

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF PERMIT	)	PRELIMINARY ORDER
NO. 65-23655 IN THE NAME OF	)	MODIFYING LOCKABLE
NANCY L. COFFIN AND	)	DEVICE CONDITION
TERRY E. COFFIN	)	
_____	)	

This matter having come before the Department of Water Resources (Department) as a request to remove a lockable device requirement, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On March 27, 2012, the Department issued the above-captioned permit in the name of Nancy L. Coffin and Terry E. Coffin, ("permit holders") with the condition that proof of construction of works and application of water to beneficial use ("proof of beneficial use") be submitted to the Department on or before October 1, 2017. The permit bore the priority date of May 19, 2016.
2. On June 2, 2017, the Department notified the permit holders as a 120 day courtesy reminder that proof of beneficial use would be due by October 1, 2017, and instructed the permit holders of the steps to be taken to submit proof of beneficial use or a Request for Extension of Time ("extension request").
3. On June 13, 2017, the permit holders filed the proof of beneficial use statement that the Department considered acceptable.
4. On June 20, 2017, the Department acknowledged receipt of the permit holders' proof of beneficial use statement. In the June 20, 2017, proof acknowledgment letter, the Department reminded the permit holders to comply with the condition of approval under this permit, which states:

Prior to diversion of water under this right, the right holder shall install a lockable devise, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
5. On June 27, 2017, the Department received the permit holder's petition to remove the lockable device requirement from this permit.
6. On July 5, 2017, the Department received an email from the watermaster of Water District 65K Lake Fork Creek, stating, "I was contacted by Terry Coffin to conduct a field inspection of his pump system. At this time I see no need to have a lockable device so it can be waived at this time."

CONCLUSIONS OF LAW

Idaho Code §42-701 (1) states, in pertinent part:

The appropriators or users of any public waters of the state of Idaho shall maintain to the satisfaction of the director of the department of water resources suitable headgates and controlling works at the point where the water is diverted. Each device shall be of such construction that it can be locked and kept closed by the watermaster or other officer in charge, and shall also be of such construction as to regulate the flow of water at the diversion point.

A lockable device is not presently needed for administration of the permit at this time, but it may be needed in the future.

ORDER

IT IS HEREBY ORDERED that the condition of approval requiring the right holder to install a lockable device for the above captioned permit is **MODIFIED** as follows:

Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.

Dated this 2nd day of August, 2017.



Shelley W. Keen, Manager
Water Rights Section