

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

March 27, 2003

Allen Merritt
Idaho Department of Water Resources
Southern Region Office
1341 Fillmore, Suite 200
Twin Falls, ID 83301

Re: Clear Springs Foods, Inc.
Ground Water Permit Application with Transfer & Mitigation Plan.

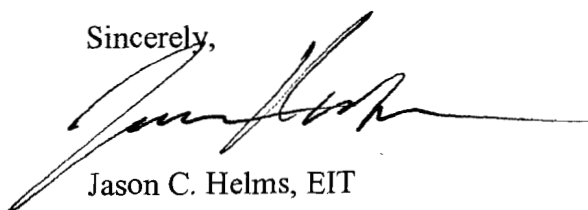
Dear Allen:

Enclosed is the application package designed to secure a ground water supply in lieu of a fraction of their spring water right for drinking and processing at Clear Springs Foods, Inc. The package consists of the application for permit to appropriate the ground water, application for transfer of 2 cfs from water right 36-7201, and our mitigation plan and pertinent findings from the hydrogeology study we conducted.

It is my hope that the drawings and calculations included with the permit and mitigation transfer will adequately demonstrate no injury to other water users. By continuing discharge release as has been done historically, the issue of injury and/or enlargement will be nullified.

As you are aware, the test well to determine hydrologic effects of the proposed water supply is tentatively scheduled to be drilled and tested in April - May 2003. Please process the applications contained within and if you have any questions or concerns don't hesitate to contact me.

Sincerely,



Jason C. Helms, EIT

Attachment: Application for Permit (to appropriate water)
Application for Transfer of water right # 36-7201
Mitigation Plan
Check No. 4247 for \$580.⁰⁰ to cover fees.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED

MAR 28 2003

Department of Water Resources
Southern Region

RECEIVED

APR - 9 2003

Department of Water Resources
Southern Region

SCANNED

APR 25 2003

1012

SCANNED

APR 13 2003

1012

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Larry Cope, President of Clear Springs Foods, hereby nominate and appoint Brockway Engineering, PLLC as my attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or matters pertaining to water right transfers before the Idaho Department of Water Resources for the following water right transactions:

Permit application and concurrent transfer application for water right 36-7201

in Gooding County, Idaho. Additionally, I hereby ratify and confirm any and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the applications, and transfers above-mentioned. Further, I hereby declare that each and every application, transfer, agreement, receipt, or payment which shall be by my said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these present. This Limited Power of Attorney will become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 07 day of April, 2003

Larry W. Cope, President & CEO

 Signature

 Signature

State of Idaho)

County of Twin Falls)

ss.

On this 7th Day of April, 2003, before me, a Notary Public in and for said County and State, personally appeared Larry W. Cope, known or identified to me to be the individual whose name and subscription to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]
 Notary Public
 In and for said State and County

12-23-03
 My Commission Expires

SCANNED

APR 25 2003



Clear Springs Foods, Inc.

Mitigation Plan - Ground Water Development

Jason C. Helms, E.I.T.

Brockway Engineering, PLLC

Clear Springs Foods desires to develop an alternative source of processing and potable water for the Clear Springs Foods processing plant at Clear Lakes. The development of a ground water supply from well(s) in lieu of the spring could be utilized to meet the water source and quality criteria of the Idaho Department of Environmental Quality and the Food and Drug Administration. The ground water will be used in lieu of the 2cfs which is designated as "Industrial" under water right No. 36-7201 which currently supplies drinking water for approximately 225 employees as well as process water for plant operations.

Study of the local hydrogeology reveals a distinct gradient in the aquifer towards the river to the south and west. Based on this fact, it is concluded that the only effect is that 2 cfs of groundwater (which was destined to reach the river) will be intercepted by this well and replaced back into the river with essentially no consumptive use. To accomplish this in a manner that will cause the least disruption to all other water users, 2 cfs of the currently appropriated spring water will be utilized for mitigation efforts.

The nearest other ground water well is a domestic well belonging to Idaho Trout Processors approximately 2000 ft. away. This well is 260 feet deep with a static water level measured on 2/4/03 at 34ft. below the top of the well head. To determine the likely magnitude of drawdown effect, the following estimated values were used to simulate a drawdown analysis based on the Theis equations:

S (Storativity)	= 0.15
T (Transmissivity)	= 22,000 ft ² /day
K (Hydraulic Conductivity)	= 110 ft/day

The analysis (results attached) determined less than 1 ft of drawdown at the Idaho Trout Processors well after 2 months of pumping at the maximum flow rate. This value is a rough estimate, and based upon seasonal recharge and fluctuation magnitude it is unlikely that this effect could realistically even be noticed. This analysis will be repeated after pump testing of the new well to reassess the magnitude of the distance—drawdown effect based upon the results of the pump testing.

Any hydraulic connection between the groundwater in this area and the spring will be monitored during test well pumping prior to final implementation of the ground water replacement system. If any ground water – spring connectivity is determined, the mitigation plan will implement a reduced diversion rate of the 2cfs portion of water right 36-7201 in such a manner as to mitigate any connection.

Historically, Clear Springs Foods has captured the spring in a small basin near the processing office. As indicated by water right 36-7201, 8 cfs is diverted to the holding tanks and released back into the creek which constitutes a large portion of Gary Wright's water rights. Another 2 cfs is diverted along a different pipeline to a holding tank which releases excess flow back into the creek. As shown in the attached system diagram, mitigation efforts will concentrate on maintaining historical discharge. Since the historical use of the 2cfs under consideration has been non-consumptive, it is proposed that the discharge continue to be non-consumptively released into Clear Spring Creek to ensure that Mr. Wright will experience no detrimental effect to his water rights from this activity. The ground water will replace current spring water use through cooling and processing operations, therefore discharge quantities and qualities will be unchanged for Clear Lakes.

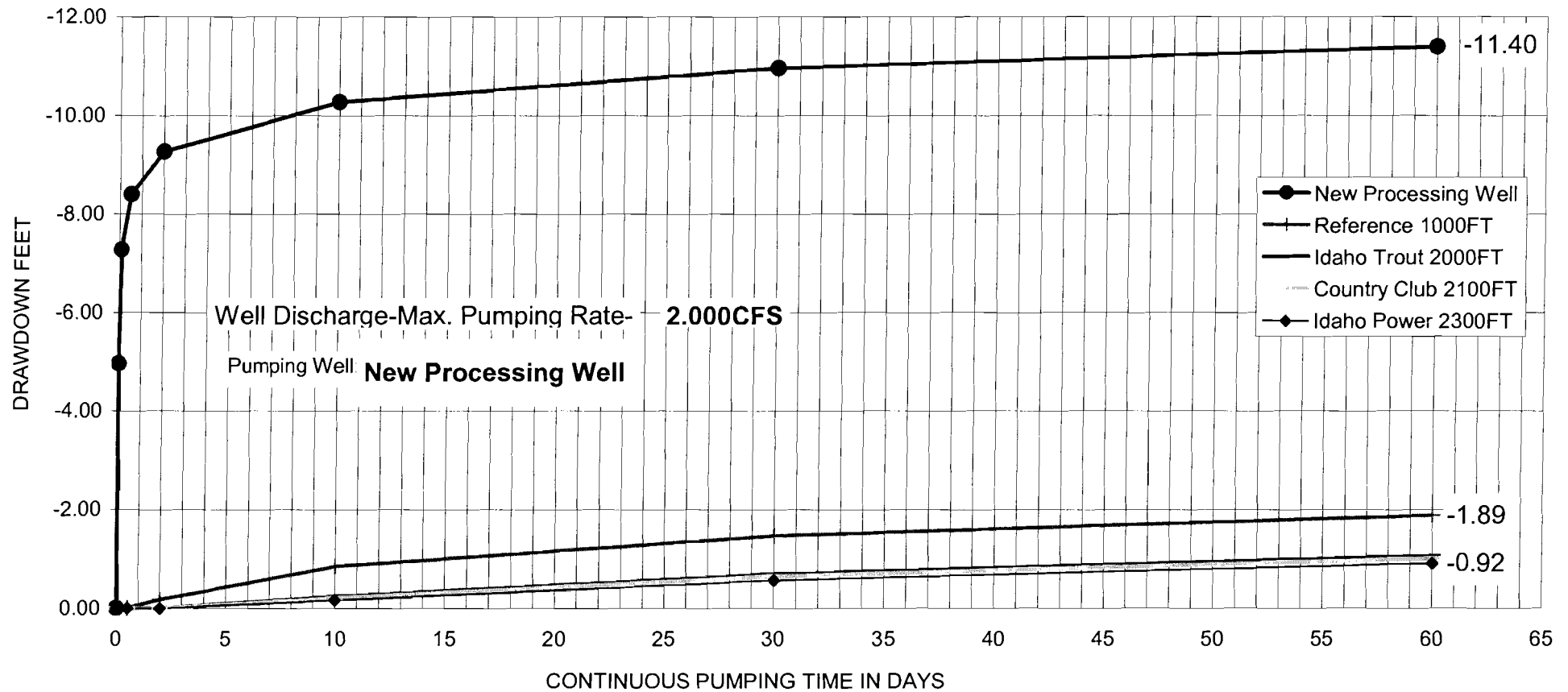
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ESTIMATED DRAWDOWN FROM NEW PROCESSING WELL CLEAR SPRINGS FOODS



SCANNED
APR 25 2003
SCANNED
APR 25 2003

Well Interference Analysis

Clear Springs Foods Groundwater Development

PRELIMINARY

Brockway Engr, PLLC

Pumping Rate=

2.00 cfs equals maximum authorized discharge

J.C. Helms February 10, 2003

Pumping Well

New Processing Well

Water Right Pending

AQUIFER PROPERTIES BASED ON:

Cumulative Impacts Assessment, Thousand Springs Area of the Eastern Snake River Plain, Idaho
State of Idaho Department of Environmental Quality, Ground Water Quality Technical Report No. 14

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12 IN.

USING THEIS FORMULA $S=114.6 \cdot Q/T \cdot W(U)$

Q= PUMPING RATE GPM

T= COEFFICIENT OF TRANSMISSIBILITY GPD/FT

W(U)= WELL FUNCTION OF 'U'

$W(U) = -0.5772 - \text{LOGe}U + U - U^2/(2 \cdot 2!) + U^3/(3 \cdot 3!) - U^4/(4 \cdot 4!) \dots$

$U = 1.87 \cdot r^2 \cdot S / (T \cdot t)$

r=DISTANCE IN FT. FROM CENTER OF PUMPED WELL TO DRAWDOWN POINT

S=COEFFICIENT OF STORAGE

T=COEFFICIENT OF TRANSMISSIBILITY, GPD/FT

t= TIME SINCE PUMPING STARTED, DAYS

INPUT

r1=	0.500 FT	New Processing Well	K=	110.00 FT/DAY
r2=	1000 FT	Reference 1000FT	K=	0.001273 CFS/FT^2
r3=	2000 FT	Idaho Trout 2000FT	K=	8.21E+02 PD/FT^2
r4=	2100 FT	Country Club 2100FT	SAT. DEPTH EST.=	200 FT
r5=	2300 FT	Idaho Power 2300FT	TRANSMISSIVITY=	164120 GPD/FT
S=	0.15		TRANSMISSIVITY	2.54E-01 FT^2/SEC
T=	164120 GPD/FT		TRANSMISSIVITY=	21941.2 FT^2/DAY

Q/WELL 898 GPM = 2.000CFS

TIME	TIME	U	WELL	DRAW	SPEC.	U	WELL	DRAW	U	WELL	DRAW	U	WELL	DRAW	U	WELL	DRAW
HOURS	DAYS	w/r1	FUNCT.	DOWN	CAP	W/r2	FUNCT.	DOWN @	W/r3	FUNCT.	DOWN @	W/r4	FUNCT.	DOWN @	W/r4	FUNCT.	DOWN @
		0.5	W(U)1	@WELL	GPM/FT	1000	W(U)2	1000	2000	W(U)3	2000	2100	W(U)4	2100	2300	W(U)5	2300
0.05	0.00	2.051E-04	7.9150	4.96	181	8.204E+02	0.0000	0.00	3.282E+03	0.0000	0.00	3.618E+03	0.0000	0.00	4.340E+03	0.0000	0.00
2.00	0.08	5.127E-06	11.6037	7.27	123	2.051E+01	0.0000	0.00	8.204E+01	0.0000	0.00	9.045E+01	0.0000	0.00	1.085E+02	0.0000	0.00
12.00	0.50	8.546E-07	13.3955	8.40	107	3.418E+00	0.0064	0.00	1.367E+01	0.0000	0.00	1.507E+01	0.0000	0.00	1.808E+01	0.0000	0.00
48.00	2.00	2.136E-07	14.7818	9.26	97	8.546E-01	0.2818	0.18	3.418E+00	0.0064	0.00	3.769E+00	0.0012	0.00	4.521E+00	0.0000	0.00
240.00	10.00	4.273E-08	16.3912	10.27	87	1.709E-01	1.3533	0.85	6.836E-01	0.3856	0.24	7.537E-01	0.3380	0.21	9.041E-01	0.2583	0.16
720.00	30.00	1.424E-08	17.4898	10.96	82	5.697E-02	2.3442	1.47	2.279E-01	1.1173	0.70	2.512E-01	1.0404	0.65	3.014E-01	0.9023	0.57
1440.00	60.00	7.121E-09	18.1830	11.40	79	2.849E-02	3.0095	1.89	1.139E-01	1.7057	1.07	1.256E-01	1.6191	1.01	1.507E-01	1.4605	0.92

HOURS	DAYS	@WELL	1000	2000	2100	2300	DISTANCE FEET
0.0	0.00	0	0	0	0	0	
0.1	0.00	-4.96	0.00	0.00	0.00	0.00	
2.0	0.08	-7.27	0.00	0.00	0.00	0.00	
12.0	0.50	-8.40	0.00	0.00	0.00	0.00	
48.0	2.00	-9.26	-0.18	0.00	0.00	0.00	
240.0	10.00	-10.27	-0.85	-0.24	-0.21	-0.16	
720.0	30.00	-10.96	-1.47	-0.70	-0.65	-0.57	
1440.0	60.00	-11.40	-1.89	-1.07	-1.01	-0.92	

Interference(Irrig well)