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Documents
In File

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
(Zip Code)
(Mailing Address)

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) 1899

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)
Government Creek tributary to S. Fork of 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)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>7 CFS</u>	Use	<u>Industrial</u>	Period of Use From	<u>1-1-</u> To <u>12-31</u>
Quantity		Use		Period of Use From	
Quantity		Use		Period of Use From	
Quantity		Use		Period of Use From	
Quantity		Use		Period of Use From	

(4) 7 CFS TOTAL QUANTITY USED.
 (cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ SW ¼, Sec. 2 Twp. 48N Rge. 2E B.M., County of Shoshone
 Additional points of diversion: _____

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. Diversion Gate in 6' x 6' concrete lined ditch diverting stream flow into a reservoir measuring 125' x 125' and holding 1.7 million gallons.
The water is pumped or flows from this reservoir to its various uses.

(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	2												X					
48N	2E	2	X																

No. of acres _____

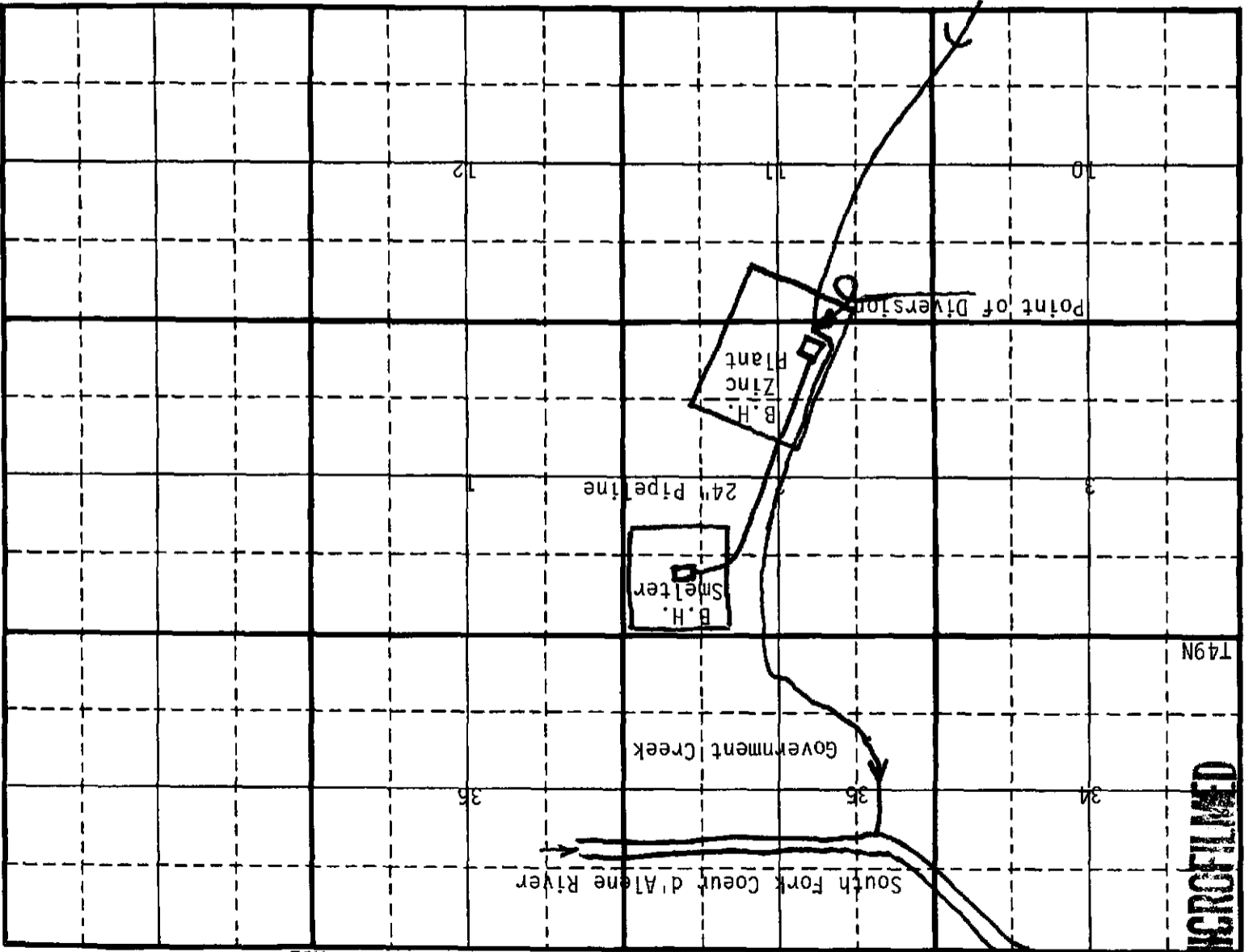
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Industrial use being used for contact and non contact cooling, process dilution system, yard wash down and fire protection.

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

MICROFILMED

MICROFILMED



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

(Claimant)
1983

[Signature]

[Signature]

Notary Public
Residing at

[Signature]
Kelleys Bluffs

My commission expires 11-18-86

FOR DEPARTMENT USE ONLY

Received by *[Signature]* Date 6/28/83 Exception filed by: 6/28/83 Forwarded to _____ Date _____
 Preim. check by *[Signature]* Date 6/28/83 claimant by: _____ Date _____
 Published in *[Signature]* _____
 Dates 7-28-83-83

PROOF OF PUBLICATION

County of Shoshone,)
)
 STATE OF IDAHO)

**NOTICE OF CLAIMS
 TO WATER RIGHTS**

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

94-4216
 Name: BUNKER LIMITED PARTNERSHIP
 Address: P.O. Box 29, KELLOGG, ID 83237
 Source: GROUNDWATER
 Priority Date: Jan. 1, 1933
 Diversion Point: SWNW Sec. 06 T 48N R 03E SENE NENE NWNE Sec. 01 T 48N R 02E
 Use: INDUSTRIAL (3.34 CFS); MINING (3.34 CFS).
 In: SENE Sec. 01 T 48N R 02E SESW NENE Sec. 02 T 48N R 02E

94-4217
 Name: BUNKER LIMITED PARTNERSHIP
 Address: P.O. BOX 29, KELLOGG, ID 83837
 Source: GOVERNMENT CREEK trib. to COEUR D'ALENE RIVER, SOUTH FK.
 Priority Date: Jan. 1, 1899
 Diversion Point: SESW Sec. 02 T 48N R 02E
 Use: INDUSTRIAL (7.00 CFS).
 In: NENE SESW Sec. 02 T 48N R 02E.

94-4218
 Name: BUNKER LIMITED PARTNERSHIP
 Address: P.O. Box 29, KELLOGG, ID 83837
 Source: MILO CREEK trib to COEUR D'Alene River, South FK.
 Priority Date: Jan. 1, 1885
 Diversion Point: SWNE Sec. 13 T 48N R 02E
 Use: INDUSTRIAL (0.30 CFS); MINING (0.30 CFS)
 In: NWNE Sec. 13 T 48N R 02E

94-4220
 Name: ANDERSON, RICHARD L. &/or BARBARA
 Address: P.O. BOX 123, SILVERTON, ID 83867
 Source: SPRING trib. to COEUR D'ALENE RIVER, SOUTH FK.: UNNAMED STREAM trib. to COEUR D'ALENE RIVER, SOUTH FK.
 Priority Date: Jan. 1, 1945
 Diversion Point: SWNW Sec. 21 T 48N R 04E
 Use: IRRIGATION (0.60 CFS); STOCK WATER (0.0026 CFS); DOMESTIC (0.08 CFS).
 In: NWNW SWNW Sec. 21 T 48N R 04E FOR 30 ACRES.

94-4221
 Name: MAXWELL, THOMAS E.
 Address: STAR RT. BOX 476, MULLAN, ID 83846
 Source: DAISY GULCH CREEK trib. to COEUR D'ALENE RIVER, SOUTH FK.
 Priority Date: September 15, 1926
 Diversion Point: NWSE Sec. 30 T 48N R 06E
 Use: IRRIGATION (0.14 CFS); DOMESTIC (0.04 CFS).
 In: NENW SENW Sec. 31 T 48N R 06E NENW Sec. 31 T 48N R 06E FOR 5 ACRES

s/Gary A. Corbeill, being first duty sworn deposes and says:
 THE KELLOGG EVENING NEWS, a daily newspaper of general circulation in said county, published in the City of Kellogg, in the County of Shoshone and the State of Idaho, and which has been published continuously in said county for a period of 78 weeks immediately prior to the publication of the notice hereinafter described, and that the _____

WATER RIGHTS CLAIM
 STATE OF IDAHO

of which the annexed is a true copy, was published in each regular weekly/daily issue of said newspaper, and not in a supplement thereto, for a period of 2 consecutive weeks/days, the first publication thereof being in its issue dated 7-20-83 and the last publication thereof being in the issue dated 7-27-83

Gary A. Corbeill

Subscribed and sworn to before me this 28th day of July, 1983

Wendell R. Brainerd
 Notary Public

110
 Feb. 00

94-4222
 Name: MAXWELL, THOMAS E.
 Address: STAR RT. BOX 476, MULLAN, ID 83846
 Source: SPRINGS trib. to SINKS
 Priority Date: Jan. 1, 1932
 Diversion Point: SENW Sec. 31 T 48N R 06E
 Use: RECREATION (0.10 CFS).
 In: SENW Sec. 31 T 48N R 06E

94-4224
 Name: WATTS, JOE L. &/or SANDRA L.; BENTLEY, FRED W. &/or MARY M.
 Address: 622 N. 20th, COEUR D'ALENE, ID 83814
 Source: PARAGON CREEK trib. to Prichard Creek.
 Priority Date: March 31, 1906
 Diversion Point: NWNE Sec. 18 T 48N R 06E
 Use: MINING (10.00 CFS).
 In: NWNE Sec. 18 T 48N R 06E
 Exceptions to a claim may be filed with the Director: Dept. of Water Resources, 4055 Gov't. Way, Coeur d'Alene, Id. 83814.
 KENDUNN, Director
 7/20/27/83 YoldLg

RECORDED

NOTICE OF WATER RIGHT.

To all concerned: Notice is hereby given:- 1st: That David Rees, of Wardner, Idaho, hereby claims the use of the waters of Government Creek to the extent of 100 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:

About 1/4 mile north of Silver King mine and about one mile south of the south fork of the Coeur d'Alene river.

3rd: The purpose for which said water is intended to be used is for concentrating and milling. The place of intended use is near mouth of Government gulch and at Empire tunnel.

4th: It is intended to divert said water by means of ditch & flume. The general course of the proposed canal is northerly. The length of the proposed canal is about one mile.

5th: It is intended to have the works for diversion of said water as aforesaid completed within 3 years.

Witness my hand at Government Gulch, this 12th day of June, 1899.

Witness - Harry Johnson.

David Rees - Claimant.

Affidavit of David Rees as to statements contained in said notice and of posting of the same, sworn to June 19, 1899 before J.E. Gyde, a Notary Public, in and for Shoshone Co., State of Idaho. (Seal).

Recorded June 20, 1899 in Book "M" of Misc., at page 396 thereof, re-records of Shoshone Co., Idaho. Horace M. Davenport, County Recorder.

MINING DEED.

David Rees,
Grantor.

-to-

Empire State-Idaho Mining
& Developing Company, a
corporation, Grantee.

Dated, October 7th, 1899.

Recorded, Oct. 11th, 1899.

Deed Book "14" pg 633.

Consideration \$1.00.

Duly acknowledged Oct. 7, 1899 before J. E. Gyde, a
Notary Public, Shoshone County, Idaho. (Seal).

"Grant, bargain, sell and convey".

DESCRIPTION.

All his right, title and interest in and to that certain water right on Government Creek, Yreka Mining District, Shoshone County, State of Idaho, being the same premises located by the grantor herein on the 12th day of June, A.D. 1899; claiming the use of waters of said creek to the extent of one hundred cubic feet per second, about 1/4 mile north of Silver King mine, and about one mile south of the south fork of the Coeur d'Alene river the water so used to be diverted by means of a ditch and flume about one mile in length, in a generally northerly direction. The notice of location of which said water right is recorded in the office of the County Recorder of Shoshone County, State of Idaho, in Book "M" of Miscellaneous on page 396 thereof.

WATER RIGHT
100 Cubic feet per second of the waters of
Government Creek, 1/4 mile north of the Sil-
ver King Mine.

CLAIM

MINING DISTRICT,
STATE OF

COUNTY,

Form No. 128 - 4-10-11
File No.

LOCATION	Located by David Rees		Date June 12, 1899				
	Recorded at Wallace, Idaho	Date June 20, 1899	By David Rees	Book "M" Misc. Page 396			
DIMENSIONS	By Locators	ft x ft.	By Official Survey	ft. x ft. = Acres			
BOUNDARIES	NORTH	SOUTH		EAST			
	WEST						
	By		Date				
	No.						
PATENT	Date of Appn.		Date of Receiver's Receipt				
	Date of Patent	No.	Recorded at	Date Book Page			
ANNUAL LABOR	Year	By	Date	Advt. by	Rec'd	Book	Page
		By					
		By					
		By					
		By					
		By					
		By					
TRANSFERS	From	To	Date	Interest	Rec'd	Book	Page
	David Rees	E.S.I.M&D Co	Oct 7/99	All	Oct 11/99	14 Deeds	633.
	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	387.
(#)	Conveys all Water Rights in Milo Creek and Government Gulch.						

RECORDED

WATER RIGHT
100 Cubic feet per second of the waters of
Government Creek, 1/4 mile north of the Sil-
ver King Mine.

CLAIM

MINING DISTRICT,
STATE OF

COUNTY,

File No.

LOCATION	Located by David Rees		Date June 12, 1899		
	Recorded at Wallace, Idaho	Date June 20, 1899	By David Rees	Book "M" Misc. Page 396	
DIMENSIONS	By Locators	ft x ft.	By Official Survey	ft. x ft. = Acres	
BOUNDARIES	NORTH	SOUTH	EAST	WEST	
	By		Date	No.	
PATENT	Date of Appn.		Date of Receiver's Receipt		
	Date of Patent	No.	Recorded at	Date	Book Page
ANNUAL LABOR	Year	By	Date	Advt. by	Rec'd Book Page
		By			
		By			
		By			
		By			
		By			
TRANSFERS	From	To	Date	Interest	Rec'd Book Page
	David Rees	E.S.I.M&D Co	Oct 7/99	All	Oct 11/99 14 Deeds 633.
	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 387.
(#)	Conveys all Water Rights in Milo Creek and Government Gulch.				

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: AB

Right Number 94-4217 Applicant Bunker

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 5/19/83

STATE OFFICE PROCESSING:

- Claim review complete.

By kw Date 8/31/83

RECEIVED
AUG 23 1983
Department of Water Resources

RECEIVED

94-4217

BUNKER LIMITED PARTNERSHIP

P.O. BOX 29, KELLOGG, ID 83837

Source: GOVERNMENT CREEK trib. to COEUR D ALENE RIVER, SOUTH FK.

Priority Date: 01/01/1899

Diversion Pt: SESW Sec 02 T 48N R 02E

Use: INDUSTRIAL (7.00 CFS)

In: NENE SESW Sec 02 T 48N R 02E

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

AUGUST 9, 1983

BUNKER LIMITED PARTNERSHIP
P.O. BOX 29
KELLOGG ID 83837

RE: Claim No. 94-4217

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

Robert G. Haynes, P.E.
Regional Supervisor

Enclosure



June 22, 1983

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

Gentlemen:

This letter is in support of, and offers additional information to that shown on the Claims to Water Rights on Government Creek, tributary to the South Fork of the Coeur d'Alene river. The claim of Bunker Limited Partnership rests on three pre-emption claims as shown in the attached copies of abstracts of claims notices and of County records.

These claims are:

100 CFS of Government Creek by David Reese - June 12, 1899, transferred to Empire State-Idaho Mining & Development Company on October 11, 1899.

10 CFS of Government Creek by E. S. Waird on September 8, 1899, transferred to Empire State-Idaho Mining and Development Company on February 28, 1900.

5 CFS of feeder Spring by Empire State-Idaho Mining and Development Company on November 1, 1900.

These three claims were transferred from Empire State-Idaho Mining and Development Company to Federal Mining and Smelting Company on September 1, 1903 and by Federal Mining and Smelting Company to the Bunker Hill & Sullivan Mining and Concentrating Company on April 29, 1910.

They were then transferred to Bunker Limited Partnership on November 1, 1982.

The water from this stream was the original supply to the Bunker Hill Smelter which started operation in 1917. Additional development of the stream was done in 1927 when the reservoir and diversion gate were installed in the Bunker Hill and Sullivan Zinc Plant. Many changes and revisions were made to the system over the years, however, by 1977 with the extension to extend the line from the dam to feed the Bunker Hill mine and concentrator, it had reached its present form.

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

Sincerely,

R. E. Padget
Sr. Engineer

REP:rm

RECORDED