

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT)
NO. 24-07178 IN THE NAME OF)
DICKSON L. WHITNEY)
_____)

ORDER TO CHANGE
MEASURING DEVICE
REQUIREMENT

This matter having come before the Department of Water Resources (Department) to change the measuring device requirement, the Department finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On July 23, 1992, the Department issued Permit 24-07178 (permit) to Dickson L. Whitney (permit holder) with a condition of approval requiring measuring devices of a type approved by the Department be permanently installed and maintained at the point of diversion and the point of effluent discharge.
2. On July 2, 2001, the Department conducted a field examination of the system developed and found no measuring devices installed on this system.
3. On March 25, 2003, the Department discussed this matter with Water District 01 staff and determined that a measuring device would be needed, but this area is not regulated at this time.

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 the measuring devices is not necessary at this time since Water District No. 01 does not currently regulate water use in this area.

ORDER

IT IS HEREBY ORDERED that the condition of approval requiring measuring devices as part of the diversion works for the permit is MODIFIED as follows:

Within six months of issuance of this license, the right holder shall provide a permanent means acceptable to the Department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.

Dated this 19th day of October, 2005.



GARY SPACKMAN