

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 9038/94-2071 Priority Dec. 22, 1965 Amount 3.0 cfs

THIS IS TO CERTIFY, that THE BUNKER HILL COMPANY
of Kellogg, Idaho, has complied with the terms and conditions of Permit
No. 9038/94-2071 issued pursuant to Application for Permit dated December 14, 1912,
and has submitted proof to the Department of Water Resources on February 12, 1971 (late proof),
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 3.0 cfs of water from ground water & seepage,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Industrial</u> <u>(Mining)</u>	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>3.0</u> cfs and	<u>n/a</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 3.0 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
n/a acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 12,
Twp. 48 N, Rge. 2 E, B.M. in the County of Shoshone

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
			BUNKER HILL MINE, SHOSHONE COUNTY																

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 23 day of
December, 19 74.

Director

APPLICATION FOR AMENDMENT

APPROVED

Comes now The Bunker Hill Company of (address) _____

No. 94-2071(F-9), and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12, T. 48N,
R. 2E, B.M. Other points of diversion _____

mo. - day mo. - day

For Industrial (Mining) purposes from Jan. 1 to Dec. 31 (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

[illegible]

94 2071

[illegible]

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

The Bunker Hill Co. of Austin Park
(signature) Property Mgrs.

1, R. KEITH HIGGINSON, Director of Dept. of Water Administration
State Reclamation Engineer of the State of Idaho,

Witness my hand this 14 day of MARCH, 1972

State Reclamation Engineer

94 2071

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder The Bunker Hill Company
b) Post Office Address Box 29, Kellogg, Idaho 83837
2. Permit Number 9038/94 - 2071
3. Date of Priority that you are prepared to establish 1961
4. a) Source from which water was appropriated Deadwood Gulch Creek
b) Location of the point of diversion: S.W. ¼ N.W. ¼, Section 12
Township 48 N, Range 3 East Boise Meridian, Other points of diversion: Unknown
5. a) The amount of water and use to which the water has been applied:
amount 3.0 C.F.S. for Industrial (Mining) purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated _____ cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Same as original permit - Unknown
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: Owned by Bunker Hill Company
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Mine Shafts and Tunnel
b) Describe the type and size of measuring device which you have installed at your point of diversion: None
c) Give well drillers name and address and date the well was completed Unknown

Exam typed 5-21-71 (CR)

94 2071

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use This water is used primarily for the transportation of sand in the hydraulic sand fill system which is used for back-filling the mined-out openings in the Bunker Hill Mine.
A secondary use is for the suppression of dust and gas in the drilling and blasting operations underground.

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres irrigated _____

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

2-11-71 (Date) R. H. Haffner (Signature) VICE PRESIDENT - OPERATIONS

State of IDAHO)
County of Shoshone) ss.

On this 11th day of February, 19 71, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Joanne Radford
Notary Public residing at Kellogg
Shoshone County, IDAHO

My commission expires 6-1-73

No. 13536.

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Federal Mining & Smelting Company.

Postoffice address: Wallace County: Shoshone State: Idaho.

I. If applicant is a corporation, give

(a) Date and place of incorporation: Delaware

(b) The amount of capital stock: \$30,000,000

(c) The amount paid in: 18,000,000

(d) Names and addresses of directors: See Remarks.

II. The financial resources of the applicant are: (a) Cash on hand: \$100,000.00

(b) Treasury stock: \$12,000,000

(c) Bonds to be issued: None

(d) Other resources: Over \$100,000.00

2. The quantity of water claimed is three (3) cubic feet per second.

3. Source of water supply: (See Remarks 1)

4. Location of point of diversion: (See Remarks 2)

5. To be used for: Milling operations and fire protection. County of Shoshone

I. Irrigation and domestic use: (a) Amount of land to be irrigated:

acres.

(b) In the following legal subdivisions:

II. Mining, milling, power, manufacturing, transportation or other purposes:

[a] At what point: (See Remarks 3)

[b] Amount of power to be generated:

H. P. under

ft. head

[c] Is water to be returned to any stream? yes

(d) If so, name stream and locate point of

return: Deadwood Creek near Arizona Tunnel portal of Milo Creek near

Sweeney Tunnel portal of both

6. Estimated cost of works: \$4,000.00

7. Description of works for diversion:

I. Kind of works: Dams, pumps, pipes, ditches and water columns. See Exhibit No. 1.

II. Dimensions of works:

[a] Height of dam 2 dams 7
4 to 16 inches thick

feet, length of dam at top 6

feet,

~~length of dam at bottom~~

x feet. Material used in construction: wood and concrete

[b] Capacity of reservoir

acre feet.

[c] Size of headgate, width

feet,

Height

feet.

(d) Conduit

pipe

width ~~24 inches~~

feet

width at water line

feet, depth of water

feet, diameter of pipe

6000 feet

inches, average grade per mile is

feet.

Length of conduit is about 1/2 miles,

and it crosses the following quarter sections: NW 1/4 Sec. 12, SW 1/4 Sec. 12, SE 1/4 Sec. 12 T. 48 N.

Range 3 East of Boise Meridian (Underground)

See Exhibit No. 1.

8. The time required for the completion of the construction of such work is three years.

9. Time required for the complete application of the water to the proposed use is two additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

Federal Mining & Smelting Co.,
Applicant.

By A. H. Featherstone..... Agent.

LICENSE ISSUED FOR 30 SEC. FT.
LICENSE PAGE NO. 1

Date of first receipt at office of State Engineer: 11.00 a.m. December 14, 1912.

Returned to applicant for correction December 20, 1912.

Corrected application received January 17, 1913.

APPROVAL OF STATE ENGINEER.

The number of this permit is 9038.

Recorded in Book 29 Page 9038 Approved February 4, 1913.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions.

Bond in the sum of to be filed on or before

Work to begin on or before April 5, 1913 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before August 4, 1914.

The whole of said work to be completed on or before February 4, 1916.

Beneficial use of water appropriated in accordance herewith, to be made on or before February 4, 1918.

Witness my hand this 4th day of February, 1913.

A. E. Robinson,
State Engineer.

Remarks:

No. 1. From diamond drill holes, springs and all other drainage waters from all the levels and workings of the mines known as the Wardner Mines of the Federal Mining & Smelting Co., the same being also known as the Last Chance Mine, situate at Wardner, Shoshone County, Idaho.

No. 2. Point of Diversion No. 1: - Sump at bottom of main shaft below No. 6 shaft level of said mine.

Point of Diversion No. 2: - Sump on No. 4 shaft level of said mine.

Point of Diversion No. 3: - Dam in Arizona Tunnel about 100 feet west of mouth of Jersey Crosscut.

Point of Diversion No. 4: - Sump in Oakland Drift at bottom of Inez Shaft.

Point of Diversion No. 5: - Dam in Oakland Drift about 30 feet west of bottom of Inez Shaft.

And points of diversion at any other places in the underground workings of said mine as may be necessary or convenient for the accomplishment of the purposes set forth in this application.

No. 3. For mining and milling operations, and power, at Sorting Plant. Saw Mill and yards at Arizona and Sweeny Tunnel portals, and at stations in said mines, and for Fire Protection at all the above mentioned points.

Directors: - F. H. Brownell, Chairman, Henry Bldg., Seattle, Wash.
Edward Brush, 165 Broadway, New York, N. Y.
Edgar L. Newhouse, 165 Broadway, New York, N. Y.
Frank R. Raiff " " " " " "
W. E. Bennett " " " " " "
Frank Sweeny, Secy and Asst. Treas. 32 Broadway, New York
Charles Sweeny " " " " " "
George F. Hilton, 165 Broadway, New York, N. Y.
James M. Satterfield, 165 Broadway, New York, N. Y.
Herbert W. York, " " " " " "
Harry L. Day, Pres. & Gen'l Mgr., Wallace, Idaho.
E. J. Barney, Dayton, Ohio.
F. C. Druding, Treas., 165 Broadway, New York, N. Y.

EXHIBIT NO. 1.

Remarks No. 4.

The proposed works consist of the following: A pump on the No. 4 shaft level, a pump on the No. 6 shaft level, and a four inch water column 1000 ft. long for raising water to the Sweeny Tunnel level. This 4 inch column branches at the collar of the shaft, a 4 inch line running easterly 75 ft. to a fire pump which in turn is connected with a 4 inch pipe line 1020 ft. long running easterly along the Sweeny Tunnel drifts to a junction with a 6 inch pipe line 2200 ft. long running easterly along the Sweeny Tunnel drifts and crosscut to the portal of the Sweeny Tunnel. Valves along this pipe line are so arranged that water can be pumped either from the outside in, or from the inside out. A Hydrant is connected to the 4 inch pipe line 10 ft. from the fire pump. The fire pump is also connected by a $1\frac{1}{2}$ inch pipe line with diamond drill holes in the Arizona Tunnel.

The westerly branch of the 4 inch column pipe is a 4 inch line 550 ft. long along the Sweeny Tunnel level to the dam, at point of diversion No. 3. The valves in this line are so arranged that water can be handled either easterly or westerly as occasion demands.

The dam at Point of Diversion No. 3 forms a reservoir, No. 1, which may be filled from the pumps in the shaft, or by natural drainage, and may be drawn upon, either by the fire pump near Sweeny level shaft station, or the pump at Point of Diversion No. 4 in Oakland drift.

Pump at Point of Diversion No. 4, draws water from sump of Inez Shaft, from Reservoir No. 1, or from Reservoir No. 2, and discharges into a 4 inch pipe line 900 ft. long running along the Oakland Drift and Arizona Tunnel to the portal.

Dam at Point of Diversion No. 5 collects natural drainage waters from the Oakland Drift, and branches; and from drifts above the Oakland Drift, and forms Reservoir No. 2.

The 4 inch pipe line running along the Arizona Tunnel branches at its mouth. The right hand branch supplies water to two hydrants in Arizona Yard. The left hand branch connects with a distributing hydrant from which water is supplied, for milling purposes, to the Sorting Plant. Water is also diverted from this distributing hydrant through a 3 inch pipe to Storage Reservoir No. 3, when there is a surplus from the Sorting Plant. When there is no surplus, water feeds back through the same line to the distributing hydrant, Sorting Plant, and fire hydrants.

A fire hydrant is located on the 3 inch line from the distributing hydrant to Storage Reservoir No. 3. Water is returned to Deadwood Creek from the Sorting Plant, and to Milo Creek or Deadwood Creek in case of fire or other use of fire hydrants.

Date of Proof of Completion of Works, January 10th, 1916.

Date Certificate of Completion of Works was issued: April 6th, 1916.

Permit No. 9038.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:-

This is to certify that Federal Mining & Smelting Company, of Wallace, County of Shoshone, and State of Idaho, the holder of Permit No. 9038, issued upon application No. 13536 bearing date of priority of December 14, 1912, authorizing the diversion of three (3) second feet of the waters of drill holes, springs and other drainage waters of the Last Chance Mine, County of Shoshone, State of Idaho, for mining, milling, power and other purposes, not irrigation, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use three (3) second-feet of the drainage waters of the Last Chance Mine; that the points of diversion of said waters are as follows: 1. Sump at bottom of main shaft below No. 6, shaft level of Last Chance Mine; 2. Sump No. 4 Shaft level of said mine; 3. Dam in Arizona tunnel about 100 feet west of mouth of Jersey Crosscut; 4. Sump in Oakland Drift at bottom of Inez shaft; 5. Dam in Oakland Drift about 30 feet west of bottom of Inez shaft, and that the place of use of said water is described as follows, to-wit: At Sorting Plant, Sawmill and yards at Arizona and Sweeny Tunnel portals and at stations in said mines.

Witness my hand this 6th day of April, 1916.

J.H. SMITH, STATE ENGINEER.

FIELD REPORT

- Post office address Box 29, Kellogg, Idaho 83837 Phone

CONTACTED
Person to contact: AUSTIN PARK Phone

- From diamond drill holes, springs,
and other drainage waters.

Tributary to _____

- Amount 3.0 c.f.s. for Milling
 AF/Annum (nature of use)

Period of Use: from January 1 to December 31
(mo.-day) inclusive (mo.-day) *See Appendix*

See Amendment
of MARCH 10, 1972.

Amount 3.0 c.f.s. for Fire protection
 AF/Annum (nature of use)

Period of Use: from ~~January 1~~ to ~~December 31~~
(mo.-day) inclusive (mo.-day)

Amount 3.0 c.f.s. for Industrial (Mining)
AF/Annum (nature of use)

Period of Use: from January 1 to December 31
(mo.-day) inclusive (mo.-day)

Other uses: _____

- Max Rate of Diversion 3.0 cubic feet per second and annual volume _____ AF/Annum.

- See Amendment
of March 10, 1972 84
Township 48 N/4 Range 2 E/4 B.M., Section 12, Subdivision SW 1/4 NW 1/4,

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____

Other Points of Diversions: #1, Sump at bottom of main shaft below No. 6 shaft level of said mine. #2, Sump on No. 4 shaft level of said mine. #3, Dam in Arizona Tunnel about 100 ft. west of mouth of Jersey Crosscut. #4, Sump in Oakland Drift at bottom of Inez Shaft. #5, Dam in Oakland Drift about 30 ft. west of bottom of Inez Shaft. Also, in any other places in the underground workings of mine.

Description of diverting works:

Mines, shaft, and tunnel.

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]

MICROFILMED

TOTAL ACREAGE

DATE OF EXAM 9/24/74

ACREAGE
Found _____
Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE
Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
INDUSTRIAL Q = 3.0 cfs V = 2168 AF/ANN FROM JAN 1 TO DEC 31

Is water co-mingled? yes _____ no X

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no X

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 3.0 Method of measurement MINE RECORDS

Total Q recommended 30 Meter No. _____ Type _____ Condition _____

Total V recommended 2168 AF/ANN

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None X

MEASUREMENT CALCULATION:

MINE RECORDS INDICATE USE OF 3.0 c.f.s.
 $365 \times 3 \times 1.98 = 2168 \text{ AF/ANN}$

SYSTEM DESCRIPTION:

WATER IS TRAPPED IN HIGHER ABANDONED TUNNELS
GRAVITY FLOW THROUGH SAND PIT. PLACE OF USE IS WITHIN
100 MILES OF TUNNELS

REMARKS:

RECOMMEND PLACE OF USE BE GIVEN AS WITHIN BUNKER
HILL MINE. NONE OF THE MAPS SHOW ANY REFERENCE
TO ~~20~~ ABOVE GROUND SURVEYS.

Examiner's Signature [Signature] Date 9/25/74

Checked by [Signature] Date 9/30/74

Approved by _____ Date _____

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that The Bunker Hill Company, Box 29,
Kellogg, Idaho, has received an approved Permit No.
9038/94-2071 issued by the Idaho Department of Water Administration auth-
orizing the diversion ~~of~~ of 3.0 cubic feet per second ~~acre feet~~
~~of water from~~ of water from Deadwood Gulch Creek.
The priority to be established under this permit is December 22, 1965,
and the permit was approved February 4, 1913.

Water is to be diverted by mine shafts and tunnel
from a point within the SW¹/₄NW¹/₄ Sec. 12, T. 48N, R. 3E, B.M., Shoshone County,

to be used for mining purposes
in the SW¹/₄NW¹/₄ Sec. 12, T. 48N, R. 3E, B.M.

Proof of the application of the water to beneficial use ~~was~~ ^{was} sub-
mitted to the Department on ~~February 12, 1971~~ February 12, 1971. Any protests
against the issuance of the license for the above referenced permit should
be filed with the Idaho Department of Water Administration within ten (10)
days of the last date of publication of this notice, ~~or prior to the licensing~~
~~of the permit, or licensing may commence prior to the date beneficial use proof~~
~~is submitted for the permit.~~

R. KEITH HIGGINSON, Director
Idaho Dept. of Water Administration
STATEHOUSE, Boise, Idaho

Published in the Kellogg Evening News, Kellogg, Idaho,
on April 15th and April 22nd, 1971.

Permit No. 9038/94-2071

Director:

You are hereby authorized to have the above notice published at my expense
in the Kellogg Evening News of Kellogg, Idaho;
published in the county in which the works are situated.

(Signature)

(Date)

(Address)

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 9038/94-2071)
in the name of THE BUNKER HILL COMPANY)
_____)

ORDER

WHEREAS, on December 14, 1912, The Bunker Hill Company applied to the Department of Water Administration (formerly the Department of Reclamation) for a permit to appropriate 3.0 cubic feet per second of water from Deadwood Gulch Creek to be used for power and mining and milling operations; and

WHEREAS, on February 4, 1913, the Department approved the application and issued Permit No. 9038 with the condition that one-fifth of the work be completed on or before August 4, 1914; and that the whole of said work be completed on or before February 4, 1916; and that the water be appropriated to a beneficial use on or before February 4, 1918; and,

WHEREAS, proof of completion of works was made on January 10, 1916; and,

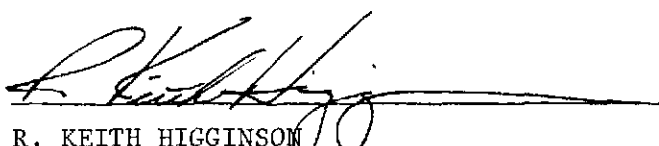
WHEREAS, on January 4, 1971, the Department notified the permit holder that Permit No. 9038/94-2071 was subject to cancellation for failure to submit proof of beneficial use of water due on or before February 4, 1918; and,

WHEREAS, proof of beneficial use of water was received by the department on February 12, 1971; and,

WHEREAS, Section 42-218a of the Idaho Code provides that in the event that proof of beneficial use is submitted after the deadline set forth in the conditions of approval, the priority date of such permit shall be advanced the same number of days that said proof is late;

THEREFORE, IT IS HEREBY ORDERED that the priority under Permit No. 9038/94-2071 be advanced to December 22, 1965.

Dated this 22nd day of March, 1971.


R. KEITH HIGGINSON
Director

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 9038/94-2071)
in the name of The Bunker Hill Company)
_____)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

WHEREAS, on August 1, 1968, the Department of Water Administration adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 9038/94-2071 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedure as follows:

1. The above numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.

Dated this 22ND day of March, 1971.

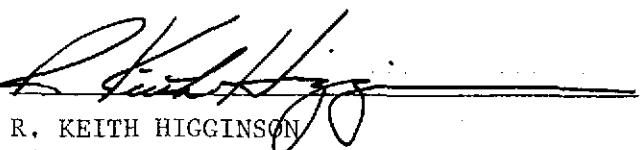

R. KEITH HIGGINSON
Director

EXHIBIT "A".

- No. 1 From diamond drill holes, springs and all other drainage waters from all the levels and workings of the mines known as the Wardner Mines of the Federal Mining & Smelting Co., the same being also known as the Last Chance Mine, situate at Wardner, Shoshone County, Idaho.
- No. 2 Point of Diversion No. 1:- Sump at bottom of main shaft, below No. 6 shaft level of said mine.
Point of Diversion No. 2:- Sump on No. 4 shaft level of said mine.
Point of Diversion No. 3:- Dam in Arizona tunnel about 100 feet west of mouth of Jersey Crosscut.
Point of Diversion No. 4:- Sump in Oakland Drift at bottom of Inez Shaft.
Point of Diversion No. 5:- Dam in Oakland Drift about 30 feet west of bottom of Inez Shaft,
And points of diversion at any other places in the underground workings of said mine as may be necessary or convenient for the accomplishment of the purposes set forth in this application.

EXHIBIT "B".

The proposed works consist of the following:- A pump on the No. 4 shaft level, a pump on the No. 6 shaft level, and a four inch water column 1000 ft. long for raising water to the Sweeny Tunnel level. This 4 inch column branches at the collar of the shaft, a 4 inch line running easterly 75 ft. to a fire pump which in turn is connected with a 4 inch pipe line 1020 ft. long running easterly along the Sweeny Tunnel drifts to a junction with a 6 inch pipe line 220 ft. long running easterly along the Sweeny Tunnel drifts and crosscut to the portal of the Sweeny Tunnel. Valves along this pipe line are so arranged that water can be pumped either from the outside in, or from the inside out. A Hydrant is connected to the 4 inch pipe line 10 ft. from the fire pump. The fire pump is also connected by a 1½ inch pipe line with diamond drill holes in the Arizona Tunnel.

The westerly branch of the 4 inch column pipe is a 4 inch line 550 ft. long along the Sweeny Tunnel level to the dam, at point of diversion No. 3. The valves in this line are so arranged that water can be handled either easterly or westerly as occasion demands.

The dam at Point of Diversion No. 3 forms a reservoir No. 1, which may be filled from the pumps in the shaft, or by natural drainage, and may be drawn upon, either by the fire pump near Sweeny level shaft station, or the pump at Point of Diversion No. 4 in Oakland drift.

Pump at Point of Diversion No. 4, draws water from sump of Inez Shaft, from Reservoir No. 1, or from Reservoir No. 2, and discharge into a 4 inch pipe line 900 ft. long running along the Oakland Drift and Arizona Tunnel to the portal.

Dam at point of Diversion No. 5 collects natural drainage waters from the Oakland Drift, and branches; and from drifts above the Oakland Drift, and forms Reservoir No. 2.

The 4 inch pipe line running along the Arizona Tunnel branches at its mouth. The right hand branch supplies water to two hydrants in Arizona yard. The left hand branch connects with a distributing hydrant from which water is supplied, for milling purpose, to the Sorting Plant. Water is also diverted from this distributing hydrant through a 3 inch pipe to Storage Reservoir No. 3, when there is a surplus from the Sorting Plant. When there is no surplus, water feeds back through the same line to the distributing hydrant, Sorting Plant, and fire hydrants.

A fire hydrant is located on the 3 inch line from the distributing hydrant to Storage Reservoir No. 3. Water is returned to Deadwood Creek from the Sorting Plant, and to Milo Creek or Deadwood Creek in case of fire or other use of fire hydrants.

Permit No. 9,038.

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

County of Shoshone }

ss.

Harry L. Day, being first duly sworn upon his oath deposes and says:
president of the Federal Mining & Smelting Company,
 First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State
 of Idaho, No. 9,038 and that his postoffice address is Wallace, Shoshone County,
 State of Idaho.

Second: That the name of the stream from which said water is to be diverted is _____
and No. 2
See No. 1, Exhibit "A" hereto attached.

Third: That the point of diversion of said water is As shown by No. 2.

Fourth: That under the terms and conditions of said permit, construction thereunder was re-
 quired to be completed by February 4th 1916.

Fifth: That the use for which said water is intended is mining, milling and power.

Sixth: That on the date above mentioned, the works constructed under said permit were (or were
 not) fully completed and consisted of the following:

I. Kind of works: Works were fully completed and consisted of the fol-
 (Reservoir, dam, ditch, flume, pipe or otherwise)
lowing as shown by Exhibit "B" hereto attached.

II. Dimensions of work: Shown by Exhibit "B".

(a) Height of dam _____ feet, length of dam at top _____ feet, length of dam at
 bottom _____ feet. Material used in construction _____

See Exhibit "B"

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir _____ acre feet.

(c) Size of headgate: Width _____ feet, height _____ feet.

(d) Conduit _____ width at bottom _____ feet, width at water
 (State whether ditch, flume or pipe)
 line _____ feet, depth of water _____ feet; diameter of pipe _____ inches;
 average grade per mile is _____ feet. Length of conduit is _____ miles.

Seventh. That said works are capable of conducting to the place of intended use _____
 _____ second feet of water.

Eighth. That water appropriated under said permit is available for _____ acres of land
 described as follows: not used for irrigation.

Ninth. Remarks: That _____

Harry L. Day
 (Sign here.)

Subscribed and sworn to before me this 10th day of January, 1916.

My commission expires May 25-1918

Albert H. Hershner
 Notary Public.
 In and for the County of Shoshone,
 State of Idaho, residing at Wallace,
Idaho.