

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF LICENSE NO. 37-8873)	ORDER GRANTING PETITION
IN THE NAME OF INDIAN CREEK)	TO REMOVE MEASURING
RANCHES OWNERS ASSN INC)	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 July 14, 1998, the Department issued Permit 37-8873 (permit) to Indian Creek Ranches Owners Assn Inc (permit holder) with a condition of approval requiring the installation of a measuring device as part of the diversion works.
2. On September 10, 2008, the Department received the permit holder's petition to remove the measuring device and lockable controlling works requirement.
3. On January 13, 2009, the Department received the recommendation of the watermaster of Water District No. 37 that 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. Water Appropriation Rule 50.04. (IDAPA 37.03.08.50.04.) 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 they are necessary for regulation of the water right.

ORDER

On Permit No. 37-8873, approval condition no. 5, which requires the permanent installation of a measuring device as part of the diversion works for the permit, is **MODIFIED** as follows:

Upon specific notification by the Department, the right holder shall install a measuring device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.

Dated this 2nd day of February, 2009.



JEFF PEPPERSACK
Chief, Water Allocation Bureau