



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

May 29, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

US BUREAU OF LAND MANAGEMENT
15 E 200 S
BURLEY ID 83318

RE: Notice of Change of Water Right Ownership for Water Right No. 17-7132 & 17-7140

Dear Interested Party:

Our letter of August 14, 2006 (copy enclosed) requesting the evidence of water right ownership for the above referenced water right ownership change remains unanswered. Therefore, I am returning the notice of change in water right ownership request. A copy of your ownership change request information will be kept in our files for reference.

If, at a later date, you wish to reinstate this request you may send the enclosed ownership change request form along with the required support data and we will be happy to complete the request for you.

If you have any questions regarding this matter, please call me at 208-287-4945.

Sincerely,

Darla Block
Technical Records Specialist

Enclosure(s)

SUPPORT DATA
IN FILE # 17-07132

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

BURLEY FIELD OFFICE
BURLEY, IDAHO

MAR 21 9 53 AM '01

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
17-07132					
17-07140					

RECEIVED
FEB 01 2002
Department of Water Resources
Eastern Region

RECEIVED
FEB - 6 2002

2. The following **REQUIRED** information must be submitted with this form:

Department of Water Resources

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Black Pine Mining Inc.
P.O. Box 535, Rupert, ID 83350
4. New Owner/Claimant(s) U.S. Bureau of Land Management
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 15 East 200 South
- City, State and ZIP Code Burley, ID 83318
- New Telephone Number (208) 678-5514
5. Date you acquired the property _____

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Steven R. Davis, Hydrologist
(include title if applicable) U.S. Bureau of Land Management

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
 Received by GC Date 2-1-01 Fee \$50 -
 Receipted by GC Date 2-1-01 Receipt No. E027414
 Processed by _____ AJ Date _____ WR _____ Date _____



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Burley Field Office
15 East 200 South
Burley, Idaho 83318

RENEWAL

In Reply Refer To:
IDI-25666 (0778)

February 4, 2000

DECISION

Black Pine Mining, Inc.	:	Right-of-Way
Box 2391	:	IDI-25666
Reno, NV 89502-2391	:	RENEWAL

RIGHT-OF-WAY RENEWED

On October 16, 1989, right-of-way IDI-25666 was issued to Noranda, Inc., 2501 Catlin, Suite 201, Missoula, MT 59801, for the authorization of a road, pipeline, and well on public land. The grant was issued for a ten (10) year period, expiring October 15, 1999.

On July 20, 1990, right-of-way IDI-25666 was ASSIGNED from Noranda, Inc. to Pegasus Gold Corporation, North 9 Post Street, Suite 400, Spokane, WA 99201.

On November 27, 1990, right-of-way IDI-25666 was AMENDED to change the location of the pipeline, reduce the width of the road, establish a site for the well and pump facility and change the location of a segment of the main access road.

On May 10, 1991, right-of-way IDI-25666 was AMENDED to add a test well and access road to the well.

On December 18, 1991, right-of-way IDI-25666 was AMENDED to reflect accurate measurements and dimensions of the right-of-way facilities. "As Built" maps were submitted showing actual locations.

On March 13, 1998, right-of-way IDI-25666 was ASSIGNED from Pegasus Gold Corporation to Black pine Mining, Inc., Box 2391, Reno, NV 89505-2391.

On October 4, 1999, Black Pine Mining, Inc. submitted application to renew right-of-way IDI-25666 for a five (5) year period.

A recent field examination of the right-of-way area indicated that right-of-way IDI-25666 includes the following facilities (see attached map):

Approximately 24,340 feet (4.6 miles) of a graveled main access road. The R/W for this road is 100 feet wide and includes 55.9 acres of public land.

A 0.5 acre parking lot included within the main access road R/W and located at the BLM/Forest Service boundary.

Approximately 3,550 feet (0.7 miles) of buried water pipeline. The R/W for the pipeline is 35 feet wide and includes 2.9 acres of public land.

Approximately 4,206 feet (0.8 miles) of two-track dirt access road that leads from the main graveled access road to the water well site. This road R/W is 12 feet wide and includes 1.2 acres of public land.

Approximately 400 feet of two-track dirt access road that runs from the water well site to a 30' by 30' monitoring well site. This road R/W is also 12 feet wide. The road and monitoring well site includes 0.1 acres of public land.

The water well site and wooden building that covers the well and pump includes 0.2 acres of public land.

The right-of-way granted area for the above facilities contains approximately 60.8 acres of public land.

The **RENEWAL** of right-of-way IDI-25666 is hereby approved and is subject to the same terms, conditions, and stipulations of the original grant, issued October 16, 1989, **AND** the following terms and conditions will apply:

1. Ninety days prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.
2. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
3. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.

4. The holder shall recontour the disturbed area and obliterate all earthwork by removing embankments, backfilling excavations, and grading to re-establish the approximate original contours of the land in the right-of-way.
5. The holder shall seed all disturbed areas, using an agreed upon method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the second growing season.
6. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods.
7. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. 'Waste' means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

Renewed right-of-way grant IDI-25666 will expire October 15, 2004.

BLACK PINE MINING, INC.

BUREAU OF LAND MANAGEMENT

C. Cullen Scott
(Signature of Holder)

Theresa M. Hanley
(Signature of Authorized Officer)

Mine Manager
(Title)

FIELD OFFICE MANAGER
(Title)

2/22/00
(Date)

2/22/2000
(Effective Date of Grant)

September 29, 1989

NORANDA, INC.
BLACK PINE PROJECT
CASSIA COUNTY, IDAHO

Original Stips.

I-25666

STIPULATIONS

1. The Holder shall comply with the applicable Federal and regulations concerning the use of pesticides (i.e., insecticides, herbicides, fungicides, rodenticides, and other similar substances in all activities/operations under this permit. The Holder shall obtain from the Authorized Officer approval of a written plan prior to the use of such substances. The plan must provide the type and quantity of material to be used, the pest, insect, fungus, etc., to be controlled; the method of application, the location of or storage and disposal of containers; and other information that the Authorized Officer may require. The plan should be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year (i.e., December 1, 1983, deadline for a fiscal year 1985 action). If need for emergency use of pesticides is identified, the use must be approved by the Authorized Officer. The use of substances on or near the right-of-way shall be in accordance with the approved plan. A pesticide shall not be used if the Secretary of the Interior has prohibited its use. A pesticide shall be used only in accordance with its registered uses and within other limitations if the Secretary has imposed limitations. Pesticides shall not be permanently stored on public land authorized for use under this grant.

2. The Holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the Holder(s) shall comply with the Toxic Substances Control Act of 1976 as amended, 15 USC 2601 et seq (1982) with regards to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Act, section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill or any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.

The Holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq.) on the Right-of-Way (unless the release or threatened release is wholly unrelated to the Right-of-Way Holder's activity on the Right-of-Way), or resulting from the activity of the Right-of-Way Holder on the Right-of-Way. This agreement applies without regard to whether a release is caused by the Holder, its agent, or unrelated third parties.

3. The Holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this grant.

4. There is reserved to the Authorized Officer, the right to grant additional rights-of-way or permits for compatible use on, over, under, or adjacent to the land involved in this grant.

5. This right-of-way will be subject to the stipulations in the Plan of Operation, Revision 2, Noranda, Inc., Black Pine Project, Cassia County, May, 1989, and any additional stipulations that will be added during the life of the project.

The undersigned agrees to the terms and conditions of this right-of-way grant:

X NORANDA MINERALS Corp.

By: X D. D. M. Langdon

Title: X PROJECT MANAGER

Date: X 10-9-89

**NORANDA INC.
BLACK PINE PROJECT
CASSIA COUNTY, IDAHO**

**Plan of Operation
Revision 2**

May 1989

NORANDA INC.
2501 CATLIN, SUITE 201
MISSOULA, MONTANA 59801

PREPARED BY:
MORRISON-KNUDSEN ENGINEERS, INC.
MORRISON-KNUDSEN PLAZA
BOISE, IDAHO 83729

**DEEP CREEK RESOURCE
AREA OFFICE
MALAD, IDAHO**

JUN 5 1989

Action	Info.
_____ Area Mgr.	_____
_____ Range Con.	_____
_____ Range Tech.	_____
_____ WLife Bio.	_____
_____ Forester	_____
_____ Realty Sp.	_____
_____ Sec.	_____
_____ File	_____

EXHIBIT 4

MITIGATION MEASURES

MITIGATION

This appendix summarizes the measures that will be undertaken to mitigate the impacts that have been identified for the various project and resource components. These specific measures have been agreed to by Noranda and will ensure that the impacts identified in the EA will not be exceeded.

Mine Pits

The mine pits will be backfilled with waste rock as much as project scheduling will allow.

The Tallman pit will be backfilled with waste rock from Pit "B".

Leach Pads

Leach pad(s) will be fenced with 8-foot chain-link fence during the operation to prevent access by livestock, wildlife, and unauthorized personnel.

A leak detection system and monitoring wells will be used to ensure that no leach solution escapes.

After operation, the leach pad(s) will be contoured to prevent erosion.

Following contouring, previously salvaged topsoil will be redistributed and the site(s) will be revegetated with a seed mix approved by the Forest Service. (See reclamation section for the seed mix.)

Waste Dumps

Surface drainage will be routed around all waste dumps.

The tops of dumps will be topsoiled and revegetated.

Roads

Public access will be restricted during operations. Agency administrative access will be maintained throughout the project.

Interim vegetation of adjacent disturbed areas will be implemented to minimize erosion.

A dust suppressant will be used to reduce the potential for fugitive dust emission during operations.

After operation, roads to be reclaimed will be recontoured to as near as possible to original conditions, topsoiled and revegetated.

Quon. 4)?
Noranda, in cooperation with the Forest Service, BLM and Idaho State Department of Transportation, will establish an interpretive display at the I-84 rest area (north bound) to explain the mining project to highway travelers.

Roads to be left as part of the local transportation system will be reduced to a width of 12 to 14 feet.

Operator will install cattleguards at places where project roads cross fences.

Noranda will provide car/van pools to minimize traffic to and from the site.

Current access road to Phase I of the project will be reclaimed and revegetated above the Gold Mine Well.

Access to the foothill road system will be maintained by upgrading the road in Mineral Gulch Canyon.

Range

Impacted rangeland will be returned to 90% of the present carrying capacity.

→ Post-mining water rights will be coordinated with Idaho Department of Water Resources to be transferred to the Forest Service and BLM to provide water for livestock and wildlife.

Wildlife

Maintain or enhance area for early spring green up values and regrowth in the fall and early winter by planting the approved Forest Service approved mixtures of forbs, grasses and shrubs in reclamation.

→ Post-mining water rights will be coordinated with Idaho Department of Water Resources to be transferred to the Forest Service and BLM to provide water for wildlife and livestock.

A pond will be constructed between the well site and the production facility and maintained full of water for wildlife during the operation of the project.

Noranda will fund up to six wildlife inventory flights over the potential impact areas to collect additional information on sage grouse and mule deer.

Ferruginous hawk nests in the Black Pine Valley will continue to be monitored by the agencies. If additional nesting sites are determined to be needed, nesting platforms will be provided.

Restore nesting habitat for grouse species by planting approved seed mixture on reclaimed areas. Protect summer habitat for Blue grouse in Mineral Gulch Canyon.

Implement an employee policy on wildlife awareness, a no-firearm rule, and an environmental awareness program.

VOLUME 1 PLAN OF OPERATIONS BLACK PINE PROJECT CASSIA COUNTY, IDAHO

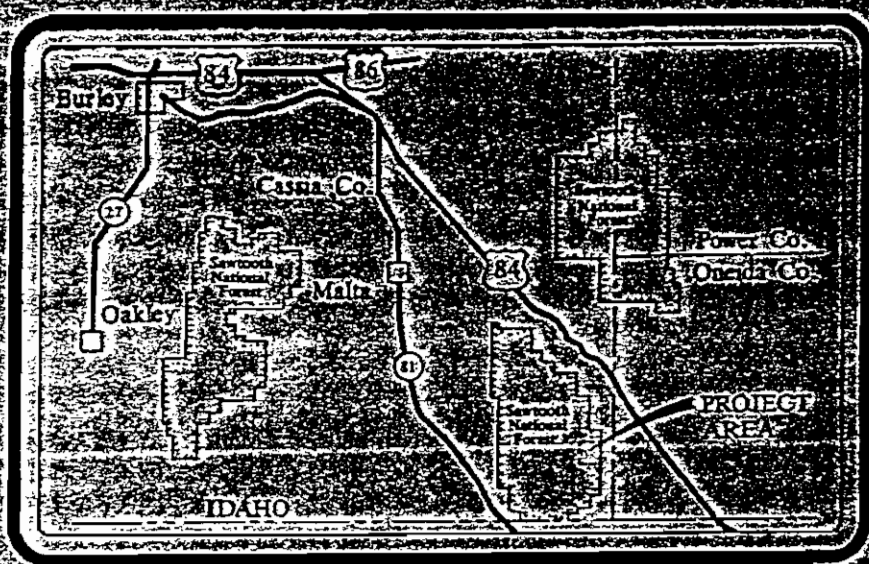
Submitted To:

U.S. Forest Service

U.S. Department of the Interior

Bureau of Land Management

State of Idaho



Submitted By:

Pegasus Gold Corporation
Black Pine Project



EXHIBIT 2

MITIGATION MEASURES

Car and van pooling will be encouraged during operations.

Air and Water

Idaho State requirements will be met during and after mining.

An Idaho State permit will develop safeguards that will minimize the potential for environmental contamination of the groundwater. This will include a containment system and monitoring wells.

An Idaho State permit will be obtained for the new water source.

Pegasus will implement a static water testing program for area wells and springs prior to and during operation.

Water wells developed for the project will be left for use by wildlife and livestock after project completion. Water rights would be transferred at this time to the FS/BLM upon State approval.

Topsoil

Available topsoil and other suitable growing medium will be inventoried on areas to be disturbed prior to disturbance.

All inventoried soil and suitable growing medium on disturbed areas with slopes less than 40% (2 1/2:1) unless otherwise negotiated, will be stripped and stockpiled.

Topsoil stockpile locations will be staked and agreed upon in advance of topsoil stripping.

Topsoil stockpiles will be revegetated with a Forest service approved interim seed mix.

After operations, roads to be reclaimed will be recontoured as near as possible to original conditions, topsoiled and revegetated.

Roads to be left as part of the local transportation system will be reduced to a width of 12 to 14 feet on Forest System roads where as, on BLM lands, the authorized officer will determine the appropriate width at the time of reclamation.

Roadway drainage measures will be taken during operation to minimize erosion of the roadway surface, cut slopes, fill slopes and ditches.

General

Vegetation

Plant species mix will be approved by the Forest Service and the BLM. The seed mix will include a minimum of six grass, four forb, and three shrub species.

No noxious weed species will be present in seeded area at time of bond release.

Vegetation color will compliment natural vegetation to the extent possible.

Bond will not be released on vegetation prior to meeting 75% of like area after four growing seasons.

Determination will be made by:

Site analysis transects	)	
Live perennial basal area	)	Use Range Standards
Litter	)	
Rock	)	

Transportation

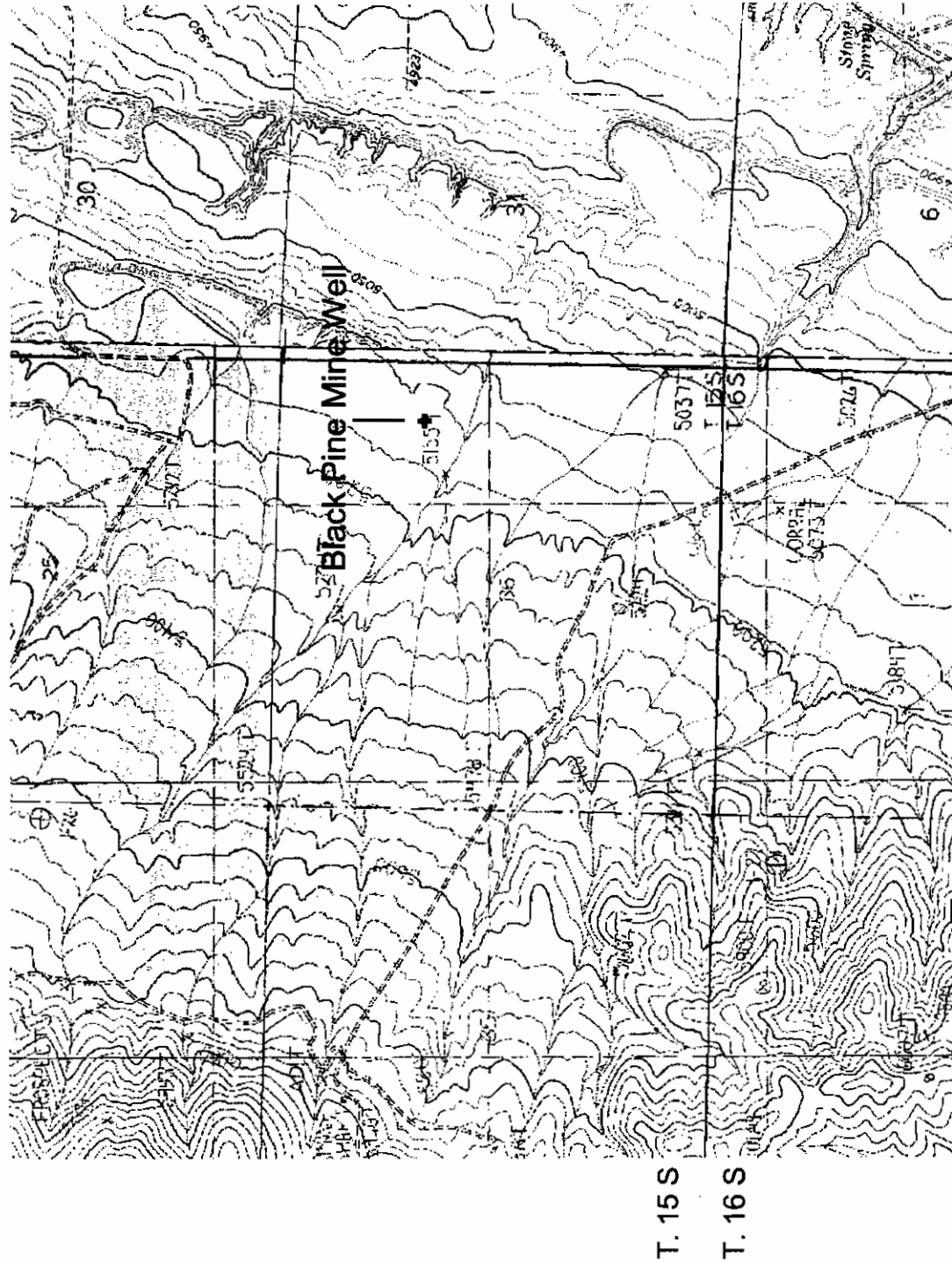
Maintain as much public access after mining as existed before mining. (Not necessarily the same routes).

Cultural Resources

All cultural resource sites within the permit area determined to be historically significant will be flagged and avoided. A permanent fence will be erected around significant sites to avoid accidentally impacting such sites, if necessary, as directed by an authorized officer.

Significant cultural sites will be recorded in detail to preserve the information they contain, and to reduce the potential impacts to vandalism when directed by an authorized officer.

Significant cultural sites will be posted identifying them as archaeological sites and asking people not to impact them.



+ Point Determined by GPS
Surface Ownership

- BLM
- BIA
- LU_DOI
- LU_USDA
- MIL
- NPS
- USFWS
- PRIVATE
- STATE
- US Forest Service

No warranty is made by the Bureau of Land Management for use of the data for purposes not intended by BLM.

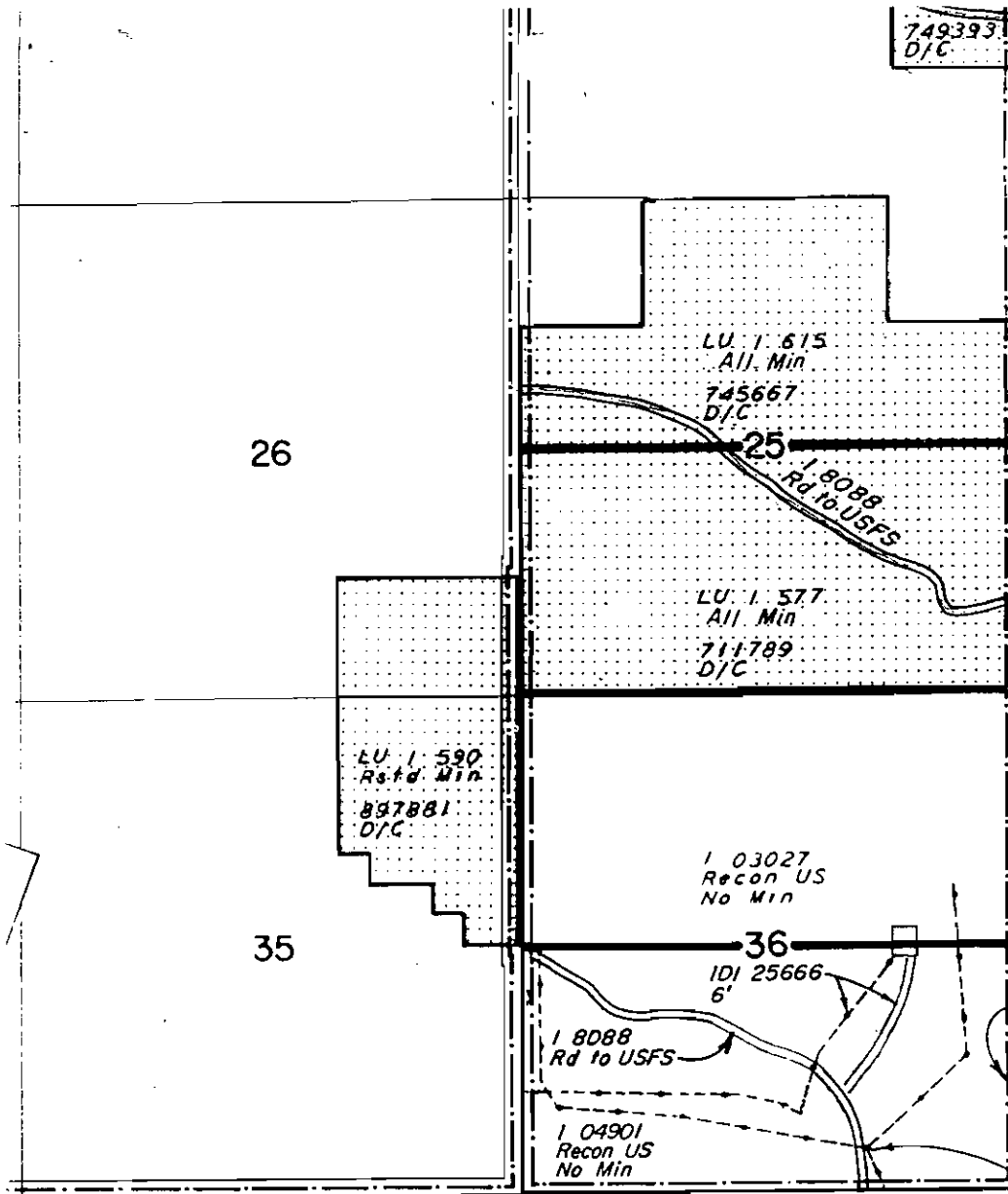


DRAFT

Quad Map Name: Black Pine Peak



1:24000



MT Plat
(155 29E)

FOR ORDERS E
UNIDENTIFIED
MISCELLANEOUS

CURRENT
AUG
USE PLATS

EO 10234
Juris Dept of Int
Acq lands only

Lat 42°04'15" N
Long 113°01' W

IDI 28015 15'

WARNING STATEMENT

ureau's Record of Title, and should be used
display of the township survey data. Rec-
reflect title changes which may have been
movements of rivers or other bodies of water
ral surveys for official survey information

THE NOTATION SHOWN ON WITHDRAWALS REPRESE
ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE
THE HISTORICAL INDEX FOR THE DATE OF THE O
DRAWAL ORDER