

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 67-14433) **ORDER REMOVING MEASURING**
IN THE NAME OF MARC AGOSTINI) **DEVICE REQUIREMENT**
_____)

This matter having come before the Department of Water Resources (Department) as a request to remove a measuring device requirement, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On December 22, 2003, the Department issued Permit 67-14433 (permit) to Marc Agostini (permit holder) with a condition of approval requiring the installation of a flow measurement device and lockable controlling works as part of the diverting works.

2. In December of 2005 the permit holder telephoned the Department and asked that the measuring device and lockable controlling works requirement be waived.

3. On December 17, 2005, the watermaster of Water District 67 notified the Department that he sees "no reason to have a measuring device" requirement on Permit 67-14433.

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 67-14433 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 27th day of December, 2005.


GARY SPACKMAN