

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT	)	ORDER MODIFYING MEASURING
NO. 67-14886 IN THE NAMES OF	)	DEVICE AND LOCKABLE
ROBERT V. OR ALANA M. SHOEMAKER	)	CONTROLLING WORKS
_____	)	REQUIREMENTS

This matter having come before the 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 October 17, 2005, the Department issued permit no. 67-14886 (permit) to Robert V. or Alana M. Shoemaker (permit holders).

2. Approval condition no. 4 of the permit reads:

Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.

3. Approval condition no. 5 of the permit reads:

Prior to 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.

4. On March 9, 2014, the watermaster of water district no. 67 contacted the Department by e-mail. She stated that she spoke with Robert Shoemaker about his request to her to waive the measuring device and lockable controlling works requirements. She also stated that she is familiar with the water source for the permit holders' pond. It only runs water in the spring during snow melt, and there are no other water rights, or opportunity for others to use the water. She stated in her email that she has no problem with waiving the requirements.

5. On March 17, 2014, the Department received a proof of beneficial use statement submitted by the permit holders. Item no. 7 on the proof statement incorrectly indicated that installation of a measuring device and lockable controlling device were not requirements of the permit. However, the proof statement is consistent with the watermaster's recommendation to waive these requirements.

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. The permit holders have requested a waiver from the requirement for installation of a measuring device and lockable controlling works by making the request through the watermaster of water district no. 67.
3. Installation of a measuring device and lockable controlling works is not necessary for administration of the diversion of water by the holder of permit no. 67-14886 at this time, but it may be necessary in the future.

ORDER

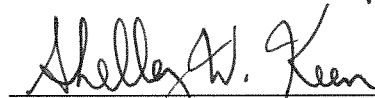
IT IS, THEREFORE, HEREBY ORDERED that approval condition of approval no. 4 on permit no. 67-14886 is **MODIFIED** as follows:

Upon specific notification by the department, the right holder shall install a lockable device of a type acceptable to the department in a manner that will provide the watermaster suitable control of the diversion.

IT IS, FURTHER, HEREBY ORDERED that approval condition of approval no. 5 on permit no. 67-14886 is **MODIFIED** as follows:

Upon specific notification by the department, 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.

Dated this 9th day of April, 2014.



Shelley W. Keen, Manager
Water Rights Section