

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 63-10325

Exam Date: 8/24/2012

1. Current Owner: S L WALKER
PO BOX 161
WHITE BIRD ID 83554

And/Or

MICHAEL C MC REYNOLDS
PO BOX 161
WHITE BIRD ID 83554

And/Or

CARL I MC REYNOLDS
PO BOX 161
WHITE BIRD ID 83554
(208)839-8265

And/Or

CLARENCE D MC REYNOLDS
PO BOX 161
WHITE BIRD ID 83554-0161
(208)839-2265

2. Accompanied by: Carl and Gary McReynolds

Phone No:

Address:

Relationship to Permit Holder: same

3. **SOURCE**

OPHIR CREEK

TRIBUTARY

WOOF CREEK

B. OVERLAP REVIEW

1. Other water rights with the same place of use: none
2. Other water rights with the same point of diversion: none

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**

OPHIR CREEK

L4SW1/4SW1/4

Sec. 7, Twp 07N, Rge 05E, B.M.

BOISE County

Method of Determination: aerial photo\

2. **PLACE OF USE:** MINING

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
07N	05E	7											X						

3. Method of Determination:

☐ see narrative ☐ Delivery System Diagram Attached (required). Indicate all major components and distances between

components. Indicate weir size/pipe as applicable.

☒ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.

☒ Aerial Photo Attached (required for irrigation of 10+ acres).

☒ Photo of Diversion and System Attached

4.

<u>Well or Diversion</u> <u>ID No.*</u>	<u>Motor Make</u>	<u>Hp</u>	<u>Motor Serial No.</u>	<u>Pump Serial No. or Discharge</u>	
				<u>Pump Make</u>	<u>Size</u>
POD [PUMP # 1]	200 TYNNAN	6.5	N/A – NOT ON FACEPLATE		
POD – [PUMP #2]	UNKNOWN	6.5	UNKNOWN		

*Code to correspond with No. on map and aerial photo

D. **FLOW MEASUREMENTS**

1.

<u>Measurement</u> <u>Equipment</u>	<u>Type</u>	<u>Make</u>	<u>Model No.</u>	<u>Serial No.</u>	<u>Size</u>	<u>Calib. Date</u>
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2. Measurements: no measurements taken

E. **FLOW CALCULATIONS**

Attached

_____ Additional Computation Sheets

Measured Method:

1] pump curve provided: Pump rated at a MAXIMUM flow 80 gpm = $80/448.8 = 0.178$ cfs per pump x 2 pumps = 0.357 = 0.36 cfs

2] theoretical calculation: $z = 0'$, no change in grade from Ophir Creek to the processing station, 2 pumps = 6.5 hp, 10 psi [though open discharge, these are high pressure pumps].

$$\frac{[8.8][6.5][.7]}{0 + [20][2.31]} = \frac{40.04}{46.2} = 0.867 \text{ cfs} = 0.87 \text{ cfs per pump.}$$

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: NOT APPLICABLE

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$$

2. Volume Calculations for Other Uses: MINING

$$V_{I.R.} = \frac{(0.36 \text{ CFS}) \times (448.8 \text{ GPM PER CFS}) (60 \text{ MINUTES PER HOUR}) (5 \text{ HOURS PER DAY}) (214 \text{ DAYS PER YR})}{325,850}$$

$$= \frac{10372665.6}{325,850} = 31.83 \text{ AFA} = 31.8 \text{ AFA}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days used}) \times 1.9835 = 0.36 \times 214 \times 1.9835 = 152.81 = 152.8 \text{ afa}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 31.8 \text{ afa}$$

G. NARRATIVE/REMARKS/COMMENTS

This permit was issued for mining uses in the upper Boise River basin. The correct fee was paid. Mr. Clarence McReynolds and his brother, Gary, accompanied me on the field exam. The permittees have a plan of operation on file with the USFS and have been working with the USFS to submit a new plan of operation which they are waiting for before they begin mining here again.

A POD amendment is needed because it is located in the SWSW of Section 7, not the NWSW. The applicants made a mistake in the legal descriptions when filing the application.

The claim is referred to as the Nelson claim. The McReynolds family reports they have mined at this site for decades and tailings are evident. However, there was no diversion or processing equipment on the site the day of the exam and no water was visible in Ophir Creek at the point of diversion. The McReynolds said that they use the same pumps and processing equipment as in 63-10324. They load it up on trucks and transport it between locations, depending on what shows of gold they have in each place. [Heavy equipment capable of transporting equipment was seen at the 63-10324 Fall Creek site.]

Because there is no mining occurring and no evidence of past mining, the permittees submitted documentation from the USFS that mining was occurring during the development period.

There are two high pressure gasoline pumps that divert from Ophir Creek. When mining on the Ophir Creek, the pumps are located adjacent to the creek and the settling pond. The pump and equipment information was obtained during the 63-10324 exam and a pump curve was provided by the permittees. The pumps are both 6.5 hp. The pumps divert water from the stream through two inch plastic pipes. From the pumps, there are two 1.5 inch diameter plastic pipes from one of the pumps, and one 1.5 inch diameter pipe from the second pump that will carry water approximately 100 to 150 feet to the processing plant.

The processing plant is a large, 3 foot in diameter, trommel, constructed by Clarence McReynolds. When in use, the water is pumped from Ophir Creek, to the large trommel to wash the gold mine tailings, and then to the settling pond. The pumps are run separately or together. Water and tailings in the settling pond are sometimes recirculated by a and washed again.

Mr. McReynolds stated that the amount of time the pumps run for mining activities at this site varies. Average use is 5 hours a day, 6 days a week. The same equipment is used for mining permit 63-10324, being licensed concurrently.

I calculated theoretical flows but the results are way beyond the pump capacities so will not be considered.

The permittees provided a pump curve from Valley Pump for the 2 pumps. Valley pump indicated that the pumps are Bafco part no. LTF2 high pressure pumps. The pump curve showed that the maximum flow from these pumps are 80 gpm or 0.17 cfs at about 50 feet of total head. There is the memo in the file regarding my conversation with X-cad, the company who provided the pumps. The maximum flow for both pumps is 0.36 cfs. The pump curve is more accurate, and I cannot accurately calculate TDH, so I recommend licensing 0.36 cfs.

Volume was calculated using 0.36 cfs pumped for 5 days a week for the 214 days in the standard season of use for a total annual volume of 31.8 afa. This is the lesser of the Vir and Vdr = volumes calculated and is recommended for licensing.

I corresponded with the Watermaster about the measuring device condition. Emails are in the file.

Have conditions of permit approval been met? ☒ Yes ☐ No

01E should be replaced with R43

Add X35 - The rights are limited to a total combined diversion rate of 0.36 cfs and to a total combined annual diversion volume of 31.8 AF. Combined Right Nos.: 63-10324 and 63-10325.

H. RECOMMENDATIONS

- 1) Permit amount 1 cfs
- 2) Beneficial use limit n/a cfs
- 3) System measurement 0.36 cfs
- 4) Proof fee amount 1 cfs

1. Recommended Amounts

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
MINING	4/01 to 10/31	0.36 CFS	31.8 AF
<u>Totals:</u>		0.36 CFS	31.8 AF

2. Recommended Amendments

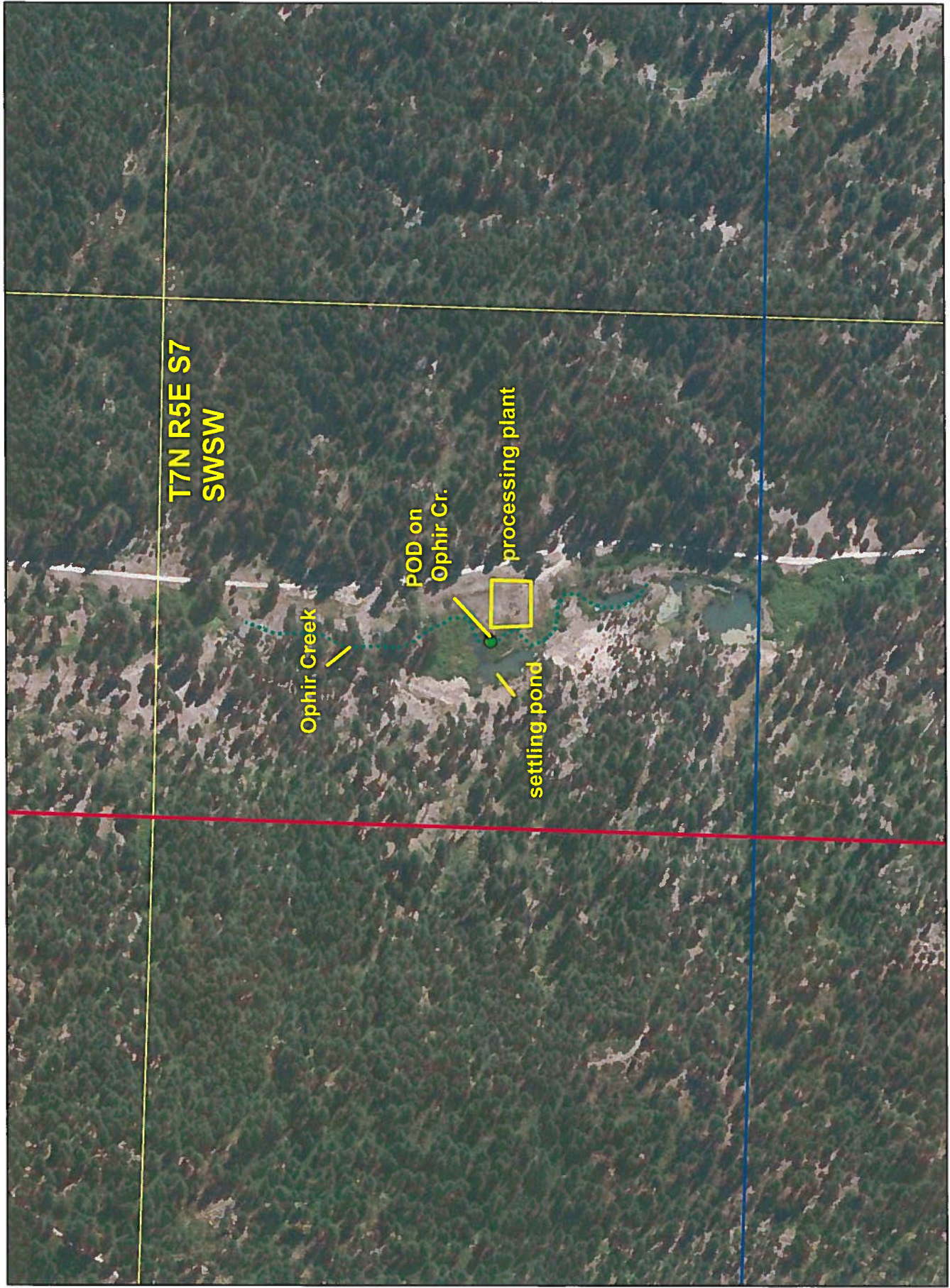
☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

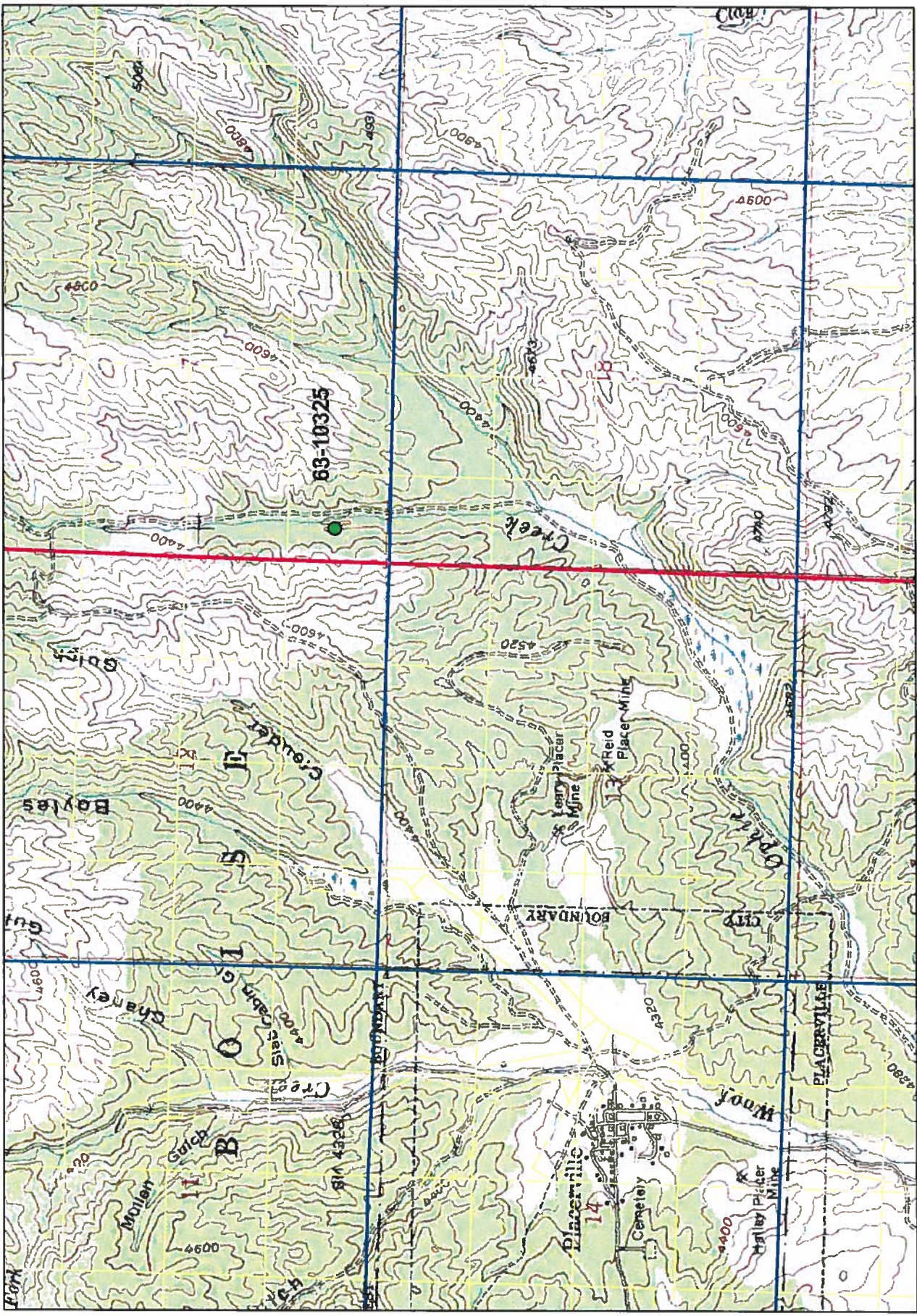
I. AUTHENTICATION

Field Examiner's Name Wing Hung Date 12-17-12

Reviewer _____ Date _____



63-10325 -- 2011 BING PHOTOGRAPHY.



Ophir Creek diversion 63-10325

PHONE MEMO

TO: LICENSING FILE NOS. 63-10324 AND 63-10325
FROM: VICKY MUSIC
SUBJECT: PUMPS AND FLOWS
DATE: 12/17/2012
CC:

The permittees represented to me that their 2 pumps [that they use for both permits at 2 different sites] were sized to provide 450 gpm, or 1 cfs. The pump contractor is Bafscos – J.A. Fischer Sales co. The permittees provide a pump curve for their pumps, Part No. LTF2, 6.5 hp, 2" high pressure pumps, however, the pump curves indicates that the pumps are not capable of providing 1 cfs of water.

Both Steve L and I called Bafscos. I called today to find out more detailed specs about the pumps and the operating pressures, etc. Bafscos could not answer my question and referred me to Don at X-Cad, the company that provides the pumps.

Don said there is no way that these pumps, even with both operating, could produce 1 cfs. The pump is rated for a maximum 80 gpm. I described the applications to Don. He said that with a 40 foot elevation difference, like that found at the 63-10324 site, the minimum head is 92.4 and the maximum flow is about 70 gpm.

Don said that for the 0 TDH situation at 63-10325, this pump is not the correct pump, but could provide more water than at the Fall Creek site.

He stated that at the maximum TDH of approx. 180 feet, for which the pump is rated, the pressure is 82 psi.

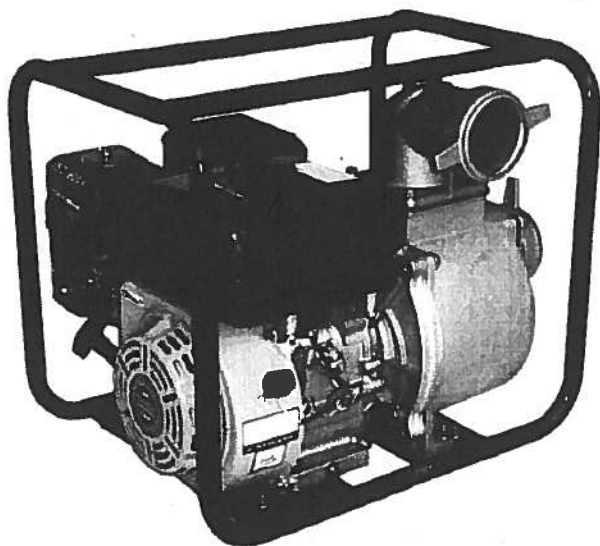
For licensing of each right, I will use the maximum flow from the pump curve of 80 gpm or total flow of 0.36 cfs for both pumps.

BAFSCO**B.A. FISCHER SALES CO., INC.**

2178 Centurion Place • Boise, ID 83709 • 888.375.1411 • 208.375.1411 • Fax: 208.375.8022 • www.bafscsco.com

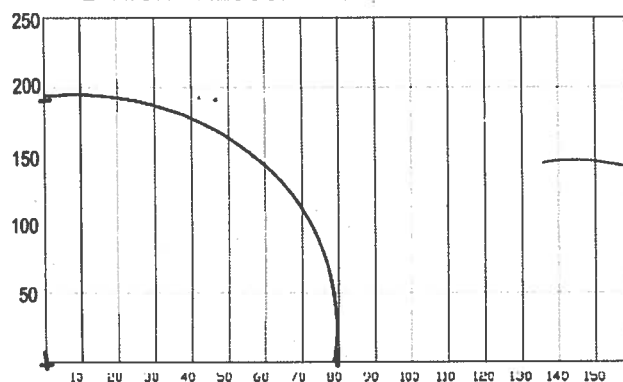
Effective 2/1/12

Gasoline Powered Transfer Pumps



Transfer Pumps

Part No.	Description	Size	List
TP2	2" Transfer Pump	6.5hp	370.00
LTF2	2" High Pressure Pump	6.5hp	512.50
TP3	3" Transfer Pump	6.5hp	395.00
TP4	4" Transfer Pump	9.0hp	863.30
LTWT3	3" Trash Pump	9.0hp	986.60

2" HIGH PRESSURE PUMP LTF2

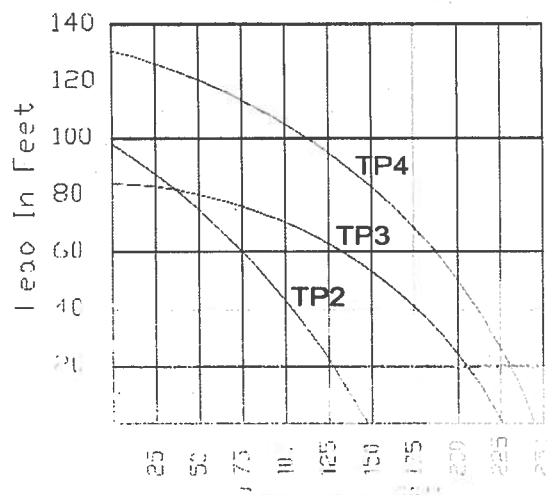
Air Cooled 4-stroke OHV with
Transistorized Ignition, Recoil Start and
Cast Iron Cylinder Sleeve

Pressure Cast Aluminium Pump Body

High Quality, Mechanically Sealed Equipment

NPT INLET/OUTLET THREADING

PUMP	MODEL	TP2	TP3	TP4
		2"	3"	4"
	Suction	2"	3"	4"
	Discharge	2"	3"	4"
	Cont capacity GPM	96	138	171
	Max capacity GPM	150	270	290
	Max head (ft)	91	82	131
	Cont head (ft)	49	42	60
	Max suction head (ft)	26	26	26



Note: All questions should be answered as completely as possible. If not applicable to your operation leave blank or write N/A.

PLAN OF OPERATIONS
(PROPOSED)

I. GENERAL INFORMATION

- A. Name of mine/project Ophir Placer no. 3, no.4, no.5, no.6 and no. 10
- B. Type or kind of operation Placer
(lode, placer, mill, exploration, development, production; other)
- C. Is this a (new/continuing) operation? (circle one)
If continuing a previous operation, this plan (replaces/modifies) a
previous plan of operation (circle one)
- D. Proposed startup date of operation April 1st, 1986
- E. Proposed duration of operations Five to ten years
- F. Proposed seasonal reclamation closeout date _____

II. PRINCIPALS

- Carl I. McReynolds, S.L. Walker, Clarence D. McReynolds,
- A. Name of Operators Michael C. McReynolds, and Keith McReynolds
- Address Carl - #62 Rose Park, Meridian, Idaho 83642
S.L. 220 Owyhee, Nampa, Idaho 83651
Clarence Whitebird, Idaho 83554
- Phone Clarence - (208) 839-2265, Carl - (208) 888-9360, S.L. - (208) 467-9316
- B. Name of designated or authorized field representative (if other than
the operator). Attach authorization to act on behalf of operator.
- _____
- Address _____
- _____
- Phone _____

- C. List the owners of the mineral estate or claim (if other than the operator)

Same

Address

Phone

- D. List any other lessees, assigns, agents, etc. and briefly describe their involvement with the operation, if applicable.

Address

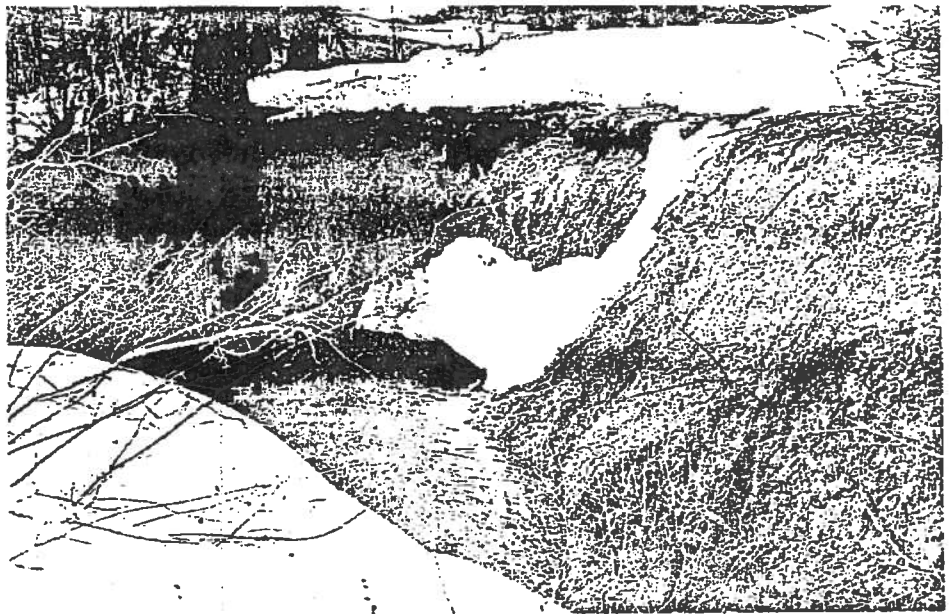
Phone

III. PROPERTY OR AREA

- A. Name of Mine, claim or other designation of the area and the legal land description where the operation will be conducted.

IMC Number	Name	Quarter Section	Section	Township	Range
14503	Ophir Placer No. 3	SW $\frac{1}{4}$	7	7N	5E
14504	Ophir Placer No. 4	SW $\frac{1}{4}$	7	7N	5E
14505	Ophir Placer No. 5	SW $\frac{1}{4}$	7	7N	5E
14506	Ophir Placer NO. 6	SW $\frac{1}{4}$	7	7N	5E
50445	Ophir Placer No. 10	SW $\frac{1}{4}$	7	7N	5E

Ophir Creek - note
unconsolidated stream bank
material.



Looking down Ophir Creek
channel. Note willows
aiding stream bank
stabilization.



VII. ACKNOWLEDGEMENTS

- A. It is understood that should the nature of the operation change a modified or supplemental plan of operations may be required.
- B. It is understood that approval of this plan of operations does not constitute:
1. Certification of ownership to any person named herein.
 2. Recognition of the validity of any mining claim named herein.
- C. It is understood that a bond equivalent to the actual cost of performing the agreed upon mitigation and reclamation measures may be required before this plan can be approved.
- D. It is understood that approval of this plan does not relieve me of my responsibility to comply with any other applicable State or Federal laws, rules, or regulations.
- E. It is understood that any information provided with this plan that is marked confidential will be treated by the agency as such and will be handled in accordance with that agency's laws, rules, and regulations.

Submitted by:

Signature

Name

Title

Date

D. L. Walker
S. L. Walker
OPERATION
10/23/85

For Agency Use:

Received by:

IDaho CITY RANGER DISTRICT
Don Fuller
Name

Date

10/23/85

Copy transmitted to cooperating agency? ☒ (YES) ☐ (NO)

Date

10/31/85

Operating Plan

Evaluated by:

Name

Date

Don Fuller

4/1/86

Recommendations:

See attached memo & letter to
be attached to this plan

Operating Plan
Approval:

Name

Date

[Signature]
4/2/86

Approved subject to attachments
of April 2 letter exhibit A.

United States
Department of
Agriculture

Forest
Service

Idaho City Ranger District
P.O. Box 129
Idaho City, ID 83631

Reply to: 2810

Date: April 2, 1986

State of Idaho Dept. of Lands
Bureau of Minerals
Mr. Tom Markland, Chief
Statehouse
Boise, ID 83720

Dear Tom:

Prior to final approval to begin placer operations in Ophir Creek, the following items should be included as part of the operating plan.

1. Establish a start date of September 1 each year as the begin date to reclaim any land disturbed that year.
2. Any top soil stripped off should be stock piled for use in reclamation.
3. Revegetation will be on a site-by-site basis. If grass was the vegetation, grass will be planted back. If willows are the primary vegetation, willows will be replaced. On the northern portion of this years work there are approximately two acres of trees to be replaced by trees.
4. Garbage will be hauled out to an approved sanitary land fill.
5. This approval does not allow stream alteration at this time.
6. Until a stream alteration permit is obtained, a buffer of fifteen feet is to be adhered to.
7. At the lower end of the claims, a permanent settling pond should be constructed to serve as a safeguard to aid sediment from being put into Ophir Creek.
8. If storage dams are to be built above the present ground level, construction plans should be submitted for prior approval from the Forest Service.
9. Prior to any alteration of Ophir Creek, engineered cross sections are to be taken so Ophir Creek can be put back into approximately the same position it occupies now.

To: Tom Markland

page 2

10. In the event two settling ponds are not adequate for returning high quality water back into Ophir Creek, a sprinkler system may have to be constructed to disperse suspended materials onto the land instead of Ophir Creek.

If you have any questions contact Don Fuller 343-0264.

Sincerely,

A handwritten signature in dark ink, appearing to read "Butler", written over a large, stylized circular flourish.

STEPHEN D. BUTLER
District Ranger

EXHIBIT A.

Walker-McReynolds Ophir Creek
c/o S. L. Walker
220 Owyhee
Nampa, ID 83651

March 11, 1986

Jon Wroten
Department of Health & Welfare
Environmental Division
801 Reserve
Boise, ID 83712

Sir:

On about March 7th, you telephoned me to inquire if our plan of operation included an alternate method for prohibiting pollution from entering Ophir Creek if our settling pond system failed, if we were planning to use chemicals and if we knew the proper procedures for handling mercury in the field. My partners and I have looked into these matters and here is what we have come up with.

1. Alternate system for containing water run-off: Using a 15 h.p. pump, with a 5 inch outlet and producing 55 PSI of pressure, pump 380 GPM through two 3 inch lines. The two 3 inch lines would have 32 sprinkler heads each. After considering several types of sprinkler heads, we have decided that the Nelson Spray-1 would be the best. There are no moving parts to be clogged with sand or debris. The water comes straight up through the orifice and strikes a plate which produces a mist. Using 11/64 inch nozzles, the 64 sprinklers will put out about six GPM each. Soil erosion should not be a problem and considering the sandy soil condition of the area, the absorption rate should prohibit run-off!
2. Use of chemicals: Being strictly a trammel type operation, no chemicals will be used in the mining or recovery process. However, we may desire to use a flocculant in the water system to settle debris and sediments. According to Bill Bedal, our mining consultant, the environmentally approved one is Polymer Flocculant with a brand name of Van Sloc AM 30-H.
3. Using and accounting for mercury in the field: At present we do not plan to use mercury in our recovery system. The gold will be separated from the concentrates with the use of a device called a Gemini Table. If in the future a need for mercury recovery arises, we will be sure to use a totally contained system, a water tight system that assures no spillage or reuse of water. We have also been advised that a plastic liner on the ground around the working area will prohibit

Jon Wroten
Dept. of H&W, Environmental Division
March 11, 1986
Page 2

3. Using and accounting for mercury in the field, cont.:
spillage from entering the ground. We were also advised by Bill Bedal
if we should retort mercury, a safety thermostatic jacket will assure
that mercury vapor will not be released into the atmosphere.

Sir, I hope this answers your questions. If you need more information,
please call me at 467-9316.

Sincerely,

S. L. Walker

SLW

copies to: Don Fuller
Larry M. Jones



United States
Department of
Agriculture

Forest
Service

Boise Ranger District

Reply to: 2810 Mining Claims

Date: April 1, 1986

Subject: Ophir Placer Claims - Watershed Recommendations

To: District Ranger, D-3
Attn: Don Fuller

Enclosed is John L. Thornton's watershed report for the Ophir Placer claim proposal. If you have any questions, please contact John.

[Signature]
BRENT H. MCETH
District Ranger

Enclosure

IDAHO CITY RANGER DISTRICT

APR 1 '86

ROUTE TO:		
RANGER		
F.M.O.		
RES. ASST.		
T.M.A.		
SILVICULTURE		
ENGINEER		
S.M.A.		
RES. CLK.		
PURCH.		
FILE	DISCARD	LIBRARY

Based
Mr. Reynolds ~~to~~ Mr. Walker
Ophir Claims

Don, incorporate
Recommendations



Boise National Forest

April 22, 1986

Clarence McReynolds
c/o S.L. Walker
220 Owyhee
Nampa, Idaho 83651

Dear Mr. McReynolds:

Reference is made to your mining activities in the Ophir Creek drainage, Township 7 North, Range 5 East, Section 7, and the approved plan of operations which you are operating within.

Your initial excavation activities revealed and exposed an archeological site which, in the opinion of the Boise National Forest Archeologist, may be significant. Your activities, conducted after being shown the site and being advised to avoid further disturbance, have resulted in significant destruction to that site.

Our initial archeological survey of your project area did not reveal any sites; however, the discovery of this site dictates the need for a more intensive surface survey of the area of your proposed operations, by a professional archeologist, to try to determine if there are additional sites or other areas of significance that must be avoided or their disturbance mitigated.

I am making arrangements for this survey to be conducted as soon as possible. I anticipate this survey to be completed sometime next week. Until this survey has been completed, and you have been notified that it is completed and that you may resume your mining and development activities, you must cease all operations of a surface or sub-surface disturbing nature, EXCEPT, you may continue to work within the drainage trenches that have already been dug. These trenches may be deepened and cleaned out, but not widened or lengthened.

I or Don Fuller will notify you as soon as we have completed this survey so that you may resume your operations in as timely a manner as possible.



Stephen D. Butler
District Ranger

United States
Department of
Agriculture

Forest
Service

Idaho City Ranger District
P.O. Box 129
Idaho City, ID 83631

Reply to: 2810

Date: April 24, 1986

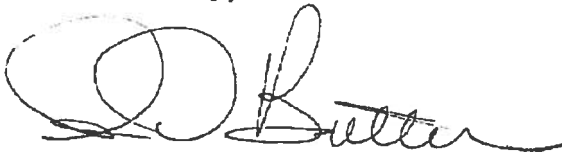
Mr. Clarence McReynolds
c/o S.L. Walker
Nampa, ID 83651

Dear Clarence:

This is to notify you, to resume your operation according to your operating plan. The archeological survey was completed April 24, 1986 and clears the working area, except for the Chinese site which has been flagged for protection.

I want to thank you for your cooperation until the full site had a more complete investigation by professional archeologists.

Sincerely,



STEPHEN D. BUTLER
District Ranger

The trammel and screening plant would require 1325 gpm or approximately 3 cfs of water. The plant would require an additional 250 gpm or 1/2 cfs to augment the plant due to evaporation, seepage and spray mist loss. The additional water, 1075 gpm would be recirculated through the water storage dam. The plan is to have a 9 1/2 foot high water storage dam which would contain a minimum of one acre foot of water.

Two settling ponds would be used for return water to Ophir Creek. They plan to route Ophir Creek around the mining area through use of plastic pipe and temporary channels. At close of project, they plan on developing a new channel. The land will be reshaped and grasses and willows will be planted.

The following are my concerns and recommendations/mitigation measures.

1. It is obvious that the project plans are to modify Ophir Creek stream channel. This requires a stream alteration permit obtained through the State Department of Water Resources. The National Forest does not have authority to permit stream alterations. It is likely that a 404 dredge and fill permit issued by Army Corp of Engineers is also needed.
2. For the first year the mining activities should stay outside of the stream channel, leaving a buffer strip of 15 feet minimum. The valley bottom and alluvial lands on the westside of the stream could be mined. This would protect the stream from damage in case this mining venture proves uneconomical to continue. If mining continues, a new channel will be constructed in the area previously mined (new channel construction addressed below). Mining operations should be in 1000 foot segments with corresponding new stream channel construction. This will eliminate a small segmented stream which would be impractical to design a stable channel. An obvious exception to this is when the stream channel changes to the opposite valley side, cutting off any area to mine. Then a new stream segment should be constructed. Based on my conversation with Mr. Clarence McReynolds (mining operator), he said that this approach would be feasible.

When excavating the land adjacent to Ophir Creek it may dewater the main stream channel due to the excavated area being lower than Ophir Creek. The depositional materials may be porous enough to allow this to occur. This would then require this water to be pumped back into the original channel. This situation may occur even if the upstream surface water is collected and transported around the excavated area due to the subsurface flow.

3. At the lower end of the claims, a permanent settling pond should be constructed to serve as a safeguard to eliminate sediment from moving downstream. This could possibly be the water storage dam needed to operate the plant.

63-10325 Field exam photographs



Photo taken from the location of the point of diversion from Ophir Creek. Settling pond seen right background.



Settling pond.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

January 24, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

CARL I MC REYNOLDS
CLARENCE D MC REYNOLDS
PO BOX 161
WHITE BIRD ID 83554-0161

RE: Water Right Permit No. 63-10325

Dear Permit Holders:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

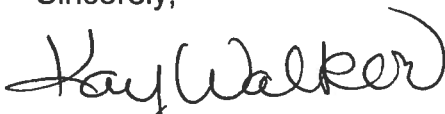
Based on the examiner's report, the following elements were developed differently than described on your permit:

 Point of Diversion

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee within 14 days.

If you have any questions, please call me at 334-2190.

Sincerely,


KAY WALKER
Sr. Water Resource Agent

Enclosures: Amendment & Layout



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 25, 2012

CLARENCE D MC REYNOLDS
CARL I MC REYNOLDS
MICHAEL C MC REYNOLDS
KEITH MC REYNOLDS
S L WALKER
PO BOX 161
WHITE BIRD, ID 83554-0161

Re Permit No. 63- 10325

Dear Permittees:

This letter is to follow up with your regarding information I requested for the Ophir Creek diversion. Gary McReynolds came into the office in September to provide additional information pursuant to my letter of September 13, 2012. However, the information remains insufficient. Apparently there are no photographs of the mining operation and the file information that Gary brought in did not provide information of what was developed during the development period from December 1985, when the permit was approved, to December 1, 1990, when development of the operation was to have been completed.

My advice is to contact the USFS and obtain from their records definitive approvals and descriptions of the mining operation during the beneficial use time period of December 1985 to December 1, 1990. The information sought cannot be for what you did after 1990 or want to do in the future. Our contact with the USFS is:

Steve Spenser
c/o Boise National Forest
1805 Highway 16, Room 5
Emmett, ID 83617
(208)365-7055
sspencer@fs.fed.us

Please provide the information requested by November 29, 2012. Failure to provide the information may result in the license not being issued or issued for less than the permit. Please call me if you have questions at 208.334.2190. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vicky Musie'.

Vicky Musie
Sr. Water Resource Agent

Music, Vicky

From: Rex Barrie [waterdistrict63@qwestoffice.net]
Sent: Thursday, October 25, 2012 7:34 AM
To: Music, Vicky
Subject: RE: mining permits on Fall and Ophir Creeks

Vicky,

I guess we could use that for administration as long as it is a small amount bring diverted. If there was a permit issued for large amounts of water I think the condition for lockable and measuring should still be included. I do not recall that these permits require the purchase of Rental Pool water to protect senior water rights. That needs to be a condition in all mining permits.

Rex R. Barrie
Boise River Watermaster

From: Music, Vicky [<mailto:Vicky.Music@idwr.idaho.gov>]
Sent: Wednesday, October 24, 2012 1:28 PM
To: Rex Barrie
Subject: mining permits on Fall and Ophir Creeks

Hi Rex -

I have 2 mining permits for the McReynolds family, 63-10324, a Fall Creek diversion, and 63-10325, an Ophir Creek diversion. The Fall Creek permit is about 2 miles west of Placerville and the Ophir Creek diversion is about 1.5 mile east of Placerville. Both permits are for 1 cfs and have a measuring device condition. Attached are maps and the application/permit for each. [These were permitted at a time when the permit was a copy of the application with conditions, etc].

The permittees have two 6.5 hp pumps with a total of 3 1.5" plastic pipe through which they pump water to the processing plants. They move the pumps and the processing plants from site to site. They have not installed measuring devices. Based on my calculations, the diversion rate is between .6 and about 1 cfs. The annual volume is about 57 afa.

My question is, do you think it is adequate protection in this upper basin when licensing to change the measuring device requirement to "on request" if IDWR limits the 2 permits to a combined limit of 1 cfs and the mining operation to 1 site at a time?

Thank you.

Vicky Music
Sr. Water Resource Agent
IDWR Western Region
2735 Airport Way
Boise, ID 83705
208.334.2190



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 13, 2012

CLARENCE D MC REYNOLDS
CARL I MC REYNOLDS
MICHAEL C MC REYNOLDS
KEITH MC REYNOLDS
S L WALKER
PO BOX 161
WHITE BIRD, ID 83554-0161

Re Permit No. 63- 10325

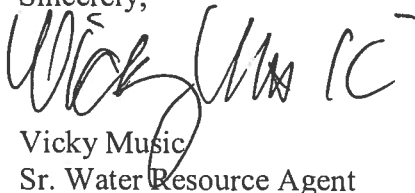
Dear Permittees:

After discussing the Ophir Creek diversion with supervisory staff, and the lack of an operational diversion, delivery or mining works on site the day of the exam, IDWR must have additional information regarding the use developed. I see from my notes of my conversation with Gary on the day he visited the office, that you were going to provide to me the Ophir Creek plan of operation. I know that you have submitted a revised plan to the USFS, but please submit a copy of the old plan of operation because IDWR must have information of how the use was developed and not the future development.

Also, when I was on the Ophir Creek site, I noted that the Ophir Creek channel at the point of diversion was not well defined and did not look capable of providing 1 cfs. A condition of the permit states that a permanent measurement device be installed. Was there a measuring device installed and records kept of the amount of water diverted? Do you have information in your files regarding the specs of the smaller pump and motor? Photographs of the Ophir Creek mining activities would be helpful.

Please provide the information requested by September 28, 2012. Failure to provide the information may result in the license not being issued or issued for less than the permit. Please call me if you have questions at 208.334.2190, or are able to bring your entire Ophir Creek file into the office for me to review. Thank you.

Sincerely,



Vicky Music
Sr. Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 16, 2012

*didn't change
date for this
2nd ltr.*

CLARENCE D MC REYNOLDS
CARL I MC REYNOLDS
MICHAEL C MC REYNOLDS
KEITH MC REYNOLDS
S L WALKER
PO BOX 161
WHITE BIRD, ID 83554-0161

Re Permit Nos. 63-10324 and 63- 10325

Dear Permittees:

Clarence and Gary, thank you for accompanying me on the field exams of these permit on August 24, 2012. You should receive the license in the next few months.

During the field exams, you mentioned that you were in the process of modifying your plans of operation with the USFS. Your proposed modifications will be for a larger mining operation. You also mentioned that the pumps flows that you have used in the past were 760 gpm, which equated to 1.7 cfs. If true, the system is diverted more than the authorized diversion rate of 1.0 cfs. Though I did not take a measurement during the field exams, I calculated the diversion rate and obtained a result of 1.13 cfs.

The sources of these permits are Fall Creek, a tributary of Granite Creek, and Ophir Creek which is a tributary of Wolf Creek, in the upper Boise River basin. Water is considered to be fully appropriated in the upper basin and there is a long history of water disputes. Therefore, it is very important that the system does not divert more than 1 cfs. Rex Barrie is the Water District 63, Boise River, Watermaster. He has the authority to regulate diversions in Water District 63, which includes Fall Creek, and so I am copying him on this letter.

Please call me if you have questions at 208.334.2190. Thank you.

Sincerely,


Vicky Music
Sr. Water Resource Agent

cc: Rex Barrie, WD 63 Watermaster



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August 16, 2012

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WHITE BIRD, ID 83554-0161

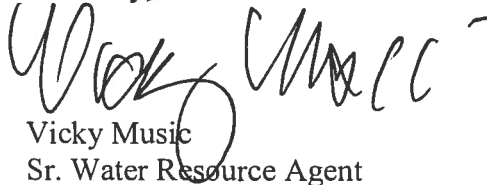
Re Permit Nos. 63-10324 and 63- 10325

Dear Permittees:

The permits referenced above were issued to you for mining uses from Fall and Ophir Creeks. The field exams are required by Idaho law before a permit can be licensed at which time it becomes a water right. The license is the end product needed for continued use of this water.

Please call me at 208.334.2190, by September 4, 2012, to set an appointment for the exams of these two mining permits. I'll gather some information about each of the diversion and delivery system at that time in preparation for the exam. Please make available at the field exam the permits, the plan of operation, or other documentation required by governmental entities. Thank you.

Sincerely,



Vicky Music
Sr. Water Resource Agent