

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78790

This is to certify that: THOMPSON CREEK MINING CO
C/O BERT DOUGHTY
PO BOX 600
CHALLIS, ID 83226

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
72-7257	WR/DECREED	3/11/1983	9.620 cfs	1600.0 af	N/A	N/A	BRUNO CREEK

Purpose of Transfer (Changes Proposed)

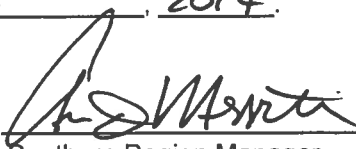
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
72-7257	NO	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
72-7257	72-7257	9.620 cfs	1600.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		9.620 cfs	1600.0 af	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 20th day of May, 2014.


Southern Region Manager

WATER RIGHT NO. 72-7257**As Modified by Transfer No. 78790**

In accordance with the approval of Transfer No. 78790, Water Right No. 72-7257 is now described as follows:

Right Holder: THOMPSON CREEK MINING CO
PO BOX 600
CHALLIS, ID 83226

Priority Date: 3/12/1983

Source: BRUNO CREEK

Tributary: SQUAW CREEK

BENEFICIAL USE

INDUSTRIAL
INDUSTRIAL FROM STORAGE
INDUSTRIAL STORAGE

From

1/01 to 12/31
1/01 to 12/31
1/01 to 12/31

To**Diversion Rate**

9.620 cfs

Diversion Volume

1600.0 af
1600.0 af
1600.0 af

LOCATION OF POINT(S) OF DIVERSION

BRUNO CREEK NWNW Sec 25 Twp 12N Rge 16E CUSTER County

PLACE OF USE: INDUSTRIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	16E	12	X	X															0

PLACE OF USE: INDUSTRIAL FROM STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	16E	12	X	X															0

PLACE OF USE: INDUSTRIAL STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	16E	1	X	X															
			L 17	L 15															
11N	16E	4													X				
11N	16E	11								X									
11N	16E	12	X	X															
11N	17E	6		X			X	X											
								L 20											
11N	17E	6		X			X	X											
				L 36			L 16	L 21											
11N	17E	6		X			X	X											
				L 37			L 17	L 22											
11N	17E	6		X			X	X											

Transfer No. 78790

WATER RIGHT NO. 72-7257**As Modified by Transfer No. 78790****PLACE OF USE: INDUSTRIAL STORAGE**

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
				L 38			L 18	L 23											
11N	17E	6		X			X												
				L 39			L 19												
11N	17E	6		X															
				L 40															
12N	16E	25									X			X		X	X		
12N	16E	36	X	X	X	X					X			X	X	X	X	X	
12N	17E	31							X		X	X	X	X					

CONDITIONS OF APPROVAL

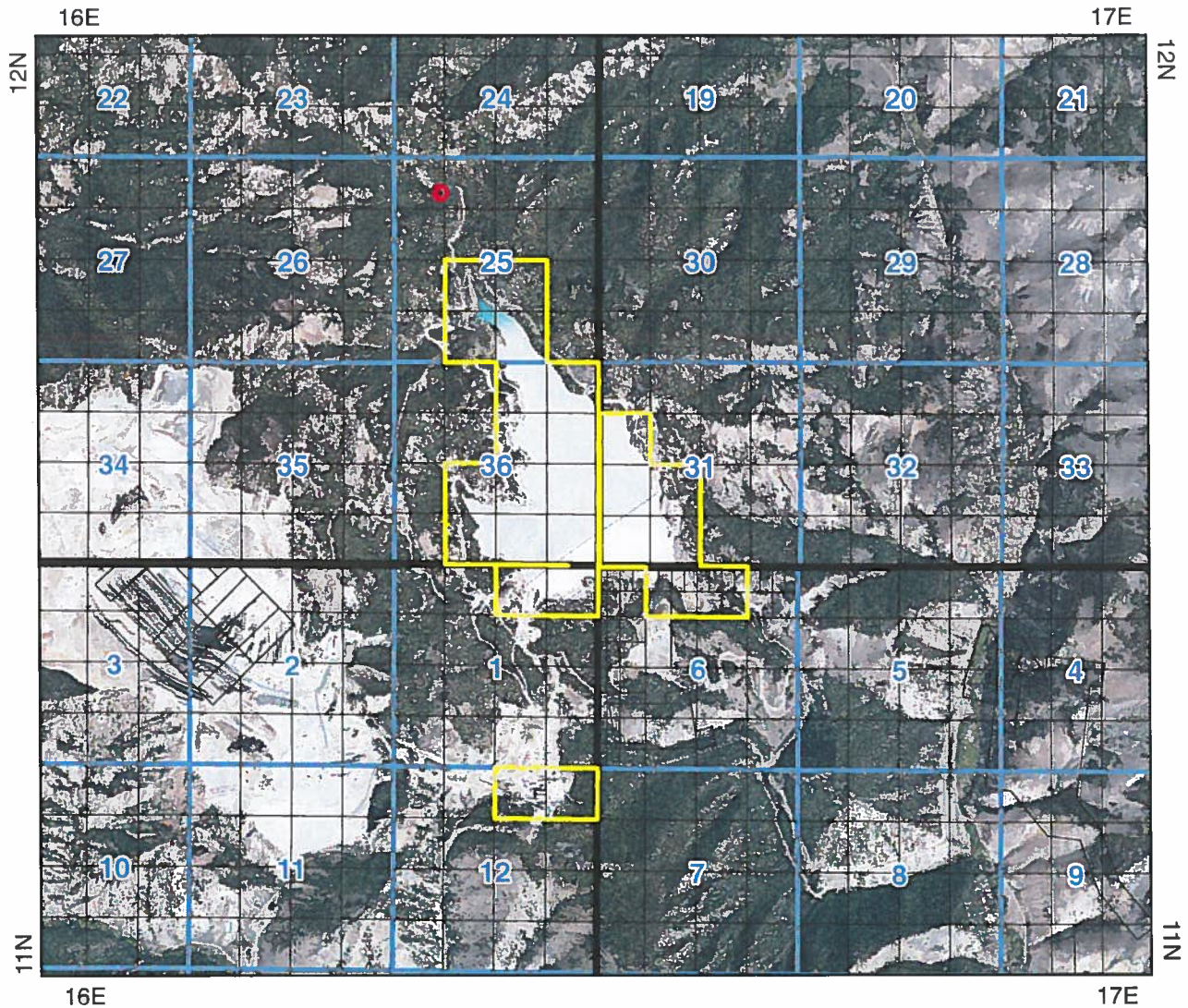
1. Rights 72-7257, and 72-7193 when combined shall not exceed a total annual maximum diversion volume of 2916 af.
2. Rights 72-7414, 72-7193, 72-7573 and 72-7257 when combined shall not exceed a combined total of 3108.0 AF.
3. Industrial use for milling of molybdenum ore.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.72D.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. When water used under this right is discharged into the natural channel, settling ponds must be maintained which are capable of reducing the silt load to such a level that the quality will not be impaired for other beneficial uses.
7. Place of use does not include federal public lands. Unless authorized in writing by the managing federal agency.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

State of Idaho
Department of Water Resources

Attachment To Transfer No. 78790

Right: 72-7257

This map depicts the INDUSTRIAL STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.5 1 2 Miles

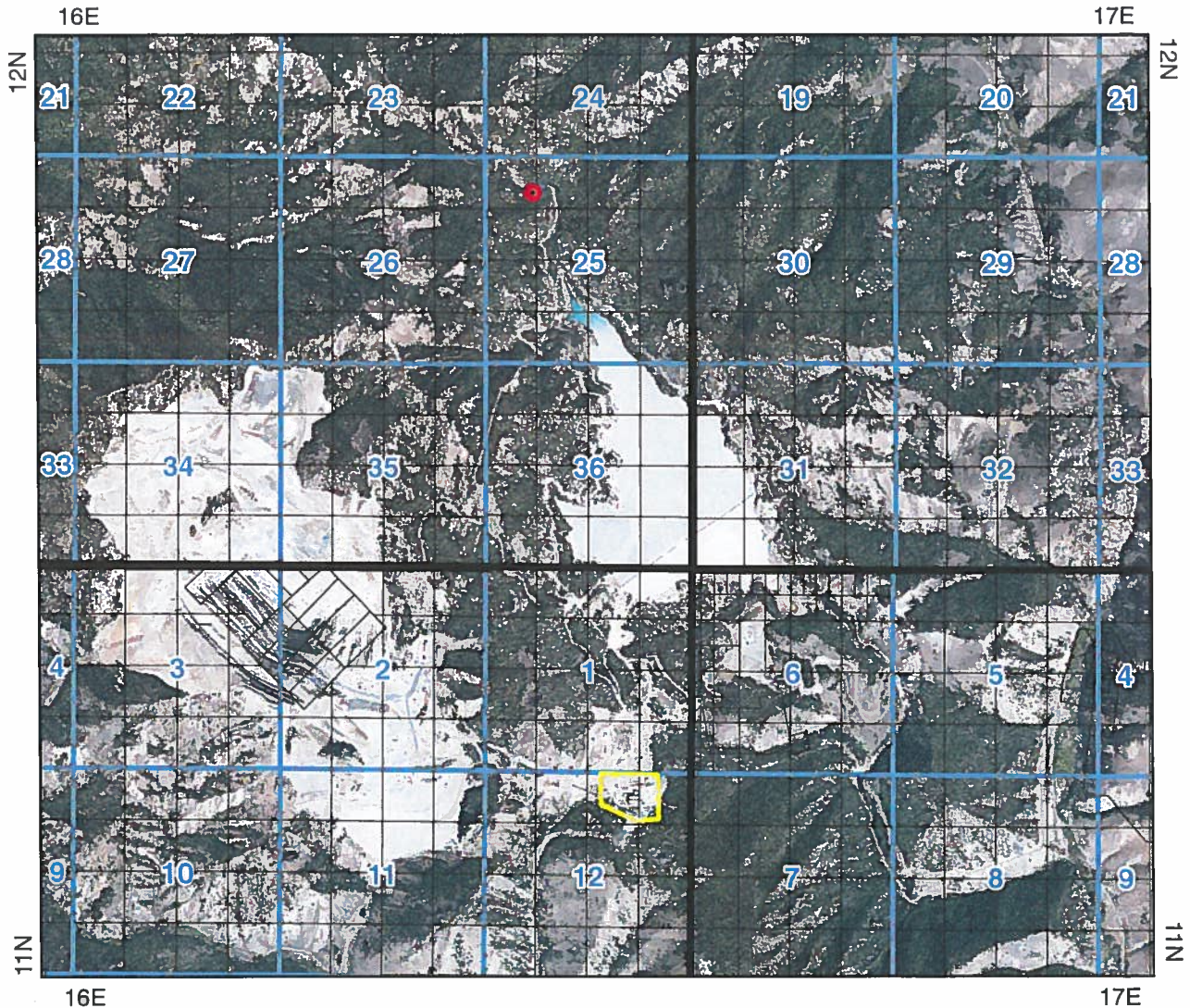


State of Idaho
Department of Water Resources

Attachment To Transfer No. 78790

Right: 72-7257

This map depicts the INDUSTRIAL and INDUSTRIAL FROM STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.5 1 2 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 21, 2014

THOMPSON CREEK MINING CO
C/O BERT DOUGHTY
PO BOX 600
CHALLIS ID 83226

Re: Transfer No: 78790
Water Right No(s): 72-7257

Re: Transfer No: 78791
Water Right No(s): 72-7193

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt", written in a cursive style.

Allen Merritt
Southern Regional Manager

Enclosure

cc:

MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD
DYLAN B LAWRENCE
PO BOX 829
BOISE ID 83701-0829

CERTIFICATE OF SERVICE

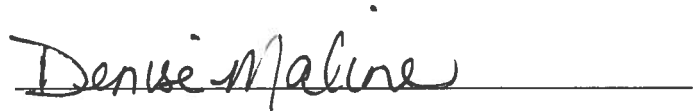
I hereby certify that on May 21, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 78790
Water Right No(s): 72-7257

Re: Transfer No.: 78791
Water Right No(s): 72-7193

THOMPSON CREEK MINING CO
C/O BERT DOUGHTY
PO BOX 600
CHALLIS ID 83226

MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD
DYLAN B LAWRENCE
PO BOX 829
BOISE ID 83701-0829

A handwritten signature in black ink, reading "Denise Maline", is written over a horizontal line.

Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 21, 2014

ADRIANNE HALL MAYDOLE WATERMASTER
WATER DISTRICT # 72-D
HC 68 BOX 327
CLAYTON, ID 83227

Re: **APPROVED Transfer No. 78790 & 78791 (Thompson Creek Mining Co.)**

Dear Ms. Hall-Maydole:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline". The signature is written in dark ink and is positioned above the printed name and title.

Denise Maline
Administrative Assistant

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 21, 2014

NICK MILLER
WATER DISTRICT #170
322 FRONT ST
PO BOX 83720
BOISE, ID 83720-0098

Via e-mail

Re: **APPROVED** Transfer No. 78790 & 78791 (Thompson Creek Mining Co.)

Dear Nick:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant

Enclosure

AFFIDAVIT OF PUBLICATION

RECEIVED

APR 04 2014

State of Idaho, County of Custer, ss:

DEPT OF WATER RESOURCES
SOUTHERN REGION

I, Susan Callahan, representing the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated 3/6 2014 and ending with the issue dated 3/13 2014

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 78791**

THOMPSON CREEK MINING CO, C/O BERT DOUGHTY, PO BOX 600, CHALLIS, ID 83226; has filed Application No. 78791 for changes to the following water rights within CUSTER County(s): Right No(s). 72-7193. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to change the place of use for a 1,600 acre foot industrial storage water right for Thompson Creek Mining Co that is diverted from the Salmon River, Buckskin Creek, Pat Hughes Creek, and Springs. The proposed storage area is located approximately 5.0-6.0 miles west and 4.0-5.6 miles north of the city of Clayton. The proposed change in the place of use is to reflect the changing tailings pond footprint.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and the proposed transfers, please visit our website at www.idwr.idaho.gov and search under New Water Right Applications. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before March 24, 2014. The protestant must also send a copy of the protest to the applicant.

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 78790**

THOMPSON CREEK MINING CO, C/O BERT DOUGHTY, PO BOX 600, CHALLIS, ID 83226; has filed Application No. 78790 for changes to the following water rights within CUSTER County(s): Right No(s). 72-7257. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to change the point of diversion for a 9.62 cfs industrial water right diverted from Bruno Creek for Thompson Creek Mining Co. The proposed diversion is approximately 6.3 miles west and 5.9 miles north of the city of Clayton. The proposed point of diversion is upstream of the current location approximately 0.5 miles. The transfer also proposes to change the place of use of the industrial storage component of the water right to reflect the changing tailings pond footprint.

GARY SPACKMAN, Director
Published: March 6 and 13, 2014

STATE OF IDAHO

COUNTY OF CUSTER

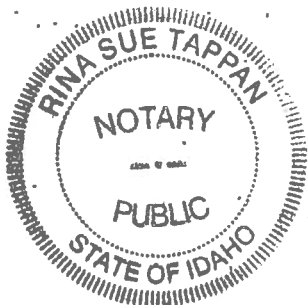
On this 17th day of Mar. in the year of 2014, before me, a Notary Public,

personally appeared Susan Callahan, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Rina Sue Tappan

Notary Public for Idaho
Residing at Challis, ID

My commission expires: 12-8-14



✓ OK DM 4/7/2014

MEMORANDUM

Date: March 27, 2014
To: Transfer 78790 File
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

Transfer proposes to change the point of diversion for a 9.62 cfs industrial water right diverted from Bruno Creek for Thompson Creek Mining Co. The proposed diversion is approximately 6.3 miles west and 5.9 miles north of the city of Clayton. The proposed point of diversion is upstream of the current location approximately 0.5 miles. The transfer also proposes to change the place of use of the industrial storage component of the water right to reflect the changing tailings pond footprint. As the size of the tailings pond has increased, its footprint has shifted to the northwest over time, requiring changing the place of use of the industrial storage use area and moving the point of diversion farther upstream. The applicant submitted mining claims, and approval from the U.S. Forest Service for the proposed changes. The area involved with the transfer is located within water district 72D and watermaster comments will be requested.

- **Authority to File:**
The current owner of the right is listed as Cyprus Thompson Creek Mining Co according to IDWR records. A copy of an agreement between Cyprus Thompson Creek Mining Co and Thompson Creek Mining Co was included with the application showing that the applicant, Thompson Creek Mining Co, is authorized to make the changes proposed by the transfer. The ownership of the right will change as part of this transfer.
- **Water Right Validity:**
The right involved with the transfer was decreed in the SRBA. The mining operation has been ongoing for several years. Therefore forfeiture of the right involved with the transfer does not appear to be an issue.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None expected.
- **Local Public Interest:**
No negative impact anticipated. Application will be subject to public notice advertising.
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses of water.
- **Effect on Economy of the Local Area:**
None anticipated.
- **Effect of the Agricultural Base of the Local Area:**
None anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

Proof of Publication
The Post Register

State of Idaho
Bonneville County:

RECEIVED
MAR 17 2014
DEPT. OF WATER RESOURCES
SOUTHERN REGION

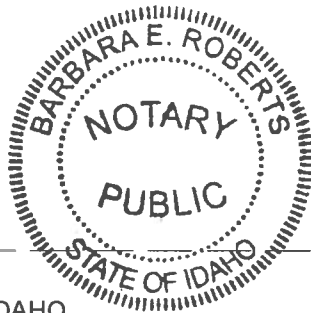
I, ~~Hilary Witt~~ or Staci Dockery, first being duly sworn, depose and say: That I am the ~~Classifieds Manager~~ or Legal Notice Representative of the Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published Tuesday through Sunday at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880, and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidations up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register under this ad number: **635265**, for **2** consecutive (days) weeks, between **03/06/2014** and **03/13/2014**,

and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Staci Dockery

Subscribed and sworn to before me, this 13 day of March 2014



Barbara E. Roberts
Notary Public

My Commission expires: 5/9/2019

----- attached jurat -----

STATE OF IDAHO

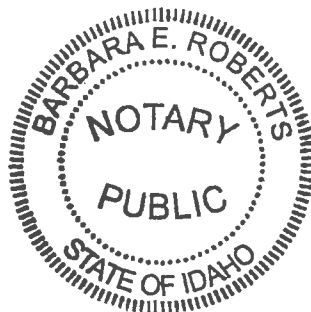
ss.

COUNTY OF BONNEVILLE

Subscribed and sworn to before me, this 13 day of March 2014, before me, the undersigned, a Notary public for said state, personally appeared ~~Hilary Witt~~ or Staci Dockery, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

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

Barbara E. Roberts
Notary Public for The Post Company
Residing at: Idaho Falls
My Commission expires: 5/9/2019



✓ OK
AM 3/27/2014

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 78790**

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For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and the proposed transfers, please visit our website at www.idwr.idaho.gov and search under New Water Right Applications. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before March 24, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published Challis Messenger, Times News,
Idaho Statesman, Post Register & Lewiston
Tribune on March 6th & 13th, 2014 (635265)

✓ OK DM
3/27/2014

TRIBUNE PUBLISHING COMPANY, INC

The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date: 03/13/2014 INVOICE NO. 92337
Account No. 446620
Description 92337 NOTICE OF
Times 2 Lines 49
Tab. lines
\$ 143.32

**LEGAL ADVERTISING
INVOICE**

Sold To: DEPT OF WATER RESOURCES
650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

RECEIVED

MAR 17 2014

PO# 78790 & 78791

DEPT. OF WATER RESOURCES
SOUTHERN REGION

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78790**

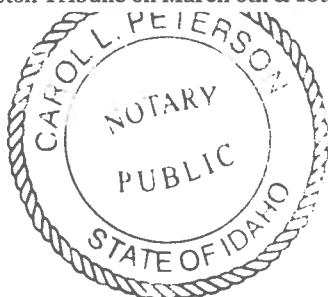
THOMPSON CREEK MINING CO, C/O BERT DOUGHTY, PO BOX 600, CHALLIS, ID 83226; has filed Application No. 78790 for changes to the following water rights within CUSTER County(s): Right No(s). 72-7257. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to change the point of diversion for a 9.62 cfs industrial water right diverted from Bruno Creek for Thompson Creek Mining Co. The proposed diversion is approximately 6.3 miles west and 5.9 miles north of the city of Clayton. The proposed point of diversion is upstream of the current location approximately 0.5 miles. The transfer also proposes to change the place of use of the industrial storage component of the water right to reflect the changing tailings pond footprint.

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For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and the proposed transfers, please visit our website at www.idwr.idaho.gov and search under New Water Right Applications. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before March 24, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published Challis Messenger, Times News, Idaho Statesman,
Post Register & Lewiston Tribune on March 6th & 13th, 2014



✓ OK DM
3/27/2014

Karen J. Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 92337 NOTICE OF attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune, 2 time(s). Publication being on 03/06, or once a Week for 2 consecutive Week, the first publication thereof being on the 03/06/2014, and the last publication thereof being on the 03/13/2014, and said 92337 NOTICE OF was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

State of Idaho

S.S.

County of Nez Perce

On this 14th day of March in the year of 2014, before me, a Notary Public, personally appeared Karen J. Lewis, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Carol Peterson
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 9-1-2017

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
263982	0000930059	LEGAL NOTICE NOTICE OF PROPOSED	THOMPSON CREEK	\$136.13	1	85

Attention: DENISE MALINEIDAHO DEPT WATER RESOURCE / SOUTH
650 ADDISON AVE W STE 500
TWIN FALLS, ID 83301**LEGAL NOTICE
NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

✓

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GARY SPACKMAN, Director

Pub. Mar. 6, 13, 2014

0000930059-01

RECEIVED**MAR 17 2014**DEPT. OF WATER RESOURCES
SOUTHERN REGION

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 InsertionsBeginning issue of: 03/06/2014Ending issue of: 03/13/2014

Janice Hildreth
(Legals Clerk)

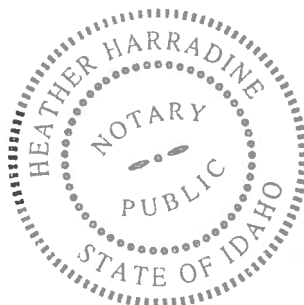
STATE OF IDAHO)

.SS

COUNTY OF ADA)

On this 13th day of March in the year of 2014 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Heather Harradine
Notary Public FOR Idaho
Residing at: Boise, Idaho

My Commission expires: 2/11/20

RECEIVED

MAR 14 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Affidavit of Publication
STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twins Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 6th day of March, 2014 and ending with the issue dated 13th day of March, 2014

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.

Ruby Aufderheide
Ruby Aufderheide, Legal Clerk

STATE OF IDAHO
COUNTY OF TWIN FALLS

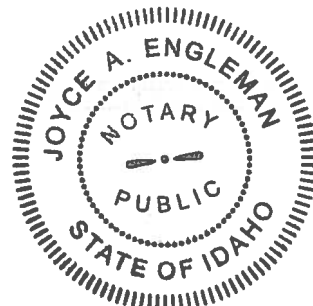
On this 13th day of March, 2014, before me,

a Notary Public, personally appeared Ruby Aufderheide, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Joyce A. Engleman

Notary Public for Idaho
Residing at Twin Falls, Idaho. *6/28/14*
My commission expires: _____

✓ OK AM
3/27/2014



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TRANSFER NO. 78790**

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GARY SPACKMAN, Director

Published Challis Messenger, Times News, Idaho Statesman, Post Register & Lewiston Tribune on March 6th & 13th, 2014

✓ OK AM 3/27/2014

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

RECEIVED
MAR 13 2014
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Transfer Application No.: 78790

Water Right No(s): 72-7257

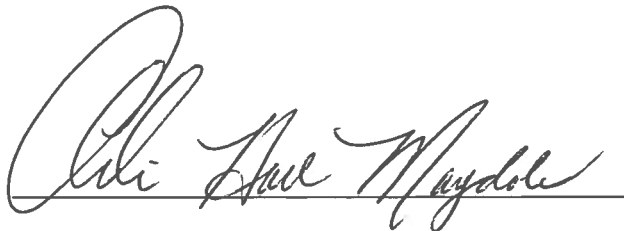
Transfer Applicant's Name: THOMPSON CREEK MINING CO.
C/O BERT DOUGHTY
PO BOX 600
CHALLIS, ID 83226

Watermaster's Recommendation:

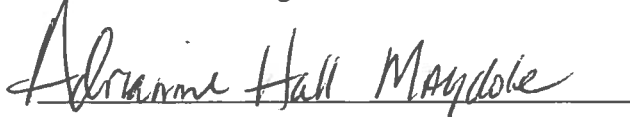
- a) X I do not oppose approval of this application.
- b) I do not oppose approval of this application if it is conditioned as follows:
- c) I oppose approval of this application for the following reasons:
- d) Additional comments:

Dated this 5TH day of March, 2014

Water District No. 72-D



Watermaster's Signature



Printed Name

**Proof of Legal Notice
received from Post Register 3/5/2014**

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Idaho Statesman, Post Register & Lewiston
Tribune on March 6th & 13th, 2014 (635265)

✓ OK → E-mail sent to newspaper.
DM 3/5/2014