

# NOTTINGHAM WATER ALLIANCE

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76 Gebig Rd, Nottingham, NH 03290

603-942-8969

August 19, 2016

Nottingham Springs, LLC  
214 Lakeview Ave.  
Cambridge, MA 02138

Re: USA Springs, Inc. Property

To Whom It May Concern:

It has come to our attention that you may have an interest in the above property located on RT 4 in Nottingham, NH. Because of your potential interest, you are being notified of the Water Rights and Local Self-Government Ordinance which was passed at the March 15, 2008, Nottingham Town Meeting. A copy of that ordinance is attached.

This Ordinance, prohibits corporations from corporate mining of our ground and surface water which is held in the public trust and strips corporations of their assumed Constitutional privileges. This Ordinance may be enforced by both the Selectboard of the Town or by citizen enforcement. Prior to USA Springs, Inc. filing for the protection of the bankruptcy court, citizens were preparing to enforce the ordinance.

The following are excerpts from the Ordinance which you may find of particular interest:

"Section 4. Statement of Law. No corporation or syndicate shall engage in water withdrawals in the Town of Nottingham. The term "corporation" means any corporation organized under the laws of any state of the United States or any country. The term "syndicate" includes any limited partnership, limited liability partnership, business trust, or Limited Liability Company organized under the laws of any state of the United States or any country. The term "engage" shall include, but not be limited to, the physical extraction of water, and the buying and/or selling of water extracted within the Town of Nottingham.

Section 5. Statement of Law. No corporation doing business within the Town of Nottingham shall be recognized as a "person" under the United States or New Hampshire Constitutions, or laws of the United States or New Hampshire, nor shall the corporation be afforded the protections of the Contracts Clause or Commerce Clause of the United States Constitution, or similar provisions found within the New Hampshire Constitution, within the Town of Nottingham."

I am also enclosing a technical report from Dr Tom Ballestero, a renowned hydrologist hired by the Nottingham Selectboard which outlines why this project was originally denied by the state Department of Environmental Services (DES) for 27 scientific reasons in August 2003. The adverse impacts **reported** from the 2002 uncompleted 10-day pump test alone were substantial and never seen before by **DES**.

All USA Springs permits have expired. Legislation has been passed which may affect the reissuance of some of these permits.

A water-bottling plant is no longer an accepted use in that location. Thus, they would have to go back to the ZBA and attempt to get another Special Exception. However, given the adverse impacts reported by USA Springs, Dr. Ballestero, et. al the ZBA would not be allowed to approve another Special Exception under their rules.

We hope that our inclusion of full information regarding USA Springs is helpful to any decisions that you make concerning funding for their project. **As we have done in the past to previous parties interested in this project, we are asking for you to perform 'due diligence' to verify that this project is, in fact highly unlikely to receive all of the**

**necessary approvals to begin operations as a water bottling plant. The results of the required pump test showed that it cannot sustain the pumping from that aquifer.**

Sincerely,

Gail and Chris Mills  
Co-founders, Nottingham Water Alliance.

Enc.  
Nottingham Water Rights & Local Self-Government Ordinance  
Dr. Tom Ballestero Report dated May 23, 2004