No ☐

(Route W-9 to Fiscal)

Name on W-9:

**STATE OF IDAHO
WATER RESOURCE BOARD**

**APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK**

1. CONTACT INFORMATION

- A. An application to sell or lease a water right to the Water Supply Bank must be completed by a Designated Applicant who is a recognized owner of the water right being sold or leased to the Water Supply Bank. If there are additional owners recorded for the property to which the water right is appurtenant, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant Telford Lands LLC Email Address telfordsunvalleyseed@gmail.com
Mailing Address 1450 W. Hwy 24, Paul, ID 83347 Phone Number (208) 431-5957

☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

B. Has the designated applicant completed an IRS Form W-9 (Attachment 1B)? Yes ☒ No ☐

C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

D. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 1D).

E. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☒ No ☐
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1E).

Name of Representative Robert L. Harris Organization Holden, Kidwell, Hahn & Crapo, P.L.L.C.
Professional Title Attorney Email Address rharris@holdenlegal.com
Mailing Address P.O. Box 50130, Idaho Falls, ID 83405 Phone Number (208) 523-0620

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☒ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

Water Right Number 34-7092 ☐ The full water right is being offered to the Bank.

OR

☒ A part of the water right is being offered to the Bank.
(If a portion of a water right is being offered, complete Attachment 2)

3. GENERAL INFORMATION

- A. Please provide a description of the current water diversion system.

Water is diverted from wells into the Moore Canal and Timberdome Canal System as described in the water right.

Water is then distributed through laterals.

- B. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank.

All water rights associated with the place of use are: 34-618, 34-2330B, 34-7077, 34-7080B, 34-7092, 34-7121A,

34-7121B, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840, and 34-13842.

C. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒

If yes, describe. _____

D. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒

If yes, describe and attach Watermaster records or other evidence to demonstrate that the water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. _____

E. Is this water right involved in any other IDWR process such as an application for transfer or a mitigation plan? Yes ☐ No ☒

If yes, describe. _____

4. SALE/LEASE AGREEMENT

A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒?

If lease, for a period from April 1, 2015 to October 31, 2019 (maximum lease period 5 years).
(Month / Day / Year) (Month / Day / Year)

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

Current rental rate. _____

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture provisions are stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any elements of the water right.

Signature of Designated Applicant

Printed Name

Date

Robert L. Harris
Signature of Authorized Representative

Robert L. Harris, Attorney

Printed Name

12/9/2014
Date

Mail to:

Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

TELFORD LANDS LLC WATER RIGHTS FOR WATER SUPPLY BANK LEASE

Twn	Ring	Sec	QQQ	QQ	Q	Acres	Water Rights		34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
4N	25E	36	NE	NE	NE	8.9	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
4N	25E	36	NW	NW	NE	7.4	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
4N	25E	36	SW	SW	NE	7	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
4N	25E	36	SE	SE	NE	8.4	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
4N	25E	36	NE	NE	NW	5.7	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
4N	25E	36	NW	NW	NW	5.5	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
4N	25E	36	SW	SW	NW	5.2	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
4N	25E	36	SE	SE	SW	5.5	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
4N	25E	36	NE	NE	SW	6.2	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
4N	25E	36	NW	NW	SW	6.2	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
4N	25E	36	SW	SW	SW	6.9	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
4N	25E	36	SE	SE	SW	7.3	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
4N	25E	36	NE	NE	SE	8	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
4N	25E	36	NW	NW	SE	7.7	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
4N	25E	36	SW	SW	SE	7.1	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
4N	25E	36	SE	SE	SE	7.4	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
4N	25E	35	NE	NE	NE	8	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
4N	25E	35	NW	NW	NE	7	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
4N	25E	35	SE	SE	SE	7.8	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
4N	25E	35	NE	NE	SE	6.9	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
4N	25E	35	SW	SW	SE	6.4	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
4N	25E	35	SE	SE	SE	7	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
3N	25E	12	NE	NE	NE	6.9	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
3N	25E	12	NW	NW	NE	8.3	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
3N	25E	12	SW	SW	NE	6.6	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
3N	25E	12	SE	SE	NE	8.9	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
3N	25E	12	NE	NE	NW	6.2	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
3N	25E	12	NW	NW	NW	9	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
3N	25E	12	SW	SW	NW	8.3	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
3N	25E	12	SE	SE	NW	9.7	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
3N	25E	12	NE	NE	SW	1.4	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
3N	25E	12	SW	SW	SE	6.6	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
3N	25E	12	NW	NW	SE	7.4	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
3N	25E	12	SW	SW	SE	3.9	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
3N	25E	12	NE	NE	SE	3.8	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
3N	25E	12	SW	SW	SE	7.8	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
3N	26E	17	NW	NW	NW	1.4	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
3N	26E	17	SW	SW	NW	1.4	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
3N	26E	18	NE	NE	NE	1	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
3N	26E	18	NW	NW	NE	11.9	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
3N	26E	18	SW	SW	NE	4.8	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
3N	26E	18	SE	SE	NE	0.4	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
3N	26E	18	NE	NE	NW	2.3	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
3N	26E	18	SW	SW	NW	0.8	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
3N	26E	18	NW	NW	SW	5.1	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
3N	26E	18	NE	NE	SW	0.7	34-2330B	34-7077	34-70808	34-7092	34-7121a	34-7121B	34-7179	34-12376	34-13840	34-13842	34-618	34-13659	34-13661	
						Total														276.7

TELFORD LANDS LLC WATER RIGHTS

ORIGINAL WATER RIGHT AMOUNTS

Water Right No.	Basin	Priority Date	Source	Beneficial Use	Point of Diversion	Individual Diversion Rate Limitation (cfs)	Combined Diversion Rate Limitation (cfs)	Individual Volume Limitation (AFY)	Combined Volume Limitation (AFY)	Individual Acre Limitation	Total Piece of Use
34-618	Partial Decree	Sept. 1, 1984	Big Lost River	Irrigation	NWSESE, 5N, 20E, Sec. 4	3.2	3.27	n/a	468.5	139	2124
34-7179 (portion)	Partial Decree	Apr. 6, 1982	Ground Water	Irrigation		0.17		n/a		none	
34-7179 (portion)	Partial Decree	Apr. 6, 1982	Ground Water	Irrigation		2.81		1185.5		none	
34-23306	Partial Decree	June 1, 1977	Ground Water	Irrigation	L2(NW1/4NW1/4, 20E, Sec. 4 (Barnett Well))	1.75		429		122.5	
34-7077	Partial Decree	Sept. 5, 1974	Ground Water	Irrigation	L3 (NENE1/4NW1/4, 20E, Sec. 5 (Barnett Well))	6		700		200	
34-70908	Partial Decree	Sept. 23, 1974	Ground Water	Irrigation	SWNW1/4NW1/4, 20E, Sec. 21 (Barnett Well)	5.33		1001		288	
34-7092	Partial Decree	Jan. 14, 1975	Ground Water	Irrigation	SENE1/4NW1/4, 20E, Sec. 29 (Barnett Well)	12	37.03	2222.5		635	
34-7121A	Partial Decree	Jan. 9, 1978	Ground Water	Irrigation	SESW1/4NE, 5N, 20E, Sec. 32 (H. McJannet Well)	0.48		169	8947.5	288	
34-7121B	Partial Decree	Jan. 9, 1978	Ground Water	Irrigation	SENE1/4NE, 5N, 20E, Sec. 32 (H. McJannet Well)	3.74		1108		318	
34-12376	Partial Decree	June 1, 1977	Ground Water	Irrigation	L2(NW1/4NW1/4, 20E, Sec. 4 (Piper 2 Well))	1.25		308.3		87.5	
34-13840	Partial Decree	Apr. 6, 1982	Ground Water	Irrigation		1.28		248.5		71	2124
34-13842	Partial Decree	Dec. 17, 1975	Ground Water	Irrigation		0.46		195.2		140	
34-13850	Partial Decree	June 1, 1980	Big Lost River	Irrigation	NWSESE, 5N, 20E, Sec. 4	0.97	None	None	185.8	43	
34-13861	Partial Decree	June 1, 1980	Big Lost River	Irrigation	NWSESE, 5N, 20E, Sec. 4	1	None	None			
TOTALS						42.2	40.4	7564	7884.5	2326	2124

THE TOTAL ACRES LEASED IS 278.7 ACRES. AS A RATIO, 278.7/2124 = .1303% OF THE TOTAL ACRES LEASED. THIS IS THE RATIO USED TO CALCULATE THE WATER BANK DIVERSION, VOLUME, AND ACREAGE AMOUNTS.

0.13027

The diversion rate limitations for 34-618 and the portion of 34-7179 was calculated after review of the preliminary order approving the prior transfer.

WATER BANK AMOUNTS

Water Right No.	Individual Diversion Rate Limitation (cfs) 1303% of TOTAL	Combined Diversion Rate Limitation (cfs) 1303% of TOTAL	Individual Volume Limitation (AFY) 1303% of TOTAL	Combined Volume Limitation (AFY) 1303% of TOTAL	Individual Acre Limitation 1303% of TOTAL	Total Piece of Use 1303% of TOTAL
34-618	0.42	0.44	n/a	64.38	18.11	278.70
34-7179 (portion)	0.02		n/a		none	
34-7179 (portion)	0.34		154.44		none	
34-23306	0.23		55.89		15.06	
34-7077	1.04		91.19		26.05	
34-70908	0.69		130.40		37.26	
34-7092	1.56	4.82	289.53	905.07	82.72	
34-7121A	0.06		22.02		37.26	
34-7121B	0.49		144.08		41.17	
34-12376	0.16		39.00		11.40	
34-13840	0.18		32.37		9.25	278.70
34-13842	0.06		25.56		18.24	
34-13850	0.13	None	None	18.81	5.80	
34-13861	0.13	None	None			
TOTALS	5.50	5.26	985.39	985.08	303.02	278.70

**Attorney Roster Search - Individual Attorney Result
(as of 11/14/14)****Robert Lynn Harris**

Address: PO Box 50130
Idaho Falls, ID 83405
Firm: Holden, Kidwell, Hahn & Crapo, PLLC

Phone: (208) 523-0620 Ext.
FAX: (208) 523-9518

E-Mail Address: rharris@holdenlegal.com
Website Address: www.holdenlegal.com

ISB Membership Number: 7018
Admittance Date: Sep/30/2004
Status: Active

Address Change Form

The information above is based on the Idaho State Bar records as of the date listed above. To send us an update on your own listing, please use the online Address Change Form or send an email to the Licensing Department. Please notify the Licensing Department if you find that another attorney's information is incorrect. Questions on attorney status and good standing should also be directed to the Licensing Department at (208) 334-4500.

Current Status Definitions

Contact the Bar Counsel's Office at (208) 334-4500 to request a disciplinary history on an attorney.

Information on former members of the Idaho State Bar is limited to name, admission date and status. The online records include former members going back to approximately 1994. Records on former members from before 1994 are not available online. Please contact the Licensing Department for more information on former members.

P.O. Box 895 Boise Idaho 83701 ph (208) 334-4500 fax (208) 334-4515

Idaho State Bar | Idaho Law Foundation | Idaho.gov | [Site Map](#) | [Contact Us](#)

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/20/2014

WATER RIGHT NO. 34-7092

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TELFORD LANDS LLC 1450 W HWY 24 PAUL, ID 83347 (208)431-5957
Attorney	HOLDEN KIDWELL HAHN & CRAPO C/O ROBERT L HARRIS PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620
Original Owner	EVERETT T ACOR JR 3196 N YELLOWSTONE HWY IDAHO FALLS, ID 83401 (208)524-5138

Priority Date: 01/14/1975

Basis: Decreed

Status: Active

Water Supply Bank 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	04/15	10/15	12 CFS	2222.5 AFA
Total Diversion			12 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENWNE Lt 2	Sec. 04	Township 04N	Range 26E	BUTTE County
GROUND WATER	NWNWNE Lt 2	Sec. 04	Township 04N	Range 26E	BUTTE County
GROUND WATER	NENENW Lt 3	Sec. 05	Township 04N	Range 26E	BUTTE County
GROUND WATER	SWNWNW	Sec. 21	Township 05N	Range 26E	BUTTE County
GROUND WATER	SENWSE	Sec. 29	Township 05N	Range 26E	BUTTE County
GROUND WATER	SESWNE	Sec. 32	Township 05N	Range 26E	BUTTE County
GROUND WATER	SENWSE	Sec. 32	Township 05N	Range 26E	BUTTE County

IRRIGATION Use:

Acre Limit: 635

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03N	25E	12		NENE	39		NWNE	40		SWNE	40		SENE	39
				NENW	40		NWNW	40		SWNW	40		SENW	40
				NESW	31		NWSW	32		SWSW	31		SESW	32
				NESE	39		NWSE	40		SWSE	36		SESE	36
				NENE	11		NWNE	25						
	26E	17		NENW	37		NWNW	39		SWNW	13		SENW	5
				NENE	35		NWNE	39		SWNE	36		SENE	25
		18		NENW	38	1	NWNW	26	2	SWNW	37		SENW	40
				NESW	17	3	NWSW	10						
				NWSE	2									
04N	25E	35		NENE	40		NWNE	40		SWNE	40		SENE	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
				NENE	38		NWNE	40		SWNE	40		SENE	39
		36		NENW	40		NWNW	40		SWNW	40		SENW	40
				NESW	40		NWSW	40		SWSW	40		SESW	40
				NESE	39		NWSE	40		SWSE	40		SESE	39

Total Acres: 1985

Conditions of Approval:

1. X27

- This right is limited to the irrigation of 635 acres within the place of use described above in a single irrigation season.
2. Rights 34-618, 34-02330B, 34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07077, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840 and 34-13842 when combined shall not exceed the irrigation of 2124 acres.
Rights 34-2330B, 34-07077, 34-07080B, 34-07092, 34-07121A, 34-07121B, 34-12376, 34-13840, 34-13842, and that portion of ground water right no. 34-07179 not associated with
 3. X35 water right no. 34-618, when combined, shall not exceed a total diversion rate of 37.03 cfs, and shall not exceed a total annual maximum diversion volume of 6,947.5 af at the field headgate.
 4. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
 5. 186 Diversion of water from the additional well(s) authorized under Transfer 74921 located in NWNWNE LT2, Sec. 4, T04N, R26E shall not exceed a maximum diversion rate of 5.00 cfs. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be
 6. X61 shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/15/2002.
 7. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
 8. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
 9. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
 10. Water delivered through the Moore Diversion and Timberdome Canal.
 11. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
 12. X50 The well previously used under Right 34-7092, which will no longer be used, shall be abandoned in a manner which complies with Department well abandonment rules.
 13. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
 14. Construction of new wells at the location of existing points of diversion is not authorized unless the water right holder obtains approval through an application for transfer, and the Department determines, by considering the transfer, whether the construction of and pumping from new wells will injure other water rights.
 15. 131 Prior to the diversion and use of water under Transfer approval 74921, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

16. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
17. 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.
18. 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.

Dates:

Licensed Date:

Decreed Date: 07/15/2002

Permit Proof Due Date: 10/1/1987

Permit Proof Made Date: 6/28/1985

Permit Approved Date: 7/14/1975

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 01/14/1975

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 2124

Combined Volume Limit: 6947.5

Combined Rate Limit: 37.03

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

Water Supply Bank:

Lessor Name(s): TELFORD LANDS LLC

Lease Status: Active

Lease Amount: Part

Rental Availability: None

Date Received: 11/2/2009

Lease Begin Date: 11/2/2009

Expiration Date: 12/31/2016

Close