



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Gary Spackman

February 14, 2024

DON AND CAROL MCFARLAND
PO BOX 1
KIMBERLY, ID 83341-0001

Re: **Conditional Approval of Extension Request to Install a Measuring Device in Water District No. 161 ("WD161") and Commitment of Applicant Not to Divert**

Water Right(s): **61-2248B, 61-7189, and 61-7724** (A-Tag A0010043) / Authorized Use:
Industrial

Acknowledgment of Applicant:

The undersigned agrees to prevent any diversion of ground water for industrial uses from the identified well unless an approved measuring device is installed. This acknowledgment by the owner/operator supplements the request to defer installation of a measuring device as required by the September 2016 Measurement Order (Order) for WD161. The Order requires certain ground water diversions to install and maintain on each point of diversion or well, an acceptable flow measuring device. The undersigned understands that diversion from the identified well for industrial purposes under water rights 61-2248B, 61-7189, and 61-7724 shall constitute a violation of Idaho Code §42-701, unless the following requirements are met **prior to diversion**:

1. If the well is developed for industrial use under water rights 61-2248B, 61-7189, and 61-7724, the owner/operator shall install an approved measuring device selected the Department's *List of Approved Closed Conduit Flow Meters* and the device shall be installed according to the Department's *Minimum Acceptable Standards and Requirements for Open Channel and Closed Conduit Measuring Devices*; and
2. Provide a minimum 10-day notice to the watermaster of WD161 to allow the watermaster or Departmental staff an opportunity to inspect and confirm that the installation of the measuring device meets the Department's Minimum Standards.

I, DON MCFARLAND (print name), understand that if ground water is diverted under water rights 61-2248B, 61-7189, and 61-7724 for industrial purposes without meeting the requirements above, I may be subject to formal enforcement action by the Department as per Idaho Code §42-1071B which may include curtailment and the assessment of a civil penalty up to \$10,000 for neglect or refusal to install or maintain the required measuring device(s).

Dated this 18th day of FEBRUARY 2024.

x Don McFarland (signature)
Owner or Operator (please circle appropriate title)

Cc: WD161 Watermaster, Ed Van Etten (208) 957-3296