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MAY 03 2005

Department of Water Resources
Southern Region

May 2, 2005

Idaho Department of Water Resources
Attn.: Allen Merritt
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

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

Dear Allen:

This letter is a request under provisions of § 42-105 to allow commingling of waters in the natural channel of spring water for Clear Springs Foods Inc. 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.

Water is diverted from the spring through a collector box under water right 36-7201 and flows into the holding ponds and then returns to the stream. This application proposes to inject water from the hatchery holding pond through two pipes into the small stream where it intermingles with other spring flows. One pipe is approximately 150 feet upstream of the diversion and the other is near the diversion. The water is pumped back into the head box inlet to the holding ponds. The purpose is to maintain flow through the holding pond system because of declining flow from the spring.

The design flow for the pumpback system is 4.0 cfs and an in-line flowmeter is being installed in the diversion system. There is also a weir in the stream just downstream of the proposed redirection which is measured to assure that no impact to downstream flow occurs. Under this proposal, there will be no increase in water use from the spring and no increase in consumptive use of the return water.

I have discussed this project with the watermaster, Cindy Hodges-Yenter, and I believe she could approve this project with the addition of a flow meter from the main spring box to the holding ponds. I have discussed this with the Clear Springs Foods and they are in agreement to install an in-line magnetic flow meter in the pipeline from the spring box to the holding ponds.

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

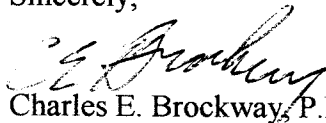
FAX: 736•8506

The sole purpose is to maintain flows in the holding ponds which have been insufficient because of the decline of the main spring.

Construction of this project, which is partially funded by the Idaho Department of Commerce as part of the ESPA mitigation program, is nearly complete and your prompt processing of the request is appreciated.

Please feel free to call should you have additional questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. E. Brockway".

Charles E. Brockway, P.E.

cc: Tim Hanifin-Clear Springs Foods Inc.
John Simpson
Karl Dreher