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Department of Water Resources

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Attorneys for Protestant Clear Lakes Trout Company

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 70606 (AND ATTACHED) PROTEST
PERMIT APPLICATION) IN THE NAME)
OF CLEAR SPRINGS FOODS, INC.)

COMES NOW, Clear Lakes Trout Company (hereinafter referred to as "Clear Lakes"), by and through its attorneys, Ringert Clark, Chartered, and hereby notifies the Idaho Department of Water Resources ("IDWR") and the Applicant in the above referenced matter of its Protest to the Application for Transfer No. 70606 by Clear Springs Foods, Inc. This protest also serves as notice that Clear Lakes protests the Permit Application attached to Transfer No. 70606, despite the fact that the Permit Application has not been properly published. This protest conforms with and is filed pursuant to Idaho Code Sections 42-203A and 42-222, and IDAPA 37.01.01, Rule 250.

Protestants' address is: 1301 S. Vista Ave., Boise, ID 83705. Protestants have a direct and substantial interest in this proceeding in that the transfer and permit application together propose to divert groundwater from wells that is currently diverted from a spring source. Clear Lakes Trout Company diverts its water right nos. 36-02659 and 36-07004 from the same spring source, and is thus concerned with any new diversions from either the spring water source, or the connected ground

PROTEST - 1

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Application 36-16156
T 70606 - 36-7201

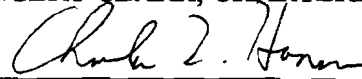
water source which may affect or injure its water rights, or may affect or injure either the spring source or the groundwater source.

Clear Lakes is specifically concerned that the proposed transfer and permit applications may not comply with the requirements of I.C. §§ 42-203A and 42-222 in that: (1) they may result in the injury of Clear Lakes' water rights; (2) the water supply may be insufficient for the purposes of the proposed permit and transfer; (3) the proposed transfer may result in an enlargement of water right no. 36-07201; (4) that the uses proposed under the permit and transfer applications may conflict with the local public interest as defined in Idaho Code Section 42-202B; and (5) that the proposed permit and transfer are contrary to the conservation of water resources within the state of Idaho.

Clear Lakes proposes that, should IDWR or the parties determine that all or any portion of the permit and or transfer proposed pursuant to the above-captioned applications must be limited or denied to meet the requirements of I.C. §§42-203A and/or 42-222, such limitations be imposed and/or such denials be issued.

Dated this 8th day of July, 2003.

RINGERT CLARK, CHARTERED

By: 

Charles L. Honsinger

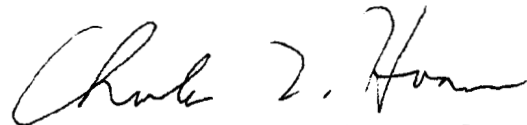
Attorney for Clear Lakes Trout Company

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on this 8th day of July, 2003, he caused a true and correct copy of the within and foregoing document to be transmitted by U.S. mail to the following

Clear Springs Foods, Inc.
P.O. Box 712
Buhl, ID 83316

John Simpson
Barker Rosholt & Simpson
P.O. Box 2139
Boise, ID 83701-2139

A handwritten signature in cursive script, appearing to read "Charles L. Honsinger", written over a horizontal line.

Charles L. Honsinger