



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

May 20, 2011

Carly Burton
Bear River Water Users Association
967 West Bloomsbury Cove
Murray, UT 84123

Claudia Conder
PacifiCorp Energy
1407 West North Temple
Salt Lake City, UT 84116

RE: Midway Water Application for Permit (13-7763)

Dear Mr. Burton and Ms. Conder:

During the pre-hearing conference held on April 8, 2011, you asked the representatives of Midway Water to provide a list of the homes to be covered under the proposed water permit and to identify any water rights associated with the homes. I just received a list of the homes to be added to the Midway system. I also received a rough map of the Midway system showing the location of all 19 homes. The map will be added to the digital file for this permit and the file for the other Midway water right, 13-7499. The seven added homes are listed below. All of the homes are in T15S, R38E with the exception of the Parrish home, located in T14S, R38E.

<u>Name</u>	<u>Location</u>	<u>Existing Water Rights</u>
Darrel Talbot	NWNE, Sec 2	
Kent Lewis	SWNW, Sec 1	
Logan Checketts	NWNW, Sec 1	
Kenny Parrish	SESE, Sec 35	
Kevin Perry	NWNW, Sec 12	
Lynn Griffiths	SESE, Sec 2	13-7755 (simple domestic)
Shane Smith	NWSE, Sec 12	13-7746 (simple domestic)

Now that the seven home owners have been identified, I propose using the following condition to describe the mitigation for the new permit:

To mitigate for any impacts caused by diverting ground water under this right, the right holder agrees that the seven homes added to the Midway Water system under this right will no longer use existing ground water

wells to supply water to the homes for culinary or domestic irrigation purposes. Water rights 13-7746 and 13-7755 will no longer be used for culinary or domestic irrigation purposes. Existing ground water wells may continue to be used for stockwater purposes provided the use is authorized by an existing water right or qualifies under a statutory exemption.

The permit will be approved for in-house use only, as requested in the application. Irrigation of lawns and gardens must be provided by a source other than ground water, such as Twin Lakes Canal Company shares.

During the pre-hearing conference, there was some discussion about a spring source that has become contaminated. I did find a water right associated with the spring, 13-7298. It is owned by Garth Stevenson, who is already part of the Midway Water system. Because Mr. Stevenson was covered under the original Midway water right, I don't believe it is necessary for him to abandon his water right as mitigation for the additional seven homes.

If the condition stated above is sufficient to address your concerns, please send a written withdrawal of your protest. If you feel that additional language is needed, please include any additional conditions on the withdrawal. We can schedule a second telephonic pre-hearing conference if you feel that it is needed. Please feel free to contact me with any questions you may have.

Sincerely,



James Cefalo
Water Resources Program Manager
IDWR Eastern Regional Office

Encl: 7 Requested Hook-ups for Midway Water (5/18/2011)
Map of the Midway system (5/18/2011)

Cc: Midway Water Association c/o Lynn Bingham
2535 North 4000 West
Dayton, ID 83232