

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 63-11698)	ORDER MODIFYING MEASURING
IN THE NAME OF DILLER MILLER LAND)	AND REPORTING REQUIREMENTS
COMPANY LLC)	
_____)	

This matter having come before the Department of Water Resources (Department) as a request to issue a water right license, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On January 18, 1996, the Department issued Permit 63-11698 (permit) to Paulsen Farms with the following conditions of approval:

Prior to the diversion of water under this right, 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 from each point of diversion listed under this right.

The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

2. On September 10, 2008, Paulsen Farms assigned the permit to Diller Miller Land Company, LLC.

3. The measuring and reporting requirements are not currently necessary for water administration purposes in Administrative Basin 63.

CONCLUSIONS OF LAW

1. Beneficial Use Examination Rule 35.02.d. (IDAPA 37.03.02.035.02.d.) provides for the waiver of a measuring device requirement by the Department.

2. Installation of a measuring device or employment of a routine measuring technique and reporting of measurement data are not necessary for administration of the diversion of water by the holders of Permit 63-11698 at this time, but it may be necessary in the future.

ORDER

IT IS HEREBY ORDERED THAT the conditions of approval requiring water measurement and reporting are **MODIFIED** as follows:

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 2nd day of April, 2010.



SHELLEY W. KEEN, Manager
Water Rights Section