



United States Department of the Interior

OFFICE OF THE SOLICITOR
Intermountain Regional Office
125 S. State Street, Suite 6201
Salt Lake City, UT 84138

September 12, 2023

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Teresa Wilhelmsen, P.E., State Engineer
Utah Division of Water Rights
P.O. Box 146300
1594 West North Temple, Suite 220
Salt Lake City, UT 84114-6300
waterrights@utah.gov

Subject: BLM Letter of Concern Regarding Application to Appropriate A83862 (Water Right No. 92-695)

Dear Ms. Wilhelmsen:

The following Letter of Concern is being submitted on behalf of the Bureau of Land Management (BLM), concerning Application to Appropriate A83862 (Water Right No. 92-695). The Application to Appropriate (Application) was filed by Blackstone Minerals, LLC of 712 Proud Eagle Lane, Las Vegas, NV 89144.

The Application proposes to divert 19.0 cubic feet per second (cfs) of brine water from six wells constructed between 8,000 to 9,000 feet deep and located in Sections 22 and 27, T21S R16E SLBM. The Applicant proposes to extract lithium from the pumped brine water. After any lithium is extracted, the Applicant also proposes to inject the remaining brine water into six wells located in Sections 14, 22, 23, and 26, T21S R16E SLBM. The Application does not specify an annual water volume to be pumped or injected. The Division's current policy for Area 92 recognizes that water resources in this area are limited and new appropriations are limited to small amounts of beneficial use sufficient to serve limited domestic requirements. BLM is unclear whether this policy applies to extraction and beneficial use of brine water.

The BLM is concerned that the Application is premature for the following reasons:

- (1) The Applicant has not received approval to conduct any mineral exploration. A portion of the Applicant's proposed mining operations are located on unpatented mining claims on BLM-managed public lands. The Applicant has submitted a proposed plan for mining exploration work to BLM for review. This plan includes proposed water sources, water volumes, and water disposal practices for the exploration phase. BLM is currently preparing an Environmental Assessment for

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the mining exploration plan and is unlikely to issue a decision on this plan before 2024. BLM notes that the mining exploration plan is limited to extraction and test processing of brine water from one existing well on BLM-managed lands. The current mining exploration plan under consideration does not include any of the proposed Points of Diversion or Points of Return that appear in Application No. A83862. Based on the information in the Application, BLM may need to further update the cumulative effects analysis in the Environmental Assessment.

- (2) Two Points of Return listed in the Application, No. 5 and No. 6, are located on BLM-managed lands. At this time, the Applicant has not applied for nor received any land use authorization from BLM for these facilities and they are not part of the pending exploration plan that BLM is currently considering. If the Applicant desires authorization for these facilities, it must first submit a mining plan of operations to BLM for review and potential approval as a commercial-scale mining development. A mining plan of operation for commercial scale operations cannot be submitted for approval until the Applicant has proven the feasibility of profitable mineral extraction from its mining claims after receiving an approved mining exploration plan from BLM.

BLM cannot approve a mining plan of operations for commercial scale operations without first analyzing the proposed mining plan under the National Environmental Policy Act. As part of this analysis, BLM will consider the effects of all current water use and proposed future water use by all mineral extraction operations in this vicinity. Accordingly, if BLM approves a future mining plan of operations, the approval may include terms and conditions to avoid undue degradation to BLM-managed lands and minimize impacts. BLM may require that the injection wells be reconfigured in terms of location, volume of water that may be injected, and formations into which water can be injected.

At present, it does not appear that the Applicant has developed a comprehensive plan to use Points of Return No. 5 and No. 6. Until that plan is developed and reviewed by BLM, the agency requests that any Memorandum Decision approving the Application specifically exclude these locations on BLM-managed lands from the authorized Points of Return. If the Division approves the Application without Points of Return No. 5 and No. 6, the Applicant may submit a subsequent change application to add those additional Points of Return.

Please have a copy of any notice, correspondence, or decision concerning the Application mailed to me c/o Department of the Interior, Office of the Regional Solicitor, 125 South State Street, Suite 6201, Salt Lake City, UT 84138. I would also appreciate a copy of the same being mailed to Dave Pals, Bureau of Land Management, Moab Field Office, 82 East Dogwood, Moab, UT 84532.

Please contact me at your convenience (801-239-0545 or cameron.johnson@sol.doi.gov) if you have any questions.

Sincerely,

**CAMERON
JOHNSON**

Digitally signed by
CAMERON JOHNSON
Date: 2023.09.12
12:08:34 -06'00'

Cameron B. Johnson
Attorney-Advisor

cc: Sent via Email to:

Roy Smith, Colorado State Office, Bureau of Land Management
Kerry Schwartz, Utah State Office, Bureau of Land Management
Jared Dalebout, Utah State Office, Bureau of Land Management
Dave Pals, Moab Field Office, Bureau of Land Management
Ann Marie Aubry, Moab Field Office, Bureau of Land Management



Watterights DNR <watterights@utah.gov>

Letter of Concern - Application to Appropriate A83862 (92-695)

1 message

Smith, Roy E <r20smith@blm.gov>

Tue, Sep 12, 2023 at 12:38 PM

To: "watterights@utah.gov" <watterights@utah.gov>

Cc: "Johnson, Cameron B" <cameron.johnson@sol.doi.gov>, "Schulte, Elizabeth A" <elizabeth.schulte@sol.doi.gov>, "Dalebout, Jared D" <jdalebou@blm.gov>, "Pals, David W" <dpals@blm.gov>, "Aubry, Ann M" <aubry@blm.gov>, "Schwartz, Kerry L" <kschwartz@blm.gov>

The U.S. Department of the Interior, Bureau of Land Management (BLM) requests that the attached Letter of Concern be added to the file for this pending water right application. BLM's understanding is that submitting a Letter of Concern does not require payment of a protest fee.

Any communication concerning this Letter of Concern should be directed to:

Cameron Johnson
U.S. Department of the Interior
Office of the Regional Solicitor
[125 South State Street, Suite 6201](#)
Salt Lake City, UT [84138](#)
cameron.johnson@sol.doi.gov
801-239-0545

Thank you for your assistance.

**Blackstone Minerals LLC Letter of Concern_09122023_signed.pdf**

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