

MEMORANDUM

DATE: October 23, 2009

TO: Water Right File 36-16156

FROM: Shelley W. Keen *SWK*

RE: Inquiry from the applicant

This afternoon Randy MacMillan of Clear Springs Food, Inc., called to inquire about Application 36-16156. I explained that IDWR has been concerned about the application because it initially appeared, based on the version of the ESPA model employed in the transfer tool, that the proposed ground water diversion would impact the aquifer both upstream and downstream enough to require mitigation. I further explained that the more robust version of the ESPA model puts the diversion in a drain cell, which would indicate no impact on the ESPA aquifer. Consequently, our conclusion is that the likely impact of the diversion would be on river flows, not on wells or springs.

Trading surface water for ground water, as offered by Clear Springs, should offset impacts to the Snake River downstream. Impacts to the river upstream are not quantifiable. Should they exist, however, they will not be mitigated because flows in the river between Milner and Clear Springs are sufficient to satisfy existing water rights.

I told Mr. Mac Millan that IDWR is drafting a permit based on this analysis.