

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 29-7936	)	ORDER GRANTING PETITION
IN THE NAME OF CITY OF LAVA HOT SPRINGS	)	TO REMOVE MEASURING
_____	)	DEVICE REQUIREMENT

This matter having come before the Department of Water Resources (Department) as a petition to remove the requirement for measuring devices, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On January 11, 1991, the Department issued Permit 29-7936 (permit) to City of Lava Hot Springs (permit holder) with a condition of approval requiring the installation of measuring devices and lockable controlling works at the point of diversion.
2. On June 29, 2001, Department personnel confirmed diversion and delivery of the water for heating purposes within the City of Lava Hot Springs. The field examiner did not find the required measurement device installed.
3. On February 18, 2012, the Department received correspondence from the attorney representing the permit holder, requesting removal of the measuring device requirement.
4. On March 7, 2012, the Department received the recommendation of the watermaster of Water District No. 29 that the measurement device and controlling works requirement be waived.
5. Installation of a measuring device and lockable controlling works for the permit are not necessary at this time but may be necessary in the future.

CONCLUSIONS OF LAW

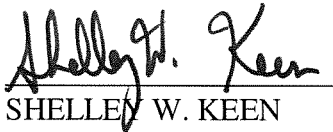
1. Beneficial Use Examination Rule 35.02.d. (IDAPA 37.03.02.35.02.d.) provides for the waiver of a measuring device requirement by the Department.
2. The Department should waive the measuring device and controlling works requirement until such time as they are necessary for regulation of the water right.

ORDER

On Permit No. 29-7936, approval condition no.5, which requires the permanent installation of a measuring device and lockable controlling works at the point of diversion for the permit, is **MODIFIED** as follows:

When notified by the Department, 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.

Dated this 19th day of March, 2012.


SHELLEY W. KEEN

Manager, Water Rights Permits Section