

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT)
NO. 75-14265 IN THE)
NAME OF BILL OLDHAM)
_____)

**PRELIMINARY ORDER
MODIFYING MEASURING
DEVICE CONDITION**

This matter having come before the Department of Water Resources (Department) as a result of a field examination to confirm beneficial use, the Department finds, concludes and orders:

FINDINGS OF FACT

1. On January 29, 2007, the Department issued permit no. 75-14265 (permit) authorizing a diversion from the Salmon River for irrigation purposes. Condition no. 3 on the permit reads as follows:

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

2. On August 23, 2010, the Department conducted a field examination to confirm the beneficial use of water in connection with the permit. The examiner found that an acceptable measuring device had been installed. However, the field examiner reported that the permit holder had not satisfied condition no. 3 because a data logger had not been installed at the point of diversion.

3. The *Stipulation and Joint Motion for Order Approving Stipulation and Entry of Partial Decrees* [Snake River Basin Adjudication (SRBA) consolidated subcase no. 75-13316] (hereafter, *Stipulation*), filed in 2004, on page 5, states, "IDWR will condition each water right permit or license issued after the effective date of this Stipulation for non-de minimis water right upstream from the ending point of the Wild and Scenic River as set forth in this Stipulation to require that each diversion is equipped with lockable controlling works, a measuring device, and a data logger or other suitable device..."

4. The Salmon River was designated a Wild and Scenic River and is governed by the Stipulation.

5. The permitted point of diversion for permit no. 75-14265 is not currently in an active water district.

CONCLUSIONS

1. Installation of a data logger is not necessary for administration of the diversion of water by the holder of permit no. 75-14265 at this time, but it may be necessary in the future.
2. The Department should modify condition no. 3 of the permit.

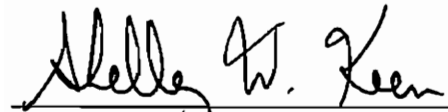
ORDER

IT IS, THEREFORE, HEREBY ORDERED that approval condition no. 3 on permit no. 75-14265 is **MODIFIED** to read as the following two separate conditions:

Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

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 3rd day of December, 2010.



SHELLEY W. KEEN, Manager
Water Rights Section