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WATER RESOURCES
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Jun-9-05 2:11PM

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COMMENTS:

*copy of document will follow via
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DOCUMENT DESCRIPTION: *transmission # 9/26/05*

TO: *State of Idaho* FROM: *Jeffrey J. [illegible]*
385-6284

DATE: 6-9-05

NAME: J. [illegible]
ADDRESS: [illegible]
CITY: [illegible]
STATE: [illegible]
ZIP: [illegible]

FAX TRANSMISSIONAL COVER SHEET

Source of Idaho
DEPARTMENT OF WATER RESOURCES
122 East Front Street P.O. Box 33720 Boise, ID 83720-0099
Phone: (208) 287-4000 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FAX TRANSMITTAL COVER SHEET

DATE: 6.9.05

TO: Scott Campbell
385-5384

FROM: Jeff Leppersack
IDWR

DOCUMENT DESCRIPTION: Transfer # 71264 - Correspondence

Copy of document will follow via
U.S. mail.

COMMENTS: _____

COVER SHEET + 8 PAGES

PLEASE CONTACT Kari Lynn J. IF YOU DON'T RECEIVE THIS
ENTIRE DOCUMENT 287-4952



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 2, 2005

MOFFATT THOMAS BARRETT ROCK &
FIELDS CHARTERED
SCOTT L CAMPBELL
PO BOX 829
BOISE ID 83701-0829

Re: Amended Transfer No. 71264

Dear Mr. Campbell:

We have been advised that due to a clerical oversight your name was not added to the cover letter so that you would receive a copy of the correspondence pertaining to the above referenced amended transfer.

It is the intent of the department that all parties and their representatives receive copies of correspondence for water right issues in which they are participating.

Please accept our apology for this oversight.

Sincerely

Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Faxed + re-sent on
June 9, 2005 with
amended transfer approval
dated Feb. 16, 2005
and with Feb. 17 cover
letter + explanatory order
attachments.

SCANNED
JUN 12 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 17, 2005

THOMPSON CREEK MINING CO
PO BOX 62
CLAYATON ID 83227

RE: Water Right 72-7193 (Amended Transfer 71264)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Amended Transfer of Water Right for the above referenced water right (Transfer 71264). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as an **amended preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water rights listed above you can contact me at (208) 287-4948.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

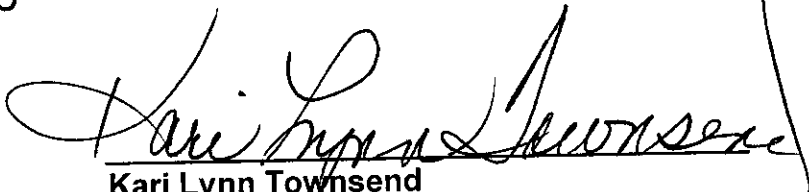
SCANNED
FEB 25 2005

CERTIFICATE OF SERVICE

I hereby certify that on **February 17, 2005**, I mailed a true and correct copy, postage prepaid, of the foregoing **AMENDED TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 72-7193 (Amended Transfer 71264)

**THOMPSON CREEK MINING CO
PO BOX 62
CLAYTON ID 83227**



**Kari Lynn Townsend
Secretary**

SCANNED
FEB 25 2005

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED**TRANSFER OF WATER RIGHT*****AMENDED*****TRANSFER NO. 71264**

This is to certify that: THOMPSON CREEK MINING CO
PO BOX 62
CLAYTON ID 83227
(208)838-2200

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
72-7193	WR/Decreed	06/16/1982	20.89 cfs	1600 af	N/A	N/A	SALMON RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
72-7193	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
72-7193	72-7193	20.89 cfs	1600 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED TOTALS		20.89 cfs	1600 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 16th day of February, 20 05



Chief, Water Allocation Bureau

SCANNED

FEB 15 2005

WATER RIGHT NO. 72-7193
As Modified by Transfer No. 71264

In accordance with the approval of Transfer No. 71264, Water Right No. 72-7193 is now described as follows.

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

Priority Date: June 16, 1982

Source: BUCKSKIN CREEK
 PAT HUGHES CREEK
 SALMON RIVER
 SPRING

Tributary: THOMPSON CREEK
 THOMPSON CREEK
 SNAKE RIVER
 BUCKSKIN CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL FROM STORAGE	1/01	12/31		1,600.0 AF
INDUSTRIAL STORAGE	1/01	12/31		1,600.0 AF
INDUSTRIAL	1/01	12/31	20.89 CFS	
			20.89 CFS	1,600.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BUCKSKIN CREEK	SWNESE	Sec. 4 Twp 11N Rge 16E	CUSTER County
SPRING	SENESE	Sec. 4 Twp 11N Rge 16E	CUSTER County
SPRING	SENESE	Sec. 4 Twp 11N Rge 16E	CUSTER County
PAT HUGHES CREEK	SENESE	Sec. 11 Twp 11N Rge 16E	CUSTER County
SALMON RIVER	L5 (NESESE)	Sec. 25 Twp 11N Rge 16E	CUSTER County

PLACE OF USE: INDUSTRIAL

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

PLACE OF USE: INDUSTRIAL FROM STORAGE

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

PLACE OF USE: INDUSTRIAL STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N 16E 1	X	X															
	L1	L2															
11N 16E 4																	
11N 16E 11									X								
11N 17E 6			X			X											
12N 16E 25															X		
12N 16E 36	X	X	X	X					X		X		X	X	X	X	
12N 17E 31						X			X	X	X						

SCANNED

FEB 25 2000

WATER RIGHT NO. 72-7193
As Modified by Transfer No. 71264

CONDITIONS OF APPROVAL

1. Industrial use is for mining and milling of molybdenum ore.
2. The use of this right is limited such that at no time shall more than 20.89 cfs be diverted at any instant from the multiple authorized points of diversion. Additionally the following limits shall apply:
Buckskin Creek limited to 8.0 cfs
Pat Hughes Creek limited to 11.0 cfs
Springs tributary to Buckskin Creek limited to 0.20 cfs
Salmon River limited to 20.89 cfs
3. Rights 72-07257 and 72-7193 when combined shall not exceed a total annual maximum diversion volume of 2916 af.
4. Prior to the diversion and use of water under Transfer approval 71264, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
6. Place of use does not include Federal Public Lands.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 16th day of February, 20 05



Chief, Water Allocation Bureau

SCANNED
FEB 25 2005