

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 78311**

This is to certify that: **HOWARD L ARMSTRONG & SONS LLC**  
13244 W TRAIL CREEK ROAD  
POCATELLO, ID 83204

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Changes**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 29-12519           | WR/DECREED          | 4/1/1970             | 0.810 cfs             | 269.5 af                | 77.0              | 237.0              | GROUND WATER  |
| 29-2454            | WR/DECREED          | 8/31/1961            | 2.500 cfs             | 560.0 af                | 160.0             | 237.0              | GROUND WATER  |
| 29-7026            | WR/DECREED          | 2/22/1969            | 3.100 cfs             | 542.5 af                | N/A               | 155.0              | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

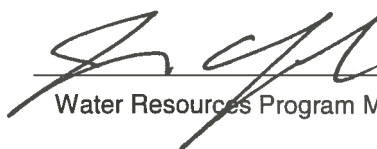
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 29-12519              | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 29-2454               | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 29-7026               | NO           | NO         | YES        | YES            | NO                   | NO                   |

**Summary Of Water Rights After the Approved Change**

| <u>Existing Right</u>  | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 29-12519               | 29-12519                         | 0.810 cfs            | 269.5 af               | 77.0              | 392.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 29-2454                | 29-2454                          | 2.500 cfs            | 560.0 af               | 160.0             | 392.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 29-7026                | 29-7026                          | 3.100 cfs            | 542.5 af               | 155.0             | 392.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>5.600 cfs</b>     | <b>1372.0 af</b>       | <b>392.0</b>      | <b>392.0</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 8<sup>th</sup> day of March, 2013.

  
Water Resources Program Manager

SUPPORT DATA

Transfer No. 78311

IN FILE # 29-2454

## WATER RIGHT NO. 29-7026

### As Modified by Transfer No. 78311

In accordance with the approval of Transfer No. 78311, Water Right No. 29-7026 is now described as follows:

**Right Holder:** HOWARD L ARMSTRONG & SONS LLC  
13244 W TRAIL CREEK ROAD  
POCATELLO, ID 83204

**Priority Date:** 2/22/1969

**Source:** GROUND WATER

**BENEFICIAL USE**

IRRIGATION

**From**

04/01

**To**

to 10/31

**Diversion Rate**

3.100 cfs

3.100 cfs

**Diversion Volume**

542.5 af

542.5 af

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER  
GROUND WATER

NESW  
SWNW

Sec 10 Twp 10S Rge 36E BANNOCK County  
Sec 15 Twp 10S Rge 36E BANNOCK County

**PLACE OF USE: 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 |        |
| 10S | 36E | 10  |      |      |      |      |      |      |      |      | 32.6 | 32.6 | 32.6 | 32.6 |    |    |    |    | 130.4  |
| 10S | 36E | 15  |      |      |      |      | 32.8 | 32.8 | 32.8 | 32.8 |      |      |      |      |    |    |    |    | 131.2  |
| 10S | 36E | 16  | 32.6 | 32.6 | 32.6 | 32.6 |      |      |      |      |      |      |      |      |    |    |    |    | 130.4  |

Right Acre Limit: 155.0

POU Total Acres: 392.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 155 acres within the authorized place of use in a single irrigation season.
2. Rights 29-7026, 29-2454 and 29-12519 when combined shall not exceed a total diversion rate of 5.6 cfs, a total annual maximum diversion volume of 1372 af at the field headgate, and the irrigation of 392 acres.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. 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 place of use.
5. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 78311

**WATER RIGHT NO. 29-7026**  
**As Modified by Transfer No. 78311**

**CONDITIONS OF APPROVAL**

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.



**WATER RIGHT NO. 29-2454****As Modified by Transfer No. 78311**

In accordance with the approval of Transfer No. 78311, Water Right No. 29-2454 is now described as follows:

**Right Holder:** HOWARD L ARMSTRONG & SONS LLC  
13244 W TRAIL CREEK ROAD  
POCATELLO, ID 83204

**Priority Date:** 8/31/1961

**Source:** GROUND WATER

**BENEFICIAL USE**

|            | <b>From</b> | <b>To</b> | <b>Diversion Rate</b> | <b>Diversion Volume</b> |
|------------|-------------|-----------|-----------------------|-------------------------|
| DOMESTIC   | 01/01       | to 12/31  | 0.040 cfs             |                         |
| IRRIGATION | 04/01       | to 10/31  | 2.500 cfs             | 560.0 af                |
|            |             |           | 2.500 cfs             | 560.0 af                |

**LOCATION OF POINT(S) OF DIVERSION**

|              |      |                                       |
|--------------|------|---------------------------------------|
| GROUND WATER | NESW | Sec 10 Twp 10S Rge 36E BANNOCK County |
| GROUND WATER | SWNW | Sec 15 Twp 10S Rge 36E BANNOCK County |

**PLACE OF USE: DOMESTIC**

|     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 10S | 36E | 15  |    |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |        |

**PLACE OF USE: 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 |        |
| 10S | 36E | 10  |      |      |      |      |      |      |      |      | 32.6 | 32.6 | 32.6 | 32.6 |    |    |    |    | 130.4  |
| 10S | 36E | 15  |      |      |      |      | 32.8 | 32.8 | 32.8 | 32.8 |      |      |      |      |    |    |    |    | 131.2  |
| 10S | 36E | 16  | 32.6 | 32.6 | 32.6 | 32.6 |      |      |      |      |      |      |      |      |    |    |    |    | 130.4  |

Right Acre Limit: 160.0

POU Total Acres: 392.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 160 acres within the authorized place of use in a single irrigation season.
2. Rights 29-2454 and 29-12519 when combined shall not exceed a total diversion rate of 2.5 cfs, a total annual maximum diversion volume of 829.5 af at the field headgate, and the irrigation of 237 acres.

Transfer No. 78311

**WATER RIGHT NO. 29-2454**

**As Modified by Transfer No. 78311**

**CONDITIONS OF APPROVAL**

3. Rights 29-7026, 29-2454 and 29-12519 when combined shall not exceed a total diversion rate of 5.6 cfs, a total annual maximum diversion volume of 1372 af at the field headgate, and the irrigation of 392 acres.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. 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 place of use.
6. Right No. 29-12519 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
7. The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
8. The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.

## WATER RIGHT NO. 29-12519

### As Modified by Transfer No. 78311

In accordance with the approval of Transfer No. 78311, Water Right No. 29-12519 is now described as follows:

**Right Holder:** HOWARD L ARMSTRONG & SONS LLC  
13244 W TRAIL CREEK ROAD  
POCATELLO, ID 83204

**Priority Date:** 4/1/1970

**Source:** GROUND WATER

#### BENEFICIAL USE

IRRIGATION

#### From

04/01

#### To

to 10/31

#### Diversion Rate

0.810 cfs

0.810 cfs

#### Diversion Volume

269.5 af

269.5 af

#### LOCATION OF POINT(S) OF DIVERSION

GROUND WATER  
GROUND WATER

SWNW  
NESW

Sec 15 Twp 10S Rge 36E BANNOCK County  
Sec 10 Twp 10S Rge 36E BANNOCK County

#### PLACE OF USE: 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 |        |
| 10S | 36E | 10  |      |      |      |      |      |      |      |      | 32.6 | 32.6 | 32.6 | 32.6 |    |    |    |    | 130.4  |
| 10S | 36E | 15  |      |      |      |      | 32.8 | 32.8 | 32.8 | 32.8 |      |      |      |      |    |    |    |    | 131.2  |
| 10S | 36E | 16  | 32.6 | 32.6 | 32.6 | 32.6 |      |      |      |      |      |      |      |      |    |    |    |    | 130.4  |

Right Acre Limit: 77.0

POU Total Acres: 392.0

#### CONDITIONS OF APPROVAL

1. This right is for an enlargement of 77 acres within the place of use described for this right.
2. Rights 29-2454 and 29-12519 when combined shall not exceed a total diversion rate of 2.5 cfs, a total annual maximum diversion volume of 829.5 af at the field headgate, and the irrigation of 237 acres.
3. Rights 29-7026, 29-2454 and 29-12519 when combined shall not exceed a total diversion rate of 5.6 cfs, a total annual maximum diversion volume of 1372 af at the field headgate, and the irrigation of 392 acres.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

**WATER RIGHT NO. 29-12519**  
**As Modified by Transfer No. 78311**

**CONDITIONS OF APPROVAL**

5. 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 place of use.
6. This right is based upon an enlargement of Right No. 29-2454 pursuant to Section 42-1426, Idaho Code.
7. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.