

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 35-13917

1. Name of Applicant Groveland Water & Sewer District* Phone (208) 785-4902
Mailing address P.O. Box 833, Blackfoot, ID 83221 Email apples@onewest.net
c/o Keith C. Wilson Rocky Mountain Environmental Associates, Inc. Email kwilson@rockymountainenvironmental.com
482 Constitution Way, Ste 303, Idaho Falls ID 83402 (208) 524-2353 Fax 208) 524-1795
2. Source of water supply Ground water which is a tributary of _____
3. Location of point of diversion is Township 2 S Range 35 E Sec. 28, in the _____ 1/4,
NW 1/4, SW 1/4, Govt. Lot _____, B.M., BINGHAM County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.42 cfs for Domestic purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
5. Total quantity to be appropriated is (a) 0.42 cfs and/or (b) _____
cubic feet per second acre feet per year
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source 16 in. well with pump to distribution lines to 55 homes (Application is for 42 homes out of the 55 homes. See # 10 & # 12, and Attachment # 2.)
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet;
total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 16 inches; proposed depth of well is 743 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? NO
 - e. If well is already drilled, when? 01/30 - 06/10/1985; Drilling firm Jack Cushman Drilling;
Well was drilled for (well owner) Groveland Water & Sewer District; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. 42 Domestic homes (See # 10 & # 12, and Attachment # 2)
 - e. Other; describe fully. _____

RECEIVED

MAR 16 2009

* See Attachment # 3 for list of District Officers.

Department of Water Resources
Eastern RegionRocky Mountain Environmental Assoc. Inc.
482 Constitution Way, Suite 303, Idaho Falls, ID 83402

(208) 524-2353 / (208) 524-1795 Fax

9. Description of place of use: - **Place of Use within water & sewer boundary.**

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols. **Place of Use within water & sewer boundary.**

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
2S	35E	28							D	D	D	D	D	D					
		29				D												D	
		32	D								D		D	D			D	D	
		33					D	D	D		D	D	D	D					
3S	35E	5					D	D											

Total number of acres to be irrigated: _____

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? License 35-8354 is for in-house use only. This application is for the domestic volume associated with the domestic irrigation portion (½ ac/home). Any domestic irrigation will be limited to ½ acre on each lot.

See Attachment "2"

11. a. Who owns the property at the point of diversion? Groveland Water & Sewer District
b. Who owns the land to be irrigated or place of use? Individual homeowners
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Groveland Water & Sewer District under Title 42, Chapter 32 Idaho Code

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. License 35-8354 was issued for Domestic use for 42 homes without any outside irrigation. This application is for additional domestic volume associated with the domestic irrigation component (½ ac/home) for those 42 homes. This application is not for additional diversion rate, and when combined with 35-8354 will not exceed 1.06 cfs. See Attachment # 2.

*Groveland Water & Sewer District officers - Attachment # 3

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.) - **(Attachment # 1)**

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

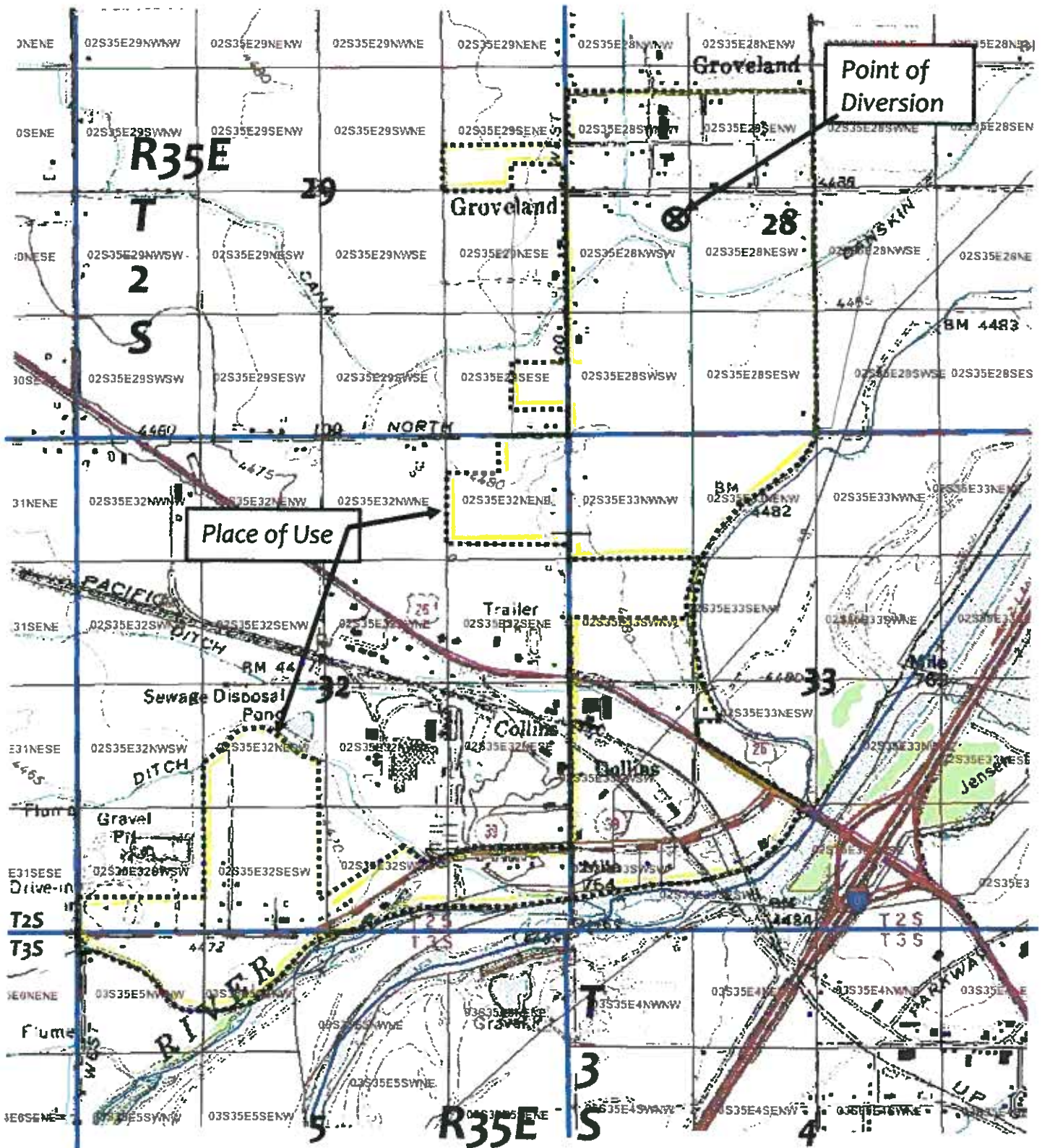
Clem Yancey
Signature of Applicant

CLEM YANCEY- DISTRICT OFFICER
Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ 250- Received by _____ Receipt No. ED34885 Date 3/24/09

Attachment #1



Attachment #2

Background:

In 1983, an Imminent Threat Grant was awarded to Bingham County on behalf of the Groveland/Collins area due to contamination of individual home owner's wells. District Environmental Health Director, Jack Palmer identified the problem as "imminent and immediate threat to public health."⁽¹⁾

Contamination was so high that some residents imported their own water. In some cases water had oxygen demanding (COD) contents higher than waste entering the Blackfoot sewage facility. Tests for chemical contamination measured 460 times that which is considered maximum. Other types of contamination include fecal coliform and unknown "background" bacteria in quantities often measured too numerous to count.⁽¹⁾

In the process of obtaining 35-8354, a letter was sent to IDWR by John J. Harper, P.E., Harper-Levitt Engineering, Inc. stating that "Nearly all of the homes in the District have individual wells... These will generally be retained for uses other than culinary but the culinary use will be transferred to this new community well."⁽²⁾ In an attempt to advertize the "Swan Falls Hold file Application"⁽³⁾ the permit and subsequent license of 35-8354 was issued for in house use only (Domestic-42 homes).

Although Harper-Levitt Engineering provided a level of clarification in reference to 35-8354, the Groveland Water & Sewer District did not intend for domestic well owners to continue irrigation nor did they authorize Harper-Levitt to represent that domestic irrigation was not needed.

The Groveland Water & Sewer District feels that the domestic irrigation component should not have remained with the individual domestic well owners especially with the water being an "imminent and immediate threat to public health"⁽¹⁾ and with such "high contamination levels"⁽¹⁾.

Mitigation:

Since the domestic wells have elevated contamination levels, and since domestic irrigation is presently authorized from domestic wells, this mitigation plan offers to discontinue domestic irrigation volume (0.6 ac-ft/home) from the individual wells to be replaced by this new permit in equal amounts (i.e. zero net effect). This application seeks to increase the domestic volume for the domestic irrigation component ($\frac{1}{2}$ ac/home) for only the 42 homes licensed under 35-8354. This application is not for an additional diversion rate, and when combined with 35-8354 will not exceed 1.06 cfs. Any domestic irrigation will be limited to $\frac{1}{2}$ acre for each of the 42 lots licensed under 35-8354, and the Groveland Water & Sewer district will participate with Ground Water District # 120 in providing mitigation water as needed.

The District currently is in the process of obtaining 5 shares of surface water in the Riverside Canal Company. Some patrons of Groveland Water and Sewer District individually own shares of water in the Riverside Canal. Lot sizes vary from about $2\frac{1}{2}$ acres to $\frac{1}{4}$ acre with the majority of lots being $\frac{1}{2}$ acre or less. Patrons who have ditches and own water irrigate using the surface water. Because of the cost of using the Groveland Water and Sewer District water supply, patrons generally irrigate mostly with their shares of canal water.

(1) Quote Governors' News Release (08-19-1983), www.idwr.idaho.gov/apps/WaterRightBackfile/35-8354

(2) John J. Harper, P.E., Harper Levitt Engineering letter (09-05-1983), www.idwr.idaho.gov/apps/WaterRightBackfile/35-8354

(3) H. W. Jones, memo to file (08-27-1984), www.idwr.idaho.gov/apps/WaterRightBackfile/35-8354

Attachment #3

GROVELAND SEWER & WATER DISTRICT OFFICERS					
Name	Area Supervised	Address	Phone #	Cell #	Work #
Clem Yancey	Legal	375 W 150 N	785-4902		785-2050
apples@onewest.net		Blackfoot, ID 83221			
Chad Petersen	Sewer	370 W 170 N	785-7144	681-6144	785-1107
		Blackfoot, ID 83221			
Rich Schneberger	Public Relations	356 W 100 N	785-7720	680-4896	
detecschne@juno.com		Blackfoot, ID 83221			
Brian Warner	Water	154 N 380 W	785-7474	680-3936	
bdwarner@cableone.net		Blackfoot, ID 83221			
Mary Ellen Braithwaite	Chairman	18 N 460 W	785-2420	317-2437	785-8894
braim@d55.k12.id.us		Blackfoot, ID 83221			
paragon@cableone.net					
Diane Olsen	Sec/Treasure	969 Bryan Rd.	604-1009	604-1009	785-1717
di_salhouse@yahoo.com		Pocatello 83201			

JOHN V EVANS
GOVERNOR



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SEP 6 1984

Department of Water Resources
Eastern District Office

OFFICE OF THE GOVERNOR

STATE CAPITOL
BOISE 83720

August 19, 1983

NEWS RELEASE

BISMARCK -- Governor John Evans announced today the award of a \$200,000.00 Imminent Threat Grant to Bingham County under the Idaho Community Development Block Grant (ICDBG) Program.

The County applied for the emergency funds on behalf of the residents of the Groveland/Collins area just West of Blackfoot.

The funds will provide a safe water distribution system by drilling a deep well into the Snake River aquifer. The funds are expected to service approximately 150 persons residing in the impact area.

The project is designed to correct conditions in the areas of highest contamination. Contamination has been so high in some areas that some residents have had to import their own water. In some cases, water drawn from some of the wells in the area has shown chemical oxygen demanding (COD) contents higher than the waste entering the Blackfoot sewage facility. Tests for chemical contamination have measured 460 times that which is considered maximum. Other types of contamination include fecal coliform and unknown "background" bacteria in quantities often measure to numerous to count (TNTC).

District Environmental Health Director, Jack Palmer has identified the problem as an "imminent and immediate threat to

News Release

August 19, 1983

Page 2

public health" noting that "The number of contaminated wells has increased as well as the lengths of periods of contamination."

Community residents, local officials and various health monitoring agencies have expressed strong support for the project. Officials are also seeking other sources of funding for future water needs.

Imminent Threat funds represent ten (10%) percent of the State's annual allocation of Community Development Block Grants. Applicants must meet several strict requirements to even be considered eligible for these funds.

With the selection of the Bingham County project, most of the imminent threat funds are committed. Next year's ICDBG allocation is not expected until next spring even though applications for regular grants will be accepted October 1-15 of this year. Applications for imminent threat funds are accepted throughout the year until the funds are no longer available.

The Program is administered by the Idaho Division of Economic and Community Affairs.

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

May 5, 2009

Mr. Blake Jordan
Sr. Water Resource Agent
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402-1718

RECEIVED
MAY 06 2009
Department of Water Resources
Eastern Region

Dear Mr. Jordan:

Groveland Water and Sewer District was formed when it was determined that the shallow domestic well water in the Groveland area was contaminated. We received a grant for \$200,000 to provide a safe water distribution system by drilling a deep well. The community is adjacent to a potato processing waste product spray field. The grant was awarded on August 19, 1983. Once the system was in place and operating, 42 patrons within the district connected to the safe water system for domestic water use within the development period.

It came as a surprise to us to learn that the original water right that we applied for (35-8354) only allowed in-house use since all homes were landscaped with lawns and gardens typical of our suburban area. All of the landscaping was irrigated from the patron's private domestic wells with the exception of a few that had water rights in the Riverside Canal Company.

District patrons are not interested in continuing use of their private wells for irrigation for several reasons. The primary reason is the contamination issue. They feel that they need to reduce the opportunity of drinking from contaminated hoses or sprinklers by their children or pets playing in their yards.

The District has always monitored the usage of in-house domestic water by connection. More recently, the District has monitored domestic and private irrigation within the water portion of the Groveland Water & Sewer District and has determined the District's needs. It was because of this that the District has made the application. In order for the District to properly monitor water use by its patrons, it would be appropriate to install meters. In 2008, the District had a Public Hearing about the possibility of metering the water use. The district would like to meter water as soon as funds are available.

The District intends to do an initial verification of discontinued use and permanent disconnection of the domestic wells once the new water right is obtained. Annual system maintenance and checks will also re-verify that condition. Since there was a large groundswell of patron interest because of the contamination issues, we felt the patrons substantially self motivated to not attempt continued use. However, if we can justify the costs to patrons, we would like the domestic wells permanently abandoned.

On March 12, 2009, Groveland Water and Sewer District purchased 5 shares of water from the Riverside Canal Company, Certificate No. 1174. Each share of water is 3 1/3 miner inches. This water flows through the East Groveland Town site Ditch to the users and is not specifically assigned at this time. The District purchased this water for future use which may be used to supply irrigation water to new developments, parks, playgrounds, and community projects as the District determines is beneficial to the community.

Those patrons of the Groveland Water and Sewer District who already own individual shares in Riverside Canal Company will still own and use their shares of water on their own property. These shares will be delivered throughout the irrigation season by the Riverside Canal Company. Those who own the shares, use the water.

Groveland Water and Sewer District's New Policies and Procedures require any developer within the boundary of the District to provide irrigation water for the homes in their development.

In short, I have attempted to explain how Groveland Water and Sewer District plans to provide and monitor the use of domestic water for the 42 homes.

I trust that I have answered your questions clearly. Feel free to contact me with any questions you may have at (208) 785-4902.

Sincerely,



Clem Yancey
Board Member



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

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

EASTERN REGION

June 10, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

GROVELAND WATER & SEWER DIST
PO BOX 833
BLACKFOOT ID 83221

RE: Application for Permit No 35-13917 and 35-13918

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Morning News on June 18 and 25, 2009. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

Please feel free to contact this office if you have any questions.

Sincerely,

Sharla Cox
Administrative Assistant

cc: ROCKY MOUNTAIN ENVIRONMENTAL ASSOCIATES
482 Constitution Way #303
Idaho Falls ID 83402



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

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

EASTERN REGION
June 10, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

ERNEST CARLSEN
Water District 120
900 N SKYLINE DR STE A
IDAHO FALLS, ID 83402

RE: Application for Permit No 35-13917 and 35-13918

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered during regional review. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

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

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

June 10, 2009

STATE OF IDAHO
DEPT OF ENVIRONMENTAL QUALITY
444 HOSPITAL WAY #300
POCATELLO, ID 83201

Application to Permit No. 35-13917 and 35-13918

STATE OF IDAHO :

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

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

EASTERN REGION

June 10, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Legal Notice Department

MORNING NEWS

PO BOX 70

BLACKFOOT ID 83221-0070

RE: Application for Permit No. 35-13917 and 35-13918 and 35-13919

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before July 6, 2009. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

35-13917

GROVELAND WATER & SEWER
PO BOX 833
BLACKFOOT ID 83221
Point(s) of Diversion: NWSW S28
T02S R35E, BINGHAM County
Source GROUND WATER
Use: DOMESTIC
01/01 To 12/31 0.42 CFS
Total Diversion: 0.42 CFS
Date Filed: 03/16/2009
Place Of Use: DOMESTIC
T02S R35E S28 SWNW SENW
NESW NWSW SWSW SESW
T02S R35E S29 SENE SESE
T02S R35E S32 NENE NESW
SWSW SESW SWSE SESE
T02S R35E S33 NENW NWNW
SWNW NESW NWSW SWSW
SESW
T03S R35E S5 NENW NWNW

35-13918

GROVELAND WATER & SEWER
PO BOX 833
BLACKFOOT ID 83221
Point(s) of Diversion:
NWSW S28 T02S R35E
BINGHAM County
Source GROUND WATER
Use: MUNICIPAL
01/01 To 12/31 0.48 CFS
Total Diversion: 0.48 CFS
Date Filed: 03/24/2009
Place Of Use: MUNICIPAL
T02S R35E S28 SWNW SENW
NESW NWSW SWSW SESW
T02S R35E S29 SENE SESE
T02S R35E S32 NENE NESW
SWSW SESW SWSE SESE
T02S R35E S33 NENW NWNW
SWNW NESW NWSW SWSW SESW
T03S R35E S5 NENW NWNW

35-13919

CLEM R YANCEY
375 W 150 N
BLACKFOOT ID 83221
Point(s) of Diversion
NESW S28 T02S R35E
BINGHAM County
Source GROUND WATER
Use: DOMESTIC
01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 05/14/2009
Place Of Use: DOMESTIC
T02S R35E S28 NESW
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00

for each application on or before
July 6, 2009. The protestant
must also send a copy of the
protest to the applicant.

DAVID R. TUTHILL, JR., Director
Published on June 18 and 25, 2009