

Identification No. 94-4007 P

Claim No. _____

Map No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION**

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant IDAHO WATER COMPANY
 post office address P. O. Box 7488, Boise, Idaho 83701
~~107 N. Division, P. O. Box 638, Boise, Idaho 83837~~
2. The point of diversion is in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 24 Township 48 N.
 Range 3 E. B.M. located on East Fork of McFarren Creek
(name of source)
 tributary to McFarren in Shoshone County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed:
 Original claim in 1886 by S.V. Wm. Osborn amount: 2.5 c.f.s. or _____ acre feet
 _____ amount: _____ c.f.s. or _____ acre feet
 _____ amount: _____ c.f.s. or _____ acre feet
 Total claimed 2.5 c.f.s. or _____ acre feet.
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:
 use domestic period of use from Jan. 1 to Dec. 31 (both dates inclusive)
 use _____ period of use from _____ to _____ (both dates inclusive)
 use _____ period of use from _____ to _____ (both dates inclusive)
 use _____ period of use from _____ to _____ (both dates inclusive).
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of concrete dam
 _____; length is 20 feet; height is 5 feet;
 width at bottom is 3 feet; with at top is 1.75 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

 - b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
 capacity of pump is _____ g.p.m.; name and address of well driller is _____
 _____;

N.A.

b. Do you get water through a ditch owned by several users? NO If yes, give the name of the ditch N.A. The other users and their respective interests in the ditch are (if known) N.A.

6. Where water is used for stock watering, give number of each kind of stock watered N.A.

7. Where water is used for domestic or municipal purposes give number of families served 566
name of town supplied Osburn & surrounding area.

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

Water use: All water applied for is used for a potable water supply for the city of Osburn and surrounding area. Convey through 4312' of wood pipe under pressure to a pressure filter plant with a capacity of .5 MGD. The filter plant is so constructed to recieve an additional unit to increase the capacity to 1.0 MGD.

Diversion structure: Between 1967 & 1970 the intake was composed of an open 10" pipe protruding into a diversion box seperated from the regular stream flow by a screen 30' x 3' in dimensions with 3/8" screen openings. In 1970 a Johnson screen 10" in diameter and 10' long with #100 slot openings was placed 3' under the stream bed approximately 20' upstream from the face of the diversion structure and is presently being used as an intake. See attached drawing #0-9-70.

State of Idaho

County of Ada

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 affiants knowledge.

Sworn to before me this

6th

day of

October

1972

Claimant

Notary Public

Residing at

Bowse, Idaho

My commission expires

May 9, 1973

For Department Use Only

Received by CR

Date

10-18-72

Exception filed by:

Forwarded to
claimant by:

Date

Prelim. check by D

Date

10-18-72

Fee received by ej

Date

10-18-72

Fee \$ 10.00

Approved for publication by RE

10/20/72

Published in

NORTH IDAHO PRESS Dates 10-20-72

11-2-72

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4" BLOW OFF

EXISTING SPILLWAY

TO
OSBURN

EXISTING SCREENS

100 SLOT JOHNSON SCREEN
10" DIA. X 10' LONG

McFARREN
GULCH CREEK

10" STEEL

5' X 8' X 6" CUT OFF WALL

"AS BUILT"

IDAHO WATER COMPANY

SCALE: 1"=6'

APPROVED BY:

DRAWN BY: DFF

DATE: 7-8-70

REVISED:

McFARREN GULCH DAM IMPROVEMENT
INFILTRATION SYSTEM

OSBURN, IDAHO

DRAWING NO.

0-9-70

94 4007

Water Right

Notice is hereby given that I the undersigned a citizen of the United States do hereby locate claim and appropriate three hundred (300) inches measured under a four (4) inch pressure of the waters of this McFarren Creek being that certain stream of water which flows from the south and empties into the south fork of the Coeur d'Alene River at what is known as Buck Horn Ranch about two miles above Evolution in Evolution Mining District County of Shoshone and Territory of Idaho said waters to be diverted from said stream at the point of posting this notice at a point on said McFarren Creek about 300 feet south of and above the south line of said Buck Horn Ranch and about one half mile above the confluence of said McFarren Creek with said South Fork said waters to be diverted and conducted from said point of diversion by means of a ditch thirty inches wide on the bottom and forty inches wide on the top and twenty four inches deep extending from said point of diversion in a northeasterly direction to and upon the said Buck Horn Ranch and to the dwelling house thereon said waters to be used upon said ranch for domestic and irrigating purposes Located this 27th day of March 1886

W.W.^m Osburn

Locator

Filed for record March 30th 1886 at 6 PM at request of W.W.^m Osburn

Thos E. W. L. L. L.

County Recorder

Recorded March 30, 1886, in Book H of Miscellaneous Records at Page 90, Records of Shoshone County, Idaho.

THIS INDENTURE, made this 14th day of February, A. D. 1940, between the AMERICAN SILVER MINING COMPANY, a corporation duly organized and existing under the laws of the State of Idaho, the party of the first part, hereinafter referred to as the GRANTOR, and the OSBORN UTILITIES CORPORATION, a corporation duly organized and existing under the laws of the State of Idaho, and having its registered office and principal place of business in Wallace, Shoshone County, Idaho, and HARRY L. DAY, ELEANOR DAY BOYCE, BLANCHE DAY ELLIS and JEROME J. DAY, the parties of the second part, hereinafter referred to as the GRANTEES,

WITNESSETH: That whereas the Grantor is the owner of the Buckeye and Blue Jay and other unpatented lode mining claims on McFarren Creek in Evolution Mining District, Shoshone County, Idaho; and

WHEREAS, the Osborn Utilities Corporation is a public service corporation under the laws of the State of Idaho, organized in April, 1927 in conformity with the order of the Public Utilities Commission of the State of Idaho for the purpose of furnishing water for domestic purposes to the citizens of Osborn Townsite, Idaho, and,

WHEREAS, by various mesne conveyances said Grantees acquired in the following proportion: Osborn Utilities Corporation, 50%; Eleanor Day Boyce, 40 5/8%; Harry L. Day, 3 1/8%; Jerome J. Day, 3 1/8%; Blanche Day Ellis, 3 1/8%; of the waters of McFarren Creek in Evolution Mining District, Shoshone County, Idaho, appropriated and diverted under a notice of appropriation by S. V. Wm. Osborn on March 29, 1886; which notice of appropriation was duly recorded on March 30th, 1886 in Book "H" of Miscellaneous Records at page 90 thereof of the records of Shoshone County, Idaho, to enable said Osborn Utilities Corporation to furnish water for domestic purposes to the residents of Osborn Townsite as required by the order of said Public Utilities Commission of the State of Idaho; and,

WHEREAS, various mining companies are developing and operating mines and mining property on McFarren Creek in Evolution Mining District, Shoshone County, Idaho, located above the point of diversion of the waters of McFarren Creek under said notice of appropriation by S. V. Wm. Osborn, recorded in Book "H" of Miscellaneous Records at page 90 of the records of Shoshone County, Idaho, and the waters so appropriated are now used in part by the residents of Osborn Townsite, Idaho, for domestic purposes; and,

WHEREAS, the parties to this agreement feel that owing to the expanding operations of the mining companies so located and operating above the present intake of said water right on said McFarren Creek, sooner or later it will be inevitable that the waters of McFarren Creek, owned in part by said Osborn Utilities Corporation, will be contaminated and may become dangerous to the health of the residents of Osborn Townsite; and,

WHEREAS, the parties hereto desire to avoid such a calamity rather than to remedy conditions after the injury has been done; and,

WHEREAS, the Grantees are desirous of diverting the water of McFarren Creek so appropriated by S. V. Wm. Osborn on March 29, 1886, at a point above the camp of the Grantors and other mining companies now developing their properties or operating the same and located on McFarren Creek; and,

WHEREAS, the Grantor has agreed in consideration of the sum of ONE DOLLAR (\$1.00), paid by the Grantees to said Grantor, the receipt of which is hereby acknowledged by said Grantor, to grant to said Grantees a perpetual easement on its said Buckeye Lode Mining Claim, for the purpose of erecting and perpetually maintaining a diversion dam diverting the waters of McFarren Creek appropriated by S. V. Wm. Osborn under said notice of appropriation dated March 29, 1886, and constructing and maintaining a pipeline from said point of diversion over and across said Buckeye and Blue Jay Lode Mining Claims to the sideline of the Emma Lode belonging to the Coeur d'Alene Mines Corporation, and to repair, construct or reconstruct from time to time said pipeline.

NOW, THEREFORE, this indenture WITNESSETH:

That in consideration of said sum of One Dollar (\$1.00) paid by the Grantees to the Grantor, the Grantor hereby grants to the Grantees, their successors and assigns, full and free right and authority to erect and perpetually maintain a diversion dam across the East Fork of McFarren Creek at a point whence the Northeast corner of Sec. 24, Twp. 48 N. R. 3 E. B. M. bears North 44° no minutes east 3262 ft. and Corner No. 2 of the Mineral Point Lode Mining Claim, Min. Sur. #883, bears North 81° 58' 30" East 2759 ft., and to divert the waters of Mc Farren Creek appropriated by S. V. Wm. Osborn under Certificate of Appropriation dated March 29, 1886, and to carry the water so diverted and the water diverted from the West Fork of McFarren Creek, by means of an underground pipeline over and across the Buckeye and Blue Jay Lode Mining Claims, the property of the Grantors, to the Southerly sideline of the Emma Lode belonging to the Coeur d'Alene Mines Corporation; to construct, maintain and reconstruct said pipeline whenever it becomes necessary.

IN WITNESS WHEREOF the Grantor, by resolution of its Board of Directors, has caused these presents to be subscribed by its President and Secretary and its corporate name and seal to be hereunto affixed the day and year first above written.

ATTEST:

L. B. Conrad, Secretary.
(CORPORATE SEAL)
U. S. I. R. STAMP 50¢
affixed and cancelled

AMERICAN SILVER MINING COMPANY
By E. W. Conrad Jr., President

STATE OF WASHINGTON, County of Spokane) ss.

On this 14th day of February, A. D. 1940, before me, Harve H. Phipps, a Notary Public in and for the State of Washington, personally appeared E. W. Conrad, Jr., and L. B. Conrad, personally known to me to be the President and Secretary, respectively, of the American Silver Mining Co., 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 notarial seal at my office in the City and County of Spokane, Washington, on this the day and year in this certificate first above written.

Harve H. Phipps
Notary Public in and for the State of
Washington, residing at Spokane,
Washington.
My commission expires April 29th, 1941.

(NOTARIAL SEAL)

RECORDED AT REQUEST OF John H. Wourms Feb 20, 1940 at 11 o'clock A. M.

94 4007

Recorded in Book 72 of Deeds at
Page 350, Records of Shoshone
County, Idaho. Exhibit "3"

HARRY A. ROGERS, COUNTY RECORDER
BY *James H. May* DEPUTY.

INSTRUMENT NUMBER 113600

THIS INDENTURE made this 7th day of May, A. D. 1940, between the COEUR D' ALENE MINES CORPORATION, a corporation duly organized and existing under the laws of the State of Idaho, the party of the first part, hereinafter referred to as the GRANTOR, and the OSBORN UTILITIES CORPORATION, a corporation duly organized and existing under the laws of the State of Idaho, and having its registered office and principal place of business in the State of Idaho, and having its registered office and principal place of business in Wallace, Shoshone County, Idaho, and HARRY L. DAY, ELEANOR DAY BOYCE, BLANCHE DAY ELLIS, and JEROME J. DAY, the parties of the second part, hereinafter referred to as the GRANTEE,

WITNESSETH: That whereas the Grantor is the owner of the MINERAL POINT Lode Mining Claim, M. S. #883, EMMA CENTURY, MINERAL POINT FRACTION, DIAMOND POINT and DIAMOND POINT NO. 2 Lode Mining Claims on McFarren Creek in Evolution Mining District, Shoshone County, Idaho; and

WHEREAS, the Osborn Utilities Corporation is a public service corporation under the laws of the State of Idaho, organized in April, 1927, in conformity with the order of the Public Utilities Commission of the State of Idaho for the purpose of furnishing water for domestic purposes to the citizens of Osborn Townsite, Idaho, and,

WHEREAS, by various mesne conveyances said Grantees acquired in the following proportions: Osborn Utilities Corporation, 50%; Eleanor Day Boyce, 40 5/8%; Harry L. Day, 3 1/8%; Blanch Day Ellis, 3 1/8%; the waters of McFarren Creek in Evolution Mining District, Shoshone County, Idaho, appropriated and diverted under a notice of appropriation by S. V. Wm. Osburn on March 29, 1886; which notice of appropriation was duly recorded on March 30th, 1886 in Book "E" of Miscellaneous Records at page 90 thereof of the records of Shoshone County, Idaho, to enable said Osborn Utilities Corporation to furnish water for domestic purposes to the residents of Osborn Townsite as required by the order of said Public Utilities Commission of the State of Idaho; and,

WHEREAS, various mining companies are developing and operating mines and mining property on McFarren Creek in Evolution Mining District, Shoshone County, Idaho, located above the point of diversion of the waters of McFarren Creek under said notice of appropriation by S. V. Wm. Osburn, recorded in Book "H" of Miscellaneous Records at page 90 of the records of Shoshone County, Idaho, and the waters so appropriated are now used in part by the residents of Osborn Townsite, Idaho, for domestic purposes; and,

WHEREAS, the parties to this agreement feel that owing to the expanding operations of the mining companies so located and operating above the present intake of said water right on McFarren Creek, sooner or later it will be inevitable that the waters of McFarren Creek, owned in part by said Osborn Utilities Corporation, will be contaminated and may become dangerous to the health of the residents of Osborn Townsite; and,

WHEREAS, the parties hereto desire to avoid such a calamity rather than to remedy conditions after the injury has been done; and,

WHEREAS, the Grantees are desirous of diverting in part the waters of McFarren Creek so appropriated by S. V. Wm. Osburn on March 29, 1886, at a point above the camp of the Grantors and other mining companies now developing their properties or operating the same and located on McFarren Creek; and,

WHEREAS, the Grantor has agreed, in consideration of the sum of ONE DOLLAR (\$1.00) paid by the Grantees to said Grantor, the receipt of which is hereby acknowledged by said Grantor, to grant to said Grantees a perpetual easement twenty (20) feet in width, being ten (10) feet on each side of the center line of such easement herein-
after more particularly described, for the purpose of constructing and maintaining a pipe line from said point of diversion over and across said Mineral Point Mining Claim, M. S. #883, Emma, Century, Mineral Point Fraction, Diamond Point and Diamond Point No. 2 Lode Mining Claims, to the 100,000-gal. tank located on Lot 4, Sec. 18, Twp. 40 N., R. 4 E., S. 8 N., and to repair, construct or reconstruct from time to time

said pipe line, when it becomes necessary or expedient to do so.

NOW THEREFORE, this indenture WITNESSETH:

That in consideration of the said sum of ONE DOLLAR (\$1.00), lawful money of the United States of America, paid by the Grantees to the Grantor, the Grantor hereby grants to the Grantees, its and their successors and assigns, a right-of-way twenty (20) feet in width, being ten (10) feet on each side of the center line of said right-of-way over through and across the Mineral Point Lode Mining Claim, N. S. #883, Emma, Century, Mineral Point Fraction, Diamond Point and Diamond Point No. 2 Lode Mining Claims on McParren Creek in Evolution Mining District, Blaine County, Idaho, in and upon which to lay, operate and maintain a water pipe for transportation of water to Osburn Townsite and to construct, maintain, reconstruct and repair said pipe line whenever it becomes necessary or expedient for the Grantees so to do. The center line of said right-of-way is described by courses and distances as follows, to-wit:

Beginning at the South sideline of the Emma Lode, the property of the Grantor, whence the common section corner of Secs. 18 and 19, Twp. 48 N., R. 4 E. B. M. and Secs. 13 and 24, Twp. 48 N., R. 3 E. B. M., bears North $45^{\circ} 50'$ East 2915 ft. more or less; thence North $11^{\circ} 14'$ East 48 ft. to a point; thence North $28^{\circ} 20'$ East 121.1 ft.; thence North $35^{\circ} 39'$ East 104.7 ft.; thence North $38^{\circ} 14'$ East 102.6 ft.; thence North $45^{\circ} 43'$ East 89 ft. to a point; thence North $51^{\circ} 03'$ East 127 ft.; thence North $55^{\circ} 21'$ East 62.7 ft.; thence North $60^{\circ} 15'$ East 202.8 ft.; thence North $46^{\circ} 47'$ East 109.4 ft.; thence North $66^{\circ} 36'$ East 92.2 ft.; thence North $61^{\circ} 16'$ East 137 ft.; thence North $51^{\circ} 26'$ East 158 ft.; thence North $56^{\circ} 46'$ East 130.2 ft.; thence North $64^{\circ} 31'$ East 63.3 ft.; thence North $72^{\circ} 35'$ East 97.2 ft.; thence North $67^{\circ} 32'$ East 108.8 ft.; thence North $67^{\circ} 44'$ East 104.1 ft.; thence North $50^{\circ} 14'$ East 172.8 ft.; thence North $46^{\circ} 15'$ East 139 ft.; thence North $49^{\circ} 22'$ East 63 ft.; thence North $53^{\circ} 36'$ East 109 ft.; thence North $5^{\circ} 48'$ East 101 ft.; thence North $54^{\circ} 29'$ East 95.8 ft.; thence North $53^{\circ} 38'$ East 153.5 ft.; thence North $40^{\circ} 23'$ East 157.2 ft.; thence North $45^{\circ} 38'$ East 202.6 ft.; thence North $46^{\circ} 09'$ East 191.5 ft.; thence North $46^{\circ} 09'$ East 162.4 ft.; thence North East 64 ft.; thence North $31^{\circ} 32'$ East 81 ft.; thence North $41^{\circ} 03'$ East 109.8 ft.; thence North $41^{\circ} 33'$ East 202.5 ft.; thence North $57^{\circ} 22'$ East 6.65 ft.;

to the 100,000-gal. water tank, 30 ft. in diameter, whence the common section corner of Secs. 18 and 19 of Twp. 48 N., R. 4 E. B. M. and

Secs. 13 and 24 of Twp. 48 N., R. 3. E. B. M., bears South 61° 20' West 933.52 ft. Which tank is used for the purpose of storing a supply of water for the use of residents of Osborn Township.

IN WITNESS WHEREOF the Grantor, by resolution of its Board of Directors, has caused these presents to be subscribed by its President and Secretary and its corporate name and seal to be hereunto affixed the day and year first above written.

(CORPORATE SEAL)

COEUR D'ALENE MINES CORPORATION
By H C Mowery

ATTEST:

President

L. J. Randall

Secretary

U.S.I.R Stamp \$.50/
affixed & cancelled,

STATE OF IDAHO, County of Shoshone) ss.

On this 7th day of May, A. D. 1940, before me, Alpha H. Hogan, a Notary Public in and for the State of Idaho, personally appeared H. C. MOWERY and LESTER J. RANDALL, personally known to me to be the President and Secretary respectively of the Coeur d'Alene Mines Corporation, 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 notarial seal at my office in the City of Wallace, Shoshone County, Idaho, this the day and year in this certificate first above written.

(NOTARIAL SEAL)

Alpha H. Hogan
Notary Public in and for the State of
Idaho, residing at Wallace, Idaho

RECORDED at request of John H. Wourms May 7, 1940 at 4:45 P.

W. H. HOOVER, COUNTY RECORDER
By Norman S. Heikkila
Deputy

STATE OF IDAHO,
County of Shoshone. } 23.

I, ANNA K. BATTICK, County Recorder in and for the County of Shoshone, State of

Idaho, do hereby certify the foregoing to be a full, true and correct copy of.....

RIGHT-OF-WAY

as the original instrument appears upon the records of said County, in Book..... 72

of Deeds at Page 520 thereof as my

office and in my custody.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix my official seal

this 3rd day of March, A. D. 1964

County Recorder

By Margaret Flanagan
Deputy

64-4007

THIS INDENTURE made this 25th day of September, A. D. 1941, by and between LUCY MIX DAY, HARRY L. DAY and HENRY LAWRENCE DAY, the Executors of the Estate of Jerome J. Day, Deceased, HARRY L. DAY, a widower, ELEANOR DAY BOYCE and EDWARD BOYCE, husband and wife, and BLANCHE DAY ELLIS and ROBERT H. ELLIS, husband and wife, the parties of the first part, and the OSBORN UTILITIES CORPORATION, an Idaho corporation, having its registered office and principal place of business in Wallace, Idaho, WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of ONE DOLLAR (\$1.00), lawful money of the United States of America, to them paid, and for other good and valuable considerations passing between the parties hereto, the existence of which is hereby admitted, do by these presents remise, release and forever quit-claim unto said party of the second part, and to its successors and assigns, all the water of the East Fork of McFarren Creek diverted at a point on said East Fork of McFarren Creek whence the Northeast corner of Sec. 24, Twp. 48 N., R. 3 E. B. M. bears North 44° no' East 3262 ft. and Cor. No. 2 of Mineral Point Lode, Survey No. 883, bears North 81° 58' 30" East 2759 ft. on or about May 15, 1940, by and with the consent of the Department of Reclamation of the State of Idaho under an appropriation of the waters of McFarren Creek by S. V. Wm. Osborn under date of March 29, 1886, and by him through diverse mesne conveyances transferred to the parties of the first part herein. The location certificate was recorded at the request of said S. V. Wm. Osborn on March 30, 1886, in Book "H" of Miscellaneous at page 90 thereof of the records of Sho-

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shone County, Idaho;

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging to the waters so diverted on or about May 15, 1940, as hereinbefore stated, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, said waters, together with appurtenances, unto said party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF the parties of the first part have hereunto subscribed their respective names, this the day and year first above written.

Lucy Mix Day

Harry L. Day

Henry Lawrence Day

Executors of the Last Will and Testament of Jerome J. Day, Deceased

Mary L. Day

Charles Day Boyce

Edward Boyce

Blencher May Boyce

Robert H. Boyce

STATE OF IDAHO

County of Shoshone

} ss.

On this 24 day of September, A. D. 1941, before me, Alpha H. Hogan, a Notary Public in and for the State of Idaho, personally appeared LUCY MIX DAY, HARRY L. DAY and HENRY LAWRENCE

DAY, known to me to be the persons whose names are subscribed to the within and foregoing instrument as the Executors of the Estate of Jerome J. Day, Deceased and acknowledged to me that they executed the same as such Executors.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my notarial seal the day and year first above written.

Alpha H. Hogan
Notary Public for the State of
Idaho, residing at Wallace, Idaho

STATE OF IDAHO }
County of Shoshone } ss.

On this 24 day of September, A. D. 1941, before me, Alpha H. Hogan, a Notary Public in and for the State of Idaho, personally appeared HARRY L. DAY, a widower, personally known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my notarial seal the day and year first above written.

Alpha H. Hogan
Notary Public for the State of
Idaho, residing at Wallace, Idaho

STATE OF OREGON }
County of Multnomah } ss.

On this 25 day of September, A. D. 1941, before me, Vera J. West, a Notary Public in and for the State of Oregon, personally appeared ELEANOR DAY BOYCE and

EDWARD BOYCE, husband and wife, personally known to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my notarial seal at my office in Portland, Multnomah County, Oregon, this the day and year in this certificate first above written.

Vera F. West
Notary Public in and for the
State of Oregon, residing at Portland.

My commission expires Jan. 24, 1945

STATE OF OREGON }
County of Multnomah } ss.

On this 25 day of September, A. D. 1941, before me, Vera F. West, a Notary Public in and for the State of Oregon, personally appeared BLANCHE DAY ELLIS and ROBERT H. ELLIS, husband and wife, personally known to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my notarial seal at my office in Portland, Multnomah County, Oregon, this the day and year in this certificate first above written.

Vera F. West
Notary Public in and for the State
of Oregon, residing at Portland.

My commission expires 1-24-1945

RECORDED at the request of John H Wourms Sept 27 1941 at 11:10 o'clock A M.

FRED C. BAIER, COUNTY RECORDER

By Victoria Rogers Deputy

Recorded in Book W of Miscellaneous Records at Page 270, Records of Shoshone County, Idaho.

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THIS AGREEMENT made and entered into this 1st day of August, 1942, by and between the OSBORN UTILITIES CORPORATION, an Idaho public service corporation, having its registered office and principal place of business in Wallace, Shoshone County, Idaho, party of the first part, and COEUR D'ALENE MINES CORPORATION, a corporation organized and existing under the laws of the State of Idaho, having its registered office and principal place of business in Wallace, Idaho, party of the second part, WITNESSETH:

THAT WHEREAS the party of the first part and Harry L. Day, Jerome J. Day, Eleanor Day Boyce and Blanche Day Ellis, by diverse intermediate conveyances became the owner of a certain water right appropriating the waters of McFarren Creek by S. V. Wm. Osborn under date of March 29, 1886; and,

WHEREAS, by an order of the Public Utilities Commission of the State of Idaho said owners of said water right were ordered to furnish water to the residents of the Townsite of Osborn and vicinity as a public utility; and,

WHEREAS, mining companies operating along the lower portion of McFarren Creek contaminated the water; and,

WHEREAS, the owners of the water right made application to divert a part of the water of McFarren Creek from the East Fork of McFarren Creek at a point whence the Northeast corner of Sec. 24, Twp 48 N., R. 3 E. B. M., bears North 44° 00' East 3262 ft. and Cor. No. 2 of the Mineral Point Lode, Survey No. 883, bears North 81° 58' 30" East 2759 ft. and on or about May 15, 1940, by and with

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Exhibit - 6 -

the consent of the Department of Reclamation of the State of Idaho, did divert a portion of the water so owned by them at the point hereinbefore described, which was above the point of contamination of McFarren Creek, and carried the water so diverted over the hill to a point above the Townsite of Osborn, Idaho, so as to provide clean and wholesome water for domestic use to the residents of the Townsite of Osborn, Idaho and vicinity; and,

WHEREAS, Harry L. Day, Jerome J. Day, Eleanor Day Boyce and Blanche Day Ellis have heretofore conveyed their half interest in the water of McFarren Creek so diverted on or about May 15, 1940, with the consent of the Department of Reclamation, to the party of the first part herein; and,

WHEREAS, the party of the first part is now the sole owner of all the water so diverted from the East Fork of McFarren Creek on or about May 15, 1940; and,

WHEREAS, the water so diverted is at this time in excess of the water required by the residents of Osborn Townsite and vicinity; and,

WHEREAS, the Coeur d'Alene Mines Corporation, the party of the second part, has erected a mill and concentrator along the banks of McFarren Creek, below the point where the water was diverted on or about May 15, 1940; and,

WHEREAS, the party of the second part, desires to purchase such water from said last point of diversion as may not be required by the residents of Osborn Townsite and vicinity for domestic pur-

poses and has offered to the party of the first part \$75.00 per month for such excess water;

NOW, THEREFORE, in consideration of the premises and the sum of ONE DOLLAR (\$1.00) by each of the parties to the other party paid, IT IS HEREBY AGREED by and between the parties hereto that the party of the second part shall have the use of such excess water not required by the residents of Osborn Townsite and vicinity, upon the payment to the party of the first part of the sum of SEVENTY FIVE DOLLARS (\$75.00) for each and every calendar month during which the party of the second part receives and uses such excess water;

IT IS UNDERSTOOD AND AGREED between the parties hereto that the party of the first part is not obliged to furnish any water to the party of the second part if all the water is required for domestic use by the residents of Osborn Townsite and vicinity and that the rights of the party of the second part are always subject to the rights of the residents of Osborn Townsite and vicinity to the use of the water for domestic purposes and that if the demand for water for domestic use does not leave a surplus, the party of the second part shall have no claim for damages against the party of the first part herein.

This agreement, upon approval by the Public Utilities Commission of the State of Idaho, shall be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the parties hereto have caused these

documents to be executed in triplicate, each of the contracting parties to receive one copy and one copy to be filed with the Public Utilities Commission of the State of Idaho.

OSBORN UTILITIES CORPORATION

By

Kerry L. Day
President

ATTEST:

[Signature]
Secretary

COEUR D'ALENE MINES CORPORATION

By

[Signature]
President

ATTEST:

[Signature]
Secretary

PUBLIC UTILITIES COMMISSION OF IDAHO

Re: above agreement

Presented by Coeur d'Alene Mt. Corp

Approved 8/12/20 1942

Effective 8/12/20 1942

W.B. Foy
Secretary

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THIS INDENTURE, Made this 30th day of November, A.D. 1945, by and between CAREY H. NIXON, H. R. VINSON and O. P. NEWMAN, Trustees of the creditors and stockholders of Osborn Utilities Corporation, a dissolved Idaho corporation, all of Boise City, County of Ada, State of Idaho, parties of the first part, and KELLOGG POWER AND WATER COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Idaho, with its principal place of business at Kellogg, Shoshone County, State of Idaho, party of the second part, WITNESSETH THAT:-

WHEREAS, By a certain decree dated, entered and filed in the District Court of the First Judicial District of the State of Idaho, in and for the County of Shoshone, on the 30th day of November, A.D. 1945, the said Osborn Utilities Corporation, an Idaho corporation, was duly dissolved and said first parties were declared and adjudged to be the directors and managers of the affairs of said Osborn Utilities Corporation in office at said date, and as such and by operation of law, the statutory trustees of the creditors and stockholders of said Osborn Utilities Corporation with full power to settle the affairs of said corporation and to distribute and convey all of the property of said corporation in the settlement of its affairs, and

WHEREAS, The said Kellogg Power and Water Company, party of the second part, above, was, on November 30, 1945, and still is the owner and holder of all the issued and outstanding shares of the capital stock of said Osborn Utilities Corporation as appears by the records of said company, and as such owner and holder entitled to the assets of said dissolved corporation, and for the purpose of settling the affairs of said corporation and the distribution and conveyance of its assets, -

NOW, THEREFORE, For and in consideration of the premises and for consideration received by the said parties of the first part from the said party of the second part, the receipt whereof is hereby acknowledged, the said parties of the first part, as such trustees aforesaid,

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Exhibit "2"

do by these presents grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns forever, that certain property situated, lying and being in Shoshone County, Idaho, namely:

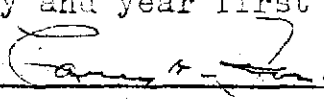
(1) All the water of the East Fork of McFarren Creek, the point of diversion of which water is at a point on said East Fork of McFarren Creek, whence the Northeast corner of Sec. 24, Twp. 48 N., R. 3 E.B.M. bears North 44° no' East 3262 ft. and Cor. No. 2 of Mineral Point Lode, Survey No. 883, bears North 81° 58' 30" East 2759 ft.

(2) The entire water supply, water plant and water distribution system of Osborn Utilities Corporation and all water and water rights owned or used in connection therewith, together with dams, reservoirs, diversion works, tanks, flumes, conduits, pipes, mains, transmission lines, services and other equipment, appliances and appurtenances used in the diversion, collection, transmission and distribution of the waters of the East Fork of McFarren Creek, from the point of diversion on and from the East Fork of McFarren Creek above described thence Northeasterly to a point where the pipe lines conveying water from the East Fork of McFarren Creek, connect with the water distribution system of the Osborn Utilities Corporation, from which point the Quarter corner between Secs. 18 and 19, Twp. 48 N., R. 4 E.B.M. bears South 37° 54' 30" East 2575.92 ft.

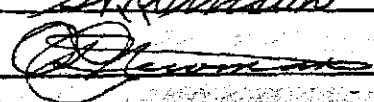
TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said property, together with the appurtenances, unto the party of the second part and to its successors and assigns forever.

IN WITNESS WHEREOF, The parties of the first part, as trustees of the creditors and stockholders of Osborn Utilities Corporation, a dissolved Idaho corporation, have hereunto set their hands and seals the day and year first above written.

 (SEAL)

 (SEAL)

 (SEAL)

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STATE OF IDAHO)
COUNTY OF ADA) ss.

On this 30th day of November, in the year 1945, before me,
Chas. C. C. C., a Notary Public for said State, personally
appeared Carey H. Nixon, H. R. Vinson and O. P. Newman, Trustees
of the creditors and stockholders of Osborn Utilities Corporation,
a dissolved Idaho corporation, known to me to be the persons whose
names are subscribed to the within instrument as such Trustees afore-
said, and acknowledged to me that they executed the same as such
Trustees.

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

Chas. C. C. C.
Notary Public for the State of
Idaho, residing at Boise, Idaho.

Recorded as Instrument No. 130983 in Book 78 of Deeds at Page 528,
Records of Shoshone County, Idaho.

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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
OF IDAHO WATER COMPANY FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY IN OSBURN, SHOSHONE)
COUNTY, IDAHO.)

CASE NO. U-1043-12

AMENDED CERTIFICATE NO. 181

IT IS HEREBY CERTIFIED that the present and future public convenience and necessity require and will require the Idaho Water Company, its successors and assigns, to own, hold, construct or otherwise acquire and to maintain and operate a water system in and supply water to the residents of the Village of Osburn, Shoshone County, Idaho, within the present and future corporate limits thereof as the same now exists or may hereafter be extended, laid out or established, for such purpose to hold, construct or otherwise acquire and to maintain and operate within said area, reservoirs, tanks, wells and other structures, and also to lay, take up, replace, renew, extend, maintain and operate water mains, pipes, conduits, hydrants and appliances and equipment in, under, along and across all streets, avenues, highways, roads and other public places in said area, to exercise all rights and privileges which have been granted unto said Idaho Water Company, its successors and assigns, by any franchise or permit conferred or hereafter conferred upon said Idaho Water Company, its successors and assigns, by Shoshone County, Idaho, or by any municipality created out of said and/or contiguous territory, or any part thereof by the State of Idaho or by any political subdivision thereof.

This Amended Certificate is predicated upon and issued pursuant to the Findings and Order of this Commission, the same being Order No. 8679 in Case No. U-1043-11, made and entered on the 21st day of July, 1967.

DATED at Boise, Idaho, this 31st day of August, 1967.

ATTEST:

William B. Smith
Secretary

Joseph L. Hargis
President
Harry L. Hock
Commissioner
Reph. J. Davis
Commissioner

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Exhibit 10

CERTIFICATE

STATE OF IDAHO, } SS.
County of Ada.

I hereby certify that the foregoing is a full, true and correct copy of the original Certificate of Public Convenience and Necessity No. 181 held by the Idaho Water Company in the foregoing entitled matter, now on file in the office of the Idaho Public Utilities Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Idaho Public Utilities Commission this 19th day of May, 1971.

[Signature]
Secretary of said Commission.

NOTICE OF CLAIM TO A WATER RIGHT

NO. 94-4007

Notice is hereby given that Idaho Water Company,
P.O. Box 7488, Boise, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 2.5 cubic feet per second ~~acre feet per annum~~
of water from East Fork of McFarren Creek
with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, T. 48N, R. 3E, B.M.,
Shoshone County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes for 566 families (Osburn and vicinity)
with a priority of 1886;
the place of use is within the town of Osborn and vicinity

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho
83814.

R. KEITH HIGGINSON

Director

Published in the North Idaho Press, Wallace, Idaho
on Oct. 26 and Nov. 2, 1972

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