

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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WATER RESOURCES
WESTERN REGION

- On September 6, 2016, M & T Ranches LLC submitted an application for transfer which proposed to change the point of diversion and place of use for rights: 65-10473, 65-2945, 65-3061, 65-3062, 65-3063, 65-3064, 65-3065, 65-3069, 65-9538, and 65-9539.
- On November 21, 2017 the application was approved by the Department as Transfer No. 81190. As part of the transfer approval, the Department added the following conditions to the rights involved:

65-2945, 65-10473, 65-9539, & 65-3061:

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

65-2945, 65-10473, & 65-9539:

Prior to the diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.

65-3063, 65-3065, & 65-9538:

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

- On December 5, 2017, M & T Ranches LLC submitted a *Petition for Reconsideration of Approval for Transfer No. 81190 in the Name of M&T Ranches, LLC*. As part of that submission, the applicants requests that the Department:

"...reconsider the requirement for locking control works and measuring devices. Although Little Squaw Creek is in an active water district, to the best of my knowledge, there are no measuring devices or locking control works within the drainage. Should a delivery call be made at some point in the future, the Director has clear authority to order the installation of measuring devices and control works at a later time if they become warranted."

- Section 42-701 *Idaho Code* does not provide a means for appropriators to seek an agreement with the Department in lieu of conditions of approval requiring controlling works.

I, Eric Herr, watermaster for Water District No. 65A, submit the

following recommendation:

That the requirement for measuring devices on the above water rights be replaced with a specific requirement by the Dept. of Water Resources. If it becomes necessary

(Signature)

Eric Herr

(Date)

12-28-2017