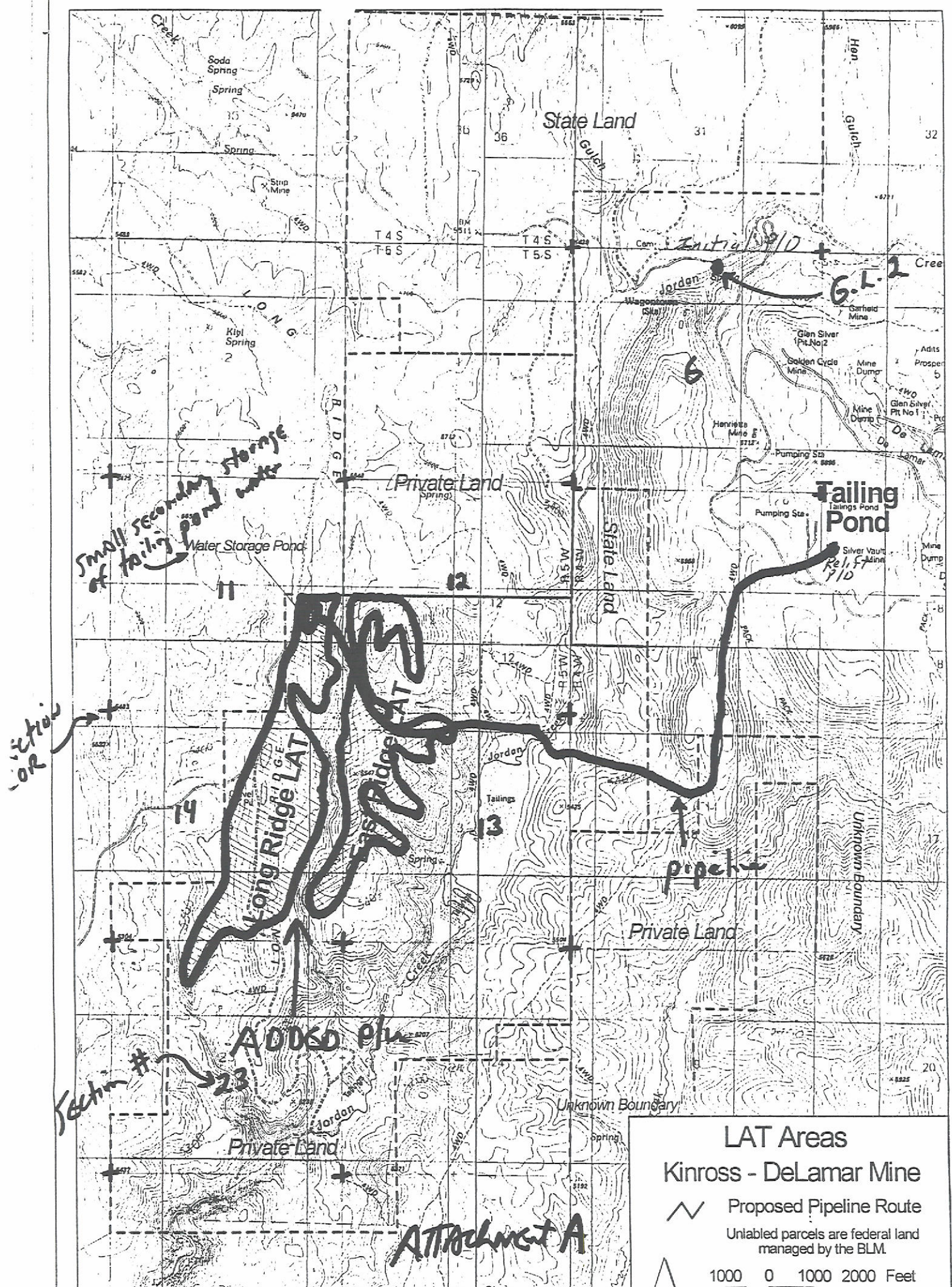
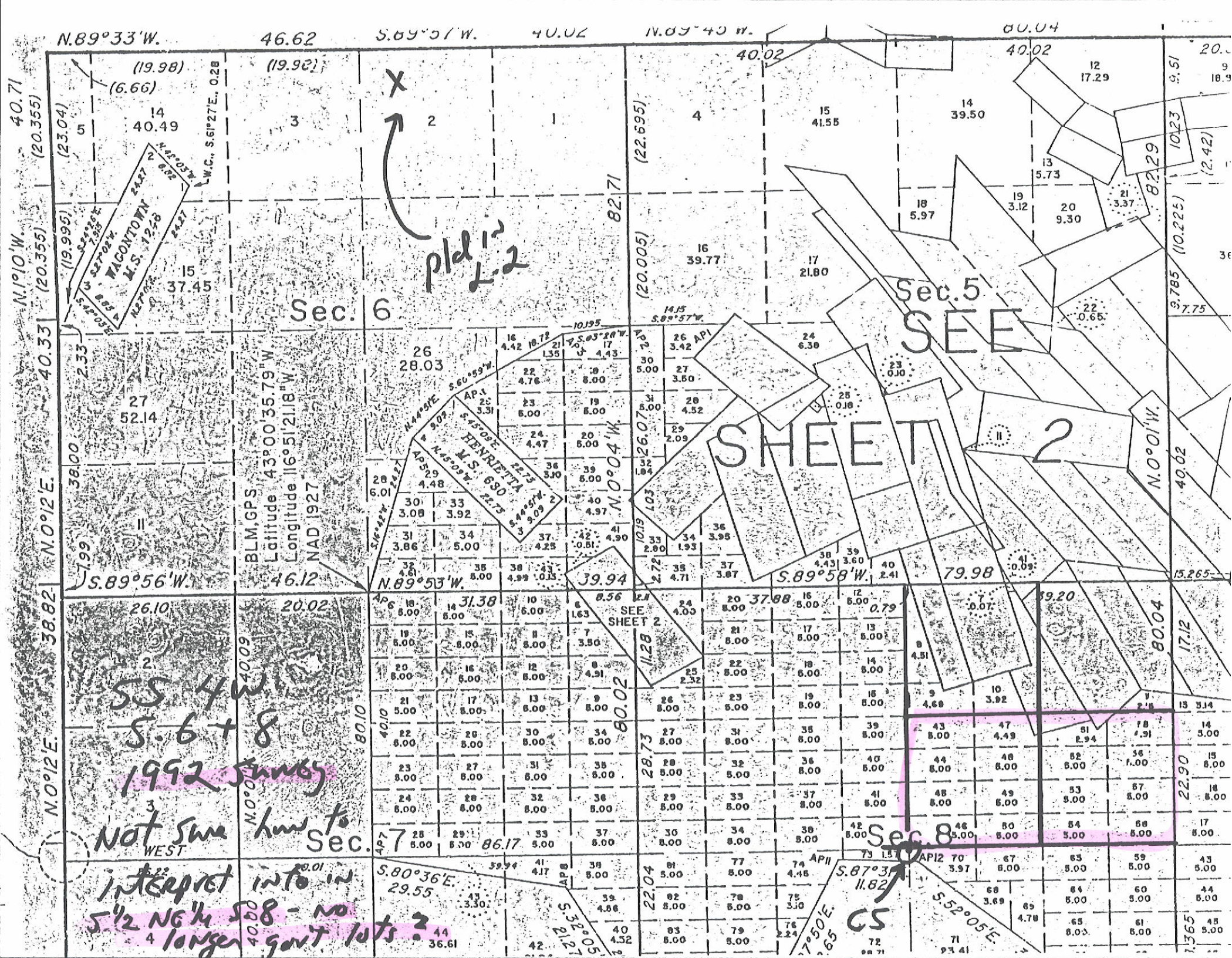
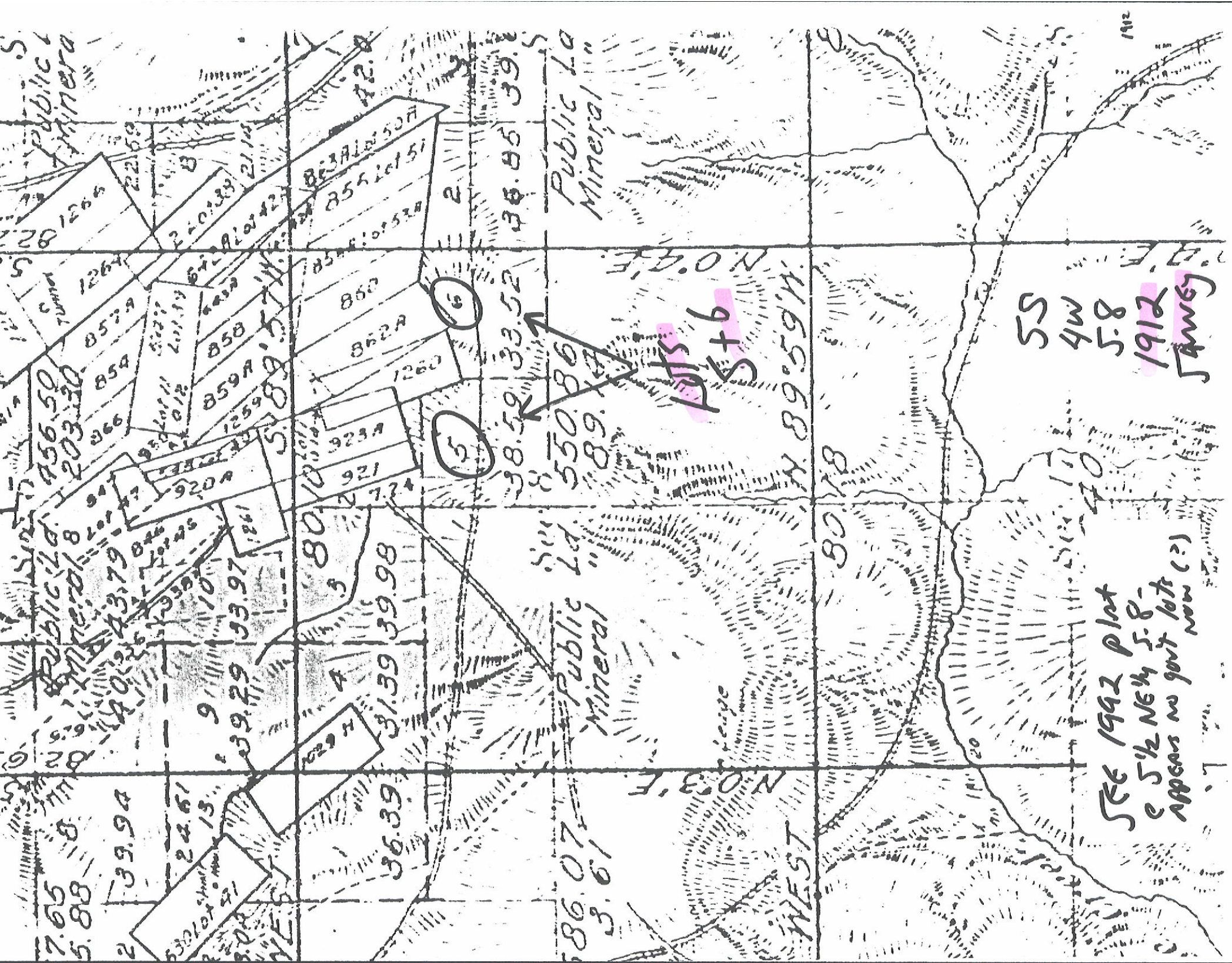




NO FOR 101 IN CANNON OR PROPOSED P1-32 3/9/98





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: **A55-07078**
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: SEP 4, 1974

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 W/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	1.110		

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

8. Total consumptive use is 804.0 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:
55-2134, 55-7079, 55-7104, 55-7081.

14. Remarks:
IF NOT FILLED JORDAN CK. WTR. MUST BE REPLACED W/WELL WTR.
MILLING FACILITIES ARE SITED ON UNPATENTED BUREAU OF LAND MGMT.
MILLSITE CLAIMS.
OWNERSHIP CHANGED BY KW 5/16/94.

15. Basis of Claim: LICENSE

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 _____

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

*Recd 4/15/94
w/ letter - kw*

INCORPORATED UNDER THE LAWS OF OREGON

NUMBER

-1-



SHARES

-10-

NERCO DeLamar Company

This Certificate that
is the owner of Ten

NERCO DeLamar Company

Shares of the Capital Stock of

NERCO DeLamar Company

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

Vice President

Secretary

SHARES No Par Value

EACH

SEE LEGEND ON REVERSE SIDE



KINROSS DELAMAR MINING COMPANY
Organized under the Laws of the State of Oregon

KINROSS GOLD U.S.A., INC., a Nevada corporation,

is the

This certifies that
registered holder of

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
this 10th day of August 1933

President

[Signature]

Secretary

[Signature]



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 K. 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, President

8-11-93
RG
f

State of Idaho

Department of State

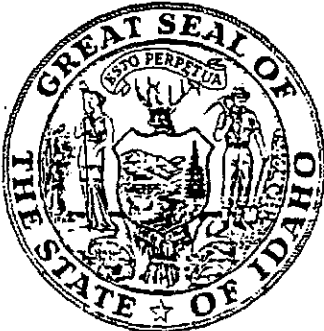
AMENDED CERTIFICATE OF AUTHORITY OF

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

Larry J. Click

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 ^{SECRETARY OF STATE}, 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. W. 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
105 E. 10th Ave. Suite 200
Salt Lake City, Utah 84103
(801) 525-1111

Submit application and filing fee to:

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

Secretary of State use only

IDaho 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: A55-07078

Date Received: 11/30/1988

Receipt No: W001699

Received By: DE JH EW

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: SEP 04, 1974

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 W/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	1.110		

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

8. Total consumptive use is 804.0 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

A55-07078

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:

55-2134, 55-7079, 55-7104, 55-7081.

14. Remarks:

IF NOT FILLED JORDAN CK. WTR. MUST BE REPLACED W/WELL WTR.
MILLING FACILITIES ARE SITED ON UNPATENTED BUREAU OF LAND MGMT.
MILLSITE CLAIMS.

15. Basis of Claim: LICENSE

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 _____

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

A55-2078

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) September 4, 19743. 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, pumped via 6 inch pipe 13,000 feet to water well No. 3 (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

RECEIVED

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 1.11 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.11 (cfs) and/or (b) 804 (acre feet)

8. Total consumptive use claimed is 804 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:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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 N/A

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.
55-2134, 55-7079, 55-7104, 55-7081 or None ()

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

MICROFILMED

SEP 29 1992

Last Name NERCO Ident No. 55-7078

Copies: White -State, Yellow-Claimant

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.

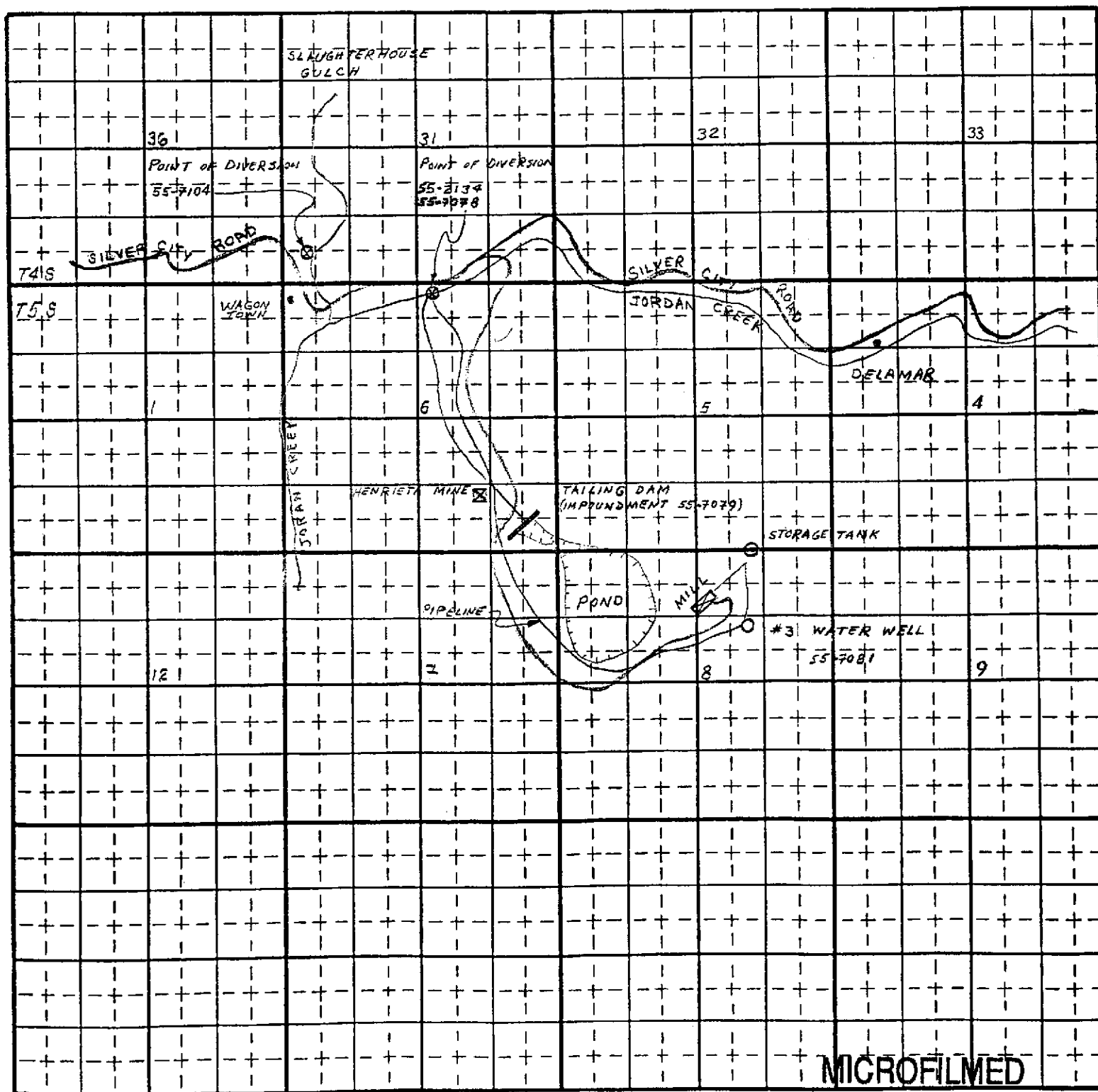
The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

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.

GENERAL INFORMATION

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

SEP 29 1992

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

Decree _____

If applicable provide IDWR Water Right Number 55-7078

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 _____ 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 [Signature] _____

Title and Organization General Manager, NERCO DeLamar Co Date 11/28/88

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. 97910 _____

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 _____

MICROFILMED
SEP 29 1992

Last Name NERCO Ident. Number 55-7078

Copies White-State, Yellow-Claimant

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 55-7078 Priority September 4, 1974 Amount 1.11 cfs

THIS IS TO CERTIFY, that EARTH RESOURCES COMPANY
of Golden, Colorado, has complied with the terms and conditions of Permit
No. 55-7078 issued pursuant to Application for Permit dated September 4, 1974
and has submitted proof to the Department of Water Resources on February 22, 1971
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.11 cfs of water from Jordan Creek
tributary to Owyhee River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Mining & Milling	from January 1 to December 31 at 1.11 cfs and N/A		
	from to cfs and		
	from to cfs and		

(both dates inclusive)

Subject, however, to the condition that no more than 1.11 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
N/A acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, Twp. 5S,
Rge. 4W, B. M. in the County of Owyhee

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5S	4W	8			X	X									

Total number of acres irrigated _____

CONDITIONS: (1) A measuring device of a type approved by the Department shall be maintained at the point of diversion.
(2) 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.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this _____ day of _____

January 19 79
Stephen Aldred
Director

MICROFILMED
SEP 29 1992

Water Right Number - 55-07078

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
EARTH RESOURCES CO.

1 - P.O. BOX 52
2 -
3 -
City- JORDAN VALLEY State- OR Zip- 97910
Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
09/04/1974 14 WESTERN L - LICENSE

+ - - - - Source - - - - + + - - - Tributary - - - - +
JORDAN CREEK ✓ OWYHEE RIVER ✓

Twn	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Stream Index (Blank if no Index Code)
05S	04W	6	NW NE ✓			(73) OWYHEE	272.0 313.0 152.0	81.5

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
13	MINING	01/01	12/31 ✓		1.110	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.110 ✓

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
05S	04W	8	SW NE			13	MINING	(73) OWYHEE
05S	04W	8	SE NE			13	MINING	(73) OWYHEE

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - -
IF NOT FILLED JORDAN CK. WTR. MUST BE REPLACED W/WELL WTR.

+ - - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

+ - - - - - 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.

MICROFILMED
SEP 29 1992

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 07/23/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 06/28/1979	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Microfilm Roll No	-	Presumption Flag	-

MICROFILMED
SEP 29 1992

12/19/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME NERCO De Lamar Co CLAIM IDENT. NO. 55-7078

DATE RECEIVED 11/30/88 CK # 10152 AMOUNT \$ 701.20 total (\$161 for this) Required info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ *

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) ☒ N/A ☐ YES ☐ NO ☐ *

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 ☐ *

Is the consumptive use correct? ☒ YES ☐ NO ☐ *

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 ☐ *

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 ☐ *

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 ☐ *

20. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO ☐ *

21. Should this claim be receipted and data entered? ☒ YES ☐ NO ☐ *

Claim checked by: Dm Date: 12/20/88

Claimant must be sent a copy of amended claim for approval: ☐ (Yes) ☒ (No)

Receipt Prepared by: Dm Date: 12/20/88

Claim data entered by: _____ Date: _____ Checked by: _____ Date: _____

Sent to claimant 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

AJ0749NP
No. R55-07078

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

DATE: 06/19/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KINROSS DELAMAR MINING COMPANY PO BOX 52 JORDAN VALLEY OR 97910 (208) 583-2511	09/04/1974	MINING	01-01 12-31	1.11 CFS	803.60 AFA
TOTAL DIVERSION:					1.11 CFS	803.60 AFA

Water Source: JORDAN CREEK

Tributary to: OWYHEE RIVER

Stage: LICENSE

Point(s) of Diversion: T05S R04W S06 Lot02(NWNE)

OWYHEE 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		
05S	04W	8	:	M			M	M																							
05S	05W	11	:																							M			M	M	
05S	05W	12	:															M	M	M	M										
05S	05W	13	:									M	M	M	M																
05S	05W	14	:	M		M		M	M													M			M	M	M	M			
05S	05W	23	:								M																				

POU County: OWYHEE

Other Rights: 55-2134, 55-7079, 55-7104, 55-7081.

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 R55-02134

Conditions of Approval:

- 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
- APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 55-02134 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 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

=====

Remarks: UNLESS THE WATER IS FIRST BENEFICIALLY USED IN THE EXTRACTION OF MINERALS AS AUTHORIZED BY THE WATER RIGHT.

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.

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.

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:
Presumption Flag:

Comments: Date: 02/22/1998 User-ID: KWALKER Subject: COPIED FROM REMARKS
IF NOT FILLED JORDAN CK. WTR. MUST BE REPLACED W/WELL WTR.
MILLING FACILITIES ARE SITED ON UNPATENTED BUREAU OF LAND MGMT.
MILLSITE CLAIMS.
OWNERSHIP CHANGED BY KW 5/16/94.

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

ROOM 1
EXP 054
EXP 081
A04 707
A06 708
omit 709

INT
E25

USE

Gen

MEMORANDUM

TO: Files 55-02134 & 55-07078

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 5230

DATE: May 12, 1998

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". The signature is written in dark ink and is positioned above the typed name.

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosure

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 plus change for added land ^{-Both rights}
2. Describe the reason for the proposed changes
to initiate land application treatment & corrects plus 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>
				to

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 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>13</u>					<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>		<u>X</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>1/4</u>
		<u>23</u>					<u>X</u>												

* AGREE w/ rights recommended in SRBA

PART 1

6. General Information:

a. Description of diversion system tailing pond: Subm. pump to 3.3 mile burial
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. Barnes's 3/9/98 official
visit. - G

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/n see attached (same QQ as p12)
↓

SD-4109

Idaho Department of Water Resources
Water Rights Places of Use Screen

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

WR INQUIRY

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 corrected per
R55-02134
(to NENE S.8)

P5 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	: Lt Ac	: Lt Ac
05S 04W 8	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:

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

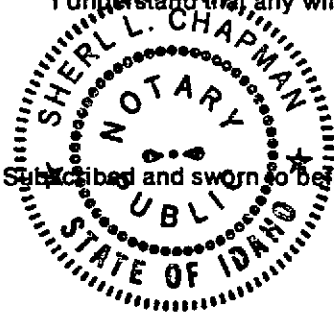
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to _____
				to _____

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.



Mary Banaco
(Signature of Applicant)

Subscribed and sworn to before me this 9 day of March, 19 98.

Sherl L. Chapman
(Notary Public)

My commission expires 6/14/2000

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 1 attachments

Received by R Date 3/9/98 Protest filed by _____

Prelim. check by SR Fee \$100

Received by SR Date 3/9/98 receipt # W023490

Published in Olympic dealanche Copies of protest forwarded by _____

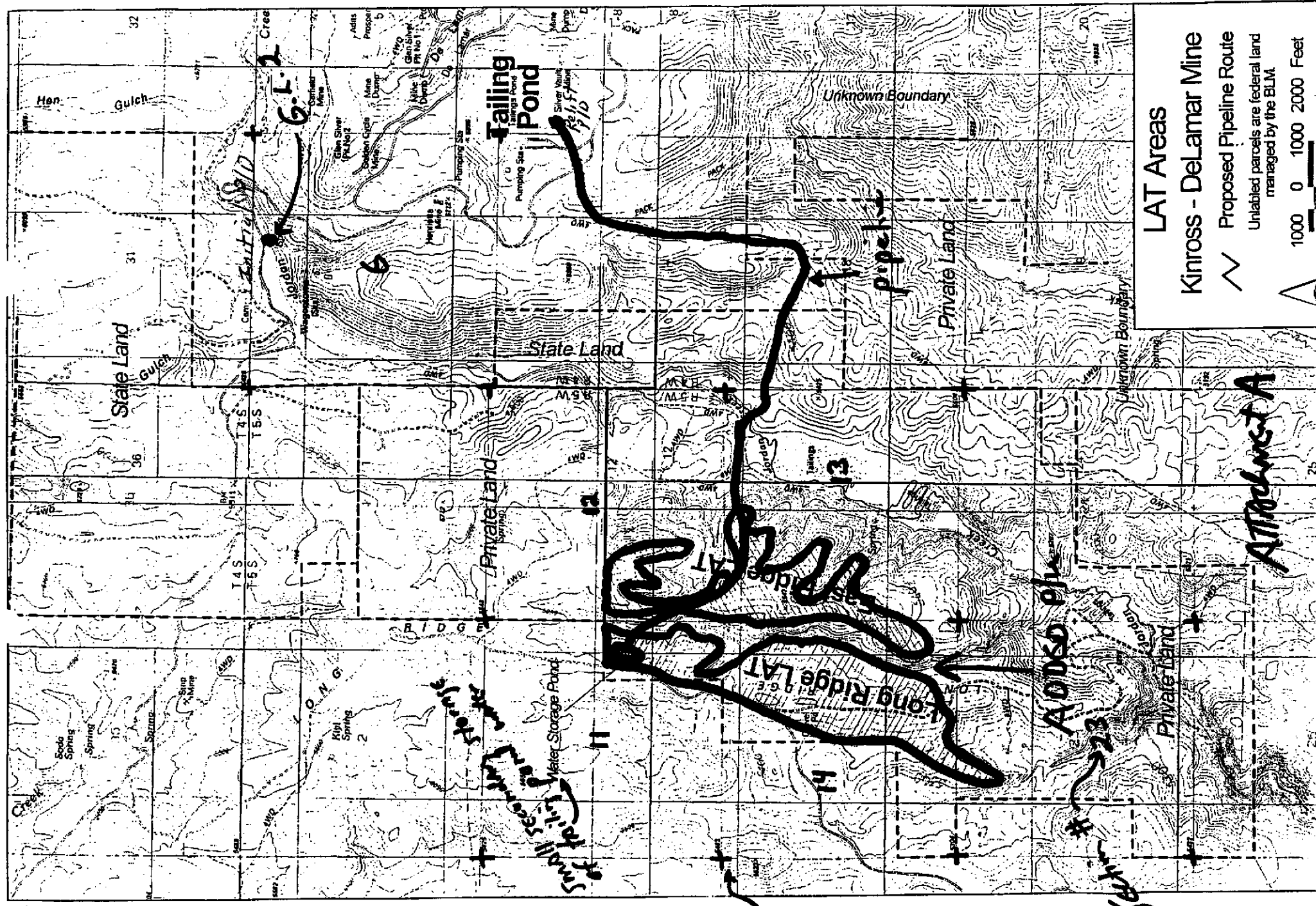
Pub. dates 3-98 + 25-98 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

NO JOVI 1011 IN CARRON or PROPOSITION #1 -
-82 3/9/98



LAT Areas

Kinross - DeLamar Mine



Unblended parcels are federal land managed by the BLM.

1000 0 1000 2000 Feet

Attachment A



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.

AJ0749NP
No. R55-07078

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

DATE: 05/05/98
PAGE: 1

```
=====
OWNER          PRIORITY    USE PERIOD    DIVERSION    DIVERSION
CODE          NAME & ADDRESS    DATE          WATER USE    FROM TO      RATE        VOLUME
-----
C  KINROSS DELAMAR MINING COMPANY    09/04/1974    MINING        01-01 12-31    1.11 CFS
    PO BOX 52
    JORDAN VALLEY OR 97910
    (208) 583-2511
                                TOTAL DIVERSION:    1.11 CFS
=====
```

Water Source: JORDAN CREEK

Tributary to: OMYHEE RIVER

Stage: LICENSE

Point(s) of Diversion:

T05S R04W S06 Lot02(NWNWNE)

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 Lt Ac Lt Ac :
-----
05S 04W 8 :          05-M 06-M :          :          :          :          :

```

POU County: OMYHEE

Other Rights: 55-2134, 55-7079, 55-7104, 55-7081.

Conditions of Approval:

- M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

Remarks: USE USE IS FOR MINING AND MILLING OF SILVER & GOLD ORE.

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.

THIS RIGHT IS CONSIDERED TO BE WHOLLY CONSUMPTIVE.

Dates: Exam Made Date: 04/14/1993 Verified Date: 05/05/1998 Objection Filed Date:

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

Comments: Date: 02/22/1998 User-ID: KWALKER Subject: COPIED FROM REMARKS

AJ0749NP
No. R55-07078

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
IF NOT FILLED JORDAN CK. WTR. MUST BE REPLACED W/WELL WTR.
MILLING FACILITIES ARE SITED ON UNPATENTED BUREAU OF LAND MGMT.
MILLSITE CLAIMS.
OWNERSHIP CHANGED BY KW 5/16/94.

Audit: 05/05/98 KWALKER

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 at 3:30pm*

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.

KINROSS
DeLamar Mining Co.

MARY BARRACO
Superintendent of Safety & Environmental Services

P.O. Box 52
Jordan Valley, Oregon 97910

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

RIGHT NUMBER: 55-07078 ✓

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

SOURCE: JORDAN CREEK TRIBUTARY: OWYHEE RIVER ✓

QUANTITY: 1.11 CFS ✓

PRIORITY-DATE: 09/04/1974

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 ✓	1.11 CFS ✓

USE IS FOR MINING AND MILLING OF SILVER & GOLD ORE. ✓

PLACE OF USE: MINING Within OWYHEE County
T05S R04W S08 LOT 5 (SWNE) LOT 6 (SENE) ✓

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

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.

WATER DIVERTED UNDER THIS RIGHT IN ANY GIVEN YEAR, MUST BE
REPLACED IN JORDAN CREEK FROM THE CLAIMANT'S WELLS AND PASSED ON
DOWNSTREAM IN THE SAME IRRIGATION SEASON IF THE OWYHEE RESERVOIR
DOES NOT FILL TO IT'S FULL CAPACITY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE ✓

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:

55-07078

KINROSS DELAMAR MINING COMPANY

PO BOX 52

JORDAN VALLEY OR 97910

Daytime Telephone Number: 208-583-2511

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 Other provisions section
- ② Purpose section

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

② Water right needs to state that this is a consumptive use.

① Must delete "Water diverted under this right in any given year, must be replaced in Jordan Creek from the claimant's wells and passed on downstream in the same irrigation season if the Owyhee Reservoir does not fill to its full capacity."

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

① See attached sheet.

② Water is consumed under this right and can not be returned to its point of diversion.

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

DATE: 3/25/98

SIGNATURE: Mary Barraco for Kinross Delamar

Please print your name: MARY BARRACO

Mining
Company

KINROSS DELAMAR MINING COMPANY
WATER RIGHT 55-07078

The following requirement should be deleted from the "other provisions" section of the water right:

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

The reason this should be deleted is that discharge of water from a groundwater well into a surface water (Jordan Creek) is unlawful under the Clean Water Act. A point source discharge of any type of water into a surface water is illegal unless EPA has issued a permit specifically for the point source discharge. Kinross and its predecessor (NERCO) worked for 5 years and spent millions of dollars trying to secure an National Pollutant Discharge Elimination System (NPDES) permit from the EPA to discharge mine waters to Jordan Creek. When the EPA finally issued an NPDES permit, the discharge limits for metals were so stringent that no technology could be identified that could meet the limits. In addition, several of the limits could not even be measured by the most sophisticated laboratory instrumentation because the limits were so low. Due to these factors, Kinross did not accept the NPDES permit. Any point source discharge to Jordan Creek, including groundwater discharged from a well, would have to meet the same low limits as stated in the NPDES permit and this is not technically possible. Therefore, requiring replacement well water to be discharged to Jordan Creek when Owyhee Reservoir does not fill to its full capacity is not legally or technically possible and the provision should be removed from the water right.

INTER-DEPARTMENT MEMO--1

FROM *Stan Lester*

DATE *3/10/98*

TO *File*

SUBJECT *R55-07078*

*3/9/98 Transfer filed to add mining plan to
55-02134 & 55-07078 (Kinross' Jordan Cr. Rights).
Note correction to govt lot info in current plan.
That can be addressed in period before REPT goes to
SEBA court.*

*The transfer adds a plan where water from mining
tailings pond ^{will} be land applied.*

SIGNATURE

-SL

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KINROSS DELAMAR MINING COMPANY	09/04/1974	MINING	01-01 12-31	1.11 CFS	
TOTAL DIVERSION:					1.11 CFS	

Water Source: JORDAN CREEK

Tributary to: OWYHEE RIVER

Stage: LICENSE

Point(s) of Diversion:

T05S R04W S06 Lot02(NWNWNE)

OWYHEE 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 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 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 Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
05S 04W 8 : 05-M 06-M :															

POU County: OWYHEE

Other Rights: 55-2134, 55-7079, 55-7104, 55-7081.

Conditions of Approval:

- M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

Remarks: USE USE IS FOR MINING AND MILLING OF SILVER & GOLD ORE.

PCD WATER DIVERTED UNDER THIS RIGHT IN ANY GIVEN YEAR, MUST BE REPLACED IN JORDAN CREEK FROM THE CLAIMANT'S WELLS AND PASSED ON DOWNSTREAM IN THE SAME IRRIGATION SEASON IF THE OWYHEE RESERVOIR DOES NOT FILL TO IT'S FULL CAPACITY.

Dates: Exam Made Date: 04/14/1993 Verified Date: 02/22/1998 Objection Filed Date:

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

Comments: Date: 02/22/1998 User-ID: KWALKER Subject: COPIED FROM REMARKS
IF NOT FILLED JORDAN CK. WTR. MUST BE REPLACED W/WELL WTR.
MILLING FACILITIES ARE SITED ON UNPATENTED BUREAU OF LAND MGMT.
MILLSITE CLAIMS.
OWNERSHIP CHANGED BY KW 5/16/94.

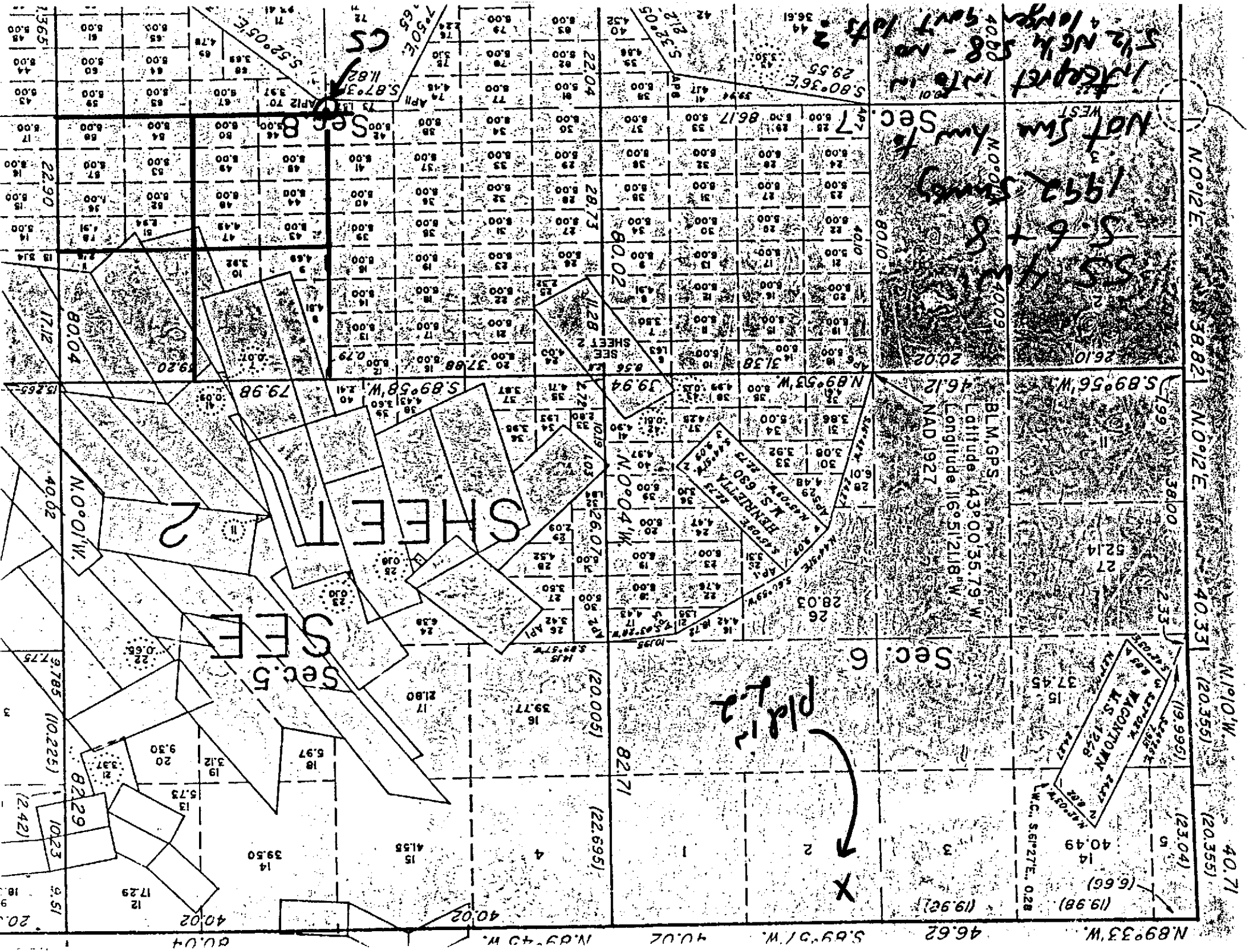
Audit: 02/23/98 KWALKER

↑ For transfer d'entry 55-07078 looks like this
except:
Delete gov't lots in 5.8 plan
Add same info as shown in 55-02134 for
mining plan & Comments.

5.8 -

← 1912 plat = gov't lots
1992 plat = no gov't
lots

so delete L. 5 & 6
from d'base in
transfer & in
corrected R file.



AJ0749NP
No. R55-07078

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

DATE: 02/22/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KINROSS DELAMAR MINING COMPANY PO BOX 52 JORDAN VALLEY OR 97910 (208) 583-2511	09/04/1974	MINING	01-01 12-31	1.11 CFS	
TOTAL DIVERSION:					1.11 CFS	

Water Source: JORDAN CREEK

Tributary to: OWYHEE RIVER

Stage: LICENSE

Point(s) of Diversion: T05S R04W S06 Lot02(NWNWNE)

OWYHEE County

Place of use Legal Description for: MINING

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
05S	04W	8	:			05-M	06-M	:														:

POU County: OWYHEE

Other Rights: 55-2134, 55-7079, 55-7104, 55-7081.

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

Conditions of Approval:

- M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

Remarks: USE USE IS FOR MINING AND MILLING OF SILVER & GOLD ORE.

PCD WATER DIVERTED UNDER THIS RIGHT IN ANY GIVEN YEAR, MUST BE
REPLACED IN JORDAN CREEK FROM THE CLAIMANT'S WELLS AND PASSED ON
DOWNSTREAM IN THE SAME IRRIGATION SEASON IF THE OWYHEE RESERVOIR
DOES NOT FILL TO IT'S FULL CAPACITY.

Dates: Exam Made Date: 04/14/1993 Verified Date: 02/22/1998 Objection Filed Date:

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

Comments: Date: 02/22/1998 User-ID: KWALKER Subject: COPIED FROM REMARKS

AJ0749WP
No. R55-07078

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

DATE: 02/22/98
PAGE: 2

=====

Comments: Date: 02/22/1998 User-ID: KWALKER Subject: COPIED FROM REMARKS
IF NOT FILLED JORDAN CK. WTR. MUST BE REPLACED W/WELL WTR.
MILLING FACILITIES ARE SITED ON UNPATENTED BUREAU OF LAND MGMT.
MILLSITE CLAIMS.
OWNERSHIP CHANGED BY KW 5/16/94.

Audit: 02/22/98 KWALKER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:07:53
04/13/93
13

PAGE: 13
PROFILE REPORT

CLAIM NUMBER: A55-07078 ✓

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NERCO DELAMAR CO. P.O. BOX 52 JORDAN VALLEY OR 97910 (208) 583-2511	09/04/1974	MINING ✓	01-01 12-31	1.11 CFS ✓	1.11 CFS ✓
				TOTAL DIVERSION: CONSUMPTIVE USE:	1.11 CFS ✓	804.0 AFA <i>out</i>

Water Source: JORDAN CREEK ✓

Tributary to: OWYHEE RIVER ✓

Stage: LICENSE

Point(s) of Diversion:

T05S R04W S06 ✓

NWNWNE *GL3*

OWYHEE County

Place of use Legal Description for: MINING

NE				NW				SW				SE						
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	✓	<i>set</i>	<i>X</i>	<i>X</i>												
				<i>GL5 GL6</i>														

POU County: OWYHEE

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

Other Rights: 55-2134, 55-7079, 55-7104, 55-7081.

Conditions of Approval:

Remarks: IF NOT FILLED JORDAN CK. WTR. MUST BE REPLACED W/WELL WTR.
MILLING FACILITIES ARE SITED ON UNPATENTED BUREAU OF LAND MGMT.
MILLSITE CLAIMS.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

PCD-MO1
PCD-condition #2 on lic

Recommend as licensed -
per John Marshall 7/20/98.

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A55-07078

WR ELEMENT	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>kw & lw</u> <u>4-14-93</u>	<u>5</u>	<u>Y*</u>			
PT. OF DIV.	<u>N</u>						DATA ENTRY COMPLETED BY _____ DATE _____
SOURCE	<u>N</u>						
PL. OF USE	<u>Y</u>						FINAL RECOMMENDATION
DIV. AMOUNT CFS/AF	<u>N</u>						BY _____ DATE _____
CONSUMPTIVE USE							
NATURE OF USE	<u>N</u>						
PERIOD OF USE	<u>N</u>						
BASIS OF CLAIM	<u>Lic</u>						
REMARKS	<u>N</u>						

N/A IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES _____ NO _____

**IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS: Has condition of approval on license been
complied with? No

*Recommend as licensed per John Marshall 7/20/98 - kw

VERIFICATION CODES

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:18:33
02/22/98

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A55-07078

LAST: EARTH RESOURCES CO
ADDRESS: PO BOX 52
CITY: JORDAN VALLEY
PHONE NUMBER: 208-000-0000

FIRST:
STATE: OR ZIP: 97910

OWNER CODE: O

LAST: NERCO DELAMAR CO
ADDRESS: PO BOX 52
CITY: JORDAN VALLEY
PHONE NUMBER: 208-583-2511

FIRST:
STATE: OR ZIP: 97910

OWNER CODE: O

LAST: KINROSS DELAMAR MINING COMPANY
ADDRESS: PO BOX 52
CITY: JORDAN VALLEY
PHONE NUMBER: 208-583-2511

FIRST:
STATE: OR ZIP: 97910

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N(✓)

CLAIM REMARKS: GEN IF NOT FILLED JORDAN CK. WTR. MUST BE REPLACED W/WELL WTR.
MILLING FACILITIES ARE SITED ON UNPATENTED BUREAU OF LAND MGMT.
MILLSITE CLAIMS.
OWNERSHIP CHANGED BY KW 5/16/94.

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

*See at bottom of correspondence -
field exam. telephone conversation
memorandum.*

A. AJ CLAIM: # A55-07078 PRIORITY DATE: 09-04-1974 STAGE: L

B. WR RECORD: # 55-07078 PRIORITY DATE: 09-04-1974 STAGE: L

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

Y(☒) N(☐)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?

Y(☐) N(☒)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW)

Y(☐) N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

N/A(☐) Y(☐) N(☐)

FIELD EXAM COMPLETED

N/A(☐) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE

N/A(☐) Y(☐) N(☐)

LICENSE ISSUED

N/A(☐) Y(☐) N(☐)

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED?

N/A(☒) Y(☐) N(☐)

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

Y(☒) N(☐)

NOTES: _____

=====

RECOMMENDED PRIORITY DATE:

09-04-1974

REVIEWED BY *lew*

DATE 2/22/98

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A55-07078	05S 04W	6	NW	NW	NE			OWYHEE		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A55-02134 55-10241
A55-10241 55-12428

WR RECORDS IN SAME 40 ACRE TRACT
55-02134

SOURCE: JORDAN CREEK

TRIB: OWYHEE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
55-07078	05S 04W	6	NW	NE				OWYHEE		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
A55-02134 55-10241
A55-10241 55-12428

SOURCE: JORDAN CREEK

TRIB: OWYHEE RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y(☒) N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N(☒)

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(☒) N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N(☒)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM 6-20-77) Y(☒) N()

AJ FIELD EXAM (DATE OF FIELD EXAM 4-14-93) NAME OF EXAMINER [signature] Y(☒) N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (✓)

TWP. 05S	RGE. 04W	SEC. 6	1/4 NW	1/4 NW	1/4 NE	LOT	POD FLAG	COUNTY OWYHEE	DIVERSION NAME	DIVERSION NBR
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: JORDAN CREEK

TRIB: OWYHEE RIVER

REVIEWED BY: kw

DATE: 2/22/98

=====

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT (✓)

DELAMAR SILVER MINE MINE WATER SUPPLY SYSTEM

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

Jordan Creek

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

Pressure
Relief

Inline Pump Station
100 HP
Vertical Inline Pump
500 gpm

Head Tank
10,000 gallon

MP-9 Sample Point

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

500,000 gallon

Raw Water Tank

Raw Water
To Process

To Fire
System

POTABLE WATER TREATMENT

To Mine Potable Water

Culligan Water System

SAND FILTER

SAND FILTER

pH

SODA ASH TANK
NaOCl MIX TANK
F86 FLOC TANK

Diaphragm Metering Pumps

3 HP
Horizontal Pump

Potable Water Sample Point

	MINE WATER SUPPLY	P.J.
	Delamar, Idaho	
	GENERAL FLOWSHEET	9/28/92

Table Number 1

WATER PUMPED FROM JORDAN CREEK (GALLONS)													
YEAR													
MONTH	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	AVERAGE	MAXIMUM	MINIMUM
JAN	2,237,900	16,520,100	1,723,200	526,400	1,210,000	7,885,900	9,290,100	28,700	12,752,939	35,900	5,221,114	16,520,100	28,700
FEB	1,121,100	11,654,800	3,366,500	3,852,200	0	0	6,406,500	166,800	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	26,700	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	14,801,580	2,032,100	0	824,387	64,800	3,326,233	14,801,580	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	6,315,717	16,236,900	0
JUL	8,212,800	16,501,900	16,650,900	13,689,300	16,039,600	9,110,173	9,969,200	6,303,700	8,403,125	7,582,100	11,346,280	16,650,900	6,303,700
AUG	0	10,418,300	12,925,500	7,637,400	10,548,800	0	0	12,200	0	3,388,900	4,493,110	12,925,500	0
SEP	5,394,900	13,678,200	16,082,000	9,276,200	5,968,000	97,749	200,200	3,600	0	0	5,070,185	16,082,000	0
OCT	11,138,000	15,150,900	8,262,800	6,837,300	13,894,400	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	62,413,300	109,598,700	78,265,100	98,175,900	64,587,500	85,924,941	31,576,200	18,615,400	42,899,531	28,326,170	60,058,304	109,598,700	18,615,400
Acre-fee	191	336	240	301	199	202	97	57	132	87	185	336	57

WATER PUMPED FROM WELL NUMBER 3 (GALLONS)													
YEAR													
MONTH	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	AVERAGE	MAXIMUM	MINIMUM
JAN	7,633,000	7,032,300	5,979,500	3,853,000	4,157,500	3,373,800	2,539,400	4,074,100	3,473,335	5,199,800	4,731,574	7,633,000	2,539,400
FEB	6,645,000	5,345,900	7,355,600	4,220,300	4,760,300	3,247,700	3,807,100	3,488,400	3,427,719	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	3,333,229	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	7,593,600	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	7,656,977	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	3,793,600	4,045,800	6,770,722	5,505,100	5,593,100	4,167,350	5,973,700	5,465,657	7,818,000	3,793,600
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	4,683,768	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	80,029,700	83,673,200	62,159,200	63,107,900	62,940,249	57,721,600	55,422,800	47,859,644	59,642,700	63,487,520	83,673,200	47,859,644
Acre-fee	191	240	257	191	184	193	177	170	147	183	196	257	147

A. ROOT WATER RIGHT NUMBERS: A55-07078

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
05S	04W	8	NE	NE		KINROSS DELAMAR MINING COMPANY A55-07078	/	-	/		
			NE	NE		KINROSS DELAMAR MINING COMPANY A55-02134	/	-	/		
			NE	NE		KINROSS DELAMAR MINING COMPANY A55-07079	/	-	/		
			NE	NE		KINROSS DELAMAR MINING COMPANY A55-07081	/	-	/		
			NE	NE		KINROSS DELAMAR MINING CO		L55-07081	/		

ADDITIONAL POU FOUND

55 4W 8 SWNE > per license & field exam - see
SENE map & additional information in
file A55-02134

TOTAL ACRES A55-07078

POU COUNTY: OMYHEE

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y(✓) N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (✓), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A55-07078	MINING	KINROSS DELAMAR MINING COMPANY	FROM 01-01 TO 12-31	1.110 CFS	
A55-02134	MINING	KINROSS DELAMAR MINING COMPANY	FROM 01-01 TO 12-31	0.412 CFS	
A55-07079	MINING	KINROSS DELAMAR MINING COMPANY	FROM 01-01 TO 12-31	1.000 CFS	30.00 AF/A
A55-07081	MINING	KINROSS DELAMAR MINING COMPANY	FROM 01-01 TO 12-31	1.100 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y(✓) N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 55-2134, 55-7079, 55-7104, 55-7081.

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N(☒)

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y(☒) N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y(☒) N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N(☒)

NOTES:

TOTAL ACRES: _____ N/A (✓)
REVIEWED BY: EW

DATE: 2/22/98

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A55-07078 MINING	FROM 01-01 TO 12-31	1.110 CFS	
TOTAL DIVERSION RATE/VOLUME		1.110 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
55-07078 MINING	FROM 01-01 TO 12-31	1.110 CFS	
TOTAL DIVERSION RATE/VOLUME		1.110 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(☒) N(☐)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(☒) N(☐)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(☐) N(☒)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☐) N(☒)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y(☐) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☒) Y(☐) N(☐)

NOTES: _____

AJ CLAIM TOTAL DIVERSION RATE: 1.110 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 1.110 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y(☒) N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N(☒)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N(☒)

E. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE *N/A*
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 804.0 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES:

WR RECORD CONDITIONS/REMARKS:

- 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.

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (✓)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
MINING	01-01	12-31	DATABASE 1.110	EXAMINER <u>1.11</u>	DATABASE	EXAMINER	DATABASE ~~804.50~~	EXAMINER
TOTAL FOR THIS RIGHT			1.110	<u>1.11</u>			~~804.50~~	<u>N/A</u>

NON-IRRIGATION USES CLAIMED: MINING AND MILLING OF SILVER/GOLD ORE.

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (✓)

REVIEWED BY: kw

DATE: 2/22/98

FLAG: _____

STANDARD CONDITIONS (CODE):

PCD - NO1

PCD - (on license re: mitigation water

STANDARD REMARKS (CODE):

use

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(☒)	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: N/A 55-07078

TOTAL DIVERSION RATE OF WR SPLITS DATABASE 1.110 EXAMINER _____ CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A55-07078	1.110	-		55-07078	1.110
TOTAL CFS		1.110				1.110

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 DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE FIELD
Y EXAMINER
Y() N()

NOTES:

Although conditions on license have not
been met we can go ahead & recommend
as licensed per John Marshall 2/20/98.

AUTHENTICATION:

SIGNATURE:

NAME OF FIELD EXAMINER:

DATE:

TITLE:

Ray Walker 2/22/98
Ray Walker Sr. Agent

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
☒ TOPOGRAPHIC	DATE FIELD CHECKED <u>1990</u> IDWR ID NO. <u>254</u>	Y() N() ☒ see A55-07081
☒ NAPP	DATE OF PHOTO <u>1987</u> IDWR ID NO. <u>254.SW</u>	Y() N() ☒
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
☒ LICENSING FIELD EXAM	DATE OF FIELD EXAM <u>6-20-77</u>	<u>3</u>	
☒ WATER RIGHT LICENSE	DATE LICENSE SIGNED <u>1-10-79</u>	<u>1</u>	
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____		
() SYSTEM DESCRIPTION	DATE DRAWN _____		
☒ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN <u>4-14-93</u>		<u>see file A55-02134</u>
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____		
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____		
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____		
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____		
() OTHER _____	DATE _____		
() OTHER _____	DATE _____		



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
VICTOR A. TAYLOR
RONALD G. RUSSELL
ROGER D. HENRIKSEN
MARK E. WILKEY
MATTHEW B. DURRANT
JILL N. PARRISH

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. HANCOCK
BRIAN G. LLOYD
DAVID F. CRABTREE
SCOTT R. RYTHUR
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

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.)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

March 25, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Chaum Cadwell, General Manager
Kinross Delamar Mining Company
P.O. Box 52
Jordan Valley, OR 97910

RE: Water Rights from Jordan Creek

Dear Mr. Cadwell:

During the water right investigations associated with the Snake River Basin Adjudication we have discovered that the conditions of approval for two water right licenses are apparently not being met.

Licensed water rights nos. 55-07078 and 55-07079 (copies enclosed) were issued for diversion from Jordan Creek and an unnamed stream tributary to Jordan Creek, respectively, with conditions of approval that water diverted under the rights shall be replaced to Jordan Creek from ground water in the event that the Owyhee Reservoir does not fill to its capacity. The purpose of these conditions is to protect the rights of senior downstream water right holders.

Our water right investigation revealed that presently there is no system for replacing to the stream water that is diverted under these licenses during periods when downstream senior water rights on Jordan Creek are not satisfied. The purposes of this letter are to bring this factor to your attention, and to allow your organization an opportunity to explain how these conditions are being met. Because 1994 will likely be a below-average water year, this office will need to enforce the conditions of the licenses if diversion under the licenses is to be allowed.

It is my understanding that several augmentation wells have been drilled at Delamar, with unsuccessful results. Accordingly, we are willing to review other types of stream augmentation plans which your organization might propose as substitutes for ground water replacement. Please advise no later than April 22, 1994, as to how your organization wishes to proceed in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'David R. Tuthill, Jr.'.

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

cc: SRBA Files

Enclosures

MEMORANDUM

DATE: 23-Feb-1994 10:37

TO: DAN STECKEL FOR LEGAL OPINION

FROM: KAY WALKER *Kay*

RE: NERCO DELAMAR WATER RIGHTS

I conducted an examination of the water rights used up at DeLamar Mine back in April of 1993 and found that they may not be in compliance with conditions on their licensed rights. The licenses in question (see copies attached) are numbers 55-07078 and 55-07079 which were issued with the following conditions:

55-07078 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.

55-07079 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.

While conducting my exam I asked if there were any wells drilled to augment the use of Jordan Creek & Henrietta Gulch (aka unnamed stream on license). I was told that they had no augmentation wells to replace surface water. All of the wells they had drilled for this purpose have been abandoned because they did not produce any water.

My question is this: Can I recommend these licenses knowing that there is no augmentation water to replace what is diverted from the surface water sources?

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 55-7078 Priority September 4, 1974 Amount 1.11 cfs

THIS IS TO CERTIFY, that EARTH RESOURCES COMPANY
of Golden, Colorado, has complied with the terms and conditions of Permit
No. 55-7078 issued pursuant to Application for Permit dated September 4, 1974,
and has submitted proof to the Department of Water Resources on February 22, 1971,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.11 cfs of water from Jordan Creek,
tributary to Owyhee River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Mining & Milling	from <u>January 1</u> to <u>December 31</u>	at <u>1.11</u> cfs and	<u>N/A</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 1.11 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
N/A acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, Twp. 5S,
Rge. 4W, B. M. in the County of Owyhee

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5S	4W	8			X	X													

Total number of acres irrigated _____

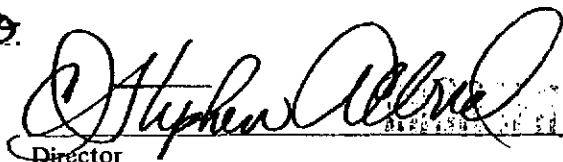
CONDITIONS: (1) A measuring device of a type approved by the Department shall be maintained at the point of diversion.
(2) Water diverted under this license in any given year, must be replaced in Jordan Creek from the licensee's wells and passed on downstream in the same irrigation season if the Owyhee Reservoir does not fill to its full capacity.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 10 day of

January, 19 79.


Director

DEPARTMENT OF WATER RESOURCES
FIELD REPORT

1. Name of permit holder Earth Resources Co.
Post office address Box 52, Jordan Valley, ID 97910 Phone _____
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ Jordan Cr.
(name spring, stream, etc.)
Tributary to Owyhee River

3. Water will be used for the following purposes:

Amount 1.11 c.f.s. for mining & milling
_____ AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)

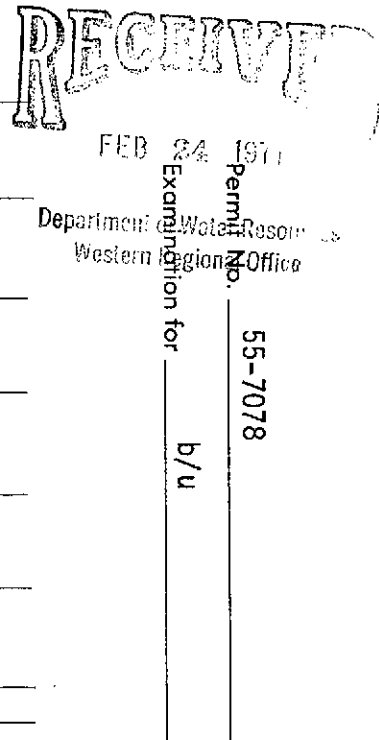
Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____



4. Total amount to be appropriated:

Max Rate of Diversion 1.11 cubic feet per second and annual volume 804 AF/Annum.

5. Location of Point(s) of Diversion:

Township 5S N/S, Range 4W E/W, B.M., Section 6, Subdivision NE $\frac{1}{4}$ NW $\frac{1}{4}$, Owyhee
County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Other Points of Diversions: _____

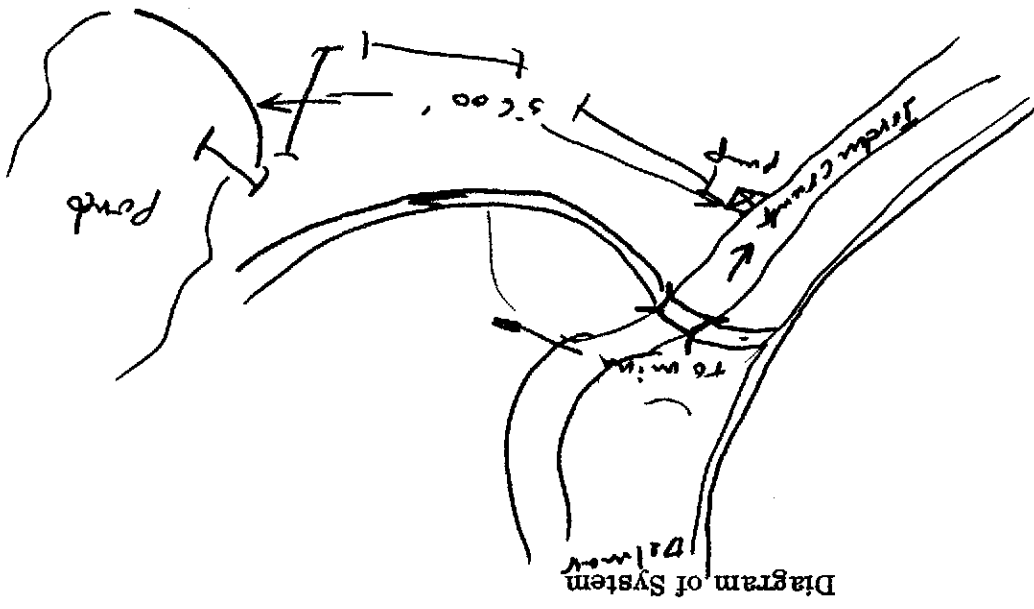
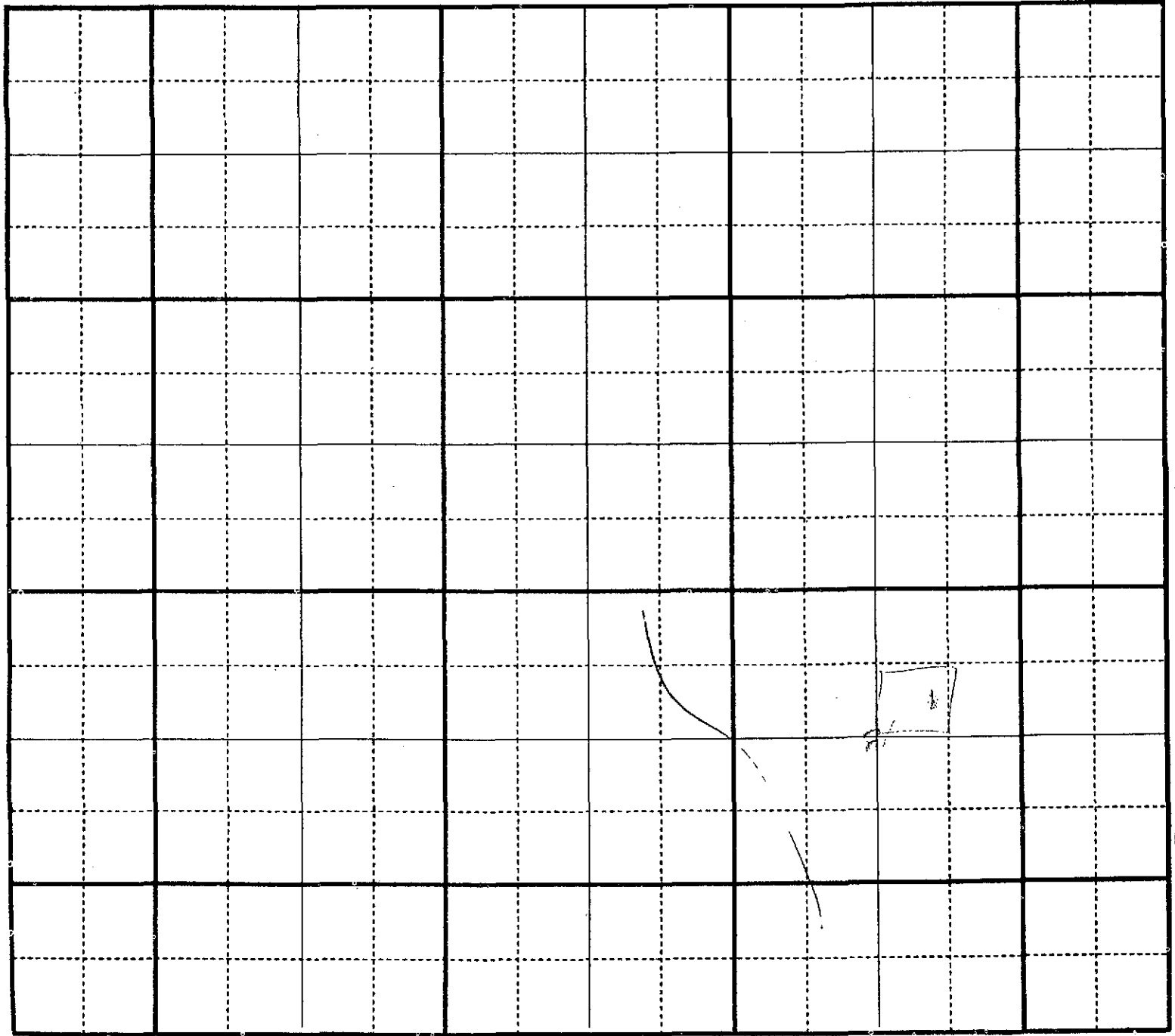
Description of diverting works: 125 hp motor, 600 gpm max. cap., 750 TDH (total dev. head.)

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5S	4W	8			X	X													

TOTAL AC. _____



DATE OF EXAM 8 March 77

ACREAGE
Found _____
Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE
Irrigation Q=_____ c.f.s. V=_____ AF/Ann. from _____ to _____
Domestic Q=_____ c.f.s. V=_____ AF/Ann. from _____ to _____
Livestock Q=_____ c.f.s. V=_____ AF/Ann. from _____ to _____
mining & milling 1.11 cfs @ 804 AF/Ann 1-1 to 12.31

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 1.11 cfs Method of measurement CFS

Total Q recommended 1.11 cfs Meter No. 766934 Type Muesco Condition New

Total V recommended 804 AF/Ann

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION:
1.11 cfs reading in AS

SYSTEM DESCRIPTION: N# 1003732
125 HP US pump w/ Worthington pump No. 12-L-54
w 5620' of 8" main to discharge into tailings pond

REMARKS:
System in operation at time of exam. m.
Clinton Miller present.

Examiner's Signature Erin Ballen Date 20 June 77
Checked by HS Date 9-06-77
Approved by _____ Date _____

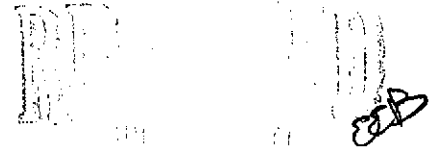


DeLamar Silver Mine

MEMO

June 14, 1977

TO: Clinton L. Miller
FROM: J. V. MacGuffie
SUBJECT: Water Pumped



Department of the Interior
Bureau of Reclamation
Western Regional Office

Water from Well #2 into Louse Creek

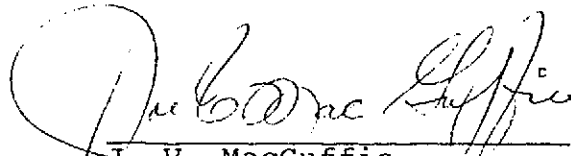
1.3583 acre feet or 442,573.53 gallons

Water from Well #3 into Louse Creek

4,875,056.80 gallons or 14.961 acre feet

Gallons of water pumped from Jordan Creek to
Tailings Pond:

Feb. 1, 1977 to June 14th. 39,808,000 gallons


J. V. MacGuffie
Project Superintendent

JVM:eb
xc: L. D. Hartzog
File

RECORDED

CONSULTANT

JUN 1 1961

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

Department of Water Resources

May 26, 1977

[illegible]

Dear Steve:

As you are aware, I have been retained by Earth Resources Company to supervise the drilling of their water wells 3, 4, and 5. Well #5, as you will remember, is designed to provide water for discharge into Jordan Creek, replacing that that was withdrawn earlier this year. We have obtained the services of Mr. Gerald Adcock and plan on starting the hole at site #5 on or before June 1. The basic construction procedure will be to drill a 12" diameter hole to approximately 500 feet in depth using blank casing in the upper portion of the well to insure that no water is withdrawn from the underflow of Jordan Creek. At this point in time, I am not sure how far the blank casing will have to extend, but I have been instructed by Earth Resources Company to make sure that it is more than adequate to prevent the well from decreasing the flow of Jordan Creek. Additionally, we are designing the well to produce water at about .5 cfs and replace the water previously used at about 1 acre foot per day. If, however, it would be more convenient or beneficial to you for us to utilize a different schedule of replacement, please let me know and we will work with you to the best of our ability.

If you have any questions regarding the construction or location of the well, I would be more than happy to meet with you at your convenience.

Sincerely yours,

Sherl L. Chapman
Consultant

SLC:kje
cc:Mr. Clint Miller

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

Sherl L. Chapman
CONSULTANT

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

*file in Jordan Creek
permit for Earth
resources 55-7078*

March 23, 1977

Mr. Glen Saxton
Department of Water Resources
Western Division
29 South Cole Road
Boise, Idaho 83705

Dear Glen:

Earth Resources, Inc. has asked me to convey to you an up-date on the progress of the wells at the Delamar Silver Mine. As you are aware, two wells have been drilled under the permit you now have on file, both of which are less than adequate. We are in the process now of completing the third well within the same forty acre tract hoping to achieve the desired yield at this location. As soon as our development and test pumping is completed, we will provide you with the information for your files relating to the yield, depth of the well, and other pertinent data. We would welcome any of your people to visit on site during the completion of the pump installation phase and would be most happy to provide you with any information that you may require.

Additionally, we have made arrangements to have a driller on site to drill the well to replace water in Jordan Creek on April 5th, and anticipate completion in a week to 10 days.

Sincerely yours,

Sherl Chapman

Sherl L. Chapman
Consultant

SLC:kje
cc:Mr. Clint Miller

[Handwritten initials]
MAR 25 1977

SPECIALIST IN
GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN

Department of Water Resources
Geological Engineering
BOISE, IDAHO

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 bltg? Administration -
Left at Jordan Valley; left at sign
to Delamar; 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 _____

Water Right Number - 55-07078

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
EARTH RESOURCES CO.

1 - P.O. BOX 52

2 -

3 -

City- JORDAN VALLEY

State- OR Zip- 97910

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
09/04/1974 ✓ 14 WESTERN L - LICENSE ✓+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
JORDAN CREEK ✓ OWYHEE RIVER ✓+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)05S ✓ 04W ✓ 6 ✓ NW NE ✓ (73) OWYHEE ✓
added 10-ac tract+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

13 - MINING ✓ 01/01 ✓ 12/31 ✓ 1.110 ✓

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
1.110 ✓+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County05S ✓ 04W ✓ 8 ✓ SW NE 13 MINING (73) OWYHEE
05S 04W 8 SE NE 13 MINING (73) OWYHEEchanged
Plu ?

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
IF NOT FILLED JORDAN CK. WTR. MUST BE REPLACED W/WELL WTR.+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - 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.

Prefix Translation: WATER RIGHT

+ - Decree Date - +
00/00/0000

+ - - Audit Fields - 07/23/85 04/30/88 CONVERT

+ - - - - + ... Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 07/23/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 06/28/1979	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-		



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