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DEC 03 2018
Department of Water Resources
Eastern Region

Attorneys for Jorgensen Farms Limited Partnership

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF WATER RIGHT
TRANSFER NO. 4842

AFFIDAVIT OF KEITH C. JORGENSEN

STATE OF IDAHO)
 :SS
COUNTY OF BANNOCK)

Keith B. Jorgensen, being first duly sworn, deposes and states as follows:

1. I am over the age of 18, competent to testify, and state the following based upon my own personal knowledge.

2. I am a partner in Jorgensen Farms Limited Partnership, the petitioner in this matter. I was also one of the applicants in application for transfer no. 4842.

3. My brother Terry and I filed application for transfer no. 4842 because our well had experienced silting problems which caused the well to produce less water over time. We had historically raised seed potatoes on that field but were eventually forced to raise grain only because of the diminished aquifer productivity.

4. We filed application for transfer 4842 to move water right nos. 13-2198 and 13-7005 (the "Jorgensen Rights") to another parcel of farmland in the area where we thought the well would be less likely to experience silting problems. The sole purpose of the transfer was to change the point of diversion and place of use of the Jorgensen Rights.

5. When we received the letter from the Idaho Department of Water Resources ("IDWR" or "Department") that Transfer 4842 had been approved, we understood that it had been approved with the point of diversion and place of use change that we had requested in the application. The approval letter did not state that the Department had extinguished part of the Jorgensen Rights, nor did Terry or I ever receive a phone call or other notice from IDWR that they were considering taking away acre-feet decreed to the Jorgensen Rights. We did not think to scrutinize the transfer approval to see if the Department had modified other elements of the Jorgensen Rights because our transfer application did not seek to change any other elements, and because no protest had been raised as to other elements and the Department had not notified us of any concerns with other elements. Consequently, we did not notice or scrutinize the 108.6 acre-foot restriction that IDWR inserted into its order approving Transfer 4842.

6. To my knowledge, IDWR has always administered our water rights based on diversion rate only. The pumps on our wells are designed based on flow rate (gallons per minute), and to my knowledge our meters only measure flow rate, not volume.

7. Had we been notified that the Department intended to take away some 90 percent of the acre-feet decreed to the Jorgensen Rights there is no question that we would have objected to that. With only 108.6 acre-feet we can't irrigate more than approximately 70-100 acres. There is no way we would have allowed this without a fight.

8. Had the Department actually limited the Jorgensen Rights to 108.6 acre-feet once Transfer 4842 was approved we would have undoubtedly raised the issue then. However, we have continued to irrigate the full 355 acres every year since Transfer 4842 was approved in 2000. We estimate that we have diverted between 700 and 900 acre-feet every year since 2000, yet IDWR did not raise a concern with this until 2017 when we were asked to change the place of use of the Jorgensen Rights to match the center pivots we had installed. We were, to say the least, extremely surprised and troubled by the discovery that some 90 percent of our water was taken away in the order approving Transfer 4842.

9. We simply want to be able to use our water rights the same we have over the last 18 years, and to maintain the diversion volume decreed by the court in the Bancroft-Lund adjudication. We sincerely hope the Department will honor the decree and preserve our water rights either by removing the 108.6 acre-foot condition in connection with application for transfer no. 81731 or by amending its order approving Transfer 4842.

[Signature on Following Page]

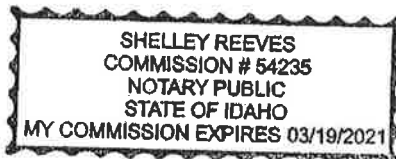
FURTHER YOUR AFFIANT SAITH NOT.

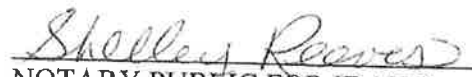
DATED this 28th day of November, 2018.


KEITH C. JORGENSEN

STATE OF IDAHO)
 :SS
County of Bannock)

Singed and sworn to before me on the 28th day of November, 2018, by Keith B. Jorgensen.




NOTARY PUBLIC FOR IDAHO
Commission expires: 3/19/21