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OCT 10 2012

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) **PETITION FOR REVIEW OF**
FOR TRANSFER NO. 77610 IN THE) **THE PRELIMINARY ORDER**
NAME OF PARKINSON FARMS)

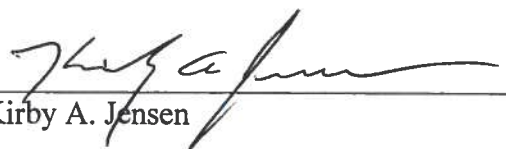
Kirby A. Jensen, representing himself, hereby respectfully petitions this department for Review of its *Preliminary Order Approving Application for Transfer* issued on August 22nd 2012. This petition is supported and accompanied by a *Memorandum in Support of Petition for Review*, as well as the evidence submitted, oral arguments, testimony, questions and comments which were made at a hearing on this matter which was held on May 17th and 18th, 2012, in Arco, Idaho.

The primary basis for this petition for review is that this transfer application would be equivalent to a "new appropriation" and could affect those who have water rights which are down gradient of the new point of diversion and up gradient of the original point of diversion, thus creating a "sub-class" of individuals who would be denied protection by the 1993 Amended Moratorium Order. The 14th Amendment of the Constitution of the United States of America states: "nor" [shall any state] "deny to any person within its jurisdiction the equal protection of the laws." Further, it would seem that the 1993 Amended Moratorium Order would be the law governing new appropriations in this basin.

The secondary basis for this petition for review is that there is additional evidence which could demonstrate that this application for transfer would compound the injury to other water rights beyond injury to the adjacent wells and possibly from one season to the next.

I again respectfully petition this department to review its *Preliminary Order Approving Application for Transfer* issued on August 22nd 2012.

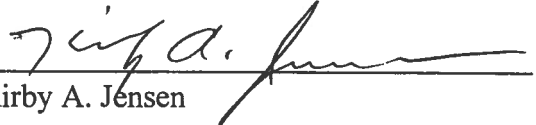
Dated this 9th day of October, 2012



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	☒ First Class Mail
Department of Water Resources	☐ Hand Delivery
PO Box 83720	☒ Facsimile
Boise, Idaho 83720-0098	☐ Overnight Mail
	☐ Email

2. Copies to:

Department of Water Resources	☒ First Class Mail
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