

Ball, Dianne

From: Steven M Spencer [sspencer@fs.fed.us]
Sent: Thursday, June 05, 2008 10:29 AM
To: Ball, Dianne
Cc: Franklin, Keith; Vern Bretz; Robert F Sanchez; Westra, John
Subject: Application for Permit 81-11992

Dianne, thank you for talking with me about this application filed by Tom Larson. My job is coordinating water right activities for the Forest Service in Idaho. This application for permit is to use water for mining activities on National Forest System land. Mr. Larson and his group are very cooperative and are obtaining the appropriate approvals to conduct their mining activities. We do not oppose this application, however there is some information that we request be added to the permit that will provide more specificity to the location of use and conditions under which water can be used. We've done very similar things under the same circumstances with John Westra on applications at the Western Region as well as on claims in the Snake River Basin Adjudication.

What we are requesting is:

1. Adding to the water right permit and license that it is for mining activities on unpatented mining claims: Little Papoose 1-12, 15-25 and 30-36. This is because all these activities are on NFS land under the mining laws and the Larson Group owns 23 mining claims in T. 37 N., R. 14 E., section 6 (Little Papoose 1-12 and 15 - 25); 3 mining claims in T. 37 N., R. 14 E., section 7 (Little Papoose 34-36); and 4 mining claims in T. 37 N., R. 13 E., section 12 (Little Papoose 30 - 33). This way the water use for mining authorized by the Department will be specifically linked to the mining claims owned by Larson.
2. Also adding to the water right that the use is for mining activities authorized under state and federal law. This additional phrase links the water use to underlying law controlling mining activities and land occupancy and prevents water use if appropriate mining authorizations (such as Operating Plans that require specific bonds, standards for waste water pits, storage and use of petroleum) are not in place. It assures that State Mining and DEQ as well as Federal requirements are met as a condition of being able to use water for mining - everything is authorized or approved.

So the statement could read something like: This water right is limited to mining activities on unpatented mining claims: Little Papoose 1-12, 15-25 and 30-36 authorized under state and federal law.

Again, we anticipate no problems with this operation and do not intend to file a protest to this application if the above sentence can be added to the permit and ultimately to the license. If adding this sentence is not possible or if you have any questions about this matter, please contact me.
Thank you.

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