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DEPT. OF WATER RESOURCES
SOUTHERN REGION

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Attorneys for Clear Springs Foods, Inc.

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 74904)
(in the name of MVGWD/NSGWD))
_____) **NOTICE OF PROTEST**

CLEAR SPRINGS FOODS, INC. ("Clear Springs"), by and through its counsel of record, hereby files this *Notice of Protest* to the approval of the above-numbered application for transfer filed by the Magic Valley and North Snake Ground Water Districts ("Ground Water Districts") on July 2, 2008. The initial bases for Clear Springs' protest are as follows:

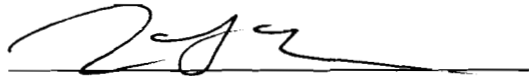
1. The application will result in injury to Clear Springs' water rights in that depletion will occur to the water sources that supply Clear Springs water rights in the Thousand Springs reach; and
2. The application violates the criteria of I.C. § 42-222;
3. The application violates the Department's Transfer Processing Policies & Procedures as set forth in the Administrator's Memorandum dated October 30, 2002; and
4. For such other and further reasons as may be discovered or set forth at the hearing on this matter.

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Receipt # 5030339
Date 8/4/08
BW

Clear Springs requests that the Director appoint an independent hearing officer who is not an employee of the Department to preside over these proceedings pursuant to Idaho Code § 42-1701A(2) and Rule 410 of the Department's Rules of Procedure.

DATED this 4th day of August 2008.

BARKER ROSHOLT & SIMPSON LLP



John K. Simpson
Travis L. Thompson
Paul L. Arrington

Attorneys for Clear Springs Foods, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of August, 2008, I served a true and correct copy of the foregoing *Notice of Protest*, by depositing same in the United States mail, postage prepaid, addressed to the following:

Randy Budge
P.O. Box 1391
Pocatello, Idaho 83240-1391



Travis L. Thompson