

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT)
NO. 23-7068 IN THE NAME)
OF U.S. FOREST SERVICE)
_____)

**ORDER REMOVING
MEASURING DEVICE
REQUIREMENT**

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

FINDINGS OF FACT

1. On June 24, 1982, the Department issued Permit 23-7068 (permit) to the United States of America, Forest Service (permit holder) with a condition of approval requiring that a measuring device be permanently installed and maintained as part of the diverting works.
2. On October 18, 1988, the Department received a proof of beneficial use statement for the permit.
3. On July 10, 2003, the Department conducted a field examination to verify the beneficial use of water developed in connection with the permit. The field examiner reported that a measuring device was not installed on the diversion works.
4. On June 17, 2004, the Department corresponded with the permit holder and requested information regarding compliance with the condition of approval on the permit.
5. On June 30, 2004, the Department received a request from the permit holder to remove the measuring device condition from the permit.
6. On July 1, 2004, the Department received a recommendation from the watermaster of Water District No. 01, Snake River, that the measuring device requirement be waived for the permit.

CONCLUSIONS OF LAW

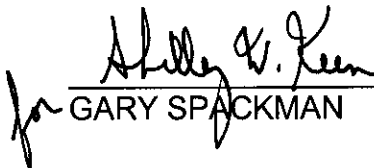
1. Beneficial Use Examination Rule 35.02.d. (IDAPA 37.03.02.35.02.d.) provides for the waiver of measuring device requirements by the Department.

2. The installation of the measuring device is not necessary for regulation of the diversion of water authorized by the permit.

ORDER

IT IS HEREBY ORDERED that the condition of approval requiring the installation of a measuring device on the diversion works for Permit 23-7068 is **REMOVED**.

Dated this 1st day of July, 2004.


for GARY SPACKMAN