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WATER RIGHTS
SALT LAKE

March 5, 1990

Mr. Bob Morgan, P.E.
Division of Water Rights
1636 W. North Temple
Salt Lake City, UT 84116-3516

RE: Midway Application 55-7981 (a15217)

Dear Mr. Morgan:

I have been authorized by Midway City to file a request for reconsideration of the Memorandum Decision issued the 23rd of February, 1990. We agree with all of the conditions except one. We think it is not a point of contention, only a misunderstanding. We wanted to use the whole 265.44 acre feet (4.74 af/share) as the basis of exchange and release, not just 168 acre feet. Therefore, we wished to divert 168 acre feet from the well (63.3%), not just 105 acre feet. We assumed that the difference (265.44 - 168 = 97.44 af) would be considered to be losses in the Midway Irrigation system and consumptive domestic use.

Therefore, we request that you reconsider to allow Midway City to divert 168 af from the well based on 56 shares of stock.

Regardless of this request, we will proceed to obtain permits and drill the well for use this summer. We do not want this request to delay that action.

As you reconsider your decision on the Midway City well change application, I also wish to bring some additional facts to your attention. They mostly pertain to the fact that Midway City's water use and consumption patterns are much different from other cities in the state and different circumstances may apply when you consider the duty or reduction of right when converting from irrigation to culinary use. We feel the proposed change rate of 265 af for 168 af is more than fair and a minimum factor of 63% should be used.

1. Midway's average water use per connection is more than 1500 gpd. I understand the state average is less than 750 gpd per connection. This is because Midway has large lots, many

large customers that use culinary water for irrigation, and several large dairies that use a lot of wash water that returns to the streams and irrigation ditches. Therefore, outside use of culinary water that is applied to the land for irrigation or that returns to the underground and surface water system is several times the normal. In 1988, the city used over 320 million gallons for 579 connections. Therefore, the water use from the new well will still go mostly for outside uses that returns to the groundwater system.

2. The total yearly sewage flow metered into the treatment plant from Midway in 1988 was 131 million gallons. This included at least 32 million gallons of infiltration. Therefore, less than 30% of the water used in the culinary system was for inside uses.
3. Additionally, there are dozens of customers in Midway served by the water system that are not on the sewer system. This amounts to 32 million gallons per year that goes into the groundwater system via drain fields or outside use from these customers not on the sewer system.
4. In your earlier decision on the Ken Johnson well, you allowed a conversion rate of $3.0/4.74 = 63\%$. That development was to be served completely by a sewer system that ran right past the property.
5. Much of Midway City is underlain with pot rock. This forms a rather impermeable barrier to deep percolation. Therefore, much of the water applied to the land for irrigation is returned more directly to the surface water system.
6. The shorter irrigation season and cooler temperatures in Midway leads to less water loss through evapotranspiration and evaporation.
7. All of the water from the sewage plant is reused and again applied to the land at the Heber Valley Special Service District Facility.

I trust that this information will be useful to you and lead to a favorable reconsideration in behalf of Midway.

Respectfully,



Stephen Sowby, P.E.

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