

City of Weippe
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February 1, 2008

Kenny Walter, Mgr.
Empire Lumber Co.
Box 206
Weippe, Id 83553

RECEIVED
FEB 04 2008
IDWR/North

RE: Protest to Application to Permit No. 84-12242

Dear Mr. Walter:

The City of Weippe is very concerned with the amount of water Empire Lumber Company is requesting in their application for water right. You are requesting nearly 3 million gallons per day, 365 days per year.

While our's may have been the only protest, accompanied by a \$25 protest fee, we represent an additional 400 people residing in Weippe. The City also provides water to 45 residences in the Pleasant Acres Water/Sewer District.

The City also received the letter of January 16, 2008 from the Department of Water Resources. I called Robert Haynes and discussed the 7 items the DWR must consider in approving or denying an application and our response to each. They are: 1) We do not know if the proposed use will reduce the quantity of water under existing water rights; 2) We do not know if the proposed water supply is insufficient for the purpose intended; 3) The application is made for approximately 3 million gallons per day year long. This could be considered speculation; 4) We believe Empire Lumber has sufficient financial resources to complete the project; 5) We are very concerned the proposed use could conflict with the local public interest in the public water resource. The amount of water applied for could result in eliminating the existing municipal water supply; 6) The proposed use is not contrary to conservation of water resources; and 7) Re: diversion from one watershed into another is not applicable.

I told Mr. Haynes I think it is necessary to have a meeting with him, a city representative and a designated representative of Empire.

You stated in your letter of August 10, 2007, that Empire plans on using 1500 gpm for watering log decks

As you know, I talked to Randy Eller, another Empire representative, in late September. I think he told me a geologist had told somebody that they could obtain 1500 gpm by drilling a well 700 to 800 feet deep.

In December you, Randy Eller, Elwin Hutchins and I met to discuss this issue. Randy stated that Empire was going to apply for a water right in the amount of 1500 gpm. When the application was submitted, it was for 2000 gpm. We are opposed to Empire getting 2000 gpm from the source the City has it's permit in. He also stated Empire could get by with less, however it would be more expensive.

The City supplies approximately 250 residences and small businesses with domestic water. If this pocket of water is pumped dry, as previous wells have been, there will be no water for these.

Is Empire willing to amend the application to not utilize water from the third layer of basalt or the depth from which the City is obtaining water?

We appreciate what Empire is providing the City through employment and we hope to continue a good relationship, however we will not compromise our domestic water source.

Again, I think we need a formal meeting with Mr. Haynes and designated representatives of Empire (one who has the authority to make final decisions) and the City to discuss and resolve all issues, not just what is most practical for Empire.

Sincerely,



Norman C. Steadman
Mayor

cc: Robert Haynes, IDWR, Cd'A