

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that BUNKER LIMITED PARTNERSHIP
(Name of Claimant)
P. O. Box 29, Kellogg, Idaho 83837 Telephone No. (208) 784-1261
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 1885

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Milo Creek tributary to S. Fork Coeur d'Alene River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>.3 CFS</u>	Use	<u>Mining and Industrial</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) .3 CFS TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ NE ¼, Sec. 13 Twp. 48N Rge. 2E B.M., County of Shoshone
Additional points of diversion: None

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 3' diversion dam pipe to 60,000 gal. water tank located at the Reed Tunnel dump.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
48N	2E	13		X															

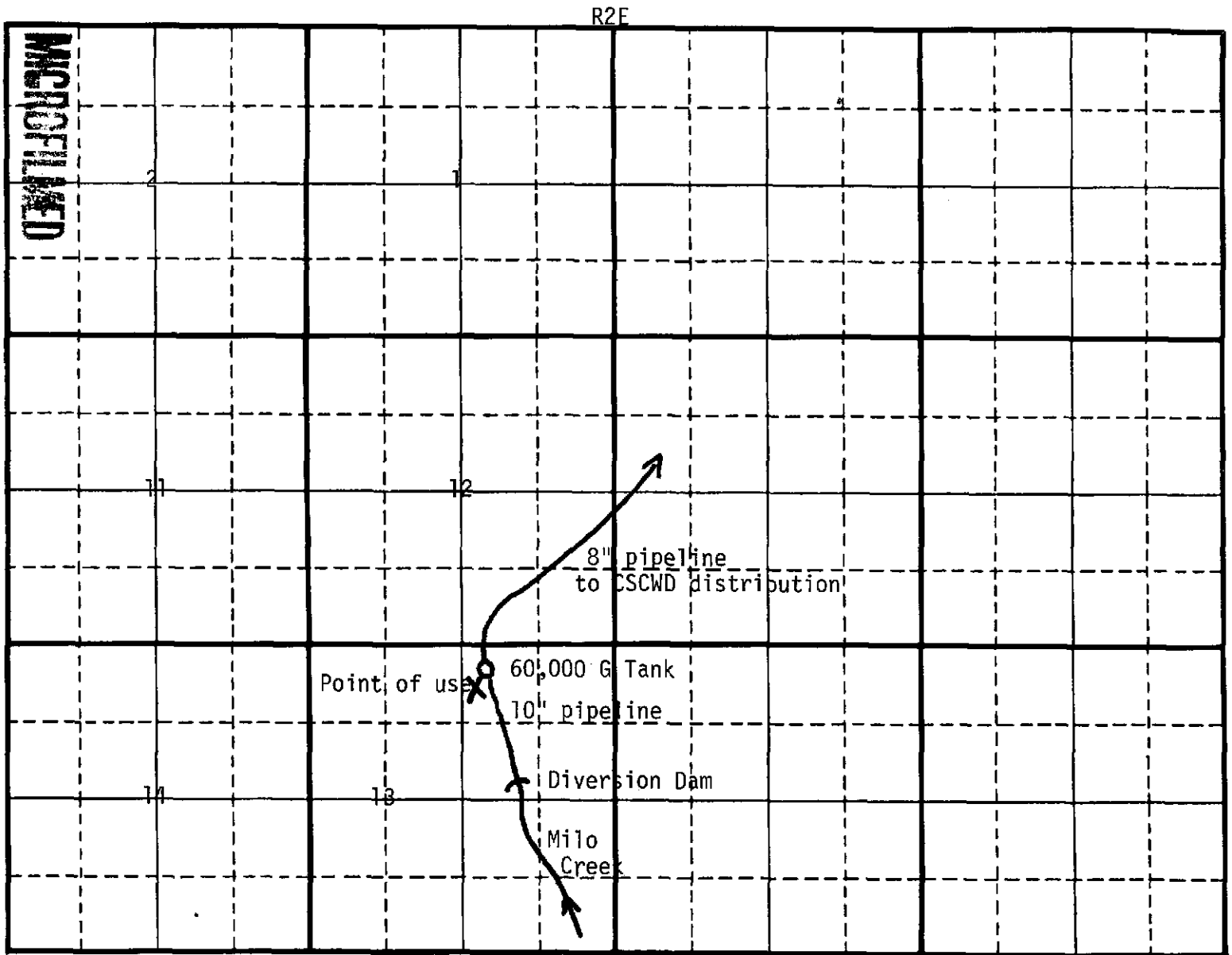
No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Water is used for personal sanitation of miners and other employees, for cleaning and irrigation in connection with underground green house, for general use around mine surface and machine shop, and for fire protection of facilities, located at the Reed dump and tunnel.

NOTE: Include here the type and number of stock watered: None

(7) If you are claiming water as a member of an organization, list name of organization: BUNKER LIMITED PARTNERSHIP

- (8) Remarks Whole flow (approx 3 cfs) of upper Milo Creek was diverted and used for water supply for towns of Wardner and Kellogg and mining operations in the vicinity. 10% of this was reserved to Bunker Hill when the Domestic Water system was sold to CSCWD. See the attached letter for additional details.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Shoshone) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 24th day of June

[Signature]
(Claimant)
1983.
Rose Mandoli
Notary Public
Residing at Kellogg, Idaho

My commission expires 11-18-86

FOR DEPARTMENT USE ONLY

Received by SB Date 6/28/83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by SB Date 6/28/83 claimant by: _____
30.00 \$20.00 fee received by SB Date 6/28/83 (28396)
Published in Kellogg Even News
Dates 7-20, 27-83

NOTICE OF WATER RIGHT.

To all concerned, Notice is hereby given: 1st:

That Empire State-Idaho Mining & Developing Company, a corporation, hereby claim the use of the waters of this spring to the extent of five cubic feet per second.

2nd: It is intended to divert said water at or near the point where a copy of this notice is posted, and more definitely described as follows: On south side of county road at the mouth of Government Gulch and on the west side thereof, Yreka Mining District.

3d: The purpose for which said water is intended to be used is for domestic and boiler purposes. The place of intended use is at Empire State's new mill.

4th: It is intended to divert said water by means of a flume 8 inches square on a grade of 1/2" to the rod. The general course of the proposed canal is easterly. The length of the proposed canal is 1000 feet. It is intended to use said waters for irrigating the following described lands Shoshone County, State of Idaho.

5th: It is intended to have the works for diversion and use of said water as aforesaid completed within 2 years.

Witness our hands at Government Gulch, this 1st day of Nov., 1900.

Empire State-Idaho Mining & Developing Co.,
By W. Clayton Miller, Res. Manager.
Claimant.

Affidavit of W. Clayton Miller as to statements contained in said notice and of the posting of same, sworn to Nov. 3, 1900, before C. H. Wentz, a Notary Public in and for Shoshone County, in the State of Idaho. (Seal).

Recorded Nov. 3rd, 1900 in Book "N" of Misc., at page 184,
records of Shoshone County, State of Idaho.
Horace M. Davenport, County Recorder

QUITCLAIM DEED.

Federal Mining and Smelting
Company, (a corporation),
Grantor.

-to-

Bunker Hill and Sullivan
Mining and Concentrating
Company, a corporation,
Grantee.

Dated, April 29th, 1910.

Recorded, Apr. 29", 1910.

Deed Book "40" pg 387.

Consideration \$1.00.

Corporate Seal attach'd.

Duly acknowledged April 29, 1910, by F.H. Brownell,
President of the grantor corporation, before B.B.
Adams, a Notary Public, Spokane Co., Wash. (Seal).

"Grants, conveys, quitclaims"

DESCRIPTION.

All its right, title and interest in and to the following described
property situate in Yreka Mining District, Shoshone County, Idaho, to-wit:-

All water rights owned by the Federal Company in the waters of the
Creek flowing down Government Gulch, and in the Creek known as Mile Creek,
in said Yreka Mining District.

(With other property not described under caption this abstract).

(The grantor to have the right of use of the property conveyed herein
until the ores contained in certain mining properties hereby conveyed
shall have been worked out and exhausted.)

The grantor shall, none the less, retain, and have forever the right
to all surplus waters in Government Gulch, not actually needed in the op-
eration of the Sweeny Mill, with all necessary rights of way for flumes and
other means of taking up and conveying said water, for the purpose of op-
erating any other mill which grantor, its successors or assigns, may estab-
lish in the operation of any mines owned by it west of Government gulch.

The use of such water shall be second in right, and subsequent to the
right of grantee to operate said Sweeny mill with water from Government
gulch.

-375-

MINING DISTRICT,
STATE OF

COUNTY,

(#) Conveys all waters rights in Milo Creek and Government Gulch.

WATER RIGHT
5 Cubic Feet per Second of the waters of a spring on
south side of county road at mouth of Government Gulch,
on west side thereof.

-375-

CLAIM , MINING DISTRICT,
STATE OF

COUNTY,

File No.	
LOCATION	Located by Empire State-Idaho Mining & Dev. Co Date Nov. 1st, 1900
	Recorded at Wallace, Idaho Date Nov. 3rd, 1900 By Book "N" Misc. Page 184
DIMENSIONS	By Locators ft x ft. By Official Survey ft. x ft. = Acres
BOUNDARIES	NORTH SOUTH EAST WEST
SURVEY	By Date No.
PATENT	Date of Appn. Date of Receiver's Receipt
	Date of Patent No. Recorded at Date Book Page
	Year By Date Affidvt. by Rec'd Book Page
ANNUAL LABOR	By By By By By By By
(#)	From To Date Interest Rec'd Book Page E.S.I.M&D Co Federal M&S Co Sept 1/03 All Jan 21/04 25 Deeds 564. Federal M&S Co B H & S M&C Co Apr 29/10 All Apr 29/10 40 Deeds 307.
TRANSFERS	
(#)	Conveys all waters rights in Milo Creek and Government Gulch.

RECORDED

BUNKER LIMITED PARTNERSHIP

THE BUNKER HILL COMPANY
XXSUEBIOARYXXRXXGULXXRESNAPOESXXCHEMICALXXCORPORATION
POST OFFICE BOX 29 O KELLOGG, IDAHO 83837 O (208) 784-1261

June 22, 1983

State of Idaho
Department of Water Resources
Route 5, Box 203, Suite 1
Coeur d'Alene, Idaho 83814

Gentlemen:

The following narrative and attached documents are offered in support of the attached Claim for Water Rights on Milo Creek, tributary to the South Fork of the Coeur d'Alene River. On November 1, 1982, Bunker Limited Partnership acquired the properties of The Bunker Hill Company. The total water rights to Milo Creek held by Bunker Hill Company consisted of 10% of fourteen or more claims totalling in excess of 164 CFS. These had been claimed between May 5, 1855 and November 18, 1897 by various individuals, and by April 29, 1910 had been transferred to The Bunker Hill Company's predecessor, The Bunker Hill and Sullivan Mining and Concentrating Company. Copies of the associated claims and abstracts of transfers and pages of the Shoshone County records are attached.

During the period from 1910 to 1943 the various water uses and supplies had been changed and consolidated into essentially its present configuration of a municipal water system serving the towns of Wardner, Kellogg, south of Railroad Avenue, and the Reed tunnel and dump area, as well as The Bunker Hill mine and mill system. This municipal system was transferred along with 90% of the Milo Creek water rights to the Central Shoshone County Water district on July 28, 1975.

The following list summarizes the claims to, and transfers of the Water Rights to Milo Creek now claimed in part by Bunker Limited Partnership.

200 inches of Milo Creed claimed by J. F. Wardner - May 5, 1885
200 inches of Milo Creek claimed by J. F. Wardner - April 7, 1886
Both foregoing transferred to Bunker Hill and Sullivan Mining and Concentrating Company - August 2, 1887.

6 inches of Spring A, by Sweeney, Esler & Moore - July 20, 1888
10 inches of Spring B by Sweeney, Esler & Moore - July 20, 1888
10 inches of Spring C by Sweeney, Esler & Moore - July 20, 1888
600 inches of Milo Creek by Charles Sweeney - May 21, 1889
The preceding 4 claims were transferred to the Last Chance Mining Co. on April 20, 1891; then to the Federal Mining and Smelting Company on August 31, 1904; then to the Bunker Hill and Sullivan Mining and Concentrating Company on April 29, 1910.

continued.....

200 inches of Milo Creek by Bunker Hill & Sullivan Mining and Concentrating Company on June 19, 1890.

1500 inches of Milo Creek by F. W. Bradley on September 8, 1894 - transferred to Bunker Hill & Sullivan Mining and Concentrating Company on December 19, 1894.

1500 inches of Milo Creek by G. A. Sonneman on September 10, 1894 - transferred to Bunker Hill & Sullivan Mining and Concentrating Company on December 4, 1894.

1500 inches of Milo Creek by Chas. W. Simmons on September 12, 1894 - transferred to Bunker Hill & Sullivan Mining and Concentrating Company on November 30, 1894.

10 CFS from Reed Tunnel by Geo. A. Sonneman on March 31, 1896 - transferred to Bunker Hill & Sullivan Mining and Concentrating Company on April 25, 1896.

20 CFS of Milo Creek by F. W. Bradley on July 21, 1896 - transferred to Bunker Hill & Sullivan Mining and Concentrating Company on October 23, 1897.

10 CFS of Milo Creek by Bunker Hill & Sullivan Mining and Concentrating Company on November 18, 1897.

10 CFS of Milo Creek by Bunker Hill & Sullivan Mining and Concentrating Company on November 20, 1897.

This list is not complete, there being other claims associated with the Wardner Water Company and Alexander Monk which were acquired by The Bunker Hill & Sullivan Mining and Concentrating Company in 1909.

However, this should be adequate to support the priority claimed herein.

If any questions arise regarding this claim, please contact the undersigned.

Sincerely,



R. E. Padget
Sr. Engineer

REP:rm

WATER DEED

THIS INDENTURE, Made this 28th day of July, 1975,
by and between THE BUNKER HILL COMPANY, a Delaware corporation, Party
of the First Part, and CENTRAL SHOSHONE COUNTY WATER DISTRICT, an
Idaho municipal corporation, Party of the Second Part, P. O. Box 367, Kellogg,
Idaho, 83837.

WITNESSETH:

That the said Party of the First Part, for and in consideration of the
sum of One Dollar (\$1.00), lawful money of the United States of America, and
other good and valuable considerations to it in hand paid by the said 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 its successors and assigns forever, Ninety (90%) per cent of
its right, title and interest in and to the waters flowing in that certain creek named
Milo Creek, situated in Shoshone County, Idaho, expressly retaining and reserving
unto itself ten (10%) per cent of any water in said creek to which it has a valid
and subsisting right.

TO HAVE AND TO HOLD the said water and water rights unto the
Party of the Second Part and its successors and assigns forever.

IN WITNESS WHEREOF, the said parties have hereunto set their hands the
day and year first above written.

THE BUNKER HILL COMPANY

CENTRAL SHOSHONE COUNTY
WATER DISTRICT

James D. Dalley
Title President
Date 7-28-75

Charles W. [illegible]
President
7-28-75

POOR QUALITY ORIGINAL

STATE OF IDAHO)
) ss.
County of Shoshone)

On this 28th day of July, 1975, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared James H. Haller, known to me to be the President of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

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

Joanne Hebert
Notary Public for the State of Idaho
Residing at: Kellogg, Idaho

STATE OF IDAHO)
) ss.
County of Shoshone)

On this 28th day of July, 1975, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared DARRELL I. PETERSEN, known to me to be the PRESIDENT of the municipal corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

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

Joanne Hebert
Notary Public for the State of Idaho
Residing at: KELLOGG, IDAHO

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QUITCLAIM DEED.

Federal Mining and Smelting
Company, (a corporation),
Grantor.

-to-

Bunker Hill and Sullivan
Mining and Concentrating
Company, a corporation,
Grantee.

Dated, April 29th, 1910.

Recorded, Apr. 29", 1910.

Deed Book "40" pg 387.

Consideration \$1.00.

Corporate Seal attach'd.

Duly acknowledged April 29, 1910, by F.H. Brownell,
President of the grantor corporation, before B.B.
Adams, a Notary Public, Spokane Co., Wash. (Seal).

"Grants, conveys, quitclaims"

DESCRIPTION.

All its right, title and interest in and to the following described
property situate in Yreka Mining District, Shoshone County, Idaho, to-wit:-

All water rights owned by the Federal Company in the waters of the
Creek flowing down Government Gulch, and in the Creek known as Mile Creek,
in said Yreka Mining District.

(With other property not described under caption this abstract).

(The grantor to have the right of use of the property conveyed herein
until the ores contained in certain mining properties hereby conveyed
shall have been worked out and exhausted.)

The grantor shall, none the less, retain, and have forever the right
to all surplus waters in Government Gulch, not actually needed in the op-
eration of the Sweeny Mill, with all necessary rights of way for flumes and
other means of taking up and conveying said water, for the purpose of op-
erating any other mill which grantor, its successors or assigns, may estab-
lish in the operation of any mines owned by it west of Government gulch.

The use of such water shall be second in right, and subsequent to the
right of grantee to operate said Sweeny mill with water from Government
gulch.

TAXES.

1909 and prior years, Paid,
1910 taxes now in process
of assessment.

JUDGMENTS & LIENS.

N o n e.

STATE OF IDAHO)

County of Shoshone)

- SS.

The undersigned hereby certify
that the within sheets, numbered from One (1) to Twenty-two (22) inclusive
contain a full and correct abstract of all instruments or conveyances of
record affecting the property described in caption hereof, and that the
within instruments are executed and acknowledged as herein shown.

And further certify that there are, according to county indices, no
judgments, suits pending or liens of any kind, against any of the within
named grantees, which are liens on the lands described herein, in any Court
of record in Shoshone County; that there are no taxes or assessments due
or unpaid, that no tax deeds have been given thereon and that there are no
tax sales of said property unredeemed.

DATED at Wallace, Idaho, this Eighth day of July, A.D. 1910, at the hour
of eleven (11) O'clock, A.M.

SHOSHONE ABSTRACT COMPANY, LTD.

By W. F. [Signature] Secretary.

D E E D.

THIS INDENTURE, Made this 20th day of August, A. D. 1909, between Stanly A. Easton, of Kellogg, Idaho, party of the first part, and the Bunker Hill & Sullivan Mining and Concentrating Company, an Oregon corporation, party of the second part,

WITNESSETH: That the said party of the first part for and in consideration of the sum of \$ 1^{xx}/₁₀₀ in hand paid by the said party of the second part, receipt whereof is hereby acknowledged, has granted, bargained, sold, remised, released, conveyed, aliened and confirmed, and by these presents does grant, bargain, sell, remise, release, convey, alien and confirm unto the said party of the second part and to its successors and assigns forever, all of the following described property situated in Shoshone County, Idaho, to-wit:

1. All that certain water right situated in Yreka Mining District, County of Shoshone, State of Idaho, on Milo Gulch, below what is known as the Reed Ore Bin, the said water right having been located by Alexander Monk on June 6th, 1891, location notice of which is recorded in Book "I" of Miscellaneous Records, page 574, Records of Shoshone County, Idaho.

2. Also all that certain water right located March 12, 1888 by Alexander Monk and Scott McDonald, and recorded in Book "H" of Miscellaneous Records, page 93, Records of Shoshone County, Idaho, said water right being located on Silver Creek, a tributary of Milo Creek in said Shoshone County, Idaho.

3. Also all those certain ^{water} rights described as Spring No. 1, tributary to Milo Gulch, and situated on Lot 14 in Block 6 of the town of Wardner; Spring No. 2, situated on Lot No. 12, Block 36, of the town aforesaid; Spring No. 3, situated on Lot No. 11, Block 36, of said town; Springs No. 4 and No. 5, situated near the

bridge between the said town of Wardner and the Sullivan Mine, all of which are more particularly described in the location notice thereof as recorded in the office of the deputy recorder of Yreka Mining District, Shoshone County, Idaho, on page 25 in Book "A" of Miscellaneous Records of said district. Also Springs No. 6, described in the location notice thereof, as recorded on page 33 of Book "A" aforesaid. Also all the flumes, pipes, conduits and tanks of whatsoever nature now used in confining and conducting water from said springs and all rights, privileges and appurtenances pertaining thereto. Also the North Half of Lot 9 in Block 3, of the town of Wardner. Also all the other property described in the deed from the Wardner Water Company, a corporation, to Alexander Monk, which is of record in Book "Q" of Deeds, page 382, Records of Shoshone County, Idaho.

4. Also all the entire water plant and system formerly owned by Alexander Monk and deeded to the first party on December 26th, 1904, used to supply the town of Wardner and the buildings adjacent thereto with water for domestic purposes, including all springs, water rights, conduits, mains, laterals, and taps in the town of Wardner and in the vicinity thereof, formerly owned by said Monk, and all dams, tanks, reservoirs, buildings, plant machinery, fixtures and apparatus of every kind, nature and description used in supplying said town of Wardner and the adjacent country with water for domestic purposes and all lands of every name, nature and description used in connection therewith. Also all easements and all rights of way owned by said party of the first part in or near the towns of Wardner or Kellogg, in, upon, or across the streets of said towns, and in, upon or across other property for pipe lines, ditches and flumes and other conduits for water, it being the purpose of this deed to convey all of the right and title of the party of the first

MICROFILMED

part in and to the entire water system and plant and rights appurtenant thereto and all fixtures and property of whatsoever name, nature and description used in connection therewith.

Together with all the hereditaments, appurtenances thereunto belonging or in any wise appertaining, and the rents, issues and profits thereof, and all the estate, right, title, interest, claim or demand whatsoever of said party of the first party, either in law or in equity, or in and to the above bargained premises with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto the said party of the second part, its successors and assigns forever.

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

Witnesses:

Stanly A. Easton (SEAL)

STATE OF IDAHO,)
County of Shoshone.) SS.

I, Cliff Simons a Notary Public in and for said county and state do hereby certify that on this 30th day of August ~~July~~, A. D. 1909, personally appeared before me Stanly A. Easton to me known to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Given under my hand and official seal this 30th day of August, 1909.

Cliff Simons

Notary Public in and for said county and state.

File # 1.4

No. 1706.

ABSTRACT OF TITLE

TO

The following described real estate situated in the County of
Shoshone, State of Idaho:

That certain Water Right located by Charles Sweeny, A.M. Es-
ler and Frank R. Moore on the 20th day of July, A.D. 1888, the
notice of location being recorded in Book "I" Misc, page 25

That certain Water Right located by Charles Sweeny, A.M. Es-
ler and Frank R. Moore on the 20th day of July, A.D. 1888, the
notice of location being recorded in Book "H" Misc., pg 570

That certain Water Right located by Charles Sweeny, A.M. Es-
ler and Frank R. Moore on the 20th day of July, A.D. 1888, the
notice of location being recorded in Book "H" Misc., pg 570

That certain Water Right located by Charles Sweeny on the
21st day of May, A.D. 1889, the notice of location being re-
corded in Book "I" of Miscellaneous records, at page 119,
and amended by Charles Sweeny June 15th, A.D. 1889, said am-
ended notice of location being recorded in Book "I" pg 121

That certain Water Right located by David Rees on the 12th
day of June, A.D. 1899, the notice of location thereof being
recorded in Book "M" of Miscellaneous records, at page 396.

That certain Water Right located by E.S. Wiard on the Fifth
day of September, A.D. 1899, the notice of location being re-
corded in Book "M" of Miscellaneous records, at page 476.

That certain Water Right located by the Empire state-Idaho
Mining & Developing Company on the 1st day of November, A.D.
1900, the notice of location being of record in Book "N" of
Miscellaneous records, at page 134 thereof.

LOCATION OF WATER RIGHT.

Notice is hereby given that the undersigned, in compliance with the laws of the United States and of Title Nine of the Revised Statutes of Idaho Territory, have this day located and claimed the right to the use of about ten inches measured under a four inch pressure to be diverted from the natural channel of the stream known as and called Spring "C", at a point about 500 feet up Milo creek from the southwest corner of the Spokane Concentrator, said point of diversion being in Yreka Mining District, Shoshone County, Idaho Territory.

That said water is claimed for the purpose of milling and reducing the ores of the Emma and Last Chance Con. M. Company, at the town of Wardner said water is to be diverted by a flume to said concentrator on a size 3 X 3.

Located this 20th day of July,
A.D. 1888.

Witnesses present at location:
R.K. Neil.
W.W. Woodward.

Chas. Sweeny)
A.M. Esler - Locators.
Frank R. Moore)

Recorded at the request of Spokane Con. Co., Dec. 3rd, 1888 in Book I of Misc., at page 25 thereof, records of Shoshone County, Idaho Territory. Thos. E. McLelland, County Recorder, By John P. Sheehy, Deputy.

MICROFILMED

POOR QUALITY COPY

LOCATION OF WATER RIGHT. SPRING "A".

Notice is hereby given that the undersigned, in compliance with the laws of the United States and of Title Nine of the Revised Statutes of Idaho Territory, have this day located and claimed the right to the use of six (6) inches, measured under a four inch pressure, to be diverted from the natural spring on the east side of Milo creek at a point about 400 feet below the Reed tunnel, below the Bunker Hill & Sullivan Concentrator on said creek, said point of diversion being in Yreka Mining District, Shoshone County, Idaho Territory.

That said water is claimed for the purpose of milling and reducing of ores, more particularly from the Emma & Last Chance Mines, and for other purposes at the town of Wardner, in said County.

Said water to be diverted by a wooden flume of a size eight inches square and about eleven hundred feet long down and along the course of said creek to the mill under erection.

Located this 20th day of July, A.D. 1888.

Witnesses present at location:
J.F.O'Neill
R.K.Neil

Chas. Sweeny)
A.M. Esler - Locators.
Frank R. Moore)

Recorded at the request of A.M. Esler Aug. 6th, 1888 in Book "H" of Misc., at page 570 thereof, records of Shoshone County, Idaho Territory. Thos. E. McLelland, County Recorder, By M.J. Sweeny, Deputy.

POOR QUALITY ORIGINAL

LOCATION OF WATER RIGHT. SPRING "B".

Notice is hereby given that the undersigned, in compliance with the laws of the United States and of Title Nine of the Revised Statutes of Idaho Territory, have this day located and claimed the right to the use of ten inches, measured under a four inch pressure, to be diverted from the natural spring on the west side of Milo creek, at a point about 400 feet below Spring "A", and on the west side of Milo creek, said point of diversion being in Yreka Mining District, Shoshone County, Idaho Territory.

That said water is claimed for the purpose of milling and reducing ores, more particularly of the Emma & Last Chance Mines, and for other purposes at the town of Wardner, in said County.

Said water to be diverted by flume and about 25 feet long, running to and connecting with the main flume from Spring "A", the latter located and claimed by the undersigned.

Located this twentieth (20) day of July, A.D. 1888.

Witnesses present at location:
J.F.O'Neill
R.K.Neil.

Chas Sweeny)
A.M.Esler -Locators,
Frank R.Moore)

Recorded at the request of A.M.Esler Aug.6th, 1888 in Book "H" of Misc., at page 570 thereof, records of Shoshone County, Idaho Territory. Thos.E.McLelland, County Recorder, By M.J.Sweeny, Deputy.

NOTICE OF LOCATION OF WATER RIGHT.

I, the undersigned, a citizen of the United States, do hereby locate, claim and intend to appropriate according to the laws of the United States and of the Territory of Idaho, six hundred inches of water, under a four inch pressure, from Milo creek, about 2000 feet above the town of Wardner, at or near where this notice is posted, Yreka Mining District, Shoshone County, Idaho.

This water is to be diverted by means of a flume, the proper size to carry the above amount of water, about fifteen hundred feet long, and to be used for the purpose of concentrating the ores of the Emma and Last Chance Mines.

Located this 21st day of May, 1889.

Witness - W.C. Miller,

Locator - Chas. Sweeny.

Recorded at the request of W.W. Woods June 14, 1889, in Book "I" of Misc., at page 119 thereof, records of Shoshone County, Idaho Territory. Frank Tibbals, County Rec.

POOR QUALITY ORIGINAL

AMENDED LOCATION OF WATER RIGHT.

Notice is hereby given that the undersigned, in compliance with the laws of the United States and of Title Nine of the Revised Statutes of Idaho Territory, has this day located and claimed the right to use six hundred (600) inches of water, measured under four inch pressure, to be diverted from the natural channel of the stream known as Milo creek, about 2000 feet above the town of Wardner, and at the place where this notice is posted, being situated in the Yreka Mining District, Shoshone County, Idaho Territory.

Said water is claimed for the purpose of mining and milling and more particularly for the concentrating works of the Emma and Last Chance mines and is to be diverted by means of a flume two feet wide and one foot deep and is to be conducted about 112 rods to a point opposite the Spokane Concentrating Company's Mill.

This being an amended location of the one made May ..., 1889. This amended location made this 15th day of June, A.D. 1889.

Witness present at location - W.C. Miller. Chas. Sweeny - Locator.

Recorded at the request of Fred E. Lucas, June 19th, 1889 in Book "I" of Misc., at page 121 thereof, records of Shoshone County, Idaho Territory. Frank Tibbals, County Recorder.

RECORDED

QUITCLAIM DEED.

Charles Sweeny,
Grantor.

-to-

Last Chance Mining
Company, a corpora-
tion, Grantee.

Dated, August 3rd, 1891.

Recorded, Aug. 7th, 1891.

Deed Book "X" pg 201.

Consideration \$5.00.

Duly acknowledged Aug. 4th, 1891, before H.M. Dav-
enport, a Notary Public, in and for County
of Shoshone, in the State of Idaho. (Not'l seal)

"Grant, bargain, sell, remise, release and forever quitclaim".

DESCRIPTION.

That certain water right located by party of the first part May 21st,
1889 for 600 inches of water to be taken from Milo Creek, in Yreka Mining
District, Shoshone County, State of Idaho, as described in notice of loca-
tion recorded in the office of the Recorder of said County Book "I" page
119 and more particularly described in the record of an amended notice
of location made by the party of the first part on June 15, 1889, of record
in the same Book "I" page 121.

RELEASE OF MORTGAGE.

S. Frances Moore, Executrix of
Last Will and Testament of
F. Rockwood Moore, deceased.

-to-

Last Chance Mining Company.

Dated, January 13, 1896.

Recorded, Feb. 14", 1896.

Book "M" Mtge., pg 194.

Witnesses - Two.

Duly acknowledged Jan. 13, 1896 before John P. Kavanaugh, a Notary Public, Multnomah Co., Ore. (Seal).

Do hereby certify and declare that a certain mortgage bearing date the 6th day of March, 1893, made and executed by The Last Chance Mining Company, a corporation organized and existing under the laws of the State of Washington, party of the first part therein, to F. Rockwood Moore, of the City of Spokane, State aforesaid, the party of the second part therein, to secure the payment of the sum of \$327,993.32 upon all that certain lode mining claim known as and called the Last Chance, also that certain lode mining claim known as and called the Emma, also the Last Chance Tunnelsite also the Emma and Last Chance Millsite, all situated in the Yreka Mining District, Shoshone County, State of Idaho, together with the mills, machinery and improvements thereon, also all water rights water ways, flumes, ditches, conduits, tramways used in connection with the aforesaid property, as more particularly described in said mortgage, which is recorded in the office of the County Recorder of the said County of Shoshone, State of Idaho, in Book "I." of Mortgages at page 208 thereof, on the 8th day of March, 1893, together with the debt thereby secured, is fully paid, satisfied and discharged.

POOR QUALITY ORIGINAL

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE.

Spokane and Eastern Trust)
Company, Trustee, Plaintiff.)

-vs-

Last Chance Mining Company)
and the Empire State-Idaho)
Mining and Developing Com-)
pany, Defendants.)

SHERIFF'S CERTIFICATE OF SALE OF
REAL ESTATE
ON DECREE OF FORECLOSURE AND ORD-
ER OF SALE AND EXECUTION.

By virtue of a decree and order of sale, made and entered in the above entitled court, and cause, on the 3rd day of June, A.D. 1903, and a writ of execution issued thereunder by the clerk of said court, under the seal thereof, bearing date the 16th day of June, A.D. 1903, for the sum of \$530,832.78, with interest thereon from June 3rd, 1903 at six per cent per annum and costs taxed at \$63.85 payable in gold coin of the United States or partially in bonds of the Last Chance Mining Company, as provided in said judgment and decree, together with \$4,000.00 counsel fees and accruing costs, by which decree and order of sale and writ of execution, I, Charles Manley, as Sheriff of Shoshone County, State of Idaho, was commanded to levy upon and give notices for sale and to sell the following described property and premises situate and being in Shoshone County, State of Idaho, to-wit:-

Water right located by Charles Sweeny May 21, 1889, notice of location recorded in Book "I" Misc., at page 119 thereof.

Water right located by Charles Sweeny, A.M. Esler and Frank R. Moore, notice of location recorded in Book "H" of Misc., at page 570 thereof, the same being known as Spring "A".

Water Right located by Charles Sweeny, A.M. Esler and Frank R. Moore, notice of location recorded in Book "H" of Misc., at page 570, the same being known as Spring "B".

Water Right located by Charles Sweeny, A.M. Esler and Frank R. Moore, notice of location recorded in Book ... of Misc., at page 25 thereof, the same being known as Spring "C".

(Together with other property not described under caption)

And that I duly advertised and noticed said premises and property to be sold by me in front of the court house door in the City of Wallace, in Shoshone County, State of Idaho, on the 20th day of July, A.D. 1903, at 10 o'clock in the forenoon on said day, that previous to said sale I caused due and legal written notice thereof to be published for twenty days immediately before and next preceeding such sale, in the Wallace Press, a weekly newspaper published in the City of Wallace, in said County and State due proof of said publication having been made and filed in said court,

and caused said written notice to be posted in three of the most public places in the precinct and City of Wardner, in said Shoshone County, State of Idaho, that being the precinct and city where the said property and premises were and are situated, and caused said written notice to be posted in three of the most public places in Wallace precinct and City, in said county and state, that being the precinct and city where the said premises and property were to be and were sold, for twenty days before the time so set for the said sale, and that on the 20th day of July, A.D. 1903, the day on which said premises and property were so noticed and advertised to be sold as aforesaid, I attended at the time and place fixed for said sale and exposed the said premises and property for sale at public auction, according to law, to the highest bidder, in gold coin of the United States or partially in bonds of the Last Chance Mining Company, as provided in said judgment or decree, having first given notice that said premises and property, were to be sold to satisfy a judgment amounting to \$530,832.78 with interest thereon from June 3rd, A.D. 1903 at the rate of six per cent per annum and costs taxed at \$63.85, payable in gold coin of the United States, or partially in bonds of the Last Chance Mining Company, as provided in said judgment and decree together with \$4,000.00 counsel fees and accruing costs, when, the Empire State-Idaho Mining and Developing Company being the highest and best bidder therefor, the said premises and property were struck off and sold by me to the said Empire State-Idaho Mining and Developing Company for the sum of \$470,000.00 payable in gold coin of the United States, or partially in bonds, as provided in said judgment and decree, which was the whole price bid for the said premises and property, and which said sum of \$470,000.00, partially in bonds of the Last Chance Mining Company, as provided in said judgment or decree, I acknowledge and have received.

The said premises and property are as hereinbefore particularly described.

And the said premises and property are subject to redemption, in lawful money of the United States, pursuant to the statute in such cases made and provided.

Given under my hand this 20th day of July, A.D. 1903.

Charles Vanley,
Sheriff of Shoshone County
State of Idaho.

POOR COPY

Filed at the request of C.W. Betts Jul 28, 1903., at 3 o'clock, P.M.
Stanley P. Fairweather, County Recorder, By John P. Sheehy,
Deputy.

NOTE: The Assignment of this Certificate of Sale, Empire State-Idaho Mining & Developing Company, to Federal Mining & Smelting Company, reference to which is made in the following Sheriff's Deed, is not on file or of record in Recorder's Office.

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: LB

Right Number 94-4218 Applicant Bunker Ltd. Ptn.

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By [Signature] Date 8/19/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By kw Date 8/31/83

RECEIVED

RECEIVED
AUG 23 1983
Department of Water Resources