

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: **A72-00051N**  
Date Received: 1/12/1990  
Receipt No: C013965  
Received By: \_\_\_\_\_

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

1. Name: CYPRUS THOMPSON CREEK MINING CO 208-838-2200  
Address: C/O BERT DOUGHTY  
PO BOX 62  
CLAYTON ID 83227

2. Date of Priority: MAY 15, 1880

3. Source: GARDEN CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 14N      | 19E   | 32      |        | NW     | NW  |     | CUSTER |

5. Description of diverting works:  
SEE REMARKS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.300 |      |        |

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

8. Total consumptive use is 225.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 14N      | 19E   | 33      | NE     | SE  |     | IRR | 10.0  |
|          |       |         | NW     | SE  |     | IRR | 10.0  |
|          |       |         | SW     | SE  |     | IRR | 20.0  |
|          |       |         | SE     | SE  |     | IRR | 33.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 73.0  |
|          |       | 34      | NW         | SW  | IRR           | 6.0   |
|          |       |         | SW         | SW  | IRR           | 11.0  |
|          |       |         |            |     | Section Acres | 17.0  |
|          |       |         |            |     | Total Acres   | 90.0  |

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:  
72-00051M, 72-00051B, 72-00048

14. Remarks:

WATER IS DIVERTED WITH ROCK JETTY INTO 24" CEMENT CULVERT WHICH FEEDS DIRECTLY INTO METAL MEASURING FLUME. FLOW IS CONTROLLED BY WHEEL VALVE AT DIVERSION. WATER THEN FLOWS INTO EARTHEN DITCH SYSTEM FOLLOWED BY A BURIED PIPE AND THE END POINTS ARE SPRINKLERS.

\*\*\*\*\*

THE AMENDED NOTICE OF CLAIM REFLECTS THE CHANGES APPROVED IN TRANSFER NO 3745. THE AMENDED NOTICE OF CLAIM ALSO REFLECTS ACTUAL IRRIGATED ACREAGE AND REPRESENTS A REDUCTION IN THE NUMBER OF ACRES IRRIGATED, SUBSEQUENT TO TRANSFER NO 3745. THOMPSON CREEK MINING COMPANY IS THE SOLE OWNER OF ALL OF THE ASSETS OF CPRUS THOMPSON CREEK MINING COMPANY, INCLUDING THE WATER RIGHTS. DATA ENTERED 3-19-98 KKC  
A SECOND POINT OF DIVERSION IS ALSO CLAIMED AT THE SAME LEGAL. THE DITCH IS ALSO KNOWN AS THE UPPER BRADBURY DITCH.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ADAMS, ET. AL.  
Decree Plaintiff

VANDERVOORT, ET. AL.  
vs Decree Defendant

RECEIVED

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

MAR 12 1998

WATER RESOURCES  
WESTERN REGIONIN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39356

Ident. Number 72-000517

Date Received k KC

Receipt Number

RECEIVED

MAR 13 1998

Department of Water Resources  
Southern RegionAMENDED  
NOTICE OF CLAIM  
TO AWATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

MAR 09 1998

Department of Water Resources

## Please type or print clearly

1. Name of Claimant (s) Cyprus Thompson Creek Mining Co. Phone ( 208 ) 838-2200Mailing Address c/o Bert Doughty, PO Box 62, Clayton, ID Zip 832272. Date of Priority (Only one (1) per claim) May 15, 18883. Source of water supply (a) Garden Creek  
which is tributary to (b) Salmon River4. a. Location of existing point of diversion is: Township 14N Range 19E Section 32,  
1/4 of NW 1/4 of NW 1/4, Govt. Lot, B.M., County of Custer (Ivie Ditch)Additional points of diversion if any: T14N, R19E, S32, NW1/4 NW1/4, County of Custer (Upper Bradbury Ditch)

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. Water is diverted with a rock jetty into a  
metal measuring flume. The flow is controlled by a wheel valve at the point of diversion.  
There is an earthen ~~fx~~ ditch system to an 8" pipe which is connected to sprinkler wheel  
lines.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 11/1 amount .30 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

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

8. Total consumptive use claimed is 225 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_

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 |        |
| 14N | 19E | 33  |        |       |       |       |        |       |       |       |        |       |       |       | 10     | 10    | 20    | 33    | 73     |
| 14N | 19E | 34  |        |       |       |       |        |       |       |       |        | 6     | 11    |       |        |       |       |       | 17     |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 90

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

12. Do you own the property listed above as place of use? Yes xx No \_\_\_\_\_  
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.  
72-00051M, 72-00051B, 72-00048 or None ( )

14. Remarks: This amended notice of claim reflects the changes approved in transfer no. 3745.  
The amended notice of claim also reflects actual irrigated acreage and represents a reduction in the number of acres irrigated, subsequent to transfer no. 3745.  
Thompson Creek Mining Company is the sole owner of all of the assets of Cyprus Thompson Creek Mining Company, including the water rights.

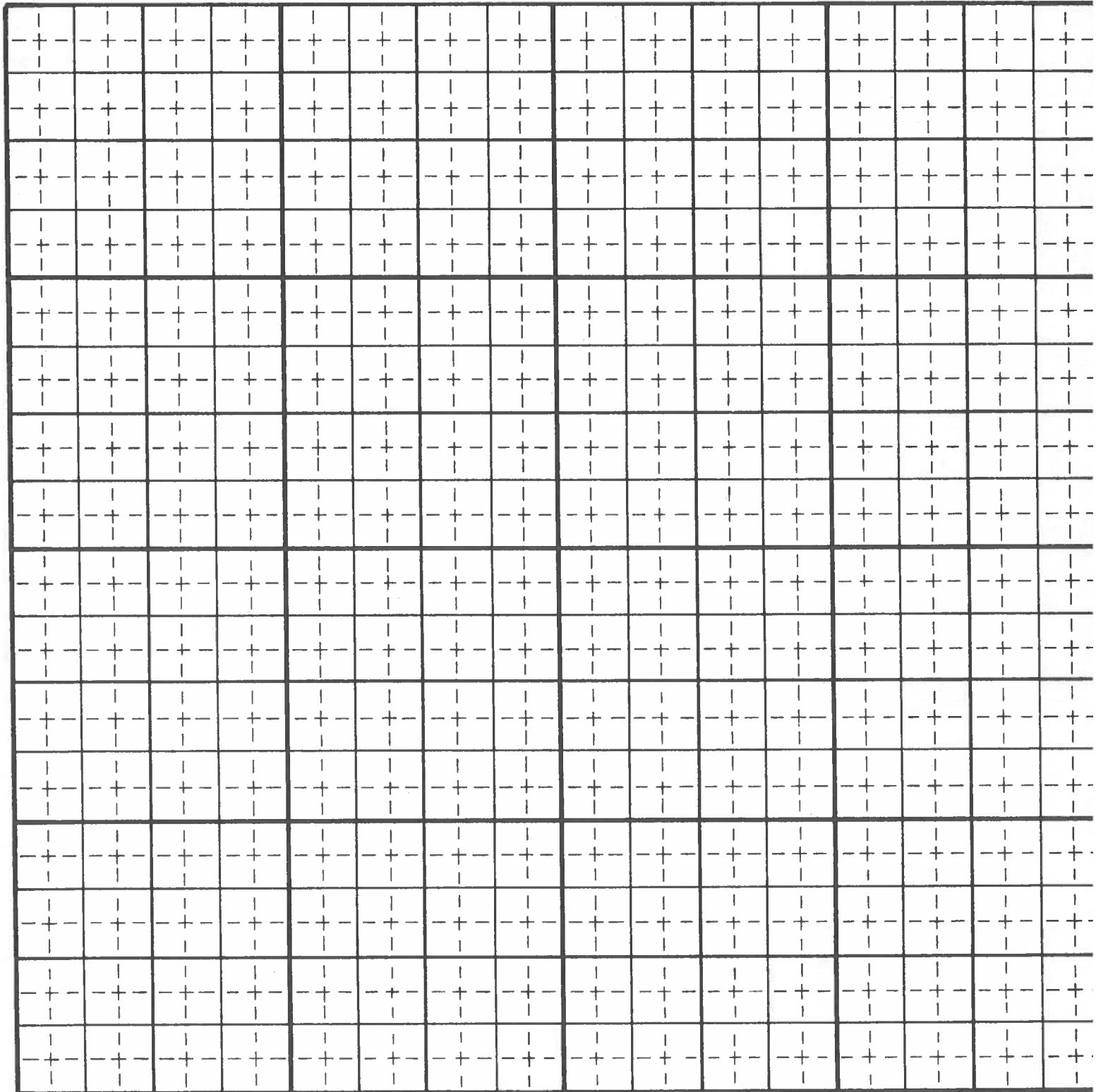
Last Name Cyprus Thompson Creek Mining Company Ident No. 72-00051P

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

PLEASE SEE ATTACHED EXHIBIT "A"



Last Name Cyprus Thompson Creek Ident No. 72-00051P  
Mining Company

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree xx

If applicable provide IDWR Water Right Number 72-00051P

Court 6th District; Idaho Case Number \_\_\_\_\_ Decree Date May 19, 1914

Plaintiff vs Defendant Adams, et al. v. Vandervoort, et al.

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) \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

**For Organizations:** I do solemnly swear or affirm that I am Supervisor of Environmental Affairs Title \_\_\_\_\_

of Thompson Creek Mining Company Organization \_\_\_\_\_, that I have signed the foregoing

document in the space below as Supervisor of Environmental Title \_\_\_\_\_ of Thompson Creek Mining Co. Organization \_\_\_\_\_

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Bert Douglas

Title and Organization Supervisor of Environmental Affairs Date 3/3/98  
Thompson Creek Mining Company

State of Idaho/or Idaho )  
County of Custer ) SS.

Subscribed and sworn (or affirmed) before me this 3rd day of March 19 98

SEAL

Notary Public Lewis Hapkins

Residing at Challis, Id

My Commission Expires 7/3/2001

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Scott L. Campbell 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 Scott L. Campbell

Address Elam & Burke  
PO Box 1539, Boise, ID 83701

Date 3/5/98

Last Name Cyprus Thompson Creek Ident. Number 72-00051P  
Mining Company

Copies White-State, Yellow-Claimant

JAN-20-1998 10:45

THOMPSON CREEK MINING CO.

208 838 2299 P.20/24

Water Right Nos. 72-00048, 72-00051M,  
72-00051P. and 72-00051B.

ELD 8M

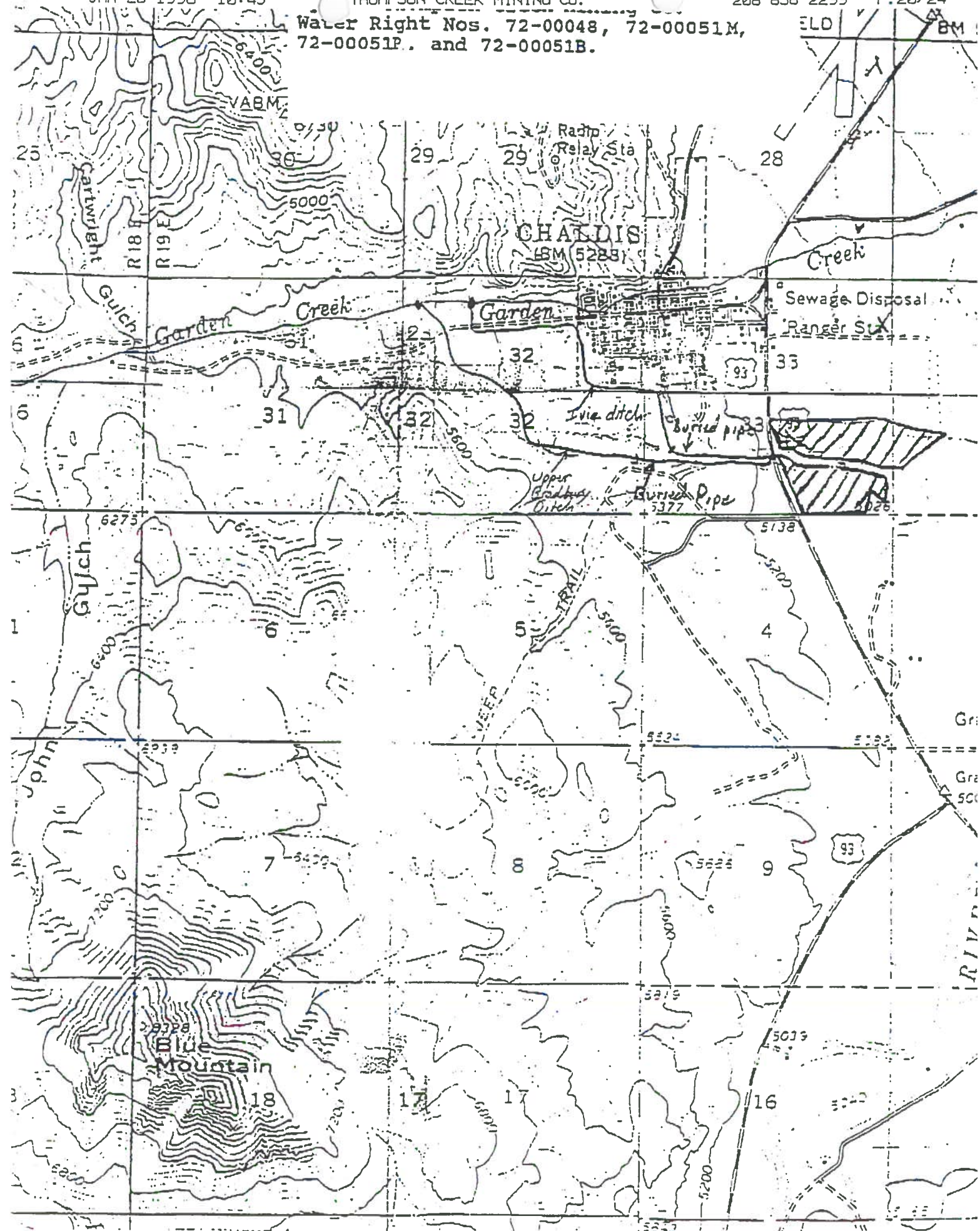


EXHIBIT "A"



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

May 22, 1992

Scott L. Campbell  
Davis, Wright, Tremaine  
702 W. Idaho St., #700  
Boise, ID 83702

RE: Change in Notice of Appearance of Counsel on the Snake River Basin Adjudication Claims for Owen Ranches, Pioneer Irrigation District, Cyprus Thompson Creek Mining Company, Conversion Industries U.S.A., Inc. and Settlers Irrigation District

Dear Scott:

The five computer reports enclosed confirm the change in firm and address you requested in your letter dated February 13, 1992. By comparing these reports to the list you supplied with your letter, you will see not all of the water right claims listed in your attachments were changed. Those claim records not changed are filed by persons other than your client(s).

The possibility of questions I raised in our telephone conversation last week were resolved for my part. If you have any questions or need some points clarified, please feel free to contact me.

Thank you for supplying the claim lists in an orderly fashion.

Sincerely,

Donald V. Shaff  
Manager, Adjudication Section

DVS:sf:region(s)

Enclosures:

Five Computer Reports

MICROFILMED

MAR 18 1993

Mr. David Shaw  
December 28, 1993  
Page Two

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These changes are applicable to the following water rights for Thompson Creek Mining Company:

A72-00048  
A72-00051B  
A72-00051L  
A72-00051N  
A72-00110  
A72-00111  
A72-00133  
A72-00135  
A72-00136

A72-00137  
A72-04055C  
A72-04080H  
A72-07193  
A72-07219  
A72-07220  
A72-07257  
A72-17414  
A72-10488

Thank you for your cooperation. If you have any questions, please do not hesitate to call.

Very truly yours,

ELAM & BURKE  
*A Professional Association*

  
Scott L. Campbell

SLC:ma



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

January 12, 1994

Scott L. Campbell  
Elam & Burke  
P.O. Box 1539  
Boise, ID 83701

RE: Snake River Basin Adjudication (SRBA)  
Change of Firm Affiliation of Counsel and  
Change of Company Name for Thompson Creek  
Mining Company

Dear Mr. Campbell:

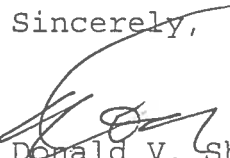
A copy of a report documenting your change of address and affiliation is enclosed.

To process the name change for the company, please supply a copy of the document filed with the Secretary of State or other document verifying the change. If the property was conveyed to new owners, a change of ownership form (enclosed) could be completed and filed in lieu of any copy above.

IDWR records indicate a claim A72-04151 for Cyprus Thompson Creek Mining Company that was not included on the list you supplied. Please notify us if you will also represent your client for this claim also.

Thanks for keeping us informed. If you have any questions, please give me a call.

Sincerely,

  
Donald V. Shaff  
Manager, Adjudication Section

DVS:sf:region

Enclosures:

Adjudication Attorney Name Add/Update Report  
Form 42-1409(7)

RECEIVED

JAN 19 1994

Department of Water Resources  
Southern Region Office

AJ5514NP  
INPUT: AJ\_SELECTION:SHAF-CAMPBELL.SEL

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION ATTORNEY NAME ADD/UPDATE

DATE: 01/11/94  
TIME: 23:58:38.9  
PAGE: 1

TYPE OF ACTION: MODIFY  
MODIFY ALL FIELDS FLAG: N

LAST NAME:  
ADDRESS LINE 1: ELAM & BURKE  
ADDRESS LINE 3: PO BOX 1539  
CITY: BOISE

STATE: ID ZIP: 837011539

FIRST NAME:  
ADDRESS LINE 2: 702 W IDAHO ST  
PHONE NUMBER: (208) 343-5454

A72-00048 SUCCESSFULLY CHANGED ON HOST  
A72-00051B SUCCESSFULLY CHANGED ON HOST  
A72-00051L SUCCESSFULLY CHANGED ON HOST  
A72-00051N SUCCESSFULLY CHANGED ON HOST  
A72-00110 SUCCESSFULLY CHANGED ON HOST  
A72-00133 SUCCESSFULLY CHANGED ON HOST  
A72-00135 SUCCESSFULLY CHANGED ON HOST  
A72-00136 SUCCESSFULLY CHANGED ON HOST  
A72-04055C SUCCESSFULLY CHANGED ON HOST  
A72-04080H SUCCESSFULLY CHANGED ON HOST  
A72-07193 SUCCESSFULLY CHANGED ON HOST  
A72-07219 SUCCESSFULLY CHANGED ON HOST  
A72-07220 SUCCESSFULLY CHANGED ON HOST  
A72-07257 SUCCESSFULLY CHANGED ON HOST  
A72-07414 SUCCESSFULLY CHANGED ON HOST  
A72-10488 SUCCESSFULLY CHANGED ON HOST  
A72-00048 SUCCESSFULLY CHANGED ON HOST  
A72-00051B SUCCESSFULLY CHANGED ON HOST  
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A72-07414 SUCCESSFULLY CHANGED ON HOST  
A72-10488 SUCCESSFULLY CHANGED ON HOST

RECEIVED

JAN 19 1994

Department of Water Resources  
Southern Region

**ELAM & BURKE**  
*A Professional Association*  
ATTORNEYS AND COUNSELORS AT LAW  
*Established in 1928*

KEY FINANCIAL CENTER  
702 WEST IDAHO  
POST OFFICE BOX 1539  
BOISE, IDAHO 83701

SCOTT L. CAMPBELL

RECEIVED  
DEC 29 1993  
Department of Water Resources

TELEPHONE  
208-343-5454

FACSIMILE  
208-384-5844

JAN 1 1994  
Department of Water Resources  
Boise, Idaho

December 28, 1993

Mr. David B. Shaw  
Bureau chief  
Adjudications Bureau  
State of Idaho  
Department of Water Resources  
1301 North Orchard  
Boise, Idaho 83706

RECEIVED

JAN 19 1994

Department of Water Resources  
Boise, Idaho

Re: Change of Firm Affiliation of Counsel and Change of Company Name  
for Thompson Creek Mining Company

Dear Mr. Shaw:

This correspondence is to notify the Department of my change of address and affiliation. I am presently a partner with the law firm Elam & Burke at the following address:

Scott L. Campbell  
Elam & Burke  
702 West Idaho Street  
P.O. Box 1539  
Boise, Idaho 83701  
(208) 343-5454

Additionally, the name of the company has been changed from Cyprus Thompson Creek Mining Company to Thompson Creek Mining Company.

CYPRUS THOMPSON CREEK MINING COMPANY  
Snake River Basin Adjudication

Notice of Claim to Water Right:

Number

Priority Date

A72-00048  
A72-00051B  
A72-00051N  
A72-00051L  
A72-00110  
A72-00111  
A72-00133  
A72-00135  
A72-00136  
A72-00137  
A72-04047  
A72-04055  
A72-04055C  
A72-04080  
A72-04080H  
A72-04151  
A72-04159  
A72-07083  
A72-07084  
A72-07099  
A72-07100  
A72-07101  
A72-07117  
A72-07118  
A72-07134  
A72-07193  
A72-07219  
A72-07220  
A72-07257  
A72-07267  
A72-07414  
A72-08811  
A72-10488

Beneficial Use  
Beneficial Use  
Beneficial Use

April 15, 1885  
May 1, 1885  
May 1, 1885

Notice Posted for "Getty Place" Water Right Holman Ditch  
Claim dated 01/09/90 for water from Salmon River,  
Priority Date: May 24, 1888

MICROFILMED

MAR 18 1993

Receipt # corrected  
6-7-90

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  
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JUN 13 1990

Department of Water Resources  
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT  
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Address: C/O BERT DOUGHTY  
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CLAYTON, ID 83227

2. Date of Priority: MAY 15, 1880

3. Source: GARDEN CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 14N      | 19E   | 32      | NW     | NW     |     |     | CUSTER |

5. Description of diverting works:  
SEE REMARKS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.300  |      |        |

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

8. Total consumptive use is 475.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 14N      | 19E   | 33      | NE     | SE  |     | IRR | 30.0  |
|          |       |         | NW     | SE  |     | IRR | 20.0  |
|          |       |         | SW     | SE  |     | IRR | 30.0  |
|          |       |         | SE     | SE  |     | IRR | 30.0  |

A72-00051N

Page 1

Date: 06/07/90

MICROFILMED  
MAR 18 1993

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: A72-00051N  
Date Received: 1/12/1990  
Receipt No: C013695  
Received By: \_\_\_\_\_

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|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.300 |      |        |

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| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 14N      | 19E   | 33      | NE     | SE  |     | IRR | 30.0  |
|          |       |         | NW     | SE  |     | IRR | 20.0  |
|          |       |         | SW     | SE  |     | IRR | 30.0  |
|          |       |         | SE     | SE  |     | IRR | 30.0  |

A72-00051N

Page 1

Date: 05/24/90

MICROFILMED  
MAR 18 1993

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 110.0 |
|          |       | 34      | SW         | NW  | IRR           | 20.0  |
|          |       |         | NW         | SW  | IRR           | 40.0  |
|          |       |         | SW         | SW  | IRR           | 20.0  |
|          |       |         |            |     | Section Acres | 80.0  |
|          |       |         |            |     | Total Acres   | 190.0 |

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:

72-00051L, 72-00051B

14. Remarks:

WATER IS DIVERTED WITH ROCK JETTY INTO METAL MEASURING FLUME.  
FLOW IS CONTROLLED BY WHEEL VALVE AT DIVERSION POINT. WATER THEN  
FLOWS INTO EARTHEN DITCH SYSTEM AND EVENTUALLY FLOWS INTO 8"  
STEEL BURIED PIPELINE WITH ENDPOINT BEING SPRINKLER WHEEL LINES.  
LENGTH OF DITCH SYSTEM IS APPROXIMATLEY 5400 FEET AND BURIED PIPE  
SEGMENT IS APPROXIMATELY 3800 FEET FOR TOTAL LENGTH OF  
APPROXIMATELY 9200 FEET.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

ADAMS, ET. AL.

Decree Plaintiff

vs

VANDERVOORT, ET. AL.

Decree 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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

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

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

CIVIL CASE NUMBER:

Ident. Number

72-0051N

39576

A72-00051N

Date Received

1-12-90

Receipt Number

C013965

NOTICE OF CLAIM  
TO A  
WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED  
JAN 12 1990

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Cyprus Thompson Creek Mining Company Phone (208 ) 838-2200Mailing Address c/o Bert Doughty, P.O. Box 62, Clayton, ID Zip 832272. Date of Priority (Only one (1) per claim) May 15, 18803. Source of water supply (a) Garden Creek  
which is tributary to (b) Salmon River4. a. Location of existing point of diversion is: Township 14N Range 19E Section 32,  
NW 1/4 of NW 1/4 of 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. Water is diverted with rock jetty into  
metal measuring flume. Flow is controlled by wheel valve at diversion point.Water then flows into earthen ditch system and eventually flows into 8" steel  
buried pipeline with endpoint being sprinkler wheel lines. Length of ditch system  
is approximately 5400 feet and buried pipe segment is approximately 3800 feet  
for total length of approximately 9200 feet.

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6. Water is claimed for the following purposes:

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

For irrigation purposes from April 1 to Nov. 1 amount .30 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

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

8. Total consumptive use claimed is 475.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_

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 |        |
| 14N | 19E | 33  |        |       |       |       |        |       |       |       |        |       |       |       | 30     | 20    | 30    | 30    | 110    |
| 14N | 19E | 34  |        |       |       |       |        |       | 20    |       |        |       | 40    | 20    |        |       |       |       | 80     |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 190

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

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_  
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.  
72-0051 L, 72-0051 B or None ( )

14. Remarks:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Last Name Cyprus Ident No. \_\_\_\_\_

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**MAR 18 1993**

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of 256 squares, each containing a crosshair pattern of dashed lines. The grid is divided into four 8x8 quadrants by a central vertical and horizontal line. The bottom-left quadrant (rows 9-16, columns 1-8) is highlighted with a light red background.

MAR 18 1993

Last Name Cyprus Ident No.

15. Basis of Claim (check one) ☐ Official Use ☐ Posted Notice ☐ Easement ☐ Permit ☒ Decree  
If applicable, provide IDWR Water Right Number 72-0051 N  
Court 6th District, Custer Co. Case Number \_\_\_\_\_ Decree Date May 19, 1914  
Plaintiff vs Defendant Adams, et al. v. Vandervoort, et al.

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) \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am Patrick H. Fitch, Vice President, General Manager  
of Cyprus Thompson Creek Mining Company, that I have signed the foregoing  
document in the space below as Vice President, Gen. Manager of Cyprus Thompson Creek Mining Co.  
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Patrick H. Fitch  
Title and Organization Cyprus Thompson Creek Mining Company Date 11/17/89  
Vice President and General Manager

State of Idaho/       )  
County of Custer ) SS.

Subscribed and sworn (or affirmed) before me this 17th day of November 19 89

SEAL

Notary Public Bonnie Whitman

Residing at Challis, Idaho

My Commission Expires November 22, 1992

Please Print Name Bonnie Whitman

17. Notice of Appearance:

Notice is hereby given that I, Scott L. Campbell 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 Scott L. Campbell

Address Elam, Burke & Boyd, P.O. Box 1539, Boise, ID 83701

Date January 8, 1990

Last Name Cyprus Ident. Number \_\_\_\_\_

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MAR 18 1993

Copies White-State, Yellow-Claimant

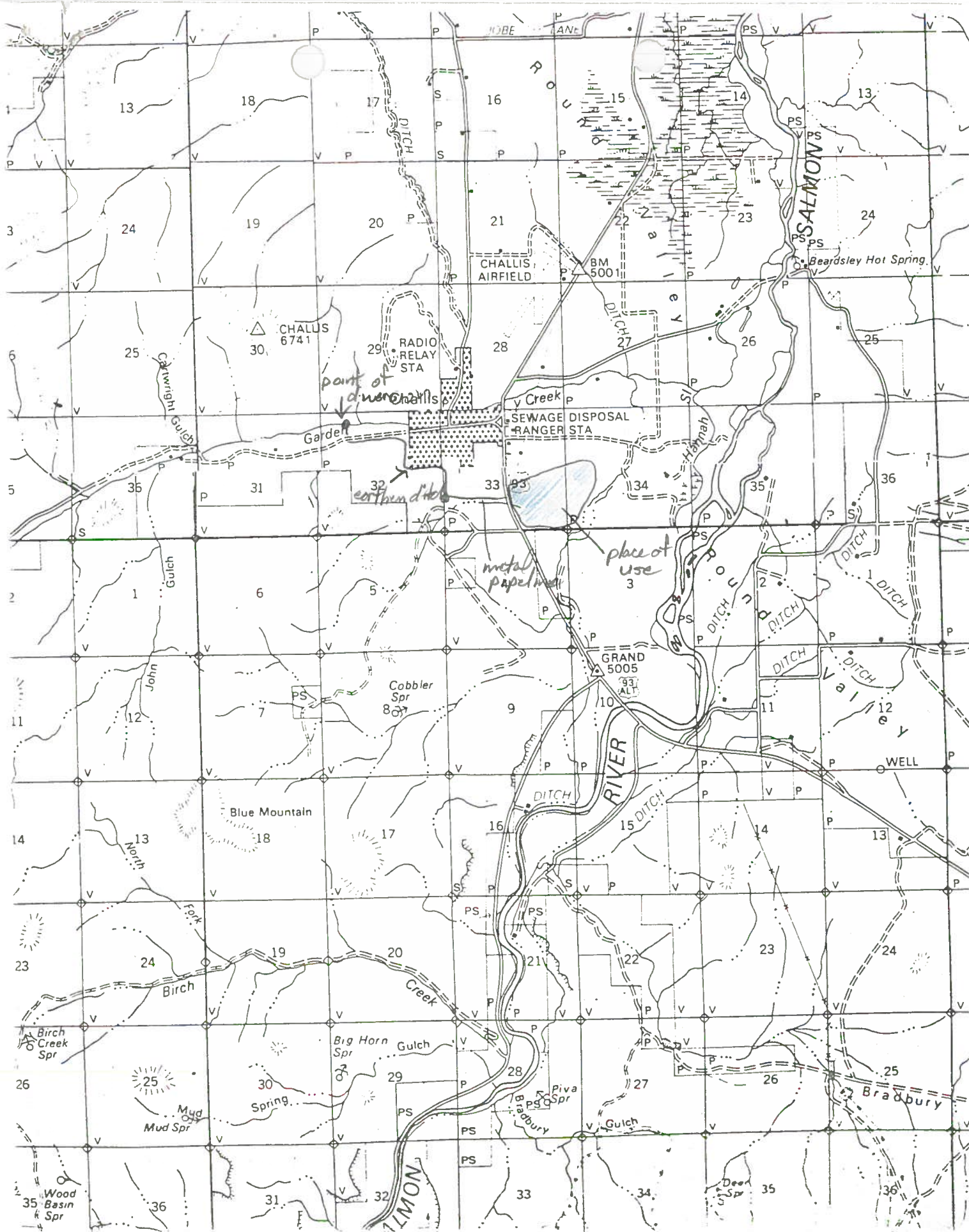


EXHIBIT A 72-0051N

MICROFILMED

MAR 18 1993

## SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Cyprus Thompson Creek Mining Co. CLAIM IDENT. NO. A72 00051NDATE RECEIVED 1-12-90 <sup>Rec'd</sup> CK # C013965 AMOUNT \$ 5710.00

- |                                                                                                                                                                                                                                      | YES                                 | NO                       | Require Info |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|--------------|
| 1. Is the name and address complete with zip code? . . . <u>20 claims</u>                                                                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *            |
| 2. Is a priority date entered?<br>Is the priority date acceptable in view of mandatory filing dates?<br>See Adjudication Memos #1 and #4 to determine if a Permit is required.                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *            |
| 3. (a) Is a source entered? . . . . .                                                                                                                                                                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *            |
| (b) Is a tributary to entered? (if required) . . . . . N/A                                                                                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |              |
| 4. Is the legal description of the p.d. sufficient? . . . . .                                                                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *            |
| 5. Is there a description of the diverting works? . . . . .                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |              |
| 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. . . . .                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *            |
| Is the period of use included? . . . . .                                                                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |              |
| Is a quantity claimed for each use? . . . . .                                                                                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *            |
| 7. Is a total quantity claimed entered? . . . . .                                                                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |              |
| 8. If required is a consumptive use entered? . . . . . N/A                                                                                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |              |
| Is the consumptive use correct? . . . . . N/A                                                                                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |              |
| 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 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *            |
| 10. Is (are) the place(s) of use and purpose(s) indicated? . . . . .                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *            |
| 11. Is (are) the county(ies) entered? . . . . .                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> |              |
| 12. Is the ownership of p.u. checked? . . . . .                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> |              |
| 13. Are other water rights listed or "none" indicated? . . . . .                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |              |
| 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                                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/> |              |
| 15. Is the basis of the claim indicated? . . . . .                                                                                                                                                                                   | <input type="checkbox"/>            | <input type="checkbox"/> |              |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) . . . . . N/A                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> |              |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. . . . .                                                                                               | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *            |
| 18. Has the claim been signed, sealed, and dated by a notary? . . . . .                                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *            |
| 19. Was this claim filed on time, or was an extension granted? . . . . .                                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *            |
| 20. Is the fee enclosed correct? . . . . . Exempt                                                                                                                                                                                    | <input type="checkbox"/>            | <input type="checkbox"/> | *            |
| 21. If this claim is based on an existing water right, has the identification number been entered? . . . . . N/A                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |              |
| 22. Should this claim be data entered? . . . . .                                                                                                                                                                                     | <input type="checkbox"/>            | <input type="checkbox"/> |              |

Claim checked by: \_\_\_\_\_ Date: \_\_\_\_\_

Claim must be returned to claimant: \_\_\_\_\_ (Yes) / (No)

Claimant must be notified of modifications: \_\_\_\_\_ (Yes) / (No)

 Receipt Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_  
 Claim data entered by: \_\_\_\_\_ Date: \_\_\_\_\_  
 Sent to claimant by: \_\_\_\_\_ Date: \_\_\_\_\_  
 Checked by: \_\_\_\_\_ Date: \_\_\_\_\_
Comments: 50.00

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MAR 18 1993

72-00051N KC

RECEIVED

MAY 26 1999

Department of Water Resources

RECEIVED

JUN 01 1999

Department of Water Resources  
Southern Region

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

A. Subcase 72-00051N

(Insert water right number)

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

**B. NAME AND ADDRESS OF PERSON OBJECTING**

Name: Cyprus Thompson Creek Mining Company

Address: c/o Bert Doughty, Post Office Box 62

Clayton, ID 83227

Daytime Phone: (208) 838-2200

Name & Address of Attorney, if any:

Scott L. Campbell and Angela D. Schaer

Elam & Burke

PO Box 1539

Boise, ID 83701

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

Name: Same as above

Address: \_\_\_\_\_

**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 Attachment A

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):** See Attachments B and C

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

F.

**VERIFICATION (Must be Completed)**

State of IDAHO )  
 )ss.  
County of ADA )

Angela D. Schaer, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

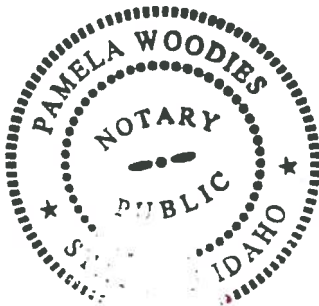
That I am the party/claimant filing this objection, as defined by I.C. 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Angela D. Schaer  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

May 25, 1999  
Pamela Woodie  
Notary Public for Idaho  
Residing at: Boise, Idaho  
My Commission Expires: 2/25/2004



## 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 May 25, 1999, 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  
PO Box 2707  
Twin Falls, ID 83303-2707

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

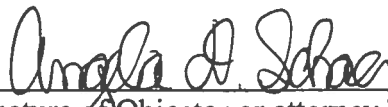
Name: Thompson Creek Mining Company  
Address: c/o Bert Doughty, Post Office Box 62  
Clayton, ID 83227

3. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
PO 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

**SRBA CLAIM NUMBER 72-00051N**

**STANDARD FORM 1  
OBJECTION  
ATTACHMENT A**

The place of use for this water right should be decreed as follows:

| Township | Range | Section     | ¼ of ¼        |    | Acres |
|----------|-------|-------------|---------------|----|-------|
| 14N      | 19E   | 33          | NE            | SE | 10    |
|          |       |             | NW            | SE | 10    |
|          |       |             | SW            | SE | 20    |
|          |       |             | SE            | SE | 33    |
|          |       |             | Section Acres |    | 73    |
|          |       | 34          | NW            | SW | 6     |
|          |       |             | SW            | SW | 11    |
|          |       |             | Section Acres |    | 17    |
|          |       | Total Acres |               | 90 |       |

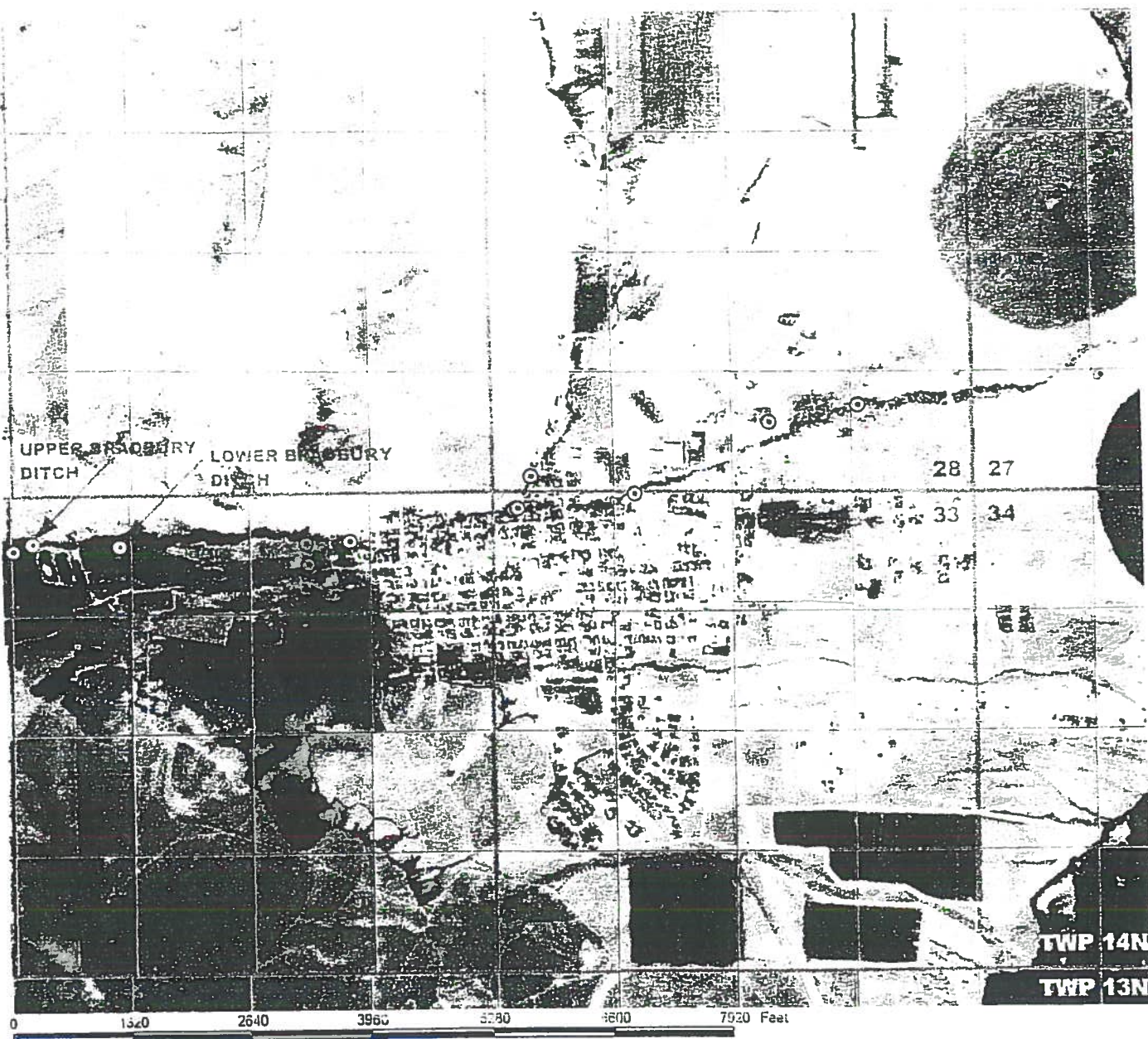
**SRBA CLAIM NUMBER 72-00051N**

**STANDARD FORM 1  
OBJECTION  
ATTACHMENT B**

1. There is apparently a clerical error in the legal description for the place of use. The legal description for the place of use in Township 14N, Range 19E, Section 33 should be in the SE  $\frac{1}{4}$  instead of the NE  $\frac{1}{4}$ . The Idaho Department of Water Resources GIS Map, included as Attachment C to this Objection, shows that the place of use in Section 33 is indeed in the SE  $\frac{1}{4}$ .

2. The place of use as set forth in the Amended Notice of Claim filed by Thompson Creek in 1998 was determined by a survey, and provides a more accurate assessment of the place of use than the GIS map, upon which the Idaho Department of Water Resources apparently relied in setting forth the number of acres in the place of use. Therefore, the place of use, including the number of acres, should be decreed as claimed and surveyed, and as described in Attachment A to this Objection.

# 72-00048, 72-00051B, 72-00051L, & 72-00051N



**PLACE OF USE RECOMMENDATION**  
**TWP 14N, RNG 19E, SEC 33 & SEC 34**  
 data entry on November 9, 1998



**RECOMMENDED POINT OF DIVERSION**  
**RECOMMENDED PLACE OF USE**  
**SECTION LINES**  
**QUARTER/QUARTER LINES**

**GIS PLACE OF USE PRESENTATION**  
**1992 USDA-F AERIAL PHOTOGRAPHY**  
**DATA ENTRY BY KELLY K CHRISTENSEN**

SF-1--Objection, 72-00051N, Attachment C

72-00051N

November 20, 1998

RECEIVED  
DEC 21 1998  
Department of Water Resources  
Southern Region

**Notice of Error  
Reply**

Please type or print clearly, fill out this completely and mail.

Return this reply to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:** December 18, 1998

Water right number: 72-00051N

SCOTT L. CAMPBELL  
ELAM & BURKE  
PO BOX 1539  
BOISE, ID 83701

Daytime Telephone Number: (208) 343-5454  
Evening Telephone Number: (208) 343-5454

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Place of use, point of diversion, quantity, volume

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

Changes must be provided in personal conference in order to fully explain

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

Because the preliminary recommendations are incorrect

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

DATE: 12-18-98

SIGNATURE: Scott L. Campbell

Please print your name: Scott L. Campbell

Attorneys for: Thompson Creek Mining Company

IDWR Southern Regional Office, 1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380, (208) 736-3033

RECEIVED

DEC 21 1998

Department of Resources  
Region

**ELAM & BURKE**

*A Professional Association*  
ATTORNEYS AND COUNSELORS AT LAW  
KEY FINANCIAL CENTER  
702 WEST IDAHO  
POST OFFICE BOX 1539  
BOISE, IDAHO 83701

TELEPHONE  
208-343-5454

FACSIMILE

SCOTT L. CAMPBELL

208-384-5844

December 18, 1998

**SENT VIA FACSIMILE**

Ms. Trish Fawcett  
IDWR Southern Regional Office  
1341 Fillmore Street, Suite 200  
Twin Falls, ID 83301-3380

Re: Thompson Creek Mining Company's Snake River Basin Adjudication  
Water Right Claims/Preliminary Recommendations

Dear Ms. Fawcett:

Our firm represents Thompson Creek Mining Company. Attached please find a Notice of Error form for the following preliminary recommendations:

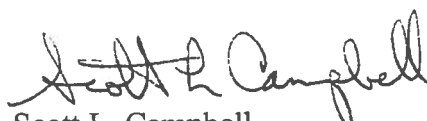
|           |           |
|-----------|-----------|
| 72-00048  | 72-00137  |
| 72-00051B | 72-04159F |
| 72-00051L | 72-07193  |
| 72-00051N | 72-07220  |
| 72-00133  | 72-07257  |
| 72-00135  | 72-07414  |
| 72-00136  | 72-10488  |

I am sending the originals of these Notice of Error Forms via U.S. mail today, along with a copy of each. If you could please date-stamp the copies and return them to me in the enclosed self-addressed, stamped envelope, I would appreciate it.

Thank you for your assistance in this matter, and if you have any questions, please do not hesitate to contact me.

Very truly yours,

ELAM & BURKE  
*A Professional Association*

  
Scott L. Campbell

SLC:thm G:\Thm\WPDATA\0016\00075-ltr.wpd  
encl.

cc: Bert Doughty (w/ encl.)  
Kevin Loughrey (w/ encl.)



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866 [www.idwr.state.id.us/idwr/idwrhome.htm](http://www.idwr.state.id.us/idwr/idwrhome.htm)

---

January 8, 1999

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

**ELAM & BURKE  
SCOTT CAMPBELL  
PO BOX 1539  
BOISE ID 83701**

**RE: NOTICE OF ERROR FOR THOMPSON CREEK MINING COMPANY PRELIMINARY  
RECOMMENDATION FOR 72-00048, 72-00051B, 72-00051L, & 72-00051N**

Dear Scott

1. The point of diversion legal descriptions represent the descriptions of the diversion point for the two ditch systems that deliver water to the property, as determined during the 1993 field season and identified in the approved transfer 3745.
2. The place of use recommendation was based upon a survey and plat submitted by Bert Doughty. We viewed the place of use in August of 1993 and were in agreement as to the actual irrigated ground.
3. The quantity and volume recommendations are based upon the hearing conducted by the department in the matter of the application for transfer 3745 dated June 1 1992.

If you have any further questions please contact me at this office.

Sincerely

**Kelly K Christensen**  
Senior Water Resource Agent

Water Right Number - R72-00051N

Prefix Translation: RESEARCH

Old (D) Number -

\*\*\* A - ATTORNEY \*\*\*  
CAMPBELL

SCOTT L

1 - ELAM & BURKE  
2 - 702 W IDAHO ST  
3 - PO BOX 1539  
City- BOISE  
Phone - 208-343-5454

State- ID Zip- 837011539

\*\*\* C - CURRENT OWNER \*\*\*  
CYPRUS THOMPSON CREEK MINING CO

1 - C/O BERT DOUGHTY  
2 - PO BOX 62  
3 -  
City- CLAYTON  
Phone - 208-838-2200

State- ID Zip- 83227

+ - - Priority Date - - +  
05/15/1880

+ - - Region - - +  
17 SOUTHERN

+ - - Stage - - +  
D - DECREED

+ - - Status - - +

Source - - +  
GARDEN CREEK

+ - - Tributary - - +  
SALMON RIVER

+ - - Point of Diversion - - +  
Twn Rng Sec Tract Lot Rflg County  
14N 19E 32 NE NW NW (37) CUSTER  
NW NW NW (37) CUSTER

LOWER BRADBURY DITCH  
UPPER BRADBURY DITCH

+ - - Code Description Period From Period To Water Use  
01 - IRRIGATION 04/01 11/01

Diversion Rate Diversion Volume  
0.300

+ - Total Div. Rate - + + - Total Div. Volume - +  
0.300

+ - Total Consumptive Use - + + - KW Usage - +  
0.0

| Twn          | Rng | Sec | Tract | Lot | Acres | Place of Use | Code       | Description | County |
|--------------|-----|-----|-------|-----|-------|--------------|------------|-------------|--------|
| 14N          | 19E | 33  | NE NE |     | 13.0  | 01           | IRRIGATION | (37) CUSTER |        |
| 14N          | 19E | 33  | NW NE |     | 12.0  | 01           | IRRIGATION | (37) CUSTER |        |
| 14N          | 19E | 33  | SW NE |     | 18.0  | 01           | IRRIGATION | (37) CUSTER |        |
| 14N          | 19E | 33  | SE NE |     | 29.0  | 01           | IRRIGATION | (37) CUSTER |        |
| 14N          | 19E | 34  | NW SW |     | 8.0   | 01           | IRRIGATION | (37) CUSTER |        |
| 14N          | 19E | 34  | SW SW |     | 10.0  | 01           | IRRIGATION | (37) CUSTER |        |
| Total Acres: |     |     |       |     | 90.0  |              |            |             |        |

+ - - Diversion Means - SEE REMARKS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 72-00051L, 72-00051B

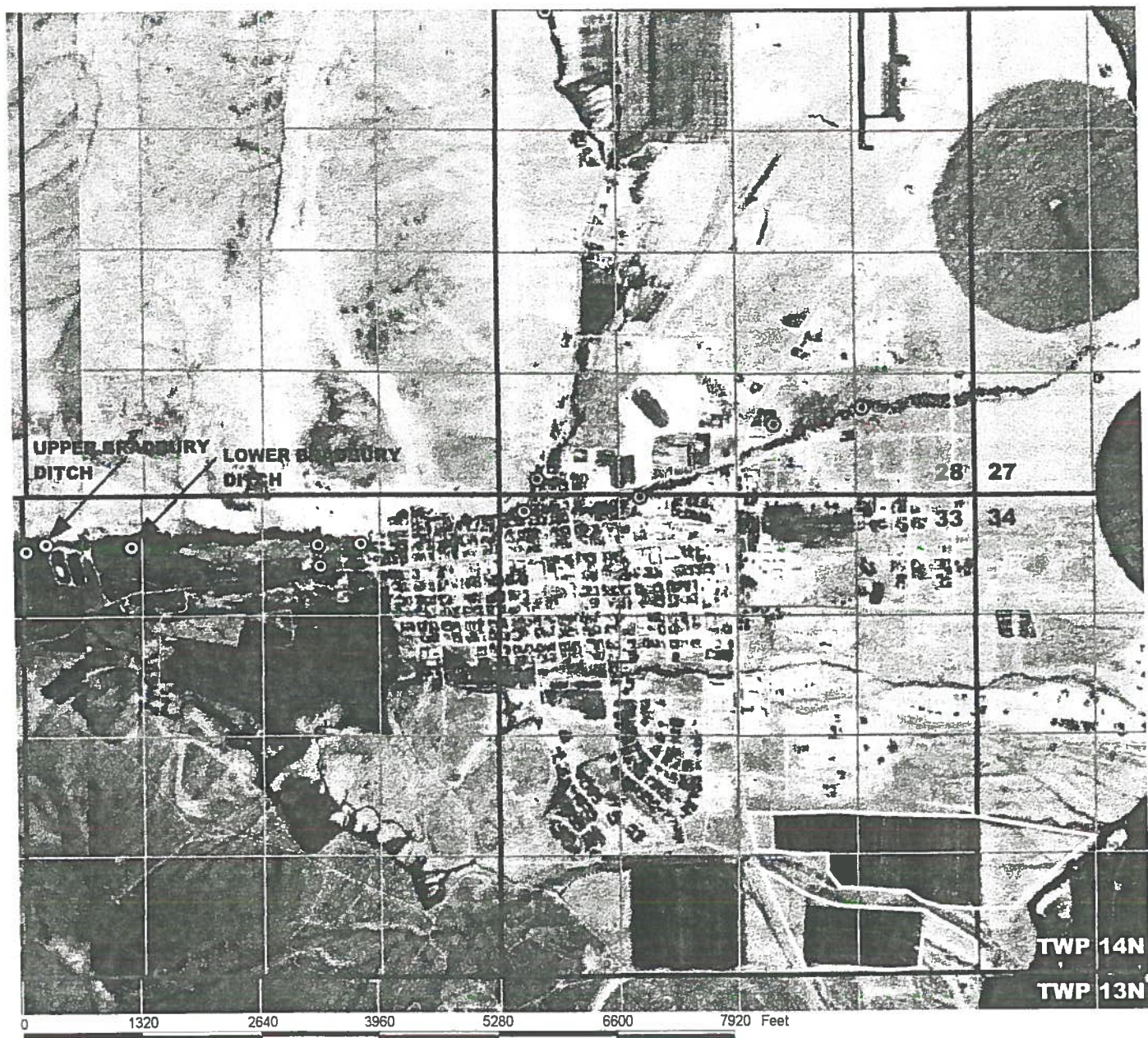
VERIFIED BY KKC  
11-10-98

Water right number - R72-00051N

Prefix Translation: RESEARCH

-----+  
Remarks -----+  
POU1 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION  
OF A COMBINED TOTAL OF 90 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 72-00048, 72-00051B, 72-00051L, & 72-00051N.  
EXP THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF  
DIVERSION LOCATED IN TWP 14N, RNG 19E, SEC 32 NNNMM, ALSO KNOWN  
AS THE LOWER BRADBURY DITCH. COMBINED RIGHT NOS.: 72-00048,  
72-00051B, 72-00051L, 72-00051N, 72-00117A, 72-00117B, 72-00117C  
AND 72-00117D.  
THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF  
DIVERSION LOCATED IN TWP 14N, RNG 19E, SEC 32 NNNMM, ALSO KNOWN  
AS THE UPPER BRADBURY DITCH. COMBINED RIGHT NOS.: 72-00048,  
72-00051B, 72-00051L, 72-00051N, 72-00080A, 72-00110A, 72-00110B  
72-00111A, 72-00111B AND 72-10257.  
-----+  
No Old Water Right Numbers Found -----+  
Old Water Right Numbers -----+  
-----+  
Conditions of Approval -----+  
No Conditions of Approval found. -----+  
Decree Plaintiff - - - + Decree Defendant - - - + Decree Date - +  
ADAMS, ET. AL. VANDERVOORT, ET. AL. 00/00/0000  
-----+  
Comments-----+  
Date: 11/10/1998 User Id: KCHRISTE Subject: COPIED FROM REMARKS  
WATER IS DIVERTED WITH ROCK JETTY INTO METAL MEASURING FLUME. FLOW IS CONTROLLED BY WHEEL VALVE AT DIVERSION POINT. WATER THEN  
FLOWS INTO EARTHEN DITCH SYSTEM AND EVENTUALLY FLOWS INTO 8" STEEL BURIED PIPELINE WITH ENDPOINT BEING SPRINKLER WHEEL LINES.  
LENGTH OF DITCH SYSTEM IS APPROXIMATELY 5,400 FEET AND BURIED PIPE SEGMENT IS APPROXIMATELY 3800 FEET FOR TOTAL LENGTH OF  
APPROXIMATELY 9200 FEET.  
-----+  
Audit Fields - - - +  
11/10/98 KCHRISTE  
-----+  
Adjudication Rights Dates and Flags Area -----+  
Court Report Filing - 00/00/0000 Field Inspection Made - 00/00/0000 Civil Case Number - 39576  
Objection Filed Date - 00/00/0000 Field Inspection Flag - Old Case Number -  
Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Judicial District -  
Claim Received Date - 01/12/1990 Last Amended Date - 00/00/0000 Temporary Right - P  
Receipt Number - C013965 Water District - 72B  
POU Ownership Flag - Y Federal/State Indicator - S  
Name Connector - Presumption Flag -  
Notice of Error Flag -

# 72-00048, 72-00051B, 72-00051L, & 72-00051N



**PLACE OF USE RECOMMENDATION**  
**TWP 14N, RNG 19E, SEC 33 & SEC 34**  
 data entry on November 9, 1998



- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES

**GIS PLACE OF USE PRESENTATION**  
 1992 USDA-F AERIAL PHOTOGRAPHY  
 DATA ENTRY BY KELLY K CHRISTENSEN

AIM NUMBER
72-00048
72-00051B

DATE
11-9-98

00051L
00051N

AGENT
KKC

TRANSFER NUMBER

CLAIMED ACRE TOTAL
90

GIS ACRE TOTAL
90

|      | TWP | RNG | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |      |      |    |    |
|------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|------|------|----|----|
|      |     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW   | SW   | SE |    |
| LAIM | 14N | 19E | 33  |    |    |    |    |    |    |    |    |    |    |    |    | 10 | 10   | 20   | 33 | 73 |
| GIS  |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    | 13 | 12.1 | 17.6 | 29 |    |
| ECOM |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    | 13 | 12   | 18   | 29 | 72 |
| LAIM | 14N | 19E | 34  |    |    |    |    |    |    |    |    |    | 6  | 11 |    |    |      |      |    | 17 |
| GIS  |     |     |     |    |    |    |    |    |    |    |    |    | 8  | 10 |    |    |      |      |    | 18 |
| ECOM |     |     |     |    |    |    |    |    |    |    |    |    | 8  | 10 |    |    |      |      |    | 18 |
| LAIM |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |      |      |    |    |
| GIS  |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |      |      |    |    |
| ECOM |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |      |      |    |    |

372-DBPOU.SHP
SHAPE NOS.
395
396

Remarks needed
POU - limit to 90A
48, 51B, 51L, 51N

B72-DBPOD.SHP
NOS. DESCRIPTION
72 3'2 upper Bradbury
NWNWNW Litch

EXP F06
#72) Rights 48, 51B, 51L, 51N
80A, 110A 110B, 111A, 111B
10257.

143 Sec 32 lower Bradbury
NENWNW Litch

#143) Rights 48, 51B, 51L, 51N
117A, B, C, & D.

00048 2.60 CFS
Conveyance loss UP Brad .96 CFS

DBF TABLES UPDATED
51B .38
Low Brad .82 CFS

B72-DBPOU.DBF
51L .19
90A @ .02/Ac = 1.80 CFS

B72-DBPOD.DBF
51N .30
3.58 CFS

JPEG LAYOUT
3.47 CFS
Reg 7 total licensed rates
therefore no div rate reduction
is reg.

For A72-00051N

DECREED RIGHT @ 3.2 CFS

72-00051 to SEC 27 SW/NE; SE/NW; N 1/2 SW

TRANSFER 353

PART A for 2.7 CFS

TRANSFER 354

PART C for 2.2 CFS

PART D .5 CFS  
SEC 33 NW/NE

[NOT CLAIMED]

TRANSFER 358

PART E for 1.7 CFS

PART F .5 CFS  
SEC 33 NW/NW  
SEC 32 NE/NE

[Not Claimed]

TRANSFER 359

PART G for 1.5 CFS

PART H .2 CFS  
SEC 28 S 1/2 SE  
10 ACRES

[Not Claimed]

TRANSFER 362

ORIGINALLY  
PART I for .5 CFS

ORIGINALLY  
PART J 1.0 CFS  
SEC 27 SW/SW  
SEC 33 NE/NE  
SEC 34 NW/NW

TRANSFER 776

PART N for .3 CFS  
SEC 33 SE/NW  
N 1/2 SW  
SE/SW

[claimed as  
A72-00051N]

PART M for .2 CFS

[part M claimed  
as A72-00051M but  
no evidence of an  
unrecorded transfer  
submitted as of  
5-12-93]

TRANSFER 372

PART K for .75 CFS  
(SAME P/U as  
PART J)

PART L for .25 CFS  
SEC 33 S 1/2 NE  
N 1/2 SE

[claimed as  
A72-00051L]

TRANSFER 2258

STAYS  
AS PART K .75 CFS  
Just new P/U  
SEC 33 NW/NW

[claimed as A72-00051K  
with P/U as SEC 27 SW/SW  
no evidence of transfer  
submitted as of 5-12-93]

TRANSFER 3745

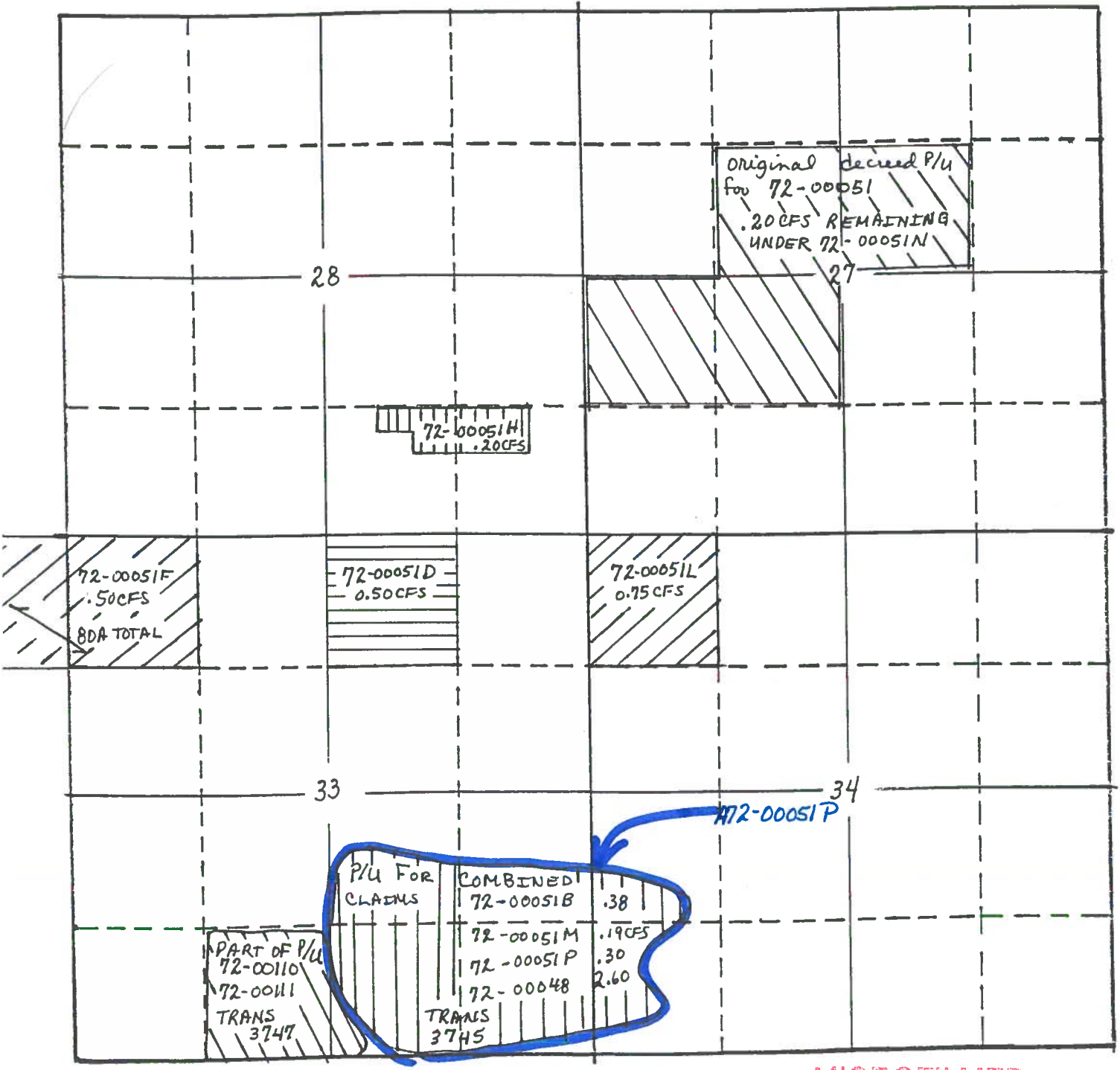
consolidates rights onto  
same P/U {some ratios reduced}  
SEC 33 100A in SE 1/4  
SEC 34 30A in W 1/2 SW 1/4

Tree created 5-12-93  
KAC

For        AIM FILE:         
 DATE:       

14N TOWNSHIP  
19E RANGE  
       SECTION

EFFECTS OF TRANSFERS ON 72-00051  
72-00048  
 PART OF 72-00110 &  
72-00111



MICROFILMED  
 MAR 18 1993

# RIGHTS CLAIMED IN ADJUDICATION

72-00051 B  
 72-00051 K (Now L)  
 72-00051 L (Now M)  
 72-00051 M (Now N)  
 72-00051 N (Now P)  
 72-00051 O

72-00051

3.2 CFS & 160 ACRES

TRANSFER 353

SAME DECREE

51A

160 ACRES

51B

NEW

160 ACRES

(SAME P/U as 51A)

.5 CFS

CYP

2.7 CFS

TRANSFER 354

51C SAME DECREE

51D

NEW

2.20 CFS 160 ACRES

.50 CFS

40 ACRES

TRANSFER 358

SAME DECREE

51E 160 ACRES

51F

NEW

1.70 CFS

TRANSFER 359

.50 CFS

80 ACRES

51G SAME DECREE  
160 ACRES

51H

NEW

1.5 CFS

TRANSFER 362

.20 CFS

10 ACRES

51J (originally I)  
SAME DECREE  
.50 CFS 160 ACRES

51K (originally J)  
NEW  
120 ACRES

TRANSFER 776

1.0 CFS

TRANSFER 372

51N (originally M)  
.20 CFS

51O (originally N)  
.30 CFS  
CYP

51L (originally K)  
SAME  
.75 CFS 120 ACRES

51M (originally L)  
NEW  
.25 CFS (160 ACRES)  
SAME P/U as 51I  
CYP

TRANSFER 2258

51L

.75 CFS

P/U REDUCED

to 40 ACRES

WITHIN the 120

BUTTS

Tree revised  
in 5-12-93  
reflect suffix  
now revised

CLAIM NO. A72-00051N  
 DATE DOCUMENT UPDATED  
 5-12-93  
 AGENT KRC