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RECEIVED
JAN 30 2002
Department of Water Resources
Southern Region

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JAN 28 2002
WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF)
APPLICATION FOR TRANSFER)
NUMBER 69603 in the Name of)
RICHARD L. KECHTER, Water Right Nos.)
36-2363, 36-4200, 36-15374, 36-5377,)
and 36-7038A)
_____)

NOTICE OF PROTEST

CLEAR SPRINGS FOODS, INC. ("Clear Springs Foods"), by and through its attorneys, Barker Rosholt & Simpson, LLP file its *Notice of Protest* to the approval of the above-numbered Application for Transfer filed by Richard L. Kechter. The basis for Clear Springs Foods' protest is as follows:

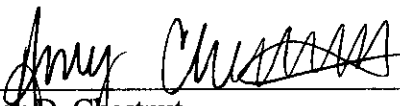
1. The proposed change in place of use and points of diversion of the waters described in the aforesaid application may violate all or portions of the criteria set forth in Idaho Code Section 42-222.

2. More specifically, the applicant has admitted to illegally diverting water and is attempting to legitimize this use by proposing this transfer. The proposed transfer will result in additional injury to senior in priority water right holders in that the applicant will be permitted to continue to deplete the aquifer by withdrawing water for the same consumptive use as was illegally diverted. This continued use that would be permitted by transfer does not account for the historical depletion to the aquifer by the applicant's illegal diversion. The increased depletion results in injury to senior in priority water rights that is not accounted for by mitigation.
3. This application is violate of the local public interest as the applicant is permitted to legalize an illegal diversion that would otherwise be curtailed. The applicant is permitted to circumvent Idaho law that prohibits illegal diversions.
4. For such other and further reasons as may be set forth at the hearing on this matter.

This matter could be resolved by the applicant providing additional mitigation for the long-term cumulative depletion to the aquifer due to illegal diversion.

DATED this 28th day of January, 2002.

BARKER ROSHOLT & SIMPSON, LLP

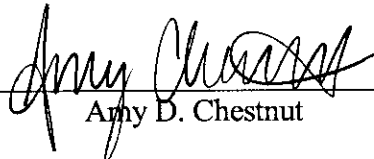
By: 
Amy D. Chestnut

CERTIFICATE OF MAILING

I hereby certify that on this 28th day of January, 2002, I served a copy of the foregoing NOTICE OF PROTEST, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Richard L. Kechter
218 West 13th St.
Burley, Idaho 83318

Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore St., Ste. 200
Twin Falls, Idaho 83301-3380
(*Original protest and fee filed with IDWR
Western Regional office)



Amy D. Chestnut

Idaho Department of Water Resources Receipt

Receipt ID W028673

Payment Amount Date Received Region Status

Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	PROTESTS	0229	21	62103	1155



Signature Line (Dept. Representative)