

07/25/2006

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

RIGHT NUMBER: 75-14073  
NAME AND ADDRESS: DAVE GIETZEN  
PO BOX 228  
MACKS INN ID 83433  
  
STEVE WACKERLI  
PO BOX 50857  
IDAHO FALLS ID 83405  
  
JAMES CHADWICK  
1856 E 65 S  
IDAHO FALLS ID 83404  
  
DONNIE HUDSON  
710 9TH ST  
IDAHO FALLS ID 83404

SOURCE: RABBIT CREEK                      TRIBUTARY: NAPIAS CREEK  
QUANTITY: 0.120 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          | 0.120 CFS       |

PLACE OF USE: MINING Within LEMHI County

|               |      |               |      |
|---------------|------|---------------|------|
| T22N R20E S29 | SWSW | T22N R20E S29 | SESW |
|---------------|------|---------------|------|

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

75-14073



0.1 0 0.1 0.2 0.3 Miles

LEGEND

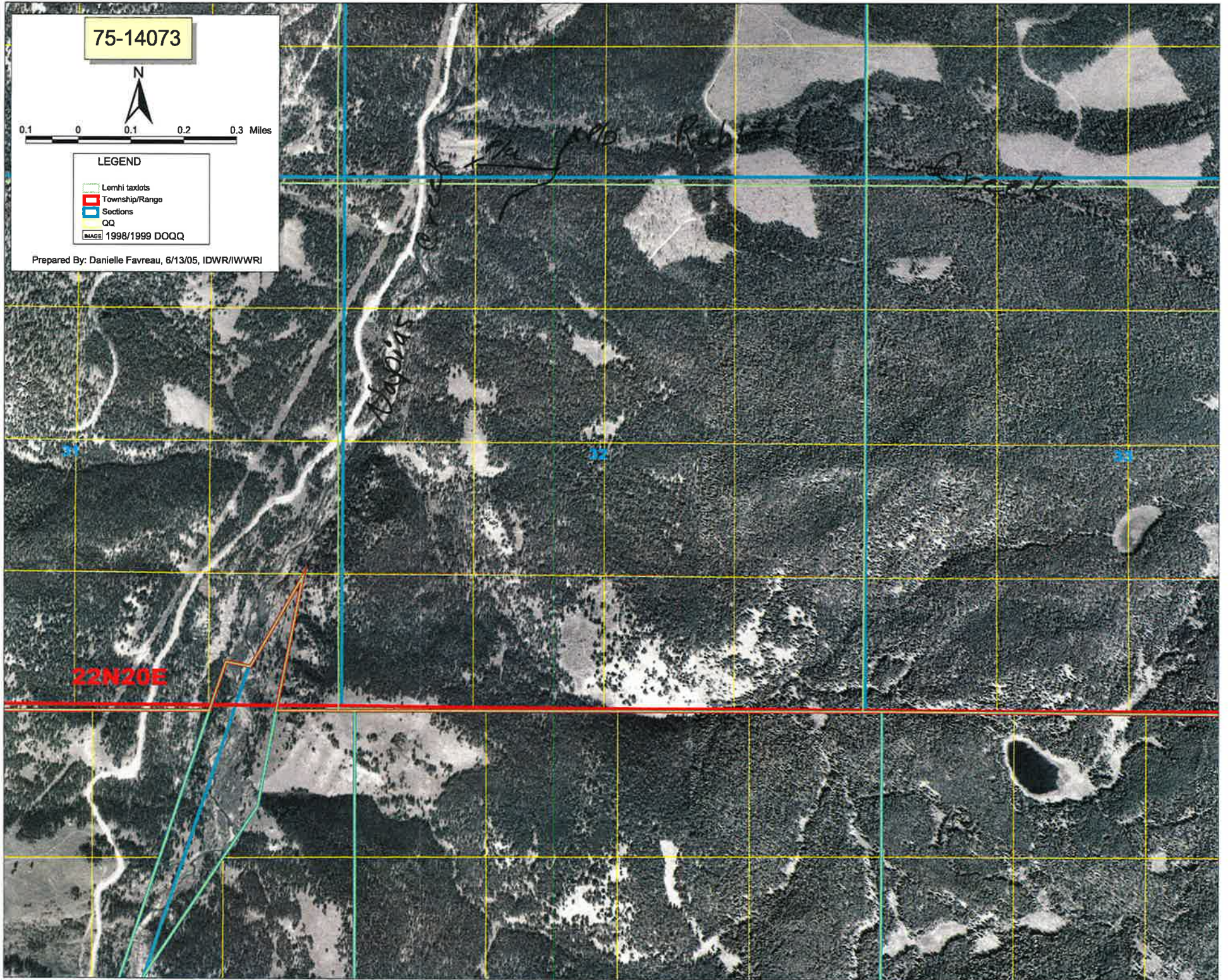
- Lemhi taxlots
- Township/Range
- Sections
- QQ
- IMAGE 1998/1999 DOQQ

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

*Higgins*

*Roberts*

**22N20E**





**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](http://www.idwr.idaho.gov)

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

July 25, 2006

James Chadwick  
291 E. 20<sup>th</sup> Street  
Idaho Falls, ID 83406

RE: 75-14073

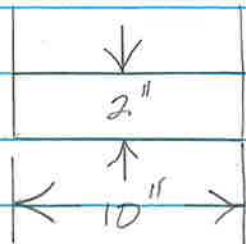
Dear Mr. Chadwick:

Based on your answer to our June 21 letter we did a rough calculation of the water use in your sluice. We arrived at a figure of 0.071 cfs, which seems to be reasonable flow through the 2" pvc pipe. We will recommend 0.071 cfs plus ditch loss of 40% for a total of 0.12 cfs. We want to thank you for your cooperation.

Sincerely,

Kenneth Knoblock  
Water Resources Agent

$$Q = \frac{1.486}{n} A R^{2/3} S^{1/2}$$



$$S = 2' / 6' = 2/12 / 6 = 0.0278$$

$$A = 2/12 \times 10/12 = 0.167 \times 0.833 = 0.1392 \text{ ft}^2$$

$$R_H = A / P_w = 0.1392 / 14/12 = 0.1193$$

$$R^{2/3} = 0.0412$$

$$S^{1/2} = 0.1667$$

$$Q = \frac{1.486}{0.02} (0.1392) (0.0412) (0.1667)$$

$$= (74.3) (0.1392) (0.0412) (0.1667)$$

$$= 0.071 \text{ ft}^3 / \text{sec.}$$

$$Q = V A$$

$$0.071 = V (0.1372)$$

$$40\% \text{ Ditch loss} = 0.12 \text{ cfs}$$



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JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

RECEIVED

JUN 29 2006

IDWR/North

June 21, 2006

James Chadwick  
291 E. 20<sup>th</sup> Street  
Idaho Falls, ID 83406

RE: 75-14073

Dear Mr. Seymour:

We need a little more information about how much water you divert from Rabbit Creek. We assume that your 6 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

DEAR SIRs

I don't have any idea what Mr. Seymour is using as water.

As far as my sluice box its 6 feet long and 10 inches wide. I run about 1 1/2 inches of water at a 2 inch drop of my sluice maybe even an 12. It goes into a settling pond and then down into Noppis Creek. I am only using it on weekends James Chadwick and there is always enough water without defecating.



**State of Idaho**

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**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

James Chadwick  
291 E. 20<sup>th</sup> Street  
Idaho Falls, ID 83404

RE: 75-14073

Dear Mr. Chadwick:

On June 12, 2002, a Notice of Claim in the Snake River Adjudication was submitted. It listed 1 cubic foot 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,

Kenneth Knoblock  
Water Resources Agent

RECEIVED  
MAY 01 2006  
IDWR/North



**State of Idaho**

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April 19, 2006

James Chadwick  
291 E. 20<sup>th</sup> Street  
Idaho Falls, ID 83404

RE: 75-14073

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Sincerely,

A handwritten signature in cursive script, appearing to read 'Knoblock', written in dark ink.

Kenneth Knoblock  
Water Resources Agent



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

August 31, 2005

JAMES CHADWICK  
291 E 20<sup>TH</sup> ST  
IDAHO FALLS ID 83404-6025

*No response.  
as 10-20-05*

SRE: Snake River Basin Adjudication (SRBA)  
**Notice of Claim to a Water Right #75-14073**

Dear Claimant:

Mail we sent to you was returned undeliverable. We have enclosed the returned mail. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by September 15, 2005. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

**If there has been a change in ownership of the property connected with the water right claim(s) referenced above,** please call this office toll-free at 1/800-451-4129 so we can contact the new owner(s) regarding their water right(s) and updating our records.

Sincerely,

*Sally*  
Sally Sherman  
Technical Records Specialist  
Adjudication Bureau

SS:region  
Enclosure:  
Returned Mail

#####

The address is correct as shown above or as otherwise changed.

\_\_\_\_\_  
Water Right Holder's Signature

\_\_\_\_\_  
Telephone No.

Dept. of Water Resources  
Adjudication Bureau  
P. O. Box 83720  
Boise, ID 83720-0098

FIRST CLASS



UNITED STATES POSTAGE  
PINEY BOWES  
02 1A \$ 00.60<sup>0</sup>  
0004396312 AUG 12 2005  
MAILED FROM ZIP CODE 83702

RECEIVED

AUG 19 2005

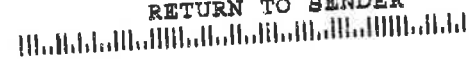
Department of Water Resources

75-14073

JAMES CHADWICK  
1856 E 65 S  
IDAHO FALLS ID 83404

CHAD856\* 834042005 1304 07 08/17/05  
FORWARD TIME EXP RTN TO SEND  
CHADWICK  
291 E 20TH ST  
IDAHO FALLS ID 83404-6025

RETURN TO SENDER



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

CLAIM NO(s).

A75 14093

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>29</u> | 1/4 <u>SW</u> | 1/4 <u>SW</u> |
| Use: _____ | Township _____      | Range _____      | Section _____     | 1/4 _____     | 1/4 _____     |
| Use: _____ | Township _____      | Range _____      | Section _____     | 1/4 _____     | 1/4 _____     |
| Use: _____ | Township _____      | Range _____      | Section _____     | 1/4 _____     | 1/4 _____     |

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: \_\_\_\_\_

Print Name

Jack F. Ellis

Signature

75-14073

RECEIVED

JUL 21 2005  
DEPARTMENT OF  
WATER RESOURCES

## PLACER MINING LOCATION NOTICE

NOTICE IS HEREBY GIVEN, That the undersigned locator<sup>s</sup> and claimant<sup>s</sup> have discovered a placer deposit of mineral or minerals, or other valuable deposits, and that the same is hereby located and claimed under the provisions of the laws of the United States and the State of Idaho:

The name of this claim is Blue moon placer mining claim and is situate in the \_\_\_\_\_ Mining District, County of Lemhi, State of Idaho, and covers the area particularly described as follows, to-wit:

Commencing at this monument, which is the S.W. corner of the claim, said monument being corner No. 1, upon which this notice is posted; thence in a Easterly direction 1500 feet to corner monument No. 2, the S.E. corner of the claim; thence in a Northerly direction 600 feet to corner monument No. 3, the N.E. corner of the claim; thence in a Westerly direction 1500 feet to corner monument No. 4, the N.W. corner monument of the claim; thence in a Southerly direction 600 feet to corner No. 1, the place of beginning.

The said corner monument No. 1, upon which this notice is posted, is situated about 800 feet in a Southerly direction from the mouth of Rabbit Creek and is on Napias Creek

The adjoining claims are Patented ground to the west, Paradise placer to the south  
The corner monuments Nos. 1, 2, 3, and 4 aforesaid are marked with the name of the claim and the corner which each said monument represents, and the direction of the boundary lines extending therefrom, and all of said monuments are at least four inches in diameter and at least four feet high above ground.

This mining claim was located on the 4th day of April, 19 97.

| Name                    | Address                | City               | State        |
|-------------------------|------------------------|--------------------|--------------|
| <u>Donnie Hudson</u>    | <u>710 9th St</u>      | <u>Idaho Falls</u> | <u>ID</u>    |
| <u>JAMES Chadwick</u>   | <u>1856 E. 6.5 SO.</u> | <u>Idaho Falls</u> | <u>Idaho</u> |
| <u>DAVID Gietzen</u>    | <u>PO Box 228</u>      | <u>Mackay, Idm</u> | <u>Idaho</u> |
| <u>Steven Wachterki</u> | <u>P.O. Box 50857</u>  | <u>Idaho Falls</u> | <u>Id.</u>   |

Where no public land survey exists, the claim orientation and size may vary so long as the claim does not exceed 20 acres in size for each locator.

Where surveyed, the placer claim should conform with the public land survey.

STATE OF IDAHO )  
ss.

County of Lemhi )

I, James Chadwick do solemnly swear that I am a citizen of the United States of America (or have declared my intention to become such) and that I am acquainted with the mining ground described in this notice of location and herewith called the Blue moon placer mining claim; that the ground and claim therein described, or any part thereof, has not to the best of my knowledge and belief been previously located according to the laws of the United States and of this State, or if so located, that the same has been abandoned or forfeited by reason of the failure of such former locators to comply in respect thereto with the requirements of said laws.

Subscribed and sworn to before me this 4th day of April, A.D., 19 97.

SEAL

County Recorder By Alberta Wiedrich Notary Public Deputy Joe Dickens

No. 232946  
State of Idaho )

County of Lemhi )  
ss.

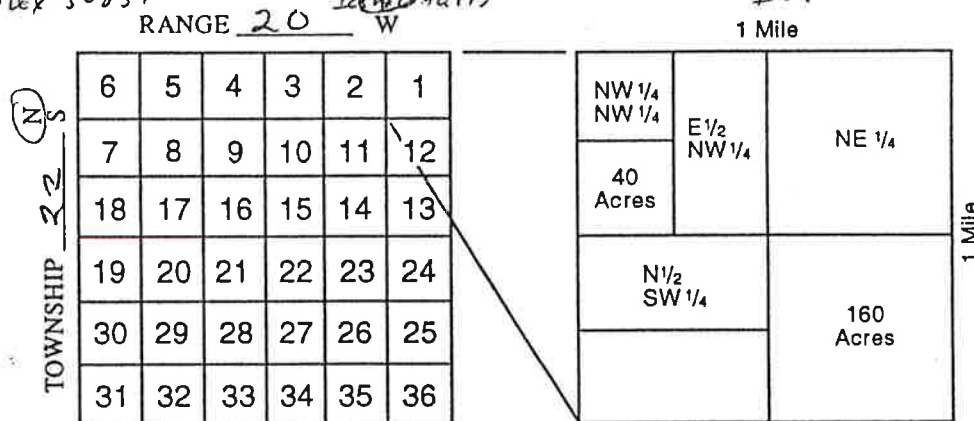
I hereby certify that this instrument was filed for record at the request of James Chadwick at 45 minutes past 1:00 o'clock pm this 4th day of April A.D. 19 97 in my office, and duly filmed and indexed in Lemhi County records.

Fees \$ 4.00

Ex-Officio Recorder By Joe Dickens Deputy Alberta Wiedrich

SCANNED

AUG 10 2005



# PLACER MINING LOCATION NOTICE

NOTICE IS HEREBY GIVEN, That the undersigned locator S and claimant S have discovered a placer deposit of mineral or minerals, or other valuable deposits, and that the same is hereby located and claimed under the provisions of the laws of the United States and the State of Idaho:

The name of this claim is Smith Placer placer mining claim and is situate in the Mining District, County of Lemhi, State of Idaho, and covers the area particularly described as follows, to-wit:

Commencing at this monument, which is the N.W. corner of the claim, said monument being corner No. 1, upon which this notice is posted; thence in a Easterly direction 1500 feet to corner monument No. 2, the N.E. corner of the claim; thence in a Southerly direction 600 feet to corner monument No. 3, the S.E. corner of the claim; thence in a Westerly direction 1500 feet to corner monument No. 4, the S.W. corner monument of the claim; thence in a Northerly direction 600 feet to corner No. 1, the place of beginning.

The said corner monument No. 1, upon which this notice is posted, is situated about 1400 feet in a Southerly direction from the mouth of Rabbit Creek and is on Naples Creek.

The adjoining claims are Patented ground to the West, Paradise Placer to the North  
The corner monuments Nos. 1, 2, 3, and 4 aforesaid are marked with the name of the claim and the corner which each said monument represents, and the direction of the boundary lines extending therefrom, and all of said monuments are at least four inches in diameter and at least four feet high above ground.

This mining claim was located on the 4th day of April, 1997.

|                        |                     |                    |                    |
|------------------------|---------------------|--------------------|--------------------|
| Name                   | Address             | City               | State              |
| <u>Donnie Hudson</u>   | <u>710 9th St</u>   | <u>Idaho Falls</u> | <u>ID 83404</u>    |
| <u>JAMES Chadwick</u>  | <u>1856 E 65 St</u> | <u>Idaho Falls</u> | <u>Idaho 83404</u> |
| <u>David Gietzen</u>   | <u>PO Box 228</u>   | <u>Idaho Falls</u> | <u>Idaho</u>       |
| <u>STEVEN Wackerli</u> | <u>PO Box 50857</u> | <u>Idaho Falls</u> | <u>Idaho</u>       |

Where no public land survey exists, the claim orientation and size may vary so long as the claim does not exceed 20 acres in size for each locator.

Where surveyed, the placer claim should conform with the public land survey.

STATE OF IDAHO )  
SS.

County of Lemhi

I, JAMES Chadwick, do solemnly swear that I am a citizen of the United States of America (or have declared my intention to become such) and that I am acquainted with the mining ground described in this notice of location and herewith called the Smith Placer placer mining claim; that the ground and claim therein described, or any part thereof, has not to the best of my knowledge and belief been previously located according to the laws of the United States and of this State, or if so located, that the same has been abandoned or forfeited by reason of the failure of such former locators to comply in respect thereto with the requirements of said laws.

Subscribed and sworn to before me this 4th day of April, A.D., 19 97

SEAL

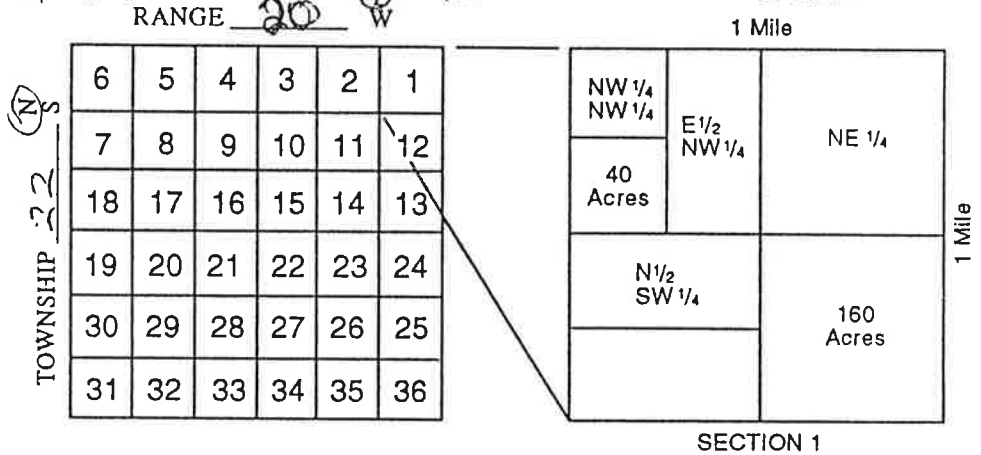
No. 232945  
State of Idaho )

County of Lemhi )  
SS.

I hereby certify that this instrument was filed for record at the request of James Chadwick  
at 10:44 minutes past 1:00 o'clock Pm this 4th day of April  
A.D. 19 97 in my office, and duly filmed and indexed in Lemhi County records.

Fees \$ 4.00

James Chadwick  
Alberta Wiedersick  
County Recorder Notary Public  
By Sue Dickens Deputy



Ex-Officio Recorder  
By Sue Dickens

SCANNED  
AUG 10 2005



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

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**JAMES E. RISCH**  
Governor

**KARL J. DREHER**  
Director

June 21, 2006

James Chadwick  
291 E. 20<sup>th</sup> Street  
Idaho Falls, ID 83406

RE: 75-14073

Dear Mr. Seymour:

We need a little more information about how much water you divert from Rabbit Creek. We assume that your 6 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,

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

Kenneth Knoblock  
Water Resources Agent

JAMES Chadwick

SECTION 32 Township 22N Range 20E

THERE is a headgate at Rabbit Creek that when opened will feed a pre-existing ditch. We use a two inch PVC pipe to divert water onto a 6' foot slough box. The water that is in the ditch goes back into Rabbit Creek. The water that is used in our slough box goes into a settling pond and then back into Rabbit Creek.

Jim Chadwick

RECEIVED

MAY 01 2006

IDWR/North

| Head<br><i>H</i> ,<br>feet | Length of weir, <i>L</i> , feet |       |       |       |       |       |       |       |       |       |       |
|----------------------------|---------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
|                            | 0.5                             | 1.0   | 1.5   | 2.0   | 3.0   | 4.0   | 5.0   | 6.0   | 7.0   | 8.0   | 9.0   |
| 0.01                       | 0.002                           | 0.003 | 0.005 | 0.007 | 0.010 | 0.013 | 0.016 | 0.020 | 0.023 | 0.026 | 0.030 |
| .02                        | .005                            | .009  | .014  | .019  | .028  | .037  | .047  | .056  | .066  | .075  | .085  |
| .03                        | .009                            | .017  | .026  | .034  | .052  | .069  | .086  | .104  | .121  | .138  | .155  |
| .04                        | .013                            | .026  | .040  | .053  | .079  | .106  | .133  | .159  | .186  | .213  | .239  |
| .05                        | .018                            | .037  | .055  | .074  | .111  | .148  | .186  | .223  | .260  | .297  | .334  |
| .06                        | .024                            | .048  | .073  | .097  | .146  | .195  | .244  | .293  | .342  | .391  | .439  |
| .07                        | .030                            | .061  | .092  | .123  | .184  | .246  | .308  | .369  | .431  | .493  | .554  |
| .08                        | .036                            | .074  | .112  | .149  | .225  | .300  | .375  | .451  | .526  | .601  | .676  |
| .09                        | .043                            | .088  | .133  | .178  | .268  | .358  | .448  | .538  | .628  | .718  | .807  |
| .10                        | .051                            | .103  | .156  | .208  | .314  | .419  | .524  | .630  | .735  | .840  | .945  |
| .11                        | .058                            | .119  | .179  | .240  | .362  | .483  | .605  | .726  | .848  | .969  | 1.09  |
| .12                        | .066                            | .135  | .204  | .273  | .412  | .550  | .689  | .827  | .965  | 1.10  | 1.24  |
| .13                        | .074                            | .152  | .230  | .308  | .464  | .620  | .776  | .933  | 1.09  | 1.24  | 1.40  |
| .14                        | .082                            | .169  | .257  | .344  | .518  | .693  | .867  | 1.04  | 1.22  | 1.39  | 1.56  |
| .15                        | .091                            | .188  | .284  | .381  | .575  | .768  | .962  | 1.16  | 1.35  | 1.54  | 1.74  |
| .16                        | .100                            | .206  | .313  | .419  | .632  | .845  | 1.06  | 1.27  | 1.48  | 1.70  | 1.91  |
| .17                        | .109                            | .225  | .342  | .459  | .692  | .926  | 1.16  | 1.39  | 1.63  | 1.86  | 2.09  |
| .18                        | .122                            | .245  | .372  | .499  | .754  | 1.01  | 1.26  | 1.52  | 1.77  | 2.02  | 2.28  |
| .19                        | .132                            | .265  | .403  | .541  | .817  | 1.09  | 1.37  | 1.64  | 1.92  | 2.20  | 2.47  |
| .20                        | .142                            | .286  | .435  | .584  | .881  | 1.18  | 1.48  | 1.78  | 2.07  | 2.37  | 2.67  |
| .21                        | .152                            | .307  | .467  | .627  | .948  | 1.27  | 1.59  | 1.91  | 2.23  | 2.55  | 2.87  |
| .22                        | .162                            | .328  | .500  | .672  | 1.02  | 1.36  | 1.70  | 2.05  | 2.39  | 2.73  | 3.08  |
| .23                        | .173                            | .350  | .534  | .718  | 1.08  | 1.45  | 1.82  | 2.19  | 2.55  | 2.92  | 3.29  |
| .24                        | .184                            | .373  | .568  | .764  | 1.16  | 1.55  | 1.94  | 2.33  | 2.72  | 3.11  | 3.50  |
| .25                        | .195                            | .395  | .603  | .811  | 1.23  | 1.64  | 2.06  | 2.48  | 2.89  | 3.31  | 3.72  |
| .26                        | ----                            | .419  | .639  | .860  | 1.30  | 1.74  | 2.18  | 2.63  | 3.07  | 3.51  | 3.96  |
| .27                        | ----                            | .442  | .675  | .909  | 1.38  | 1.84  | 2.31  | 2.78  | 3.24  | 3.71  | 4.18  |
| .28                        | ----                            | .466  | .712  | .959  | 1.45  | 1.95  | 2.44  | 2.93  | 3.43  | 3.92  | 4.41  |
| .29                        | ----                            | .490  | .750  | 1.01  | 1.53  | 2.05  | 2.57  | 3.09  | 3.61  | 4.13  | 4.65  |
| .30                        | ----                            | .514  | .788  | 1.06  | 1.61  | 2.16  | 2.70  | 3.25  | 3.80  | 4.34  | 4.89  |
| .31                        | ----                            | .539  | .827  | 1.11  | 1.69  | 2.26  | 2.84  | 3.41  | 3.99  | 4.56  | 5.14  |
| .32                        | ----                            | .564  | .866  | 1.17  | 1.77  | 2.37  | 2.98  | 3.58  | 4.18  | 4.78  | 5.36  |
| .33                        | ----                            | .590  | .905  | 1.22  | 1.85  | 2.48  | 3.12  | 3.75  | 4.38  | 5.01  | 5.64  |
| .34                        | ----                            | .615  | .945  | 1.28  | 1.94  | 2.60  | 3.26  | 3.92  | 4.58  | 5.24  | 5.90  |
| .35                        | ----                            | .658  | .986  | 1.33  | 2.02  | 2.71  | 3.40  | 4.09  | 4.78  | 5.47  | 6.16  |
| .36                        | ----                            | .686  | 1.03  | 1.39  | 2.11  | 2.82  | 3.54  | 4.26  | 4.98  | 5.70  | 6.42  |
| .37                        | ----                            | .714  | 1.07  | 1.44  | 2.19  | 2.94  | 3.69  | 4.44  | 5.19  | 5.94  | 6.69  |
| .38                        | ----                            | .743  | 1.11  | 1.50  | 2.28  | 3.06  | 3.84  | 4.62  | 5.    |       |       |



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

PK 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<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>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 \_\_\_\_\_

**Name and address list of new owners:**

**Dave Gietzen  
Box 228  
Macks Inn  
Idaho 83433**

**Steve Wackerli  
Box 50857  
Idaho Falls  
Idaho 83405**

**James Chadwick  
1856 E 65 S  
Idaho Falls  
Idaho 83404**

**Donnie Hudson  
710 Ninth Street  
Idaho Falls  
Idaho 83404**

# A G R E E M E N T

Between

Owners of the Blue Moon and Smith Gold Claims: Donnie R. Hudson, James Chadwick, David Gietzen, and Steve Wackerli And Owners of the Paradise Gold Claim L. K. Seymour and Richard R Wright

Concerning the operation of the claims and division of water rights from Rabbit Creek in Lemhi County, Idaho.

1. The water will be equally split between the two owner groups, regardless of the actual flow from the ditch and hence from Rabbit Creek. Should one group not be using the water at any given time, the other group may utilize water up to the legal limit of two(2) cfs.
2. The rules for operating the ditch and using the water will be dictated by the U S Forest Service through the approved Operating Plans, including ditch maintenance, fish screens, etc., and will be strictly observed. When water is not in use for an extended time, all flow in the ditch will be stopped above the entrance pipe on the Blue Moon Claim, and routed to the wash leading to slash/rock piles via the two exits just above that entrance pipe. This wash is immediately north of the Blue Moon work area, allowing the water to pass beneath and through the slash piles. Flow in the main (original) branch of Rabbit Creek will never be interrupted completely nor allowed to decline to less than approximately 0.5 cfs.
3. All owners must be given prior notification of any changes in ownership or partnerships to provide them options to purchase or assume ownership themselves, including if a claim is to be abandoned, and to assure proper legal documentation requirements are met. Any changes in ownership or partnerships will not affect the water rights of either set of owners, with one-half the water remaining with each group of owners.
4. The ownership of the existing foot bridge becomes one-half to each group of owners, and each group will assume one-half of the liability for maintenance of the bridge. The entire length of the supply ditch from Rabbit Creek will also be of equal shares to each group of owners, including its maintenance. Access to all claim areas by all sub-owners will be permitted for maintenance and equipment transport, except for actual mining.
5. The fish screens will be used at all times and periodically cleaned.

Page 2 of Agreement between owners of Paradise Placer Claim and owners of Blue Moon and Smith Claims

Owners of Paradise Claim:

Signed Richard R. Wright  
Richard R. Wright

L. K. Seymour  
L. K. Seymour

State of Idaho )  
County of Bonneville ) SS

On this 18 day of April, 2002, personally appeared before me the signers of the above instrument, duly acknowledged to me that he/she/they executed the same.

Krista A. Cottle  
Notary Public

Residing at Idaho Falls

My commission expires: 09-22-03

Owners of Blue Moon and Smith Claims:

James Chadwick  
Pamela R. Hodson

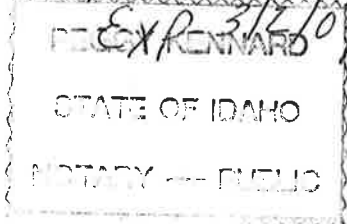


STATE OF IDAHO  
COUNTY OF FREMONT  
CITY OF ISLAND PARK  
On this 2 day of MAY, 2002,  
before me a notary public in and for said State personally  
appeared DAVID C. CITZEN

known to me to be the  
(person/persons) whose (name/names) (is/are) subscribed to  
the within instrument and acknowledge to me that (he/she,they)  
executed the same.

My Commission expires 12/30/2004

Peggy Kennard



THIS INDENTURE, made this 14<sup>th</sup> day of September, 19 99,  
between JAMES Chadwick - Donnie Hudson - DAVID Gietzen - STEVE  
WACKERLI  
of Idaho Falls, County of Bonneville, State of Idaho,  
the party of the first part and Richard R. Wright 50% and L. K. Seymour 50%  
of Idaho Falls  
County of Bonneville, State of Idaho, the party of the second part,

WITNESSETH, that the party of the first part, for and in consideration of the sum of ONE Dollars  
lawful money of the United States of America  
to party of the first part in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, does by  
these presents remise, release and forever QUITCLAIM, unto the said party of the second part, and to party of the second  
part's heirs and assigns, forever, all the following described real estate, situated in THE N. W. 1/4 OF SECTION  
32 Township 22 N. Range 20 E, County of Lemhi, State of Idaho to-wit:

minning claim approximately 20 acres

Paradise placer IMC # 179208

TOGETHER, with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise  
appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof;

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said party of  
the second part, and to party of second part's heirs and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and  
year first above written.

James Chadwick  
Donnie Hudson

Steve Wackerli  
David Gietzen

STATE OF IDAHO,  
County of Bonneville } SS.

On this 14<sup>th</sup> day of September, in the year 19 99, before me

Kris A. Cottle  
James Chadwick Donnie Hudson Steve Wackerli  
David Gietzen  
a Notary Public in and for said state, personally appeared

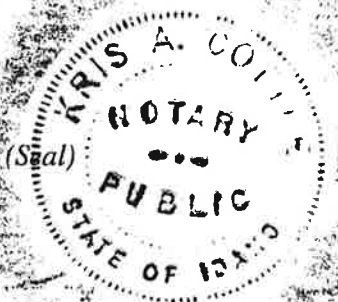
known to me to be the person whose name they subscribed to the within  
instrument, and acknowledged to me that they executed the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the  
day and year in this certificate first above written.

Kris A. Cottle

Notary Public for the State of Idaho

Residing at Idaho Falls, Idaho.



No. **242114**

# QUITCLAIM DEED

(Form No. 301)

*Correction*

TO

Dated ....., 19 .....

STATE OF IDAHO,

County of *Lemhi* } SS.

I hereby certify that this instrument was filed for

record at request of *James Chalwick*

at *59* minutes past *10*

o'clock *A*. M., this *20* day of

*September*, 19 *99* in my

office, and duly entered in Book .....

of .....

at page .....

*Jenni Morrison*

Ex-Officio Recorder.

By *Patti Burro*

Deputy.

Fees. \$ *6.00*

Mail to *L. K. Seymour*

*2500 Ross Ave, Idaho Falls*

AFTER RECORDING RETURN TO *83406*



THIS INDENTURE, made this 14 day of Nov., 19 97...  
between Donnie Hudson & James Chadwick

of Idaho Falls, County of Bonneville, State of Idaho...  
the party of the first part and Steve Wackerli 25% David Gietzen 25% Donnie Hudson 25% James Chadwick 25% of Idaho Falls  
County of Bonneville, State of Idaho...

WITNESSETH, that the party of the first part, for and in consideration of the sum of ONE Dollar  
lawful money of the United States of America

to party of the first part in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, does to  
these presents remise, release and forever QUITCLAIM, unto the said party of the second part, and to party of the second  
part's heirs and assigns, forever, all the following described real estate, situated in THE N.W. 1/4 OF SECT  
32 Township 22N, Range 20E, County of Lemhi, State of Idaho to-wit  
Claims namely Blue moon placer, Paradise placer  
Smith placer, Each containing approximately 20 acres.

Paradise placer IMC # 179208  
Smith Placer IMC # 179209  
Blue moon placer IMC # 179210

TOGETHER, with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise  
appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof;

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said party of  
the second part, and to party of second part's heirs and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and  
year first above written.

James Chadwick

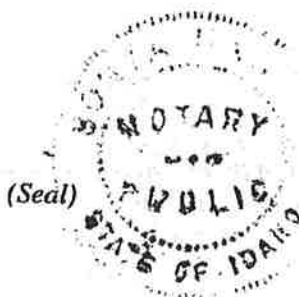
STATE OF IDAHO,  
County of Bonneville } ss.

On this 14th day of November, in the year 19 97, before me

Sonya D Hawley, a Notary Public in and for said State, personally appeared  
James Chadwick

known to me to be the person . . . whose name . . . subscribed to the within  
instrument, and acknowledged to me that . . . he . . . executed the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the  
day and year in this certificate first above written.



RECEIVED  
BLM-IDAHO STATE OFFICE  
REF FILE 179208  
PAGE 1 OF 1

NOV 20 1997

Sonya D Hawley  
Notary Public for the State of Idaho  
Residing at Idaho Falls, Idaho.

COPIED

REC \$ 15.00 APLD \$ 15.00 11-26-97  
REF \$ 5.00 SHORT \$ 5.00  
☒ CHECK ☐ CASH ☐ MO ☐ CO  
EASTERN IDAHO PRINTING (208) 524-1500 PHONE # 441

235064

No. ....

# QUITCLAIM DEED

(Form No. 301)

TO

ed ..... 19 .....

STATE OF IDAHO,

County of Lemhi } ss.

I hereby certify that this instrument was filed for

record at request of James Chiswick

at 27 minutes past 9:00

o'clock A. M., this 17 day of

November, 19 97 in my

Tice, and duly entered in Book .....

of .....

at page .....

Alberta Wiedrick  
Ex-Officio Recorder.

By Patti Bunn Deputy.

Fees. \$ 6.00 .....

Mail to Bonnie Hudson

710 9th Street Idaho Falls ID

AFTER RECORDING RETURN TO 83404



United States  
Department of  
Agriculture

Forest  
Service

Salmon-Challis  
National Forest

Salmon/Cobalt RD  
50 Hwy 93 South  
Salmon, ID 83467

File Code: 2801

Date: October 4, 2001

Ken Seymour  
2500 Ross Avenue  
Idaho Falls, Idaho 83406

Dear Ken:

We have received your letter dated September 25, 2001 requesting an extension of your 4-1-99 Exploration Plan of Operations. As you know your approved plan is expected to terminate in October, 2001. Due to the unprecedented 2000 fire season, you are granted one more field season (2002) to continue exploratory operations. At the end of that season, we will review your current operations and determine if you are still in an exploratory phase or if a mineral discovery was made (in which case you would prepare another Plan of Operations for mining). In either case we will conduct new environmental analysis unless you quit.

Unfortunately, we cannot grant an extension for 5 years. This would take us outside the period when the current decision document is adequate. The analysis and decision document prepared for your current operation was for short term exploration (2 years). Since you were essentially out of the woods in 2000, we are allowing one more field season. If you have any questions about this letter don't hesitate to call Dave Sabo at 208-756-5212 to discuss.

Sincerely,

TERRY HERSHEY

District Ranger





United States  
Department of  
Agriculture

Forest  
Service

Salmon-Challis  
National Forest

Salmon/Cobalt  
Ranger District  
50 Hwy 93 South  
Salmon, ID 83467

File Code: 2810 - 5090

Date: February 25, 2002

Donnie Ray Hudson  
710 9<sup>th</sup> Street  
Idaho Falls, ID 83404

Dear Donnie:

This letter is a follow-up to the phone conversation you had with Russ Bjorklund on February 21. As discussed with Russ, your current plan of operations is approved through September 30, 2002. The approval is subject to you obtaining a valid Claim to a Water Right through the State of Idaho Department of Water Resources.

This summer we will conduct the necessary field reviews to analyze long-term activities on the claim block. A key component of the analysis will be comparing the quantity of water *needed* for operations versus how much water is *actually being diverted* from Rabbit Creek. The analysis will consider all the water that will be utilized on the claim block.

Russ Bjorklund will inform you of our progress on the reviews and analysis of your plan. If you have any questions please contact Russ @ 756-5100.

Sincerely,

TERRY HERSHEY  
District Ranger

Cc; Jim Chadwick, 1856 E 65 So, Idaho Falls, ID 83404  
Cc: Ken Seymour, 2500 Ross Avenue, Idaho Falls, ID 83406



2500 Ross Avenue  
Idaho Falls, Idaho 83406  
March 26, 2002

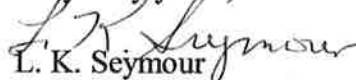
Mr. Harold Jones, Water Rights Supervisor  
Idaho Department of Water Resources  
Eastern Region  
900 Skyline Drive, Suite A  
Idaho Falls, Idaho 83402

Enclosed is a completed Notice of Change in Water Right Ownership for Claim No. A-75-13946. The change is submitted to clarify ownership of the placer gold mining claims associated with this water right claim, and that were used as bases of the claim submittal. The claim histories for the three gold claims were used as bases for the original submittal. The three claims are the Paradise (IMC 179208), the Blue Moon (IMC 179210), and the Smith (IMC 179209). The recent ownership of all three was by Donnie Ray Hudson and Partners. The Partners are Mr. James Chadwick, Mr. Steve Wackerli, and Mr. David Gietzen, all of Idaho Falls, Idaho. The Paradise Claim was transferred to L. K. Seymour and Richard R. Wright in 1999.

Since the US Forest Service authorization for operating only the Paradise Claim was approved at the time of the submittal of the Water Right Claim, the Claim was processed only for Paradise Claim, with water ownership by L.K. Seymour and Richard R. Wright. Subsequently, operating approval of the remaining gold claims by Mr. Hudson and Partners has been obtained from the USFS, and hence the Water Right should be divided with one-half officially allocated by IDWR to Mr. Hudson and Partners for the Blue Moon and Smith mining claims.

This submittal is to add the names of the four owners/partners for the Blue Moon and Smith Claims, with each group of owners to share equally in the water allotment. No other changes to the claim are being requested. Contact for the added owners will be through Mr. Hudson, at 710 Ninth St, Idaho Falls, Idaho 83404.

Very truly yours,

  
L. K. Seymour

  
Richard R. Wright

- Attachments:
1. Notice of Change in Water Right Ownership
  2. Notarized Agreement to operate the claims
  3. Proof of ownership for Blue Moon and Smith Claims
  4. Proof of ownership for Paradise Claim
  5. Current USFS operating approval for Paradise Claim
  6. Current USFS operating approval for Blue Moon and Smith Claims

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 75-14073  
Date Received: 6/12/2002  
Receipt No:  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DAVE GIETZEN  
PO BOX 228  
MACKS INN ID USA 83433

STEVE WACKERLI  
PO BOX 50857  
IDAHO FALLS ID USA 83405

JAMES CHADWICK  
1856 E 65 S  
IDAHO FALLS ID USA 83404

DONNIE HUDSON  
710 9TH ST  
IDAHO FALLS ID USA 83404

528-33053  
Call-681-3053

A7514073



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 |       |
|          |       |         | 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? Yes

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-13946

15. Basis of Claim: Beneficial Use