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NOTICE OF ERROR
REPLY

IDWR / NORTH

Please type or print clearly, fill out this form completely and mail.

Return this reply form by the deadline printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: SEPTEMBER 30, 2015.

Water right number: 94-4244

STATE OF IDAHO
DEPT OF ENVIRONMENTAL QUALITY
1410 N. HILTON
BOISE ID 83706
TELEPHONE NUMBER: (208) 373-0240

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Disagree with being disallowed.

2. Describe the changes you wish to make in the proposed recommendation:

Recommend as claimed.

3. Give a brief explanation as to why you disagree with these portions:

See attached statement by Rob Hanson, Mine Waste Program Manager for the Idaho Department of Environmental Quality, describing continuous use of this water right.

 I AGREE with this proposed recommendation: no change need to be made.

DATE:

9/9/15

Signature:

Susan E. Hamlin

Please print your name: Susan E. Hamlin

Deputy Attorney General

Idaho Department of Environmental Quality

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D'Alene, ID 83815, (208) 762-2800

Water Right Claims
No. 94-4244 and
No. 94-4217

STATEMENT OF ROB HANSON

ROBERT HANSON states as follows:

1. I am the Mine Waste Program Manager for the Idaho Department of Environmental Quality (DEQ) and serve as the DEQ lead for the Bunker Hill Project Team. Because of this experience, I am very familiar with the history of and DEQ's activities at the Bunker Hill Mining and Metallurgical Complex Superfund Site, including water rights 94-4217 and 94-4244 and the property appurtenant by those rights (the subject property).

2. I make this statement upon personal knowledge, interviews with staff and review of documents.

3. DEQ claimed water right 94-4244 in the CSRBA for one (1) cubic feet per second (cfs) from Government Creek for industrial use including cleanup, dust suppression, soil compactions, re-vegetation, equipment decontamination, remediation, and fire protection.

4. DEQ also claimed water right 94-42174 in the CSRBA for two (2) cfs from Government Creek for mining-related industrial use, yard wash down, fire protection, and supply to Central Shoshone Water District.

5. The history of the property and associated rights is extensive. DEQ became the owner of the property due to superfund cleanup. Due to extensive heavy metal contamination, the subject property and adjacent lands were added to the National Priorities List as the Bunker Hill Mining and Metallurgical Complex Superfund Site on September 8, 1983. At that time, the subject property and associated water and mineral rights was owned by Pintlar Corporation. According to a 2005 Five Year Review of the site in the NPL listing limited mining and milling operations continued onsite from 1988 to 1991, and small-scale mining operations may have continued until 2005.

6. Pintlar Corporation granted title to the subject property, including mineral rights and water rights 94-4217 and 94-4244, to the United States of America through a quitclaim deed dated August 14, 1995, and recorded in Shoshone County, Idaho under file no. 368750.

7. DEQ acquired title to the subject property, including associated water

rights 94-4217 and 94-4244, from the United States of America through three separate quitclaim deeds. These deeds, dated September 17, 2003; September 9, 2004; and September 11, 2007, are recorded in Shoshone County, Idaho under file nos. 412901, 419091, and 440241, respectively.

8. On October 23, 2007, DEQ notified the Idaho Department of Water Resources that it was the new owner of water rights 94-4217 and 94-4244.

9. Remedial investigations began in 1984 and active remediation of heavy metal and other contamination at the subject property began in 1994. Remedial activities at the subject property ended in about 2007. From 1984 through 2007, water diverted from Government Creek under water rights 94-4244 and 94-4217 was used for fire suppression, dust control, and remedial activities at the subject property and in the surrounding area. From 2007 to present, water continues to be diverted from Government Creek under water right 94-4244 and 94-4217 for uses as claimed.

10. DEQ, through Shoshone County, continues to maintain the diversion works associated with water rights 94-4217 and 94-4244. These maintenance activities include draining the pipelines served by the diversion during the winter months to avoid freezing. Since 2006, the County has also operated and maintained a fill station connected to the 94-4244 diversion works. This fill station provides water for the County's ongoing dust suppression operations.

11. With DEQ's permission, Shoshone County uses Government Creek water diverted under water rights 94-4217 and 94-4244 for industrial use including cleanup, dust suppression, soil compactions, re-vegetation, equipment decontamination, remediation, and fire protection.

12. If there are questions about this statement, I can be reached at the Idaho Department of Environmental Quality State Office located at 1410 N. Hilton, Boise Idaho, 83706-1255, by phone at (208) 373-0290, or by email at rob.hanson@deq.idaho.state.gov.

DATED this 9 day of September, 2015.



ROB HANSON