

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CYPRUS THOMPSON CREEK MINING CO C/O BERT DOUGHTY PO BOX 62 CLAYTON ID 83227 (208) 838-2200	11/26/1982	INDUSTRIAL DOMESTIC	01-01 12-31 01-01 12-31	0.070 CFS 0.160 CFS	14.00 AFA 10.00 AFA
TOTAL DIVERSION:					0.200 CFS	24.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T11N R16E S02

SESWE

CUSTER County

Place of use Legal Description for: INDUSTRIAL

NE				NW				SW				SE											
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
11N	16E	2	:			I	I	:					:					:					:

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE											
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
11N	16E	2	:			D	D	:					:					:					:

POU County: CUSTER

Other Rights: NONE

Conditions of Approval:

- L09 - RETURN FLOW SHALL BE TREATED TO INSURE THAT THE EFFLUENT MEETS IDAHO WATER QUALITY STANDARDS.
- N10 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks: USE

INDUSTRIAL USE FOR TRUCK WASHING.
DOMESTIC USE FOR CHANGEHOUSE, SHOWERS, SHOP AND WAREHOUSE.

POU

THE USE OF WATER FOR DOMESTIC AND INDUSTRIAL PURPOSES WITHIN T11N, R16E, S02, IS LIMITED TO THE W1/2 OF THE SENE, THE NESWE AND THE E1/2 OF THE SESWE.

Dates:

Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number:

Field Inspection Flag:
Presumption Flag:

RECEIVED
DEC 6 1999
Department of Water Resources

FIFTH JUDICIAL DISTRICT
COUNTY OF TWIN FALLS, STATE OF IDAHO
DEC 1 1999
BY _____
CLERK

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

In Re SRBA

Case No. 39576

Subcase 72-07220

(Insert Water Right Number)

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

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

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

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

CLAIMANT/OBJECTOR:

Thompson Creek Mining Co.

date

ATTORNEY FOR CLAIMANT/OBJECTOR:

date

OBJECTOR:

USDI BLM

date

CONCURRENCE:

Cathy Fitchell 11-5-99
Idaho Dept. of Water Resources date

IDWR ATTORNEY:

JA 11/5/99
As to form date
Deputy Attorney General, State of Idaho

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-05-1999
PAGE: A-1

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 72-07220

NAME AND ADDRESS: CYPRUS THOMPSON CREEK MINING CO
C/O BERT DOUGHTY
PO BOX 62
CLAYTON ID 83227

SOURCE: GROUNDWATER

QUANTITY: 0.2 CFS
24.0 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 11/26/1982

POINT OF DIVERSION: T11N R16E S02 SESWNE Within CUSTER County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	INDUSTRIAL	01-01 12-31	0.07 CFS
			14.0 AFY
	DOMESTIC	01-01 12-31	0.16 CFS
			10.0 AFY

INDUSTRIAL USE FOR TRUCK WASHING.

DOMESTIC USE FOR CHANGEHOUSE, SHOWERS, SHOP AND WAREHOUSE.

PLACE OF USE: INDUSTRIAL Within CUSTER County
T11N R16E S02 SWNE SENEDOMESTIC Within CUSTER County
T11N R16E S02 SWNE SENE

THE USE OF WATER FOR DOMESTIC AND INDUSTRIAL PURPOSES WITHIN
T11N, R16E, S02, IS LIMITED TO THE W1/2 OF THE SENE, THE NESWNE
AND THE E1/2 OF THE SESWNE.

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

RETURN FLOW SHALL BE TREATED TO INSURE THAT THE EFFLUENT MEETS
IDAHO WATER QUALITY STANDARDS.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR

✓ Data Entry
By CARTER F.

AJ5856NP

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

DATE: NOV-05-1999

PAGE: A-2

72-07220 (CONT.)

DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

CO
AKL
SLO

13

FWP

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on 12-1, 1999, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

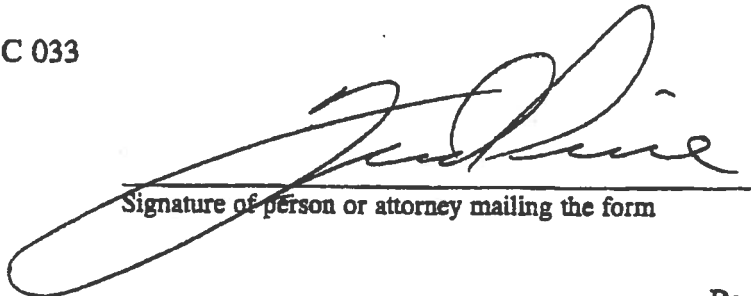
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Adjudication Team
550 W Fort St., MSC 033
Boise, ID 83724


Signature of person or attorney mailing the form

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: A72-07220
Date Received: 1/12/1990
Receipt No: C013965
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

RECEIVED
208-838-2200

JUN 13 1990

2. Date of Priority: NOV 26, 1982

Department of Water Resources
Southern Region Office

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	16E	2	SW	NE			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.
INDUSTRIAL	01/01	12/31	0.070		
DOMESTIC	01/01	12/31	0.160		

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

A.F.A.

8. Total consumptive use is 24.0 Acre Feet Per Annum.

9. Non-irrigation uses:
SEE REMARKS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	16E	2	SW	NE		INDUST	
			SW	NE		DOMEST	

A72-07220

Page 1

Date: 05/22/90

MICROFILMED
MAR 18 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	16E	2	SE	NE		DOMEST	
			SE	NE		INDUST	

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

WELL IS 501 FEET DEEP, FULLY CASED WITH 10 3/4 INCH CASING TO 200 FOOT LEVEL, FOLLOWED BY 8 5/8 INCH SLOTTED STEEL CASING TO 460 FOOT LEVEL AND THEN 8 5/8 INCH BLANK CASING TO BOTTOM. PUMP IS 20 HP ELECTRIC SUBMERSIBLE AND IS PLACED AT THE 295 FOOT LEVEL. WATER IS PUMPED TO AN APPROXIMATE 12,000 GALLON ELEVATED HOLDING TANK AND IS DISTRIBUTED TO PLACES OF USE VIA A 6 INCH TO 1 INCH IRON PIPE SYSTEM APPROXIMATELY 700 FEET IN LENGTH.

|

ITEM 9

INDUSTRIAL USE IS FOR TRUCK WASHING. DOMESTIC USE IS FOR CHANGE FACILITIES, SHOP AND WAREHOUSE AT PRIMARY ORE CRUSHER.

15. Basis of Claim: LICENSE

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

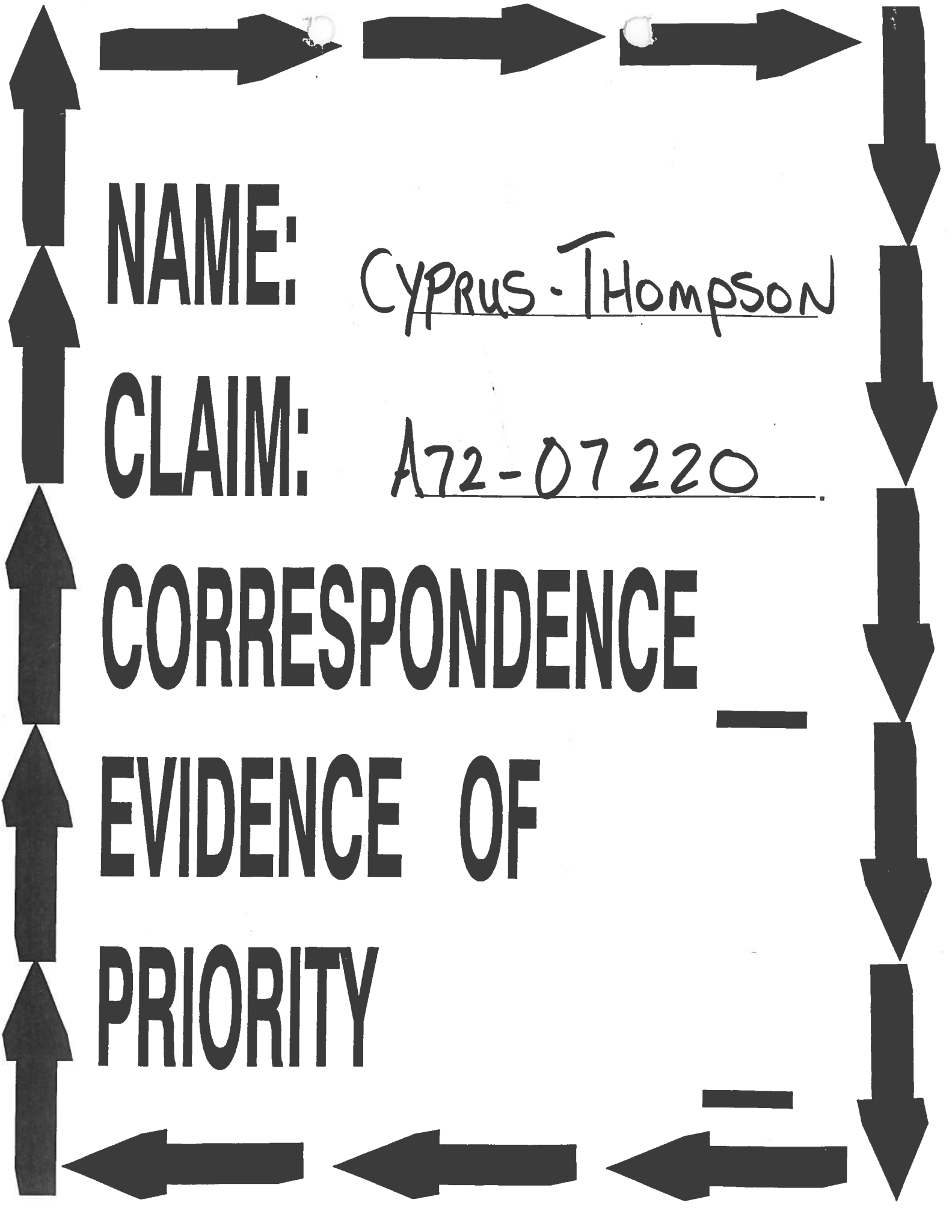
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____



NAME:

CYPRUS - THOMPSON

CLAIM:

A72-07220

CORRESPONDENCE

EVIDENCE OF

PRIORITY

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 72-7220 A72-07220
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) 838-2200

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

2. Date of Priority (Only one (1) per claim) November 26, 1982

3. Source of water supply (a) groundwater
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 11 N. Range 16 E. Section 2,
_____ 1/4 of SW 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. Well is 501 feet deep, fully cased with 10 3/4 inch casing to 200 foot level, followed by 8 5/8 inch slotted steel casing to 460 foot level and then 8 5/8 inch blank casing to bottom. Pump is 20 hp electric submersible and is placed at the 295 foot level. Water is pumped to an approximate 12,000 gallon elevated holding tank and is distributed to places of use via a 6 inch to 1 inch iron pipe system approximately 700 feet in length.

COPY

MICROFILMED

MAR 18 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For industrial purposes from Jan. 1 to Dec. 31 amount .07 or _____
For domestic purposes from Jan. 1 to Dec. 31 amount .16 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .20 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 24 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Industrial use is for truck washing. Domestic use is for change house facilities, shop, and warehouse at primary ore crusher.

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	
11	N.16	E. 2			I,D	I,D													

Total number of acres irrigated _____

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:

Last Name Cyprus Ident No. _____

MICROFILMED

Copies: White State, Yellow-Claimant
MAR 18 1993

See Exhibit A

[illegible]

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

15. Basis of Claim (check one) ☐ Official Use ☐ Posted Notice ☒ Permise ☒ Permit ☐
Decree _____
If applicable provide IDWR Water Right Number 72-7220
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 Patrick H. Fitch, Vice President, General
of Cyprus Thompson Creek Mining Company, that I have signed the foregoing
document in the space below as Vice President, General of Cyprus
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/)
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, 1989

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

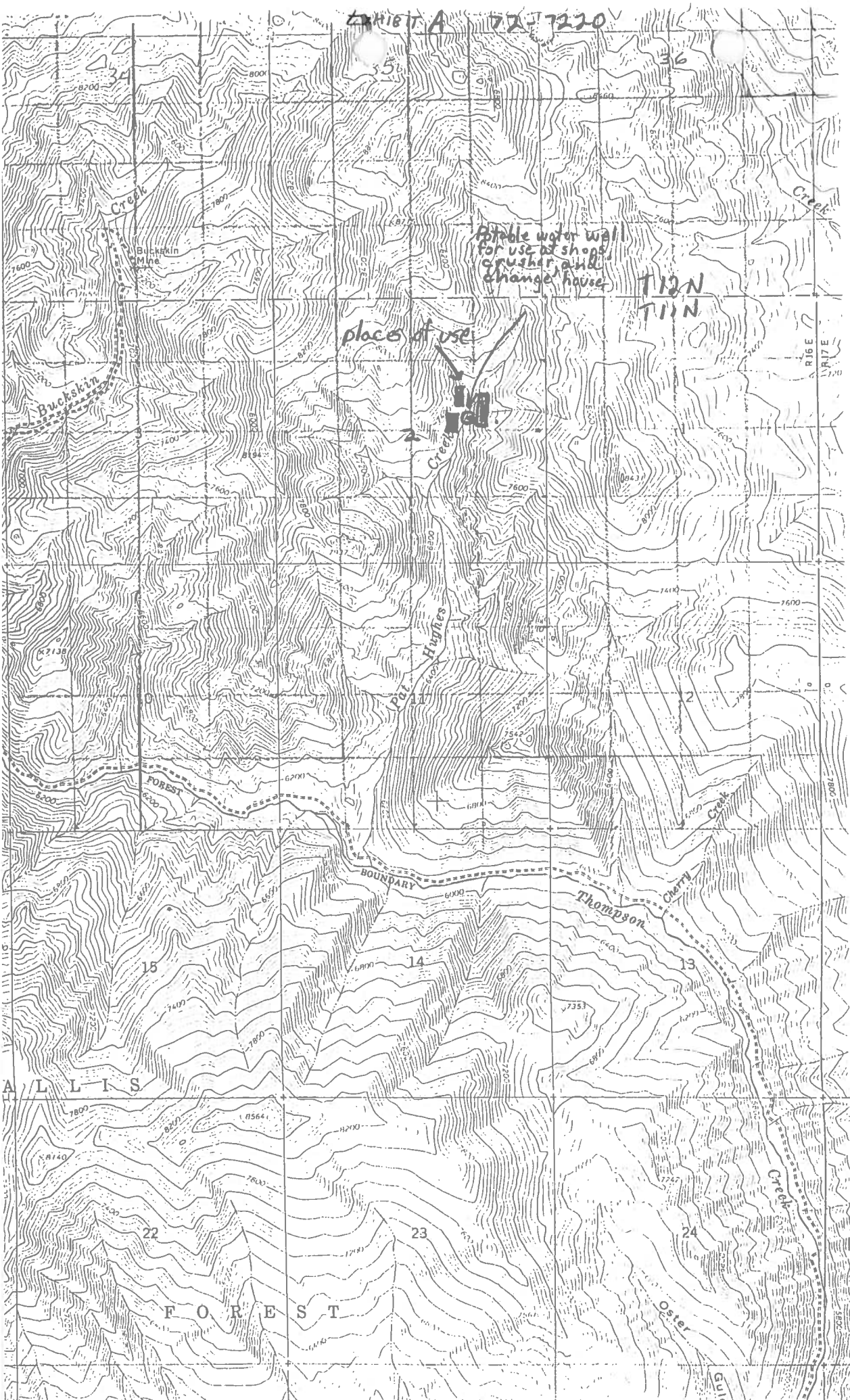
Date January 11, 1990

Last Name Cyprus Ident. Number _____

MICROFILMED

MAR 18 1993
Copied from State of Idaho - Claimant

EXHIBIT A 72-1220



Potable water well
for use at shops,
crusher and
change house

T12N
T11N

places of use

14

18

14

13

22

23

24

F O R E S T

A L L I S

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
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

May 22, 1992

RECEIVED

MAY 29 1992

Department of Water Resources
Southern Region Office

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
NOV 01 1994

DISTRICT COURT SRBA
FIFTH JUDICIAL DISTRICT
COUNTY OF TWIN FALLS, STATE OF IDAHO

DEC 1 1999

BY _____
CLERK

DEPUTY CLERK

**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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT 72-07220

I. FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

☒ All objections to this water right were resolved by stipulation of the parties at hearing or with a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

☐ All objections to this water right were resolved at hearing or trial. The court made oral Findings of Fact and Conclusions of Law at the hearing or trial. The oral Findings of Fact and Conclusions of Law are incorporated here by reference.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that this water right:

☒ be decreed with the elements as set forth in the *Partial Decree Pursuant to I.R.C.P. 54(b)*.

☐ not be confirmed in any partial or final decree.

DATED: December 1, 1999.



THOMAS R. CUSHMAN, Special Master
Snake River Basin Adjudication

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 72-07220

DISTRICT COURT SRBA
FIFTH JUDICIAL DISTRICT
COUNTY OF TWIN FALLS, STATE OF IDAHO

DEC 1 1999

CLERK

DEPUTY CLERK

NAME AND ADDRESS: CYPRUS THOMPSON CREEK MINING
C/O BERT DOUGHTY
PO BOX 62
CLAYTON, ID 83227

SOURCE: GROUNDWATER

QUANTITY: 0.20 CFS
24.00 AFY

PRIORITY DATE: 11/26/1982

POINT OF DIVERSION: T11N R16E S02 SESWNE Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Industrial	01-01 TO 12-31	0.07 CFS 14.00 AFY
	Domestic	01-01 TO 12-31	0.16 CFS 10.00 AFY

PLACE OF USE: Industrial T11N R16E S02 SWNE Within Custer County
SENE

Domestic T11N R16E S02 SWNE Within Custer County
SENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT: *THE USE OF WATER FOR DOMESTIC AND INDUSTRIAL PURPOSES WITHIN T11N, R16E, S02, IS LIMITED TO THE WY2 OF THE SENE, THE NE SWNE AND THE EY2 OF THE SESWNE.*

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

DEC 01 1999

SPECIAL MASTER

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

DATE: 09/14/99
PAGE: 1

Stage: LICENSE

CUSTER County

SE

MS

Other Rights: NONE

Dates:	Exam Made Date:	Verified Date:	09/14/1999	Objection Filed Date:
--------	-----------------	----------------	------------	-----------------------

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

RECEIVED

DEC 30 1999

Department of Water Resources
Southam Region

MAIL



32370

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 72-07220

(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 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)

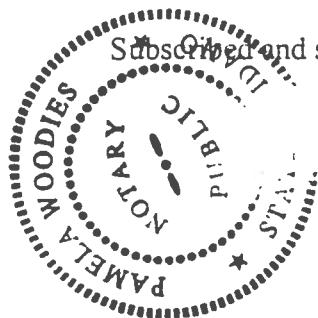
State of Idaho)
)ss.
County of Ada)

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 through 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

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: See Attachment B

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 C

F.

VERIFICATION (Must be Completed)

State of IDAHO)
)ss.
County of ADA)

Angela D. Schaefer, 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. Schaefer
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

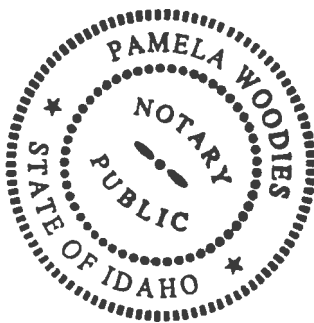
May 25, 1999

Pamela Woodies

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:

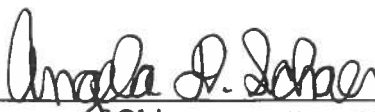
Name: Thompson Creek Mining Company
Address: c/o Bert Doughty, Post Office Box 62
Clayton, ID 83227

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 72-07220

**STANDARD FORM 1
OBJECTION
ATTACHMENT A**

The 13,000 gallon per day domestic limitation should be removed, particularly since the quantity recommended for domestic use is .16 c.f.s. Thus, if there is any gallon per day limitation, it should be 103,410 gallons per day (.16 c.f.s X 646,315 gpd).

SRBA CLAIM NUMBER 72-07220

**STANDARD FORM 1
OBJECTION
ATTACHMENT B**

The place of use should include a domestic use within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Township 11N, Range 16E, Section 2. Therefore, the full description of the place of use should be as follows:

Industrial

Township	Range	Section	$\frac{1}{4}$ of	$\frac{1}{4}$
11N	16E	2	SW	NE
			SE	NE

Domestic

Township	Range	Section	$\frac{1}{4}$ of	$\frac{1}{4}$
11N	16E	2	SW	NE
			SE	NE
			NW	SW

SRBA CLAIM NUMBER 72-07220

**STANDARD FORM 1
OBJECTION
ATTACHMENT C**

The domestic use limitation of 13,000 gallons per day should be removed because the quantity permitted for domestic use under the recommendation is .16 c.f.s. That diversion rate should allow for a rate of 103,410 gallons per day.

The additional place of use for the domestic use should be decreed because that area contains a change house which requires domestic water.



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,

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: 72-07220

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 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
72-00051B
72-00051L
72-00051N
72-00133
72-00135
72-00136

72-00137
72-04159F
72-07193
72-07220
72-07257
72-07414
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,

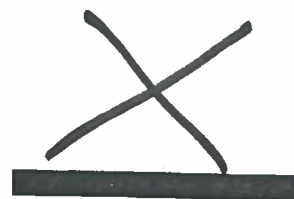
ELAM & BURKE
A Professional Association


Scott L. Campbell

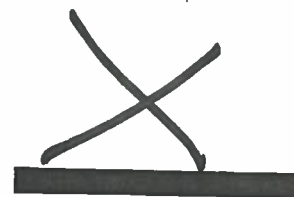
SLC:thm G:\Thm\WPDATA\0016\00075-ltr.wpd
encl.

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

R PROOF



CVR



MAPS



PHOTOS



MISC



MICROFILM

NOV 0 1 199



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
MICROFILMED
JAN 14 1994
NOV 01 1994
Department of Water Resources
Southern Region Office

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

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.

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NOV 01 1994

Mr. David Shaw
December 28, 1993
Page Two

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

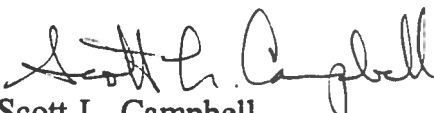
A72-00048
A72-00051B
A72-00051L
A72-00051N
A72-00110
A72-00111
A72-00133
A72-00135
A72-00136

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

MICROFILMED
NOV 01 1994

AJ5514NP

INPUT: AJ_SELECTION:SHAFF-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

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
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R72-00111 SUCCESSFULLY CHANGED ON HOST
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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

NOV 01 1994
PROFILMED

NOV 01 1994

Comments: Date: 12/21/1993 User-ID: CLELLAND Subject: COPIED FROM REMARKS

ITEM 5
WELL IS 501 FEET DEEP, FULLY CASED WITH 10 3/4 INCH CASING TO 200
FOOT LEVEL, FOLLOWED BY 8 5/8 INCH SLOTTED STEEL CASING TO 460
FOOT LEVEL AND THEN 8 5/8 INCH BLANK CASING TO BOTTOM. PUMP IS
20 HP ELECTRIC SUBMERSIBLE AND IS PLACED AT THE 295 FOOT LEVEL.
WATER IS PUMPED TO AN APPROXIMATE 12,000 GALLON ELEVATED HOLDING
TANK AND IS DISTRIBUTED TO PLACES OF USE VIA A 6 INCH TO 1 INCH
IRON PIPE SYSTEM APPROXIMATELY 700 FEET IN LENGTH.

ITEM 9
INDUSTRIAL USE IS FOR TRUCK WASHING. DOMESTIC USE IS FOR CHANGE
FACILITIES, SHOP AND WAREHOUSE AT PRIMARY ORE CRUSHER.

Audit: 12/21/93 CLELLAND

MICROFILMED
NOV 0 1 1994

POOR ORIGINAL

Potable water well
for use at shops,
crusher, and
change house

T12N
T11N

places of use

POD

R16
R17E

Copy of Map
from Claim file
A72 Topo

MICROFILMED
NOV 01 1994

A72-07220

A L L I S

A72-07220

DEM AERIAL
5-3A-7 ORIGINAL

7-1-88

u72/u73



PAT HUGHES
CREEK
(ORIGINAL PATH)

MICROFILMED
NOV 8 1 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:35
06/06/93

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A72-07220

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

FIRST: SCOTT L

OT: CAMPBELL, FIRST:
ADDRESS: DAVIS WRIGHT TREMAINE
702 W IDAHO ST STE 700
CITY: BOISE STATE: ID ZIP: 83702
PHONE NUMBER: 208-338-8200

OWNER CODE: A

FIELD BYAM REQUIRED?

DATABASE FIELD
Y EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS:

ITEM 5
WELL IS 501 FEET DEEP. FULLY CASSED WITH 10 3/4 INCH CASING TO 200
FOOT LEVEL. FOLLOWED BY 8 5/8 INCH SLOTTED STEEL CASING TO 460
FOOT LEVEL. AND THEN 8 5/8 INCH BLANK CASING TO BOTTOM. PUMP IS
20 HP ELECTRIC SUBMERSIBLE AND IS PLACED AT THE 295 FOOT LEVEL.
WATER IS PUMPED TO AN APPROXIMATE 12,000 GALLON ELEVATED HOLDING
TANK AND IS DISTRIBUTED TO PLACES OF USE VIA A 6 INCH TO 1 INCH
IRON PIPE SYSTEM APPROXIMATELY 700 FEET IN LENGTH.

ITEM 9
INDUSTRIAL USE IS FOR TRUCK WASHING. DOMESTIC USE IS FOR CHANGE
FACILITIES. SHOP AND WAREHOUSE AT PRIMARY DRE CRUSHER.

MICROFILMED
NOV 0 1 1994

MICROFILMED
NOV 0 1 1994

CONTACT PERSON:

DATE OF FIELD EXAM: 8/25/93

APPOINTMENT MADE: Y (X) N ()

PHONE NUMBER: () -

TIME: : A () P ()

ACCOMPANIED BY:

GREGG HUELESS, MGR

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT:

a Dave Gregg, Counselor

DIRECTIONS TO PROPERTY / REMARKS:

MICROFILMED
NOV 01 1994

A. AJ CLAIM: # A72-07220

PRIORITY DATE: 11-26-1982

STAGE: 1

B. WP RECORD: # 72-07220

PRIORITY DATE: 11-26-1982

STAGE: 1

C. FIELD EXAM REQUIRED?

WUP TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER

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

REMARKS:

Per license

RECOMMENDED PRIORITY DATE:

11-26-1982

REPUTED BY

See

DATE

12-21-93

MICROFILMED
NOV 01 1994

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
472-07220	11N	16E	2		SW	NE		CLUSTER

OTHER AJ CLAIMS WITH SAME AJ POD
 A PREFIX
 NONE

WR RECORDS IN SAME 40 ACRE TRACT
 NONE

SOURCE: GROUNDWATER

TRIR:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
72-07220	11N	16E	2		SE	NE		CLUSTER

OTHER WR RECORDS WITH SAME WR POD
 A PREFIX
 NONE

WR RECORDS IN SAME 40 ACRE TRACT
 A PREFIX

SOURCE: GROUNDWATER

TRIR:

C. FIELD EXAM REQUIRED?

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

REMARKS:

Claimed POD appears more correct - based on field exam, then used
 and topo map. Well lies in the old stream location
 of the Post Hughes Creek which places the legal at SESWNE
 as claimed.
 Better maps of the as built allow for
 pinpointing the POD area.

ΔPOD

MICROFILMED
 NOV 01 1994

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:
TRIP: RGF. SEC. 1/4 1/4

LOT

COUNTY

11N 16E 2

SE SW

NE

27

SOURCE: GROUNDWATER

TRIP:

REPORTED BY:

See

DATE: 12-21-93

CP3

MICROFILMED
NOV 01 1994

A. ROOT WATER RIGHT NUMBERS: A72-07220

B. FOU LISTING

TRP ENG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDCAT DATA	FIELD EXAM.	RECOMM. ACRES
11N 16E	2	SW	NE		CYPRUS THOMPSON CREEK MINING CA72-07220	/	72-07220	/		
11N 16E	2	SW	NE		CYPRUS THOMPSON CREEK MINING CA72-07220	/	72-07220	/		
11N 16E	2	SE	NE		CYPRUS THOMPSON CREEK MINING CA72-07220	/	72-07220	/		
11N 16E	2	SE	NE		CYPRUS THOMPSON CREEK MINING CA72-07220	/	72-07220	/		
TOTAL ACRES					A72-07220					

C. INVESTIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () N ()
IF YES SEE ATTACHED SHEET.

C. FIELD EXAM REQUIRED?

NOE TO FOU DISCREPANCY? (Y/N)

DATABASE
Y

FOU COUNTY: CUSTER

PRESUMPTION FLAG:

REMARKS:

*License indicates Domestic use in NWSE, S.2, - None found
was found & confirmed as claimed.*

*- used field exam, Blm Aerial 5-34-7, dated 7-1-88, 11/2/11/8;
Topo maps 1172 and claim map.*

PERCUMPUTATIONS:

TOTAL ACRES:

Dom/Inv.

REVIEWED BY:

sa

DATE:

12-21-93

MICROFILMED
NOV 11 1994

A. AS CLAIMED USES:

PURPOSES
A72-07220 INDUSTRIAL
A72-07220 DOMESTIC

MONTH/DAY
FROM 01-01 TO 12-31
FROM 01-01 TO 12-31

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
*070 CFS
*160 CFS

F. AS RECORDED USES:

PURPOSES
72-07220 INDUSTRIAL
72-07220 DOMESTIC

MONTH/DAY
FROM 01-01 TO 12-31
FROM 01-01 TO 12-31

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
*070 CFS 14.00 AF/A
*160 CFS 10.00 AF/A
*200 CFS 24.00 AF/A

PERCUSSION FLAG:

G. FIELD EXAM REQUIRED?

TIME TO WATER-USE DISCREPANCY?	(Y/N)	DATEBASE	FIELD EXAMINER
TIME TO DIVERSION RATE DISCREPANCY?	(Y/N)	N	
TIME TO PERIOD FROM/TO DISCREPANCY?	(Y/N)	N	

H. PERIOD OF USE:

RECOMMEND AS CLAIMED?
RECOMMEND TO LR STANDARDS OR OTHER?

(X) () ()
() () (X) Explain in Remarks, below.

REMARKS:

per lineal

MICROFILMED
NOV 01 1994

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y (X) N ()

AT TOTAL CLAIMED DIVERSION RATE: 0.200 CFS
WR RIGHT TOTAL DIVERSION RATE: 0.200 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 REQUIREMENTS

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

FIELD DATABASE EXAMINER
Y

FLOW MEASUREMENT

MEASUREMENT METHOD SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME FOU AND IRRIGATION USAGE

NO RIGHTS WITH SAME FOU BUT NOT USED FOR IRRIGATION

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D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1. IRRIGATION RATE

ACRES $\times$ 0.02 CFS/ACRE =
(Taken from D/U review)

CFS

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 24.0 AF/A

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

TOTAL CONSUMPTIVE USE AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

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

TOTAL DIVERSION VOLUME AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y () N ()

Per License

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

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. ETV RATE CFS	REC. ETV VOL. AE/A	REC. CONS. USE
INDUSTRIAL	01-01 12-31	DATABASE EXAMINER 0.070	EXAMINER 14.0	DATABASE EXAMINER 24.0
DOMESTIC	01-01 12-31	0.160	16.0	24.0
TOTAL FOR THIS RIGHT		0.200	24.0	24.0

REVIEWED BY:

Sc

DATE:

12-21-93

003

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A. CHECK ONLY THE FOLLOWING THAT APPLY:
OWNERSHIP
FOREIGN/ABANDON
ADDITIONAL DIV. AMOUNT

ACCEPTED
AS CLAIMED
()
()
()
NEEDS
REVIEW
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-07220
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.200

EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

TOTAL CFS

0.200

0.200

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)

DATABASE
Y

FIELD
EXAMINER

REMARKS:

N/A

AUTHENTICATION:

SIGNATURE:

Steve Cold

DATE:

12-21-93

NAME OF FIELD EXAMINER:

TITLE:

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NOV 01 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:35
06/06/92

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A72-07220

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 PREVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y		QAB 23	N	1456	See 12-21-93	See 12-21-93	See 12-21-93
SOURCE				Ⓝ				
PLACE OF USE	Y			Ⓝ	6.			
DIV. AMOUNT CFS/VOLUME				Ⓝ	6.			
CONSUMPTIVE USE	-			Ⓝ				
PURPOSES				Ⓝ				
REASON OF USE				Ⓝ				
BASIS OF CLAIM				Ⓝ				
REMARKS	Y			Ⓝ	6.			

"VERIFIED BY" CODES

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

TUPO CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

NOV 11 1994

MICROFILM
NOV 8 1 1994

Stagg: I think

CLUSTER County

22

12-21-93
Jea

STATE OF UTAH
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:12:28
06/06/92

CLAIM NUMBER: A73-07220

Date:	Exam Made Date:	8-25-93	Verified Date:
Misc:	Water District Number:		Field Inspection Flag:
			Presumption Flag:

sw
12-21-93

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NOV 0 1 1994

FIELD NOTES by SEC

8-25-93

72- 7219 potable Well @ ^{mill site} entrance

72- 7220 potable well @ ^{mine site} maintenance

72- 7414 GW. pit pumps

72- 7257 Boring (12)

(7193) tied up
(7414)



2 #
moly
wrtt: /
TON ORG

POOR ORIGINAL

GREGG HURLESS
DAVE BRESY
Consultant / w c t
MGR
C-T
mine

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NOV 01 1994

POOR ORIGINAL

A72-07220

MEMORANDUM

TO: FILES 72-7193, 72-7219, 72-7257 & 72-7220

FROM: JIM JOHNSON

RE: MEETING WITH SCOTT CAMPBELL

DATE: 28-NOV-1988

On this day Scott Campbell, attorney for the permit holder met with me to discuss the recommendations made by the field examiner for licensing the above named permits.

PERMIT 72-7220

The place of use was changed to include the SWNE & SENE.

→ The field report describes the place of use for domestic to include only the change house located in NWSE, however, water is also used for domestic purposes in the shop, and at the crusher building.

PERMITS 72-7219, 72-7193 & 72-7219

The place of use was changed to include the NENE as well as the NWNE because the building straddles the 1/4 1/4 line.

The field report does confirm the close proximity of the building to the line therefore to be sure license was not in error the additional description was added.

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POOR ORIGINAL

A72-07220

Form 219
6-86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

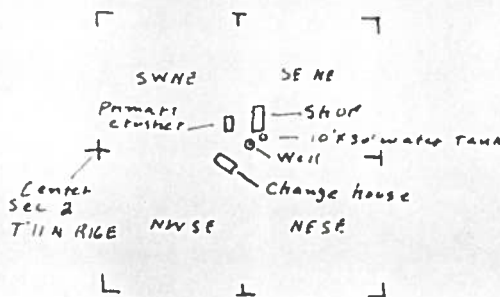
1. Owner CYPRUS Thompson Creek Mining CO Permit No. 12-7220
Current Address P.O. Box 62 Clayton, ID 83227 Phone No. _____
2. Accompanied by Jennie Spurgess EXAM DATE 11/13/84
Address Idaho Phone No. _____
Relationship to Permit Holder Environmental Survey
3. Source Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use None ☐ Copies Attached
2. Other water rights with same point of diversion None ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram. Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



appears the same at AS field exam on 8-25-93 su

Scale 1" = 1320 ft

More Plan map attached.

2. ☐ Copy of U S G S Quadrangle Attached ☐ Aerial Photo Attached
Showing location(s) of point(s) of diversion and place(s) of use (required) (required for irrigation of 10 acres or more)
☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater)

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POOR ORIGINAL

System Description (continued)

3. Narrative: Description (As operating at time of measurement indicate pressure, number of sprinklers, etc.)
 4 1/2" diameter ball valve

A 16" diameter well with electric submersible pump pumps water to a 10' x 30' cylindrical storage tank for supply to change house facilities for 300 mothers & truck stop & warehouse at primary ore crusher.

- 4 ☐ See Remarks on page 4 for continuation

Well or Diversion Identification No. *	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No or Discharge Size
	centrifugal	2"		centrifugal	2"

*Code to correspond with No. 10000

*Code to correspond with No. on map and aerial photo

5. **Point(s) of Diversion:**

[illegible]

6. Place(s) of Use:

Indicate Method of Determination

[illegible]

I: industrial
D: Domestic

Do not use this space

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POOR ORIGINAL

Do not use this space

D FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

Based on well log Pump test - 300 gpm with 80 ft drawdown,
Specific Capacity of well is 3.75 gpm/ft drawdown.
Assume: 7.5 HP Pump, 70% efficiency, 90 ft lift from SWL to surface,
50 PSI (115 ft) system head

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method

Equation: $Q_{gpm} = \frac{3960(HP)^E}{H}$ where: $HP = 7.5$ 3rd iteration:
 $E = 1.70$ $Q = 3.75d$ $Q = 90.71 \text{ gpm } (.20 \text{ cfs})$
 $d = \text{drawdown}$
2. Alternate Method for Checking Purposes $H = 90 + 115 + \text{drawdown}$ when drawdown = 24.19 ft

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure _____ psi x 2.31 = _____ ft (1) Dynamic pumping level _____ ft (2)
Total Head (1) + (2) = _____ (3) Flow rate _____ cfs (4)

Water HP (3) x (4) x 8.8 = _____ (5)
Meter Input KW (3) x (4) x KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)
Meter Input HP (6) x 1.34 = _____ (7)
Panel Input KW _____ Ave PF x _____ Ave Volts x _____ Ave Amps x 0.01732 = _____ (6)
Panel Input HP (6) x 1.34 = _____ (7) Efficiency (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation

$V_{ir} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____
 $V_{div} = (\text{Diversion Rate (cfs)}) \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____
 $V = \text{Smaller of } V_{ir} \text{ and } V_{div} =$ _____

2. Volume Calculations for Other Uses

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POOR ORIGINAL

RECOMMENDED AMC 'NTS

P/D & P/U

Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
72-7220	11-26-1982	0.20 cfs	11-26-1982	7-5-1983	0.20 cfs

4. Permit Holder: Cyprus Thompson Creek Mining Co.
Address: P.O. Box 62, Clayton, ID 83227

5. Source: gw

tributary to 

6. Beneficial Use

Period of Use
From To

Rate of Diversion
Q (cfs)Annual Volume
V (a/a)

Industrial
Domestic

1-1 12-31

0.07 cfs

14.0 AFN

1-1 12-31

$O, K_0 \in F_{\infty}$

100-251

Allowable Maximums

0.20 cfs

24.0 AFA

7. Point(s) of Diversion:

No.	Govl. Lot	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	Sec.	Twp.	Rge.	County
		SW	SE	NE	2	11N	16E	Custer

8. Place(s) of Use

[illegible]

9. Recommended Conditions/Remarks:

I/truck washing. D/change house facilities,
shop & warehouse at Primary Ore Crusher.

309

send cc of all licensing corres. to Scott Campbell, Attorney (see file for address)

10. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None

☐ Change P U as reflected above ☒ Add P U as reflected above ☐ Other

11. Examiner's Signature _____

Checked in Regional Office by

Approved In State Office by

Kay Walker

MICROFILMED

Date **NOV 01 1994**

Date 10/10/88

Water Right Number - 72-07220

Prefix Translation:

WATER RIGHT

Old (D) Number -

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

1 - P.O. BOX 62
2 -
3 -
City- CLAYTON
Phone - 208-000-0000

State- ID Zip- 83227

Priority Date - 11/26/1982

Region - 17 SOUTHERN

Stage - L - LICENSE

Status -

Source - GROUNDWATER

Tributary -

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion Volume	Diversion No.
11N	16E	2	SE NE		(37)	CUSTER					

Code 07 - INDUSTRIAL
43 - DOMESTIC

Period From 01/01
Period To 12/31

Diversion Rate 0.070
0.160

Diversion Volume 14.00
10.00

Total Div. Rate - 0.200
Total Div. Volume - 24.00
Total Div. Capacity - 0.200

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
11N	16E	2	SW NE			INDUSTRIAL	07	INDUSTRIAL	(37) CUSTER
11N	16E	2	SE NE			INDUSTRIAL	07	INDUSTRIAL	(37) CUSTER
11N	16E	2	SW NE			DOMESTIC	43	DOMESTIC	(37) CUSTER
11N	16E	2	SE NE			DOMESTIC	43	DOMESTIC	(37) CUSTER
11N	16E	2	NW SE			DOMESTIC	43	DOMESTIC	(37) CUSTER

- - - Diversion Means -

- - - Non-Irrigation Use -

- - - Other Rights for Same Use -

Remarks - Industrial use is for truck washing. Domestic use is for change house facilities, shop & warehouse at Primary Ore Crusher.

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

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WATER RIGHT

Decree Plaintiff	Decree Defendant	Decree Date
00/00/0000		

+ + + + + - Comments- + + + + +
No Comments Found

Water Rights Dates and Flags Area

Proof Due Date	- 03/01/1984	Field Exam Made	- 11/13/1984	Field Exam Fee	-
Approved/Denied	- 02/01/1983	Protested Date	- 00/00/0000	Shan Falls	-
Proof Made Date	- 07/05/1983	Hearing Date	- 00/00/0000	Temporary Right	-
Exam to S.O. Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 01/06/1989	Appl Received	- 11/26/1982	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-		

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