

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 74254

This is to certify that: THOMPSON CREEK MINING CO  
P O BOX 62  
CLAYTON ID 83227  
(208)-838-3511

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 Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 72-7414      | WR/Decreed          | 07/28/1988      | 1.11 cfs    | 803.6 af      |                   |                    | GROUND WATER  |

**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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 72-7414               | NO           | NO         | YES        | YES            | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 72-7414               | <b>72-7414</b>                   | 1.11 cfs             | 803.6 af               | N/A               |                    |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>1.11 cfs</b>      | <b>803.6 af</b>        | <b>N/A</b>        |                    |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 12<sup>th</sup> day of March, 2010

  
\_\_\_\_\_  
Southern Region Manager

**WATER RIGHT NO. 72-7414**  
**As Modified by Transfer No. 74254**

In accordance with the approval of Transfer No. 74254, Water Right No. 72-7414 is now described as follows.

**Right Holder:** THOMPSON CREEK MINING CO  
 PO BOX 62  
 CLAYTON ID 83227

**Priority Date:** July 28, 1988

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| INDUSTRIAL            | 01/01       | to 12/31  | 1.11 CFS              | 803.6 AF      |
|                       |             |           | 1.11 CFS              | 803.6 AF      |

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

GROUND WATER                      SWNW                      Sec. 2   Twp 11N   Rge 16E   CUSTER County

GROUND WATER                      L1 (NENE)                      Sec. 3   Twp 11N   Rge 16E   CUSTER County

**PLACE OF USE:**    INDUSTRIAL

|             |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 11N 16E 12  | X  | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Industrial use is for the milling of molybdenum ore.
2. When water used under this right is discharged into a natural channel or surface system, settling ponds must be maintained which are capable of reducing the silt load to such a level that the quality of water shall meet idaho water quality standards and will not impair other beneficial uses.
3. 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 170.
4. 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).
5. Rights 72-7414, 72-7193 and 72-7257 when combined shall not exceed a combined total of 3108.0 AF.
6. Place of use does not include federal public lands.

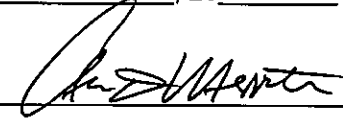
**WATER RIGHT NO. 72-7414**  
**As Modified by Transfer No. 74254**

**CONDITIONS OF APPROVAL**

7. This right is subject to the agreement dated April 26, 1989 between right holder and protestant(s) to the extent such agreement covers matters within the jurisdiction of the department of water resources.
8. The right holder shall accomplish the change authorized by this transfer within 1 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.

This water right 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.

Dated this 12<sup>th</sup> day of March, 20 10

  
\_\_\_\_\_  
Southern Region Manager