



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

June 18, 2001

Tamarack Mills, LLC  
DBA Evergreen Forests  
P.O. Box H  
New Meadows, ID 83654

Re: Diversion of Water from the Weiser River

Dear Sirs:

On July 12, 2000, I sent a letter to Tamarack Mills, LLC (Tamarack) asking about diversion of water from the Weiser River for the Tamarack Mill. A copy of the letter is attached. Jerry Myers, the watermaster, and I subsequently met with representatives of Tamarack onsite. We observed the diversion from the Weiser River, the application of water to the log deck, and a run off stream returning water from the log yard back to the Weiser River. We discussed the water rights and determined that Tamarack has claimed a beneficial use right from the Weiser River. We also discussed the statutory scheme for deliveries during times of shortage, and explained that beneficial uses represented solely by claims filed in the Snake River Basin Adjudication are the first diversions to be shut off. We explored options for allowing the diversion to continue for year 2000.

We agreed that ground water diverted from wells, applied to the log pile, and returned to the Weiser River; or ground water diverted from wells, used for a cogeneration plant, and returned to the Weiser River could mitigate for the diversion from the Weiser River provided the water flow returning to the Weiser equals or exceeds the water flow diverted from the Weiser River. We discussed the need to install measuring devices at the point of diversion from the Weiser River and at each of the points of return flow to the Weiser River so the watermaster and Tamarack could monitor the compensation. I warned the representatives of Tamarack that the ground water is probably hydrologically related to the surface water, but the above solution was acceptable in the short term. I asked that Tamarack work with the watermaster to construct/install the proper measuring devices.

Jerry Myers retired as the watermaster. The new watermaster is Bosco Bosler of Midvale, ID. Jerry is assisting Bosco this year. They report to me that the measuring devices have not been constructed/installed, and that the diversion and compensation cannot be measured. The purpose of this letter is to remind you of the need to construct/install the measuring devices. If the watermaster cannot determine the water being diverted and returned to

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the Weiser River, he will not have any choice but to shut off Tamarack's diversion from the Weiser River when other water rights are not being satisfied.

Please work with the watermaster to solve this delivery problem. I do not want to instruct him to curtail diversion of water resulting in a financial loss to Tamarack. Nonetheless, I cannot allow other water right holders to be injured when the water to which they are entitled is not being delivered.

If you have questions, please contact me.

Respectfully,



Gary Spackman

cc. Bosco Bosler  
Steve Lester