

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 72-7392    ) **ORDER GRANTING PETITION**  
IN THE NAME OF WILLIAM A. STRICKLAN) **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, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On December 15, 1986, the Department issued Permit 72-7392 (permit) to William A Stricklan (permit holder) with a condition of approval requiring the installation of a measuring device as part of the diverting works.
2. On November 5, 2010, the Department received the recommendation of the watermaster of Water District No. 170 that the measurement device requirement be waived.
3. On December 21, 2010, the Department received a letter from the successor-in-interest to the William A. Stricklan water rights, requesting removal of the measuring device requirement.
4. 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

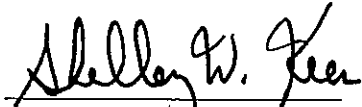
1. Beneficial Use Examination Rule 35.02.d. (IDAPA 37.03.02.35.02.d.) provides for the waiver of a measuring device requirement by the Department.
2. The Department should waive the measuring device requirement until such time as they are necessary for regulation of the water right.

ORDER

On Permit No. 72-7392, approval condition no.1 e, which requires the permanent installation of a measuring device 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 of a type acceptable to the Department as part of the diverting works.**

Dated this 21<sup>st</sup> day of December, 2010.



SHELLEY W. KEEN

Manager, Water Rights Permits Section