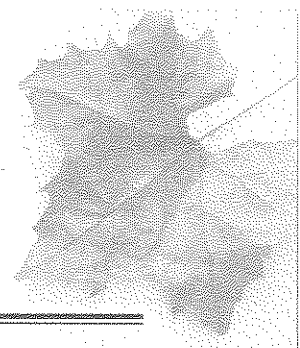


# CITY OF GREENLEAF

20523 North Whittier Drive  
Greenleaf, Idaho 83626



David R. Tuthill, Jr.  
Administrator, Water Management Division  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, Idaho 83720-0098

RECEIVED

DEC 08 2006

DEPARTMENT OF  
WATER RESOURCES

06 December 2006

RE: PRELIMINARY RECOMMENDATION OF WATER RIGHTS 63-20246, 63-4117, 63-7094

Greetings!

Thank you for your preliminary recommendations packet dated 20 November 2006 regarding water rights 63-20246, 63-4117, and 63-7094. The preliminary recommendation shows 63-20246 and 63-4117 disallowed, and shows 63-7094 as a licensed municipal use of .210 cfs with a priority date of 4/22/1968. This letter accompanies and is referenced by 'Notice of Error Reply' forms for the preliminary recommendations for 63-20246 and 63-4117.

The city has had difficulty confirming the date when beneficial use of water began for 63-20246 and 63-4117. Although settlement of the Greenleaf community began in approximately 1903, the City of Greenleaf did not incorporate until 08 June 1973, and did not take ownership of the municipal water system until after a bond election held in the fall of 2001. Prior to the city, the water system was owned and operated by the Greenleaf Water and Sewer Association.

Although we believe water for 63-20246 and 63-4117 has been in beneficial use in the community since approximately 1907 - 1910, as reported for statutory claim by the Greenleaf Water and Sewer System to IDWR in the 1970s, our search of records inherited from the Water and Sewer Association have not led to documents proving this beneficial use date for the oldest well in the system. This is not surprising, as the Greenleaf Water and Sewer Association incorporated on 21 June 1966.

The City currently has four well sites. I spoke with Idaho Power today, and verbally received dates as follows for meter installation at the four well sites listed below. The city also has a fifth well site under construction (Butler Well, permit 63-31787).

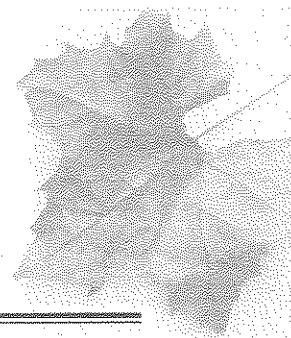
| Well Site      | Address                           | Id. Power Acct No. | Meter Install Date |
|----------------|-----------------------------------|--------------------|--------------------|
| Academy Well   | 20838 Academy Road                | 1048059259         | 01 Jan 1938        |
| Harmony Well   | 21367 Harmony Lane                | 3802128228         | 01 Jan 1966        |
| Hillcrest Well | 20660 Hillcrest Drive             | 9584799825         | 01 Feb 1966        |
| Friends Well   | 20791 Friends Road                | 2799375085         | 15 Jan 1990        |
| Butler Well    | not yet on-line (permit 63-31787) | Not Available      | Not Available      |

Although the Academy site received a dedicated power meter in 1938, it remains the City's firm belief and understanding that this community well was operated under varying private individual power accounts before this date, and that the well has been in service providing beneficial use to the



# CITY OF GREENLEAF

20523 North Whittier Drive  
Greenleaf, Idaho 83626



community since approximately 1910. Unfortunately, to date we have been unsuccessful in finding supporting documentation, and direct witnesses of the well installation are no longer with us to give affidavit testimony to the establishment of the use.

The City of Greenleaf respectfully requests that the Idaho Department of Water Resources adjust the recommendation for water rights 63-20246 and 63-4117 to recommend for year-round municipal use based on beneficial use, with a priority date based on the 01 January 1938 power meter installation date for the power meter currently in place at the Academy Well site.

When I spoke with Idaho Power today I asked for a fax documenting the meter installation dates given above. Idaho Power quoted a 48-hour window for providing the fax. As soon as it arrives I will fax it to your attention at 208/287-6700 and send a follow-up copy by mail.

The recommendation for 63-7094 appears to be accurate, and the appropriate 'Notice of Error Reply' form is enclosed, signed to show agreement with the recommendation.

Please let me know if I can be of any further assistance.

Thank you,

Lee C. Belt  
City Clerk  
City of Greenleaf

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DEC 08 2006

DEPARTMENT OF  
WATER RESOURCES

LCB/hs

enc 'Notice of Error Reply' form for 63-20246  
'Notice of Error Reply' form for 63-4117  
'Notice of Error Reply' form for 63-7094

cc Mayor  
City Attorney  
Public Services Director

11/21/2006

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DEPARTMENT OF  
WATER RESOURCES

NOTICE OF ERROR  
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 7, 2006

Water right number: 63-4117

CITY OF GREENLEAF  
C/O CITY CLERK  
20523 N WHITTIER DR  
GREENLEAF ID 83626  
Telephone Number: (208)454-0552

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

DISALLOWED

2. Describe the changes you wish to make in the proposed recommendation:

YEAR-ROUND MUNICIPAL USE BASED ON BENEFICIAL USE  
WITH A PRIORITY DATE ON 01 JANUARY 1938.

3. Give a brief explanation as to why you disagree with these portions:

PLEASE SEE ATTACHED LETTER DATED 06 DECEMBER 2006  
RE: PRELIMINARY RECOMMENDATION ON WATER RIGHTS 63-20246,  
63-4117, 63-7094  
See 2nd letter L. BELT 06 DEC 2006

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

Please print your name: \_\_\_\_\_

IDWR Regional Office, 322 E Front St  
PO Box 83720, Boise, ID 83720-0098, 2082874800