

MEMORANDUM

DATE: October 6, 2005

TO: Water Right File 63-12577

FROM: Shelley W. Keen *SWK*

RE: Beneficial Use Field Report

This afternoon I evaluated the Beneficial Use Field Report submitted in connection with Permit 63-12577 to determine if it is complete and acceptable. The only question I had was about the examiner's statement that he did not attempt to make a direct measurement of the diversion rate. Rule 40 of the Beneficial Use Examination Rules includes the following statements.

03. Measurements. Water measurements may be made by vessel, weir, meter, rated flume, reservoir capacity table or other accepted standard method of measurement. The field report shall describe the method used in making the measurement, the date when made, the name of the person making the measurement, the legal description of the location where the measurement was taken and shall include sufficient information, including current meter notes, rating tables, and/or calibration information to enable the director to check the quantity of water measured in each case. (7-1-93)

04. Unacceptable Measurements. Theoretical diversion rates or theoretical carrying capacities are not acceptable as a measure of the rate of diversion except for some diversion systems where an exception is granted by the director. Systems for which a measuring device, access port, or certified water measurement is not a permit requirement, are considered exempt from this rule.

Permit 63-12577 does not require the permit holder to install a measuring device, access port, or certified water measurement. Therefore a theoretical calculation is acceptable. The system description in the examiner's narrative is barely acceptable as a theoretical calculation of the diversion rate, but combined with the photographs in the field report it is enough to conclude that the permit holder is capable of diverting at least the authorized rate of 0.11 cfs, and probably more.