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DEC 05 2011

Department of Water Resources
Eastern Region

977-21618

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 #77610
2. Name of protestant Kirby A. Jensen
3. Protestant's Representative for service (If different than protestant) _____
4. Service mailing address Kirby Jensen, 2781 N 3375 W, 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)
Evidence seems to suggest that there is little if any real time measurement, regulation and/or control of ground water diversions in basin 34. This point of diversion lies between two others that were the subject of a hearing April 22, 1981 and are in litigation to this day. No reasonable pumping level(s) have been established to protect senior water rights in the area. Even though this point of diversion was equiped with flow measuring and control devices, it appeared the applicant made no effort to reduce the rate of flow to that authorized by it's license. Therefor it would seem a further violation of the public's trust for the Department to approve this Application for Transfer.
7. What would resolve your protest? Denial of this and future applications until such time as reasonable pumping level(s) have been established and real time measurement, regulation and/or control of ground water diversions are a mater of actual practice in Basin 34.

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 2nd day of December, 20 11

Protestant

Protestant's Representative

Receipt
#ED37166