

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 36-15959

Priority: 10/18/2001

Maximum Diversion Rate: 240.30 CFS

This is to certify, that PRISTINE SPRINGS INC
201 WARM CREEK RD
JEROME ID 83338

has applied for a permit to appropriate water from:

Source: WARM CREEK

Tributary: SNAKE RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
POWER	01/01 to 12/31	240.30 CFS

LOCATION OF POINT(S) OF DIVERSION:

WARM CREEK L13 SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19, Twp 09S, Rge 17E, B.M. JEROME County

PLACE OF USE: POWER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09S	17E	19															X		
																	L13		

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 1, 2004**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The rights for the use of water acquired under this right shall be junior and subordinate to all other rights for the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
5. The Director retains jurisdiction of this right in order to limit the use of water for hydropower generation purposes to a specific term of years as required by Section 42-203B(7), Idaho Code.
6. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
7. Use of water under this right shall be non-consumptive.
8. This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.
9. Use of water under this water right will be regulated by the watermaster of State Water District No. 130.

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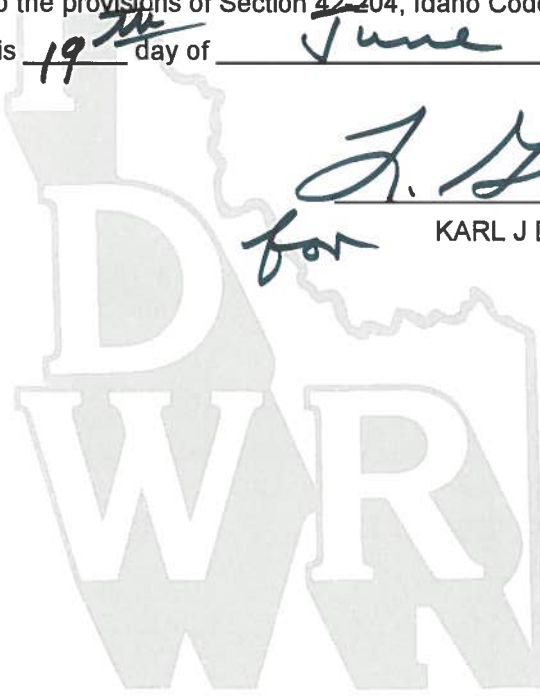
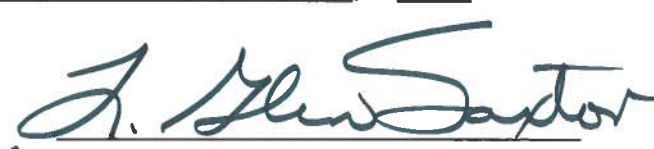
JUN 24 2002

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 36-15959

10. The right holder shall install a measuring device that can be used to determine the instantaneous rate of flow of water through the system, or the right holder shall provide to the department a flow rate measurement or computation made by a certified water right examiner in accordance with actual system design and operation.
11. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
12. Construction or impacts of power plant below the ordinary high water mark within the channel of Warm Creek or the Snake River, with the exception of the diversion works, must be permitted under the Idaho Stream Channel Protection Act.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 19th day of June, 2002.



for KARL J DREHER, Director

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JUN 24 2002

RECEIVED
JUN 17 2002
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

RECEIVED

JAN 29 2002

Department of Water Resources
Southern Region

1. Name: PRISTINE SPRINGS INC
201 WARM CREEK RD
JEROME ID 83338
(208)736-1684

2. Source: WARM CREEK Tributary to: SNAKE RIVER

3. Location of Point of Diversion:

#1 WARM CREEK L13 SW1/4SE1/4 Sec. 19, Twp 09S, Rge 17E, B.M.
TWIN FALLS County

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u> <u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01 to 12/31	240.30 CFS	

5. Total quantity to be appropriated is: 240.30 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source:

b. Height of storage dam _____ feet;

Active reservoir capacity _____ acre-feet;

Total reservoir capacity _____ acre-feet;

c. Proposed well diameter is _____ inches;

Proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85F being sought?

e. If well is already drilled, when? _____;

Drilling Firm _____;

Drilling Permit No. _____.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 year(s).

8.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

PLACE OF USE: POWER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 17E 19															X		L 13

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

This water is already diverted for fish propagation under existing rights. This is just an additional use. Source includes waste water from Blue Lakes Trout Farm.

11. Map of proposed point of diversion and place of use attached? ☒

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Pristine Springs, Inc.
Wendell M. Starke, President and
Applicant *sole stockholder*

Received by J. F. Stanton Date 1-29-02 Time 12:10 Preliminary check by _____
Publication prepared by MB Date 2/5/02 Published in TN, IS, LI, PR
Publication approved _____ Date _____

Receipt No. S024371

Date: _____

Received by: _____

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JUN 24 2002

36-1595-9

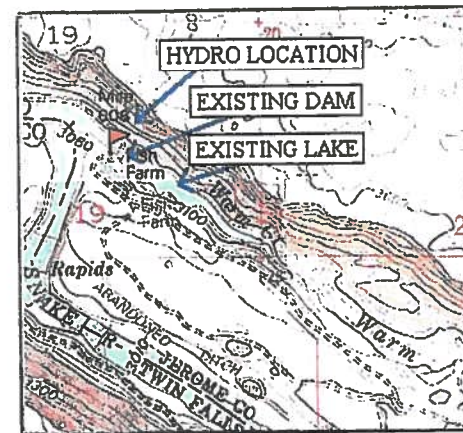
42°38'00"N



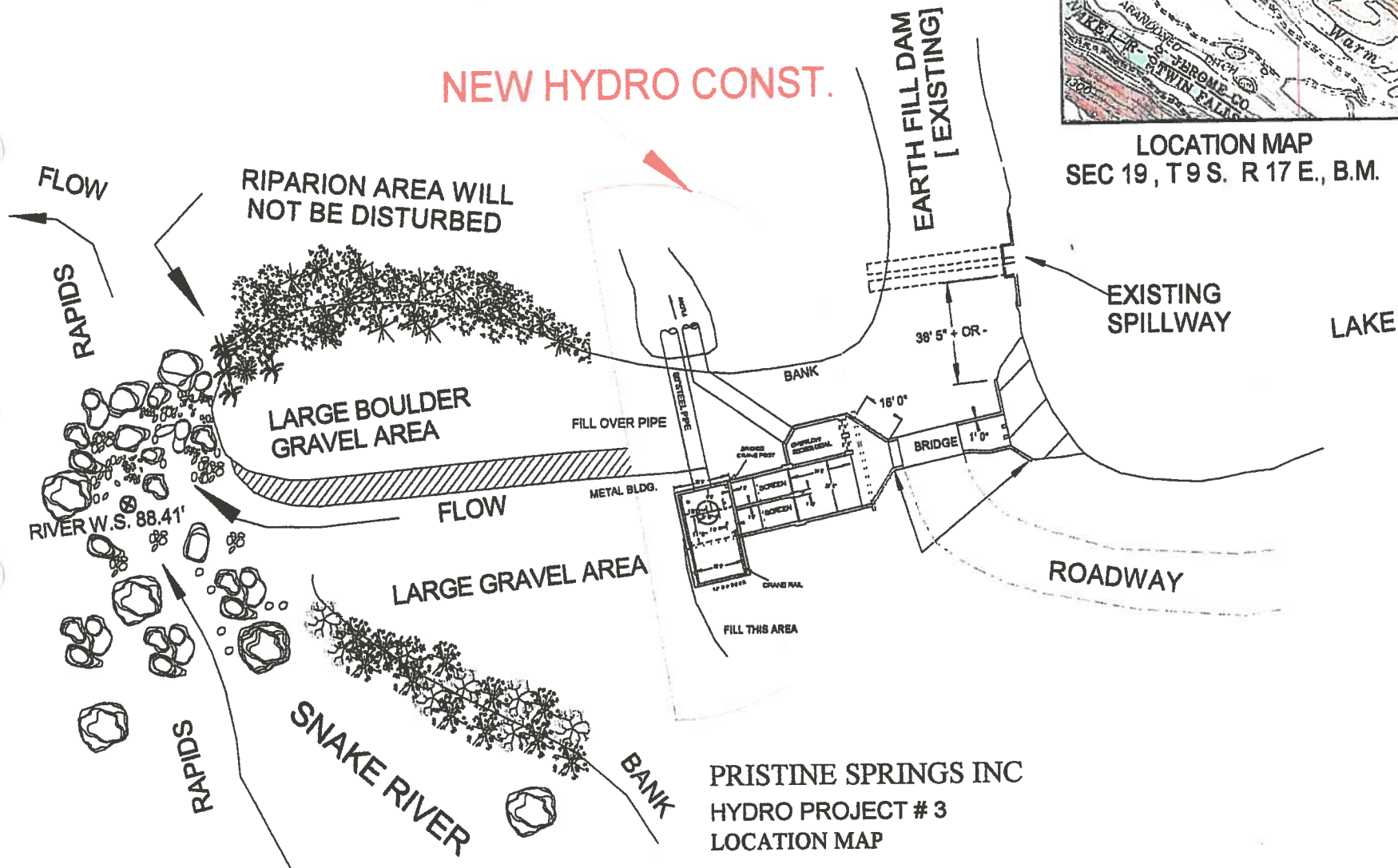
UN 2420

WGS84 114°30.000' W





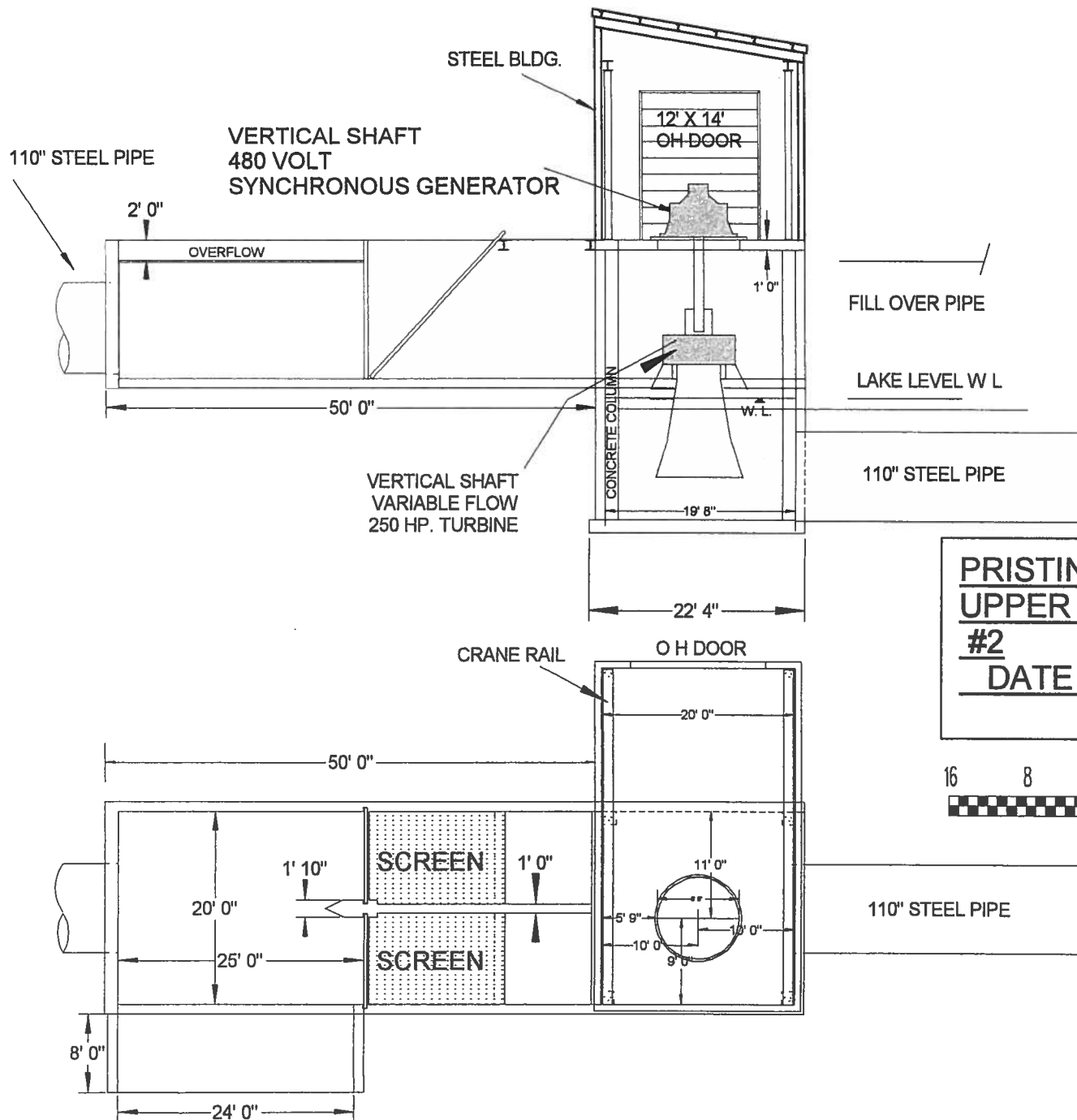
LOCATION MAP
SEC 19, T9 S. R 17 E., B.M.



PRISTINE SPRINGS INC
HYDRO PROJECT # 3
LOCATION MAP

PLOT PLAN OF PROJECT
IN RESPECT TO EXISTING
FACILITIES AND AREA.

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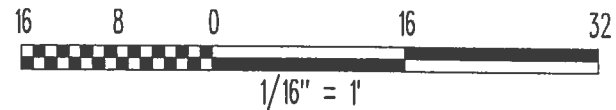


**PRISTINE SPRINGS
UPPER HYDRO PLANT**

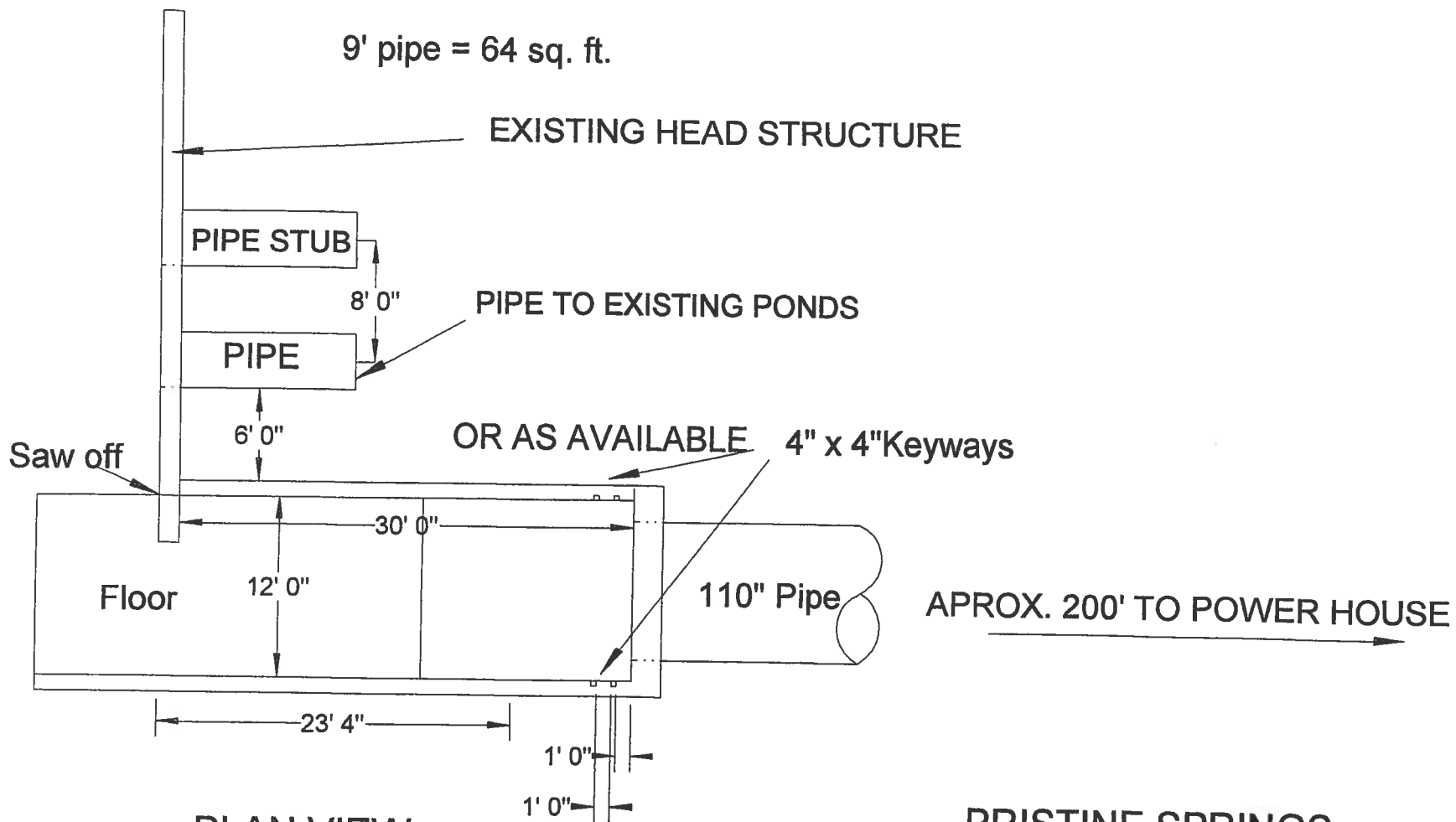
#2

DATE

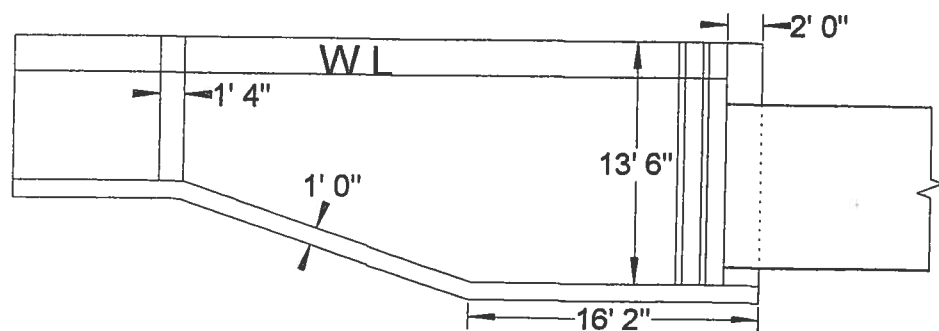
9 - 4 - 001



36-1595-9



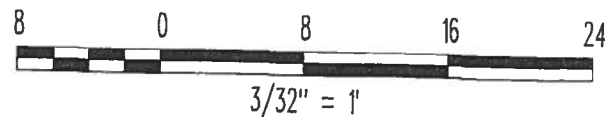
PLAN VIEW



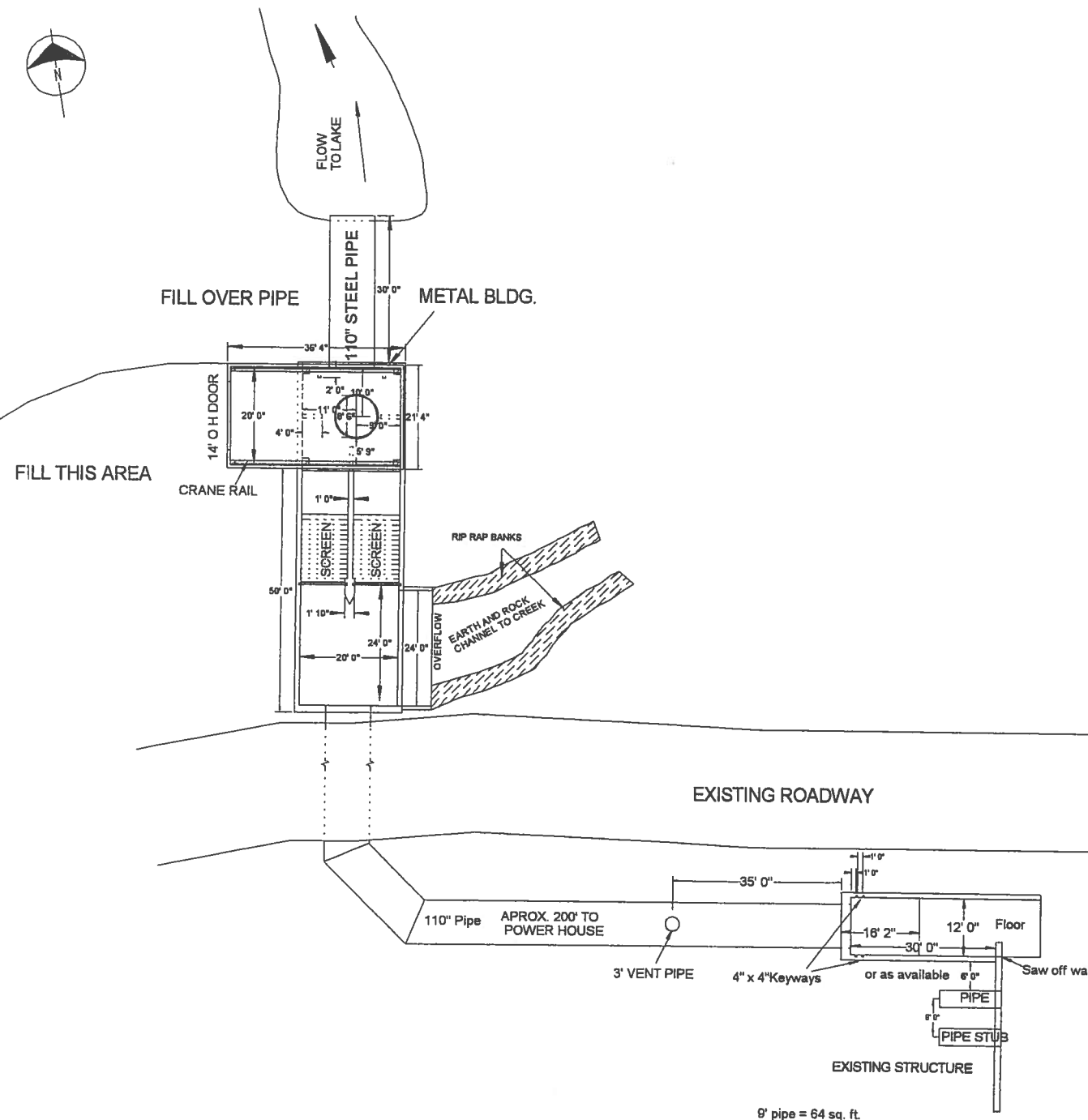
SECTION

PRISTINE SPRINGS
HEAD STRUCTURE
UPPER HYDRO #2

9 - 4 - 001

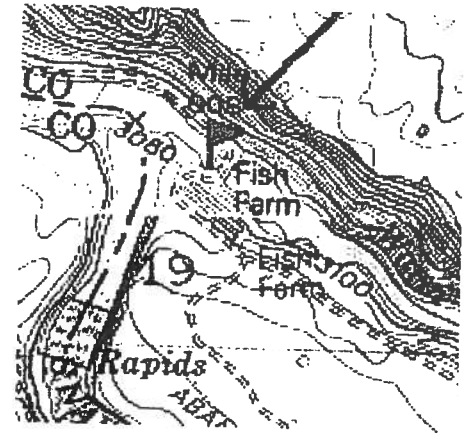
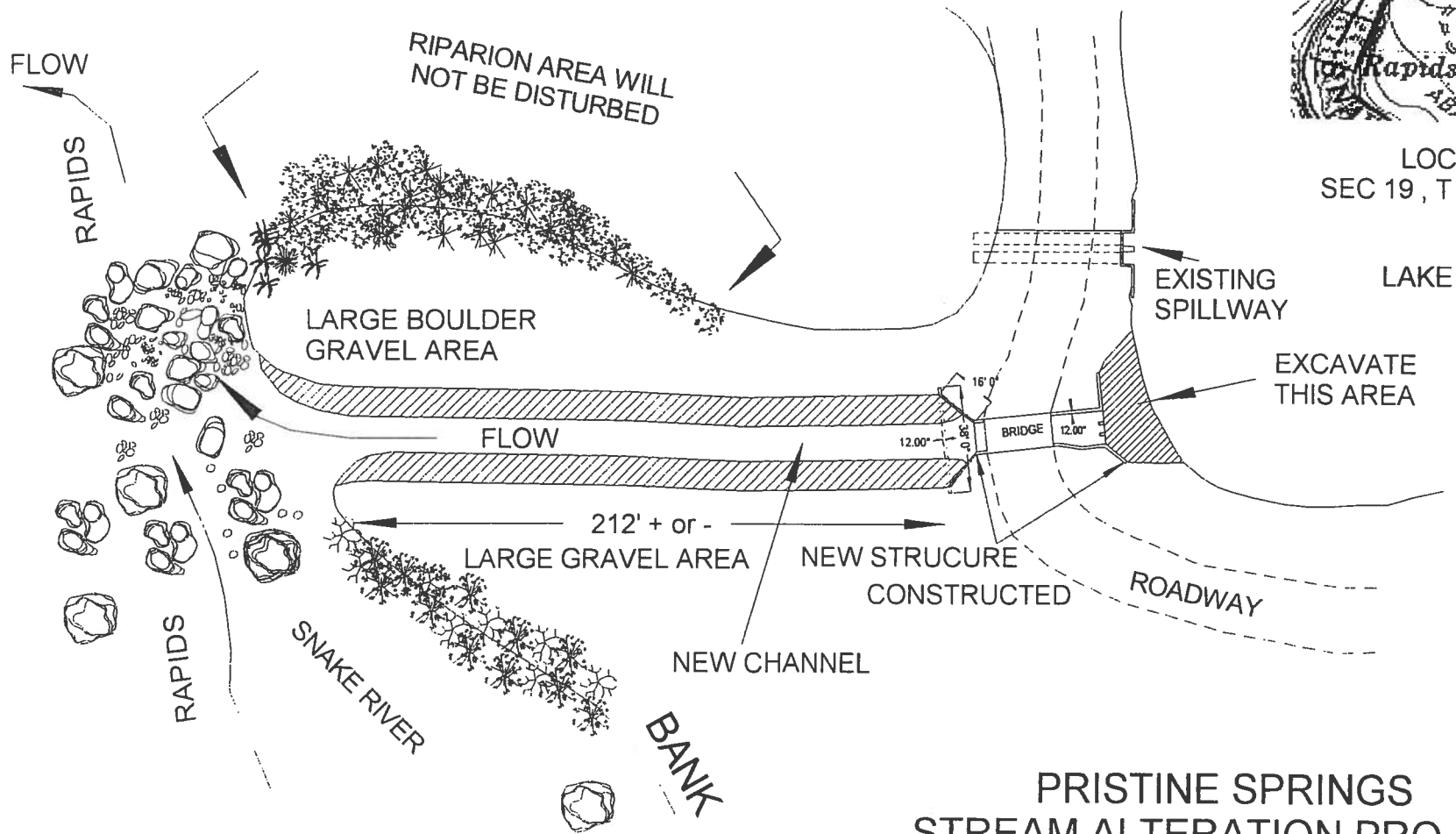


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PRISTINE SPRINGS
UPPER HYDRO # 2
PLOT PLAN
9 - 4 - 001
SCALE 1/32" = 1' 0"

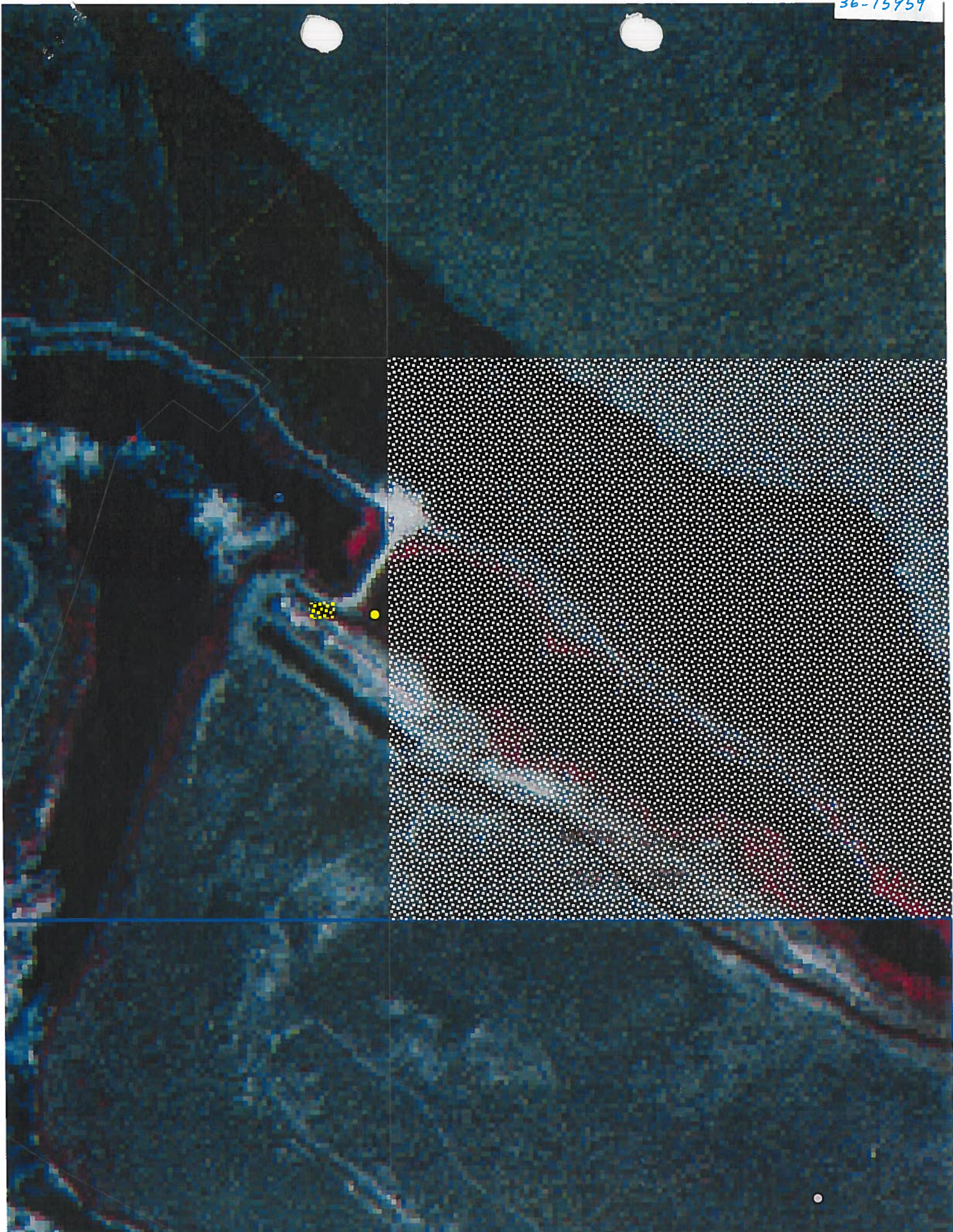
36-1595-9

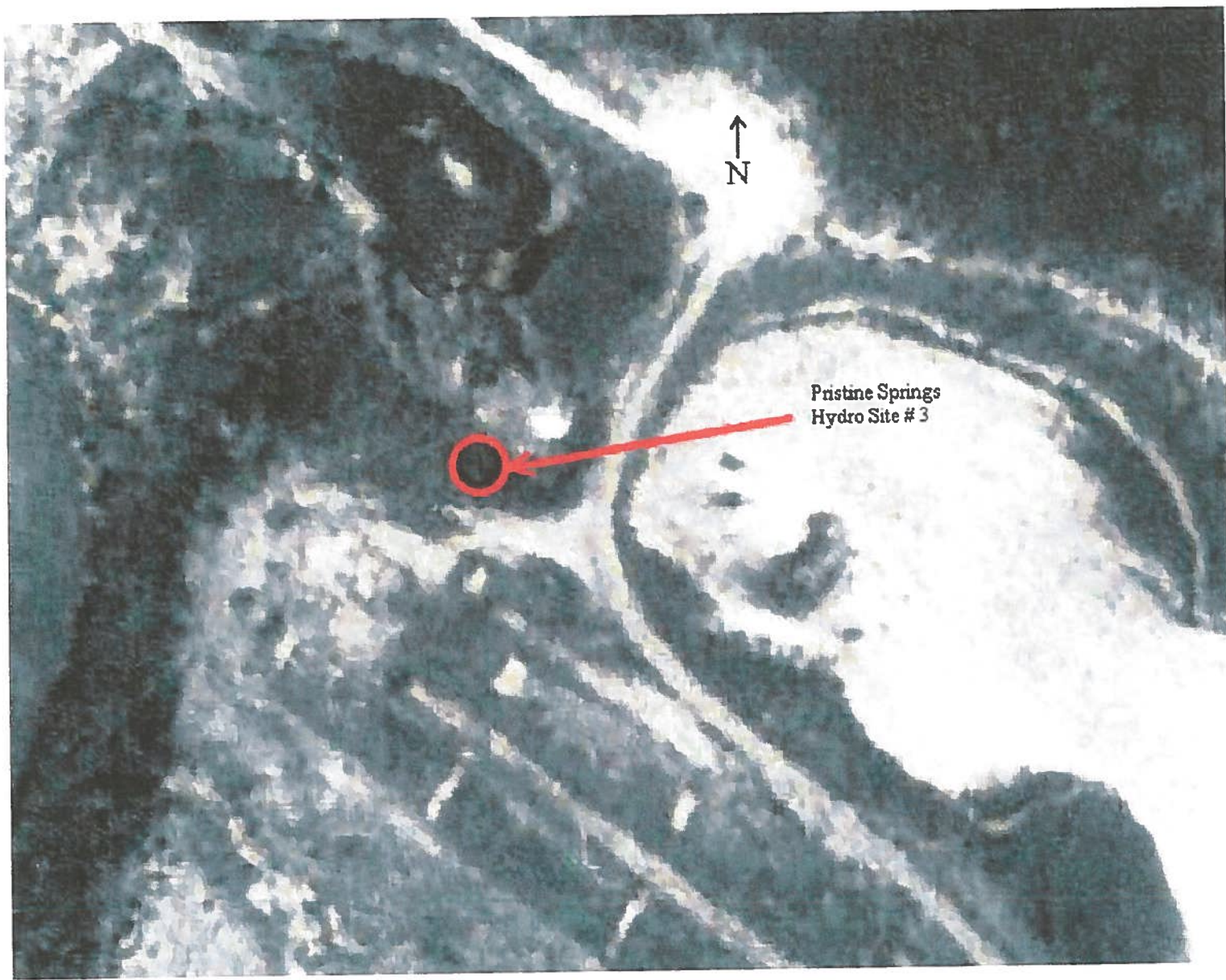


LOCATION MAP
SEC 19, T 9 S. R 17 E., B.M.

PRISTINE SPRINGS STREAM ALTERATION PROJECT

SCALE 1"=60'



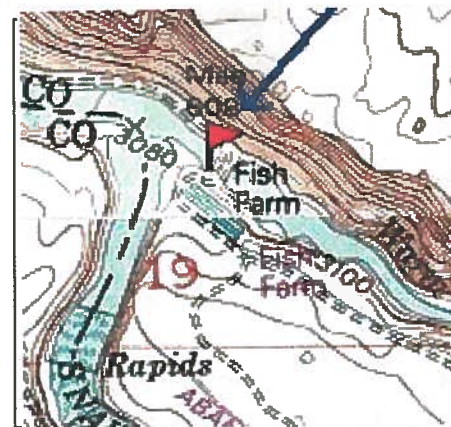


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NEW HYDRO CONST.

EARTH FILL DAM
[EXISTING]



LOCATION MAP
SEC 19, T 9 S. R 17 E., B.M.

EXISTING
SPILLWAY

LAKE

ROADWAY

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JUN 24 2002

FLOW

RIPARION AREA WILL
NOT BE DISTURBED

LARGE BOULDER
GRAVEL AREA

FLOW

LARGE GRAVEL AREA

RIVER W.S. 88.41'

RAPIDS

SNAKE RIVER

BANK

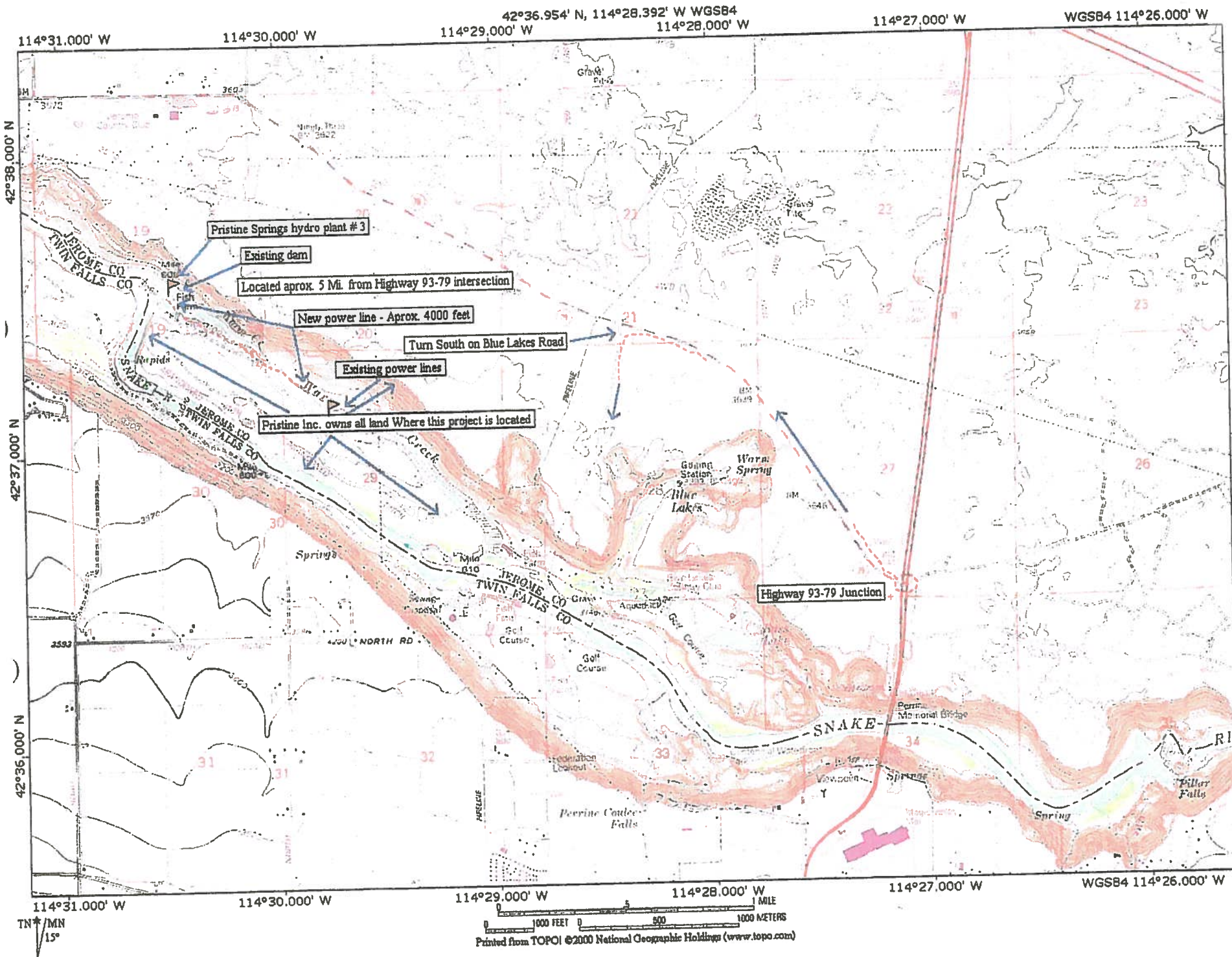
PRISTINE SPRINGS
STREAM ALTERATION
PROJECT

DRAWN BY - NYAL HOFFMAN
SCALE 1" = 720'
11 / 18 / 01

NPW No.
APPLICANT -
PRISTINE SPRINGS INC.
WATERWAY - WARM CREEK
TRIBUTARY OF SNAKE RIVER
JEROME COUNTY, IDAHO

Sheet No. 2 of 3

36-15959



WGS84 114°30.000' W

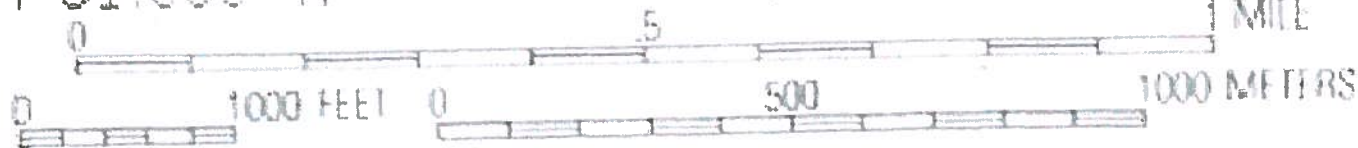
36-15959

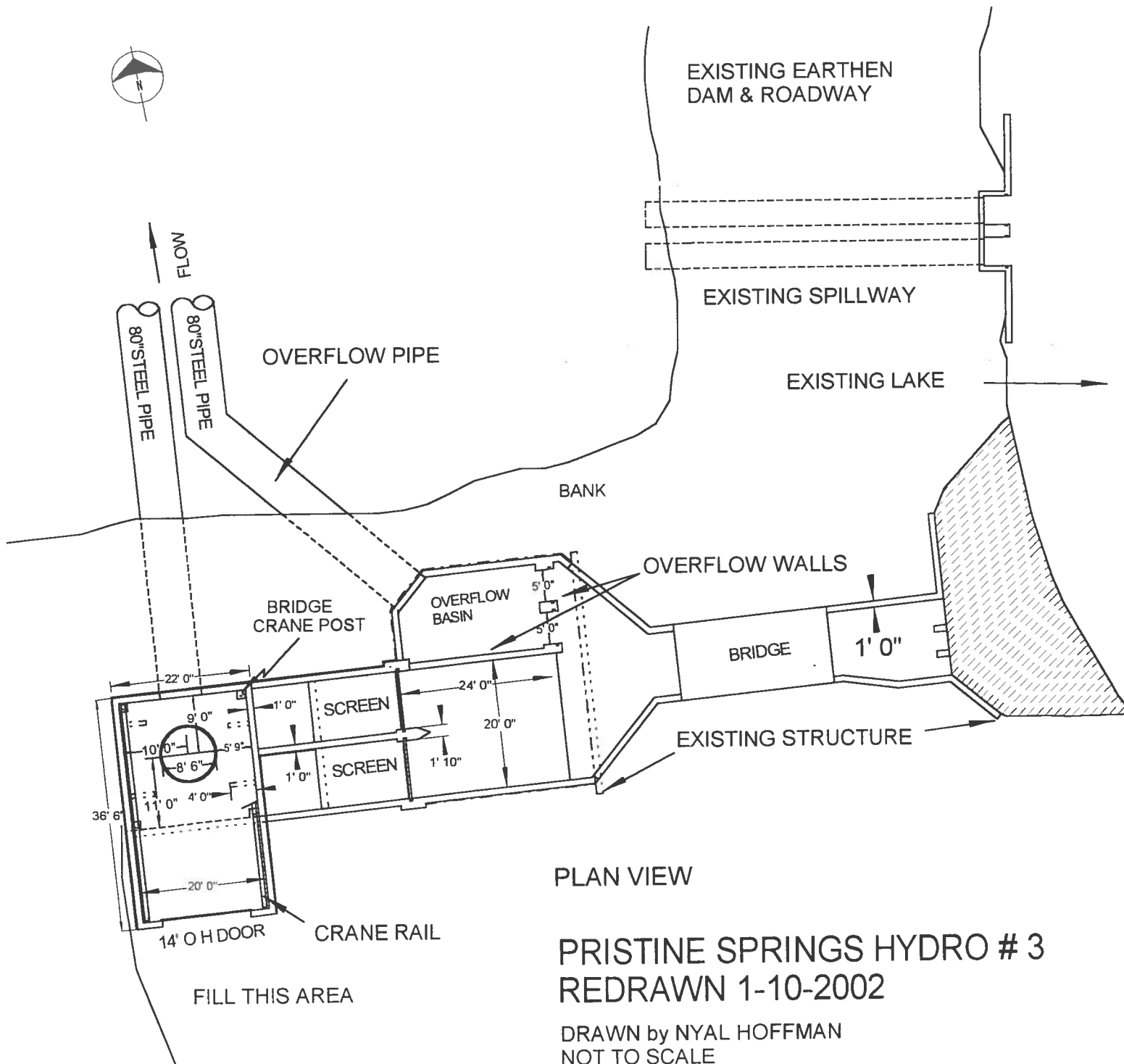


114°31'000" W

WGS84 114°30.000' W

MAIN 15°



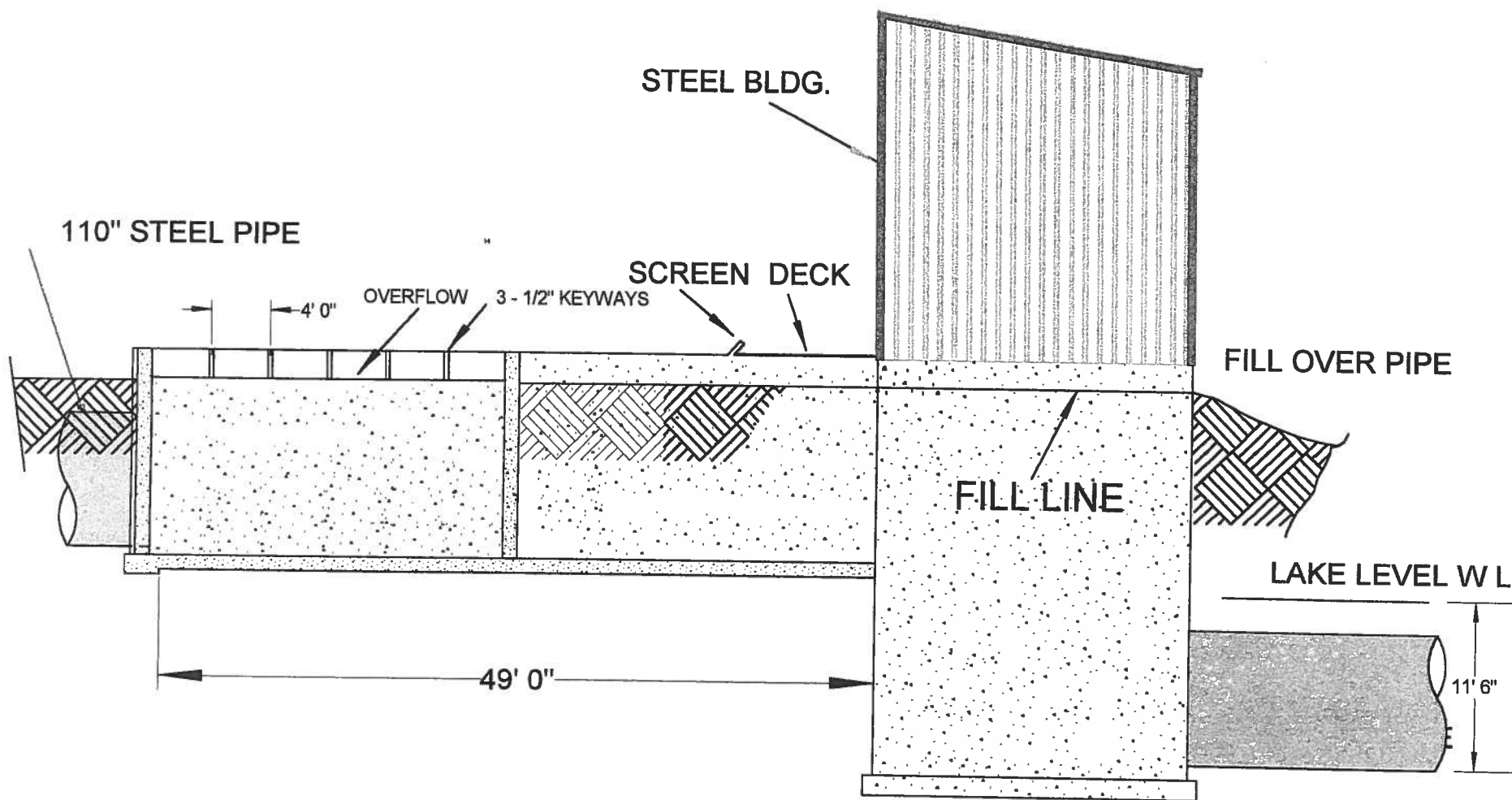


PLAN VIEW

PRISTINE SPRINGS HYDRO # 3 REDRAWN 1-10-2002

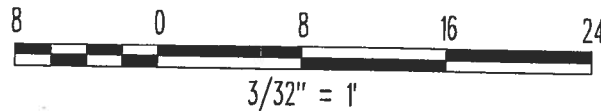
DRAWN by NYAL HOFFMAN
NOT TO SCALE

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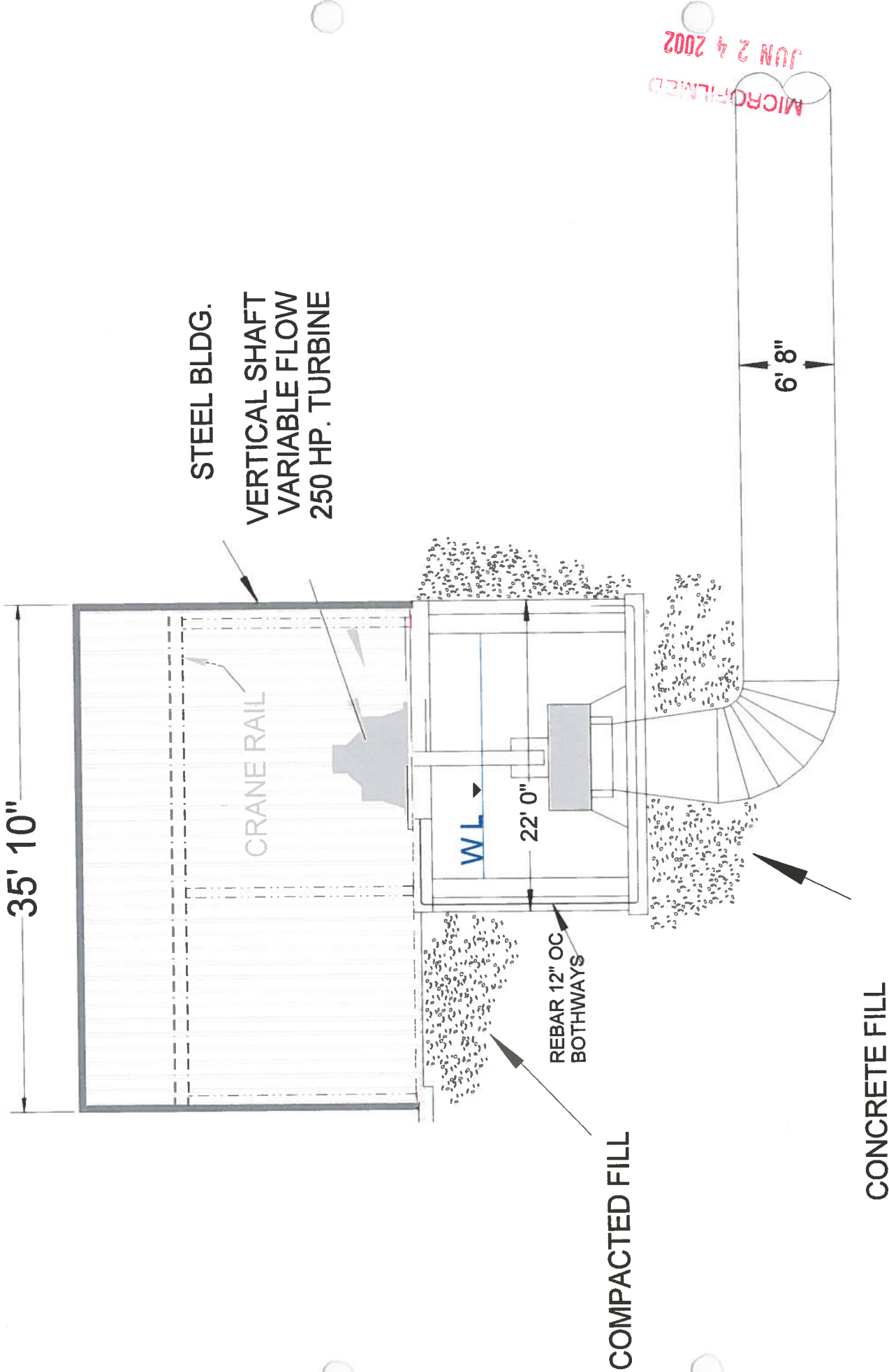


EAST PROFILE

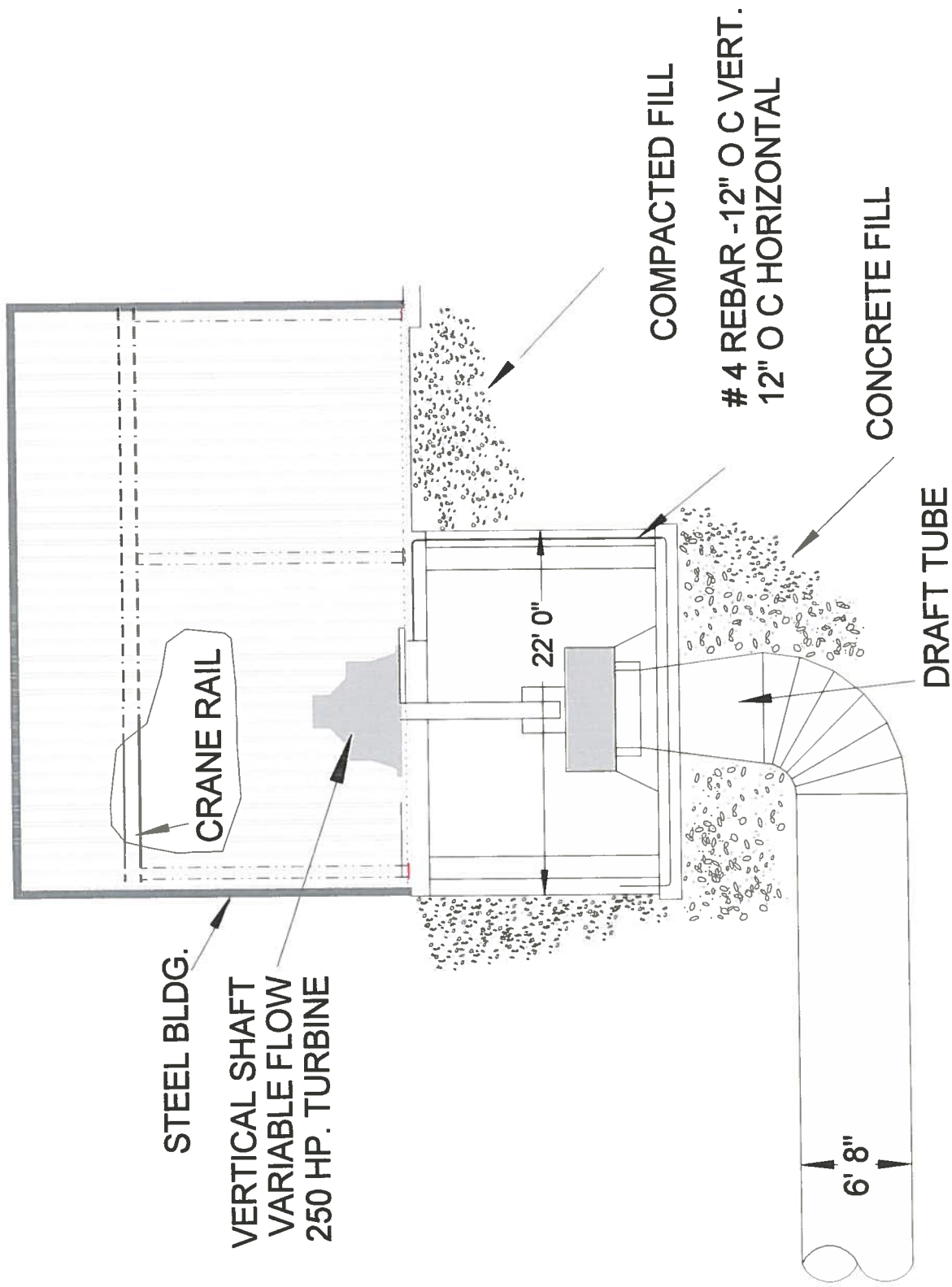
PRISTINE SPRINGS INC.
UPPER HYDRO # 2
POWER HOUSE
9 - 15 - 2001



36-15959



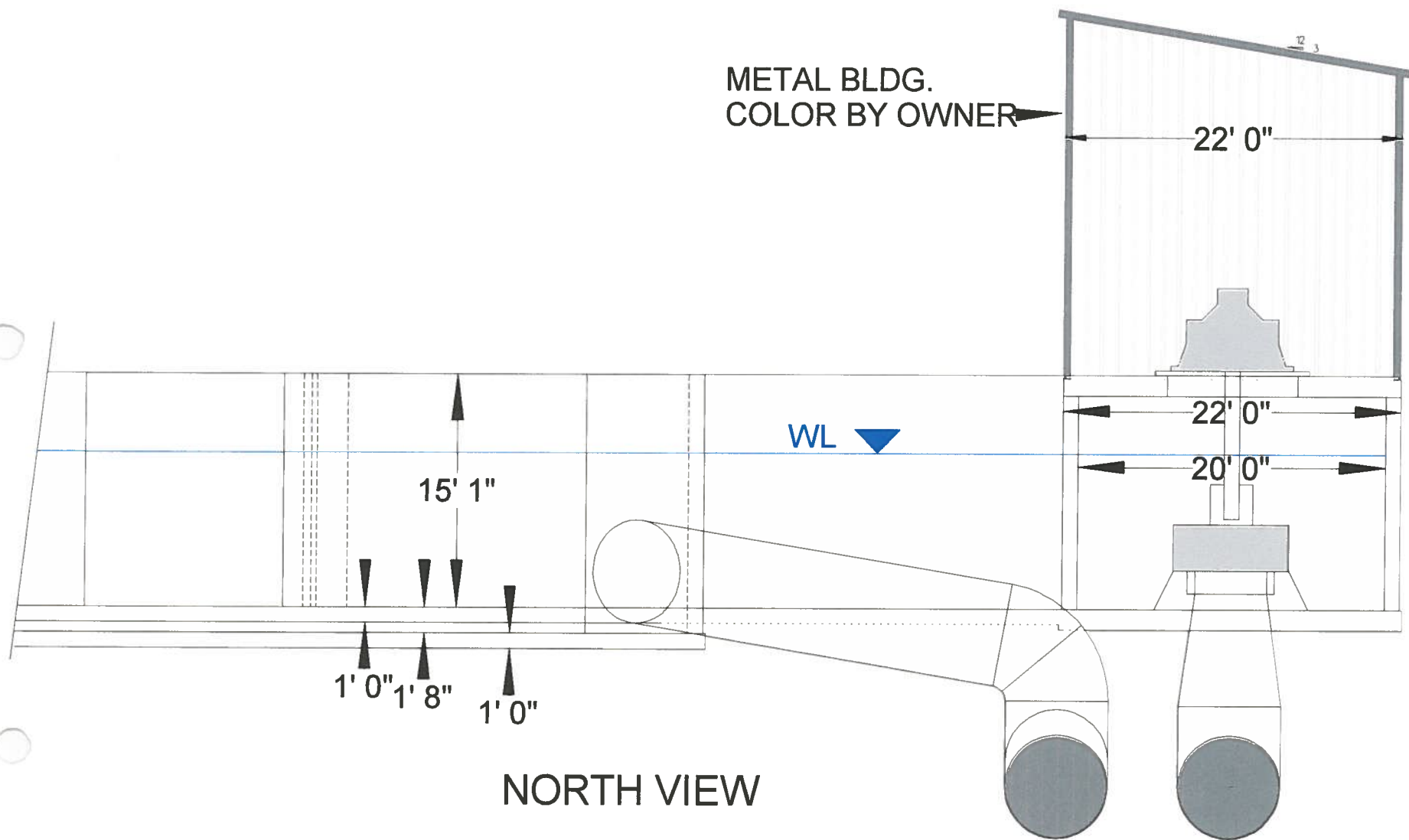
EAST PROFILE
PRISTINE SPRINGS HYDRO # 3



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WEST PROFILE

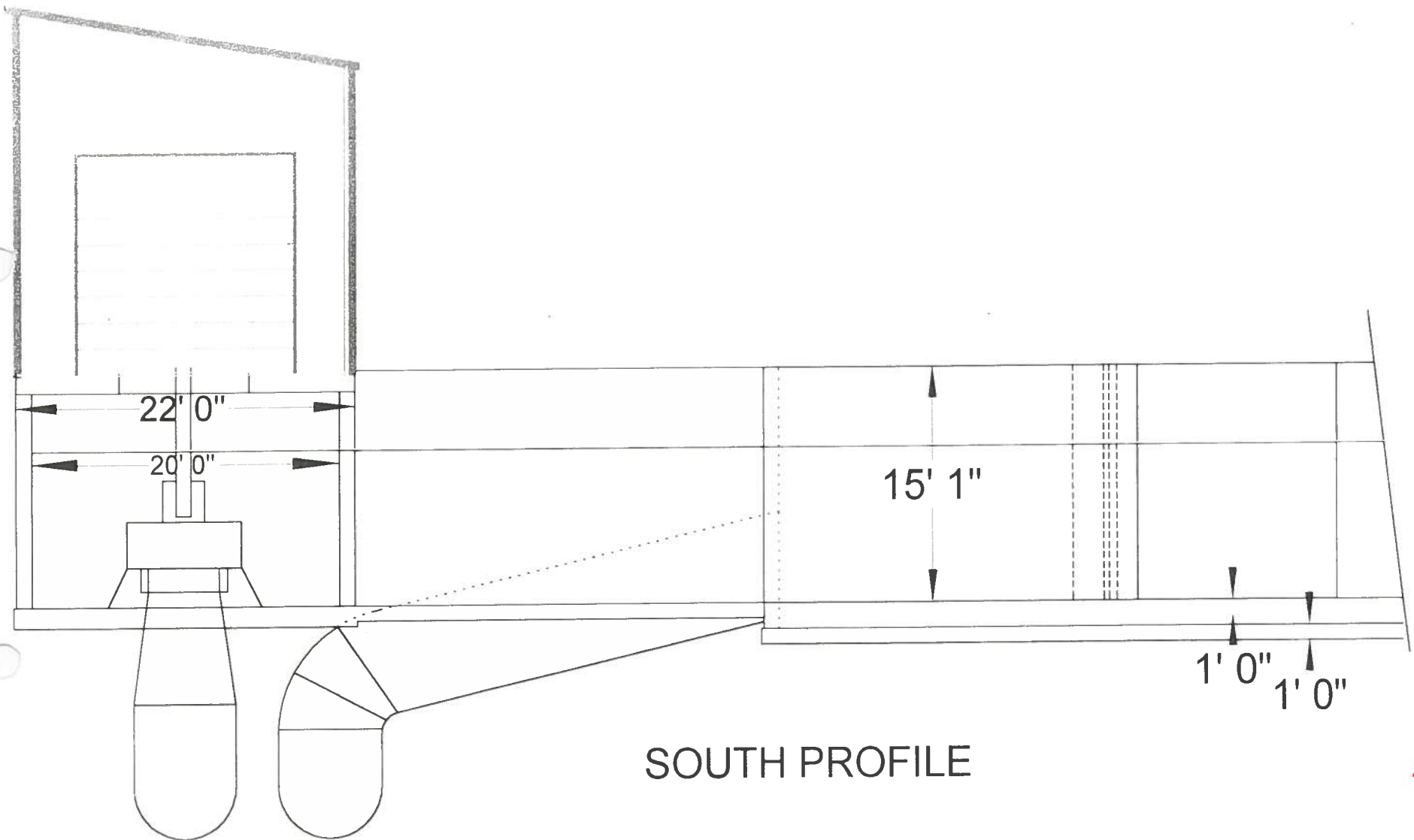
PRISTINE SPRINGS HYDRO # 3



PRISTINE SPRINGS HYDRO # 3

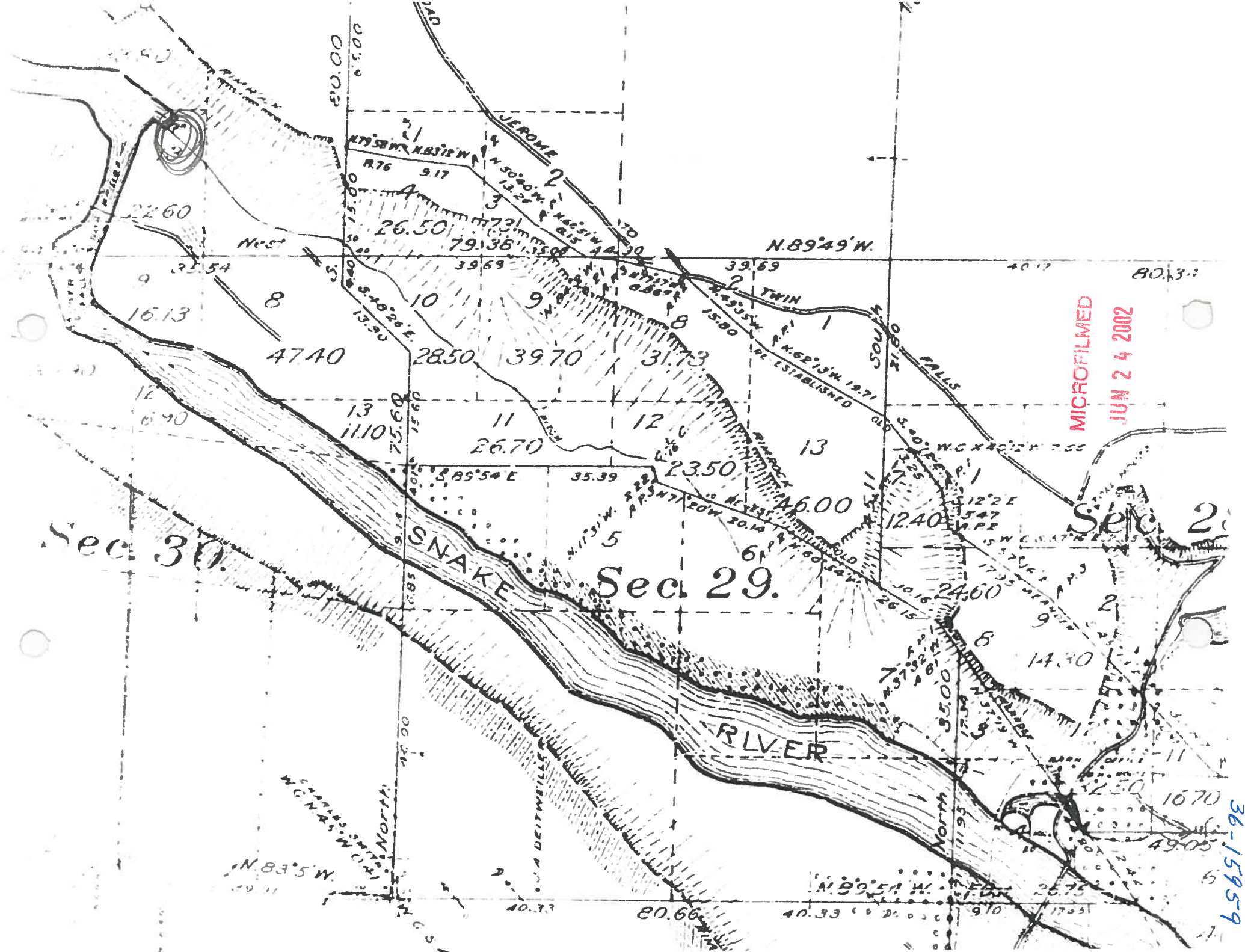
DRAWN by NYAL HOFFMAN
(NTS)

3 / 12 PITCH
ON ROOF



PRISTINE SPRINGS HYDRO # 3
(nts)

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JUN 24 2002



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JUN 24 2002

36-1595-99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AFFIDAVIT FOR WATER RIGHTS TO BE USED FOR POWER PURPOSES

A Establishment of Residency: *(Complete either 1, or 2).*

1. Individual Applicant or Individual Members of a Partnership:

I _____ of TWIN FALLS
(name) (city)
County of _____ State of Idaho, being duly sworn, do hereby
certify that I am a bona fide resident of the State of Idaho.

2. Corporation:

I WENDELL M. STARKE of TWIN FALLS
(name) (city)
County of TWIN FALLS State of Idaho, being duly sworn, depose and
say: That I am the designated registered agent of the PRISTINE SPRINGS INC.
_____ : that as such I am in charge of the registered office of the said
(name of corporation)
corporation as required by Section 30-1-12, Idaho Code, at JEROME
Idaho, wherein are kept the corporate records required by Section 30-1-52, Idaho Code: and that _____
PRISTINE SPRINGS INC. — is a corporation qualified to do business in the State of Idaho under the laws
(name of corporation)
of the State of Idaho.

B Ownership of Facilities: *(To be completed for hydropower projects only)*

The hydropower facility to be developed pursuant to the attached Application for Permit:

☒ Will not utilize existing man-made irrigation facilities such as a dam or a canal.

Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner
documented in an affidavit attached hereto.

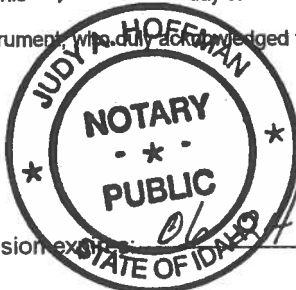
☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and the owner is the signee of
This affidavit.

Wendell M. Starke
Applicant President, Pristine Springs, Inc.

STATE OF IDAHO)
County of Twin Falls) SS

On this 17th day of October, 2001, personally appeared before me the signE

the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



Judy A. Hoffmann
Notary Public residing at _____
Tiller

SEAL

My commission expires

MICR

JUN 2



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 20, 2002

PRISTINE SPRINGS INC
201 WARM CREEK RD
JEROME ID 83338

RE: Permit No. 36-15959

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

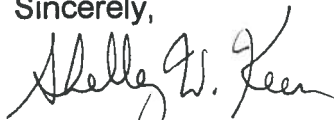
Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

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Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 36-15959

**PRISTINE SPRINGS INC
201 WARM CREEK RD
JEROME ID 83338**



**Kari Lynn Townsend
Secretary**

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JUN 24 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

To: File 36-15959

From: Sharla

Date: June 18, 2002

Re: Large Diversion Information

Regional staff did not prepare an analysis sheet or memo documenting compliance with Water Appropriation Rules 40.05.c through 40.05.h. However, after an extensive review of the file, there is sufficient documentation to consider this application as having complied with those rules. The documentation/compliance is summarized as follows:

Existing water rights for source with 5 or fewer existing users – see computer printout of all rights diverted from Warm Creek. Only one other user exists and that filing is still an application.

Design plans, drawings, etc. to demonstrate little or no impact to other users – see plans and drawings prepared by Nylan Hoffman (consultant) and made a part of the water right file. This project is to be located at the outflow of the right holder's existing fish propagation facility. That fact, coupled with the information above concerning only one other user to possibly divert from Warm Creek, removes the possibility of impact to other users.

Sufficiency of water supply – again, the fact that there is only one other possible user on the source and the location of the project being at the outflow of the right holder's existing fish propagation facility makes this issue a moot point.

Application made in good faith – the applicant owns all land described as point of diversion and place of use. Affidavit of residency has been filed. Applications for other permits that are needed have already been filed (i.e. Stream Channel Alteration, FERC, approvals/responses from DEQ/IDF&G).

Financial Resources – see letter dated June 10, 2002 from Farmers National Bank. Plans, specifications, etc. are attached to the application and other such information can also be found in the copy of the application made to FERC

Local public interest criteria –

- The county P&Z, IDF&G, IDEQ have all been contacted and have submitted documents showing their approval of the proposal
- Plans and drawings sufficiently describe anticipated project design

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- There will be no changes to community services (roads, etc) during the construction stage because all development is occurring on privately owned property
- The source of energy to be used for diversion and use of water will be facilitated by the addition of 4,000 feet of power line to current service line on property
- Location, amount and quality of return flow have all been addressed by the drawings and plans submitted with the application and by the response from IDEQ

Based on the above, I consider the documentation located in the file to be acceptable as compliance with said Water Appropriation Rules.

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Basin	Sequence	Basis	Priority	Div Rate	Water Use List	Owner List
36	200	Decreed	9/30/1970	40	FISH PROPAGATION	PRISTINE SPRINGS INC
36	8092	Application	6/28/1982	300	POWER	ARKTECH INC
~~36~~	~~200~~	~~Decreed~~	9/30/1970	40	FISH PROPAGATION	PRISTINE SPRINGS INC
36	15378	Decreed	9/30/1970		AESTHETIC/WATER QUAL STORAGE	PRISTINE SPRINGS INC
36	15959	Draft Permit	10/18/2001	240.3	POWER	PRISTINE SPRINGS INC

Listing of all rights
diverted from Warm Creek

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Entire list of all rights w/ pod located in entire Section 19, T9S, R17E

Basin Num	Sequence	Basis	Priority	Div Rate	Source List	Water Use List	Owner List
36	2583	License	11/20/1963	1.06	UNNAMED STREAM	IRRIGATION	JEROME COUNTRY CLUB
36	4271	Decreed	4/15/1935	1.06	WASTE WATER	IRRIGATION	JEROME COUNTRY CLUB
36	8343	Draft License	2/12/1988	2.67	WASTE WATER	IRRIGATION	JEROME COUNTRY CLUB
36	8344	Draft License	2/12/1988	0.41	GROUND WATER	IRRIGATION	JEROME COUNTRY CLUB
36	15378	Decreed	9/30/1970		WARM CREEK	AESTHETIC/WATER QUAL STORAGE	PRISTINE SPRINGS INC
36	8343	Permit	2/12/1988	2.67	WASTE WATER	IRRIGATION	JEROME COUNTRY CLUB
36	8344	Permit	2/12/1988	1.11	GROUND WATER	IRRIGATION	JEROME COUNTRY CLUB
36	15959	Draft Permit	10/18/2001	240.3	WARM CREEK	POWER	PRISTINE SPRINGS INC

MICROFILMED
JUN 24 2002

No. C 94319		Due no later than Jan 31, 2002 Annual Report Form		2. Registered Agent and Office NO PD BOX	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080		1. Mailing Address - Correct in this form if applicable PRISTINE SPRINGS, INC. WENDELL M STARKE 274 KAY DR TWIN FALLS, ID 83301		WENDELL STARKE 274 KAY DR TWIN FALLS, ID 83301	
NO FILING FEE IF RECEIVED BY DUE DATE				3. New Registered Agent Signature SAME	
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.					
<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
President	Wendell M. Starke	274 Kay Drive	Twin Falls	ID	83301
Secretary	Lydia C. Starke	" " "	"	"	"
Director	Wendell M. Starke	274 Kay Dr.	Twin Falls	ID	83301
Director	Lydia C. Starke	" " "	"	"	"
5. Organized Under the Laws of:		6.			
IDAHO C 94319		Signature <u>Wendell M. Starke</u>		Date <u>11-25-01</u>	
		Name (Typed or Printed) <u>Wendell M. Starke</u>		Title <u>President</u>	
Issued 11/01/2001		Do Not Tape or Staple		1022	

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 JUN 24 2002



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

MEMORANDUM

JUN 19 2002

601 Pole Line Road, Suite 2 • Twin Falls, Idaho 83301-3035 • (208) 736-2190

RECEIVED
Dirk Kempthorne, Governor
Stephen Alfred, Director

JUN 14 2002
Department of Water Resources
Southern Region

TO: Alan Merrit, IDWR-Twin Falls
Wendell Starke, CFA, CIC, Pristine Springs

FROM: Doug Howard, Regional Administrator, IDEQ-Twin Falls Regional Office

DATE: June 13, 2002

SUBJECT: Pristine Springs Hydro Project, IDWR No. 36-15959, 401 Water Quality Certification

The Idaho Department of Environmental Quality, Twin Falls Regional Office has done a review of all materials relative to the Pristine Springs Hydro Project, IDWR No. 36-15959. The Department has also visited the proposed site of construction based on the plans and specification provided. Therefore, this memorandum provides our concerns or objections to the proposed project relative to 401 water quality certification. Based on our review of the materials at hand, IDEQ does not have any concerns or objections to the building of this project.

As a consequence, this memorandum provides certification, pursuant to section 401 of the Federal Water Pollution Control Act (Clean Water Act), that there is a reasonable assurance that the activity under this 404 permit will comply with applicable requirements of sections 301, 302, 303, 306, and 307 of the Clean Water Act and the Idaho Water Quality Standards and Wastewater Treatment Requirements, IDAPA 58.01.02 (Water Quality Standards). This certification is dependent upon compliance with the terms of the permit and the conditions contained in this memorandum.

GENERAL CONDITIONS

The general conditions by which this project will be conducted are described in the following manner according to Idaho's Water Quality Standards:

1. The proposed project shall be constructed in a manner, which will not violate Idaho's Water Quality Standards as set forth in IDAPA 58.01.02.
2. All fill and construction materials not used in the project shall be removed and disposed of in a manner preventing their entry into waters of the State.
3. The project must be built according to the plans and specifications provided to IDWR and IDEQ.
4. Additionally, all other terms and conditions defined by the Army Corps of Engineers are applicable.

MICROFILMED

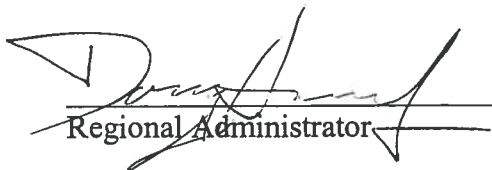
JUN 24 2002

SPECIAL CONDITIONS

The special conditions by which this project will be conducted are described in the following manner:

5. The IDEQ or its representative may inspect the project area at reasonable times and to inspect records regarding this project.
6. The project although being built on a ditch must comply with the provisions of the Mid-Snake Watershed Management Plan (1997) and the Upper Snake Rock Watershed Management Plan (1999). The Upper Snake Rock Watershed Management Plan describes the instream specifics on all manmade or natural streams that discharge to the Middle Snake River.
7. The provisions of the project include a no net increase in pollutants to the Middle Snake River. Thus, any discharges to the Middle Snake River of pollutants that would raise the pollutant level in the water above a no net increase are not allowed during the building of this project. Therefore, project implementation shall be done in dry conditions to help control turbidity and sedimentation.
8. If this project is done in flowing water, routine water quality monitoring shall be performed. The monitoring process will involve collecting measurements for sediments and turbidity. These measurements shall be done before, during, and after the project to evaluate the impact on the stream.

This memorandum does not relieve the applicant of responsibility for obtaining any other approvals, licenses or permits in accordance with federal, State, or local requirements. The IDEQ has determined from a review of the plans that this project should not significantly increase the listed pollutants and therefore will not violate Idaho's water quality standards and other applicable requirements of state law.


Regional Administrator

Expiration Date: June 13, 2003

DH/ab

cc: Dr. Balthasar B. Buhidar, Water Quality Regional Manager, IDEQ – TFRO
David Anderson, Engineering Regional Manager, IDEQ – TFRO

MICROFILMED
JUN 24 2002

Allen - Many thanks for your help with this

Wendell

Subj: Memo on Pristine Springs
 Date: 6/11/2002 4:10:26 PM Mountain Daylight Time
 From: BBUHIDAR@DEQ.STATE.ID.US
 To: wmoorestar@aol.com, amerritt@idwr.state.id.us
 CC: BBUHIDAR@DEQ.STATE.ID.US
 Sent from the Internet ([Details](#))

The following email will be followed by a hard copy (which may be modified by the Regional Administrator) relative to Pristine Springs. IDEQ does not have any problems with the proposed project as follows:

=====

MEMORANDUM
 June 11, 2002

To: Alan Meritt, IDWR-Twin Falls
 Wendell Stark, CFA, CIC, Pristine Springs
 From: Doug Howard, Regional Administrator
 RE: Pristine Springs Hydro Project, IDWR No. 36-15959

The Idaho Department of Environmental Quality, Twin Falls Regional Office has done a review of all materials relative to the Pristine Springs Hydro Project, IDWR No. 36-15959. The Department has also visited the proposed site of construction based on the plans and specification provided. Therefore, this memorandum provides our concerns or objections to the proposed project. Based on our review of the materials at hand, IDEQ does not have any concerns or objections to the building of this project.

GENERAL CONDITIONS

The general conditions by which this project will be conducted are described in the following manner according to Idaho's Water Quality Standards:

1. The proposed project shall be constructed in a manner, which will not violate Idaho's Water Quality Standards as set forth in IDAPA 58.01.02.
2. All fill and construction materials not used in the project shall be removed and disposed of in a manner preventing their entry into waters of the State.
3. The project must be built according to the plans and specifications provided to IDWR and IDEQ.
4. Additionally, all other terms and conditions defined by the Army Corps of Engineers are applicable.

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Wednesday, June 12, 2002 America Online: Wmoorestar

RECEIVED
 JUN 17 2002
 Department of Water Resources

RECEIVED
 JUN 12 2002
 Department of Water Resources
 Southern Region

RECEIVED
 JUN 24 2002

this project. Therefore, project implementation shall be done in dry conditions to help control turbidity and sedimentation.

8. If this project is done in flowing water, routine water quality monitoring shall be performed. The monitoring process will involve collecting measurements for sediments and turbidity. These measurements shall be done before, during, and after the project to evaluate the impact on the stream.

This memorandum does not relieve the applicant of responsibility for obtaining any other approvals, licenses or permits in accordance with federal, State, or local requirements. The IDEQ has determined from a review of the plans that this project should not significantly increase the listed pollutants and therefore will not violate Idaho's water quality standards and other applicable requirements of state law.

Expiration

Date: June 11, 2003
Regional Administrator

(END)

MICROFILMED
JUN 24 2002

Wednesday, June 12, 2002 America Online: Wmoorestar

Merritt, Allen

From: BALTHASAR BUHIDAR [BBUHIDAR@DEQ.STATE.ID.US]
Sent: Tuesday, June 11, 2002 4:08 PM
To: wmoorestar@aol.com; amerritt@idwr.state.id.us
Cc: BALTHASAR BUHIDAR
Subject: Memo on Pristine Springs

The following email will be followed by a hard copy (which may be modified by the Regional Administrator) relative to Pristine Springs. IDEQ does not have any problems with the proposed project as follows:

=====

MEMORANDUM

June 11, 2002

To: Alan Merritt, IDWR-Twin Falls
Wendell Stark, CFA, CIC, Pristine Springs
From: Doug Howard, Regional Administrator
RE: Pristine Springs Hydro Project, IDWR No. 36-15959

The Idaho Department of Environmental Quality, Twin Falls Regional Office has done a review of all materials relative to the Pristine Springs Hydro Project, IDWR No. 36-15959. The Department has also visited the proposed site of construction based on the plans and specification provided. Therefore, this memorandum provides our concerns or objections to the proposed project. Based on our review of the materials at hand, IDEQ does not have any concerns or objections to the building of this project.

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JUN 24 2002

collecting measurements for sediments and turbidity. These measurements shall be done before, during, and after the project to evaluate the impact on the stream.

This memorandum does not relieve the applicant of responsibility for obtaining any other approvals, licenses or permits in accordance with federal, State, or local requirements. The IDEQ has determined from a review of the plans that this project should not significantly increase the listed pollutants and therefore will not violate Idaho's water quality standards and other applicable requirements of state law.

Date: June 11, 2003
Regional Administrator

Expiration

(END)

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JUN 24 2002



County of Jerome Planning and Zoning
121 3rd Avenue East, Jerome, ID 83338
208-324-9116 Fax 208-324-9263

Arthur R. Brown
Administrator

Yvette Le Mon
Secretary

Allen Merrit, Regional Manager
IDWR Regional Office
1341 Fillmore ST.
Ste 200
Twin Falls, Idaho 83338

RECEIVED

JUN 11 2002

Department of Water Resources
Southern Region

June 11, 2002

Dear Allen:

Pristine Springs has requested a letter of compliance that they are allowed to install a power generation plant on their property. August 29, 1991 Jerome County Planning & Zoning Commission approved a Special Use Permit for Pristine Springs to install a power generation plant on their property. The applicant will have to apply for a building permit in Jerome County to install the power generation station.

Contact Art Brown at the Planning & Zoning Office if you have any questions.

Sincerely,



Arthur Roy Brown
Planning & Zoning Administrator

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JUN 24 2002



June 10, 2002

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JUN 11 2002

Department of Water Resources
Southern Region

Allen D. Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301

Dear Allen:

Mr. Wendell Starke and Pristine Springs, Inc. are very valuable customers of Farmers National Bank. They have an excellent record with the bank in all of their dealings.

Wendell has the ability to fund the construction of a hydro facility with his own funds or obtain a loan at the bank to finance the construction in his name or Pristine's.

If you have any questions or need further information feel free to give me a call at 543-4354.

Sincerely,

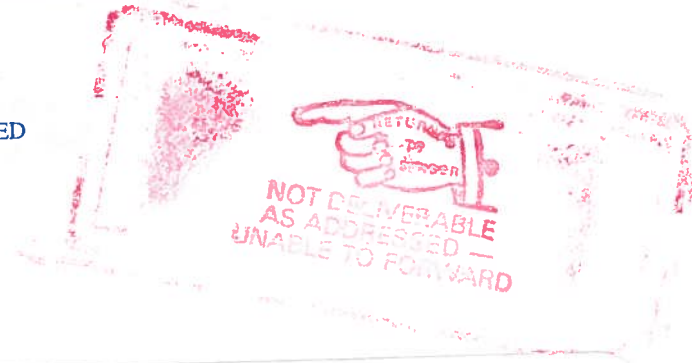
Mike Hamilton,
Executive Vice President

sc

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JUN 24 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED



MICHAEL G. GREENE
BLUE LAKES TROUT FARM
JEROME ID 83338

★ ★ PITNEY BOWES
★ ★ U.S. POSTAGE
1320 PB3524253
3360 \$00.340 JUN 04 2002
2955 MAILED FROM ZIP CODE 83301

RECEIVED

JUN 07 2002

Department of Water Resources
Southern Region

MICROFILMED
JUN 24 2002

FEDERAL ENERGY REGULATORY COMMISSION

FAX COVER SHEET

Fax no. (202) 219-2732

Office of Energy Project/DHAC

Date: 5/21/02

Number of Pages: 1 of 5

FROM: Regina Saizan

Phone No. (202) 219-2673

To: Nyal Hoffman

Company: Pristine Springs, Inc.

Phone No. (208) 326-5680

Fax No. (208) 326-5679

Remarks: Failed is order granting Exemption
from licensing issued April 30, 2002.

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JUN 24 2002

99 FEB 1 02 07 9

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Pristine Springs, Inc.

Project No. 12144-000

ORDER GRANTING EXEMPTION FROM LICENSING
(CONDUIT)

(Issued April 30, 2002)

On January 23, 2002, supplemented on March 14, 2002, Pristine Springs, Inc. filed an application to exempt the Pristine Springs Hydro #3 Project from the licensing requirements set forth in Part I of the Federal Power Act (FPA). The small conduit hydropower project would be located on Warm Creek, in Jerome County, Idaho. The project would not occupy federal or tribal lands.

The project will be located at the outflow of an existing Aquaculture facility. The existing outflow exits an existing dam through a concrete structure and into the Snake River. The project will consist of a new powerhouse and a new 500 kW turbine generating unit. A channel will be built that allows the water to go through the turbine and exit by an 80-inch pipeline to the Snake River at the same place it does now. The turbine will be operated as run-of-river. Approximately 4000 feet of power lines will be built to connect with lines that exist on the property. The average annual generation would be 1,762,305 kWh.

Public notice of the application was issued on March 6, 2002, with April 14, 2002 as the last day to file comments. On April 11, 2002, the State of Idaho Agencies (the Idaho Department of Fish and Game (IDFG), the Idaho Department of Environmental Quality, and the Idaho Water Resource Board) filed a timely motion to intervene, comments, and terms and conditions.¹ No protests were filed.

Article 2 of this exemption requires compliance with the terms and conditions prepared by federal or state fish and wildlife agencies to protect fish and wildlife resources. In the State of Idaho Agencies' April 11, 2002 filing, the IDFG provided terms

¹The motion to intervene was not opposed, therefore, the motion was granted automatically, pursuant to 18 CFR 385.214(c)(2001).

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JUN 24 2002

and conditions to be added to the exemption. In accordance with standard article 2 of the exemption, the exemptee must comply with the mandatory terms and conditions set forth in the April 11, 2002 filing.

Preparation of an environmental assessment or an environmental impact statement is not required for this project pursuant to Section 380.4(a)(14) of the regulations. Nonetheless, we have considered the environmental information in the exemption application, and other public comments, and find that issuance of this order is not a major federal action significantly affecting the quality of the human environment.

The Director orders:

(A) The Pristine Springs Hydro #3 Project is exempted from the licensing requirements of Part I of the Federal Power Act, subject to the attached articles. See 18 C.F.R. § 4.94.

(B) This order is issued under authority delegated to the Director and constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.



Hossein Ildari
Division of Hydropower
Administration and Compliance

MICROFILMED

JUN 24 2002

ALIC

FEDERAL ENERGY REGULATORY COMMISSION

§ 4.94 Standard terms and conditions of exemption.

Any exemption granted under § 4.93 for a small conduit hydroelectric facility is subject to the following standard terms and conditions:

(a) **Article 1.** The Commission reserves the right to conduct investigations under sections 4(g), 306, 307, and 311 of the Federal Power Act with respect to any acts, complaints, facts, conditions, practices, or other matters related to the construction, operation, or maintenance of the exempt facility. If any term or condition of the exemption is violated, the Commission may revoke the exemption, issue a suitable order under section 4(g) of the Federal Power Act, or take appropriate action for enforcement, forfeiture, or penalties under Part III of the Federal Power Act.

(b) **Article 2.** The construction, operation, and maintenance of the exempt project must comply with any terms and conditions that the United States Fish and Wildlife Service and any state fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish and wildlife resources or otherwise to carry out the purposes of the Fish and Wildlife Coordination Act, as specified in Exhibit E of the application for exemption from licensing or in the comments submitted in response to the notice of the exemption application.

(c) **Article 3.** The Commission may revoke this exemption if actual construction of any proposed generating facilities has not begun within two years or has not been completed within four years from the effective date of this exemption. If an exemption is revoked under this article, the Commission will not accept from the prior exemption holder a subsequent application for exemption from licensing or a notice of exemption from licensing for the same project within two years of the revocation.

(d) **Article 4.** In order to best develop, conserve, and utilize in the public interest the water resources of the region, the Commission may require that the exempt facilities be modified in structure or operation or may revoke this exemption.

(e) **Article 5.** The Commission may revoke this exemption if, in the application process, material discrepancies, inaccuracies or falsehoods were made by or on behalf of the applicant.

FILED

JUN 24 2002

(1) Article 6. Before transferring any property interests in the exempt project, the exemption holder must inform the transferee of the terms and conditions of the exemption. Within 30 days of transferring the property interests, the exemption holder must inform the Commission of the identity and address of the transferee.

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JUN 24 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 4, 2002

WENDELL M. STARKE PRESIDENT
PRISTINE SPRINGS INC
201 WARM CREEK RD
JEROME ID 83338

RE: Protested Application for Permit No. 36-15959

Dear Mr. Starke:

We have received a withdrawal of the protest filed by Blue Lakes Trout Farm against approval of the above referenced application.

Since they were the only protestant, the issue of the protest has been resolved and the Department is now prepared to proceed with the normal processing of the application which includes regional review prior to being forwarded to our State Office.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

MICROFILMED

JUN 24 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 4, 2002

MICHAEL G. GREENE
BLUE LAKES TROUT FARM
JEROME ID 83338

Re: Application for Permit No. 36-15959 (Pristine Springs, Inc.)

Dear Mr. Greene:

This office acknowledges receipt of the withdrawal of your protest against the above referenced application.

Since you were the only protestant, the issue of the protest has been resolved and the Department is now prepared to proceed with the normal processing of the application which includes regional review prior to being forwarded to our State Office.

The Department will continue review of the application without further contact with you unless information is requested.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Allen D. Merritt'.

Allen D. Merritt, P.E.
Southern Region Manager

AM:mb

Cc:
J. EVAN ROBERTSON
ROBERTSON HEPWORTH SLETTE
WORST & STOVER PLLC
PO BOX 1906
TWIN FALLS ID 83303-1906

MICROFILMED
JUN 24 2002

BLUE LAKES TROUT FARM
Jerome, Idaho

RECEIVED

MAY 23 2002

Department of Water Resources
Southern Region

May 23, 2002

Via Facsimile to: Jim Stanton
Twin Falls Office
Idaho Department of Water Resources

From: Michael G. Greene
Blue Lakes Trout Farm
Jerome, Idaho

Re: Pristine Springs, Inc. Water Right Number 36-15959

By this notice, faxed with original sent by mail, I am hereby withdrawing the protest sent to you by my attorney, Evan Robertson, in protest of Pristine Springs, Inc. Water Right Number 36-15959. You acknowledged original receipt of my protest on March 11, 2002 with receipt number 5024647.

Thank you for your immediate attention to removal of our protest to the above Water Right.


Michael G. Greene

MICROFILMED
JUN 24 2002

**ROBERTSON, HEPWORTH, SLETTE,
WORST & STOVER, P.L.L.C.
ATTORNEYS AT LAW**

**303 SHOSHONE STREET NORTH
P.O. BOX 1906
TWIN FALLS, ID 83303-1906
PHONE (208) 734-0700
FAX (208) 736-0041**

FACSIMILE TRANSMISSION

DATE: May 23, 2002
FAX TO: IDWR 736-3037
CC TO: Jason Miciak, Esq. 733-5553
FROM: Evan Robertson
RE: BLTF/ Pristine Springs

RECEIVED
MAY 23 2002
Department of Water Resources
Southern Region

NUMBER OF PAGES INCLUDING THIS ONE: 3

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL US BACK AS SOON AS POSSIBLE AT (208) 734-0700.

INFORMATION CONTAINED IN THIS FACSIMILE COMMUNICATION IS ATTORNEY/CLIENT PRIVILEGED AND/OR CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS COVER PAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION OR THE INFORMATION CONTAINED HEREIN IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY CALL AT (208) 734-0700, AND RETURN THIS FACSIMILE TO US BY MAIL AT THE ABOVE ADDRESS. WE APPRECIATE YOUR COOPERATION.

ADDITIONAL MESSAGE:

**PLEASE FILE THE ATTACHED WITHDRAWAL OF NOTICE OF
PROTEST. THANK YOU.**

MICROFILMED

JUN 24 2002

1 J. Evan Robertson
2 ROBERTSON, HEPWORTH, SLETTE,
3 WORST & STOVER, P.L.L.C.
4 Attorneys at Law
5 P. O. Box 1906
6 Twin Falls, Idaho 83303-1906
7 Telephone: (208) 734-0700
8 Facsimile: (208) 736-0041
9 ISB# 1801
10 c:\rlw\idwr\protest BLTF

RECEIVED

MAY 23 2002

Department of Water Resources
Southern Region

11 BEFORE THE DEPARTMENT OF WATER RESOURCES
12 OF THE STATE OF IDAHO

13 IN THE MATTER OF)
14 APPLICATION FOR PERMIT)
15 NO. 36-15959)
16 APPLICANT:)
17 PRISTINE SPRINGS, INC.)
18)
19)
20)
21)
22)
23)
24)
25)
26)

WITHDRAWAL OF
NOTICE OF PROTEST

17 BLUE LAKES TROUT FARM, INC. (hereinafter "BLTF"), by and through its attorneys,
18 Robertson, Hepworth, Slette, Worst & Stover, PLLC, hereby withdraws its Notice of Protest with
19 regard to the Application for Permit No. 36-15959 filed by Pristine Springs, Inc., which Notice of
20 Protest was filed with the Department on March 11, 2002.

21 DATED this 23 day of May, 2002.

22 ROBERTSON, HEPWORTH, SLETTE,
23 WORST & STOVER, PLLC

By: 

J. EVAN ROBERTSON

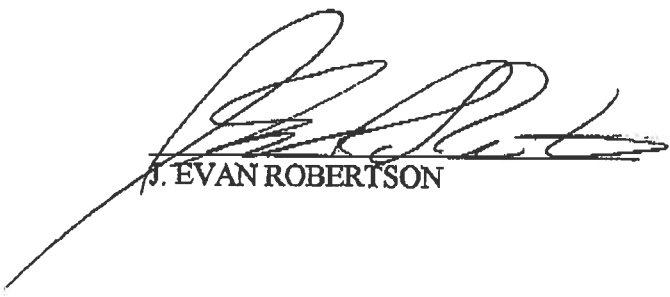
WITHDRAWAL OF NOTICE OF PROTEST - 1

MICROFILMED
JUN 24 2002

CERTIFICATE OF MAILING

I hereby certify that on this 23 day of May, 2002, I served a copy of the foregoing
WITHDRAWAL OF NOTICE OF PROTEST, by depositing same in the United States mail,
postage prepaid, in an envelope, addressed to the following:

Pristine Springs, Inc.
201 Warm Creek Road
Jerome, ID 83338



J. EVAN ROBERTSON

WITHDRAWAL OF NOTICE OF PROTEST - 2

NOT RECORDED
JUN 24 2002

Ther K 212
UNITED STATES OF AMERICA

RECEIVED
MAR 13 2002

FEDERAL ENERGY REGULATORY COMMISSION Department of Water Resources

NOTICE OF APPLICATION ACCEPTED FOR FILING AND SOLICITING MOTIONS
TO INTERVENE, PROTESTS, COMMENTS, RECOMMENDATIONS, AND TERMS
AND CONDITIONS

(March 6, 2002)

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. Type of Application: Conduit Exemption
- b. Project No.: 12144-000
- c. Date filed: January 23, 2002
- d. Applicant: Pristine Springs, Inc.
- e. Name of Project: Pristine Springs Hydro #3
- f. Location: On Warm Creek, in Jerome County, Idaho. The project would not occupy federal or tribal lands.
- g. Filed Pursuant to: Federal Power Act 16 USC §§ 791(a)-825 (r).
- h. Applicant Contact: Mr. Nyal Hoffman, 2122E 3950N, Filer, Idaho 83328, (208) 326-5680
- i. FERC Contact: Regina Saizan, (202) 219-2673.
- j. Status of Environmental Analysis: This application is ready for environmental analysis at this time - see the following paragraphs about filing responsive documents.
- k. Deadline for filing motions to intervene, protests and comments: (April 14, 2002)

Project No. 12144-000

2

All documents (original and eight copies) should be filed with: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the "e-Filing" link. Please include the Project Number (P-12144-000) on any comments, protests, or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing a document with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

1. Description of Project: The project will be located at the outflow of an existing Aquaculture facility. The existing outflow exits an existing dam through a concrete structure and into the Snake River. The hydroelectric facility will consist of a new concrete structure connected to the existing one. The project will consist of a new powerhouse and a new 500 kW turbine generating unit. A channel will be built that allows the water to go through the turbine and exit by a 80-inch pipeline to the Snake River. The turbine will be operated as run-of-river. Approximately 4000 feet of power lines will be built to connect with lines that exist on the property. The average annual generation would be 1,762,305 kWh.

m. Available Locations of Application: A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, D.C. 20426, or by calling (202) 208-1371. This filing is available for review at the Commission or may be viewed on the Commission's web site at <http://www.ferc.gov> using the "RIMS" link, select "Docket #" and follow the instructions (call 202-208-2222 for assistance).

n. Development Application -- Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

o. Notice of Intent -- A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an

MICROFILMED

JUN 24 2002

Application for Permit # 36-15959
240.3 cfs filed 10/18/2001

unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. Protests or Motions to Intervene -- Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

q. Filing and Service of Responsive Documents -- The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to Section 4.34(b) of the Regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 30 days from the issuance date of this notice. All reply comments must be filed with the Commission within 45 days from the date of this notice.

r. Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

s. All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "COMMENTS", "REPLY COMMENTS", "RECOMMENDATIONS", "TERMS AND CONDITIONS", or "PRESCRIPTIONS"; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any protest or motion to intervene must be served

upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the Service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Magalie R. Salas
Secretary

MICROFILMED

APR 24 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 12, 2002

WENDELL M. STARKE PRESIDENT
PRISTINE SPRINGS INC
201 WARM CREEK RD
JEROME ID 83338

RE: APPLICATION FOR PERMIT NO. 36-15959

Dear Mr. Stark:

Enclosed is a copy of a protest filed against approval of the above referenced application. The Department suggests that you contact the protestant(s) directly to determine the nature of the protest and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

Please contact this office if you have any questions regarding this procedure or to schedule a conference and/or hearing.

Sincerely,

Allen D. Merritt, P.E.
Regional Manager

Enclosure

MICROFILMED

JUN 24 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 12, 2002

J. EVAN ROBERTSON
ROBERTSON HEPWORTH SLETTE
WORST & STOVER PLLC
PO BOX 1906
TWIN FALLS ID 83303-1906

RE: APPLICATION FOR PERMIT NO. 36-15959 (Pristine Springs, Inc.)

Dear Mr. Robertson:

The protest filed on behalf of Blue Lakes Trout Farm, Inc. against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

Please note that the application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

Enclosure

MICROFILMED
JUN 24 2002

RECEIVED

MAR 11 2002

Department of Water Resources
Southern Region

Received 3-11-02
4:55pm

By JE Stanton

Receipt 5024647

J. Evan Robertson
ROBERTSON, HEPWORTH, SLETTE,
WORST & STOVER, P.L.L.C.
Attorneys at Law
P. O. Box 1906
Twin Falls, Idaho 83303-1906
Telephone: (208) 734-0700
Facsimile: (208) 736-0041
ISB# 1801
c:\rlw\idwr\protest BLTF

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF)
APPLICATION FOR PERMIT)
NO. 36-15959)
APPLICANT:)
PRISTINE SPRINGS, INC.)

NOTICE OF PROTEST

Fee: \$25.00

BLUE LAKES TROUT FARM, INC. (hereinafter "BLTF"), by and through its attorneys,
Robertson, Hepworth, Slette, Worst & Stover, PLLC, files its Notice of Protest to the approval of
the above-numbered Application for Permit filed by Pristine Springs, Inc.. The basis for BLTF's
protest is as follows:

1. The application filed by the applicant seeks to use waste water from BLTF which
may deny senior water rights held by BLTF;
2. The proposed diversion and use of the waters described in the aforesaid application
violates all or portions of the criteria set forth in Idaho Code Sections 42-203A(5); and

NOTICE OF PROTEST - 1

JUN 24 2002

1
2 3. For such other and further reasons as may be set forth at the hearing on this matter.

3 DATED this 11th day of March, 2002.

4 ROBERTSON, HEPWORTH, SLETTE,
5 WORST & STOVER, PLLC

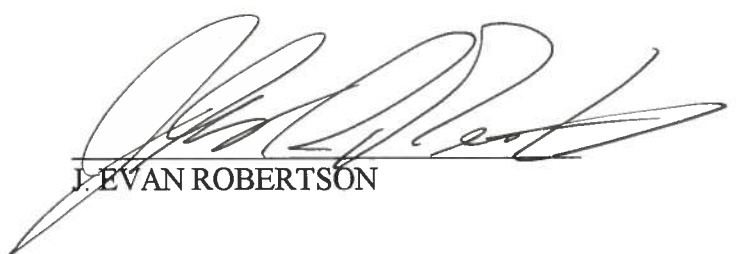
6
7 By: 

8 J. EVAN ROBERTSON
9

10 CERTIFICATE OF MAILING

11 I hereby certify that on this 11th day of March, 2002, I served a copy of the foregoing
12 NOTICE OF PROTEST, by depositing same in the United States mail, postage prepaid, in an
13 envelope, addressed to the following:

14
15 Pristine Springs, Inc.
16 201 Warm Creek Road
Jerome, ID 83338

17
18 
19 J. EVAN ROBERTSON
20
21
22
23
24
25
26

MICROFILMED

JUN 24 2002

Proof of Publication

The Post Register

RECEIVED

MAR 13 2002

Department of Water Resources
Southern Region

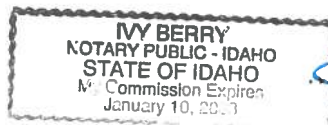
State of Idaho
County of Bonneville

I, Lynn Winter ~~or Danae Jacobsen~~, first being duly sworn, depose and say: That I am the Production Supervisor ~~or Asst. Prod. Supervisor~~ of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2 consecutive (days) weeks, first publication having been made on the 21ST day of FEBRUARY 2002, last publication having been made on the 28TH day of FEBRUARY 2002 at the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Lynn Winter.....

Subscribed and sworn to before me, this 11TH day of MARCH 2002



Ivy Berry.....
Notary Public

My commission expires January 10, 2003

OK
MB
3/14/02

MICROFILMED

JUN 24 2002

MICROFILMED

MAR 24 2002

(over)

LEGAL NOTICE

The following application has been filed to appropriate the public waters of the State of Idaho, Twin Falls County:

36-15959

PRISTINE SPRINGS INC
201 WARM CREEK RD
JEROME ID 83338

Point of Diversion & Place of Use:
Lot 13 (SWSE) S19 T09S R17E

Source: WARM CREEK

Tributary To SNAKE RIVER

Use: 01/01 To 12/31

POWER (240.3 CFS)

Date Filed: 10/18/2001

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St., Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 03/11/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published: February 21, 28, 2002

RECEIVED

MAR 13 2002

Department of Water Resources
Southern Region

OK
MB
3/14/02

Post Register

GOOD MORNING!

333 Northgate Mile
Idaho Falls, ID 83401
(208) 522-1800
March 10, 2002

DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET SUITE 200
TWIN FALLS ID 83301
208-736-3033

RECEIVED

MAR 13 2002

Department of Water Resources
Southern Region

Account # : 546

Published: FEBRUARY 21, 28, 2002

Legal Notice: LEGAL NOTICE 36-15959 PRISTINE SPRINGS

Please refer to Invoice # or Ad # 168536

PO #

TOTAL COST: \$45.76

OK
MB
3/14/02

PLEASE INCLUDE ACCOUNT # AND AD # WITH YOUR
PAYMENT.

THANK YOU!

MICROFILMED

JUN 24 2002

The following application has been filed to appropriate the public waters of the State of Idaho, Twin Falls County:
36-15959
PRISTINE SPRINGS INC
201 WARM CREEK RD
JEROME ID 83338
Point of Diversion & Place of Use: Lot 13 (SWSE) S19 T09S R17E
Source: WARM CREEK Tributary To SNAKE RIVER
Use: 01/01 To 12/31
POWER (240.3 CFS)
Date Filed: 10/18/2001
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 03/11/2002. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director

Published in the Times News on 02/21 & 02/28/02.

OK
MB
3/11/02

of Publication

DAHO
F TWIN FALLS } SS.

Amberhead being first duly sworn upon oath, depose
am principal clerk of the TIMES-NEWS, published daily at,
aho, and do solemnly swear that a copy of the notice of advertisement, as per clipping
published in the regular and entire issue of said newspaper, and not in any supplement

two consecutive weeks,
with the issue dated February 21, 20 02,
with the issue dated February 28, 20 02.

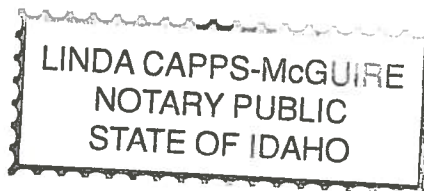
I further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily both of which newspapers prior to consolidation had been published under said names in said city and county and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-News consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 6th day of March in the year 2002, before me,

a Notary Public, personally appeared Ruby Amberhead,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Linda Capps-McGuire
Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5-19-03

MICROFILMED

JUN 24 2002

RECEIVED
MAR 08 2002
Department of Water Resources
Southern Region

No 43748

The Idaho Statesman

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

RECEIVED
MAR 07 2002
Department of Water Resources
Southern Region

Account #	DTI#	Identification	Amount
100632	609399	NOTICE OF APPLICATION	\$97.50
Attention:		P.O. #	Run Dates
MARY BALDWIN			FEBRUARY 21, 28, 2002
IDAHO DEPT. WATER RESOURCES SOUTH 1341 FILLMORE ST. SUITE 200 TWIN FALLS, ID 83301			Number of Lines 27 X 2
			Affidavit 1
			Legal # 12676

LEGAL NOTICE

The following application has been filed to appropriate the public waters of the State of Idaho, Twin Falls County:

36-15959

PRISTINE SPRINGS INC
201 WARM CREEK RD
JEROME ID 83338

Point of Diversion & Place of Use: Lot 13 (SWSE) S19 T09S R17E
Source: WARM CREEK Tributary To SNAKE RIVER
Use: 01/01 To 12/31
POWER (240.3 CFS)
Date Filed: 10/18/2001

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 03/11/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Pub. Feb. 21, 28, 2002

12676

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended, for:

TWO

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip
insertion(s)

beginning issue of: FEBRUARY 21, 2002

ending issue of: FEBRUARY 28, 2002

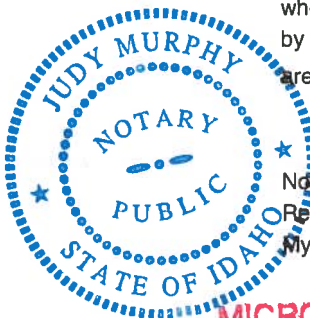
Janice Hildreth

STATE OF IDAHO)
.ss

COUNTY OF ADA)

On this 6 day of MARCH in the year of 2002 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 1/16/04



MICROFILMED

JUN 24 2002

RECEIVED

MAR 07 2002

Department of Water Resources
Southern Region

OK
MB
3/7/02



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

RECEIVED

MAR 06 2002

Department of Water Resources
Southern Region

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RECOMMENDATION FROM STREAM CHANNEL PROTECTION SPECIALIST

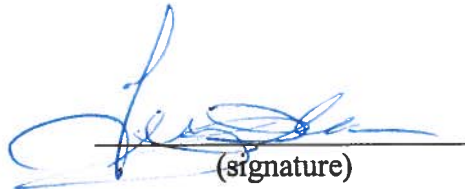
APPLICATION FOR PERMIT TO APPROPRIATE WATER NO.36-15959

I, TERRY G. BLAU, Stream Channel Protection Specialist for the State of Idaho, Idaho Department of Water Resources, 1341 Fillmore St., Twin Falls, Idaho have read the attached copy of the Application For Permit To Appropriate Water, in the name of PRISTINE SPRINGS INC..

I recommend the following conditions:

1. Construction or impacts below the ordinary high water mark within the channel of Warm Creek or the Snake River with the exception of the diversion must be permitted under Idaho's Stream Channel Protection Act.

Dated at Twin Falls, Idaho, March 6, 2002

A handwritten signature in blue ink, appearing to read 'Terry G. Blau', is written over a horizontal line. Below the line, the word '(signature)' is printed in parentheses.

(signature)

MICROFILMED

JUN 24 2002

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

LEGAL ADVERTISING INVOICE

RECEIVED

MAR 04 2002

Department of Water Resources
Southern Region

Date 02/28/2002

INVOICE NO. 286967

Account No. 446620

Description 286967 The following ap

Times 2

Lines 32

Tab. Lines

SOLD TO: DEPT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 20
TWIN FALLS ID 833013380

\$ 47.84

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

286967
The following application has been
filed to appropriate the public wa-
ters of the State of Idaho, Twin
Falls County:
36-15959
PRISTINE SPRINGS INC
201 WARM CREEK RD
JEROME ID 83338
Point of Diversion & Place of Use:
Lot 13 (SWSE) S19 T09S R17E
Source: WARM CREEK Tributary
To SNAKE RIVER
Use: 01/01 To 12/31
POWER (240.3 CFS)
Date Filed: 10/18/2001
Permits will be subject to all prior
water rights. Protests may be sub-
mitted based on the criteria of Sec
42-203A, Idaho Code. Any protest
against the approval of this appli-
cation must be filed with the Direc-
tor, Dept. of Water Resource,
Southern Region, 1341 Fillmore St,
Suite 200, Twin Falls ID 83301 to-
gether with a protest fee of \$25.00
for each application on or before
03/11/2002. The protestant must al-
so send a copy of the protest to the
applicant.
KARL J DREHER, Director
Published in the Lewiston Morning
Tribune on 02/21 & 02/28/02.

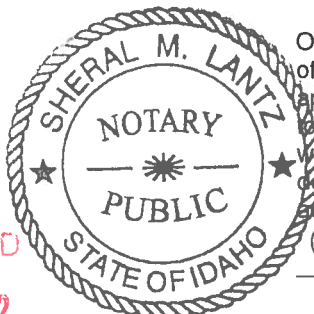
Karen Lewis, being duly sworn, deposes and
says, I am the Legal Clerk of the Tribune
Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho,
publishers of the LEWISTON MORNING TRIBUNE, a news-
paper of general circulation published at Lewiston, Nez Perce
County, Idaho; That the said Lewiston Morning Tribune is
an established newspaper and has been published regularly
and issued regularly at least once a day for more than 21
consecutive years next immediately preceding the first
publication of this notice, and has been so published
uninterrupted for said period; that the 286967 The follo
attached hereto and which is made a part of this affidavit
was published in the said Lewiston Morning Tribune,
2 time(s). Publication being on
02/21, or once a WEEK
for 2 consecutive WEEK
the first publication thereof being on the 02/21/2002
and the last publication thereof being on the 02/28/2002
and said 286967 The follo was so published in the
regular and entire issue of said newspaper and was not in a
supplement thereof and was so published in every issue and
number of the said paper, during the period and times of
publication as set forth above.

State of Idaho

S.S.

County of Nez Perce

On this 28 day of Feb in the year
of 2002, before me, a Notary Public, personally
appeared Karen J Lewis, known or identified
to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn,
declared that the statements therein are true, and
acknowledged to me that he executed the same.



MICROFILMED
JUN 24 2002

Sheral M Lantz
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires June 4, 03



IDAHO FISH & GAME

MAGIC VALLEY REGION

868 East Main Street

P.O. Box 428

Jerome, Idaho 83338-0428

Dirk Kempthorne / Governor
Steven Huffaker / Director

February 26, 2002

Mary A. Baldwin
Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED
FEB 27 2002
Department of Water Resources
Southern Region

Re: Application for Permit No. 36-15959 Filed in the Name of Pristine Springs, Inc.

Dear Mary,

Our staff has reviewed the above referenced application to use 240.30 cfs of water for a hydropower project on Warm Creek. Based on our inspection of this stream and the current uses, the installation of a hydropower facility as proposed will not cause additional harm to the aquatic resources of Warm Creek. We therefore have no further comment on the application at this time. Please contact Chuck Warren, Natural Resources Biologist at this office if you have any questions.

Sincerely,

David Parrish,
Magic Valley Regional Supervisor

CC: IDFG-NRPB
DEQ-Twin Falls
Pristine Springs Inc.
201 Warm Creek Rd.
Jerome, ID 83338

MICROFILMED
JUN 24 2002

The following application has been filed to appropriate the public waters of the State of Idaho, Twin Falls County:

36-15959

PRISTINE SPRINGS INC
201 WARM CREEK RD
JEROME ID 83338

Point of Diversion & Place of Use: Lot 13 (SWSE) S19 T09S R17E

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Use: 01/01 To 12/31

POWER (240.3 CFS)

Date Filed: 10/18/2001

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KARL J DREHER, Director

Published in the Times News, Idaho Statesman, Post Register & Lewiston Morning Tribune on 02/21 & 02/28/02.

MICROFILMED

JUN 24 2002

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301

Phone: 736-3033

Fax#: 736-3037

February 13, 2002

ATTN: JANICE HILDRETH-LEGALS
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

Dear Janice:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely



Mary A. Baldwin
Administrative Assistant

MICROFILMED

FEB 24 2002

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301

Phone: 736-3033

Fax#: 736-3037

February 13, 2002

ATTN: **Cathy-LEGALS DEPT**
POST REGISTER
PO BOX 1800
IDAHO FALLS ID 83401

Dear Cathy:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely



Mary A. Baldwin
Administrative Assistant

MICROFILMED

JUN 24 2002

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301
Phone: 736-3033
Fax: 736-3037

February 13, 2002

ATTN Karen
LEWISTON MORNING TRIBUNE
505 C STREET
LEWISTON ID 83501

Dear Karen:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely

Mary Baldwin

Mary A. Baldwin
Administrative Assistant

MICROFILMED
JUN 24 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 13, 2002

ATTN LEGALS DEPT
TIMES NEWS
PO BOX 548
TWIN FALLS ID 83303-0548

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Administrative Assistant

Enclosure

MICROFILMED

JUN 24 2002

The following application has been filed to appropriate
the public waters of the State of Idaho, Twin Falls

County:

36-15959

PRISTINE SPRINGS INC

201 WARM CREEK RD

JEROME ID 83338

Point of Diversion & Place of Use: Lot 13 (SWSE) S19

T09S R17E

Source: WARM CREEK Tributary To SNAKE RIVER

Use: 01/01 To 12/31

POWER (240.3 CFS)

Date Filed: 10/18/2001

Permits will be subject to all prior water rights. Protests
may be submitted based on the criteria of Sec 42-203A,
Idaho Code. Any protest against the approval of this
application must be filed with the Director, Dept. of
Water Resource, Southern Region, 1341 Fillmore St,
Suite 200, Twin Falls ID 83301 together with a protest
fee of \$25.00 for each application on or before
03/11/2002. The protestant must also send a copy of
the protest to the applicant.

KARL J DREHER, Director

Published in the Times News on 02/21 & 02/28/02.

MICROFILMED

JUN 24 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 13, 2002

WENDELL M. STARKE PRES
PRISTINE SPRINGS INC
201 WARM CREEK RD
JEROME ID 83338

RE: Application for Permit No 36-15959

Dear Mr. Starke:

The Department of Water Resources acknowledges receipt of your water right application. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

Since the application(s) involves the diversion of 10.0 cfs or greater as specified in Sections 42-203A & 42-222 of the Idaho Code, the Department is required to publish notice of the application in the newspaper designated for the county in which the point of diversion is located as well as the major newspaper in each of the Department of Water Resources' administrative regions.

Therefore, this office has scheduled advertising the application in the Times News , Idaho Statesman, Post Register, Lewiston Morning Tribune on 2/21 & 2/28/02. The advertisement will be published for two weeks, and a period of ten calendar days following the second publication will be allowed for the submittal of protests (March 11, 2002).

If an application is protested the applicant will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify the applicant of the outcome of this review. If a permit is issued, the applicant will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please note that additional information is needed prior to completion of the Regional review; a list of names and addresses of all corporate directors and officers. (Rule 035.03.b, i).

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Mary A. Baldwin
Administrative Assistant

MICROFILMED

JUN 24 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 13, 2002

ATTN CHARLES WARREN
ID DEPT FISH & GAME
PO BOX 428
JEROME ID 83338

Re: Application for Permit No. 36-15959 filed in the name of Pristine Springs, Inc.

Dear Mr. Warren:

The Department is seeking your comment and/or recommendations regarding the above referenced application; a copy is enclosed for your information and files.

Your prompt cooperation is appreciated. If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very Truly Yours,

Mary A. Baldwin
Administrative Assistant

Enclosure(s)

MICROFILMED
JUN 24 2002

Baldwin, Mary

From: Baldwin, Mary
Sent: Wednesday, February 13, 2002 4:14
To: Blau, Terry
Cc: Bates, Allan; Baldwin, Mary
Subject: app. for permit No. 36-15959

MEMORANDUM

DATE: February 13, 2002
TO: Terry Blau,
SCA Program
FROM: Mary A. Baldwin, Southern Region
CC: Allan Bates
SUBJECT: Application for Permit No. 36-15959

FYI-- Pristine Springs, Inc has filed the above referenced application to divert 240.30 cfs from Warm Creek tributary to Snake River for Power usage.

2122E 3950N
Hoffman Consulting Filer, Idaho 83328

Wednesday, January 30, 2002

State of Idaho.
Department of Water Resources
1341 Fillmore Street Suite 200
Twin Falls, Id. 83301-3037
Attention Mr. James Stanton

RECEIVED

FEB 01 2002

Department of Water Resources
Southern Region

Re. App. for permit 36-15959

Dear Jim;

I am sending a copy of Pristine Springs application to F.E.R.C. for an exemption for small hydro facility.

It is all the same as I sent it to them please accept this copy for your file

Best Regards


Nyal Hoffman

MICROFILMED

JUN 24 2002

ORM
202
12/99

Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

FEB 01 2002

Department of Water Resources
Southern Region

1. Name of Applicant PRISTINE SPRINGS INC. Phone 208 - 736 1684 SEPT. 9 001

Mailing address _____

2. Source of water supply WARM CREEK which is a tributary of SNAKE RIVER

3. Location of point of diversion is Township 9 S Range -17 E Sec. 29 in the SW 1/4,
NE 1/4, NW 1/4, Govt. Lot, _____ B.M. JEROME County: _____

Additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount <u>240.3 CFS</u>	for <u>HYDROELECTRIC</u>	purposes from <u>JAN. 1</u> to <u>DEC. 31</u>	(both dates inclusive)
(cfs or acre-feet per annum)			
Amount _____	for _____	purposes from _____ to _____	(both dates inclusive)
(cfs or acre-feet per annum)			
Amount _____	for _____	purposes from _____ to _____	(both dates inclusive)
(cfs or acre-feet per annum)			
Amount _____	for _____	purposes from _____ to _____	(both dates inclusive)
(cfs or acre-feet per annum)			
Amount _____	for _____	purposes from _____ to _____	(both dates inclusive)
(cfs or acre-feet per annum)			
Amount _____	for _____	purposes from _____ to _____	(both dates inclusive)
(cfs or acre-feet per annum)			

5. Total quantity to be appropriated is (a) 240.3 and/or (b) _____
cubic feet per second acre feet per annum (acre-feet per annum)

6. Proposed diverting works.

a. Describe type and size of devices used to divert water from the source. EXTEND EXISTING STRUCTURE. NEW STRUCTURE. 110" STEEL PIPELINE. CONCRETE FORBAY. THRU TURBINE. TO TAIL DITCH. SEE PLANS

b. Height of storage dam NA feet; active reservoir capacity NA acre-feet; total reservoir capacity NA acre-feet

c. Proposed well diameter is NA inches; proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 85°F being sought?

e. If well is already drilled, when? _____; Drilling firm NA

Well was drilled for (well owner) NA; Drilling Permit No. NA

7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)

8. Description of proposed uses (irrigation only, go to item 9).

a. Hydropower; show total feet of head and proposed capacity in KW 15' HEAD 212 KW

b. Stockwatering; list number and kind of livestock.

c. Municipal; show name of municipality.

d. Domestic; show number of households.

e. Other; describe fully. NO OTHER USERS ARE INVOLVED IN THIS WATER SOURCE OR PLACE OF USE.

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JUN 24 2002

Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	17 E	29							P										

Total number of acres to be irrigated NA

10. Describe any other water rights used for the same purposes as described above. FISH PROPIGATION

11. a. Who owns the property at the point of diversion? PRISTINE SPRINGS INC.

b. Who owns the land to be irrigated or place of use? PRISTINE SPRINGS INC

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

11 Remarks: _____

3 MAP OF PROPOSED PROJECT REQUIRED -Attach an 8"x11" map clearly identifying the proposed point of diversion place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Wendell M. Harker, President
Signature of Applicant (and title, if applicable) Pristine Springs, Inc.

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ _____ Received by _____ # _____ Date _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

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JUN 24 2002

1/9/02

RECEIVED

FEB 01 2002

Department of Water Resources
Southern Region

Before The Federal Energy Regulatory Commission

Application for Exemption for Small Conduit Hydroelectric Facility

Pristine Springs Inc. applies to the Federal Energy Commission for an exemption for the Pristine Springs Hydro # 3, a small hydroelectric power project that is proposed to have an installed capacity of 5 megawatts or less, from licensing under the Federal Power Act.

The location of the project is:

(State or Territory) State of Idaho

County: Jerome

Township or nearby town: Township 9 S

Stream or body of water located Warm creek and unnamed springs located along the north side of the property.

The exact name and business address of each applicant are.

Pristine Springs Inc. 201 Warm Creek Road - Jerome, Idaho 83338.

The exact name and address of each person authorized to act as agent for the applicant in this application are: Nyal Hoffman 2122E 3950 N Filer, Idaho 83328

Pristine Springs Inc. is a corporation incorporated under the laws of the State of Idaho.

Exhibit A.

This facility will be built at the outflow of an existing Aquaculture facility. There is an existing dam that has been there for many years. The Existing outflow exits this dam thru a concrete structure and into Snake River. The hydroelectric facility will consist of a new concrete structure connected to the existing one as shown in the plans provided. Water will pass thru a Francis Type Turbine and flow into Snake River at the same point it flows at the present. This hydro will not be used as a peaking facility flow and head will be constant. Any variance would be due to changes in flow from the springs which supply the water.

(1) All water now flows thru an existing concrete structure and flows into Snake River. There is no consumptive use as the water is supplied by the outflow from an existing Aquaculture Facility. A new concrete structure will be built connecting to the existing structure. A new powerhouse will be built that houses a generator and turbine. A channel will be built that allows the water to go thru the turbine and exit by a 80" pipeline to Snake River at the same place it does at the present.

Aprox. 4000 ' of power lines will be built to connect with lines that exist on the property. there will be no adverse damage resulting from this project as all construction is located on private property.

(2) It is proposed that (1) one 500 k w generating unit be used at this site. No provisions will be made for future expansion and there are no hydroelectric units at this site

(3) One Francis type, variable flow turbine will be used.

(4) This Turbine will be operated as a run - of - river.

(5) This Project will be operated on a year around flow that is steady. It is substantiated by weirs located upstream that measure the flow to those facilities. No flow is, nor can be diverted below the aquaculture facility and ahead of the hydroelectric facility.

Estimations of:

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JUN 24 2002

- (i) The average annual generation would be 1,762,305 kilowatt hours.
- (ii) The average head of the plant will be 15'.
- (iii) The hydraulic capacity of the plant will be 240.3 cfs plus or minus .
- (iv) The number of surface acres of the man- made impoundment. Aprox. 8 acres with aprox. 72 acre feet of net impounded water.
- (v) All water described above is available for power generation.
- (7) The planned date for beginning construction of this facility would be April 1, 2002 or as soon as the required permits are in place. We are allowed 2 years to put the water to a beneficial use to be in compliance with the laws of the Sate of Idaho Dept. of Water Resources. Our plans would be to have this facility in operation by Nov. of 2002.
- (8) The existing structure has been raised 4' which would be done without the hydro facility to assure there would be no overflow of the dam as the amount of water raised because of expansion of the aquaculture facility The surface area will remain virtually the same.

(d) *Exhibit B*

Enclosed is a U.S. Geological Survey Map that shows the information requested in the following paragraphs.

- (1) All information requested under this paragraph.
- (2) All information requested under this paragraph
- (3) The applicant - Pristine Springs Inc. owns all property upon which this small hydro project will be constructed.
- (4) The proposed project boundary that encloses all project work on this project is, the property lines of Pristine Springs Inc.

(f) *Exhibit E.*

- (1) The environmental setting of this project is located by the bank of Snake River. There is vegetative cover around the project that will not be disturbed.

There has been a stream alteration permit issued in the very area that is involved in this project. The State of Idaho Department of Water Resources permit number issued for that project is 36-S-49 dated December- 2-1999.

A copy of that permit is enclosed.

There will be no adverse impact on any fish or wildlife in this area as nothing will change in the flow pattern.

Water quantity and quality will not change as this project is a run of the river project.

There are no public recreational uses on the private property involved.

There are no threatened or endangered plant or animal species in this area.

There are no sites eligible for inclusion in the National Register of Historical Places involved at this site.

- (2) There will be no expected environmental impacts from this project.

- (3) The main asthetic resourse in the area is the existing lake. This project will have no effect on the lake as it will remain the same.

Exhibit G.

Enclosed are the drawings noted in this paragraph.

USGS Map showing.

The directions to the project site from the intersection of higway 93 and 79 North of Twin Falls Idaho.

All pertinent location information for this project.

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JUN 24 2002

1/9/02

Arial photograph of the site showing the existing lake, dam and the hydro site. Also shown are fish rearing ponds that were eliminated several years ago. Snake River on the left of the photo. Enlarged topog picture of the site showing location of hydro site.

The lake and the existing dam.

Also enclosed is a letter from State of Idaho Dept. of Fish & Game referring to the recent stream alteration.

Tha

If there any questions or remarks, please contact me at the following.

Nyal Hoffman

2122E 3950N

Filer, Idaho 83328

Phone- 208 326 5680

Fax. - 208 326 5679

Email - nyal@filertel.com

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JUN 24 2002



IDAHO FISH & GAME
MAGIC VALLEY REGION
868 East Main Street
P.O. Box 428
Jerome, Idaho 83338-0428

November 18, 1999

Dirk Kempthorne / Governor
Jerry Mallet / Interim Director

Mr. Terry Blau
Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Re: Stream Alteration Application 36-S-49 Pristine Springs - Warm Creek

Dear Terry,

We have reviewed the above referenced application to install an emergency spillway into the Warm Creek impoundment. Provided all work is done in the dry, as stated in the application, impacts should be minimal on fish and wildlife resources.

Sincerely,

for Carl H. Nellis
Magic Valley Regional Supervisor

Cc: IDFG-NRB
COE-Boise (Flowers) via email
Nyal Hoffman

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JUN 24 2002

Idaho Dept. Water Resources

Oct 29-001

Jim Stanton

RECEIVED

8:59 AM

OCT 30 2001

Department of Water Resources
Southern Region

Dear Jim;

Here is the letter of financial Responsibility
on the hydro at Prestine Springs.

Please inform me of anything else I
am lacking.

Sincerely Yours

Nyal Hoffman

Phone 208-326-5680

Fax 208-326-5679

Email nyal@filertel.com

P.S. I am sending an aerial Photo showing the
Project

NH

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JUN 24 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

October 26, 2001

Pristine Springs Inc
ATTN: Nyal Hoffman
201 Warm Creek Rd
Jerome, ID
83338

RE: App for Permit 36-15959

Dear Mr. Hoffman;

Enclosed is a computer-generated copy of this application. Due to the changes that were made to the signed application that you brought in, Mr. Stark needs to sign the printed application before processing can continue. We will hold this file until the signed application is received in this office.

Regards,

James E. Stanton
Sr. Water Resource Agent

MICROFILMED

OCT 24 2002

Comment Report

36-15959

1. jstanton 1/29/2002 4:39:17 PM Special Administration Area Notes
Comment: Special Administration Areas : West ESPA Measurement District
Exempt: N
Reason:
Doc Attached:
Explanation:

2. jstanton 1/30/2002 Initial Review
Comment: This water drops into the Snake River out of an existing pond at the west end of Warm Creek. Applicant plans to re-route the pond discharge through a power plant and then into the Snake River. Use is non-consumptive, and it is highly unlikely that any other water user would be affected by this project. The level of the Snake River varies from as much as 18 feet below the inlet point to as little as 0. At the maximum drop of 18 feet, the power plant will generate 200 kw at an efficiency of 55%. This is a reasonable efficiency based on App. Processing Memo #24 dated 6-19-1986. The requested flow is already used by the applicant under an existing water right, so Allen has determined that no pre-permit exam is needed.

MICROFILMED

JUN 24 2002

RECEIVED

OCT 30 2001

Department of Water Resources
Southern Region

October 18, 2001

TO : IDAHO DEPT OF WATER RESOURCES

FROM : Wendell M. Starke
OWNER of Pristine Springs, Inc.

I hereby certify that I have AVAILABLE
sufficient liquid funds to pay for
the anticipated cost of installing
and operating the hydro facility
to be built on Warm Creek and Blue
Lakes tailwater.

You may talk with Mike Hamilton
at Farmers Bank in Buhl, Idaho to
verify the financial strength of
Pristine Springs, Inc. and Wendell
M. Starke.

You may reach my office at
800-456-7830

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JUN 24 2002

Wendell M. Starke
President & Owner
Pristine Springs, Inc.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

December 2, 1999

DIRK KEMPTHORNE
GOVERNOR

ATTN WENDELL STARKE
PRISTINE SPRINGS INC
201 WARM CREEK ROAD
JEROME ID 83338

KARL J. DREHER
DIRECTOR

RE: Application for Permit No. 36-S-49

Dear Mr. Starke:

This office has reviewed your above referenced application for a permit to alter the channel of Warm Creek and has prepared a decision as provided for in Section 42-3805, Idaho Code.

You may consider this letter as a permit to construct a spillway from lower pond to river, provided the conditions and minimum standards listed below are adhered to. If you feel you cannot meet the conditions set forth in this permit please contact this office for further consideration.

MINIMUM STANDARDS:

(These standards are established in the State of Idaho, Department of Water Resources Administrative Rules regarding Stream Channel Alterations dated July 1, 1993, and are enclosed with this permit.)

Rule 56 - Construction Procedures

SPECIAL CONDITIONS:

[1] All construction activities shall be conducted in such a manner so as to minimize turbidity and comply with Idaho water quality standards.

[2] Fuel, oil, and other hazardous materials shall be stored, and equipment refueled and serviced, away from the stream to insure that a spill cannot enter the waterway.

[3] All construction shall be completed in accordance with descriptions and methods on the application and attachments submitted with the application unless otherwise specified. Any changes must be approved by this department prior to construction.

[4] No construction to be done below the ordinary high water mark of the Snake River.

[5] Channel stabilization materials shall be free of fines and of sufficient size and density to ensure erosion protection.

[6] This permit does not relieve the applicant from the requirement of obtaining Section 404 approval from the U. S. Army Corps of Engineers. A copy of this permit has been forwarded to their office.

[7] The Twin Falls office of the Department of Water Resources shall be notified of specific date(s) of the project at least three (3) days prior to commencement.

[8] This permit shall expire March 31, 2000.

MICROFILMED

JUN 24 2002

December 2, 1999

[9] Channel stabilization materials shall be free of fines and of sufficient size and density to ensure erosion protection.

GENERAL CONDITIONS:

This permit does not constitute any of the following:

- a. An easement or right-of-way to trespass or work upon property belonging to others.
- b. Other approval that may be required by State or Federal Government, unless specifically stated in the special conditions above.
- c. Responsibility of the Department of Water Resources for damage to adjacent properties due to work done.
- d. Compliance with the Federal Flood Insurance Program, FEMA regulations or approval of the local Planning and Zoning authority.

The permit holder or operator must have a copy of this permit at the alteration site, available for inspection at all times.

The Department of Water Resources may cancel this permit at any time that it determines that the permit conditions are not being followed.

To avoid damage to buried utility lines Idaho Code, Sections 55-2201 - 55-2210 requires the applicant and/or his contractors to contact Digline not less than three (3) working days prior to the start of any excavation for this project. The phone numbers for Digline are, Boise area 342-1585 and statewide 1 (800) 342-1585.

CONDITIONS AND CONSTRUCTION PROCEDURES APPROVED UNDER THIS PERMIT MAY NOT COINCIDE WITH THE PROPOSAL AS SUBMITTED. FAILURE TO ADHERE TO CONDITIONS AS SET FORTH HEREIN CAN RESULT IN LEGAL ACTION AS PROVIDED FOR IN SECTION 42-3809, IDAHO CODE.

If you object to the decision issuing this permit with the above conditions, you have fifteen days in which to notify this office in writing that you request a formal hearing on the matter. If an objection has not been received within fifteen days, the decision will be final.

Please contact Terry Blau of my staff at 736-3033 if you have any questions regarding this matter.

Sincerely,



Allen D. Merritt, P.E.
Manager, Southern Regional Office

ADM:tb
enc.

pc: IDFG(Jer.), IDHW-DEQ(TF), C of E(Boise), Jerome County, Nyal Hoffman

MICROFILMED
JUN 24 2002

U.S. ARMY CORPS OF ENGINEERS
IDAHO DEPARTMENT OF WATER RESOURCES
IDAHO DEPARTMENT OF LANDS

**DO NOT START WORK UNTIL YOU
RECEIVE PERMITS FROM BOTH THE
CORPS AND THE STATE.**

This application may be used to apply for both a Department of the Army permit from the U.S. Army Corps of Engineers (Corps) and for State of Idaho permits. Department of the Army permits are required by Section 10 of the Rivers and Harbors Act of 1899 for any structures or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for discharges of dredged or fill material into waters of the United States, including their adjacent wetlands. State permits are required under the State of Idaho, Stream Channel Protection Act (Title 42, Chapter 38, Idaho Code) and the Idaho Lake Protection Act, Section 58-142 et. seq., Idaho Code. Routine Uses: Information provided on this form will be used in evaluating the application. Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can permits be issued. Applicants should send this completed application, along with one set of good reproducible drawings showing the location and character of the proposed project, to both the Corps of Engineers and the State of Idaho. NOTE: DRAWINGS NO LARGER THAN 8-1/2 X 11 INCHES IN SIZE. The Applicant Information pamphlet provides instructions and a checklist for completing the drawings.

1. Corps of Engineers # _____ Date Received _____	2a. Department of Water Resources # _____ Date Received _____ Fee Rec'd By: _____ Receipt # _____	2b. Department of Lands # _____ Date Received _____ Fee Rec'd By: _____ Receipt # _____
--	---	---

3. Applicant <u>PRISTINE SPRINGS INC</u> Mailing Address <u>201 WARM CREEK ROAD</u> <u>JEROME, ID. 83338</u> Area _____ Area _____ Work Phone () _____ Home () _____ Fax Number _____ Email Address _____	4. Authorized Agent <u>NYAL HOFFMAN</u> Mailing Address <u>2122 E 3950 N</u> <u>FILER, ID. 83328</u> Area _____ Area _____ Work Phone (208) <u>326 5680</u> Home () <u>SAME</u> Fax Number <u>208-326-5679</u> Email Address <u>nyal.hoffman@filerfel.com</u> Tax Assessor's Description _____
---	--

5. Location where proposed activity exists or will occur.

Waterway WARM CREEK
FROM TWIN FALLS N. ON 93 TO 79 W. TO BLUE LAKES ROAD 8 MI. NW SE 19 9S 17E
Distance/Direction from nearest city or town JEROME, ID. 1/4 1/4 Section Township Range
83338 JEROME UTM Coordinate Grid Zone Northing Easting
Zip Code Local jurisdiction (city or county)

Directions to the site FROM TWIN FALLS NORTH TO HIGHWAY 79 TO BLUE LAKES ROAD TO RIGHT TURN FOLLOW WEST TO PRISTINE SPRINGS

6. Describe Project (Work below the ordinary high water mark or in wetlands).

INSTALL HYDRO ELECTRIC PLANT ON OUTFLOW FROM PRISTINE SPRINGS AQUACULTURE FACILITY. ALL WORK WILL BE DONE IN THE DRY ON P.S. PROPERTY. THE ONLY WORK THAT WILL BE DONE BELOW THE HIGH WATER MARK WILL BE THE INSTALLATION OF THE DISCHARGE PIPE INTO SNAKE RIVER. THIS CONST. WILL NOT IMPACT ANY OTHER PARTY.

Construction methods and equipment: EXCAVATION WILL BE DONE BY EXCAVATOR & BACKHOE AND WILL CAUSE VERY LITTLE IF ANY TURBIDITY. IT WILL CHANGE THE LOCATION OF THE DISCHARGE. AS SHOWN ON DRAWINGS.

Length of project along the stream or extension into lake or reservoir: 100' TO 150' - ALONG SNAKE RIVER

COMPLETE THE FOLLOWING FOR DISCHARGES OF DREDGED OR FILL MATERIAL

Volume dredged or fill material to be placed waterward of ordinary high water mark (BOTH TEMPORARY AND PERMANENT)? _____ (cubic yards)

Will fill be placed in wetlands? _____ If yes, area: _____ (acres) Type of fill material: _____ (i.e. sand, rock, clay, concrete, etc.)

Will dredging be required waterward of the ordinary high water mark or in wetlands? _____ If yes, volume _____ (cubic yards)

Type of dredged material _____

Disposal site for dredged material: _____ Method of dredging: _____

Method to control turbidity and sedimentation: _____

Is project located in a mapped floodway? _____ If yes, complete the Engineering "No-Rise" certification form.

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JUN 24 2002

10. Names, addresses, and telephone numbers of adjoining property owners, lessees, etc., whose property also adjoins the waterway.

☐ Check here if the alteration is located on endowment lands administered by the Idaho Department of Lands

Name _____ Phone Work () _____

Mailing Address _____ Home () _____

City, State, Zip Code _____

- | Issuing Agency | Type of Approval | Identification No. | Date of Application | Date of Approval |
|----------------|------------------|--------------------|---------------------|------------------|
|----------------|------------------|--------------------|---------------------|------------------|

- Other comments/information: ALL WORK WILL DEPEND ON PERMITS FROM
IDWR, WATER PERMIT AND COMMENTS FROM I.F. & GAME DEPT. (HEALTH)
WELFARE

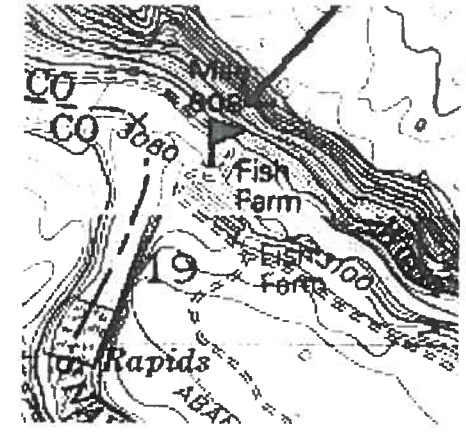
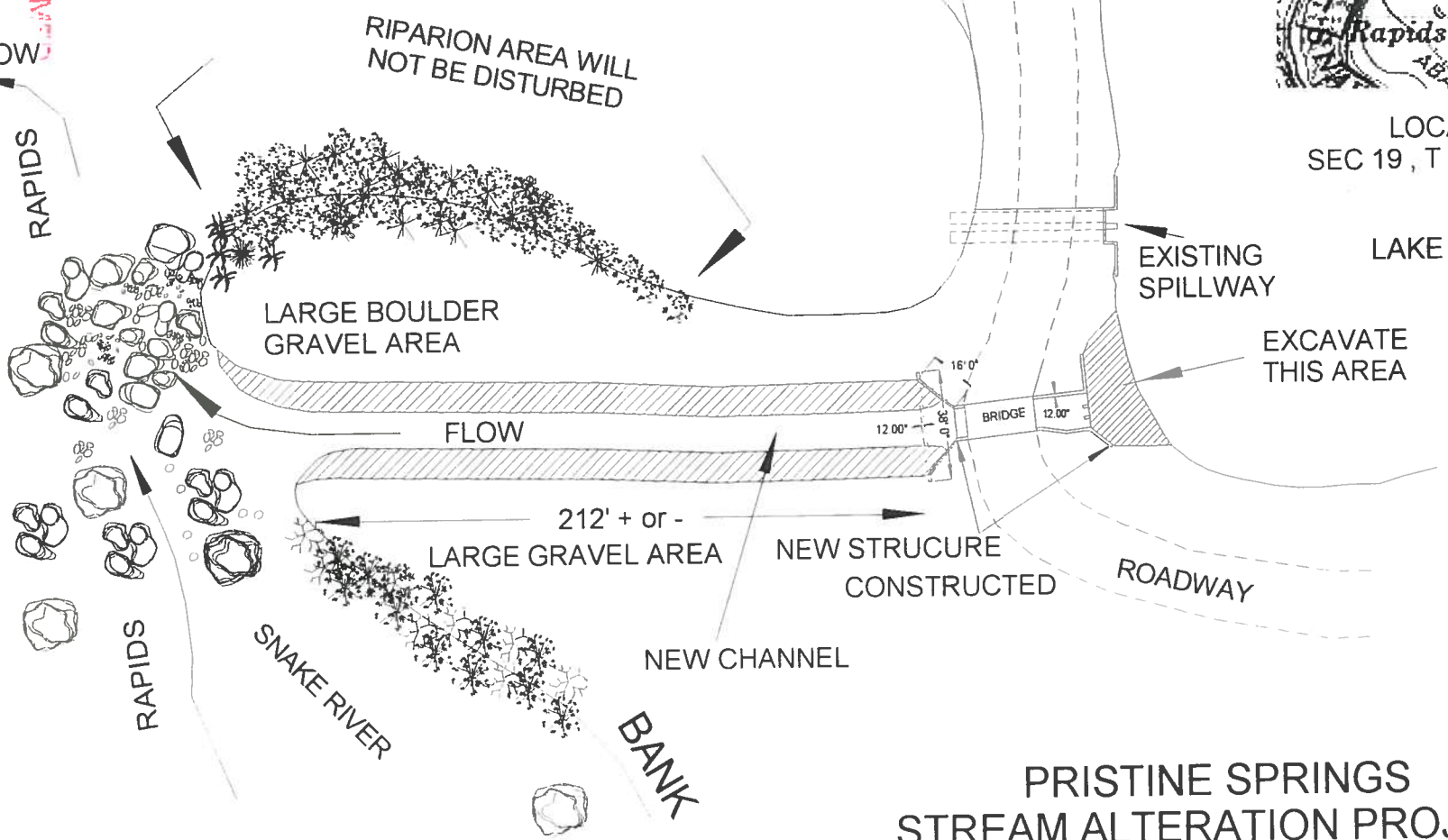
-
- | | | |
|--|--------------|------|
| Signature of Applicant (ORIGINAL SIGNATURE REQUIRED) | Printed Name | Date |
|--|--------------|------|

- Nyal Hoffman Nov.-14-001 _____
 Original Signature of Authorized Agent Date Original Signature of Applicant Date

DO NOT SEND CORPS PROCESSING FEE WITH APPLICATION

IDWR Form 3804-B
Oct 00 (REV)

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JUN 24 2002
FLOW



LOCATION MAP
SEC 19, T9 S, R17 E, B.M.

PRISTINE SPRINGS STREAM ALTERATION PROJECT

SCALE 1"=60'

Princeton Sprague, Inc

_____ miles N/S and _____ miles E/W of _____



At the west end of Warm Creek where it drops into the Snake River.

JUN 24 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

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Department of Water Resources
Southern Region

1. Name: PRISTINE SPRINGS INC
201 WARM CREEK RD
JEROME ID 83338
(208)736-1684

2. Source: WARM CREEK Tributary to: SNAKE RIVER

3. Location of Point of Diversion:

#1 WARM CREEK
TWIN FALLS County

L12 SW1/4NE1/4

Sec. 29, Twp 09S, Rge 17E, B.M.

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01	to 12/31	240.30 CFS	

5. Total quantity to be appropriated is:

240.30 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source:

b. Height of storage dam _____ feet;

Active reservoir capacity _____ acre-feet;

Total reservoir capacity _____ acre-feet;

c. Proposed well diameter is _____ inches;

Proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85F being sought?

e. If well is already drilled, when? _____;

Drilling Firm _____;

Drilling Permit No. _____.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 year(s).

8.

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JUN 24 2002

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

PLACE OF USE: POWER

Twp Rge Sec	NE				NW				SW				SE				Totals
09S 17E 29	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			X					X									
			L 12					L 11									

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

This water is already diverted for fish propagation under existing rights. This is just an additional use. Source includes waste water from Blue Lakes Trout Farm.

11. Map of proposed point of diversion and place of use attached? ☐

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

X Wendell M. Harke
owner Applicant

Received by J. F. Clinton Date _____ Time _____ Preliminary check by _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

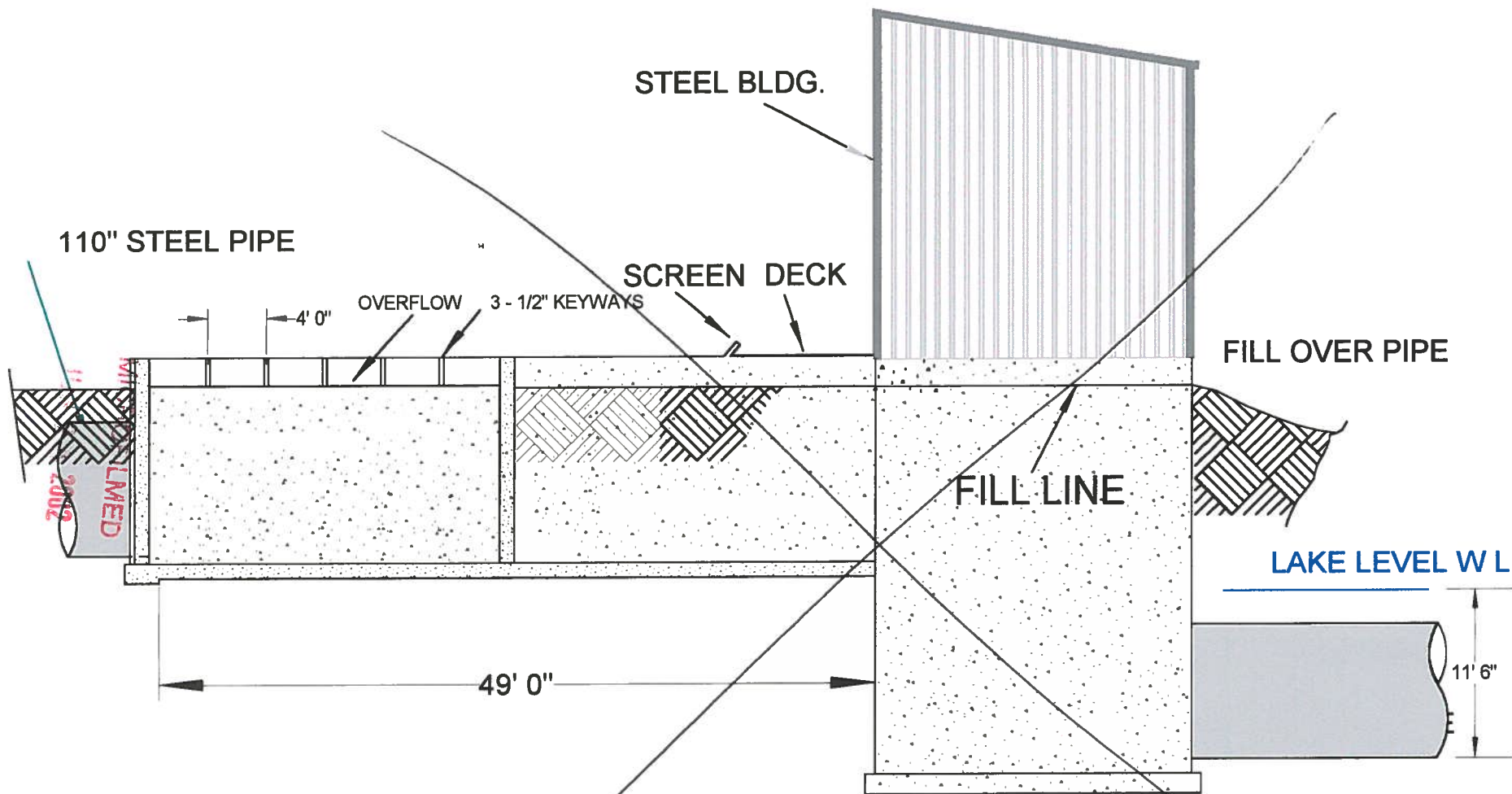
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Date: _____

Received by: _____

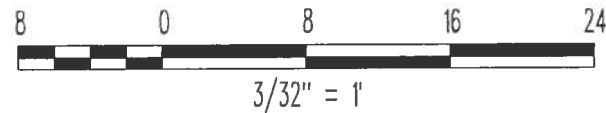
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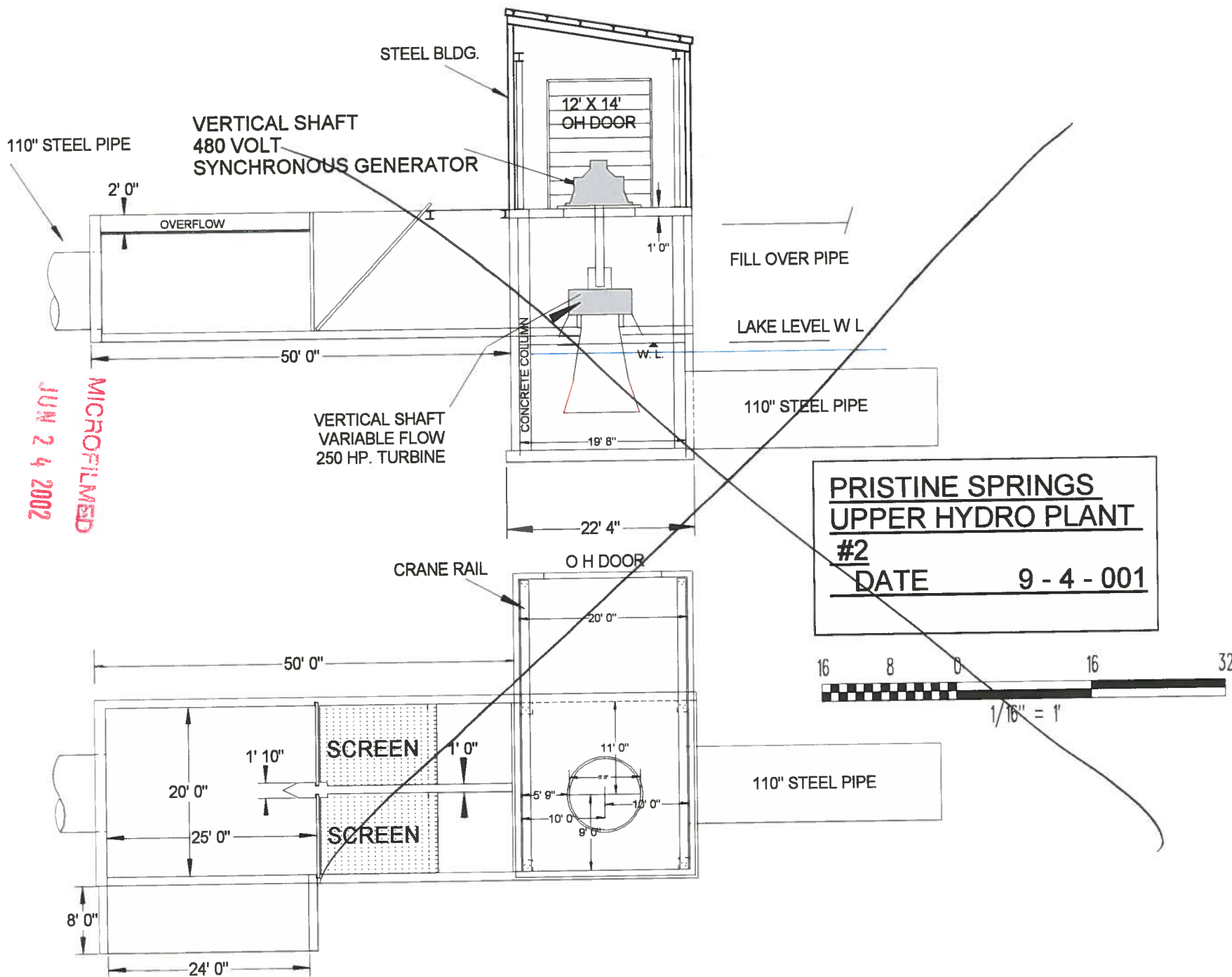


EAST PROFILE

PRISTINE SPRINGS INC.
UPPER HYDRO # 2
POWER HOUSE
9 - 15 - 2001



36-15959



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MICROFILMED

36-15959

9' pipe = 64 sq. ft.

EXISTING HEAD STRUCTURE

PIPE STUB

8' 0"

PIPE TO EXISTING PONDS

PIPE

6' 0"

OR AS AVAILABLE 4" x 4" Keyways

30' 0"

12' 0"

110" Pipe

APROX. 200' TO POWER HOUSE

Floor

23' 4"

1' 0"

1' 0"

PLAN VIEW

W L

1' 4"

1' 0"

13' 6"

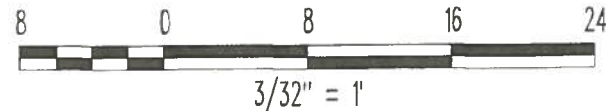
2' 0"

16' 2"

SECTION

PRISTINE SPRINGS
HEAD STRUCTURE
UPPER HYDRO #2

9 - 4 - 001

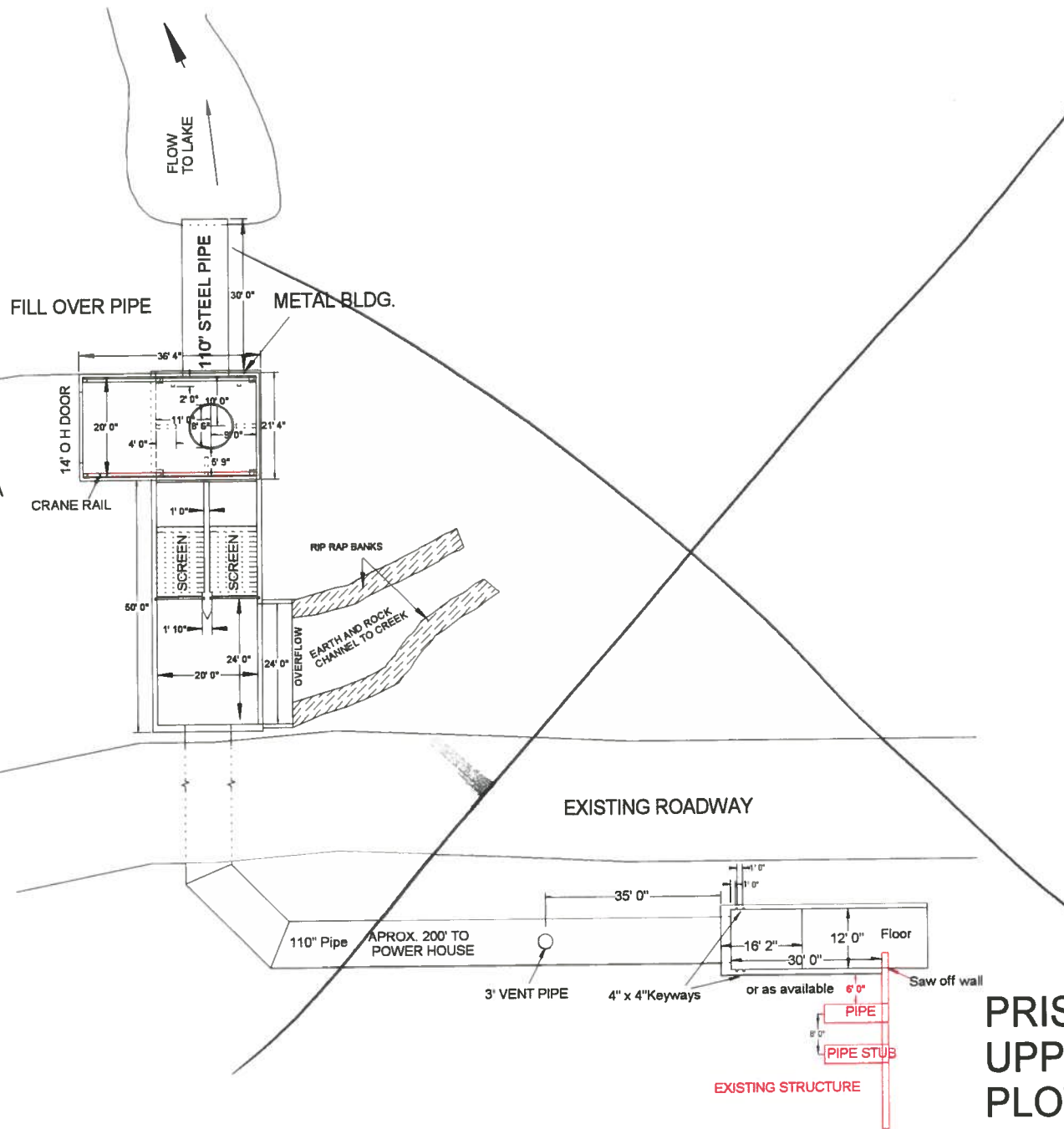


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Saw off

36-15959



REPROFILED
JUN 24 2002
FILL THIS AREA



PRISTINE SPRINGS
UPPER HYDRO # 2
PLOT PLAN
9 - 4 - 001
SCALE 1/32" = 1' 0"

36-15959

ORM
202
12/99

Ident. No. 36-15957

69497

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OCT 18 2001

Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant PRISTINE SPRINGS INC. Phone 208 - 736 1684 SEPT. 9 001
Mailing address _____
2. Source of water supply WARM CREEK which is a tributary of SNAKE RIVER
3. Location of point of diversion is Township 9 S Range -17 E Sec. 29 in the SW 1/4,
NE 1/4, NW 1/4, Govt. Lot, _____ B.M. JEROME County: _____
Additional points of diversion if any: _____
4. Water will be used for the following purposes:
- | | | | |
|--|--------------------------|---|------------------------|
| <u>Amount 240.3 CFS</u>
<small>(cfs or acre-feet per annum)</small> | for <u>HYDROELECTRIC</u> | purposes from <u>JAN. 1</u> to <u>DEC. 31</u> | (both dates inclusive) |
| <u>Amount</u>
<small>(cfs or acre-feet per annum)</small> | for | purposes from _____ to _____ | (both dates inclusive) |
| <u>Amount</u>
<small>(cfs or acre-feet per annum)</small> | for | purposes from _____ to _____ | (both dates inclusive) |
| <u>Amount</u>
<small>(cfs or acre-feet per annum)</small> | for | purposes from _____ to _____ | (both dates inclusive) |
| <u>Amount</u>
<small>(cfs or acre-feet per annum)</small> | for | purposes from _____ to _____ | (both dates inclusive) |
| <u>Amount</u>
<small>(cfs or acre-feet per annum)</small> | for | purposes from _____ to _____ | (both dates inclusive) |
5. Total quantity to be appropriated is (a) 240.3 and/or (b) _____
cubic feet per second acre-feet per annum (acre-feet per annum)
- 6 Proposed diverting works.
- a. Describe type and size of devices used to divert water from the source. EXTEND EXISTING STRUCTURE, NEW STRUCTURE, 110" STEEL PIPELINE, CONCRETE FORBAY, THRU TURBINE, TO TAIL DITCH. SEE PLANS
- b. Height of storage dam NA feet; active reservoir capacity NA acre-feet; total reservoir capacity NA acre-feet
- c. Proposed well diameter is NA inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought? _____
- e. If well is already drilled, when? _____; Drilling firm NA
Well was drilled for (well owner) NA; Drilling Permit No. NA
7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9).
- a. Hydropower; show total feet of head and proposed capacity in KW 15' HEAD 212 KW
- b. Stockwatering; list number and kind of livestock.
- c. Municipal; show name of municipality.
- d. Domestic; show number of households.
- e. Other; describe fully. NO OTHER USERS ARE INVOLVED IN THIS WATER SOURCE OR PLACE OF USE.

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Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	17 E	29							P										

Total number of acres to be irrigated NA

10. Describe any other water rights used for the same purposes as described above. FISH PROPIGATION

11. a. Who owns the property at the point of diversion? PRISTINE SPRINGS INC.

b. Who owns the land to be irrigated or place of use? PRISTINE SPRINGS INC

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

11 Remarks: _____

3. MAP OF PROPOSED PROJECT REQUIRED -Attach an 8"x11" map clearly identifying the proposed point of diversion place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

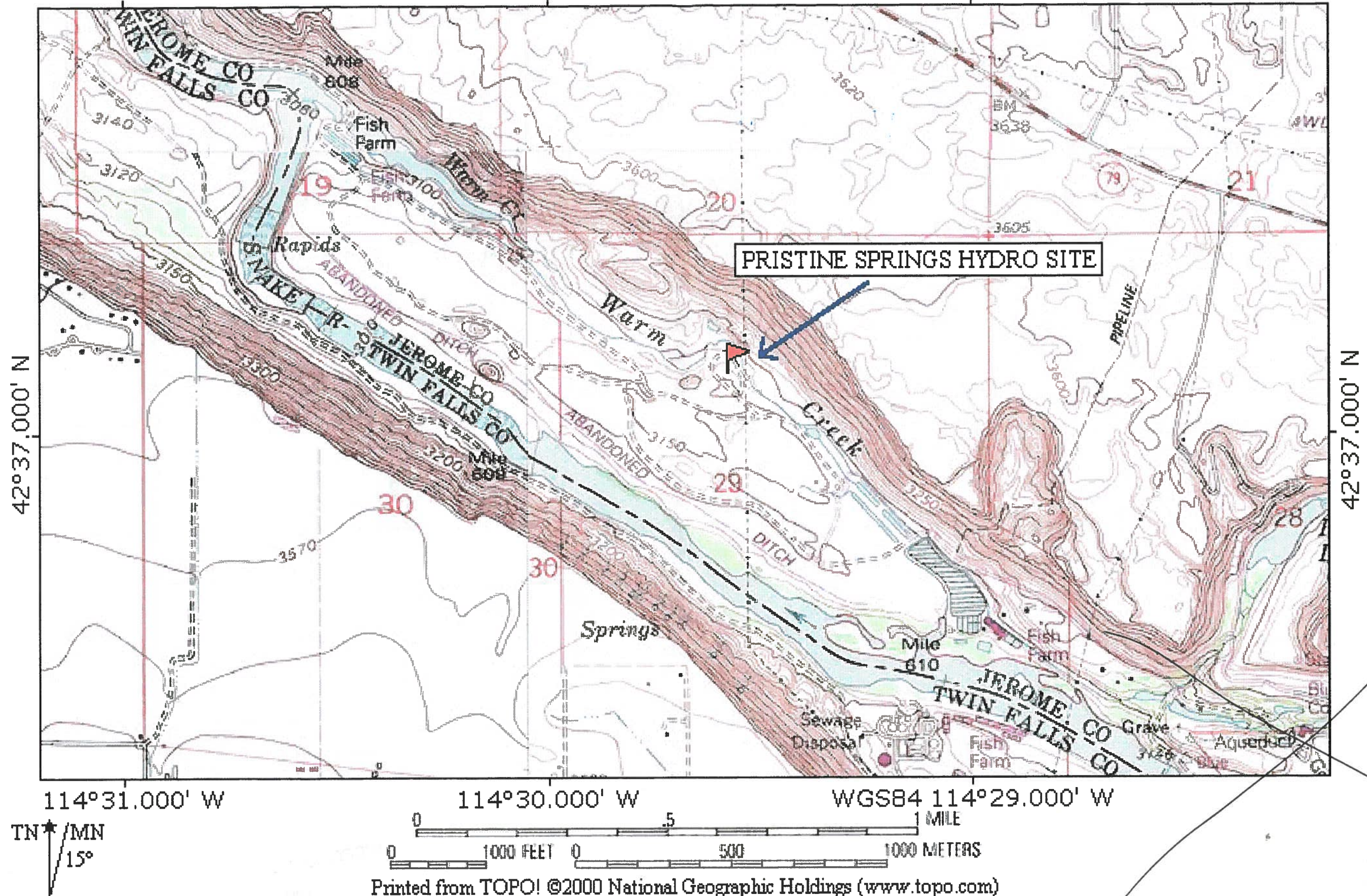
Wendell M. Harker, President
Signature of Applicant (and title, if applicable) Pristine Springs, Inc.

Received by JS Date 10-18-01 Time 11:30 am Preliminary check by _____
Fee \$ 40.00 Receipted by JS # 5024271 Date 10-18-01
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

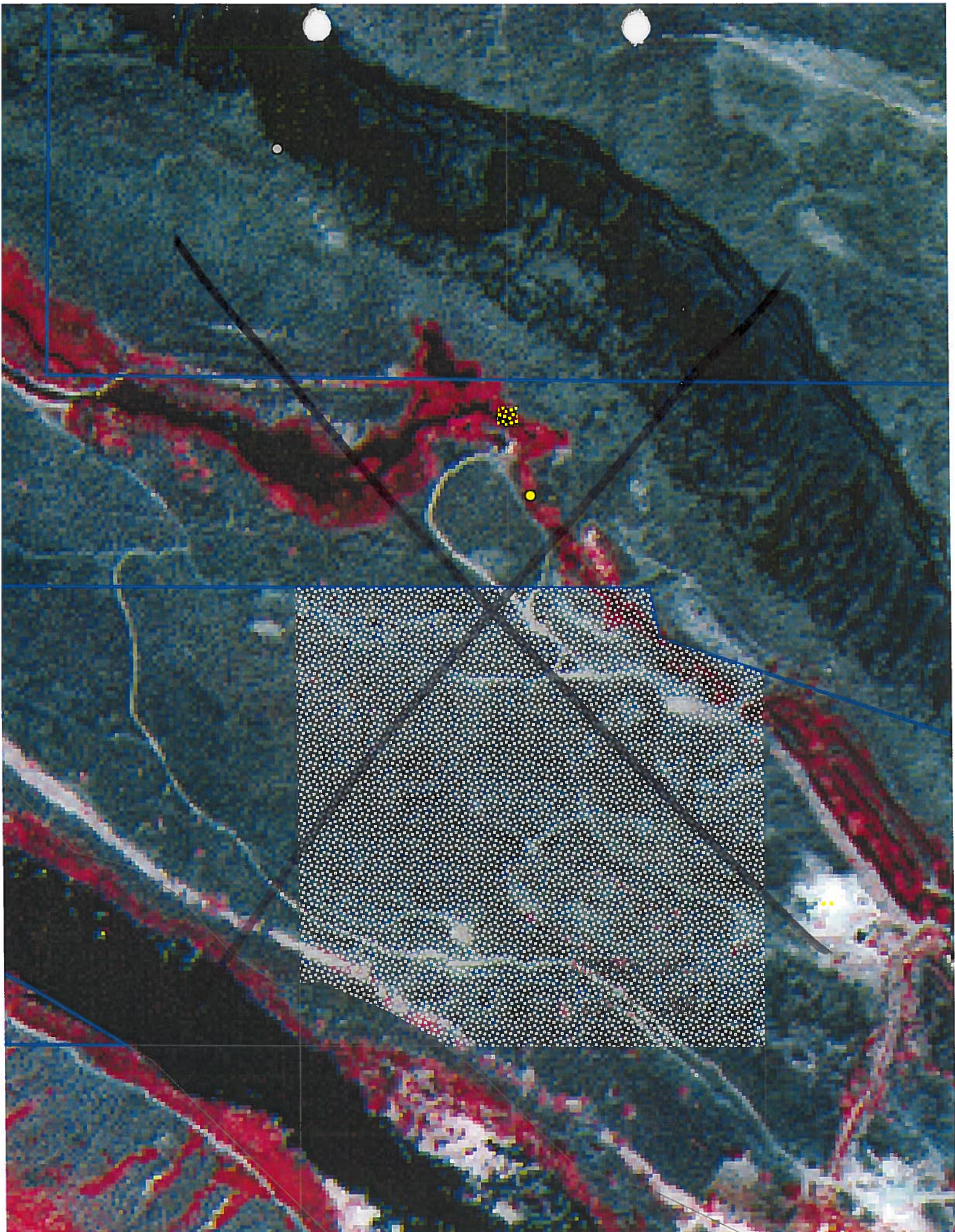
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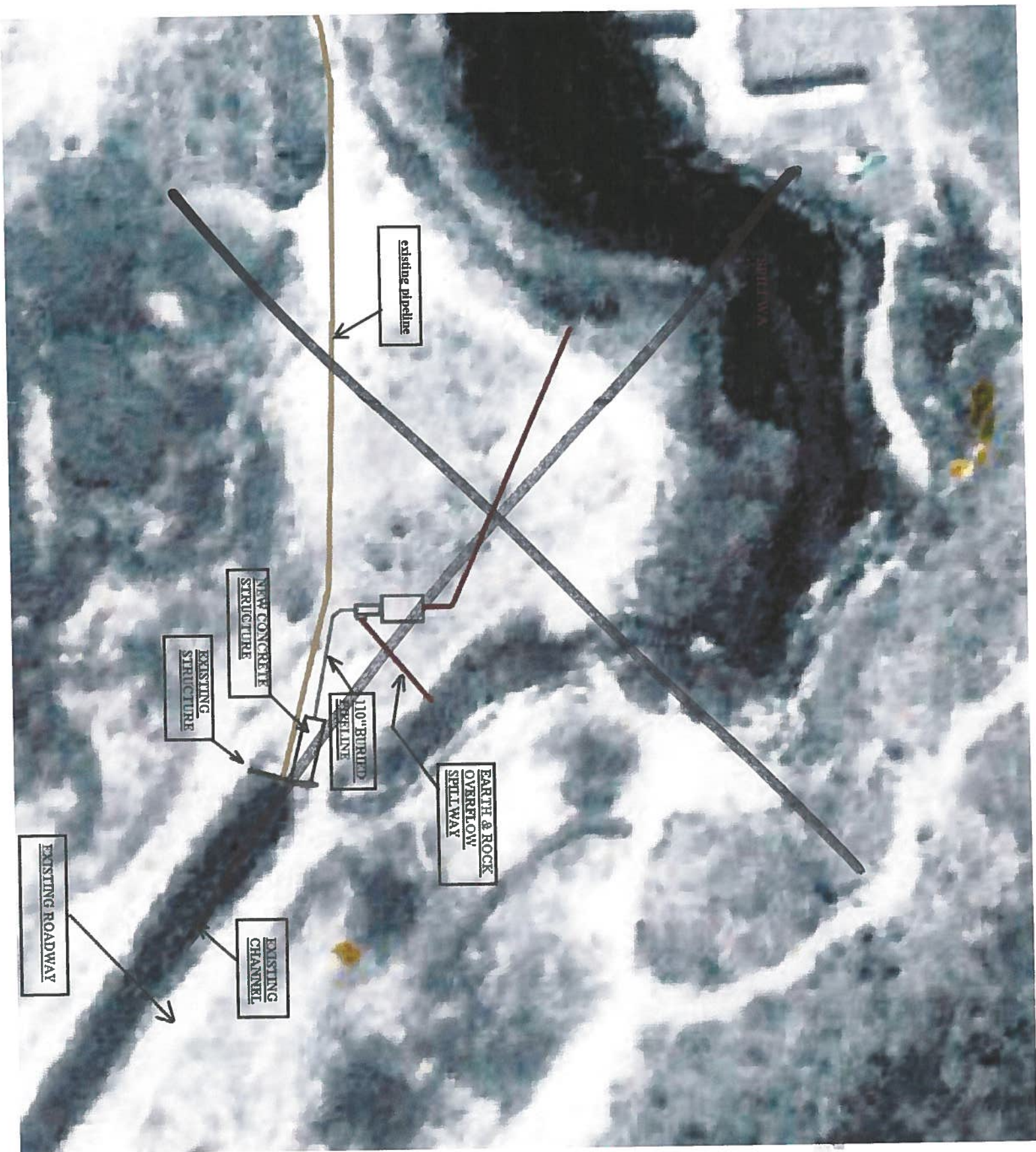
JUN 24 20

TOPO! map printed on 09/26/01 from "PRISTINE SPRINGS HYDRO SITE 9-21-001.tpo" and "Untitled.tpg"
114°31.000' W 114°30.000' W WGS84 114°29.000' W



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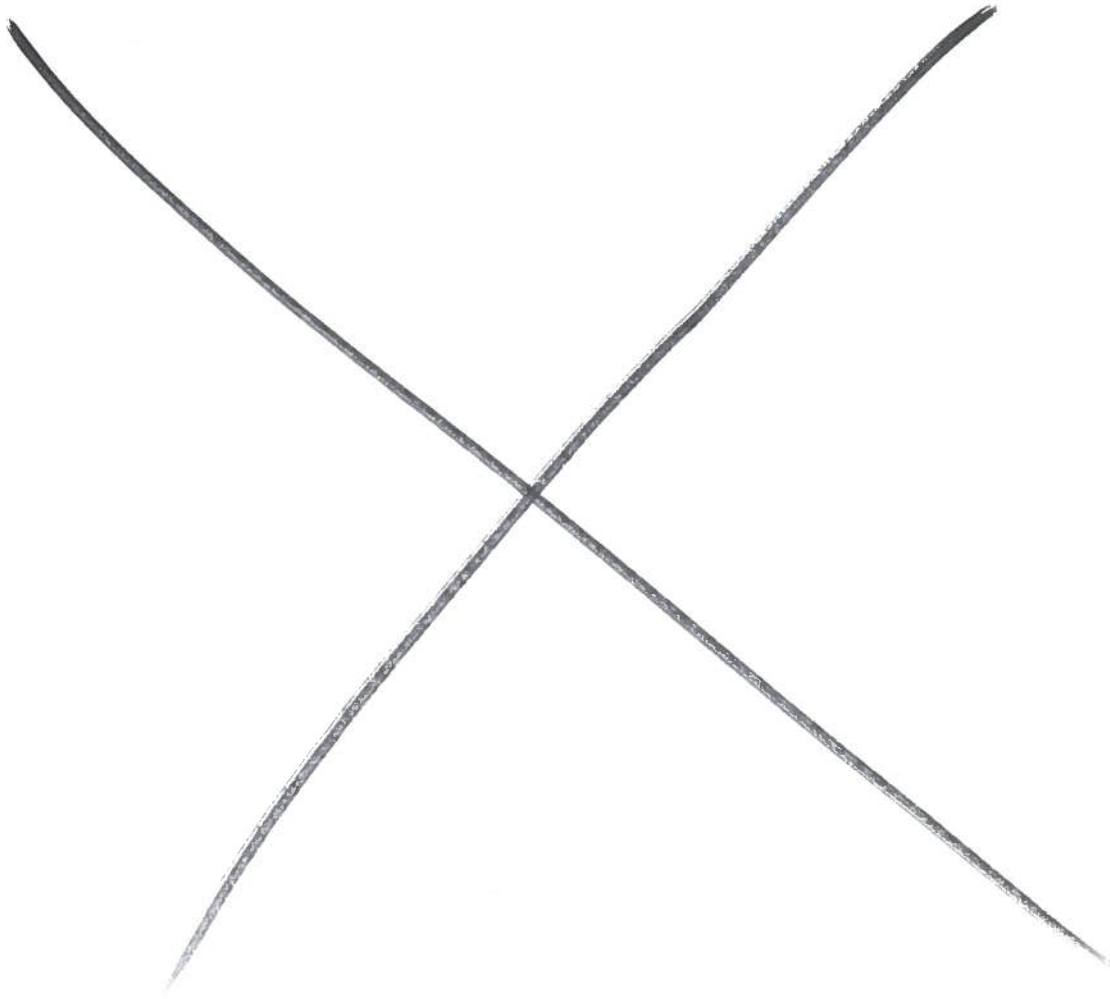
JUN 24 2002

OCT 30 2001

Department of Water Resources
Southern Region



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JUN 24 2002



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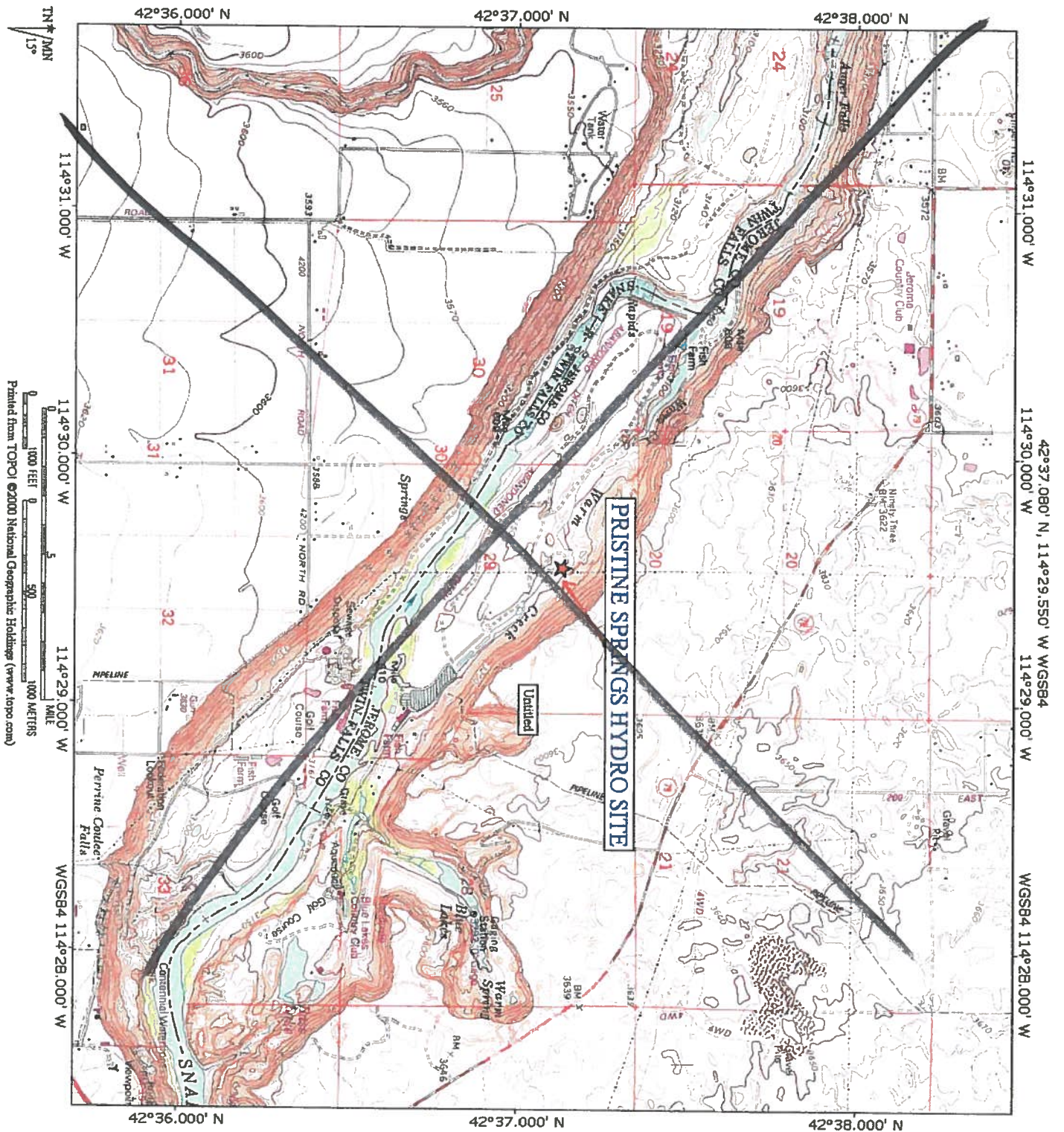


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