

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

In Re SRBA

Case No. 39576

Subcase No. 77-10841

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):

Lost Packer Mining – Jim Ivers

OBJECTOR(s):

USDI-BLM

Jim Ivers

Date

Larry A. Brown

Date

Attorney

Department of Justice

STANDARD FORM 5 – 77-10841

IDWR Concurrence:



4/27/1

Kenneth Knoblock
Senior Water Resource Agent

Date

Chris Bromley
Deputy Attorney General
Attorney for IDWR

Date

CERTIFICATE OF MAILING

I certify that on _____, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

United States of America
US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Lost Packer Mining – Jim Ivers
111 E Lincoln Rd, Suite 4
Spokane, WA 99208

IDWR Repository
P.O. Box 83720
Boise, ID 83720

Signature of person mailing the form

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

RIGHT NUMBER: 77-10841

NAME AND ADDRESS: LOST PACKER MINING-JIM IVERS
111 E LINCOLN RD STE #4
SPOKANE WA 99208

SOURCE: PACKER GULCH CREEK

TRIBUTARY: CANYON CREEK

QUANTITY: 0.040 CFS

PRIORITY DATE: 07/01/1962

POINT OF DIVERSION:

T15N R13E S28 SWNWSE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MINING

5/01 11/30

0.040 CFS

PLACE OF USE: MINING in CUSTER County

T15N R13E S28 SWSE

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

Place of use in within Mineral Survey 1886 and does not include federal
public land.

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 - Beneficial Use

RIGHT NUMBER: 77-10841

SOURCE: PACKER GULCH CREEK

QUANTITY: 0.040 CFS

POINT OF DIVERSION:

PURPOSE OF USE

PERIOD OF USEQUANTITY

MINING

5/01 11/30

0.040 CFS

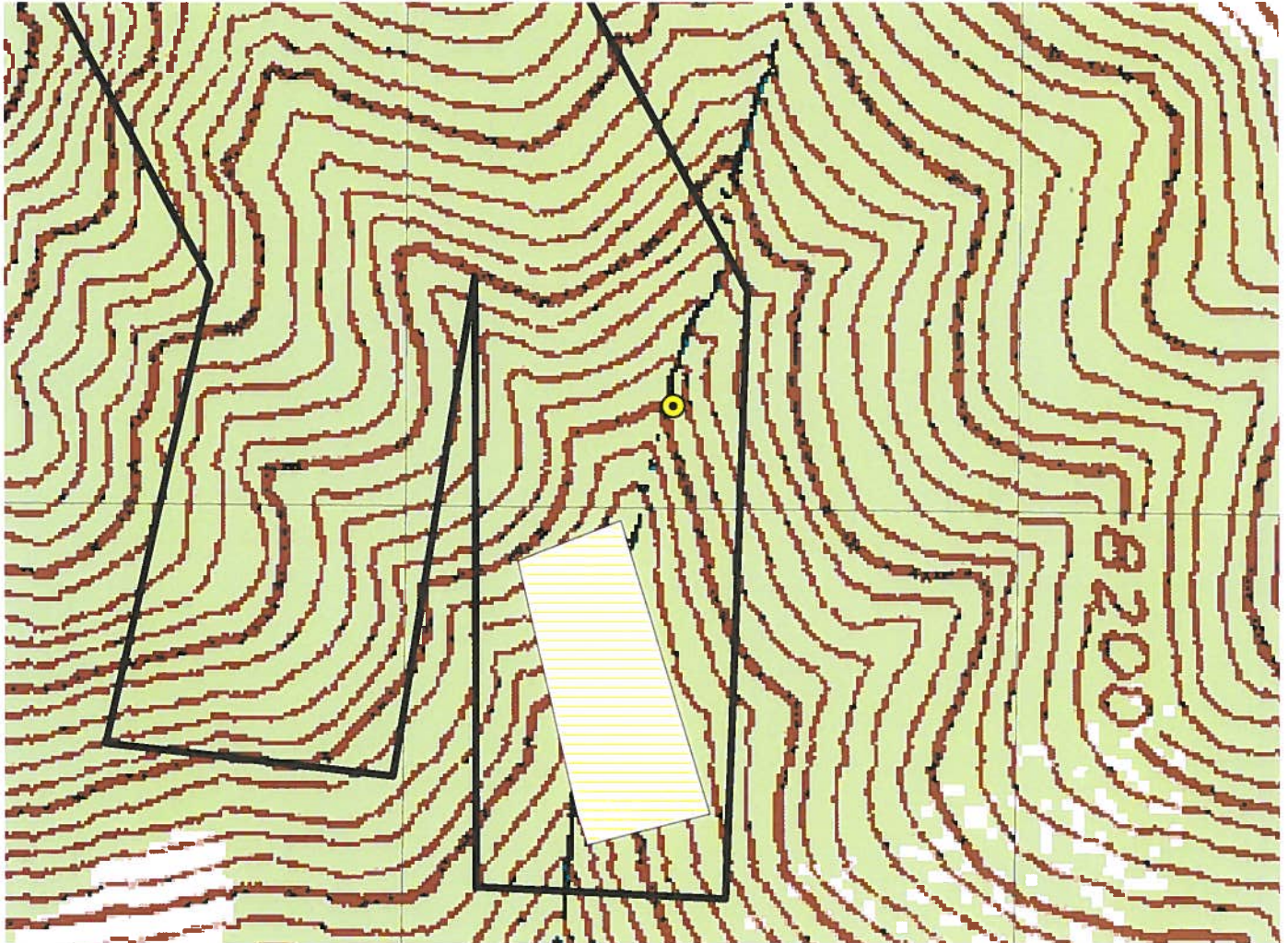
PLACE OF USE: MINING in CUSTER County

T15N R13E S28 SWSE

Place of use in within Mineral Survey 1886 and does not include federal public land.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

77-10841



200 0 200 400 Feet



Custer County Tax Lots



Place of Use



Point of Diversion

Sec 28
T15N R13E



Knoblock, Ken

From: Bromley, Chris
Sent: Wednesday, April 25, 2007 7:51 AM
To: Knoblock, Ken
Cc: Harvey, Becky; Larry Brown (E-mail)
Subject: FW: 77-10841; Claimant: Lost Packer

Ken,

Could you please put together an amended shapefile and an amended recommendation with the no federal land remark (see Larry's email below for more detail). We'll get the SF5 coversheet put together once we get the documents from you and start the routing process.

Thanks,

Chris

-----Original Message-----

From: Brown, Larry (ENRD) [mailto:Larry.Brown@usdoj.gov]
Sent: Wednesday, April 25, 2007 8:32 AM
To: Bromley, Chris; Harvey, Becky
Cc: Fredric_Price@blm.gov; Scott_Beazer@blm.gov
Subject: 77-10841; Claimant: Lost Packer

I note that a status conference is set for June 6, 2007. I know that is a long way off, but this case has been languishing for quite some time. All that we need is an SF-5 that adds the following remark to the place of use element: "Place of use does not include federal public land." Also, the shapefile needs to be slightly adjusted to exclude public land. I talked this over with "Jim Ivers" of Lost Packer back in March just before the Initial Hearing. Special Master Booth was kind enough to vacate the Initial Hearing based upon the representation that we would have the SF-5 done and filed long before a status conference. Please prepare an SF-5 that accomplishes the settlement, and adjust the shapefile accordingly. Thanks,

Larry

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

~~Return Service Requested~~

ADDRESS SERVICE
REQUESTED

PRESORTED
FIRST CLASS



PB METER
7140300 U.S. POSTAGE

cc: WIA

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RECEIVED
SEP 14 2004
DEPARTMENT OF
WATER RESOURCES

IVERS MINING CO
BOX 181
CLAYTON ID 8:

LOST 181

LOST 181 832272005 1304 04 08/30/04
FORM 3547
LOST PACKER MINING-JIM IVERS
111 E LINCOLN RD STE 4
SPOKANE WA 99208-6901

U.S. POSTAL SERVICE
PS FORM 3547

RETURN TO SENDER

fee due 70¢

This information provided by
COMPUTERIZED FORWARDING
1750 FLANDRO DR
POCATELLO ID 83202-1970

made change per Sec. of State's
records. 12-20-04, ss

Assessors
office
2/10/5

Jim Ivers
111 E Lincoln Rd
Spokane, WA 99208-6901

RECEIVED
DEC 23 2004
IDWR/North

SCANNED
DEC 21 2004

02/10/2005

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

RIGHT NUMBER: 77-10841

NAME AND ADDRESS: LOST PACKER MINING-JIM IVERS
111 E LINCOLN RD STE #4
SPOKANE WA 99208

SOURCE: PACKER GULCH CREEK

TRIBUTARY: CANYON CREEK

QUANTITY: 0.040 CFS

PRIORITY DATE: 07/01/1962

POINT OF DIVERSION:

T15N R13E S28 SWNWSE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MINING

5/01 11/30

0.040 CFS

PLACE OF USE: MINING Within CUSTER County

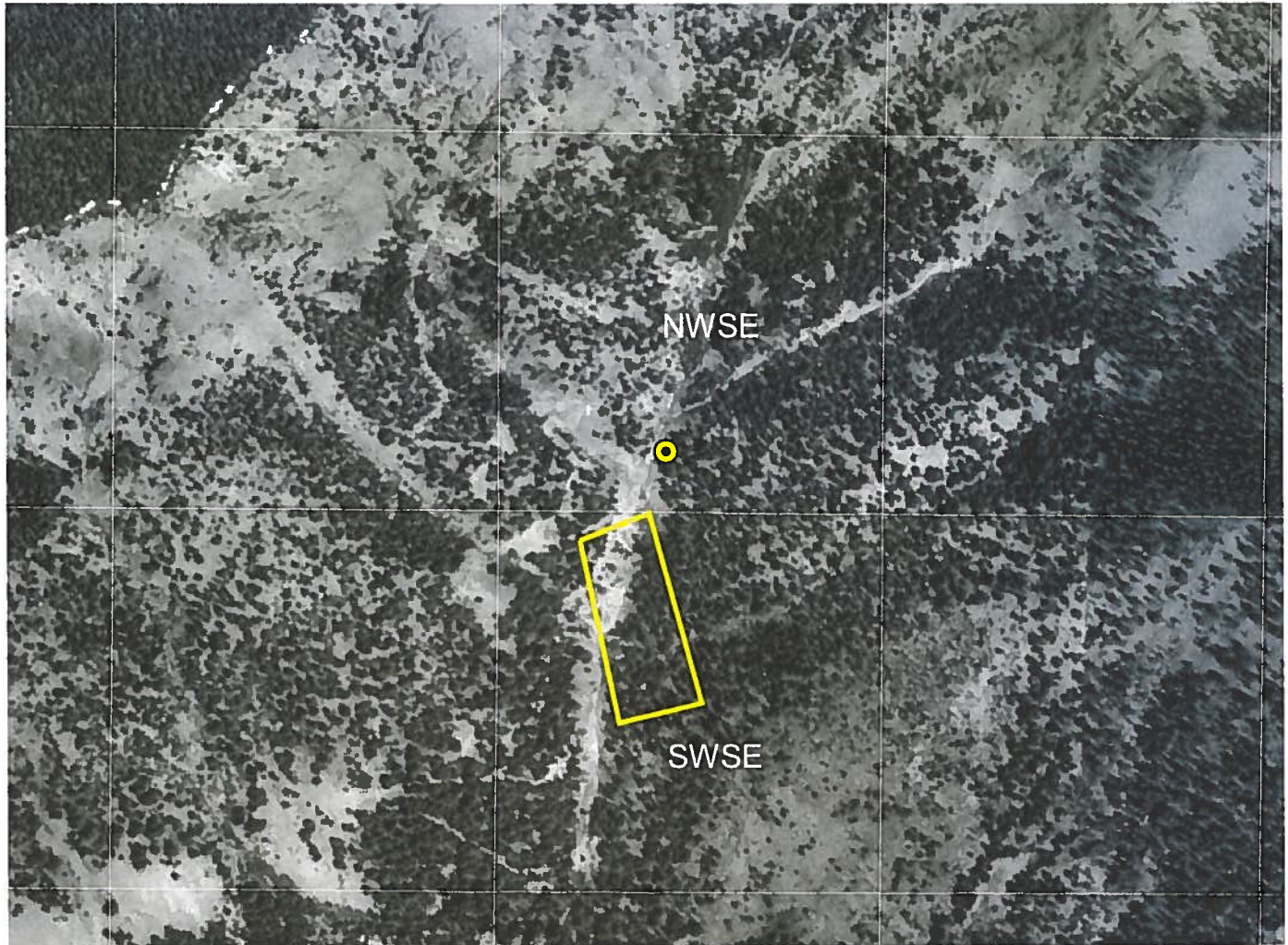
T15N R13E S28 SWSE

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:

77-10841



0 500 1000 Feet

Section 28
T15N R13E



● Point of Diversion

□ Place of Use

Map prepared on February 10, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

RECEIVED
JUL 17 2006
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA)

A. Subcase 77-10841
(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Lost Packer Mining -Jim Ivers
Address: 111 E. Lincoln Road, Ste #4; Spokane, WA 99208
Name: _____
Address: _____;
Name: _____
Address: _____;
Name: _____
Address: _____;

*Mineral survey
#1 886*

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: See attached.

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which a portion of the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include federal public land.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

) ss.

County of ADA

)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

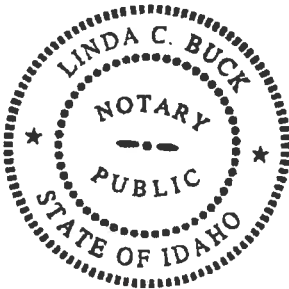
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Lane A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

July 24, 2006
Linda C. Buck
Linda C. Buck



Notary Public for State of Idaho
Residing at: Mountain Home, ID.
My Commission Expires: 12-21-2011

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on July 25th, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

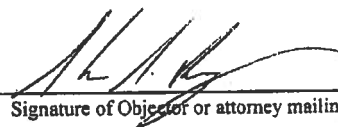
Name: Lost Packer Mining -Jim Ivers
Address: 111 E. Lincoln Road, Ste #4; Spokane, WA 99208
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

03/25/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-10841
NAME AND ADDRESS: LOST PACKER MINING-JIM IVERS
111 E LINCOLN RD STE #4
SPOKANE WA 99208
SOURCE: PACKER GULCH CREEK TRIBUTARY: CANYON CREEK
QUANTITY: 0.040 CFS
PRIORITY DATE: 07/01/1962
POINT OF DIVERSION: T15N R13E S28 SWNWSE Within CUSTER County
PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MINING	5/01 11/30	0.040 CFS

PLACE OF USE: MINING Within CUSTER County
T15N R13E S28 SWSE Mixed

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

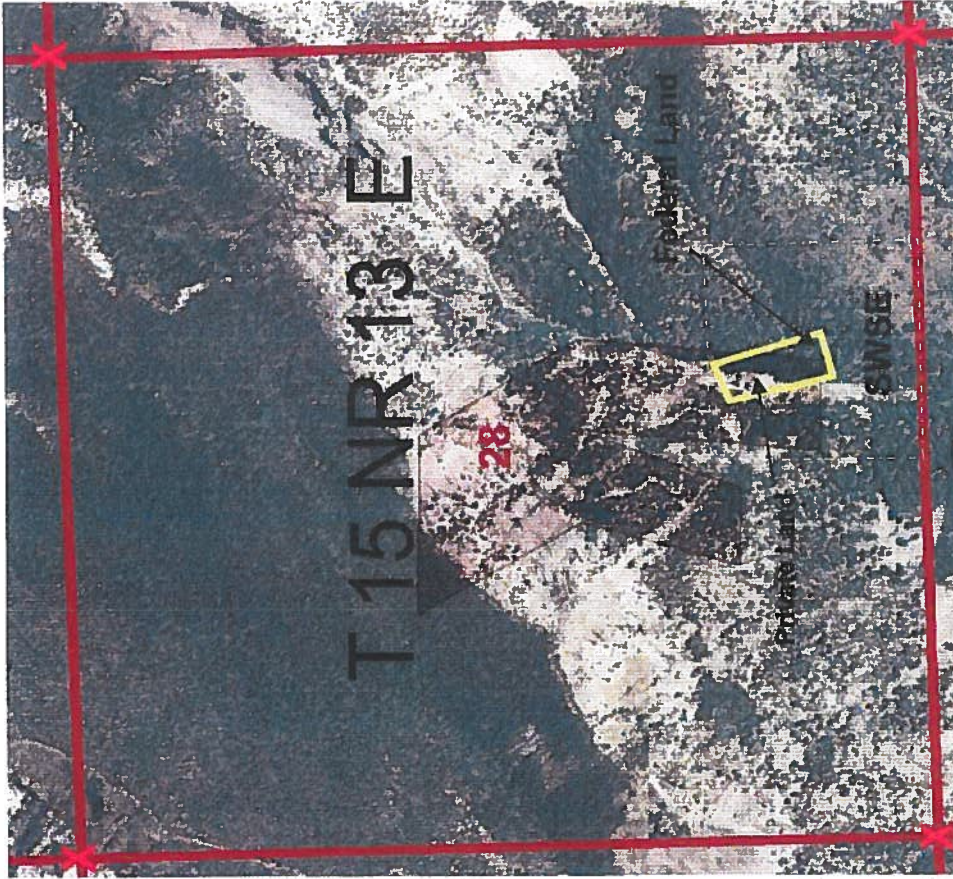
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Unauthorized Use:

- Claimant is not authorized for mining purposes on federal land. Adjust shapefile to exclude federal land.
- The place of use is mixed ownership between private and federal land, clarify POU such that only private land is intended by inserting the following language under place of use: "Place of use does not include federal land."

77-10841



1. Claimant is not authorized to mine federal land. Please remove federal land from shapefile.

2. Since the SWSE contains both private and federal land, please clarify such that only private land is intended by inserting the following language under place of use:

"Place of use does not include federal land."

CUSTER COUNTY 037
SALMON DISTRICT SEC 15

CONFIDENTIAL

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MT PLAT

[illegible]

Call 1p included in 3rd Charge MF to B.C.
0064/26/

U 011052 Det PL 167 (Acv of Cong 7/23/1955)
completed 11/14/1960. All NF surface mount by
11555

1 01030A Date: AL 167 (Act of Cong 7/23/1955)
Completed 11/30/1961. All RF surface vent by

USFS W 7/24/1974 Desc Leads to PLO 1376 in accordance with Protection Diagram No. 63 on Sec 2: MINE 1. AUE LNW 1

[illegible]

1. The first step is to identify the key components of the system. This involves understanding the hardware, software, and data involved in the process.

.....

9

100

1. The first part of the document is a title page. It contains the title "The Role of the State in the Development of the Economy" and the author's name "John Doe".

2. The second part of the document is an abstract. It provides a brief summary of the main findings of the study.

3. The third part of the document is the introduction. It discusses the importance of the state in the development of the economy and the objectives of the study.

4. The fourth part of the document is the literature review. It examines the existing research on the role of the state in the development of the economy.

5. The fifth part of the document is the methodology. It describes the research methods used in the study.

6. The sixth part of the document is the results and discussion. It presents the findings of the study and discusses their implications.

7. The seventh part of the document is the conclusion. It summarizes the main findings of the study and provides recommendations for future research.

8. The eighth part of the document is the references. It lists the sources used in the study.

9. The ninth part of the document is the appendix. It contains additional information related to the study.

10. The tenth part of the document is the index. It provides a list of the topics covered in the document.

1. The first step in the process of creating a new product is to identify a market need. This involves conducting market research to understand what consumers want and what gaps exist in the current market.

2. Once a market need is identified, the next step is to develop a concept. This involves brainstorming ideas and creating a rough sketch of the product.

3. The third step is to create a prototype. This is a physical model of the product that allows you to test its functionality and make any necessary adjustments.

4. After the prototype is created, the next step is to conduct a feasibility study. This involves assessing the technical, financial, and market viability of the product.

5. Once the feasibility study is complete, the next step is to develop a business plan. This document outlines the company's goals, strategies, and financial projections.

6. The final step in the process is to launch the product. This involves marketing the product, distributing it, and providing customer support.

1000

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO
JUL 27 1988	

USE PLATS:

Page 157

ANATOMICAL CHARTER

SCALE IN CHOICE

157

Knoblock, Ken

From: Sherman_Beazer@blm.gov
Sent: Thursday, March 08, 2007 11:39 AM
To: Knoblock, Ken
Cc: Fredric_Price@blm.gov
Subject: 77-10841

Ken,

Our "GCDB" shows this shapefile to include federal land. Does your "GCDB" product show the same thing? If so, BLM's objection could be resolved by adjusting the shapefile to only include private and adding the "Place of Use does not include federal public land." under Place of Use.

Thanks,
Scott Beazer
Water Rights Specialist
Phone: (208) 373-4022
Fax: (208) 373-3839

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: A77-10841
Date Received: 12/29/1989
Receipt No: W007291
Received By: DE ADL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IVERS MINING CO 509-466-0555
Address: BOX 181
CLAYTON ID 83227

2. Date of Priority: JUL 1, 1962

3. Source: PACKER GULCH CREEK Trib. to: CANYON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15N	13E	28	SW	NW	SE		CUSTER

5. Description of diverting works:
INTAKE BOX 1.5' X 1.5' X 1.5' IN CREEK PIPELINE TO MINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MINING	05/01	11/30	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MINING

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
15N	13E	28	SW	SE		MINING	

11. Place of use in counties: CUSTER

MICROFILMED

OCT 05 1992

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

13. Other Water Rights Used:
NONE

14. Remarks:
LOST PACKER MINING COMPANY HAS LEASED THE GROUND FROM IVERS
MINING COMPANY WHO IS THE OWNER. UNDER THE TERMS OF THE LEASE,
LOST PACKER MINING COMPANY IS AUTHORIZED TO MAKE THIS CLAIM ON
BEHALF OF IVERS MINING COMPANY.

15. Basis of Claim: BENEFICIAL USE

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 _____

MICROFILMED

OCT 05 1992

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

477-10841

Date Received

12-29-89

Receipt Number

0007291

RECEIVED

DEC 29 1989

NOTICE OF CLAIM
TO A
WATER RIGHT

Department of Water Resources
Western Regional Office

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Ivers Mining Co. Phone (509) 466 0555Mailing Address Box 181 Clayton Idaho Zip 832272. Date of Priority (Only one (1) per claim) JULY 1, 19623. Source of water supply (a) CANYON CREEK PACKER GULCH CREEK
which is tributary to (b) CANYON CREEK

4. a. Location of existing point of diversion is: Township 15N Range 13E Section 28,
SW 1/4 of NW 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Custer

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.

PIPELINE TO MINEINTAKE BOX 1.5'X1.5'X1.5' IN CREEK

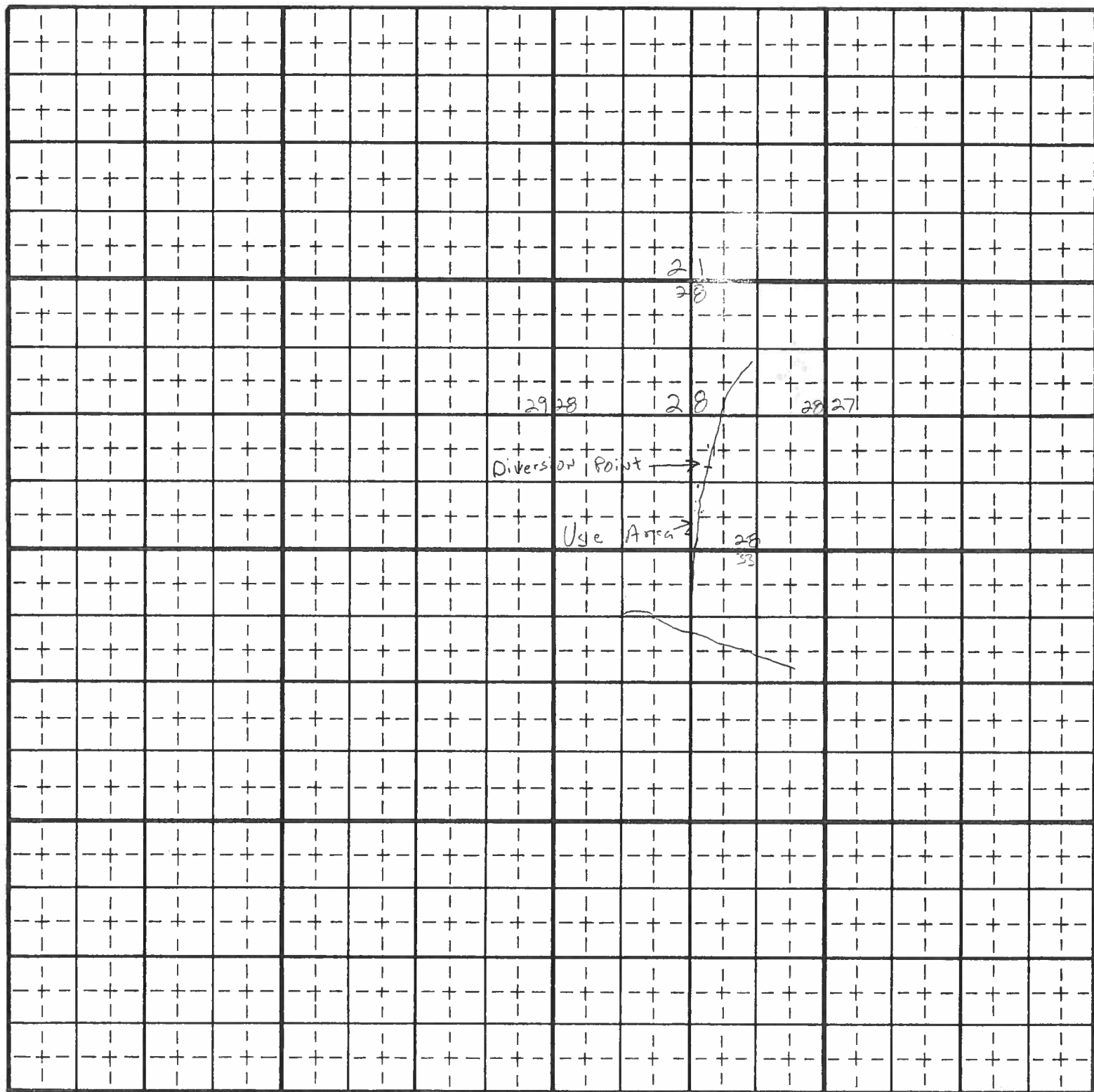
MICROFILMED

OCT 05 1992

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

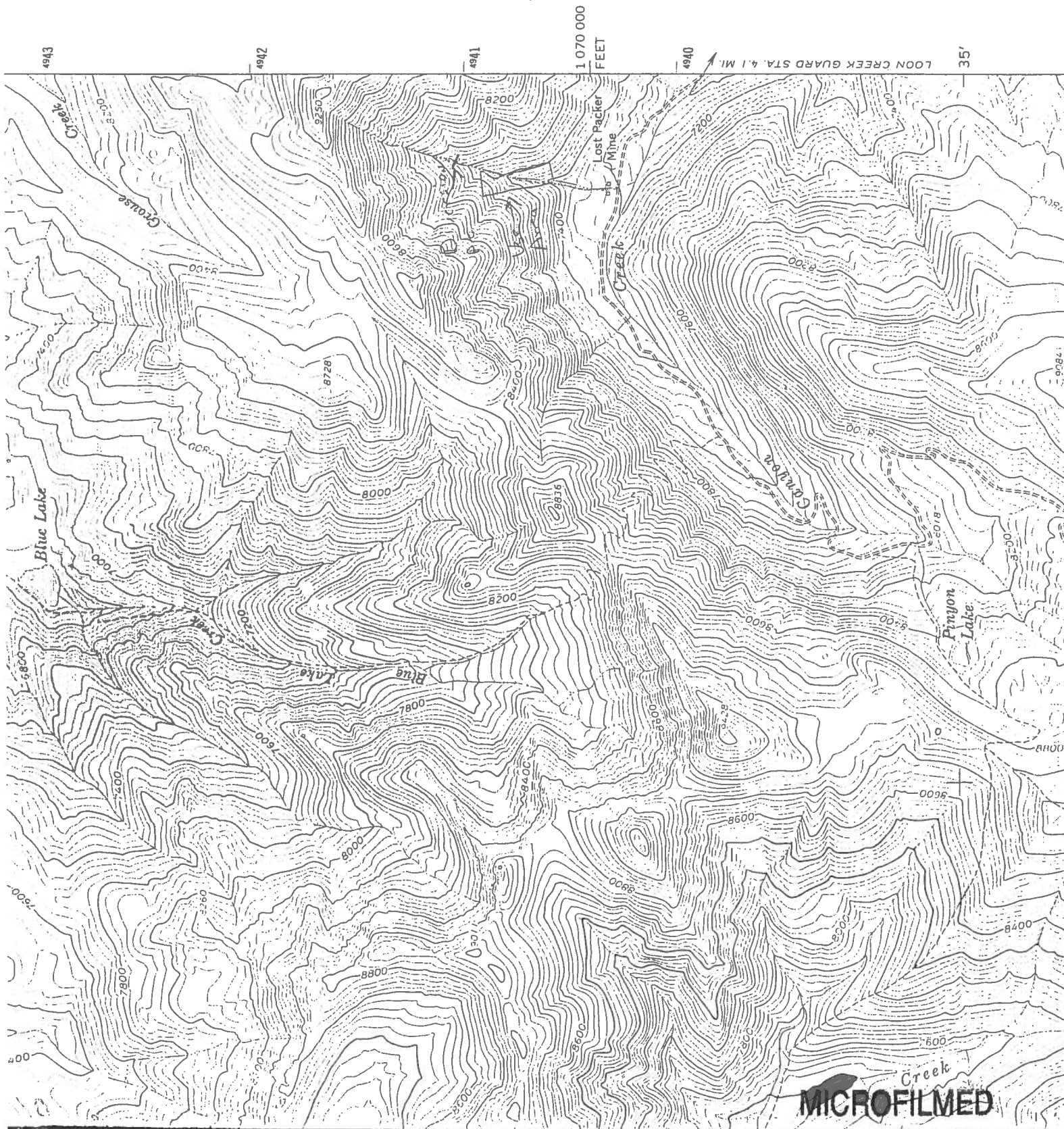
Scale: 2 inches equals 1 mile

T 15 N R 13 E



Last Name Ivers Mining Co Ident No. _____

MICROFILMED
Copies: White-State, Yellow-Claimant
OCT 05 1992



6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For MINING purposes from MAY 1 to NOV. 30 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ 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

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	
15N	13E	28															M		

Total number of acres irrigated _____

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

12. Do you own the property listed above as place of use? Yes ~~3~~ 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. _____ or None (X)

14. Remarks: Lost Packer Mining Company has leased the ground from Ivers Mining Company who is the owner. Under the terms of the lease, Lost Packer Mining Company is authorized to make this claim on behalf of Ivers Mining Company

MICROFILMED

Last Name Ivers Mining Co Ident No. _____

Copies: Wet Stage Yellow Black 1992

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

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

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

Signature of Claimant (s) X James Owen Date 12/05/89
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President Title _____
of Lost Packer Mining Co Organization _____, that I have signed the foregoing
document in the space below as President Title _____ of Lost Packer Mining Co Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent James Owen
Title and Organization President Lost Packer Mining Co Date 12-8-89

State of Idaho/or _____)
County of Kootenai) SS.

Subscribed and sworn (or affirmed) before me this 5th day of December 19 89

SEAL

Notary Public Allen Beardsley

Residing at Rathdrum

My Commission Expires 7/20/94

Please Print Name

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

Signature _____

Address _____

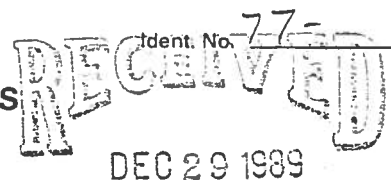
Date _____

Last Name _____ Ident. Number _____

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OGI 95 1992
Copied, Written, and Signed by Claimant

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT



To appropriate the public waters of the State of Idaho

Department of Water Resources
Western Regional Office

1. Name of applicant Ivers Mining Company Phone (509) 466 0555
Post office address Box 181 Clayton Idaho 83227
2. Source of water supply CANYON CREEK which is a tributary of LOON CREEK
3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 33 Township 15 N Range 13 E B.M. Custer County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 4.0 cfs for power purposes from May 1 to Nov 30 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 4.0 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. The water will be piped. The pipe will be placed in creek direction.
 - b. Height of storage dam NA feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year).

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8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. 80' of head 16 KW
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

9. 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 the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15N	12E	33					P												

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? U.S.F.S.

b. Who owns the land to be irrigated or place of use? Ivers Mining Co

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Will file plan of operation filed with

USFS to include diversion. Land is leased by Lost Packer

12. Remarks: Mining Co from Ivers Mining Co. The

lease agreement that the Lessee to

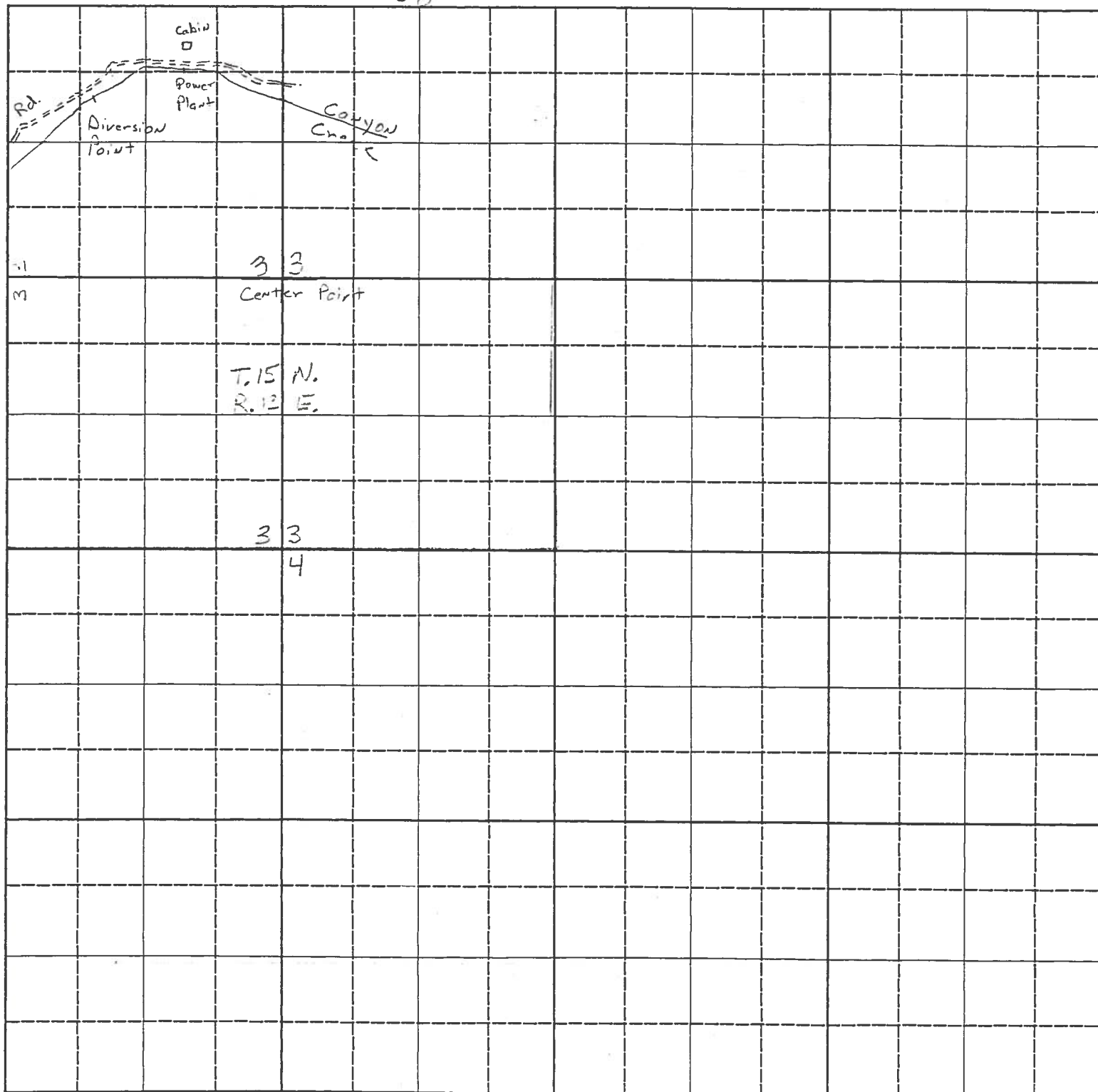
represent Lessor in matters such as this.

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Notes: Area is unsurveyed. Township and Range lines were projected from USFS map, Frank Church River and No Return Wilderness South Half, 1984.

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number. 28



Scale: 2 inches equal 1 mile.

1" = 1/4 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.

James Ives
 (Applicant)
 President Lost Packer Mining Co

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Received by No ✓ enclosed 70 Date 12-29-89 Time 11:45 Preliminary check by _____
Fee \$ _____ Received by _____ # _____ Date _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

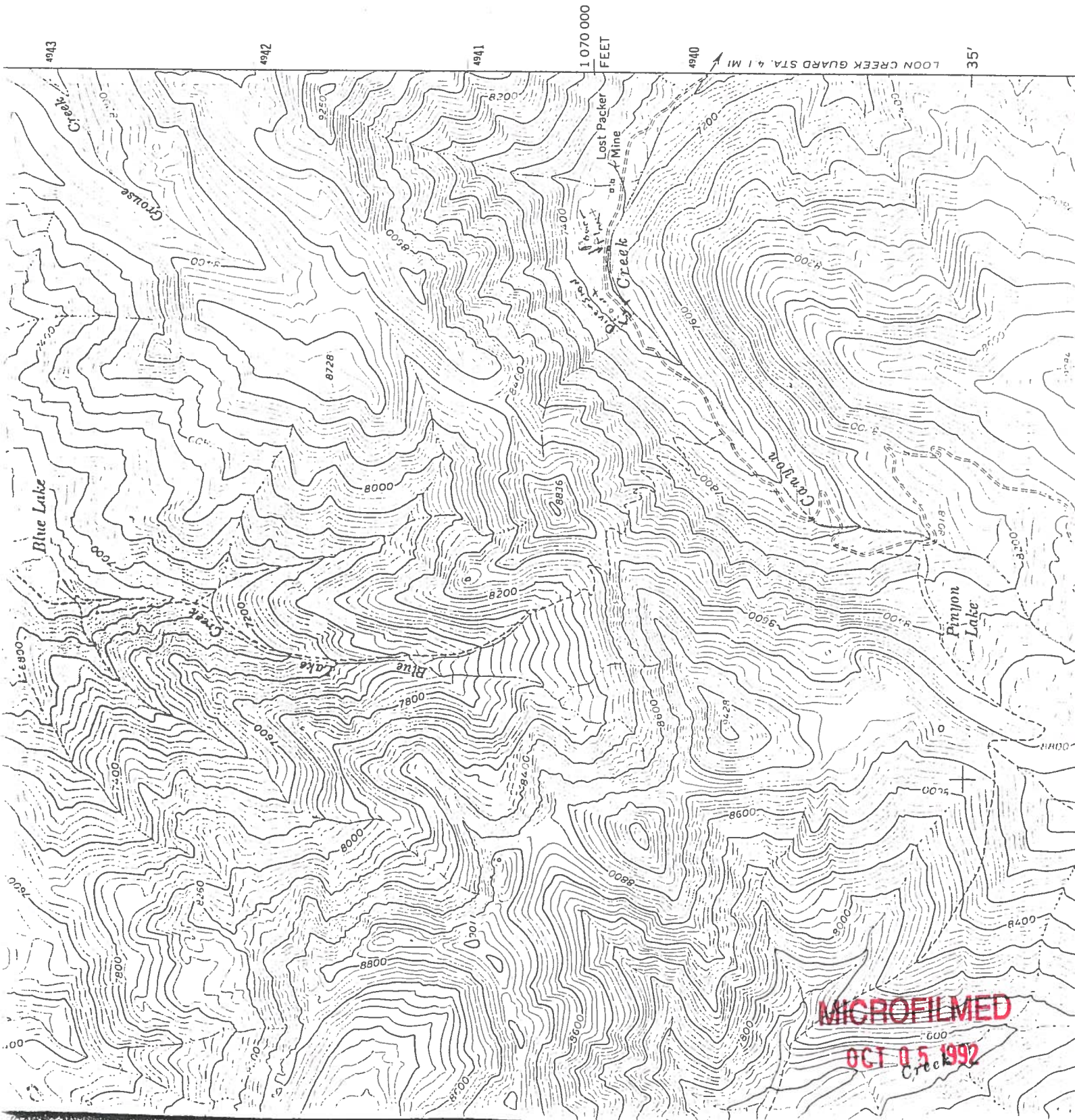
b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

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Creek

ADJUDICATION CLAIM REVIEW CHECKLIST

4-3-91

CLAIMANT'S NAME

Svens Mining Co.

CLAIM IDENT. NO.

A77-

DATE RECEIVED

12-29-89

RECEIPT #

W00291

AMOUNT \$

54.00Require
Info

- | | YES | NO | Require Info |
|---|-------------------------------------|--------------------------|--------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) N/A | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 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 | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? N/A | ☒ | ☐ | |
| Is the consumptive use correct? 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 N/A | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated?
(See Item No.'s 16 & 17 for checking other water rights) | ☒ | ☐ | |
| 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.) N/A | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the basis of claim is shown as license, permit, or decree is the existing water rt. no. listed? N/A
(Compare claim with the existing water rt. and either attach a proof report or state in comments that the existing right was compared to the claim) | ☒ | ☐ | * |
| 17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. or name on the claim? N/A
(If yes, describe the right in "Comments" and attach a proof report) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed. | ☒ | ☐ | |
| 18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A | ☒ | ☐ | |
| 19. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 20. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 21. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 22. Is the fee enclosed correct? Exempt | ☒ | ☐ | * |

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YES ☐ **NO** ☐

Date _____

Date _____

___ (Yes) (No)

____ (Yes) (No)

Comments:

W007291 cv 12-29-89

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MAY 21 1990

Department of Water Resources
Western Regional Office

James Ivers
Lost Packer Mining Co.
P. O. Box 181
Clayton, ID 83227

May 14, 1990

Mr. Robert B. Whitney
Sr. Water Resource Agent
Department of Water Resources
2735 Airport Way
Boise, ID 83705

RE: Application for permit to appropriate water to generate power.

Dear Mr. Whitney:

Due to other pressing items I will be unable to supply the necessary information you requested in the near future. I am writing because your letter stated I did not enclose a fee. Lost Packer Mining Co. check #1481 for \$81.00 was included with the application. Also included with the application were two Notices of Claim for a Water Right each of which required a \$25.00 fee. Apparently mailing the three forms together with only one check caused some confusion. The State of Idaho owes the Lost Packer Mining Company \$31.00, or at least the acknowledgement that the fee was received.

Very truly yours,


James Ivers

Sent app. back, therefore,
with no fee being paid
& no app. returned it
as if it never existed,
so it's filed here as some
way to reference it. Also
Ch. #1481 was not for \$81 but
for \$25.00 each for 2 notices.

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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

January 31, 1990

Ivers Mining Company
Box 181
Clayton, ID 83227

RE: Application for Permit to appropriate water to generate power.

Dear Applicant:

The above referenced application is being returned to you for the following reasons:

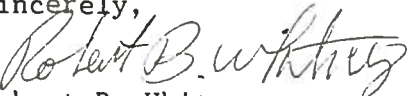
- 1) All applications must be accompanied by the appropriate filing fee (see attached fee schedule). In addition, the application must be completed in ink.

Additional information will also be required if you wish to re-submit this application. This information will consist of the following:

- 1) An affidavit showing residency and ownership of the place of use needs to be completed signed and notarized. (Form 205/206 enclosed)
- 2) Information that shows whether or not the project will be regulated by FERC and/or the PUC.
- 3) If the project is regulated by FERC and/or the PUC, we will require evidence of their approval or alternatives to your project.
- 4) Information from Idaho Fish and Game concerning the impact of the project on Canyon Creek and Loon Creek. Idaho F&G contact is Mr. Will Reid, Staff Biologist at 334-2598 or 600 S. Walnut, Boise ID 83707.

If you require assistance or have questions please feel free to contact this office.

Sincerely,


Robert B. Whitney
Sr. Water Resource Agent

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OCT 05 1992