

Point of Diversion

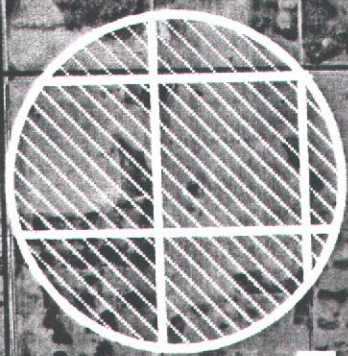


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Place of Use

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R40E

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GENERAL
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199
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Carl
Jorgensen
Temporary Change
9/5/2002

Microfilm
JUL 15 2003

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MICROFILMED
JUL 15 2003

JUL 15 2003

SS
105

EXHIBIT
Applic, #

13-02198
13-07005
355 acres 5.81cfs
Take 50 acres +
bring in via separate
transfer to

HEL
13
19
2.2 HEL

33.3

35.8
T177
HEL

27.1
CRP 244
1989-1998
HEL

T1013
419

30 29
31 32

1037 12.6

102.8

1540

2
6.99
HEL

59.9
CRP 26
1987-1996
HEL

HEL

T.1103

2
67.3

84.7

31 32
6 15

HEL

RECEIVED
MAY 21 1996

41.7

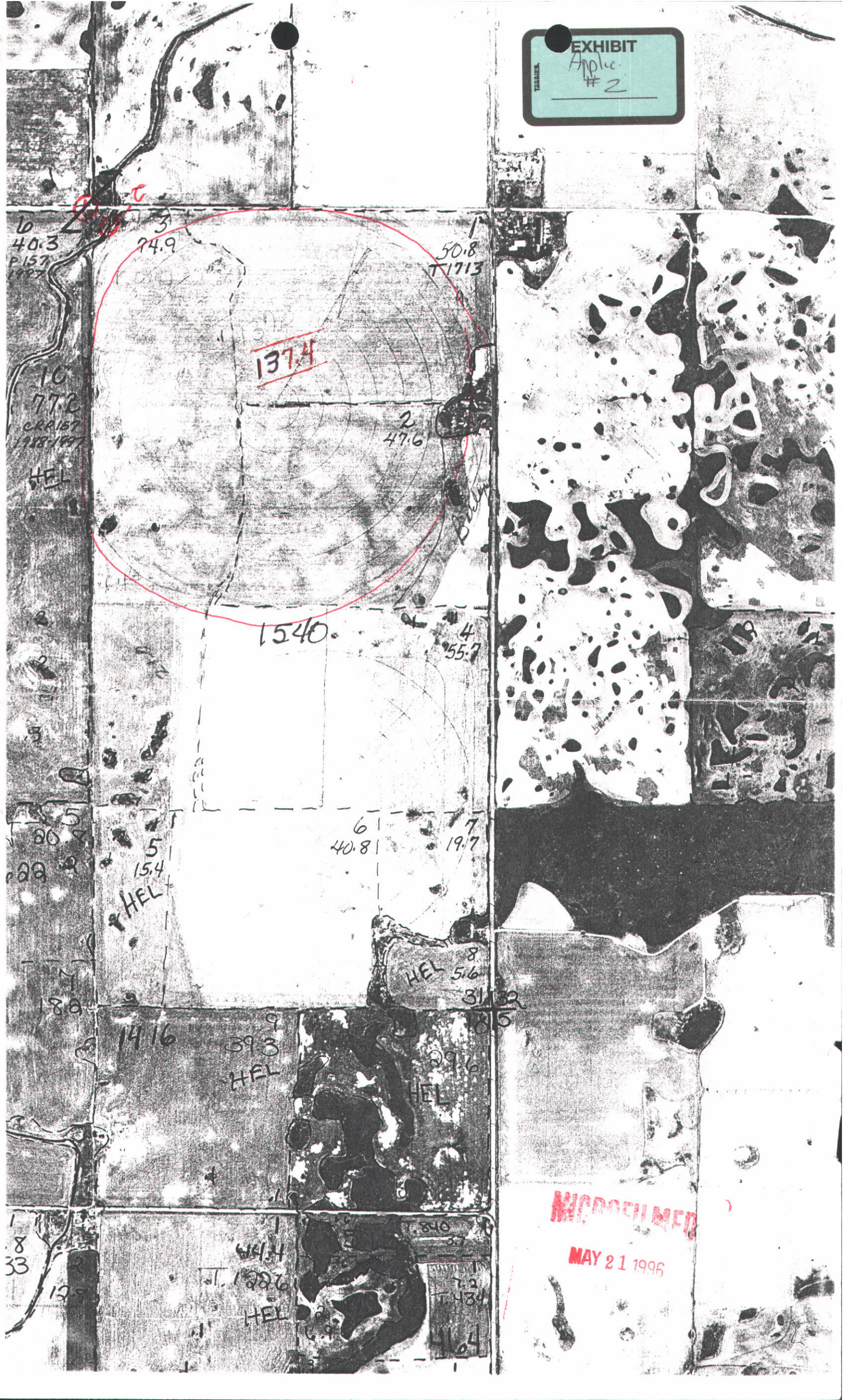
21.4

HEL

15

34.1
1.5
35.6

EXHIBIT
Apple
#2



750
 33
 2250
 2250
 2475.09
 2227.50 gal

N.E. Canal

750 shares

road
lost share pump

Section 31

125 ft

31 32

40 acres

well 2040 gal

105 ft

Section 32

40

MICROFILMED

MAY 21 1996

EXHIBIT
 Protatant
 # 1

RECEIVED

AUG 13 2004

DEPARTMENT OF
WATER RESOURCESForm 42-222A
12/99

Ident. No.

TC-13-06

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of Applicant Carl Jorgensen Phone (208) 425-3953

Post Office Address 1699 Lloyd Rd, Bancroft Id 83217

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) thereof Drought condition surface water
being cut need addition water to finish crop

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
13-7161 4/15/1977 3.15 cfs IRRIGATION 4/15 to 10/15

2. Total amount of water being transferred 3.15 cubic feet per second and/or _____ acre-feet per annum

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
			NW	NW	32	9S	40E	Caribou	Clynn's Well

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	40E	32											9	13					22
10S	40E	5		9	2		41	38	21	27									138
				L-2			L-3	L-4											

Total Acres 160

6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right N/A
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
will be dried up
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain. IRRIGATED w
Surface Rights
- e. Absent the changes, how would the right be used for the remainder of the year? Would be used under
original place of use
- f. Describe other water rights used for the same purpose.
Surface Rights under Last Chance Canal
- g. Remarks: _____

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Carl Jorgensen
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 6/15/04 Fee 50⁰⁰
Received KCW # E029956 Recommend: _____ approve _____ deny _____
Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-13-06

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this 4th day of Aug 2004

[Signature]
For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 30 2004

Department of Water Resources
Eastern Region

RECOMMENDATION OF WATERMASTER

Application No: IC-13-06Applicant's Name: Burl Jorgensen

Watermaster's Recommendation:

a) ☐ I do not oppose approval of this application.b) ☒ I do not oppose approval of this application if it is conditioned as

follows: I don't oppose this transfer if the system
is not interconnected. I can see his point of
wanting to transfer water from a lower priced crop
to a higher value crop.

c) ☐ I oppose approval of this application for the following reasons:

d) ☒ Additional Comment: I wonder how the water will

travel from pt. of diversion to place of use. It's my

understanding that the wells aren't supposed to be connected. Also most producers
have cut back their acreages for potatoes because of lack of water. I don't see that
with Mr. Jorgensen's operation. Dated this 28 day of July, 2004.

Water District No: 13

Bruce Shuler
Watermaster's Signature

Use reverse side of page if you need more space.

Point of Diversion

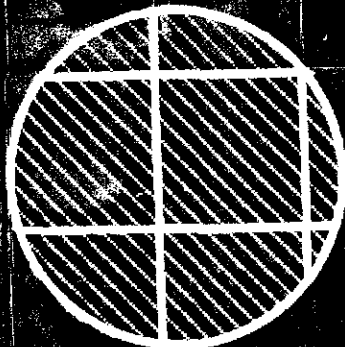


R40E

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Place of Use

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Rec'd. 8/13/03

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 13-7161, 13-2197, 13-7010)
13-7097, 13-7163 JORGENSEN Farms)

ORDER AUTHORIZING
TEMPORARY CHANGE TC-13-04

WHEREAS, a drought emergency has been declared for Caribou
County to allow administrative actions to lessen the severe impacts of the drought
conditions in the counties; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a
drought emergency, the director of the Department of Water Resources ("Department")
is authorized to allow temporary changes in the point of diversion, the place of use, and
the purpose of use for valid existing water rights when the director determines that such
changes can be accomplished in accordance with the provisions of section 42-222A,
Idaho Code; and

WHEREAS, on 8/5/03, KATH Jorgensen submitted the attached
Temporary Change Application TC-13-04 to the Department; and

WHEREAS, the Department has reviewed the application and has determined
the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is APPROVED subject to the
following conditions:

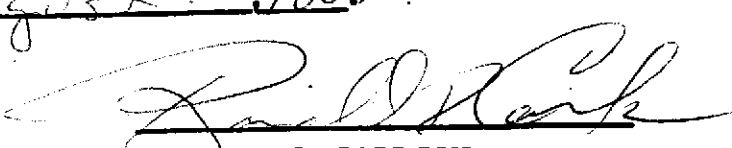
- 13-7161, 13-2197, 13-7010,
13-7097, 13-7163
1. Diversion and use of right no(s). 13-7097, 13-7163 is authorized only
at the point of diversion and place of use described on the application.
 2. This temporary change approval does not authorize construction of a new
well as a new point of diversion.
 3. The applicant assumes all risk of curtailment or mitigation should the
diversion and use of water under the temporary change approval cause
injury to other water rights, constitute an enlargement in use of the original
right, be inconsistent with the conservation of water resources within the
state of Idaho, or not be in the local public interest.
 4. This temporary change approval may only be used to provide a

**ORDER AUTHORIZING
TEMPORARY CHANGE** TC-13-04

replacement water supply to lands or other uses which normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

- 13-7116, 13-2197, 13-7010,
13-7097, 13-7163
5. Right(s) _____ are limited to the irrigation of a total of 1,176 acres in a single irrigation season.
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicant agrees to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The watermaster of Water District No. 131 is authorized to administer the temporary change approval.
11. This temporary change approval expires on 11/01/2003 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 6th day of August, 2003.


**RONALD D. CARLSON
EASTERN REGION MANAGER**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of Applicant JORGENSEN FARMS J.V. Phone 208-425-3138
Post Office Address 503 BENCH LAGO RD GRACE, ID 83241

A. PURPOSE OF TRANSFER

- 1.
- ☒
- Change point of diversion
- ☐
- Add diversion point(s)
- ☒
- Change place of use
-
- ☐
- Change purpose of use
- ☐
- Other

2. Describe the proposed change(s) and the reason(s) thereof
- Temporary change to provide
-
- GROUND WATER TO LANDS IRRIGATED BY LAST CHANGE CANAL
-
- SHARPS. Provide emergency water due to failure of last change
-
- Flume on 8/13/03. TRANSFER CIRCLES NOT IRRIGATED IN 2003
-
- under g.w. rights.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
13-7161	4/15/1977	1.22 cfs	IRrig.	8/5/03 to 11/01/03
13-2197	8/14/1957	1.20 cfs	"	" to "
13-7010	3/5/1970	0.68 cfs	"	" to "
13-7097	1/3/1975	0.72 cfs	"	" to "
13-7163	4/4/1977	0.32 cfs	"	" to "

2. Total amount of water being transferred
- 4.14
- cubic feet per second and/or _____ acre-feet per annum.

3. Source of water
- GROUND WATER
- tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	%	%	%	Sec	Twp	Rge	County	Local name for diversion
		NE	NW	NW	32	9S	40E	CADIZ	Jorgensen North Hk

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	40E	32	40	35	40	35							35				20		205
10S	40E	6		40			35												75

Total Acres 280
MICROFILMED

JUN 02 2004

6. General Information:

- a. Who owns the water right to be changed? Applicants; Phil Yost 13-7097 & 13-7163
- b. Describe the arrangement allowing use of the right Applicants lease land & water rights from Phil Yost
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application: no affect. these lands ARE NOT irrigated this year under the water rights.
- d. Has the water right sought to be transferred been used this year? NO If yes, explain. Portions of rights (pivot corners) not 2013. in 2003.
- e. Absent the changes, how would the right be used for the remainder of the year? Right would not be used for these portions this year, corners not planted as yet.
- f. Describe other water rights used for the same purpose. Last Chance Canal shares appurtenant to 13-7161 but not used on this POV this year
- g. Remarks: Tim Luke, EDWR, checked corners and POV on 8/4/03 confirmed non use of corners & other parcels.

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by Tim Wille Date 8-5-03 Fee \$ 50 ⁽²⁰⁾
 Receipted KCW # E 029080 Recommend: / approve deny
 Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. 7C-13-

And said application is hereby Approved subject to the following limitations and conditions:

Witness my hand this 6th day of August, 2003

For the Director

JUN 02 2004

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

RECEIVED

AUG - 6 2003

Department of Water Resources

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF WATER RIGHT)
29-8240, 29-8241, & 13-7161)
IN THE NAME OF)
CARL JORGENSEN)

ORDER DENYING
TEMPORARY CHANGE
TC - 29 - 05

WHEREAS, a drought emergency has been declared for Caribou County to allow administrative actions to lessen the severe impacts of the drought conditions in the counties; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary changes of water authorized under water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, *Idaho Code*; and

WHEREAS, on July 21, 2003, Carl Jorgensen ("Applicant"), submitted the attached Temporary Application for Change of Water ("Application") to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application **CANNOT** be approved for the following reasons;

ORDER

IT IS HEREBY ORDERED that the application is **DENIED** for the following reasons:

1. The proposed Temporary Change Application constitutes an enlargement of the water right described on the application.
2. The proposed Temporary Change Application cannot be administered to prevent injury to other water users.
3. The proposed Temporary Change Application cannot be regulated.

DATED this 28th day of July, 2003.

MICROFILMED

JUN 8 2 2004



RONALD D. CARLSON
EASTERN REGION MANAGER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TC-29-05

TEMPORARY CHANGE APPLICATION

RECEIVED

AUG - 6 2003

(To change point of diversion, place of use or purpose of use)

Department of Water Resources

Name of Applicant Carl Jorgensen Phone (208) 425-3953Post Office Address 1699 Lloyd Rd, Bancroft Id 83217

PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) thereof Drought conditions, well under
13-2198 & 13-7005 went dry, running out of water (canal)
LAST CHANCE CANAL HAS NO WATER -

3. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
~~13-2198~~ 29-8240	12/22/1958	2.88 cfs*	IRRIGATION	4/15 to 10/15
~~13-7005~~ 29-8241	5/15/1969	3.74 cfs*	IRRIGATION	4/15 to 10/15
13-7161	4/15/1977	4.54 cfs	IRRIGATION	4/15 to 10/15

2. Total amount of water being transferred 8.36 cubic feet per second and/or _____ acre-feet per annum

3. Source of water GROUNDWATER tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
			NW	NW	32	9S	40E	Caribou	(P/D for 13-7161)

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	40E	29												38					38
		31	31	32	32	31									31	32	32	31	252
		32					32	31	31	32			16	16					158
10S	40E	5		5	2		38	34	12	21						20			137
				L-2			L-3	L-4											

* 29-8240 combined with 29-8241 Limited to 355 ac and 3.82 cfs Total Acres 585

JUN 02 2004

6. General Information:

- a. Who owns the water right to be changed? Applicant TC-29-05
- b. Describe the arrangement allowing use of the right _____
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
will be able to raise crop under pivots. Handlines
OLD POU HAVE TO BE DRY
- d. Has the water right sought to be transferred been used this year? yes If yes, explain.
USED ON OLD POU - LAST CHANCE CANAL HAD WATER
- e. Absent the changes, how would the right be used for the remainder of the year? ON THE POU THATS
LICENSED
- f. Describe other water rights used for the same purpose.
NONE
- g. Remarks: Drought conditions are forcing us to find
alternative source of water.

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Carl B. Jorgensen
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by DC Date 7/21/2003 Fee 50

Receipted DC # E029017 Recommend: _____ approve _____ deny _____

Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____.

MICHAEL
JUN 12 2004

For the Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

TC-13-03

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT ²⁹⁻⁸²⁴⁰ IN THE NAME)
OF ²⁹⁻⁸²⁴¹)
¹³⁻⁷¹⁶¹)
Carl Jorgensen)

ORDER AUTHORIZING RECEIVED
TEMPORARY CHANGE SEP 13 2002

Department of Water Resources

WHEREAS, a drought emergency has been declared for Caribou County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources (A Department) is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water, as provided in section 42-240, Idaho Code, when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on 9/9/02, Carl Jorgensen submitted the attached Temporary Change Application ("application") to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions; and

WHEREAS, The applicant assumes all risk and is the responsible party if diversion and use of water under the temporary change approval causes injury to other water rights or constitutes an enlargement in use of the original right;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of right no(s). ²⁹⁻⁸²⁴⁰ 29-8241 & 13-7161 is authorized only at the point of diversion and place of use described on the application or as otherwise approved in this order.
2. This temporary change approval does not authorize construction of a new well as a new point of diversion.
3. This temporary change approval may only be used to provide a

MICROFILMED

JUL 15 2003

replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

4. Right(s) ¹³⁻⁷¹⁶¹_{29-8240; 298241} are limited to the irrigation of a total of 585 acres in a single irrigation season.
5. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
6. The applicant agrees to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
7. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
8. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval. (If this condition or a similar one is used, describe the required frequency of measurement and when and where to report the amount of measured water).
9. The watermaster of Water District No. 13-T is authorized to administer the temporary change approval.
10. This temporary change approval expires on Nov 1, 2002 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 10 day of Sept, ²⁰⁰²~~2001~~

H. J. Jones
 AUTHORIZED PERSON
 IDWR

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of Applicant Carl Jorgensen Phone (208) 425-3953
Post Office Address 1699 Lloyd Rd, Bancroft, Id 83217

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) thereof Drought conditions, well under
13-2198 & 13-7005 went dry, running out of water (canal)

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
~~13-2198~~ 29-8240	12/22/1958	2.88 cfs*	IRRIGATION	4/15 to 10/15
~~13-7005~~ 29-8241	5/15/1969	3.74 cfs*	IRRIGATION	4/15 to 10/15
13-7161	4/15/1977	4.54 cfs	IRRIGATION	4/15 to 10/15

2. Total amount of water being transferred 8.36 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water GROUNDWATER tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
			NW	NW	32	9S	40E	Caribou	(P/D for 13-7161)

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	40E	29												38					38
		31	31	32	32	31									31	32	32	31	252
		32					32	31	31	32			16	16					158
10S	40E	5		5	2		38	34	17	21						20			137
				L-2			L-3	L-4											

* 29-8240 13-2198 combined with 29-8241 13-7005 Limited to 355ac and 3.82 cfs Total Acres 585
MICROFILM

JUL 15 2003

6. General Information:

- a. Who owns the water right to be changed? APPLICANT
- b. Describe the arrangement allowing use of the right _____
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
will be able to raise crops under pivots & handlines
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain. 13-2198 & 13-7005 well went dry, 13-7161 will not irrigate land not under pivot & handlines
- e. Absent the changes, how would the right be used for the remainder of the year? 13-2198 & 13-7005 could not be used, 13-7161 could be used on P/u under rights
- f. Describe other water rights used for the same purpose.
NONE
- g. Remarks: Drought conditions are forcing us to find alternative sources of water

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Carl B. Jorgensen
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 8/23/2002 Fee 50⁰⁰

Receipted KCW # E028131 Recommend: approve deny

Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-13-03

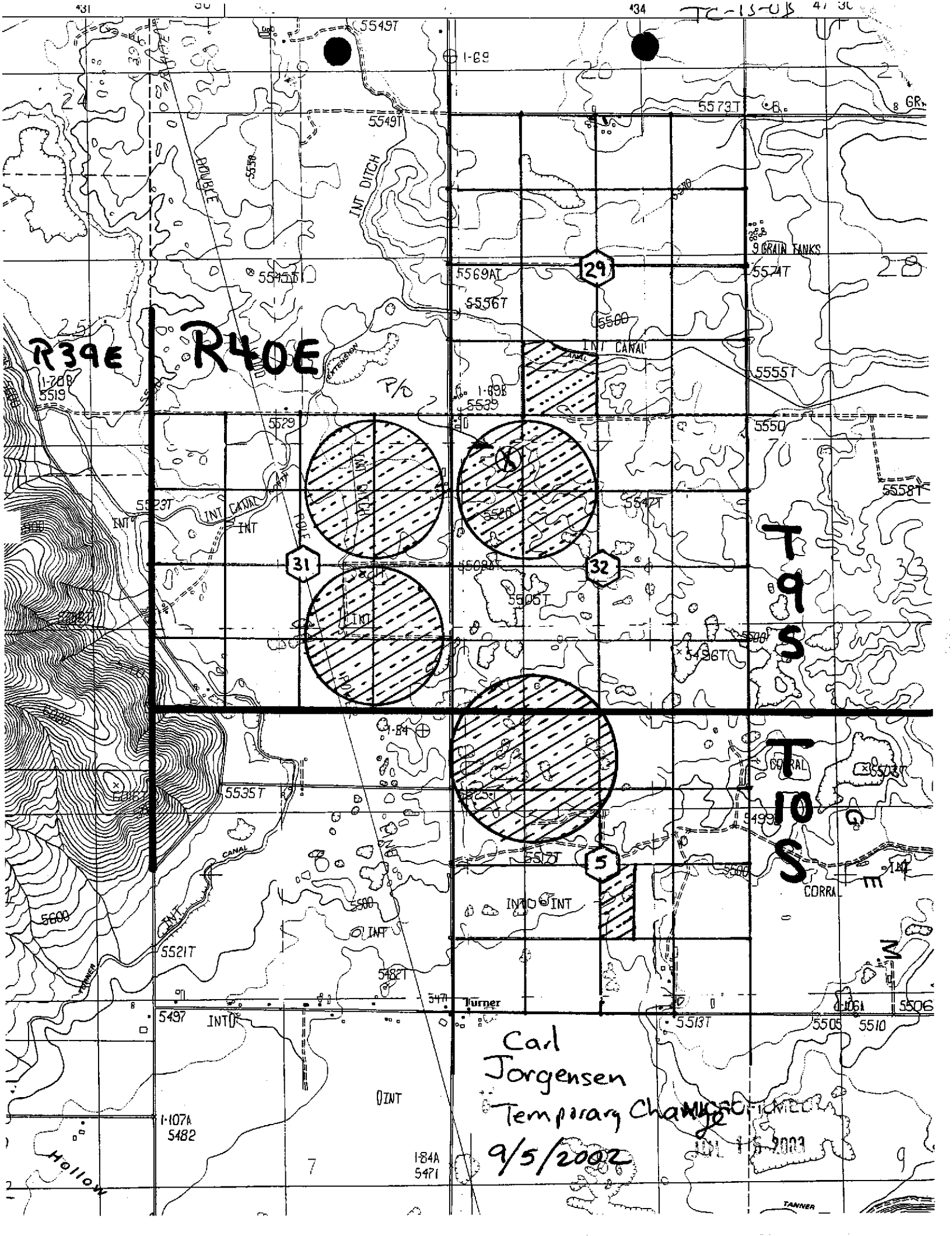
And said application is hereby Approved, subject to the following limitations and conditions:

Witness my hand this 10 day of Sept, 2002.

[Signature]
For the Director

MICROFILMED

JUL 15 2003



R39E

R40E

T9S

T10S

Carl Jorgensen
Temporary Change
9/5/2002

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TC-13-03

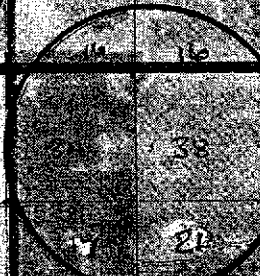
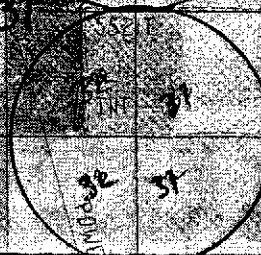
R40E

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DEPARTMENT OF WATER RESOURCES

Department of Water Resources

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Department of Water Resources
Eastern Region

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

1. Water Right No(s): 13-7161

Adjudication Claim No(s): _____

2. The following **REQUIRED** information must be submitted with this form:

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant Clynn Christensen USA FmHA

Route 1, Box 50, Grace, Idaho 83241

4. New Owner/Claimant(s) Carl B. Jorgensen & Patricia Jorgensen

New Mailing Address Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
1699 Lloyd Road

City, State and ZIP Code Bancroft, ID 83217

New Telephone Number (208) 425-3953

5. Date you acquired the property _____

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners**. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) or Claimant(s) Carl Jorgensen Patricia Jorgensen

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

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APR 13 2000

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

QUITCLAIM DEED

The UNITED STATES OF AMERICA, acting through the Administrator of the Farmers Home Administration, United States Department of Agriculture, CONVEYS and QUITCLAIMS to

CARL B. JORGENSEN AND PATRICIA JORGENSEN, HUSBAND AND WIFE,
HC 72, BOX 2470, BANCROFT, ID. 83217

, Grantee, for the sum of ONE HUNDRED FIFTY THOUSAND AND NO/100 (\$150,000.00) DOLLARS

all interest in the following described real estate situated in the County of CARIBOU

State of IDAHO, to-wit:

Township 9 South, Range 40 East of the Boise Meridian:

Section 29: SE $\frac{1}{4}$ SW $\frac{1}{4}$, EXCEPT that portion thereof lying North of the
North Extension Company canal.

Section 32: NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Together with 150 shares of stock in the North Extension Canal Co. and
150 shares of stock in the Last Chance Canal Co.

STATE OF IDAHO } SS 129993
County of Caribou }
I, _____, County Clerk, do hereby certify that this instrument was filed
at _____ of _____
at 3:30 o'clock P. M. this 3
November, 1981, in my office.

County Clerk
Ex-Officio Recorder 4.00

MICROFILMED

APR 13 2005

executed and delivered pursuant to the provisions of a credit sale of Government
Property formerly belonging to Clynn H. Christensen and Michele
Christensen, 12-15-518605189, Advice No. 20965, and the

authority set forth in 7 CFR 1900, Subpart A.

No member of Congress shall be admitted to any share or part of this deed or to any benefit that may arise therefrom.

Dated August 26

, 1986 .

UNITED STATES OF AMERICA (Grantor)

By Dennis R. Nelson
Dennis R. Nelson, Acting State Director
Farmers Home Administration
United States Department of Agriculture

In the presence of:

ACKNOWLEDGMENT

STATE OF IDAHO)
)
County of Ada)

On this 26th day of August, before me, the undersigned, a Notary Public in and for said State, personally appeared Dennis R. Nelson, known to me to be the Acting State Director, Farmers Home Administration, USDA, and person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

In WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above mentioned.

MICROFILMED

APR 13 2000

Joyce Stachler
JOYCE STACHLER
Notary Public in and for the
State of Idaho
Residing at Boise, Idaho
My Bond Expires 8-11-87

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-7161

Priority: April 15, 1977 Amount: 4.54 CFS 690.0 AFA

This is to certify, that U.S. DEPT. OF AGRI.

FARMERS HOME ADMINISTRATION

159 E. 2ND S. #3

SODA SPRINGS, ID 83276

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated March 28, 1977, and has submitted proof to the Department of Water Resources on September 19, 1978, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 4.54 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	04/01 to 11/01	4.54 cfs	690.0 afa

LOCATION OF POINT OF DIVERSION(S): NWNW , Sec. 32, Township 9S, Range 40E
Caribou County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
9S	40E	29	SESW 38					38
		32	NENW 38	NWNW 38	SWNW 38	SENW 40		192
			NWSW 38					

Total number of acres irrigated: 230

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 19th day of July, 1988.

MICROFILMED

Director

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: NOV-12-1991
PAGE: A-69

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
-----------------	----------------	------------------	----------------	--------------------------	---------------------	----------------

SOURCE: GROUNDWATER

13-07161

U.S. DEPT. OF AGRICULTURE
FARMERS HOME ADMINISTRATION
159 E. 2ND S. #3
SODA SPRINGS ID 83276

04/15/1977 IRRIGATION

04-15 10-15

4.54 CFS
690.0 AFY

LICENSE

POINT OF DIVERSION:

TO9S R40E S32
PLACE OF USE: IRRIGATION

NNNW

TOTAL QUANTITY:
CONSUMPTIVE USE:

4.54 CFS
690.0 AFY
575.0 AFY

TO9S R40E S29
S32

SESW 38.0
NNW 38.0
NWSW 38.0

NNW 38.0

SENW 40.0

230.0 ACRES TOTAL

REMARKS: THIS RIGHT WHEN COMBINED WITH ANY OTHER RIGHTS SHALL NOT EXCEED A
DIVERSION RATE OF 0.02 CFS PER ACRE, A DIVERSION AMOUNT OF 3.0
AFY PER ACRE, NOR A VOLUME OF CONSUMPTIVE USE OF 2.5 AFY PER ACRE

29-07387

U.S. DEPT. OF AGRICULTURE
FARMERS HOME ADMINISTRATION
159 E. 2ND S. #3
SODA SPRINGS ID 83276

04/18/1977 IRRIGATION

04-15 10-15

3.2 CFS
480.0 AFY

LICENSE

POINT OF DIVERSION:

TO9S R40E S08
PLACE OF USE: IRRIGATION

NWSE

TOTAL QUANTITY:
CONSUMPTIVE USE:

3.2 CFS
480.0 AFY
400.0 AFY

TO9S R40E S08
160.0 ACRES TOTAL

NWSE 40.0

NWSE 40.0

SWSE 40.0

REMARKS: THIS RIGHT WHEN COMBINED WITH ANY OTHER RIGHTS SHALL NOT EXCEED A
DIVERSION RATE OF 0.02 CFS PER ACRE, A DIVERSION AMOUNT OF 3.0
AFY PER ACRE, NOR A VOLUME OF CONSUMPTIVE USE OF 2.5 AFY PER ACRE

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CARIBOU COUNTY

STATE OF IDAHO }
County of Caribou } ss.

I hereby certify that this instrument was filed at the request
of Department of Water Resources
at 10:00 o'clock A m this 5th day of
August, 1992 in my office and duly
recorded in Microfilm Records
Rebecca Jenkins-Smith
Stephanie Lansberry nel
Ex-Officio Recorder Deputy

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CARIBOU

In the Matter of General	)	Civil No. 2919
Determination of the Rights to	)	
the Use of Surface and	)	
Groundwater in the Bancroft-Lund	)	FINAL DECREE
Area.	)	

R. Keith Higginson, Director of the Idaho Department of Water Resources, filed a Motion for Final Decree on July 1, 1992, 1992. The motion came on for hearing July 28, 1992.

Based on the motion and the argument presented at hearing, the court finds and concludes as follows:

The Director's Report for the Bancroft-Lund Area was filed November 15, 1992. The court entered an Order Amending Report, which amended Finding of Fact No. 14 and Conclusions of Law 16 and 18, and amended the List of Claims/Rights Not Recommended.

Last Chance Canal Company and Utah Power & Light Company filed objections to the report.

The adjudication statute provides for entry of partial decree of uncontested matters, entry of further partial decrees as

necessary to resolve objections and final decree incorporating all partial decrees. Idaho Code §42-1412(8)(9)(10). A List of the Uncontested Portions of Director's Report has been filed with the court as required by Idaho Code §42-1412(9), and hearing on the partial decree of uncontested matters is set for July 28, 1992.

A Stipulation Resolving Objections of Utah Power & Light Company and Last Chance Canal Company has been filed with the court along with a motion seeking approval of the stipulation. Hearing on the motion was set for July 28, 1992, immediately preceding hearing on partial decree of uncontested matters. Upon entry of the order approving stipulation there were no contested matters remaining to be resolved. Therefore, no partial decrees are necessary and the court may proceed with entry of the final decree completing the Bancroft-Lund adjudication.

THEREFORE, IT IS HEREBY ADJUDGED AND DECREED that:

All rights to the use of surface and groundwater from the Bancroft-Lund Area are as described in the Director's Report, except that:

1. The Findings of Fact and Conclusions of Law attached hereto are substituted for the Findings of Fact and Conclusions of Law in the Director's Report.

2. List of Claims/Rights Not Recommended attached hereto are substituted for the List of Claims/Rights Not Recommended in the Director's Report.

DATED this 28th day of July, 1992.

151
DANIEL C. HURLBUTT
District Judge

MAY 14 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
FOR TRANSFER NO. 4560 (WATER)
RIGHT NO. 13-07161) IN THE NAME)
OF CARL B. OR PATRICIA JORGENSEN)
_____)

**ORDER DENYING
PETITION FOR
RECONSIDERATION**

Carl B. or Patricia Jorgenson (Jorgenson) filed a Petition for Reconsideration of a Final Order denying application for transfer no. 4560. Jorgenson alleges that the Final Order incorrectly holds that approval of the application for transfer would result in an enlargement of use. After reviewing the matter again, I find that approval of the application for transfer would result in application of water to more acres than were authorized by the original license, resulting in an enlargement of use.

IT IS HEREBY ORDERED that the Petition for Reconsideration of the Final Order denying application for transfer no. 4560 is DENIED.

DATED this 13th day of May, 1996.



KARL J. DREHER, Director

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MAY 21 1996

CERTIFICATE OF MAILING

I do hereby certify that on this 14th day of May, 1996, I mailed a true and correct copy, postage prepaid, of the foregoing ORDER DENYING PETITION FOR RECONSIDERATION to the following:

Carl B. or Patricia Jorgenson
1699 Lloyd Rd.
Bancroft, ID 83217

A. Bruce Larson
241 S. Main
Soda Springs, ID 83276

Warren P. Lloyd
Jennie G. Lloyd
Bancroft, ID 83217

David Lloyd
Lloyd Farms
1915 Lund Rd.
Bancroft, ID 83217

Deborah Drew-Ellis
Deborah Drew-Ellis

1996

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
FOR TRANSFER NO. 4560 (WATER)
RIGHT NO. 13-07161) IN THE NAME)
OF CARL B. OR PATRICIA JORGENSEN)
_____)

**FINAL
ORDER**

Carl B. or Patricia Jorgenson (Jorgenson) filed application for transfer no. 4560 with the Department of Water Resources (Department), proposing to move the place of use described by license no. 13-07161. The application for transfer was protested by Warren and Jennie Lloyd and by Lloyd Farms. David Lloyd signed on behalf of Lloyd Farms.

A hearing was conducted at the Pocatello Airport on November 2, 1995. Carl Jorgenson was present, and was represented by his attorney, A. Bruce Larsen. Warren and Jennie Lloyd also attended. No one appeared representing Lloyd Farms. As a result, Lloyd Farms' protest is set aside because of their failure to appear.

A recommended order, dated December 9, 1996, denied the application for transfer. Having reviewed the files and the recommended order, the Director of the Department issues the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. License no. 13-07161 authorizes diversion of ground water from a well located in the NWNW, Section 32, T9S, R40E, B.M. for the irrigation of 230 acres described as follows:

Place of Use				
Township	Range	Section	Parcel	Acres
9S	40E	29	SESW	38
			NENW	38
		32	NWNW	38
			SWNW	38
			SESW	40
			NWSW	38
			TOTAL	230

MAY 21 1996

2. Each of the one-sixteenth section parcels described above contain 40 acres. The license describes 38 acres irrigated instead of 40 acres irrigated within some of the 40 acre parcels because of boundary roads, rocks, or rough terrain to which water is not applied.

3. Carl Jorgenson testified he owns 240 acres that contain the 230 acres described as a place of use by license no. 13-07161. Approximately 41 acres of the 240 acres owned by Jorgenson contain rock piles or natural land features which are not tillable acres (hereafter referred to as "the nonproductive acres").

4. Jorgenson's irrigation system applies water to 30 of the 41 nonproductive acres. The beneficial use examiner recognized that nonproductive acres were being watered but included the nonproductive acres as part of the recommended place of use. The license describes some of the nonproductive acres as part of the place of use upon which the water was being beneficially used.

5. Application for transfer no. 4560 proposes to dry up 38 acres in the SESE of Section 29, 38 acres in the NWSW of Section 32, and the corners of a pivot located in the NW of Section 32, all located in T9S, R40E, B.M. The place of use proposed by the application for transfer is described as follows:

Place of Use				
Township	Range	Section	Parcel	Acres
9S	40E	31	NENE	30
			NWNE	32
			SWNE	33
			SENE	30
		32	NENW	30
			NWNW	28
			SWNW	20
			SENW	27
			TOTAL	230

6. Jorgenson testified that five to seven acres of the nonproductive acres which were previously watered would no longer be watered. He also testified that approximately 23 more acres of productive land would be irrigated than were previously irrigated.

7. A one-quarter mile radius circular pivot irrigation system similar to Jorgenson's pivot, located in the NW1/4 of Section 32, T9S, R40E, B.M. (hereafter referred to as Section 32), typically waters 125 to 135 acres. A low estimate of 128 irrigated acres is a factual assumption which benefits Jorgenson's proposal. A 128 acre circular pivot centered in a 160 acre

MAY 21 1996

parcel should water approximately 32 acres in each 40 acre parcel. This application for transfer should describe approximately 32 acres in each 40 acre tract.

8. The proposed place of use for each 40 acre parcel in the NW1/4 of Section 32 is less than 32 acres. The difference between 32 acres and what is proposed for a place of use in each of the 40 acre parcels is described below.

Township	Range	Section	Parcel	Acres under Pivot	Proposed POU	Difference
9S	40E	32	NENW	32	30	2
			NWNW	32	28	4
			SWNW	32	20	12
			SEnw	32	27	5
			TOTALS	128	105	23

9. At the hearing, Carl Jorgenson testified the application for transfer proposes to move water traditionally applied to the nonproductive acres described as a place of use by license no. 13-07161 to more productive lands. He also stated that water will continue to be applied to the nonproductive acres within Section 32, but the nonproductive acres will not be identified as a place of use by water right no. 13-07161.

10. The proposed place of use for the NW1/4 of Section 32 was derived by determining the number of productive, tillable acres irrigated by the pivot, even though the 23 nonproductive acres will continue to be watered as described by license no. 13-07161.

11. Jorgenson proposes to irrigate seven productive acres and abandon watering seven non-productive acres which were previously watered, presumably in the corners of the NW1/4 of Section 32. He also proposes to irrigate 23 new productive acres and ignore describing as a place of use the 23 non-productive acres in the NW1/4 of Section 32 which will continue to be watered.

12. Some water is consumed by evaporation and by natural growth when applied to the non-productive acres, but water consumption resulting from watering the nonproductive acres is less than consumption resulting from irrigation of productive acres.

13. Jorgenson owns 750 shares of Last Chance Canal Company water. The lands from which the water is being removed and the lands to which the water is proposed to be applied are served by the Last Chance Canal Company system. These lands were also described as lands irrigated by Last Chance Canal Company at the time license no. 13-07161 was approved.

14. The water is delivered to both the old place of use and the new place of use through a common system which commingles surface and ground water. Jorgenson stated he will construct the system so that surface water can be injected into the system delivering ground water

MAY 21 1996

but will install valves which will prevent delivery of ground water to lands not described by the ground water right that are irrigated by surface water delivered by Last Chance Canal.

CONCLUSIONS OF LAW

1. Idaho Code § 42-222 sets forth the criteria that the Department can consider in determining whether an application for transfer should be approved:

[T]he director of the department of water resources shall examine all of the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho, and is in the local public interest as defined in section 42-203A(5), Idaho Code; . . .

2. The applicant carries the burden of coming forward with evidence that his proposed transfer will not result in an enlargement of use, will not injure other water rights, and is consistent with conservation of water resources.

3. All parties carry the burden of coming forward with the evidence regarding matters of local public interest, but the applicant bears the burden to show that his proposal is in the local public interest, or that public interests which favor the proposal are of greater worth than the public interests with which it conflicts.

4. Transfer of water from 23 acres of a place of use to other lands, while continuing to apply water to the lands from which the water was to be removed is an enlargement of the right.

5. Transfer of water from seven acres of unproductive land to seven acres of productive land is an enlargement of use.

6. The proposed project will irrigate more acres than authorized by license no. 13-07161.

7. The Department should deny application for transfer no. 4560.

MAY 21 1996

ORDER

IT IS HEREBY ORDERED that application for transfer no. 4560 in the name of Carl B. or Patricia Jorgenson is DENIED.

Dated this 10th day of April, 1996.



KARL DREHER, Director

CERTIFICATE OF MAILING

I do hereby certify that on this 11th day of April, 1996, I mailed a true and correct copy, postage prepaid, of the foregoing FINAL ORDER to the following:

Carl B. or Patricia Jorgenson
1699 Lloyd Rd.
Bancroft, ID 83217

A. Bruce Larson
241 S. Main
Soda Springs, ID 83276

Warren P. Lloyd
Jennie G. Lloyd
Bancroft, ID 83217

David Lloyd
Lloyd Farms
1915 Lund Rd.
Bancroft, ID 83217



Deborah Drew-Ellis

MAY 21 1996

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Department of Water Resources

Jany

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In The Matter of Application For Transfer) PETITION FOR RECONSIDERATION
No. 4560 (Water Right No. 13-07161) in)
the name of Carl B. or Patricia)
Jorgenson)
_____)

COMES NOW Applicants Carl B. and Patricia Jorgenson and Petition the
Department of Water Resources for a reconsideration of that certain recommended order with the
service date of December 20, 1995.

1. Petitioners request that the hearing officer reconsider the facts and
testimony presented heretofore and specifically request that the hearing officer reconsider
Conclusions of Law numbered 5, 6, 7, and 8.

2. That this Petition is based upon the fact that the proposed transfer will not
increase the number of acres irrigated nor will there be any irrigation continuing to apply the
water to the lands from which the water was removed.

3. Petitioners further request that the hearing officer reconsider the
termination of an enlargement of use based upon watering productive land versus unproductive
land when the amount of water being used is not increased.

DATED this 4th day of January, 1996.

MAY 21 1996


A. BRUCE LARSON
Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the foregoing
PETITION FOR RECONSIDERATION to the following by the method indicated:

Department of Water Resources	(X)	U.S. Mail, Postage Prepaid
1301 N. Orchard St.	()	Overnight Mail
Statehouse Mail	()	Hand Delivery
Boise, ID 83720	(X)	Facsimile (208/327-7866)

DATED this 4th day of January, 1996.


A. BRUCE LARSON

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MAY 21 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 4560 (WATER)
RIGHT NO. 13-07161) IN THE)
NAME OF CARL B. OR PATRICIA)
JORGENSEN)

ORDER DENYING
PETITION FOR
RECONSIDERATION

The applicants, Carl B. or Patricia Jorgenson (Jorgenson), filed a petition for reconsideration of the Recommended Order issued by the Department. The petition alleges that there will not be an increase in the number of acres irrigated, and states that there will not be continuing irrigation of land from which the water is removed. The petition also states that the enlargement evaluation should not be based on a comparison of unproductive land watered versus productive land watered, but should simply focus on whether the amount of water being used is increased.

The Department of Water Resources considers three factors in determining whether there is an enlargement of use: (1) flow rate, (2) total volume of water diverted, and (3) total consumptive use of water. A primary method of determining total consumptive use is a comparison of the number of acres irrigated before the transfer, and the number of acres proposed to be irrigated if the application for transfer is approved. The historical use of water is also important in determining the consumptive use of water.

In his testimony, Jorgenson stated more acres will be irrigated if the transfer is approved. He also stated that non-productive acres which were described by the license, would continue to be irrigated, even though those acres would be counted as credit towards productive acres irrigated elsewhere. Both of these admissions fail the comparison of acreage test and the historical use of water test.

IT IS HEREBY ORDERED that Jorgensons's petition for reconsideration is DENIED.

Dated this 9th day of January, 1996.


Gary Spackman
Hearing Officer

MAY 21 1996

CERTIFICATE OF MAILING

I hereby certify that on this 9th day of January, 1996, I mailed a true and correct copy, postage prepaid, of the foregoing ORDER DENYING PETITION FOR RECONSIDERATION to the following:

Carl B. or Patricia Jorgenson
1699 Lloyd Rd
Bancroft ID 83217

Warren P. & Jennie G. Lloyd
Bancroft ID 83217

David Lloyd
Lloyd Farms
1915 Lund Rd
Bancroft ID 83217

A Bruce Larson
241 S Main
Soda Springs ID 83276

Kris Rhodes
Kris Rhodes

MAY 21 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 4560 (WATER)
RIGHT NO. 13-07161) IN THE)
NAME OF CARL B. OR PATRICIA)
JORGENSEN)
_____)

RECOMMENDED
ORDER

Carl B. or Patricia Jorgenson filed application for transfer no. 4560 with the Department of Water Resources (Department), proposing to move the place of use described by license no. 13-07161. The application for transfer was protested by Warren and Jennie Lloyd and by Lloyd Farms. David Lloyd signed on behalf of Lloyd Farms.

A hearing was conducted at the Pocatello Airport on November 2, 1995. Carl Jorgenson (Jorgenson) was present, and was represented by his attorney, A. Bruce Larsen. Warren and Jennie Lloyd also attended. No one appeared representing Lloyd Farms. As a result, Lloyd Farms' protest is set aside because of their failure to appear.

Evidence having been taken, and the record having closed, the hearing officer recommends the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. License no. 13-07161 authorizes diversion of ground water from a well located in the NWNW, S32, T9S, R40E. It also authorizes irrigation of 230 acres, described as follows:

Place of use

<u>Township</u>	<u>Range</u>	<u>Section</u>		<u>Acres</u>
9S	40E	29	SESW	38
		32	NENW	38
			NWNW	38
			SWNW	38
			SENW	40
			NWSW	38
				230 Total

2. Each of the parcels described above contain 40 acres. The license describes less than 40 acres irrigated within each of

RECOMMENDED ORDER - PAGE 1

MAY 21 1996

these parcels because of boundary roads and perhaps some unirrigated rocks or rough terrain.

3. Jorgenson testified he owns 240 acres of which 230 acres are authorized for irrigation. Approximately 41 acres of the 240 acres owned by Jorgenson contain rock piles or natural land features which are not tillable acres (hereafter referred to as "the nonproductive acres").

4. Jorgenson's irrigation system has applied water to the nonproductive acres. The licensing examiner recognized that nonproductive acres were being watered, but included the nonproductive acres within the recommended place of use. He also stated that some of the nonproductive acres were not watered where adjacent productive acres were irrigated with handlines. Some of the nonproductive acres were described by the license as part of the place of use upon which the water was being beneficially used.

5. Jorgenson testified that water was applied to 30 of the 41 nonproductive acres.

6. Application for transfer no. 4560 proposes to dry up 38 acres in the SESE of S29, T9S, R40E, 38 acres in the NWSW of S32, and the corners of a pivot located in the NW of S32, T9S, R40E. The place of use proposed by the application for transfer is described as follows:

Place of Use

<u>Township</u>	<u>Range</u>	<u>Section</u>		<u>Acres</u>
9S	40E	31	NENE	30
			NWNE	32
			SWNE	33
			SENE	30
		32	NENW	30
			NWNW	28
			SWNW	20
			SENW	27
				<u>230 Total</u>

7. Jorgenson testified that 5 to 7 acres of the nonproductive acres which had previously been watered would no longer be watered. He also testified that approximately 23 more acres would be irrigated than had previously been irrigated.

8. A 1/4 mile radius circular pivot irrigation system like Jorgenson's pivot typically waters 125 to 135 acres. A low estimate of 128 acres is a factual assumption which benefits Jorgenson's proposal. A 128 acre circular pivot centered in a

160 acre parcel should water approximately 128 acres, or 32 acres in each 40 acre parcel. One would expect that the application for transfer would describe approximately 32 acres in each 40 acre tract.

9. The proposed place of use for each 40 acre parcel in the NW1/4 of Section 32 is less than 32 acres. The difference between 32 acres and what is proposed for a place of use in each of the 40 acre parcels is described below.

<u>Twtnshp</u>	<u>Rng</u>	<u>Sec</u>	<u>Parcel</u>	<u>Acres under Pivot</u>	<u>Proposed POU</u>	<u>Diff</u>
9S	40E	32	NENW	32	30	2
			NWNW	32	28	4
			SWNW	32	20	12
			SEnw	32	27	5
			TOTALS	128	105	23

10. At the hearing, Carl Jorgenson testified that part of the purpose of the application was to move water traditionally applied to the nonproductive acres, described as a place of use by license no. 13-07161, to more productive lands. He also stated that the nonproductive acres within Section 32 will continue to be irrigated, but will not identified as a place of use by water right 13-07161.

11. The proposed place of use for the NW1/4 of Section 32 was derived by determining the number of productive, tillable acres irrigated by the pivot, even though the 23 nonproductive acres will continue to be watered as described by license no. 13-07161.

12. Jorgenson proposes to irrigate 7 productive acres and abandon 7 non-productive acres which were previously watered, presumably in the corners of the NW1/4 of Section 32, which will be taken out of production. He also proposes to irrigate 23 new productive acres, and ignore describing as a place of use the 23 non-productive acres in the NW1/4 of Section 32 which will continue to be watered.

13. Jorgenson owns 750 shares of Last Chance Canal Company water. The lands from which the water is being removed, and the lands to which the water is proposed to be applied, are served by the Last Chance Canal Company system. These lands were also described as lands irrigated by Last Chance Canal Company at the time license no. 13-07161 was approved.

14. The water is delivered to both the old place of use, and the new place of use through a common system which commingles surface and ground water. Jorgenson stated he will construct the

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system so that surface water can be injected into the system delivering ground water, but will install valves which will prevent delivery of ground water to lands not described by the ground water right, but are irrigated by surface water delivered by Last Chance Canal.

15. Some water is consumed by evaporation and consumptive use of natural growth when applied to the non-productive acres, but consumption resulting from watering of the nonproductive acres is less than consumption resulting from irrigation of productive acres.

CONCLUSIONS OF LAW

1. Idaho Code § 42-222 sets forth the criteria that the Department can consider in determining whether an application for transfer should be approved:

[T]he director of the department of water resources shall examine all of the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho, and is in the local public interest as defined in Section 42-203A, Idaho Code;

2. The applicant carries the burden of coming forward with evidence that his proposed transfer will not result in an enlargement in use, will not injure other water rights and is consistent with conservation of water resources.

3. All parties carry the burden of coming forward with the evidence regarding matters of local public interest, but the applicant bears the burden to show that his proposal is in the local public interest, or that public interests which favor the proposal are of greater worth than the public interests with which it conflicts.

4. The applicant bears the ultimate burden of proof regarding all issues.

5. Transfer of water from 23 acres of a place of use to other lands, while continuing to apply water to the lands from which the water was to be removed is an enlargement of the right.

6. Transfer of water from 7 acres of unproductive land to 7 acres of productive lands is an enlargement of use.

7. The proposed project will irrigate more acres than

MAY 21 1996

authorized by license no. 13-07161.

8. The Department should deny application for transfer no. 4560.

ORDER

IT IS HEREBY ORDERED that application for transfer no. 4560 in the name of Carl B. or Patricia Jorgenson is DENIED.

Dated this 19th day of December, 1995.


Gary Spackman
Hearing Officer

CERTIFICATE OF MAILING

I do hereby certify that on this 20th day of December, 1995, I mailed a true and correct copy, postage prepaid, of the foregoing RECOMMENDED ORDER to the following:

Carl B. or Patricia Jorgenson
1699 Lloyd Rd
Bancroft ID 83217

Warren P & Jennie G Lloyd
Bancroft ID 83217

David Lloyd
Lloyd Farms
1915 Lund Rd
Bancroft ID 83217

A BRUCE LARSON
241 S MAIN
SODA SPRINGS ID 83276


Kris Rhodes

RECOMMENDED ORDER - PAGE 5

MAY 21 1996

\$ 100% fee

Page 1 of 7STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4560APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant CARL B OR PARICIA JORGENSEN Phone 208/425-3953
Post Office address 1699 LLOYD RD, BANCROFT, ID 83217

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes APPLICANTS WISH TO MOVE PORTION OF WATER RIGHT ONTO MORE PRODUCTIVE LAND.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|------------------|--------------------|-------------------|---------------------------|
| <u>13-7161</u> | <u>4/15/1977</u> | <u>4.54</u> | <u>IRRIGATION</u> | <u>4/1</u> to <u>11/1</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 4.54 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water GROUNDWATER tributary to _____
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	32	9S	40E	CARIBOU	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9S	40E	31	30	32	33	30													125
		32					30	28	20	27									105

Total acres 230

PART 1

6. General Information:

a. Description of diversion system: WELL, PUMP, AND PIPELINES TO TWO CENTER PIVOTS

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ☒ Yes ☐ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

LAND WILL CONTINUE TO BE IRRIGATED WITH LAST CHANCE WATER. LANDS IN SEC 31 SHOWN IN THIS TRANSFER ARE PRESENTLY IRRIGATED WITH LAST CHANCE WATER AS WELL. NO NEW GROUND WILL BE IRRIGATED AS A RESULT OF THIS TRANSFER.

d. Remarks:

This duplicates the effects of transf # 3993 which expired in Nov 1992.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____

19 _____

MAY 21 1996

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 13-07161 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other QUIT CLAIM DEED

3. Source of water GROUNDWATER tributary to _____

4. Date or priority 4/15/1977

5. Water is used for the following purpose:

amount 4.54 for IRRIGATION purposes from 4/1 to 11/1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.54 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	32	9S	40E	CARIBOU	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9S	40E	29												38					38
		32					38	38	38	40		38							192

Total acres 230

9. Describe any other water rights used for the same purpose as described above SHARES IN LAST CHANCE

CANAL.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

• If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____

amount (cts/ac-ft) for purposes from to

amount _____ for _____ purposes from _____ to _____ (cfs/ac-ft)

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____ (cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____ (cfs/ac-ft)

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 13-07161

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	4.54 CFS	690.0 AF

SOURCE

GROUNDWATER

Priority: 04/15/1977

LOCATION OF POINT(S) OF DIVERSION:NWNW , Sec. 32, Township 09S, Range 40E
CARIBOU CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	40E	29	SESW 38			38
		32	NENW 38	NWNW 38	SWNW 38	
			SESW 40	NWSW 38		192
Total number of acres irrigated:						230

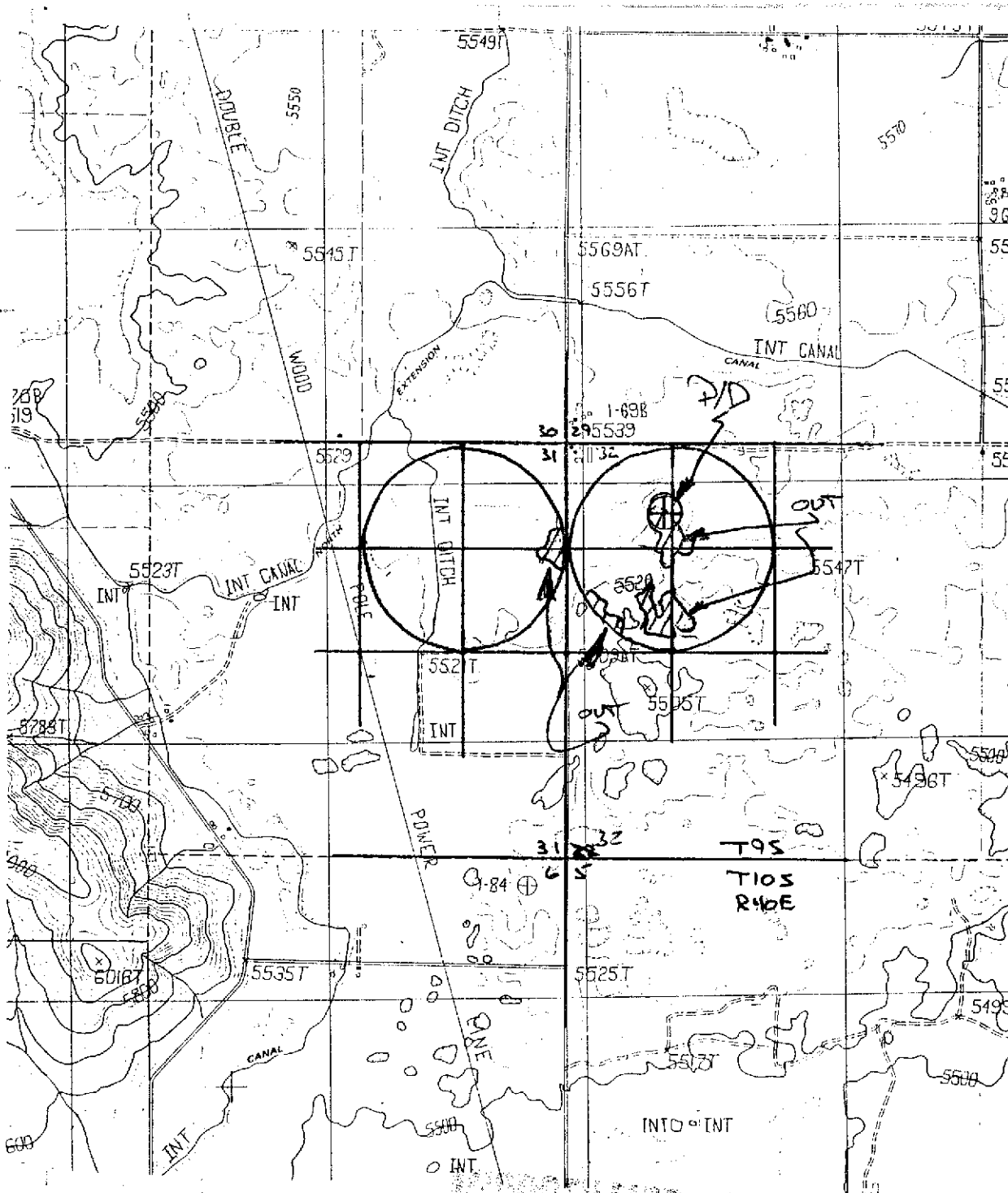
CONDITIONS/REMARKS:

1. THIS RIGHT WHEN COMBINED WITH ANY OTHER RIGHTS SHALL NOT EXCEED A DIVERSION RATE OF 0.02 CFS PER ACRE, A DIVERSION AMOUNT OF 3.0 AFY PER ACRE, NOR A VOLUME OF CONSUMPTIVE USE OF 2.5 AFY PER ACRE

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



MAY 21 1996

SCALE: inches equal 1 mile. Draw plan in ink.

MAY 21 1996

Copy of transfer sent to lien holder

rec'd.

by

Watermaster recommendation requested on

Recommended for

☐ approval ☐ denial

Pub. dates

March 12, 24, 1995

Received by

RB

Date

3-2-1995

Prelim. check by

Fee \$100.00 E020135

Received by

RB

Date

3-2-1995

pages and

7

attachments

FOR DEPARTMENT USE ONLY

My commission expires

4-13-2000

(Notary Public)

Subscribed and sworn to before me this

1st

(Signature of Applicant)

Carl J. [Signature]

day of

MARCH

19

95

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

3. Describe effects on other water uses resulting from the proposed change:

2. Quantity and quality of return flows and location of discharge:

Period of Use

Hours/days/year

Amount (cfs/ac-ft)

New Nature of Use

B. CHANGES IN NATURE OF USE

PART 3

Transfer No. 4560

Page 7 of 7

RECEIVED

AUG 10 1992

143995

FILED

'92 JUL 28 PM 1 56

CARIBOU COUNTY CLERK

STATE OF IDAHO }
County of Caribou } SS.

I hereby certify that this instrument was filed at the request
of Department of Water Resources
at 10:00 o'clock A m this 5th day of
August, 1992 in my office and duly
recorded in Microfilm Records
Rebecca Jenkins-Smith
Stephanie Lansberry nel
Ex-Officio Recorder Deputy

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CARIBOU

In the Matter of General	)	Civil No. 2919
Determination of the Rights to	)	
the Use of Surface and	)	
Groundwater in the Bancroft-Lund	)	FINAL DECREE
Area.	)	

R. Keith Higginson, Director of the Idaho Department of Water Resources, filed a Motion for Final Decree on July 1, 1992, 1992. The motion came on for hearing July 28, 1992.

Based on the motion and the argument presented at hearing, the court finds and concludes as follows:

The Director's Report for the Bancroft-Lund Area was filed November 15, 1992. The court entered an Order Amending Report, which amended Finding of Fact No. 14 and Conclusions of Law 16 and 18, and amended the List of Claims/Rights Not Recommended.

Last Chance Canal Company and Utah Power & Light Company filed objections to the report.

The adjudication statute provides for entry of partial decree of uncontested matters, entry of ~~further partial~~ decrees as

FINAL DECREE, Page 1

MAY 14 1996

JUN 02 2004

necessary to resolve objections and final decree incorporating all partial decrees. Idaho Code §42-1412(8)(9)(10). A List of the Uncontested Portions of Director's Report has been filed with the court as required by Idaho Code §42-1412(9), and hearing on the partial decree of uncontested matters is set for July 28, 1992.

A Stipulation Resolving Objections of Utah Power & Light Company and Last Chance Canal Company has been filed with the court along with a motion seeking approval of the stipulation. Hearing on the motion was set for July 28, 1992, immediately preceding hearing on partial decree of uncontested matters. Upon entry of the order approving stipulation there were no contested matters remaining to be resolved. Therefore, no partial decrees are necessary and the court may proceed with entry of the final decree completing the Bancroft-Lund adjudication.

THEREFORE, IT IS HEREBY ADJUDGED AND DECREED that:

All rights to the use of surface and groundwater from the Bancroft-Lund Area are as described in the Director's Report, except that:

1. The Findings of Fact and Conclusions of Law attached hereto are substituted for the Findings of Fact and Conclusions of Law in the Director's Report.

2. List of Claims/Rights Not Recommended attached hereto are substituted for the List of Claims/Rights Not Recommended in the Director's Report.

DATED this 28th day of July, 1992.

151
DANIEL C. HURLBUT
District Judge

MAY 14 1996

MICROFILMED
JUN 02 2004

STATE OF IDAHO)
)
COUNTY OF CARIBOU) ss.

I, Rebecca A. Jenkins, Clerk of the District Court of the Sixth Judicial District of this State of Idaho, in and for the County of Caribou, do hereby certify the foregoing to be a full, true and correct copy of the Judgment duly made and entered on the minutes of the said District Court in the above entitled action, and that I have compared the same with the original, and the same in a correct transcript therefrom, and or the whole thereof.

ATTEST, my hand and the Seal of said District Court this 28th day of July 1992.

REBECCA JENKINS-SMITH, Clerk

by: Keda Mascarenas
Deputy Clerk

CRH1A

MICROFILMED

MAY 14 1996

MICROFILMED

JUN 02 2004

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

AJ5856NP

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
-----------------	----------------	------------------	----------------	--------------------------	---------------------	----------------

SOURCE: GROUNDWATER

13-07161	U.S. DEPT. OF AGRICULTURE FARMERS HOME ADMINISTRATION 159 E. 2ND S. #3 SODA SPRINGS ID 83276	04/15/1977	IRRIGATION	04-15 10-15	4.54 690.0	CFS AFY
----------	---	------------	------------	-------------	---------------	------------

POINT OF DIVERSION:
T09S R40E S32
PLACE OF USE: IRRIGATION

SESW 38.0
NENW 38.0
NWSW 38.0

SENW 40.0

230.0 ACRES TOTAL
REMARKS: THIS RIGHT WHEN COMBINED WITH ANY OTHER RIGHTS SHALL NOT EXCEED A
DIVERSION RATE OF 0.02 CFS PER ACRE, A DIVERSION AMOUNT OF 3.0
AFY PER ACRE, NOR A VOLUME OF CONSUMPTIVE USE OF 2.5 AFY PER ACRE

29-07387	U.S. DEPT. OF AGRICULTURE FARMERS HOME ADMINISTRATION 159 E. 2ND S. #3 SODA SPRINGS ID 83276	04/18/1977	IRRIGATION	04-15 10-15	3.2 480.0	CFS AFY
----------	---	------------	------------	-------------	--------------	------------

POINT OF DIVERSION:
T09S R40E S08
PLACE OF USE: IRRIGATION

NWSE

160.0 ACRES TOTAL
REMARKS: THIS RIGHT WHEN COMBINED WITH ANY OTHER RIGHTS SHALL NOT EXCEED A
DIVERSION RATE OF 0.02 CFS PER ACRE, A DIVERSION AMOUNT OF 3.0
AFY PER ACRE, NOR A VOLUME OF CONSUMPTIVE USE OF 2.5 AFY PER ACRE



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 20, 2000

CARL B JORGENSEN
PATRICIA JORGENSEN
1699 LLOYD RD
BANCROFT ID 83217

RE: Change of Ownership for Decreed Water Right 13-07161

Dear Mr. & Mrs. Jorgensen:

The department acknowledges receipt of correspondence changing ownership of the above referenced decreed water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

JP Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

APR 13 2000

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APR 26 1996

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In The Matter of Application For Transfer) PETITION FOR RECONSIDERATION
No. 4560 (Water Right No. 13-07161) in)
the name of Carl B. or Patricia)
Jorgenson)
_____)

COMES NOW Applicants Carl B. and Patricia Jorgenson and Petition the
Department of Water Resources for a reconsideration of that certain Final Order dated April 10,
1996 and served on April 11, 1996.

1. The Petitioners request that the Director of the Department of Water
Resources reconsider the facts and testimony presented as it relates to conclusions of law nos. 4,
5, 6, 7, of the final order issued herein on the 10th day of April, 1996.

2. Petitioners assert that the testimony and facts presented in this matter show
that there would not be enlargement of the proposed use of the water. License No. 13-07161
specifically allowed Petitioners to water stated number of acres.

Even though a portion of that acreage originally used was not productive the
license had authorized the irrigation of the same. There is no factual evidence presented which
would show that any enlargement occurs transferring this right based upon productivity of the
land.

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The essence of the finding is that in order to transfer a authorized, licensed use of water that it would be necessary to make a determination as to the productivity of the properties in question. A second factor is that the same amount of water would be used regardless of if it applied to productive or non-productive acreage.

Petitioners further assert that the issue of unproductive lands being watered is not significant in regard to the actual use of the water. In the application of water from 7 acres of unproductive land to 7 acres of productive land does not harm any other use or as a matter of law create an enlargement of use.

DATED this 25th day of April, 1996.

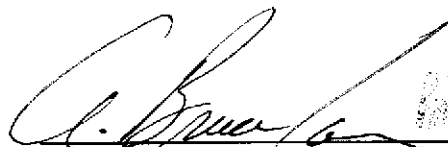

A. BRUCE LARSON
Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the foregoing PETITION FOR RECONSIDERATION to the following by the method indicated:

Department of Water Resources	☐	U.S. Mail, Postage Prepaid
1301 N. Orchard St.	☒	Overnight Mail
Statehouse Mail	☐	Hand Delivery
Boise, ID 83720	☒	Facsimile (208/327-7866)

DATED this 25th day of April, 1996.


A. BRUCE LARSON
MAY 21 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

COPY

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 11, 1996

RE: In the matter of Application for Transfer No. 4560 (Water Right No. 13-07161) in the name of Carl B. Or Patricia Jorgenson

Dear Interested Parties:

The accompanying order is a "Final Order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

- (1) If the presiding officer is the agency head, the presiding officer shall issue a final order.
- (2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.
- (3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.
- (4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.
- (5) Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
 - (a) the petition for reconsideration is disposed of; or
 - (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.
- (6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

MAY 21 1996

(7) A non-party shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



Gary Spackman

Encl.

MAY 21 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 20, 1995

RE: In the matter of Application for Transfer No. 4560 (Water Right No. 13-07161) in the name of Carl B. or Patricia Jorgenson

Dear Interested Party:

The accompanying order is a "recommended order" issued by the department pursuant to Section 67-5243, Idaho Code. The provisions of this order will not become effective until the Director issues a final order in this matter.

Each party to these proceedings who appeared at the hearing may file a petition for reconsideration, briefs and exceptions to the recommended order and may request oral argument before the Director of the department as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a recommended order with the hearing officer issuing the order within fourteen (14) days of the service date of the order. The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of a recommended order and may file briefs in support of the party's position on any issue in the proceeding. Written briefs in support of or taking exceptions to the recommended order shall be filed with the Director. Opposing parties shall have twenty-one (21) days to respond.

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ORAL ARGUMENT

The Director may schedule oral argument in the matter before issuing a final order. Oral argument on exceptions to a recommended order shall be heard at the discretion of the Director. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the recommended order shall be served on all other parties to these proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The agency may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

APPEAL OF FINAL ORDER TO DISTRICT COURT

A party aggrieved by a final order of the Director is entitled to judicial review in compliance with Sections 67-5271 through 67-5279, Idaho Code.

Sincerely,



L. Glen Saxton
Chief, Water Allocation Bureau

Enclosure

cc: IDWR - Region

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MAY 21 1986

Exhibits

<u>Apphc</u>	# 1	_____	<u>accepted</u>
	# 2	_____	stipulated
			stipulated

<u>Protestant</u>	# 1	_____	Stipulated
-------------------	-----	-------	------------

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MAY 21 1996

SS
105



13-02198

13-07005

355400

Talk to a...

forms...

transfer to...

HEL

355

1199

HEL

37.1
CRP 244
1987-1998

HEL

T1013

419

30

31

3

1037

HEL

2

699

HEL

690

102:8

HEL

T1403

2

673

417

15

31

5

HEL

MAY 21 1996

HEL

EXHIBIT
AOLC
#2



1540.



RECORDED
MAY 21 1956

750
 33
 2250
 2050
 2475.9
 2227.50 gal

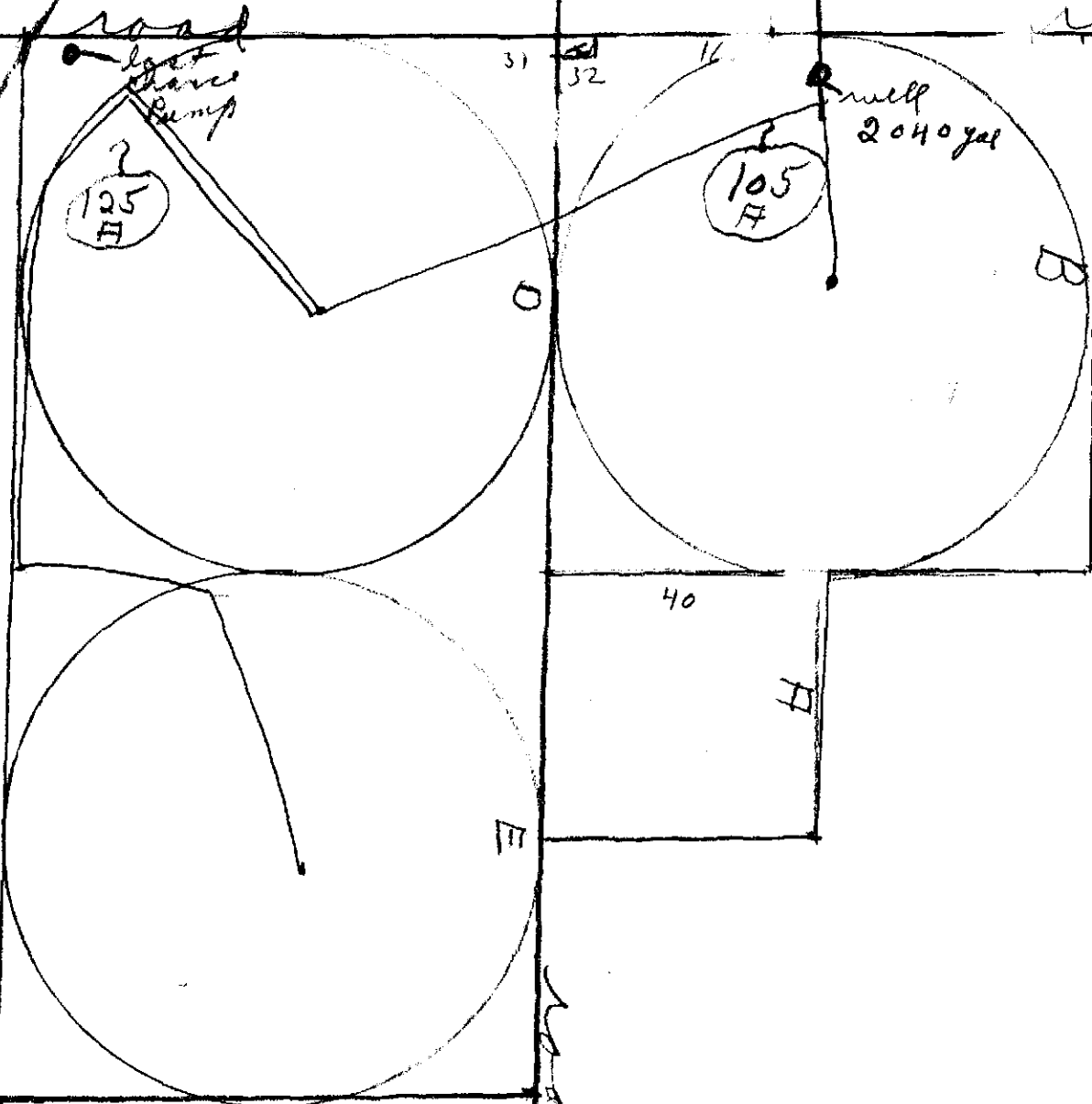
N.E. Canal

750 shares

40 acres

Section 32

Section 31



MAY 21 1996



~~CONFIDENTIAL~~
Carl Jorgensen Hearings
12-3-1995 (#4560 transF)

Tape #
51-602

Carl Jorgensen (Testimony)
" " (Cross-examine)
by Warren Lloyd

623-1837

1838-1860

1861-1945

1950-2658

2660-2900

2906-3039

3044-3271

3290-3319

3321-3431

Spackman clarification
Carl Jorgensen (Redirect by Bruce Larsen)
" " (Cross-examine)
" " (Redirect by Bruce Larsen)
" " (Redirect by Warren Lloyd)
" " (Questions by Gary Spackman)
" " (Redirect by Bruce Larsen)
" " (Redirect by Warren Lloyd)

3465-⁴⁸⁰⁰~~4800~~

4801-~~4920~~

4940-

Warren Lloyd (Testimony)
Gary Spackman explanation
" " "

RECORDED

MAY 21 1996

Carl Jorgensen hearing
November 2, 1995

Change POU described by B-7161
groundwater right

No change in POD - in NWNW Sec. 32 T9S R40E

Protested by Warren Lloyd & Jennie Lloyd
by Lloyd Farms (David Lloyd)

Carl Jorgensen -

Water acquired - irrigated in 1977 -
Original POU NWNW -

Authorized to irrigate 230 acres -
No other water irrigates the POU ?
What about Last Chance

Wells within a mile of his wells - irrigation
Duane Christensen may have a well

Look at / 102. tillable acreage in present system
Exhibit 1 / + 33.3
135.3 - tillable - balance of acreage is
not tillable.

Exhibit 2 contains the proposed POU
Wants to transfer 105 acres from the
old site to the new site -
Part already irrigated

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APP.
System marking on Exhibits 1 & 2
#1 canal #2 pump site & #3 well location
Not increasing water -
Wants to use water he hasn't been using
Water has been pumped on non tillable
acreage -
Will dry farm land leaving
No increase in irrigated acreage

Well water vs. surface water - Last year
used canal water first -
Should he be required to use
Doesn't think he will injure anyone

Less of an impact than what he was doing
otherwise -

X-Exam

Conserve water because of well water use -
Has pumped
Used well water on D -
Used well water on D since ~~filing~~
~~application~~ 1992
Commingled GW & SW for
used well water on D because he
didn't have enough -
Uses canal water elsewhere

MAY 21 1996

750 shares of Last Chance -

How many shares - 600 shares of water
on that farm -

Summer fallow A & all the corners
Will water C out of the well

Circle D - what are total acres irrigated -
137.4 acres -

~~Reddit~~ -

Parcel A irrigated in 1991 & prior to
that -

No of the 230 acres - how many acres
of rock piles -

$$\begin{array}{r} 102.8 \\ 33.3 \\ 41. \\ \hline 177.1 \end{array}$$

41 acres of rock piles - within the 240
acres -

Will continue to irrigate rock piles -
piles

Less well water used?

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Redirect by Larsen

Total acreage purchased 240 acres -
Right to 230 acreage

Rock piles in D = not as many here -
Has some rocks

Was he irrigating all 41 rock pile
acreage

10 acres included a portion of the
rock piles -

30 acres of rock piles under irrigation -
Not near as many

Would gain an additional 30 tillable
acres over prior irrigation

5-6 acres of rock piles -

Then Larsen said 6-7 acres -

Approximately 23 acres more after
transfer.

MICROFILMED

MAY 21 1996

Warren Lloyd 275 acres

Can only get canal water once a day -
~~Gets~~ Surface water doesn't get there

~~2~~

1

MICROFILMED

MAY 21 1996

HEARING CONFERENCE
FOR
CARL B. OR PATRICIA JORGENSEN

9:30 A.M.
NOVEMBER 2, 1995
POCATELLO AIRPORT
POCATELLO, ID

NAME

REPRESENTING

ADDRESS

Keith Jorgensen	Carl	503 Bench Loop Rd. Coeur, ID.
Jerry Jorgensen	Carl	1928 Old HWY 30 Barcroft, ID.
Call Jorgensen	Self.	1699 Lloyd Road
A. Bruce Jorgensen	Carl J.	241 S. Main Soda Springs
Warren P. Lloyd	self	1475 Mountain Road
Gerrit L. Lloyd	self	1475 Mountain Road Barcroft, ID. 83217

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MAY 21 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)	
TRANSFER NO. 4560 IN THE NAME OF)	NOTICE OF
<u>CARL B OR PATRICIA JORGENSEN</u>)	HEARING

On March 2, 1995, Carl B. or Patricia Jorgenson filed with the Department of Water Resources application for Transfer No. 4560. On March 28 1995, the application was protested by Warren P. & Jennie G. Lloyd, and on April 3, 1995, it was protested by David Lloyd of Lloyd Farms.

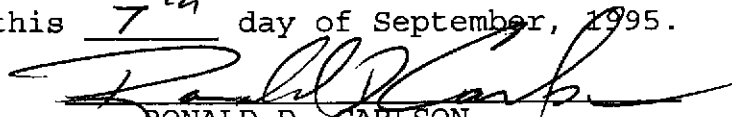
The Department has now scheduled the matter for hearing on November 2, 1995, at 9:30 a.m., at the Pocatello Airport, Pocatello, ID.

The hearing will be held in accordance with the provisions of the adopted Rules of Procedure of the Department of Water Resources.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the Department within ten (10) days prior to the hearing.

Dated this 7th day of September, 1995.


RONALD D. CARLSON
Regional Manager

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MAY 21 1996

I hereby certify that on the 8th day of September, 1995, I mailed a true and correct copy, postage prepaid, of this document to the applicants (s) and protestant (s) listed below:

Rita Bodell
RITA BODELL
Secretary

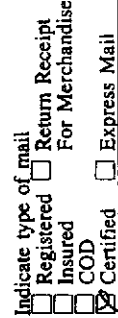
Certified

CARL B. OR PATRICIA JORGENSEN
1699 LLOYD RD.
BANCROFT, ID 83217

WARREN P. OR JENNIE G. LLOYD
BANCROFT, ID 83217

DAVID LLOYD
LLOYD FARMS
1915 LUND RD.
BANCROFT, ID 83217

MAY 21 1996



5	Total Number of Pieces Received at Post Office	POSTMASTER, PER (Name of receiving employee ²)	The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$500 for COD and \$500 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels.

INTER-DEPARTMENT MEMO

TO: Tr. 4560

SUBJECT: _____

FROM: HWT

DATE: 6-5-95

Pre-hearing conf. was inconclusive → applicant asked
that transfer be put on hold

RECEIVED

() For your information

MAY 21 1996

() Response required

signature

PREHEARING CONFERENCE
FOR
CARL B. OR PATRICIA JORGENSEN

9:30 A.M.
JUNE 1, 1995
POCATELLO AIRPORT
POCATELLO, ID

NAME

REPRESENTING

ADDRESS

Carl Jorgensen		1699 Lloyd Road
Serry Jorgensen		Bancroft ID. 83217
		1958 old HWY 30 Bancroft, Id. 83217
Keith Jorgensen	503 Bench Lake Rd.	Grace, Id. 83241
Keith Lloyd		1917 Lund Road Bancroft Idaho
Karen Lloyd		1475 Mountain Rd. Bancroft Id.
Gennie Lloyd		1475 Mt Rd Bancroft Id 83217
David Lloyd		1625 Lund Rd Bancroft ID 83217

MAY 21 1995

Conf. on Tr. 4560, Carl Jorgensen
June 1, 1995

Applicant - wishes to change place of use to match existing places of use.

Protestant - Warren Lloyd feels that applicant will irrigate more acres than original because of rock piles on original place of use. By shifting place of use real acres are picked up + potentially more acres are irrigated.

Also interconnection of mainline bottoms Protestant in that he feels applicant will use well water in areas not covered

Also area (33 acres) north of East pivot is watered by well + needs to be covered by a transfer.

Need opinion on "rock" areas located + what future manipulations will be.

MAY 21 1996

TRANSFER APPLICATION
13-07161.

1 JUNE 95.

APPLICANT - CARL JORGENSEN. SELF.

ERNE C
HAROLD J.

PROTESTANTS -

- KEITH LLOYD }
DAVID LLOYD. } OF LLOYD FARMS. SELF
- Warren Lloyd - - SELF.

ISSUE B9 illuminating rock piles that have always been irrigated and still be irrigated but not included as irrigated acres - the place of use will be increased.

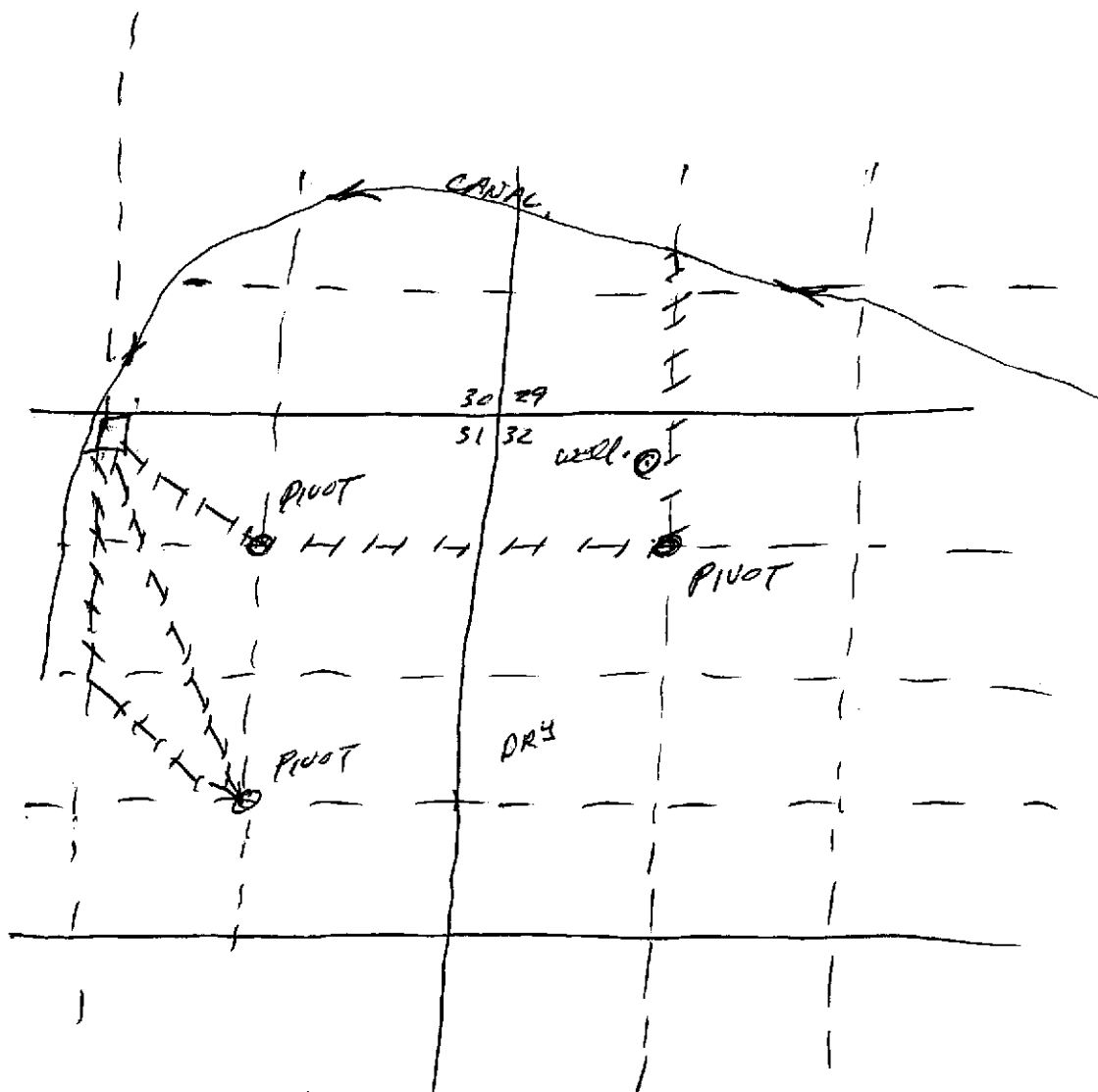
Applicant decided to postpone action on application until 2nd transfer application can be filed to cover ~~the~~ 33 acres in SE SW 500 29.

Carl acknowledged that no groundwater is to be used on pivot in NE 531 ~~and~~ while this application is on hold. Only well water can be used on SE SW 529. Both sources can be used on pivot in NW 532.

INDEXED

MAY 21 1996

Application for extension of time to avoid for future needs to be filed for NW SW 532.



(connected with surface water).

Ground water can go to pivot in NE 331, NW 332 and SE 330 329.

• SW 331 can only get water ~~with~~ from canal.

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MAY 21 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 4560) NOTICE OF
IN THE NAME OF CARL B OR) PREHEARING CONFERENCE
PATRICIA JORGENSEN)

On March 2, 1995, Carl B. or Patricia Jorgenson filed with the Department of Water Resources application for transfer of water rights No. 4560. On March 28, 1995, the application was protested by Warren P. & Jennie G. Lloyd, and on April 3, 1995, it was protested by David Lloyd of Lloyd Farms.

The Department has scheduled the matter for a prehearing conference at 9:30 a.m. on June 1, 1995, at the Pocatello Airport, Pocatello, ID, in accordance with the provisions of the adopted Rules of Procedure of the Department of Water Resources.

Agenda items for this prehearing conference will include:

1. Identify spokesman and/or counsel representing the protestant.
2. Review of the application.
3. Identify issues of protest.
4. Designate date for identifying witnesses.
5. Designate target date for conducting administrative hearing if resolution is not possible during the prehearing conference.

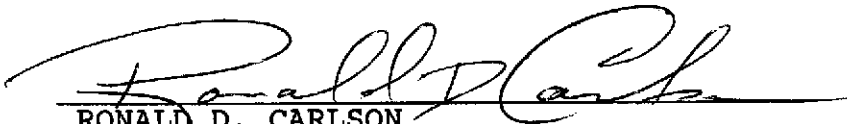
The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act.

NOTICE OF PREHEARING CONFERENCE 1

MAY 21 1996

If you require special accommodations in order to attend, participate in or understand the conference, please advise the Department within ten (10) days prior to the conference.

Dated this 30th day of April, 1995.


RONALD D. CARLSON
Regional Manager

NOTICE OF PREHEARING CONFERENCE 2

RECEIVED
MAY 21 1996

I hereby certify that on the 1st day of ^{May}~~April~~, 1995, I mailed a true and correct copy, postage prepaid, of this document to the applicants (s) and protestant (s) listed below:


RITA BODELL
Secretary

Certified

CARL B. OR PATRICIA JORGENSEN
1699 LLOYD RD
BANCROFT, ID 83217

WARREN P. & JENNIE G. LLOYD
BANCROFT, ID 83217

DAVID LLOYD
LLOYD FARMS
1915 LUND RD
BANCROFT, ID 83217

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MAY 21 1996

Receipt # E020841

Lloyd Farms
1915 Lund Road
Bancroft, Idaho 83217

RECEIVED
APR 9 1995

Department of Water Resources
Eastern District Office

April 1, 1995

Dear Sir: Re: Protest of Permit #13-07161

This letter is in protest to the following application for
water permit transfer:

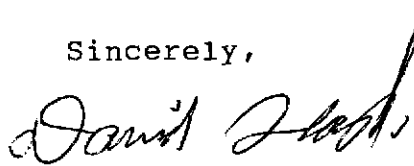
Application #13-07161 Proposed change of
water right #4560 by Carl and Patricia Jorgensen.

The reasons for this protest are listed below:

1. The proposed change would tie Last Chance Canal Water with well water and it would be hard if not impossible to check the amount of water being used from the well.
2. This well is within one mile of our well which has an earlier permit. Our well has serious water problems. In July we can only run four or five hours out of the twenty-four.
3. The proposed change would put him over his legal irrigated acres.
4. This area has serious water problems. Each change takes more water. More applications are likely to come in for water changes which will also make a bad situation worse.

We will withdraw this protest if he will separate the canal system from the well system and drop corner irrigation under pivot so that he does not go over legal irrigated acree this well permit has.

Sincerely,



Lloyd Farms

MAY 21 1996

March 24, 1995
Warren P. Lloyd
Bancroft ID 83217

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MAR 28 1995

Department of Water Resources
Eastern District Office

Idaho Dept. Water Resources
900 N. Skyline Drive
Idaho Falls ID 83402

To Whom it may concern:

We Protest the application of the proposed change of water right license number 13-07161. Which has been applied for by Carl B. and Patricia Jorgenson, 1699 Lloyd Road Bancroft ID 83217.

After considering the facts presented in the notice of proposed change of a water right number 4560, published in the Caribou County Sun March 16 & 23, 1995, we feel Mr. Jorgenson will be irrigating more acres than his license permits. This will contribute to the well interference and the diminishing ground water problems that already exist in this area.

We are enclosing a protest fee of \$25.00 and also sending a copy of the protest to Mr. & Mrs. Jorgenson.

Warren P. Lloyd
Jennie G. Lloyd

Warren P. Lloyd
Jennie G. Lloyd

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MAY 21 1996

INTER-DEPARTMENT MEMO

TO: Jorgensen Trans.

SUBJECT: _____

FROM: _____

DATE: 3-30-95

Conversational memo - Warren Lloyd says that the
pivots are already in place & have traditionally
been irrigating more than 230 acres.

Mr Lloyd has requested a hearing.

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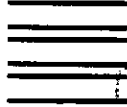
MAY 21 1996

() For your information

() Response required

J. W. Jones
signature

UNITED STATES POSTAL SERVICE



Official Business

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

MAY 04 1995

MAY 21 1996

Department of Water Resources
Eastern District Office

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

Is your **RETURN ADDRESS** completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

WARREN & JENNIE LLOYD
BANCROFT, ID 83217

4a. Article Number

1280

4b. Service Type

- ☐ Registered ☐ Insured
- ☒ Certified ☐ COD
- ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

6. Signature (Agent)

UNITED STATES POSTAL SERVICE

Official Business

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PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

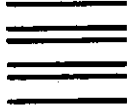
MAY 04 1995

Department of Water Resources
Eastern District Office

MAY 21 1996

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402



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- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

CARL OR PATRICIA JORGENSEN
1699 LLOYD RD.
BANCROFT, ID 83221

MAY 1996

4a. Article Number

1279

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

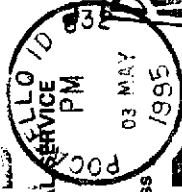
8. Addressee's Address (Only if requested and fee is paid)

I also wish to receive the following services (for an address fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery
Consult postmaster for fee.

Signature (Addressee)
Signature (Agent)

UNITED STATES POSTAL SERVICE



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U.S. MAIL
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO

MAY 04 1995

MAY 21 1996

Department of Water Resources
Eastern District Office

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402



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- Attach this form to the front of the mailpiece, or on the back if space does not permit.

- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

MERRILL BROWER & SONS, INC.
WILLIAM A. ROBINSON
PO BOX 147
METONIA, ID 83452

5. Signature (Addressee)

William A. Robinson

6. Signature (Agent)

4a. Article Number

1277

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

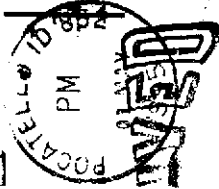
05-03-95

8. Addressee's Address (Only if requested and fee is paid)

I also wish to receive the following services (for an address fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery
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MAY 04 1985

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300



MAY 21 1986

Department of Water Resources
Eastern District Office

Print your name, address and ZIP Code here

- DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

Is your **RETURN ADDRESS** completed on the reverse side?

SENDER:

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- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive following services (for an fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

RICHARD BRIGGS
BOX 68
TETONIA, ID 83452

4a. Article Number

1 278

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

05-03-95

5. Signature (Addressee)

6. Signature (Agent)

Richard Briggs

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991

★ U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business

RECEIVED

Penalty for Private
to Avoid Payment
of Postage, \$300



MAY 04 1995

Department of Water Resources

District Office

Print name, address and ZIP code here

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

900 N. SKYLINE DR.

IDAHO FALLS, IDAHO 83402

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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3. Article Addressed to:

DAVID LLOYD
LLOYD FARMS
1915 LUND RD
BANCROFT, ID 83217

MAY 12 1991

4a. Article Number

1281

Service Type

- ☒ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

6. Signature (Agent)

David Lloyd
 PS Form 3811, December 1991 U.S.D.P.O. : 1992-307-530

I also wish to receive following services (for an fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

8. Addressee's Address (Only if requested and fee is paid)

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

NAME AND ADDRESS OF SENDER		Indicate type of mail		Check appropriate block for Registered Mail:		Affix stamp here if issued as certificate of mailing or for additional copies of this bill.	
		☐ Registered ☐ Insured ☐ COD ☒ Certified	☐ Return Receipt For Merchandise ☐ Express Mail	☐ With Postal Insurance ☐ Without Postal Insurance	POSTMARK AND DATE OF RECEIPT		
Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Handling Charge	Act. Value (If Regis.)	Insured Value	Rest. Del. Fee
1	1277	Merrill Brower or William Robinson PO Box 144 Tetonia 83452	32 / 10				
2	1278	Richard Briggs Box 68 Tetonia 83452					
3	1279	Carl or Patricia Jorgenson 1699 Lloyd Rd. Bancroft 83219					
4	1280	Warren P. or Jennie Lloyd Bancroft 83219					
5	1281	David Lloyd 1915 Lund, Bancroft 83219					
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							

Stamp: MAY 21 1996

Stamp: MAY 1 1996

Total number of Pieces Listed by Sender	5
Total Number of Pieces Received at Post Office	FIVE
POSTMASTER, PER (Name of receiving employee)	JO MARR

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$500 for COD and \$500 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels.

Affidavit of Publication

County of Caribou }
State of Idaho } ss.

Mark Steele

being first duly sworn on his
oath, states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County that said
newspaper has been published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

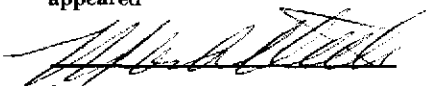
That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

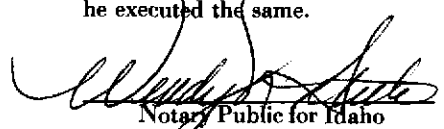
for 2 successive weekly
issues thereof, the date of the
first publication being the

16th day of
March, 1995

The date of the last publication
being the 23rd day of
March, 1995

On this 3rd day of April
in the year of 1995 before
me, a Notary Public, personally
appeared


known or identified to me to be the
person whose name subscribed to
the within instrument, and being
by me first duly sworn, declared
that the statements therein are
true, and acknowledged to me that
he executed the same.


Notary Public for Idaho
Residing at Soda Springs, Idaho
My commission expires:

March 11, 2000

PUBLIC NOTICE

First Time Published

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT

NO. 4560

Notice is hereby given that Carl
B. or Patricia Jorgenson, 1699
Lloyd Road, Bancroft, ID 83217,
has applied to the Department of
Water Resources to change place of
use of the waters of a groundwater
source. The right sought to be
changed is evidenced by a license
and recorded as follows:

No.: 13-07161

Source: Groundwater

Amount: 4.54 cfs

Priority: 4/15/1977

Point(s) of Diversion: NWNW,
SEC 32, T09S, R40E, Caribou
County

The water is used for irrigation
from 04/01 to 11/01 within the
SESW, SEC 29, NW 1/4, NWSW,
SEC 32, T09S, R40E.

TO BE CHANGED AS FOLLOWS:

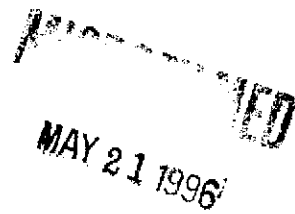
The water will be used within
the NE 1/4, SEC 31, NW 1/4, SEC
32, T09S, R40E, B.M.

Any protests against approval of
the proposed change must be filed
with the Idaho Department of
Water Resources, 900 N. Skyline
Dr., Idaho Falls, ID 83402, together
with a protest fee of \$25 on or
before April 3, 1995. The protestant
must also send a copy of the protest
to the applicant.

R. Keith Higginson

Director

Published in the Caribou County
Sun on March 16 and 23, 1995.


MAY 21 1996

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 4560

Notice is hereby given that Carl B. or Patricia Jorgenson, 1699 Lloyd RD., Bancroft, ID 83217, has applied to the Department of Water Resources to change place of use of the waters of a groundwater source. The right sought to be changed is evidenced by a license and recorded as follows:

No.: 13-07161 Source: groundwater
Amount: 4.54 cfs Priority: 4/15/1977
Point(s) of Diversion: NWNW, SEC 32, T09S, R40E, Caribou County
The water is used for irrigation from 04/01 to 11/01 within
the SESW, SEC 29, NW1/4, NWSW, SEC 32, T09S, R40E,

TO BE CHANGED AS FOLLOWS:

The water will be used within the NE1/4, SEC 31, NW1/4, SEC 32, T09S, R40E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of \$25 on or before April 3, 1995. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson
Director

*Published in the Caribou County Sun on MARCH 17 & 24, 1995

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MAY 21 1996

3-3-95
3-3-95-HWT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWT

1. Right number 13-07161 Applicant Carl or Patricia Jorgenson
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Other 13-2161

4. Check:
- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:
- a. ☒ All of right.
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- c. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use.
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☒ Check for correct signature, notarization, and fee.
- g. ☐ Check proof of ownership of right &/or land from which water is transferred. Need tax notice
- h. ☒ Check for expansion in use of right. Comments _____

- i. ☐ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) NA.

- j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No

If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☒ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* _____

4. By _____ Date _____



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

April 18, 1995

CARL B OR PATRICIA JORGENSEN
1699 LLOYD RD
BANCROFT ID 83217

RE: Application for Transfer No. 4560

Dear Mr. & Mrs. Jorgenson:

Enclosed is a copy of a protest filed against the issuance of a permit. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for transfer (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

RECEIVED

APR 21 1995

Carl B. or Patricia Jorgenson
Page 2

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

pc: IDWR - STATE OFFICE
enc

RECEIVED
MAY 21 1986



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

April 18, 1995

DAVID LLOYD
LLOYD FARMS
1915 LUND RD
BANCROFT ID 83217

RE: Application for Transfer No. 4560

Dear Mr. Lloyd:

Your protest against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

RECEIVED

MAY 21 1995

David Lloyd
page 2

The protestant must be prepared to present proof of allegations involving one or more of the six items.

If this office can be of further assistance, please contact us.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb
pc: IDWR - State Office

RECEIVED

MAY 21 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

April 18, 1995

WARREN P & Jennie G LLOYD
BANCROFT ID 83217

RE: Application for Transfer No. 4560

Dear Mr. & Mrs. Lloyd:

Your protest against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

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6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

RECORDED

MAY 21 1995

Warren P. & Jennie G. Lloyd
page 2

The protestant must be prepared to present proof of allegations involving one or more of the six items.

If this office can be of further assistance, please contact us.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb
pc: IDWR - State Office

RECEIVED
MAY 21 1996

March 29, 1995

Warren P. Lloyd
Bancroft ID 83217

Mr. Lloyd:

I have received your recent protest against transfer application #4560 in the name of Carl and Patricia Jorgenson. Your protest statement implies that Mr. Jorgenson will be irrigating more acres than his license permits.

I have enclosed a copy of License 13-07161. As you can see it was licensed for 230 acres and 4.54 cfs. The transfer application is also for 230 acres and 4.54 cfs. I cannot see what basis your protest has from your letter.

I would ask you to explain how this acre for acre transfer which is using the original well and irrigating ground in the same 1/2 mile area would constitute an injury.

Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ:lk

RECORDED

MAY 21 1996



Farm Credit Services

102 North State
P.O. Box 386
Preston, Idaho 83263
208/852-2145

Date: March 1, 1995

To: Idaho Department of Water Resources

From: Farm Credit Services
Ray Buttars, Sr. Credit Officer

RE: Carl B. Jorgensen request for change in place of use / point of diversion
Water Right Numbers: 13-7161

Farm Credit Services has a secured interest in real property owned / operated by Carl B. Jorgensen and related entities. The water rights noted above are appurtenant to a portion of that real property. Mr. Jorgensen has presented a plan to slightly modify the place of use of the water under these rights (copy provided to your office).

It is our understanding:

- 1) that such a change will enhance the productive capacity of his operation, and is to be done within the parameters of these water rights.
- 2) that there will be no reduction in the volume, period of use, total quantity or quality of these water rights, neither with this change nor over the foreseeable future,
- 3) that Mr. Jorgensen, along with his heirs and assigns, will not lose any benefit, real or implied, which is presently enjoyed as part of these water rights.

Subject to the above conditions, and the concurrence and approval of the IDWR, Farm Credit Services has no objection to the proposed modification.

cc: Carl B. Jorgensen

MAY 21 1996

March 10, 1995

CARL B OR PATRICIA JORGENSON
1699 LLOYD RD
BANCROFT ID 83217

RE: Application for Transfer No. 4560

Dear Ms. Jorgenson:

The Department of Water Resources acknowledges receipt of your water right application. This office is currently in the process of advertising the application in the Caribou County Sun on March 17 & 24, 1995. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Harold W. Jones ^{rb}
Water Right Supervisor

HWJ/rb

RECORDED

MAY 21 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 14, 1992

CARL B JORGENSEN
PATRICIA JORGENSEN
1699 LLOYD RD
BANCROFT ID 83217

RE: Transfer of Water Right No. 13-07161

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3993). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over the typed name and title.

JIM JOHNSON
Water Rights Supervisor

JJ:cz

Enclosure

RECEIVED
SEP 14 1992

MEMORANDUM

TO: File 13-07161

FROM: Sharla

DATE: September 8, 1992

RE: Trans. No. 3993

This transfer application was filed May 19 to move the right onto more productive land for the 1992 irrigation season. Approval of the transfer thus ends on November 1.

Obviously at this point, approval is after-the-fact. Because of the short-term request, the normal conditions regarding one-year completion will not be added. The transfer can be approved without conditions.

BECAUSE OF THE FACT THAT THIS IS A TEMPORARY TRANSFER, THE "T" FILE WILL REMAIN IN THE DATABASE FOR THE APPROVAL PERIOD AND WILL BE DELETED FROM THE DATABASE AT THE END OF THE APPROVAL PERIOD.

MICROFILMED
SEP 14 1992