



STATE OF IDAHO  
WATER DISTRICT 130  
C/O IDAHO DEPARTMENT OF WATER RESOURCES  
1341 FILLMORE ST STE 200  
TWIN FALLS ID 83301-3380  
TELEPHONE NUMBER (208) 736-3033

IDWR DIRECTOR  
KARL J. DREHER

June 21, 2002

HERB DEUEL  
PO BOX 348  
BUHL ID 83316

CERTIFIED MAIL

RE: Notice of Measuring Device Requirement, Banbury Springs (Blind Springs)

Dear Mr. Deuel:

In 1995, you were notified that you must measure and report certain diversions of water within the Eastern Snake Plain Aquifer. Specifically, your diversions from Banbury Springs pursuant to water right no. 36-4052 were required to be measured and reported to the West Water Measurement District (WMD). In 1996 you requested to be excluded from the West WMD and in 1997 you submitted a plan for a device at the diversion box at Blind Springs. DWR did not approve your exclusion or your measurement plan, and has recommended that a flow meter be installed on the pipeline, on the south side of the river near the resort.

This diversion is now within the boundaries of state Water District 130, and all withdrawals and use of the source waters within the District are subject to the jurisdiction of the Watermaster. Our records indicate that your water uses remain unmeasured at this date, and your diversions are not in compliance with state law.

Idaho Code § 42-701 states in pertinent part:

(1)...Each such appropriator shall construct and maintain, when required by the director of the department of water resources, a rating flume or other measuring device at such point as is most practical in such canal, ditch, wellhead or pipeline for the purpose of assisting the watermaster or department in determining the amount of water that may be diverted into said canal, ditch, wellhead or pipeline from the stream, well or other source of public water...

**By receipt of this letter you are notified that a totalizing flow measuring device or other approved device must be installed and maintained on the pipeline from Blind Springs to the Banbury Hot Springs Resort. Installation must be completed within 30 days of the date of this letter.** This device must measure all flows diverted through the pipeline and must be situated in a location which is accessible at all times by the Watermaster.

June 21, 2002

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I have enclosed a copy of *Minimum Acceptable Standards for Measurement and Reporting of Surface and Ground Water Diversions*. Any device or method you select should be approved by the Watermaster prior to installation. Once the device is installed, you are responsible for taking periodic (weekly to monthly) readings and reporting total diversions to the Water District annually.

If you do not take immediate steps to correct all measurement and reporting deficiencies, the Department of Water Resources will proceed in action against you under the provisions of Idaho Code §42-1701B(5), and §42-351, resulting in the issuance of a Notice of Violation and Cease and Desist Order.

Please contact me within 10 days so we may discuss the status of your project. I may be reached at 208-736-3033.

Regards,

*Cindy Yenter*

Cindy Yenter  
Watermaster  
Water District 130

cc: Tim Luke, IDWR

### ROUTING SLIP

Distribution		Provided for your:	
Date: <i>6/20/02</i>		Information	
To: <i>Tim Luke</i>		Comments	
From: <i>Cindy Yenter</i>		Approval	
Special Notes:	<i>Herb Dwell</i>		
	<i>543-4098</i>		
	<i>call @ 4-5 p.m.</i>		
	<i>left message to call me on 6-24-02</i>		

*File WD 130*