



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200; Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

December 7, 2010

JAMES MULLEN  
WATERMASTER, WATER DISTRICT 45B  
PO BOX 207  
OAKLEY ID 83346

RE: Required Administration of Cold Springs Right No. 45-91

Dear Mr. Mullen:

It has come to our attention that the above right may not be properly administered as a part of Water District 45B, Birch Creek.

This right, from Cold Springs, was originally an irrigation right and is now owned by the Oakley Valley Water Company. In 2001, a water right transfer was approved which changed the irrigation use under the right to municipal use, and authorized that the right be diverted from a well in SWSE Section 10, 13S 22E. To mitigate for the ground water pumping, the flow from Cold Springs was to be recharged to the aquifer via an injection well in SE ¼ Section 14, 14S 22E.

Conditions of approval on the changed right 45-91 require that use of water under this right be regulated by the Watermaster of Water District 45B. Specifically, the watermaster is required to measure and monitor diversions from Cold Springs, injections to ground water recharge, and diversions from the deep well. The right holder is obligated to obtain an injection permit, file a recharge plan, install measuring devices, and report certain data to IDWR (see attached water right proof report).

Very few of the water right conditions have been satisfied. There is a flow meter on the deep well, and recharge is occurring but there is not a measuring device at the injection well, according to the water company. Water District 45B records for the last several years do not contain any measurements or reports for diversions from Cold Springs, or any other accounting relative to this right.

At this time IDWR is requiring full compliance with all conditions of right no. 45-91. By this letter, the Idaho Department of Water Resources is instructing the Watermaster of Birch Creek Water District 45B, to commence or resume active regulation of right no. 45-91, in accordance with the water right priority and with the conditions of approval found on the right. Because this regulation will require monitoring of ground water injections and re-diversions, the Watermaster of Oakley Valley Water District 140 is hereby instructed to provide oversight and technical assistance to the Watermaster of Water District 45B for purposes of testing and reading flow meters installed on the Oakley Valley Water Company injection well, and the Critchfield production well located in Section 10.



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OAKLEY VALLEY WATER COMPANY  
PO BOX 201  
OAKLEY ID 83346

RE: Measurement Plan Approval, Adams and Critchfield Wells  
Notification of Non-Compliance, Cold Springs Water Right No. 45-91

Dear Board Members:

IDWR has received your measurement plan form(s) as required by the June 25, 2009 Water District 140 measurement order. I have reviewed your plans and any prior measurements or information we have regarding this diversion system. Your measurement plans are for EXISTING meter installations and include a request for variance of the device type on these two wells. According to your system operator, Mr. Hawkes, a third well (the west well) has gone dry and is not in use.

Your plans and requests for variance for the Adams and Critchfield Wells have been APPROVED, subject to the following conditions:

- A variance has been granted for existing mechanical flow meters in good operating condition. Final approval of this variance is contingent upon a current testing of all flow meters by IDWR or Water District 140 to ensure proper operation and accuracy. If any meter is found to be operating outside of acceptable accuracy range ( $\pm 10\%$  of a standard flow meter), a magnetic flow meter will be required to be installed.
- Flow meter displays or recorders must be accessible to the watermaster, hydrographer, or other water measurement staff for the purpose of collecting water use data. If the flow meter display is located in a locked or secured area, the watermaster or hydrographer shall be provided with a key, or in the alternative, the name of a contact person who can provide reasonable access.
- Measurement of the west well, which is not in use, has been *deferred*. If this diversion is ever placed back into use, a magnetic flow meter will be required to be installed at the wellhead.

During my review of the measurement plans, I found that the Critchfield Well is authorized pursuant to a 2001 water right transfer of right no. 45-91, which shows a water source of Cold Springs tributary to Birch Creek. This water right represents an injection of Cold Springs water into the aquifer, in exchange for water pumped from the well for municipal use. Transfer approval conditions require measurement not only at the wellhead, but also of the diversions from Cold Springs, and the amount of water injected for recharge purposes. Approval conditions also required that you submit a recharge plan and obtain an injection well permit prior to recharge (see proof copy of water right, attached).