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Form No. 104
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Department of Water Resources
Northern District Office

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 ASARCO Incorporated
(Name of Claimant)
P. O. Box 440 Wallace, ID 83873 Telephone No. (208) 752-1116
(Mailing Address) (Zip Code)

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

(1) Date of priority: (When was the water first applied to a beneficial use) _____ 1/15/1947

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)
Lake Creek tributary to S. Fork Coeur d'Alene River

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

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>5 CFS</u>	Use	<u>Mining - Milling</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity	<u>1 CFS</u>	Use	<u>Domestic</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity	<u> </u>	Use	<u> </u>	Period of Use From <u> </u>	To <u> </u>
Quantity	<u> </u>	Use	<u> </u>	Period of Use From <u> </u>	To <u> </u>
Quantity	<u> </u>	Use	<u> </u>	Period of Use From <u> </u>	To <u> </u>

(4) 6 CFS TOTAL QUANTITY USED.
(cfs. gpd. AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ SE ¼, Sec. 29 Twp. 48N Rge. 4E B.M., County of Shoshone
Additional points of diversion: A second dam is located in the NE 1/4 SE 1/4, Sec. 29, TWP 48N, RGE 4E, B.M., Shoshone County

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. Main diversion dam is 4' high by 60' long. Dam feeds a 2100' long - 24" round wood stave flume. Secondary dam is 6' high by 16' long. Water is pumped from dam to above-24" flume via 3" pipe during periods of low creek flows.

(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.

[illegible]

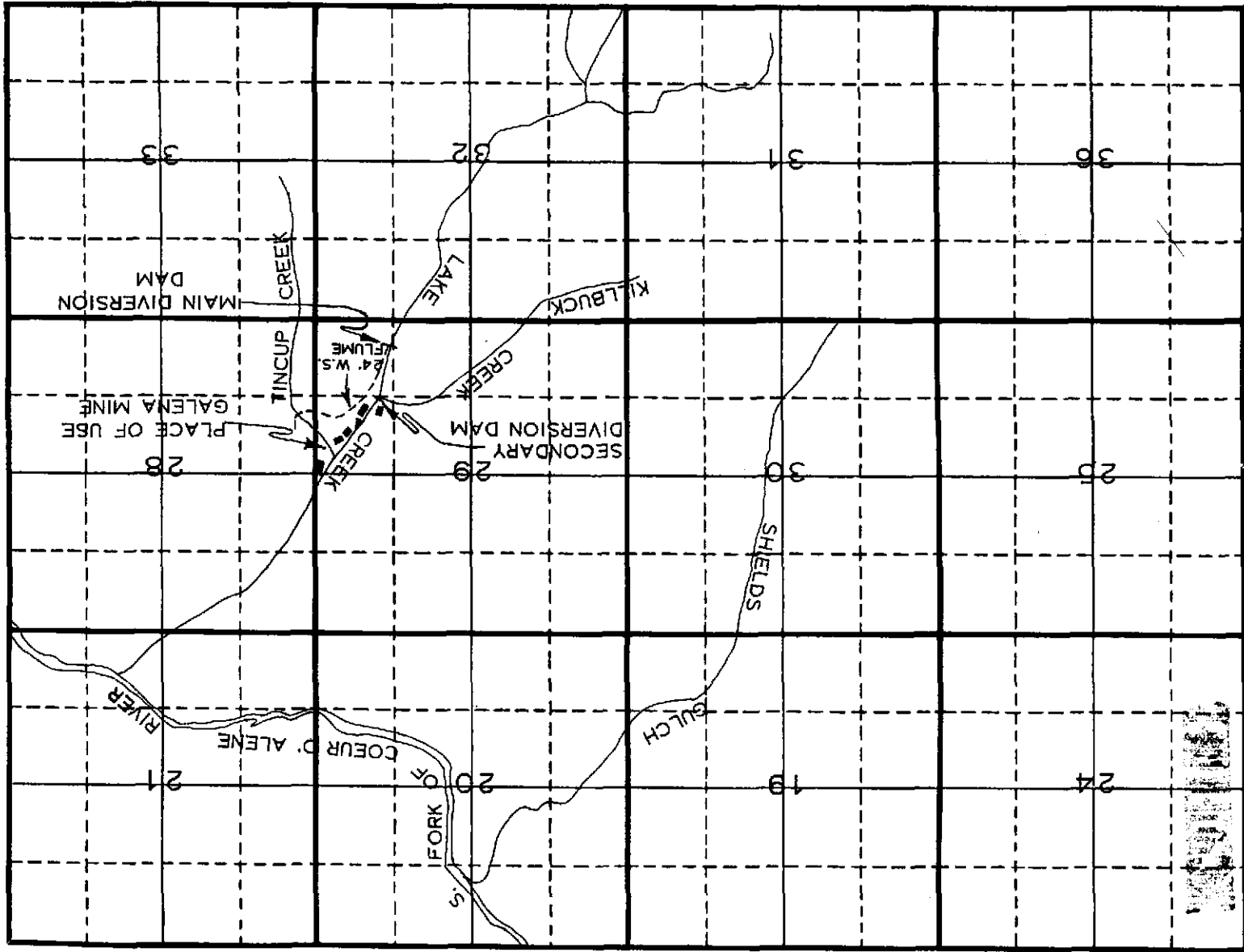
No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Major water supply for Galena Mine. Water is used for mining and milling of $\pm 200,000$ tons of ore per year, compressor cooling, hoist cooling, and a portion is used to supply domestic water to the surface plant and mine.

NOTE: Include here the type and number of stock watered: _____

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

(8) Remarks Main dam and 34" flume were installed in 1913 by H. L. Day to supply water to Hercules Mill in Sec. 27 T48N, R4E, B.M. License No. 7276 (94-2062) was issued in 1923 for 12 cfs. Asarco is tapped into the flume and has been using a portion of the water since 1947. Water is no longer diverted to the Hercules mill. The 24" flume is blocked off at the Galena Mine



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 New York
County of New York
) ss.
)

Be it known that the undersigned, being duly sworn, deposes and says that ~~he~~ 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 7th day of June, 1983
R. J. Kupsch, Vice President

Notary Public
Residing at

Notary Public, State of New York
No. 24-2613265
Qualified in Kings Co.
Cert. Filed in New York Co.
Commission Expires March 30, 1985

My commission expires March 30, 1985

FOR DEPARTMENT USE ONLY

Received by Date 6/13/83 Prelim. check by Date 6/14/83 \$30.00 fee received by Date 6/14/83 (27621) Published in Kellogg Survey News 6/14/83-6/19/83

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:

94-4196

Name: HECLA MINING CO.
Address: P.O. Box 320, WALLACE,
ID 83873

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

Priority Date: Jan. 1, 1903

Diversion Point: NWNW Sec. 11 T
48N R 05E

Use: INDUSTRIAL (0.20 CFS);
MINING (1.15 CFS); POWER (0.65
CFS).

In: SWSW Sec. 10 T 48N R 05E NESE
Sec. 09 T 48N R 05E.

94-4189

Name: HECLA MINING CO.
Address: P.O. BOX 320, WALLACE,
ID 83873

Source: BELL GULCH trib. to LIT-
TLE CANYON CREEK.

Priority Date: Jan. 1, 1891

Diversion Point: NESE Sec. 18 T
48N R 05E

Use: INDUSTRIAL (0.20 CFS);
DOMESTIC (0.04 CFS).

In: SWNE NESE Sec. 18 T 48N R
05E.

94-4182

Name: WHITE, EDWARD E. &/or
HELEN F.

Address: GEM STAR ROUTE,
WALLACE, ID 83873

Source: UNNAMED STREAM trib.
to CANYON CREEK.

Priority Date: Jan. 1, 1900

Diversion Point: NESW Sec. 18 T
48N R 05E

Use: DOMESTIC (0.20 CFS).

In: NESW Sec. 18 T 48N R 05E

94-4183

Name: ASARCO INC.

Address: P.O. BOX 440, WALLACE,
ID 83873

Source: KILLBUCK CREEK trib. to
LAKE CREEK

Priority Date: March 1, 1959

Diversion Point: NESE Sec. 29 T
48N R 04E

Use: MINING (0.60 CFS).

In: NESE Sec. 29 T 48N R 04E.

94-4194

Name: ASARCO INC.

Address: P.O. BOX 440, WALLACE,
ID 83873

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

Priority Date: Jan. 15, 1947

Diversion Point: SESE NESE Sec.
29 T 48N R 04E

Use: MINING (5.00 CFS);
DOMESTIC (1.00 CFS).

In: NESE Sec. 29 T 48N R 04E

94-4195

Name: ASARCO INC.

Address: P.O. BOX 440, WALLACE,
ID 83873

Source: SHIELDS GULCH trib. to
COEUR D' ALENE RIVER, SOUTH
FK.

Priority Date: August 1, 1965

Diversion Point: NWNE Sec. 30 T
48N R 04E

Use: DOMESTIC (0.10 CFS).

In: SWSE Sec. 19 T 48N R 04E

s/Gary A. Corbeill, being first duly 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

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 6-22-83

and the last publication thereof being in the issue dated

6-21-83

Subscribed and sworn to before me this 30th day of

June, 1983

Notary Public

RECEIVED

94-4196

Name: SMITH, NANCY V.
Address: 2621 HERON, BOISE, ID
83702

Source: UNNAMED STREAM trib.
to COEUR D' ALENE RIVER,
SOUTH FK.

Priority Date: June 1, 1968

Diversion Point: SESW Sec. 22 T 48N
R 04E

Use: DOMESTIC (0.04 CFS).

In: NENW Sec. 27 T 48N R 04E

94-4197

Name: DEATON, HENRY B.

Address: P.O. BOX 886, OSBURN,
ID 83849

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

Priority Date: April 10, 1902

Diversion Point: SWNE Sec. 18 T 48
N R 04E

Use: IRRIGATION (0.17 CFS)

In: SWNE Sec. 18 T 48N R 04E FOR 5
ACRES

94-4198

Names: DOMIJAN, GEORGE

HULL, JENNIFER

TEN EYCK, E.M.

HANSEN, B. RENEE

GRUBER, HUGO

TEUPEL, BETTY

WALCKER, KENNETH F. &/or
ARLENE F.

CLARK, GEORGE A. &/or
KATHLEEN Y.

Address: c/o GEORGE DOMIJAN,
P.O. BOX 257, WALLACE, ID 83873

Source: GROUNDWATER

Priority Date: Jan. 1, 1916

Diversion Point: NWSE Sec. 18 T
48N R 05E

Use: DOMESTIC (0.44 CFS).

In: SESE SWSE Sec. 18 T 48N R 05E

Exceptions to a claim may be filed
with the Director: Dept. of Water
Resources, 4055 Gov't. Way, Coeur
d'Alene, Id. 83814.

KEN DUNN, Director

6/22/29/83

YoldLg

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: LB

Right Number 94-4194 Applicant Asarco

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 _____ Date _____

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By kw Date 8/9/83

RECEIVED

94-4194

ASARCO INC.

P.O. BOX 440, WALLACE, ID 83873

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

Priority Date: 01/15/1947

Diversion Pt: SESE NESE Sec 29 T 48N R 04E

Use: MINING	(5.00 CFS)
DOMESTIC	(1.00 CFS)

In: NESE Sec 29 T 48N R 04E

RECORDED
INDEXED
JAN 16 1947

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

JUNE 11, 1983

ASARCO INC.
P.O. BOX 440
WALLACE

ID 83873

RE: Claim No. 94-4194

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.

Sincerely,

Robert G. Haynes, P.E.
Regional Supervisor

Enclosure

RECORDED
INDEXED