



State of Idaho

DEPARTMENT OF WATER RESOURCES

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April 22, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

**Re: Order Requiring Measuring Devices and Controlling Works on the
Blackfoot River, Water District 27**

Dear Water User,

The Idaho Department of Water Resources (IDWR) has issued the enclosed preliminary order requiring installation of measuring devices and control works for all diversions on the Blackfoot River and its tributaries prior to the 2010 irrigation season. The Water District 27 Advisory Board met on March 26, 2008 and, hoping to improve the accuracy of water measurement and delivery throughout the district, approved the issuance of the order. Pursuant to Section 67-5243, Idaho Code, the preliminary order will become a final order without further action of IDWR unless a party petitions for reconsideration or files an exception and/or brief as explained in the enclosed information sheet.

The order requires water users to submit plans for measuring devices and control works (head gates or control gates) to Water District 27 (address listed below) on or before April 1, 2009. The order only applies to the control and measurement of water at the head of canals, ditches, or points of diversions from Blackfoot River and its tributaries, not the points of re-diversion or laterals from those main ditches. Please refer to the enclosed document "*Minimum Acceptable Standards for Open Channel and Closed Conduit Measuring Devices*" for information on types of measuring devices acceptable to IDWR. This document and other information on the topic are available on the Department's web site as follows:
http://www.idwr.idaho.gov/water/districts/water_measurement.htm

Note that water users are required to provide written plans to Water District 27 by April 1, 2009 that describe the types of measuring devices and/or controlling works to be installed (or those that have previously been installed). Plans should include a written description and diagram of the devices or works, and show the locations of planned installations. Employees of Water District 27 are available to assist water users in the survey of their diversions and the design of the required control works and measuring devices. Please contact James Cefalo at Water District 27 during the 2008 irrigation season to begin the survey and design process.

If you have questions concerning this order, please contact the Deputy Watermaster for Water District 27, James Cefalo, 900 North Skyline Drive, Suite A, Idaho Falls, ID 83402 (208-525-7161), or Tim Luke, IDWR Water Distribution Section, Boise (208-287-4959).

Respectfully,

Tim Luke-Water Distribution Section Manager

Enclosures:

*Preliminary Order Requiring Controlling Works and Measuring Devices (2 pages) w/ Attachment
Explanatory Information to Accompany a Preliminary Order (2 pages)
IDWR Minimum Acceptable Standards for Open Channel and Closed Conduit Measuring Devices*

Cc: Lyle Swank, Watermaster, Water District 27
IDWR Eastern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF REQUIRING MEASURING)	
)	
DEVICES AND CONTROLLING WORKS ON)	PRELIMINARY
)	ORDER
THE BLACKFOOT RIVER, WATER DISTRICT 27)	
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During the 2007 irrigation season, staff from the Idaho Department of Water Resources (Department), working in coordination with the Water District 27 Watermaster, determined that a number of water diversions from the Blackfoot River and tributaries to the Blackfoot River lacked sufficient measuring devices and controlling works. Section 42-701, Idaho Code, provides in pertinent part:

42-701. INSTALLATION AND MAINTENANCE OF CONTROLLING WORKS AND MEASURING DEVICES BY WATER APPROPRIATORS – PROCEDURE UPON FAILURE TO INSTALL AND MAINTAIN – MEASURING AND REPORTING OF DIVERSIONS – PENALTY FOR FAILURE TO COMPLY – ENFORCEMENT PROCEDURE – REPORT FILING FEE.

(1) The appropriators or users of any public waters of the state of Idaho shall maintain to the satisfaction of the director of the department of water resources suitable headgates and controlling works at the point where the water is diverted. Each device shall be of such construction that it can be locked and kept closed by the watermaster or other officer in charge, and shall also be of such construction as to regulate the flow of water at the diversion point. 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. Plans for such headgates, rating flumes or other measuring devices shall be approved by the department of water resources.

. . .

(3) Any appropriator or user of the public waters of the state of Idaho that neglects or refuses to construct or maintain such headgates, controlling works, or measuring devices..., upon receiving ten (10) days' notice from the director of the department of water resources within which to begin and diligently pursue to completion the construction or installation of the required device or devices or to begin and diligently pursue to completion a remedy to such defects as exist in accordance with said notice, then the director of the department of water resources may order the duly qualified and acting watermaster of the water district to shut off and refuse to

deliver at the point of diversion, the water owned by such appropriator or user until the user does construct and maintain such headgates, controlling works or measuring devices or remedy the defects which exist or the director may take action pursuant to section 42-1701B, Idaho Code, to enforce the requirement to construct, install or maintain such devices.

(4) The appropriators or users of the public waters of the state of Idaho shall be given a reasonable time within which to complete construction of such headgates, controlling works or measuring devices, depending upon the size and extent thereof, when due diligence has been used in the prosecution of such work.

ORDER

IT IS HEREBY ORDERED AS FOLLOWS:

1. Those water right holders or water users identified in Attachment A of this order that divert water from the Blackfoot River or a tributary to the Blackfoot River shall install measuring devices and lockable controlling works of a type acceptable to the Department prior to diverting water during the 2010 irrigation season.

2. Those water users identified in Attachment A of this order diverting water from the Blackfoot River or a tributary to the Blackfoot River must submit written plans for measuring devices and controlling works to the Department or Water District 27 no later than April 1, 2009. Plans shall be reviewed by the Department to determine whether proposed measuring devices and controlling works are of a type acceptable to the Department. If measuring devices and/or controlling works are already in place, a written description of the devices or works shall be submitted to the Department by April 1, 2009.

3. The watermaster shall shut off and refuse to deliver water to any water right holder or water user with a diversion from the Blackfoot River or a tributary to the Blackfoot River that does not have an adequate measuring device and/or lockable controlling works at any and all times during the 2010 irrigation season.

Dated this 18th day of April, 2008.


GARY SPACKMAN
ADMINISTRATOR

ATTACHMENT A

The following water users have been found to have recommended water rights located in Water District 27 and are subject to the Order Requiring Measuring Devices and Controlling Works on the Blackfoot River, Water District 27:

<u>Water User</u>	<u>Recommended Rights</u>	<u>PODs</u>
Bair, Sherralynn	12045	1
Barfuss, Lester	12121	1
Bear Lake Grazing Co.	11271, 88, 11269, 11273	6
Beckstead, David	2052, 2054	3
Big Wheel Farms	13B	1
Blotter Family Ltd Partnership	2001, 2008, 2003A, 2015, 2026, 2041A, 12109	10
Blue Bird Ranch	12035	1
Brantzeg, Joe	12040	1
Central Ditch	Multiple	1
Chesterfield Land & Livestock	11262, 11261, 11988, 11989, 11245	9
Circle Two Bar Ranch	2018	1
CV Ranches	12115, 12118	3
Eastern Idaho / Blackfoot Slough	Multiple	1
Fielding, Bryce	12028	1
Fielding, Keith	13A, 4AC	1
Frandsen, Dennis	2049	4
Gardner, Bonnie (Sand Creek)	12013, 10028	1
Glenn, Cherie	2039	1
Hansen, Vicki	2009, 2040	2
Hedin, Ofilia	7049	1
Hubbard, Alma	76, 11317	5
Hunsaker Ranching	45, 12002, 11330	4
Jensen, Ronald	54, 47	2
Jorgensen Farms	2078	1
Jougard Sheep Co.	2080A	1
Just Ditch	Multiple	Multiple
Lake Family Ranches	73	1
Lake, Dennis	2069, 2075	2
Lewis Brothers Inc.	7071	1
Little Butte Ditch	Multiple	1
Mason, Diane	2043	1
Meadow Creek Ranch	74, 102	4
Miners Ditch	Multiple	1
Monsanto Co.	49, 1-28F	2
Morales, Louis	51B, 11919	1
Natural Guardian Ltd.	12006, 50, 29E, 4L, 52	2
Nu-West Mining	2165, 7302	3

Ohanesian & Associates	11966	2
Oleson, George	4078, 4077	3
Panter, Randy	12050	1
Pratt, Gary	10728, 56	3
Preston Allen & Sons	12027, 10096, 11016, 4141, 12003, 11334	15
Prouse, Gordon	4147	3
Rasmussen, Lynn	4068, 12081	1
Rawlins Creek Land & Livestock	10207, 23B	3
Reid / Lyon / Mattson Pumps	Multiple	Multiple
Rhodia Inc.	7008A, 7008B	2
Riverton Ditch	Multiple	1
Rock and Water LLC	85A, 11992	3
Sharp, Ronald	7374	1
Smith-Maxwell Ditch	1-10058, 12108	1
State of Idaho Fish & Game	4096	1
Steffler, Brent	2048, 55B	3
Stevens Ditch	Multiple	1
Stolworthy, Lloyd	51A, 11918, 55A	6
Stone, Cheryl (Sand Creek)	12012	1
Stucki Trust	2003B, 2041B, 2066	4
Taney, Patrick	29D	1
Telford, Wayne	4079	1
Thompson, Cheryl	94, 4058, 11930	4
Walker, Marion	16C	1
Webster, Craig	11993	1
Wernette, Florian (Sand Creek)	10994, 11946	1
Wheatley, Ralph	1-28D, 4009, 4010	2
White, Loyal	104, 105, 106	6
Winschell, Beth	4097	1

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

**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 affects the selection of a measuring device. 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 when required by IDWR are to be installed at or near the point of diversion from the public water source.

Open Channel

I. SURFACE WATER DIVERSIONS

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 IDWR.

A. Standard Open Channel Measuring Devices

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

- contracted rectangular weir
- suppressed rectangular weir
- Cipolletti weir
- 90 degree V-notch weir
- Parshall flume
- trapezoidal flume
- submerged rectangular orifice
- constant head orifice
- ramped broad crested weir (or ramped flume)
- acoustic Doppler flow meter (ADFM)

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 IDWR upon request.

II. CLOSED CONDUIT MEASURING DEVICES

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

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. Flow Meter Specifications

Listed below are the flow meter requirements and specifications for full-flowing closed conduits or pipes. These specifications apply to all irrigation and non-irrigation water uses except domestic systems as defined in Section 42-111, Idaho Code. Water users may apply to IDWR for a variance to these specifications in accordance with Criteria for Request for Variance of measuring Device Requirements of Section II C. of this document

Meters shall be magnetic flow meters meeting the following minimum specifications:

- 1) Flow range of 0.1 to 33 feet per second (fps).
- 2) Listed manufacturer accuracy of $\pm 0.5\%$ of flow rate from 1.6 to 33 feet per second (fps), and $\pm 2\%$ of flow rate from 0.1 to 1.5 feet per second (fps).
- 3) The register or display unit shall:
 - a) Have a waterproof and tamperproof seal.
 - b) Have an LCD backlit display showing instantaneous flow rate and totalized volume.
 - c) Have a minimum of six (6) digits for flow rate.
 - d) Have a minimum of eight (8) digits for totalized volume display or a sufficient number of digits so that "rolling over" will not occur within two years operation, based on the maximum rate of flow and annual volume elements of the authorizing water rights. For totalizing data, IDWR recommends using the attached guidelines (see Table 1) for proper meter (totalizing units) selection for the intended use.
 - e) Have password or similar protection of all settings and data to protect against unauthorized change or accidental loss of data.
 - f) Contain a back up battery (according to manufacturers specifications) to prevent loss of data in the case of primary power failure.
 - g) The display unit must contain user programmable features that allow the selection of flow units. Available flow units must include, but are not limited to, gallons per minute (gpm) or cubic feet per second (cfs). The meter flow rate display must also allow decimal display formatting of up to three (3) places when using cubic feet per second units.
 - h) The volume totalizer display must contain user programmable features that allow the selection of volumetric units that must include but are not limited to, total gallons or acre feet. The meter must also allow decimal display formatting of up to four (4) places, and the application of unit multipliers ranging from .0001 to 10,000.

4) Signal Output when Data Logger is Required

Data loggers are required only for magnetic flow meters installed as per conditions of approval for water right transfers in the Eastern Snake Plain Aquifer, or as may be required by specific water right conditions of approval in other locations.

Scaled pulse frequency output (or pulse counting) is required for continuous recording of totalized volume data on data loggers. Output signals must be compatible with data logger inputs. Analog output signal for flow rate (usually 4-20mA) is also optional (most magnetic flow meters provide both analog and pulse frequency as standard output signals).

B. Meter Installation and Diversion System Requirements

Meters required under Section II A. above shall meet the following installation requirements:

- 1) The minimum and maximum system operating flows and pressures must be fully within the range of measurable flows and pressures identified in the meter specifications.
- 2) Pipes must be full flowing.
- 3) The installed flow rate accuracy of the installed magnetic flow meter must be $\pm 5.0\%$ as compared to a second, standard flow meter. The installed flow rate accuracy for mechanical flow meters is $\pm 10\%$ of rate of as compared to a second, standard flow meter.
- 4) Meters must be installed according to manufacturer's specifications. Most manufacturers' recommend that meters be installed a certain distance from turbulence-causing bends and fittings such as discharge heads, single elbows, and valves. Industry standards for such distances are listed below, but larger distances may be required if the turbulence is severe.
 - a. Magnetic flow meters require three (3) pipe diameters upstream of the meter and two (2) downstream.
 - b. Mechanical flow meters require ten (10) pipe diameters upstream of the meter and five (5) pipe diameters downstream.
- 5) Meter Certification: IDWR will certify the installed flow meter for accuracy using a second, standard flow meter. A location for measuring flow with a second standard meter must be provided as close to the installed meter as possible. A section of straight pipe with a minimum of 24 inches in length (for pipe diameters 16 inches and smaller) of unobstructed exposed pipe shall be provided for calibration purposes. The calibration section must be free of elbows, valves and other fittings, and must contain the same flows that are passing through the meter. The 24-inch certification section may be incorporated into the manufacturer's pipe requirements above or below the flow meter.

C. Requests for Variance of Closed Conduit Measuring Device Requirements

Owners of closed conduit diversions may request a variance of the standard magnetic flow meter requirements of section II A. above for the following reasons:

- a) An operable flow meter is already installed
- b) Installation and maintenance of the standard meter would be burdensome

If a meter is already installed, that meter may be used if the meter is field-tested by IDWR staff and/or the water district watermaster using a portable certified standard flow meter and upon a determination that the meter is installed properly and accurate to within $\pm 10\%$ of actual rate of flow and volume. *IDWR or the water district watermaster should apply a calibration factor to flow meters whenever the calibration measurement is greater than $\pm 1.0\%$.*

If a user demonstrates that installation and maintenance of the standard meter would be burdensome, then IDWR may consider alternate measurement options including:

- Development of Power Consumption Coefficient to estimate water use volumes (generally acceptable for simple ground water irrigation diversion systems only)
- Installation of one or more time clocks or hour meters (requires periodic flow measurements and recording of hours of water use from meter or clock)
- Installation of an alternative flow meter as shown in Table 2 below.

Users considering making a variance request may contact IDWR or the local water master for further information.

Table 1; Use for proper meter selection based on water right volume.

Volume Acre Feet (AF)	Multiplier X gallons (gal)	Multiplier X Acre Feet (AF)
0-150	1, 10, 100	.0001, .001
150-1000	10, 100, 1000	.001, .01
>1000	100, 1000	.001, .01

Table 2; Types of Measuring Devices for Closed Conduits

Types	Pipe Sizes	Maintenance Required	Relative Purchase Price
Differential Head <ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> 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 or Acoustic Doppler	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