

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT	)	ORDER GRANTING PETITION TO
NO. 63-31787 IN THE NAME OF	)	CHANGE WATER BEARING ZONE
CITY OF GREENLEAF	)	
_____	)	

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 February 23, 2004, the Department issued Permit No. 63-31787 (permit) in the name of City of Greenleaf (permit holder) authorizing the diversion of ground water for municipal purposes within the city limits of Greenleaf in Canyon County.

2. Approval condition no. 5 says, "Water bearing zone to be appropriated is from 150 to 400 feet."

3. On September 15, 2005, the construction of a new point of diversion was completed in connection with the permit.

3. On January 29, 2009, a certified water right examiner conducted an inspection to verify the beneficial use of water established in connection with the permit.

4. On January 30, 2009, the Department received a proof of beneficial use statement and the field examination report submitted by the certified water right examiner on behalf of the permit holder.

5. The field examiner found that during the development period for permit 63-31787, the water bearing zone appropriated ranged from 182 to 488 feet. On behalf of their client, the certified water right examiner requested that the Department change the water bearing zone on the permit to 150 to 500 feet below ground surface.

6. 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.

8. 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 September 15, 2005.

CONCLUSIONS

1. The permit holder has pumped ground water from the proposed water bearing zone for several years without causing injury to other ground water users.

2. Changing the water bearing zone at the authorized points of diversion for the permit to 182 to 488 feet below ground surface as developed is not a substantial change to the elements of the water right authorized for development in connection with the permit.

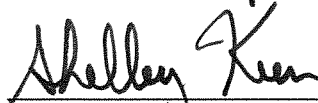
3. An application to amend the permit is not required to change the water bearing zone limitation in the permit to 182 to 488 feet below ground surface.

4. The Department should authorize the requested change to the water bearing zone from 150 to 400 feet to 182 to 488 feet.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that approval condition no. 5 on Permit No. 63-31787 is **CHANGED** to say, "Water bearing zone to be appropriated is from 182 to 488 feet below ground surface."

DATED this 20th day of September, 2011.



SHELLEY KEEN, Manager
Water Rights Section