

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 63-11807) **ORDER REMOVING MEASURING**
IN THE NAME OF CHURCH OF JESUS) **AND REPORTING REQUIREMENTS**
CHRIST OF LATTER-DAY SAINTS)

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

FINDINGS OF FACT

1. On February 8, 1996, the Department issued Permit 63-11807 (permit) to Church of Jesus Christ Latter Day Saints (permit holder) with condition of approval #3 that states:

Prior to 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.

And condition of approval #4 states:

The right holder shall measure and annually report diversions of water and other pertinent hydrologic and system information as required by Section 42-701(5), Idaho Code.

2. In years 1995, 1996, and 1997, the Department's water measurement information system (WMIS) reported that no water was diverted from the point of diversion in connection with the permit during that period. The measurement information was obtained from power records.

3. On September 29, 2009, a Department field examiner reported that the permit holders had used water in connection with the permit, and that the water had not been used since 2000 because it is only used if surface water is not available. The examiner also reported that measuring and reporting water use in connection with condition of approval #4 is currently unnecessary and impractical because of the sporadic use of water.

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 holder complied with conditions of approval #3 and #4.

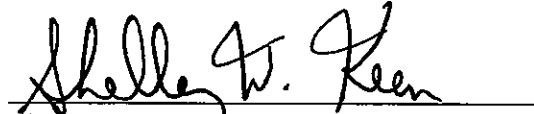
3. Measuring and reporting water in connection with this permit is not necessary for administration of the diversion of water at this time, but it may be necessary in the future.

ORDER

Conditions of approval #3 and #4, requiring the installation of a measuring device or entering into an agreement with the Department to use power records to determine the amount of water diverted from the point of diversion and reporting measurement information and hydrologic and system information for the permit 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 23rd day of March, 2010.

A handwritten signature in black ink, appearing to read "Shelley W. Keen", is written over a horizontal line.

Shelley W. Keen, Manager
Water Right Permits Section