

07/25/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14072
NAME AND ADDRESS: KEN SEYMOUR
2500 ROSS AVE
IDAHO FALLS ID 83404

DICK WRIGHT
1335 AZALEA DR
IDAHO FALLS ID 83404

SOURCE: RABBIT CREEK TRIBUTARY: NAPIAS CREEK
QUANTITY: 0.500 CFS
PRIORITY DATE: 05/01/1956
POINT OF DIVERSION:
T22N R20E S29 SESW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MINING	05/01 11/01	0.500 CFS

PLACE OF USE:

MINING Within LEMHI County

~~T22N R20E S32~~ ~~SWNE~~ ~~SWNW~~
~~T22N R20E S32~~ ~~NENW~~
~~T22N R20E S32~~ ~~SWNW~~

~~T22N R20E S32~~
~~T22N R20E S32~~
~~T22N R20E S32~~

~~SWNE~~
~~NWNW~~
~~SENE~~

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

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-13946

07/25/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14072
NAME AND ADDRESS: KEN SEYMOUR
2500 ROSS AVE
IDAHO FALLS ID 83404
DICK WRIGHT
1335 AZALEA DR
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T22N R20E S29 SESW Within LEMHI County

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MINING	05/01 11/01	0.500 CFS

PLACE OF USE: MINING Within LEMHI County

T22N R20E S29	SWSW	T22N R20E S29	SESW
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OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-13946

75-14072



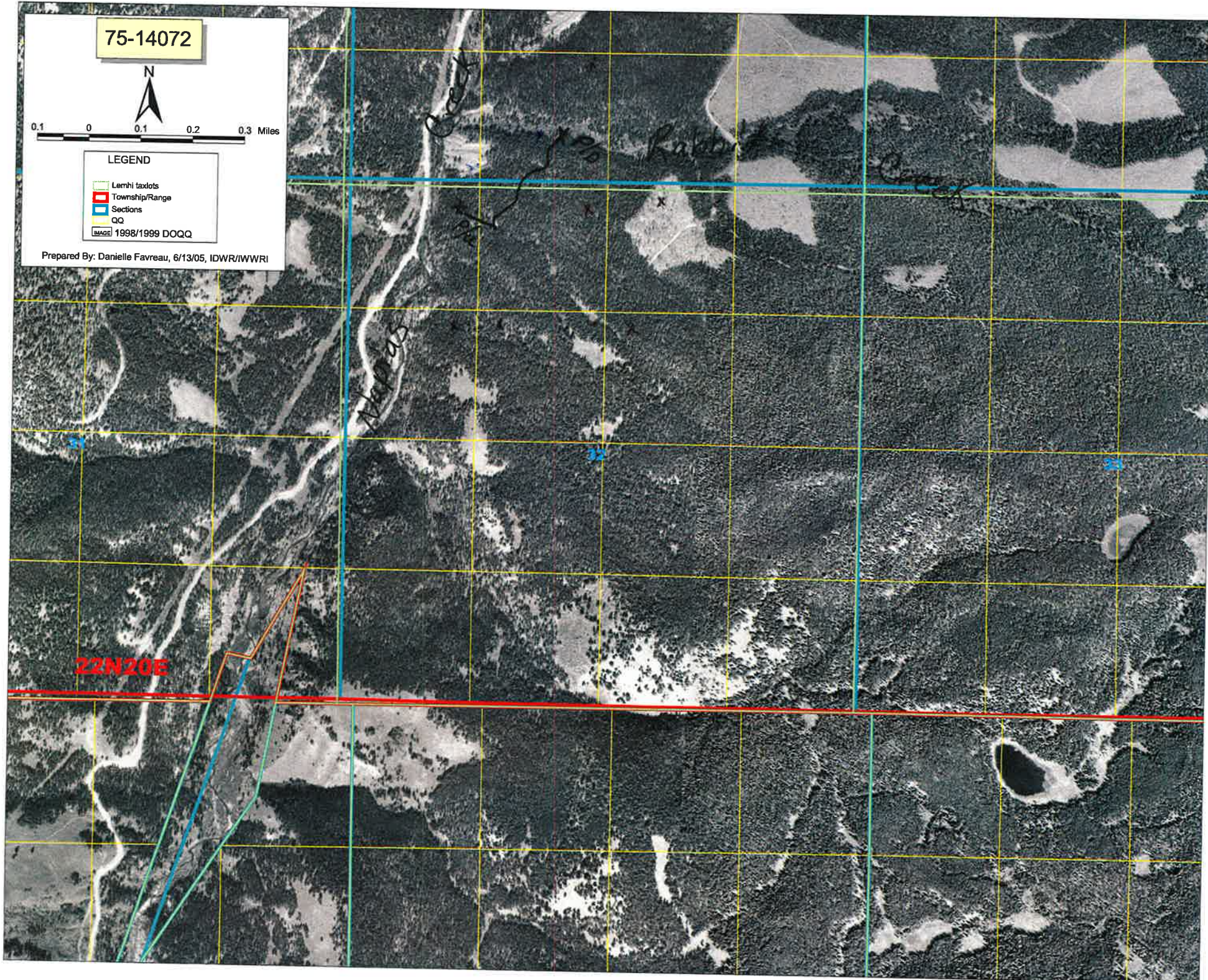
0.1 0 0.1 0.2 0.3 Miles

LEGEND

- Lemhi taxlots
- Township/Range
- Sections
- QQ

IMAGE 1998/1999 DOQQ

Prepared By: Danielle Favreau, 6/13/05, IDWR/IWWRI



2500 Ross Avenue
Idaho Falls, Idaho 83406
July 19, 2006

Mr. Kenneth Knoblock, Water Resources Agent
Idaho Department of Water Resources
1910 Northwest Blvd, Suite No. 210
Coeur d'Alene, Idaho 83814-2615
RE: 75-14072

RECEIVED
AUG 10 2006
IDWR/North

Dear Mr. Knoblock:

Your reduction in our water claim allotment to 0.5 cfs is not acceptable to us, and we believe any reduction to be totally unfounded and unsupportable. We attempted to clarify the use conditions in our two previous responses to you using the only measured data available to us, and stated in the reply that those data were taken at minimum flow conditions relating to a single sluice system. Should we need to use a larger sluice, or even a second wash plant, that level would be entirely insufficient. We also stressed the extreme variability of the flow conditions and leakage losses which could affect the total flow. We believe we must maintain the current IDWR-accepted rate of 1 cfs to have a viable capability.

*no
wash
plant
started
before*

We also cited to you the USFS study that concluded the total impact of our operation to be only minimal, with full recovery of the diverted amount in only about 100 yards downstream. These facts essentially shows that a non-consumptive use claim would be supportable, and probably approvable with more precise measurements using more sophisticated equipment. We did not opt to pursue that more-costly approach with advice from other agents of the IDWR, and because of the usually-expected difficulty of obtaining approval for non-consumptive use.

The assumption you make for the leakage is not supportable, since that level of leakage occurred in the IDWR-made measurements in only about 100 yards of the ditch at low water conditions. We were prevented by USFS to effect repairs to the ditch to reduce this leakage. As we pointed out to you, the total ditch length is 3,500 feet, and our sluice is near the end of that distance.

We performed extensive research in arriving at the flow included in the original claim. Previous owners/users were interviewed and submitted statements to prove our claim, with these statements submitted to the local IDWR office with the claim. Some users stated they were forced to run the ditch with every ounce of water they could get into the ditch. This was before we submitted the formal claim, and the USFS forbid the repairs to the ditch. The USFS then declared it to be an archaeological site. We were only permitted to repair a 50-foot length total washout using bridges of 8-inch pipes, and two smaller but total ditch failures temporarily with plastic sheets.

We reiterate that we can tolerate no reduction in our allotted amount .

L. K. Seymour

L. K. Seymour

Richard R. Wright

Richard R. Wright



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

July 25, 2006

L. K. Seymour
Richard Wright
2500 Ross Avenue
Idaho Falls, ID 83406

RE: 75-14072

We received your letter dated July 19, 2006. We appreciate your answer. Water use in your sluice of 0.3 cfs seems reasonable. We will recommend 0.3 cfs plus ditch loss of 40% for a total of 0.5 cfs. We want to thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Knoblock', is written over a light blue horizontal line.

Kenneth Knoblock
Water Resources Agent

2500 Ross Avenue
Idaho Falls, Idaho 83406
July 19, 2006

Mr. Kenneth Knoblock, Water Resources Agent
Idaho Department of Water Resources
1910 Northwest Blvd, Suite No. 210
Coeur d'Alene, Idaho 83814-2615

RECEIVED
JUL 24 2006
IDWR/North

RE: 75-14072

Dear Mr. Knoblock:

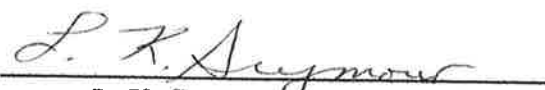
In response to your second request for additional information on the diversion and equipment use for our water claim, the following is submitted. We apologize for the delay in responding.

We have determined that approximate flow for efficient use of our sluice is about 0.3 cfs. Flow in the ditch is highly variable however, and flows entirely from the ditch into the "historic spillway" (see our first response letter for sketch) and is released to the extensive tailings piles. When we desire to use a sluice, water is re-directed to flow through the downstream portions of the ditch to connecting small pipes at the sluice entrances. Flow velocities in the pipes are controlled to match the needed flow in the sluice by controlling the total head on the pipe, by changing the slope of the pipe and bypass flow in the ditch. Any such bypass flow is directed to the water cleanup system and released to the tailings piles the same as the water used.

Flow measurements by IDWR provided the actual flow at the seasonal low water conditions of Rabbit Creek and results were submitted to USFS and IDWR. The maximum flow in ditch at the diversion point was only 1.6 cfs from the total flow in Rabbit Creek of about 3.3. cfs., for an approximate 1/3 to 2/3 split. As you can see, seasonal flows vary widely, so the total diversion also varies with the current flow conditions. Ditch losses through leakage also vary widely, but USFS would permit only minimal repairs. In the cited measurement above, about 40% losses occurred in the first 110-150 feet of the ditch.

As for the ditch itself, we would estimate it to be one foot wide and 3-4 inches of water depth. These dimensions also are highly variable, since the ditch is 3,5000 feet long. The water claim was estimated to 1.0 cfs for each of the two claims being served.

We hope this information satisfies your needs. Precise numbers are not possible due to the continuously varying conditions.


L. K. Seymour


Richard Wright



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 21, 2006

L. K. Seymour
Richard Wright
2500 Ross Avenue
Idaho Falls, ID 83406

RE: 75-14072

Dear Mr. Seymour:

We need a little more information about how much water you divert from Rabbit Creek. We assume that your 12 foot sluice box is about 12 inches wide. If you run all the water through the sluice box that you divert from the stream, then tell us how deep the water is in the box and how fast it is going. If that is unavailable then tell us how wide the ditch is, how deep the water is and how fast the water is flowing.

Thank you for your assistance.

Sincerely,

Kenneth Knoblock
Water Resources Agent

Sluices

A sluice is generally defined as an artificial channel through which controlled amounts of water flow. Sluice box and riffles are one of the oldest forms of gravity separation devices used today (Photo 3). The size of sluices range from small, portable aluminum models used for prospecting to large units hundreds of feet long. Sluice boxes can be made out of wood, aluminum, plastic or steel. Modern sluices are built as one unit although sluices formed in sections are still used. A typical sluice section is 12 feet long and one foot wide. As a rule, a long narrow sluice is more efficient than a short wide one. The sluice should slope 4 to 18 inches per 12 feet, usually 1-1/8 to 1-3/4 inches per foot, depending on the amount of available water, the size of material processed, and the size of gold particles.

The riffles in a sluice retard material flowing in the water, which forms the sand bed that traps heavy particles and creates turbulence. This turbulence causes heavy particles to tumble, and repeatedly exposes them to the trapping medium. An overhanging lip, known as a Hungarian riffle, increases the turbulence behind the riffle, which agitates



Photo 3. Early view of sluicing, Coloma, California, circa 1850-1851. Photo courtesy of Wells Fargo Bank History Room.

the sand bed, improving gold recovery (Figures 3-5) Riffles can be made of wood, rocks, rubber, iron or steel, and are generally 1-1/2 inches high, placed from one-half inch to several inches apart. The riffles are commonly fastened to a rack that is wedged into the sluice so that they can be easily removed. Mercury may be added to riffles to facilitate fine gold recovery, but its escape into the environment must be prevented.

In addition to riffles, other materials are used to line sluices for enhanced recovery. In the past, carpet, courdooroy, burlap, and denim were all used to line sluices to aid in the recovery of

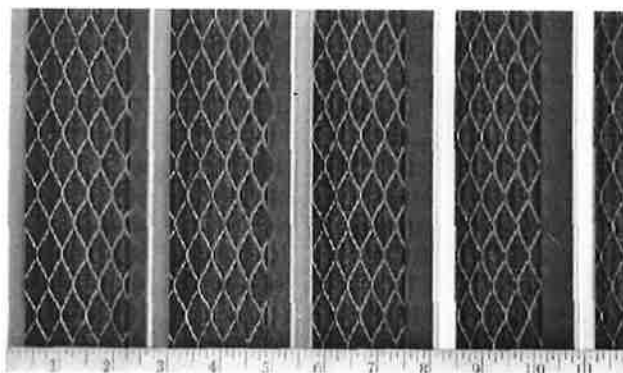


Photo 4. Modern sluice lined with screening and rubber matting. The screen and the mat act as small, closely spaced riffles that enhance the recovery of fine gold.

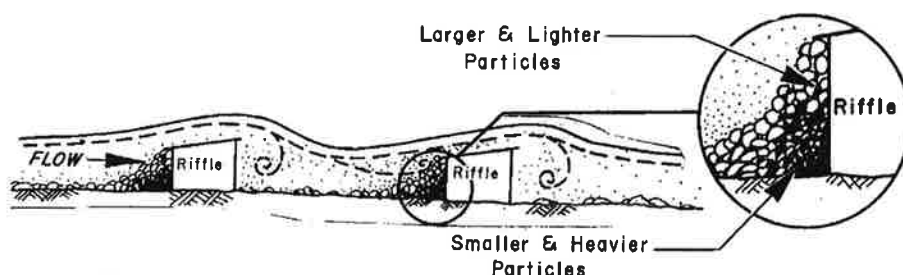


Figure 3. Classifying action of riffles in a sluice. Modified from Pryor, 1963.

fine gold. Long-strand Astro-Turf carpet, screens, and rubber mats are used today for the same purpose (Photo 4). In Russia, some dredges use sluices with continuously moving rubber matting for fine-gold recovery (Zarnyatin and others, 1975).

To perform efficiently, a sluice needs large amounts of clean water. Enough water should be added to the feed to build up a sand bed in the bottom of the sluice. For maximum recovery, the flow should be turbulent, yet not

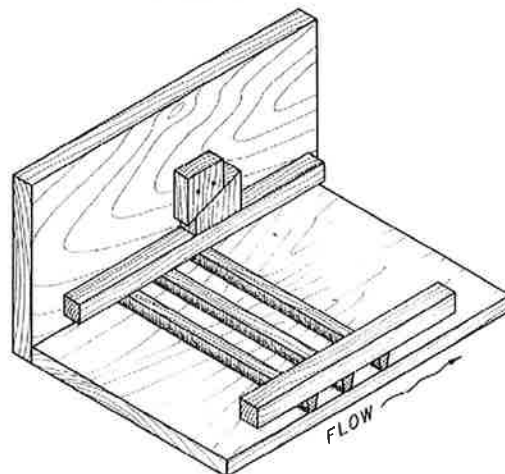


Figure 4. Usual arrangement of Hungarian riffles in a sluice. From Cope, 1978.

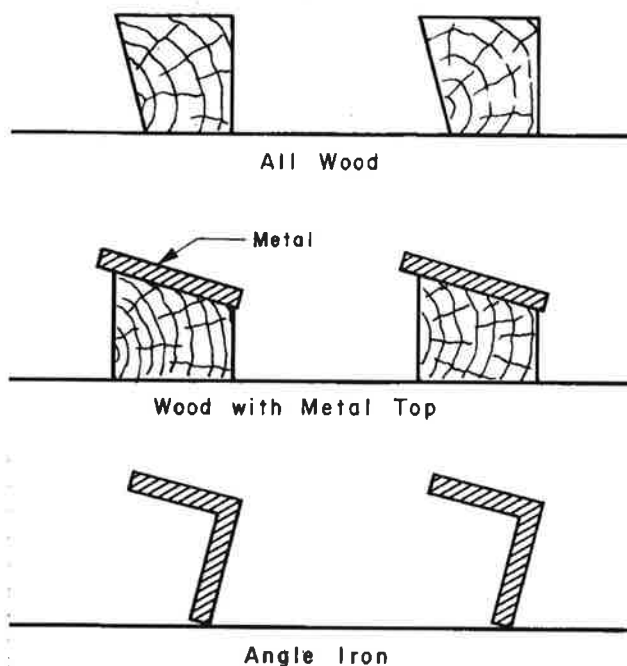


Figure 5. Detail of Hungarian riffles. From Cope, 1978.

forceful enough to wash away the sand bed. Russian studies have shown that recovery increases with the frequency of cleanups. On one dredge, gold recovery was 90% for 12 hour cleanups, and increased to 94% when sluices were cleaned every 2 hours (Zamyatin and others, 1975).

For cleanup, clear water is run through the sluice until the riffles are clear of gravel. A pan or barrel is placed at the discharge end to prevent loss of concentrate. Starting from the head of the sluice, riffles are removed and carefully washed into the sluice. Any bottom covering is removed and washed into a separate container. Cleanup continues until all riffles are removed and washed. Large pieces of gold should be removed by hand, then the concentrate is washed out of the sluice or dumped into a suitable container. The collected concentrate may be sent to a smelter, but is usually further concentrated by panning, tabling, or a variety of other methods, including re-sluicing. After cleanup, the sluice is reassembled and more material is processed.

Gold recovery with sluices can vary depending on a number of factors. Fine gold losses can be minimized by cleaning up more frequently, reducing the speed of the slurry flow to 2 to 3 feet per second, and decreasing the size of the feed, usually by screening. Some operators have increased recovery by adding a liner to the sluice to trap fine gold, and others have lengthened sluices to increase the square footage of particle trapping area.

Overall, sluices are widely used today due to their low cost and availability. They have many advantages. They require little

Disadvantages include: very fine particles of gold are not effectively recovered; frequent cleanups are required; sluices can not operate when being cleaned; and large volumes of clean wash water are needed. Although some manufacturers offer sluice boxes, the majority of those in use are fabricated for specific operations, usually by local firms or by the individual mining company.

Long tom. Among the many variants of the sluice, the long tom and the dip box are included here because of their simplicity and potential usefulness. The long tom is a small sluice that uses less water than a regular sluice. It consists of a sloping trough 12 feet long, 15 to 20 inches wide at the upper end, flaring to 24 to 30 inches at the lower end. The lower end of the box is set at a 45 degree angle and is covered with a perforated plate or screening with one-quarter- to three-quarter-inch openings. The slope varies from 1 to 1-1/2 inches per foot. Below this screen is a second box containing riffles; it is wider and usually shorter and set at a shallower slope than the first box (Figure 6).

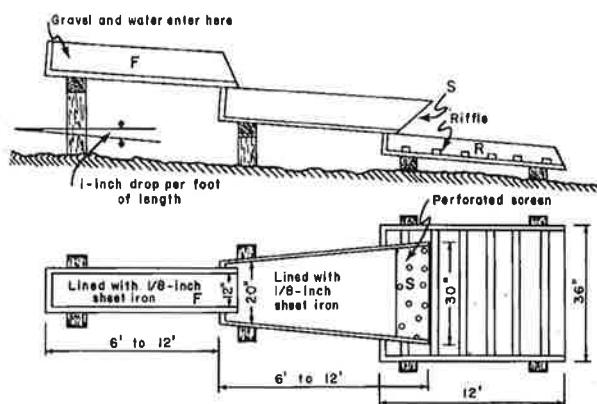


Figure 6. Side and plan views of a long tom. From West, 1971.

The long tom uses much less water than a sluice but requires more labor. Material is fed into the upper box and then washed through, with water (Photo 5). An operator breaks



2500 Ross Avenue
Idaho Falls, Idaho 83406
April 24, 2006

Mr. Kenneth Knoblock, Water Resources Agent
Idaho Department of Water Resources
1910 Northwest Blvd, Suite No. 210
Coeur d'Alene, Idaho 83814-2615

RECEIVED

MAY 04 2006

IDWR/North

RE: 75-14072

Dear Mr. Knoblock:

To respond to your request for additional information on the diversion and equipment use for our water claim, the following is submitted:

a. Background.

There is an extensive history for the diversion and the use of this claim. The water claim has been in use for many years, with the use pre-dating current water laws (Continuous use for mining was traced back to 1956 as basis for the our formal claim). Water was used by all the previous mining groups that owned the claim until about 1998, when the US Forest Service requested the then-current owner to obtain a permit. (No record of any previous or current permits of any type could be found.) The IDWR established a moratorium on temporary perrrmits so the claims were simply operated without formal authorizations. When my partner and I acquired the mineral rights to the gold Claim in 1999, the Forest Service insisted we obtain a water permit prior to operations, requesting a Temporary Permit with no mention of the moratorium. When we approached IDWR and learned these facts, we were advised to request a permanent claim through continued use provisions by establishing proof of the use of the water prior to the effective date of the permitting requirements. Through sworn statements from previous owners and other knowledgeable witnesses, we were able to prove a use-date of 1956 for the Water Claim as stated in 75-14072 and supporting documents.

About 1997, a previous owner made a request for a permanent permit which was never completed. The USFS themselves entered an objection to the permit based on erroneous statements. IDWR issued the subject permit and informed the USFS that our permit gave us the legal right to use the water under Idaho laws, but USFS has continually asserted that they will control all aspects of water use without regard to the authority vested in IDWR. They denied our permit to mine on the claim unless we followed their directions regarding use of the water. The current version of 75-14072 resulted from a change to the permit ordered by the USFS. The Claim was made for a block of three gold claims, with various owners. (They insisted we were illegally "giving away water" since water was being used by ourselves with one gold claim, and

the other miners group with two gold claims. We had reached a formal agreement with the others on water use.) We formally requested IDWR to split the Claim to two Claims, and the request was granted by IDWR.

The Forest Service then began insisting on a headgate, but ignored a letter from IDWR refuting the need, since the area was not a part of a developed water district. They made this requirement a condition, along with several others, to extending the operating approval. They really wanted us to provide the facilities for another fish study, and included rigid provisions for flow measurement, ability to be locked in all positions, a finer mesh fish screen than previously required, and complete flow shutdown every time the wash plant was not being attended, which could be several times a day. Total flow loss would impact some areas of what we believed to be wetland areas, and had nothing to do with the mine operation. For many years, a removable metal plate had been used divert ditch flow to the "historic spillway" (see sketch). Since numerous fish studies had been previously made with no endangered species found, we refused. We felt that it was not our responsibility to provide facilities for fish studies. The Forest Service eventually completed the studies without any of the facilities in place, but concluded they would still require a headgate. When we still refused, they then decided to build the head gate themselves. They designed, contracted the fabrication and installation, and located the headgate several feet from the actual water diversion as described below.

With this background, I will now describe the facilities. Initially, the bottom of the ditch at the diversion was at the same elevation as the bottom of the stream. An ancient headgate had deteriorated and washed away, so the flow was continued for many years without it, since the ditch limited outflow to less than the total authorized amount (confirmed by measurements by IDWR). The ditch had substantial leaks in the first 150 yards resulting in a loss of more than 40% of the ditch inflow. The Forest Service denied permission to repair it, and declared it to be an historic site. The leakage was thus released to the forest floor, and hence our conclusion that the area could be a wetland below that section of the ditch, since the ditch flowed all year for many previous years. One section of the ditch at the north boundary was completely washed out for a distance of about 40 feet and the USFS would only allow repair by bridging the section with pipe.

Sketch 1 shows the area layout, and was taken from the latest Forest Service evaluation of our operating plan. The entire diversion is eventually returned to the tailings piles which cover the entire area. During the entire period when the diversion was not headgated nor controlled, all ditch-flow was released to the area shown as the "historic spillway", as stated above. (All the water is eventually returned to Napias Creek after extensive filtration and percolation in the tailings, regardless of how it is transported, including all ditch water. However, no direct releases are made.

The total impact of this water usage is a 7% flow reduction which is totally reinstated to Napias Creek in 100 yards. This is the conclusion by the Forest Service evaluation for the latest approval request.

The sketch shows the existing ditch which is simply dug into the earth. 4" PVC pipes direct the water from the ditch to the sluice areas shown. A grizzly separator leads directly to a standard

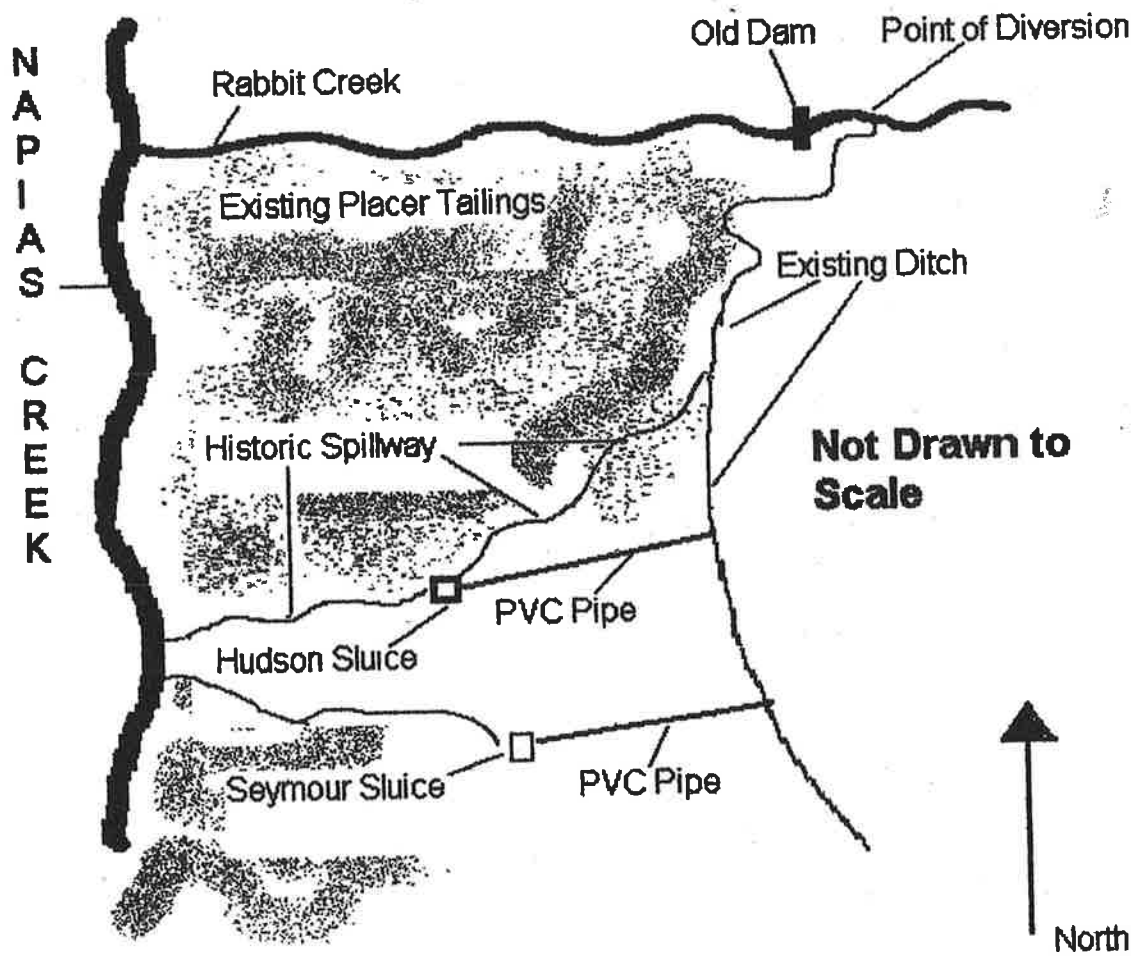
sluice about 12 ft. in length. The sluice outflow is directed to a large settling pond lined with straw bails and nylon filter cloth . It is then released to percolation into the tailings piles for additional subsurface filtration prior the return to Napias Creek.

The headgate is constructed of a steel frame of angle iron, with a sliding window for the movable gate, and a second sliding window for the fish screen. The plate used as a gate is lockable in the open and closed positions. The structure is supported by the frame whose corners comprise legs inserted into the ditch bottom .

I trust the above information answers your questions. Please feel free to contact us should others arise.


L. K. Seymour


Richard ~~W.~~ Wright
R.



RECEIVED

AUG 04 2005

DEPARTMENT OF
WATER RESOURCES

2500 Ross Avenue
Idaho Falls, Idaho 83406
July 29, 2005

Department Of Water Resources
Roxanne Brown, Senior Water Resources Agent
Adjudication Bureau
P.O. Box 83720
Boise, Id, 83720-0098

Dear Ms. Brown:

This letter responds to your request of June 29, 2005, regarding my claim to a Water Right soon to be adjudicated, No ~~75-14072~~. This Claim resulted from a 50% split of the original Claim No. 13496 demanded by the US Forest Service administering the mining operation.

I am enclosing a copy of the original affidavit submitted by a previous owner of this mine to validate the Claim, as well as other pertinent documents to clarify the history. All these documents were included with the original IDWR submittal by our attorney, and are supplied for your convenience. Other supporting documents were included with 75-13496, and a copy of IDWR effecting the split to 75-14072 and -73. If you have the need for additional information, please let me know.

Sincerely yours.


L. K. Seymour

SCANNED

AUG 04 2005

ORIGINAL WATER CLAIM -

RECEIVED

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

AUG 04 2005

DEPARTMENT OF
WATER RESOURCES

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 75-13946
Date Received: 1/18/2000
Receipt No: E025559
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KEN SEYMOUR Phone: (208)522-6282
2500 ROSS AVE
IDAHO FALLS ID USA 83404

DICK WRIGHT Phone: (208)523-4172
1335 AZALEA DR
IDAHO FALLS ID USA 83404

2. Date of Priority: 05/01/1956

3. Source: RABBIT CREEK Trib. to: NAPIAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
22N	20E	29	SE SW	LEMHI	

5. Description of diverting works:

DIVERSION DAM OF LESS THAN 3' INTO A DITCH 2' WIDE X 2' DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
MINING	5/01	11/01	2	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
22N	20E	32	NW	NE	MINING	
			SW	NE	MINING	
			NE	NW	MINING	
			NW	NW	MINING	
			SW	NW	MINING	
			SE	NW	MINING	

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

WATER RIGHT 75-7472 IS AN APPLICATION FOR PERMIT FILED BY E.J. SCHWARZENBERGER, AND IS STILL PENDING. IF THE WITHIN CLAIM IS APPROVED, THE SAID APPLICATION COULD BE WITHDRAWN OR CANCELLED. A LETTER DATED JULY 21, 1999, FROM KEN SEYMOUR TO IDWR, GIVES THE BACKGROUND FOR THIS CLAIM ALTHOUGH IT WAS WRITTEN TO SUPPORT SAID APPLICATION, 75-7472. ATTACHED TO THE LETTER IS AN AFFIDAVIT BY RICHARD R. SMITH VERIFYING THE USE OF THE WATER FROM 1956 THROUGH 1986, AND AN AFFIDAVIT FROM JAMES SCHWARZENBERGER VERIFYING THE USE OF THE WATER FROM 1988 THROUGH 1995. THIS LETTER WAS NEVER MAILED TO IDWR, BUT SUPPORTS THIS CLAIM AS A BENEFICIAL USE RIGHT CLAIM, AND ANSWERS PROTESTS TO THE APPLICATION.

15. Basis of Claim: Beneficial Use

SCANNED



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7162

RECEIVED

AUG 04 2005

DEPARTMENT OF
WATER RESOURCES

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 13, 2002

KEN SEYMOUR
2500 ROSS AVE
IDAHO FALLS ID 83404

RE: CHANGE IN OWNERSHIP FOR 75-13946

Dear Mr. Seymour:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

75-13946:

75-14072: 1 cfs, Seymour & Wright

75-14073: 1 cfs, Gietzen, Wackerli, Chadwick, Hudson

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree

Technical Records Specialist

cc: Dick Wright
Dave Gietzen
Steve Wackerli
James Chadwick
Donnie Hudon

SCANNED

AUG 04 2005

AFFIDAVIT

I, Richard R. Smith, 308 Washington Ave.
(Name) (Address)

Salmon, ID 83467, do hereby certify to the following operational history of the Smith, Paradise, and Blue Moon gold claims on Rabbit Creek in the Mackinaw Mining District of Lemhi County, Idaho (Legal Description Sec 32, T22N, R20E). The operation consisted of utilizing water from Rabbit Creek in a sluice/wash system to separate placer gold.

I filed the Paradise claim in 1956, and operated it beginning in 1956 through 1959; the Blue Moon claim was filed in 1968 by a partner, and the Smith claim was filed in 1974 by still other partners. Beginning in 1961, I operated by myself and with various partners in 1961 to 1963, 1965, 1966 through 1969, 1971 through 1975, and 1977 through 1986. The Blue Moon claim was added to the operation with the Paradise claim beginning in 1968, and the Smith claim was added in 1974. Each claim was added to the group as they were filed, and all claims were operated as a group for the years listed above. All three were transferred to me in 1982, and continued to be operated as a group.

I sold my rights to all three claims to E. J. Schwarzenberger in 1987, who continued to operate them utilizing Rabbit Creek water.

The water was taken from Rabbit Creek by an existing diversion, and passed through an existing ditch system to the area mined. The ditch was filled as full as possible to obtain sufficient flow at the farthest point along the ditch. To the best of my knowledge, the operations were continuous except for the years of 1960, 1964, 1970, and 1976, as shown above.

Signed Richard R. Smith

Richard R. Smith
Name Printed

State Of Idaho)
County of Lemhi ss)

On this 29 day of July, 1999, personally appeared before me the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

SEAL

Residing at Salmon, Idaho

My commission expires: 12-18-2003.

SCANNED

AUG 04 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 19, 2006

Ken Seymour
2500 Ross Ave.
Idaho Falls, ID 83404

RE: 75-14072

Dear Mr. Seymour:

On June 12, 2002, a Notice of Claim in the Snake River Adjudication was submitted. It listed 1 cubic feet per second (448.8 gpm) withdrawal of water from Rabbit Creek for mining use in Section 32 Township 22N Range 20E. Would you please send us a description of how you are diverting the water and what type of the equipment that you are using?

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth Knoblock', written over a horizontal line.

Kenneth Knob lock
Water Resources Agent

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s).

A75 14072

1. ☒ No Change NAME IS SAME

☐ NEW OWNER: _____

☒ No Change ADDRESS

☐ NEW ADDRESS: _____

2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted

☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____

(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE

☐ Source is different than that claimed:

Source found: _____

4. ☐ No Change — POINT OF DIVERSION

☐ Point of diversion is different than the claim and/or new P/D's:

GPS Site Tag No.: _____

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☐ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☐ No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township <u>22N</u>	Range <u>20E</u>	Section <u>32</u>	<u>1/4 NW</u>	<u>1/4 NW</u>
Use: _____	Township _____	Range _____	Section _____	<u>1/4</u>	<u>1/4</u>
Use: _____	Township _____	Range _____	Section _____	<u>1/4</u>	<u>1/4</u>
Use: _____	Township _____	Range _____	Section _____	<u>1/4</u>	<u>1/4</u>

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

<u>Jack F. Ellis</u>	Print Name
<u>Jack F. Ellis</u>	Signature



75-14072
75-14072
Eastern
State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 21, 2003

The Honorable Lenore Barrett
143 W Pleasant
PO Box 347
Challis, ID 83226

RECEIVED

JUL 24 2003

Department of Water Resources
Eastern Region

RE: INQUIRY ON BEHALF OF L. K. SEYMOUR

Dear Representative Barrett:

This letter responds to your telephone inquiry on July 18, 2003 and to the two letters you faxed to me in connection with use of water for mining purposes by L.K. Seymour in the Salmon/Cobalt area.

Mr. Seymour's letter to Terry Hershey of the U.S. Forest Service refers several times to a "water permit". I was unable in my research of water rights to find a permit, license or decree for the mining use of Mr. Seymour or his predecessors in interest.

Department records do show, however, that on January 18, 2000, Ken Seymour and Dick Wright filed Snake River Basin Adjudication ("SRBA") claim no. 75-13946 with the department based on "beneficial use" of water. On June 12, 2002, claim no 75-13946 was divided into SRBA claim nos. 75-14072 and 75-14073. Claim 75-14072 is in the name of Ken Seymour and Dick Wright and claims the diversion of 1.0 cubic feet per second of water from Rabbit Creek tributary to Napias Creek for mining purposes. The priority claimed is May 1, 1956 with a season of use from May 1 to November 1 each year. Enclosed for your reference is a copy of the claim.

The department does not have as much information on the water use as it normally would have had if the claim had been based on a permit, license or decree. The claim will be reviewed as a part of the SRBA and together with other SRBA claims in basin 75 will be recommended to the SRBA court in January 2005. In addition, due to the remoteness of the location, the department does not have records of water diversion and use, since the use is not within a water district and has not been delivered by a watermaster.

The department sometimes requires screening of diversions but has not in this case, since the water use is represented by a claim and not by a permit or license issued by the department. As with any water right, when water is not being beneficially used for the authorized use, the right holder should not divert the water from the

source. Rights of way or easements for ditches and conveyance systems are privately owned appurtenances and are not regulated or administered by the department, since department authority is related to the use of the state's public water.

I wish I could have found more information on this water use but hope this letter provides sufficient information and addresses the concerns you expressed over the phone.

If I can provide additional information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Glen Saxton". The signature is fluid and cursive, with the first name "L." being small and the last name "Saxton" being larger and more prominent.

L. GLEN SAXTON, P.E.
Administrator
Water Management Division

Encl: 1

c: IDWR - E. Region
Bob Foster



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 13, 2002

KEN SEYMOUR
2500 ROSS AVE
IDAHO FALLS ID 83404

RE: CHANGE IN OWNERSHIP FOR 75-13946

Dear Mr. Seymour:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

75-13946:

75-14072: 1 cfs, Seymour & Wright

75-14073: 1 cfs, Gietzen, Wackerli, Chadwick, Hudson

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree

Technical Records Specialist

cc: Dick Wright
Dave Gietzen
Steve Wackerli
James Chadwick
Donnie Hudon

2K JC 5/28/02

RECEIVED

MAY 14 2002

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	A75-13946	X			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. ☒
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) L. Ken Seymour + Dick Wright
4. New Owner/Claimant(s) L. Ken Seymour, Dick Wright, Dave Gietzen
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
Steve Wackerli, Jim Chadwick, Donnie Hudson
- New Mailing Address _____
- City, State and ZIP Code (see attached list)
- New Telephone Number (208) 522-6282, 208-529-3053
5. Date you acquired the property _____

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 75-14072
Date Received: 6/12/2002
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

A7514072



1. Name of Claimant(s)

KEN SEYMOUR Phone: (208)522-6282
2500 ROSS AVE
IDAHO FALLS ID USA 83404

DICK WRIGHT Phone: (208)523-4172
1335 AZALEA DR
IDAHO FALLS ID USA 83404

2. Date of Priority: 05/01/1956

3. Source: RABBIT CREEK Trib. to: NAPIAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
22N	20E	29	SE SW	LEMHI	

5. Description of diverting works:

DIVERSION DAM OF LESS THAN 3' INTO A DITCH 2' WIDE X 2' DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
MINING	05/01	11/01	1	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
22N	20E	32	NW	NE	MINING	
			SW	NE	MINING	
			SE	NW	MINING	
			NW	NW	MINING	
			SW	NW	MINING	
			SE	NW	MINING	

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-13946

15. Basis of Claim: Beneficial Use