



State of Idaho

## DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

December 21, 2015

RICHARD R HALL  
STOEL RIVES LLP  
101 S CAPITOL BLVD STE 1900  
BOISE, ID 83702

Re: Coeur d'Alene-Spokane River Basin Adjudication (CSRBA) Notice of Claim Nos. 94-4248, 94-4252 and 94-4253

Dear Mr. Hall:

In preparing the request for supporting documentation to determine if the water use claimed for CSRBA Claims Nos. 94-4248, 94-4252 and 94-4253 qualifies as an exception to forfeiture under Section 42-223(11), Idaho Code, I noticed that Idaho Department of Water Resources (IDWR) does not have original signed claims. It appears paper claims were submitted by U.S. Silver Corporation in 2011, but those claims were not signed.

IDWR also has a letter in the files from Tyson Clyne dated January 13, 2015 stating the property and the water rights were purchased from U.S. Silver Corporation by Silver Opportunity Partners. As I mentioned on the phone last week, the letter from Mr. Clyne refers to a change of ownership form filed with IDWR on October 28, 2014; however, that form is not in IDWR's files.

Because IDWR does not have signed claims, I am enclosing draft amended claims for 94-4248, 94-4252 and 94-4253 showing Silver Opportunity Partners as the owners. Please review these claims with your client, and if any changes are necessary, have your client initial those changes and complete the organization signature block. I have also included a signature block that you may use as a notice of appearance in the CSRBA for your client Silver Opportunity Partners.

Please return the amended claims and complete the enclosed questionnaire (one for each mining operation or location) along with supporting documents to the address below no later than January 29, 2016:

Idaho Department of Water Resources  
Adjudication Section  
PO Box 83720  
Boise, ID 83707-9815

Supporting documentation should include:

1. A history of the price of the mineral(s) produced at the mine.
2. A copy of a mineral assay or an affidavit by an expert who has reviewed a mineral assay for the property that confirms a valuable mineral exists on the property.
3. A document that shows the ownership of the mineral rights on the property.
4. If the property where the water use is claimed is an unpatented mining claim, provide evidence that the annual maintenance fees for the mining claim have been paid.
5. Documentation that shows the property has been maintained for future mineral production. This could include maintenance of infrastructure and equipment from prior mining operations.
6. Please also enclose a map showing the location of any current mining activity or water use.

Since the CSRBA claims are based on "Statutory Claims," I have also enclosed an Evidence of Priority Date brochure. If you have any questions or need additional information, please contact me at: (208) 287-4917 or [Carter.Fritschle@idwr.idaho.gov](mailto:Carter.Fritschle@idwr.idaho.gov)

Sincerely,

Carter Fritschle  
Adjudication Section Manager  
Idaho Department of Water Resources

Enclosure: Exceptions to Forfeiture for Mining Questionnaire – Section 42-223(11), Idaho Code  
Draft Amended Claim Nos. 94-4248, 94-4252 and 94-4253 and Evidence of Priority Date brochure

### Exceptions to Forfeiture for Mining Questionnaire – Section 42-223(11), Idaho Code

This questionnaire should be used as a guide to provide evidence supporting an exception to forfeiture. Each answer will need to have corresponding documents and/or affidavits.

List the adjudication claim number(s) in which an exception to forfeiture under Section 42-223(11), Idaho Code is sought:

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- 1) Enter the name of the mine or property in which the water claimed above was historically used. (All of the following questions will refer to the mine or property named below.)

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- 2) When was the mining, mineral processing or milling at the mine or property suspended?

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- 3) Described the reason(s) the mining, mineral processing or milling of minerals at the mine or property was suspended or the mine was closed?

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- 4) Does the mine or property have one or more valuable minerals as defined in Section 47-1205, Idaho Code? If so, please list the mineral(s).

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- 5) Please provide a history of the price of the mineral(s) at the mine or property?

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- 6) Explain how the property and mineral rights have been maintained for future mineral production at the mine or property?

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Please print name and title of person completing this questionnaire

Date

Signature of person completing this questionnaire

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 COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49576

Ident. Number 94-4248  
Date Received:  
Receipt No: N028930  
Received By:

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

1. Name of Claimant(s)

SILVER OPPORTUNITY PARTNERS Phone: (208) 783-1701  
2209 BIG CREEK RD  
KELLOGG ID USA 83837

2. Date of Priority: 07/05/1887

3. Source: MC FARREN GULCH CREEK WEST FORK Trib. to: MC FARREN GULCH CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County   | Type |
|----------|-------|---------|-----------------------|----------|------|
| 48N      | 03E   | 24      | SW NW                 | SHOSHONE |      |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose | From | To    | C.F.S. | (or) A.F.A |
|---------|------|-------|--------|------------|
| MINING  | 1 /1 | 12/31 | 8.5    |            |

7. Total Quantity Appropriated is:  
8.5 C.F.S.

8. Non-irrigation uses:

9. Place of use:

| Township | Range | Section | 1/4 of 1/4 Lot | Use    | Acres |
|----------|-------|---------|----------------|--------|-------|
| 48N      | 03E   | 24      | NW NE          | MINING |       |

10. Place of use in counties: SHOSHONE

11. Do you own the property listed above as place of use? Yes

12. Other Water Rights Used:

None

13. Remarks:

14. Basis of Claim: Statutory Claim

15. 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 Coeur d'Alene-Spokane 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 under penalty of perjury that I am

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

\_\_\_\_\_ of \_\_\_\_\_,  
Title Organization  
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_ Date \_\_\_\_\_

Title and Organization

\_\_\_\_\_  
Please print

16. Notice of Appearance:

Notice is hereby given that I, \_\_\_\_\_, will be acting as attorney at law of 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 \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49576

Ident. Number 94-4252  
Date Received:  
Receipt No: N028925  
Received By:

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

1. Name of Claimant(s)

SILVER OPPORTUNITY PARTNERS Phone: (208) 783-1701  
2209 BIG CREEK RD  
KELLOGG ID USA 83837

2. Date of Priority: 09/01/1929

3. Source: MC FARREN GULCH CREEK WEST FORK Trib. to: MC FARREN GULCH CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County   | Type |
|----------|-------|---------|-----------------------|----------|------|
| 48N      | 03E   | 24      | NW NE                 | SHOSHONE |      |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose | From | To    | C.F.S. | (or) A.F.A |
|---------|------|-------|--------|------------|
| MINING  | 1 /1 | 12/31 | 0.5    |            |

7. Total Quantity Appropriated is:  
0.5 C.F.S.

8. Non-irrigation uses:

9. Place of use:

| Township | Range | Section | 1/4 of 1/4 Lot | Use    | Acres |
|----------|-------|---------|----------------|--------|-------|
| 48N      | 03E   | 24      | NW NE          | MINING |       |

10. Place of use in counties: SHOSHONE

11. Do you own the property listed above as place of use? Yes

12. Other Water Rights Used:

13. Remarks:

14. Basis of Claim: Statutory Claim

15. 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 Coeur d'Alene-Spokane 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 under penalty of perjury that I am

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

\_\_\_\_\_ of \_\_\_\_\_,  
Title Organization  
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_ Date \_\_\_\_\_

Title and Organization

\_\_\_\_\_  
Please print

16. Notice of Appearance:

Notice is hereby given that I, \_\_\_\_\_, will be acting as attorney at law of 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 \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

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 COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49576

Ident. Number 94-4253  
Date Received:  
Receipt No: N028924  
Received By:

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

1. Name of Claimant(s)

SILVER OPPORTUNITY PARTNERS Phone: (208) 783-1701  
2209 BIG CREEK RD  
KELLOGG ID USA 83837

2. Date of Priority: 11/01/1940

3. Source: MC FARRAN GULCH CREEK Trib. to: COEUR D ALENE RIVER SOUTH FORK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County   | Type |
|----------|-------|---------|-----------------------|----------|------|
| 48N      | 03E   | 24      | NE NE                 | SHOSHONE |      |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| INDUSTRIAL | 1 /1 | 12/31 | 1.5    |            |
| MINING     | 1 /1 | 12/31 | 1.5    |            |

7. Total Quantity Appropriated is:  
1.5 C.F.S.

8. Non-irrigation uses:

9. Place of use:

| Township | Range | Section | 1/4 of 1/4 Lot | Use                  | Acres |
|----------|-------|---------|----------------|----------------------|-------|
| 48N      | 03E   | 24      | NE NE          | INDUSTRIAL<br>MINING |       |

10. Place of use in counties: SHOSHONE

11. Do you own the property listed above as place of use? Yes

12. Other Water Rights Used:

13. Remarks:

14. Basis of Claim: Statutory Claim

15. 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 Coeur d'Alene-Spokane 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: \_\_\_\_\_

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I do solemnly swear or affirm under penalty of perjury that I am

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

\_\_\_\_\_ of \_\_\_\_\_,  
Title Organization  
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_ Date \_\_\_\_\_

Title and Organization

\_\_\_\_\_  
Please print

16. Notice of Appearance:

Notice is hereby given that I, \_\_\_\_\_, will be acting as attorney at law of 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 \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_