

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT)
NO. 29-13648 IN THE NAME OF)
IDAHO DEPT. OF FISH & GAME)
_____)

**ORDER TO CHANGE
MEASURING DEVICE
REQUIREMENT**

This matter having come before the Department of Water Resources (Department) to remove the measuring device and lockable controlling works requirement, the Department concludes as follows:

FINDINGS OF FACT

1. On April 26, 2004, the Department issued Permit 29-13648 (permit) to Idaho Department of Fish and Game (permit holder) with a condition of approval requiring a measuring device and lockable controlling works of a type acceptable to the Department be permanently installed and maintained as part of the diverting works.

2. On May 17, 2004, the Department received a request for removal of this condition from the permit.

3. Installation of the measuring device and lockable controlling works is not necessary at this time since Water District No. 29 does not serve this area or source at this time.

CONCLUSIONS OF LAW

1. Beneficial Use Examination Rule 35.02.d. (IDAPA 37.03.02.35.02.d.) provides for the waiver of a measuring device and lockable controlling works requirement by the Department.

ORDER

IT IS HEREBY ORDERED that the condition of approval requiring a measuring device and lockable controlling works as part of the diversion works for the 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 19th day of May, 2004.



GARY SPACKMAN

MICROFILMED

JUN 02 2004