

APR 01 2005

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. 36-16299	)	NOTICE OF PROTEST
in the name of VALLEY SCHOOL	)	
DISTRICT NO. 262	)	
_____	)	

CLEAR SPRINGS FOODS, INC. (hereinafter "Clear Springs"), by and through their 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 Valley School District No. 262 ("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 Plain Area and Boise River Drainage Area* (April 30, 1993) ("Moratorium Order") and has not provided a mitigation plan in the alternative; and

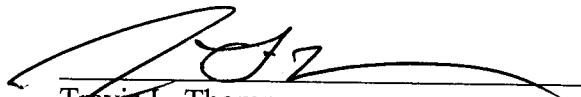
NOTICE OF PROTEST (application for permit no. 36-16299)

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 4/1/2005 J. W. Smith

3. The application violates the criteria of I.C. § 42-203A(5); and
4. It is unclear from the face of the application whether the Applicant intends to use water for "irrigation" or other consumptive use purposes.
4. For such other and further reasons as may be discovered or set forth at the hearing on this matter.

DATED this 1st day of April 2005.

BARKER ROSHOLT & SIMPSON LLP



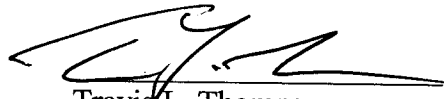
Travis L. Thompson

Attorneys for Clear Springs Foods, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of April, 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:

Valley School District No. 262
882 Valley Road South
Hazelton, Idaho 83336



Travis L. Thompson