

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT	)	ORDER GRANTING PETITION TO
NO. 63-12593 IN THE NAME OF	)	CHANGE WATER BEARING ZONE
PARKLANE CO	)	
_____	)	

This matter having come before the Department of Water Resources (Department) as a petition to change a condition limiting the water bearing zone from which ground water can be appropriated, the Department finds, concludes and orders:

FINDINGS OF FACT

1. On November 14, 2000, the Department issued Permit No. 63-12593 in the name of Parklane Co (permit holder) authorizing the diversion of ground water for heating and cooling purposes within the SENENW of Section 10, Township 3 North, Range 2 East, B.M., ADA County.

2. Approval condition no. 9 says, "Water bearing zone to be appropriated is from 150 to 250 feet."

3. On October 22, 2001, the Department received a proof of beneficial use statement submitted by the permit holder.

4. On November 16, 2011, a certified water right field examiner conducted an inspection to verify the beneficial use of water established in connection with the permit. The field examiner reported that the water bearing zone appropriated for the production well ranged from 200 to 288 feet.

12. On January 13, 2012, the Department received the permit holder's petition through their representative to change the water bearing zone on the permit to 200 to 288 feet below ground surface.

13. Section 42-211, Idaho Code, says, in pertinent part:

Whenever a permit has been issued pursuant to the provisions of this act, and the permit holder desires to change the place, period, or nature of the intended use, or make other substantial changes in the method of diversion or proposed use or uses of water, he shall file an application for amendment upon forms to be furnished by the department of water resources together with the statutory fee for filing and recording same, and upon receipt thereof it shall be the duty of the department of water resources to examine same and if approval thereof would not result in the diversion and use of more water than originally permitted and if

the rights of others will not be adversely affected thereby, the director of the department of water resources shall approve said application and return an approved copy to the permit holder.

CONCLUSIONS

1. Changing the water bearing zone at the authorized point of diversion for the permit is a change of 38 feet deeper than originally permitted and is not a substantial change to the elements of the water right authorized for development in connection with the permit.

2. No protests or complaints have been filed with the department to date despite that the appropriated water bearing zone has been different from the permitted zone since November 29, 2000.

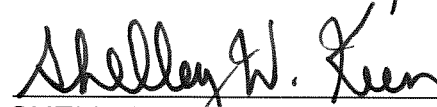
4. An application to amend the permit is not required to change the water bearing zone limitation in the permit.

5. The Department should authorize the requested change to the water bearing zone from 150 to 250 feet to 200 to 288 feet.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that approval condition no. 9 on Permit No. 63-12593 is **CHANGED** to say, "Water bearing zone to be appropriated is from 200 to 288 feet below ground surface."

DATED this 26th day of January, 2012.



SHELLEY KEEN, Manager
Water Rights Section