

MEMORANDUM

Date: March 21, 2016
To: **AMENDED** Transfer 79943 File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Amended application for transfer proposes to change the place of use and add two new points of diversion to ground water right 45-14284 (1.31 cfs), which currently supplements three surface water rights (45-14288, 45-14286, and 45-10912) on 67.0 acres of farm ground located approximately 0.8 to 1.3 miles west and 0.7 to 1.2 miles south of the intersection of Main and Market Streets in Albion. The new place of use will be on farm ground located approximately 1.4 to 2.4 miles east and 1.8 to 3.2 miles south of Albion, supplementing surface water right 45-284B (1.50 cfs, 90.0 acres), which is within a 399.2 acre permissible place of use. Right 45-14284 is currently diverted from two wells located approximately 1.3 miles west and 1.1 miles south of Albion. The proposed transfer will relocate the points of diversion to two new wells located approximately 1.7 miles east and 3.2 miles south of Albion.

- **Authority to File:**
The Department's database indicates that water right 45-14284 is owned by George A. Montgomery, who has signed a sales agreement with Albion 12 to sell right 45-14284 if and when this transfer is approved. Application was signed by Erick Powell, who is the representative for Albion 12 Investments. A signed Power of Attorney document indicating such is in the application. A change of ownership from Montgomery to Albion 12 will be accomplished with the transfer.
- **Water Right Validity:**
Right 45-14284 was decreed in April of 2010, so forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:**
None anticipated or foreseen. Information supplied with the application appears to indicate that the right will be used less in the proposed place of use. .
- **Enlargement of Use:**
None anticipated. Applicant has enclosed documentation in the application which supports the move to more reliable surface water rights from less reliable surface water rights
- **Local Public Interest:**
No issues anticipated. The transfer will be re-advertised.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated
- **Effect of the Agricultural Base of the Area:**
None Anticipated

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.