

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF WAIVING THE)
LOCKABLE DEVICE CONDITION OF)
APPROVAL FOR PERMIT NO. 65-22894)
IN THE NAME OF NANCY KAY HARTZELL)
_____)

**ORDER WAIVING
PERMIT CONDITION**

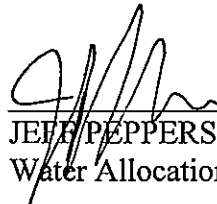
The Department of Water Resources ("Department") issued the above captioned water right permit with a condition of approval requiring the permit holder to install a lockable device controlling works as part of the diverting works; and

On September 09, 2009, the permit holder filed a proof of beneficial use which was notated with directions to see an attached letter regarding the lockable device requirement, more specifically condition no. 5 of the permit. The permit holder provided a letter from the Watermaster of Water District No. 65 that states, "I agree to waive this condition at the present time but reserve the ability to invoke the condition if necessary in the future to achieve suitable control of the diversion;" and

The department has determined that the lockable device is not presently needed.

IT IS HEREBY ORDERED that the condition of approval requiring the right holder to install a lockable device controlling works for the above captioned permit is **WAIVED**. The department retains jurisdiction to reinstate the condition in the future upon a finding of need by the department.

Dated this 16th day of October, 2009.



JEFF PEPPERSACK, Chief
Water Allocation Bureau

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