

Yenter, Cindy (Hodges)

From: Young, Norm
Sent: Tuesday, June 11, 2002 8:40 AM
To: Yenter, Cindy (Hodges)
Subject: RE: Pristine Springs

Cindy: I happened upon my notes from the April 15, 2002 meeting we had with Jason. I attended by phone. I am not sure I understand or remember what is intended but I wrote down the following:

1. Transfer will be filed to add other place of use - because outside of listed 40 acre tract.
2. Distinction between 36-7130 and 36-8094
 - not linked to 36-7130
 - you can have 7 cfs if you use it for heat
 - hot water is put to maximum beneficial use it could be (Note: I suspect this #2 paragraph is Jason's argument)
3. Amend 36-8094 to add fish, reduce priority.

I hope you took better notes than I did! Norm

-----Original Message-----

From: Yenter, Cindy (Hodges)
Sent: Tuesday, June 11, 2002 7:37 AM
To: Young, Norm
Subject: RE: Pristine Springs

You've read my mind. I had planned on calling Jason this morning to check on that, so I will let you know what I learn.

-----Original Message-----

From: Young, Norm
Sent: Monday, June 10, 2002 4:27 PM
To: Yenter, Cindy (Hodges)
Subject: Pristine Springs

Cindy: Please remind me of how we left the discussion with Jason Miciak relative to 36-8094 and his efforts to convince us that 7 cfs is all right. Looking at the hydrographs and pumpage records for the Twin Falls Moratorium area, this is an issue we need to settle. Thanks. Norm

P. P.

ROUTING SLIP

Distribution		Provided for your:	
Date:	3-19-02	Information	
To:	Adam Phil.	Comments	
From:	Andy Yeater	Approval	
Special Notes:		Signature	
Pristine Springs response. Can they request Compliance Conference in Advance of Nov? Signed I send Jose documentation since he seems hesitant to send me anything substantive?			

JASON R. MICIAK, P.C.

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RECEIVED

MAR 26 2002

Department of Water Resources
Southern Region

March 15, 2002

Ms. Cindy Yenter
Sr. Water Resource Agent
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RECE

MAR 21 2002

Department of Water Resources

RECEIVED
MAR 19 2002
Department of Water Resources
Southern Region

RE: *Operation of Geothermal Well at Pristine Springs—Notice of Over Appropriation and unauthorized change in Place of Use.*

Dear Ms. Yenter:

I am writing in my representative capacity for Pristine Springs and am attorney of record in this and all matters before the Department concerning Pristine Springs, all future correspondence or concerns may be addressed to my office. We are in receipt of your letter dated March 13, 2002. Under the authority granted by the Department Administrative Rules, Pristine Springs formally requests a Compliance Conference in order to demonstrate that Pristine Springs current use is in full compliance with all pertinent licenses, decrees and permits. We specifically waive our right to have that conference within the 21 day period allotted. I am sure our respective offices can coordinate a convenient time and location for the Compliance Conference.

Pristine Springs respectfully but vigorously disagrees with your preliminary conclusion that Pristine Springs' use of the geothermal well constitutes an over appropriation. Pristine Springs is in complete compliance with the precise terms of permit 36-8094. Furthermore, Pristine Springs has been inspected on numerous occasions by the department within the last few years, cooperated fully with the Department, and the Department has consented to Pristine Springs' complete use of 36-8094. Pristine Springs invested significant capital to improve its diversion works and facilities in total reliance upon the terms of the permit. In its current configuration, Pristine Springs' economic feasibility is dependant upon full use of Permit 36-8094. We shall fully explain the legal predicate for our longstanding full use of 36-8094 at the compliance conference.

Please forward to us all materials, documents, affidavits, or other materials utilized by the department in its preliminary decision and forward any new materials which may be generated in the near future. If you have any questions or concerns please feel free to contact my office as I am sure we will be discussing this matter frequently.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason R. Miciak", written over a printed name.

Jason R. Miciak