

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT	)	ORDER MODIFYING MEASURING
NO. 45-14352 IN THE NAMES OF	)	DEVICE REQUIREMENT
BARNEY GREENER AND	)	
SHERRIE GREENER	)	
_____	)	

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 November 29, 2011, the Department issued Permit 45-14352 (permit) to Barney Greener and Sherrie Greener (permit holders).
2. Approval condition no. 7 of the permit reads:

Prior to diversion and use of water under this approval, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with department specifications.

3. On October 9, 2012, the Department received a proof of beneficial use (proof) statement submitted by the permit holders. The permit holders indicated on the proof statement that a measuring device was required but has not been installed. The proof statement included a letter from the watermaster of water district no. 140. In his letter, he stated that the total amount of water used is de-minimis and recommended that the requirement for installation of a measuring device be waved.

CONCLUSIONS OF LAW

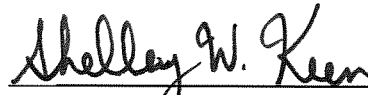
1. Beneficial Use Examination Rule 35.02.d. (IDAPA 37.03.02.35.02.d.) provides for the waiver of a measuring device requirement by the Department.
2. The permit holders have requested a waiver from the requirement for installation of a measuring device through the watermaster of water district no. 140.
3. Installation of a measuring device is not necessary for administration of the diversion of water by the holder of permit 45-14352 at this time, but it may be necessary in the future.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that approval condition of approval no. 7 on permit no. 45-14352 is **MODIFIED** as follows:

When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

Dated this 2nd day of November, 2012.

A handwritten signature in black ink, reading "Shelley W. Keen", written over a horizontal line.

Shelley W. Keen, Manager
Water Rights Section