

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78311**RECEIVED****OCT 24 2012**Department of Water Resources
Eastern Region**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**Name of Applicant(s) Howard L Armstrong & Sons LLCPhone 208-232-5812Mailing address 13244 W Trail Creek Road Pocatello ID 83204

Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

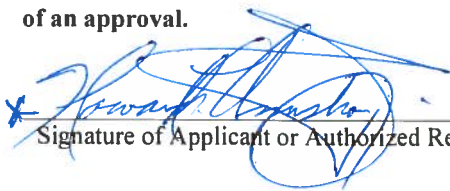
- ☒ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.



Signature of Applicant or Authorized Representative

Print Name and Title if applicable

10-24-12
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. This application proposes to change the place of use to install three irrigation pivots, and tie the two POD together so either well can irrigate any pivot.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part					
☒ ☐	29-7026	3.1cfs/542.5af	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	29-2454	2.5cfs/560.0af	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	29-12519	.81cfs/269.5af	Irrigation	04/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 5.6 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 5.6 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			NE	SW	10	10S	36E	Bannock	Ground Water	
			SW	NW	15	10S	36E	Bannock	Ground Water	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			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
		15					32.8	32.8	32.8	32.8									131.2
		16	32.6	32.6	32.6	32.6													130.4

Total Acres (for irrigation use) 392.0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: _____

Two interconnected wells using a 12" mainline two the three new pivots.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The applicant will dry up corners to cover all acres under the new irrigation pivots.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

None

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____



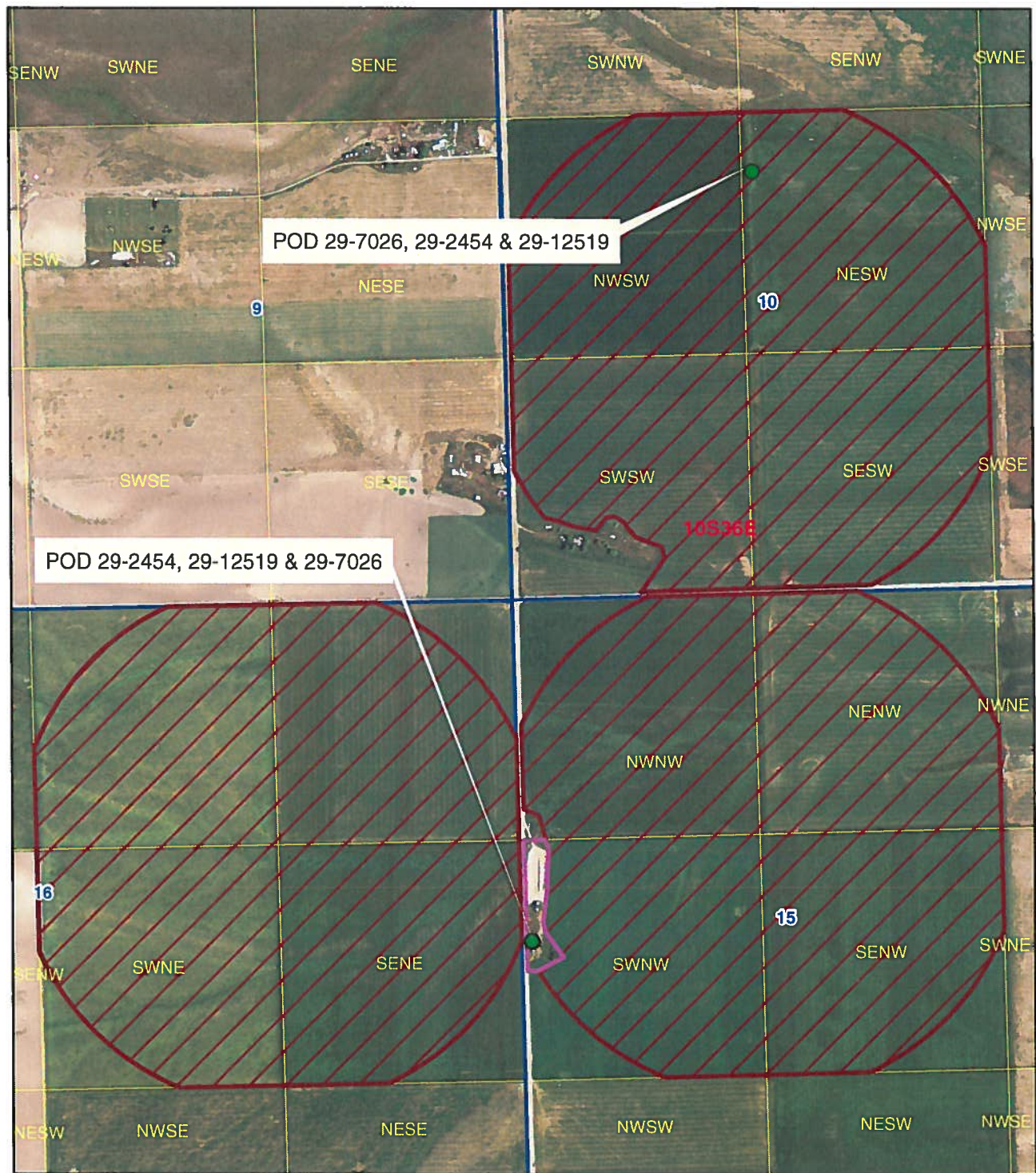
Armstrong & Sons Current Place of Use and Points of Diversion



-  29-7026
-  29-2454
-  Township/Range
-  Sections
-  QQ

0 0.05 0.1 0.2 Miles

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Armstrong & Sons New Place of Use and Points of Diversion



-  New POU Irrigation
-  Domestic
-  Township/Range
-  Sections
-  QQ

0 0.075 0.15 0.3 Miles

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-7026

Current Owner: HOWARD L ARMSTRONG

Priority Date: 2/22/1969

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	3.1 CFS	542.5 AF
	<u>Total Diversion</u>	3.1 CFS	542.5 AF

Location of Point(s) of Diversion

GROUND WATER
BANNOCK County
NE1/4SW1/4 Sec. 10, Twp 10S, Rge 36E B.M.

Place of Use

IRRIGATION Within BANNOCK County

T10S R36E S10	NESW	40.00	T10S R36E S10	NWSW	39.00
T10S R36E S10	SWSW	36.00	T10S R36E S10	SESW	40.00
Total Acres: 155					

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Decreed Date: 3/22/2004

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-2454

Current Owner: HOWARD L ARMSTRONG
Priority Date: 8/31/1961
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	2.5 CFS	560 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	
	<u>Total Diversion</u>	2.5 CFS	560 AF

Location of Point(s) of Diversion

GROUND WATER
BANNOCK County

SW1/4NW1/4 Sec. 15, Twp 10S, Rge 36E B.M.

Place of Use

IRRIGATION Within BANNOCK County

T10S R36E S15	NENW	40.00	T10S R36E S15	NWNW	40.00
T10S R36E S15	SWNW	40.00	T10S R36E S15	SENW	40.00
T10S R36E S16	NENE	38.00	T10S R36E S16	SENE	39.00

Total Acres: 237

Place of Use: DOMESTIC same as IRRIGATION

Page _____ of _____

Conditions of Approval:

1. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 237 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-02454, 29-12519
2. E61 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.50 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 829.5 AF. COMBINED RIGHT NOS.: 29-02454, 29-12519
3. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
5. N10 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
6. K01 RIGHT NO. 29-12519 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
7. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Decreed Date: 3/22/2004

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-12519

Current Owner: HOWARD L ARMSTRONG

Priority Date: 4/1/1970

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diverslon Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.81 CFS	269.5 AF
	<u>Total Diverslon</u>	0.81 CFS	269.5 AF

Location of Point(s) of Diverslon

GROUND WATER	SW1/4NW1/4	Sec. 15,	Twp 10S,	Rge 36E B.M.
BANNOCK County				

Place of Use

IRRIGATION Within BANNOCK County

T10S R36E S15	NENW	40.00	T10S R36E S15	NWNW	40.00
T10S R36E S15	SWNW	40.00	T10S R36E S15	SENW	40.00
T10S R36E S16	NENE	38.00	T10S R36E S16	SENE	39.00

Total Acres: 237

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Conditions of Approval:

1. K02 THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 29-02454 PURSUANT TO SECTION 42-1426, IDAHO CODE.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 237 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-02454, 29-12519
4. C11 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.
5. K09 THIS RIGHT IS FOR AN ENLARGEMENT OF 77 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.
6. E61 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.50 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 829.5 AF. COMBINED RIGHT NOS.: 29-02454, 29-12519

Decreed Date: 3/22/2004

No. C 38256	Due no later than Mar 31, 2012 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	1. Mailing Address: Correct in this box if needed. HOWARD L. ARMSTRONG & SONS, INC. HOWARD L. ARMSTRONG 13244 W TRAIL CREEK RD POCA TELLO ID 83204		HOWARD L. ARMSTRONG JR 13244 W TRAIL CREEK RD POCA TELLO ID 83204	
			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
DIRECTOR	HOWARD L. ARMSTRONG	13244 W. TRAIL CREEK RD	POCA TELLO	ID USA 83204
PRESIDENT	STANLEY L. ARMSTRONG	13244 W. TRAIL CREEK RD	POCA TELLO	ID USA 83204
DIRECTOR	MARILYN H. ARMSTRONG	13244 W TRAIL CREEK RD.	POCA TELLO	ID USA 83204
TREASURER	MARILYN H. ARMSTRONG	132244 W. TRAIL CREEK RD.	POCA TELLO	ID USA 83204
SECRETARY	MARILYN H. ARMSTRONG	13244 W. TRAIL CREEK RD	POCA TELLO	ID USA 83204
5. Organized Under the Laws of: ID C 38256		6. Annual Report must be signed.* Signature: Marilyn H. Armstrong Name (type or print): Marilyn H. Armstrong Date: 01/07/2012 Title: Secretary		
Processed 01/07/2012		* Electronically provided signatures are accepted as original signatures.		