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AUG 04 2005

DEPARTMENT OF
WATER RESOURCES

2500 Ross Avenue
Idaho Falls, Idaho 83406
July 29, 2005

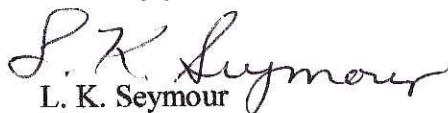
Department Of Water Resources
Roxanne Brown, Senior Water Resources Agent
Adjudication Bureau
P.O. Box 83720
Boise, Id, 83720-0098

Dear Ms. Brown:

This letter responds to your request of June 29, 2005, regarding my claim to a Water Right soon to be adjudicated, No 75-14072. This Claim resulted from a 50% split of the original Claim No. 13496 demanded by the US Forest Service administering the mining operation.

I am enclosing a copy of the original affidavit submitted by a previous owner of this mine to validate the Claim, as well as other pertinent documents to clarify the history. All these documents were included with the original IDWR submittal by our attorney, and are supplied for your convenience. Other supporting documents were included with 75-13496, and a copy of IDWR effecting the split to 75-14072 and -73. If you have the need for additional information, please let me know.

Sincerely yours.


L. K. Seymour

ORIGINAL WATER CLAIM

RECEIVED

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

AUG 04 2005

DEPARTMENT OF
WATER RESOURCES

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

CIVIL CASE NUMBER: 39578

Ident. Number 75-13946
Date Received: 1/18/2000
Receipt No: E025559
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KEN SEYMOUR Phone: (208)522-6282
2500 ROSS AVE
IDAHO FALLS ID USA 83404

DICK WRIGHT Phone: (208)523-4172
1335 AZALEA DR
IDAHO FALLS ID USA 83404

2. Date of Priority: 05/01/1956

3. Source: RABBIT CREEK Trib. to: NAPIAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
22N	20E	29	SE SW	LEMHI	

5. Description of diverting works:

DIVERSION DAM OF LESS THAN 3' INTO A DITCH 2' WIDE X 2' DEEP

6. Water is used for the following purposes:

Purpose
MINING

From To C.F.S.
5/01 11/01 2

(or) A.F.A

7. Total Quantity Appropriated is:
2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
22N	20E	32	NW	NE		MINING	
			SW	NE		MINING	
			NE	NW		MINING	
			NW	NW		MINING	
			SW	NW		MINING	
			SE	NW		MINING	

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

WATER RIGHT 75-7472 IS AN APPLICATION FOR PERMIT FILED BY E.J. SCHWARZENBERGER, AND IS STILL PENDING. IF THE WITHIN CLAIM IS APPROVED, THE SAID APPLICATION COULD BE WITHDRAWN OR CANCELLED. A LETTER DATED JULY 21, 1999, FROM KEN SEYMOUR TO IDWR, GIVES THE BACKGROUND FOR THIS CLAIM ALTHOUGH IT WAS WRITTEN TO SUPPORT SAID APPLICATION, 75-7472. ATTACHED TO THE LETTER IS AN AFFIDAVIT BY RICHARD R. SMITH VERIFYING THE USE OF THE WATER FROM 1956 THROUGH 1986, AND AN AFFIDAVIT FROM JAMES SCHWARZENBERGER VERIFYING THE USE OF THE WATER FROM 1988 THROUGH 1995. THIS LETTER WAS NEVER MAILED TO IDWR, BUT SUPPORTS THIS CLAIM AS A BENEFICIAL USE RIGHT CLAIM, AND ANSWERS PROTESTS TO THE APPLICATION.

15. Basis of Claim: Beneficial Use



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7162

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DEPARTMENT OF
WATER RESOURCES

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 13, 2002

KEN SEYMOUR
2500 ROSS AVE
IDAHO FALLS ID 83404

RE: CHANGE IN OWNERSHIP FOR 75-13946

Dear Mr. Seymour:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

75-13946:

75-14072: 1 cfs, Seymour & Wright

75-14073: 1 cfs, Gietzen, Wackerli, Chadwick, Hudson

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree

Technical Records Specialist

cc: Dick Wright
Dave Gietzen
Steve Wackerli
James Chadwick
Donnie Hudon

~~Subpoena~~ Copy

A F F I D A V I T

I, Richard R. Smith, 308 Washington Ave.
(Name) (Address)

Salmon, ID 83467, do hereby certify to the following operational history of the Smith, Paradise, and Blue Moon gold claims on Rabbit Creek in the Mackinaw Mining District of Lemhi County, Idaho (Legal Description Sec 32, T22N, R20E). The operation consisted of utilizing water from Rabbit Creek in a sluice/wash system to separate placer gold.

I filed the Paradise claim in 1956, and operated it beginning in 1956 through 1959; the Blue Moon claim was filed in 1968 by a partner, and the Smith claim was filed in 1974 by still other partners. Beginning in 1961, I operated by myself and with various partners in 1961 to 1963, 1965, 1966 through 1969, 1971 through 1975, and 1977 through 1986. The Blue Moon claim was added to the operation with the Paradise claim beginning in 1968, and the Smith claim was added in 1974. Each claim was added to the group as they were filed, and all claims were operated as a group for the years listed above. All three were transferred to me in 1982, and continued to be operated as a group.

I sold my rights to all three claims to E. J. Schwarzenberger in 1987, who continued to operate them utilizing Rabbit Creek water.

The water was taken from Rabbit Creek by an existing diversion, and passed through an existing ditch system to the area mined. The ditch was filled as full as possible to obtain sufficient flow at the farthest point along the ditch. To the best of my knowledge, the operations were continuous except for the years of 1960, 1964, 1970, and 1976, as shown above.

Signed Richard R. Smith

Richard R. Smith
Name Printed

State Of Idaho)
County of Lemhi) SS

On this 29 day of July, 1999, personally appeared before me the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

SEAL

Residing at Salmon Idaho
Notary Public Molly M. Shanafelt

My commission expires: 12-18-2003.