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Could this be the June 18, 1919 letter?

BEFORE THE HONORABLE SECRETARY OF THE INTERIOR

Washington

Ex Parte,

WALKER MINING COMPANY

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SUSANVILLE 06713

Appeal from the Honorable Commissioner
of the
General Land Office.

Comes now the Walker Mining Company, and appeals from the decision of the Honorable Commissioner of the General Land Office, rendered May 19, 1919. As grounds for said appeal the following error is alleged:

1. In not holding that the storage of water, containing tailings in suspension, produced by the milling and reduction of copper ores, is such use of a reservoir site as is contemplated by Section 4 of the Act of Congress, approved February 1, 1905, (33 Stat. 628)

In this behalf, Your Honor's attention is respectfully invited to the following statement as to the use to which it is proposed to make of said reservoir site.

As a necessary part of the process of milling and reducing copper ores at the applicant's plant, the tailings produced will be transported through the natural channel of the Dolly Gulch creek bed to the "tailings storage reservoir," being carried in suspension in the creek water. The impounding of these tailings will require the construction of a dam, back of which there will always be more or less water. The purpose of this reservoir is to bring about a proper settlement of solid matter from the water, so that only clear water may pass on down the stream below the reservoir site.

Attention is also respectfully invited to the fact that in connection with the operation of its mill it is necessary for the company to provide a tailings pond for the impounding of its present and future mill tailings, as required by the California Debris and the State Fish and Game Commission.

It is a fact in this case that if the tailings in suspension were permitted to flow down the creek with the water, without being intercepted by the proposed reservoir, such tailings would prove a nuisance to others desiring to use the water.

It is respectfully contended therefore that such use is a "mining purpose" and a necessary part of the "milling and reduction of ores", within the meaning of Section 4 of said Act of February 1, 1905 (33 Stat. 628)

It is further respectfully submitted that a special use permit, issued by the Forest Service, as suggested in the Honorable Commissioner's decision, to use said reservoir site for the purpose in said application proposed, would not adequately protect the applicant in its use of said right of way, as it is possible for strangers to apply for and obtain the grant of a right of way by the Department of the Interior over this same reservoir site, for other objects specified in said Act, which grant, it is submitted, would be superior to and would take precedence over any use permit which can be given by the Forest Service.

The reservoir site applied for is the only reservoir site available for the purposes of the applicant. The applicant company has made and proposes to make large expenditures in the development of said milling and reduction plant and consequently is desirous of obtaining the best possible right to its use of said site, without the possibility of later being harrassed or intercepted by others.

Respectfully submitted,

W. D. H. ...
Attorney for Applicant.

Hotel Washington,
Washington, D. C.