

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESRECEIVED
JUN 04 2001
Department of Water Resources
Southern Region

NOTICE OF PROTEST

RECEIPT # 5024013 15.

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for transfer #68993 in the name of John Busman
2. Name of protestant Clear Springs Foods, Inc.
3. Protestant's Representative for service (If different than protestant)
Terry Huddleston, Farm Operations Manager for Clear Springs Foods, Inc.
4. Service mailing address P.O. Box 712, Buhl, Idaho 83316
5. Service telephone no. 208-543-3430
6. Basis of protest (including statement of facts and law upon which the protest is based)
See attached list
7. What would resolve your protest? See attached list

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 4th day of June, 2001.

Clear Springs Foods, Inc.

Protestant

Terry Huddleston Farm Operations Mgr.
Protestant's Representative

Reasons for Protest of Transfer #68993

1. The applicant is not the owner of all the water rights involved in the transfer.
2. No documentation showing transfer of ownership of water right to applicant.
3. No photo confirmation that land which is being dried up was previously irrigated.
4. Three water rights are decreed to a parcel of land with a combined volume and acreage. How do you separate the amount being transferred from each, especially when the combined volume is for less acreage than the permissible place of use?
5. No well log exists, per IDWR Southern Region, on 36-10640, the 1978 domestic right for a house only. Was a drilling permit issued for this well?
6. Two additional wells exist, a barn well and a pump house well. These wells are connected with the domestic well as per IDWR memo dated 1/29/01. Since there is no water right number for the barn well and pump house wells, have they been used inappropriately or illegally?
7. Why were drilling permits issued by IDWR for the barn well and pump house wells in 1988 and 1994 respectively without first filing applications under 42-229?
8. IDWR 42-203A Notice...of application (to appropriate waters of the State) requires publication of notice. Why was this not done for the barn and pump house wells?
9. Idaho code 42-111 prohibits the use of domestic rights for commercial purposes. Multiple water rights for domestic uses...shall not be...**exercised in a manner** to satisfy a single combined water use or purpose that would not itself come within the definition of a domestic use or purpose (emphasis added). Is IDWR going to allow the continued use of these connected wells for commercial purposes in violation of this code?
10. Transfer of groundwater from Minidoka County to Gooding County will negatively impact flow of groundwater to springs which supply water to Clear Springs Foods, Inc. farms in Gooding County. Is IDWR going to allow long distance transfer of water from Minidoka to Gooding County?
11. There is no date of filing of application published in notice of proposed change of water right as required by Id. Code 42-203A(b).

What Would Resolve This Protest of Transfer #68993?

1. Answers to the questions enumerated in the list of reasons for the protest.
2. Not transferring water from Minidoka to Gooding County.
3. Not using domestic water rights for commercial purposes.
4. Enforcement of Idaho Code.