

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 81-11982) **ORDER REMOVING MEASURING**
IN THE NAME OF KENNETH L BOWEN) **DEVICE REQUIREMENT**
_____)

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

FINDINGS OF FACT

1. On November 8, 2005, the Department issued Permit 81-11982 (permit) to Kenneth L. Bowen (permit holder) with a condition of approval requiring the installation of a flow measurement device and data logger as part of the diverting works because the point of diversion was within the Wild & Scenic watershed area.

2. In January of 2006, it was discovered the point of diversion actually lies outside the boundary of the Wild & Scenic watershed.

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 81-11982.

ORDER

The condition of approval requiring the permanent installation of a measuring device and data logger as part of the diversion works for the permit is **REMOVED**.

Dated this 7th day of February, 2006.


GARY SPACKMAN