



## 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](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

November 15, 2010

GOLDEN LINFORD  
2120 W 4200 S  
REXBURG ID 83440

RE: APPLICATION TO LEASE WATER RIGHT NO. 31-7316 TO THE WATER SUPPLY BANK (BANK)

Dear Applicant:

On April 5, 2010, the Department received your application to lease the above-mentioned water right to the Water Supply Bank. The owner of record for 31-7316 is Quality Farms Inc. A check of the Idaho Secretary of State's Business Entities website indicates Kent Linford is the registered agent for Quality Farms Inc. Additionally, the Secretary of State's website shows Quality Farms, Inc. was dissolved on July 8, 2010. The Water Supply Bank application can not be accepted until the ownership and signature issues are resolved.

Therefore, we are returning your lease application. If you wish to apply in the future, you have two options: 1) file a change of ownership with the Department to change the water right ownership to your name, or 2) demonstrate authorization (such as through a power of attorney) to sign for Quality Farms Inc.

If you have any further questions about your Water Supply Bank application, please feel free to call me at (208) 287-4907.

On another matter, your Application for Extension of Time to Avoid Forfeiture of a Water Right can not proceed without the information listed above (a change of ownership or a power of attorney). For information regarding your extension of time application, please contact Emalee Rushing at (208) 287-4952.

Respectfully submitted,

Monica Van Bussum

Enclosure(s): Lease Application (original)

C: Emalee Rushing – IDWR State Office  
Lyle Swank – IDWR Eastern Regional Manager

RECEIVED

APR 05 2010

DEPARTMENT OF  
WATER RESOURCES

STATE OF IDAHO  
WATER RESOURCE BOARD

Water Supply Bank No. \_\_\_\_\_  
(For Department Use Only)

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

Name of Seller/Lessor Golden Linford Phone (208) 356-7220

Mailing address 2120 West 4200 South, Rexburg, ID 83440 Email \_\_\_\_\_

### A. DESCRIPTION OF WATER RIGHT, OR PORTION THEREOF, OFFERED TO THE BANK

If the entire right is for sale or lease, show "ALL" below and skip the remainder of part A. Attach a copy of the water right report.

| 1. <u>Water Right Number</u> | <u>Amount (cfs/ac-ft)</u>  | <u>Nature of Use</u> | <u>Period of Use</u>         |
|------------------------------|----------------------------|----------------------|------------------------------|
| <u>31-7316</u>               | <u>0.82 cfs / 138.6 af</u> | <u>Irrigation</u>    | <u>04/01</u> to <u>11/01</u> |
|                              |                            |                      | to _____                     |
|                              |                            |                      | to _____                     |

Total Amount: 0.82 cfs / 138.6 af

2. Source of water Ground Water tributary to \_\_\_\_\_

3. Point(s) of Diversion:

| Twp | Rge | Sec | Lot | ¼  | ¼  | ¼  | County    |
|-----|-----|-----|-----|----|----|----|-----------|
| 08N | 36E | 25  |     | SW | NW | NE | Jefferson |
| 08N | 36E | 25  |     | NE | SE | SW | Jefferson |
|     |     |     |     |    |    |    |           |
|     |     |     |     |    |    |    |           |

4. Lands irrigated or place of use:

| Twp | Rge | Sec | NE ¼ |      |      |     | NW ¼ |    |    |      | SW ¼ |    |    |      | SE ¼ |      |      |     | Totals |
|-----|-----|-----|------|------|------|-----|------|----|----|------|------|----|----|------|------|------|------|-----|--------|
|     |     |     | NE   | NW   | SW   | SE  | NE   | NW | SW | SE   | NE   | NW | SW | SE   | NE   | NW   | SW   | SE  |        |
| 08N | 36E | 25  | 5.6  | 38.0 | 40.0 | 6.3 | 30.0 |    |    | 32.0 | 34.0 |    |    | 29.0 | 9.3  | 40.0 | 37.0 | 6.8 | 308    |
|     |     |     |      |      |      |     |      |    |    |      |      |    |    |      |      |      |      |     |        |
|     |     |     |      |      |      |     |      |    |    |      |      |    |    |      |      |      |      |     |        |
|     |     |     |      |      |      |     |      |    |    |      |      |    |    |      |      |      |      |     |        |
|     |     |     |      |      |      |     |      |    |    |      |      |    |    |      |      |      |      |     |        |
|     |     |     |      |      |      |     |      |    |    |      |      |    |    |      |      |      |      |     |        |

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 48

### B. OWNERSHIP

1. Are you currently listed in IDWR's records as the owner of the water right being offered to the bank? Yes ☒ No ☐  
If no, provide documentation of your authority to sign on behalf of the right holder OR attach a Notice of Change in Water Right Ownership form along with the required documentation and fee.

2. Is the water right appurtenant to land subject to any liens, deeds of trust, mortgages, or contracts? Yes ☐ No ☒  
If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes and list name of entity: \_\_\_\_\_

### C. GENERAL INFORMATION

1. Please provide a description of the current diversion system.  
Ground water well, mainline, and two circle pivots (130 acres each).
2. Describe any other water rights used for the same purpose or at the same place of use as described above.  
None.
3. Will the present place of use continue to receive water from any source? Yes ☒ No ☐  
If yes, describe. The remaining portion of water right 31-7316 will be used to irrigate the acres covered by the two pivots.
4. 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 right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. \_\_\_\_\_
5. Is this water right involved in any other Department process such as an application for transfer or a mitigation plan? Yes ☐ No ☒  
If yes, describe. \_\_\_\_\_

### D. SALE/LEASE AGREEMENT

1. Is the water right, or portion thereof, described above offered to the Idaho Water Resource Board for sale ☐ or lease ☒?  
If Lease, for a period from 04/01/2010 to 11/01/2010 OR Indefinite ☐  
(Month / Day / Year) (Month / Day / Year)
2. Show the minimum payment acceptable to the Seller/Lessor. The minimum payment may be shown as the "current rental rate" as established by the Idaho Water Resource Board. 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 right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner/lessor of the right may not use the right even if the right is not rented from the bank.
3. A right accepted into the bank stays in the bank until the Board releases it or the lease term expires.
4. While a right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

Golden C Linford  
Signature of Applicant

Golden Linford  
Printed Name and Title\*

3/29/10  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Printed Name and Title\*

\_\_\_\_\_  
Date

\*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

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

att Aaron Marshall