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MAY 09 2005
Department of Water Resources
Southern Region

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. 37-21400)
(in the name of Picabo Livestock Company)
- Picabo Water System))
_____)

NOTICE OF PROTEST

CLEAR SPRINGS FOODS, INC. (hereinafter "Clear Springs"), by and through its attorneys of record, BARKER ROSHOLT & SIMPSON LLP, hereby files this *Notice of Protest* to the approval of the above-numbered application for permit filed by the Picabo Livestock Company-Picabo Water System ("Applicant"). 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*

NOTICE OF PROTEST (application for permit no. 37-21400)

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Plain Area and Boise River Drainage Area (April 30, 1993)(“Moratorium Order”) and has not provided a mitigation plan in the alternative; and

3. The Applicant has failed to present sufficient information justifying the need for the quantity of water sought; and

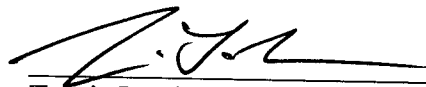
4. The Applicant has failed to provide sufficient information and documentation that would establish its “reasonably anticipated future needs, the service area and the planning horizon are consistent” with the definitions and requirements of municipal providers set forth in Chapter Two, Title 42 of the Idaho Code.

5. The application violates the criteria of I.C. § 42-203A(5); and

6. For such other and further reasons as may be discovered or set forth at the hearing on this matter.

DATED this 9th day of May 2005.

BARKER ROSHOLT & SIMPSON LLP

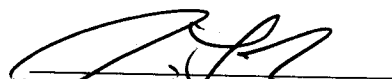

Travis L. Thompson

Attorneys for Clear Springs Foods, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of May, 2005, 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:

Picabo Livestock Company-Picabo Water System
P.O. Box 638
Picabo, Idaho 83348


Travis L. Thompson