



RECEIVED

JAN 30 2015
DEPARTMENT OF
WATER RESOURCES

2209 Big Creek Rd.
Kellogg, ID 83837
P: 208-783-1741
F: 208-783-1740

January 26, 2015

Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098

Re: Additional information to support name change for claim 94-4267

Dear Mr. Clelland,

This letter and enclosed information are in addition to the name change information previously submitted by the Sunshine Refining Company for water right 94-4267. The information include further identifies the transaction which transferred ownership of the water right to Sunshine Refining Company from Formation Metals U.S. When purchasing the property and water right Sunshine Refining Company acquired the company formally known as Formation Metals U.S. and has subsequently changed the name to Sunshine Refining Company.

If you have any questions or comments please don't hesitate to contact me at (208)783-1701 or TClyne@ssmines.com.

Sincerely,

A handwritten signature in blue ink that reads "Tyson Clyne".

Tyson Clyne

Environmental Superintendent
Sunshine Mining and Refining Company

cc: Richard Hall, Stoel Rives LLP

Enc: Certificate of Name Change, Amended Certificate of Authority, Application for Amended Certificate of Authority

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FEB - 5 2015
IDWR/NORTHERN

SECRETARY OF STATE



CERTIFICATE OF NAME CHANGE

I, ROSS MILLER, the duly qualified and elected Nevada Secretary of State, do hereby certify that on December 18, 2013, a Certificate of Amendment to its Articles of Incorporation changing the name to **SUNSHINE REFINING COMPANY**, was filed in this office by **FORMATION METALS, U.S.**. Said change of name has been made in accordance with the laws of the State of Nevada and that said Certificate of Amendment is now on file and of record in this office.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of State, at my office on January 22, 2014.


ROSS MILLER
Secretary of State

Certified By: Christine Rakow
Certificate Number: C20140115-1894
You may verify this certificate
online at <http://www.nvsos.gov/>

State of Idaho

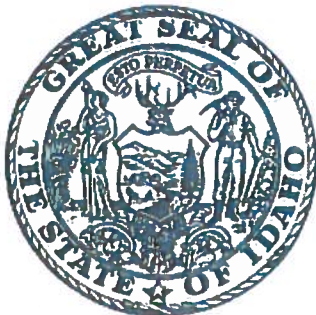
Office of the Secretary of State

**AMENDED CERTIFICATE OF AUTHORITY
OF
FORMATION METALS, U.S.
File Number C 192487**

I, BEN YSURSA, Secretary of the State, hereby certify that an Application for Amended Certificate of Authority, has been received in this office and is found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Amended Certificate of Authority to reflect the name change from **FORMATION METALS, U.S.** to **SUNSHINE REFINING COMPANY** and attach hereto a duplicate of the application for such amended certificate.

Dated: January 24, 2014



Ben Yursa

SECRETARY OF STATE

By *[Signature]*



APPLICATION FOR AMENDED CERTIFICATE OF AUTHORITY

(Instructions on back of application)

2014 JAN 24 10:56

To the Secretary of State of the State of Idaho:

Pursuant to Section 30-1-1504, Idaho Code, the undersigned Corporation hereby applies for an amended certificate of authority to transact business in the State of Idaho and for that purpose submits the following statement. Complete only applicable items.

1. A Certificate of Authority was issued to the corporation by your office on: October 5, 2011,
authorizing it to transact business in the State of Idaho under the name of:
Formation Metals, U.S. dba Formation Metals, U.S., Inc.
2. Its corporate name has been changed to: Sunshine Refining Company
3. The name which it shall use hereafter in the State of Idaho is:
Sunshine Refining Company
4. It has changed its jurisdiction of incorporation, without a change of corporate identity to: N/A
5. The address of its principal office is amended to:
N/A

Dated: 1/7/14 Corporation Name: Sunshine Refining Company

Signature: *Jeffrey Reeser*

Typed Name: Jeffrey Reeser

Capacity: Vice President and Secretary

Customer Acct # :

(If using pre-paid account)

Secretary of State use only

g:\applications\formal
amended/cert of authority.p06
Revised 07/2002

IDAHO SECRETARY OF STATE
01/24/2014 05:00
CK: 212511 CT: 71508 BH: 1407475
1 @ 30.00 = 30.00 AMEND CERT # 2



2209 Big Creek Rd.
Kellogg, ID 83837
P: 208-783-1741
F: 208-783-1740

RECEIVED

January 13, 2015

JAN 16 2015

Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098

DEPARTMENT OF
WATER RESOURCES

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FEB - 5 2015

IDWR/NORTHERN

Re: Evidence of Priority Date for CSRBA Claim 94-4267

Dear Mr. Clelland,

I am writing you in response to your letter sent to Essential Metals Corp on November 26, 2014 requesting evidence of the priority date for CSRBA claim 94-4267. Water right 94-4267 (the "Water Right") was appropriated in 1969 for use at the antimony plant/refinery facility (the "Facility") located along Big Creek in Shoshone County. The Facility is owned by the Sunshine Refining Company (the ownership name change form is included herewith). Sunshine Refining Company purchased the Facility, along with the Water Right, from Essential Metals Corp in October of 2013. Prior to ownership by Essential Metals, the Facility was owned and operated by Sunshine Mining Company, the original owner of the Facility and the original appropriator of the Water Right.

The Water Right was acquired and first put to beneficial use by Sunshine Mining Company in 1969 for use in the Facility to extract antimony from ore mined at the Sunshine Mine. The antimony plant was built in 1969 and operated through the late 1990s. The antimony plant was eventually demolished in 2004. Throughout the operation of the antimony plant, the Water Right was used for various tasks related to the operation of the Facility, including for process water, firefighting and other general industrial uses.

In 1984 a silver refinery was constructed immediately adjacent to the antimony plant and operated by Sunshine Mining Company and later by Essential Metals Corp. Following the construction of the silver refinery, the Water Right was used to supply water to both the antimony plant and the silver refinery for various industrial uses. Since 1969, the water has been drawn from the same point of diversion along Big Creek. The allocated amount of water under the Water Right is drawn from Big Creek and pumped to a holding tank adjacent to the Facility. From the holding tank water is used throughout the Facility.

If you have any questions or comments please don't hesitate to contact me at (208)783-1701 or TClyne@ssmines.com.

Sincerely,

A handwritten signature in blue ink that reads "Tyson Clyne".

Tyson Clyne

Environmental Superintendent
Sunshine Mining and Refining Company

cc: Richard Hall, Stoel Rives LLP

STATE OF IDAHO **IDWR/N**
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check “Yes” in the “*Split?*” column. If the water right is leased to the Water Supply Bank, check “Yes”. If you are not sure if the water right is leased to the Water Supply Bank, [see #6](#) of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
94-4267	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Essential Metals Corp
 Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Sunshine Refining Company
 New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or

<u>2209 Big Creek Road</u>	<u>Kellogg</u>	<u>ID</u>	<u>83837</u>
Mailing address	City	State	ZIP
<u>208-783-1701</u>	<u>TClyne@yahoo.com</u>		
Telephone	Email		

4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: October 2013

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed [IRS Form W-9](#) for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed [Lessor Designation](#) form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

7. This form must be signed and submitted with the following **REQUIRED** items:

 - ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
 - ☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
 - ☐ Filing fee (see instructions for further explanation):
 - ☐ \$25 per *undivided* water right.
 - ☐ \$100 per *split* water right.
 - ☐ No fee is required for pending adjudication claims.
 - ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
 - ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: <u><i>[Signature]</i></u>	<u>Environmental Superintendent</u>	<u>1/13/2015</u>
Signature of new owner/claimant	Title, if applicable	Date
Signature: _____	_____	_____
Signature of new owner/claimant	Title, if applicable	Date

For IDWR Office Use Only:

Received by N/A Date N/A Receipt No. N/A Receipt Amt. N/A
Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
Name on W-9 N/A Approved by LW Processed by LW Date 2-6-2015

RECEIVED

JAN 16 2015

DEPARTMENT OF
WATER RESOURCES

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

Formation Metals U.S. Inc.
Attn: J. Paul Farquharson
1098 Big Creek Road
Kellogg, Idaho 83837

#3

SPACE ABOVE THIS LINE FOR RECORDER'S USE

WARRANTY DEED

FOR VALUE RECEIVED, FORMATION HOLDINGS US, INC., an Idaho corporation, the Grantor, does hereby grant, bargain, sell and convey unto FORMATION METALS, U.S., a Nevada corporation, the Grantee, whose address is 1098 Big Creek Road, Kellogg, Idaho 83837, the following-described real property to wit:

The property described in Exhibit A attached hereto and by this reference incorporated herein as if set forth in full (the "Land"),

TO HAVE AND TO HOLD unto the Grantee and its successors and assigns forever,

TOGETHER WITH all and singular tenements, hereditaments, appurtenances thereto, including but not limited to water right 94-4267; all of Grantor's rights, title and interest, if any, in and to minerals, oil and gas, geothermal resources, and other subsurface materials located under the Land; all of Grantor's rights, title and interest, if any, in timber growing and to grow on the Land; and, to the extent transferable, all of Grantor's rights and interests in and to Right of Way IDI-20982 and Right of Way IDI-14474 from the United States Department of Interior, Bureau of Land Management,

AND TOGETHER WITH all buildings, improvements, and fixtures located on the Land (collectively, the Land and the above-described rights and interests being transferred are the "Property"),

SUBJECT TO property taxes and all reservations, covenants, conditions, restrictions, rights of way, easements and other matters of record.

Grantor does hereby warrant and covenant to and with Grantee that Grantor is the sole owner of the Land in fee simple and that the Property is free and clear from all encumbrances, except as set forth above, and that Grantor will defend the same from all lawful claims whatsoever.

DATED to be effective as of the ____ day of _____ 2013.

FORMATION HOLDINGS US, INC.

By 

Name: Paul FARPUNHARSON

Title: Secretary / Treasurer

DEPARTMENT OF
WATER RESOURCES

Notary Public for the Province of British Columbia
My Commission Expires: Indeterminate

EXHIBIT A
LEGAL DESCRIPTION

[See attached]

6361536_3.DOC

EXHIBIT A
Descriptions of Real Property

Refinery Property

Parcel 1:

A tract of land located in Southeast Quarter Southwest Quarter of Section 10, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho more particularly described as follows:

Beginning at West 1/16 South of Southeast Quarter Southwest Quarter of Section 10, Township 48 North, Range 3 East, B.M., being the true point of beginning; thence

North 00°09'23" East along the north-south centerline of the Southwest Quarter of Section 10, a distance of 307.71 feet; thence

North 38°49'47" East, a distance of 170.76 feet to a point; thence

North 21°38'40" East, a distance of 62.65 feet to a point; thence

North 36°18'00" East, a distance of 146.64 feet to a point; thence

North 50°35'04" East, a distance of 270.37 feet to a point; thence

South 43°08'55" East, a distance of 27.54 feet to a point; thence

North 60°33'10" East, a distance of 462.48 feet to a point; thence

South 37°48'54" East, a distance of 281.25 feet to a point on the Northerly right-of-way of Big Creek Road; thence along a curve to the left on said right-of-way with a radius of 2934.79 feet distance of 154.36 feet (with a long chord bearing of South 34°10'13" West, a distance of 154.34 feet to a point; thence

South 32°39'48" West (shown of record as South 32°58'58" West) a distance of 420.19 feet; thence

North 56°54'20" West, a distance of 308.80 feet to a point; thence

South 35°45'37" West, a distance of 329.77 feet to a point; thence

South 56°29'16" East, a distance of 103.18 feet to a point; thence

South 27°38'23" West, a distance of 43.92 feet to a point; thence

South 44°43'11" West, a distance of 137.55 feet to a point on the south line of said Section 10; thence

North 89°58'08" West (shown of record as North 89°55'00" West) along said South line, a distance of 224.69 feet to the true point of beginning.

PARCEL 2:

A tract of land located in Section 10, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho more particularly described as follows:

Beginning at a point from whence the South $\frac{1}{4}$ corner of Section 10, Township 48 North, Range 3 East, bears South $76^{\circ}56'30''$ East, a distance of 1365.09 feet; thence

North $00^{\circ}09'23''$ East along the north-south centerline of the Southwest $\frac{1}{4}$ of Section 10, a distance of 376.82 feet to a point; thence

North $56^{\circ}10'03''$ East, a distance of 915.50 feet to a point; thence

South $23^{\circ}26'35''$ East, a distance of 215.98 feet to a point; thence

South $60^{\circ}33'10''$ West, a distance of 462.48 feet to a point; thence

North $43^{\circ}08'55''$ West, a distance of 27.54 feet to a point; thence

South $50^{\circ}35'04''$ West, a distance of 270.67 feet to a point; thence

South $36^{\circ}18'00''$ West, a distance of 146.64 feet to a point; thence

South $21^{\circ}38'40''$ West, a distance of 62.65 feet to a point; thence

South $38^{\circ}49'47''$ West, a distance of 170.76 feet to the true point of beginning.

Tuten Residential Property

PARCEL 1:

A parcel of land formerly known as Lot A within Tax Parcel 2575 being a portion of the Monmouth Lode of Mineral Survey 2274, Section 15, Township 48 North, Range 3 East, Boise Meridian, Shoshone County, State of Idaho more particularly described as follows:

Beginning at a point on Line 4-1 of the Monmouth Lode of Mineral Survey 2274 from whence Corner 4 bears South 89°56'00" West, a distance of 690.83 feet; thence

North 89 °56'00" East along said Line 4-1, a distance of 224.73 feet to a point; thence

South 32 °58'46" West, a distance of 122.96 feet to Corner 2 of the Big Creek Subdivision; thence

North 56 °51'43" West, a distance of 30.32 feet (shown of record as North 56 °58'00" West, 30.00 feet) to Corner 1 of the Big Creek Subdivision; thence

North 56 °54'09" West, a distance of 158.05 feet to the true point of beginning.

Parcel 2:

A parcel of land formerly known as Lot A within Tax Parcels 2575 and 2550 being a portion of the Monmouth Lode of Mineral Survey 2274, Section 15, Township 48 North, Range 3 East, B.M., Shoshone County, Idaho; more particularly described as follows:

Beginning at a point on line 4 – 1 of the Monmouth Lode of Mineral Survey 2274 from whence Corner 4 bears South 89°56'00" West a distance of 690.83 feet;

Thence North 89°56'00" West along said Line 4 – 1 a distance of 388.53 feet to a point on the westerly right of way Sunshine County Road;

Thence South 50°56'26" West along said right of way a distance of 25.46 feet to a point;

Thence South 42°53'22" West along said right of way a distance of 137.41 feet to a point;

Thence North 83°29'50" West a distance of 118.20 feet to Corner No. 2 of the Big Creek Subdivision;

Thence North 56°51'43" West a distance of 30.32 feet (Shown of record as North 56°58'00" West 30.00 feet) to Corner No. 1 of the Big Creek Subdivision;

Thence North 56°54'09" West a distance of 158.05 feet to the true point of beginning.

Parcel 3:

A portion of Government Lot 24 located in the N1/2 NW1/4 Section 15, Township 48 North, Range 3 East B.M., Shoshone County, Idaho and being more particularly described as follows:

Beginning at the W1/16 corner of Sections 10 and 15 from which the ¼ corner of Sections 10 and 15 bears S89°58'08"E a distance of 1330.63 feet and the corner for Sections 9, 10, 15 and 16 bears N89°54'51"W a distance of 1331.02 feet;

thence N89°54'51"W along the line of Sections 10 and 15 a distance of 195.70 feet to a point;

thence S56°56'44"E a distance of 7.49 feet to a point on line 4-1 of the Monmouth Lode M.S. 2274;

thence N89°53'25"E along said line 4-1 of the Monmouth Lode a distance of 388.53 feet to a point;

thence N50°53'51"E a distance of 4.66 feet to a point on the line of Sections 10 and 15;

thence N89°58'08"W along said line of Sections 10 and 15 a distance of 202.72 feet to the point-of-beginning.

Easements

1. BLM Right-of-Way Permit I-14474 (Maintenance of 14-inch polyethylene mine line, powerline and mill use).
2. BLM Right-of-Way Permit I-20982 (Access road, water storage tank and waterlines)
3. Easement and Access Agreement (Decant Line Easement) - Dated September 20, 2002. Document No. 405610 (Grantor - Sunshine Precious Metals, Inc. / Grantee - Formation Chemicals, Inc.)
4. Assignment and Assumption Agreement (all easements and rights-of-way relating to the ownership and operation of the refinery as granted under said Assignment and Assumption Agreement) -Dated September 20, 2002. Document No. 405677 (Grantor - Sunshine Precious Metals Inc. / Grantee - Formation Chemicals, Inc.)
5. BLM Easement Assignment made between Essential Metals Corporation and Sterling Mining Company on October 20, 2006, recorded with the Shoshone County Recorder on January 22, 2007 as Instrument No. 435672.

6. BLM Permit IDI-37325 (Tuten residential structure) Expires - 12/31/2017 (Lessee - Essential Metals Corp.)

Water Rights

1. Idaho Water Right No. 94-4267

State of Idaho
Department of Water Resources

Water Right

94-4267

INDUSTRIAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.075 0.15 0.3 Miles

