



THE BUNKER HILL CO.
 SKETCH SHOWING
 WATER RIGHT CLAIM
 Scale 1"=200'
 Feb. 3/71

Identification No. _____

Claim No. 94-4003

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant The Bunker Hill Company
post office address Box 29, Kellogg, Idaho 83837

2. The point of diversion is in SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 12 Township 48N
Range 2E B.M. located on Deadwood Gulch
(name of source)
tributary to South Fork of Coeur d'Alene R. in Shoshone County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

July 1, 1961 amount: 3.0 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Industrial (Mining) period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water ~~diversion dam and/or headgate~~ ^{shaft} material is composed of mine shaft, tunnel and other underground excavations; length is See Map feet; height is _____ feet; width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____
_____;

b. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch _____
The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities. This water is used primarily for the transportation of sand through pipes in the hydraulic sand fill system which is used for back-filling the mine-out openings in the Bunker Hill Mine. A secondary use is for the suppression of dust and gas in the drilling and blasting for underground openings.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
Old mine workings (shafts and drifts) are considered here as feeder canals.
Their carrying capacity is very great but unknown.

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 affiants knowledge.

Sworn to before me this

8th

day of

March

1972

The Bunker Hill Co. by Austin Park
Claimant Property Mgr.

Joanne Goodford
Notary Public

Residing at Kellogg, Idaho

My commission expires

6-1-73

For Department Use Only

Received by ej Date 2-12-71

Exception filed by:

Forwarded to
claimant by:

Date

Prelim. check by dwm Date 2-12-71

Fee received by ej Date 2-12-71 Fee \$10.00

Approved for publication by

Published in Kellogg Evening News, Kellogg, Idaho Dates 3-4 & 3-11, 1971

94 4003

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s.</u> or _____	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s.</u> or _____	acre feet
	Total claimed:		<u>1.2 c.f.s.</u> or _____	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Water Administration, Statehouse, Annex 2, Boise, Idaho, 83707, is \$10.00.

Identification No. _____

Claim No. 94-4003

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant The Bunker Hill Company
post office address Box 29, Kellogg, Idaho 83837

2. The point of diversion is in S.W. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ Section 12 Township 48 North
Range 3 East B.M. located on Deadwood Gulch
(name of source)

tributary to South Fork of Cd'A River in Shoshone County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

July 1, 1961 amount: 3.0 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Industrial (Mining) period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion ~~dam and/or headgate~~ ^{shaft} material is composed of mine shaft, tunnel, and other underground excavations; length is See Map feet; height is _____ feet; width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____ capacity of pump is _____ g.p.m.; name and address of well driller is _____

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch
_____. The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities This water is used primarily for the transportation of sand through
pipes 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 for underground openings.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
Old mine workings (shafts and drifts) are considered here as feeder canals. Their
carrying capacity is very great but unknown.

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 affiants knowledge.

Sworn to before me this 11TH day of February, 1971.

R.L. Haffner
VICE PRESIDENT - OPERATIONS

Joanne Rasford
Notary Public
Residing at Kellogg, Idaho

My commission expires 6-1-73

For Department Use Only

Received by <u>[Signature]</u> Date <u>2-12-71</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>[Signature]</u> Date <u>2-12-71</u>	_____	_____	_____
Fee received by <u>[Signature]</u> Date <u>2/12/71</u> Fee \$ <u>10.⁰⁰</u>	_____	_____	_____
Approved for publication by <u>[Signature]</u>	_____	_____	_____
Published in <u>Kellogg Evening News, Kellogg, Idaho</u> Dates <u>3-4 & 3-11, 1971</u>	_____	_____	_____

94 4003

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

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1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s. or</u>	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s. or</u>	<u> </u>	acre feet
		Total claimed:	<u>1.2 c.f.s. or</u>	<u> </u>	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

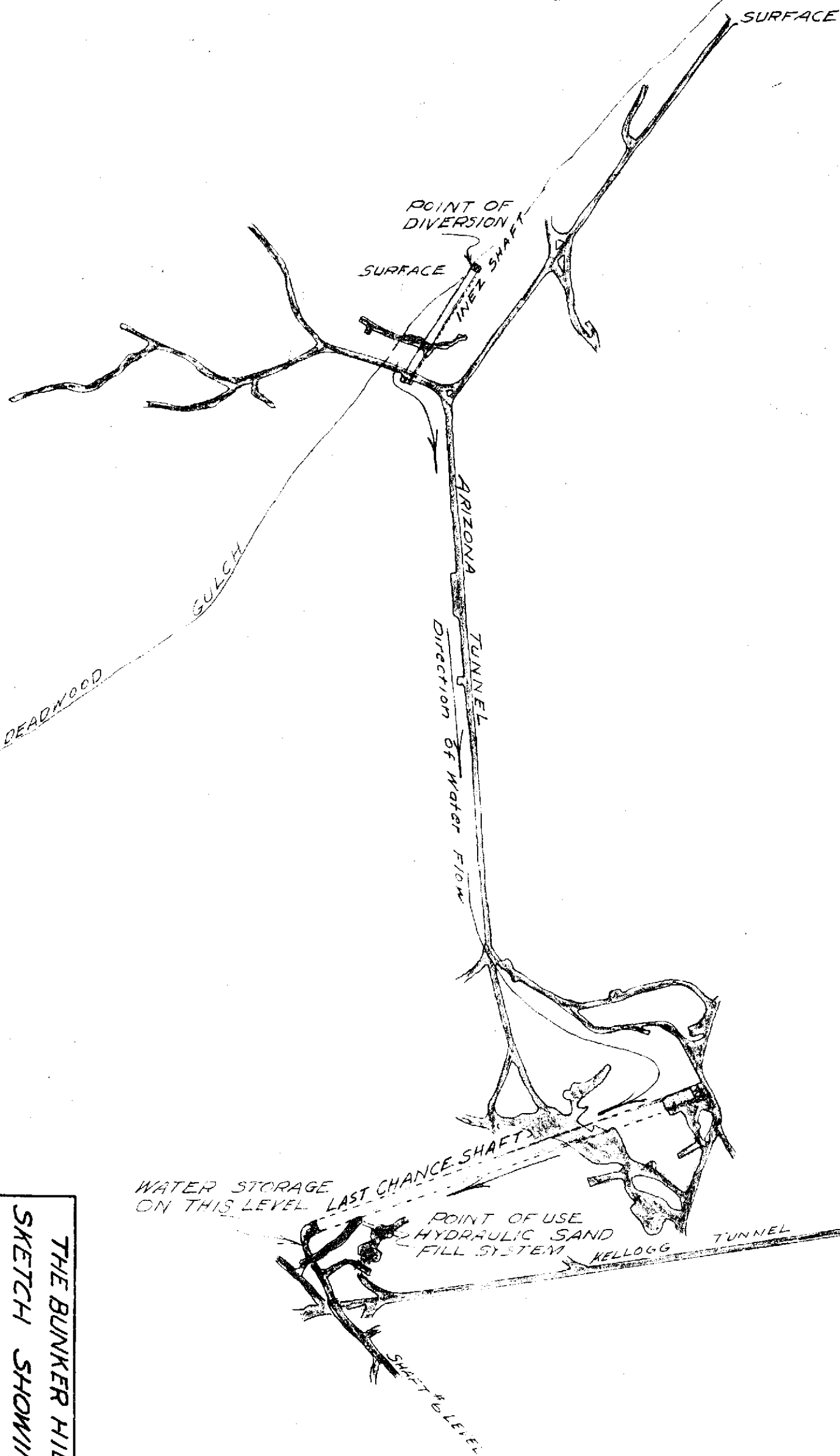
use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.



THE BUNKER HILL CO.
 SKETCH SHOWING
 WATER RIGHT CLAIM
 Scale 1"=200'
 Feb. 3/71

PROOF OF PUBLICATION

STATE OF IDAHO
County of Shoshone, }

SS.

NOTICE OF CLAIM TO A WATER RIGHT No. 94-4003

Notice is hereby given that The Bunker Hill Company, Box 29, Kellogg, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 3.0 cubic feet per second of water from Deadwood Gulch, trib. to S. Fk. Coeur d'Alene River with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12, T. 48N, R. 3E, B.M., Shoshone County.

The water is claimed to be used from January 1 to December 31 for industrial purposes with a priority of July 1, 1961 the place of use is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12, T. 48N, R. 3E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise Idaho.

R. KEITH HIGGINSON
Director

Published in the Kellogg Evening News, Kellogg, Idaho on March 3 and March 10, 1971.

Wm. Penney, being first duly sworn deposes and says that he is publisher of 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

State of Idaho

Dept of Water Admin.

Bunker Hill Co Water Rights

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 March 3, 1971 and the last publication thereof being in the issue dated

March 10, 1971

Wm Penney

Subscribed and sworn to before me this 12th

day of March, 1971

Wendell R. Brainerd

Notary Public

94 4003

March 1, 1972

Re: Claim No. 94-4003
Permit No. 94-2071

The Bunker Hill Corporation
Post Office Box #29
Kellogg, Idaho 83837

Gentlemen:

Since you agree with our findings concerning the point of diversion of the above referenced claim to a water right, a claim form has been re-typed and will require your signature and a notary. We are enclosing a partially completed form. There will be no charge for this change.

We have also noticed that another change is necessary to correct the same discrepancy concerning the point of diversion on Permit No. 94-2071. An amendment is necessary to change a permit and a \$10.00 filing fee is required for this amendment. We are also enclosing the necessary form for this change.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Rex L. Chapman
Appropriation Examiner

RLC:cs

Enc: re-typed claim form
amendment form

94 4003

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse — Annex 2

Boise, Idaho 83707

(208) 384-2215

February 25, 1972

Re: Claim No. 94-4003 - Bunker Hill Co.



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

The Bunker Hill Company
Post Office Box #29
Kellogg, Idaho 83837

Gentlemen:

During our platting procedure, we have found Deadwood Gulch to be in Section 12, Township 48 North, Range 2 East, Boise Meridian. However, on your Claim No. 94-4003, you have described the point of diversion as being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, Township 48 North, Range 3 East, Boise Meridian.

Would you please check your records to determine whether the proper description is within Range 2 East. If you find this is in error on the claim, it can be corrected by sending this Department a letter, in affidavit form, requesting that the claim be corrected.

If you have any questions regarding this matter, please do not hesitate to contact this Department.

Very truly yours,

Rex L. Chapman
Water Resource Examiner

RLC:cs

2/28/72

Gentlemen:

Please change the above point of diversion to read Section 12, T. 48 N., R. 2 E. We have checked our maps and find that the original Range Number as shown on the claim is in error.

Sincerely yours,

Austin Park
Property Manager

94 4003

February 25, 1972

Re: Claim No. 94-4003 - Bunker Hill Co.

The Bunker Hill Company
Post Office Box #29
Kellogg, Idaho 83837

Gentlemen:

During our platting procedure, we have found Deadwood Gulch to be in Section 12, Township 48 North, Range 2 East, Boise Meridian. However, on your Claim No. 94-4003, you have described the point of diversion as being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, Township 48 North, Range 3 East, Boise Meridian.

Would you please check your records to determine whether the proper description is within Range 2 East. If you find this is in error on the claim, it can be corrected by sending this Department a letter, in affidavit form, requesting that the claim be corrected.

If you have any questions regarding this matter, please do not hesitate to contact this Department.

Very truly yours,

Rex L. Chapman
Water Resource Examiner

RLC:cs

94 4003

STATE OF IDAHO

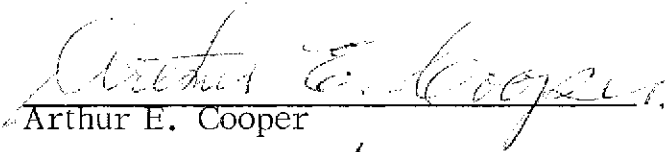
DEPARTMENT OF WATER ADMINISTRATION

STATE OF IDAHO	)	AFFIDAVIT Re:
	: ss.	Permit No. 9038
County of Shoshone	)	(New No. 94-2071)

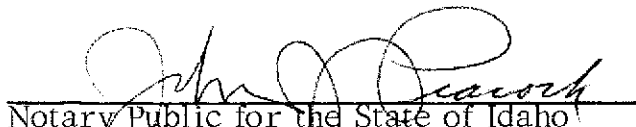
ARTHUR E. COOPER, being first duly sworn, upon his oath,
deposes and says:

That I am a retired employee of The Bunker Hill Company, that my last position was that of Metallurgical Chemist, that my employment began in 1924 and ended on retirement June 1, 1969. That in the course of my employment I was underground at Bunker Hill several times a week and from 1930 until 1940 I worked underground and I observed the use of the water that came from Deadwood Gulch.

The water flows from the Creek down the old Inez Shaft in the Arizona Tunnel to the Last Chance Shaft and down it to the Shaft 6 level where it is dammed up for use in the mine. It was used in the mining of ores to keep down the gas and dust in drilling and blasting to open up and mine ore. It is also used to pump sand and has been for over nine (9) years. After the water leaves the mine it flows uninterrupted into the South Fork of the Coeur d'Alene River and no use is made of the water after it leaves the mine. This use has been the same except for the pumping ever since I was first employed.


Arthur E. Cooper

Subscribed and sworn to before me this 31st day of March, 1971.


Notary Public for the State of Idaho
Residing at Kellogg, Idaho

94 4003

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

STATE OF IDAHO	)		AFFIDAVIT Re:
	:	ss.	Permit No. 9038
County of Shoshone	)		(New No. 94-2071)

AUSTIN PARK, being first duly sworn, upon his oath, deposes and says:

That I am a Mining Engineer for The Bunker Hill Company and I have been employed continuously as such for the last thirty-five (35) years. That I prepared the Claim to a Water Right and Proof of Application for beneficial use of water. The Application is concerned with water in Dead-wood Gulch with the point of diversion being in the SW 1/4 NW 1/4 of Section 12, Township 48 North, Range 3 E. B. M., Shoshone County, Idaho, and tributary to South Fork of the Coeur d'Alene River in the said County.

That said instruments were filed in connection with Permit No. 9038 (new No. 94-2071) and, having been filed, this Affidavit is in support of them.

In my position I am required to inspect and direct various mining engineering projects connected with the operations in the Bunker Hill mine. The water for which the application is being made was beneficially used at the time of my employment with Bunker Hill in its mining operations as shown by the applications which have previously been on file and by virtue of which the water was appropriated and used.

While the water was put to a beneficial use as so stated in the former permit, a change in the use was made in July 1, 1961, while the water was still appropriated, and used as formerly in that a system of repumping sand with the water and then transporting it through pipes by means of the hydraulic sand fill system for back filling stopes from which ores had been

removed, was commenced on July 1, 1961, and that is the reason for using this date as shown in Claim to a Water Right and Proof of Application of water to a beneficial use.

The course of the water is that it follows down the old Inez Shaft, out along the Arizona tunnel to the Last Chance shaft, and down it to the Shaft 6 level where it is impounded for use in the mine. Some of the old Last Chance workings are not an active part of the present mine. The water is also used in the actual mining of ores in the Bunker Hill property in the suppression of gas and dust in drilling and blasting for underground openings and mining purposes.

The source of the water is in Deadwood Gulch and it is the same source as shown in the original permit. The water has been used prior to the year 1911 according to the information available.

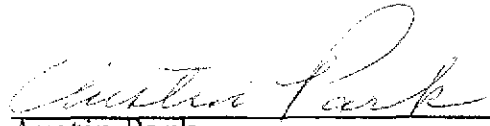
The same quantity has been used since it was appropriated for mining purposes and the water source and the method the water has been transferred is the same according to my best information and belief as stated in the original permit.

The source and where the course of the water travels are all on property belonging to Bunker Hill.

No other person, firm or corporation has used the water at any time and any water not used runs into the South Fork of the Coeur d'Alene River, and any remaining water not used and flowing to said River has not been appropriated or used by any other person, firm or corporation, and the waste water is not put to any beneficial use after it leaves the mine.

From my best information and belief, the quantity of water used, the place and dates of use are the same as shown in the original permit,

the nature of the use has been modified by the unique sand fill system first developed and used in 1961 by Bunker Hill engineers and mill men.


Austin Park

Subscribed and sworn to before me this 31st day of March, 1971.


Notary Public for the State of Idaho
Residing at Kellogg, Idaho

94 4003

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

STATE OF IDAHO	)	AFFIDAVIT Re:
	:	Permit No. 9038
County of Shoshone	)	(New No. 94-2071)

ROGER H. McCONNEL, being first duly sworn, upon his oath,
deposes and says:

That I am a Consulting Geologist of The Bunker Hill Company, have
been for thirty-three (33) years last past.

In the pursuit of my duties I inspect the underground workings
of the mine and I am therefore familiar with the source and use of the
water in the mine.

The water from Deadwood Creek in Shoshone County, Idaho, which
is on The Bunker Hill Company's property is diverted down the Inez Shaft
on the Bunker Hill mining property and then flows out along the Arizona
Tunnel to the Last Chance Shaft, and down it to the Shaft 6 level where it
is held for use in the mining operation of the Bunker Hill mine.

The water for mining purposes has been used when I started my
employment with The Bunker Hill Company and is presently so used,
except that some of the water since July 1961 has been used in pumping
sand with the water through pipes for backfilling areas in which the ores
have been mined out. The water is used in the mining operation in the
suppression of dust and gas caused by drilling and blasting for explor-
ation, development and actual mining of ores.

The water after it leaves the mine are still flowing on Bunker
Hill property and runs into the South Fork of the Coeur d'Alene River

94 4003

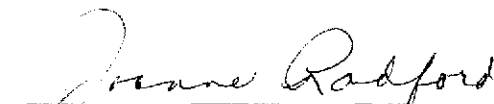
and it has not been used or appropriated by any person or persons, or other companies or corporations.

I have examined the original permit and believe the use has been the same over a period of years except for the use in piping sand as described herein. The water appropriated and being used has been for mining purposes and for the safety and health of underground miners and other employees.



Roger H. McConnel

Subscribed and sworn to before me this 31st day of March, 1971.



Joanne Radford
Notary Public for the State of Idaho
Residing at Kellogg, Idaho

CA 4003

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

STATE OF IDAHO	)		AFFIDAVIT Re:
	:	ss.	Permit No. 9038
County of Shoshone	)		(New No. 94-2071)

ELMO THOMAS, being first duly sworn, upon his oath deposes and says:

That I am and have been employed by The Bunker Hill Company as an Exploration Assistant. That in the course of my duties it was necessary to examine properties for The Bunker Hill Company.

I have examined the old Permit No. 9038 (new No. 94-2071), and in the course of the exploration and examination of Bunker Hill ground by surface observation and bulldozing, I am familiar with the use of water in Deadwood Gulch as set forth in the application. It appears that this water flows down the old Inez shaft out along the Arizona Tunnel to the Last Chance shaft to the Shaft 6 level where it is impounded for use in the mine.

From my observation in the past, I am not cognizant of any use other than that set forth in the application in the mine and since 1961 it has been used for the hydraulic sand fill system in the mine and for general mining purposes. I also am not aware of any use of the water after it leaves the mine and flows into the South Fork of the Coeur d'Alene River. There are no users of the water according to my best information after it leaves the mine.

I believe from my long association with Bunker Hill and my examination of the records, that the places and dates of use have not been changed materially except for the use in the sand fill which is directly connected

with the underground operation. Also, that the water so appropriated is also used in the actual mining operation at the Bunker Hill mine.

Elmo Thomas
Elmo Thomas

Subscribed and sworn to before me this 31st day of March, 1971.

Joanne Radford
Notary Public for the State of Idaho
Residing at Kellogg, Idaho

94 4003

March 29, 1971

Re: Claim to a Water Right No. 94-4003

The Bunker Hill Company
Box 29
Kellogg, Idaho 83837

Gentlemen:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves 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 in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:dr
Enclosure: Copy of claim

cc: John J. Peacock
Brown, Peacock, Keane & Boyd
Attorneys at Law
311 Main Street
Kellogg, Idaho 83837

94 4003

February 24, 1971

Re: Claim No. 94-4003 - The Bunker Hill Company

Kellogg Evening News
401 Main
Kellogg, Idaho 83837

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Legal notice

Bill submitted 3-17-71 By de

94 4003

NOTICE OF CLAIM TO A WATER RIGHT

No. 94-4003

Notice is hereby given that The Bunker Hill Company, Box 29, Kellogg,
Idaho
has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 3.0 cubic feet per second ~~acre/feet/~~
of water from Deadwood Gulch, trib. to S. Fk. Coeur d'Alene River
with point of diversion in the SW1/4, Sec. 12, T. 48N, R. 3E, B.M.,
Shoshone County.

The water is claimed to be used from January 1 to December 31
for industrial purposes
with a priority of July 1, 1961;
the place of use is within the SW1/4, Sec. 12, T. 48N, R. 3E, B.M.

Any exception to this claim of water right may be filed with the
Statehouse,
Idaho Department of Water Administration., / Boise, Idaho.

R. KEITH HIGGINSON

Director

Published in the Kellogg Evening News, Kellogg, Idaho
on March 4 and March 11, 1971.

February 16, 1971

John J. Peacock
Attorney at Law
P. O. Box 659
Kellogg, Idaho 83837

Dear Mr. Peacock:

Attached herewith is Departmental Receipt No. 5625 in the amount of
\$10.00 for Claim application for Permit in the name of,
which was received in this office under the above date. Bunker Hill Company

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

BROWN, PEACOCK, KEANE & BOYD

ATTORNEYS AT LAW

311 MAIN STREET

KELLOGG, IDAHO 83837

ROBERT E. BROWN
JOHN J. PEACOCK
JAMES P. KEANE
WILLIAM F. BOYD

February 11, 1971

P. O. BOX 659
TELEPHONE
AREA CODE 208
784-1105

Mr. Dorian T. Clay
State of Idaho
Department of Water Administration
State House Annex #2
Boise, Idaho 83707

Re: The Bunker Hill Company

Dear Mr. Clay:

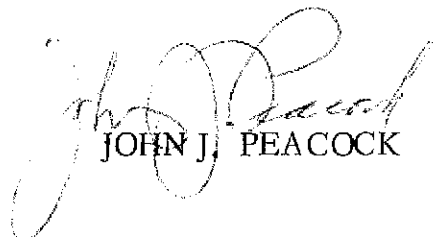
Enclosed herewith please find Claim to a Water Right Established by Diversion and Application to Beneficial Use and Proof of Application of Water to Beneficial Use for filing. I will also have some Affidavits to file.

I trust you will find them in order and since I have to come to Boise on Tuesday, February 16th, I will be in touch with you at that time.

Our check in blank for filing the two enclosed instruments is attached, and we will be grateful if you will advise us of the amount.

Thank you very much for your valued assistance.

Sincerely yours,


JOHN J. PEACOCK

JJP:jh
Enclosures

94 4003