

Wallace, Idaho
June 6, 1950

Mr. L. E. Hanley, President
Hecla Mining Company
Wallace, Idaho

POOR QUALITY ORIGINAL

Bell Gulch Water Rights
Gem, Idaho

Dear Sir:

A study of the Water Rights situated in Bell Gulch, near Gem, Idaho, shows that only four have been located and recorded. Copies of the notices of location of the above are attached to this letter. (See H-2, H-3 and H-10 in Hecla Book of Agreements. Water Right recorded in Book "H" of Miscellaneous at page 29 is not shown)

The first location was made by P Porter on April 23, 1888. (H-2). Note that this was recorded at the request of J J Smith. On August 27, 1898, J J Smith filed a Water Right (H-3) on apparently the same right, the wording of the Location Notice being practically the same as that made by Porter. I can not find any deed from Porter, or any evidence of forfeiture or abandonment. On January 8, 1889, J J Smith deeded to the Milwaukee Mining Company the above mentioned Right, together with one diverting the waters of Canyon Creek (H-3).

In the deed from the Milwaukee Mining Company to the Hecla Mining Company, dated December 30, 1903, is the following "And also excepting what is known as the "Upper Bell" water right, located just below the Bell Mine--"

It is apparent that the Hecla Mining Company has no rights to the Water Right mentioned above.

The third location was made by R K Neill and T L Mitchell on May 3, 1893. In this location the water is "to be diverted from the natural channel of the stream known as and called Bell Creek at a point opposite Bell Mine at the head of Bell Gulch". This location states that the water is to be used for the purpose of milling, hoisting and running electrical plant at Gem, Mine--" and fits very well with the point of diversion of the present water right, which has been used by the Hecla Mining Company for a great number of years.

R K Neill deeded his interest in this water right to the Milwaukee Mining Company, which deeded the same to the Hecla Mining Company on December 30, 1903, in the following words "Also a certain water right, located in 1891, to the waters of the head of stream in Bell Gulch--" I can not find any record of the disposal of Mitchell's half interest in this water right. Note that deed from Milwaukee Mining Company to Hecla states that Bell Gulch water right was located in 1891. The record does not show any location made in that year, the only one being by Neill & Mitchell in 1893 as above mentioned.

It is very probable that this is the water right used by the Hecla Mining Company at this time.

The fourth water right location was made by E R Moffitt on April 3rd, 1900, same being deeded by Moffitt to the Bell Mining Company on April 21, 1900.

It is my understanding that for a number of years certain residents of Gem, Idaho have been taking water from the lower part of Bell Gulch for domestic use. A deed from Ida F L Trentovsky to the Hecla Mining Company, dated July 14, 1928, conveys "an undivided 1/16 interest of, in and to a certain water right known as the Gem Hill Water Right to the waters of Bell Gulch, at Gem, Idaho". It is very probable that a much earlier record could be found showing the existence of this unrecorded water right.

Respectfully submitted

s/s Chas. H Foreman

MAR 20 1951