

Memorandum

To: Karl Dreher
From: Tim Luke
Date: June 8, 2005
Re: Crystal Springs Minimum Flow Rights

There are three minimum stream flow rights at Crystal Springs. The rights can be summarized as follows:

Right 36-8600

Priority: 3/22/1991
Flow Rate: 59 cfs; Season of use: 01/01 to 12/31
Status: Licensed

The source of water for this license is described in the conditions of approval and remarks section of the license as follows: "The springs described in the point of diversion are directly beneath and discharge into Crystal Springs Lake."

The license also contains a combined water right condition as follows: "The combined minimum stream flow for this right and Right 36-08330 shall not exceed 100.0 cfs."

Right 36-8330

Priority: 7/27/1987
Flow Rate: 50 cfs, Season of use: 01/01 to 12/31
Status: Permit

The source of water for this permit is springs flowing towards Crystal Springs Lake and the Snake River. There is an order in the file that approved application nos. 36-8330 and 36-8374 (25cfs), for a total combined flow of 75 cfs. The order required that "diversion works be constructed which will discharge at least 50 cfs in to Crystal Springs Lake. Up to 25 cfs shall also cascade down a small natural drainage west of the inlet house for the Corps inverted siphon." Finding of Fact No. 2 of the same order states that application 36-8330 proposes discharge of 50 cfs to Crystal Springs Lake, and that application 36-8374 proposes discharge of 25 cfs to a small waste ravine just west of the US Army Corps of Engineers inlet house. Information in the file indicates that total 75 cfs is from the same spring source, and is the same source for the USCE hatchery diversion works. The 75 cfs was considered excess water and was to be split with 50 cfs going to Crystal Lake via construction of

diversion works, and 25 cfs left un-diverted to cascade down a small ravine west of the USCE inlet house.

According to Bill Graham, and based on some information in the file, the diversion works required to be constructed for diversion of the 50 cfs under right 36-8330 was never constructed. The USCE and Idaho Fish and Game apparently felt that the cost of the project was prohibitive and there may have been some question as to whether the water was needed for restoration of Crystal Springs Lake, particularly since Clear Springs Foods' now discharges little or no effluent to the lake from its Crystal Springs Trout Farm.

Although construction of the diversion works has not been accomplished, the Idaho Water Resource Board did file proof of beneficial use for the permit on October 6, 2004. I discussed this issue with Bill Graham and he said that proof should not have been filed for this permit. He stated that the Board should either withdraw proof or relinquish the permit.

Right 36-8374

Priority: 7/1/1988

Flow: 25 cfs; Season of Use: 01/01 to 12/31

Status: Permit

This right is for 25 cfs that is to flow or cascade down the small natural drainage located west of the USCE inlet house. This is spill or excess water from the USCE facility. Proof of beneficial use was filed for this permit in 1999. Bill Graham advises that this permit should be licensed and that this minimum stream flow is real and valid.

Summary:

License 36-8600 is the minimum stream flow right of 59 cfs for Crystal Springs Lake to maintain lake levels. The source is springs located below the surface of the lake. The Board probably should withdraw proof of beneficial use for permit 36-8330, or perhaps relinquish the permit since the diversion works for diversion of the 50 cfs have never been constructed. Permit 36-8374 is for 25 cfs of excess flow from the USCE diversion facility, to be maintained as a minimum flow in the natural channel or ravine located west of the USCE inlet house. This minimum flows goes directly to the Snake River, and has no connection to Crystal Springs Lake.