

Cefalo, James

From: Cefalo, James
Sent: Monday, September 25, 2017 12:31 PM
To: T. J. Budge
Subject: Application for Transfer 81731 (Jorgensen Brothers)

T.J.,

Have you had a chance to confer with your clients about this application? The application proposes to rearrange the place of use for and remove a volume limit from water rights 29-8240 and 29-8241. After discussing the application with Department staff, we could not identify any way to remove the volume limit without enlarging the water use under the rights. When you and I last spoke, you were considering filing a petition with the Department, asking for removal of the condition. Although such a petition would likely be unsuccessful, it would create a forum where you could appeal the decision to a court.

Another option would be to forge ahead with the transfer application. I am prepared to approve the proposed change in place of use. Once the transfer is approved (with the volume limit kept on the water rights), Jorgensen Brothers would have the option to request a hearing under Section 42-1701A. This would also create a forum where Jorgensen Brothers could present any arguments in favor of removing the volume limit from the rights, and would allow an appeal to district court if they disagree with the decision.

Let me know how you would like to proceed.

James Cefalo
Water Resources Program Manager
IDWR Eastern Region
(208) 525-7161