

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

KIMBERLY JUNKER, CANDICE)	
BRANDAU LARSON, and KATHY)	No. CVCV066246	
CARTER,)	
)	
Petitioners,)	
)	AFFIDAVIT OF CANDICE BRANDAU
vs.)	LARSON
)	
IOWA DEPARTMENT OF NATURAL)	
RESOURCES,)	
)	
Respondent.)	

Candice Brandau Larson, being first duly sworn on oath, states as follows:

1. My name is Candice Brandau Larson and I live on a farm in Floyd County, Iowa. My drinking water and water for my livestock is from a private well on my property.

2. I have confirmed that my drinking water comes from the Devonian Limestone aquifer.

3. I have reviewed the Motion to Dismiss filed in this case by the Iowa Department of Natural Resources. This affidavit is in support of a resistance to that motion.

4. After reviewing the Motion to Dismiss I understand that a notice was published in the New Hampton Tribune on May 4, 2023, advising of the IDNR's decision to grant a permit for withdrawal of 55.9 million gallons of water per year from the Devonian Limestone aquifer. The New Hampton Tribune is not generally distributed to people in Floyd County, so I had no way of knowing about the IDNR proposal to issue a permit. If I had known I would have commented and would have been aware of the decision to issue

the permit and the IDNR rule on appealing that decision to the Iowa Environmental Protection Commission.

5. The first I had heard about the Lawler request was George Cummins mentioning it at our August 8 summit lateral informational meeting, but I don't know that I knew it had been approved or how much they were requesting, just that he had found they were wanting water. He didn't know why. After that it would've been when it was discovered that there were 13 LLCs set up. Which I would've learned through Facebook posts or an e-mail to landowners impacted by Summit.. As far as seeing the notice in the New Hampton Paper, clearly I don't get that paper since I live 36 miles from New Hampton and 44 miles from Lawler. The only paper I subscribe to is the Mason City Globe Gazette and the Nora Springs Rockford Register. And now, the Charles City press, but that's just been recently. And I didn't know until the DNR response that there is a DNR public website that these are posted to. I rely on the DNR to only issue permits when the water use is necessary for public benefit.

6. Based on these facts, I do not believe I had an adequate administrative remedy to challenge the issuance of the water withdrawal permit granted to Lawler SCS Capture LLC.

7. I certify under penalty of perjury and pursuant to the laws of the State of Iowa that the foregoing is true and correct to the best of my knowledge and belief.

Dated: 10/31/23, 2023.


CANDICE BRANDAU LARSON