

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 65-13840)	ORDER MODIFYING MEASURING
IN THE NAME OF UNITED STATES)	DEVICE REQUIREMENT
DEPARTMENT OF INTERIOR, BUREAU)	
<u>OF LAND MANAGEMENT)</u>	

This matter having come before the Department of Water Resources (Department) to modify measuring device requirements, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On February 23, 1999, the Department received an Application for Permit from the United States Department of Interior, Bureau of Land Management (permit holder) from an unnamed stream for wildlife and stockwater storage purposes in Gem County.

2. On May 18, 1999, the Department received a Recommendation of Watermaster regarding Application for Permit for Water Right Nos. 65-13837, 65-13838, 65-13839, 65-13840, 65-13841, 65-13842, 65-13844, 65-13846, 65-13847. In the recommendation, the watermaster endorsed the application for permits subject to the following condition: This diversion will be under the control of the watermaster for water district no. 65.

3. On July 1, 1999, the Department issued Permit 65-13840 (permit) to the permit holder with a condition of approval, numbered #4, that states:

The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.

4. On July, 27, 1999, a Department field examiner reported that the right holder had used water in connection with the permit, but that condition #4 had not been met. The field examiner stated, "Condition #4 requires flow measuring devices for the inflow and outflow of the pond. This may not be practical for this type of water development. There were no measuring devices installed."

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 65-13840 at this time, but it may be necessary in the future.

ORDER

The condition of approval requiring the permanent installation of a measuring device as part of the diversion works for the permit 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 24th day of August, 2011.

A handwritten signature in blue ink that reads "Shelley W. Keen". The signature is written in a cursive style and is positioned above a horizontal line.

Shelley W. Keen, Manager
Water Right Permits Section