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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 TRANSFER NO. 71178	)	
in the name of JOHN DENNIS KOYLE	)	NOTICE OF PROTEST
(water right no. 37-2663)	)	
_____	)	

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 transfer filed by John Dennis Koyle. The initial basis for the Clear Springs' protest is as follows:

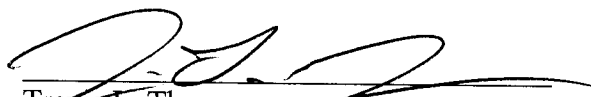
1. The application violates the criteria of I.C. § 42-222(1); and
2. The application fails to set forth sufficient information regarding the continued use of appurtenant surface water rights and whether or not those surface water rights are also being transferred to the proposed place of use. Water right no. 37-2663 includes a remark that states "use of this right is combined with water from Big Wood Canal Co." The application is unclear whether the new place of use will have any appurtenant surface water rights, i.e. Big Wood Canal Co. shares.

3. The application fails to set forth sufficient information regarding the history of water use under water right no. 37-2663, and whether or not the proposed place of use will require an increase in water use.

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

DATED this 15 day of November 2004.

BARKER ROSHOLT & SIMPSON LLP

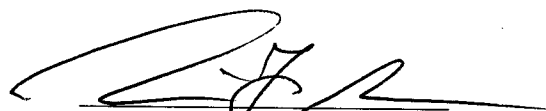

Travis L. Thompson

Attorneys for Clear Springs Foods, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 15 day of November, 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:

John Dennis Koyle
1550 East 1800 South
Gooding, Idaho 83330


Travis L. Thompson

received 11/1/04 check # 1408
receipt # SO 27149