

No Color

Documents

In File

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: **A55-07079**

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: HENRIETTA DRAINAGE Trib. to: JORDAN CREEK

4. Point of Diversion:

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

5. Description of diverting works:
POND.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MINING	01/01	12/31	1.000		30.00

7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or) 30.00 A.F.A.

8. Total consumptive use is 30.0 Acre Feet Per Annum.

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

10. Place of Use:

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

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:

55-7078, 55-2134, 55-7104, 55-7081.

14. Remarks:

WATER WILL BE DIVERTED WHENEVER REQUIRED & WHENEVER AVAILABLE;
HOWEVER, IN ANY GIVEN YEAR, IF THE OWYHEE RESERVOIR DOES NOT FILL
TO ITS FULL CAPACITY, AN AMT. OF WATER EQUIVALENT TO THAT
DIVERTED WILL BE REPLACED IN JORDAN CREEK FROM EARTH RESOURCES
CO. WELLS & WILL BE PASSED ON DOWNSTREAM. MILLING FACILITIES ARE
SITED ON UNPATENTED BUREAU OF LAND MANAGEMENT MILLSIDE CLAIMS.
OWNERSHIP CHANGED BY KW 5/16/1994.

15. Basis of Claim: PERMIT

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

*Rec'd 4/16/94
w/letter -
law*

INCORPORATED UNDER THE LAWS OF OREGON

NUMBER

1



SHARES

10

NERCO DeLamar Company

This Certificate that

is the owner of Ten

Union Minerals 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

PAGE

SEE LEGEND ON REVERSE SIDE



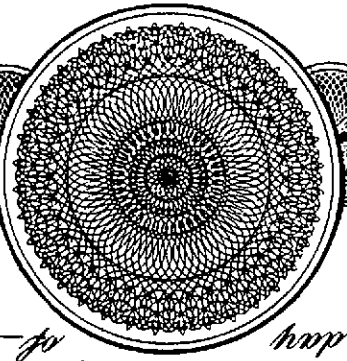
KINROSS DELAMAR MINING COMPANY

Organized under the Laws of the State of Oregon

This Certificate is the _____ of _____ Kinross Gold U.S.A., Inc., a Nevada corporation, registered holder of _____ Shares of Common Stock

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

In Witness Whereof, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed at _____ day _____ of _____ August _____ 19____ Secretary _____ President _____





Office of the Secretary of State Corporation Division

I, **Danet 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.

Danet Sullivan

Director

By Marilyn K. Smith

Date 11 August 1993

202850-11

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

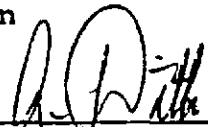
The name of the Company is KINROSS DeLAMAR MINING COMPANY and its duration shall be perpetual.

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

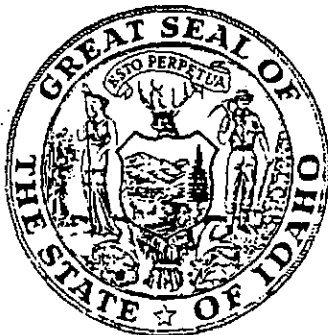
AMENDED CERTIFICATE OF AUTHORITY OF

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

[Signature]

APPLICATION FOR AMENDED CERTIFICATE OF AUTHORITY

To the Secretary of State of the State of Idaho:

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

1. A Certificate of Authority was issued to the corporation by your office on September 10 ^{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. H. Ditto

Its President/~~Assistant Secretary~~ (please specify)

And Allen S. Gordon

Its Secretary/~~Assistant Secretary~~ (please specify)

STATE OF UTAH)
COUNTY OF SALT LAKE) ss:

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

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

Scott W. Loveless

Notary Public



Notary Public
Scott W. Loveless
115 E. 10th Street
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: A55-07079
Date Received: 11/30/1988
Receipt No: W001699
Received By: DE JHL

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: HENRIETTA DRAINAGE Trib. to: JORDAN CREEK

4. Point of Diversion:

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

5. Description of diverting works:
POND.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MINING	01/01	12/31	1.000		30.00

7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or) 30.00 A.F.A.

8. Total consumptive use is 30.0 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

A55-07079

Page 1

Date: 12/28/88

MICROFILMED

SEP 2 4 1992

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

13. Other Water Rights Used:
55-7078, 55-2134, 55-7104, 55-7081.

14. Remarks:
WATER WILL BE DIVERTED WHENEVER REQUIRED & WHENEVER AVAILABLE;
HOWEVER, IN ANY GIVEN YEAR, IF THE OWYHEE RESERVOIR DOES NOT FILL
TO ITS FULL CAPACITY, AN AMT. OF WATER EQUIVALENT TO THAT
DIVERTED WILL BE REPLACED IN JORDAN CREEK FROM EARTH RESOURCES
CO. WELLS & WILL BE PASSED ON DOWNSTREAM. MILLING FACILITIES ARE
SITED ON UNPATENTED BUREAU OF LAND MANAGEMENT MILLSIG CLAIMS.

15. Basis of Claim: PERMIT

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

A55-07019

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) 583-2511
Mailing Address P.O. Box 52, Jordan Valley, OR Zip 97910

2. Date of Priority (Only one (1) per claim) September 4, 1974

3. Source of water supply (a) Henrietta Drainage
which is tributary to (b) Jordan Creek
impoundment

4. a. Location of existing point of diversion is: Township 5S Range 4W Section 6,
SE 1/4 of SE 1/4 of SE 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 will flow into DeLamar Silver Mine
Tailings Pond. The Tailings Pond has a present capacity of approximately 9000
acre-feet plus 1300 acre-feet of freeboard at a crest elevation of 5940. The
present dam lift was completed in October, 1986.

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SEP 29 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

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

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

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

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

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Mining purposes from Jan. 1 to Dec. 31 amount or 30

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 1.0 (cfs) and/or (b) 30 (acre feet)

8. Total consumptive use claimed is 30 acre feet per annum.

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

10. Description of place of use:

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

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

Total number of acres irrigated 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.
55-7078, 55-2134, 55-7104, 55-7081 or None ()

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

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SEP 29 1992

Last Name NERCO Ident No. 55-7079

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.

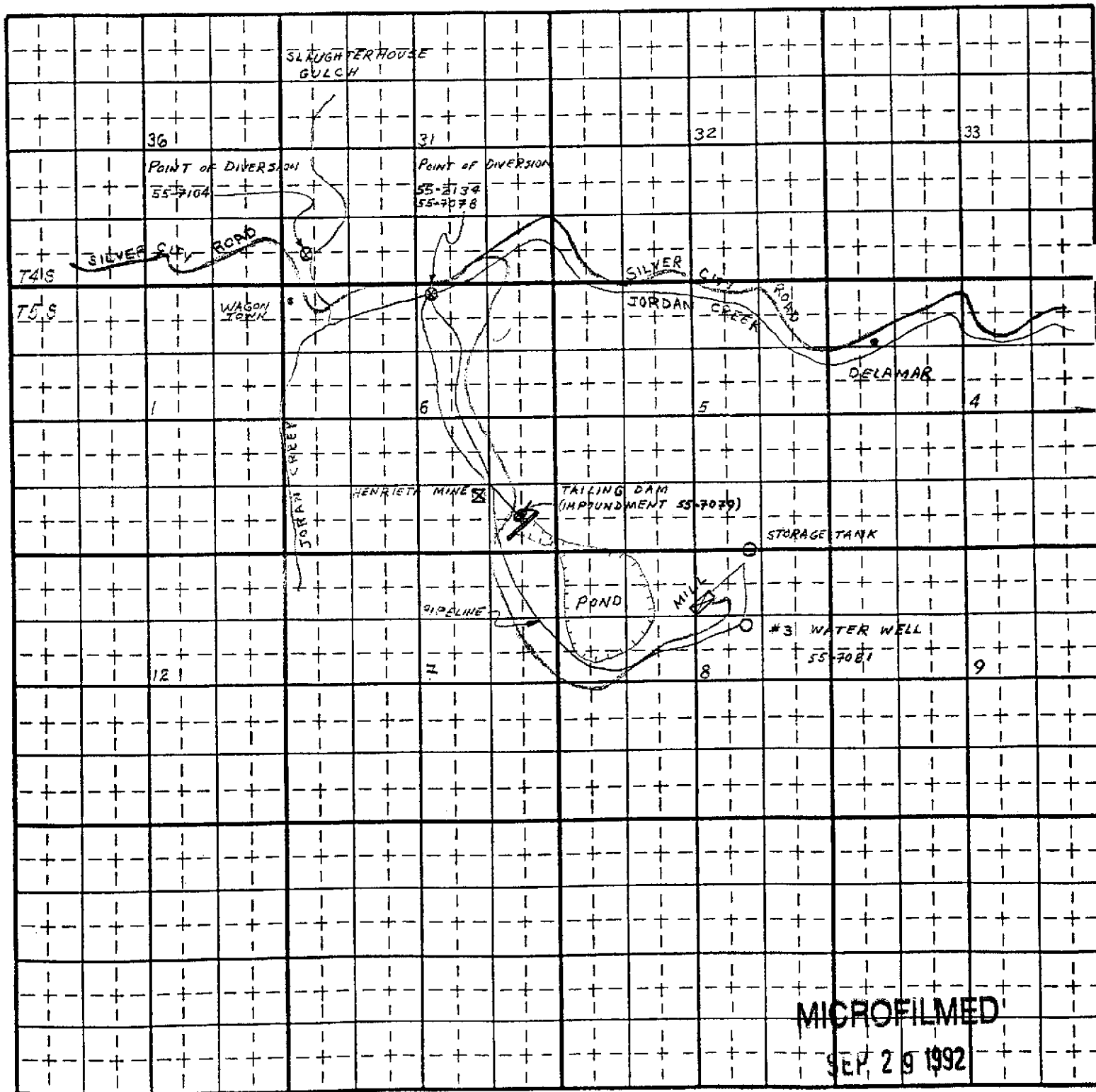
If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost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

CEMJIPOFQIM

See e s 932

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

Scale: 2 inches equals 1 mile



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SEP 29 1992

5. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit X
Decree _____
If applicable provide IDWR Water Right Number 55-7079
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments none

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

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

For Organizations: I do solemnly swear or affirm that I am General Manager
of DeLamar Silver Mine Title _____, 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 Oregon)
Idaho)
County of Malheur) SS.

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

SEAL

Notary Public [Signature]

Residing at Jordan Valley, Or. 97710

My Commission Expires July 27, 1991

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

MICROFILMED

SEP 29 1992

Last Name NERCO Ident. Number 55-7079

Copies White-State, Yellow-Claimant

Water Right Number - 55-07079 Prefix Translation: WATER RIGHT Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
NERCO DE LAMAR CO.

1 - DE LAMAR SILVER MINE
2 - P.O. BOX 52
3 -
City- JORDAN VALLEY State- OR Zip- 979100000
Phone -

*** O - ORIGINAL OWNER ***
EARTH RESOURCES CO.

1 -
2 -
3 -
City- State- Zip-
Phone -

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

+ - - Source - - - - - + + - - Tributary - - - - - +
UNNAMED STREAM JORDAN CREEK

Twn	Rng	Sec	Tract	Lot	RFlg	County	Stream Index (Blank if no Index Code)
05S	04W	6 ✓	SE SE ✓		(73)	OWYHEE	272.0 313.0 152.0 29.5 0.8

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
13 - MINING		01/01	12/31		30.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
30.00 1989.600

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
05S	04W	8	NE SE			13	MINING	(73) OWYHEE
05S	04W	8	SW SE			13	MINING	(73) OWYHEE

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - Remarks - - - - - +
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. Use of water is for mining and milling purposes.

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SEP 29 1992

ck
NONE
ON
PERMIT

Water right number - 55-07079

Prefix Translation: WATER RIGHT

+ - - - - Old Water Right Numbers - - - - - +

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

+ - - - - Conditions of Approval - - - - - +
016 - See remarks for additional conditions of approval.
R09 - Return water shall be treated to insure that the effluent meets
- Idaho Water Quality Standards.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - 03/31/88 04/30/88 CONVERT 02/13/89 CURTIS

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

Proof Due Date	- 03/01/1980	Field Exam Made	- 10/03/1984	Field Exam Fee	-
Approved/Denied	- 02/19/1975	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 01/30/1980	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 08/05/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 01/06/1989	Appl Received	- 09/04/1974	Transfer/Amended	-
Decree Date	- 00/00/0000	Microfilm Roll No	-	Presumption Flag	-

MICROFILMED
SEP 29 1992

Receipt # 1846

Department of Water Resources
ES

Permit No. 55-7079

McIntyre Street, Golden, Colorado 80401, and represents to the Director of
the Idaho Department of Water Resources:

1. Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6 Twp. 5S

Rge. 4W, B. M., County of Owyhee. Other points of diversion:

Amount 30 a.ft for Mining & purposes from Feb. 15 to June 1 (both dates inclusive)

Amount for purposes from to (both dates inclusive)

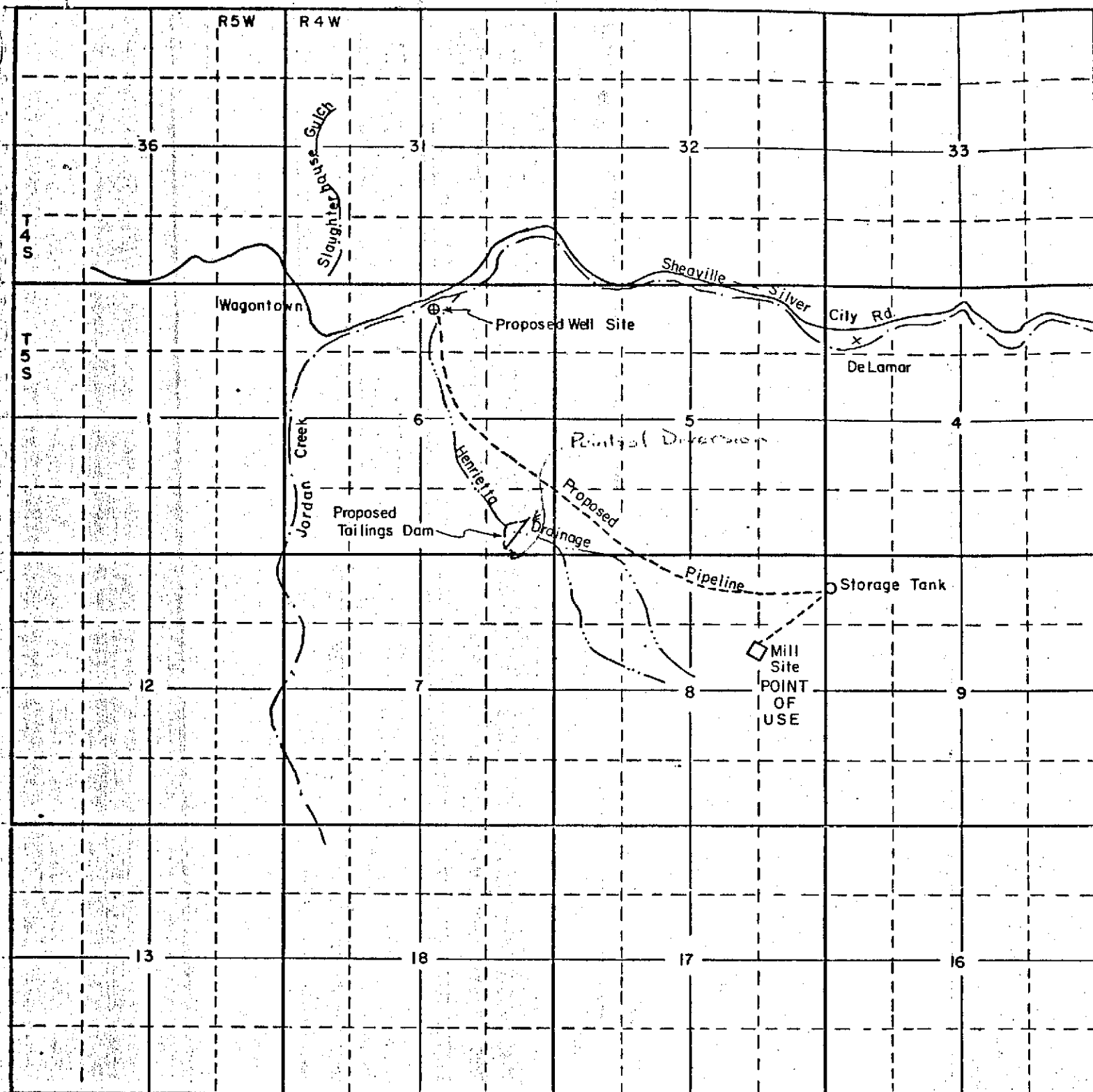
Amount for purposes from to (both dates inclusive)

Amount for purposes from to (both dates inclusive)

(cfs or acre feet per annum)

[illegible]

Total number of acres to be irrigated



(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Operations Division

I, A. KENNETH DUNN, Administrator ~~Director~~ of the Department of Water Resources

hereby approve the above application for amendment for Permit No. 55-7079.

Witness my hand this 3rd day of March, 19 75

A. Kenneth Dunn
Administrator, ~~Director~~ Operations Division

Application No. 55-7079

APPROVED

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant Earth Resources Company
post office address 5920 McIntyre Street, Golden, Colorado 80401
2. Source of water supply Henrietta Drainage which is a tributary of Jordan Creek
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 5 Township 5 S
Range 4 W B.M. Owyhee County; additional points of diversion if any: n/a
- b. If water is not consumed, it will be discharged into Henrietta drainage at a point in SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6 Township 5 S Range 4 W B.M. Owyhee
4. Water will be used for the following purposes:
Amount spring run-off for mining & milling purpose from Feb. 15 to June 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. unknown 1.0 cubic feet per second and/or
b. 30 acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Water will run directly into tailings pond. Storage capacity will be approximately 30 q.c.ft.
b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur Feb. 15 to June 1 inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 years.
b. Estimated construction cost is \$ 500,000.
8. Description of proposed uses:
a. If water is not for irrigation: E $\frac{1}{2}$ of NW $\frac{1}{4}$
(1) Give the place of use of water: W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 8 Township 5 S
Range 4 W B.M. _____
(2) Amount of power to be generated: n/a hp under n/a feet of head.
(3) List number of each kind of livestock to be watered not known
(4) Name of municipality to be served n/a, or number of families to be supplied with domestic water _____
(5) If water is to be used for other purposes describe: For mining and milling purposes on DeLamar Mountain

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

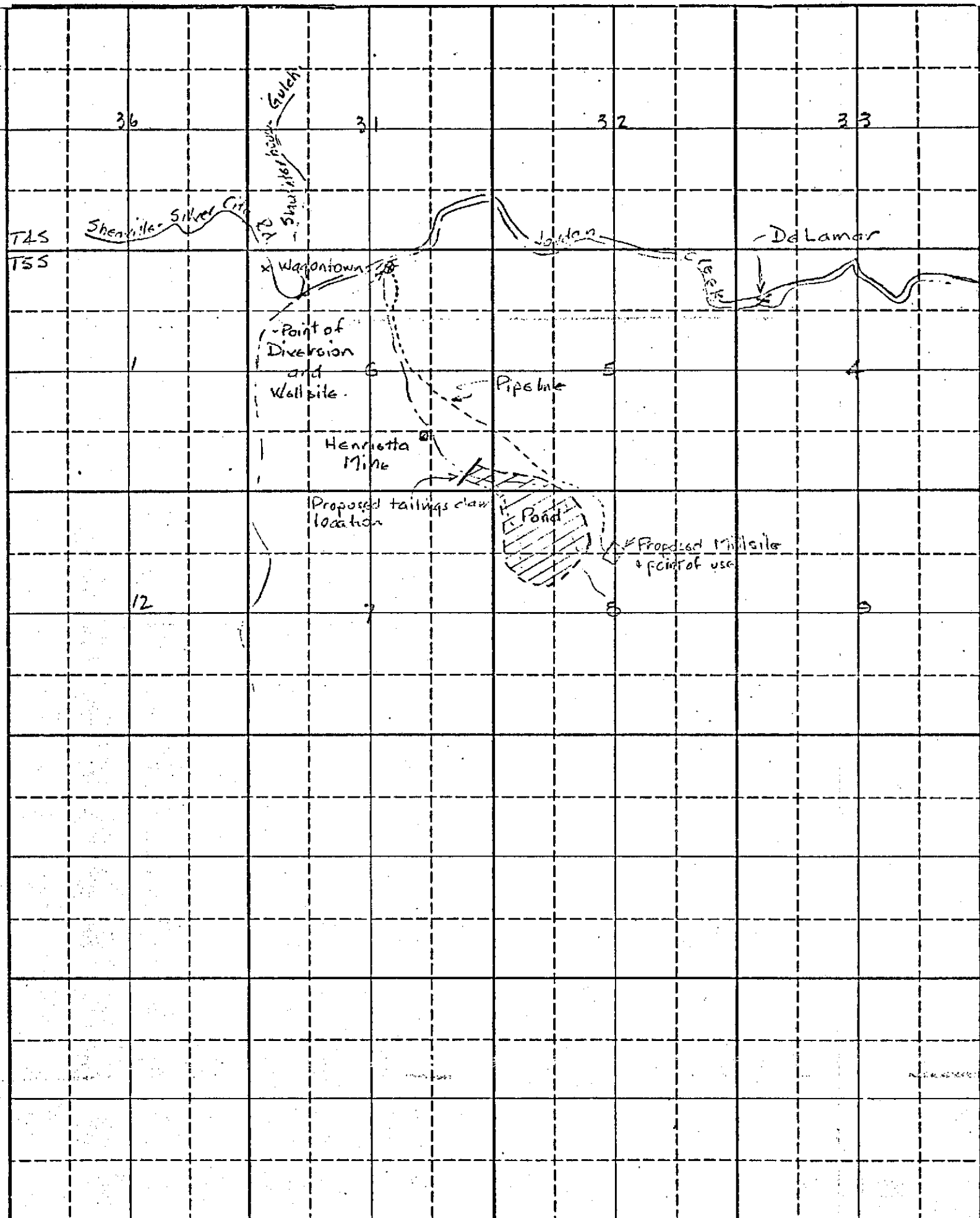
TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. _____

9. a. Who owns the property at the point of diversion North American Silver Corp.
- b. Who owns the land to be irrigated or place of use Marion Rushing & Charles Lark, Jr.(Trustee)
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing (a) Agreement dated 12/14/70 allowing use of land for all valid mining purposes. (b) Agreement dated 12/1/64 with Continental Quicksilver & Rushing/Lark later assigned to the "Silver Group" (now consisting of Earth Resources and Canadian Superior and controlled by Earth Resources Company) allowing use of land for any legitimate mining, milling and refining use.
10. Remarks Due to certain mining operations on fee land and on valid mining claims it may be necessary to change some of the present watering places for cattle during the summer grazing season. It is the intention of the Company to replace these watering places with others equally accessible so that no hardship will be borne by the local ranchers. Certain portions of the water diverted and pumped from Jordan Creek will be used for this purpose.

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



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

EARTH RESOURCES COMPANY BY:

William B. Tobey
(Applicant) William B. Tobey, Project Manager

9-4-74

8-12-74

Received by ej Date 7-15-74 Time 10:00 A
 Preliminary check by KHF Fee \$ 25.00
 Receipted by SW Date 9-5-74 # 15-221
 Publication prepared by Ca Date 9-12-74
 Published in Owyhee Nugget
 Publication dates Sept. 19 & Sept. 26
 Publication approved Ca Date 9-30-74
 Priority reduced to _____ Reason _____

Protests filed by: South Board of Control
from Irrigation District

Copies of protests forwarded by SW 10-10-74
 Hearing held by _____ Date _____
 Recommended for approval denial by _____

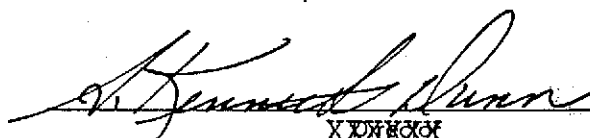
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 55-7079, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 19 77.
- c. Other: Water will be diverted whenever required and whenever available; however in any given year, if the Owyhee Reservoir does not fill to its full capacity, an amount of water equivalent to that diverted will be replaced in Jordan Cr. from Earth Resources Co. wells and will be passed on downstream. (2) A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works. (3) Return of water shall be treated to insure that the effluent meets interstate stream water quality standards.

Witness my hand this 19th day of February 19 75.



Administrator, Operations Division

12/19/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME NEZCO De Lamar Co CLAIM IDENT. NO. 55-7079

DATE RECEIVED 11/30/88 CK # 10152 AMOUNT \$ 701.20 Total (150 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) ☒ YES ☐ NO ☐ N/A ☐ *

4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ *

5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ *

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO ☐ *

Is the period of use included? ☒ YES ☐ NO ☐ *

Is a quantity claimed for each use? ☒ YES ☐ NO ☐ *

7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ *

8. If required is a consumptive use entered? ☒ YES ☐ NO ☐ N/A ☐ *

Is the consumptive use correct? ☒ YES ☐ NO ☐ N/A ☐ *

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO ☐ N/A ☐ *

10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ *

11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ *

12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ *

13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ☐ *

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO ☐ N/A ☐ *

15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ *

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) ☒ YES ☐ NO ☐ *

17. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ *

18. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ *

19. Is the fee enclosed correct? ☒ YES ☐ NO ☐ Exempt ☐ *

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

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

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

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

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

Claim data entered by: Dra Date: 12/20/88 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

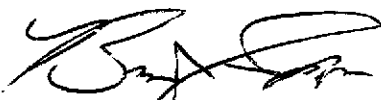
Dear Ms. Walker:

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. Schnrage
Superintendent - Environmental Services

cc: file



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



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. R55-07079

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

DATE: 05/05/98
PAGE: 1

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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		30.00 AFA
TOTAL DIVERSION:						30.00 AFA

Water Source: UNNAMED STREAM

Tributary to: JORDAN CREEK

Stage: LICENSE

Point(s) of Diversion: T05S R04W S06 Lot13(SESESE)

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

POU County: OWYHEE

Other Rights: 55-7078, 55-2134, 55-7104, 55-7081.

Conditions of Approval:

- L09 - RETURN FLOW SHALL BE TREATED TO INSURE THAT THE EFFLUENT MEETS
- IDAHO WATER QUALITY STANDARDS.

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.

EXP SOURCE IS ALSO KNOWN AS HENRIETTA DRAINAGE.

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

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

AJ0749NP
No. R55-07079

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

DATE: 05/05/98
PAGE: 2

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Comments: Date: 02/22/1998 User-ID: KWALKER Subject: COPIED FROM REMARKS
WATER WILL BE DIVERTED WHENEVER REQUIRED & WHENEVER AVAILABLE;
HOWEVER, IN ANY GIVEN YEAR, IF THE OWYHEE RESERVOIR DOES NOT FILL
TO ITS FULL CAPACITY, AN AMT. OF WATER EQUIVALENT TO THAT
DIVERTED WILL BE REPLACED IN JORDAN CREEK FROM EARTH RESOURCES
CO. WELLS & WILL BE PASSED ON DOWNSTREAM. MILLING FACILITIES ARE
SITED ON UNPATENTED BUREAU OF LAND MANAGEMENT MILLSIDE CLAIMS.
OWNERSHIP CHANGED BY KW 5/16/1994.

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 ~ 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.

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:

55-07079

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 The recommendation does not state that the Department recognizes a specific storage capacity for the tailing impoundment.
 - ③ Purpose section
2. Describe the changes you wish to make in the proposed recommendation:
 - ① See attached sheet.
 - ② Water right should acknowledge that the tailing impoundment was designed ~~to~~ for a storage capacity of approximately 4000 acre-feet
 - ③ Water right needs to state this is a consumptive use.
3. Give a brief explanation as to why you disagree with these portions:
 - ① See attached sheet.
 - ② This is the engineered plan for the tailing impoundment approved
 - ③ 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 Mining Company
Please print your name: MARY BARRACO

KINROSS DELAMAR MINING COMPANY
WATER RIGHT 55-07079

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

"The return flow shall be treated to insure that the effluent meets Idaho Water Quality Standards."

"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."

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 treat and 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 treated and 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.

RIGHT NUMBER: 55-07079 ✓

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

SOURCE: UNNAMED STREAM ✓ TRIBUTARY: JORDAN CREEK ✓

QUANTITY: 30.0 AFY ✓

PRIORITY-DATE: 09/04/1974 ✓

POINT OF DIVERSION T05S R04W S06 ✓ LOT 13 (SESESE) ✓ Within OWYHEE County

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
MINING ✓ 01-01 12-31 ✓ 30.0 AFY ✓

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) ✓ NESE ✓ NWSE ✓

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

RETURN FLOW SHALL BE TREATED TO INSURE THAT THE EFFLUENT MEETS
IDAHO WATER QUALITY STANDARDS.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 IT'S CAPACITY.EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE
SOURCE IS ALSO KNOWN AS HENRIETTA DRAINAGE. ✓

AJ0749NP

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
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				TOTAL DIVERSION:		30.00 AFA

Tributary to: JORDAN CREEK

Stage: LICENSE

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	:
05s	04w	8	:			05-M	06-M	:					:					:	M	M			:		

POU County: OWYHEE

Other Rights: 55-7078, 55-2134, 55-7104, 55-7081.

Conditions of Approval:

- L09 - RETURN FLOW SHALL BE TREATED TO INSURE THAT THE EFFLUENT MEETS
- IDAHO WATER QUALITY STANDARDS.

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

PCD 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 IT'S CAPACITY.

EXP SOURCE IS ALSO KNOWN AS HENRIETTA DRAINAGE.

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

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

AJ0749NP
No. R55-07079

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
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CO. WELLS & WILL BE PASSED ON DOWNSTREAM. MILLING FACILITIES ARE
SITED ON UNPATENTED BUREAU OF LAND MANAGEMENT MILLSIG CLAIMS.
OWNERSHIP CHANGED BY KW 5/16/1994.

Audit: 02/22/98 KWALKER

AJ5809NP
No. A55-07079

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/13/98
PAGE: 6

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	1.00 CFS	30.00 AFA
TOTAL DIVERSION:					1.00 CFS	30.00 AFA
CONSUMPTIVE USE:						30.00 AFA

Water Source: *unnamed stream* HENRIETTA DRAINAGE

Tributary to: JORDAN CREEK

Stage: *LIC* PERMIT

Point(s) of Diversion: T05S R04W S06 SESE

OWYHEE County

Place of use Legal Description for: MINING

NE				NW				SW				SE			
T	R	S	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
05S	04W	8N			X	X						X	X		
					GL5	GL6									

POU County: OWYHEE

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

Other Rights: 55-7078, 55-2134, 55-7104, 55-7081.

Conditions of Approval:

Remarks: GEN WATER WILL BE DIVERTED WHENEVER REQUIRED & WHENEVER AVAILABLE; HOWEVER, IN ANY GIVEN YEAR, IF THE OWYHEE RESERVOIR DOES NOT FILL TO ITS FULL CAPACITY, AN AMT. OF WATER EQUIVALENT TO THAT DIVERTED WILL BE REPLACED IN JORDAN CREEK FROM EARTH RESOURCES CO. WELLS & WILL BE PASSED ON DOWNSTREAM. MILLING FACILITIES ARE SITED ON UNPATENTED BUREAU OF LAND MANAGEMENT MILLSIDE CLAIMS. OWNERSHIP CHANGED BY KW 5/16/1994.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

*Recommend as
licensed per John
Marshall 2/20/98.*

EXP = Bol (Henrietta Drainage)

*PCD = #5 (lic)
L09*

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A55-07079

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>fw & lw</u> <u>4-14-93</u>	<u>5</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>Y</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.

VERIFICATION CODES

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

COMMENTS: added diversion rate to right; changed p/u; added
10-ac tract to p/d description.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:18:33
02/22/98

PAGE: 1
GENERAL INFORMATION

18
CLAIM NUMBER: A55-07079

LAST: EARTH RESOURCES CO
ADDRESS:
CITY: JORDAN VALLEY
PHONE NUMBER: 208-000-0000
STATE: OR ZIP: 97910

FIRST:

OWNER CODE: 0

LAST: NERCO DELAMAR CO
ADDRESS: 111 SW COLUMBIA SUITE 800
CITY: PORTLAND
PHONE NUMBER: 208-000-0000
STATE: OR ZIP: 97201

FIRST:

OWNER CODE: 0

LAST: NERCO DELAMAR COMPANY
ADDRESS: PO BOX 52
CITY: JORDAN VALLEY
PHONE NUMBER: 208-583-2511
STATE: OR ZIP: 97910

FIRST:

OWNER CODE: 0

LAST: KINROSS DELAMAR MINING COMPANY
ADDRESS: PO BOX 52
CITY: JORDAN VALLEY
PHONE NUMBER: 208-583-2511
STATE: OR ZIP: 97910

FIRST:

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N(✓)

CLAIM REMARKS: GEN WATER WILL BE DIVERTED WHENEVER REQUIRED & WHENEVER AVAILABLE;
HOWEVER, IN ANY GIVEN YEAR, IF THE OWYHEE RESERVOIR DOES NOT FILL
TO ITS FULL CAPACITY, AN AMT. OF WATER EQUIVALENT TO THAT
DIVERTED WILL BE REPLACED IN JORDAN CREEK FROM EARTH RESOURCES
CO. WELLS & WILL BE PASSED ON DOWNSTREAM. MILLING FACILITIES ARE
SITED ON UNPATENTED BUREAU OF LAND MANAGEMENT MILLSIG CLAIMS.
OWNERSHIP CHANGED BY KW 5/16/1994.

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
stack - field exam telephone
conversation memorandum.*

A. AJ CLAIM: # A55-07079 PRIORITY DATE: 09-04-1974 STAGE: P

B. WR RECORD: # 55-07079 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: License issued 1-6-1989.

=====

RECOMMENDED PRIORITY DATE:

REVIEWED BY

9-4-1974

kw

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
A55-07079	05S 04W	6	SE	SE	SE			OWYHEE		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: HENRIETTA DRAINAGE

TRIB: JORDAN CREEK

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
55-07079	05S 04W	6		SE	SE			OWYHEE		

OTHER WR RECORDS WITH SAME WR POD
NONE

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
NONE NONE

SOURCE: UNNAMED STREAM

TRIB: JORDAN CREEK

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 10-3-84) Y(✓) N()

AJ FIELD EXAM (DATE OF FIELD EXAM 4-14-93 NAME OF EXAMINER fw & lw) Y(✓) N()

OTHER (DESCRIBE IN NOTES BELOW)

same source;
local name

NOTES: _____

=====

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

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
05S	04W	6	SE	SE	SE	13		OWYHEE		
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—

SOURCE: unnamed stream TRIB: Jordan Creek

REVIEWED BY: KEW DATE: 2/22/98

=====

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

EXP remark BOI (Henrietta Drainage)

A. ROOT WATER RIGHT NUMBERS: A55-07079

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 A55-07079	/	-	/		
			NE	NE		KINROSS DELAMAR MINING COMPANY A55-02134	/	-	/		
			NE	NE		KINROSS DELAMAR MINING COMPANY A55-07078	/	-	/		
			NE	NE		KINROSS DELAMAR MINING COMPANY A55-07081	/	-	/		
			NE	NE		KINROSS DELAMAR MINING CO		L55-07081	/		

ADDITIONAL POU FOUND

5S 4W 8 SWNE
SENE
NESE
NWSE } as licensed

TOTAL ACRES A55-07079

POU COUNTY: OWYHEE

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
A55-07079	MINING	KINROSS DELAMAR MINING COMPANY	FROM 01-01 TO 12-31	1.000 CFS	30.00 AF/A
A55-02134	MINING	KINROSS DELAMAR MINING COMPANY	FROM 01-01 TO 12-31	0.412 CFS	
A55-07078	MINING	KINROSS DELAMAR MINING COMPANY	FROM 01-01 TO 12-31	1.110 CFS	
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: 55-7078, 55-2134, 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: kw 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
A55-07079 MINING	FROM 01-01 TO 12-31	1.000 CFS	30.00 AF/A
TOTAL DIVERSION RATE/VOLUME		1.000 CFS	30.00 AF/A

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
55-07079 MINING	FROM 01-01 TO 12-31		30.00 AF/A
TOTAL DIVERSION RATE/VOLUME			30.00 AF/A

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:

Recommend 30 AFA as licensed.

AJ CLAIM TOTAL DIVERSION RATE: 1.000 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 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

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 = 30.00 AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 30.0 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 ()

Recommend as licensed.

NOTES:

WR RECORD CONDITIONS/REMARKS:

016 - See remarks for additional conditions of approval.

~~R09~~ - Return water shall be treated to insure that the effluent

109 - meets Idaho Water Quality Standards.

016 - See remarks for additional conditions of approval.

~~RO9~~ - Return water shall be treated to insure that the effluent

- meets Idaho Water Quality Standards.

209

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (✓)

REC. PURPOSE OF USE	REC. PERIOD FROM TO		REC. DIV RATE CFS		REC. DIV VOL. AF/A		REC. CONS. USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
MINING	01-01	12-31	~~1,000~~		30.00	30.	~~30.0~~	
TOTAL FOR THIS RIGHT			~~1,000~~	N/A	30.00	30.	~~30.0~~	N/A

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):

LO9

PCD (#5 on license)

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

~~EP~~

EXPLANATORY REMARKS (CODE):

B01

use - for non-irrig uses

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 55-07079

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE	EXAMINER	CFS
----------	----------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A55-07079	1.000	-		55-07079	
TOTAL CFS		1.000				

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 EXAMINER
N	Y() N()

NOTES:

*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() ☒
☒ 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()

see in
A55-07081

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
☒ LICENSING FIELD EXAM	DATE OF FIELD EXAM <u>10-3-84</u>	<u>3</u>	
☒ WATER RIGHT LICENSE	DATE LICENSE SIGNED <u>1-6-89</u>	<u>1</u>	(error on p/u vs. field exam)
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____		
() SYSTEM DESCRIPTION	DATE DRAWN _____		
☒ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN <u>4-14-1993</u>		see in file A55-02134.
() 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 _____		

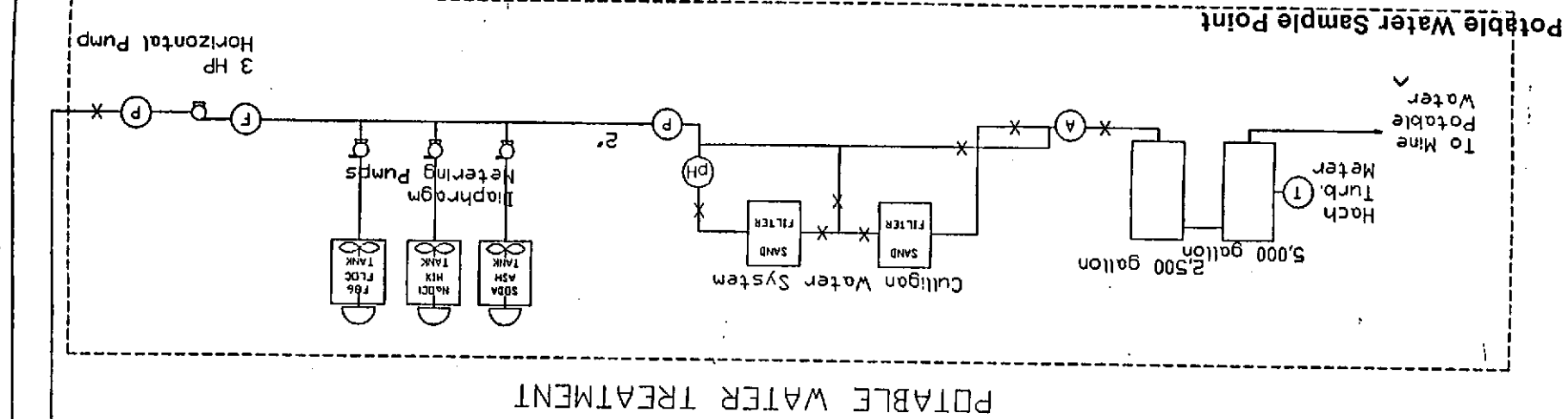


Table Number 1

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	11,864,800	3,366,500	3,852,200	0	0	6,406,500	156,800	10,476,395	5,212,800	4,224,610	11,864,800	0
MAR	0	0	1,097,700	13,120,300	0	0	0	0	0	0	1,421,800	13,120,300	0
APR	0	7,704,400	5,418,100	0	0	0	0	28,700	0	10,966,270	2,411,547	10,966,270	0
MAY	3,373,500	5,097,300	0	4,948,600	2,120,100	14,801,560	2,032,100	0	824,387	64,800	3,326,233	14,801,560	0
JUN	6,813,600	3,322,900	0	16,236,900	6,980,200	10,345,064	2,155,100	5,808,000	10,420,005	1,075,400	6,315,717	16,236,900	0
JUL	9,212,800	18,501,900	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	13,679,200	18,082,000	9,276,200	5,968,000	97,749	200,200	3,800	0	0	5,070,185	18,082,000	0
OCT	11,136,000	15,150,900	8,262,800	5,837,300	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	4,459,180	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	5,863,678	12,186,300	0
TOTAL	62,313,300	109,598,700	78,265,100	94,175,900	64,887,500	65,924,941	31,576,200	12,618,400	42,899,831	28,326,170	60,054,304	109,598,700	16,618,400
Acre-fee	191	336	243	301	199	202	97	57	122	87	195	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	5,485,657	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	4,683,788	5,660,400	3,403,300
DEC	5,922,900	5,602,700	3,898,600	5,163,200	4,569,400	3,965,336	4,145,000	4,410,100	3,212,000	4,806,900	4,569,614	5,922,900	3,212,000
TOTAL	62,308,300	80,029,700	83,673,200	62,139,200	63,107,900	62,940,249	57,721,600	55,422,800	47,889,644	59,642,700	63,487,529	83,673,200	47,889,644
Acre-fee	191	246	257	191	194	193	177	170	147	183	196	257	147

FIELD EXAM
TELEPHONE CONVERSATION MEMORANDUM

NAME OF CONTACT Steve Macintosh - Perco
PHONE NUMBER 208-583-2511 ADJ. AGENT Ray
DATE SET FOR EXAM April 14 at 10:30
LOCATION/DIRECTIONS what bldg.? Administration -
Left at Jordan Valley; left at sign
to Belamar; follow blacktop; sweeping
st. hand corner; gravel road stay left
Diverting at full rates? _____
Type of measuring devices? _____
Places to make measurements? _____
Type of System? (pipelines, ditches) _____

How many laterals are used? _____
Length and size of mainline? _____
Size of motor used for each P/D? _____
Estimate of depth to water? _____
Pressure at well? _____
Pressure at sprinkler heads? _____
COMMENTS _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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. MOLT
JAMES C. SWINDLER
ROBERT B. LOCHHEAD
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ROBERT S. CLARK
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MARK E. WILKEY
MATTHEW B. DURRANT
JILL N. PARRISH

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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

MAY 13 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.)

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

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

Water Right Number - 55-07079

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
NERCO DE LAMAR CO.

1 - DE LAMAR SILVER MINE
2 - P.O. BOX 52
3 -
City- JORDAN VALLEY State- OR Zip- 979100000
Phone -

*** O - ORIGINAL OWNER ***
EARTH RESOURCES CO.

1 -
2 -
3 -
City- State- Zip-
Phone -

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

+ - - - - Source - - - - + + - - - Tributary - - - - - +
UNNAMED STREAM → Henrietta Drainage JORDAN CREEK ✓

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

05S ✓ 04W ✓ 6 ✓ SE SE ✓ added (73) OWYHEE 10-ac. tract description.

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
13 - MINING ✓ 01/01 12/31 ✓ 1.0 ← 30.00 ✓

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
30.00 ✓ Storage 1989.600 ✓

+ - - - - Place of Use - - - - - +
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
05S 04W 8 NE SE 13 MINING (73) OWYHEE
05S 04W 8 SW SE 13 MINING (73) OWYHEE
NENE - changed P/U
added to claim

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

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. Use of water is for mining and milling purposes.

Water right number - 55-07079

Prefix Translation: WATER RIGHT

+ - - - - Old Water Right Numbers - - - - - +

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

+ - - - - Conditions of Approval - - - - - +
016 - See remarks for additional conditions of approval.
R09 - Return water shall be treated to insure that the effluent
- meets Idaho Water Quality Standards.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - 03/31/88 04/30/88 CONVERT 02/13/89 CURTIS

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

Proof Due Date - 03/01/1980	Field Exam Made - 10/03/1984	Field Exam Fee -
Approved/Denied - 02/19/1975	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 01/30/1980	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date- 00/00/0000	Verified Date - 08/05/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 01/06/1989	Appl Received - 09/04/1974	Transfer/Amended -
Decree Date - 00/00/0000	Presumption Flag -	

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 55-7079

Priority: September 4, 1974 Amount: 30.0 AFA

This is to certify, that NERCO DE LAMAR CO.
DE LAMAR SILVER MINE
P.O. BOX 52
JORDAN VALLEY, OR 97910

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated September 4, 1974, and has submitted proof to the Department of Water Resources on January 30, 1980, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a storage capacity of 1989.60 af of water from;

UNNAMED STREAM tributary to JORDAN CREEK

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Mining	01/01 to 12/31		30.0 afa

LOCATION OF POINT OF DIVERSION(S): SESE, Sec. 6, Township 5S, Range 4W
Owyhee County

PLACE OF USE: Mining

TWN RGE SEC

5S 4W 8 SWNE SENE NESE

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Return water shall be treated to insure that the effluent meets Idaho water quality standards.
5. 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.
6. Use of water is for mining and milling purposes.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 6TH day of JANUARY, 1989.

MICROFILMED

Acting for the

Director

*SWSE
see per
field
exam
see
attached*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NEW OWNER:

NERCO

111 S.W. COLUMBIA, SUITE 600

PORTLAND
ORE. 97910

Permit No. 55-7079

1. ^{OLD} Owner: EARTH RESOURCES CO.

Phone No.

Current Address: P.O. Box 52 JORDAN VALLEY, ORE 97910

2. Accompanied by: PAT SHEEHAN

EXAM. DATE: 10-3-84

Address: _____ Phone No. _____

Relationship to Permit Holder: PLANT MGR

3. Source: UNNAMED STREAM tributary to JORDAN CREEK
HENOPEHA DRAINAGE

HENRIETTA DRAINAGE

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
N/A					

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

EARTHEN DAM SEE DAM SAFETY FILE DSS-7079

FOR SPECIFIC INFORMATION

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A						

7. Measurements

☐ Additional data/computation sheets attached

NONE TAKEN

8. Point(s) of Diversion:

Indicate Method of Determination

[illegible]

9.

Place(s) of Use:

Irrigation - give acres served by system at time of exam.

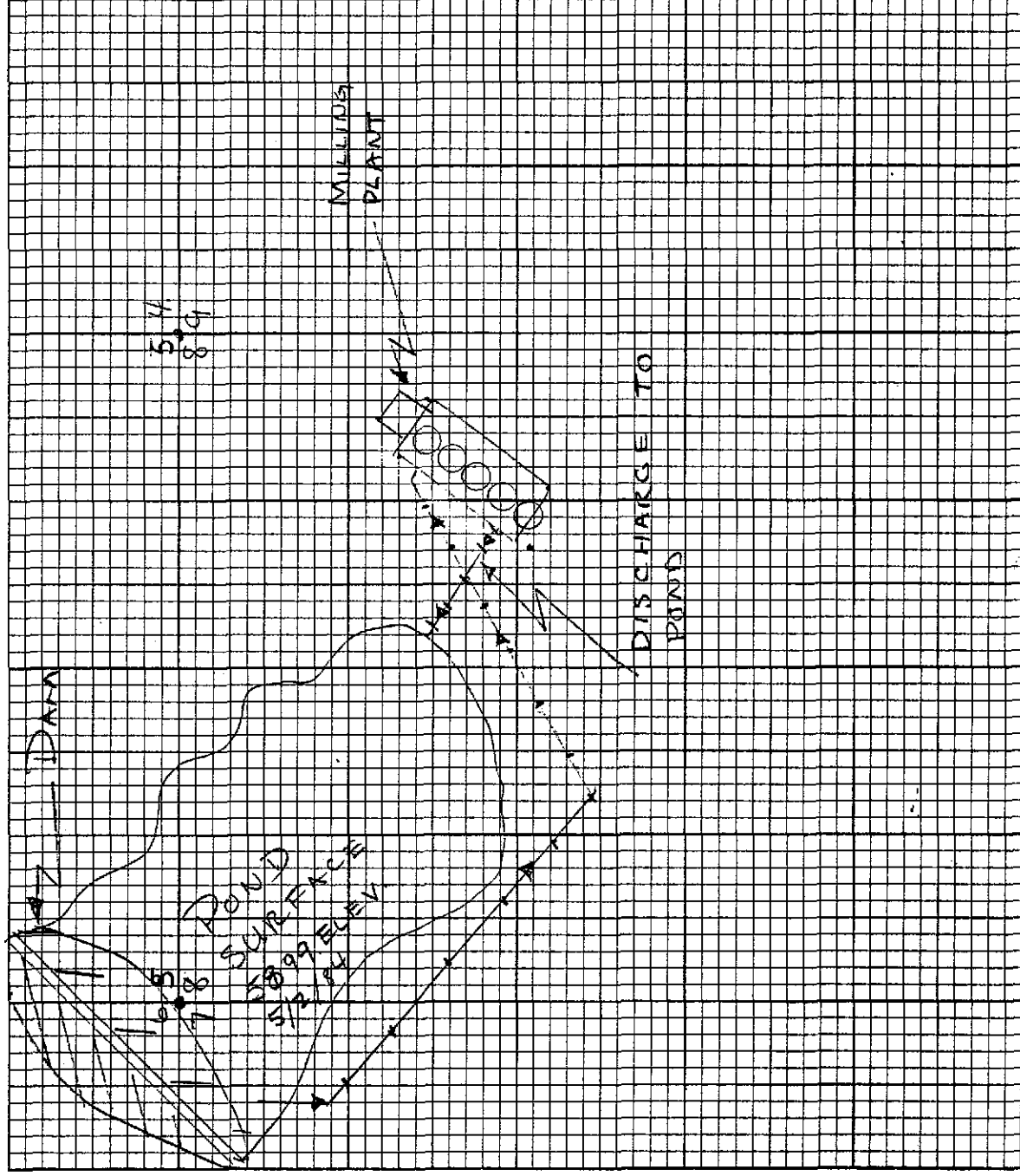
Indicate Method of Determination

[illegible]

Total Acres

10. Other water rights on these lands N/A
11. Other water right diverted from same p.d. N/A

12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ Photo of Diversion & System Attached ☐ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks STORAGE FACILITY CONTAINED 650,000,000
GALLONS ON 3/84 MORE INFORMATION IS CONTAINED
IN DAM SAFETY FILE D 55-7079

15. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
- ☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

16. Examiner's/Consultant's Signature Jim Johnson Date 10-9-84

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

Date

CONSULTANT'S SIGNATURE
Jim Johnson

JAN 20 1989

RECOMMENDED AMOUNTS

3.

Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
55-7079	9-4-1974	30. AC FT	9-4-1974	1-30-1980	1989.6

4.

Permit Holder:

NERCO

Address:

111 S.W. COLUMBIA, SUITE 600 Portland Oregon 97201

5.

Source:

UNNAMED STREAM

tributary to

JORDAN CREEK

6.

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
Mining & Milling	1-1	12-31	N/A	30.0

Allowable Maximums:

N/A

30.0

7.

Point(s) of Diversion:

No.	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County
	~~SE~~		SE	SE	6	5 S	4W	OWYHEE

8.

Place(s) 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	
5 S	4 W	8			X	X									X	X			
Total Acres																			

9.

Recommended Conditions/Remarks:

WATER DIVERTED UNDER THIS RIGHT

SHALL BE REPLACED BY GROUNDWATER AND SHALL

DISCHARGED INTO JORDAN CREEK IN THE EVENT THAT

OWYHEE RESERVOIR DOES NOT FILL TO ITS CAPACITY.

MICROFILMED

JAN 20 1989

10.

Recommended Amendments

- ☐ Change P.D. as reflected above
 ☐ Add P.D. as reflected above
 ☐ None
 ☒ Change P.U. as reflected above
 ☐ Add P.U. as reflected above
 ☐ Other

11.

Examiner's Signature

Joni Johnson

Date

10-10-84

Checked in Regional Office by

Date

Approved in State Office by

Date



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