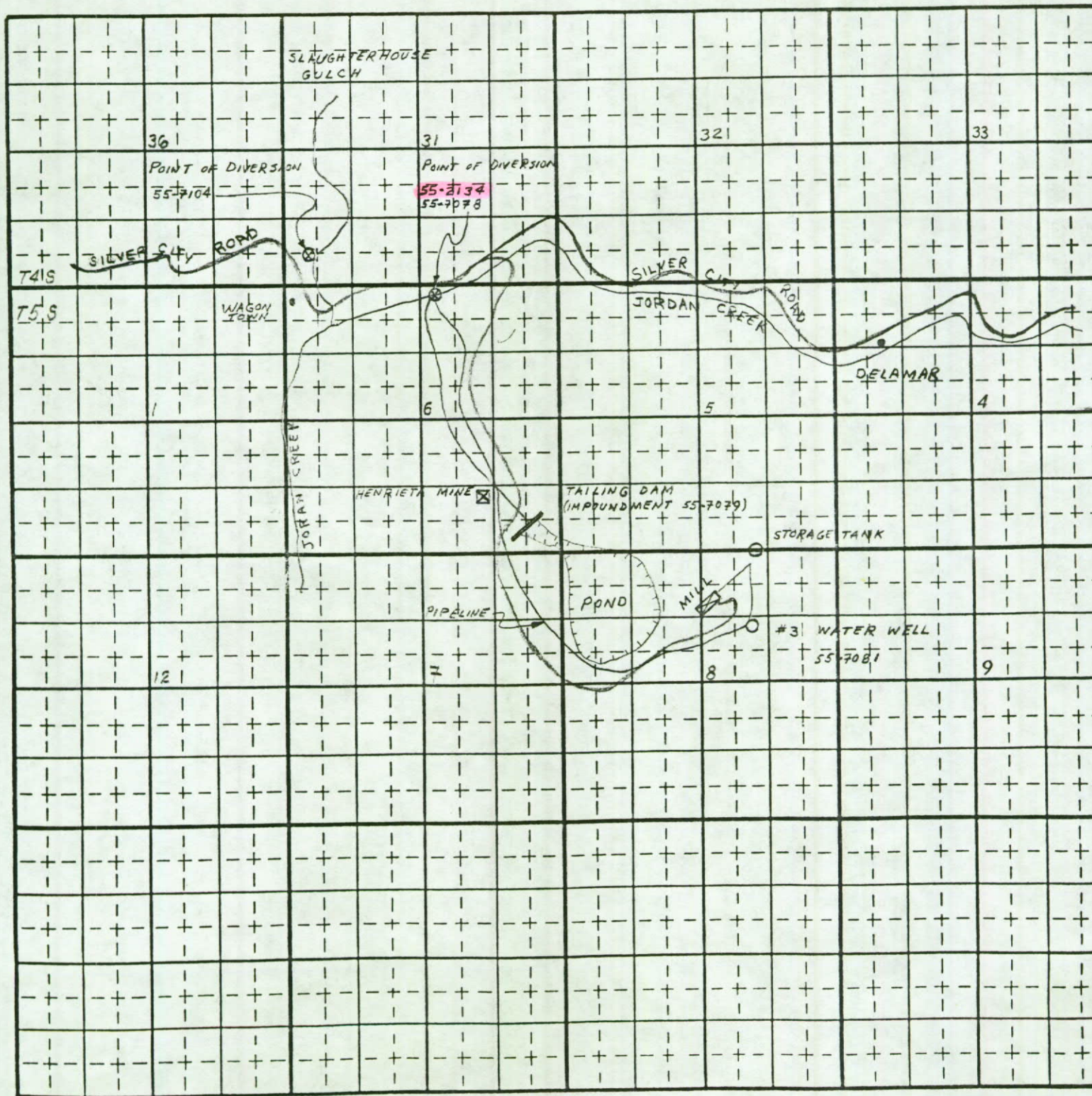


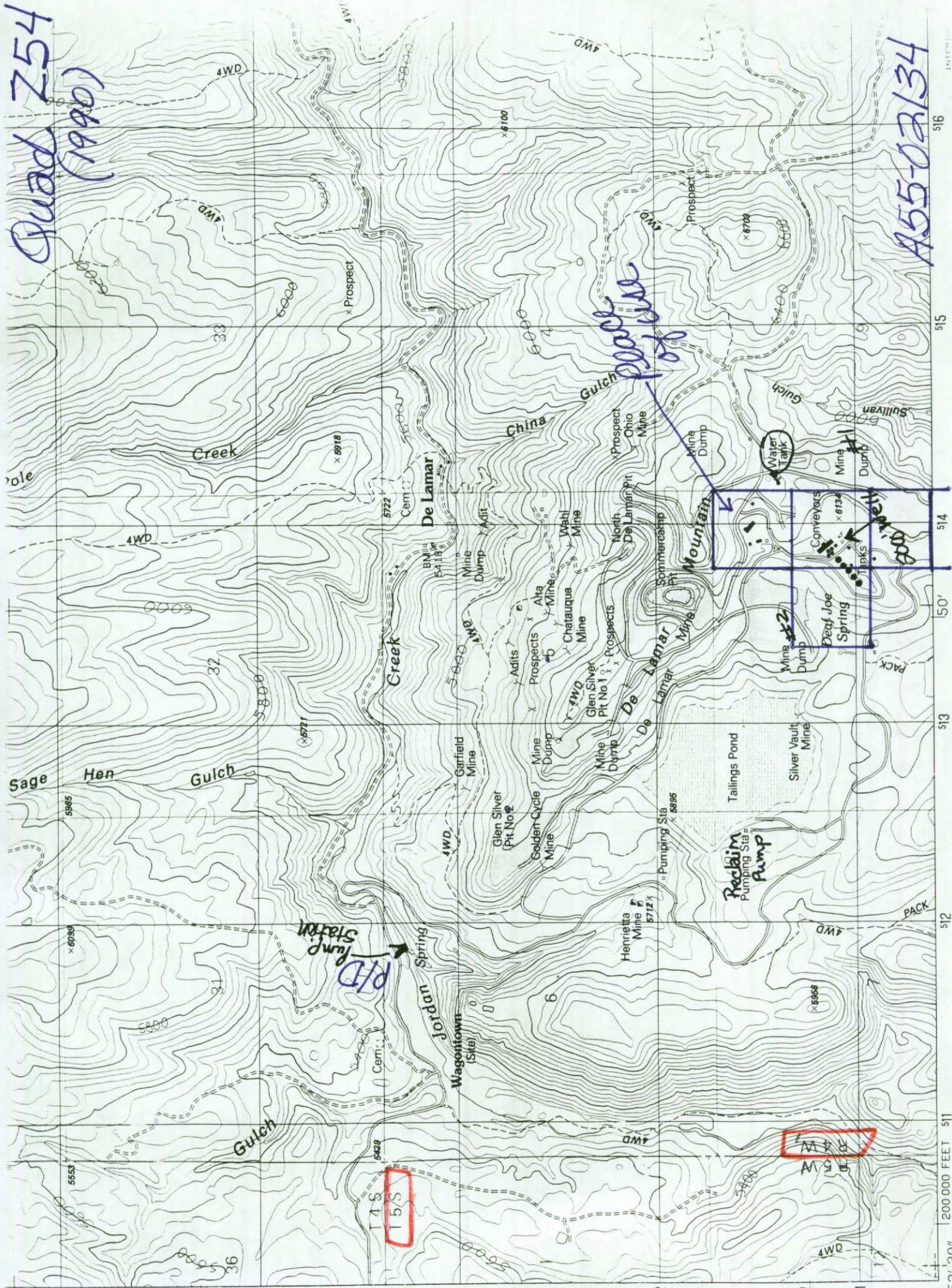
Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Quad Z54
(1990)

A55-02134



SCALE 1:24 000

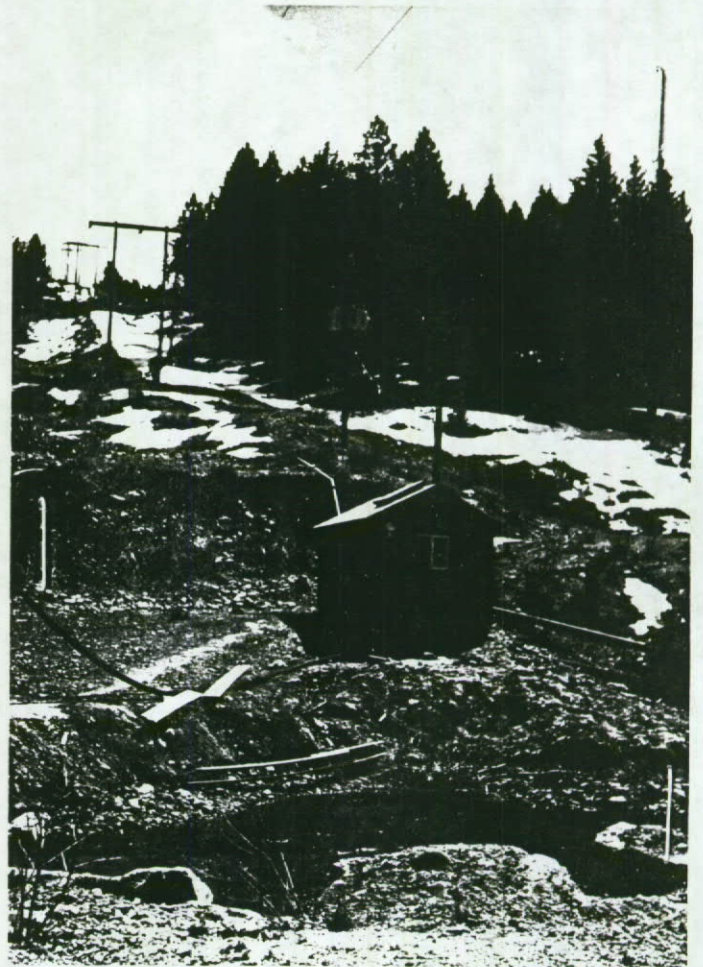
PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY
CONTROL BY USGS, NOS/NOAA

52' 30" 200 000 FEET 51 52 53 54 55 56

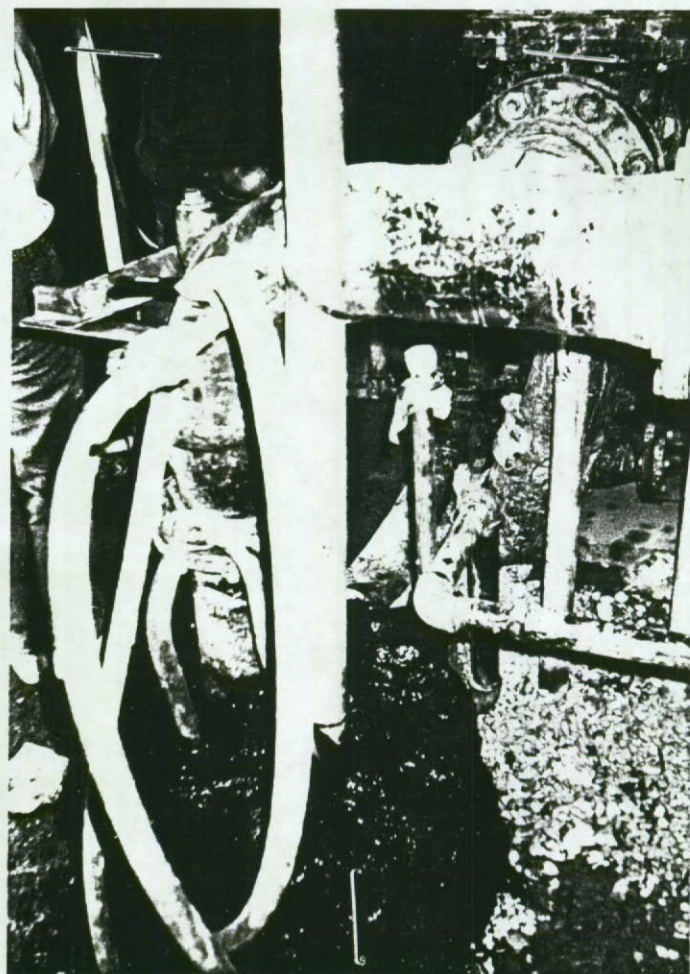
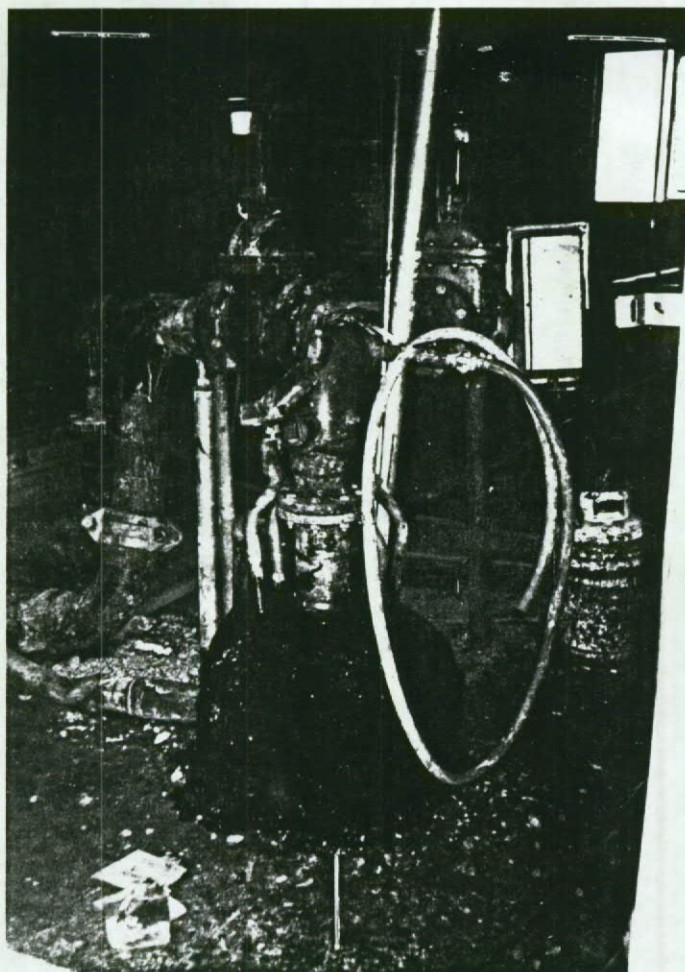


Pump on
Jordan Creek -
located in
NWNENE, S6,
T. 5S, R. 4W.
Booster pump
in building

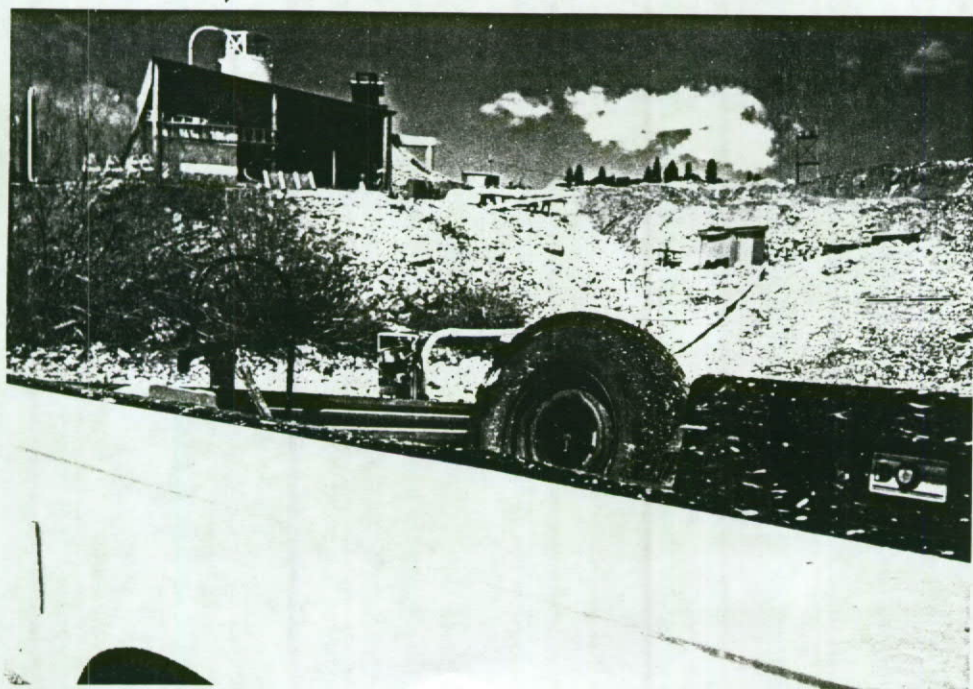
Note pipeline
running from
building up the
mountain - this
line delivers water
from Jordan Ck.
to mine - Pipeline
13,000' long.



see original photos in WR file 55-07081. ^{kw} 2/23/94
Pictures taken by Linda Werner. 4-14-93.



2000' well located in SWSENE, Sec. 8,
T. 5S, R. 4W.



Booster pump
& pipeline
outside well
building - used
to prevent water
from ponding
around well in
building.

Pictures taken by Linda Werner 4-14-93.



Overall
view of mine
from
vantage
point.



Green
line
injects
Jordan
Ck. water
into
well.

2000' well & booster
pump
located in
SWSENE, Sec. E,
T. 5S, R. 4W -

Water from Jordan
Ck. can be injected
into well or
bypass well and
put into storage
tank.

Pictures taken by Linda Geirner 4-4-95.



AVR towers-
installed to
clean water
after it has
gone through
milling process
before discharge
into pond.

Tailings pond
in NW $\frac{1}{4}$, S. 8;
NENE, S. 7;
SESE, S. 6;
S $\frac{1}{2}$ SW, S. 5;
T. 5S, R. 4W.

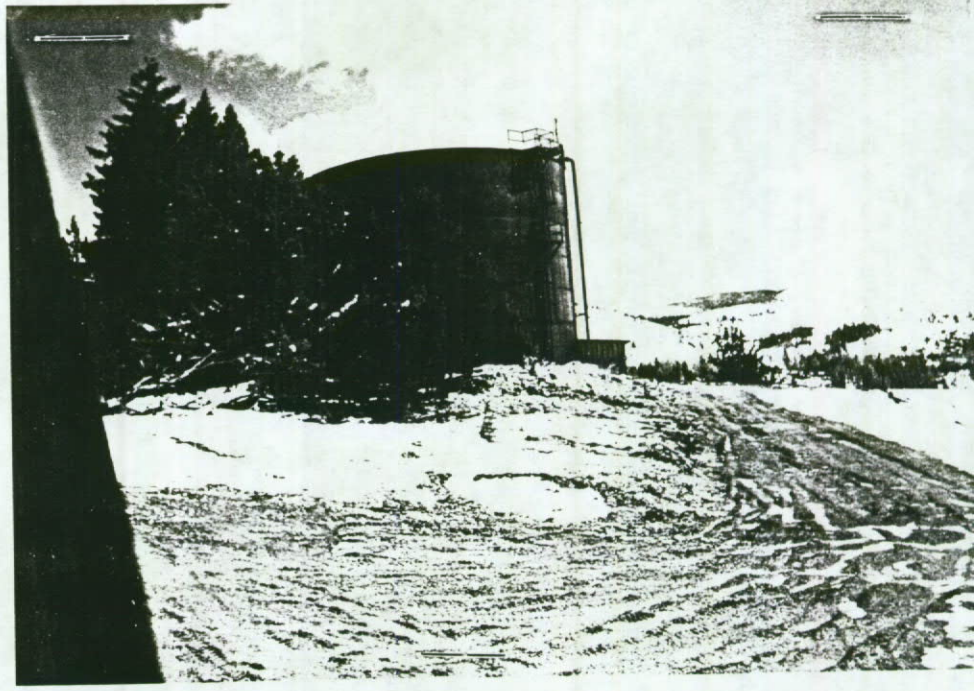


Water in
pond is now
potable -

Picture taken by Linda Werner 4-14-93.

4-14-1993

500,000 gallon
storage tank
located in
NWNW, Sec. 9, T. 55,
R 4W



Potable water
building - see
general flow
sheet for
potable water
treatment.

Photos taken by Linda Werner.



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

(208) 384-2190

October 8, 1980

MEMORANDUM

TO: File 55-2134
FROM: David Shaw ⁶⁵
SUBJECT: Proposed Transfer

The affidavits covering the use of water under this right cover the period from the time of the field examination to the present. Without having some strong evidence to refute the affidavits, it seems clear that some water has been used, at least periodically, in most years since 1939. There has not been a period of 5 consecutive years without some usage.

There is a period from 1958 - 1964, however, when I suspect the consumptive use was minimal. The use during this period was "testing and panning gravel" according to Thomas Brunzell's affidavit.

The proposed use is nearly totally consumptive. This seems to make this transfer and expansion of the right as it existed at the end of 1964. How much or if this expansion will do damage to downstream users is questionable since there is no watermaster to insure that available water is properly distributed. Jordan Creek is presently totally diverted for irrigation downstream from the proposed point of diversion so it seems likely that some reduction in the amount of water diverted downstream will occur. There are no records to show whether the downstream users are entitled to all the water they are diverting.

I recommend the transfer be approved with the condition that no more than 0.2 cfs be consumptively used. The remaining can be diverted but must be returned to Jordan Creek.

DBS:hjh

DO NOT FILM

CONVERSATION MEMORANDUM

DATE 10/6/80

FILE 55-2134

NAME OF PARTY Sherl Chapman

EMPLOYEE David Shaw

RE: Proposed Transfer

Sherl said the water under this filing would be retained by the Delaware mining process. The result would be a nearly 100% consumptive use.

Sherl said he thought the original use prior to 1945 was probably highly consumptive also. Since that time the road construction and drilling was probably consumptive but I doubt that the placer mining would have been consumptive.

DO NOT FILM

THOMAS BRUNZELL
Assessor of Owyhee County
MURPHY, IDAHO

1939 - 1941. Work at the flour mill.
Water Pumped from Jordan Creek.

1941 - 1945. Mill was operating. Also done
some + shanty of materials.

1948 - 1951. Flour mixed at the flour in
Jordan Creek.

1954 - 1956. Flour mixed at the flour mill.

Heavy -

1957 - 1958 - Cidermill and in summer
time on Jordan Creek at the flour.

My father Bryan Brunzell used water
from 1958 to 1970. Tilling and passing gravel
in Jordan Creek.

RECEIVED

JUN 9 1980

Department of State Resources
Western Regional Office

DO NOT FILM

CONTINENTAL MATERIALS CORPORATION

Mining Division Office: Suite 101, 2002 N. Forbes Blvd. • P.O. Box 30726, Tucson, Arizona 85703 Phone (602) 882-4144

May 29, 1980

STATEMENT CONCERNING USE OF WATER FROM JORDAN CREEK to accompany affidavit

Continental Quicksilver, Inc. as owner of the DeLamar patented claims made beneficial use of water from Jordan Creek at the times and for the purpose stated as follows:

1965

By lessee Keldon G. Adams, 1415 Maple Park Drive, Medford, Oregon. For washing gravels located on the Wilson Mill Site for the recovery of mercury amalgam.

1966

By contract driller Justice Core Drilling Co., Rt 2, Wildwood St. Boise, Idaho. For core drilling operations on the DeLamar patented claim group.

1967

By lessee Leon Helt, Rt 3., Caldwell, Idaho. For washing gravels located on the Wilson Mill Site for the recovery of mercury amalgam.

1969

By lessee S. Donald Rowe, 142 Midland Boulevard, Nampa, Idaho. For washing gravels located on the Wilson Mill Site for the recovery of mercury amalgam.

Continental Quicksilver Inc., is a subsidiary of Continental Materials Corporation.

RECEIVED
JUN 9 1980

Department of Water Resources
Western Regional Office

DO NOT FILM

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A55-02134
Date Received: 12/20/1988
Receipt No: W001699
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KINROSS DELAMAR MINING COMPANY 208-583-2511
Address: PO BOX 52
JORDAN VALLEY OR 97910

2. Date of Priority: MAR 16, 1938

3. Source: JORDAN CREEK Trib. to: OWYHEE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	04W	6	NW	NW	NE		OWYHEE

5. Description of diverting works:
200 HP PUMP, 13,000' PIPE TO WATER WELL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MINING	01/01	12/31	0.412		

7. Total Quantity Appropriated is:
0.412 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 298.0 Acre Feet Per Annum.

9. Non-irrigation uses:
MINING AND MILLING OF SILVER/GOLD ORE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	04W	8	NE	NE		MINING	

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
55-7078, 55-7079, 55-7081, 55-7109.

14. Remarks:
MILLING FACILITIES ARE SITED ON UNPATENTED BUREAU OF LAND
MANAGEMENT MILLSITE CLAIMS.
OWNERSHIP CHANGED BY KW 5/16/1994.

15. Basis of Claim: LICENSE

Water Right Number: 18594

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A55-02134
Date Received: 12/20/1988
Receipt No: W001699
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NERCO DELAMAR CO. 208-583-2511
Address: P.O. BOX 52
JORDAN VALLEY OR 97910

2. Date of Priority: MAR 16, 1938

3. Source: JORDAN CREEK Trib. to: OWYHEE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	04W	6	NW	NW	NE		OWYHEE

5. Description of diverting works:
200 HP PUMP, 13,000' PIPE TO WATER WELL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MINING	01/01	12/31	0.412		

7. Total Quantity Appropriated is:
0.412 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 298.0 Acre Feet Per Annum.

9. Non-irrigation uses:
MINING AND MILLING OF SILVER/GOLD ORE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	04W	8	NE	NE		MINING	

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
55-7078, 55-7079, 55-7081, 55-7109.

14. Remarks:
MILLING FACILITIES ARE SITED ON UNPATENTED BUREAU OF LAND
MANAGEMENT MILLSITE CLAIMS.

15. Basis of Claim: LICENSE
Water Right Number: 18594

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A55-02134
Date Received: 11/30/1988
Receipt No: W001699
Received By: DE JON

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NERCO DELAMAR COMPANY 208-583-2511
Address: P.O. BOX 52
JORDAN VALLEY, OR 97910

2. Date of Priority: MAR 16, 1938

3. Source: JORDAN CREEK Trib. to: OWYHEE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	04W	6	NW	NW	NE		OWYHEE

5. Description of diverting works:
200 HP PUMP, 13,000' PIPE TO WATER WELL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MINING	01/01	12/31	0.412		

7. Total Quantity Appropriated is:
0.412 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MINING AND MILLING OF SILVER/GOLD ORE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	04W	6	NE	NE		MINING	

11. Place of use in counties: OWYHEE

A55-02134

Page 1

Date: 12/28/88

MICROFILMED

SEP 29 1992

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
55-7078, 55-7079, 55-7081, 55-7109.

14. Remarks:
MILLING FACILITIES ARE SITED ON UNPATENTED BUREAU OF LAND
MANAGEMENT MILLSITE CLAIMS.

15. Basis of Claim: LICENSE
Water Right Number: 18594

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

IRREVOCABLE STOCK POWER

FOR VALUE RECEIVED, the undersigned, NERCO Minerals Company hereby sells, assigns, and transfers to Kinross Gold U.S.A., Inc., 10 Shares of the Capital Stock of NERCO DeLamar Company standing in the name of the undersigned on the books and records of NERCO DeLamar Company and represented by Certificate No. 1, and hereby irrevocably constitutes and appoints _____ as attorney to transfer the said Shares on the books of the within named Company with full power of Substitution in the Premises.

NERCO MINERALS COMPANY

DATED: August 2, 1993

By: _____
Its: _____

IN THE PRESENCE OF

SIGNATURE(S) GUARANTEED

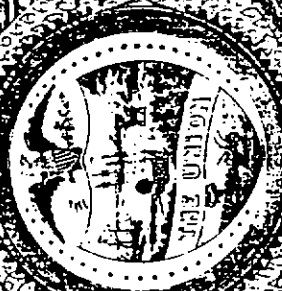
(By Bank of Member of the New York
Stock Exchange)

By: _____
Authorized Signature

*Rec'd 4/15/94
w/ letter kw*

SEE LEGEND ON REVERSE SIDE

INCORPORATED UNDER THE LAWS OF OREGON.



NUMBER

1

SHARES

10

NERCO DeLamar Company

This Certificate, which
is the owner of Ten

Shares of the Capital Stock of
NERCO DeLamar Company

is transferable only on the books of this Corporation in person or by Attorney
upon surrender of this Certificate properly endorsed.

IN WITNESS WHEREOF the said Corporation has caused this Certificate to be signed
by its duly authorized officers and its Corporate Seal to be hereunto affixed
this 7th day of September A.D. 1984

[Signature]
Vice President

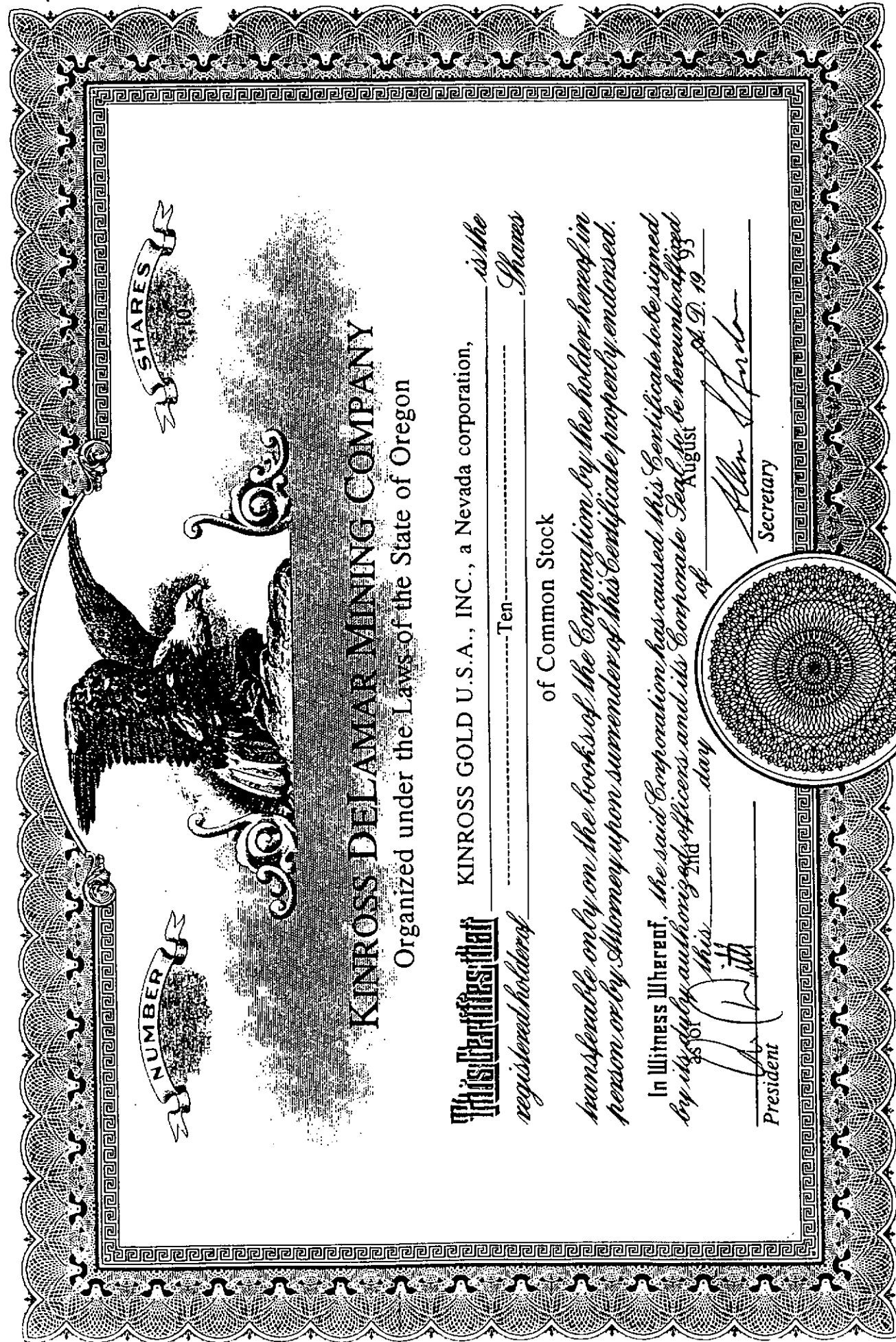
[Signature]
Secretary

NO PAR VALUE

SHARES

DEALERS

SEE LEGEND ON REVERSE SIDE



SHARES
10

NUMBER

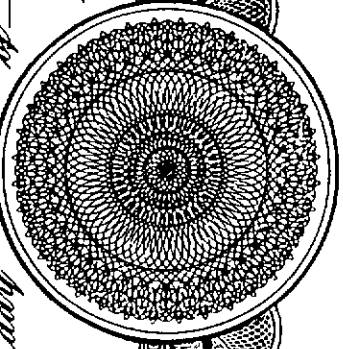
KINROSS DELAMAR MINING COMPANY

Organized under the Laws of the State of Oregon

This certifies that KINROSS GOLD U.S.A., INC., a Nevada corporation, *is the*
registered holder of Ten *Shares*
of Common Stock

transferable only on the books of the Corporation by the holder hereof in person or by Attorney upon surrender of this Certificate properly endorsed.

In Witness Whereof, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed as of this day of August 1923



J. D. Smith *Allen S. Smith*
President Secretary



Office of the Secretary of State Corporation Division

I, **Janet Sullivan**, *Director of the Corporation Division*,

DO HEREBY CERTIFY:

That the attached copy of the Articles of Amendment filed
on August 11, 1993 for:

KINROSS DELAMAR MINING COMPANY

is a true copy of the original document that has been
filed with this office.

Janet Sullivan

Director

By Marilyn R. Smith

Date 11 August 1993

FILED

AUG 11 1993

ARTICLES OF AMENDMENT
TO THE RESTATED ARTICLES OF INCORPORATION SECRETARY OF STATE
OF
NERCO DeLAMAR COMPANY

PURSUANT to the provisions of Section 60.431, et seq., of the Oregon Revised Statutes, the undersigned corporation adopts the following Articles of Amendment to its Restated Articles of Incorporation:

FIRST: The name of the corporation is NERCO DeLamar Company (the "Company").

SECOND: The following amendment to the Restated Articles of Incorporation of the Company was adopted by the sole shareholder of the Company on August 2, 1993:

Article I of the Restated Articles of Incorporation is hereby amended to read as follows:

ARTICLE I

The name of the Company is KINROSS DeLAMAR MINING COMPANY and its duration shall be perpetual.

THIRD: The number of shares of common stock of the Company outstanding at the time of such adoption was Ten (10); and the number of such shares entitled to vote thereon was Ten (10). No other class of shares was issued and outstanding.

FOURTH: All of the outstanding shares were voted for the amendment; no shares were voted against the amendment.

DATED this 2 day of August, 1993.

NERCO DeLAMAR COMPANY, an Oregon corporation

By Arthur H. Ditto
Arthur H. Ditto, President

8-11-93
R6
f

State of Idaho

Department of State

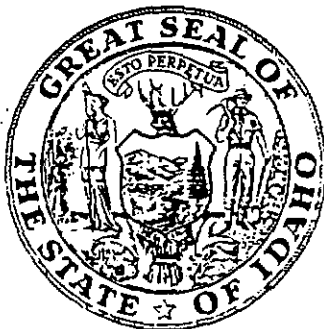
AMENDED CERTIFICATE OF AUTHORITY OF

NERCO DELAMAR COMPANY

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of an Application of NERCO DELAMAR COMPANY for an Amended Certificate of Authority to transact business in this State, duly signed and verified pursuant to the provisions of the Idaho Business Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Amended Certificate of Authority to KINROSS DELAMAR MINING COMPANY to transact business in this State under the name KINROSS DELAMAR MINING COMPANY and attach hereto a duplicate original of the Application for such Amended Certificate.

Dated: August 13, 1993



Pete T. Cenarrusa
SECRETARY OF STATE

By

[Signature]

APPLICATION FOR AMENDED CERTIFICATE OF AUTHORITY

To the Secretary of State of the State of Idaho:

Pursuant to Section 30-1-118, Idaho Code, the undersigned Corporation hereby applies for an amended certificate of authority to transact business in the State of Idaho and for that purpose submits the following statement.

1. A Certificate of Authority was issued to the corporation by your office on September 10 19 84, authorizing it to transact business in the State of Idaho under the name of NERCO DeLamar Company
2. Its corporate name has been changed to Kinross DeLamar Mining Company

(Note: If the corporation name has not been changed, insert "No change.")

3. The name which it shall use hereafter in the State of Idaho is Kinross DeLamar Mining Company
4. It desires to pursue in the transaction of business in the State of Idaho purposes other than or in addition to those set forth in its prior application for certificate of authority, as follows:
No change

(Note: If no additional purposes are proposed, insert "No change.")

Dated 8/10/93

NERCO DeLamar Company

(Corporation Name)

By A. H. Ditto

Its President/Assistant Secretary (please specify)

And Allen S. Gordon

Its Secretary/Assistant Secretary (please specify)

STATE OF UTAH)
COUNTY OF SALT LAKE) ss:

I, Scott W. Loveless, a notary public, do hereby certify that on this 10th day of August, 19 93, personally appeared before me Arthur H. Ditto / Allen S. Gordon, who being by me first duly sworn, declared that (s)he is the President and Secretary of NERCO DeLamar Company

that (s)he signed the foregoing documents as President and Secretary of the corporation and that the statements therein contained are true.

Scott W. Loveless

Notary Public



Notary Public
Scott W. Loveless
185 S. 18th Street
Salt Lake City, Utah 84111
(801) 521-1111

Submit application and filing fee to:

Office of the Secretary of State
State of Corporations Division
Statehouse, Room 203
Boise, Idaho 83720

Secretary of State use only

IDAH0 SECRETARY OF STATE
19930813 0900 13004 2
CK #: 1116 CUST# 1
CORP 18 30.00= 30.00

: C

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

A55-02134

Date Received

11/30/1988

Receipt Number

W001699

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
NOV 30 1988

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) NERCO DeLamar Company Phone (208) 583-2511Mailing Address P.O. Box 52, Jordan Valley, OR Zip 979102. Date of Priority (Only one (1) per claim) March 16, 19383. Source of water supply (a) Jordan Creek
which is tributary to (b) Owyhee River4. a. Location of existing point of diversion is: Township 5S Range 4W Section 6,
NW 1/4 of NW 1/4 of NE 1/4, Govt. Lot, B.M., County of Owyhee

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Water is diverted from Jordan Creek
to a 200 H.P. pump and pumped via 6 inch pipe 13,000 feet to No. 3 water well
(water right permit 55-7081)

MICROFILMED

SEP 29 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Mining purposes from Jan. 1 to Dec. 31 amount 0.412 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.412 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 298 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Mining and Milling of Silver/Gold ore

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5S	4W	8	X																

Total number of acres irrigated NA

11. In which county (ies) are lands listed above as place of use located? Owyhee

12. Do you own the property listed above as place of use? Yes _____ No X

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
55-7078, 55-7079, 55-7081, 55-7109 or None ()

14. Remarks: Milling facilities are sited on unpatented Bureau of Land Management
millsite claims

Last Name NERCO Ident No. 55-2134

MICROFILMED
Contact: White Star Yellow Claimant

SEP 29 1992

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

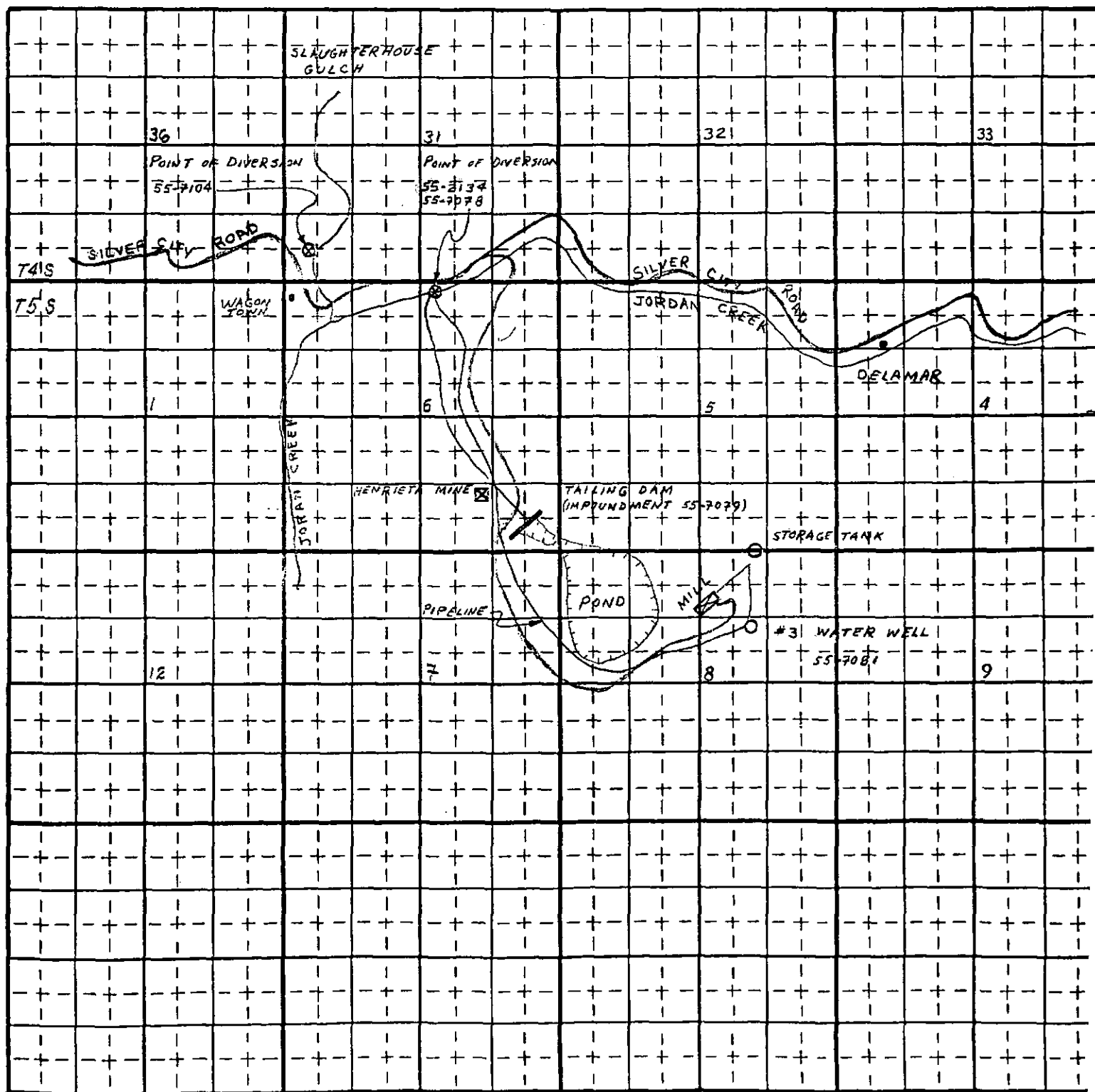
If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



MICROFILMED

Last Name NERCO

Ident No. 55-2134

Copies: White State, Yellow-Claimant

SEP 29 1992

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments none

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am General Manager

Title

of DeLamar Silver Mine, that I have signed the foregoing

Organization

document in the space below as General Manager of NERCO DeLamar Co.

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent *Eric Olsen*

Title and Organization General Manager, NERCO DeLamar Co. Date 11/24/88

State of ~~Idaho~~ or Oregon)

County of Malheur) SS.

Subscribed and sworn (or affirmed) before me this 28th day of November 19 88

SEAL

Notary Public *Ellen S. Barker*

Residing at Jordan Valley, Or. 97710

My Commission Expires July 27, 1991

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name NERCO Ident. Number 55-2134

MICROFILMED
Copies White-State, Yellow-Claimant
SEP 29 1992

12/19/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

NERCO DeLamar Co

CLAIM IDENT. NO.

55-02134

DATE RECEIVED

11/30/88

CK #

10152

AMOUNT \$

701.20

(91.20 for this one)

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ * Info?
2. Is a priority date entered? ☒ YES ☐ NO ☐ *
Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO ☐ *
3. (a) Is a source entered? ☒ YES ☐ NO ☐ *
(b) Is a tributary to entered? (if required) ☒ YES ☐ NO ☐ N/A ☐ *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ *
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO ☐ *
Is the period of use included? ☒ YES ☐ NO ☐ *
Is a quantity claimed for each use? ☒ YES ☐ NO ☐ *
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ *
8. If required is a consumptive use entered? ☒ YES ☐ NO ☐ N/A ☐ *
Is the consumptive use correct? ☒ YES ☐ NO ☐ N/A ☐ *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO ☐ N/A ☐ *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ☐ *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO ☐ N/A ☐ *
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ *
16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) ☒ YES ☐ NO ☐ *
17. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ *
18. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ *
19. Is the fee enclosed correct? ☒ YES ☐ NO ☐ Exempt ☐ *
20. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO ☐ N/A ☐ *
21. Should this claim be receipted and data entered? ☒ YES ☐ NO ☐ *

Claim checked by:

Dnr

Date: 12/20/88

Claimant must be sent a copy of amended claim for approval:

(Yes)

X (No)

Receipt Prepared by:

Dnr

Date: 12/20/88

Claim data entered by:

Date:

Sent to claimant by:

Date:

Checked by:

Date:

Comments:

MICROFILMED

SEP 29 1992

KINROSS

DeLamar Mining Co.

December 22, 1998

Ms. Kay Walker
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

RECEIVED

DEC 30 1998

WATER RESOURCES
WESTERN REGION

Dear Ms. Walker:

In late October 1998, you were notified by telephone of the decision by Kinross Gold U.S.A., to suspend operations at the DeLamar Mine pending the recovery of currently depressed gold prices. This letter will serve as confirmation and written notification of that decision. On December 1 and December 10, 1998, representatives from Kinross gave a presentation to US EPA Region X Headquarters in Seattle and the DeLamar regulators' coordination meeting in Boise, respectively. This presentation provided information on the suspension of activities, required conditions for mine reopening and operations during suspension. For your convenience, this information is summarized below.

- The decision to suspend mining operations at DeLamar was made based on the current economics of mining and the prospect for continued gold prices at or below \$300 per oz. in the near future.
- The remaining currently identified gold reserves at DeLamar indicate the opportunity for three to five years of additional mining should gold prices recover to the \$350 per oz. range. Although gold prices are not accurately predictable, Kinross believes that the price of gold will recover sufficiently within the next several years to allow resumption of mining.
- During the suspension of active mining, the operation will be placed on a care and maintenance basis. Sufficient personnel will remain on site to perform site maintenance and insure compliance with all environmental permit requirements. Particular emphasis has been placed on the site water balance to insure continued compliance with tailings dam freeboard requirements.

Should you have additional questions, please contact me at DeLamar (ext. 206).). If I am not available, you may also contact Ms. Mary Barraco at Kinross Gold U.S.A. in Salt Lake City at 801-517-1064.

Sincerely,



Brian J. Schrage
Superintendent – Environmental Services

cc: file

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

OWNER
CODE
C KINROSS DELAMAR MINING COMPANY
PO BOX 52
JORDAN VALLEY OR 97910
(208) 583-2511

NAME & ADDRESS
PRIORITY
DATE
03/16/1938
MINING
DOMESTIC

WATER USE
DIVERSION
RATE
0.41 CFS
0.02 CFS
0.41 CFS

DIVERSION
VOLUME
296.80 AFA
0.60 AFA
296.80 AFA

TOTAL DIVERSION:

Water Source: JORDAN CREEK
Tributary to: OMYHEE RIVER
Point(s) of Diversion: T05S R04W S06 Lot02(NWNE)
Stage: LICENSE
OMYHEE County

Place of use Legal Description for: MINING

NE										SW										SE									
NENE NWNE SUNE SENE					NENW NWNW SWNW SENW					NESW NWSW SWSW SESW					NESE NWSE SWESE														
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
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Place of use Legal Description for: DOMESTIC

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POU County: OMYHEE

Other Rights: 55-7078, 55-7079, 55-7081, 55-7109.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
55-10241 55-12428 A55-02134 A55-07078 A55-10241 A55-12428 R55-07078

Conditions of Approval:

- N10 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N12 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
- A04 - THIS RIGHT INCLUDES A CHANGE IN USE APPROVED BY ADMINISTRATIVE ORDER OF IDWR. THE CHANGE IN USE SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THE ADMINISTRATIVE ORDER APPROVING THE CHANGE.
- A06 - FAILURE TO COMPLY WITH THE CONDITIONS OF THE ADMINISTRATIVE ORDER IS CAUSE FOR IDWR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE

Conditions of Approval:

- APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

Remarks: QNT

USE OF THIS RIGHT WITH RIGHT NO. 55-07078 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.52 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1100.4 AF.

USE

DOMESTIC USE IS FOR OFFICES.
MINING USE IS FOR MINING AND MILLING OF SILVER AND GOLD ORE.
THE WATER USED FOR MINING UNDER THIS RIGHT IS APPLIED TO AND
IRRIGATES LAND LISTED IN THE PLACE OF USE TO SATISFY WATER
QUALITY REQUIREMENTS. WATER SHALL NOT IRRIGATE GROWING PLANTS
UNLESS THE WATER IS FIRST BENEFICIALLY USED IN THE EXTRACTION OF
MINERALS AS AUTHORIZED BY THE WATER RIGHT.

GEN

THIS RIGHT IS CONSIDERED TO BE WHOLLY CONSUMPTIVE.
AFTER SPECIFIC NOTIFICATION BY IDWR, THE RIGHT HOLDER SHALL
MEASURE THE DIVERSION OR SHALL ENTER INTO AN AGREEMENT WITH IDWR
TO DETERMINE THE AMOUNT OF WATER DIVERTED FROM POWER RECORDS AND
SHALL ANNUALLY REPORT THE INFORMATION TO IDWR.
UPON RECEIVING A PETITION FOR DELIVERY CALL ON JORDAN CREEK
AND A DETERMINATION BY IDWR THAT THE PRIOR WATER RIGHTS ARE NOT
BEING SATISFIED, THE RIGHT HOLDER MUST CEASE DIVERTING WATER FROM
JORDAN CREEK WHEN IT IS NOT AVAILABLE OR MUST FULLY MITIGATE FOR
DEPLECTIONS IN THE FLOW OF JORDAN CREEK CAUSED BY THE DIVERSION.

EXP

PRIOR TO DIVERSION AND USE OF WATER UNDER THIS RIGHT, THE
RIGHT HOLDER SHALL COMPLY WITH ALL BONDING REQUIREMENTS OF
APPROPRIATE GOVERNMENTAL ENTITIES.
USE OF WATER UNDER THIS APPROVAL SHALL COMPLY WITH APPLICABLE
WATER QUALITY STANDARDS OF THE DIVISION OF ENVIRONMENTAL QUALITY
OF THE IDAHO DEPARTMENT OF HEALTH AND WELFARE.

Dates:

Exam Made Date: 04/14/1993 Verified Date: 06/19/1998 Objection Filed Date:

Misc:

Water District Number: Field Inspection Flag: C
Presumption Flag:

Comments:

Date: 02/22/1998 User-ID: KWALKER Subject: COPIED FROM REMARKS
MILLING FACILITIES ARE SITED ON UNPATENTED BUREAU OF LAND
MANAGEMENT MILLSITE CLAIMS.
OWNERSHIP CHANGED BY KW 5/16/1994.

Date: 06/19/1998 User-ID: KWALKER Subject: AMENDED RECOMMENDATIONS
RECOMMENDATIONS OF THIS RIGHT WERE CHANGED BASED UPON APPROVAL OF

AJ0749NP
No. R55-02134

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 06/19/98
PAGE: 3

Comments: Date: 06/19/1998 User-ID: KWALKER Subject: AMENDED RECOMMENDATIONS
TRANSFER NO. 5230 APPROVED 6/1/1998.

Audit: 06/19/98 KWALKER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5230
WATER RIGHT NO(S). 55-02134/55-07078

RECEIVED
JUN 03 1998
WATER RESOURCES
WESTERN REGION

This is to certify that: KINROSS DELAMAR MINING CO
PO BOX 52
JORDAN VALLEY OR 97910

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 55-02134 :			
MINING	01/01 to 12/31	0.41 CFS	296.8 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
Priority: 03/16/1938			
	SUBTOTAL:	0.41 CFS	296.8 AF
Right No. 55-07078 :			
MINING	01/01 to 12/31	1.11 CFS	803.6 AF
Priority: 09/04/1974			
	TOTAL:	* 1.52 CFS	* 1100.4 AF

SOURCE
JORDAN CREEK

TRIBUTARY OF
OWYHEE RIVER

LOCATION OF POINT(S) OF DIVERSION: Lot 2 (NWNE), Sec. 6, Township 05S, Range 04W
OWYHEE County

PLACE OF USE: MINING

TWN RGE SEC

05S 04W 8	NENE	SWNE	SENE
05W 11	NESE	SWSE	SESE
12	NESW	NWSW	SWSW
	SESW		
13	NENW	NWNW	SWNW
	SENW	NWSW	
14	NENE	NWNE	SWNE
	SENE	SESW	NESE
	NWSE	SWSE	SESE
23	NENW		

PLACE OF USE: DOMESTIC

TWN RGE SEC

05S 04W 8 NENE

TRANSFER NO. 5230
WATER RIGHT NO(S). 55-02134/55-07078

CONDITIONS OF APPROVAL AND REMARKS

1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. Prior to diversion and use of water under this right, the right holder shall comply with all bonding requirements of appropriate governmental entities.
3. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
8. Rights 55-02134 and 55-07078 when combined shall not exceed a total diversion rate of 1.52 cfs, a total annual diversion volume of 1100.4 af.
9. The quantity of water authorized for domestic purposes under Right 55-02134 shall not exceed 13,000 gallons per day.
10. The water used for mining under this right is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the extraction of minerals as authorized by the water right.
11. Upon receiving a petition for delivery call on Jordan Creek and a determination by the Department that the prior water rights are not being satisfied, the water right holder must cease diverting water from Jordan Creek when it is not available or must fully mitigate for depletions in the flow of Jordan Creek caused by the diversion.
12. Rights 55-02134 and 55-07078 are considered to be wholly consumptive.
13. Mining use is for mining and milling of silver and gold ore.
14. Domestic use is for offices.

Dated this 1st day of June, 1998.

J. Glen Saxton
Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 55-02134 & 55-07078

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 5230

DATE: May 12, 1998

A handwritten signature, possibly reading "sk", is written in ink to the right of the subject line.

Transfer 5230 changes the place of use under Rights 55-02134 and 55-07078 to include an area identified for land application of residual water left after ore processing in order to meet water quality requirements.

Conditions include measuring device, future reporting, bonding requirements, water quality, combined limits, domestic limits, land application limited to water used for processing first, use limit with other Jordan Creek waterusers, use identified as wholly consumptive and standard transfer conditions.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 7, 1998

RE: Recommendations of Notices of Claims Nos. 55-07078 and
55-07079 in the name of Kinross Delamar Mining Company

South Board of Control, Owyhee Project
c/o Clyde Hutton
P.O. Box 67
Homedale, ID 83628

Gentlemen:

The Department of Water Resources (IDWR) will be recommending water rights diverted from Jordan Creek in the Snake River Basin Adjudication (SRBA). The court will change conditions limiting use of water by Kinross Delamar Mining Company if IDWR's recommendations are adopted.

The previous condition applied to these rights was as follows:

"Water diverted under this license in any given year, must be replaced in Jordan Creek from the licensee's wells and passed on downstream in the same irrigation season if the Owyhee Reservoir does not fill to its full capacity."

The condition we will be recommending to the SRBA (Snake River Basin Adjudication) court will be as follows:

"Upon receiving a petition for delivery call on Jordan Creek and a determination by the Department that prior water rights are not being satisfied, the right holder must cease diverting water from Jordan Creek when it is not available or must fully mitigate for depletions in the flow of Jordan Creek caused by the diversion."

If you feel this change in the condition is unacceptable, you can file an objection to the recommendations with the SRBA court once IDWR's report has been submitted.

You should also be advised that IDWR has received and advertised a transfer application that proposes to change the place of use under Water Right Nos. 55-02134 and 55-07078. Water from the Kinross Delamar tailings pond will be applied to land for water quality treatment. The conditions recommended for the adjudication are proposed for incorporation into the water rights if the transfer is

approved. A copy of this transfer is enclosed for your information. We invite your comment about the application for transfer.

If you have any questions in regard to these matters, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker".

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosure

cc: Mary Barraco
Kintross Delamar

1 of 7

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5230

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Contract = Mary BARRACO

COPY

Name of applicant KINROSS Delamar Mining Co. Phone 208-583-2511
Post Office address PO Box 52 Jordan Valley OR 97910

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use ⁵⁵⁻⁰²¹³⁴
☐ Change nature of use ☐ Change period of use ☒ Other Plu change for added land ^{- Both rights}
2. Describe the reason for the proposed changes
to initiate land application treatment & corrects plu in older
right (as corrected in SRBA recommendation).

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>55-02134</u>	<u>3-16-1938</u>	<u>.41 cfs</u>	<u>Mining</u>	<u>1/1</u> to <u>12/31</u>
	<u>.41 total</u>	<u>.02</u>	<u>Domestic</u>	<u>}</u> to <u>}</u>
<u>55-07078</u>	<u>9-4-1974</u>	<u>1.11</u>	<u>Mining</u>	<u>}</u> to <u>}</u>
				<u>}</u> to <u>}</u>

2. Total amount of water being transferred 1.52 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Jordan Creek tributary to Owyhee River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
<u>2</u>	<u>NW</u>	<u>NW</u>	<u>NE</u>	<u>6</u>	<u>5S</u>	<u>4W</u>	<u>Owyhee</u>	<u>single pt. shared for both</u> <u>rights</u>

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>5S</u>	<u>4W</u>	<u>8</u>	<u>X</u>																
		<u>8</u>			<u>X</u>	<u>X</u>													
<u>mining (Land Application) for Both rights</u>																			
<u>5S</u>	<u>5W</u>	<u>11</u>													<u>X</u>		<u>X</u>	<u>X</u>	<u>BLM</u>
		<u>12</u>									<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>					<u>5</u>
		<u>13</u>					<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>		<u>X</u>							<u>8</u>
		<u>14</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>								<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>8</u>
		<u>23</u>					<u>X</u>												<u>1</u>

* AGREE w/ rights recommended in SRBA

PART 1

6. General Information:

a. Description of diversion system etailing pond: Subm. pump to 3.3 mile buried pipeline to a lined pond on private land. Water is then repumped to land application spray evaporation system.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A - adding area for land application only.

d. Remarks:

The purpose for the change is to provide for the land application treatment. Tailing pond must be dewatered for closure mine closure. No change in either beneficial use or consumptive use of the water rights. Under the Clean Water Act, tailing pond water cannot be discharged to Jordan Creek.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

NOTE

Pgs 1-2 prepared in consultation with Mr. Banow's 3/9/88 office visit. -sc

WR5809NP
No. 55-02134

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/09/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KINROSS DE LAMAR MINING CO	03/16/1938	MINING MINING DOMESTIC	00/00 00/00 00/00 00/00 00/00 00/00	0.410 CFS	
TOTAL DIVERSION:					0.410 CFS	

Water Source: JORDAN CREEK

Tributary to: OWYHEE RIVER

Stage: LICENSE

Point(s) of Diversion: T05S R04W S06 NWNE OWYHEE County

Pou County: *

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
55-07078

Dates: App. Received: Priority Date: 03/16/1938
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 06/21/1979

Misc: Water District Number: Field Exam Fee:

Audit: 08/05/85 04/30/88 CONVERT 06/21/95 SCURTIS

* p/m see attached (same QQ as p12)
↓

SD-4109
WR INQUIRY

Idaho Department of Water Resources
Water Rights Places of Use Screen

Date: 03/09/98
Time: 10:17:38

Water Right Number: 55-02134

FIRST PAGE

10. TWP	RNG	SEC	1/4	1/4	Lot	Acres	Use	Use Desc.	County	County Name
05S	04W	6	NW	NE			07	INDUST	73	OWYHEE

↑ this is correct per
R55-02134
(to NENE S.8)

Pg 3 of 7

WR5809NP
No. 55-07078

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/09/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
P	KINROSS DE LAMAR MINING CO	09/04/1974	MINING	01/01 12/31	1.110 CFS	
C	EARTH RESOURCES CO.					
TOTAL DIVERSION:					1.110 CFS	

Water Source: JORDAN CREEK

Tributary to: OMYHEE RIVER

Stage: LICENSE

Point(s) of Diversion: T05S R04W S06 NWNE OMYHEE County

Place of use Legal Description for: MINING

NE				NW				SW				SE																			
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE	
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
---	---	---	:	---	---	---	:	---	---	---	:	---	---	---	:	---	---	---	:	---	---	---	:	---	---	---	:	---	---	---	:
05S	04W	8	:			M		M	:						:				:												

Pou County: OMYHEE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
55-02134

Conditions of Approval:

- 001 - A measuring device of a type approved by the Department shall
 - be permanently installed and maintained as part of the diverting works.
- 016 - See remarks for additional conditions of approval.

Remarks: GEN IF NOT FILLED JORDAN CK. WTR. MUST BE REPLACED W/WELL WTR.

Dates: App. Received: Priority Date: 09/04/1974
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 06/28/1979

Misc: Water District Number: Field Exam Fee:

Audit: 07/23/85 04/30/88 CONVERT 06/21/95 SCURTIS

B₅ 4 8 1

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe This answer applies to both water rights

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED N/A

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) N/A

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

See Attachment A

PART 3**B. CHANGES IN NATURE OF USE** *N/A*

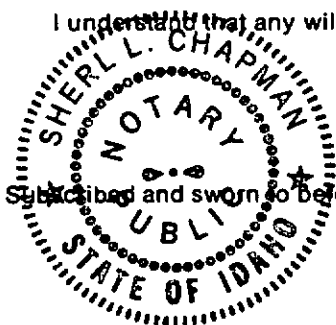
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



(Signature of Applicant)

Subscribed and sworn to before me this

9

day of

March, 19 98.

(Notary Public)

My commission expires

6/14/2000**FOR DEPARTMENT USE ONLY**Transfer contains 7 pages and 1 attachmentsReceived by R Date 3/9/98 Protest filed by _____Prelim. check by R Fee \$100Receipted by 82 Date 3/9/98 receipt # W023490Published in Olympic avalanche Copies of protest forwarded by _____Pub. dates 3-98 + 25-98 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

Section
COR

Small secondary storage
of tailing pond water
Water Storage Pond

Long Ridge LAT
East Ridge LAT

A0060 Ph

23

Attachment A

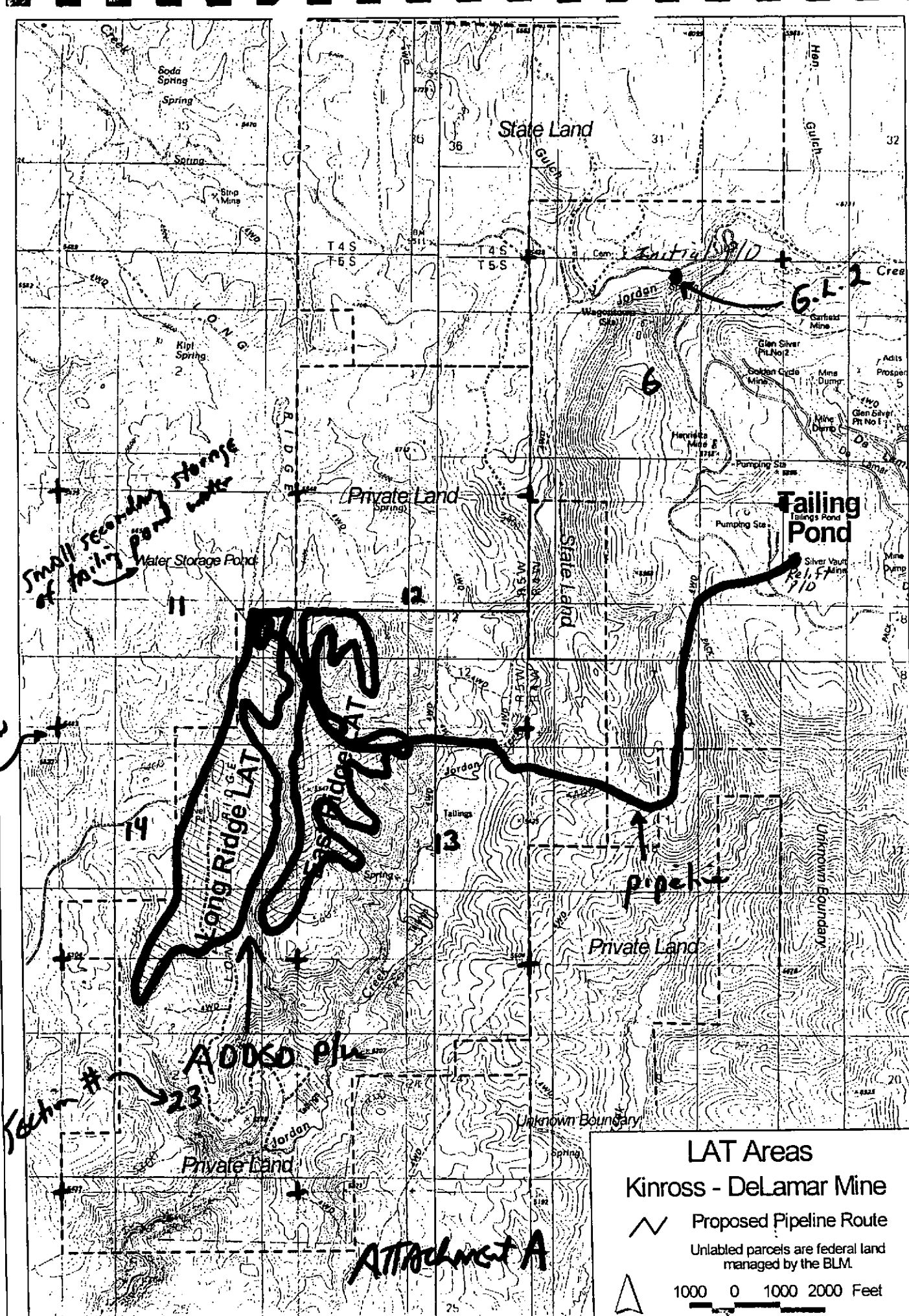
LAT Areas
Kinross - DeLamar Mine

~ Proposed Pipeline Route

Unlabeled parcels are federal land managed by the BLM.

1000 0 1000 2000 Feet

No pour 1001 in c. 2001
3/9/98





IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705
(208) 334-2190

PHILLIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX TRANSMITTAL COVER SHEET

DATE: May 5, 1998

TO: MARY BARRACO
SUPERINTENDENT OF SAFETY & ENVIRONMENT SERVICES
FAX: (208) 583-2516

FROM: KAY WALKER *kw*
IDAHO DEPT. OF WATER RESOURCES
WESTERN REGION

DOCUMENT DESCRIPTION: Profile Reports of Rights R55-02134, R55-07078 & R55-07079 with changes to the remarks per our discussion following the submittal of your Notice of Errors. I have indicated where these changes are located for your convenience. No other changes were made to these recommendations.

If you need additional information, please feel free to contact me.

COVER SHEET + 3 PAGES.

DATE: 05/05/98
PAGE: 1

T05S R04W S06 Lot02(NW/4/4NE)

Misc: Water District Number: Field Inspection Flag: C
Presumption Flag:

AJ0749NP
No. R55-02134

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/05/98
PAGE: 2

Comments: Date: 02/22/1998 User-ID: KWALKER Subject: COPIED FROM REMARKS
MILLING FACILITIES ARE SITED ON UNPATENTED BUREAU OF LAND
MANAGEMENT MILLSITE CLAIMS.
OWNERSHIP CHANGED BY KW 5/16/1994.

Audit: 05/05/98 KWALKER

MEMORANDUM

April 28, 1998

TO: SUSAN HAMLIN & NORM YOUNG

THRU: GARY SPACKMAN

FROM: KAY WALKER *kw*

RE: KINROSS DELAMAR CONDITIONS

*Gary to
hand deliver
4/28 -*

In regard to the condition requiring replacement water in Jordan Creek when Owyhee Reservoir does not fill I offer the following:

From research on the micro-fiche of Rt. 55-07079 & 55-07078, I found that the owners of Kinross (in December of 1974) proposed the original condition placed on this right to resolve the protest of South Board of Control to the applications for permit. The condition was placed on the right as follows:

"Water diverted under this right shall be replaced by groundwater and shall be discharged into Jordan Creek in the event that Owyhee Reservoir does not fill to its capacity."

From the records I could see that this requirement was implemented in 1977 when Idaho was in serious drought.

If we do not utilize the same condition found on the licenses, we should use the condition shown in Gary's memo dated April 20, 1998, which says:

Gen

"Upon receiving a petition for delivery call on Jordan Creek and a determination by the Department that prior water rights are not being satisfied, the right holder must cease diverting water from Jordan Creek when it is not available or must fully mitigate for depletions in the flow of Jordan Creek caused by the diversion."

In the notices of error submitted by Kinross, Kinross requested the original condition be removed because it was impossible for Kinross to obtain a permit from the EPA. However, the attachment to the error notice stated that the permit they requested was to inject the mine waters into Jordan Creek. As far as I can tell, Kinross has never requested a permit to inject well water into Jordan Creek.

If we change the condition that requires groundwater to replace Jordan Creek water we should give the South Board of Control a chance to review the condition and include their input in the revised condition.

In regard to the Kinross request that IDWR find these rights are consumptive, I can agree that the rights have become "wholly consumptive" since the tailing impoundment was installed in 1977. Therefore we can allow this "change" as an accomplished transfer. Would the condition below be satisfactory?

Gen "This right is considered to be wholly consumptive."

From: DWR06::"shamlin@idwr.state.id.us" 29-APR-1998 11:04:54.47
To: No To:, Resent-To:, or Apparently-To: field found
CC: skeen@idwr.state.id.us (Keen, Shelley),
kwalker@idwr.state.id.us ('kwalker@idwr.state.id.us')
Subj: Kinross Delamar Condition

Norm,

I reviewed Kay's memo on the proposed revised conditions for right numbers=
= 55-07078 and 55-07079. I think that the broader conditions are more =
workable. If you could review her recommendation today or soon there after =
= we would appreciate it. Key needs to finalize this recommendation by =
Monday.

Let me know if I can answer any questions. Thanks -- Susan Hamlin

for rec. Parace
to Mary & Susan Hamlin
& Pam
advise S. Board of
Control - claims
& transfer

MEMORANDUM

April 13, 1998

TO: Files 55-02134/07078/07079/07081/07104

FROM: KAY WALKER *KW*

RE: Results of Susan Hamlin's Questions to S.O. staff

Susan Hamlin contacted me on April 10, 1998, with responses to Mary Barraco's requests at our meeting.

Susan had discussed this with several people at the State Office and they indicated that we could not change these rights to consumptive uses at this time. Susan faxed me a copy of a memo from Carter Fritschle which stated that the field exam of 55-02134 indicated that water was used in their mill and then returned to Jordan Creek, thus non-consumptive. Also, Carter explained that the use may have become consumptive when the tailings pond was added to the system but that would have resulted in an advancement of the priority dates to the date the pond was constructed. Thus, the consensus was not to add anything to these rights that stated they were consumptive.

In regard to the conditions on Rts. 55-07078 and 55-07079, Susan found these conditions were initiated to resolve protests against the approval of the projects prior to permits being issued. These conditions were attached to the rights for good reasons and even if Delamar has not and can not comply with the conditions, we cannot remove them.

I will call Mary Barraco and tell her the proposed recommendations will not be changed. *called 4/13 ~ 3:30pm*

RE: 55-02134 & 55-07078

4-10-98

Susan,

The condition on License 55-07078 that calls for the replacement of the water diverted from Jordan Creek indicates that this was licensed as a non-consumptive water right. Similarly, the 1939 field exam for 55-02134 indicates the water was returned to Jordan Creek after its use in milling the ore. It may be possible that an accomplished change in nature of use occurred at the time the evaporation pond was established, but that should result in an advancement of priorities of both rights to the date the pond was constructed. Even with the advancement of the priority dates, I would have real concerns about adding any language that changes these rights from non-consumptive uses to consumptive uses.

Carter

MEMORANDUM .

April 13, 1998

TO: Files 55-02134/07078/07079/07081/07104

FROM: KAY WALKER 

RE: Notice of Error

Mary Barraco, Superintendent of Safety & Environmental Services for Kinross Delamar Mining Company came into the office on April 7th, 1998, in regard to the notices of error received on the proposed recommendations. Susan Hamlin (legal for IDWR) was also at this meeting.

We went through the notice of errors for each water right. We discussed each issue and resolved a lot of Mary's questions. The only two issues left unresolved when she left the office were these:

1. She requested that the recommendations had a condition or remark that stated the rights were consumptive.
2. She also wanted the removal of conditions listed on Rts. 55-07078 & 55-07079 requiring replacement of Jordan Creek water when Owyhee Reservoir did not fill.

Susan Hamlin stated she would check into these issues and get back to me so I could let Mary know the outcome.

March 6, 1998

**NOTICE OF ERROR
REPLY**

RECEIVED

MAR 27 1998

**WATER RESOURCES
WESTERN REGION**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A

NOTICE OF ERROR REPLY IS:

March 30, 1998

Water right number:

55-02134

KINROSS DELAMAR MINING COMPANY

PO BOX 52

JORDAN VALLEY OR 97910

Daytime Telephone Number: 208-583-254

Evening Telephone Number: 208-459-4642

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

1. Purpose

2. Place of Use

2. Describe the changes you wish to make in the proposed recommendation:

1. Water right needs to state this is a consumptive use.

2. Need to add mill T5S R4W Sec 8 SW 1/4 NE 1/4
SE 1/4 NE 1/4

and tank T5S R4W Sec 9 NW 1/4 NW 1/4

3. Give a brief explanation as to why you disagree with these portions:

1. water is consumed under this right and can not be returned to its point of diversion.

2. Newer topographic maps have more exact location of mill + tank

 I AGREE with this proposed recommendation; no changes need to be made.

DATE: 3/25/98

SIGNATURE: Mary Barraco for Kinross Delamar Mining Company
Please print your name MARY BARRACO

11/27/2014

2014 11 27 PM 4:00

11/27/2014

KINROSS Steve - there
DeLamar Mining Co. are some questions
+ corrections with
these. Hope they don't mess us up.
Call me if you have questions.
MARY BARRACO
Superintendent of Safety & Environmental Services

P.O. Box 52
Jordan Valley, Oregon 97910

(208) 583-2511
FAX (208) 583-2516

RIGHT NUMBER: 55-02134 ✓

NAME AND ADDRESS: KINROSS DELAMAR MINING COMPANY
PO BOX 52 ✓
JORDAN VALLEY OR 97910

SOURCE: JORDAN CREEK ✓ TRIBUTARY: OWYHEE RIVER ✓

QUANTITY: 0.412CFS ✓

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY-DATE: 03/16/1938 ✓

POINT OF DIVERSION T05S R04W S06 - LOT 2 (NWNWNE) - Within OWYHEE County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	MINING	01-01 12-31 ✓	0.412 CFS ✓
	DOMESTIC	01-01 12-31 ✓	0.02 CFS ✓

USE IS FOR MINING AND MILLING OF SILVER & GOLD ORE.
DOMESTIC USE IF FOR OFFICES AT MINING SITE.

PLACE OF USE:	MINING	Within OWYHEE County
	T05S R04W S08	NENE SWNE SE NE add mill
	DOMESTIC	Within OWYHEE County
	T05S R04W S08 9	NENE NWNW add tank

OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE ✓
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

DATE: 03/01/98
PAGE: 1

Misc: Water District Number: Field Inspection Flag: C
Presumption Flag:

AJ0749NP
No. R55-02134

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 03/01/98
PAGE: 2

Comments: Date: 02/22/1998 User-ID: KWALKER Subject: COPIED FROM REMARKS
MILLING FACILITIES ARE SITED ON UNPATENTED BUREAU OF LAND
MANAGEMENT MILLISEITE CLAIMS.
OWNERSHIP CHANGED BY KW 5/16/1994.

Audit: 03/01/98 KWALKER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:30:21
04/13/93
13

PAGE: 13
PROFILE REPORT

CLAIM NUMBER: A55-02134

OWNER

NAME & ADDRESS
P.O. BOX 52
JORDAN VALLEY OR 97910
(208) 583-2511

PRIORITY

DATE
03/16/1938

WATER USE

MINING
Dom

USE PERIOD

FROM TO
01-01 12-31

DIVERSION RATE

0.41 CFS
0.02
0.41 CFS

DIVERSION VOLUME

298.0 AFA out

Water Source: JORDAN CREEK

GL2

Tributary to: OWYHEE RIVER

Stage: LICENSE

Point(s) of Diversion:

T05S R04W S06E

NWNNE

OWYHEE County

Place of use Legal Description for: MINING

NE

SW

SE

NENE NWNE SWNE SENE : NENW NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE :
T R S : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac :
05S 04W 8 : M : * under : * under : * under : * under :
55-07078 55-07079

POU County: OWYHEE

Non-Irrigation Uses: MINING AND MILLING OF SILVER/GOLD ORE. USE

Other Rights: 55-7078, 55-7079, 55-7081, 55-7109.

Remarks: MILLING FACILITIES ARE SITED ON UNPATENTED BUREAU OF LAND MANAGEMENT MILLISE CLAIMS. comments

Dates: Exam Made Date: 4-14-93 Verified Date:

Misc: Water District Number: Field Inspection Flag: Presumption Flag: C

005ⁱⁿ out

Can add domestic use per license



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 16, 1994

RE: Notice of Claims to Water Right Nos. A55-02134, A55-07078,
A55-07079, A55-07081 and A55-07104

Kinross DeLamar Mining Company
KIMBALL, PARR, WADDOUPS, BROWN & GEE
ATTN: Daniel A. Jensen
P.O. Box 11019
Salt Lake City, UT 84147-0019

Dear Mr. Jensen:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the appurtenant water rights covered under the original filings.

The Department will contact Kinross DeLamar Mining Company in the future concerning any other requirements that may be needed in order to process these claims for final court decree. If you have any questions concerning the enclosed claims, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker".

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosures

RECEIVED

MAY 13 1994

WATER RESOURCES
WESTERN REGION

LAW OFFICES OF
KIMBALL, PARR, WADDOUPS, BROWN & GEE
A PROFESSIONAL CORPORATION

SUITE 1300
185 SOUTH STATE STREET
POST OFFICE BOX 11019
SALT LAKE CITY, UTAH 84147-0019
TELEPHONE (801) 532-7840
TELECOPIER (801) 532-7750

OF COUNSEL
CHARLES L. MAAK
BRUCE A. MAAK
KENT H. COLLINS

DALE A. KIMBALL
CLAYTON J. PARR
CLARK WADDOUPS
RICHARD G. BROWN
DAVID E. GEE
SCOTT W. LOVELESS
PATRICIA W. CHRISTENSEN
DAVID K. REDD
ROBERT G. HOLT
JAMES C. SWINDLER
ROBERT B. LOCHHEAD
GARY A. DODGE
ROBERT S. CLARK
ALAN R. ANDERSEN
MICHAEL M. LATER
CAROLYN B. MCHUGH
STEVEN J. CHRISTIANSEN
SCOTT F. YOUNG
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BRIAN J. ROMRIEL
MARY SHEA TUCKER
GREGORY D. PHILLIPS
JOHN R. ERICKSON
DAVID G. ANGERBAUER
HEIDI E.C. LEITHEAD
JOHN M. BURKE
STEPHEN E.W. HALE
DANIEL A. JENSEN
MARK F. JAMES
DAVID B. MANCOCK
BRIAN G. LLOYD
DAVID F. CRABTREE
SCOTT R. RYTHER
GREGORY M. HESS
TERRY E. WELCH
JEFFREY J. HUNT
PAUL C. DRECKSEL
CLAY W. STUCKI
THOMAS R. LEE
D. MATTHEW DORNY
JEFFREY M. MOSS
MARGARET E. WILSON

April 12, 1994

RECEIVED

APR 15 1994

Department of Water Resources

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

Re: Water Right Nos. 55-2134, 55-7078, 55-7079,
55-7081, 55-7399, 55-7376 and 55-7429,
DeLamar and Stone Cabin Mines, Owyhee County, Idaho

Gentlemen:

NERCO DeLamar Company, an Oregon corporation, the former owner of the above-referenced water rights, was acquired by Kinross Gold U.S.A., Inc., a Nevada corporation ("Kinross"), effective August 3, 1993. The acquisition was pursuant to a stock purchase agreement between NERCO Minerals Company, an Oregon corporation (the parent corporation of NERCO DeLamar Company) and Kinross. The attached copies of an Irrevocable Stock Power dated August 2, 1993 and the attached stock certificates show that all 10 of the outstanding shares of NERCO DeLamar Company stock are now held by Kinross.

The name of NERCO DeLamar Company was changed, effective August 11, 1993, to Kinross DeLamar Mining Company, as evidenced by the attached certificate from the Oregon Secretary of State. The name change was recognized by the Idaho Secretary of State on August 13, 1993, as shown by the attached certificate. Kinross DeLamar Mining Company remains an Oregon corporation.

In light of these transactions, would you please amend your records and database to show Kinross DeLamar Mining Company as the current record owner of the seven water rights referenced above, and place a copy of this letter and its attachments in the files for each of the seven water rights. Six extra copies of this letter are enclosed for your convenience.

KIN\IDWR.wr

Ownership change
completed by
kw 5/16/94

KIMBALL, PARR, WADDOUPS, BROWN & GEE

Idaho Dept. of Water Resources
April 12, 1994
Page 2

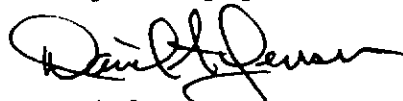
Please note that the address for Kinross DeLamar Mining Company is:

Kinross DeLamar Mining Company
P.O. Box 52
Jordan Valley, OR 97910
(208) 583-2511

If you need any additional information in order to show Kinross DeLamar Mining Company as the record owner of these rights, please let me know. Would you please also let me know as soon as the title changes have been made.

Thank you for your assistance.

Very truly yours,



Daniel A. Jensen

DAJ/wr
Enclosures

cc: Doug Barto (w/encls.)

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. 955-2134

FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*	<u>N</u>	<u>5,1</u>	<u>N</u>	<u>N</u>		
T. OF DIV.	<u>N</u>			<u>N</u>		
SOURCE	<u>N</u>		<u>N</u>	<u>N</u>		
PL. OF USE	<u>Y</u>		<u>Y</u>	<u>Y-AMEND CLAIM</u>		
IV. AMOUNT CFS/AF	<u>N</u>		<u>N</u>	<u>N</u>		
CONSUMPTIVE USE						
NATURE OF USE	<u>N</u>		<u>#Y</u>	<u>ADD DOMESTIC USE PER License</u>		
PERIOD OF USE	<u>N</u>		<u>N</u>	<u>N</u>		
ASIS OF CLAIM	<u>N</u>		<u>N</u>	<u>N</u>		
EMARKS			<u>N</u>	<u>N</u>		

VERIFICATION CODES
 TOPO MAP/ORTHOGRAPHO = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER(SEE COMMENTS) = 6

COMMENTS: Need to get an amended claim to list all
of their place of use, and add domestic use. 5-5-93

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:28:20
04/13/93

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A55-02134

LAST: NERCO DELANAR CO.
ADDRESS: P.O. BOX 52
CITY: JORDAN VALLEY
PHONE NUMBER: 208-583-2511

FIRST:
STATE: OR ZIP: 97910

OWNER CODE: C

LAST: KINNEY
ADDRESS: JORDAN VALLEY
CITY:
PHONE NUMBER: 208-000-0000

FIRST: ROBERT C.
STATE: OR ZIP: 97910

OWNER CODE: O

FIELD EXAM REQUIRED?

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

CLAIM REMARKS: MILLING FACILITIES ARE SITED ON UNPATENTED BUREAU OF LAND
MANAGEMENT MILLSITE CLAIMS.

CONTACT PERSON: Steve McIntosh

DATE OF FIELD EXAM: 4/14/93

APPOINTMENT MADE: Y(☒) N(☐)

ACCOMPANIED BY: Steve McIntosh

RELATIONSHIP TO CLAIMANT: Environmental Engineer

DIRECTIONS TO PROPERTY / REMARKS:

Administration Bldg. at Delamar.

PHONE NUMBER: (208) 583-2511

TIME: 10:30 A(☒) P(☐)

PHONE NUMBER: () - -



Delamar SILVER MINE
P.O. BOX 52 (208) 583-2511
Jordan Valley, Oregon 97910

STEVE MCINTOSH
ENVIRONMENTAL ENGINEER



Delamar SILVER MINE
P.O. BOX 52 (208) 583-2511
Jordan Valley, Oregon 97910

BARRETT L. CUPP
SENIOR MINE GEOLOGIST



(Barry)

Mr. Cupp came in
and asked questions
on other water while
related matters while
we were discussing
claim with Mr. McIntosh

A. AJ CLAIM: # A55-02134 PRIORITY DATE: 03-16-1938 STAGE: L

B. WR RECORD: # 55-02134 PRIORITY DATE: 03-16-1938 STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE N FIELD EXAMINER RU

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(X) IF YES EXPLAIN.

REMARKS: Affidavits in water right file supplied evidence of ~~certification~~ use since 1938.

RECOMMENDED PRIORITY DATE:
03-16-1938

REVIEWED BY Kay Walker

DATE 5-5-93

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A55-02134	05S	04W	6	NW	NW	NE		OWYHEE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A55-07078 NONE
WR RECORDS IN SAME 40 ACRE TRACT
55-07078

SOURCE: JORDAN CREEK

TRIB: OWYHEE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
55-02134	05S	04W	6	NW	NW	NE		OWYHEE

OTHER WR RECORDS WITH SAME WR POD
A PREFIX R PREFIX
A55-07078 NONE

SOURCE: JORDAN CREEK

TRIB: OWYHEE RIVER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)	DUE TO SOURCE DISCREPANCY? (Y/N)	DATABASE	FIELD
			EXAMINER
			<u>TDN</u>

REMARKS:

Transfer 2367 dated 10-16-1979 chg. P.O.D. to that shown above. POD location verified - Pump station on Jordan Cr. (see picture) which pumps the water up to the mine. The water can either be pumped into a 2000' well (injection permit 55-W-1) or it can bypass the well and be put directly into the storage tank in the SWNW1/4, sec. 9, 55, 4W.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
55	4W	6	NW	NW	NE	2	Owyhee

SOURCE: JORDAN CREEK

TRIB: OWYHEE RIVER

✓

REVIEWED BY:

Ray Walker

DATE:

5-5-93

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY		DIVERSION QUANTITY
	FROM	TO	
A55-02134 MINING ✓	01-01	12-31 ✓	.412 CFS ✓
TOTAL DIVERSION RATE/VOLUME CLAIMED			.412 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY		DIVERSION QUANTITY
	FROM	TO	
55-02134 MINING			.410 CFS
55-02134 MINING			.410 CFS
55-02134 DOMESTIC			.410 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED			.410 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	Y	<u> </u>
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	<u> </u>
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	<u> </u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y (X) N ()

RECOMMEND TO WR STANDARDS OR OTHER?

Y () N ()

Explain in remarks, below.

REMARKS:

Since does not assign a season of use.

Now the domestic use changed? No. The domestic water comes from Freedom CP. diversion. Funds true a filtration system which cleans water for domestic use. This use should be added back onto this right.

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

AJ TOTAL CLAIMED DIVERSION RATE:

0.412 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE:

0.410 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***

** If an amount smaller than the original diversion rate is **

** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

DATABASE EXAMINER

FIELD

N/A

B.

MEASUREMENT METHOD

FLOW MEASUREMENT

N/A, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? (Y) (N) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: 55-07078, 55-07079, 55-07081, 55-7109.

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

X RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

- A55-07078
A55-07079
A55-07081

License 55-07078 also from Jordan Ck for use ~~at~~ at mine site. However, Mr. McIntosh stated that they seldom exceed the diversion of 0.412 cfs from Jordan Ck. Because they have no water to augment the use under A55-~~07078~~ 07078. License 55-07079 from Pensietta Drainage into pond; conditioned for replacement water from wells which do not exist.

Permit 55-07081 - see file.

License issued for 0.412 - SRBA claim for 0.412 - no change.

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE N/A x 0.02 CFS/ACRE = CFS
ACRES (Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

ACRES x CONSUMPTIVE VOL. AF/A FOR AREA =

TOTAL CONSUMPTIVE USE AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES x DIVERSION VOL. AF/A FOR AREA =

TOTAL DIVERSION VOLUME AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

*A condition on the transfer analysis shall limit to them to
.20 cfs for consumptive use. (→) Not included as
condition on transfer; not appurtenant
to this water right.*

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	DATABASE EXAMINER	DATABASE EXAMINER	REC. CONS. USE
Mining	1-1 12-31	0.412	N/A	surface	382.5 AF
Domestic	1-1 12-31	0.02	N/A	water	N/A
TOTAL FOR THIS RIGHT		0.412			

REVIEWED BY: Kay Walker

DATE: 3-23-94

Consumptive use:

Domestic - N/A

Mining - Res. Area - Acres = 153

Consumptive } 153 ac. x 2.5 = 382.5 AF

per dam
safety
records - all
attached

A. CHECK ONLY THE FOLLOWING THAT APPLY:

ACCEPTED AS CLAIMED (X)
NEEDS REVIEW ()
()
()

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 55-02134

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

EXAMINER 0.412
DATABASE 3.600
0.412 CFS

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
55-02134	A55-02134	0.412	-	0.412	55-02134	0.410
55-02082A	A55-10220	3.600	-		55-02082A	2.500
55-02082B	A55-10220	3.600	-		55-02082B	1.100
55-02165	A55-10220	3.600	-		55-02165	

No relation
These combined & numbered A55-10220.
TOTAL CFS 13.212 NOT

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

FIELD EXAMINER
DATABASE X-Y

REMARKS:

AUTHENTICATION: Kay Walker
SIGNATURE: Kay Walker
NAME OF FIELD EXAMINER: Kay Walker
DATE: 2-23-94
TITLE: St. Agent

A. ROOT WATER RIGHT NUMBERS: A55-02134
. A55-10220 ← Ben & Catherine Dougal (95,5W, Secs. 8 & 9) NO relationship

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
05S	04W	6	NE	NE		NERCO DELAMAR CO.	A55-02134	/			
TOTAL ACRES							A55-02134				

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () N ()

IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED? DATABASE Y FIELD EXAMINER FW

DUE TO POU DISCREPANCY? (Y/N)

PRESUMPTION FLAG:

REMARKS:

POU Transferred under 2367 chg. P.O.U. to Sec. 8, NWNE.
The license issued in 1940 shows P.O.U. in section 5, SENE.
Now the P.O.U. has changed since this transfer?
No P/U found in NWNE as shown in transfer -
Recommended P/U in NENE as claimed & as used.

RECOMMENDATIONS:

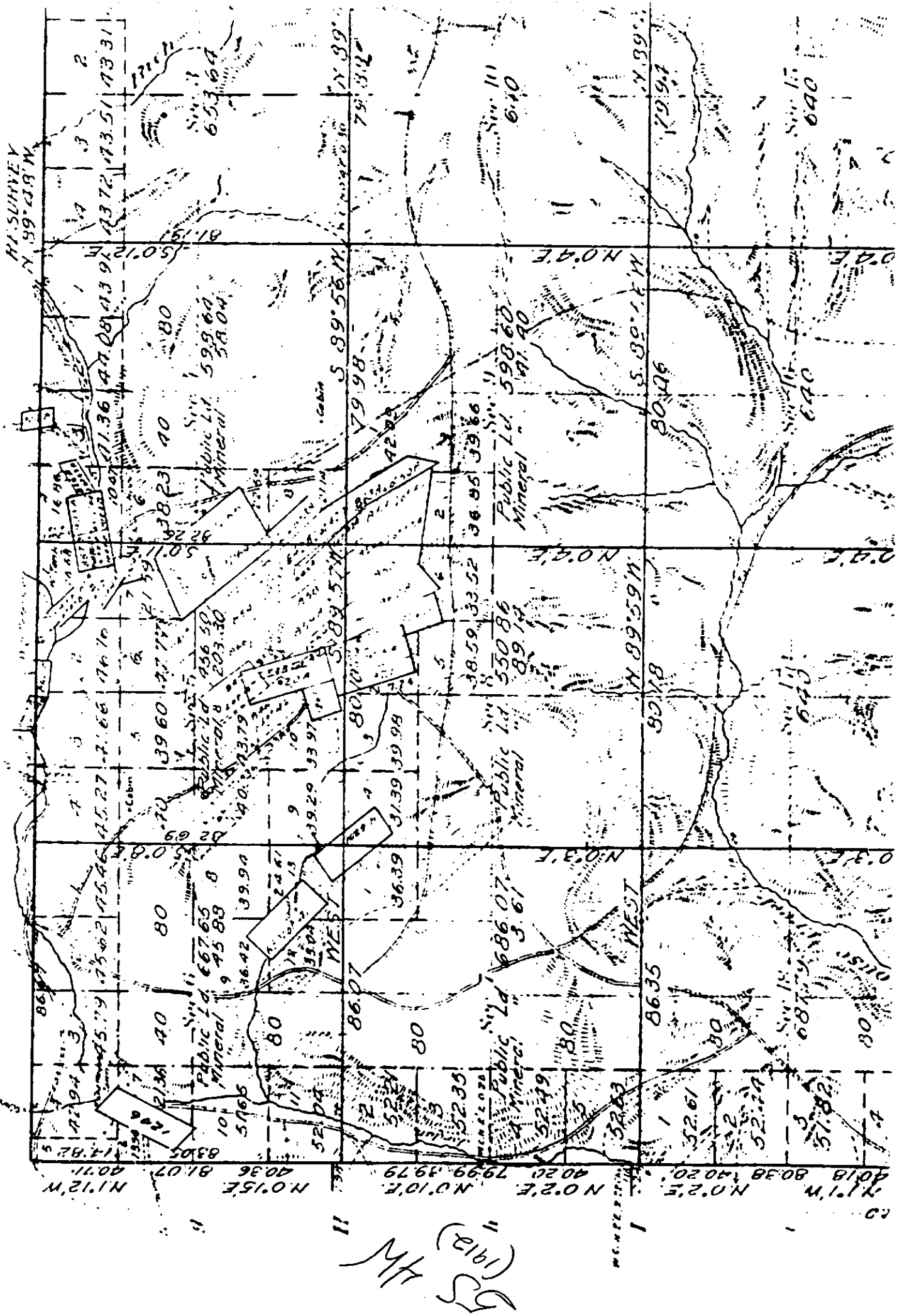
TOTAL ACRES: 0 DATE: 5/5/93
REVIEWED BY: Ray Walker

Place of use/actually within: NENE, SWNE, & SENE,
at mine & NESE, Sec. 8, Twp. 55, Rge. 4W,
& milling site. Owyhee County
Recommend NENE, Sec. 8 as claimed - use COS
Other P/U's covered under subsequent licenses.
BW 2/22/98

A55-02134



SCALE 1:24 000
KILOMETERS



~~DELAMAR SILVER MINE
MINE WATER SUPPLY SYSTEM~~

Jordan Creek Pump #1
20 HP
Vertical Sump Pump
500 gpm @ 1'

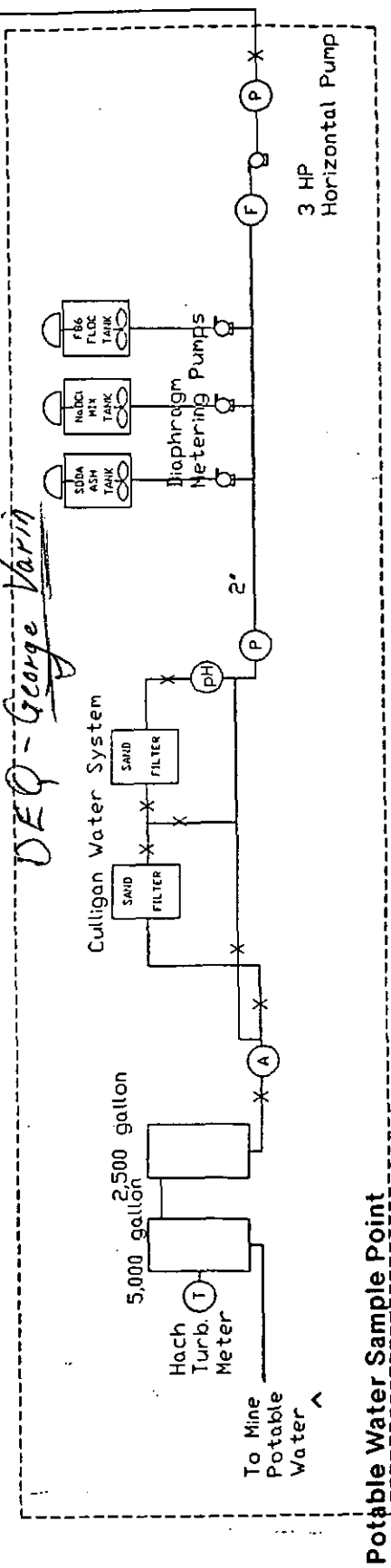
Jordan Creek Pump #2
125 HP
Multistage Vertical Turbine
500 gpm

$T = 2134 = 185 \text{ gpm}$
 $55 - 7078 = 500 \text{ gpm}$

No. 3 Well (injection well)
100 HP
Multistage Submersible
500 gpm

POTABLE WATER TREATMENT

DEQ-George Varin



Potable Water Sample Point

NAME	MINH WATER SUPPLY	DATE	9/28/92
ADDRESS	DALANG, LONG	TIME	10:10
PHONE	GENERAL FLOW SHEET	BY	
REMARKS		DATE	

Table Number 1

WATER PUMPED FROM JORDAN CREEK (GALLONS)

MONTH	YEAR												AVERAGE	MAXIMUM	MINIMUM
	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991					
JAN	2,237,900	18,520,100	1,723,200	526,400	1,210,000	7,885,900	8,290,100	28,700	12,752,809	35,900	5,221,114	16,520,100		11,654,800	28,700
FEB	1,121,100	11,654,800	3,366,500	3,852,200	0	0	6,406,500	156,800	10,475,395	5,212,800	4,224,610	11,654,800			0
MAR	0	0	1,097,700	13,120,300	0	0	0	0	0	0	1,421,800	13,120,300			0
APR	0	7,704,400	5,418,100	0	0	0	0	28,700	0	10,966,270	2,411,547	10,966,270			0
MAY	3,373,500	5,097,300	0	4,948,600	2,120,100	14,801,560	2,032,100	0	824,387	64,800	3,326,253	14,801,560			0
JUN	6,813,600	3,322,900	0	16,236,900	6,980,200	10,345,064	2,155,100	5,808,000	10,420,005	1,075,400	6,316,717	16,236,900			0
JUL	9,212,800	16,501,900	16,650,900	13,689,300	16,039,600	9,110,173	8,969,200	6,303,700	8,403,125	7,582,100	11,346,280	16,650,900			6,303,700
AUG	0	10,418,300	12,825,500	7,637,400	10,548,800	0	0	12,200	0	3,388,900	4,483,110	12,825,500			0
SEP	5,394,900	13,879,200	16,082,000	9,276,200	5,968,000	87,749	200,200	3,600	0	0	6,070,185	16,082,000			0
OCT	11,136,000	15,150,900	6,262,800	5,837,300	13,694,400	2,551,240	1,413,000	802,800	0	0	5,904,844	15,150,900			0
NOV	13,051,500	1,810,300	552,100	13,986,000	3,736,100	10,732,800	71,800	651,300	0	0	4,459,190	13,986,000			0
DEC	9,972,000	7,738,600	12,186,300	9,065,300	4,390,300	10,400,455	38,200	4,821,600	24,000	0	5,863,676	12,186,300			0
TOTAL	82,319,300	109,599,700	75,265,100	98,175,900	64,857,500	55,924,941	31,578,200	18,615,400	42,899,831	23,325,170	60,056,304	109,599,700			18,615,400
Acfe-109	191	336	240	301	199	202	87	57	132	87	195	306			57

WATER PUMPED FROM WELL NUMBER 3 (GALLONS)

MONTH	YEAR												AVERAGE	MAXIMUM	MINIMUM
	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991					
JAN	7,653,000	7,032,300	5,879,500	3,853,000	4,157,500	3,373,800	2,539,400	4,074,100	3,473,355	5,199,800	4,731,674	7,653,000		2,539,400	
FEB	6,645,000	5,345,900	7,355,600	4,220,300	4,780,300	3,247,700	3,807,100	3,489,400	3,427,718	4,175,000	4,647,302	7,355,600		3,247,700	
MAR	5,693,300	5,323,600	7,817,900	5,511,500	5,702,100	4,466,100	3,432,800	3,631,600	2,593,597	4,237,400	4,840,990	7,817,900		2,593,597	
APR	7,614,000	5,110,000	8,049,200	3,990,400	3,728,600	4,735,000	5,892,100	1,292,500	3,333,228	4,414,700	4,815,973	8,049,200		1,292,500	
MAY	3,402,400	6,928,100	6,058,800	5,077,200	5,256,400	5,623,326	4,348,000	4,134,700	3,245,255	4,171,500	4,824,568	6,928,100		3,245,255	
JUN	1,675,500	11,483,500	11,778,300	6,560,600	7,308,500	5,600,997	5,412,800	5,595,600	3,844,780	5,443,100	6,470,368	11,778,300		1,675,500	
JUL	1,147,800	8,942,600	8,625,900	6,607,800	6,696,900	6,167,939	5,783,500	8,113,700	5,271,910	6,780,100	6,413,815	8,942,600		1,147,800	
AUG	5,962,400	6,046,500	7,828,000	7,553,600	6,941,500	7,155,200	6,894,000	6,328,900	5,356,625	1,230,500	6,133,723	7,828,000		1,230,500	
SEP	3,334,100	5,796,400	7,325,100	4,107,600	6,537,600	7,856,977	5,537,300	5,302,600	5,607,513	7,696,600	5,890,179	7,696,600		3,334,100	
OCT	7,818,000	7,165,400	3,823,800	3,783,600	4,045,800	6,770,722	5,505,100	5,593,100	4,167,350	5,973,700	5,465,657	7,818,000		3,783,600	
NOV	5,459,900	5,252,700	5,132,500	5,660,400	3,403,300	4,177,152	4,424,500	3,457,500	4,356,331	5,513,400	4,683,788	5,660,400		3,403,300	
DEC	5,922,900	5,602,700	3,898,600	5,163,200	4,569,400	3,965,336	4,145,000	4,410,100	3,212,000	4,806,900	4,569,614	5,922,900		3,212,000	
TOTAL	62,308,300	80,029,100	83,673,200	62,139,200	63,107,900	62,940,249	57,721,600	55,472,800	47,889,644	59,642,700	63,187,258	83,673,200		47,889,644	
Acfe-109	191	246	257	191	196	193	177	170	147	163	196	257		147	

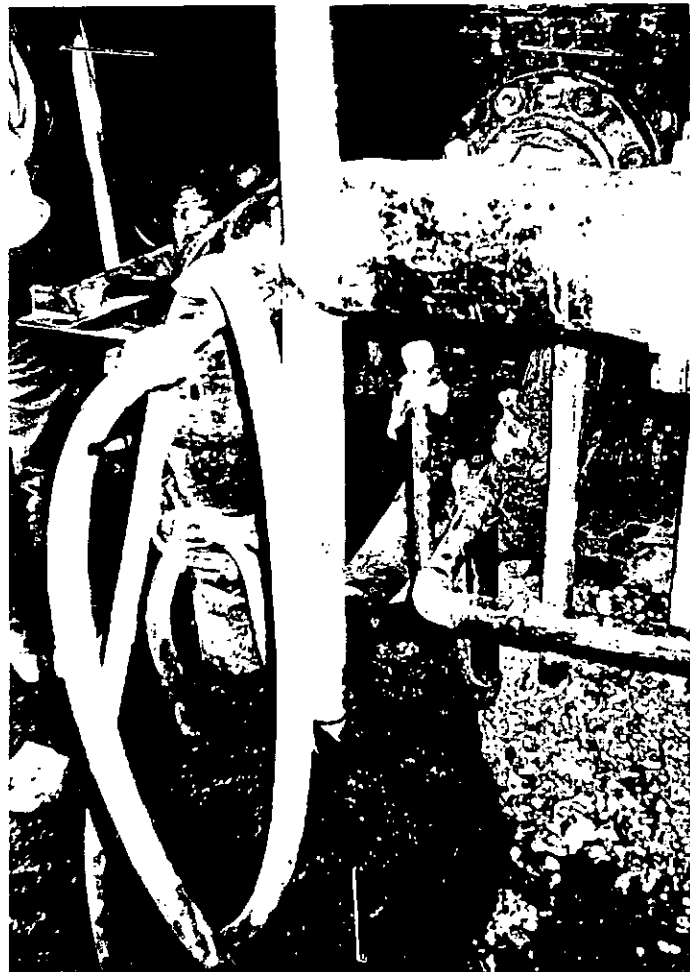
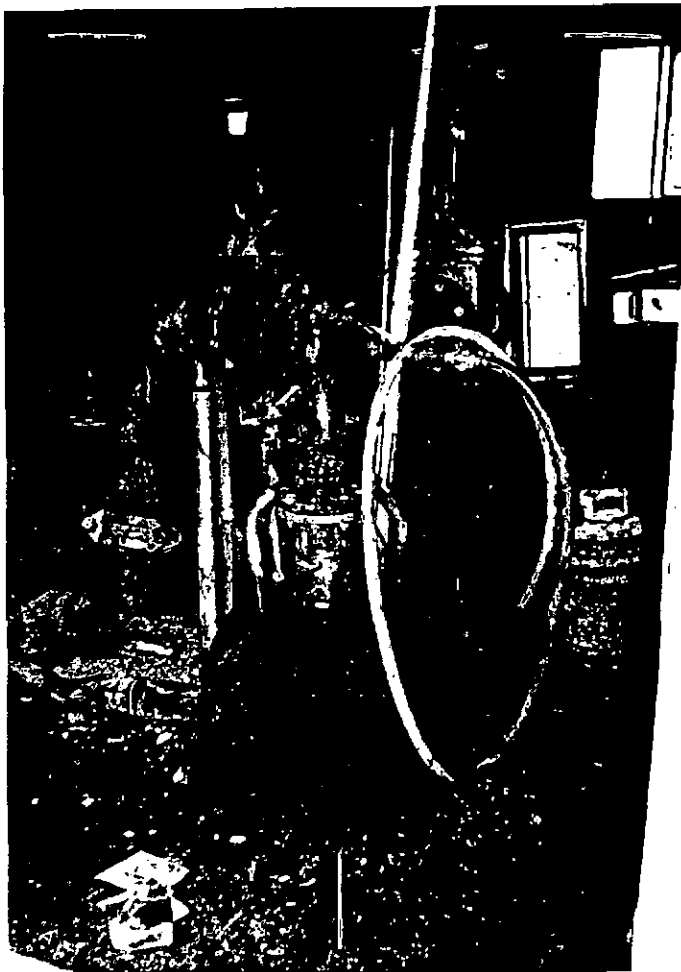


Pump on
Jordan Creek -
located in
NWNENE, S6,
T. 5S, R. 4W.
Booster pump
in building

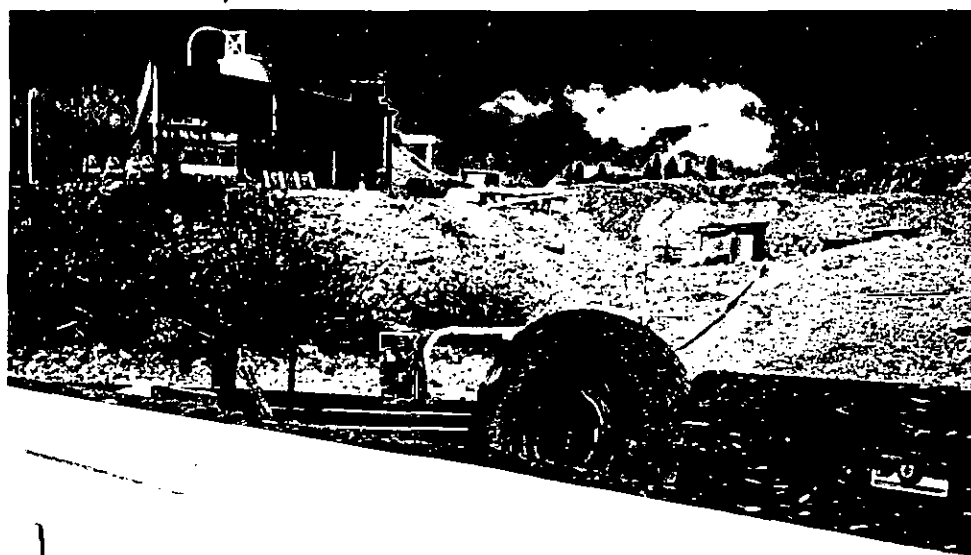
Note pipeline
running from
building up the
mountain - this
line delivers water
from Jordan Cr.
to mine - Pipeline
13,000' long.



see original photos in WR file 55-07081. ^{KW} 2/23/94
Pictures taken by Linda Werner. 4-14-93.



2000' well located in SWSENE, Sec. 8,
T. 5S, R. 4W.

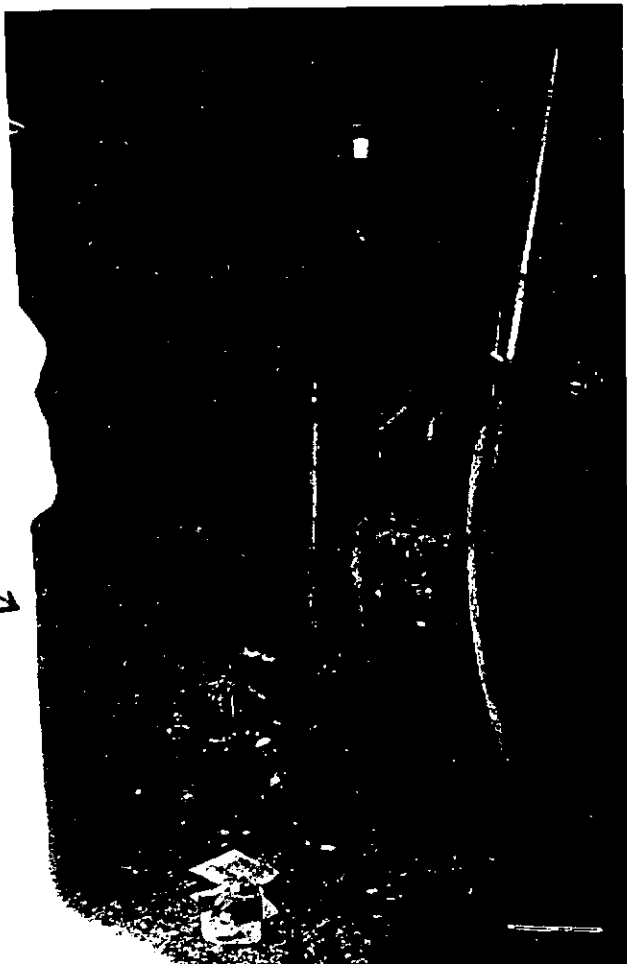


Booster pump
& pipeline
outside well
building - used
to prevent water
from ponding
around well's
building.

Pictures taken by Linda Werner 4-14-93.



Overall
view of mine
from
vantage
point.



Green
line
injects →
Jordan
Ck. water
into
well.

2000' well & booster
pump
located in
SWSENE, Sec. E,
T. 5S, R. 4W -

Water from Jordan
Ck. can be injected
into well or
bypass well and
put into storage
tank.

Pictures taken by Linda Werner 4-4-95.



AVR towers-
installed to
clean water
after it has
gone through
milling process
before discharge
into pond.

Tailings pond
in NW 1/4, S. 8;
NENE, S. 7;
SESE, S. 6;
S 1/2 SW, S 5;
T. 5S, R. 4W.

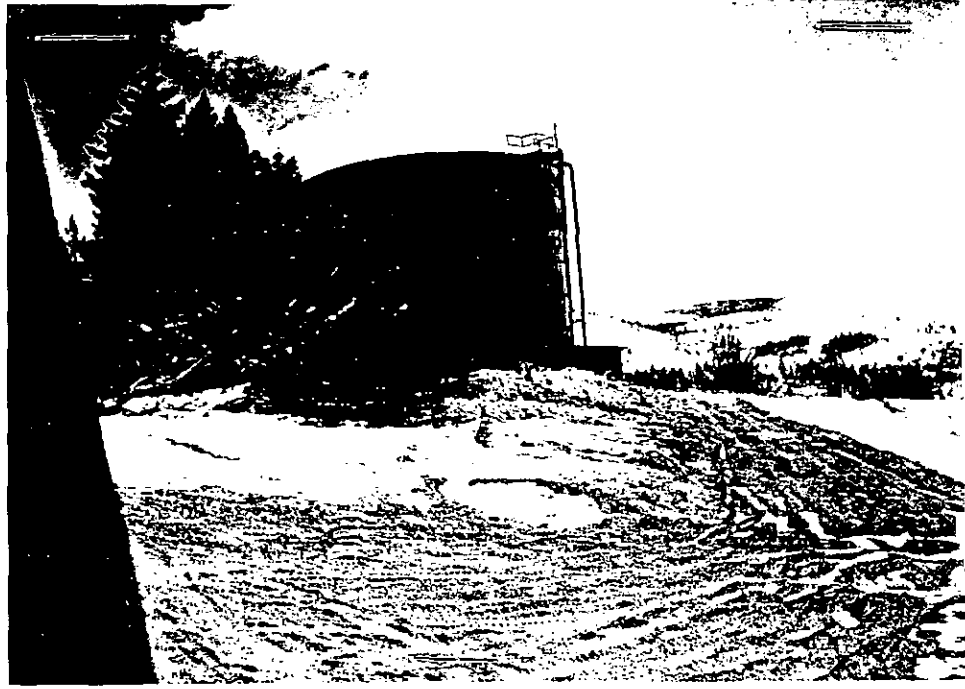


Water in
pond is now
potable -

Picture taken by Linda Warner 4-14-95.

4-14-1993

500,000 gallon
storage tank
located in
NW1/4, Sec. 9, T. 55,
R. 4W



Potable water
building - see
general flow
sheet for
potable water
treatment.

Photos taken by Linda Werner.

Nerco-Delamar

Adjudication Claim No.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Staff Analysis Sheet For
SRBA Claim Verification Field Report

A. Prior to Conducting the Exam, the File Contains

- ☒ Claim Verification Report(CVR)
- ☒ Copy of Adjudication Claim
- ☒ Copies of pertinent files(prev. rts., exams, etc.)
- ☒ Well Inspection Form (If Needed)
- ☒ Copy of U.S.G.S. Quad map, orthophotoquad, or NAPP photography
- ☐ Check P.D. & P.U. desc. for Govt. Lots(if a lot is found, a copy of the Govt. plat is needed to add the lot onto the R claim file later.)
- ☒ Check CVR for P.D. overlap(see page titled Pt. of Div. Review Sheet)
- ☒ Check AJ & WR P/D indexes(to ck. accuracy of CVR overlap ckd. above)
Overlap ☐ yes ☐ no If yes: ☐ copy of claims & water rights incl?
Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____
- ☒ Check CVR for P.U. overlaps(see page titled Pl. of Use Review Sheet)
- ☒ Check AJ & WR P/U indexes(to ck. accuracy of CVR overlap ckd. above)
Overlap ☐ yes ☐ no If yes: ☐ copy of claims & water rights incl?
Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Different source for same acres
☐ Other: _____
- ☒ Appointment Letter Sent? _____ (initial & date)
- ☒ Appointment Made and Telephone Conversation Memo Attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully Completed and Signed CVR Form
- ☒ Completed Adjudication Claim Checklist
- ☒ Photographs of Point(s) of Diversion and Place of Use
- ☒ Completed map outlining Point(s) of Diversion and Place of Use

FIELD EXAM
TELEPHONE CONVERSATION MEMORANDUM

NAME OF CONTACT Steve Macintosh - Perco

PHONE NUMBER 208-583-2511 ADJ. AGENT Ray

DATE SET FOR EXAM April 14 at 10:30

LOCATION/DIRECTIONS what bldg? Administration -

Left at Jordan Valley; left at sign
to Belamak; follow blacktop; sweeping
st. hand corner; gravel road stay left

Diverting at full rates? _____

Type of measuring devices? _____

Places to make measurements? _____

Type of System? (pipelines, ditches) _____

How many laterals are used? _____

Length and size of mainline? _____

Size of motor used for each P/D? _____

Estimate of depth to water? _____

Pressure at well? _____

Pressure at sprinkler heads? _____

COMMENTS _____



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

April 1, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

NERCO DELAMAR COMPANY
PO BOX 52
JORDAN VALLEY OR 97910

RE: Claims filed in the Snake River Basin Adjudication.

Dear Claimant;

The Department of Water Resources will be conducting beneficial use and water right claim verification examination in your area beginning in April. An examination is needed to verify your water use in order to issue a water right license and/or decree.

Information on your permit or claim which may need to be verified includes source of water, type of usage, amount of water used, number of acres irrigated, and legal descriptions of the point of diversion and/or place of use.

In order to expedite these field examinations, which need to be completed this season, we request that you contact our office at (208) 334-2190 within two weeks to make an appointment at a time convenient for you. The amount of time required to conduct these exams depends on the number of water rights you have filed. An approximate time can be given when you call for an appointment.

Although it is not mandatory that you accompany the field examiner, it does insure that an accurate description of your system will be made. If either yourself, or someone familiar with the system, could accompany the examiner it would be beneficial.

To make an appointment, or if you have any questions or problems with scheduling the exam verification, please contact one of the following water resource agents in our office.

RON HOWERTON

KAY WALKER

LINDA WERNER

State of Idaho

License and Certificate of Water Right

Water License No. 18594

Amount 0.412 sec. ft.

Water District No.

Priority March 16, 1938

THIS IS TO CERTIFY that ROBERT C. KINNEY
 of Delamar, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated March 16, 1938; that Permit No. 18594
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 2 second feet, was issued thereunder on February 9, 1939, showing that said works
 were completed on the 24th day of January, 1939; and that on the 15th
 day of March, 1939,
 ROBERT C. KINNEY

of Delamar, State of Idaho, made proof to the satisfaction of the
 Commissioner of Reclamation of Idaho, of the right to use the waters of Jordan
 Creek, a tributary of Owyhee River, for the purpose of milling gold and silver ore
 and domestic purposes, under Use Permit No. 18594 of the Commissioner of Reclamation
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
 hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7
 of Licenses, at page 3979, on the 6th day of February, 1940;
 The right hereby confirmed dates from March 16, 1938;

The Point of Diversion is located approx. 1200 ft. distant from NE corner Sec. 5, T. 5 S., R. 4 W., B.M.
 in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, Tp. 5 S., R. 4 W., B. M. Owyhee County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
 is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.412
 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Point of use is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 5 South, Range 4 West, B. M.		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use
 herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
 this 6th day of February, 1940

JAMES SPOFFORD

Commissioner of Reclamation

(SEAL)

Water Right Number - 55-02134 ✓

Prefix Translation: WATER RIGHT

Old (D) Number - 18594

*** C - CURRENT OWNER ***
DE LAMAR SILVER MINE

1 - P.O. BOX 52
2 -
3 -
City- JORDAN VALLEY State- OR Zip-
Phone -

*** O - ORIGINAL OWNER ***
KINNEY

ROBERT C.
1 -
2 -
3 -
City- State- Zip-
Phone -

Priority Date 03/16/1938 ✓

Region 14 WESTERN

Stage L - LICENSE ✓

Status

Source JORDAN CREEK ✓

Tributary OWYHEE RIVER ✓

Point of Diversion

Stream Index (Blank if no Index Code)

TwN 05S ✓

Rng 04W ✓

Sec 6 ✓

Tract NW NE ✓

Lot

RFlg (73) OWYHEE ✓

County

County

Diversion Rate 0.410

Diversion Volume 0.412

Description 13 - MINING ✓
43 - MINING ✓
43 - DOMESTIC ✓

Period From 1-1

Period To 12-31

Water Use

Total Div. Rate 0.410

Total Div. Volume

Total Div. Capacity

TwN 05S ✓

Rng 04W ✓

Rng 8 ✓

Sec

Tract

Lot

Acres

Place of Use

Code

Description

County

County (73) OWYHEE

Diversion Means

Non-Irrigation Use - X/MILLING.

Other Rights for Same Use

Remarks

No Remarks found.

Old Water Right Numbers

No Old Water Right Numbers found.

added 10 ac.
tract descript.

added season
of use -
same
license

changed
p/u

Transfer No. 2367
Application No. 55-2134

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant De Lamar Silver Mine Phone 583-2511
Post office address P.O. Box 52, Jordan Valley, Oregon 97910

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
 - a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)
 - b. License No. 55-2134 issued by the Idaho Department of Water Resources
 - c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Water right was acquired after licensing by purchase of property and attached facilities by the applicant.
3. Source of water Jordan Creek tributary to Owyhee River
4. Date of priority 3-16-38
5. Water is used for the following purposes:
amount .412 cfs for mining & milling purposes from January 1 to December 31
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)
6. Total amount of water under right: a. .412 cubic feet per second
8/or
b. _____ acre feet per annum
7. Location of original point of diversion is NE % of NE % of Section 5
Township 5 South Range 4 West, B.M. in Owyhee County
Additional points of diversion, if any NONE

8. Lands irrigated or place of use: No lands irrigated.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5S	4W	5				X													

Total number of acres to be irrigated _____

MICROFILMED
SEP 29 1992

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
b. _____ acre feet per annum

2. Point of diversion _____, Section _____ Township _____
Range _____, B.M. _____ County _____
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion _____

a. Amount of water to be diverted _____ c.f.s. &/or _____ acre feet

b. Point(s) of diversion _____, Section _____ Township _____
Range _____, B.M. _____ County _____
Additional points _____

c. Description of diverting works Short coupled vertical turbine pump. Penstock to mill site. Infiltration gallery in Jordan Creek.

d. Describe the reasons for applying for a change in the point(s) of diversion Greater efficiency of transmission and decrease in energy consumption by pumping from the new location.

2. Change in place of use

a. Describe the lands or place of use to which the right will be transferred:

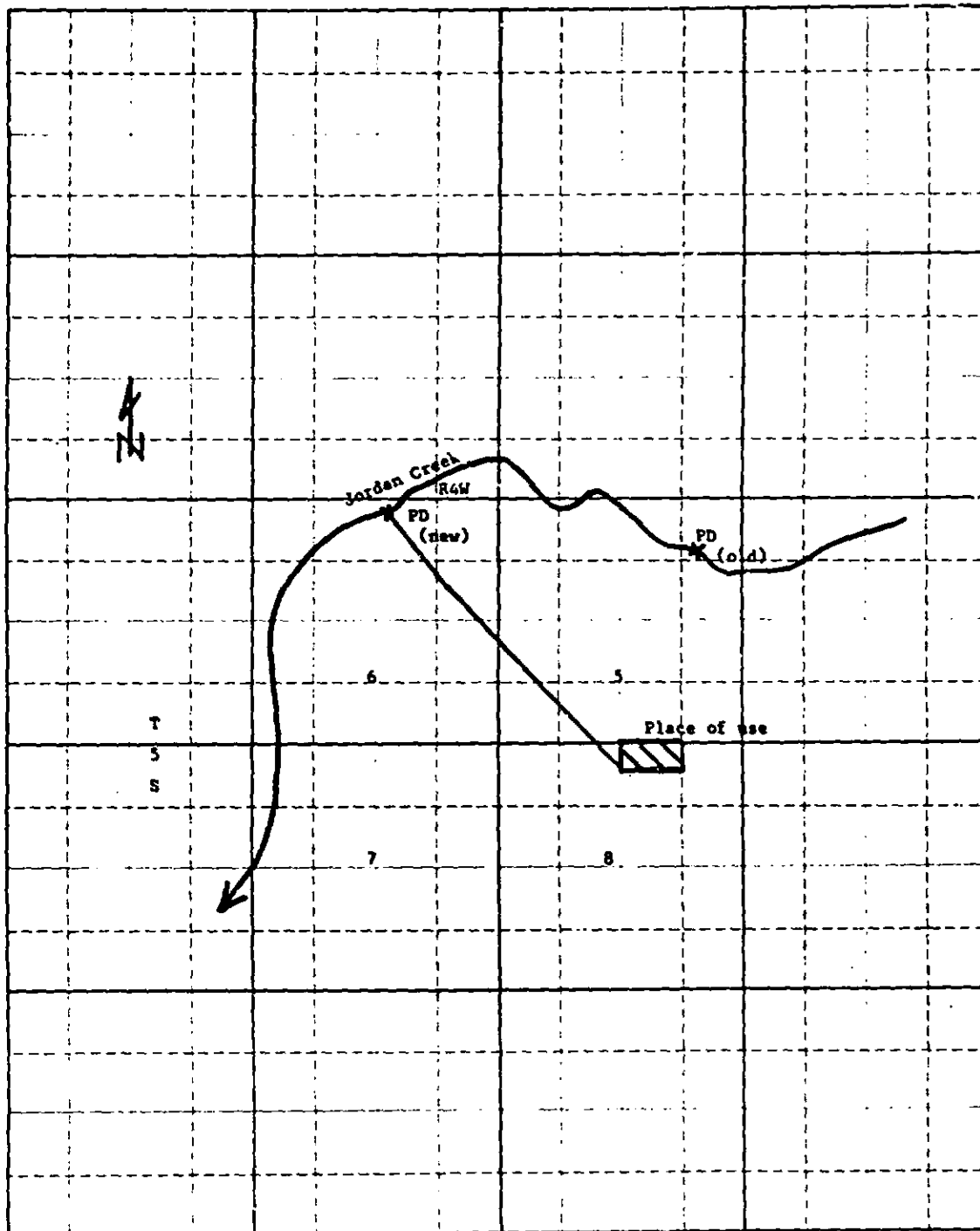
TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5S	4W	8		X															

Total number of acres to be irrigated None

MICROFILMED

SEP 29 1992

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated.
Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Lytle V. Talbot
(Signature of applicant)
Resident Manager

Subscribed and sworn to before me this 12th day of October, 1979

Kenneth L. Brown
(Notary public)

My commission expires 7-8-80

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 55-2134 and said application is hereby approved

1. Approval of said application is subject to the following limitations and conditions:

2. Denial of said application is for the following reasons:

Witness my hand this 3rd day of December, 19 80

Norman C. Young
NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by <u>EW</u>	Date <u>10/15/79</u>	Protest filed by _____
Prelim. check by _____	Fee <u>35.00 # 15222</u>	
Received by <u>JK</u>	Date <u>11/5/79</u>	
Published in <u>Owyhee Nugget</u>	Copies of protest forwarded by _____	
Pub. dates <u>11/22 & 11/29/79</u>	Heaving held by _____	Date _____
Watermaster recommendation requested on _____	Recommended for _____	approval _____ denial _____
rec'd.	by _____	

MICROFILMED
SEP 29 1992

ATTACHMENT A — *Transfer No. 2367*

Applicant wishes to transfer existing water right 55-2134 to a new point of diversion and place of use to facilitate modern day operation of the milling processes begun on this property in 1938.

The early operation of a mill for metallic ore processing was begun at this location by Mr. Robert Kinney of De Lamar, the original applicant. During operation of the mill Mr. Kinney assigned his water right to De Lamar Milling, Inc., an operating entity for use on the property. De Lamar Milling Corporation and Mr. Kinney then operated the mill for an undeterminate period of time as leaseholders for the owners, the J. C. Rushing family of Tacoma, Washington. Subsequent to the termination of the lease with Mr. Kinney, the Rushing family leased the property to Mr. Jean Heazle for three years. The property was transferred to Marion C. Rushing upon the death of Mrs. J. C. Rushing who subsequently leased the facility and property to Continental Quicksilver, Inc. The property was operated by the company more or less continuously according to Owyhee County records until the sale of the land to Earth Resources, Inc., owner of the De Lamar Silver Mine.

The water right has been utilized for mining and milling operations by the De Lamar Silver Mine and by the previous owners and leaseholders in a more or less continuous operation since licensing. Unfortunately, Mr. Kinney and Mr. and Mrs. Rushing are deceased and their heirs cannot be located at this time. However, extensive investigation by the applicant has led to the above described progression of the water right and operation of the processing facility. It is apparent from this investigation that the water right has been used from application in 1938 to the present and there has not been a period of five consecutive years wherein water was not diverted for the use described under the license. It is, therefore, the request of the applicant to transfer the existing water right to the new point of diversion and place of use.

RECEIVED



State of Idaho
DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

(Office at the corner of
Franklin and Cole Roads)

(208) 384-2190

October 8, 1980

MEMORANDUM

TO: File 55-2134
FROM: David Shaw
SUBJECT: Proposed Transfer

The affidavits covering the use of water under this right cover the period from the time of the field examination to the present. Without having some strong evidence to refute the affidavits, it seems clear that some water has been used, at least periodically, in most years since 1939. There has not been a period of 5 consecutive years without some usage.

There is a period from 1958 - 1964, however, when I suspect the consumptive use was minimal. The use during this period was "testing and panning gravel" according to Thomas Brunzell's affidavit.

The proposed use is nearly totally consumptive. This seems to make this transfer and expansion of the right as it existed at the end of 1964. How much or if this expansion will do damage to downstream users is questionable since there is no watermaster to insure that available water is properly distributed. Jordan Creek is presently totally diverted for irrigation downstream from the proposed point of diversion so it seems likely that some reduction in the amount of water diverted downstream will occur. There are no records to show whether the downstream users are entitled to all the water they are diverting.

I recommend the transfer be approved with the condition that no more than 0.2 cfs be consumptively used. The remaining can be diverted but must be returned to Jordan Creek.

DBS:hjh

DO NOT FILE

CONVERSATION MEMORANDUM

DATE

10/6/80

FILE

SS-2134

NAME OF PARTY

Sharl Chapman

EMPLOYEE

David Shon

RE: Proposed Transfer

Sharl said the water under the Bily would be retained by the Dehman mining process. The result would be a nearly 100% consumptive use.

Sharl said he thought the original use prior to 1945 was probably highly consumptive also. Since that time the road construction and drilling was probably consumptive but he didn't think the plan camp would have been consumptive.

DO NOT FILM



(208) 583-2511

DO NOT TRICK-FILM



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

(208) 384-2190

DATE: September 8, 1980
TO: File No. 55-2134
FROM: G.L. Sisco *GLS*
SUBJECT: Field Inspection

On May 22, 1980, Sherl Chapman and I visited the original site where water was used under licensed water right 55-2134.

This site, located in the NENE, Sec. 5, T 5S, R 4W, is the original DeLamar milling works. The mill is now abandoned and has collapsed, the surrounding buildings are in a state of decay.

There is evidence that the mill and the other building used quite a bit of water. Steel pipes are still partially buried and appear to be old water lines. They range in size from 1 inch to 4 inches in diameter and run to the mill and several buildings. The source of water for the pipelines was Jordan Creek and a large spring area above the mill.

I could not verify the original point of diversion from the creek, but there were several concrete structures on or near the creek that could have been parts of the original diverting works.

There was no evidence of any recent use of water or any permanent diverting works. If water has been used in the area, portable pumps would have to be the means of diversion.

Sherl indicated the DeLamar Silver Mine had used the water for construction needs, building roads and for other mining purposes in the general area.

I told Sherl that we would need an affidavit from the DeLamar Mine showing the dates the water was used, the uses and the amounts since their purchase of the property.

Also, we looked at the new point of diversion which is located down stream from the old site. This site has an infiltration gallery under Jordan Creek, from there the water is pumped to the new processing plant.

GLS:kc

DO NOT FILM

Sherl L. Chapman

CONSULTANT

4706 FAIRVIEW AVENUE / BOISE, IDAHO 83704 / PHONE 375-6131

June 5, 1980

Mr. Lee Sisco
Department of Water Resources
92 South Cole Road
Boise, Idaho 83705

RECEIVED

JUN 9 1980

Department of Water Resources
Western Regional Office

Dear Lee:

Enclosed you will find affidavits from Tom Brunzell of Murphy, Idaho, and from Continental Quicksilver, Inc. regarding the water right presently under consideration for transfer, #55-2134. As you can see from the affidavits, water from Jordan Creek has been used in varying amounts under this license since its inception in 1938. Licensing of the water right in itself is prima facie evidence of the right and, as we were able to determine at the old Delamar mine site, significant diversion structures and mining and milling facilities were constructed at the point of diversion. Additionally, the work conducted as outlined by Mr. Brunzell were on claims owned by himself and others which are a part of the property to which the water right is appurtenant. You may or may not be aware that the owners of the property, the J. C. Rushing family, leased the property to others who used the water under this right. The Kinney right was used at the Delamar mine site and for the adjacent claims which were all part of one large operation. These claims are now part of the lands and claims owned or held by Earth Resources Company. Additionally, Earth Resources Company has used water from Jordan Creek at this point of diversion since taking control of the area for exploration, development, construction and other purposes directly associated with mining and milling operations. I feel that these affidavits and our visit and inspection of the diversion and old mill site conclusively demonstrate that the water right was, in fact, established, it was utilized for beneficial purposes, and has been used for beneficial purposes from its inception to the present. There is no evidence of abandonment or forfeiture. We would, therefore, ask that you do all you can to see that the application for transfer is processed as rapidly as possible in order to clarify the water rights position of Earth Resources Company.

Sincerely yours,

Sherl L. Chapman
Sherl L. Chapman
Consultant

SLC:kje
enclosures

SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

DO NOT WRITE IN THESE SPACES

THOMAS BRUNZELL

Assessor of Owyhee County

MURPHY, IDAHO

1934 - 1941. Worked at the flour mill.

Walter Campbell from Jordan Creek.

1941 - 1945. Mill now operating. Also done

house & bridge & materials.

1948 - 1951. Placer mined at the flour mill.

Jordan Creek.

1954 - 1956. Placer mined at the flour mill.

Alamy.

1957 - 1958. Coal mined with in placer.

Timber on Jordan Creek at the flour mill.

My father Bryan Brunzell. Mill work.

from 1958 to 1970. Logging and sawing wood.

in Jordan Creek.

RECEIVED

JUN 9 1980

Department of State Records
Main Session Office

CONTINENTAL MATERIALS CORPORATION

Mining Division Office Suite 101, 2002 N. Forbes Blvd. • P.O. Box 50724, Tucson, Arizona 85703 Phone (602) 882-4144

May 29, 1980

STATEMENT CONCERNING USE OF WATER FROM JORDAN CREEK to accompany affidavit

Continental Quicksilver, Inc. as owner of the DeLamar patented claims made beneficial use of water from Jordan Creek at the times and for the purpose stated as follows:

1965

By lessee Keldon G. Adams, 1415 Maple Park Drive, Medford, Oregon. For washing gravels located on the Wilson Mill Site for the recovery of mercury amalgam.

1966

By contract driller Justice Core Drilling Co., Rt 2, Wildwood St. Boise, Idaho. For core drilling operations on the DeLamar patented claim group.

1967

By lessee Leon Helt, Rt 3., Caldwell, Idaho. For washing gravels located on the Wilson Mill Site for the recovery of mercury amalgam.

1969

By lessee S. Donald Rowe, 142 Midland Boulevard, Nampa, Idaho. For washing gravels located on the Wilson Mill Site for the recovery of mercury amalgam.

Continental Quicksilver Inc., is a subsidiary of Continental Materials Corporation.

RECEIVED

JUN 9 1980

Department of Water Resources
Western Regional Office

DO NOT FILE

SUMMARY SHEET

BASIN : 55
DAM_NUMBER : 7079A
NAME_OF_DAM : DELAMAR TAILINGS
CNTY : OWYHEE
STREAM : HENRIETTA GL-JORDAN CK(OS)
REGION : W
PURPOSE : T
RISK_CATAGORY : 1
SIZE_CATAGORY :
QUARTER_QUARTER_SEC : SESE
SECTION : 06
TOWNSHIP : 05S
RANGE : 04W
LATITUDE : 43.0121
LONGITUDE : 116.8470
MAP_CODE : '55-7079A-D '22000*
DAM_TYPE : EARTH
STORAGE_AC-FT : 12300
HEIGHT_FT : 275.0
DRAINAGE_SQ_MI : 0.8
RES_AREA_ACRES : 153
YEAR_COMPLETED : 1977
CREST_ELEV_MSL : 5965
CREST_LENGTH_FT : 2200
SPILL_TYPE : NONE
SPILL_DEPTH_FT : 0.0
SPILL_CAP_CFS : 0
OUTLET_TYPE : NONE
OUTLET_SIZE_IN : 0
OUTLET_CAP_CFS : 0
INFLOW DESIGN FLOOD :
IDF_MAGNITUDE_CFS : 0
RELEASE_CAPACITY_CFS : 0
CONDITION : GD
INSPECTION_DATE : 1090
CERT_EXPIRATION : 1191
LAST_RISK_EVALUATION : 0686
NEXT_UPDATE_DATE :
NEXT_ISSUE_DATE : 26-Feb-91
INSPECTION_INTERVAL :
RESTRICTED : Y
PHASE1_INSPECT_DATE :
OPERATIONS_PLAN : Y
SEISMIC_ANALYSES :
ORDERS_ISSUED_DATE :
JOINT_INSPECTION :
QUADRANGLE_NUMBER : Z3
QUADRANGLE_NAME : ROOSTER COMB PEAK
QUADRANGLE_SCALE : 062500
DAM_OWNER : NERCO DELAMAR CO
ADDRESS_LINE_1 : DELAMAR SILVER MINE
ADDRESS_LINE_2 : P O BOX 52
CITY : JORDAN VALLEY
STATE : OR
ZIP_CODE : 97910 0000
PHONE_NUMBER : 5832511
AREA_CODE : 208

GENERAL_REMARKS : STORAGE CAP INCLUDES TAILINGS. STORAGE CAP IS AT ELEV 5955.0'. PART OF DAM
LOCATED IN SECTION 5 & 7. DAM HEIGHT IS STRUCTURAL.

TECHNICAL_REMARKS : DAM DESIGNED TO STORE PMP & WET YEAR VOLUME WITH 4.0' FB (876 AC-FT). ULTIMATE
CREST HT IS 6017'. AT ELEV 6017' MAIN EMBANKMENT WILL EXTEND AROUND SOUTHERN
PORTION OF IMPOUNDMENT IN THE FORM OF A CONNECTING DIKE.

MAINTENANCE : ROUTINE : SEE LATEST APPROVAL LETTER.

RESTRICTIONS : THE MAXIMUM WATER SURFACE AND TALINGS PLACEMENT IS RESTRICTED TO ELEVATION 5955'
MSL OR BELOW.

ALTERNATE_CONTACTS : SEND ALL CORRESPONDENCE TO RICHARD J. LAMBERT, ENGR SUPT. HOME PH 459-6487.

SUMMARY SHEET

BASIN : 55
DAM_NUMBER : 7079C
NAME_OF_DAM : DELAMAR SEEPAGE RETURN)
COUNTY : OWYHEE
STREAM : HENRIETTA GL-JORDAN CK(OS)
REGION : W
PURPOSE : B
RISK_CATEGORIES : 3
SIZE_CATEGORIES : 3
QUARTER_QUARTER_SEC : SESE
SECTION : 06
TOWNSHIP : 05S
RANGE : 04W
LATITUDE : 43.0130
LONGITUDE : 116.8513
MAP_CODE : ' '54000+
DAM_TYPE : EARTH
STORAGE_AC-FT : 5
HEIGHT_FT : 24.0
DRAINAGE_SQ_MI : 0.8
RES_AREA_ACRES : 1)
YEAR_COMPLETED : 1984
CREST_ELEV_MSL : 5710
CREST_LENGTH_FT : 300
SPILL_TYPE : PIPE
SPILL_DEPTH_FT : 10.0
SPILL_CAP_CFS : 45
OUTLET_TYPE : PUMP
OUTLET_SIZE_IN : 0
OUTLET_CAP_CFS : 2
INFLOW_DESIGN_FLOOD : Q100
IDF_MAGNITUDE_CFS : 15
RELEASE_CAPACITY_CFS : 47
CONDITION : GD
INSPECTION_DATE : 1090
CERT_EXPIRATION : 1191
LAST_RISK_EVALUATION : 0686
LAST_UPDATE_DATE :
NEXT_ISSUE_DATE :
INSPECTION_INTERVAL :
RESTRICTED :
PHASE1_INSPECT_DATE :
OPERATIONS_PLAN : N
SEISMIC_ANALYSES : N
ORDERS_ISSUED_DATE :
JOINT_INSPECTION :
QUADRANGLE_NUMBER : 23
QUADRANGLE_NAME : ROOSTER COMB PEAK
QUADRANGLE_SCALE : 062500
DAM_OWNER : NERCO DELAMAR CO
ADDRESS_LINE_1 : DELAMAR SILVER MINE
ADDRESS_LINE_2 : P O BOX 52
CITY : JORDAN VALLEY
STATE : OR
ZIP_CODE : 97910 0000
PHONE_NUMBER : 5832511
AREA_CODE : 208

GENERAL_REMARKS : RESV AREA = 0.75 AC. DAM PURPOSE IS FOR SEEPAGE CONTROL FROM MAIN TAILINGS
IMPOUNDMENT. ACTUAL DRAINAGE AREA INTO POND IS 24.2 ACRES. SEE FILE 55-7079A FOR
ADDITIONAL INFO & DESIGN REPORTS.

TECHNICAL_REMARKS : OUTLET IS PUMP STATION TO RETURN SEEPAGE BACK TO MAIN TAILINGS IMPOUNDMENT.
SPILLWAY IS 4' DIA CMP. SPILLWAY & REL CAP ARE WITH 7.0' FB. RESERVOIR DESIGNED
TO STORE 24 HR - 100 YR RUNOFF = 5 AC-FT.

MAINTENANCE : ROUTINE : SEE LATEST APPROVAL LETTER.

RESTRICTIONS :

ALTERNATE_CONTACTS : SEND ALL CORRESPONDENCE TO RICHARD J. LAMBERT, ENGR SUPT.

SUMMARY SHEET

BASIN : 55
DAM NUMBER : 70790
NAME OF DAM : DELAMAR PREG SOLUTION
COUNTY : Owyhee
STREAM : TR JORDAN CREEK
REGION : W
PURPOSE : B
RISK_CATEGOR Y : 2
SIZE_CATEGOR Y : 2
QUARTER_QUARTER_SEC : SENE
SECTION : 07
TOWNSHIP : 05S
RANGE : 04W
LATITUDE : 43.0034
LONGITUDE : 116.8472
MAP_CODE : ' 52000x
DAM_TYPE : EARTH
STORAGE_AC-FT : 18
HEIGHT_FT : 21.5
DRAINAGE_SQ_MI : 0.1
RES_AREA_ACRES : 2
YEAR_COMPLETED : 1988
CREST_ELEV_MSL : 5976
CREST_LENGTH_FT : 427
SPILL_TYPE : PIPE
SPILL_DEPTH_FT : 4.0
SPILL_CAP_CFS : 37
OUTLET_TYPE : NONE
OUTLET_SIZE_IN : 0
OUTLET_CAP_CFS : 0
INFLOW_DESIGN_FLOOD : Q500
IDF_MAGNITUDE_CFS : 27
RELEASE_CAPACITY_CFS : 37
CONDITION : GD
INSPECTION_DATE : 0689
CERT_EXPIRATION : 1191
LAST_RISK_EVALUATION : 0290
FOLLOWUP_DATE :
NEXT_ISSUE_DATE : 9-Feb-90
INSPECTION_INTERVAL :
RESTRICTED :
PHASE1_INSPECT_DATE :
OPERATIONS_PLAN : N
SEISMIC_ANALYSES : N
ORDERS_ISSUED_DATE :
JOINT_INSPECTION :
QUADRANGLE_NUMBER : 23
QUADRANGLE_NAME : ROOSTER COMB PEAK
QUADRANGLE_SCALE : 062500
DAM_OWNER : NERCO DELAMAR CO
ADDRESS_LINE_1 : DELAMAR SILVER MINE
ADDRESS_LINE_2 : P O BOX 52
CITY : JORDAN VALLEY
STATE : OR
ZIP_CODE : 97910 0000
PHONE_NUMBER : 5832511
AREA_CODE : 208
GENERAL_REMARKS :
TECHNICAL_REMARKS : SPILLWAY IS 27" CORRUGATED PLASTIC PIPE. SPILLWAY CAP IS WITH 2.5' FREEBOARD.
MAINTENANCE :
RESTRICTIONS :
ALTERNATE_CONTACTS : SEND CORRESPONDENCE TO SCHAMBERGER, ENGINEERING SUPERINTENDANT.

FIELD EXAM PHOTO INDEX SUMMARY

Date: 4-14-93

Roll No.: _____

Photographer: Linda Werner

PHOTO NO.	SUBJECT
1	500,000 gal. storage tank
2	potable water Bldg.
3	Picture of mine
4	" "
5	Well
6	well
7	well
8	Well - green line is water from J.C.
9	pump & line (booster to keep well water from ponding up
10	
11	AVR tower
12	tailing pond
13	pump in J.C.
14	" " "
15	tap line from pump in J.C.
16	
17	
18	
19	
20	
21	
22	
23	
24	

Are we concerned
w/water quality
parameters? If
yes, how do we
do this? NO

① If no gw. to
augment Jordan
Cr., can rights
with condition
be recommended?

② Is a water right
needed to divert
gw & put into
surface water
source for
augmentation? *conditions
do this*

Discharge into creek?

from well
how much water
pumping annually?

how much putting
in well annually
from surface
water?

Nerco-
Delamar

annual discharge
into Jordan Cr.
or House Cr.

NONE

see phone con.
Roxanne
will call Barry - 4/15/03

Want Results!!
A55-04012 - ask Roxanne
to ~~document~~ document what
is needed or not
needed to ~~testify~~ complete
exam of this claim
Delamar needs to know
what else is req'd.
Barry Cupp → (replaced
Courtney Hess)

changed from
placer mining to exploration
now ~~with~~ resume placer
mining → on stream storage - based on
size of pond.

NONE IN Water Rts

Check for rights - on well
in SW 1/4 ~~SW 1/4~~, Sec. 2 ~~etc~~

~~SW 1/4~~ SW 1/4 Sec. 2 55 4W
known as GW-3 - Stone
Cabin 9 new well for
water 10" diameter, 1440' deep

check for "milling" on standard
use name chart

send letter
requesting pump
data on well

Well only pumped when
needed -
green pipe puts H₂O in
well - or can bypass
at valve direct to
storage tank.

Booster Pump
R-4129-03-249
Boosts H₂O
to Storage
tank only

Place of Use
NE 1/4 Sec. 8 - ~~except~~ NWNE
water tank → NWNW Sec. 9 - (7081 storage only)
NESE Sec. 8

send WR app. ^{for supp. storage} & copy
of SPBA exams

have injection well permit 55-W-1
for 2000' well have turbidity standards
condition

The 1.0 cfs added to 7079
is re-use of water that
has already gone through
the mill and is not
new use of Henrietta Drain.

DAVE
T.
question

Does Delamar need new app.
to put water from tailings
pond ~~to~~ on lands
within monitoring wells
area.

LAND Application - Not Irrig.
Will be no B/U of water -
just applying it onto
land after it has been
cleaned - seeps into ground -
study proposed on this
soil to become water
treatment system.

saturate land then stop applying
until water has evaporated

Head dams up
overflow then
culvert to move
out of there.

Check for by-pass ditch around
reservoir from Henrietta drain &
pumping station below dam. PUMPS UP
FROM SKIDABLE
- POND (BELOW MAIN
RES) UP TO MAIN R.
Also, pumping station at ^{R16} reservoir.
Pumps up into millage plant to re-circulate.

Ask for records of dis. from
Jordan Creek & well.

Discharge into creek from
well or wells. - none

9/1/87

Use surface area of pond
X consumptive use requirement per acre
for that area. 2.5 for B55
4-15 to 10-15

per
Marcie
Sterling

Consumptive use:

Evaporation off pond only -

Size of pond?

see Dairy memo for
calculations.

cc:
Kay Walker, DWR
Linda Werner, DWR

NERCO DeLamar Water Rights Updated 12/4/92

Permit Number	Location	Amount	Owner*	Comments
55-2134	Jordan Cr. Diversion	0.412 cfs	DSM	Licensed-No further action
55-7078	Jordan Cr. Diversion	1.11 cfs	ERC	Licensed-No further action
55-7079	Henrietta Gulch	30 AF	ERC	Licensed-No further action
55-7081	Groundwater near mill	1.1 cfs	ERC & DSM	Licensed-No further action Permit
55-07399	Sullivan Gulch	225 AF	DSM	Proof of Ben. Use by July 1, 1993
55-07429	16 Level Adit	0.228 cfs	DSM	Proof of Ben. Use by Feb. 21, 1993

* DSM = DeLamar Silver Mine, ERC = Earth Resources Company

Steve McIntosh 12/4/92