

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT	)	ORDER MODIFYING MEASURING
NO. 67-14610 IN THE NAME OF GEORGE	)	DEVICE AND LOCKABLE
R. AND/OR JERI L. SOULIER	)	CONTROLLING WORKS
_____	)	REQUIREMENT

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

FINDINGS OF FACT

1. On October 17, 2005, the Department issued Permit 67-14610 (permit) to George R. and/or Jeri L. Soulier (permit holders).

2. Approval condition no. 4 of the permit reads:

Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.

3. Approval condition no. 5 of the permit reads:

Prior to Diversion of water under this right, 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.

4. On September 14, 2011, the Department received a proof of beneficial use statement submitted by the permit holder. Item no. 7 on the proof statement incorrectly indicated that installation of a measuring device and lockable controlling works was not a requirement of the permit.

5. On September 15, 2011, the Department acknowledged receipt of proof of beneficial use, and notified the permit holder of conditions of approval no. 4 and 5 and that a waiver from the requirements could be requested. The Department also stated that watermaster approval would be a requirement to consider a waiver.

6. On October 5, 2011, the watermaster of water district no. 67 contacted the Department by e-mail. She stated that the permit holders had been advised to contact her about waiving the requirement for installation of a measuring device and lockable controlling works. After meeting with the permit holders and examining the diversion works, she did not feel that a measuring device or lockable controlling works was necessary at this time, but that they may in the future. She recommended modifying conditions no. 4 and 5 to reflect the possible future need for installation of a measuring device and lockable controlling works.

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 permit holders have requested a waiver from the requirement for installation of a measuring device and lockable controlling works by making the request through the watermaster of water district no. 67.
3. Installation of a measuring device and lockable controlling works is not necessary for administration of the diversion of water by the holder of permit 67-14610 at this time, but it may be necessary in the future.

ORDER

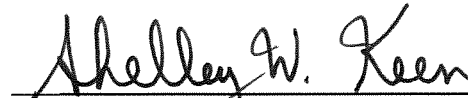
IT IS, THEREFORE, HEREBY ORDERED that approval condition of approval no. 4 on permit no. 67-14610 is **MODIFIED** as follows:

Upon specific notification by the department, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.

IT IS, FURTHER, HEREBY ORDERED that approval condition of approval no. 5 on permit no. 67-14610 is **MODIFIED** as follows:

Upon specific notification 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 1st day of February, 2012.



Shelley W. Keen, Manager
Water Rights Section