

RECEIVED

JUL 21 2016

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

\$50 fee

Received by AORecpt No. 0102291Date 7-21-16

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code, in which to complete development of a water right and file proof of beneficial use of water. There is a **FILING FEE** of \$50.00 to be included with this form when filed with IDWR.

Permit no. 35-13918 Date proof is due SEPTEMBER 2 2016
 Name(s) of permit holder(s) GROVELAND WATER + SEWER DISTRICT
 Mailing address PO Box 833 City BLACKFOOT State ID Zip 83221
 Telephone no. 208-785-4902 Email appliedgraph@live.com

Describe what work has been completed toward the development of this water right:

If no work has been completed, show "none".

NONECosting \$ 0

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Need to Comply with DEQ. See letter attachedPermit holder(s) request an extension for 5 year(s).Signature Clem Yancey
(If other than permit holder, Power of Attorney must be supplied)Date July 18 2016

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Department has reviewed the explanation for delay and concludes the reason(s) for delay meets the requirements for approval of the Request for Extension of Time as provided by Section(s) 42-204 and/or 42-218, Idaho Code.

☐ IT IS HEREBY ORDERED that the permit is **REINSTATED** with the priority date advanced to _____, 20____.

☒ IT IS HEREBY ORDERED that the above request for extension of time is **APPROVED**, and the time within which to submit proof of beneficial use is extended to September 2, 2021.

Signed this 23rd day of August, 2016

Jeff Peppersack, Chief
Water Allocation Bureau

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DEPARTMENT OF
WATER RESOURCES

July 18, 2016

Darla Block
Technical Records Specialist
State of Idaho Department of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

SUBJECT: Request For Extension of Time

Dear Ms. Block:

Groveland Water and Sewer District is requesting an extension of time on Permit No. 35-13918. The documented delay is caused by the Department of Environmental Quality. Attached is a letter dated April 15, 2014 from DEQ to Groveland Water and Sewer District stating the District's deficiencies that must be met before the District can add new patrons to their system.

Groveland Water and Sewer District has hired Harper-Leavitt Engineering to do the required water study to do the improvements needed. This has been completed. The District has sought, through SEICOG, assistance for funding of a second well through grants and loans.

The District will be having a Revenue Bond Election in November to obtain consent from its patrons to borrow money for the second well project.

If the bond passes, Groveland Water and Sewer District will drill a second well and complete DEQ's requirements. A developer in the area is planning to build twenty new homes that would hook up to our water system when the second well is installed. Groveland is an area with high potential for growth.

We would appreciate your assistance in helping us receive an extension of time so that we may meet the requirements stipulated by DEQ.

Sincerely,



Clem Yancey
Groveland Water and Sewer District
208 785-4902

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DEPARTMENT OF
WATER RESOURCES



July 18, 2016

Darla Block
Technical Records Specialist
State of Idaho Department of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

SUBJECT: Request For Extension of Time

Dear Ms. Block:

HLE has completed the Groveland Water and Sewer District Water Facility Planning Study. The District will be having a Bond Election in November to seek funds for the new well and existing system upgrades. If the election passes the District plans on implementing the upgrades that are set out in the DEQ approved Study.

Should you have any questions please feel free to contact me by E-mail lukej@hleinc.com, or my office number is 208-785-2977.

Respectfully Submitted,
HLE, INC.
B. Luke Jolley P.E.

A handwritten signature in black ink, appearing to read 'B. Luke Jolley', is written over a faint, light-colored circular stamp.



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

444 Hospital Way, #300 • Pocatello, Idaho 83201 • (208) 236-6160
www.deq.idaho.gov

C.L. "Butch" Otter, Governor
Curt Fransen, Director

April 15, 2014

Groveland Water and Sewer District
P. O. Box 833
Blackfoot, ID 83221

Groveland Water and Sewer District:

Thank you for meeting with Idaho DEQ on March 6, 2014 to discuss your request to allow 20 additional hook-ups to the Groveland Public Drinking Water System. Our discussions revolved around whether a second well would be required prior to allowing these additional hook-ups. After our meeting I researched the issue by reviewing the prior facility planning studies, relevant IDAPA drinking water rules, and requested the input of Idaho DEQ engineers and staff in other regions and at that state office. Following is a review of that background work as well as a response to the request for additional connections with relevant IDAPA rule siting included.

IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems" Section 513 discusses the number of ground water sources that are required for existing systems as quoted below.

513. FACILITY AND DESIGN STANDARDS: NUMBER OF GROUND WATER SOURCES REQUIRED – EXISTING SYSTEMS.

Existing community water systems served by ground water and intending to serve more than twenty-five (25) connections or equivalent dwelling units are subject to the following requirements for the number of ground water sources required. (5-8-09)

01. Existing System with All Sources Constructed Prior to July 1, 1985. A community water system served by ground water and with all existing sources constructed prior to July 1, 1985 will be required to comply with Subsection 501.17 upon substantially modifying the system after July 2002. (5-8-09)

02. Existing System with Any Sources Constructed After July 1, 1985. A community water system served by ground water with any sources constructed after July 1, 1985 is required to comply with Subsection 501.17 when a modification is made to the system which increases the population served or number of service connections, increases the length of transmission and distribution water mains, or increases the peak or average water demand. (5-8-09)

IDAPA 58.01.08 Section 501.17 requires ground water source redundancy for Public Drinking Water Systems and therefore a minimum of two (2) sources are required if the system is intended to serve more than twenty-five (25) connections. Consequently if Groveland's groundwater source was constructed after July 1, 1985 the system would need a second well prior to any modification being made to the system and if the Groveland well was constructed before July 1, 1985 than source redundancy and other requirements would be required when a substantial modification is made to the system.

Previously submitted facility planning studies for the Groveland system included a well driller's report for the Groveland well. That report indicated drilling activities took place from January 30, 1985 through June 10, 1985. While it appears drilling activities were completed prior to July 1, 1985 the well would not have been adequately outfitted with the necessary equipment and approved to serve the patrons of the Groveland Public Water System until after July 1, 1985. A decision was requested from the state office on what constituted the completion of a source as this would impact Groveland directly due to the unusual timing of the drilling of your well. The state office, with the concurrence of the other regional engineers, indicated the source is considered constructed when well drilling activities have been completed. In this case that date would be prior to the specified date of July 1, 1985 and Groveland will be required to meet source redundancy requirements when a substantial modification is made to the system.

A water system is defined as being substantially modified in IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems" when, "as the result of one (1) or more projects, there is a combined increase of twenty-five percent (25%) or more above the system's existing configuration in the population served or number of service connections, the total length of transmission and distribution water mains, and the peak or average water demand. (5-8-09)" An interpretation was also requested from the state office and the engineers from the other Idaho DEQ regional offices to ensure consistency in applying this definition. Regarding when this requirement is imposed the rule clearly states the system's existing configuration which is taken on the date of the rule acceptance, May 8, 2009. Therefore with the stated number of 54 existing connections an additional 20 connections would be a substantial modification and would only be allowed after the completion of all rule requirements including a second source of water.

While the previous facility planning studies all included recommendations which would provide for additional growth potential for the system it does not appear any of the recommended alternatives of those previous studies have been fully implemented. The Groveland Public Water System appears to be currently operating below its design capacity as the design recommendations have yet to be completed. The first study DEQ has on record was completed by Forsgren-Perkins Engineering in 1985 which recommended two wells should be completed to serve the users of the water system. All subsequent studies have noted the need for additional storage or source water yet as noted these recommendations do not appear to have been completed.

Regarding the number of additional connections which would be allowed to the Groveland Public Drinking Water System before the substantial modification threshold would be

breached; traditionally DEQ will evaluate a proposal which includes all the relevant information rather than provide a water system with a threshold number. DEQ does not have the required information to allow for an analysis and will rely on a proposal from the system with all the relevant information so DEQ can evaluate a proposal. From the definition of substantially modified, the three separate contributing factors of service connections, length of mains, and water demand are additive. Therefore an evaluation would be based on knowing the proposed percentage increase in all three areas. Total increases which sum to twenty-five percent (25%) or more would be seen as a substantial modification to the system.

A rough estimate would be possible if we assume the additional connections would bring an equal percentage increase to the Groveland Public Water System for each category of water mains, water demand, and service connections. If this were the case you could multiple the existing number of connections by eight percent (8%) to arrive at an allowable number of additional connections or approximately four (4) new connections for the Groveland system. Again this is a rough estimate and more detailed information would be required to make a final determination.

Idaho DEQ understands the difficulties faced by the Groveland Water and Sewer System in planning for improvements and then funding the recommended improvements. DEQ is encouraged to hear Groveland is planning for the anticipated growth in the area and may be seeking grant funds to assist in that effort. As I'm sure you are aware, DEQ provides matching planning grants and low interest construction loans but we have also assisted systems in their public education efforts in order to make the passage of a bond election more likely. If we may assist you in that effort please let us know. You may contact me at (208) 236-6160 or via e-mail at craig.borrenpohl@deq.idaho.gov should you have questions or require additional information.

Sincerely,



Craig M Borrenpohl, P.E.
Water Quality Engineer

cc: Tom Hepworth – DEQ – PRO (e-mail)
Barbara Jones – DEQ – PRO (e-mail)



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 23, 2016

GROVELAND WATER & SEWER DISTRICT
PO BOX 833
BLACKFOOT ID 83221

REQUEST FOR EXTENSION OF TIME LETTER

RE: Permit No. 35-13918

Dear Permit Holder(s):

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the proof due date to **September 02, 2021**.

The department granted this extension based on evidence of good cause. It is important that you work diligently toward the completion of the project during the development period allowed because the department **will not** grant an additional extension based on good cause, according to Section 42-204(6), Idaho Code.

The extension is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01). It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office or at the department's website at www.idwr.idaho.gov.

If you have any questions concerning this permit, please contact the State Office of the Department located in Boise at (208) 287-4800.

Sincerely,

Darla Block
Technical Records Specialist

Enclosure(s)

c: ROCKY MOUNTAIN ENVIRONMENTAL ASSOC

CERTIFICATE OF SERVICE

I hereby certify that on **August 24, 2016** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**APPROVED REQUEST FOR EXTENSION OF TIME**) to the person(s) listed below:

RE: Preliminary Order in the Matter of Permit No. **35-13918**

**GROVELAND WATER & SEWER DISTRICT
PO BOX 833
BLACKFOOT ID 83221**

**ROCKY MOUNTAIN ENVIRONMENTAL ASSOC
C/O ROGER WARNER
482 CONSTITUTION WAY STE 303
IDAHO FALLS ID 83402**


Darla Block
Technical Records Specialist

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.