

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT)
NO. 82-07187 IN THE NAME OF)
U. S. DEPT. OF INTERIOR)
BUREAU OF LAND MANAGEMENT)

ORDER GRANTING PETITION TO REMOVE MEASURING DEVICE REQUIREMENT

This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On August 2, 1989, the Department issued Permit 82-07187 (permit) to the U.S. Department of Interior Bureau of Land Management (permit holder) with a condition of approval requiring the installation of a measuring device as part of the diversion works.
2. On August 29, 1990 the Department received proof of beneficial use.
3. On November 1, 2007, Department staff completed a field exam for the permit. Correspondence then ensued between the Department and the permit holder as to the status of the required measuring device.
4. On June 13, 2008, the Department received the permit holder's petition to remove the measuring device requirement.
5. Basin 82 has recently gone through the Snake River Basin Adjudication and to date no Water District has been established.

CONCLUSIONS OF LAW

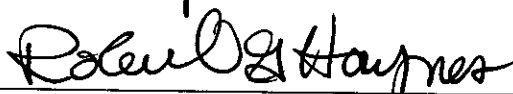
1. Beneficial Use Examination Rule 35.02.d. (IDAPA 37.03.02.35.02.d.) provides for the waiver of a measuring device requirement by the Department.
2. The Department should waive the measuring device requirement until such time as it is necessary for regulation of the water right.

ORDER

On Permit No. 82-07187, the condition which requires the permanent installation of a measuring device as part of the diversion works for 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 22nd day of September, 2008.



Robert G. Haynes
Regional Manager