

MEMORANDUM

TO: Water Right File for 77-7319
FROM: Aaron Skinner – Water Resource Agent
DATE: February 23, 2017
SUBJECT: Field Exam Review

This water right permit was approved on October 30, 1992 for mining use for 0.04 cfs with no volume limit established. A Proof of Beneficial Use form was submitted on December 12, 1992. The field exam was completed by Department staff on September 7, 1995.

There are a few parts associated to this file that have made it difficult to know whether or not voiding the permit or drafting a license would be most beneficial. The permit holder, Strata Mining Company has since dissolved. A letter dated 12/18/2007 was in the file folder for this permit that included an Ownership Change form and associated documents from F&H Mining. F&H Mining owned a sister application, 77-14232, that was being approved under specific conditions that an Ownership Change form be received for this permit. The ownership documents provided are not acceptable by the Department as the quick claim deed is pertinent to the land, but fails to connect ownership from Strata Mining Company to F&H Mining. The sister Application for Permit (77-14232) has since lapsed due to no Proof of Beneficial Use form being submitted. Contact information for Strata Mining has been exhausted and F&H Mining was contacted, but in the process of filing a new Application for Permit. They have no interest in the right since the new mining application will be developed different than what is outlined in this permit.

Because a field exam was completed and a mining beneficial use developed, it has been decided to draft a license for this permit to Strata Mining Company. A letter will also be sent to F&H Mining giving them the opportunity to submit a Change in Ownership form with the chain of title for the mining claim. If the Change in Ownership form is not received by a designated date, the license will then become pertinent to the land allowing the Forest Service to accept or deny the license.

Applications Relative to This Permit –

Statutory Claim 77-4026 was not claimed in the Snake River Basin Adjudication and is no longer valid. The claim was attempted by Ed Davis in 1975 for the same POU as this permit, but was later determined in court not to be a valid claim.

The aforementioned sister permit 77-14232 was an attempt to expand the mining use beyond the 2,500 gpd condition associated to this permit. It later lapsed as no Beneficial Use form was submitted. Taking all this information in to consideration, the following is my review of the field exam for this permit.

Ownership: The permit is in the name Strata Mining Company. Current taxlot data for Idaho County identifies the property owner as the Payette National Forest. It is assumed a special use permit was received during the application approval process in 1992.

Source, POD, POU: The permit establishes the source as a spring in the SWSESW and

SESWSW of Section 23. The field exam clarifies the source as an unnamed stream, a tributary of Maxwell Creek located in the SESWSW of Section 23. This clarification will be forwarded to licensing.

The POD was adjusted by removing the SWSESW of Section 23 POD as the field exam explained it was specific to domestic use that is not included on this permit. Therefore, the only POD for this permit is found in the SESWSW of Section 23. The POD consists of a 3" pipe that can be moved to fill 2 tanks near the stream and a buried hose that supplies water to the mill.

POU location was developed only in the SWSW of Section 23 as described in the field exam. A mill and various plumbing fixtures inside the mill were found within the POU. The examiner did not find any mining activity in the SESW of Section 23, so this location will be removed and not recommended for licensing.

Diversion rate and Volume: The permit has established a rate of 0.04 cfs without a volume limit. A bucket test was performed during the field exam. The test filled a 5 gallon bucket in 9 seconds. This equates to ~33 gpm or 0.07 cfs ($60 \text{ sec}/9 \text{ sec} = 6.67 \text{ fills per minute}$; $6.67 * 5 \text{ gal} = 33.4 \text{ gpm}$; $33.4/9 \text{ gpm} = 3.7 \text{ miner's inches}$; $3.7 * 0.02 \text{ cfs} = 0.07 \text{ cfs}$). The recommended rate 0.04 cfs will be forwarded to licensing.

Overlap Review: No active rights were identified in the POD/POU overlap analysis.

Summary: This permit is recommended for licensing at 0.04 cfs and per condition X03, a daily diversion volume not to exceed 2,500 gallons per day. Condition 054 was updated clarifying IDWR's expectations in enforcing bonding requirements and forwarded to licensing. Condition 09E is an inactive condition, but will be forwarded to licensing to establish discharge standards into a natural channel or subsequent system relative to water quality concerns. There are no other active conditions that meet this criteria. Condition 076 was removed and not forwarded to licensing. Condition 004 is forwarded to licensing.