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DEPARTMENT OF  
WATER RESOURCES

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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 DISTRIBUTION OF )  
WATER TO WATER RIGHTS NOS. 36-02356A, ) **PROTEST TO GROUND WATER**  
36-07210, AND 36-07427 ) **USERS' JOINT MITIGATION**  
 ) **PLAN FOR 2009**  
**Blue Lakes Delivery Call** )  
\_\_\_\_\_ )

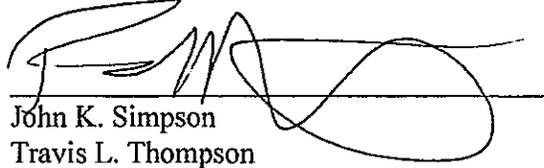
Clear Springs Foods, Inc, (Clear Springs), by and through its counsel, files this *Protest to Ground Water Users' Joint Mitigation Plan for 2009* ("Protest"), in the above-captioned matter.

This *Protest* is filed on the basis that the *Joint Mitigation Plan* identifies a number of actions which are identical to the actions enumerated in plans filed *IN THE MATTER OF DISTRIBUTION OF WATER TO WATER RIGHT NOS. 36-04103A, 36-04013B AND 36-7148 (Snake River Farm)*, and are flawed for the reasons identified in Clear Springs' protest filed in the *Snake River Farm* Action, including, but not limited to the amount of mitigation required, the method for calculating said mitigation owed, the timing of mitigation, and the procedures implemented. The *Snake River Farm* Protest is incorporated into this Protest as if formally

attached. Clear Springs reserves the right to supplement its Protest as further information becomes available.

Dated this 17<sup>th</sup> day of August, 2009.

**BARKER ROSHOLT & SIMPSON LLP**

A handwritten signature in black ink, appearing to be 'J. K. Simpson', written over a horizontal line. The signature is stylized and somewhat cursive.

John K. Simpson  
Travis L. Thompson  
Paul L. Arrington

*Attorneys for Clear Springs Foods, Inc.*

## CERTIFICATE OF SERVICE

I hereby certify that on this 17<sup>th</sup> day of August, 2009, I served a true and correct copy of the foregoing **PROTEST TO GROUND WATER USERS' JOINT MITIGATION PLAN FOR 2009** by delivering it to the following individuals by the method indicated below, addressed as stated.

Interim Director Gary Spackman  
c/o Victoria Wigle  
Idaho Department of Water Resources  
322 East Front Street  
P.O. Box 83720  
Boise, ID 83720-0098  
[victoria.wigle@idwr.idaho.gov](mailto:victoria.wigle@idwr.idaho.gov)

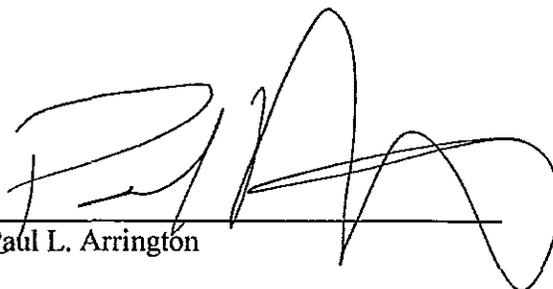
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