

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: A72-00136
Date Received: 1/12/1990
Receipt No: C013965
Received By: _____

RECEIVED
JUN 13 1990
Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: JUN 01, 1887

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	17E	21	SW	SE			CUSTER
		27	NE	SW			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	3.200		

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

8. Total consumptive use is 250.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	17E	21	SE	SE		IRR	20.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	20.0
		27	NW	SW	9 IRR	35.0
					Section Acres	35.0
		28	NE	NE	IRR	25.0
			SE	NE	IRR	30.0
					Section Acres	55.0
					Total Acres	110.0

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:
NONE

14. Remarks:
ITEM 5
PUMP STATIONS ON SQUAW CREEK AND DALMON RIVER RESPECTIVELY.
PUMPS TO SPRINKLER SYSTEMS.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

WILLIAM MC CLURE, ET. AL.
Decree Plaintiff

vs

ROBERT CAMPBELL.
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 _____

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

COPY

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 72-0136 A72-00136
Date Received 1-12-90
Receipt Number CD 13965

**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) 838-2200

Mailing Address c/o Bert Doughty, P.O. Box 62, Clayton, ID Zip 83227

2. Date of Priority (Only one (1) per claim) April 1, 1882

3. Source of water supply (a) Squaw Creek
which is tributary to (b) Salmon River

4. a. Location of existing point of diversion is: Township 11N Range 17E Section 21,
SW 1/4 of SE 1/4 of 1/4, Govt. Lot, B.M., County of Custer

Additional points of diversion if any: T11N R17E Sec. 27 NE 1/4 SW 1/4

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. Pump stations on Squaw Creek and Salmon
River respectively. Pumps to sprinkler systems.

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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 3.2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.2 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 250 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	
11N	17E	27									Lot 9 35								35
11N	17E	28	25			30													55
11N	17E	21																20	20

Total number of acres irrigated 100

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.
_____ or None (X)

14. Remarks:

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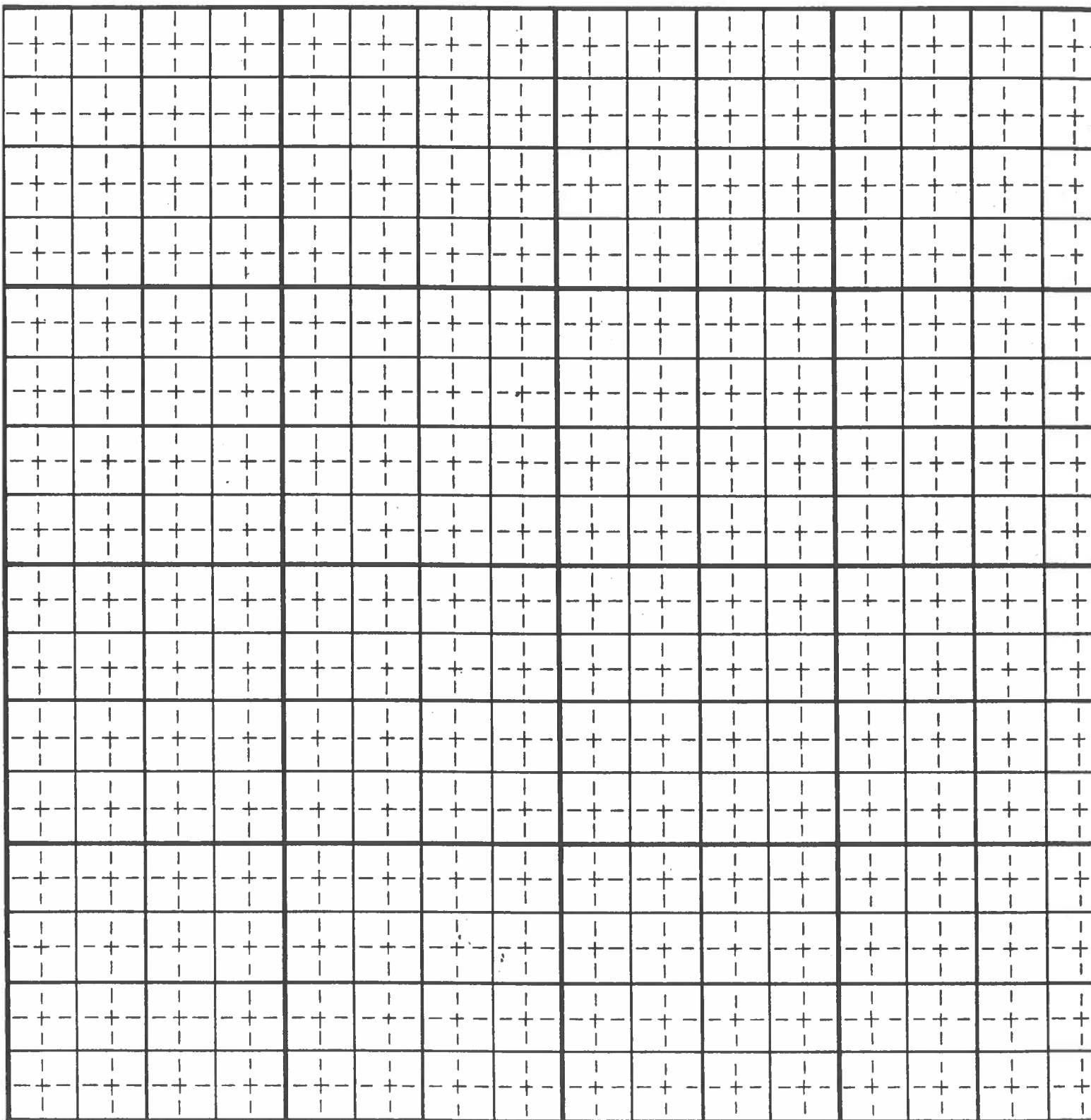
Last Name Cyprus Ident No. _____

MAR 18 1993
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

See Exhibit A



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Last Name Cyprus Ident No. _____

MAR 18 1993
Copies: White-Slate, Yellow-Claimant

15. Basis of Claim (check one) Bei. ☐ al Use ☐ Posted Notice ☐ Li ☐ se ☐ Permit ☐
Decree ☒

If applicable provide IDWR Water Right Number 72-0136

Court _____ Case Number _____ Decree Date May 8, 1887

Plaintiff vs Defendant McClure, et al. v. Campbell, 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 1

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

Title Manager

of Cyprus Thompson Creek Mining Company, that I have signed the foregoing

Organization

document in the space below as Vice President, General of Cyprus

Title Manager

Organization

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

Signature of Authorized Agent Patrick H. Fitch

Title and Organization Vice President, General Manager Date 11/17/89

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

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

SEAL

Notary Public Bonnie M. Whitman

Residing at Challis, Idaho

My Commission Expires December 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

Elam, Burke and Boyd

Address P.O. Box 1539, Boise, Idaho 83701

Date January 11, 1990

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Last Name Cyprus Ident. Number _____

MAR 18 1993
Copies White-State, Yellow-Claimant

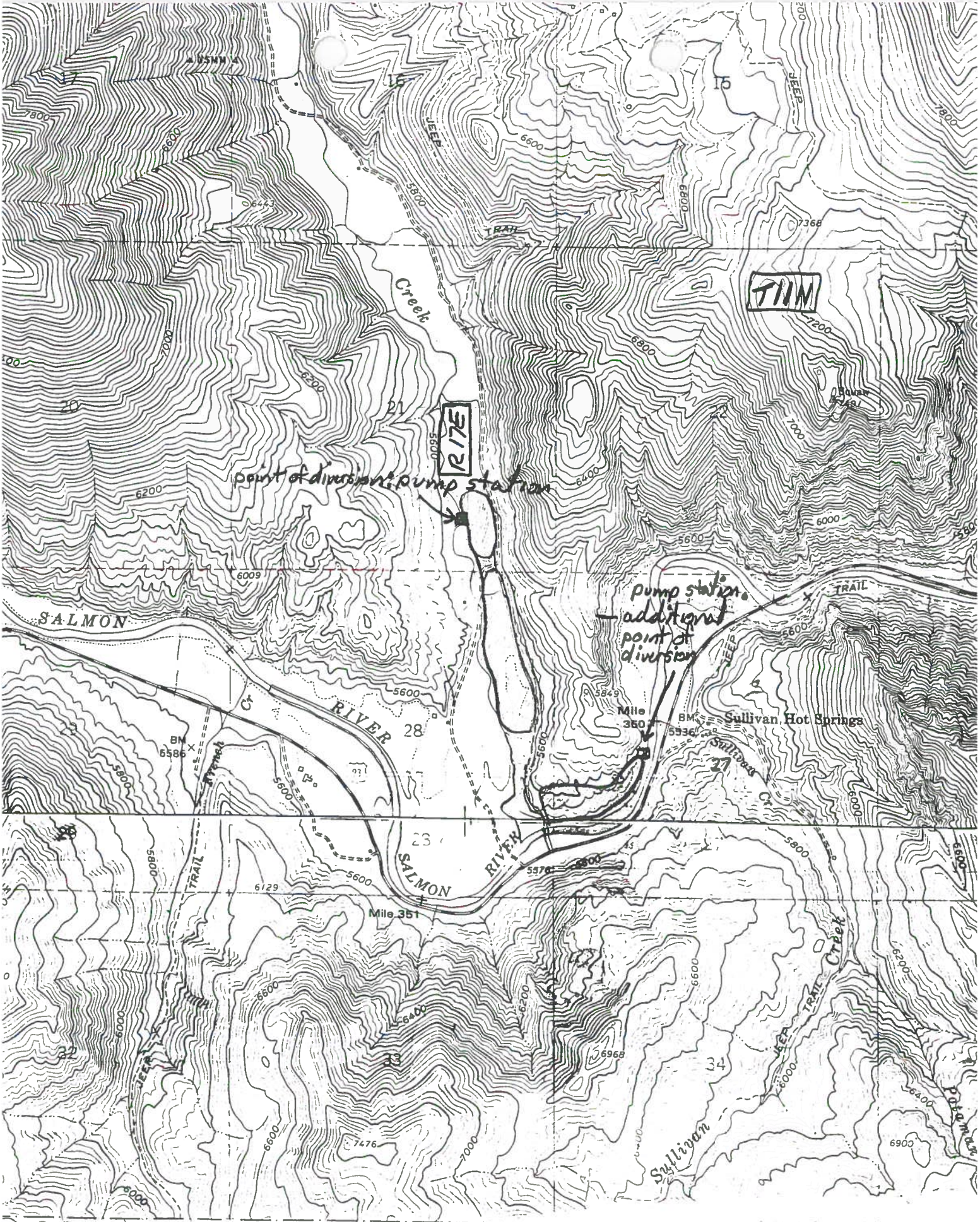


EXHIBIT A 72-0136

REC. OF LVED
MAR 18 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESApplication for Extension of Time to Avoid Forfeiture
of a Water Right

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee of \$30.00 if the application involves 0.2 cfs or 20 acre feet or \$50.00 if in excess of these amounts.

1. Name of water right holder Cyprus Thompson Creek Mining Company
Post office address P. O. Box 62, Clayton Idaho 83227
2. The right was obtained or is evidenced by:
 - a. Decree to Pedrini, John in Case of McClure, et al
(Name)
vs. Campbell, et al, Dated May 8, 1987 in District
(Name of Court)
Court, County of Custer. Fully describe decree Sets the
water rights for lower Squaw Creek
 - b. License No. _____ issued by the Department of Water Resources.
 - c. Claim No. _____ on file with the Department of Water Resources.
3. Source of water _____ tributary to _____
(Name of stream or source)
4. Date of priority of right April 1, 1882
5. Amount of water a. 160 inches c.f.s. and/or 3.2 cfs
b. _____ acre feet/annum
6. Water is used for Irrigation from 5-1 to 9-30
9. Give last date when water applied to beneficial use 1982
Length of extension of time requested 5 years, or until _____
(Date)
10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use 1. Establishment of reclamation 2. Land
and water lease for ranches.

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MAR 18 1993

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Cyprus Thompson Creek Mining Co. CLAIM IDENT. NO. A72-00136
 DATE RECEIVED 1-12-90 ~~Box #~~ CO13965 AMOUNT \$ 710.00 20 claims

	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)	☒	☐	
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?	☒	☐	
Is the consumptive use correct?	☒	☐	
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.	☒	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	<u>Mac</u>
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated?	☒	☐	
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.)	☒	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)	☒	☐	
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	☒	☐	*
18. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
19. Was this claim filed on time, or was an extension granted?	☒	☐	*
20. Is the fee enclosed correct?	☒	☐	*
21. If this claim is based on an existing water right, has the identification number been entered?	☒	☐	
22. Should this claim be data entered?	☒	☐	

Claim checked by: CF Date: 5-22-90Claim must be returned to claimant: (Yes) ☐ (No) ☐Claimant must be notified of modifications: (Yes) ☒ (No) ☐

Receipt Prepared by: _____ Date: _____
 Claim data entered by: CF Date: _____
 Sent to claimant by: _____ Date: _____
 Checked by: _____ Date: _____

Comments: 50.00 + 110.00 = 160.00

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MAR 18 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Date: 5/29/90

SCOTT L. CAMPBELL
ELAM, BURKE, & BOYD
P.O. BOX 1539
BOISE, ID 83701

RE: CYPRUS THOMPSON CREEK
MINING CO.
C/O BERT DOUGHTY
P.O. BOX 62
CLAYTON, ID 83227

RE: Notice of Claim #A 72-00136 in the Snake River Basin
Adjudication
County of CLUSTER

Dear Claimant:

We are forwarding to you a data entered copy of the claim you filed in the Snake River Basin Adjudication.

We have interpreted the data from this claim in the process of data entry in a manner which we feel more accurately reflects the true status of this water right. The items that were modified are highlighted. Please review the enclosed claim to assure that these modifications are in agreement with this water right.

If you believe our data is incorrect, and you wish to make any changes to this Notice of Claim, initial the changes, sign the form, have your signature notarized, and return it to this office within 30 days. If you believe the modifications are correct, please retain this copy of your claim for your records.

Please feel free to contact this office if you have any questions.

Sincerely,

John D. Carlson
Adjudication Supervisor

JDC:AB, CF; HHT; FEL; RM

Enclosure:

Claim No. A72-00136

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MAR 18 1993

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	April 15, 1885
Beneficial Use	May 1, 1885
Beneficial Use	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

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MAR 18 1993



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

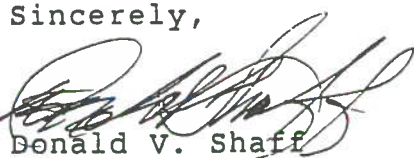
Dear Scott:

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

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MAR 18 1993

RECEIVED

DEC 30 1999

Department of Water Resources
Southern Region

MAIL



32372

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 72-00136

(Insert water right number
From the Objection Form)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Cyprus Thompson Creek Mining Company

Address: c/o Bert Doughty, PO 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, P.A.

PO Box 1539

Boise, ID 83701

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: United States of America acting through the Department of the Interior.

Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way

Boise, ID 83709-1657

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

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

11. Recommendation

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

E. VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

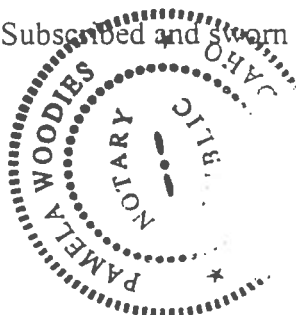
Angela D. Schaer, duly sworn, upon oath, deposes and says:
(Name of person filing response)

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

(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: September 23, 1999



Pamela Woodie

Notary Public for Idaho

Residing at: Boise, Idaho

My Commission Expires: 2/25/2004

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, 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.

F. CERTIFICATE OF MAILING

I certify that on September 23, 1999, I mailed the original and copies of this response, 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, PO Box 62
Clayton, ID 83227

3. One copy to the party who filed the objection at the following address:

Name: United States of America acting the Department of the Interior,
Bureau of Land Management, Idaho State Office
Address: 1387 South Vinnell Way
Boise, ID 83709-1657

4. 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 & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Your signature or signature of attorney
mailing on your behalf

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	THOMPSON CREEK MINING CO C/O BERT DOUGHTY PO BOX 62 CLAYTON ID 83227 (208) 838-2200	06/01/1887	IRRIGATION	04-01 10-31	2.590 CFS	
TOTAL DIVERSION:					2.590 CFS	

Water Source: SQUAW CREEK Tributary to: SALMON RIVER Stage: DECREED

Point(s) of Diversion: T11N R17E S21 NESWSE CUSTER County

Place of use Legal Description for: IRRIGATION																			
NE					NW					SW					SE				
T	R	S	NE	SE	NE	NW	SW	SE	SE	TOTAL ACRES	TOTAL ACRES	TOTAL ACRES	TOTAL ACRES						
11N	17E	21	NE	SE	NE	NW	SW	SE	SE	11	13	13	11						
11N	17E	28	NE	SE	NE	NW	SW	SE	SE	11	13	13	11						
										36.0	36.0	36.0	36.0						

POU County: CUSTER
Other Rights: NONE

Conditions of Approval:

C16 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER

- IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN BASIN 72:
- WATER RIGHT NO. SOURCE
- NONE
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN THE SNAKE RIVER BASIN:
- WATER RIGHT NO. SOURCE
- NONE
- ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES
- OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
- CONJUNCTIVELY.

Dates: Exam Made Date: Verified Date: 09/08/1999 Objection Filed Date:

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

A72-00136 — REVISED ~~DATE~~

9/8/99

1/2 Settlement asks:

2.59 cfs of 36 Ac.

= .072 cfs/Ac

I agree with flood rate as listed above;
a Gravity rate. (based on DWR policy)

Sprinkler use is still at .02 cfs/Ac.

Data Entry update ✓ 9/8/99 sa

RECEIVED

MAY 26 1999

Department of Water Resources

RECEIVED

JUN 01 1999

Department of Water Resources
Southern RegionIN 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 72-00136

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Thompson Creek Mining CompanyAddress: c/o Bert Doughty, Post Office Box 62Clayton, ID 83227Daytime Phone: (208) 838-2200

Name & Address of Attorney, if any:

Scott L. Campbell and Angela D. SchaerElam & BurkePO Box 1539Boise, 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: See Attachment A
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: _____

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 Attachment B

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 26, 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:

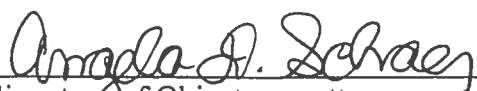
Name: Thompson Creek Mining Company
Address: c/o Bert Doughty, Post Office Box 62
Clayton, ID 83227

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 72-00136

**STANDARD FORM 1
OBJECTION
ATTACHMENT A**

The rate of diversion for this water right should be based upon the appropriate rate of diversion for flood irrigation (3.6 miners inches per acre) as opposed to the rate of diversion for sprinkler irrigation. Thus, the rate of diversion for this water right should be 2.59 c.f.s for 36 acres.

SRBA CLAIM NUMBER 72-00136

**STANDARD FORM 1
OBJECTION
ATTACHMENT B**

This water right has traditionally be exercised for flood irrigation as opposed to sprinkler irrigation. Under the Supreme Court's decision in *In re SRBA Case No. 39576 – Order Adopting Special Master's Recommendation on Summary Judgment Entered 10-16-1996 (24 Hagerman Subcases)*, 130 Idaho 736, 947 P.2d 409 (1997), the rate of diversion should not be reduced absent a showing by the Idaho Department of Water Resources that the water right has been partially forfeited.



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST SUITE 200
TWIN FALLS ID 83301
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

January 8, 1999

SCOTT CAMPBELL
ELAM & BURKE
PO BOX 1539
BOISE ID 83701

Re: Notice of Error for SRBA Claim Nos. 72-00133, -00135, -00136, -00137, 72-04159F, 72-07193, 72-07220, 72-07257, 72-07414 & 72-10488

Dear Mr. Campbell,

This letter is in response to the Notice(s) of Error (NOE) you recently filed with IDWR regarding the Director's preliminary recommendation of the claim(s) listed above.

Your NOE indicates the preliminary recommendations are incorrect but fails to point out the specific errors made in each right you addressed. Therefore, I am unable to respond to your NOE reply with any corrections or revisions due to the vague generality of the errors described on such a variety of claims.

Since it appears you are objecting to the right being recommended, your complaints may be better addressed in the Objection phase of the process. If you still disagree with IDWR's recommendations, you will have an opportunity to file an objection to the Director's Report with the court. When the Director's Report is filed with the court, you will be mailed a notice that will contain more information about the objection process.

Please feel free to contact this office or me if you have further questions or need additional assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Clelland', with a stylized flourish at the end.

STEVE CLELLAND

Sr. Water Resource Agent

November 20, 1998

**Notice of Error
Reply**

RECEIVED
DEC 21 1998
Department of Water Resources
Southern Region

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: 72-00136

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:

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 Water 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

December 18, 1998

208-384-5844

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.)

AJ0749NP
No. R72-00136

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

DATE: 11/14/98
PAGE: 1

RECEIVED BY *SW*

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	THOMPSON CREEK MINING CO C/O BERT DOUGHTY PO BOX 62 CLAYTON ID 83227 (208) 838-2200	06/01/1887	IRRIGATION	04-01 10-31	0.72 CFS	
TOTAL DIVERSION:					0.72 CFS	

Water Source: SQUAW CREEK
Tributary to: SALMON RIVER
Stage: DECREED
Point(s) of Diversion: T11N R17E S21
NWSWSE
CLUSTER County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac
11N 17E 21	: 11	: 13	: 13	: 02	: 06
11N 17E 28	: 11	: 13	: 13	: 02	: 06
TOTAL ACRES					36.0

POU County: CUSTER
Other Rights: NONE
Dates: Exam Made Date: 08/25/1993
Verified Date: 11/14/1998
Objection Filed Date:
Misc: Water District Number:
Field Inspection Flag:
Presumption Flag:

AIM NUMBER

A72-00136

DATE

10/26/98

TRANSFER NUMBER

AGENT

SEC

CLAIMED ACRE TOTAL

110

GIS ACRE TOTAL

35.9

** Recd 36.0 Ac.*

				NE				NW				SW				SE				
	TWP	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
LAIM	11N	17E	21																20	20
GIS																0.7	0.6	1.8	6.4	9.5
ECOM																0.7	0.6	1.8	6.4	9.5
LAIM			27										35							35
GIS													Ø							Ø
ECOM													Ø							
LAIM			28	25			30									Ø				55
GIS				11			13									2.4				26.4
ECOM				11			13									2.5				26.5

372-DBPOU.SHP

SHAPE NOS.

399 N. pou

400 S. pou

B72-DBPOD.SHP

NOS. DESCRIPTION

255

11/14/98
SEC

*Name change
Drop "Cyprus"
36 Ac x 0.02 = .72 c
Resumption use*

DBF TABLES UPDATED

B72-DBPOU.DBF

11/10/98
SEC

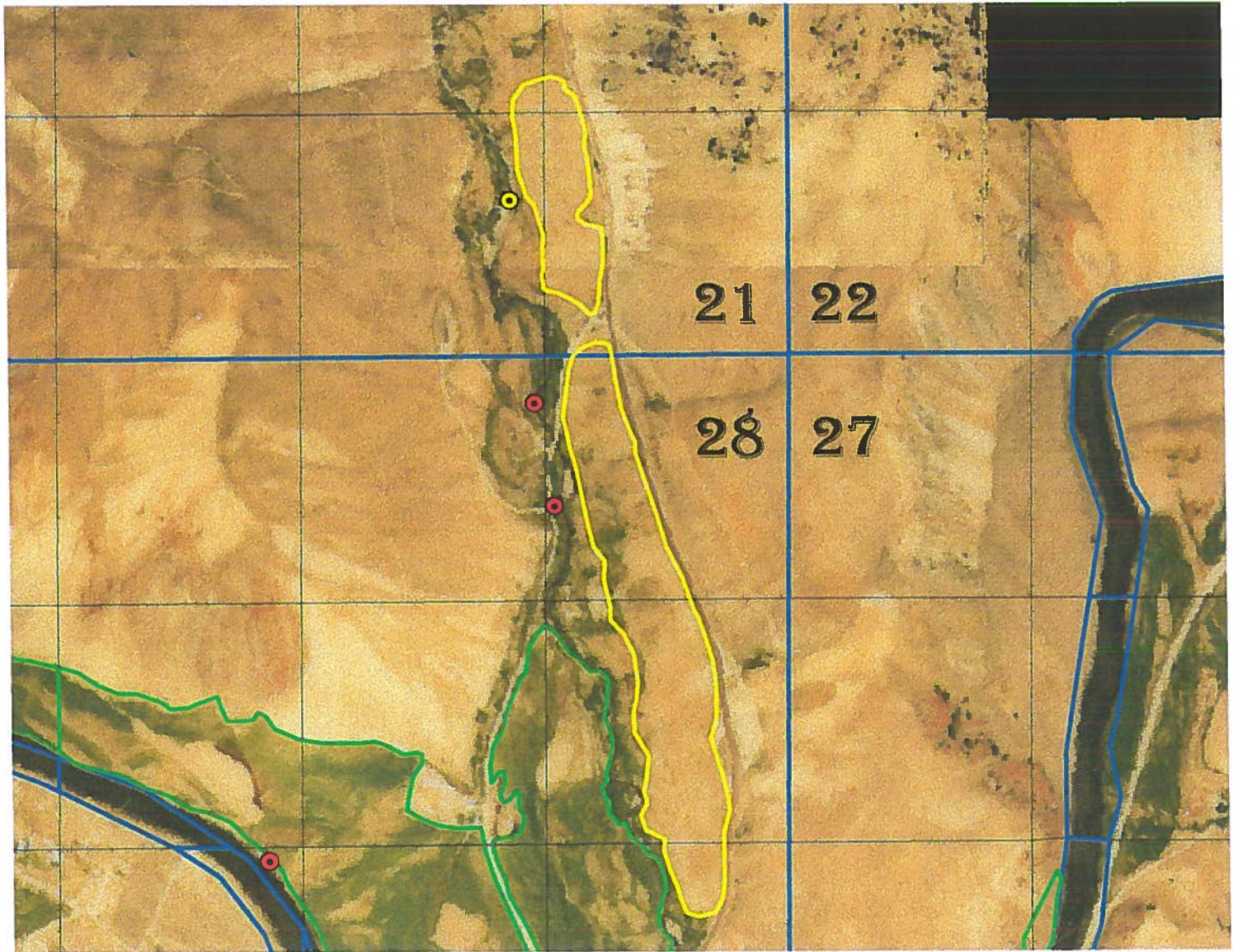
B72-DBPOD.DBF

JPEG LAYOUT

72-00136.jpg

IDAHO DEPARTMENT OF WATER RESOURCES

72-00136



660 0 660 1320 Feet

-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER-QUARTER LINES
-  STREAMS & DITCH CHANNELS

TWN: 11N
RNG: 17E
SEC: 21 & 28



GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND

DATE: OCT. 26, 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 14, 1997

David Bergey
Thompson Creek Mining Company
P.O. Box 62
Clayton, ID 83227

A 72-00136

Dear Mr. Bergey:

Pursuant to our recent telephone conversation, please find enclosed the recently submitted transfer application filed by Thompson Creek Mining Company. No filing fee was submitted with the application, so no refund has been issued.

As we discussed during our telephone conversation, the preliminary Snake River Basin Adjudication recommendations indicate that the irrigation rights are significantly smaller than the amounts initially claimed and listed on the transfer application. In addition, the irrigation rights can only be diverted from Squaw Creek during the irrigation season, approximately April 15th to October 15th. In the water right transfer process, our Department can not approve an application that proposes to increase the diversion rate or diversion volume of an existing water right. The recommended diversion rates for the water rights you are attempting to transfer total 0.93 cfs (46.5 inches).

I have discussed this matter with Mike Larkin of the Idaho Department of Fish and Game, and he indicated that the proposed pond would require a year round diversion rate from Squaw Creek that would be significantly larger than 0.93 cfs. For this, and other reasons, I suggest that an application for permit be submitted to add this new proposed use of water from Squaw Creek.

Currently, a moratorium on the processing of new applications for permit to appropriate surface water sources in the Salmon River Basin is in place. However, this moratorium was issued in the public interest to control the appropriation of water from the Salmon River and its tributaries to reduce the resulting effects on salmon and steelhead. In addition, our Department can process applications that propose non-consumptive water uses. Since the proposed fish rearing pond is relatively small (Mr. Larkin said a surface area of approximately $\frac{1}{2}$ acre), and the proposed use is to assist in the restoration of steelhead in the Salmon River, I suspect our Department can process an application for a new water right permit in this particular situation.

April 14, 1997

PAGE 2

I have enclosed an application for a water right permit and the corresponding instructions for completing the application. In addition, I have included two lists of additional information that is required, by IDAHO CODE, to be submitted along with applications proposing fish propagation uses. One list is for a proposed diversion of more than 5.0 cfs, and the other list is for a proposed diversion of 5.0 cfs or less. The information on only one of these lists needs to be submitted, depending on the diversion amount applied for.

Hopefully, this information will prove to be useful to you and the Idaho Department of Fish and Game and will assist in your efforts to develop the steelhead rearing pond along Squaw Creek. If you have any questions, or if I can be of any assistance, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Corey Skinner".

Corey Skinner, EIT
Dam Safety Section

Enclosures

cc: Mike Larkin w/o enclosures

Mr. David Shaw
December 28, 1993
Page Two

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

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NOV 01 1994



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)

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JAN 19 1994
NOV 01 1994
Department of Water Resources
Southern Region Office

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

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION ATTORNEY NAME ADD/UPDATE

AJ5514NP

INPUT: AJ_SELECTION:SHAFF-CAMPBELL.SEL

TYPE OF ACTION: MODIFY
MODIFY ALL FIELDS FLAG: N

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

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

STATE: ID ZIP: 837011539

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
A72-00111 SUCCESSFULLY CHANGED ON HOST
A72-00133 SUCCESSFULLY CHANGED ON HOST
A72-00135 SUCCESSFULLY CHANGED ON HOST
A72-00136 SUCCESSFULLY CHANGED ON HOST
A72-00137 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
R72-00048 SUCCESSFULLY CHANGED ON HOST
R72-00051B SUCCESSFULLY CHANGED ON HOST
R72-00051L SUCCESSFULLY CHANGED ON HOST
R72-00051N SUCCESSFULLY CHANGED ON HOST
R72-00110 SUCCESSFULLY CHANGED ON HOST
R72-00111 SUCCESSFULLY CHANGED ON HOST
R72-00133 SUCCESSFULLY CHANGED ON HOST
R72-00135 SUCCESSFULLY CHANGED ON HOST
R72-00136 SUCCESSFULLY CHANGED ON HOST
R72-00137 SUCCESSFULLY CHANGED ON HOST
R72-04055C SUCCESSFULLY CHANGED ON HOST
R72-04080H SUCCESSFULLY CHANGED ON HOST
R72-07193 SUCCESSFULLY CHANGED ON HOST
R72-07219 SUCCESSFULLY CHANGED ON HOST
R72-07220 SUCCESSFULLY CHANGED ON HOST
R72-07257 SUCCESSFULLY CHANGED ON HOST
R72-07414 SUCCESSFULLY CHANGED ON HOST
R72-10488 SUCCESSFULLY CHANGED ON HOST

RECEIVED
JAN 19 1994
Department of Water Resources
Boise, Idaho

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NOV 01 1994

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
U.S. DEPARTMENT OF
ECONOMIC DEVELOPMENT

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 83706

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.

MICROFILMED
NOV 01 1994

CUSTER County

23

TOTAL ACRES

Audit: 01/10/94 CLELLAND

MICROFILMED
NOV 01 1994

A72-00136
Recommended
As of
1-10-94

R 17 E

T
I
N

DT. & ID. 7-24-74

MICROFILMED

NOV 01 1994

A72-00136

SCALE 12

POOR ORIGINAL

SQUAW
CREEK

Pump
POD

Pou

MICROFILMED
NOV 01 1994

MICROFILMED
NOV 01 1994

CLAIM A72-00136 INIT SW
T. R. S. Q/Q
P/D
PHOTO Q/M Anna 5-48-5
DT. & ID. 473 2-1-88

PAGE: 1
GENERAL INFORMATION

DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A72-00136

05/30/92

~~LAST: PERKINS~~ FIRST: JOHN
~~ADDRESS:~~ STATE: ID ZIP: 0
~~CITY:~~
~~PHONE NUMBER: 208-000-0000~~
~~OWNER CODE: 0~~

LAST: CYPRUS THOMPSON CREEK MINING CO. FIRST:
ADDRESS: C/O BERT DOUGSHY
P.O. BOX 62
CITY: CLAYTON STATE: ID ZIP: 83227
PHONE NUMBER: 208-838-2200
OWNER CODE: C

LAST: CAMPBELL FIRST: SCOTT L
ADDRESS: DAVIS WRIGHT TREMAINE
702 W IDAHO ST STE 700
CITY: KOISE STATE: ID ZIP: 83702
PHONE NUMBER: 208-338-8200

OWNER CODE: A
FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS? DATABASE FIELD EXAMINER
Y

CLAIM REMARKS: ITEM 5
PUMP STATIONS ON SQUAW CREEK AND DALMON RIVER RESPECTIVELY.
PUMPS TO SPRINKLER SYSTEMS.

MICROFILMED
NOV 01 1994

CONTACT PERSON: _____

PHONE NUMBER: (____) _____

DATE OF FIELD EXAM: 8/25/93

APPOINTMENT MADE: Y (X) N (____)

TIME: _____ A (____) P (____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) _____

RELATIONSHIP TO CLAIMANT: _____

Dave Briggs & Gregg Hudson

DIRECTIONS TO PROPERTY / REMARKS: _____

NOV 11 1993
WILSONVILLE

A. AJ CLAIM: # A72-00136

PRIORITY DATE: 06-01-1987

STAGE: D

B. WR RECORD: # 72-00136

PRIORITY DATE: 06-01-1987

STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE

FIELD EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(☒)

IF YES EXPLAIN.

REMARKS:

per Drive

RECOMMENDED PRIORITY DATE:

06-01-1987

REVIEWED BY

su

DATE

1-10-94

MICROFILMED
NOV 01 1994

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A72-00136	11N	17E	21		SW	SE		CUSTER
A72-00136	11N	17E	27		NE	SW		CUSTER

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

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: SQUAW CREEK

TRIB: SALMON RIVER

B. WR POINT OF DIVERSION AND SOURCE:

000136 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: SQUAW CREEK

TRIB: SALMON RIVER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY?	(Y/N)	DATABASE	FIELD EXAMINER
DUE TO SOURCE DISCREPANCY?	(Y/N)	Y	Y

REMARKS:

Confirmed by field exam, 473 000, Blm aerial & govt lot map.

Two PODs claimed only one is from the source claimed. Other is from Salmon River and has been used under A72-00135.

This right is now pumped from Squaw Creek at point in Section 21 as claimed.
(see A72-00135 for other River notes)

See 1-10-94

RECEIVED
NOV 10 1994

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:	1/4	1/4	1/4	LOT	COUNTY
TWP. RGE. SEC.	1/4	1/4	1/4		
11N 17E 21	NE	SW	SE		37
SOURCE: SQUAW CREEK	TRIB: SALMON RIVER				
REVIEWED BY: <i>Sw</i>	DATE: 1-18-94				

MICROFILMED
NOV 0 1 1994

677-00136

RECOMH.
ACRES

50

[illegible]

46-00

FOOD COUNTY: JUSTER

None

None

(see notes in 472-00135) Sprinkler Mainline is not tied to Mainline for lower portions fields under 2nd pump in Salinas R. Confirmed loss w/ QP 473, BLM aerial 5448-5, 473, dated 7-1-88; and field team.

355

5

1-10-94

A. AJ CLAIMED USES:

PURPOSES
A72-00136 IRRIGATIONMONTH/DAY
FROM 04-01 TO 11-01

4-15 to 10-15

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
3.200 CFS
3.200 CFS

B. WR RECORDED USES:

PURPOSES
72-00136 IRRIGATIONMONTH/DAY
FROM TO

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
3.200 CFS
3.200 CFS

MICROFILMED

NOV 01 1994

ASSUMPTION FLAG:

C

C. FIELD EXAM REQUIRED?

	FIELD EXAM REQUIRED?	DATABASE EXAMINER
DUE TO WATER-USE DISCREPANCY?	(Y/N)	N
DUE TO DIVERSION RATE DISCREPANCY?	(Y/N)	N
DUE TO PERIOD FROM/TO DISCREPANCY?	(Y/N)	Y

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N(X)

Explain in remarks, below.

REMARKS:

STD Sweden

Y (☒) N (☐)

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

AJ TOTAL CLAIMED DIVERSION RATE: 3.200 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 3.200 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD DATABASE EXAMINER
Y yes

FLOW MEASUREMENT

MEASUREMENT METHOD

thrust. Calc.

, SEE ATTACHED CALCULATIONS.

pumpout capacity =

1.24 cfs

C. ARE OTHER WATER RIGHTS USED? Y (☐) N (☒) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A72-00136	SQUAW CREEK	CYPRUS THOMPSON CREEK MINING C	3.200	0.029		
A72-00134	SQUAW CREEK	HERRICK, KATHRYN S.	6.000	0.042		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

NOV 11 1994
MICROFILMED

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 35.5 $\times$ 0.02 CFS/ACRE = 0.71 CFS
(taken from p/v review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(X) N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N(X) ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 250.0 AF/A

ACRES 35.5 $\times$ CONSUMPTIVE VOL. AF/A FOR AREA 2.5 =

TOTAL CONSUMPTIVE USE 88.75 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 35.5 $\times$ DIVERSION VOL. AF/A FOR AREA 2.5 =

TOTAL DIVERSION VOLUME 88.75 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

1b. CALCULATIONS

*Assumption of the is based on
spinners used ~
allow 11' per acre.*

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RECOMMENDATIONS:

REC.
PURPOSES

REC. PERIOD
FROM TO

REC. DIV
RATE CFS

REC. DIV
VOL. AF/A

REC. CONS.
USE

IRRIGATION

15
04-01 10.15
11-01

DATABASE EXAMINER
0.71

DATABASE EXAMINER
n/a

DATABASE EXAMINER
88.8

TOTAL FOR THIS RIGHT

2.200

REVIEWED BY:

DATE 1-10-94

sw

RECEIVED

NOV 11 1994

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FOREST/AFANTON
ADDITIONAL DIV. AMOUNT

ACCEPTED
AS CLAIMED
NEEDS
REVIEW

(X)
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-00136

TOTAL DIVERSION RATE OF WR SPLITS
3.200

EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERS
CURRENT
CLAIM NUMBERS
DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

A72-00136

3.200

-

72-00136

3.200

TOTAL CFS

3.200

3.200

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

FIELD
EXAMINER
DATABASE
Y

REMARKS:

None.

AUTHENTICATION:
SIGNATURE: *John Doe*

DATE: 1-10-94

NAME OF FIELD EXAMINER:

TITLE:

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WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE
PRIORITY DATE								
POINT OF DIV	Y		8-25-93 sw	N		sw 1-10-94	sw 1-10-94	NOV 1994
SOURCE	Y			Y	1456			
PURPOSE OF USE	Y			N	1456			
DIV. AMOUNT CFS/VOLUME				Y	6.			
CONSUMPTIVE USE				Y	6.			
PURPOSES				N	6.			
PERIOD OF USE	Y			Y	6.570			
BASIS OF CLAIM	Y			N	6.			
REMARKS				Y				

VERIFIED BY CODES

TOPO MAP/ORTHO-PQ = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE REMARKS) = 6

11-16-92
sw

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
INDICATED ARE ALL CODES WHICH APPLY.

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CLAIM NUMBER: A72-00136

II YVERKST
VOLUHE

$\frac{1}{2}$	$\frac{1}{3}$	$\frac{1}{4}$	$\frac{1}{5}$	$\frac{1}{6}$
---------------	---------------	---------------	---------------	---------------

55

Stage: INCREED

~~CUSTER County~~

11

11

Verified Date: 12/09/1985

Field Inspection Flag: Presumption Flag:

1-12-94
Su

POOR ORIGINAL

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A72-00135

A72-00136

RE: RESUMPTION OF WATER RIGHT AFTER EXTENSION.

DATE 1-3-94

NAME OF PARTY

Nick Spencer - Attorney IDWR

Nick returned my call to inform me that case law has shown a change in POD does not lead to forfeiture but a Transfer is required ASAP. He suggested the record list the gravity POD until the transfer is filed.

I questioned the validity of the Ages and flows now being used as opposed to the historical uses. They have resumed the uses which has not been forfeited. All other uses were forfeited by failure to resume after the extension expired in 1992.

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POOR ORIGINAL

A72-00135

A72-00136

16

R17E

T
11
N

20

46.5 Acres

IRRIGATED

not an irrigated parcel, though diversion is possible.

21

Pump
POD

POD
GRAND DITCH

2.5

3

5

ROADS

ROADS

C. 1990

To
PRESENT

(25 ACRES
LESS
NON-IRRIGATED)

VERIFIED By Exam
8-25-93

SPRINKLER
SYSTEM

ALL POD IS
SPRINKLED.

CHANGE IN SOURCE
CHANGE IN POD

SALMON RIVER

28

27

Pump
POD

MICROFILMED

NOV 01 1994

CLAIM 172

T. R. S. Q/Q

P/D

PHOTO

DT SID

POOR ORIGINAL

16

R17E

20

21

T
11
N

Before
1987

72-00136
POD

72-00135
POD

71.5 Acres

IRRIGATED

GRAVITY FLOOD System

28

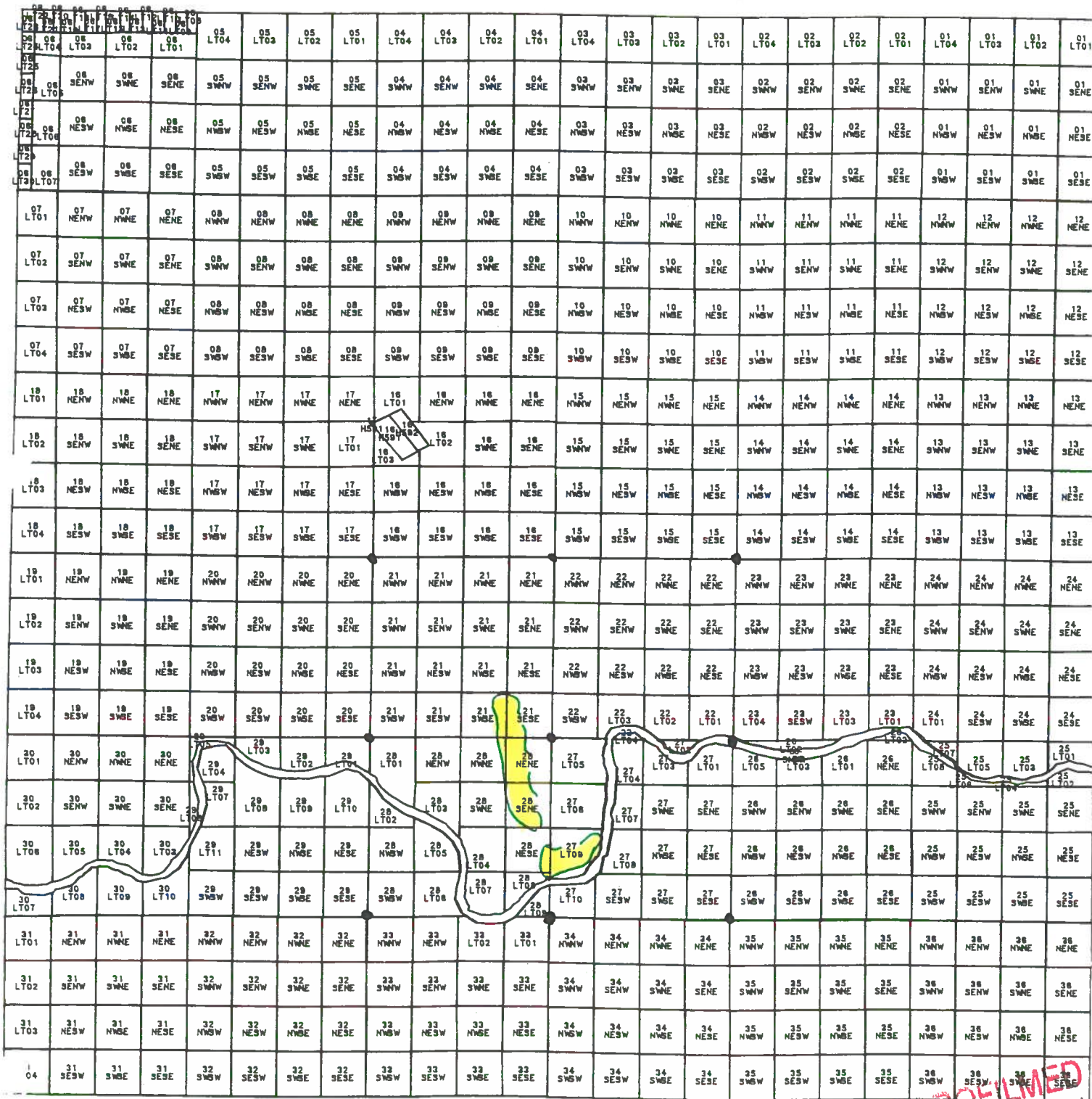
27

PODS & POD
PRIOR TO ADJUD.
COMMENCEMENT

CLAIM 72-00136
72-00135 INIT
T. R. S. Q/Q
P/D
P/CO U73
DT 724-74

MICROFILMED
NOV 01 1994

1 1 N 1 7 E



A72-00136

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: A72-00136
DATE: 1-10-94
BY: SW

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (\text{H.P.}) \times (\text{EFF.})}{\text{TDH}}$

Q = CFS
H.P. = Total Brake Horsepower of pumping plant (including booster)
EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)
TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]
LIFT = depth to water in FEET from land surface to pumping water level
PSI = pumping pressure measured in psi near pump (if open discharge assume zero [0])

$$Q = \frac{(8.8) (30) (0.70)}{[(10) + (60 \times 2.31)]} = \frac{184.80}{148.60} = 1.24 \text{ cfs}$$

LIFT FROM: measurement ()
owner ()
area estimate (X)
well logs ()
PSI FROM: measurement ()
owner ()
estimate (X)
owner gage ()

NOTES ON PUMP: Frame A286JP 1755RF
Motor Make, Serial or ID
30HP US MOTOR ID# E690/T01533/120
Pump Make, Serial or ID, rating
B35PBM
21C900

Booster (Y) (N)
REMARKS By EXAM 8-25-93

ANNUAL VOLUME ANALYSIS

POTENTIAL Acre Feet/Acre/Annum = $\frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$

(season)	(days)	CV-DV	POTENTIAL =
5/01-09/30	153	2-3	(.....) X (1.98) X (.....)
4/15-10/15	184	2.5-3.5	
4/01-10/31	214	3-4	
3/01-11/30	275	VARIES	(.....)
3/15-11/15	246	VARIES	

POTENTIAL = _____

REQUIRED Acre Feet/Acre/Annum = _____
(AF/Ann/Ac irrigation requirement from chart for area)

NOTE that this is NOT Consumptive use

IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY ()

IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()

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NOV 01 1994



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

RECEIVED

JAN 14 1993

Department of Water Resources
Southern Region Office

January 12, 1993

Bert Doughty
Cyprus Thompson Creek
PO Box 62
Clayton, ID 83227

RESUMPTION OF WATER ACKNOWLEDGEMENT

Re: Permit Nos. 72-0133, 72-0135, 72-0136, and 72-0137

Dear Permit Holder:

The Department acknowledges receipt of your statement of resumption of beneficial use submitted in connection with the above referenced licenses.

Pursuant to Section 42-222.2, Idaho Code, only one five (5) year extension of time to avoid forfeiture can be granted. It is, therefore, essential that you continue to use the water associated with this license. The Department cannot grant you another extension.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Regional Office

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NOV 01 1994

RECEIVED

JAN 12 1993

Department of Water Resources

Cyprus Thompson Creek

Post Office Box 62
Clayton, Idaho 83227
Telephone (208) 838-2200

January 6, 1993

Glen Saxton
Department of Water Resources
Water Allocation Bureau
Statehouse Mail
Boise, ID 83720

Re: Resumption of Use of Water

Dear ~~Mr. Saxton:~~ *Glen*

This letter is to inform the Department that Cyprus Thompson Creek has resumed the use of water for Water Right Nos. 72-0133, 72-0135, 72-0136, and 72-0137. Water was used during the 1992 season for irrigation of agriculture ground.

Sprinkler systems have been set up for Water Right Nos. 72-0136 and 72-0135. The points of diversions for these two water rights were changed but the changes were reflected in the adjudication forms. The remaining two rights are still flood irrigation, with the points of diversion remaining the same.

Our water right expert has informed us that the resumption date for the use of the water is April 1, 1993. He also stated that we were to fill out a required form reporting the resumption of use and submit it to the Department. If this letter does not suffice for the notification, could you please forward me the correct Department form.

If you need any further information, please don't hesitate to contact me. Thank you for your action on this matter.

Sincerely,



Bert Doughty
Supervisor, Environmental Affairs

PAD/cc

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NOV 01 1994

CYPRUS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Application for Extension of Time to Avoid Forfeiture
of a Water Right

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee of \$30.00 if the application involves 0.2 cfs or 20 acre feet or \$50.00 if in excess of these amounts.

1. Name of water right holder Cyprus Thompson Creek Mining Company
Post office address P. O. Box 62, Clayton Idaho 83227
2. The right was obtained or is evidenced by:
 - a. Decree to Pedrin, John in Case of McClure, et al
(Name)
vs. Campbell, et al, Dated May 8, 1987 in District
(Name of Court)
Court, County of Custer. Fully describe decree Sets the
water rights for lower Squaw Creek
 - b. License No. _____ issued by the Department of Water Resources.
 - c. Claim No. _____ on file with the Department of Water Resources.
3. Source of water _____ tributary to _____
(Name of stream or source)
4. Date of priority of right April 1, 1882
5. Amount of water a. 160 inches c.f.s. and/or 3.2 cfs
b. _____ acre feet/annum
6. Water is used for Irrigation from 5-1 to 9-30
from _____ to _____
from _____ to _____
(Purpose) (Month-Day) (Month-Day)
7. Location of point of diversion is Lot 9 1/4 of Section 27
Township 11N, Range 17E, B.M., in Custer County;
Additional points of diversion, if any E4, NE4 Sec 28, T 11N, R17E
8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				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	
11N	17E	27									Lot 9 X								
11N	17E	28	X			X													

Total number of acres irrigated 141.13

72-0136

POOR ORIGINAL

...ate when water ... pplied to beneficial use 1982
...length of extension 5 time requested 5 years, or 11 (Date)

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use 1. Establishment of reclamation 2. Land and water lease for ranches.

I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

Patricia H. Hite for C. Hite
(Signature of Applicant)

Subscribed and sworn to before me this 30th day of April, 19 87.

Barbara A. Metz
(Notary Public)

My commission expires Nov. 20, 1992

Residing at Custer County

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE said application subject to the following conditions or reasons.

Use of water under this right shall resume on or before April 1, 1993.

Witness my hand this 27th day of August, 19 87.

J. New Saxon
Chief, Operations Bureau

For Department Use Only

Received by M. Baldwin Date 6/1/87 Time 4 pm Preliminary check by AD
Fee \$ 50.00 Receipted by M. Baldwin Date 6/5/87 Publication prepared by Challis Messenger
Published in Challis Messenger Dates 7/1 & 7/23/87
Publication approved by M. Baldwin Date 8/3/87 Protests filed by: None

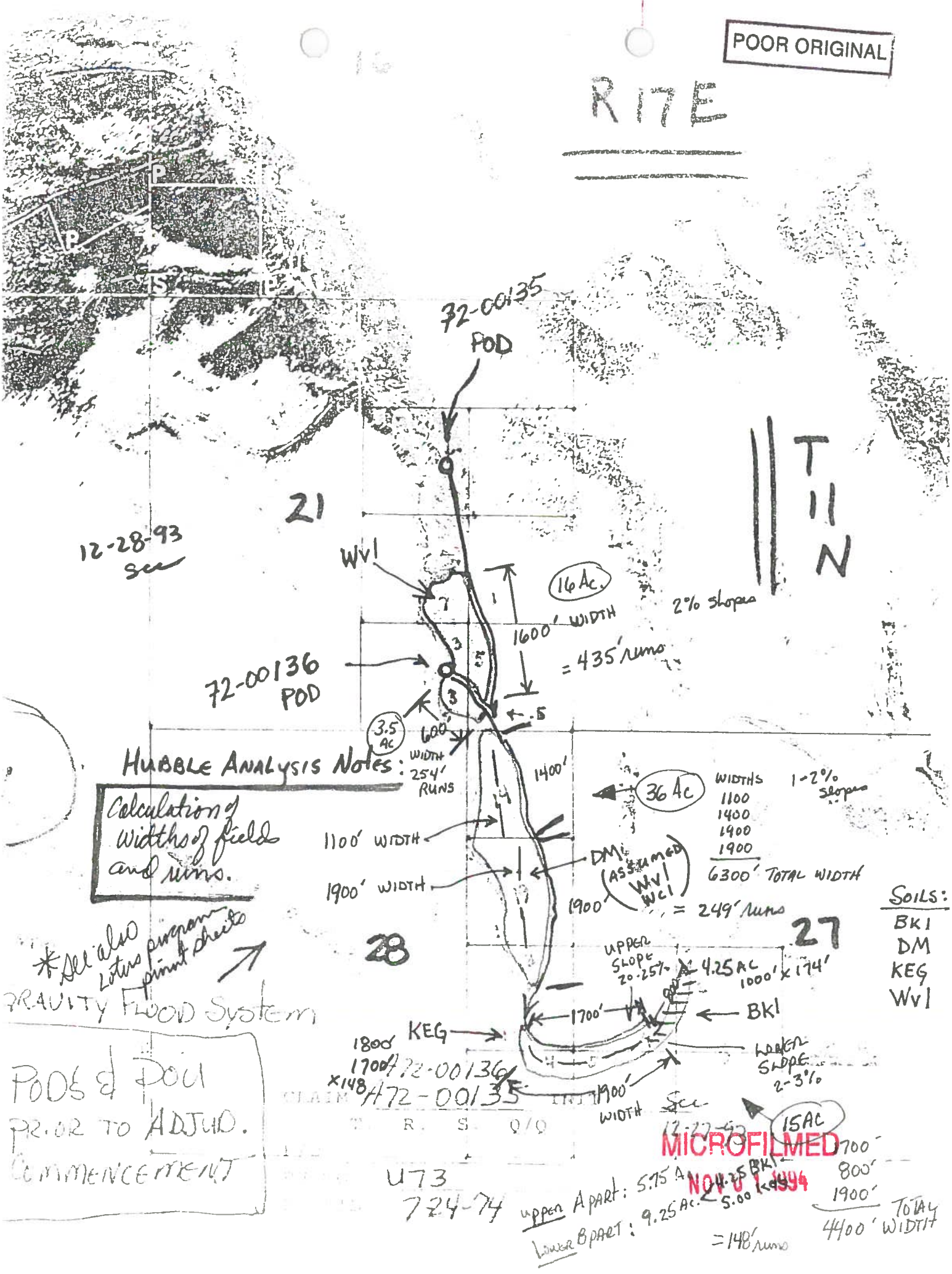
Copies of protests forwarded by Hearing held by Date
Recommended for // Approval // Denial by Adm

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NOV 11 1994

POOR ORIGINAL

R 17 E



HUBBLE ANALYSIS Review

POOR ORIGINAL

sum
12-28-93

intake family Review of Soils

2.0	2.5	RATES PER ACRE	SOILS
36 Ac - 2.19	2.62	0.0727 cfs/Ac.	
16 Ac - 0.97	1.16	* A72-00135 ONLY 0.0725 cfs/Ac.	WV/
3.5 Ac - 0.22	0.26	0.0743 cfs/Ac.	DM = mining Dump of fill soil, classifi is unknown. assumed WV/-Wc/ with Sandy soil added from Min Tailings & core Dnt (from Cyprus Thomson)
Upper. 5.75 - 0.37	0.44	0.0765 cfs/Ac.	
Lower. 5.00 - 0.32	0.38	0.0760 cfs/Ac.	KEG
East. 4.25 - 0.22	0.27	0.0518 cfs/Ac.	BK1
4.29	5.13		
CFS TOTAL = 5.08			
	12-28-93		
	Sec		
	$\bar{x}$ cfs/Ac = 0.0710		
			Recommended flow: 5.08 TOTAL cfs ON 71.5 Ac - 1.16 cfs on 16 Ac A72-00135 0 3.92 cfs on 55.5

after reviewing the soil properties for the above soils and the guidelines described by the Hubble Report for identifying intake families, these numbers circled above best represent the conditions found at this POU as listed in.

A72-00135
A72-00136

* MICROFILMED
Lotus & Borden
NOV 8 1 1994
primaries of all field
filed in A72-00135

241-
42^{XXHX}
Soils map

POOR ORIGINAL

SOILS MAP REVIEW FOR
HUBBLE ANALYSIS.

A72-00135
A72-00136

RTC

15

XHX 20

VSF

21
MBF

KPF 22

KPF

XHS

DAF

Bk I

ВКП

29 Bkl

CNB

VSE

CNB

PF

XHS

28

KEG

B+1

BK1

KED

FBI

BKI

NDL

MAILED
NOV 8 1954

Field Notes by SCC
8-25-93

w/ GREGG HURLESS - MGR C-T mine
DAVE BRGGY - CONSULTANT

Cyprus Field Exam 8-25-93

Pop - 137

- has capacity for 2+ cfs

-136

transfer filed at the same time as AS filing
moved pop to Salmon R.
from Square Creek
Δ source?

(placed pumps in 1990)

US Motor

30 HP

Frame A286JP

ID#

E690/T01533/R033F

1755 RPM

Pump

B3JPBM

2/C900

2nd Pump:

Hit by lightning, in for Repair

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POOR ORIGINAL

Cyrus-Thompson
NOV 01 1994
MICROFILMED
@ Squaw Creek



Salmon River →

Sprinklers on pon.



↑ Pump in river.

5-25-93

Photo: R12-6
by SEC

POOR ORIGINAL

CYPRUS THOMPSON Co.
A72-00136



upper pump Pod @ SQUAW CREEK.

8-25-93

PHOTOS: R72-33
See

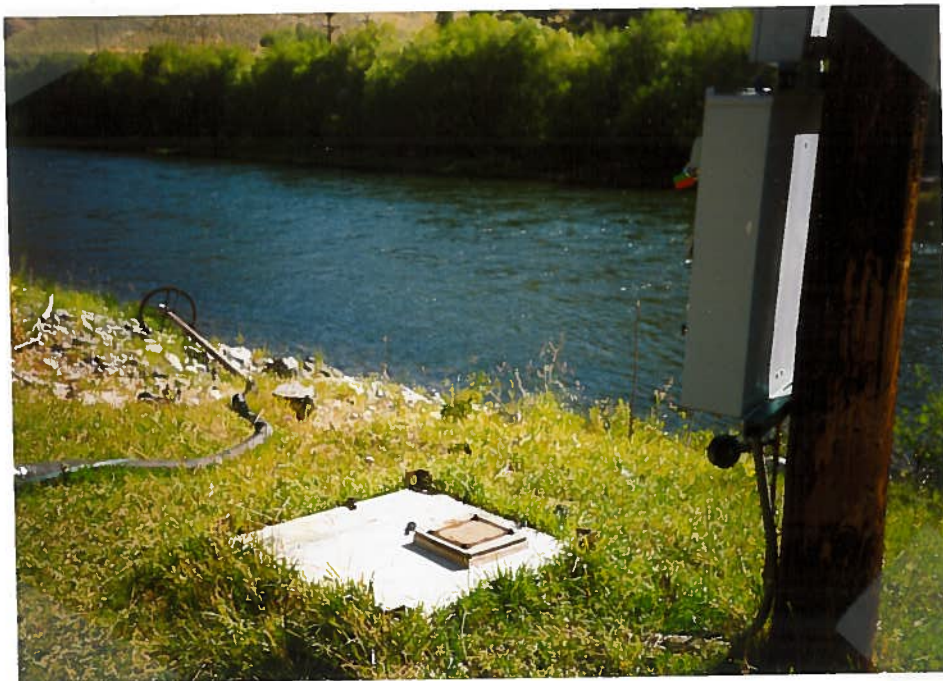


OLD DIVERSION / IRRIGATION system
via Ditches to POU.
Replaced By SPRINKLERS.

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72-00136

POOR ORIGINAL



Cyprus-TH.
A72-00136

Pump Site From SALMON RIVER.

(Pump WAS STRUCK BY LIGHTENING & in For REPAIR)

Photo:
R72-39/
by SEC

8-25-93



POU FROM ABOVE PUMP SITE.
ALL BY SPRINKLER.

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Water Right Number - 72-00136

Prefix Translation: WATER RIGHT

Old (D) Number -

Last Name - + First Name - + Address - +
*** C - CURRENT OWNER ***
PEDRINI JOHN
1 -
2 -
3 -
City- State- Zip-
Phone -

Priority Date - + Region - + Stage - + Status - +
06/01/1887 17 SOUTHERN D - DECREED

Source - + Tributary - +
SQUAM CREEK SALMON RIVER

Twn Rng Sec Tract lot Rflg County Point of Diversion - Stream Index (Blank if no Index Code)

Code Description Period from Period To Water Use Diversion Rate Diversion Volume

01 - IRRIGATION

3.200

Total Div. Rate - + Total Div. Volume - + Total Div. Capacity - +
3.200

Twn	Rng	Sec	Tract	lot	Acres	Place of Use	Code	Description	County
11N	17E	27	NE SW	9		01	IRRIGATION		37 CUSTER
11N	17E	27	NW SW			01	IRRIGATION		37 CUSTER
11N	17E	28	NE NE			01	IRRIGATION		37 CUSTER
11N	17E	28	SE NE			01	IRRIGATION		37 CUSTER

- - - Diversion Means -

- - - Non-Irrigation Use -

- - - Other Rights for Same Use -

Remarks -
DESCRIBED AC. IRR. = 121.5. DECREE INCORRECTLY DESCRIBED P/U AS
141.13 ACRES.

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

- - - Conditions of Approval -
No Conditions of Approval found.

- - - Decree Plaintiff - + Decree Defendant - + Decree Date - +
WILLIAM MC CLURE, ET. AL. ROBERT CAMPBELL. 05/08/1917

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WATER RIGHT

- - Comments - -
No Comments Found

+ - Audit Fields - 02/11/86 05/28/88 CONVERT

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

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	-
Exam to S.O. Date	- 00/00/0000	Verified Date	- 12/09/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 05/08/1917	Presumption Flag	-		

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