

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 67-07685	)	ORDER REMOVING MEASURING
IN THE NAME OF LAURIE L. WARREN	)	DEVICE REQUIREMENT
AND BRUCE G. WARREN	)	
_____	)	

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 May 9, 1984, the Department issued Permit 67-07685 (permit) to Laurie L. Warren and Bruce G. Warren (permit holders) with a condition of approval requiring the installation of a flow measurement device and lockable controlling works as part of the diverting works.

2. On February 11, 2009, the Department notified Laurie L. Warren and Bruce G. Warren about not complying with the following condition:

- 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.

3. On April 6, 2009, the watermaster of Water District 67 approves waiving the requirement for a measuring device and lockable device with a condition that the Department could require the devices at a later date.

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.

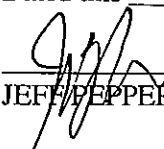
2. Installation of a measuring device and lockable controlling works is not necessary for administration of the diversion of water by the holder of Permit 67-07685 at this time, but it may be necessary in the future.

ORDER

The condition of approval requiring the permanent installation of a measuring device and lockable controlling works as part of the diversion works for the permit is **MODIFIED**.

- **When notified by the Department, the right holder shall install and maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).**

Dated this 7th day of April, 2009.



JEFF PEPPERSACK, Chief Water Allocation Bureau