

MEMORANDUM

Date: January 7, 2013

To: Transfer
78311

From: Kerrie Mathews

Re: Transfer Evaluation

Transfer No. 78311 proposes to combine and re-arrange the places of use for water rights 29-7026, 29-2454, and 29-12519. The transfer also proposes cross listing the two existing ground water points of diversion on the water rights. The applicant will install a mainline, and connect two ground water wells together to facilitate the installation of three new pivots for sprinkler irrigation. In combination, the water rights authorize the irrigation of 392 acres. The domestic place of use under water right 29-2454 is being reduced to the SWNW of 10S, 35E, Section 15 to reflect the actual location of the home.

Authority to file:

Water rights 29-7026, 29-2454 and 29-12519 are currently in the name of Howard Armstrong. The transfer proposes to change the ownership to Howard L Armstrong & Sons LLC. The new owner is a business entity in the State of Idaho and Howard Armstrong has signature authority. The applicant provided a warranty deed for T10S R36E Sec 16 SWNE conveying property ownership from Dale Evans to Armstrong & Sons LLC. The applicant also provided a statement of understanding authorizing the lease and application of land in T10S R36E Sec 16 NWNE for agricultural purposes. According to Bannock County records, the remainder of the proposed place of use is already owned by Howard Armstrong & Sons LLC.

Validity of the Water Right:

Water rights 29-7026, 29-2454 and 29-12519 were decreed on March 22, 2004. Aerial photography shows consistent irrigation. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

No injury to other water rights was identified. The proposed points of diversion reside outside the ESPA. The application was advertised, no protests were received. There is no active ground water district in this area.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this transfer application.