

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

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

Kathy Carter, being first duly sworn on oath, states as follows:

1. My name is Kathy Carter and I live in Floyd County, Iowa. My drinking water is from the municipal water facility in Rockford, Iowa.
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. Going back through my stored files & emails, it appears that September 5, 2023 was the first date I saw anything about the new carbon capture LLCs, their locations, their intent, and any reference to Lawler's permit having already been given. The ONLY way I knew anything about it was through our Facebook group "Iowa CO2 Pipelines Hearing Updates." On Sept 14, 2023, the information about the water withdrawal issue was in a weekly email update sent to persons engaged in opposing the Summit pipeline project. If it weren't for that information, I wouldn't have known anything about it.

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: Oct 31, 2023.

Kathy A Carter
KATHY CARTER