



Mid-Way Water Co., Inc.

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Department of Water Resources
Eastern Region

January 9, 2011

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

Dear Ms. Conder,

On December 16, 2010, PacifiCorp Energy filed a protest to our permit 13-7763 to provide household water to 8 residences in Franklin County, Idaho. 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 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.

Nonconsumptive water use is allowed. The 0.13 cfs 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 PacifiCorp withdraw its protest Permit 13-7763 for nonconsumptive use of water.

Sincerely,

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

Cc: Idaho Department of Water Resources