

April 15, 2021

To whom it may concern,

I am writing in reference to water right No. 29-13740 on the Mike and Lori Beer property in Lava Hot Springs, ID. This letter is in regard to how the water has been affected by upstream activity in the past couple years.

I had a company drill a well for me in June of 2018. When that well was completed, I was getting around 1 gallon per minute of flow from the well. My well is 40 feet deep, and the pump was set around 37-38 feet. Although this flow was only 1 gallon per minute, it was adequate to fill my tank and then gravity feed back to my water hydrants.

Over the past two years I have seen a change in the flows from my well. The flow rates per minute have been reduced dramatically. Some days I can't even get any water to flow, and my pump will be running dry all night long.

I am at a point where I am afraid, I will have to abandon my well and start hauling in water from another source. I have spent a lot of time, stress and money trying to develop this well and that would be a shame if it came to that.

At this present day, my tank is half full. I have tried to run my well pump and fill the tank by running my pump for 48 hours straight. The tank is 1700 gallons. When I go check the tank, the water level has not even risen 1 inch. This means no water is flowing! I used to be able to fill that tank overnight. Now I can't even get an inch in over 12 hours of running the pump. 12 hours should yield around 720 gallons of water to my tank and it did in the past.

Included is my well drillers log report. If you need anything else, please let me know and it can be provided.

Thank You,

Dr. Justin Tobias

14469 Smith Canyon Road, Lava Hot Springs, ID, (801)648-4888

Lance J. Schuster  
Beard St. Clair Gaffney Attorneys  
955 Pier View Drive  
Idaho Falls, ID 83402

RE: Mike and Lori Beer – South Smith Canyon Spring Failure Investigative Report.  
#24-13740

Dear Mr. Schuster:

We are submitting this letter out of concern for the potential South Smith Canyon Spring failure and possible impact on the Deer Creek aquifer. Our cabin address is 14733 South Smith Canyon Road. Our cabin is located slightly up hill (South) and across Smith Canyon Road from the Beer property.

We have read the investigative report prepared by Michael and Lori Beer and applaud their efforts to identify the cause for the depletion of water in the South Smith Canyon Spring they use a source of water for their cabin. It appears from their research the loss of spring flow is likely attributable to Lava Ranch Property Owners Association recent activity of pumping water from the “new” well to the holding tank on High County Road for use of the association property owners.

It is our concern that the spring failure they have identified and investigated may be a precursor to major impact on the entire Deer Creek aquifer from which we draw our well water. You will find in the Beer report that our family trust has two registered wells with the Idaho Department of Water Resources. One of those wells was drilled in 2004 to a depth of 495 feet next to our cabin, which is approximately 70 feet uphill from the South Smith Canyon Road. The well was not successful, which forced us to drill a second well that same year downhill from the cabin near South Smith Canyon Road itself. This well was drilled to over 250 feet with static water level at 193 feet. This second well is currently in use as the source of water for our cabin.

Prior to drilling the two wells in 2004 our water came from a well near the southwest side of our cabin which had been drilled to around 95 feet. This first well doesn't appear to have been registered with the Idaho Department of Water Resources when it was drilled. The well went dry sometime around the turn of the century (we do not have documentation for the exact timing of this failure) forcing the drilling of the new wells in 2004.

From our experience, drilling three wells, we conclude that the Deer Creek aquifer is not a large and productive aquifer. This is also confirmed by the recent well drilling experience of our neighbor to the north, Dr. Justin Tobias. It is our understanding his well was drilled to over 300 feet and produces very little water flow. Additional water pumping from the aquifer upstream (above the outflow of the Dear Creek Spring), identified by the Beers as recently started by the LRPOA, could lead to reduction of water in the Deer Creek aquifer, and impact wells down the entire Smith Canyon Fault.

We urge the Idaho Department of Water Resources to determine the potential water availability in the Deer Creek aquifer and limit or stop the Lava Ranch Property Owners Association from taking any more water from their “new” well beyond any water rights they may own.

Sincerely,

Ken Bernt, Trustee Bernt Family Trust

Linda Bernt Haskett, Trustee Bernt Family Trust

cc: Mike & Lori Beer