IDAHO DEPARTMENT OF WATER RESOURCES 6/8/2020
Proof Report

Water Permit 43-7182

Owner Type	Name and Address
Current Owner	NORMAN W FUNK , ZZ
Original Owner	HEGLAR RANCH INC 1658 BURTON AVE BURLEY, ID 83318 (208) 436-0373

Status: Lapsed

Source **Tributary**

Beneficial Use	From	To	Diversion Rate	Volume

Source and Point(s) of Diversion

Place Of Use

Conditions of Approval:

Comments:

Dates and Other Information
Water District Number: TBD
Mitigation Plan: False

Combined Use Limits
N/A

SubCase:
N/A

Water Supply Bank:
N/A

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 19, 1992

Norman W Funk
PO Box 1077
Burley, ID 83318

RE: Permit No. 43-07182

Dear Permit Holder:

Enclosed is a copy of the denied request for extension of time which you submitted to the department in connection with the above referenced permit. Section 42-204, Idaho Code, provides that you must diligently pursue the completion of the proposed project.

Within one year of the time you actually intend to develop and beneficially use the water, I suggest that you file a new application. Since Idaho is now under a mandatory permit procedure to develop a water right, the new application will provide an additional period of time for development, although the priority date will be later in time. There is, however, a moratorium currently in place for most new applications. While the Department will accept the application, it may be some time before we are able to process it.

Please feel free to contact any of our regional offices if you wish assistance in completion of the new application.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

C: IDWR - Regional Office

43-7182

Form 204
4/86

RECEIVED
NOV 10 1992
Department of Water Resources
Southern Region Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
$15 FEE Receipted by J E Stanton
Date 11-10-92
Receipt # 5015156

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 43-07182

Name(s) of Permit Holder: Norman W. Funk

Post Office Address: P.O. Box 1077, Burley, ID 83318

Telephone No. 678-2470

Date Proof is Due: 10-1-1992

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

No work has been done on site. However, a bid has been obtained from the driller (see attached).

Costing $ 0

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

I am a dry farmer, and have been hurt financially by the drought. I hope to have money for well drilling in the near future.

Permit holder(s) request an extension to 10-1, 19 93.
(1 yr. minimum)

Norman W. Funk
(Signature)*

*IF OTHER THAN PERMIT HOLDER, POWER OF ATTORNEY MUST BE SUPPLIED.

FEE: $15.00

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be DENIED pursuant to Section 42-204, Idaho Code for failure to diligently pursue completion of the project and to comply with permit conditions.

Signed this 18TH day of November, 19 92.

R. Keith Higginson
R. Keith Higginson, Director

FRONTIER DRILLING
658 East 42nd Street
Burley, Idaho 83318
Phone # 678-4789

PROPOSAL

Purchaser; Norman Funk
P.O. Box 1077
Burley, Idaho 83318

Concerning; New irrigation well.

Work Discription; This well would be started at 20 inch diameter with 20 feet of temperary surface casing installed. It would then be drilled this size thru the rock formation to approximately 240 feet. The hole would then be reduced to 16 inch diameter, 16 inch pipe would be installed and driven thru gravel and clay formation to a depth of approximately 600 feet. Adequate water bearing gravel formations would then be perforated with a Mills knife perforater.

PRICE PROPOSAL

==========

Drilling 600 feet of 20 and 16 inch hole at $50.00 per foot. $30,000.00

16 inch Atlas drive shoe (quote Mitghell, Lewis & Staver Co. 11-03-92) $1,000.00

Kelly Pipe bid [Kent Johnson]
(11-03-92), 20 inch X .250 wall @ $20.25 per foot and 16 inch X .250 @ $12.15 per foot. (useing 20 feet of 20 inch and 600 feet of 16 inch) total $7,691.00

Southern Idaho Pipe & Steel bid [Dennis]
(11-03-92), 20 inch X .250 wall @ $23.00 per foot and 16 inch X .250 @ $14.70 per foot. (useing 20 feet of 20 inch and 600 feet of 16 inch) total $9,280.00

Approximately 30 hours of perforating time at $40.00 an hour $1,200.00

Estimated Well Cost (Kelly Pipe Bid) $ 39,891.00

==========

PROPOSAL (cont.)

Quantities taken from Phil Wheeler well log in sec. 36 Twp. 10S Rge 26 EBM Cassia county.

Pipe & material bids are at date and are subject to change and do not include dilivery if any is applicable.

This is a proposal and not a fixed bid.

Phil Weech

Phillip Weech
(11-03-92)

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

I, Idaho Livestock PCA, hereby assign to Norman W. Funk

of P.O. Box 1077 Burley, Idaho 83318
Address

CHECK ONE

XXX All my right, title, and interest in and to Permit No. 43-7182 to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within each 40 acre subdivision, the point of diversion and the amount of water in cubic feet per second for direct diversion, or acre feet for storage)

RECEIVED
NOV 8 1989
Department of Water Resources
Southern Region Office

Made this 28th day of April, 19 88.

The Farm Credit System Assistance Board chartered by the Farm Credit Administration pursuant to Section 6.0 of the Farm Credit Act of 1971, as amended (Act) on January 21, 1988, succeedor of the dissolved Farm Credit System Capital Corporation by the Federal Intermediate Credit Bank of Spokane

By: Ray Fiscus
Ray Fiscus, Vice President and Liquidating Agent, as Attorney-in-fact

STATE OF WASHINGTON)
: ss.
County of Spokane)

On this 28th day of April, 1988 before me, the undersigned, a Notary Public in and for said State, personally appeared RAY FISCUS, known or identified to me to be the Vice-President of the Federal Intermediate Credit Bank of Spokane that executed the instrument as the attorney in fact of the Farm Credit System Assistance Board and acknowledged to me that he subscribed the name of the Farm Credit System Assistance Board thereto as principal and acknowledged to me that such corporation executed the same as attorney in fact.

Annette L. Codd
Notary Public for Washington
Residing at: Spokane, Wash.

43-7182

September 23, 1987

Idaho Livestock Production Credit Association
834 Falls Avenue, Suite 1050
Twin Falls, ID 83301

Gentlemen:

Re: Permit No. 43-7182

The department has reviewed the request for extension of time submitted in connection with the above referenced permit. The department will hold the request without action until the permit is reprocessed in compliance with the provisions of Sec. 42-203D, Idaho Code. Upon completion of reprocessing, an appropriate development period will be granted if the permit is to be continued.

Please feel free to contact this office if you have any questions.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

cc: region

43-7182

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF EVALUATING WHETHER DEVELOPMENT OF 20,000 ACRES OF IRRIGATED LAND WOULD CAUSE A SIGNIFICANT REDUCTION IN TRUST WATER AVAILABLE FOR POWER PRODUCTION	)	MEMORANDUM DECISION & ORDER

This matter having come before the Director of the Idaho Department of Water Resources (IDWR) as a result of the Swan Falls water right settlement, the Director finds, concludes and orders as follows:

FINDINGS OF FACT

1. "Trust water" is that portion of an unsubordinated water right used for hydropower generation purposes which is in excess of a minimum stream flow established by state action.

2. Section 42-203C(1), Idaho Code, provides as follows:

> If an applicant intends to appropriate water which is held in trust by the state of Idaho pursuant to subsection (5) of Section 42-203B, Idaho Code, the director shall consider, prior to approving the application, the criteria established in Section 42-203A, Idaho Code, and whether the proposed use, individually or cumulatively with other existing uses, or uses reasonably likely to exist within twelve (12) months of the proposed use, would significantly reduce the amount of trust water available to the holder of the water right used for power production that is defined by agreement pursuant to subsection (5) of Section 42-203B, Idaho Code, and, if so, whether the proposed reduction is in the public interest. (emphasis added).

3. The IDWR conducted a study to estimate the reduction in hydropower generation which would result from the development of the first 20,000 acres of newly irrigated land (new development) authorized under the Swan Falls settlement. The study included several steps as follows:

a) Identify the location of the potential new development and the related water sources;

b) Estimate the net depletion resulting from new irrigation development of these lands;

43-7182

c) Route the reduced flows through the aquifer and surface flow systems to the affected power plants;

d) Compute the loss in potential generation at each plant resulting from the reduced flows.

4. Step a) in Finding of Fact No. 3. was accomplished by plotting land location as shown by the water right applications and permits being considered. The 20,000 acres are generally located as follows:

Acreage	General Location	Water Source
9,885	Snake River Plain	Snake Plain Aquifer
5,315	Valleys adjacent to the Plain	GW trib. to Snake Plain Modeled area
4,800	Scattered areas	GW and surface water from areas not trib. to Snake Plain Modeled area
20,000 acres		

5. Step b) in Finding of Fact No. 3. was accomplished using simulation models which have previously established the "base" flows conditions.

6. Step c) in Finding of Fact No. 3. involved a groundwater component and a surface water component. Withdrawals from the Snake Plain aquifer and from the tributary valleys affect the water in storage in the aquifer. Storage changes alter the gradients which eventually reduce aquifer discharges. If a new withdrawal is continued long enough, the aquifer outflows will be reduced by an amount approaching the magnitude of the withdrawal and resulting depletion.

7. The IDWR digital model of the Snake Plain aquifer (groundwater model) was used to simulate this process and predict the outflow reductions after 15, 30, 45 and 60 years of annual withdrawals by new irrigation development at the assumed locations. The results of the groundwater model run indicate that aquifer outflows would be reduced by the following percentages of the annual depletion:

Year	Outflow Reduction (Acre Feet)	Percent of Annual depletion (%)
15	4,600	23
30	9,000	45
45	14,700	73
60	15,200	76

8. Significant reduction should be determined by evaluating the depletion when its effect on the river is fully felt. Incremental change in the percent of annual depletion is very small sixty (60) years after the first

depletion. The percent of annual depletion in the 60th year adequately represents the long-term effect of aquifer depletions on Snake River flows.

9. The groundwater model predicts that approximately eighty percent (80%) of the reduction in river flow would occur in the Milner to King Hill reach with the remainder (20%) occurring between Blackfoot and Minidoka Dam.

10. The IDWR routed the reduced flows through the aquifer and river system using a digital model of the Snake River system (river model). This model and its computed base conditions are described in "Stream Flows in the Snake River Basin, 1985 Conditions of Use and Management" Open-File Report, September 1986. The groundwater depletion was input to the river model assuming uniform depletions each month.

11. The river model computes flows at numerous points in the Snake Plain Basin including sites at, or near to, the power plants. These computed flows were used to compute power generation and were compared to similarly computed generation for base flow conditions.

12. The annual reduction in hydropower generation 60 years after the development of 20,000 new acres is estimated to be approximately 2.8 million KWH in power facilities upstream from the Murphy gage on the Snake River.

13. In cooperation with staff of the Idaho Public Utilities Commission (IPUC), IDWR determined the rate impact of lost hydropower generation caused by the new development in the trust water area of the Snake River basin assuming that new thermal generation capacity is obtained to replace the lost hydropower generation.

14. The cost impact to the rate base of replacing the lost hydropower generation with thermal generation capacity must be considered in the evaluation of any significant reduction in hydropower generation, but the statutes and Water Appropriation rules do not require consideration of impacts to the rate base resulting from other aspects of the new development such as new pumping loads.

15. Step d) of Finding of Fact No. 3. was determined using an IPUC power supply model (power model) associated with the rate making process. Data from the 1966-1985 period was used to establish a base flow. The depletions were then input to the power model and the difference in ability to meet firm load requirements and to make economic spot market sales and purchases was determined. A comparison of the output of the power model run to base conditions produced increased total IPCO power supply costs due to Snake River depletions.

16. The power model shows that the impact of reduced hydropower generation at IPCO's facilities on the Snake River above the Hell's Canyon complex as a result of the development of 20,000 new acres will result in an average increase in IPCO's power costs of $159,553 per year which is approximately five one hundredths of one percent (0.05%).

17. During certain periods of each year there generally is unappropriated water in the Snake River. During these periods, a new

appropriation of water has no effect upon IPCO's water rights or ability to generate hydropower.

CONCLUSIONS OF LAW

1. The development of 20,000 new acres which results in an average increase in power rates of five one hundredths of one percent (0.05%) will not cumulatively cause a significant reduction in IPCO's hydropower generation capability at hydropower generation facilities upstream from the Hells Canyon complex on the Snake River.

2. The hydropower generating facilities of IPCO which are affected by reductions in river flow represent approximately 25% of IPCO's hydropower generating capacity as compared to the Hells Canyon complex facilities which represent approximately 75% of IPCO's hydropower generating capacity. The Hell's Canyon facilities are subordinated to later in time consumptive uses and are not properly included as a part of the evaluation of significant reduction. (Water Appropriation Rule 5,3,1,4.).

3. The reduction in IPCO's hydropower generation capability caused by new development is such that the timing of the reduction, either on an annual basis or a long term basis, need not be considered by IDWR. The computer model studies show that it would take approximately 15 years for aquifer outflow to the Snake River to be reduced 23% of net new withdrawal. By the 60th year outflow would be reduced by 76% of the new depletion. Other factors present in a dynamic system as large as the Snake Plain aquifer will have more effect on the discharge of the Snake River than decreases caused by this amount of new development.

4. Staff of the IPUC advises that the effect of reduced hydropower production on "unit cost" is not a proper factor to consider when analyzing the effect of reduced flows to hydropower generating facilities. IPUC generally considers hydropower facilities to have zero unit or production costs. Thermal facilities on the other hand do have associated unit costs such as the cost of fuel.

5. The IDWR is unaware of any contract or regulatory permits including FERC licenses which require IPCO to produce or to maintain capability to produce hydropower at specific levels.

6. Approval of applications for permit or permits which propose the development of the first 20,000 acres of newly irrigated land with water from the Snake Plain aquifer will not either individually or cumulatively cause a significant reduction in the water supply available to the holder of a water right used for power production purposes.

7. The development proposed by Permit No. 43-7182 will not either individually or cumulatively cause a significant reduction in the water supply available to the holder of a water right used for power production purposes.

8. Permit No. 43-7182 should be continued without special conditions related to Section 42-203C(2), Idaho Code.

ORDER

It is, therefore, hereby ORDERED that Permit No. 43-7182 is hereby continued subject to the following conditions:

1. Proof of construction of works and application of water to beneficial use shall be submitted to IDWR on or before October 1, 1992.
2. The use of trust water authorized by this right is subject to review 20 years after the date of this order to determine availability of trust water and to reevaluate the public interest.
3. The construction of diversion works must be commenced within one (1) year of the date of this order and shall proceed diligently and uninterruptedly to completion unless temporarily interrupted by circumstances over which the permit holder has no control.
4. Diversion and use of trust water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
5. The Director retains jurisdiction of this right to change, add or remove any requirement as determined to be appropriate.
6. All conditions of approval contained in Permit No. 43-7182 are incorporated into and made part of this order.

Dated this 10TH day of March, 1990.

R. KEITH HIGGINSON
Director

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	43-7182	Heglar Ranch, Inc.	4.76 cfs
Full Assignment	43-7182	Idaho Livestock Production Credit Association	4.76 cfs

RECEIVED

JUN 26 1985

Department of Water Resources

State of Idaho

Department of Water Administration

ASSIGNMENT OF PERMIT

RECEIVED

JUN 28 1985

Department of Water Resources

I, HEGLER RANCH INC, , hereby assign to IDAHO LIVESTOCK PRODUCTION CRED ASSOCIATION

of 3380 EIDER STREET, BOISE, IDAHO 83705
Address

CHECK ONE

XXXXXXX All my right, title, and interest, in and to Permit No. 43-7182 to appropriate the public waters of the State of Idaho.

(/) The following described portion of my right, title, and interest in and to, Permit No. to appropriate the public waters of the State of Idaho. (Describe that portion of the permit being assigned by listing the acreage within each 40-acre subdivision, the point of diversion and the amount of water in cubic feet per second for direct diversion, or acre feet for storage.)

Made this 6th day of JUNE, 19 85.

Hegler Ranch, Inc
Permit Holder
By Max Gillette, President

Spouse of Permit Holder

State of Idaho)
County of CASSIA) ss.

On this 6th day of JUNE, 19 85, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Wm K Meder Lan
Notary Public residing at
ALBION, Idaho

My commission expires: Oct 1985

Form 204-p
6/82

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

COMMENCEMENT OF WORKS

Permit No. 43-7182

Name(s) of Permit Holder(s): Heglar Ranch Inc. % Max Gillette, Pres.

Post Office Address: 1658 Burton Ave., Burley, ID 83318

Tel. No. 678-5359

☐ I hereby certify that construction of diversion works for the above referenced permit began on _____ (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☒ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

See Attachment "A"

*Note: A financing difficulty is not an acceptable reason.

1-10-84
Date

Max Gillette
Signature of Permit Holder

ATTACHMENT "A"

1658 Burton Avenue
Burley, Idaho 83318
January 10, 1984

RECEIVED
JAN 16 1984
Department of Water Resources
Southern District Office

Mr. Loren Holmes, Regional Supervisor
Idaho Department of Water Resources
1041 Blue Lakes Blvd., North
Twin Falls, Idaho 83301

Dear Mr. Holmes:

Please find enclosed a commencement of works form for permit #43-7182 in the name of Heglar Ranch, Inc. Work has not yet begun on this project because of the on-going litigation and Idaho Public Utilities Commission complaint regarding the water rights of Idaho Power Company at Swan Falls Dam. As you are well aware, the IPUC complaint was filed in 1977 and a Supreme Court decision on Idaho Power's water right was not received until November 19, 1982 after filing of this application. Because of the continuing litigation and the possibility that I would not be allowed to complete my project, we have not yet begun to develop this project. However, as soon as the litigation between Idaho Power Company and others is decided, I plan on completing the project as outlined in permit #43-7182.

Therefore, I request that you continue the permit in its present form since I am prevented from proceeding by the litigation.

If you have any questions, please don't hesitate to contact me or Mr. Sherl Chapman with whom I'm working with in Boise, Idaho.

Sincerely yours,

Max Gillette

Max Gillette
President
Heglar Ranch, Inc.

MG:kje
enclosure

43-7182

Form 202
3/80

RECEIVED

Ident. No. 43-7182

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED
DEC 10 1982
Department of Water Resources
Southern District Office

RECEIVED
AUG 30 1982
Department of Water Resources
Southern District Office

1. Name of applicant Heglar Ranch, Inc. Phone 678-5359
   % Max Gillette, President
   Post office address 1658 Burton Ave., Burley, Idaho 83318

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is NW ¼ of SW ¼ of Section 28 Township 10S
   Range 26E B.M. Cassia County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

   Amount 4.76 (cfs or acre-feet per annum) for irrigation purposes from Mar 15 to Nov 15 (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated:

   a. 4.76 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. _____
   Well, pump

   b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____
   Period of year when water will be diverted to storage _____ (Month/Day) to _____ (Month/Day) inclusive.

   c. Proposed well diameter is 20 inches; proposed depth of well is 500 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years *(minimum 1 year – maximum 5 years).*

8. Description of proposed uses:
   a. If water is **not** for irrigation:
      (1) Give the place of use of water: _____ ¼ of _____ ¼ of Section _____ Township _____
      Range _____ B.M.

      (2) Amount of power to be generated: _____ horsepower under _____ feet of head.

      (3) List number of each kind of livestock to be watered _____

      (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

      (5) If water is to be used for other purposes describe: _____

43-7182

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10S	26E	29			11						10				35	40			96
		28										4							4
		32	9																9
		33		24	32		30	30		13									129

Total number of acres to be irrigated 238

c. Describe any other water rights used for the same purposes as described above. None

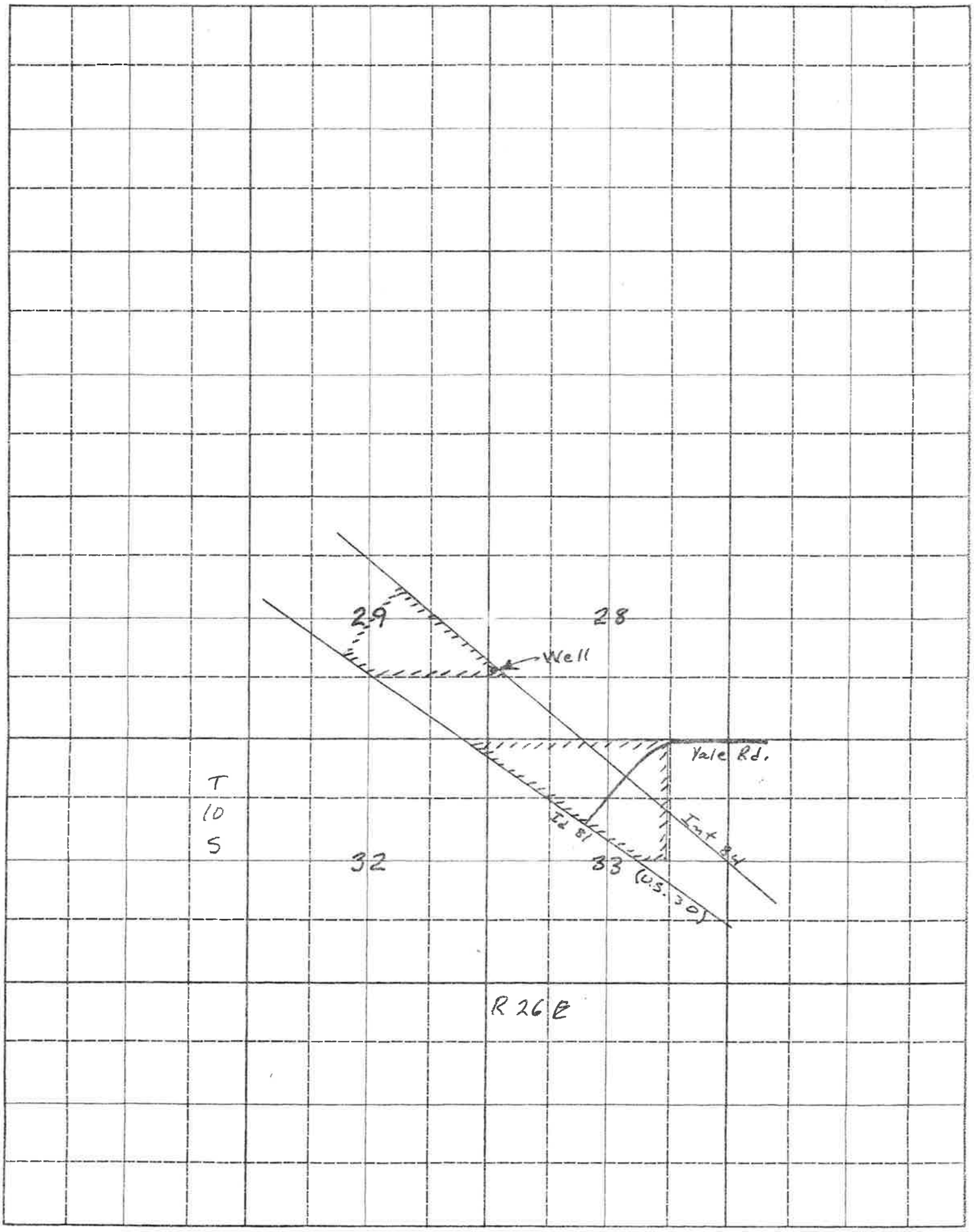
9. a. Who owns the property at the point of diversion applicant

b. Who owns the land to be irrigated or place of use applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Mark Gillette

(Applicant)

Proposed Priority 8/31/1982

Received by [illegible] Date [illegible] Time [illegible]

Preliminary check by TB Fee $ [illegible] CT 20937

Receipted by [illegible] Date [illegible]

Publication prepared by [illegible] Date [illegible]

Published in [illegible]

Publication dates [illegible]

Publication approved [illegible] Date [illegible]

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by ADM

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 43-7182, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 19 87.

   c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

   d. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

   An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 24th day of November, 1982.

L. Glen Saxton

Chief, Operations Bureau