

MEMORANDUM

DATE: August 13, 2009

TO: Water Right File 65-22723

FROM: Shelley W. Keen

RE: Measurement requirement

Permit 65-22723 contains the following approval condition:

The right holder shall install a measuring device that can be used to determine the instantaneous rate of flow of water through the system, or the right holder shall provide to the department a flow rate measurement or computation made by a certified water right examiner in accordance with actual system design and operation.

The permit holder, the United States Bureau of Reclamation, submitted a proof of beneficial use statement indicating that a measuring device has not been installed. The proof of beneficial use statement also did not include a flow rate computation.

A couple of days ago I spoke on the telephone with Gail McGarry of the USBOR about complying with the approval condition. I explained that the purpose of the condition is to assist IDWR field staff members, who are not always equipped to measure flows on large hydropower systems. Gail explained that USBOR was hoping IDWR would conduct the measurement and spare them the cost of hiring a certified water right examiner.

After some additional discussion, Gail and I worked out a plan that should provide the information needed. The USBOR employs a professional engineer to manage the hydropower plant that is the subject of the permit. Although the USBOR engineer is not a certified water right examiner, Gail assured me he is qualified to provide the kind of flow rate computation needed to license the water use authorized by the permit. I told Gail that if the USBOR's engineer were to provide IDWR a satisfactory flow measurement and a request to modify the condition, IDWR could probably accept the measurement and modify the terms of the condition.

Meanwhile, I recommend acknowledging the proof of beneficial use statement with a reminder that IDWR still expects compliance with the condition, either directly or through the plan described above.