

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 65-13914)	ORDER GRANTING PETITION
IN THE NAME OF MIKE NUZZO)	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 and lockable controlling works, the Department finds, concludes, and orders:

FINDINGS OF FACT

1. On March 20, 2000, the Department issued Permit 65-13914 (permit) to Mike Nuzzo (permit holder) with a condition of approval requiring the installation of a measuring device and lockable controlling works as part of the diversion works.
2. On March 1, 2010, the Department received the permit holder's petition to remove the measuring device requirement.
3. On March 1, 2010, the Department received the recommendation of the watermaster of Water District No. 65 that the permit holder's petition be granted.
4. Installation of a measuring device for the permit is 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 it is necessary for regulation of the water right.

ORDER

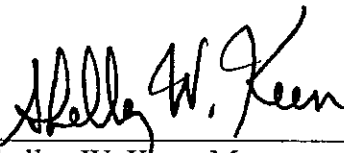
IT IS HEREBY ORDERED THAT approval condition no. 7 of Permit No. 65-13914 is **MODIFIED** as follows:

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

IT IS FURTHER HEREBY ORDERED THAT the following condition is added to Permit No. 65-13914:

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 8th of March, 2010.



Shelley W. Keen, Manager
Water Right Permits Section