

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: **A72-04159F**
Date Received: 1/12/1990
Receipt No: C041798
Received By: SW

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

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

2. Date of Priority: MAY 24, 1888

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	16E	25		SE	NE		CUSTER

5. Description of diverting works:
ROCK CHECK DAM DELIVERING TO EARTHEN DITCHES, PUMP, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.140		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	16E	25	NE	SE		IRR	3.0
			SE	SE		IRR	4.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	7.0
					Total Acres	7.0

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:
WATER BEING CLAIMED TO REFLECT HISTORICAL USAGE FROM 72-04159.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
Print Name

acting as attorney at law on behalf of the claimant signing above, and that
all notices required by law to be mailed by the director to the claimant
signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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 72-04159A / F

Date Received 3/20/98

Receipt Number 0041798

APR 02 1998

Department of Water Resources
Southern Region

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED

MAR 20 1998

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Thompson Creek Mining Company Phone (208) 838-2200

Mailing Address c/o Bert Doughty, PO Box 62, Clayton, ID Zip 83227

2. Date of Priority (Only one (1) per claim) May 24, 1888

3. Source of water supply (a) Thompson Creek
which is tributary to (b) Salmon River4. a. Location of existing point of diversion is: Township 11N Range 16E Section 25,
1/4 of SE 1/4 of NE 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. Rock check dam delivering to eathern
ditches, supplying a booster pump, which delivers to aluminum pr sprinkler pipe.

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 0.14 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.14 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 21.0 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	
11N	17E	25													3			4	7

Total number of acres irrigated 7

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.

or None (x)

14. Remarks: Water being claimed to reflect historical usage from 72-04159.

Last Name Thompson Creek Mining Ident No. 72-04159A
Company

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use XX Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 72-04159
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 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 Kent Watson, General Manager
Title
of Thompson Creek Mining Company, that I have signed the foregoing
Organization
document in the space below as General Manager of Thompson Creek Mining Company
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Kent S. Watson
Title and Organization General Manager, Thompson Creek Mining Co. Date _____

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

Subscribed and sworn (or affirmed) before me this 13th day of March 19 98

SEAL

Notary Public Leann Hapkins
Residing at Challis, Id. 83226
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
Elam & Burke
Address PO Box 1539, Boise, ID 83701

Date 3/19/98

Last Name Thompson Creek Mining Company Ident. Number 72-04159A

Copies White-State, Yellow-Claimant



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', written over a horizontal line.

STEVE CLELLAND

Sr. Water Resource Agent

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: 72-04159F

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 Natural 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. R72-04159F

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

DATE: 12/02/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	THOMPSON CREEK MINING COMPANY C/O BERT DOUGHTY PO BOX 62 CLAYTON ID 83227 (2D8) 838-2200	06/18/1888	IRRIGATION	04-01 10-31	0.03 CFS	
TOTAL DIVERSION:					0.03 CFS	

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

Water Source: THOMPSON CREEK Tributary to: SALMON RIVER Stage: BENEFICIAL USE

Point(s) of Diversion: T11N R16E S25 NESENE CUSTER County

Place of use Legal Description for: IRRIGATION

NE	NW	SW	SE	SUM
T R S : Lt Ac Lt Ac Lt Ac	NE NW : Lt Ac Lt Ac Lt Ac	NE SW : Lt Ac Lt Ac Lt Ac	NE SE : Lt Ac Lt Ac Lt Ac	SUM
11N 16E 25 :	:	:	:	1.1
TOTAL ACRES				1.1

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: 07/08/1998 Verified Date: 12/02/1998 Objection Filed Date:

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

VERIFIED BY

CLAIM NUMBER

A72-04159F

DATE

11/17/98

TRANSFER NUMBER

AGENT

see

CLAIMED ACRE TOTAL

7

GIS ACRE TOTAL

1.1

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	11N	16E	25													3		4	7
GIS																1.1		0	1.1
RECOM																1.1			1.1
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B72-DBPOU.SHP

SHAPE NOS.

468

12/2/98
see

B72-DBPOD.SHP

NOS. DESCRIPTION

259 Thompson Creek (S.25 NESENE)

proof of priority:
6-18-1888(see proof in 72-4159D
and complete Right
analysis.)(late claim - No CVR
printed out)

DBF TABLES UPDATED

B72-DBPOU.DBF

B72-DBPOD.DBF

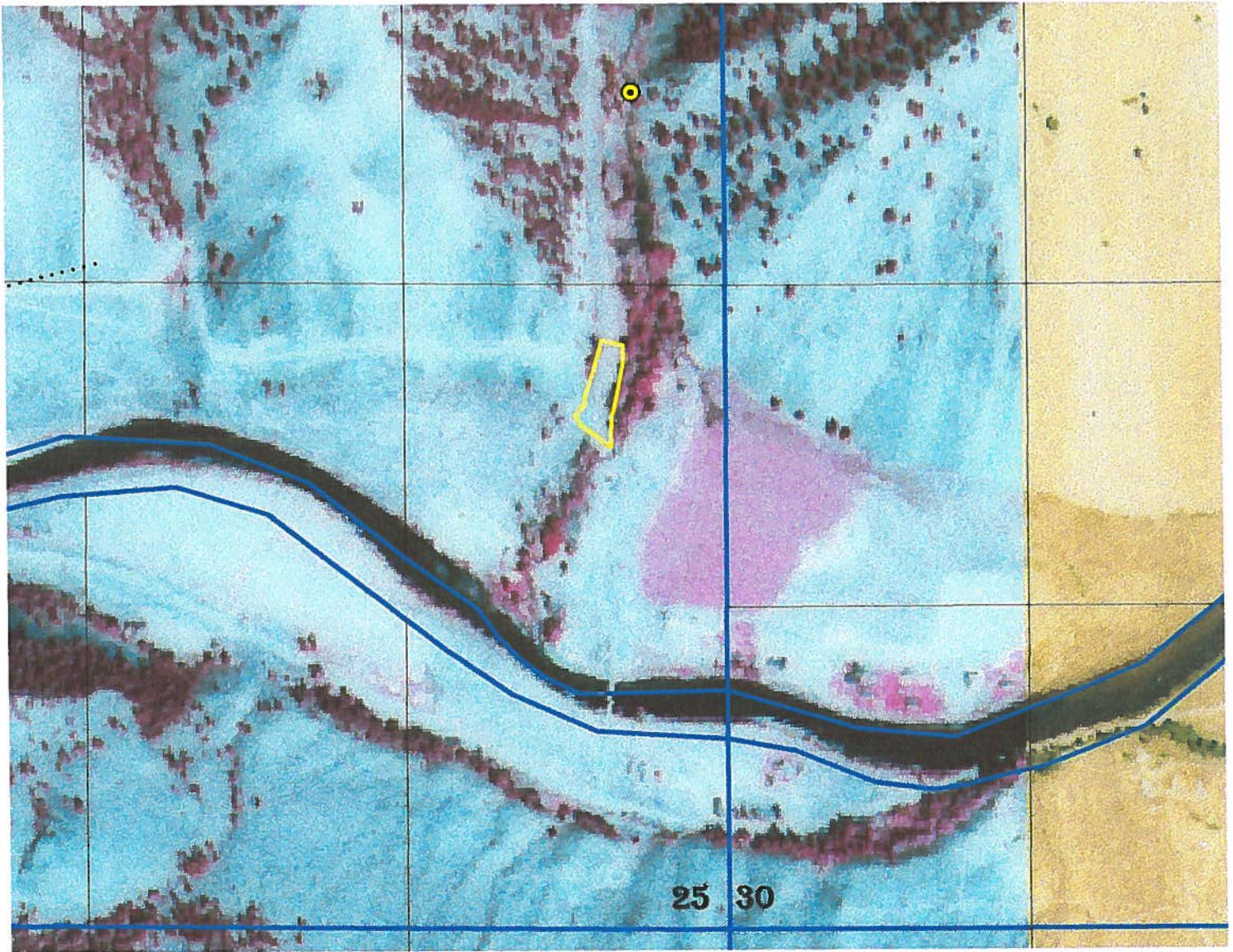
JPEG LAYOUT

72-04159F.jpg

✓ 12/2/98
see

IDAHO DEPARTMENT OF WATER RESOURCES

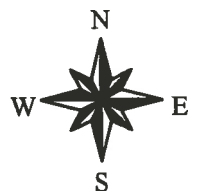
72-04159F



660 0 660 1320 Feet

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

TWN: 11N
RNG: 16E
SEC: 25
NESE

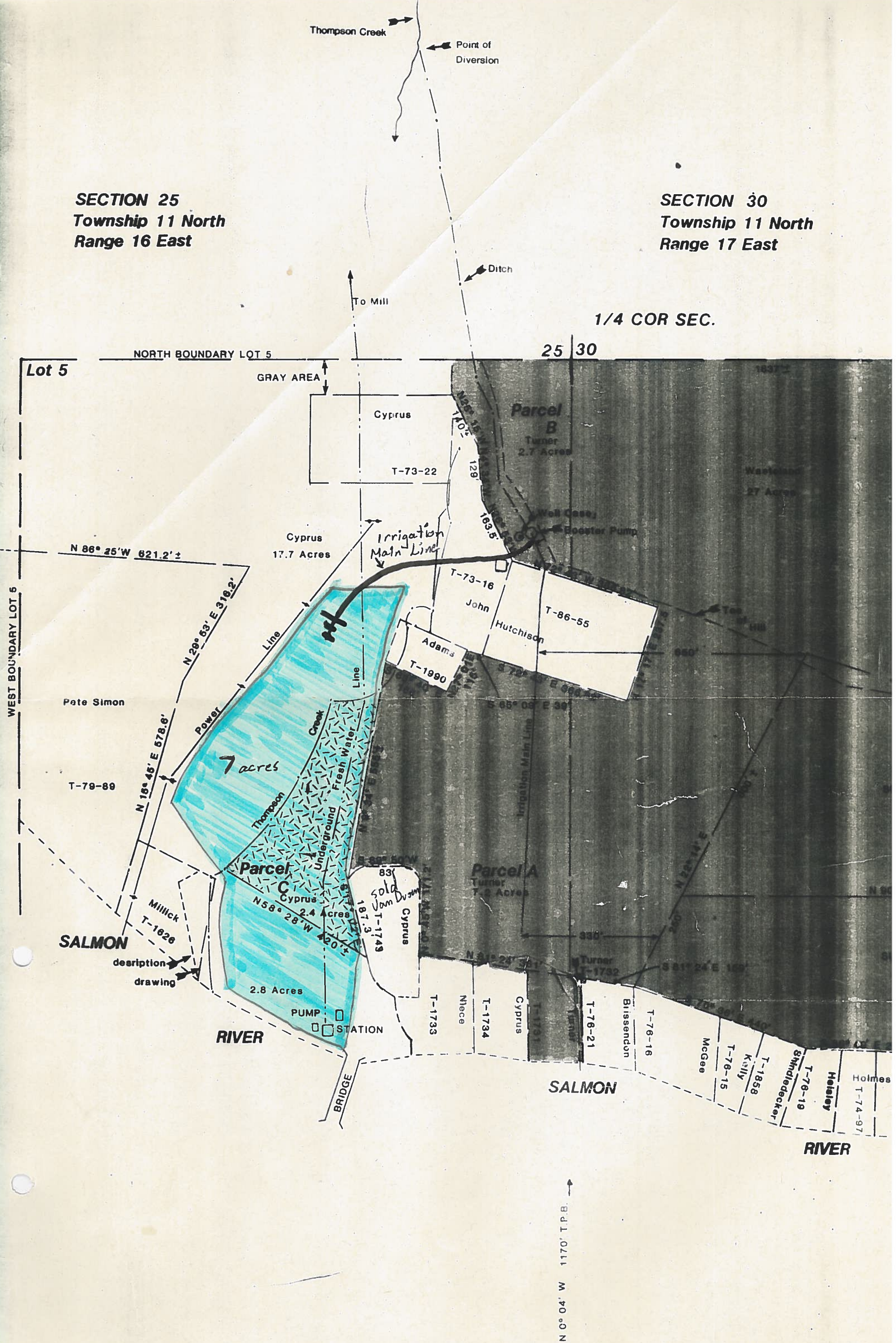


GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND

DATE: DEC. 2, 1998

SECTION 25
Township 11 North
Range 16 East

SECTION 30
Township 11 North
Range 17 East



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

RECEIVED

MAR 20 1998

Department of Water Resources

TELEPHONE
208-343-5454

FACSIMILE

208-384-5844

RECEIVED

APR 02 1998

Department of Water Resources
Southern Region

SCOTT L. CAMPBELL

March 4, 1998

David R. Tuthill, Jr.
Adjudication Bureau Chief
Idaho Dept. of Water Resources
1301 North Orchard
Boise, ID 83706

Re: Snake River Basin Adjudication Claim No. 72-04159A

Dear Dave:

I have enclosed the above referenced water right notice of claim to be filed in the Snake River Basin Adjudication. I have also enclosed a check for the filing fees in the amount of \$107.00. This represents the \$50 filing fee, the \$50.00 late fee, and the \$7.00 fee for seven acres of irrigated land.

Cyprus Thompson Creek Mining Company previously filed claim no. 72-04159 in the SRBA but, after the filing date, transferred a portion of the property, to which the original water right was appurtenant, to the present owner, a Mr. Turner, now deceased. The original water right under this filing was also used on seven acres of property, which was retained by Cyprus Thompson Creek Mining Company. This claim no. 72-04159A represents the portion of the water right which is still being utilized on the land retained by Cyprus Thompson Creek Mining Company.

Please accept this late SRBA claim for processing. Please contact me if there are any questions or problems with this claim. Thank you for your assistance.

Very truly yours,

ELAM & BURKE
A Professional Association


Scott L. Campbell

SLC:tmh g:\tmh\wpdata\0016\00068.ltr
encl.

cc: Mr. F. Steven Mooney
Kevin Loughrey, Esq.
Craig Gardner, Esq.
Mr. Bert Doughty