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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) March 1959

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)
Killbuck Creek tributary to Lake Creek

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

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.6 CFS</u>		Use <u>Mining and Milling</u>		Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 0.6 CFS TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 SE 1/4, Sec. 29 Twp. 48N Rge. 4E 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. Series of 2 - 3' high x 20' long diversion dams feeding 1 - 700' long, 3" steel pipeline.

(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.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
48N	4E	29													X				

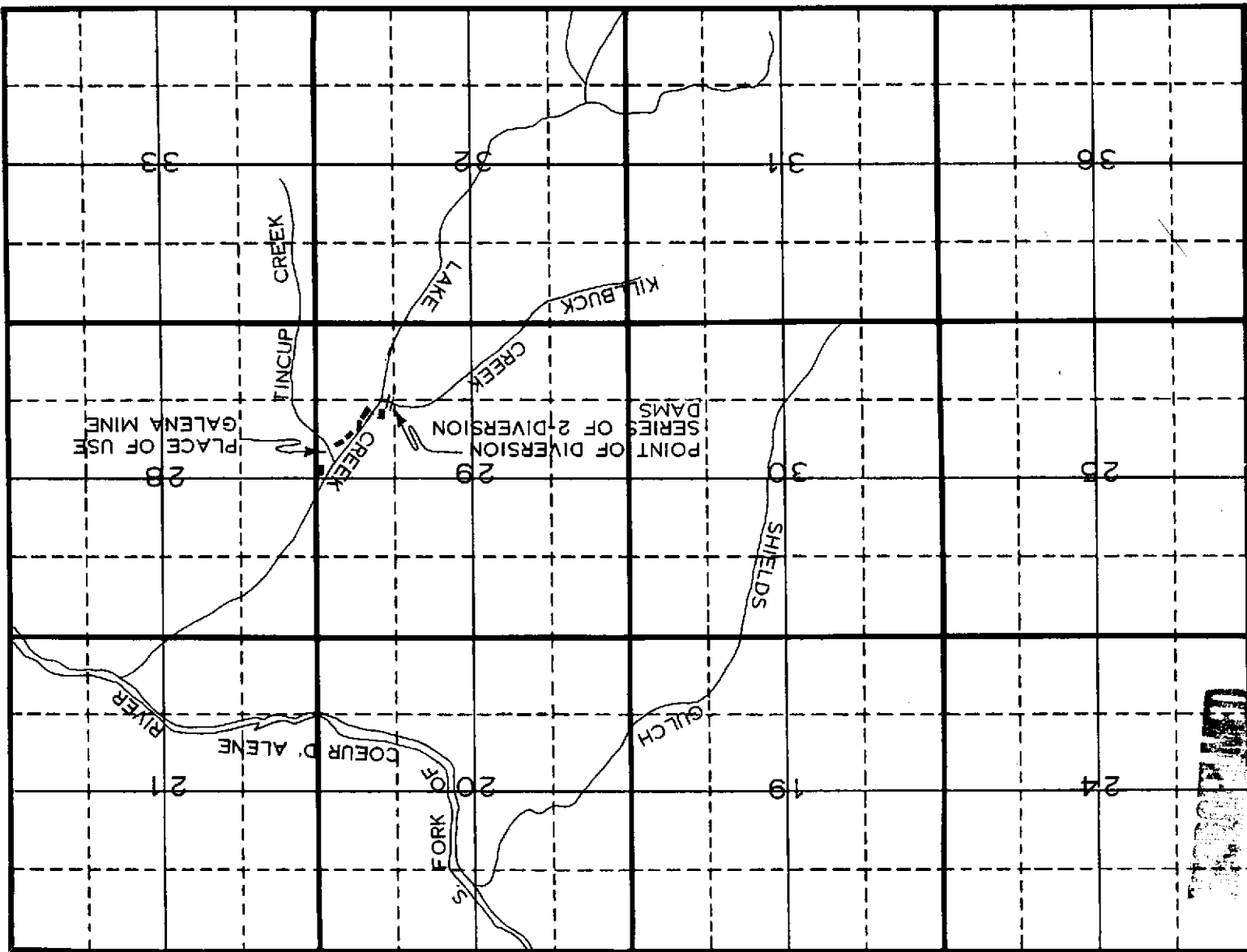
No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Secondary water supply for Galena mine. Water is used for mining and milling of ± 200,000 tons of ore per year.

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 In drier years, Kilbuck Creek dries up in late summer and early fall.



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

) ss.)

County of New York

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.

For ASARCO Inc.

R. J. Kupsch, Vice President

Sworn to before me this 7th day of June, 1983

Approved as to form

LEGAL DEPARTMENT

BY *[Signature]*

Notary Public

Residing at

Brooklyn, New York

Notary Public, State of New York

No. 24-2613265

Qualified in Kings Co.

My commission expires March 30, 1985

FOR DEPARTMENT USE ONLY

Exception filed by:

Forwarded to claimant by:

Date

Received by

Prelim. check by

Date

6/17/83

6/14/83

6/14/83

6/22/83

6/22/83

Dates

Published in

\$30.00 fee received by

6/22/83

6/22/83

6/22/83

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:

94-4190

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.

94-4192

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

94-4193

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: AB

Right Number 94-4193 Applicant Araco

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 7/24/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By kw Date 8/9/83

RECEIVED
AUG 5 1983
Department of Water Resources

94-4193

ASARCO INC.

P.O. BOX 440, WALLACE, ID 83873

Source: KILLBUCK CREEK trib. to LAKE CREEK

Priority Date: 03/01/1959

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

Use: MINING (0.60 CFS)

In: NESE Sec 29 T 48N R 04E

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

JUNE 11, 1983

ASARCO INC.
P.O. BOX 440
WALLACE

ID 83873

RE: Claim No. 94-4193

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

INVOICE DATE	REFERENCE	GROSS AMOUNT	DISCOUNT	PREVIOUS BALANCE	BALANCE	REMARKS
MICROFILMED		90.00			90.00	6057
						RECEIVED JUN 13 1983 Department of Water Resources Northern District Office

PLEASE DETACH BEFORE
DEPOSITING CHECK

THIS CHECK IS TENDERED IN FULL
PAYMENT OF INVOICES LISTED ABOVE

ASARCO Incorporated
GALENA MINE