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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT	)	ORDER GRANTING PETITION
NO. 37-07707 IN THE NAME OF	)	TO REMOVE MEASURING
CARL CURTIS	)	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 June 15, 1978, the Department issued Permit 37-07707 (permit) to Carl Curtis (permit holder) with a condition of approval requiring the installation of a measuring device as part of the diversion works.
2. On June 27, 1989, the Department received the permit holder's petition to remove the measuring device requirement.
3. On May 25, 2005, the watermaster of Water District 37, Kevin Lakey, indicated by phone that Parker Gulch is considered a dry stream and is not regulated.

CONCLUSIONS OF LAW

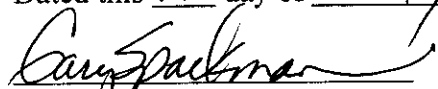
1. Beneficial Use Examination Rule 35.02.d. (IDAPA 37.03.02.35.02.d.) provides for the waiver of a measuring device requirement by the Department.
2. The Department should waive the measuring device requirement until such time as it is necessary for regulation of the water right.

ORDER

On Permit No. 37-07707, 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 14th day of July, 2005.


GARY SPACKMAN