

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF PERMIT	)	ORDER MODIFYING MEASURING
NO. 63-34148 IN THE NAME OF	)	DEVICE AND LOCKABLE
MIKE SKOGSBERG AND/OR	)	CONTROLLING WORKS
DIAMOND S FARMS LLC	)	REQUIREMENT
_____	)	

This matter having come before the Idaho Department of Water Resources ("Department") as a request to remove a measuring device and lockable controlling works requirement, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On May 18, 2016, the Department issued the above-captioned permit ("permit") in the name of Mike Skogsberg and/or Diamond S Farms LLC ("permit holder"), with a condition of approval that states:

Prior to Diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

2. On February 16, 2017, the Department received a letter from the permit holder requesting a waiver of permit condition no.4.

3. On March 22, 2017, the Department received an email from the watermaster of Water District No. 63. In his email, the watermaster recommended the Department waive the condition for now, but it may be required in the future to prevent administrative problems.

CONCLUSIONS OF LAW

1. Beneficial Use Examination Rule 35.02.d. (IDAPA 37.03.02.35.02.d.) provides for the waiver of a measuring device requirement by the Department.

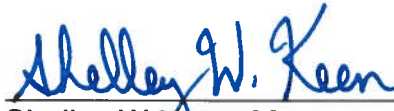
2. Installation of a measuring device and lockable controlling works is not necessary for administration of the diversion of water by the permit holder of Permit No. 63-34148 at this time, but it may be necessary in the future.

ORDER

IT IS HEREBY ORDERED that condition of approval no. 4 on Permit No. 63-34148 is **MODIFIED** as follows:

Upon specific notification by the Department, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

DATED this 11th day of April, 2017.



Shelley W Keen, Manager
Water Rights Section