

Yenter, Cindy

From: Yenter, Cindy
Sent: Friday, March 07, 2008 12:39 PM
To: 'Randy MacMillan'; 'Williams, Rob'; 'John Simpson'; 'Charles L. Honsinger'
Cc: Merritt, Allen; 'Jeff Jermunson'; 'Ed White'
Subject: RE: 36-16156 draft permit conditions

Randy and others -

The draft conditions I sent you were intended only to represent standard IDWR conditions which you could expect to see on approved permits of this type. They were not inclusive of all or any conditions which IDWR may choose to place on either the approved permit or the final license. IDWR standard conditions are intended to consistently address various administrative and legal issues; they are set by IDWR and usually not negotiated as a part of a settlement.

If Clear Springs Foods prefers the mitigation and combined use language specified, it should be contained in the stipulated agreement. IDWR can choose to add language from the stipulated agreement to conditions of the approved right, or can refer to the stipulated agreement in the conditions of use. Based upon the final agreement, we might find it necessary or appropriate to add a non-standard condition to reflect that the industrial use under 36-7201 could resume under certain circumstances, ie, if the ground water right were not in use.

At this point we are awaiting the stipulated agreement. Please forward it as soon as it is completed. Along with the agreement we will also need protest withdrawals from Clear Lakes Trout and the Wrights relative to this permit. I would expect Mr. Williams and Mr. Honsinger to submit those. When the approved permit is issued, there will be an opportunity for any party to petition for reconsideration if it disagrees with any component of the approval, including conditions of use.

Please contact Allen Merritt or I if you need further information.

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From: Randy MacMillan [mailto:randy@clearsprings.com]
Sent: Friday, March 07, 2008 10:26 AM
To: Yenter, Cindy; 'Williams, Rob'; 'John Simpson'; 'Charles L. Honsinger'
Cc: Merritt, Allen; 'Jeff Jermunson'; 'Ed White'
Subject: RE: 36-16156 draft permit conditions

Attached for consideration is a redline version of what Cindy and Allen had provided as conditions of Clear Springs Foods Processing Plant well. It is our understanding that the well would be permitted at 1.34 cfs. We found item 170 confusing and offer a simpler version. Mitigation would be 1:1- that is for each unit of water pumped from the ground, we would not use a unit of water from Kanaka Creek. As we have previously stated the amount of water pumped from the ground would likely vary over time but not exceed 1.34 cfs. Once the well is operational, we do not anticipate further use of Kanaka Creek water for the industrial part of 36-7201 except if there is well failure. We have agreed to continue observance of the 1972 agreement between the Wright's and Clear Springs Foods. Randy

Randy MacMillan, Ph.D.
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