

07/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG 06 2012
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 – Application for transfer # 77933 in the name of Telford Lands.

2. Name of protestant – Kirby A. Jensen

3. Protestant's Representative for service (If different than protestant)

4. Service mailing address – 2781 N 3375 W Moore, Idaho 83255-8715

5. Service telephone no. 208-589-5472

Email Address: kirby@jensenstorage.com

6. Basis of protest (including statement of facts and law upon which the protest is based)

See attached page

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Withdrawal of or denial of this Application for Transfer # 77933

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 3rd day of August, 20 12.

Protestant

Protestant's Representative

Receipt
E03874

Approval of the Application for Transfer No. 77933 could be a violation of the following:

1. The Proposed Memorandum Decision and Order Approving Application for Transfer No. 34-7037, signed and dated March 17th 1986 and the Order Adopting the Proposed Memorandum signed and dated May 19th 1986.
2. The Amended Moratorium Order for the Eastern Snake River Plain Area and the Boise River Drainage Area, signed and dated April 30th 1993.
3. The Fourteenth Amendment to the United States Constitution.

Further explanation regarding the above mentioned documents and why this Application for Transfer could be a violation of the same.

1. Item No. 1, page five of the Proposed Memorandum Decision, the following, “to assure that the total pumping rate does not exceed 12.00 cubic feet per second at any time.” Approval of Transfer No. 77933 could allow pumping rates in excess of the 12.00 cubic feet per second.
2. Item No. 3, page 1 of the Amended Moratorium Order, the following, “Ground water aquifers have become stressed by the reduction in natural recharge due to changes in diversion and use of surface waters throughout the basin and by the increased volume of pumping occurring to augment scarce surface water supplies”. Approval of Transfer No. 77933 could allow and legitimize additional stress on the ground water aquifer between the “Island Wells” and the “Airport Wells”.
3. Section 1 of the Fourteenth Amendment to the United States Constitution, last phrase, the following, “nor deny to any person within its jurisdiction the equal protection of the laws. Approval of Transfer No. 77933 could create a denial of equal protection granted by the above mentioned Moratorium Order, Specifically to those who live between the “Island Wells” and the “Airport Wells”.