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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT	)	ORDER GRANTING PETITION
NO. 22-07304 IN THE NAME OF	)	TO REMOVE MEASURING
GALLOWAY HILLS ASSOCIATION	)	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 July 30, 1984, the Department issued Permit 22-07304 (permit) to Galloway Property Group with a condition of approval requiring the installation of a measuring device as part of the diversion works and a second measuring device at the point where water is returned to North Leigh Creek.
2. On August 10, 1984, the permit was assigned to Galloway Hills Association (permit holder).
3. On August 16, 2004, a Department field examiner visited the site and reported only one measuring device was installed, at the point of diversion, and not where the water is returned to the creek.
4. On September 21, 2004, the Department send correspondence to the permit holder indicating they must submit proof of compliance with the requirement to install a measuring device at the point where water is returned to North Leigh Creek, install the device or request removal of the requirement from the permit.
5. On June 20, 2005, the Department received the permit holder's petition to remove the measuring device requirement.
6. On July 29, 2005, an official of Water District 01, Tony Olenichak, indicated that the measuring device at the point where water is returned to North Leigh Creek is not needed.

CONCLUSIONS OF LAW

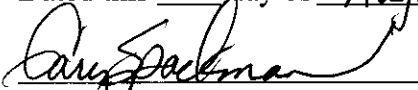
1. Beneficial Use Examination Rule 35.02.d. (IDAPA 37.03.02.35.02.d.) provides for the waiver of a measuring device requirement by the Department.
2. The Department should waive the measuring device requirement for the point where water is returned to North Leigh Creek.

ORDER

On Permit No. 22-07304, the condition which requires the permanent installation of a measuring device as part of the diversion works for the permit, is **MODIFIED** as follows:

The right holder shall 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.

Dated this 1st day of August, 2005.


GARY SPACKMAN