

BROCKWAY
ENGINEERING
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Hydraulics

Hydrology

Water Resources

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June 7, 2005

Allen Merritt, Regional Manager
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

RECEIVED

JUN 08 2005

Department of Water Resources
Southern Region

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

Dear Allen:

I received the enclosed letter from Dave Tuthill indicating that the additional diversion for the Clear Springs Foods pumpback project could be authorized under 42-105 which allows commingling of waters in the natural channel. He indicated that the Department needs a more detailed request and additional information. I am enclosing a schematic drawing of the system which shows locations of flow meters and specific components of the system.

1. Relative to Water Quality for Downstream Flows:

Water flow quality conforms to current NPDES permit requirements. Water samples are collected and analyzed weekly with average and maximum loadings reported quarterly in conjunction with Processing Permit Number ID-G13-0125. Upon commencement of the pumpback operation, water flow quality will be subject to and perform within the same NPDES permit parameters.

It is estimated that, with the addition of the pump back flow, the nitrogen, phosphorus and solids total content will not be appreciably impacted since there will be no increase in the number of holding ponds and no increase in loading of the holding ponds. Only the flow- through discharge will be increased when spring flows are below the permitted amounts. .

Water quality will continue to be monitored at the inlet and outlet of the holding ponds and reported as required by the Processing Permit.

2. System Diagram-

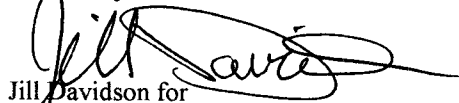
The enclosed diagram shows the spring source, route through the holding ponds, and locations of flow meters. The meters will be magnetic meters with totalizers and instantaneous flow indicators. Discharge reports will be provided to the Watermaster.

3. Operational Ramping Plan. In order to reduce or eliminate short-term changes in the flow of the stream leaving the property a start-up protocol will we adopted.

The holding ponds are always full from the main spring source. The operating plan is to maintain the discharge in the pumpback system up to the amount of the spring flow or 8.0 cfs continuously since the holding ponds need to operate continuously at full capacity. The system has a backup generator to assure that power will always be available. The only time that the system would be shut down and the pipe emptied is for emergency reasons or for maintenance. Starting up the pump-back system will only fill the pipe which is 300 feet long and 12 inches in diameter. If startup occurs with an empty pipe, the pump will be throttled so that it fills in one hour. This will cause a decrease in flow in the stream of a maximum of 29 gpm for one hour plus the flow time through the full pond system. The stream discharge, downstream of the pump back diversion, varied from 4.95 to 8.15 cfs in 2004. The decrease of 29 gpm results in a decrease of 1.4 to 0.8 percent of the stream flow. Again, this will rarely occur and depending on the nature of the maintenance required, the pipe can remain full during repairs so there would be no impact on the stream.

I am formally requesting that this pumpback system and operation be approved in conjunction with water right 36-7201. I assume that this request is sufficient and that a formal application for permit is not required. However, if additional information, fees, or formal application is required, please let me know. I am also requesting that an evaluation and decision on this request be expedited since the Company is anxious to put the system to use. Thank you for your consideration.

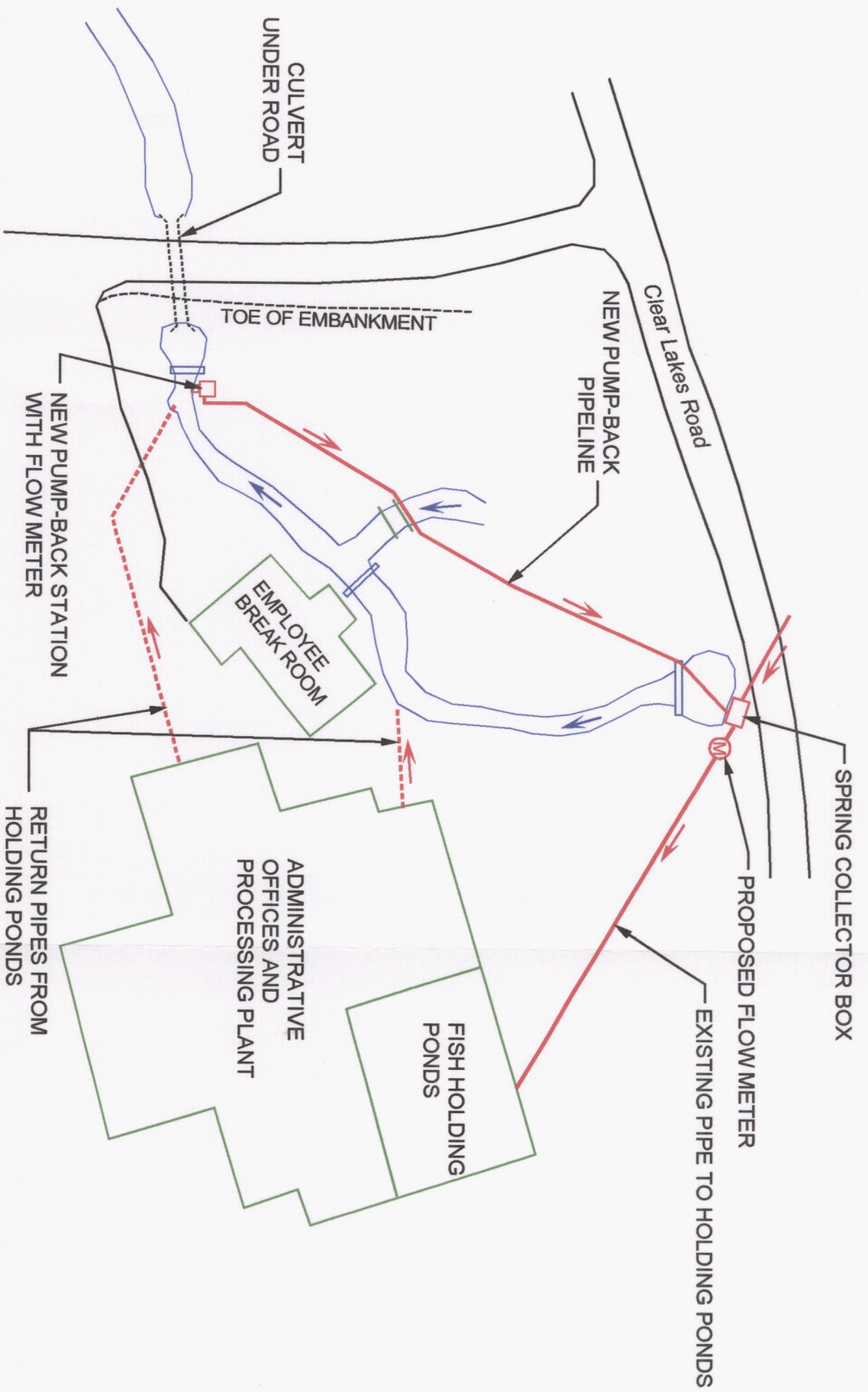
Sincerely,



Jill Davidson for
Charles E. Brockway, P.E.

cc: Tim Hanifen Clear Springs Foods Inc.
John Simpson

Enclosures: Copy of letter from Dave Tuthill May 17, 2005
Pumpback System Schematic



WATER SYSTEM SCHEMATIC FOR EXCHANGE APPLICATION

CLEAR SPRINGS FOODS, INC.
PUMP-BACK SYSTEM