

Yenter, Cindy

From: Randy MacMillan [randy@clearsprings.com]
Sent: Friday, January 25, 2008 5:25 PM
To: 'Robert E. Williams'; 'Randy MacMillan'
Cc: 'Charles Wright'; 'Charles L. Honsinger'; Yenter, Cindy; 'John Simpson'
Subject: RE: Clear Springs Processing Permit
Attachments: 75-03-2007 dwg 1.pdf

Bob- Clear Springs Foods response to Cindy Yenter's Jan. 11, 2008 e-mail to John is in red below. Let me know how you would like to proceed. Thanks. Randy

John -
 Rob Williams has shared with me your letter of December 27, 2007 and asked for any comments. I apologize for my tardy reply, and realize the SWC hearing is commencing next week. I do, however, have these comments:

Item 2. The pipeline from the well as currently configured cannot deliver ground water to the holding ponds. It can only deliver water to the holding tank from which the process water and the domestic water are drawn. I recently visited the site and confirmed this configuration. CSF has, however, recently modified a portion of its process discharge system so that untreated cooling water formerly discharged directly to Clear Lakes can now be discharged back to Kanaka Creek. This flow (0.3+ cfs) could be used if necessary to offset permit mitigation requirements (see Item 4), but mostly it should be available as additional water in the creek. There has been a small pitot tube instant flow device installed on this pipeline. I tested the accuracy of the device and found it to read about 9% high, but it would still be sufficient to monitor return flows. The important point here is that the schematic system diagram accompanying the application shows the cooling water still returning to Clear Lakes, as well as an additional 0.4 cfs from the holding ponds originally intended for mitigation purposes. This diagram must be modified and replaced, and the application for permit amended to clarify the current and intended operation. Cindy is correct that to distribute water to the holding ponds from the well will require additional plumbing. We do not anticipate a current need to do that since the existing pump-back system for the holding ponds is adequate and FDA has not demanded such a change. It is an option CSF needs to keep available. Prior to about 2005, CSF did discharge water used for the polar units to Clear Lake. About 2005-2006 that water was redirected to Kanaka Creek in an attempt to boost water flow in the creek. The water Cindy evaluated was our new measuring system for water delivered to and from our Polar Units. We assume your clients prefer us to continue to discharge polar unit water to the creek. I am not sure which diagram Cindy examined. Attached is the current diagram we are using. It does reflect the discharge of polar unit water to Kanaka Creek. Kanaka Creek flows used from our fish propagation right are identified in blue on the diagram. The flow paths should be examined carefully since pipes from the holding ponds are underground for a while. Please note that all of the holding pond and polar unit water is returned to Kanaka Creek. Process water is treated through our waste treatment system and then discharged to Clear Lake. The flows (cfs) identified reflect either our water right or approximate flow discharged, not the actual water flows received or used. We do apologize for any confusion multiple diagrams may have caused.

Item 4. You are correct in your understanding that the new ground water right will have a combined limit with the existing surface right 36-7201, and that all mitigation requirements may be included in the permit approval, making the transfer application unnecessary. If a portion of 36-7201 is used to mitigate for the new permit then an equivalent amount of flow diverted pursuant to the permit must be available at the spring source, and must subsequently be left in the creek. There is still some ongoing discussion whether the mitigation pipeline from the holding ponds to provide 0.4 cfs directly to the river will be required. Based on my understanding of the well capacity (1.34 cfs) and my knowledge of the historical diversion rate to the storage tank from the spring (~1.6 cfs), the mitigation condition should be able to be met while the well is in use. CSF should submit a withdrawal request for the transfer. CSF will submit a withdrawal request for the transfer.

Item 5. Even if CSF is not willing to stipulate to a rate limitation of 1.34 cfs, if that is in fact the maximum sustainable flow from the well, 1.34 will be the licensed rate of diversion even though the permitted rate might be 2.0 cfs. As previously stated, CSF is agreeable to stipulate to 1.34 cfs.

Please contact me at your convenience if you have any questions. Otherwise, please keep us advised of progress.



Randy MacMillan, Ph.D.
 Vice President
 Clear Springs Foods, Inc.
 P.O. Box 712

1/28/2008

Buhl, Idaho 83316
 USA
 Phone 208-543-3456
 Fax 208-543-4146

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From: Robert E. Williams [mailto:rewilliams@cableone.net]
Sent: Friday, January 25, 2008 3:32 PM
To: 'Randy MacMillan'
Cc: 'Charles Wright'; Charles L. Honsinger
Subject: RE: Clear Springs Processing Permit

Randy,

We are awaiting a reply from John Simpson to Cindy Yenter's email dated January 11. Once we have that, we may be able to move toward a stipulation to withdraw the Wright protest along the lines of what has been suggested. Rob Williams

From: Randy MacMillan [mailto:randy@clearsprings.com]
Sent: Wednesday, January 23, 2008 3:53 PM
To: 'Williams Rob (E-mail)'; clh@ringertclark.com
Cc: 'John Simpson'; 'Yenter, Cindy (Hodges)'
Subject: RE: Clear Springs Processing Permit

Mr. Williams and Mr. Honsinger: have your clients reached any decision relative to Clear Springs Foods processing plant well? We do need to move forward either to resolution or hearing. Thanks. Randy

Randy MacMillan, Ph.D.
 Vice President
 Clear Springs Foods, Inc.
 P.O. Box 712
 Buhl, Idaho 83316
 USA
 Phone 208-543-3456
 Fax 208-543-4146

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From: John Simpson [mailto:jks@idahowaters.com]
Sent: Wednesday, January 09, 2008 2:41 PM
To: Williams Rob (E-mail); clh@ringertclark.com
Cc: MacMillan Randy (E-mail)
Subject: Clear Springs Processing Permit

Counsel:

Any further communications regarding the information forwarded by Clear Springs last month?

John K. Simpson
 Barker Rosholt & Simpson LLP
 208-336-0700-phone
 208-344-6034-fax

1/28/2008



REV	DESCRIPTION	DATE	APPRO. BY	DRAWN BY	DESIGNED BY
D	Sent for Review by CSE Staff	5/29/07	JCH	JCH	JCH
C	ISSUED FOR DWR APPLICATION	3/28/03	CGB	CGB	JCH
B	DESIGN CHANGES, RESUBMITTED	3/28/03	CGB	CGB	JCH
A	SUBMITTED FOR APPROVAL	3/12/03	CGB	CGB	JCH

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BROOKWAY ENGINEERING, PLLC
 HYDRAULICS - HYDROLOGY - WATER RESOURCES
 2016 NORTH WASHINGTON, SUITE 4
 TWIN FALLS, ID 83301
 (208) 736-8543

CLEAR SPRINGS FOODS - WATER RIGHT 36-7201
 NEW WELL MITIGATION ALTERNATIVE A
 SITE OF NEW WELL T. 9S., R. 14E., SECTION 2

PROJECT # 75-03-2002
 DWG# 1
 REV 1