

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 47-7702) **ORDER GRANTING PETITION**
IN THE NAME OF H K HYDRO LLC) **TO REMOVE MEASURING**
_____) **DEVICE REQUIREMENT**

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

FINDINGS OF FACT

1. On May 13, 1981, the Department issued Permit 47-7702 (permit) to S & S Limited Partnership with a condition of approval requiring the installation of a measuring device as part of the diversion works.
2. On September 26, 1986, Glaser Land & Livestock, Inc., was awarded the permit through a decree of foreclosure.
3. On March 5, 1987, the Department received an assignment of the permit to Zions Leasing Co.
4. On April 29, 1987, the Department received the Proof of Beneficial Use statement for the permit.
5. On March 4, 2005, Department personnel conducted an examination to confirm the beneficial use of water established in connection with the permit. The examiner did not find a measuring device installed.
6. On June 2, 2006, the Department received an assignment of the permit to HK Hydro LLC.
7. On June 22, 2010, the Department received a letter from the permit holder requesting removal of the measuring device requirement.
8. Installation of a measuring device at the points of diversion for the permit is not necessary for administration of this water right at this time.

CONCLUSIONS OF LAW

1. Beneficial Use Examination Rule 35.02.d. (IDAPA 37.03.02.035.02.d.) provides for the waiver of a measuring device requirement by the Department.
2. The Department should waive the measuring device requirement for the permitted water use.

ORDER

On Permit No. 47-7702 approval condition no.1. d., which requires the permanent installation of a measuring device as part of the diversion works of 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 23rd day of June, 2010.



SHELLEY W. KEEN

Manager, Water Rights Section