

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

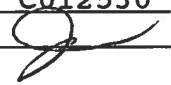
IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-03624A

Date Received: 10/25/1989

Receipt No: C012530

Received By: 

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: JACK A. WALKER

Address:

YELLOW PINE ID

83677

2. Date of Priority: AUG 19, 1959

3. Source: SPRINGS
WILLOW CREEK

Trib. to: WILLOW CREEK
BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	01E	15	SE	NW	NW		GEM
			NW	SE	SE		GEM

5. Description of diverting works:
SPRINGS: PIPELINE; CREEK: PUMP/DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		
MINING	01/01	12/31	0.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
X/MILLING; DOMESTIC ONE HOUSE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06N	01E	15	NW	SE		MINING	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	01E	15	NW	SE		DOMEST	

11. Place of use in counties: GEM

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

13. Other Water Rights Used:
NONE

14. Remarks:

2 PD IN NWSE, S15, T6N, R1E.
SOURCES ARE SPRINGS TRIB. TO WILLOW CREEK & WILLOW CREEK TRIB.
TO BOISE RIVER. THERE ARE TWO SPRINGS.

15. Basis of Claim: LICENSE

Water Right Number: 28112

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)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

CHANGED TO: A63-03624A
Ident. Number: ~~A63-03624~~
Date Received: 10-25-89
Receipt No: 0012530
Received By: RLT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JACK A. WALKER
Address: YELLOW PINE, ID

83677

2. Date of Priority: AUG 19, 1959

3. Source: SPRINGS
WILLOW CREEK

Trib. to: WILLOW CREEK
BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	01E	15		SE	NW		GEM
				NW	SE		GEM

5. Description of diverting works:
SPRINGS: PIPELINE; CREEK: PUMP/DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		
MINING	01/01	12/31	0.100		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
X/MILLING; DOMESTIC ONE HOUSE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	01E	15	NW	SE		MINING	
			NW	SE		DOMEST	

11. Place of use in counties: GEM

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

13. Other Water Rights Used:
NONE

14. Remarks:

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SOURCES ARE SPRINGS TRIB. TO WILLOW CREEK & WILLOW CREEK TRIB.
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Water Right Number: 28112

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(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: 0

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): X Jack A. Walker Date: X 25 Oct '89
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 25th day
of October 1989 Helen Harrington
Notary Public

Seal

Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 28112This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Gem State Consolidated Mines, Inc., Boise, Idaho2. Source of water supply: Spring and Willow Creek3. Location of point of diversion; Is in the NE 1/4, R. 2 points N. 1/4 of Section 15T. 6 N. R. 1 E. County of _____

City _____

4. Describe works as they exist, giving dimensions and capacities of same: Spring #1 comes from old mine tunnel, entrance sealed off, a 2" x 100' pipe diverts water to mill site. Spring #2 2" x 200' pipe from main working tunnel to mill. Willow Creek is pond 12' x 60' x 2' with 2" x 30' pipe in bottom of pond into mill. There are two reclaim tanks 4' x 4' x 12' and 6' x 4' x 4 1/2'.

5. Water is used for: domestic and milling6. State whether or not water has been turned into works of diversion: yes.

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

place of use: NE 1/4, Sec. 15, T. 6 N., R. 1 E.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: George McKenney along

Spring #1 is main source of water supply. 85 lbs pressure in mill at garden hose spicket.

Spring #2 estimated at 1/2 inch and flows directly into reclaim tank. Willow Creek only has water about 7 months a year.

This examination was made on the 8th day of November, 1961

(Signed) _____

Engineer

MICROFILMED
OCT 07 1996

R+IE.

T.
6
N

1800' R. 2° S. 40° E. 1/2 Sec. 12
850' 1/2 Sec. 12

Point of Return
Tailing Pond.

Bill
Place of
Use

RD. Spring #1

RD. Spring #2

RD. Spring #3

RD. Spring #4

RD. Spring #5

RD. Spring #6

RD. Spring #7

RD. Spring #8

RD. Spring #9

RD. Spring #10

RD. Spring #11

RD. Spring #12

RD. Spring #13

RD. Spring #14

RD. Spring #15

RD. Spring #16

RD. Spring #17

RD. Spring #18

RD. Spring #19

RD. Spring #20

RD. Spring #21

RD. Spring #22

RD. Spring #23

RD. Spring #24

RD. Spring #25

RD. Spring #26

RD. Spring #27

RD. Spring #28

RD. Spring #29

RD. Spring #30

RD. Spring #31

RD. Spring #32

RD. Spring #33

RD. Spring #34

22.5' 1/2 Sec. 12
HWY 15
and 8015

Domestic + Milling

Allow 10 ft. or 5 inches

MICROFILMED
OCT 07 1996

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

POOR ORIGINAL

MICROFILMED
OCT 07 1996

RECEIVED
OCT 10 1961
Department of Reclamation

Examination for Beneficial Use
County One
Quantity Des 15 7.68 212
Source: Drainage of Miller
P.D. See 18, 7 & 11-15-61
Use: Domestic & Irrig
Filed: Aug 19, 1961
Des: Aug 22, 1961
Extensions:
Completion of Work: 8-29-60
Other Rights: none stated

5-11-61 817 11/15/60
Crest Pond 18' x 60' x 10'
2" x 50' pipe to mill
only gutted sample
will for canal
will operate 40 T workings
mill combine with
always operate on flat
6 inch 1/2 flat in
requirement just in
rated at 1 ton foot to
to 700.
reclaim land 61 x 1/2
4 1/2 x 1/2

Spring to all runs
blat in, now called
water 1800' to 2" pipe to mill
P.D. See 18, 7 & 11-15-61

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2" x 50' pipe to mill
only gutted sample
will for canal
will operate 40 T workings
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reclaim land 61 x 1/2
4 1/2 x 1/2

4 1/2 x 1/2

08/25/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-3624A
NAME AND ADDRESS: JACK A WALKER
YELLOW PINE ID 83677
SOURCE: SPRINGS TRIBUTARY: WILLOW CREEK
WILLOW CREEK TRIBUTARY: BOISE RIVER
QUANTITY: 0.100 CFS
72.840 AFY
PRIORITY DATE: 08/19/1959
POINT OF DIVERSION:
T06N R01E S15 SENW Within GEM County
T06N R01E S15 NWSE Within GEM County
T06N R01E S15 NWSE Within GEM County
Two points of diversion located in T06N, R01E, S15, NWSE.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MINING	01/01 12/31	0.100 CFS 72.27 AFY
DOMESTIC	01/01 12/31	0.020 CFS 0.57 AFY

Domestic use is for 1 home and does not include lawn, garden, landscape,
or other types of irrigation.

PLACE OF USE: MINING Within GEM County
T06N R01E S15 NWSE
DOMESTIC Within GEM County
T06N R01E S15 NWSE

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

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Mining use is for a milling operation.

PIN NO: RP00193600A.

Property is also known as Mineral Survey No. 2086.

Idaho Department of Water Resources

T06N, R01E, SEC 15

Claim No: 63-3624A

Prepared By: Kimberly Brown

Date: August 25, 2006



Place of Use



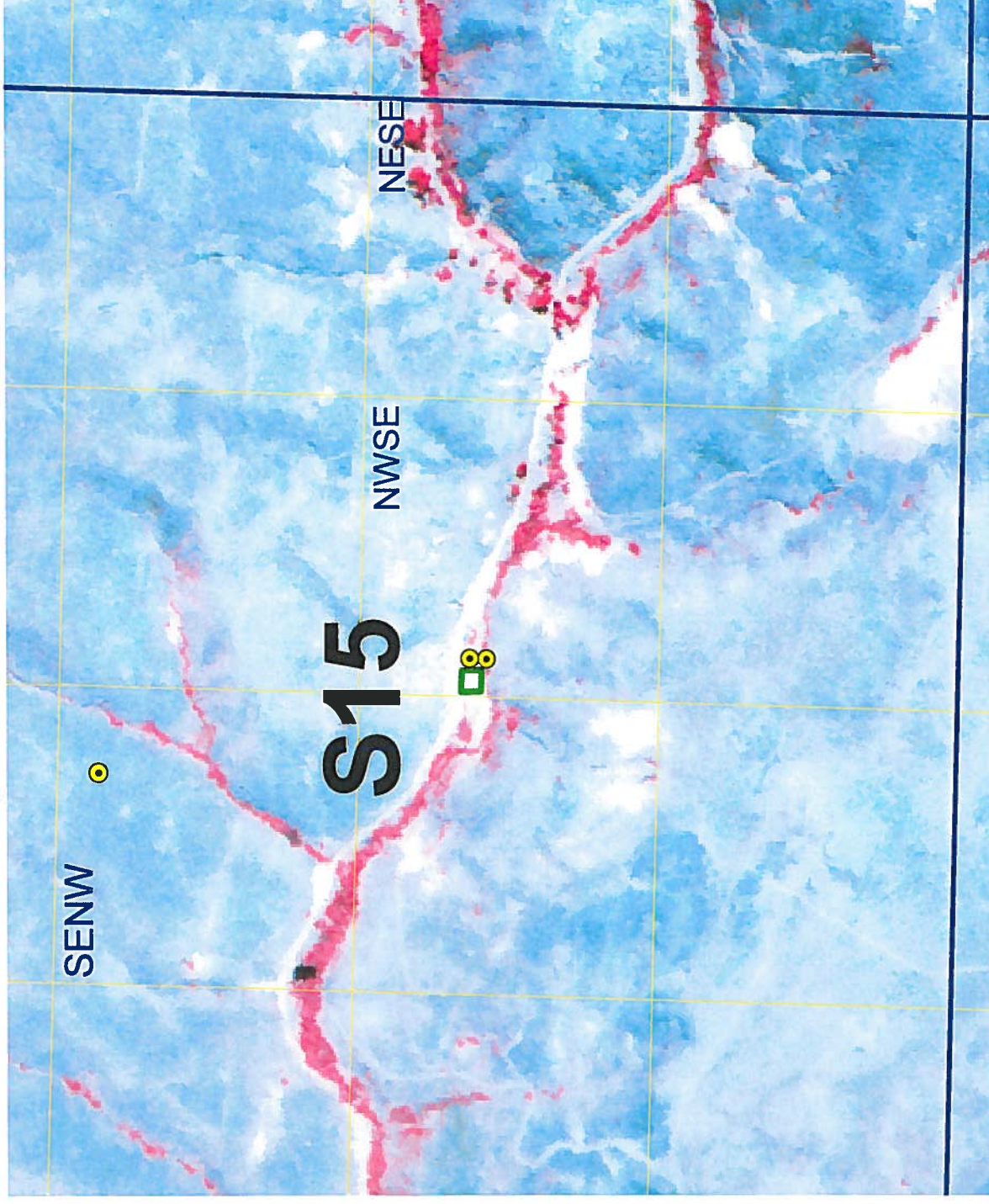
Section Lines



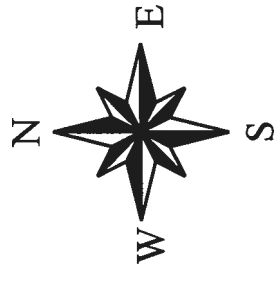
1/4 1/4



Point of Diversion



00.03 Miles



1987 NAPP

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3624A

WATER RIGHT NUMBER: 63-3624A ✓

(-2649) originally

#63-3624
should not
have been
split.Current Owner: Jack A. Walker
P.O. Box 426
Vale, OR 97918Owner TypeName and Address

Current Owner

JACK A WALKER

Original Owner

YELLOW PINE, ID 83677

GEM STATE CONSOLIDATED MINES INC ✓
3304 N 36TH ST
BOISE, ID 83703

Priority Date: 08/19/1959 ✓

Basis: License ✓

Status: Active

Sourcesprings
Willow CreekTributaryWillow Creek
Boise RiverBeneficial Use

MINING (Milling) ✓

DOMESTIC ✓

From To

1/01 to 12/31 ✓

1/01 to 12/31 ✓

Diversion Rate

0.100 CFS ✓

0.020 CFS ✓

Annual Volume

72.27 AF

0.57 AF

Total Diversion:

0.100 CFS ✓

72.84 AF

Location of Point(s) of Diversion

3 ENW, S15

TO6N, R01E (Spring #1)

NWSE, S15

TO6N, R01E (Spring #2)

NWSE, S15

TO6N, R01E (Willow Cr.)

Place of Use

MINING ✓

ADD
FO2:

2 POOs in NWSE, S15

Twp Rge Sec

NE

NW

SW

SE

06N 01E 15

NE

NW

SW

SE

NE

NW

SW

SE

NE

NW

SW

SE

NE

NW

SW

SE

Totals

DOMESTIC ✓

Twp Rge Sec

NE

NW

SW

SE

06N 01E 15

NE

NW

SW

SE

NE

NW

SW

SE

NE

NW

SW

SE

NE

NW

SW

SE

Totals

Conditions of Approval:ADD WB5 - Domestic use is for 1 house &
does not include irrigation of lawn/garden.
ADD - Mining use is for a milling operation.ADD JO1 - Place of use is also known as Mineral
Survey # 2086.Pin # RP001936 00-A. (Mineral Survey # 2086) 80.046
Ac

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3624A

1. 2 PD IN NWSE, S15, T6N, R1E.
SOURCES ARE SPRINGS TRIB. TO WILLOW CREEK & WILLOW CREEK TRIB.
TO BOISE RIVER. THERE ARE TWO SPRINGS.

Remarks:

Comments:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-2649

WATER RIGHT NUMBER: 65-2649

Owner Type

Name and Address

Priority Date:

Basis:

Status: See Remarks

Source

Tributary

Beneficial Use

From To

Diversion Rate

Annual Volume

Total Diversion:

Location of Point(s) of Diversion

Place of Use

Conditions of Approval:

1. RENUMBERED AS RIGHT 63-3624.

Remarks:

Comments:

Water Supply Bank:

08/24/2006 00:27 2083652163
8/24/06

GEM COUNTY

Assessor's Office

PAGE 01

PMO100 - PARCEL MASTER INQUIRY

12:02:59

PARCEL: RP 00193300 A

HECLA-CHECKMATE MINING
% SMITH, WILLIS M
SMITH, BERNARD & STEPHEN M/T

PO BOX 2121

CORRALES NM 87048

LEGAL DESCRIPTION

2697 06 15 4 99 99 924
SEC 15 6N 1E
BIG LYNX LODGE, SURVEY #2025
ProVal Area Number 1
CODE AREA 6-0000 OWNER CD
PARC TYPE LOC CODE 400
EFFDATE 1012000 EXPDATE
PREV PARCEL RP00193300 T

← not applic-
able to
NWSE,
S15
the

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
5	2005	15121	AC	480				
9	2005			80				

Big
lynx
lode

TOTALS 15121 560

ENTER NEXT PARCEL NUMBER RP

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=Srch F22=EU

is
located

further
south in
the SWSE

& SESE, S15

(not NWSE,
S15)

-KBrown

To Kimberly

334-2348

From Linda

365-2988

8/24/06

PM0100 - PARCEL MASTER INQUIRY

12:05:05

PARCEL: RP 00193102 A

SMITH, WILLIS M

LEGAL DESCRIPTION

2697 06 15 4 99 99 927

TAX 1,

SEC 15 6N 1E

ProVal Area Number 1

CODE AREA 6-0000 OWNER CD

PARC TYPE LOC CODE 400

EFFDATE 1012000 EXPDATE

PREV PARCEL RP00193102 T

PO BOX 2121

CORRALES NM 87048

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
5	2005	1263	AC	50				
9	2005			10				

TOTALS

1263

60

ENTER NEXT PARCEL NUMBER RP _____ A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU

I believe this is called
the "Hecla/"
the "Checkmate" mining claim;
which is located too far
south to correspond with the
place of use depicted in the
Field Exam / Report.

- K. Brown

8/24/06

PM0100 - PARCEL MASTER INQUIRY

12:01:32

PARCEL: RP 00193600

A

WALKER, JACK A

LEGAL DESCRIPTION

2697 06 15 4 99 99 922
SEC 15 6N 1E SURVEY #2086(Easter &
Shamrock)
mining
claims

PO BOX 426

ProVal Area Number 1
CODE AREA 6-0000 OWNER CD
PARC TYPE LOC CODE 400
EFFDATE 1012000 EXPDATE
PREV PARCEL RP00193600 T

VALE OR 97918

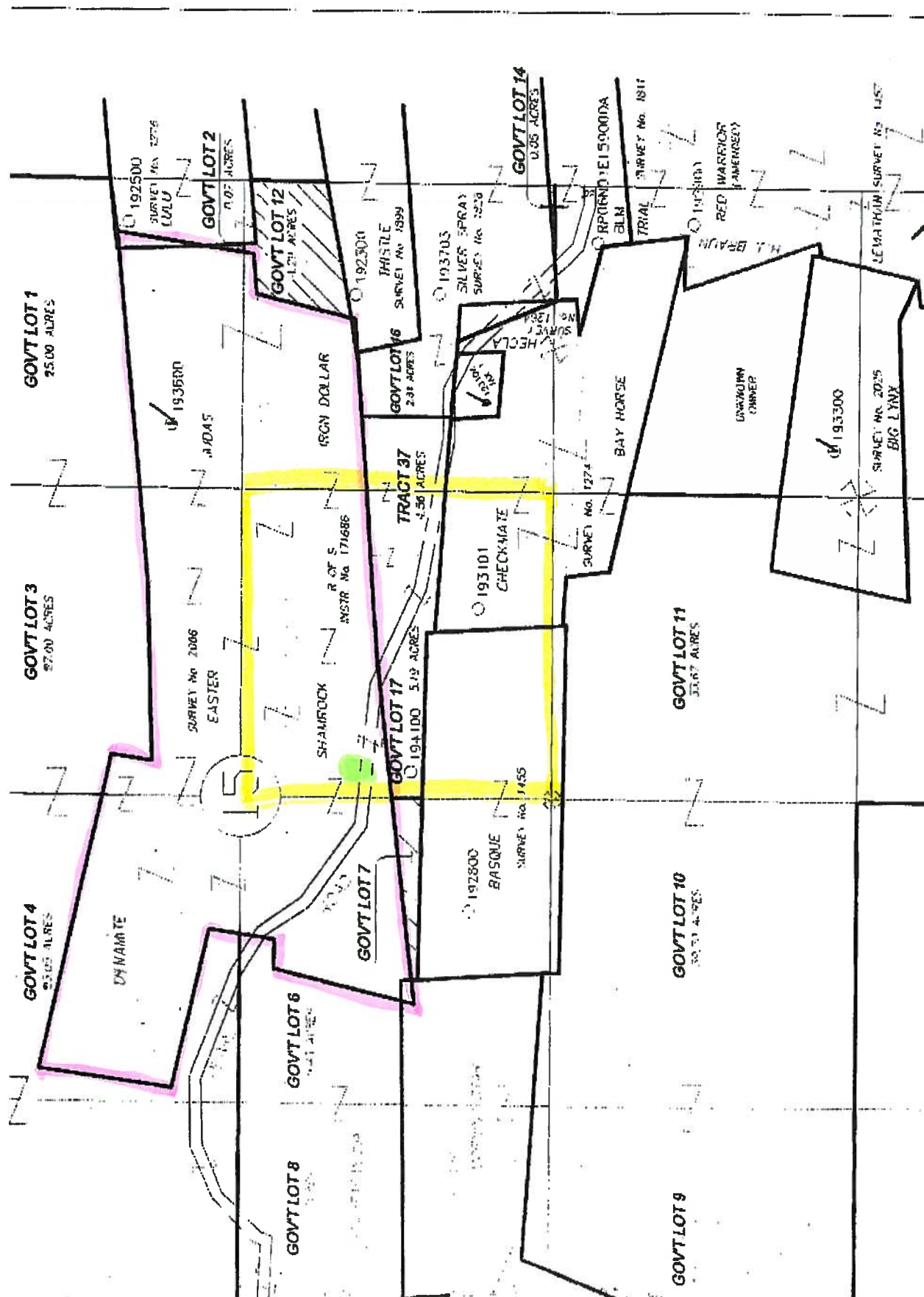
CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
5	2005	80046	AC	2620				
9	2005			400				

TOTALS 80046 3020

ENTER NEXT PARCEL NUMBER RP _____ A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=Srch F22=EU

* This is the parcel/mining
claim applicable to #63-3624.
(see attached map)
~K. Brown



Township:6N Range:1E Sections: 15, 16, 21, 22

Parcel Number	Owner	Owners continued or contract buyer	Legal Description	% Sec	Acres
RP00192300 A	BURKHART, W G		06N 01E SEC 14 & 15 Mineral Survey # 1899		40.968
RP00192500 A	BURKHART, WILLIAM G & TERESA J		06N 01E SEC 14 & 15 Mineral Survey # 1278		13.290
RP00192800 A	BURKHART, ROBERT E <i>Bryan Glen</i>		06N 01E SEC 15 Mineral Survey # 1465	SW	20.483
RP00192900 A	BURKHART, JOSEPH W & W G		06N 01E SEC 14, 15, 22, 23 Stry#s 1189, 1468, 1457, 1811, 1955		52.592
RP00193101 A	WENTHUR, MICHAEL L		06N 01E SEC 15 Mineral Survey #s 1264 & 1274 Less Tax001	SE	38.740
RP00193102 A	SMITH, WILLIS M		06N 01E SEC 15 TAX001	SE	1.263
RP00193300 A	HECLA-CHECKMATE MINING	%SMITH, WILLIS & BERNARD & STEPH	06N 01E SEC 15 Mineral Survey #2025	SE	15.121
RP00193400 A	HANAU, CHRISTOPHER HASTINGS		06N 01E SEC 15 & 16 Mineral Survey # 2070		39.955
RP00193500 A	SPRING VLY LIVESTOCK CO INC		06N 01E SEC 22 & 23 Mineral Survey # 2108		20.500
RP00193600 A	WALKER, JACK A		06N 01E SEC 15 Mineral Survey # 2088	SE	80.048
RP00193701 A	WESTERN-CENTENNIALS INC <i>Burkhart, Greg T</i>		06N 01E SEC 21 & 22 Mineral Survey #s 1765, 3209, 3210		74.340
RP00193703 A	BURKHART, W G & TERESA J		06N 01E SEC 14 & 15 L16, SEC 15, Mineral Survey #1828		21.941
RP00194000 A	BEAN, JAMES L & MARIANNE		06N 01E SEC 10 & 16 Mineral Survey # 3115		89.140
RP00194100 A	CUNNINGHAM, GAUS J & KATHLEEN		06N 01E SEC 15 TRACT 37 & LOT 17	SE	9.750
RP00195300 A	BEAN, JIM & MARIANNE		06N 01E SEC 16 N1/2	NE	320.000
RP00197300 A	BEAN, JIM & MARIANNE		06N 01E SEC 15 LOTS 1,3,4,5, W1/2 NW	NW	187.720
RP00197901 A	FIRST AMERICAN TITLE INS CO		06N 01E SEC 22 & 23 PARTS OF SECTIONS+		754.600
RP00197902 A	SPRING VLY LIVESTOCK CO INC		06N 01E SEC 21 LOTS 4,6,7,8	NE	101.150
RP00197903 A	SPRING VLY LIVESTOCK CO INC		06N 01E SEC 22 NE NW, LOTS 2,3,6	NW	138.200
RP00198900 A	SPRING VLY LIVESTOCK CO INC		06N 01E SEC 21 N1/2 SE	SE	80.000
RP00199600 A	STILLWELL, GLENN & MARY ET AL		06N 01E SEC 15 L8,10,11, SEC 22 L4&5, S1/2 NE		255.350
RP00199900 A	HAYNES-LAMB & LIVESTOCK CO <i>Bettie, Nancy L. & Betty's Family</i>		06N 01E SEC 21 S1/2 NW, L3 SW SW, N1/2 SW	NW	237.770
RP06N01E150100A	BLM	EXEMPT	06N 01E SEC 15 Portion of N1/2 NE 63-802A EXEMPT	NE	89.074
RP06N01E154800A	BLM	EXEMPT	06N 01E SEC 15 LOT 8 63-802A EXEMPT	SW	17.400
RP06N01E159000A	BLM	EXEMPT	06N 01E SEC 15 Portion of SE SE 63-802A EXEMPT	SE	2.901
RP06N01E164800A	BEAN, JIM & MARIANNE		06N 01E SEC 16 SW1/4, W1/2 SE, SE SE, LOT 1	SW	311.580
RP06N01E213000A	BLM	EXEMPT	06N 01E SEC 21 NW NW 63-802A EXEMPT	NW	40.000
RP06N01E219000A	BLM	EXEMPT	06N 01E SEC 21 S1/2 SE, SE SW 63-802A EXEMPT	SE	120.900
RP06N01E226000A	BLM	EXEMPT	06N 01E SEC 22 SW SW 63-802A EXEMPT	SW	40.000
Parcel Count: 29			2/12/2004 3:43:43PM		3,191.854

J:\Assessor\PLATS\6N1E\6N1E15,16,21,22\6N1E SEC 15,16,21,22.rpt

RP06N01E21 ⁶⁶⁰⁰ ~~1060~~ *Bettie, Nancy L. & Betty's Family*
HAYNES, Dave M. & Mary D

6N1E Sec 21 SE SW

40 Ac

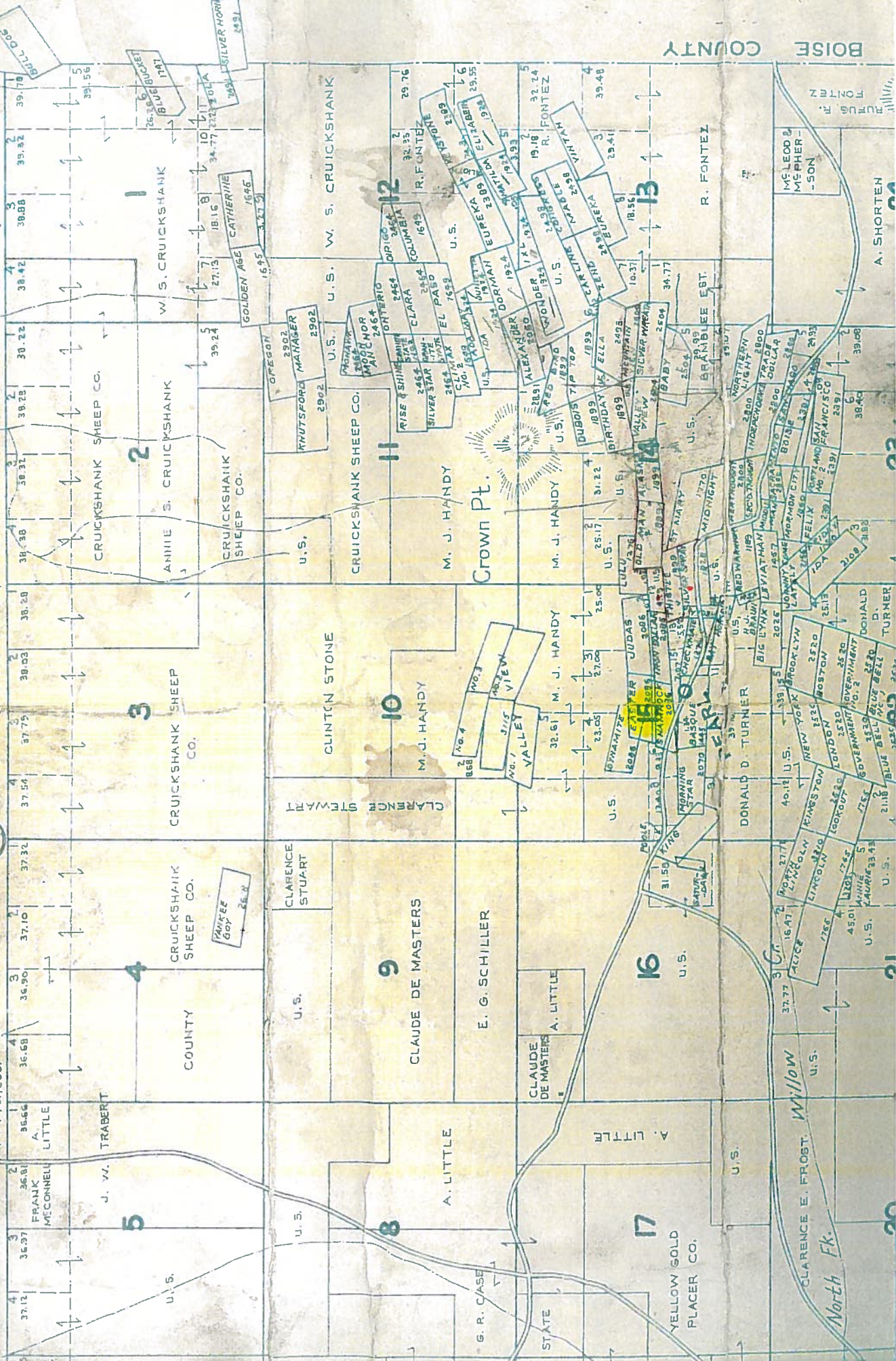
Requested from Gem Co.
 Assessor's Office —

- K. Brown

TOWNSHIP 6 N., RANGE 1 E. B. M.
GEM COUNTY, IDAHO

(12)

To Montour



TOWN 6 N. - RANGE 1 E. B. M.

D. OREGON
WASHINGTON
WASHINGTON

CONVERSATION MEMORANDUM

RE: Snake River Basin Adjudication Water Right Nos. A63-3624A & -3624B

August 24, 2006

In order to determine whether the –A or –B portion is applicable to this right, I called the Gem County Assessor's office (#208-365-2982) and spoke with Linda regarding mining claims owned by Willis M. Smith and Jack A. Walker in the T06N, R01E, Sec. 15, NWSE area. Linda faxed me several documents pertaining to this area (see file).

August 25, 2006

I called the Gem County Assessor's office for more information and they faxed additional documentation that specifically states that Jack A. Walker is the owner of Mineral Survey No. 2086 (see file). (I also used a Gem County map I obtained from Mr. William Burkhart a few days previously when he came in to the office to meet with me regarding his 63-4266 and 63-4603 claims.)

Kimberly Brown
Senior Water Resource Agent
Western Region

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3624A

08/25/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
20223	Claim	06N	01E	15	NW	SE		STOCKWATER	<i>no overlap</i>	ROBERT LEE BURKHART
~~1624A~~	~~Claim~~	~~06N~~	~~01E~~	~~15~~	~~NW~~	~~SE~~		~~MINING~~		~~JACK A WALKER~~
1624B	Claim	06N	01E	15	NW	SE		MINING		WILLIS M SMITH
~~3624~~	~~Water Right~~	~~06N~~	~~01E~~	~~15~~	~~NW~~	~~SE~~		~~MINING~~		~~GEM STATE CONSOLIDATED MINES¹~~
~~1624A~~	~~Claim~~	~~06N~~	~~01E~~	~~15~~	~~NW~~	~~SE~~		~~DOMESTIC~~		~~JACK A WALKER~~
1624B	Claim	06N	01E	15	NW	SE		DOMESTIC		WILLIS M SMITH

Willis M. Smith also filed for the entire amount of licensed right #63-3624. During my review of portions - A & -B, I determined that only the -A portion is applicable because the place of use belongs to Jack A. Walker - owner of Mineral Survey #2086 (A.K.A. the "Dynamite", "Shamrock", "Easter", etc. mining claims.

- K. Brown

SENW

Mineral Survey
#2086

A.K.A. Dynamite, Easter,
Shamrock, Judas, Iron
Dollar Mining Claims

S15

NWSE

NESE



#63-3624A
2000 NAPP

SENW

S15

NWSE

#63-3624A
1987 NAPP

SENW

S15

NWSE

#63-3624A
2000 NAPP

Idaho Department of Water Resources

T06N, R01E, SEC 15

Claim No: 63-3624A

Prepared By: Kimberly Brown

Date: August 22, 2006



Place of Use



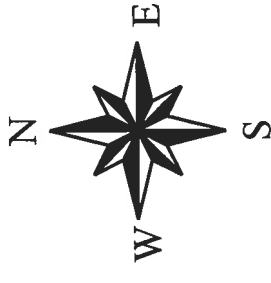
Section Lines



1/4 1/4



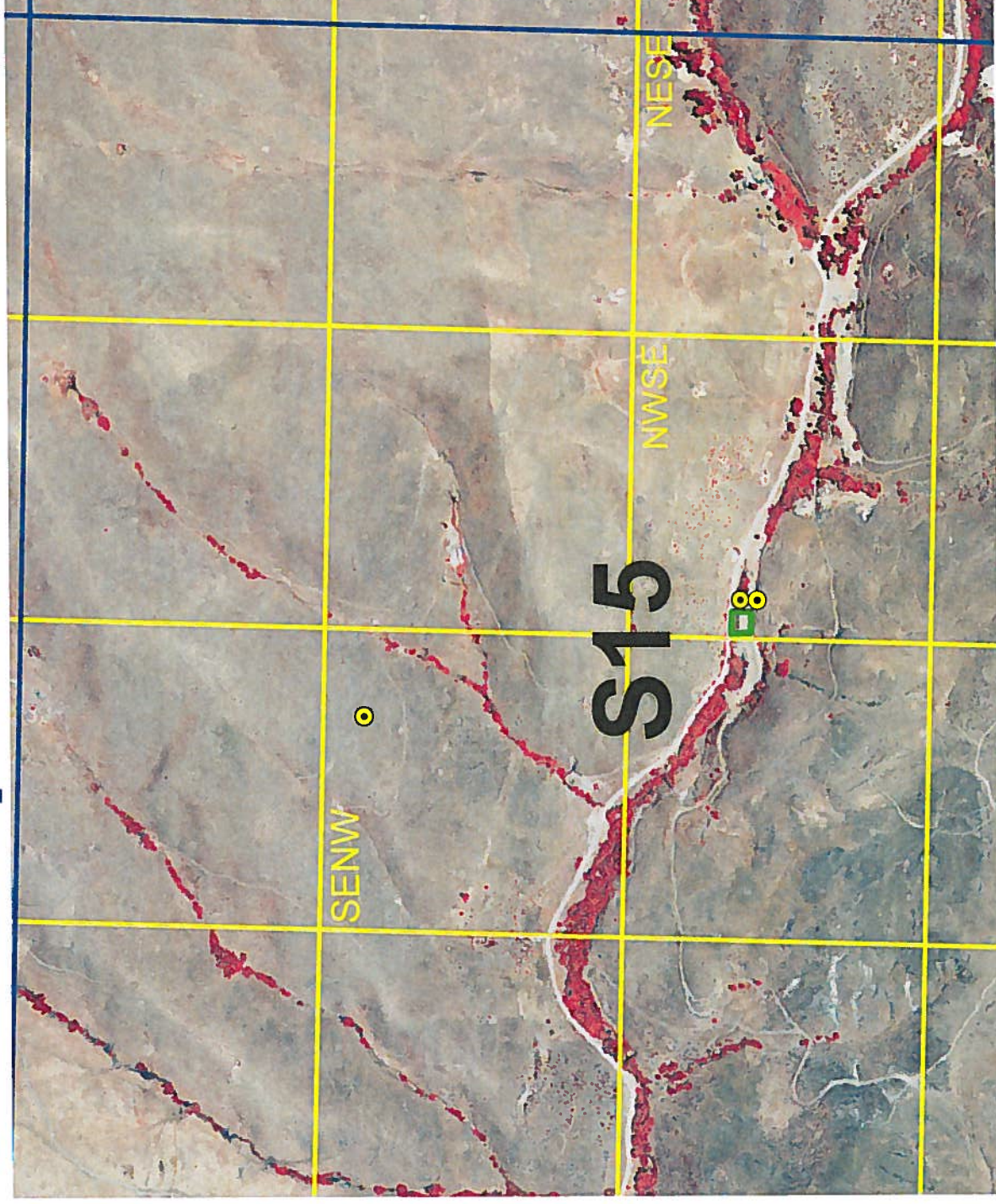
Point of Diversion



00.03 Miles



2000 NAPP



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 28112

Gem State Consolidated Mines, Co.
Geo. E. McKenney, President & Mgr.
3304 N. 36th St., Boise, Idaho

REPORT ON PROOF OF Beneficial Use

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 28112

This proof is for Beneficial Use In Water District No. _____

1. Name of applicant Gem State Consolidated Mines, Inc., Boise, Idaho
2. Source of water supply: Springs and Willow Creek
3. Location of point of diversion: Is in the SE 1/4, & 2 points N 1/4 of Section 15
T. 6 N. R. 1 E. County of Gem
4. Describe works as they exist, giving dimensions and capacities of same: Spring #1 Comes from old mine tunnel, entrance sealed off, 2"x100' pipe diverts water to mill site. Spring #2 2"x200' pipe from main working tunnel to mill. Willow Creek RD. is pond 18'x60'x2' with 2"x30' pipe in bottom of pond into mill. There are two reclaim tanks 4'x4'x2' and 6'x4'x4 1/2'

5. Water is used for: domestic and milling

6. State whether or not water has been turned into works of diversion: yes.

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

place of use: N 1/4, Sec. 15, T. 6 N., R. 1 E.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: George McKenney along

Spring #1 is main source of water supply. 85 lbs pressure in mill at garden hose spicket.

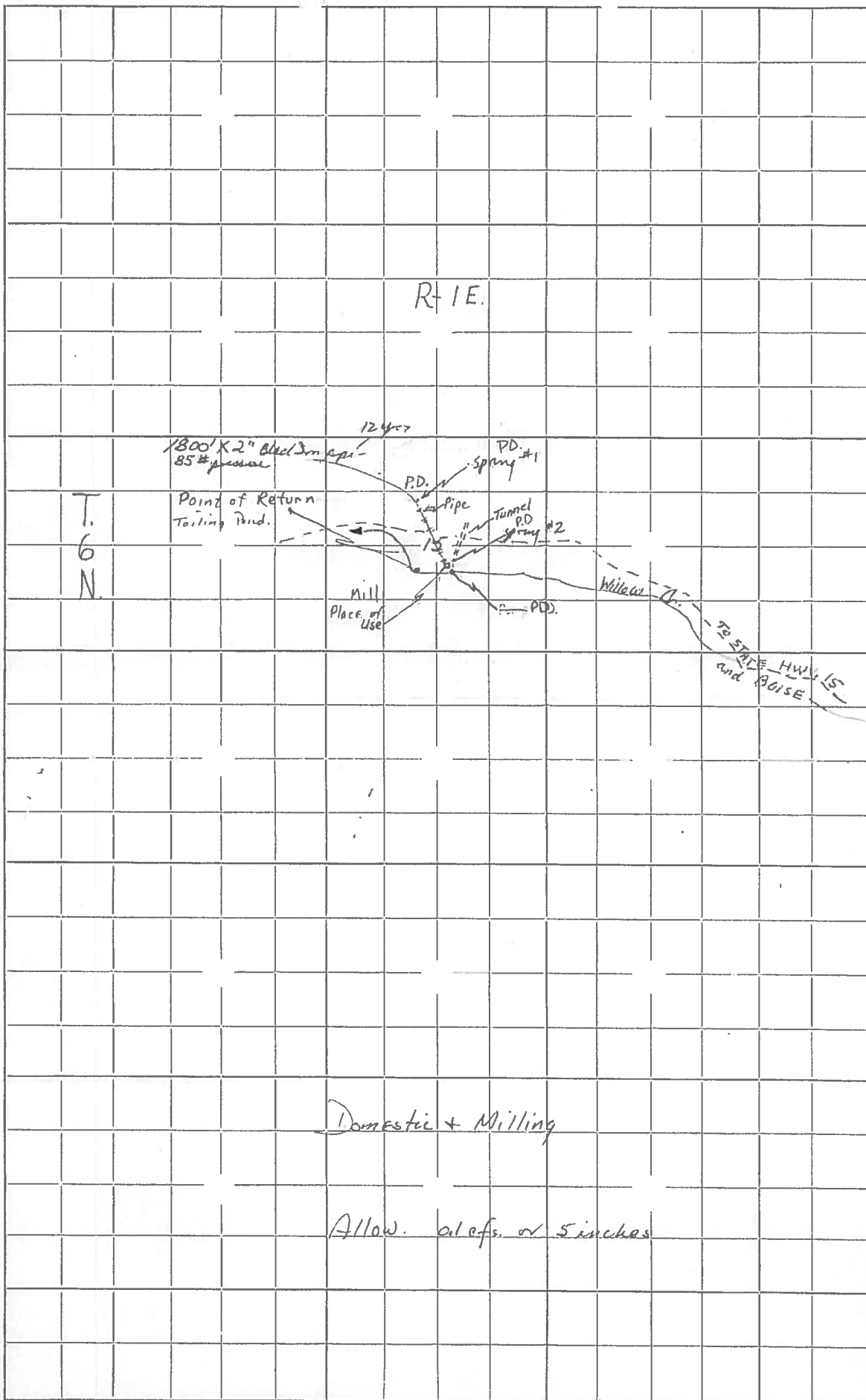
Spring #2 estimated at 1/2 inch and flows directly into reclaim tank. Willow Creek only has water about 7 months a year.

This examination was made on the 8th day of November, 1961

(Signed)

Lynn Johnson

Examiner.



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

ॐ नमो भगवते वासुदेवाय

DATE

**Consolid
McKenney
36th St**

7066
17001
17001

•

Receipt Details for ID C012530

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
10/25/1989 11:15:41 AM	10/25/1989	State	\$60.00	Check
Payer	WALKER, JACK A.			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1548			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$60.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	3624	A	\$60.00	Claim

[Print Report](#)

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 63-3624
~~65-2649~~ Priority 8-19-59 Amount 0.1 c.f.s.

THIS IS TO CERTIFY, that Gem State Consolidated Mines, Inc.
of Boise, Idaho; has complied with the terms and conditions of Permit
No. 65-2649 issued pursuant to Application for Permit dated 8-19-59,
and has submitted proof to the Department of Water Administration on 8-25-61,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.1 c.f.s., and that the water has in fact been applied to a
beneficial use; a right to the use of water from Springs and Willow Creek
tributary of Willow Creek & Boise River, is hereby confirmed in the following amounts:
Amount 0.02 c.f.s. for Domestic from Jan. 1 to Dec. 31 (both dates inclusive)
Amount 0.1 c.f.s. for Milling from Jan. 1 to Dec. 31 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 0.1 c.f.s. of water be diverted at
any one time, said waters to be diverted within the _____

SE $\frac{1}{4}$ NW $\frac{1}{4}$ & 2 points within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15, Twp. 6 N., Rge. 1 E., B.M.
in the county of Gem; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 72.84 acre feet per year
~~72.27~~ (0.57 acre feet per year for domestic and 72.27
acre feet per year for milling)
Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6 N	1 E	15														X			

Total number of acres irrigated _____

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 16th day of

March, 19 61.

[Signature]
Deputy Director

63 3624

Application For Permit
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 36072
PERMIT No. 28112
DISTRICT No.

65-2649
68-3624

1. Name of Applicant: Gem State Consolidated Mines, Inc.

Postoffice address: Boise

County: Ada

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: March 10, 1948, Boise, Idaho

(b) Amount of capital stock: 125,000.00

(c) Amount paid in: \$82,304.50

(d) Names and addresses of directors: T. R. Baugh, Monica S. Edsall,
George E. McKenney, Dick Yzuel, Mary A. Flemming, all of Boise, Idaho

II. The financial resources of the applicant are:

(a) Cash on hand: \$13,000

(c) Bond to be issued:

(b) Treasury stock: None

(d) Other resources: Development

2. Quantity of water claimed: 0.1

costs, Equipment and Land \$254,781.00
cubic feet per second.

.04 cfs; Willow Cr. .04 cfs

3. Source of water supply: Spring No. 1, .02 cfs; Spring No. 2, which is a tributary of Willow
Creek and Boise River

4. Location of point of diversion:

feet distant from the
SE $\frac{1}{4}$ NW $\frac{1}{4}$ and two points
in NW $\frac{1}{4}$ SE $\frac{1}{4}$

corner of Section 15, T. 6 N., R. 1 E., B.M., and is in the
of section 15, T. 6 N., R. 1 E., B.M., County of Gem

5. Water is to be used for Domestic and milling

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. 6 N., R. 1 E., B.M., in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section of 15, T. 6 N., R. 1 E., B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to Willow Creek at a point feet

distant from the corner of Section 15, T. 6 N., R. 1 E., B.M., in the NE $\frac{1}{4}$ SW $\frac{1}{4}$
of Section 15, T. 6 N., R. 1 E., B.M.

7. Estimated cost of works: \$ 2500

8. Kind of works: Pumps, pipes and elevated tank

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;

dimensions of flume:

Diameter of pipe $\frac{3}{4}$ to 2 inches; length of conduit .5 miles.

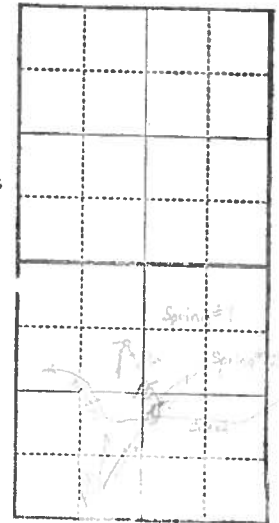
Average grade per mile feet.

12. The time required for the completion of such work is 1 years.

13. The time required for the complete application of the water to the proposed use is 1 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:



- tank
16. (a) Is reservoir to be used? 3000 gal. elevated/If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit: None
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

Gem State Consolidated Mines, Inc. Applicant.

By s/ T. R. Baugh, President Agent.

Date of first receipt at Department of Reclamation: 10:45 A.M. August 19, 1959

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 28112
Recorded in Book 99 Page 28112 Approved August 28, 1959
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before October 28, 1959 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before February 28, 1960
The whole of said work to be completed on or before August 28, 1960
Beneficial use of water appropriated in accordance herewith, to be made on or before August 28, 1961

WITNESS My hand this 28th day of August, 1959

S/ GEO. N. CARTER
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 28th day of August, 1959.

Countersigned:

STATE OF IDAHO

(SEAL) By ARNOLD WILLIAMS
S/ By: Paula L. Flemer Secretary of State.
Deputy Secretary of State

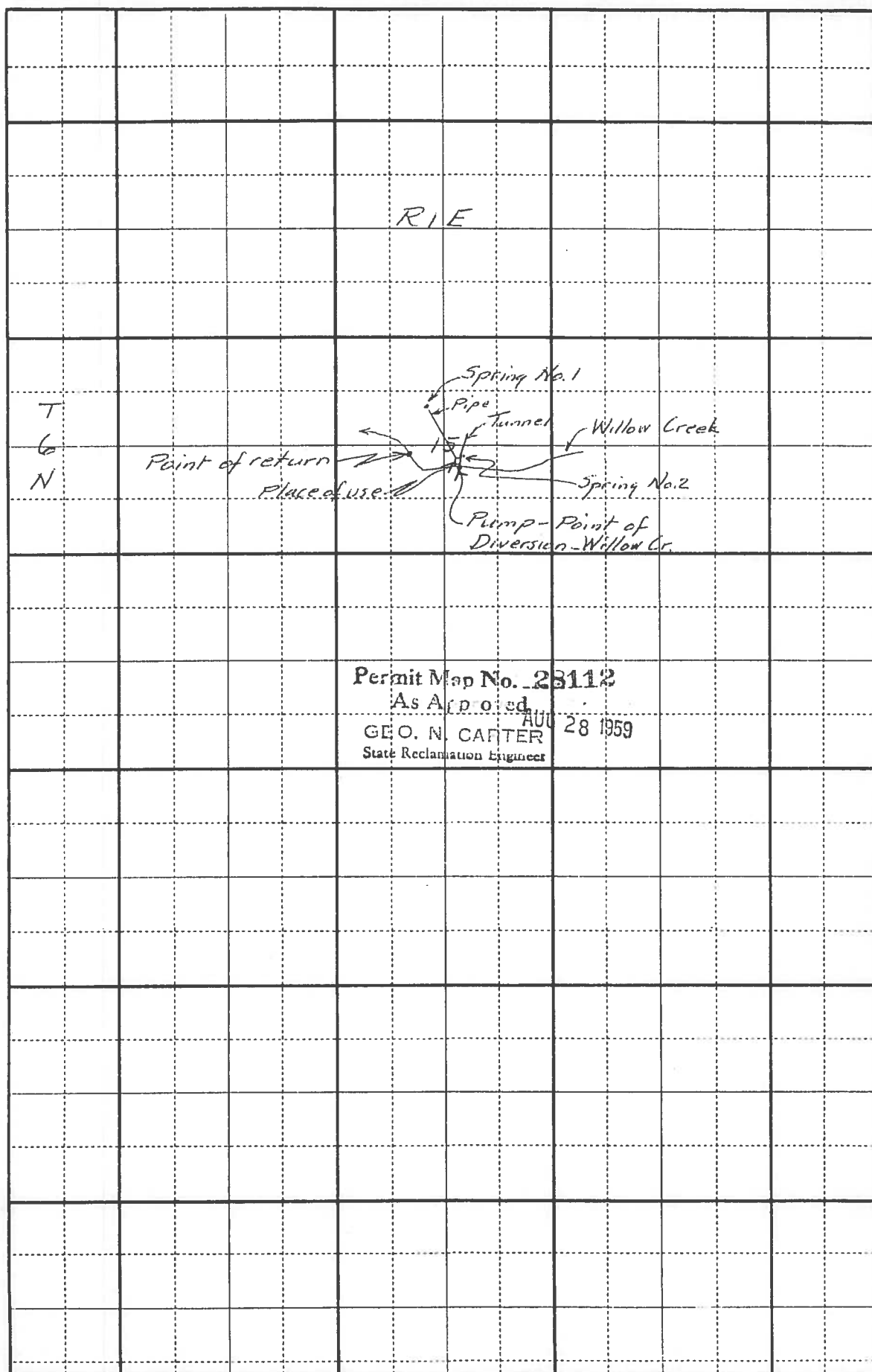
By s/ ROBERT E. SMYLIE
Governor.

REMARKS: Spring No. 1 is on own ground
Spring No. 2 is on land under lease with option to buy

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Totals
			NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	
			Permit No. 28112 CERTIFICATE OF COMPLETION OF WORKS ✓				
✓			TO ALL WHOM IT MAY CONCERN: This is to certify that GEM STATE CONSOLIDATED MINES, INC. of Boise, County of Ada, and State of Idaho, the holder of Permit No. 28112, issued upon Application No. 36072 bearing date of priority of August 19, 1959, authorizing the diversion of 0.1 second feet of waters of 2 springs, Willow Creek County of Gem, State of Idaho, for domestic and milling purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversions set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.1 second feet of the waters of 2 springs and Willow Creek, tributary of Boise River that the points of diversion of said waters One point SE $\frac{1}{4}$ NW $\frac{1}{4}$, 2 points NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15, T. 6 N., R. 1 E., B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Place of use: NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15, T. 6 N., R. 1 E., B.M.				
			Witness my hand this 29th day of August, A. D. 1960 /s/ GEO. N. CARTER State Reclamation Engineer				
			Proof of Completion of Works Made: August 26, 1960				

1. LICENSE ISSUED FOR 0.1 SEC. FT.
LICENSE PAGE NO.





WILLIS M. SMITH
BROKER

CORONADO REALTY
1103 CANDELARIA, NW
ALBUQUERQUE, NEW MEXICO 87107
345-1804



LLOYD E. COBB
SALES MANAGER

December 31, 1970

65-2649

Mr. Donald W. McEldowney
Appropriation Supervisor
Department of Water Administration
State of Idaho
Boise, Idaho 83707

Dear Mr. McEldowney:

In regard to your letter of December 15, 1970 and the water permit for my property in Gem County; NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 15, T. 6N, R. 1E, B.M. I would like to apply and obtain this permit which you are cancelling from the Gem State Consolidated Mines; Permit No. 28112.

Sincerely yours,

Willis M. Smith

63 3624

December 29, 1970

Re: Permit No. 28112/65-2649 - Gem State Consolidated Mines, Inc.

Mr. T. R. Baugh
3620 Syammore Dr.
Boise, Idaho

Dear Mr. Baugh:

Pursuant to your request, please find enclosed a copy of the above referenced permit.

If we may be of further assistance, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enclosure

CR 2/27

December 21, 1970
W. 2715 Queen Avenue
Spokane, Washington 99208

State of Idaho
Dept. of Water Administration
Donald W. McKelowney

Dear Sir;

I received your communication a couple of days ago and am at a loss to understand some parts of it.

I own the Basque (patented 1900 survey number 1455) and also Division Number 1 (located) adjoining on the North. I have never had any connection with Gem State Cons. Mine Inc. (Mr. McKenney) to the best of my knowledge although Mr. McKenney tried to buy me out several times; I refused, as I have planned to work the property myself in the future.

I know Willis Smith, but have no knowledge of being in ~~an~~ any water deal with him. He owns the property to the east of mine, The Hecla Checkmate. Over 20 years ago we had a lease from his father (deceased) Merv Smith. This was a lease with option to purchase, with the Idaho Consolidated Mines, a Washington Corporation which I helped put together about 25 years ago. We also had the Whitman property at the same time on lease to purchase. Mr. Schraubsteder of St. Louis had the Whitman at that time. We spent about \$160,000 cleaning out the Checkmate tunnel and driving East over into the Whitman. Arthur Lakes was our engineer. His assay drawings show very encouraging values. The year we abandoned the venture and returned to the Twin Peaks (Lemhi County) three miners leased the Checkmate and shipped over \$30,000 worth of ore. The ore ran from \$40.00 to \$80.00 per ton. I have a copy of a number of the smelter return sheets. The royalty to Smith was 15% the first year and when he raised it to 30% the second year the miners quit.

As to Robert A. Davis, I have no recollection of ever meeting him, much less being in a water deal with him.

In 1966-1967 I leased the Basque to Kanthacket Mines and did some work for them. This included a map of the area as we found the Metzger maps to be inaccurate. I got the patented drawings from the land office in the ~~Post~~ Office building in Boise and made a plan drawing of the Pearl area. It was laid out in strict accordance with the patent drawings. I found that during the same years the survey engineers used different correction degree 63 362 factors (from 19-23 degrees). Over a distance of several miles this will

show overlapping or divergence. It took 18 million dollars to get Heinze off the Butte Hill when Marcus Daly and Senator Clark had their operations going there and I was trying to protect Kanthacket. Kanthacket went broke and left the area.

Many years ago the water out of the Basque shaft was pumped over the hill to the Lincoln mine as they did not have an adequate supply. So water can be important in that area.

I would like to get a copy of Permit 28112/65-2649 and I will pay you for your copy. Perhaps from it I can find out what goes on. I am definitely interested in the water rights out of the Basque shaft and will be willing to maintain the permit.

I will send you a drawing of the Pearl area if you want it.

Yours Truly,

Robert A. Milne

Robert A. Milne

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 28112

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. George E. McKenney - Boise, Idaho - Corporation President and Manager -
3304 N. 36th St., Boise, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Gem State Consolidated Mines, Inc. (General Manager) President.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 28112 - dated August 28, 1959, Date of priority August 19, 1959.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. 2 springs and Willow Creek, tributary of Boise River. Point of Diversion
one point, SE $\frac{1}{4}$ NW $\frac{1}{4}$, 2 points NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15, T 6 N, R 1 E, B. M. County of Gem

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Pumps, Pipes and 3000 gallon elevated tank. Diameter of pipes $\frac{3}{4}$ to 2 inch
length of conduit $\frac{1}{2}$ mile. Capable of conveying $\frac{1}{10}$ th c.f.s.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Domestic and milling. Place of use NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15, T 6 N., R 1 E., B.M.

Ques. 6-a If this is a ground water permit, give name and address of person that drilled the well.

Ans. Does not apply

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. Domestic and milling

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 0.1 C F S

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Does not apply

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. 0.1 cfs diverted under the above permit has been used continually for domestic and milling purposes ✓

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. None

GEN STATE CONSOLIDATED MINES, INC.

(Sign) W. A. Kinney
President

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Boise, County of Ada, State of Idaho, on this 25th day of August, A. D. 1961.

William A. Kinney

My commission expires August 26, 1962

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
AUG 28 1961
Department of Reclamation

PERMIT NO. 28112

Proof of Application of Water to Beneficial Use
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Wilbur F. Faurot - 68 yrs., Pearl, Idaho - Retired.

Ques. 2. Are you acquainted with Gem State Consolidated Mines, Inc., the holder of Permit No. 28112? How long have you known him and where does he reside?

Ans. Yes

Ques. 3. Have you read or heard read said Permit No. 28112, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. 2 springs and willowcreek - One point SE¹₄, NW¹₄, Sec. 15, T 6 N, R 1 E B. M.
Pumps, Pipes and elevated tank.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 0.1 cfs all

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Domestic and milling - Place of use NW¹₄, SE¹₄ Sec. 15, T 6 N, R 1 E B. M.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. 0.1 cfs being used for domestic and milling

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Does not apply

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Everyday I have witnessed all the water diverted under this permit
being used for domestic and milling purpose

(Signed)

William F Farrot

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Boise,

County of Ada, State of Idaho, on this 25th day of August,

A. D. 19 61.

William A. Naves
Notary Public.

My commission expires August 26, 1962

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 28112

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. John A. McKenney - 55 yrs. - 1714 N. 18th St. - Salesman - Boise, Idaho

Ques. 2. Are you acquainted with Gem State Consolidated Mines, Inc., the holder of Permit No. 28112? How long have you known him and where does he reside?

Ans. ~~UNKNOWN~~ - Yes

Ques. 3. Have you read or heard read said Permit No. 28112, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. 2 springs and Willow Creek - One point SE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 15, T 6 N, R 1 E, B. M.
Pumps, Pipes and Elevated Tank.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 0.1 CFS all

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Domestic and Milling - Place of use NW $\frac{1}{4}$, SE $\frac{1}{4}$ Sec. 15, T 6 N, R 1 E B.M.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. 0.1 CFS being used for Domestic and Milling

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

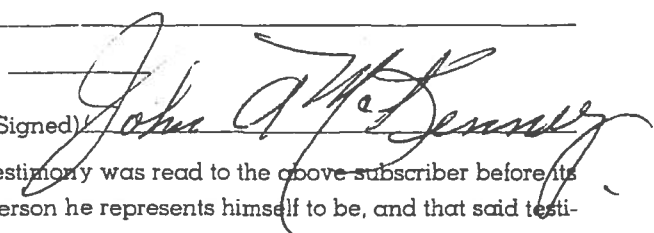
Ans. Does not apply

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

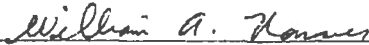
Ans. On several occasions have witnessed all the water diverted under this permit being used for milling and domestic purposes.

(Signed) 

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Boise

County of Ada, State of Idaho, on this 25th day of August

A. D. 19 61



Notary Public.

My commission expires August 26, 1962



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 20, 1991

TO WHOM IT MAY CONCERN

RE: Water Rights

This letter confirms that the Idaho Dept. of Water Resources point of diversion records were searched today to identify all water rights in T6N R1E Sec. 15, Gem County. The only recorded water rights are 63-04266 (Burkhart) and 63-03624 (Walker, formerly Gem State Consolid.).

No rights were found in the name of Jim or Bill Bean. However, adjudication claims ("notice of claim to a water right") for the Snake River Basin Adjudication were found in the names of Burkhart (A63-04266 and A63-20223), Walker (A63-03624), and Jim or Bill Bean (no number yet, claim not reviewed or entered into data base).

Adjudication claims are not verified rights until a court acts upon the claims. The only verified right in the above discussion is license 63-03624 for Walker (adjudication claim A63-03624 is based on this license). 63-04266 is a statutory claim which, like adjudication claims based only on beneficial use, has not been verified yet.

If you have any questions or need assistance in any of the above or other related items, please contact this office.

Sincerely,

Steve Lester
Sr. Water Resource Agent

CC: Walker SRBA claim file (A63-03624) and Bean SRBA claim file

*Letter per Request of J.A. Walker,
office visit 5/20/91*

SL
MICROFILMED

OCT 07 1996

WALKER MINING CO., INC.

*Producers of Ores and Concentrates
Contractors of Exploration, Development and Mining*

Yellow Pine, Idaho
83677

Vale, Oregon 97918
P.O. Box 426
Phone (503) 473-2588

RECEIVED
JUN 26 1991

1 June 1991

Department of Water Resources
Western Regional Office

State of Idaho Department of Water Resources

Western Region

2735 Airport Way

Boise, Idaho 83705

PROTEST OF CLAIM TO WATER RIGHT
IN T6N R1E Sec. 15 Gem County ID

Dear Sirs,

This is to protest the "NOTICE OF CLAIM TO A WATER RIGHT" filed with your department by Jim or Bill Bean on 1-12- 90, civil case number 39576, for stock water rights on a spring which we have prior water rights on and on which we have kept up the necessary filings and have put the water to beneficial use as outlined in our water right, Civil case number 39576, Identification number A63-03624.

It appears the Beans may have illegally, without our knowledge or consent, entered on our property with a bulldozer and installed roads, pipelines, and watering troughs in conjunction with their claim to a water right, however the property line has not yet been definitely established due to inability to locate survey corners which appear to be missing, and resurveying must be done.

Whether inside or outside our property line, we must protect our water right however, and request your attention to this matter.

Sincerely,

Jack A. Walker
Jack A. Walker

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JUL 07 1998