

WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("**Lease**") is effective April 1, 2014, between the Idaho Water Resource Board ("**Board**"), and

Lessor: LINFORD INC
3472 E CALEB WAY
GILBERT AZ 85234

RECEIVED
JUN 09 2014
DEPARTMENT OF
WATER RESOURCES

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 a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources.
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 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

<u>Water Right</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
31-07316	0.69 CFS	117 AF	NA	39.0 AC
Combined Lease Totals:	0.69 CFS	117 AF	NA	39.0 AC

The water rights described herein shall be available for rental from the Bank as follows:
Authorized Period of Use under Lease: 04/01 to 10/31

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 November 1, 2014.
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.

LINFORD INC
3472 E CALEB WAY
GILBERT AZ 85234

By 
Printed Name Kent M. Linford

Date 6/3/14
Title President

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-9098

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date June 9, 2014

Lease approved by IDWR 

Date June 9, 2014

ATTACHMENT A
WATER RIGHT NO. 31-07316
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

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

Lessor: LINFORD INC
 3472 E CALEB WAY
 GILBERT AZ 85234

Priority Date: 5/10/1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	0.69 CFS	117.0 AF
	Total:		0.69 CFS	117.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNWNE	Sec. 25, Twp 08N, Rge 36E, JEFFERSON County
GROUND WATER	NESESW	Sec. 25, Twp 08N, Rge 36E, JEFFERSON County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	36E	25	2.6	2.0	3.2	3.2	5.0			6.0	4.5			4.0	3.1	1.1	1.1	3.2	39.0

Total Acres: 39.0

ADDITIONAL CONDITIONS OF ACCEPTANCE

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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.
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, or improve the status of the right including the notion of 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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) is leased to the bank 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 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 110.
13. 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.

STATE OF IDAHO
WATER RESOURCE BOARDWATER SUPPLY BANK LEASE OR SALE
APPLICATION CHECKLISTRECEIVED
MAR 20 2014
DEPARTMENT OF
WATER RESOURCES

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 Linford Inc.Water Right No. 31-7316

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 \$ 250.00Received By: CSDate Received: 3/20/14Receipt # C098523W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)Name on W-9: Linford Inc.

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 Linford Inc. Email Address kyle@silverkfarms.com
Mailing Address 2120 W 4200 S, Rexburg, ID 83440 Phone Number (208) 313-6080

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

☐ 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 ☐
, 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 ☒
, 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 ☒
, 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 _____ Organization _____
Professional Title _____ Email Address _____
Mailing Address _____ Phone Number _____

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

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

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

Water Right Number 31-7316 ☐ The full water right is being offered to the Bank.

☒ 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.
Ground water well and sprinkler irrigation.

- 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.

C. Will the present place of use continue to receive water from any other source?

, describe. Water right 31-7316 will be used to irrigate the acres permitted under that right.

Yes ☒ No ☒

D. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒

, 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. See previous lease agreements

E. Is this water right involved in any other IDWR process such as an application for transfer or a mitigation plan?

Yes ☐ No ☒

, 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 ☒?

, for a period from 04/01/2014 to 11/01/2014 (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 Lease Rental Rate

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.

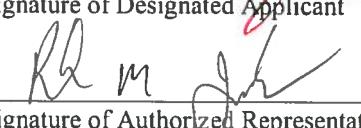

Signature of Designated Applicant

Linford Inc

Printed Name

03/18/2014

Date


Signature of Authorized Representative

Kirk M Jacobs

Printed Name

03/18/2014

Date

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

ATTACHMENT 1A**Additional Water Right Holders Party to the Lease Application**

List all individuals or business entities that are owners of the property to which the water right on this application is appurtenant. All water right holders must be signatories to a Water Supply Bank Lease Application however only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B).

attach a second copy of Attachment 1A. . If additional space is needed to list any other water right holders,

Water Right No. 31-7316

		Applicant #2	Applicant #3
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.

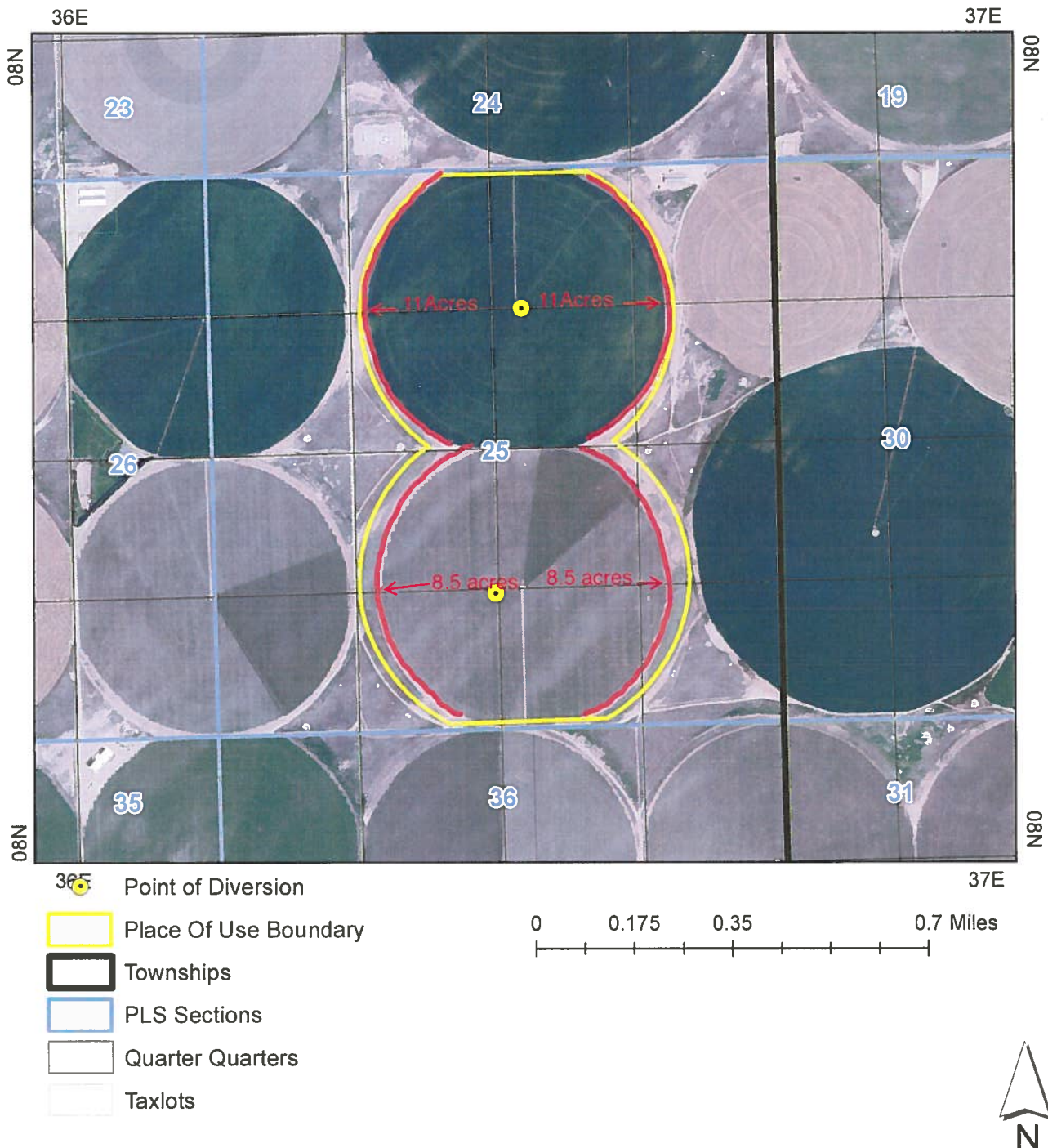
	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.

State of Idaho
Department of Water Resources

Water Right
31-7316

IRRIGATION

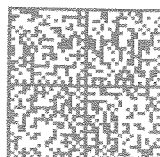
The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

PRESORTED
FIRST CLASS



U.S. POSTAGE  PITNEY BOWES
ZIP 83702 \$000.38¹
02 1W
0001393358 OCT 01 2014

RECEIVED

OCT 06 2014

DEPARTMENT OF
WATER RESOURCES

LINFORD INC
3472 E CALEB WAY
GILBERT AZ 85734

T 841 NEE 126051410010/01/14
RETURN TO SENDER
: LINFORD INC
TEMPORARILY AWAY

BC: 837200098 RETURN TO SENDER
*4248-00022-01-37



5472 3472 3472 3472



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

September 30, 2014

LINFORD INC
3472 E CALEB WAY
GILBERT, AZ 85234

**RE: NOTIFICATION OF WATER SUPPLY BANK LEASE EXPIRATION FOR WATER
RIGHT(S): 31-7316**

Dear Lessor:

The Idaho Department of Water Resources (Department) records show that all or a portion of the above referenced water right, currently leased to the Water Supply Bank (Bank), will expire December 31, 2014. This letter is notice that the right will be considered released from the Bank at that time.

If you would like the right to remain leased to the Bank, please complete the enclosed Application to Lease a Water Right to the Water Supply Bank.

Please consider that the five (5) year period of nonuse related to forfeiture of a water right shall begin to accrue upon release of the right from the Bank or shall continue to accrue if a period of nonuse occurred prior to the lease date of the right to the Bank.

If you have questions regarding this matter, you may contact the Department at any time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cherie Palmer', is written over a light blue horizontal line.

Cherie Palmer
Water Rights Supervisor
Water Allocation Bureau

Enclosure: Application to Lease a Water Right

c: IDWR Regional Office



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

June 10, 2014

LINFORD INC
3472 E CALEB WAY
GILBERT AZ 85234

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 31-7316

Dear Lessor:

Water Right 31-7319 was leased into the Water Supply Bank on April 1, 2014 in accordance with the executed original Lease Contract enclosed. **Your water right as described on the Lease Contract is considered leased into the Bank and should remain unused until it is formally released from the Bank.**

The right will automatically be released from the Bank on **November 1, 2014**, unless the right is released earlier by the Board, or upon your request. **Please note your rights may not be available for immediate release if they have been rented.** To release the right from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available from our public website at www.idwr.idaho.gov.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"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."

If you have questions regarding this matter, please contact me at 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure: Executed Lease Contract

c: James Cefalo- IDWR Eastern Region
Linford Inc- Rexburg ID

Webster, Clay

From: Webster, Clay
Sent: Tuesday, June 03, 2014 2:44 PM
To: 'kyle@silverkfarms.com'
Subject: Lease agreement for Mr Linford
Attachments: APPROVAL DOCUMENT NO Linford Inc 31-7316.docx

Kyle,

I appreciate your help with this process. Please Print 2 copies and have Mr. Linford sign both and then mail both of them back to me. We will then sign them both. We'll keep one and send the other to Mr. Linford. This will finish the process of leasing the right into the bank.

Sincerely,

Clay Webster

Technical Records Specialist
clay.webster@idwr.idaho.gov

208-287-4910

Idaho Department of Water Resources (IDWR)

208-287-4800

www.idwr.idaho.gov



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 20, 2014

LINFORD INC
3472 E CALEB WAY
GILBERT AZ 85234

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 31-7316 TO THE WATER SUPPLY BANK

******TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return BOTH Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The rights will automatically be released from the Bank on **November 1, 2014**, unless the rights are released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your rights may not be available for immediate release if they have been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"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."

If you have questions regarding this matter, please contact me at 287-4910.

Sincerely,

Clay Webster
Technical Records Specialist

Enclosure: Proposed Lease Contracts
Receipt # 098523

Webster, Clay

From: dandrew@ptg.us
Sent: Monday, May 19, 2014 2:52 PM
To: Webster, Clay
Subject: Re: Linford Inc WSB Lease Application for 31-7316

Lets do Kent's and I will tell him they are coming. Thanks

Sent from my Verizon Wireless 4G LTE Smartphone

----- Reply message -----

From: "Webster, Clay" <Clay.Webster@idwr.idaho.gov>
To: "dandrew@ptg.us" <dandrew@ptg.us>
Subject: Linford Inc WSB Lease Application for 31-7316
Date: Mon, May 19, 2014 1:22 PM

Diane,

Would it be better for me to mail the contracts to Kent's address or yours?

Clay

From: dandrew@ptg.us [<mailto:dandrew@ptg.us>]
Sent: Monday, May 19, 2014 1:20 PM
To: Webster, Clay
Subject: Re: Linford Inc WSB Lease Application for 31-7316

Clay. That address was my dads. He died in 2013. Kent's address is 2148 W 4200 S.

Sent from my Verizon Wireless 4G LTE Smartphone

----- Reply message -----

From: "Webster, Clay" <Clay.Webster@idwr.idaho.gov>
To: "Diane Andrew Business" <dandrew@ptg.us>
Subject: Linford Inc WSB Lease Application for 31-7316
Date: Mon, May 19, 2014 10:26 AM

Diane,

Thanks for the quick response. I was able to verify the signature as Kent's from other documents in the water right record. The address that was on the application was

Linford Inc
2120 W 4200 S
Rexburg ID 83440

I'll continue to process the application. I'll mail the documents for signatures to your address.

Clay

From: Diane Andrew Business [<mailto:dandrew@ptg.us>]
Sent: Monday, May 19, 2014 10:11 AM
To: Webster, Clay
Subject: RE: Linford Inc WSB Lease Application for 31-7316

Clay,

I am Diane Andrew, one of the shareholders for Linford Inc. I take care of all the bookkeeping for Linford Inc. and my address is 3472 E Caleb Way, Gilbert, AZ 85234. However my brother Kent Linford is the President of Linford Inc. and you probably have his address of 4148 W 4200 S. Rexburg, ID 83440. The problem I was having with the mail going to my brother's house, that the mail seems to get lost there. Also this farm is being rented to Kirk Jacobs of Silver K Farms. His address is PO Box 119, Hamer, ID 83425. I don't know how all that works with the Water Rights. I don't know who signed the lease application. I could have, but I don't remember.

If you need to contact us our numbers are below:

Diane Andrew
480-338-4735

Kent Linford
208-313-6080

Kirk Jacobs business phone
(208) 662-5810

Thanks,
Diane Andrew

From: Webster, Clay [<mailto:Clay.Webster@idwr.idaho.gov>]
Sent: Monday, May 19, 2014 7:08 AM
To: diane_andrew@cox.net; kyle@silverkfarms.com
Subject: Linford Inc WSB Lease Application for 31-7316

Good Afternoon,

I am Clay, from the Idaho Department of Water Resources. I am currently processing the lease application for a portion of this water right. However, I have some conflicting information in the water right record that I am attempting to clear up before I can move forward with this. The department received and processed a change of address form for Linford Inc in January 2014. However, the lease application has the old address of record on it. Which address is the correct one for Linford Inc? Would you like me to send a courtesy copy of the lease agreement to the address on the lease application? The signature on the lease form is unreadable. And where the form asks for the printed name, Linford Inc was typed in. Can I find out who signed this lease form as designated applicant? Thank you for the assistance.

Sincerely,

Clay Webster

Technical Records Specialist
clay.webster@idwr.idaho.gov
208-287-4910
Idaho Department of Water Resources (IDWR)
208-287-4800

MEMORANDUM

To: Water Right No(s). 31-07316
From: Clay Webster thru Pam Skaggs
Date: May 16, 2014
Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: The Department received an application to lease 39 Acres of this right into the WSB on Mar 20, 2014. A portion of this right was previously leased to the Bank since April of 2010. This was to protect the portion of their right from possible forfeiture due to the applicant removing the end guns off of their pivot.

AUTHORITY TO FILE: This Application was signed by Kent Linford. He is listed as the President of Linford Inc on the IDSOS web site. Linford Inc is the current owner of this water right.

WATER RIGHT VALIDITY: This right was partially decreed in the SRBA in Feb 2002 and 48.0 acres were leased from 2010-2013. Lease review at that time found irrigation prior to acceptance. Satellite imagery indicates that leased portions have not been irrigated. The leased portion of the right has been protected while in the bank and forfeiture is not a concern.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident through the lease alone. Proper rental review should protect against enlargement.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The lease appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The leased right is subject to Water District # 110. Comments were requested from Watermaster and IDWR Regional Office on May 2, 2014. None were received, indicating no concerns.

No. C 91143	Due no later than Jan 31, 2014 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE			KENT M LINFORD 2148 W 4200 S REXBURG ID 83440			
	1. Mailing Address: Correct in this box if needed. LINFORD, INC. DIANE ANDREW 3472 E CALEB WAY GILBERT AZ 85234 USA		3. <u>New</u> Registered Agent Signature:*			
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
VICE PRESIDENT	LARRY LINFORD	5997 E PHEASNT DR	AMMON	ID	USA	83401
PRESIDENT	KENT M LINFORD	2148 W. 4200 S.	REXBURG	ID	USA	83440
SECRETARY	DIANE L ANDREW	3472 E CALEB WAY	GILBERT	AZ	USA	85234
5. Organized Under the Laws of:		6. Annual Report must be signed.*				
ID C 91143		Signature: Diane Andrew			Date: 12/27/2013	
		Name (type or print): Diane Andrew			Title: Secretary	
Processed 12/27/2013		* Electronically provided signatures are accepted as original signatures.				

Webster, Clay

From: Webster, Clay
Sent: Friday, May 02, 2014 10:34 AM
To: Cefalo, James
Subject: Watermaster and Regional Comments For Linford Inc Lease 31-7316
Attachments: Lease Review Memo Linford Inc 31-7316.docx; DOC000.pdf

Good Morning James,

I'm currently processing a lease for 39 acres of this water right it previously had 48 acres leased. Do you have any concerns? Thanks.

Sincerely,

Clay Webster

Technical Records Specialist
clay.webster@idwr.idaho.gov

208-287-4910

Idaho Department of Water Resources (IDWR)
208-287-4800

www.idwr.idaho.gov