

Memorandum

Date: July 13, 2010

To: Review Permit 77-14337 (renumbered from 79-7209)

From: Craig L. Saxton

Re: Review Summary

Renumber:

This right actually falls in Basin 77 and was renumbered to 77-14337.

Ownership:

Frank O Grimm no longer has a mining claim to this ground. According to Larry DeArmor, Frank O Grimm has passed away. I think we need to issue the license in the name of the current permit holder, and then whoever thinks they own the water right can file a change of ownership and put the water right into their name.

Priority date:

Proof was due June 1, 1994 and was received June 3, 1994 but returned due to insufficient fees. It was sent back and the permit holder re-submitted proof with the appropriate fees on July 19, 1994. This is within 60 days of the permit lapsing so will issue an order reinstating the permit, but advancing the priority date to February 20¹⁹, 1992.

Purpose of Use:

Field examiner found that the storage was so small that a storage component was not needed and therefore that purpose was removed from the license.

Diversion Rate and Volume:

Recommended per field examiner recommendation.

Conditions:

-Condition 09D that reads:

Water used under this right if discharged into a natural channel shall meet Idaho Water Quality Standards.

This condition is no longer active. Per Shelley, this condition can be removed at licensing. In 1999 Judge Wood ruled that water quality is a local public interest consideration that should be addressed in permitting. However, once the use is established, the water quality considerations are regulated by IDEQ and not IDWR. Thus, we drop the condition

-One of the conditions on permit 79-7209 read:

“Prior to diversion of water under this permit, the permit holder must obtain approval from the Idaho Department of Lands.”

I contacted Diane Green at IDL in the McCall area office at (208) 634-7125. She told me that the land permit 77-14337 (renumbered from 79-7209) is applicable to, is owned by USFS rather than IDL. Mining claims issued on public lands aren't handled by IDL. My understanding is that IDL issues permits for mineral rights that are claimed on private ground.

Diane directed me toward the GeoCommunicator website:

<http://www.geocommunicator.gov/GeoComm/index.shtm>

I was able to find BLM mining claims and confirm that the permit holder, Frank Grimm, did have a claim during the development period. The documentation is in the file.

I then contacted Clint Hugh's on July 9, 2010 from the Nez Perce National Forest Clearwater RD Office in Grangeville ID (208) 983-1950, to ask if any particular permits or approval were needed in addition to the BLM mining claim in order for Mr. DeArmon to run his placer mining equipment. He said if it was a small operation, he doesn't even need a mining claim. Clint said it was nice to know they were out there and he might go check it out, but that no additional permits are needed.

The condition on permit 77-14337 (renumbered from 79-7209) isn't clear what kind of “approval” the permit holder must obtain for IDL. We can confirm that the permit holder did have a mining claim held with BLM during the development period and just confirmed that the Nez Perce National Forest does not need additional permits.

We will retain the following condition regarding access to the property:

“The issuance of this right in no way grants any right-of-way or easement across the land of another.”

Because of this, I recommend removal of the condition requiring IDL approval at licensing.

**DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MINING CLAIMS
(MASS) Serial Register Page**

Run Date/Time: 07/08/10 12:56 PM

Page 1 of 1

01 10-21-1976;090STAT0090;43USC1744

Case Type 384201: PLACER CLAIM

Commodity:

Claim Name: RATTLE SNAKE

Case Disposition: ACTIVE

Serial Number

IMC198536

Lead File Number

IMC198535

Name & Address			Int Rel	% Interest
BIENCOURT SHANON	811 N YALE	MESA, AZ 85213-6041	CLAIMANT	0.00
CRAMER RAYMOND	16401 KOCH ST	MOJAVE, CA 93501-1128	CLAIMANT	0.00
DEARMON LARRY	116 BARN RD	POLLOCK, ID 83547-5013	CLAIMANT	0.00
DERR B J	925 HIGHLAND AVE	SAINT MARIES, ID 83861-1725	CLAIMANT	0.00
MEANS ROBERT	PO BOX 611	MOJAVE, CA 93502-0611	CLAIMANT	0.00
TURMEL JOSEPH	11025 CAMERON RD	MOJAVE, CA 93501	CLAIMANT	0.00
WILLIAMS TIM	12185 DESERT RANCH RD	PHELAN, CA 92371-4628	CLAIMANT	0.00

County / State

District

IDAHO County, ID

COEUR D ALENE DISTRICT

Mer Twp Rng Sec

Subdivision

08 0240N 0020E 020

NE SE

08 0240N 0020E 021

SW

Act Date	Code	Action Text	Action Remarks	Receipt Number
01/01/2009	403	LOCATION DATE		
01/27/2009	395	RECORDATION NOTICE RECD	1	1860345
01/27/2009	484	LOCATION YEAR / MAINTENAN	2009	1860345
08/31/2009	682	MAINTENANCE FEE/\$140	2010	1991718
04/13/2009	224	HEARING NOT REQUIRED		
03/23/2009	211	FERC/FPC OPEN TO MINING		
03/23/2009	216	FERC/FPC REPORT RECEIVED		
03/12/2009	217	FERC/FPC REPORT RQSTD		
03/12/2009	265	SUBJECT TO PL 359		
02/04/2009	669	LAND STATUS CHECKED		
01/27/2009	500	MAP IN LEAD FILE	IMC198536;	
01/27/2009	501	ACCT ADV IN LEAD FILE	IMC198536;	
01/23/2009	404	COUNTY RECORDATION	465013;0;0	

Line Nr

Remarks

**DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MINING CLAIMS
(MASS) Serial Register Page**

Run Date/Time: 07/08/10 01:06 PM

Page 1 of 1

01 10-21-1976;090STAT0090;43USC1744

Case Type 384201: PLACER CLAIM

Commodity:

Claim Name: PRESERVERANCE PLACER

Case Disposition: CLOSED

Serial Number

IMC174892

Lead File Number

IMC174892

Name & Address

Int Rel

% Interest

GRIMM FRANK O	PO BOX 102	MIDVALE, ID 83645	CLAIMANT	0.00
GRIMM LUELLA	PO BOX 102	MIDVALE, ID 83645	CLAIMANT	0.00

County / State

District

IDAHO County, ID

COEUR D ALENE DISTRICT

Mer Twp Rng Sec

Subdivision

08 0240N 0020E 020 NE

Act Date	Code	Action Text	Action Remarks	Receipt Number
12/06/1994	403	LOCATION DATE		
01/27/1995	395	RECORDATION NOTICE RECD		
08/24/2000	483	SMALL MINER CERT FILED	2001	
08/24/2000	480	EVID OF ASSMT FILED	2000	175718
08/02/1999	483	SMALL MINER CERT FILED	2000	
08/03/1999	480	EVID OF ASSMT FILED	1999	
08/11/1998	483	SMALL MINER CERT FILED	1999	
08/11/1998	480	EVID OF ASSMT FILED	1998	
08/14/1997	483	SMALL MINER CERT FILED	1998	
08/26/1997	480	EVID OF ASSMT FILED	1997	
07/23/1996	483	SMALL MINER CERT FILED	1997	
07/23/1996	480	EVID OF ASSMT FILED	1996	
08/11/1995	483	SMALL MINER CERT FILED	1996	
08/22/1995	480	EVID OF ASSMT FILED	1995	
01/27/1995	482	MAINTENANCE FEE/\$100	1995	
12/13/2001	379	REFUND AUTHORIZED	\$5	385356
11/08/2001	393	DECISION ISSUED	FAILURE TO FILE	
09/01/2001	631	ABANDONMENT CLAIM VOID		
03/01/1995	669	LAND STATUS CHECKED		
02/28/1995	500	MAP IN LEAD FILE	IMC174892	
01/27/1995	501	ACCT ADV IN LEAD FILE	IMC174892	
12/14/1994	404	COUNTY RECORDATION	377786	

Line Nr

Remarks