

Merritt, Allen

From: Keen, Shelley
Sent: Friday, September 21, 2007 10:16 AM
To: 'Kathy Gliksman'
Cc: Bittner; Carol Kingston; Gary/Dani; Jock Slavin; Leslie; lhawkins@ida.net; Tommy Thompson; Merritt, Allen
Subject: RE: Clarification of Preliminary Decision

Ms. Gliksman,

Allen Merritt asked me to respond to your questions about his preliminary order on the Williams Lake applications for amendment. My responses are based on my understanding of Allen Merritt's preliminary order.

I will also place this response in the water right files maintained by IDWR.

BLM Permit -- The BLM has Permit 75-7638, which was issued in 1996 to authorize the diversion of up to 18 gallons per minute from a spring in the NESESE, Section 34, T20N, R21E, for use in 12 campsites. The application was advertised in The Recorder Herald on December 21 and 28, 1995. The application was not protested. IDWR has not yet completed the field examination needed to confirm the beneficial use, if any, established in accordance with the permit. However, the BLM submitted proof of beneficial use in 1997, which effectively ended the authorized development period for the permit. In other words, BLM's water right will be limited to the beneficial use that was established by 1997.

Establishment of a Water District and regulation of water rights by a watermaster -- A general stream adjudication is a prerequisite for establishing a water district to regulate diversions of water. When the Snake River Basin Adjudication is complete in a sub-basin, IDWR typically creates a water district for that sub-basin, if one does not already exist. We currently anticipate that the SRBA will be finished for all sub-basins, including Basin 75, in the next couple of years, and water districts will be established for the regulation of water rights in those remaining sub-basins.

Hydroelectric Rights -- The Idaho Constitution, Idaho Code, and the Water Appropriation Rules all allow for the subordination of water rights for the generation of power to water rights for all other purposes, except ground water recharge in some cases. Water rights for other purposes are not curtailed to maintain a supply of water for a hydropower water right. For that reason, a hydropower right would not be considered a "prior right" for water delivery purposes.

Stockwater -- From a plain reading of the preliminary order, I was not able to discern a specific answer to your question about the number of "household" stock that can be watered in connection with the municipal water use recommended by the hearing officer.

Measuring Devices -- I have attached a document describing the types of measuring devices acceptable to IDWR. This information is also available in the Water Measurement section of IDWR's web site. Rather than specify what type of measuring device should be used, IDWR typically allows water right holders to select from a range of devices. This approach allows the right holder to account for a number of variables, including site characteristics, availability, technical ability, and budget. It is my understanding that IDWR will require installation of a permanent measuring device with a data logger capable of recording daily usage. It is not clear to me whether installation will be required now or when a water district is formed.

Sincerely,

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9/24/2007

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-----Original Message-----

From: Kathy Gliksman [mailto:kathleen1387@cox.net]

Sent: Monday, September 17, 2007 4:13 PM

To: Merritt, Allen

Cc: Bittner; Carol Kingston; Gary/Dani; Jock Slavin; Leslie; lhawkins@ida.net; Tommy Thompson

Subject: Clarification of Preliminary Decision

Dear Mr. Merritt,

I am writing to clarify a few points in your background and finding of facts sections. On Page 1, when you state that the proposal was made during the licensing process to change the nature of use for permits 75-7589 and 75-7052 to municipal status, I would like to point out that the Williams Lake Water District had applied for municipal status months prior to the field exam.

On Page 3, number 6 should be amended to reflect that this information was valid prior to November of 1995 when I sold the resort. There is no current information for the resort reflected in your findings of fact. Also on Page 4, number 20 is also not current information. While this was true of the resort prior to 1995 because it depended on the old seasonal water system, the resort, as well as the private residences at the lake, must now be considered year round.

On Page 4, number 17, you state that houses have been relocated as a result of fire and reconstruction, but that is not the case. While we have had homes burn down, 5 during my 30 years at the lake, 3 were neither rebuilt nor moved. One was on resort property and another cabin took its place on the same spot. Another place that burned down was rebuilt on the same lot - if not in the same footprint. This misconception is repeated again in the last paragraph on Page 6. The question that arises from this issue is one that the District has not addressed - does a water hookup stay with the land since all of the District lines are set up to deliver water to that particular parcel.

Now for my questions . . .

On Page 4 of your order, number 11 under Finding of Acts talks about the BLM's separate water right and that it is for a spring not associated with the springs that the District uses. Under the current BLM/District agreement the water to the BLM campground is included in our allotment and is pumped and distributed by our system. Is this third spring to be developed to collect in our collection tank and will it then be pumped and distributed by our limited system? What about questions of cross-contamination? Will the BLM water be in addition to our .21cfs or will the total pumped be deducted from our .21cfs. Perhaps BLM intends to build its own water system. Will their water right include metering so that monitoring is possible and records can be kept of their totals? What if BLM decides to increase its water usage at the Campground by adding showers or camp sites? Are we expected to adjust to their possible increases in consumption under their own water right? I ask this because our pumping capacity, storage capacity and distribution lines are all limited and your order has eliminated any hookup limits at the lake for the District system.

On Page 6, under analysis, you state that it is likely that "regulation of these subject rights in the future will be by a watermaster of a water district to be established in the future." On what do you base this statement? You also state that "counting of households" etc should not be a basis for regulation. Perhaps that is true from a water standpoint, but if you read the water rights backfiles, you will find that funding was not available to the District for providing water to vacant lots so the only way to fund systems was to limit the number of hookups to the existing users plus a small number for growth during the development period. In other words, in order to finance the building of the system the number of existing homes was crucial. Without those numbers, there would have been no system. Also then, the size and capacity of the system was limited as a consequence.

On Pages 8 and 9, on the actual Water Right Licenses, it states that this license is subject to all prior water rights. Does that include hydroelectric rights?

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On Page 9, number 2 under conditions of approval allows stockwatering for stock "associated with the households." Would that include the horses and pack strings of a homeowner who is an outfitter? All the stock of a homeowner who is a breeder?

Where would I find a list of IDWR approved metering systems? Since a bucket and stopwatch were mentioned at the hearing, is that acceptable to IDWR in this case?

My last question is to ask what date is now the end of the appeal period? Since I did not receive my packet from you until the 14th, I wondered if you could be a little more specific about a date.

I hope that my request for clarification should be directed to you, if not please let me know. Thank you in advance for your answers.

Kathleen Gliksman

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES (IDWR)**

**MINIMUM ACCEPTABLE STANDARDS FOR
OPEN CHANNEL AND CLOSED CONDUIT
MEASURING DEVICES**

The source and means of diversion of water, whether surface or ground water, generally determines the measurement and reporting process. Surface water sources such as streams, springs and waste channels are normally diverted into open channels (ditches or canals), but closed conduits (pipes or culverts) are also used. Ground water is usually diverted into pipes (which may also discharge into open channels).

Measuring devices are required at or near the point of diversion from the public water source.

Open Channel

SURFACE WATER DIVERSIONS

I. Flow Measurement

The following discussion is applicable only to diversions from surface water sources.

Measurement of a ground water diversion with an open channel measuring device must be pre-approved by the Department.

A. Standard Open Channel Measuring Devices

All open channel flow diversions should be measured using one of the following standard open channel flow measuring devices commonly used in Idaho:

- | | |
|---|---------------------------------|
| ● contracted rectangular weir | ● Parshall flume |
| ● suppressed rectangular weir | ● trapezoidal flume |
| ● Cipolletti weir | ● submerged rectangular orifice |
| ● 90 degree V-notch weir | ● constant head orifice |
| ● ramped broad crested weir (or ramped flume) | |

Construction and installation of these devices should follow published guidelines. References are available upon request.

B. Non-standard open channel devices: Rated Structures or Rated Sections

IDWR may authorize the use of non-standard devices and rated sections provided the device or section is rated or calibrated against a set of flow measurements using an acceptable open channel current meter or a standard portable measuring device. Further restrictions and requirements are available from the Department upon request.

CLOSED CONDUIT MEASURING DEVICES

Closed conduit or pipe line diversions require installation of a flowmeter.

I. Flow Measurement

There are many flowmeters on the market, with costs ranging from several hundred dollars to several thousand dollars. In general, the higher priced meters are more accurate and require less maintenance. Most meters on the market have an acceptable accuracy rating for IDWR's guidelines. However, some types and designs are much more prone to maintenance problems. Moving parts tend to wear when sand or silt is present, and moss often plugs small orifices and slows moving parts. No single flowmeter is best for every situation. We recommend that you visit with qualified dealers and discuss your needs with them.

A. Minimum Standards

The following are minimum standards for closed conduit flowmeters:

- Minimum manufacturers' design accuracy of +/- 2 percent of reading
- Installed accuracy of at least +/- 10 percent of reading
- Meter must be calibrated with an independent, secondary measuring device when installed, and at least once every four years thereafter
- Must read instantaneous flow or be capable of flow rate calculation
- Must record total volume
- Non-volatile memory (power outage does not zero volume reading)
- Sufficient digits to assure "roll-over" to zero does not occur within 2 years
- Volume reading cannot be "reset" to zero
- Installed to manufacturers' specifications

Meter manufacturers typically specify that a meter must be located in a section of straight pipe at least 10 pipe diameters downstream and 5 pipe diameters upstream of any valves, bends, contractions, or other interferences which will distort the flow pattern. However, some types of meters will produce acceptable results when installed in shorter sections of straight pipe. For example, at least one electro-magnetic flowmeter provides excellent measurement accuracy with only 5 lengths of straight pipe upstream from the meter.

Each manufacturer should provide the installation specifications for its meters. These **specifications must be adhered to** in order to achieve the accuracy required for the water measurement program. Again, we stress the importance of visiting with a qualified dealer and discussing your specific needs with them.

B. Types of Measuring Devices for Closed Conduits

Types	Pipe Sizes	Maintenance Required	Relative Purchase Price
Differential Head • Orifice • Venturi • Annubar	small to large	Low to high. Sand wears on sharp edges, and particles can plug small orifices and tubes.	low to medium
Force Velocity • Turbine • Propeller • Impeller	small to large	Typically moderate to high. Often problematic when exposed to sand or moss. Some cannot measure low velocities	low to medium
Ultrasonic	small to large	Low. Typically non-invasive with no moving parts to wear	high
Vortex	small to medium (about 12 to 14 inch maximum pipe diameter)	Low. Few or no moving parts to wear.	high
Electro-Magnetic	small to medium (about 12 to 14 inch maximum pipe diameter)	Low. No moving parts. Can provide good results with shorter lengths of straight pipe.	high