



November 29, 2018

James Cefalo
Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

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Department of Water Resources
Eastern Region

**Re: Jorgensen Water Right Transfer 81731
Petition to Amend Transfer 4842**

Dear James,

Earlier this year I submitted application for transfer no. 81731 to change the place of use and remove a condition from water right nos. 29-8240 and 29-8241 owned by Jorgensen Brothers. The subject condition imposes a combined volume limit of 108.6 acre-feet. We believe this condition, which was inserted in connection with a prior transfer of these water rights (Transfer 4842), is erroneous.

You subsequently reported that you did not believe the Department had authority to remove this condition. We have since conducted extensive research and believe the Department does have authority to remove this condition, either through Transfer 81731 or by amending Transfer 4842.

To avoid any conflict over the proper approach for removing this condition I have enclosed a petition to amend Transfer 4842. This is submitted as an alternative to removal of the condition in connection with Transfer 81731. Should the Department determined that it has authority to remove the condition as part of Transfer 81731, it need not decide the petition. However, if the Department determines that it does not have authority to remove the condition as part of Transfer 81731, then we ask that the Department remove the condition via an amendment of Transfer 4842 as requested in the petition.

The petition provides the history of the subject condition and sets forth the Department's legal authority to amend Transfer 4842. It also sets forth the Department's authority to remove the condition in connection with Transfer 81731. Because Transfer 81731 and the petition to amend Transfer 4842 are submitted as alternative means of removing the subject condition, we ask that the Department process these filings simultaneously.

Thank you for your attention to this matter. Should you have any questions please give me a call.

Sincerely,



T.J. BUDGE

c: Jorgensen Farms