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Department of Water Resources
Eastern Region

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**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 approval of the Transfer of Water Right herein as follows:

1. Water Rights Nos. 34-7096A, 34-7097A and 34-7223 are subject to certain exchange agreements described in detail in the Stipulation for Withdrawal of Protests filed herein on October 23, 2014.
2. Water Rights Nos. 34-7096A and 34-7097A are exchanged with Water Right No. 34-14228 and 34-14229 which are subject to the following condition of approval:

WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED WITH WATER DIVERTED FROM GROUNDWATER UNDER RIGHT NOS. 34-07096A AND 34-07097A FROM THE WELL IN T04N, R26E, S17, NWSNW. WATER DIVERTED UNDER THIS RIGHT IS USED FOR THE PURPOSES AND AT THE PLACES OF USE DESCRIBED IN RIGHT NOS. 34-07096A AND 34-07097A. AND WATER DIVERTED FROM THE WELL IN T04N, R26E, S17, NWSNW IS USED FOR THE PURPOSES AND AT THE PLACE OF USE DESCRIBED ABOVE

3. Therefore, Condition of Approval No. 9 for both of Water Rights Nos. 34-7096A and 34-7097A should be deleted and replaced with the following:

Water diverted under this right is exchanged with water diverted from the Big Lost River under Water Right No. 34-14228 and 34-14229. Water diverted under this right is used for the purposes and at the places

of use described in Water Right No. 34-14228 and 34-14229, and water diverted from the Big Lost River pursuant to Water Right No. 34-14228 and 34-14229 are used for the purposes and at the place of use described above.

4. An additional condition should be added to describe how the water is delivered, such as:

Water from this Ground Water source are delivered directly, via closed system, into the irrigations systems for the purposes and at the places of use described in 34-14228, 34-14229, 34-14230 and 34-14231. And water diverted from the Big Lost River pursuant to Water Rights 34-14228, 34-14229, 34-14230 and 34-14231 are delivered via the Moore Canal to the Crossover Ditch, thence into the Timberdome Canal to the place of use described above.

5. Water Rights No. 34-7223 is exchanged with Water Right No. 34-14231 which is subject to the following condition of approval:

WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED WITH WATER DIVERTED FROM GROUNDWATER UNDER RIGHT NO. 34-07223. WATER DIVERTED UNDER THIS RIGHT IS USED FOR THE PURPOSES AND AT THE PLACES OF USE DESCRIBED IN RIGHT NO. 34-07223, AND WATER DIVERTED FROM GROUNDWATER IS USED FOR THE PURPOSES AND AT THE PLACE OF USE DESCRIBED ABOVE.

6. Therefore, Condition of Approval No. 9 for Water Rights No. 34-7223 should be deleted and replaced with the following:

Water diverted under this right is exchanged with water diverted from the Big Lost River under Water Right No. 34-14230 and 34-14231. Water diverted under this right is used for the purposes and at the places of use described in Water Right No. 34-14230 and 34-14231, and water diverted from the Big Lost River pursuant to Water Right No. 34-13230 and 34-14231 are used for the purposes and at the place of use described above.

7. An additional condition should be added to describe how the water is delivered, such as:

Water from this Ground Water source are delivered directly, via closed system, into the irrigations systems for the purposes and at the places of use described in 34-14228, 34-14229, 34-14230 and 34-14231. And water diverted from the Big Lost River pursuant to Water Rights 34-14228, 34-

14229, 34-14230 and 34-14231 are delivered via the Moore Canal to the Crossover Ditch, thence into the Timberdome Canal to the place of use described above.

DATED: 12-23-2014


Kirby A. Jensen

CERTIFICATE OF SERVICE

I hereby certify that on the 23 day of December, 2014, I served a true and correct copy of the foregoing PETITION FOR RECONSIDERATION on the following persons in the manner designated below:

Idaho Dept. of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile

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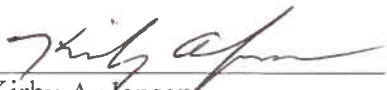
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Kirby A. Jensen