

# Exhibit E

## GIVENS PURSLEY LLP

Attorneys and Counselors at Law

601 W. Bannock Street  
PO Box 2720  
Boise, ID 83701  
Telephone: 208-388-1200  
Facsimile: 208-388-1300  
[www.givenspursley.com](http://www.givenspursley.com)

Preston N. Carter  
208-388-1222  
[prestoncarter@givenspursley.com](mailto:prestoncarter@givenspursley.com)

Gary G. Allen  
Peter G. Barton  
Christopher J. Beeson  
Clint R. Bolinder  
Erik J. Bolinder  
Jeff W. Bower  
Preston N. Carter  
Jeremy C. Chou  
William C. Cole  
Michael C. Creamer  
Amber N. Dina  
Thomas E. Dvorak  
Jeffrey C. Fereday  
Martin C. Hendrickson  
Brian J. Holleran

Don E. Krickrehm  
Neal A. Koskella  
Debra K. Kristensen  
Michael P. Lawrence  
Franklin G. Lee  
David R. Lombardi  
Kimberly D. Maloney  
Kenneth R. McClure  
Kelly Greene McConnell  
Alex P. McLaughlin  
Melodie A. McQuade  
Christopher H. Meyer  
L. Edward Miller  
Patrick J. Miller  
Judson B. Montgomery

Deborah E. Nelson  
W. Hugh O'Riordan, LL.M.  
Michael O. Roe  
P. Mark Thompson  
Jeffrey A. Warr  
Robert B. White

Angela M. Reed, of counsel

Retired:  
Kenneth L. Pursley  
James A. McClure (1924-2011)  
Raymond D. Givens (1917-2008)

July 24, 2015

Kathryn Nash  
Krassel Ranger District  
500 N. Mission Street  
McCall, ID 83638

Sent via email ([knash@fs.fed.us](mailto:knash@fs.fed.us))

Re: Comment on Crater Lake Access Road Project, #46345

Dear Ms. Nash:

Please accept this letter as Ivy Minerals, Inc.'s ("Ivy Minerals") comment on the Crater Lake Access Road Project, #46345 ("Project"). The Project proposes to close Road 503408900 (also known as the Red Metals Mine Road) to the public and to grant special use authorization to Greg and Diane Vita, who own property on Crater Lake. The Forest Service or the Vitas would install a gate as part of the Project.

Ivy Minerals has exercised control over the Mystery Patented Mining Claim ("Claim"). In 2012, the United States Forest Service requested that Ivy Minerals grant a nonexclusive revocable license to Mr. and Mrs. Vita to use the Red Metals Mine Road, which passes over the Claim. Ivy Minerals granted the license, which is attached as Exhibit 1. Ivy Minerals also has no objection to the public crossing over the Claim on the existing roadway.

Ivy Minerals opposes closing and installing a gate on the road. Earlier this year, the United States District Court for the District of Idaho held that the Travel Management Plan ("TMP") that purported to close the road violated federal law. *See Valley Cnty., et al. v. United States Dep't of Ag., et al.*, No. 11-cv-233-BLW (D. Idaho), ECF Nos. 107 (Feb. 11, 2014) and 124 (Jan. 5, 2015). Because the TMP is invalid, the Forest Service cannot and should not rely on the TMP to prohibit motorized use on roads in the Forest. At the very least, the Forest Service should refrain from making improvements, such as gates, based on the unlawful TMP.

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In addition, members of the Big Creek/Yellow Pine collaborative walked a portion of the Red Metals Road as part of a tour and discussed working with the landowners to find a turnaround alternative. Ivy Minerals, Valley County, and the Forest Service have expended considerable time, energy, and money in the collaborative process, yet the Forest Service now proposes to circumvent the process by closing and gating the road. The Forest Service should continue to work through the collaborative process instead of taking unilateral action.

Thank you for accepting this comment. Please contact me if you have questions or concerns, or if you would like to discuss this issue further.

Sincerely,



Preston N. Carter  
Attorney for Ivy Minerals, Inc.

/PNC  
Enclosure  
2407611-4 [2508-35]

# Exhibit E

Instrument # 374124

VALLEY COUNTY, CASCADE, IDAHO

12-10-2012 10:12:39 No. of Pages: 2

Recorded for : GIVENS PURSLEY

ARCHIE N. BANBURY

Fee: 13.00

Ex-Officio Recorder Deputy  
Index to: MISCELLANEOUS RECORD

*Archie N. Banbury*

Recording Requested by and  
After Recording Return to:

David R. Lombardi  
Givens Pursley LLP  
601 W. Bannock Street  
P.O. Box 2720  
Boise, ID 83701

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

## NONEXCLUSIVE REVOCABLE LICENSE

Ivy Minerals, Inc., an Idaho corporation, hereby consents to a nonexclusive revocable license in favor of Greg Vita and Diane Vita, husband and wife, and/or their designee(s) to use, keep and maintain for purposes of ingress and egress and other related roadway uses over the existing road designated as Payette National Forest Unauthorized Route 503408900 that traverses the Mystery Patented Mining Claim ("the Premises") contained in the Glasgow Group of Claims (Mineral Survey No. 2041).

This license is not intended in any way to be a conveyance of an estate or other real property interest in or to the Premises, does not permit licensee to construct any improvements on or in any way obstruct ingress or egress over the Premises, and does not authorize entry onto the Premises for any reason other than ingress and egress to and over Payette National Forest Unauthorized Route 503408900. This revocable license documents the consent of Ivy Minerals, Inc., to the use described above to preclude any claim that said use is adverse to Ivy Minerals, Inc., prescriptive against Ivy Minerals, Inc., or based upon any implied easement from Ivy Minerals, Inc.

Ivy Minerals, Inc. has the sole and unconditional right to terminate this license upon demand. Any such termination shall become effective thirty (30) days after a the recording of a Revocation of License executed only by Ivy Minerals, Inc. in the records of Valley County, Idaho and the mailing of a copy of the recorded Revocation of License to Greg and Diana Vita and to the Payette National Forest at the following addresses:

Greg and Diana Vita  
36918 Palo Colorado Road  
Carmel, CA 93923

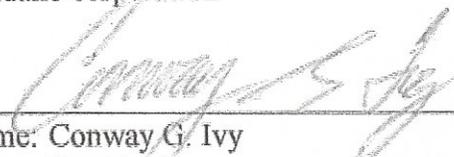
Payette National Forest  
800 W. Lakeside Ave.  
McCall, ID 83638

# Exhibit E

Ivy Minerals, Inc. makes this nonexclusive revocable license without warranty and makes no representation concerning title or the extent of its interest in the Premises.

DATED effective this 10 day of December, 2012.

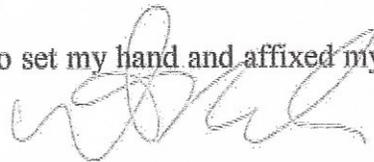
IVY MINERALS, INC.  
an Idaho corporation

By:   
Name: Conway G. Ivy  
Title: President

STATE OF IDAHO            )  
                                      : ss.  
County of Ada             )

On this 10 day of December, 2012, before me, a Notary Public in and for said state, personally appeared Conway G. Ivy, known or identified to me to be the President of IVY MINERALS, INC., an Idaho corporation, who subscribed said corporation's name to the foregoing instrument, and acknowledged to me that he executed the same in said corporation's name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Notary Public for Idaho  
Residing at:   
My commission expires: 10/2/13

