

June 1, 2017

Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718**RECEIVED**
JUN 07 2017
Department of Water Resources
Eastern Region**Re: Transfer of Water Right Nos. 29-8240 and 29-8241**

To Whom It May Concern,

Enclosed is an original and one copy of an application for transfer of the above referenced water rights filed on behalf of Jorgensen Brothers. Also enclosed is a check in the amount of \$980 for the filing fee. Please file the original application and conform stamp and return the copy in the enclosed stamped and addressed return envelope.

The purpose of this transfer is twofold. First, this transfer seeks to adjust the place of use of these water rights to reflect the land actually irrigated. There will be no change in actual irrigation practices.

Second, this transfer seeks to remove the condition limiting these water rights to 108.6 acre feet. This condition restricts these water rights to 0.3 acre feet per acre which is obviously insufficient to raise any type of crop. Looking through the back file it appears the 108.6 acre foot condition appeared for the first time on the approval of Transfer No. 4842 which was approved in the year 2000. Previously there was the standard 3 acre feet per acre limit on this water right. There was a protest filed against Transfer No. 4842 but it was withdrawn without any requirement that a 108.6 acre foot limit be imposed. Instead, the limit appears to be the result of an internal IDWR Memo by Pam Skaggs based on diversion volumes at the prior place of use. The back file does not contain any letters to Jorgensen concerning this, nor does it contain an order finding forfeiture. It is also significant that the 108.6 acre foot limit did not appear as volume restriction on the water right but instead as a condition of the transfer approval.

Jorgensen Brothers has no recollection of the 108.6 acre feet limit being imposed. They certainly would have contested the condition had they understood and realized it would prevent any type of crop from being raised. This right has always been used a primary right by the Jorgensens, which Tim Luke confirmed with connection with Transfer No. 4842.

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We do not believe the Department can lawfully reduce the acre feet allowed under this water right by some 90% in the manner it occurred, nor do we believe the condition is valid based on actual water usage since these rights have always been used as primary water rights. Accordingly, this transfer seeks to have this condition removed from these water rights.

Should you have any questions, please give me a call.

Sincerely,

A handwritten signature in blue ink, appearing to be "T.J. Budge", with a stylized flourish at the end.

T.J. BUDGE