



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 17, 2005

Charles E. Brockway, Ph.D., P.E.
Brockway Engineering, P.L.L.C.
2016 N. Washington, Suite 4
Twin Falls, ID 83301

RE: Clear Springs Foods Pumpback System – Water Right 36-7201

Dear Chuck:

I am responding to your letter dated May 2, 2005, in which you requested under the provisions of § 42-105 to allow commingling of waters in the natural channel of spring water for Clear Springs Foods, Inc. As you have indicated, the purpose is to provide the ability for Clear Springs Foods to maintain the flow of water through the fish holding ponds by pumping back water already diverted from the main spring, which has decreased in discharge.

I have discussed this issue with members of the Department staff and with the Director. We have concluded that we can contemplate approval of the system under the provisions of § 42-105. However, consistent with the Director's discussions with you in this matter we need a more detailed request, which includes the following elements:

1. Information about impacts on the quality of water for downstream flows that will result from operation of this pumpback system.
2. A diagram of the system, including locations of the metering devices that you have proposed to be installed to ensure that the system does not result in an increased diversion from another water source.
3. A description of operational ramping for the pumpback system, to ensure that project startup will not disrupt downstream flows.

Please work directly with Allen Merritt of our Southern Regional Office to provide this information. The Department is committed to working closely with you to ensure that the project as installed and operated will not negatively impact other water users.

Sincerely,

David R. Tuthill, Jr., Ph.D., P.E.
Administrator, Water Management Division