

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT	)	ORDER REMOVING
NO. 25-07661 IN THE NAME OF	)	MEASURING DEVICE
WILLIAM PHILLIPS & SONS	)	REQUIREMENT
_____	)	

This matter having come before the Department of Water Resources (Department) 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 8, 1998, the Department issued Permit 25-07661 (permit) to William Phillips & Sons (permit holders) with a condition of approval requiring the installation and maintenance of a measuring device and lockable controlling works at the point of diversion.
2. On July 14, 1999, Department field examiners conducted an examination to confirm and quantify the beneficial use of water under Permit 25-07661.
3. On May 15, 2003, the Department received information from the field examiners that the permit holder is using 0.04 cfs and 4.0 af of water for stock.

CONCLUSIONS OF LAW

1. Installation of a measuring device and lockable controlling works at the point of diversion is not necessary because small stock water uses, which are considered non-consumptive, are not typically monitored or controlled by the watermaster of Water District 01 at this time.
2. 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.
3. The Department should remove the requirement that the holder of Permit 25-07661 install and maintain a measuring device and lockable controlling works at the point of diversion

ORDER

The condition of approval requiring installation and maintenance of a measuring device and lockable controlling works at the point of diversion for the permit is **MODIFIED** as follows:

Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.

Dated this 20th day of December, 2004.

A handwritten signature in cursive script, appearing to read "Gary Spackman".

Gary Spackman