

RECEIVED

OCT 10 2012

Department of Water Resources
Eastern Region

Kirby A. Jensen
2781 N 3375 W
Moore, Idaho 83255-8715
Telephone: 208-589-5472
Facsimile: 208-527-3750
Email: kirby@ida.net

BEFORE THE DEPARTMENT OF WATER SOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION) **MEMORANDUM IN SUPPORT OF**
FOR TRANSER NO. 77610 IN THE) **PETITION FOR REVIEW OF THE**
NAME OF PARKINSON FARMS) **PRLLIMINARY ORDER**

Kirby A. Jensen, representing himself, hereby respectfully petitions this department for reconsideration of its *Preliminary Order Approving Application for Transfer* issued on August 22nd 2012.

In his Final Order dated August 7th, 1990, then director Keith Higginson recognized the "unusual water system" properly described by the name Big Lost River Basin.

In his Findings and Conclusions, item #2, he states:

"The name, "Big Lost River" properly describes this unusual water system. During the course of its travel from the mountain watershed to the place of discharge onto the Snake Plain the water of the river sinks then rises again at several locations. The result is a closely interconnected surface and ground water system within the basin. These surface and ground waters are, for the most part, one single water source. Diversion and consumptive use of the water, whether from a surface diversion or from a well, decreases the total water supply available and can have an effect on other uses of the resource."

Further, in his Findings and Conclusions, item #5, he states, in part:

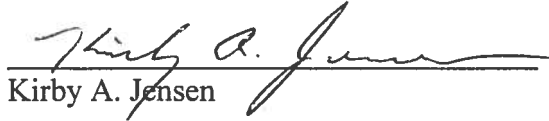
"These wells intercept part of the total water supply of the basin and, except as hereafter noted, have an impact on the quantity of water available to those diverting surface water from the Big Lost River and its tributaries. There is only a finite quantity of water within the system and any increase in consumptive use of surface or ground water at one location results in a decrease in water supply available for use at another location either inside or outside the basin at some later time."

As recognized by then director Higginson, there is only a finite quantity of water with the system and any increase of use at one location results in a decrease in water supply available for use at another location.

As recognized by hearing officer Cefalo in his Findings of Facts, the new point of diversion is approximately 8 miles north (upgradient) of the original points of diversion.

It would seem then that those water users between the new point of diversion and the original points of diversion would then experience a decrease in water supply available for their use, thus causing injury to other water users.

Thank you for reviewing this matter.


Kirby A. Jensen

CERTIFICATE OF MAILING

I certify that on this 9th day of October, 2012, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies prepaid and addressed as follows:


Kirby A. Jensen

1. Original to:

Acting Director, Gary Spackman	☒ (X) First Class Mail
Department of Water Resources	☐ () Hand Delivery
PO Box 83720	☒ (X) Facsimile
Boise, Idaho 83720-0098	☐ () Overnight Mail
	☐ () Email

2. Copies to:

Department of Water Resources	☒ (X) First Class Mail
Eastern District Office	☐ () Hand Delivery
900 N. Skyline Drive	☒ (X) Facsimile
Idaho Falls, Idaho 83402	☐ () Overnight Mail
	☐ () Email

Parkinson Farms	☒ (X) First Class Mail
2253 North 3100 West	☐ () Hand Delivery
Arco, Idaho 83213	☐ () Facsimile
	☐ () Overnight Mail
	☐ () Email

James P. Speck	☒ (X) First Class Mail
Speck & Aanestad	☐ () Hand Delivery
P. O. Box 987	☐ () Facsimile
Ketchum, ID 83340	☐ () Overnight Mail
	☐ () Email

Darrell L. McDonald	☒ (X) First Class Mail
P.O. Box 246	☐ () Hand Delivery
Arco, Idaho 83213	☐ () Facsimile
	☐ () Overnight Mail
	☐ () Email

Seth Beal
2827 North 3375 West
Moore, Idaho 83255

☒ First Class Mail
☐ Hand Delivery
☐ Facsimile
☐ Overnight Mail
☐ Email