

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 29-13155) **ORDER GRANTING PETITION**
IN THE NAME OF DEVERE TOVEY) **TO REMOVE MEASURING**
_____) **DEVICE REQUIREMENT**

This matter having come before the Department of Water Resources (Department) as a petition to remove the requirement for a measuring device and lockable controlling works, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On July 6, 2001, the Department issued Permit 29-13155 (permit) to DeVere Tovey (permit holder) with a condition of approval requiring the installation of a measuring device and lockable controlling works as part of the diverting works.
2. On July 28, 2008, the Department received an email requesting removal of the measuring device requirement.
3. On September 2, 2008, the Department received the recommendation of the watermaster of Water District No. 29 that the measurement device and lockable controlling works requirement be waived.
4. Installation of a measuring device and lockable controlling works for the permit are not necessary for regulation of the authorized water use at this time but may be necessary in the future.

CONCLUSIONS OF LAW

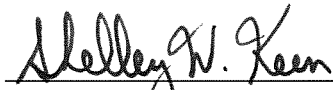
1. Beneficial Use Examination Rule 35.02.d. (IDAPA 37.03.02.35.02.d.) provides for the waiver of a measuring device requirement by the Department.
2. The Department should waive the measuring device and lockable controlling work requirement until such time as they are necessary for regulation of the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

ORDER

On Permit No. 29-13155, approval condition no.10, which requires the permanent installation of a measuring device and lockable controlling as part of the diversion works 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 2nd day of November, 2011.



SHELLEY W. KEEN

Manager, Water Rights Permits Section