



Mid-Way Water Co., Inc.

2535 North 4000 West
Dayton, ID 83232
(208) 747-3570

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MAR 04 2011

Department of Water Resources
Eastern Region

March 2, 2011

Bear River Water Users Association, Inc.
967 West Bloomsbury Cove
Murray, UT 84123

Dear Mr. Burton,

First let us briefly explain about our company. We are a group of farmers and rural neighbors between the small towns of Dayton and Clifton, Idaho, who banded together in 1992 to put in a common well to serve our homes because several homeowners were having water problems.

On January 26, 2011, the Bear River Water Users Association, Inc., filed a protest to our permit 13-7763 to provide water to eight additional residences in our neighborhood. The permit is for nonconsumptive use of water.

There are several mitigating factors which have caused Mid-Way Water Company to file permit 13-7763. The first is that the water table in the area has dropped due to the change of irrigation methods which has resulted in several wells (old hand dug wells and sandpoints) which have been used for generations going nearly dry. Another factor is that a local stream used for household water has become contaminated by dead animals that were buried near its source by a local dairy and the water has been deemed unsuitable for human consumption by the Idaho Board of Health. Another home owner drilled a well on his property and the well water contains colloidal clay which cannot be removed entirely from the well water and has also been deemed unsuitable for human consumption.

All of these homes will get their drinking water from one source or another. The net result will be the same to your association.

Nonconsumptive water use is allowed. The 0.13 cfs per residence that is requested is the amount designated by the Idaho Department of Water Resources and fits the exempt status for domestic filing in Idaho. No other option is available to these homes for domestic use other than drilling new private wells. Irrigation needs of these residences are met by shares with the Twin Lakes Canal Company.

Mid-Way Water Company respectfully requests that Bear River Water Users Association, Inc. withdraw its protest of Permit 13-7763 for nonconsumptive use of water.

Sincerely,

Kent C. Howell
President
Mid-Way Water Co., Inc.

Lynn R. Bingham
Secretary/Treasurer
Mid-Way Water Co., Inc.

Cc: Idaho Department of Water Resources
Charles Holmgren, president, Bear River Water Users Assoc., Inc.
Gale C. Moser, vice-president, Bear River Water Users Assoc., Inc.