



# TENMILE MINING DISTRICT

16170 Hollow Road (Suite 102), Caldwell, ID 83607

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To: Idaho Water Resource Board  
322 E Front Street  
Boise, ID 83720

June 05, 2017

Attn: Chairman Roger W Chase

Dear Chairman Chase,

We have not heard anything further regarding dredging permits for the miners on our collective districts for the 2017 season since the IDWR staff consultation with legal counsel on Wednesday May 30, 2017. We had anticipated an immediate response from them following that meeting to schedule further discussions to create a permit and supplement process for our miners that follows state statutory guidelines. We have been stalled to the point now where there is 30 days or less left available to prepare and process permits and supplements for this years suction dredging season.

We would like to schedule a meeting with you and the Water Resource Board Committee you spoke of to discuss the Tenmile Mining Districts position on dredging permit processing on our district. We are running out of time to issue permits for the miners who have in good faith been waiting the outcome of our negotiations with IDWR.

We propose that to expedite this year's operation that you use your authority granted under Idaho Code 42-3803 subpart c & d to approve the general operation supplement we have proposed. We will ask each of the districts' miners to receive an authorization under that supplement from our offices, in addition to the general letter permit issued by IDWR. If you will, please enjoin IDWR staff to accept the supplement we authorize as an alternative to the South Fork Supplement that Aaron Golart has prepared for 2017. As you are aware, we are of the opinion that the vested rights of miners in organized mining districts exempt them from the conditions, or policies, of the state water plans under Idaho's constitution and statutes as well as Federal statutes.



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Time is of the essence here to create a regulated process for dredging in 2017 on the South Fork and its tributary streams within the mining districts. The only reason time is running short is a lack of cooperative action on the part of IDWR and what even we, as the Board of Directors of the Tenmile Mining District, feel has been a deliberate and continual stalling action by IDWR staff. We have been in regular communication with the Stream Protection Coordinator and attempting to work out these details since early February of this year with him. So far nothing has been done, other than a continuation of the same processes from 2016 even though we were told numerous times there would be some changes. The only major change we have seen thus far is a further restriction of statutory processes for permitting by their offices in the form of denying the use of the 3804B application process. (That is hardly the change we were led to believe would be forth coming when the 2017 process was re-published as revised, on April 1, 2017.)

The opportunity to further refine the details for future permit processes and seasons is the purpose of the subcommittee you and Deputy Director Weaver spoke of creating. This committee has a serious task before it in order to return the regulations and special conditions/policies being promulgated by IDWR for stream alterations by suction dredging to comply with state and federal statutes. We look forward to working with the committee and creating a workable permit process for the 2018 season.

We here, as representatives of the mining community and regulated public, feel this committee would need to include representatives from the Mining District Coalition, Mineral & Mining Advisory Council, Idaho Fish & Game and IDEQ to have the proper input to correct the errors in the current process and to evaluate more recent scientific data that supports it.

Based on the discussions and correspondence we have received recently from IDWR offices, we had expected them to, prior to this time, be prepared to write an amended version of the special supplement for our miners for this year's dredging season. We in turn were prepared to recommend this supplement and the Letter Permit to them. We fear that time has passed and we need a process in place that we can show the miners that progress is being made and that their compliance is needed to further develop a good set of workable regulations. For these reasons we pray you will issue our district



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the authorization from your office to proceed with our proposal to issue our supplemental conditions for our district and allow operations under its terms along with the IDWR General Letter Permit for the 2017 season.

Sincerely,

David P Hembree

Vice-Secretary  
Board of Directors  
Tenmile Mining District

CC/	Mat Weaver	Deputy Director Idaho Department of Water Resources
	M Reed Hopper	Pacific Legal Foundation/ Senior Environmental Law Attorney/ PLF NW
	Don Smith	Minerals and Mining Advisory Council N-Idaho Administrator
	Clark Pearson	Minerals and Mining Advisory Council National Advisor/ Legal Research
	Jann Higdem	Research Consultant Shoshone County
	Skip Brandt	Idaho County Commissioners Chairman
	Marc Gibbs	Representative, Idaho District 32, Resources and Conservation Committee Chairman
	Paul Shepherd	Representative Idaho District 7
	Priscilla Giddings	Representative Idaho District 7
	Carl Crabtree	Senator Idaho District 7
	Raul Labrador	Congressmen, Idaho District 1, US Natural Resources Committee, US Oversight & Investigations sub-Committee Chairman
	Ron Miller	Tenmile Mining District Board of Directors Chairman
	Kip Dieringer	Elk City Mining District Chairman
	Doug Giddings	Sherriff Idaho County