

07/2008

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FEB 03 2014

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES Department of Water Resources
Eastern Region

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, and 42-222, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Transfer # 79006
2. Name of protestant Kirby A. Jensen
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 2781 North 3375 West Moore, Idaho 83255-8715
5. Service telephone no. 208-589-5472 Email Address: kirbyj@ida.net
6. Basis of protest (including statement of facts and law upon which the protest is based)
Water rights 34-7096A, 34-3097A and 34-7223 are subject to exchanges for water rights 34-14228, 34-14229, 34-14230 and 34-14231. Stacking the points of diversion with water rights 34-7035A and 34-7122A is contrary to those water exchanges. Ground Water points of diversion are unique in their effects on other water rights. Stacking or combining these points of diversion would cause unpredictable injury to other water rights which are, or may be, down gradient or down flow of the proposed transfers, or added/combined points of diversion. Injury caused by transfers is prohibited by 42-222.
7. What would resolve your protest? I have no problem with adding well #5 to water rights 34-7035A and 34-7122A as it is in close proximity to well #1. Leaving 34-7036A, 34-7037A and 34-7223 out of this transfer would resolve my protest.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 1st day of February, 20 14.

Kirby A. Jensen
Protestant

Protestant's Representative

*Receipt
#E039502*