

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 29-7703)	ORDER GRANTING PETITION
IN THE NAME OF DEVERE TOVEY)	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, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On May 17, 1984, the Department issued Permit 29-7703 (permit) to DeVere Tovey (permit holder) with a condition of approval requiring the installation of measuring devices as part of the diversion and discharge works.
2. On July 28, 2008, the Department received an email from the successor-in-interest to the DeVere Tovey water rights, requesting removal of the measuring device requirement.
3. On September 2, 2008, the Department received the recommendation of the watermaster of Water District No. 29 that the measurement device requirement be waived.
4. Installation of a measuring device and lockable controlling works for the permit are not necessary at this time but may be necessary in the future.

CONCLUSIONS OF LAW

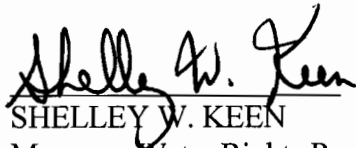
1. Beneficial Use Examination Rule 35.02.d. (IDAPA 37.03.02.35.02.d.) provides for the waiver of a measuring device requirement by the Department.
2. The Department should waive the measuring device requirement until such time as they are necessary for regulation of the water right.

ORDER

On Permit No. 29-7703, approval condition no.1. d., which requires the permanent installation of measuring devices 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 15th day of September, 2008.


SHELLEY W. KEEN

Manager, Water Rights Permits Section