

MEMORANDUM

TO: Debbie Gibson
FROM: Steve Lester 
DATE: July 11, 2007
RE: Permit 63-31891, Proof of Beneficial Use

Mr. Glenn filed late proof for this permit on July 9, 2007. He included a request for waiving one condition of approval. The condition is listed below:

01J Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

He told me that the diversion ditch for his permit has been in place for many years and has been used by other right holders. He uses the ditch but has not had to modify it to divert water under his permit. The ditch has never had a measuring device according to him.

We discussed the unlikely need to measure this diversion in the foreseeable future based on his location in the lower part of Basin 63 where ample surface water is generally found. The Watermaster does not regulate surface water uses in that portion of the basin at this time and probably will not need to anytime soon.

It seems reasonable to modify the condition for the director to retain jurisdiction to require a measuring device and lockable controlling works based upon a future determination for these requirements.