

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 81-11986)	ORDER REMOVING MEASURING
IN THE NAME OF BILLY E. MAYER)	DEVICE REQUIREMENT
_____)	

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

FINDINGS OF FACT

1. On February 2, 2007, the Department issued Permit 81-11986 (permit) to Billy E. Mayer (permit holder) with a condition of approval requiring the installation of a measuring device, including data logger(s), at the authorized point of diversion, in accordance with Department specification.
2. On September 25, 2010, the permit holder wrote the Department a letter and asked that the measuring device and data logger(s) be waived.

CONCLUSIONS OF LAW

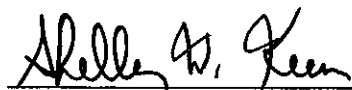
1. Beneficial Use Examination Rule 35.02.d. (IDAPA 37.03.02.35.02.d.) provides for the waiver of a measuring device requirement by the Department.
2. Installation of a measuring device and data logger(s) is not necessary for administration of the diversion of water by the holder of Permit 81-11986 at this time, but it may be necessary in the future.

ORDER

The condition of approval requiring the permanent installation of a measuring device and data logger(s) as part of the diversion works for the permit is **MODIFIED**.

Upon specific notification by the Department, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.

Dated this 27th day of September, 2010.



Shelley W. Keen, Manager
Water Right Permits Section