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Department 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 PERMIT NO. 37-21278) **NOTICE OF PROTEST**
in the name of MOUNTAIN VIEW)
WATER CORPORATION)
_____)

CLEAR SPRINGS FOODS, INC. (hereinafter "Clear Springs"), by and through their attorneys of record, BARKER ROSHOLT & SIMPSON LLP, hereby file this *Notice of Protest* to the approval of the above-numbered application for permit filed by Mountain View Water Corporation. The initial basis for Clear Springs' protest is as follows:

1. The application will result in injury to Clear Springs in that depletion will occur to the springs that supply Clear Springs' water rights; and
2. The Applicant has failed to provide sufficient evidence to demonstrate that the application is exempt from the *Amended Moratorium Order, In the Matter of Applications for Permit for the Diversion and Use of Surface and Ground Water within the Eastern Snake River Plain Area and Boise River Drainage Area* (April 30, 1993) ("Moratorium Order") and has not provided a mitigation plan in the alternative; and

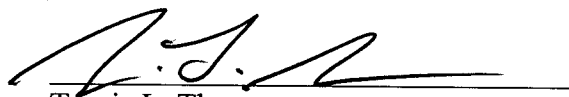
NOTICE OF PROTEST (application for permit no. 37-21278)

Receipt # 5027135
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3. The application does not meet the definition of "domestic" purpose or use as set forth in I.C. § 42-111; and
3. The application violates the criteria of I.C. § 42-203A(5); and
4. For such other and further reasons as may be discovered or set forth at the hearing on this matter.

DATED this 25th day of October 2004.

BARKER ROSHOLT & SIMPSON LLP

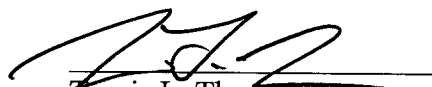

Travis L. Thompson

Attorneys for Twin Falls Canal Company and
North Side Canal Company

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of October, 2004, 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:

Mountain View Water Corporation
c/o Duane Johnson
1217 9th Ave. East
Gooding, Idaho 83330


Travis L. Thompson