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RECEIVED
JAN 26 2015
Department of Water Resources
Eastern Region

**BEFORE THE DEPARTMENT OF WATER SOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)	
FOR TRANSER NO. 79006 IN THE)	
NAME OF MARSHAL AND NORMA)	PETITION FOR
PERKES)	RECONCIDERATION
_____)	

Kirby Jensen, representing himself, hereby petitions the Idaho Department of Water Resources (the "Department") to reconsider the Order Granting Petition for Reconsideration dated January 13th 2015 herein as follows:

1. On page 2 of the Order, center page, paragraph beginning with "Both petitions", the order states; "It is unclear why this condition should be removed".

It would seem best to remove condition #9 or re-word it for the following reasons. Referring to water rights 34-7096A, 34-7097A and 34-7223.

- A. It seems to be a pointless, or an ambiguous statement at best, defining nothing and having little, if any, accuracy or clarity. As many waters are delivered though the Timberdome canal. Waters from various sources, delivered to various places and owned by various individuals.
- B. The waters described in these water right are in fact received at their points of diversion by the other parties, or water right holders, referred to in the exchanges and utilized directly on their lands. They have never been used in any other way.
- C. As explained in B above, there is no conveyance of these waters to a place of use. They are put to use at their points of diversion.
- D. Therefore, as explained above, Condition #9, as it is currently written, is a misstatement of fact, having no basis in fact.
- E. Again, condition number nine would seem ambiguous at best, having no basis in fact as to where the waters described in these water rights are actually delivered or used. For the waters described in these water rights are utilized at their points of diversion by the other parties to the exchanges, and applied directly to their lands. Also, the waters relevant to these water rights which are delivered through the Timberdome canal, are from the water rights of others, as referred to in the exchanges.

F. There has never been a physical way to deliver these waters from their points of diversion to the Timberdome canal and convey them through it.

Therefore, please reconsider either removing Condition #9 or rewording it with something more accurate. Maybe something similar to the following:

Water described in this water right is received at the points of diversion by the other parties referred to in the exchange and utilized directly on their lands

Thank you for your time and reconsideration.

DATED: 1-23-2015


Kirby A. Jensen

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of December, 2015, I served a true and correct copy of the foregoing PETITION FOR RECONSIDERATION on the following persons in the manner designated below:

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