

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESRECEIVED
OCT 19 2020

APPLICATION FOR TEMPORARY APPROVAL OF WATER USE

For a use not intended to become an established water right and not to exceed one (1) year in duration in accordance with Idaho Code § 42-202A. Department of Water Resources Eastern Region

Name of applicant Phillip Cromwell Phone (208) 770-5150
 Mailing address 134 North State Street City Preston
 State Idaho Zip 83263 Email doctorcomwell@gmail.com

1. Source of water Groundwater tributary to _____
 2. Location of point(s) of diversion. If more than two, attach a Point of Diversion/Place of Use Supplement. ☐

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
15S	39E	23			SW	SW	Franklin	Groundwater	

3. Location of place of use. If more rows are needed, attach a Point of Diversion/Place of Use Supplement. ☐

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	39E	23											X						

4. Proposed use of water:

- a. ☐ Prevention of flood damage ☐ Ground water recharge ☒ Ground water or surface water remediation
☐ Other (Limited to a diverted volume of 5 acre-feet.) Describe: _____

- b. Attach a detailed description of how the proposal will accomplish the intended objective, such as prevention of flood damage.

5. Amount of water. Complete all three:

- a. Maximum rate of diversion: _____ cfs; or 5 gpm.
 b. Maximum daily volume: _____ AF; or 60 gallons.
 c. Maximum volume over the duration of the request: _____ AF; or 480 gallons.

6. Duration of diversion: from TBD (90 Day Period) (month-day) to _____ (month-day).

7. Describe proposed diverting works: Portable submersible pump

8. a. Who owns the property at the requested point of diversion? Phillip Cromwell
 b. Who owns the facilities that will convey water to the place of use? NA
 c. Who owns the land to be irrigated or place of use? Phillip Cromwell
 d. If any of the items above is owned by a person or entity other than the applicant, describe the arrangement allowing access and attach written evidence of the arrangement. _____

9. Attach an 8 1/2" x 11" map identifying the water source, point(s) of diversion, place(s) of use and conveyance system.

I hereby acknowledge that I assume all risk of the diversion and use of the water under this approval. I certify this is a temporary use and is not intended to become an established water right.

Phillip Cromwell Signature of Applicant President Title, if any 7 Oct 2020 Date

Received by CSH Date 10/19/2020 Time 3:00 pm
 \$50.00 fee received by CSH # E046371 Date 10/19/2020
 Watermaster comments received? _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources ("Department") has examined this application for temporary approval to use water under the provisions of Idaho Code § 42-202A and has determined that:

☐ A. The application for temporary approval should be denied because _____

- ☒ B. The application for temporary approval should be approved, since
1. The temporary approval can be properly administered.
 2. Other water sources are not readily available.
 3. The approval is in the public interest.
 4. The approval will not injure known public values associated with the water source or any known water rights.
 5. If the temporary approval is within a water district, the Department has sought and considered the recommendations of the watermaster.

This application is therefore hereby:

☐ A. DENIED

- ☒ B. APPROVED, subject to the following conditions:
1. Diversion and use of water under this approval is subject to all valid existing water rights.
 2. The applicant assumes all risk of the use of the water under this approval.
 3. This approval authorizes a maximum diversion volume of 0.1 AF and a maximum diversion rate of 0.02 cfs.
 4. This approval does not grant a right-of-way across the land of another.
 5. The Department may cancel or reduce the rate of flow or volume authorized by this approval. For example, the Department may cancel or reduce this approval if it concludes the water use is injuring other water rights or adversely affecting fish, wildlife or other public values.
 6. The applicant shall not divert water when downstream minimum flow water rights are not being satisfied.
 7. This approval does not create a continuing right to use water.
 8. A temporary approval for ground water recharge or prevention of flood damage shall be an opportunistic use of surplus water and shall not interfere with the filling of surface water reservoirs.
 9. For a temporary approval authorizing ground water recharge or ground water or surface water remediation, the applicant shall measure and record the weekly quantity of water diverted and report the diversion data to the Department upon request.
 10. This temporary approval is not an authorization for the described water use to be used as mitigation or credit for any other purpose.
 11. Other: _____
 12. This approval expires on April 30, 2020.

Signed this 20th day of October, 2020.


For the Department



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

October 20, 2020

PHILIP CROMWELL
134 N STATE ST
PRESTON ID 83263-1143

RE: Application for Temporary Approval of Water Use: TP-13-4

Dear Applicant(s):

Your application for temporary water appropriation has been approved and is enclosed. The approval authorizes the temporary use of water and does not grant trespass or other activity on public land or on private property. Please review the **conditions of approval on page 2 of the Application for Temporary Approval form** to understand the limitations associated with the temporary use of water.

If you have any questions, please feel free to contact this office, and any of our agents will be able to assist you. If you require additional information regarding this matter, please call me at (208) 525-7161 or email me at james.cefalo@idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'J Cefalo'.

James Cefalo
Eastern Regional Manager.

Legacy Plaza Project Summary

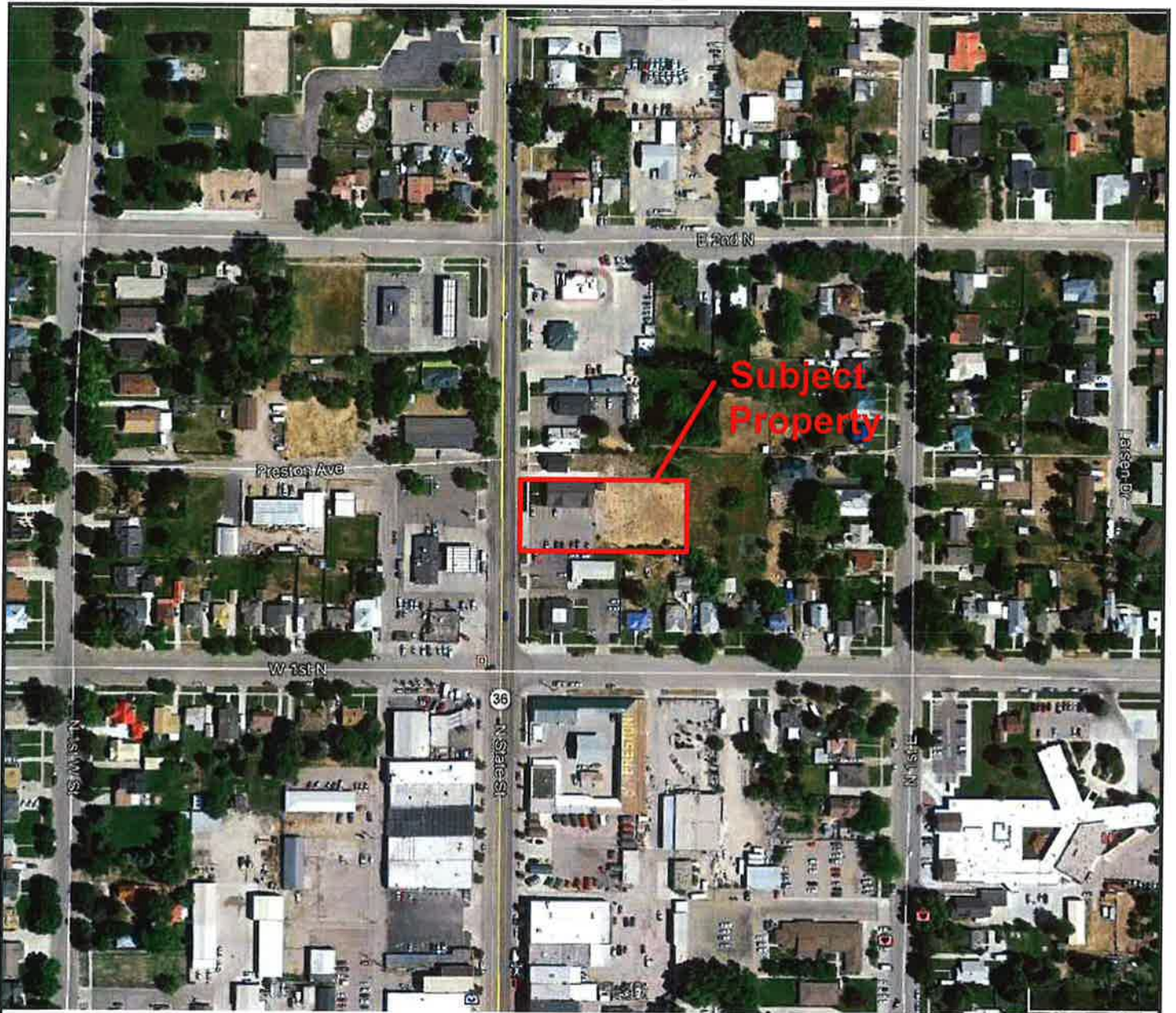
Petroleum contaminated soil was excavated near the former underground storage tanks (USTs) located on the property in 2006. A subsurface investigation was also completed in 2006. A corrective action plan (CAP) was implemented in 2009 by Cascade Earth Sciences that included groundwater and vapor monitoring. The 2009 CAP did not recommend any additional groundwater remediation at that time as natural attenuation processes were reducing the petroleum concentrations in the groundwater.

BIO-WEST was hired in 2018 to provide groundwater monitoring of four existing monitor wells on the subject property (DEQ1, DEQ2, DEQ4, and DEQ5). Monitor wells DEQ1, and DEQ2 are shallow and periodically go dry so additional deeper wells (DEQ6 and DEQ7) were drilled next to them in 2019. Well logs for monitor wells DEQ6 and DEQ7 are included.

BIO-WEST collected groundwater samples at the site three times during 2018 and 2019. Based on samples from May 2019, only one well (DEQ5) exceeds the cleanup criteria set by the Idaho Department of Environmental Quality (DEQ)

Natural attenuation has continued to decrease petroleum concentrations since 2019 but the rate of reduction appears to have become asymptotic and additional remediation measures can be used to meet closeout criteria. Groundwater will need to be removed from the monitor wells in order to inject nutrients into the wells to enhance bioremediation

Groundwater will be pumped out of 4 of the monitor wells (DEQ4, DEQ5, DEQ6, and DEQ7) using a 12 volt submersible pump and dedicated plastic tubing. The pumped water will be disposed via land application onto the asphalt parking lot, or onto the gravel parking area east of the paved parking lot. Approximately 15 gallons will be pumped out of each well during each event. BIO-WEST plans to pump the wells a total of eight times over a three month period.



Note: Base Map from Google Earth
(Property boundaries shown are not surveyed)

Approximate Scale: 1" = 250 feet
0 250' 500'



LOCATION



Figure 1
Subject Property Location Map

Legacy Plaza
134 North State Street, Preston, Idaho

PROJECT NO.:	2379
DATE:	07/05/2018
DRAWN BY:	AC
PREPARED BY:	DL
REVISION NO.:	





⊗ Monitor Well

Note: Base Map from Google Earth
(Property boundaries shown are not surveyed)

Approximate Scale: 1" = 50 feet

0 50' 100'



LOCATION



Figure 2
Subject Property Site Map

Legacy Plaza
134 North State Street, Preston, Idaho

PROJECT NO.:	2379
DATE:	06/06/2019
DRAWN BY:	AC
PREPARED BY:	DL
REVISION NO.:	

