

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 2-10350) **ORDER REMOVING MEASURING**
IN THE NAME OF JON ROADENBAUGH) **DEVICE REQUIREMENT**
_____))

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

FINDINGS OF FACT

1. On March 6, 2009, the Department issued Permit 2-10350 (permit) to Jon Roadenbaugh (permit holder) with a condition of approval requiring the installation of a flow measurement device and lockable controlling works as part of the diverting works.
2. On August 5, 2014, Department staff performed a licensing examination for this permit. During the examination it was discovered that a lockable device was installed, but a measurement device was not installed
3. On August 6, 2014 the Department received an email from the permit holder to petition for the waiver of the measuring device requirement.
4. Department staff determined that the measurement condition was placed on the permit in anticipation of this water right in Water District 02. However, this diversion is outside the boundaries of Water District 02.

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 is not necessary for administration of the diversion of water by the holder of Permit 2-10350 at this time, but it may be necessary in the future.

ORDER

The condition of approval requiring the permanent installation of a measuring device and lockable controlling works as part of the diversion works for the permit is **MODIFIED**.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Dated this 12th day of August, 2014.

Shelley W. Keen
Shelley Keen, Water Rights Manager