

MEMORANDUM

TO: Water Right File 37-22380

FROM: Daniel Nelson – Analyst 3

DATE: May 8, 2019

SUBJECT: Licensing Review of Water Right 37-22380

The field exam for this right was performed by Certified Water Right Examiner Charles G. Brockway of Brockway Engineering.

History and Overlap:

Water rights 37-8136, 37-8532, 37-20833, and 37-20834 overlap the point of diversions, and all but 37-20833 overlap the place of use. Water right 37-20833 is an irrigation right for land on the east side of the Bypass canal, and diverted from the VP well. Water right 37-20833 is currently in the Water Supply Bank, and shouldn't be a factor in this analysis.

The remaining water rights are all diverted out of one or more of the 4 wells associated with this permit. When water right 37-20834 was licensed, they discovered that they did not have enough diversion rate to properly operate the system. The volume developed under the existing water rights was adequate, but they needed additional diversion rate to properly operate their system. Therefore, they filed for this permit to increase the diversion rate.

Measurement Devices:

The original field report submitted with this permit stated that there were no measurement devices on any of the wells. This permit had a condition that stated that after specific notification by the Department, the right holder shall install measurement devices. On September 21, 2011, an order was issued creating a Water Measurement District for the Measurement and Reporting of Ground Water Rights in the Upper Big and Little Wood River Basins in Administrative Basin 37. This order required measurement of all non-irrigation uses exceeding 0.24 cfs. Therefore, the industrial use for this permit developed by the existing water rights did require measurement devices to be installed on all of the diversions.

I contacted the watermaster on this issue, and it was determined based on the information in the field report that measurement devices would need to be installed on all of the wells. The permit holder did install measurement devices and sent pictures showing that the devices were installed.

Place of Use and Point of Diversion:

There are no issues with the point of diversions and place of use. They clearly match the maps provided and the permit

Diversion Rate:

The water right examiner performed several flow measurements on the Old and New Crusher wells. The maximum flow measured from these two wells was 3,281 gpm or 7.31 cfs. They then added this flow rate to the flow rate from previous exams on the Shop Well (0.40 cfs) and the VP Well (0.57 cfs) for a total of 8.28 cfs.

They then provided a theoretical calculation to determine flow at high aquifer levels. The area where the wells are located are between the Big Wood River and the Bypass Canal, so the aquifer levels in this area are very dependent on water flows in the Big Wood River. Please see the attached graph for a well in this area. Recent measurements of the aquifer levels in this area do range from a minimum static water level of 32.2 feet to a maximum static water level of 83.07 feet with an average static water level of approximately 67 feet. However, you can't really estimate the drawdown based on static water levels, because you don't know how the drawdown of the aquifer is affected without comparing the pumping water levels to the static water levels at a steady state.

The Department's Beneficial Use Examination Rules (IDAPA 37.03.02.040.04) states the following:

Unacceptable Measurements. Theoretical diversion rates or theoretical carrying capacities are not acceptable as a measure of the rate of diversion except as indicated in these rules and for some diversion systems where the flow rate cannot be measured accurately due to the physical characteristics of the diversion and distribution system.

Based on the above IDAPA rule, I can only consider the amount actually measured or already licensed when considering the capacity of the system or the 8.28 cfs. Without measurements to back up the water right examiner's calculations, there is no way to tell if all of the wells were operating at the same time with all 4 wells running at maximum capacity would exceed the 8.28 cfs amount without further flow measurement testing. Therefore, we need to rely on the actual infield measurements.

As stated in the field exam report, the overlapping water rights when combined add up to 5.87 cfs. Therefore, this permit should be limited to a total rate of diversion of 2.41 cfs ($8.28 \text{ cfs} - 5.87 \text{ cfs} = 2.41 \text{ cfs}$).

Diversion Volume:

The field report states that no additional volume is being sought for the industrial use, so no volume was calculated. However, the Department is required to include a volume with all industrial uses. Previous exams show the calculations used to determine the industrial volumes, so they can be used for this permit. The total volume allowed by the existing water rights is 241.2 af from 37-8136, 219.7 af from 37-8532, and 528.6 af from 37-20834 for a total of 989.5 af. This permit authorizes 2.41 cfs for a total of 8.28 cfs or 29 % of the total diversion rate ($[2.41/8.28] \times 100 = 29.1\%$). Therefore, we can authorize approximately 29% of the volume for this right or 287 af ($989.5 \text{ af} \times 0.29 = 286.955 \text{ af}$). Therefore, I am recommending an industrial volume for this permit of 287 af. A condition will be needed that limits all the rights when combined to the 989.5 af for industrial use.

The water right examiner calculated the volume based on Processing Administrative Memorandum #22, but only authorized a total of 0.4 af per unit in the trailer park. This memo authorizes up to 0.6 af for in-home use only per unit. The water right examiner stated that there was no irrigation used in the trailer park area. Therefore, the calculations supplied by the water right examiner were incorrect. The Department can allow a total volume for domestic use of 12 af ($0.6 \text{ af/unit} \times 20 \text{ units} = 12 \text{ af}$).

The total maximum diversion volume for this right will be limited to the 287 af when the industrial use and the domestic use are combined.

Conditions:

Conditions WB5, 027, and R07 will be carried forward to licensing. The remainder of the conditions will be removed or replaced. Conditions R05 and R43 will be added to allow the watermaster control of this system. Conditions 933 and 935 will also be added. An X35 condition will also need to be added to limit the industrial use to 989.5 af. The domestic use is an additional volume, so they can actually divert 1001.5 af. This permit shows an overall volume of 287 af, but only 12 af is additional volume to total volume already licensed. I recommend the X35 condition state the following:

Rights 37-8136, 37-8532, 37-20834, and 37-22380 when combined shall not exceed a total annual maximum diversion volume of 990 af for industrial use, or a total of annual maximum diversion volume of 1,000 af when all the uses are combined.

Please note that the condition was written to comply with the Department's rounding policy.

Nelson, Dan

From: Nelson, Dan
Sent: Tuesday, May 07, 2019 9:36 AM
To: 'Charles G. Brockway'
Subject: RE: Permit 37-22380

Hello Chuck,

Thank you for sending me the photos. I appreciate it. I will move forward with processing. I must let you know that we are in the middle of field season, so it could be a bit of time before I can get these out. This one is a priority, since it has already been started.

Dan Nelson

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Monday, May 06, 2019 3:49 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: RE: Permit 37-22380

Dan,

Thanks for the reminder. Walker Sand & Gravel did get all meters installed prior to May 1. I will forward you the photos I received from Terry Hampton, the plant manager, showing the meters.

One change to the metering plan: rather than install a separate 4" meter on the 4" line running south from the Crusher Wells, they modified the piping so the 4" line now comes off downstream of the 10" meter. In this way, all of the Crusher Well flow is measured by one meter.

Thanks again,
Chuck

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, ID 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Sent: Monday, May 06, 2019 3:01 PM
To: Charles G. Brockway <charles.g.brockway@brockwayeng.com>
Subject: RE: Permit 37-22380

Dear Mr. Brockway,

You had a deadline to provide proof that the flow meters were installed per watermaster approval by May 1, 2019 for permit 37-22380. I haven't heard from you that the meters have been installed or that you need some additional time. Please let me know of the status by May 13, 2019.

Thank you

Dan Nelson

From: Nelson, Dan

Sent: Tuesday, March 05, 2019 2:14 PM

To: 'Charles G. Brockway' <charles.g.brockway@brockwayeng.com>

Subject: Permit 37-22380

Dear Mr. Brockway;

I received your February 27, 2019 letter requesting additional time to install the flow meters for permit 37-22380. Due to the high snows in the Sun Valley area, it is reasonable to request additional time to install the proper measurement devices for this system. However, I am concerned with all of the snow in the area of this permit that April 14th may be a bit optimistic. Therefore, I am granting your extension request, but I am extending the date to submit the measurement documentation to May 1, 2019. Hopefully, the extra 2 weeks will allow enough time for the snow in this area to melt enough to allow access to the pumps to install the needed measurement devices. Please keep me informed on the progress of the installation, and I will do what I can to ensure that your client has adequate time to install the needed measurement devices.

If you have any questions, please don't hesitate to contact me.

Respectfully,

Daniel Nelson

Water Right Analyst 3

Idaho Department of Water Resources

Telephone (208) 287-4856

Fax (208) 287-6700 (attn: Dan Nelson)

2 large wells at sand plant
Installed before any water draw and after convergence manifold.





Get [Outlook for Android](#)

From: Stewart Lamb
Sent: Monday, April 29, 2019 8:30:26 AM
To: Charles G. Brockway; Terry Hampton
Subject: RE: well meters

Thanks Chuck. Well get you the pictures.

From: Charles G. Brockway [<mailto:charles.g.brockway@brockwayeng.com>]
Sent: Friday, April 26, 2019 4:27 PM
To: Stewart Lamb; Terry Hampton
Subject: RE: well meters

This message originated from outside your organization

Stewart and Terry,

If I could have some photos of the meters, I'll notify Dan Nelson at IDWR which should let him proceed to licensing.

Chuck

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From: Stewart Lamb <Stewart.Lamb@kilgorecompanies.com>
Sent: Friday, April 26, 2019 10:31 AM
To: Terry Hampton <Terry.Hampton@walkersandandgravel.com>
Cc: charles.g.brockway@brockwayeng.com
Subject: RE: well meters

Terry,
Thanks. Chuck, the meters have been installed at the Walker Pit. Where do we go from here? The State wanted these meters installed for our permit.
Thanks
Stewart

From: Terry Hampton
Sent: Friday, April 26, 2019 9:56 AM
To: Stewart Lamb
Subject: well meters

Stewart,

Just and update. The well meters are installed here at Walker Sand and Gravel. The wiring is done on 2 and the other is going to be done in the next few days.

Have a great day,



Terry R Hampton

Pit Superintendent

Walker Sand & Gravel

208-788-4525

208-308-5057

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From: Terry Hampton <Terry.Hampton@walkersandandgravel.com>
Sent: Thursday, May 02, 2019 11:56 AM
To: Charles G. Brockway <charles.g.brockway@brockwayeng.com>; Stewart Lamb <Stewart.Lamb@kilgorecompanies.com>
Subject: Re: well meters

Well by IMC hot plant





Get [Outlook for Android](#)

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To: Charles G. Brockway; Terry Hampton
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To: Charles G. Brockway <charles.g.brockway@brockwayeng.com>; Stewart Lamb <Stewart.Lamb@kilgorecompanies.com>
Subject: Re: well meters

Walker domestic well house





Get [Outlook for Android](#)

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To: Charles G. Brockway; Terry Hampton
Subject: RE: well meters

Thanks Chuck. Well get you the pictures.

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Terry R Hampton

Pit Superintendent

Walker Sand & Gravel

208-788-4525

208-308-5057

MEMORANDUM

TO: Water Right Permit File 37-22380

FROM: Daniel A. Nelson

DATE: March 28, 2019

SUBJECT: Telephone conversation with Charles G. Brockway.

I spoke with Charles G. Brockway today concerning the measurement devices for water right 37-22380. He was asking if it would be alright to measure the two big wells, Old Crusher Well and New Crusher Well, in two places. I told him that as long as the watermaster was satisfied that all of the water was being measured from all four wells, I was fine with any configuration of measuring devices it took to accomplish the task. I told him to run this by the watermaster, Kevin Lakey, and have him sign off on the design and then sign off again on the installation. I told him that if Kevin was satisfied that all of the water was being measured, we could move forward with licensing.

Mr. Brockway also stated that there is still quite a bit of snow at the site, but they are trying to work through this to get the devices installed. I told him I understood, and told him that I would give him the time they needed to safely install the measurement devices.

MEMORANDUM

TO: Water Right Permit File 37-22380

FROM: Daniel A. Nelson

DATE: February 28, 2019

SUBJECT: Telephone Conversation with Lee Ware of Walker Sand and Gravel LLC.

Lee Ware of Walker Sand and Gravel LLC, contacted me today to let me know that I would be receiving information soon concerning the February 14, 2019, letter sent to their organization. He told me he wanted to get everything done correctly, and make sure I was aware that they were working on the situation.

I informed him that Brockway Engineering contacted me shortly after I sent the letter out stating that they were working on it. He was appreciative of the information.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAR 05 2019

DEPARTMENT OF
WATER RESOURCES

February 27, 2019

Mr. Dan Nelson
Idaho Department of Water Resources
322 East Front St
P.O. Box 83720
Boise, ID 83720-0098

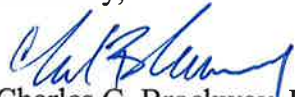
Re: Permit No. 37-22380

Dear Mr. Nelson:

I received your letter dated February 14, 2019 regarding the measuring device condition on the above-referenced permit. I agree that because the wells are tied together in a common system (though they may be used independently sometimes), and because their operating conditions are not constant, the time-clock method of diversion measurement is not appropriate. I have discussed the situation with the owner, who has agreed to install flow measuring devices approved by the Department on each well. This will require some modification to the piping at the Shop Well and VP Well, but is feasible. On the Crusher Well and New Crusher Well, there are more than adequate runs of unobstructed pipe to allow meters to be installed.

The owner will begin the process of procuring the meters, designing the appropriate piping system to meet the manufacturer's requirements, and installing the meters. Weather is also a factor and this process is expected to require additional time beyond the 30 days mentioned in your letter; I would request an additional 30 days (to April 14, 2019) to provide confirmation that the meters have been installed.

Cordially,


Charles G. Brockway, P.E.

Cc: Stewart Lamb

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

Nelson, Dan

From: Charles G. Brockway <charles.g.brockway@brockwayeng.com>
Sent: Thursday, February 14, 2019 9:12 AM
To: Nelson, Dan
Subject: RE: Update on Field Report for Water Right Permit 37-22380

Thanks, Dan. I'll get with the owners and work this out.

Chuck

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, ID 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

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From: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Sent: Thursday, February 14, 2019 8:52 AM
To: Charles G. Brockway <charles.g.brockway@brockwayeng.com>
Subject: RE: Update on Field Report for Water Right Permit 37-22380

Hello Chuck,

I have been able to review the field report for water right 37-22380. The field report was done very well, but an issue did come up concerning the measurement devices.

There appears to have been some confusion between the permit holder and the watermaster on how these diversions are to be measured for the water district. Until that issue is resolved, we cannot license this permit. I am hoping you can work with the permit holder and the watermaster to put together a good plan to measure the wells associated with this common water delivery system. Once we received that information, we can move forward with licensing, but I am going to need confirmation that the watermaster has approved the plan.

Thank you for your patience with this permit, and I hope we can get everything resolved.

Respectfully,

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Charles G. Brockway [<mailto:charles.g.brockway@brockwayeng.com>]
Sent: Thursday, January 03, 2019 5:14 PM



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 14, 2019

WALKER SAND & GRAVEL LTD CO
PO BOX 400
BELLEVUE ID 83313

RE: Water Appropriation Permit No. 37-22380

Dear Permit Holder:

The Department of Water Resources (Department) is reviewing the above referenced permit so we can issue a license for the uses developed. On December 6, 2018, the Department received the proof of beneficial use documentation and a certified field examination conducted by Charles G. Brockway of Brockway Engineering for permit 37-22380. During the review of the field report, we discovered that the following condition had not been complied with:

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

On September 21, 2011, an order was issued creating a Water Measurement District for the Measurement and Reporting of Ground Water Rights in the Upper Big and Little Wood River Basins in Administrative Basin 37. You can find a copy of this order at <https://idwr.idaho.gov/files/legal/orders/2011/20110921-Preliminary-Order-Creating-Big-Wood-Little-Wood-Water-Measurement-District.pdf>. This order required the measurement of all non-irrigation uses exceeding 0.24 cfs. A review of the mailing list attached to this order confirms that you were sent notification of this order. This order provided the specific notification required to install a measurement devices on all four of these wells.

The last sentence of the first paragraph on page 2 of the "Narrative in Support of Beneficial Use Exam" Mr. Brockway stated the following:

"There are no permanent flow meters installed anywhere on any well."

After reading this statement, I reviewed the data available for these wells on the Department's Water Management Information System (WMIS) database. An inventory of these four wells was performed by the Basin 37 Watermaster, Kevin Lakey, on November, 12, 2014. The watermaster recommended that flow meters be installed on the Valley Paving Well and the Old Crusher Well, and time clocks be installed on the Shop Well and the New Crusher Well. It appears from the WMIS database, that the watermaster only received annual measurement data on the New Crusher Well.

After reviewing the WMIS information, I contacted Mr. Lakey to determine why there was no information in the WMIS database for the other 3 wells. Mr. Lakey told me he was under the impression that the permit holder only used was the New Crusher Well and the Shop Well. The watermaster stated he was under the impression that the shop well only supplied the office, and New Crusher Well was used at one operating condition. He also stated that he understood that the four wells were on separate systems, and not tied together in a common system.

The system diagram in the field report supplied by Mr. Brockway clearly shows all four wells are tied together in a common system. Mr. Brockway also measured the wells based on multiple measurement conditions (Table 1 of Narrative). If all four wells are in a common system and have different operating conditions, then the time clock method of measurement is an unacceptable form of measurement. If all 4 wells divert into a common water system, then each well should have a measurement device installed on them to properly monitor the water use.

Therefore, we are formally requesting that you supply proof that the all four wells have a measurement device that has been approved by the watermaster for a common water supply system, or provide us with a measurement plan approved by the watermaster. Pursuant to Idaho Code § 42-219(8), if the conditions of approval on a permit are not complied with, IDWR will issue an order voiding the permit.

If I do not receive the requested information from you within thirty (30) days, I will take action to void your permit under the provision of Section 42-219(8) of the Idaho Code. Due to the location of this permit and the possible weather conditions, we can possibly allow additional time to provide the requested information if we receive it in writing within the 30 day period. Any additional time request will need to have a specific date that the information will be supplied to the Department. If you decide that you are no longer interested in pursuing this permit, you can shorten the voiding process by completing the enclosed relinquishment form for each permit affected and returning it to Department.

If you have any questions in regard to this matter, please do not hesitate to contact me.

Sincerely,



Daniel A. Nelson

Analyst 3

Idaho Department of Water Resources

Telephone # (208) 287-4856

Fax (208) 287-6700 (C/O Dan Nelson)

Email dan.nelson@idwr.idaho.gov

Enclosure: Relinquishment of Permit Form

CC Charles G. Brockway, P.E. – Sent By Email – 2/14/2019

MEMORANDUM

TO: Water Right Permit File 37-22380

FROM: Daniel A. Nelson

DATE: February 11, 2019

SUBJECT: Telephone Conversation with Water District 37, Kevin Lakey

I spoke with Kevin Lakey today concerning permit 37-22380. Mr. Lakey informed me that the permit holder has a single time clock on one well, and only use the remaining wells for de minimis uses. Mr. Lakey told me that the wells were set up on separate systems. I informed Mr. Lakey that the field exam showed the wells were interconnected, and that any well could provide water to any use. Mr. Lakey told me he was unaware of that fact, and if he had known he would have required a measurement device on all of the wells.

It appears as though there should be measurement devices on all of the wells, and that the conditions of the measurement order have not been met or complied with in this system.