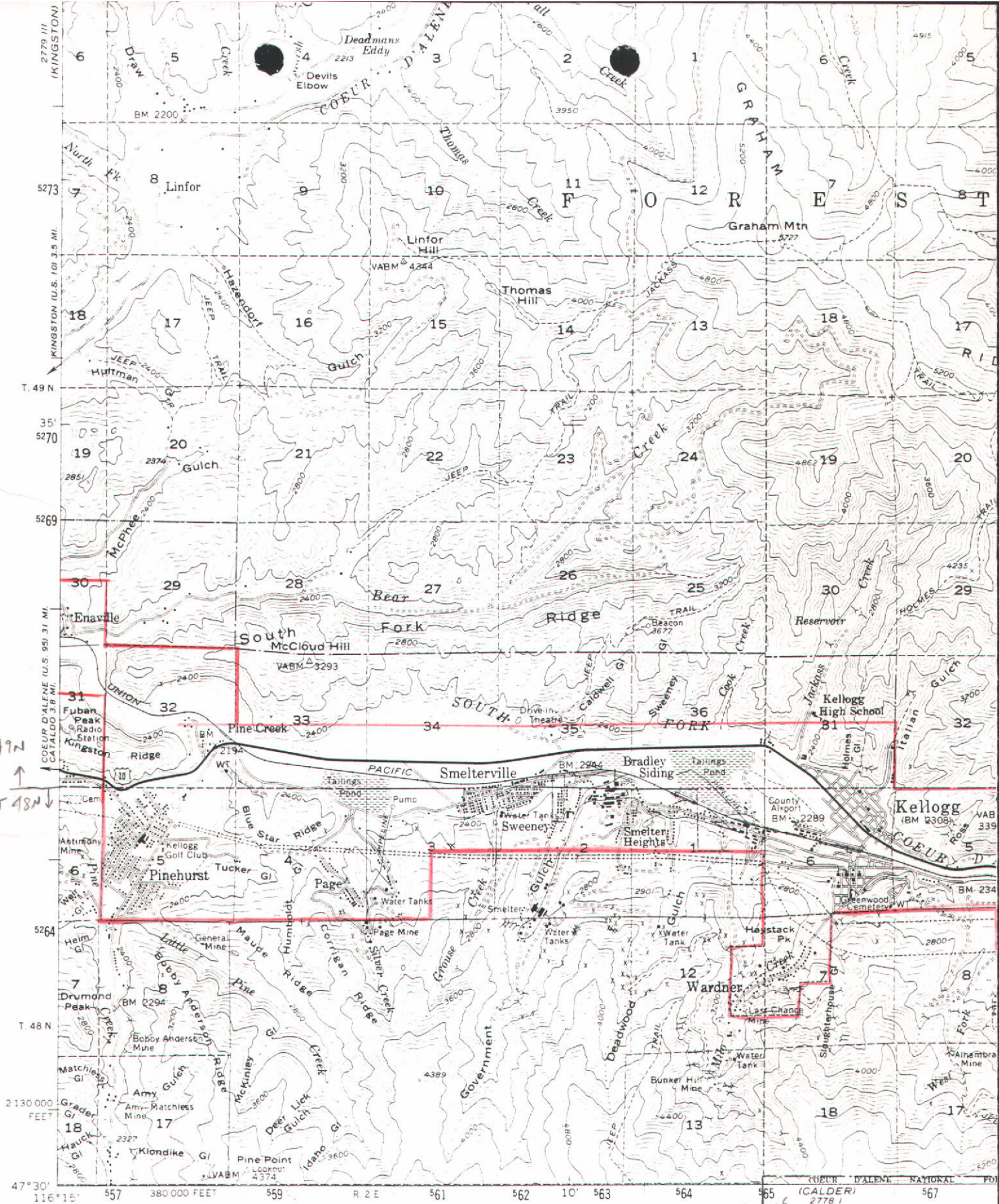




Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS

Topography from aerial photographs by ER-55 plotter
Aerial photographs taken 1954 Field check 1957

Polyconic projection: 1927 North American datum
10,000-foot grid based on Idaho coordinate system,
west zone

1000-meter Universal Transverse Mercator grid ticks,
zone 11, shown in blue

Red tint indicates areas in which only
landmark buildings are shown

Dashed land lines indicate approximate locations

Unchecked elevations are shown in brown

UTM GRID AND 1947 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET



CONTOUR INTERVAL 80 FEET
DATUM IS MEAN SEA LEVEL

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225 OR W
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE

ITWIN CRAGS 1:24,000
2778 IV NE

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 26562

This proof is for Completion of Works and Beneficial Use In Water District No. _____

1. Name of applicant: Bunker Hill Company, A corporation
2. Source of water supply: No. fork Coeur d'Alene River, tributary of Coeur d'Alene Lake
3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31
T. 49 N. R. 2 E. B.M. County of Shoshone
4. Describe works as they exist, giving dimensions and capacities of same: Well 60x60 in. and 5' tall. 2 - 200hp R.T. Submersible connected by 4" into 24" pipe line - part steel, part wood, wire wrapped. Water is pumped up to large water tank then to storage tank and to other places of use. Used for cooling - for domestic - for milling.
5. Water is used for: Mining, milling, metallurgical and domestic purposes
6. State whether or not water has been turned into works of diversion: yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
Place of Use: NE $\frac{1}{4}$ Section 2, Twp. 48 North, Range 2 East, B.M.
(Bunker Hill Mining and Metallurgical Plant)
5800 gpm is now pumped at present from this source.
Both pumps in same well.
Covered with heavy planks even with ground surface.
(Submit map on attached plat, showing location and details of above description.)
8. What large stream would the water here appropriated finally reach?

Remarks:

Harrel Peterson (Water Eng.) along

MICROFILMED

SEP 24 1959

This examination was made on the

30

day of

July1959

(Signed)

E. H. Thompson

26562

State of Idaho License and Certificate of Water Right

Water License No. 26562

Amount 12.9 c.f.s.

Water District No.

Priority September 25, 1956

THIS IS TO CERTIFY that BUNKER HILL COMPANY, a corporation of Kellogg, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 25, 1956, that Permit No. 26562 was issued under said application; that Certificate of Completion of work, with a carrying capacity of 12.9 second feet, was issued thereunder on October 23, 1959, showing that said work was completed on the 25 day of September, 1958, and that on the 25 day of September, 1958.

BUNKER HILL CO., a corporation

of Kellogg, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of No. Fork of Coeur d'Alene River, tributary of Coeur d'Alene Lake, for the purpose of mining, milling, metallurgical use and domestic/under Use Permit No. 26562 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 11 of Licenses at page 6798, on the 23 day of October, 1959.

The right hereby confirmed dates from September 25,

1956.

The Point of Diversion is located

in the NE 1/4 NW 1/4 Sec. 31, Tp. 49N, R. 2E, B. 14, Shoshone County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 12.9 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
48N.	2 E.	2	NE 1/4 - for MINING, MILLING METALLURGICAL and DOMESTIC PURPOSES		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 23 day of October, 1959.

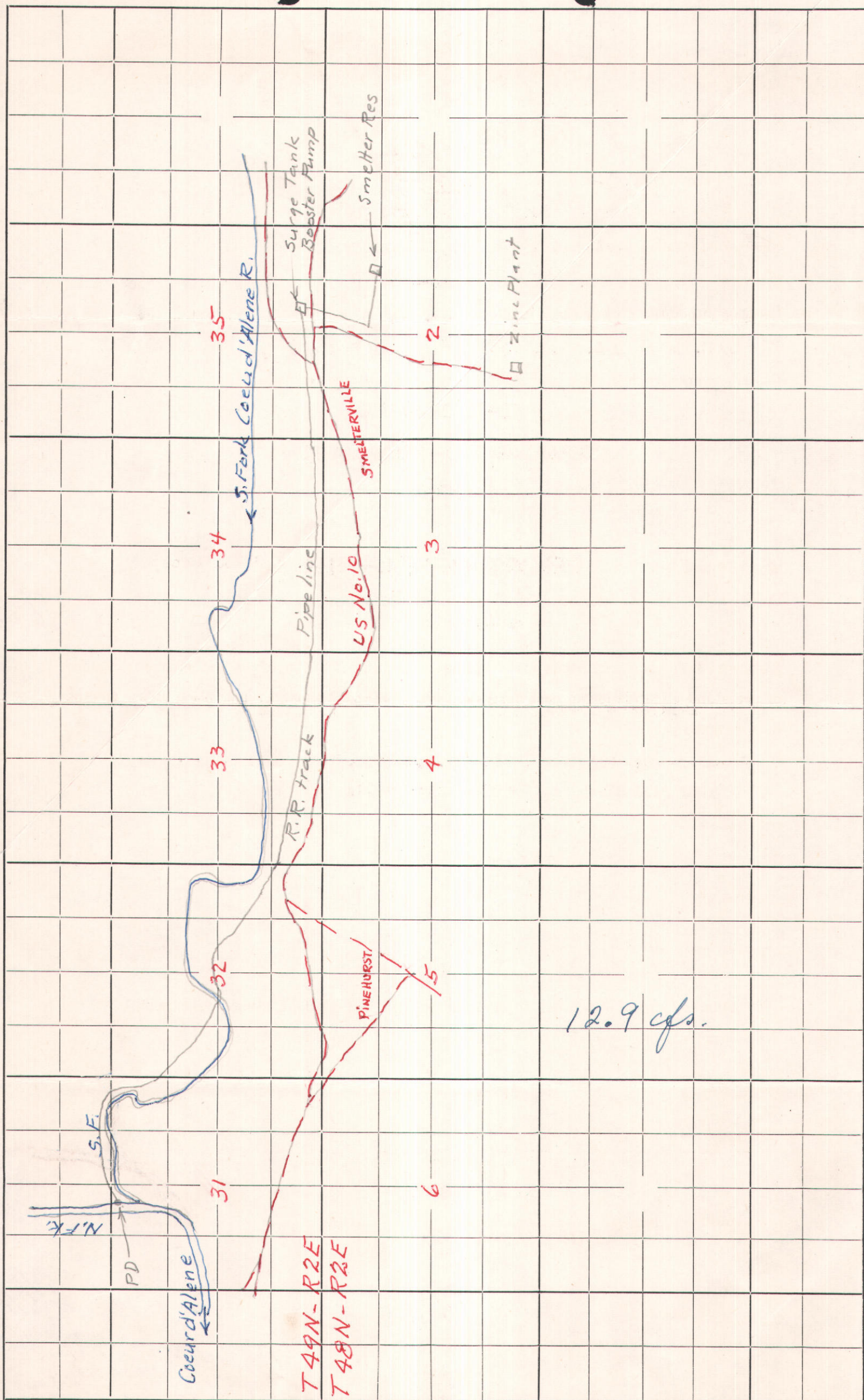
(SEAL)

/s/ GEO. E. CARTER

State Reclamation Engineer.

SEP 24 1990

64 2213



BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER AND)
APPLICATION FOR EXTENSION OF TIME TO AVOID) ORDER
FORFEITURE FOR WATER RIGHT NO. 94-02213)

In October, 1989, Bunker Limited Partnership filed with the Department an application for Extension of Time to Avoid Forfeiture of Water Right No. 94-2213.

In January, 1990, Shoshone County filed an application for transfer which proposed a change of the nature of use of water right no. 94-2213 from mining, milling and domestic use to industrial, commercial and municipal use. The county also submitted an option contract with Bunker Limited Partnership that gave the county the option to purchase the water right.

Although water right no. 94-2213 authorized diversion of 12.9 cfs from ground water, Shoshone County represents that only 11.8 cfs has been diverted. Shoshone County also represents that the 11.8 cfs was diverted continuously for the smelter and mill. Finally, Shoshone County estimates that 50% of the water diverted was converted to steam during the cooling process and was released to the atmosphere.

A diversion in the particular location proposed will not injure other water rights. With sufficient limitations, the use will not result in an enlargement.

Shoshone County has asked for a municipal use of the water. "Municipal" is a use designation that has been granted only to incorporated cities, and has not been granted to other public or private entities. The use designation of "domestic" can be substituted in its place, however.

The Department recognizes that the county is implementing a development plan that may take years to complete. The transfer should be approved with a recognition that, if the pumping plant and main distribution system is in place, the Department will not seek forfeiture or abandonment of a portion of the water right if it is not being completely used. The county should, however, provide periodic reports to the Department regarding the extent of development so that the various components of the water right may be evaluated. At the present time, the Department does not know how much water each of the proposed uses will use and consume. Periodic five year reports will assist the Department in evaluating the volume component of each of the uses.

ORDER

IT IS HEREBY ORDERED that application for transfer no. 3674 proposing to change the nature of use and place of use for water right no. 94-2213 is APPROVED for industrial, commercial and domestic purposes subject to the following conditions:

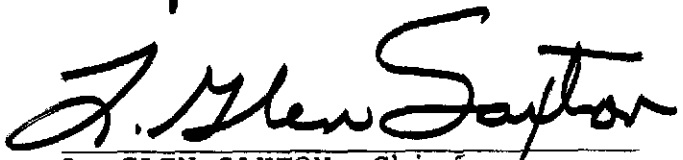
1. The quantities that may be diverted under this right shall not exceed the following parameters:

<u>Quantity</u>	<u>Amount</u>
Flow rate	11.8 cfs
Annual Volume Diverted	8543 acre-feet
Consumptive Use	4272 acre-feet

2. Shoshone County shall submit to the Department of Water Resources a report regarding the development pursuant to this transfer in 1995 and in 2000.

IT IS FURTHER ORDERED that application for Extension of Time to Avoid Forfeiture of Water Right no. 94-2213 filed by Bunker Limited Partnership is APPROVED. Resumption of use is required on or before December 1, 1996.

Dated this 13th day of August, 1990.

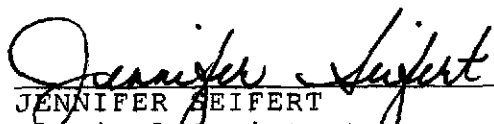

L. GLEN SAXTON, Chief
Water Allocation Bureau

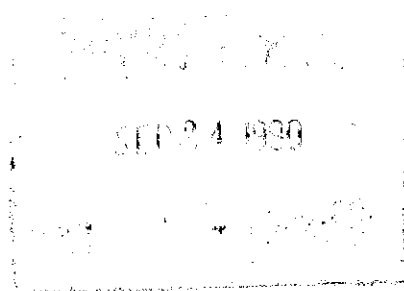
CERTIFICATE OF MAILING

I hereby certify that on this 20th day of August, 1990, I mailed a true and correct copy of the Order, postage prepaid, to the following individuals:

Bunker Limited Partnership
P.O. Box 29
Kellogg, ID 83837

Shoshone County Commissioners
County of Shoshone
Shoshone County Courthouse
Wallace, ID 83873


JENNIFER SEIFERT
Clerical Assistant



Total acres _____

PART 1**6. General Information:**

- a. Description of diversion system Enaville well is located approximately 100 feet from the Main Fork
Coeur d'Alene River, about 500 feet upstream of the confluence with the South Fork. The well is 56 feet
deep with a 6 foot diameter steel casing. Pipeline is 24 inch steel to 1 million gallon reservoir on
Smelter Hill.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Prior use was not irrigation. Proposed use will be for commercial, industrial, and domestic water
supply to the western Silver Valley area of Shoshone County.
- d. Remarks:
The transfer of this water right will allow beneficial use of the Enaville well water for the benefit
of the citizens of Shoshone County. The previous water right was incorrectly identified as a surface
water source, when in fact the source is groundwater.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 94-2213

And said application is hereby APPROVED, subject to the following limitations and conditions:

Water diverted for municipal purposes shall meet Idaho Water Quality Standards.

MICROFILMED

SEP 24 1990

Witness my hand this

13th

day of

August, 19 90L. Shu Saylor

Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 94-02213 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below: (EXHIBIT II-B-2 AMENDED)

☐ Tax Notice

☐ Warranty Deed

☒ Other AGREEMENT

3. Source of water COEUR D'ALENE RIVER tributary to COEUR D'ALENE LAKE

4. Date or priority SEPT. 25, 1956

5. Water is used for the following purpose: MINING, MILLING,
METALLURGICAL,
AND DOMESTIC

amount 12.9 for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 12.9 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		<u>NE</u>	<u>NW</u>	<u>31</u>	<u>49N</u>	<u>2E</u>	<u>SIDESHORE</u>	<u>EMERVILLE WELL</u>

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>46N</u>	<u>2E</u>	<u>2</u>	x	x	x	x													

MICROFILMED

SEP 24 1990

Total acres _____

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

MICROFILMED

SEP 24 1990

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

Shoshone County intends to implement productive use of the water from the Enaville well in 2 phases:

Phase 1

The County will utilize the well water under this phase for commercial, industrial, and fire protection uses primarily in the Kellogg and Smelterville areas.

Phase 2

If the well water quality passes tests over the next year for EPA's new drinking water standards, then the County would intend to also supply water to domestic water systems in the Silver Valley area, including Central Shoshone Water District.

MICROFILMED

SEP 4 1990

PART 3**B. CHANGES IN NATURE OF USE**

1.	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>Industrial, Commercial & Domestic</u>	<u>12.9 cfs</u>	<u>variable w/demand</u>	<u>Jan. 1</u> to <u>Dec. 31</u>
				to _____

2. Quantity and quality of return flows and location of discharge:

All non-industrial uses would return through existing public sanitary sewer system in the Kellogg/Smelterville area

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

SHOSHONE COUNTY, SHERRY KRULITZ, CHAIRMAN

Sherry Krulitz
(Signature of Applicant)

Subscribed and sworn to before me this 10th day of October, 19 89.

Connie L. Paddy
(Notary Public)

My commission expires Lifetime

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by [Signature] Date 1/30/90 12/14/89 (myces) Protest filed by _____

Prelim. check by _____ Fee \$50

Receipted by [Signature] Date 1/30/90 (N 3556)

Published in Shoshone Cty. News Press Copies of protest forwarded by _____

Pub. dates 2/15+22/90 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by [Signature]

Copy of transfer sent to lien holder _____

MICROFILMED

SEP 24 1990

SHOSHONE COUNTY TRANSFER
OF WATER RIGHTS

ATTACHMENT - QUESTION 5
PLACE OF USE

Township	Range	Section	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
48 N	2 E	1	X	X	X	X	X	X	X	X								
		2	X	X	X	X	X	X	X	X								
		3	X	X	X	X	X	X	X	X	X	X	X	X				
		4	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		5	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
48 N	3 E	3	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		4	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		5	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		6	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		7					X	X	X	X	X	X	X	X	X	X	X	X
		8	X															
		9					X	X										
		10	X	X	X	X					X	X	X	X	X	X	X	X
		12				X									X			
		15					X	X	X	X	X	X	X	X				
49 N	3 E	31									X	X	X	X	X	X	X	X
49 N	2 E	30													X	X	X	X
		31	X	X	X	X												
		32	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		33									X	X	X	X	X	X	X	X
		34									X	X	X	X	X	X	X	X
		35									X	X	X	X	X	X	X	X
		36									X	X	X	X	X	X	X	X

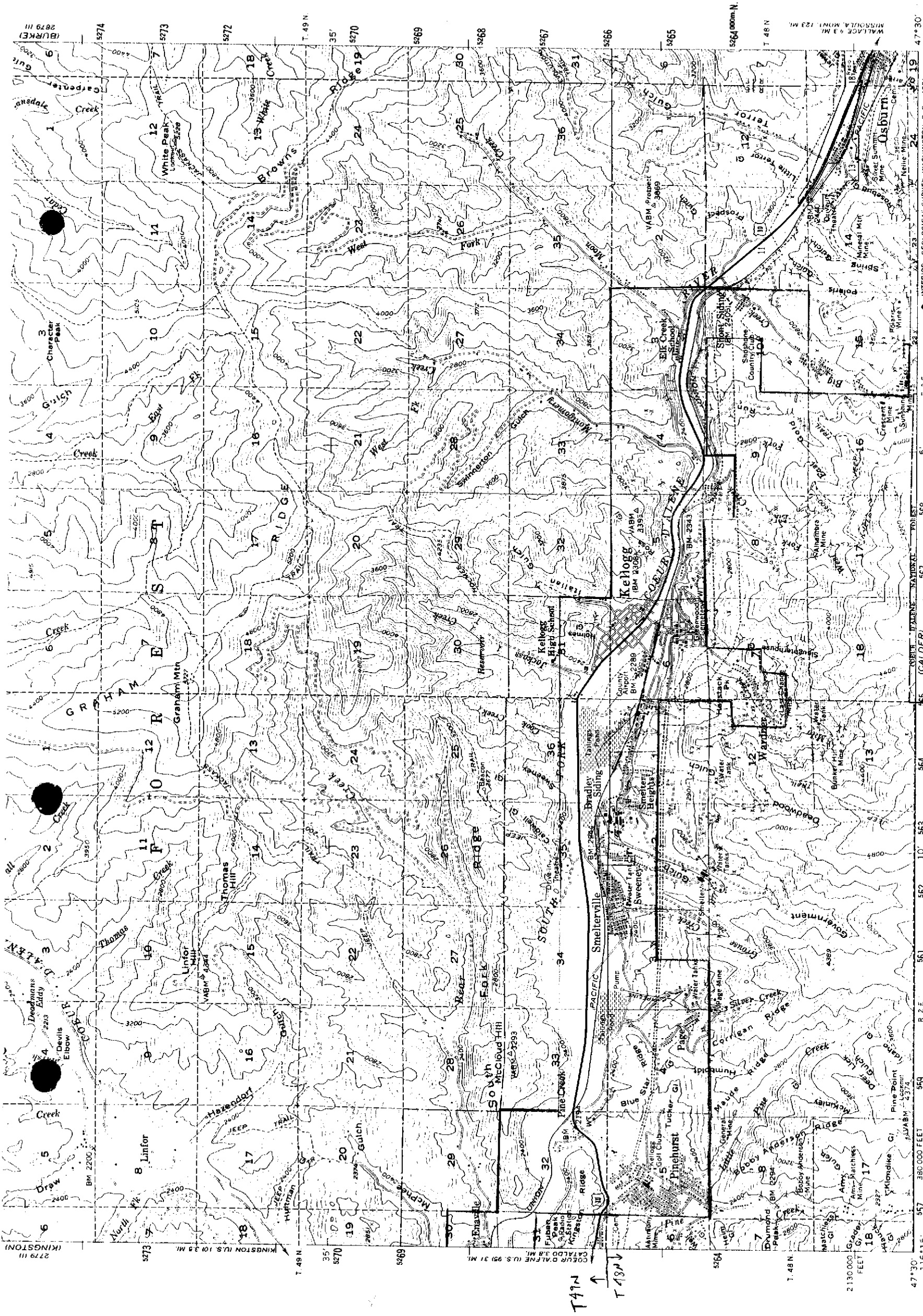
INCLUDES ALSO CORPORATE CITY LIMITS:

PINEHURST
SMELTERVILLE
KELLOGG
WARDNER

* CORRECTIONS FROM MAP - TDK - 1-31-90

MICROFILMED

SEP 24 1990



MICROFILMED

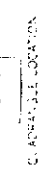
SEP 24 1990

ROAD CLASSIFICATION
Heavy-duty
Light-duty
Unimproved dirt
U S Route

SCALE 1:62500
CONTOUR INTERVAL 80 FEET
1:62500 IS MEAN SEA LEVEL

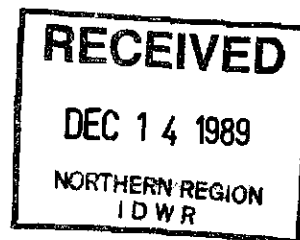
Maped, edited, and published by the Geological Survey
Control by USGS and USC&GS
Topography from aerial photographs by ER-55 plecter
Aerial photographs taken 1954. Field check 1957
Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system.
West zone
1000-meter Universal Transverse Mercator grid ticks.
Zone 11 shown in blue
Red tint indicates areas in which only
landmark buildings are shown
Cashed land lines indicate approximate locations
Unchecked elevations are shown in brown.

KELLOGG, IDAHO
N4730-W11600/15



THIS MAP COMPLETES WITH NATIONAL MAP ACCURACY STANDARD
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225 OR WASHINGTON, D. C. 20242
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

UTM GRID AND 1983 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET
TWIN SPRING LINE 124 000
AMS 2779 II-SERIES V793



(EXHIBIT II-B-2 AMENDED)

A G R E E M E N T

BUNKER LIMITED PARTNERSHIP hereby grants SHOSHONE COUNTY, IDAHO, the option to purchase that water system described on Exhibit A hereto for the sum of Two Hundred Thousand and no/100 Dollars (\$200,000.00). This option shall remain open for acceptance by Shoshone County until December 31, 1989.

It is recognized that Shoshone County is pursuing funding for the purchase of said water system and an easement from Union Pacific Railroad and should the County not receive said funding or obtain said easement there shall be no obligation on the part of Shoshone County to purchase the water system.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed this 3rd day of August, 1989.

BUNKER LIMITED PARTNERSHIP
by BH Properties, Inc., General Partner

By: J. W. Kendrick
J. W. Kendrick, President

SHOSHONE COUNTY
BOARD OF COMMISSIONERS

By: Sherry Krulitz
Sherry Krulitz, Chairman

ATTEST:

Marcia Wingfield
Marcia Wingfield, Clerk

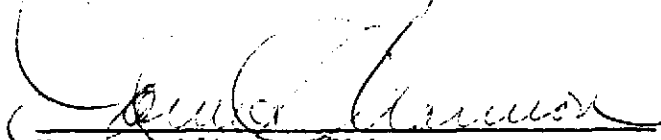
MICROFILMED

SEP 24 1990

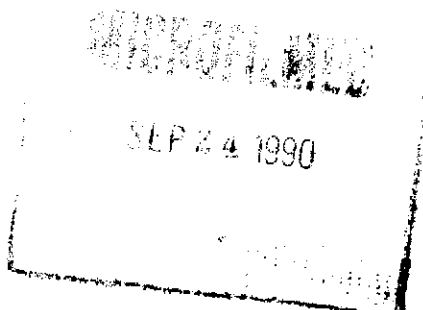
STATE OF IDAHO)
) ss.
County of Shoshone)

On this 3-24 day of August, 1989, before me, personally appeared J. W. KENDRICK, known to me to be the President of BH Properties, Inc., General Partner of BUNKER LIMITED PARTNERSHIP, the partnership that executed the within instrument, and acknowledged that said partnership executed the same as its free and voluntary act.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for Idaho
Residing at Liberty
Commission Expires 11-2-91



STATE OF IDAHO)
) ss.
COUNTY OF SHOSHONE)

On this _____ day of _____, 19____, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared J. W. Kendrick, President of Bunker limited Partnership, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

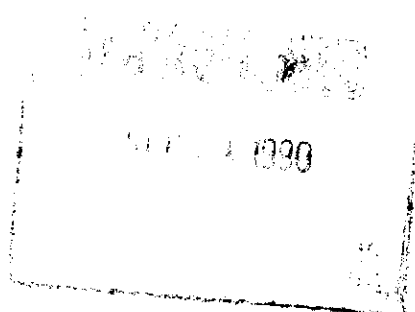
Notary Public in and for the State
of Idaho, Residing at: _____

STATE OF IDAHO)
) ss.
COUNTY OF SHOSHONE)

On this 3rd day of August, 1922, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Sherry Krulitz, Chairman of the Shoshone County Board of Commissioners, and Marcia Wingfield, Clerk of the Board, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Connie L. Puddy
Notary Public in and for the State
of Idaho, Residing at: Idaho



REPORT OF ENGINEER

This proof is for Completion of Works and Beneficial Use In Water District No. 1

- Describe works as they exist, giving dimensions and capacities of same. Well 60x6 ft. or
1/2 ft. 200 ft. R.T. Submersible connected by 1" wire
2 1/2" pipe down past steel post and wrapped bottom
pumped up larger water tank then to storage
tank and to other places of use. Used for cooling
for domestic fan mill etc.

Water is used for: Mining, milling, metallurgical and domestic purposes

- Use of User: NE Section 2, Twp 18 North, Range 1 East, N.M.
Bunker Hill Mining and Metallurgical Plant

5800 gpm is water pumped at present from this source.

Brother pumps in same well.
Covered with heavy planks even to the ground surface.
(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks:

Harrel Peterson (Water Eng.) along

This examination was made on the 30 day.

(Signed)

6562

State of Idaho License and Certificate of Water Right

Water License No. 26562

Amount 12.9 c.f.s.

Water District No. _____

Priority September 25, 1956

THIS IS TO CERTIFY that **BUNKER HILL COMPANY**, a corporation of **Kellogg, Idaho**, made application for a permit to appropriate the public waters of the State of Idaho, dated **September 25, 1956**; that Permit No. **26562** was issued under said application; that Certificate of Completion of works, with a carrying capacity of **12.9 second feet**, was issued thereunder on **October 23, 1959**, showing that said works were completed on the **25 day of September, 1958**; and that on the **25 day of September, 1958**.

BUNKER HILL CO., a corporation

of **Kellogg**, State of **Idaho**, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of **So. Fork of Coeur d'Alene R.** tributary of **Coeur d'Alene Lake**, for the purpose of **mining, milling, metallurgical use** and domestic/under Use Permit No. **26562** of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume **11** of Licenses at page **6798**, on the **23 day of October, 1959**;

The right hereby confirmed dates from **September 25, 1956**;

The Point of Diversion is located

in the **NE 1/4 NW 1/4 Sec. 31, Tp. 49N, R. 2 E, N. M. Shoshone County**

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed **12.9 cubic feet per second**.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
48N.	2 E.	2	NE 1/4 - for MIN. NG. DOMESTIC PURPOSES	MILLING METALLURGICAL and	

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

23 day of October, 1959

/s/ GEO. E. CARTER

State Reclamation Engineer.

(SEAL)

94 2213

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESApplication for Extension of Time to Avoid Forfeiture
of a Water Right

RECEIVED

DEC 14 1989

NORTHERN REGION
IDWR

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee of \$30.00 if the application involves 0.2 cfs or 20 acre feet or \$50.00 if in excess of these amounts.

1. Name of water right holder Bunker Limited Partnership
Post office address P.O. Box 29, Kellogg, Id.
2. The right was obtained or is evidenced by:
 - a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court, County of _____. Fully describe decree _____
 - b. License No. 26562 issued by the Department of Water Resources.
 - c. Claim No. _____ on file with the Department of Water Resources.
3. Source of water well adjacent to Coeur d'Alene River tributary to Lake Coeur d'Alene
(Name of stream or source)
4. Date of priority of right September 25, 1956
5. Amount of water a. 12.9 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for Mining & Milling from January 1 to December 31
from _____ to _____
from _____ to _____
(Purpose) (Month-Day) (Month-Day)
7. Location of point of diversion is NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2
Township 48N, Range 2E, B.M., in Shoshone County;
Additional points of diversion, if any _____
8. Lands irrigated or place of use: None

Twp.	Rge.	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
48N	2E	2	D	D	D	D													
			X	X	X	X													

MICROFILMED

SEP 14 1990

Total number of acres irrigated _____

For Department Use Only
Received by Mr. [Signature] Date 10/14/89 Time 1:30pm Preliminary check by TK
Fee \$ 20.00 Received by Mr. [Signature] Date 11/30/90
Published in Shoshone County Dates 5/31/90 Protests filed by: none
Publication approved by Mr. [Signature] Date 5/22/90
Copies of protests forwarded by Mr. [Signature] Hearing held by Mr. [Signature] Date 5/22/90
Recommended for Approval by Mr. [Signature] Denial by

MICROFILMED
SEP 24 1990

August 13 day of 1990
J. [Signature]
Chief, Water Alloc. Bureau

Witness my hand this 13 day of August, 1990
This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE said application subject to the following conditions or reasons.
Beneficial use of water under this right shall resume on or before December 1, 1996.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

My commission expires 11/3/91
Residing at Cataldo, Idaho
(Notary Public)
Subscribed and sworn to before me this 12th day of October, 1989.
J. W. Kendrick, President
(Signature of Applicant)
BUNKER LIMITED PARTNERSHIP
BY Mr. [Signature] General Partner

I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.
BUNKER LIMITED PARTNERSHIP
BY Mr. [Signature] General Partner

9. Give last date when water was applied to beneficial use Nov. 1984
Length of extension of time requested 3 years, or until October 1, 1992 (Date)
10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use Bunker Limited Partnership is finalizing the terms of sale of the Enaville Well to Shoshone County for other public uses. The County's new beneficial use may not be implemented for several years due to the water system construction and rehabilitation which is required.

NOTICE OF APPLICATION FOR
TRANSFER OF WATER RIGHT

NOTICE IS HEREBY GIVEN that water right License No. 94-2213 in the name of Dunker Hill Co. was filed for the diversion of 12.9 CFS per Second of water from the North Fork of the Coeur d'Alene R., tributary to Coeur d'Alene Lake, with a point of diversion in the NENW Sec. 31 T49N R02E, Shoshone County, used for Milling, Mining, Metallurgical and Domestic purposes, within the NE 1/4 Sec. 2 T49N R02E, Shoshone County. The priority date is September 25, 1986.

The new owners, the Shoshone County Commissioners, now wish to clarify the source of water which is actually groundwater and to transfer the nature and place of use as follows: 12.9 CFS for Industrial Use

12.9 CFS for Commercial Use
12.9 CFS for Municipal Use

The place of use is: T49N R02E Sec. 1 All N 1/4 Sec. 2 All N 1/4 Sec. 3 All N 1/4 and SW 1/4 All Sec. 4 All Sec. 5 Sec. 12 SENE AND NESE

T49N R02E All Sec. 3

All Sec. 4 All Sec. 5 All Sec. 6 Sec. 7 ALL NW 1/4 and NWSW Sec. 8 NENE Sec. 9 NENW and NWNW Sec. 10 All E 1/4 and SW 1/4 Sec. 15 All W 1/4

T49N R02E Sec. 31 All S 1/4

T49N R02E Sec. 30 All SE 1/4 Sec. 31 All NE 1/4 All Sec. 32

Sec. 33 All S 1/4 Sec. 34 All S 1/4 Sec. 35 All S 1/4 Sec. 36 All S 1/4

Also includes corporate city limits for Pinehurst, Smelterville, Kellogg and Wardner.

(For additional information concerning the property location, call the Northern Regional Office at 785-4639.)

Any protest to the proposed transfer may be filed with the Idaho Department of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814, on or before March 5, 1990.

R. KEITH HIGGINSON, Dir.

Legal #SHO 458
2-15/22/1990

PROOF OF PUBLICATION

[Handwritten signature]
2/27/90

-) State of Idaho
-) Department of Water Resources
-) 1910 Northwest Blvd Suite 210
Coeur d'Alene, Idaho 83814

RECEIVED
FEB 26 1990
NORTHERN REGION
IDWF

s/ R. N. "Bud" Budvarson, being first duly sworn deposes and says:
SHOSHONE COUNTY NEWS-PRESS, 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 this notice hereinafter described, and that the _____

Legal Notice

of which the annexed is a true copy, was published in each regular weekly/daily issue of said newspaper, and not in supplement thereto, for a period of (2) two consecutive weeks/days, the first publication thereof being in its issue dated 2/15/90 and the last publication thereof being in the issue dated 2/22/90

[Handwritten signature]

On this 23rd day of February in the year of 1990, before me, a Notary Public, personally appeared R. N. "Bud" Budvarson, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

[Handwritten signature: J. L. Dunbar]
Notary Public for Idaho
Residing at Kellogg, Idaho
My commission expires: 10/17/94

MICROFILMED
SEP 24 1990

State of Idaho License and Certificate of Water Right

Water License No. 26562

Amount 12.9 c.f.s.

Water District No.

Priority September 25, 1952

THIS IS TO CERTIFY that BUNKER HILL COMPANY, a corporation

of Kellogg, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 25, 1952, that Permit No. 26562 was issued under said application that Certificate of Completion of work, with a carrying capacity of 12.9 cubic feet per second, was issued thereunder on October 21, 1952. Bunker Hill Company that said work was completed on the 25 day of September 1952 and that on the 25 day of September 1952

BUNKER HILL CO., a corporation
Kellogg, State of Idaho

made proof to the satisfaction of the State Reclamation Engineer of Idaho of the right to use the waters of No. 1 Fork of Great Aftonian River tributary of Coeur d'Alene River for the purpose of mining, milling, metallurgical and domestic/under Use Permit No. 26562 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 11 of Licenses at page 6798 on the 21 day of October 1952

The right hereby confirmed dates from September 25, 1952
The Point of Diversion is located in the NE 1/4 of Sec. 31, Twp. 14 N., R. 14 E., Shoshone County, Idaho
That the amount of water to which such right is entitled and hereby confirmed for the purpose aforesaid is limited to an amount actually needed and beneficially used for said purposes and shall not exceed 12.9 cubic feet per second

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres when Described in Permit	No. Acres when Actually Irrigated
18 N.	2 E.	2	NE 1/4 for MINING, MILLING METALLURGICAL and DOMESTIC PURPOSES		

The right to the use of the water aforesaid hereby confirmed is restricted to the mode or place of use herein described, as provided by the laws of Idaho
WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 21 day of October 1952

W. J. COOPELAND
State Reclamation Engineer

377-32218

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE OF A WATER RIGHT Pursuant to Section 42-222 of the IDAHO CODE, notice is hereby given that Bunker Limited Partnership, P.O. Box 29, Kellogg, Id., has filed with the Department of Water Resources on January 30, 1990, an Application for Extension of Time to Avoid Forfeiture of Water Right No. 94-2213.

PROOF OF PUBLICATION

Water Right No. 94-2213, as licensed, is for 12.9 cubic feet per second of water from the Coeur d'Alene River, North Fork, tributary to Coeur d'Alene Lake with a point of diversion in the NENW Sec. 31 T49N R02E, Boise Meridian, Shoshone County, used for Mining, Milling, Metallurgical and Domestic purposes, located in the NE 1/4 of Sec. 2 T49N R02E, Boise Meridian, Shoshone County. The date of priority is September 25, 1966. The last date when water was applied to a beneficial use was November, 1986.

The applicant now wishes an extension of time until October 1, 1992, in which to apply the water to a beneficial use because the partnership is finalizing the terms of the sale of the water right and facilities to Shoshone County for other public uses. The County's new beneficial use may not be implemented for several years due to the water system construction and rehabilitation which is required. Any protest to the proposed extension of time may be filed with the Idaho Department of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814 on or before May 21, 1990.

R. KEITH HIGGINSON, DIR.

Legal #SHO 555
2 x 5-2/9/1990

Idaho Department of Water Resources
1910 Northwest Blvd Suite 210
Coeur d'Alene, Idaho 83814

s/ R. N. "Bud" Budvarson, being first duty sworn deposes and says:

SHOSHONE COUNTY NEWS-PRESS, 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 this notice hereinafter described, and that the _____

Legal Notice

of which the annexed is a true copy, was published in each regular weekly/daily issue of said newspaper, and not in supplement thereto, for a period of (2) two consecutive weeks/days, the first publication thereof being in its issue dated 5/2/90 and the last publication thereof being in the issue dated 5/9/90.

STATE OF IDAHO

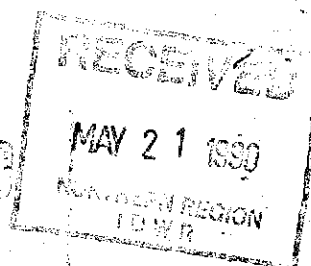
COUNTY OF _____

On this 10th day of May in the year of 1990, before me, a Notary Public, personally appeared R. N. "Bud" Budvarson, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at Kellogg, Idaho

My commission expires: 10/17/94



SEP 4 - 1990

License and Certificate of Water Right

Water License No. **26562**

Amount 12,900.00

Water District No. _____

Priority September 25, 1956

THIS IS TO CERTIFY that BUNKER HILL COMPANY; a corporation of Kellogg, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 25, 1956; that Permit No. 26562 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 12.9 second feet, was issued thereunder on October 23, 1959, showing that said works were completed on the 25 day of September, 1958; and that on the 25 day of September, 1958,

BUNKER HILL CO., a corporation

of Kellogg, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of No. Fork of Coeur d'Alene River, tributary of Coeur d'Alene Lake, for the purpose of mining, milling, metallurgical use and domestic/under Use Permit No. 26562 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 11 of Licenses at page 6798, on the 23 day of October, 1959;

The right hereby confirmed dates from September 25, 1956

~~The Point of Diversion is located~~

in the NE 1/4 NW 1/4, Sec. 31, Tp. 49N, R. 2 E, B. M. Shoshone County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 12.9 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
48N.	2 E.	2	NE $\frac{1}{4}$ - for MINING, MILLING METALLURGICAL and DOMESTIC PURPOSES		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

23 day of October, 1959

/s/ WMO. H. CARTER

State Reclamation Engineer.

(SEAL)

94 2213

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 34456
PERMIT No. 26562
DISTRICT No.

Worthwine & Dworshak
Box 737
Boise, Idaho

1. Name of Applicant: THE BUNKER HILL COMPANY, a corporation

Postoffice address: Kellogg County: Shoshone State: Idaho

I. If applicant is a corporation, give: Incorporated July, 1887-State of Oregon

(a) Date and place of incorporation: Reincorporated March, 1924-State of Del.

(b) Amount of capital stock: Common: \$3,270,000.00 Pref. \$2,000,000.00

(c) Amount paid in: \$3,270,000.00 Common; \$840,200.00 Pref.

(d) Names and addresses of directors: John D. Bradley, W.W. Crocker, Donald H. McLaughlin, John L. Merrill and D. J. Murphy, all of San Francisco, Calif., and Stanly A. Easton, Coeur d'Alene, Idaho, and L. J. Randall, Wallace, Idaho.

II. The financial resources of the applicant are:

(a) Cash on hand: \$4,784,396.00

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

2. Quantity of water claimed: Twenty-three cubic feet per second.

3. Source of water supply: North fork-Coeur d'Alene River which is a tributary of Coeur d'Alene Lake

4. Location of point of diversion: S. 88°30' E-1750 feet distant from the Northwest

corner of Section 31, T. 49 N., R. 2-E., B.M., and is in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$

of Section 31, T. 49 N., R. 2-E., B.M., County of SHOSHONE

5. Water is to be used for Mining, Milling, Metallurgical and domestic purposes

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: S. 32°W. 1450 feet distant from N.E. corner of Section 2

T. 48 N., R. 2-E., B.M., in the NE $\frac{1}{4}$ of Section 2, T. 48 N., R. 2-E., B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to South Fork-Coeur d'Alene^{River} at a point N. 24°30'W-1550 feet

distant from the South $\frac{1}{4}$ corner of Section 35, T. 49 N., R. 2-E., B.M., in the NE $\frac{1}{4}$ - SW $\frac{1}{4}$

of Section 35, T. 49-N., R. 2-E., B.M.

7. Estimated cost of works: \$ 336,575.00

8. Kind of works: Forebay & pumping plant at river and woodstove pipe line

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;

dimensions of flume:

Diameter of pipe inches; length of conduit 5.4 miles.

Average grade per mile 18 feet.

12. The time required for the completion of such work is Five years.

13. The time required for the complete application of the water to the proposed use is Five additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

THE BUNKER HILL COMPANY, a corporation Applicant.

By W. G. WOOLF Agent.

Date of first receipt at Department of Reclamation: 10-A.M. September 25, 1956

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 26562

Recorded in Book 94 Page 26562 Approved Oct. 4, 1956

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before December 4, 1956 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before April 4, 1959

The whole of said work to be completed on or before October 4, 1961

Beneficial use of water appropriated in accordance herewith, to be made on or before October 4, 1966

WITNESS My hand this 4th day of October, 1956

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho,

and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 4th

day of October, 1956.

STATE OF IDAHO

Countersigned:

(SEAL)

By ROBERT E. SMYLIE

Governor.

By JAS. H. YOUNG

Secretary of State.

REMARKS: The applicant is engaged in the production of the non-ferrous metals, lead, zinc, copper and silver. Its operations include mining, milling and metallurgical processes. Up to the present time the water used in these processes has come from springs and streams originating on property owned by the applicant, and from a number of wells. Expanding operations require the additional water asked for in this application.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals	
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$		
			Permit No. 26562																	
			CERTIFICATE OF COMPLETION OF WORKS																	
			TO ALLWHOM IT MAY CONCERN:																	
			This is to certify that THE BUNKER HILL COMPANY, a corporation of Kellogg, County of Shoshone, and State of Idaho, the holder of Permit No. 26562, issued upon Application No. 34456 bearing date of priority of September 25, 1956, authorizing the diversion of 23.0 second feet of the waters of No. Fork of Coeur d'Alene River County of Shoshone, State of Idaho, for mining, milling, metallurgical & domestic purposes, has fully complied the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 12.9 second feet of the waters of the North Fork of the Coeur d'Alene river, tributary of Coeur d'Alene Lake; that the point of diversion of said waters NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31, T. 49 N., R. 2 East B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: for mining, milling, metallurgical & domestic purposes in NE $\frac{1}{4}$, Sec. 2, T. 48 N., R. 2 E., B.M.																	
			Witness my hand this 23 day of October, A.D. 1959																	
			/s/ GEO. N. CARTER State Reclamation Engineer																	
			Proof of Completion of Works Made: September 25, 1958 Certificate of Completion of Works Issued: October 23, 1959																	
			LICENSE ISSUED FOR 12.9 SEC. FT. Page 6798																	



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 17, 1990

Bunker Limited Partnership
P.O. Box 29
Kellogg, ID 83837

RE: Water Right No. 94-2213

Gentlemen:

Enclosed is an Order approving application for transfer no. 94-2213 along with a copy of the transfer.

Also enclosed is a copy of the approved request for extension of time to avoid forfeiture. Note that beneficial use of water under this right must resume on or before December 1, 1996.

Sincerely,

Sharla Curtis

for JIM JOHNSON
Water Rights Supervisor

Enclosure

MICROFILMED

SEP 24 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 17, 1990

Shoshone County Commissioners
County of Shoshone
Shoshone County Courthouse
Wallace, ID 83873

RE: Water Right No. 94-2213

Dear Applicant:

Enclosed is an Order approving application for transfer no. 94-2213 along with a copy of the transfer.

Also enclosed is a copy of the approved request for extension of time to avoid forfeiture. Note that beneficial use of water under this right must resume on or before December 1, 1996.

Sincerely,

Sharla Curtis

for JIM JOHNSON
Water Rights Supervisor

Enclosure

MICROFILMED

SEP 24 1990



WELCH, COMER & ASSOCIATES, INC.
CONSULTING ENGINEERS

June 19, 1990

RECEIVED
JUN 25 1990

Department of Water Resources

Gary Spackman
Idaho Department of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, Idaho 83720

Re: Shoshone County/Bunker Hill
Water Right Transfer

Dear Mr. Spackman:

We have reviewed the questions posed in your letter dated June 7, 1990, concerning the application for transfer of water rights from the Bunker Hill Enaville Well to Shoshone County. We offer the following answers for your consideration.

1. Components of use: Maximum flow rate, maximum volume diverted per year, amount of water consumptively used per year.

During its operation, Bunker Hill pumped approximately 5300 gpm (11.8 cfs) from the well located near the confluence of the North and South Forks of the Coeur d'Alene River. This pumping was continuous throughout the year to maintain operations at the smelter and mill. Based on the above information, we estimate 2.8 billion gallons of water was diverted each year.

Bunker Hill utilized this water for several different cooling processes at their smelter. These included, but are not limited to, cooling water for compressors, boiler feed water, and acid plant cooling. Bunker Limited maintenance superintendent, Ted Turnbow, has stated that the majority of this water was converted to steam during the cooling process and was released to the atmosphere. A portion of the water was also used for domestic use on the Bunker Hill site and as an emergency source for the Central Shoshone Water District, which used it only during low flow periods. Therefore, we would estimate that 50% of the flow was consumed.

MICROFILMED

The above information indicates that a considerable portion of the water used by Bunker Hill was consumptive use. The proposed use of the water would result in a minimum of consumptive use.

SEP 4 1990

2. Will the transfer of water rights injure other water rights? Will it result in enlargement of use?

The proposed transfer of Water Right No. 94-2213 will not injure other water rights. The water will be utilized for industrial and domestic use in the source drainage basin and returned to the South

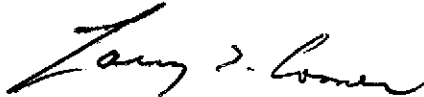
Fork of the Coeur d'Alene River after appropriate treatment. An enlargement in use beyond the flows diverted in the past by Bunker Hill is not proposed, since the only consumptive use would be for future lawn irrigation which would be nominal compared to the significant past industrial consumptive use.

3. Is the proposed use of water in the local public interest?

The proposed use of the water will greatly benefit the public in Shoshone County. First, existing domestic water systems in the western portion of the Silver Valley are inadequate in terms of water quantity for fire protection and industrial expansion. Secondly, Shoshone County receives its domestic water from several surface sources that are tributaries of the South Fork of the Coeur d'Alene River. These sources experience irregular seasonal flows and each will require filtration in the future to meet EPA standards. Multiple filtration plants would be necessary to treat each surface water source. Construction of these filtration plants is not a feasible option. The proposed use of the water right No. 94-2213 could eliminate the use of surface water sources and provide a high quality/high quantity flow for industrial and domestic use in the western Silver Valley.

We trust the above answers adequately satisfy your concerns. If you have any questions, please feel free to contact us.

Sincerely,
Welch, Comer & Associates


Larry E. Comer, P.E./L.S.

LEC:mlm

cc: Shoshone County Commissioners
Alisa Anderson, PAC

MICROFILMED

SEP 24 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 7, 1990

Board of County Commissioners,
County of Shoshone
Shoshone County Courthouse
Wallace, ID 83873

RE: Application for Transfer No. 3674 Proposing a Change in the
Place of Use and Change in Nature of Use of Water Right No.
94-2213

Gentlemen:

I have reviewed the application for transfer filed by Shoshone County, proposing to change the place of use and nature of use for water right no. 94-2213. The water right originally authorized the diversion of 12.9 cfs by Bunker Hill Company for mining, milling, metallurgical and domestic purposes.

The Department must review an application for transfer pursuant to Idaho Code § 42-222. Idaho Code § 42-222 contains three criteria which must be established by the applicant before the transfer can be approved: (1) Will the transfer injure other rights, (2) Will it result in an enlargement of use, and (3) Is the proposed use of water in the local public interest?

Despite the fact that the application was not protested, you must provide additional information regarding the three criteria. In particular, please exhibit that no other water rights will be affected by the change in both place of use and in the nature of use. I understand that the water is being transferred a significant distance. Please evaluate the effect of the transfer on other possible users from the North Fork of the Coeur d'Alene River.

My greatest concern is the possibility of an enlargement of use. You must provide information showing the amount of water that was or has traditionally been diverted by Bunker Hill from a ground water source. The evidence should address three components of use: (1) The maximum flow rate, (2) The maximum volume diverted per year, and (3) The amount of water that was consumptively used per year (not returned directly to the system).

Your proposed use of water cannot exceed any of the three components of prior use. The two components which will most

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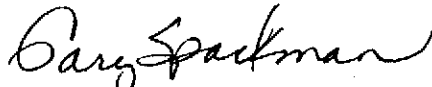
SEP 24 1990

probably limit future use are the total volume diverted, and the amount of water which will be consumed in your proposal. You must not exceed the values previously diverted or consumed.

Finally, your application for transfer proposes a transfer to municipal use. Municipal designation has traditionally been limited to water used within incorporated city limits. A municipal user has been granted the flexibility to use water for a variety of uses under the umbrella of "municipal use" and the water right has not been restricted by volume. The Department has carved out the exception to allow municipalities the flexibility they need to expand. The Department has not deemed it necessary to grant the same flexibility to unincorporated subdivisions, or developments outside of municipal limits. Therefore, I propose that municipal use be changed to domestic. The only difference is that the domestic use will be restricted by an annual volume and, may, in the future, need to identify the number of units being served.

Would you please submit the information I have requested within sixty (60) days of the date of this letter. If you need more time, please contact me. Failure to respond timely, could jeopardize the status of your application.

Respectfully,



GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Northern Region

MICROFILMED

SEP 4 1990

MEMORANDUM

TO: GARY

FROM: JIM JOHNSON

RE: TRANSFER APPLICATION REVIEW

DATE: April 25, 1990

=====

Gary, the attached transfer application proposes to change the nature of water use from Mining, Milling, and Domestic to Industrial, Commercial, and Municipal uses. The file does not contain any quantitative evaluation of the requested changes covered under Administrative Memorandum dated September 24, 1982. This memorandum provided guidelines for quantitative evaluation of change in nature of use transfer applications to insure that the intent of Section 42-222, Idaho Code, was complied with.

In addition to the above administrative memorandum an Administrative Memorandum dated November 5, 1979 deals with the "Definition of Municipal" use. A review of the provisions of this memorandum raise several questions that appear to conflict with including Municipal on the transfer application, such as;

1.) "The term (Municipal) identifies preferred right ..." which "allows the city to increase water use under an existing right." The right identified on transfer application did not include Municipal as a water use. To add the use to an established water right limited by its, rate of flow, consumptive use, and annual volume, (only the rate of flow is identified on the license) allows for expansion of those parameters, unless limited by conditions of approval of the transfer. At this point the consumptive use and volume are not known.

2.) The memorandum states " Due to the preferred nature of the municipal right its use is restricted to the corporate limits of the municipality." The place of use described on the transfer lists much larger area than "City Limits of the Municipality." I suppose that language in the conditions of approval could limit the use to with the City limits of the cities identified, however, the transfer would then exclude the areas supplied water outside of the city limits.

3.) Further the memorandum states "Unincorporated cities, subdivisions outside of city limits and other users of common water systems must identify the separate uses of domestic, irrigation, commercial, etc, and identify the specific place of use." This information needs to be added to the transfer application.

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SEP 24 1990

My assessment of this transfer application is, it would more time efficient to simply file an application for permit for Municipal use rather than for the applicant to submit the consumptive use and volume values of the existing right. The application will also need to include Domestic and Irrigation uses to specifically number of domestic units supplied water and acres irrigated not located within the city limits.

Based upon the deficiencies listed above my recommendation is to not approve this transfer until the listed matters are resolved.

cc: Tim Luke

MICROFILMED

SEP 24 1990

MEMORANDUM

TO: FILE

FROM: TIM LUKE

DATE: April 24, 1990

RE: TRANSFER APPLICATION 3674/LICENSE 94-2213

=====

This application changes the nature of use of the above license from mining and domestic use to municipal, industrial, and commercial uses. Use appears to be essentially for municipal purposes for towns in Silver Valley.

I recommend approval of the transfer as shown by the application for the exception of changing the source to groundwater. Although the source of water is clearly from a well adjacent to the North Fork of the Coeur d'Alene River, the original application and permit was for appropriation of the North Fork. The field exam and earlier documentation in the file clearly describes a shallow well (60 ft. deep) as the diverting works. The right however was licensed for the North Fork. The transfer should also show the North Fork as the source.

Approve transfer (without changing source to groundwater) subject to following conditions:

Water diverted for municipal purposes shall meet Idaho Water Quality standards.

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SEP 24 1990

NOTICE OF APPLICATION FOR TRANSFER OF WATER RIGHT

NOTICE IS HEREBY GIVEN that water right License No. 94-2213 in the name of Bunker Hill Co. was filed for the diversion of 12.9 Cubic Feet per Second of water from the North Fork of the Coeur d'Alene R., tributary to Coeur d'Alene Lake, with a point of diversion in the NENW Sec. 31 T49N R02E, Shoshone County, used for Milling, Mining, Metallurgical and Domestic purposes, within the NE 1/4 Sec. 2 T48N R02E, Shoshone County. The priority date is September 25, 1956.

The new owners, the Shoshone County Commissioners, now wish to clarify the source of water which is actually groundwater and to transfer the nature and place of use as follows:

12.9 CFS for Industrial Use
12.9 CFS for Commercial Use
12.9 CFS for Municipal Use

The place of use is:

T48N R02E Sec. 1 All N 1/2
Sec. 2 All N 1/2
Sec. 3 All N 1/2 and SW 1/4
All Sec. 4
All Sec. 5
Sec. 12 SENE and NESE

T48N R03E All Sec. 3
All Sec. 4
All Sec. 5
All Sec. 6
Sec. 7 All NW 1/4 and NWSW
Sec. 8 NENE
Sec. 9 NENW and NWNW
Sec. 10 All E 1/2 and SW 1/4
Sec. 15 All W 1/2

T49N R03E Sec. 31 All S 1/2

T49N R02E Sec. 30 All SE 1/4
Sec. 31 All NE 1/4
All Sec. 32
Sec. 33 All S 1/2
Sec. 34 All S 1/2
Sec. 35 All S 1/2
Sec. 36 All S 1/2

Also includes corporate city limits for Pinehurst, Smelterville, Kellogg and Wardner.

(For additional information concerning the property location, call the Northern Regional Office at 765-4639.)

Any protest to the proposed transfer may be filed with the Idaho Department

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SEP 24 1990

RECEIVED
APR 20 1990

Department of Water Resources

TRANSFER OF LIC. #94-02213

PLEASE SEND COPY OF ALL CORRESPONDENCE
~~THAT~~ TO

PANHANDLE AREA COUNCIL
GRANT ADMINISTRATION
11100 AIRPORT DR.
HAYDEN, ID. 83835

UNTIL APPROVAL

of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id.
83814, on or before March 5, 1990.

R. KEITH HIGGINSON, Dir.

Published in the Shoshone County News Press, on 2/15 & 22/1990.

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SEP 24 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Northern Region Office

1910 Northwest Blvd. * Suite 210 * Coeur d'Alene, Id. * 83814 * (208) 765-4639

Cecil D. Andrus
Governor

R. Keith Higginson
Director

February 2, 1990

Welch, Comer and Associates, Inc.
Mr. Larry E. Comer P.E. / L.S.
220 Harbor Plaza
Coeur d'Alene, Id. 83814

Re: Application For Transfer Of Water Right License # 94-02213

Dear Applicant:

This department acknowledges receipt of your application for transfer of above mentioned licensed water right with your filing fee in the amount of \$50.00 and your application for extension of time to avoid forfeiture of the above mentioned licensed water right for which your Receipt #N-003556 is enclosed.

Your transfer application is currently being prepared for advertising in the county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests.

If the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. However all protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

If the application is not protested it will be forwarded to Boise, where departmental staff will conduct a more in depth review of the application, to determine if there is a need for further information that will facilitate the Directors decision on the application. You will be notified by mail of this decision.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,


Tom D. King
Sr. Water Resource Agent

Enc: Receipt

RECEIVED

FEB 24 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Northern Region Office

1910 Northwest Blvd. * Suite 210 * Coeur d'Alene, Id. * 83814 * (208) 765-4639

Cecil D. Andrus
GovernorR. Keith Higginson
Director

December 15, 1989

Welch, Comer and Associates, Inc.
Mr. Lorry E. Comer P.E./L.S.
220 Harbor Plaza
Coeur d'Alene, Id. 83814

Re: 94-02213

Dear Mr. Comer:

The Idaho Department of Water Resources has received your Application For Transfer of the above referenced water right. However I regret to inform you that the application is not acceptable in its present form, so I am returning it to allow you to clarify / complete the following:

A filing fee of \$50.00 must accompany the application.

Part 1, Item 1. Each use must be listed separately with the rate of diversion and period of use for each use.

Part 1, Item #5: This item must be completed by listing the location of all proposed water uses to the nearest 40 acre tract. This may be done by following these steps: First insert Township (Twp.) Ranges (Rge.), Sections (Sec); next, identify each use and location of that use within the section by placing the indicated symbol in the appropriate box as shown below.

STOCKWATER = S; DOMESTIC = D; COOLING = L; FISH PROPAGATION = H;
RECREATION = R; COMMERCIAL = C; FIRE PROTECTION = F; INDUSTRIAL = I;
MINING = X; AESTHETICS = J; GROUNDWATER RECHARGE = G; WILDLIFE = W;
HEATING = G; MUNICIPAL = M; POWER = P; IRRIGATION = I (NUMBER OF ACREAGE TO BE IRRIGATED IN EACH 40 ACRE TRACT);

SEP 24 1990

Twp.	Rge.	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
50N	04W	3	S	D	L	I	20	10	6										

This example shows that within Township 50 North, Range 4 West, Section 3, there is Stockwater use in the NE $\frac{1}{4}$ NE $\frac{1}{4}$; Domestic use in the NW $\frac{1}{4}$ NE $\frac{1}{4}$; Cooling (L) in the SW $\frac{1}{4}$ NE $\frac{1}{4}$; Industrial in the SE $\frac{1}{4}$ NE $\frac{1}{4}$; and irrigation of 20 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 10 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 6 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$. Municipal can only be used by incorporated cities.

Welch, Comer and Associates, Inc.

Page Two

December 15, 1989

I have taken the liberty of completing Item #8 on the application for extension of time to avoid forfeiture of a water right, however a fee of \$50.00 must accompany this application also.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,


Tom D. King
Sr. Water Resource Agent

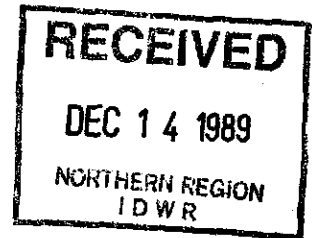
Enc: Trans. App.
Ext. App.

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SEP 24 1990



WELCH, COMER & ASSOCIATES, INC.
CONSULTING ENGINEERS



December 12, 1989

Bob Haynes
Idaho Department of Water Resources
1910 N.W. Blvd., Suite 210
Coeur d'Alene, Idaho 83814

Re: Shoshone County/Bunker
Hill Well

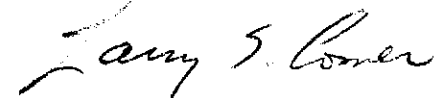
Dear Bob:

I am transmitting for review and processing by your Department, the following documents relative to the transfer of ownership of the Bunker Hill Water System to Shoshone County:

1. Application for Transfer of Water Right, Parts 1 and 2.
2. Application for Extension of Time to Avoid Forfeiture of a Water Right.
3. Option to Purchase Bunker Hill Water System, from Bunker Limited Partnership to Shoshone County, Idaho.
4. Letter from Bunker Limited stating that they have made beneficial use of the Enaville Well within the last five years.
5. Narrative of phased water system use plan (Application for Transfer Part 3).

Please let me know if you should require any further information concerning the proposed water right transfer.

Sincerely,
WELCH, COMER & ASSOCIATES


Larry E. Comer, P.E./L.S.

schob.1
LEC:tlw
Enclosures

SEP 24 1990

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE
OF A WATER RIGHT

Pursuant to Section 42-222 of the IDAHO CODE, notice is hereby given that Bunker Limited Partnership, P.O. Box 29, Kellogg, Id., has filed with the Department of Water Resources on January 30, 1990, an Application for Extension of Time to Avoid Forfeiture of Water Right No. 94-2213.

Water Right No. 94-2213, as licensed, is for 12.9 cubic feet per second of Water from the Coeur d'Alene River, North Fork, tributary to Coeur d'Alene Lake with a point of diversion in the NENW Sec. 31 T49N R02E, Boise Meridian, Shoshone County, used for Mining, Milling, Metallurgical and Domestic purposes, located in the NE 1/4 of Sec. 2 T48N R02E, Boise Meridian, Shoshone County. The date of priority is September 25, 1956. The last date when water was applied to a beneficial use was November, 1986.

The applicant now wishes an extension of time until October 1, 1992, in which to apply the water to a beneficial use because the partnership is finalizing the terms of the sale of the water right and facilities to Shoshone County for other public uses. The County's new beneficial use may not be implemented for several years due to the water system construction and rehabilitation which is required.

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SEP 24 1990

RECEIVED
JUN 07 1990

Department of Water Resources

Any protest to the proposed extension of time may be filed with the Idaho Department of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814 on or before May 21, 1990.

R. KEITH HIGGINSON, DIR.

Published in the Shoshone County News Press on 5/3 & 10/1990.

MICROFILMED

SEP 24 1990



WELCH, COMER & ASSOCIATES, INC.
CONSULTING ENGINEERS

April 17, 1990

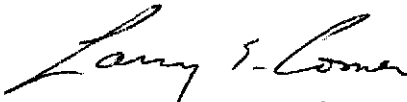
Tom King
Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, Idaho 83814

Re: Bunker Hill/Shoshone County
Water System

Dear Tom:

I have enclosed a letter from Bunker Limited Partnership which documents that the Bunker Hill Water System was last used in November of 1986.

Sincerely,
Welch, Comer & Associates


Larry E. Comer, P.E./L.S.

LEC:mlm
enclosure
cc: Shoshone County Commissioners
Alisa Anderson, PAC

MICROFILMED

SEP 24 1990

**BUNKER
LIMITED
PARTNERSHIP**

P. O. Box 29, Kellogg, Idaho 83837-0029

(208) 784-1261
FAX: (208) 786-1301

April 13, 1990

WELCH, COMER & ASSOCIATES, INC.
220 Harbor Plaza
610 W. Hubbard Avenue
Coeur d'Alene, ID 83814

Re: Shoshone County/Bunker Hill Water System
Renewal of License #94-02213

Gentlemen:

In 1986, Bunker Limited Partnership, the owner and operator of a water system commonly known as the Enaville Water Line and operating under License #94-02213, leased that facility to Kellogg Transfer, Inc. This lease was in effect from July 2, 1986 to May 21, 1989. Mr. Bob Kitchen of Kellogg Transfer states water was last used from the system in November, 1986.

Sincerely,

BUNKER LIMITED PARTNERSHIP
By BH Properties, Inc., General Partner



J. Melvin Baillie
Property Administration

JMB/gy

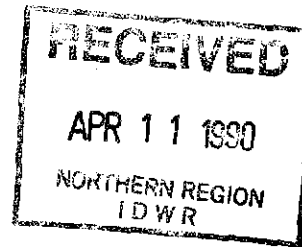
MICROFILMED

SEP 24 1990



WELCH, COMER & ASSOCIATES, INC.
CONSULTING ENGINEERS

April 9, 1990



Mel Bailey
Bunker Limited Partnership
834 McKinley Avenue
Kellogg, Idaho 83837

Re: Shoshone County/Bunker Hill
Water System

Dear Mr. Bailey:

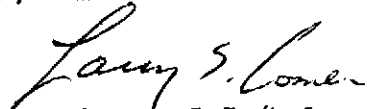
On behalf of Shoshone County, we have applied for an extension of the water right license for the Enaville Well from the Idaho Department of Water Resources. In order to process this request, Water Resources has required that we provide a written statement from your Company which gives a date that the water was last used.

I have enclosed a copy of the previous letter written by Mr. Kendrick which states that the water has been used within the past 5 years. Apparently, they now need a date of its last use.

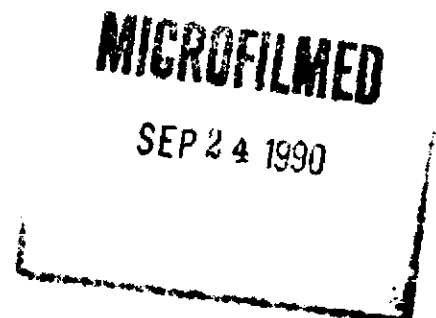
I would appreciate receiving a letter from your Company which provides this information, so that I can then transmit it to the Department of Water Resources to continue processing our application.

Thank you very much for the assistance you have provided the County in this endeavor.

Sincerely,
Welch, Comer & Associates


Larry E. Comer, P.E./L.S.

LEC:mlm
enclosure
cc: Alisa Anderson, PAC
Shoshone County Commissioners
Tom King, IDWR



RECEIVED MAR 15 1990

STATE OF IDAHO

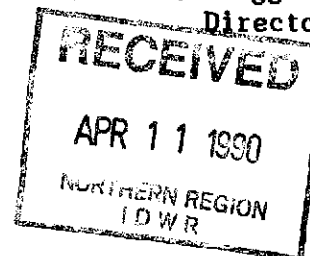
DEPARTMENT OF WATER RESOURCES

Northern Region Office

1910 Northwest Blvd. * Suite 210 * Coeur d'Alene, Id. * 83814 * (208) 765-4639

Cecil D. Andrus
Governor

R. Keith Higginson
Director



March 14, 1990

Welch, Comer and Associates, Inc.
Mr. Larry E. Comer P.E./L.S.
220 Harbor Plaza
Coeur d, Alene, Id. 83814

Re: Extension of time to Avoid Forfeiture of License #94-02213

Dear Mr. Comer:

The application for transfer of the above License has been advertised in the Shoshone County News Press and we have received no protests. The next step is for this office to send the application to our main office with a recommendation for approval.

Before we do this however you must first supply this office with the date the water was last used by Bunker Hill. If that date is less than 4 years, the Application for Extension is not yet needed. Since it is not possible to obtain more than one extension of time for a period of five years, it is in the applicants best interest to wait until forfeiture is imminent before you request an additional five years to re-commence use.

If I can be of any further assistance to you please feel free to contact me at this office.

Sincerely,


Tom D. King
Sr. Water Resource Agent

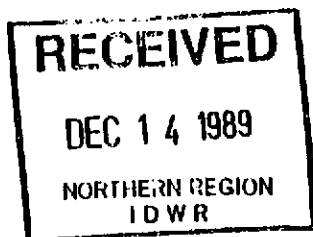
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SEP 24 1990

**BUNKER
LIMITED
PARTNERSHIP**

P. O. Box 29, Kellogg, Idaho 83837-0029

(208) 784-1261
FAX: (208) 786-1301



October 13, 1989

SHOSHONE COUNTY COMMISSIONERS
Shoshone County Courthouse
Wallace, ID 83873

Dear Commissioners:

Please be advised that Bunker Limited Partnership has made
beneficial use of water from the Enaville well within the
last five years.

Very truly yours,

BUNKER LIMITED PARTNERSHIP
By BH Properties, Inc.


J. W. Kendrick
President

JWK:nm

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SEP 24 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Northern Region Office

1910 Northwest Blvd. * Suite 210 * Coeur d'Alene, Id. * 83814 * (208) 765-4639

Cecil D. Andrus
Governor

R. Keith Higginson
Director

April 3, 1990

Mr. Larry E. Comer P.E./L.S.
Welch, Comer and Associates, Inc.
220 Harbor Plaza
Coeur d'Alene, Id. 83814

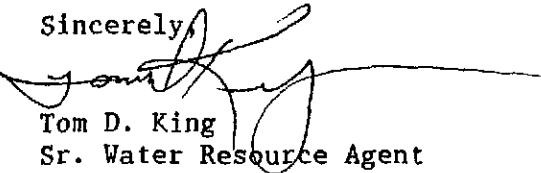
Re: Extension of time for Lic. # 94-02213

Dear Mr. Comer:

One of the criteria required for approval of a request for extension of time to avoid forfeiture is the date the water was last used. Since I have requested this information previously, I must insist that you supply this office with this information prior to April 17, 1990, to avoid denial of the Bunker Hill time extension application.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,


Tom D. King
Sr. Water Resource Agent

cc: P.A.C. Grant Administration
Shoshone County Commissioners

MICROFILMED

SEP 4 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Northern Region Office

1910 Northwest Blvd. * Suite 210 * Coeur d'Alene, Id. * 83814 * (208) 765-4639

Cecil D. Andrus
Governor

R. Keith Higginson
Director

March 14, 1990

Welch, Comer and Associates, Inc.
Mr. Larry E. Comer P.E./L.S.
220 Harbor Plaza
Coeur d, Alene, Id. 83814

Re: Extension of time to Avoid Forfeiture of License #94-02213

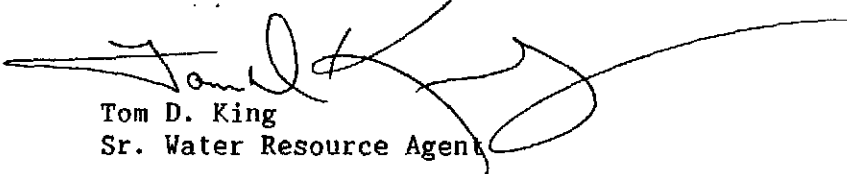
Dear Mr. Comer:

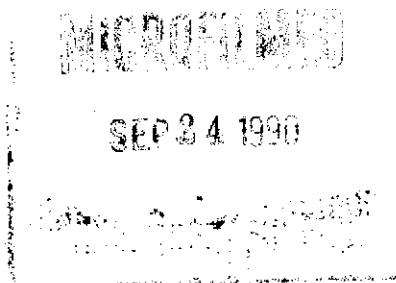
The application for transfer of the above License has been advertised in the Shoshone County News Press and we have received no protests. The next step is for this office to send the application to our main office with a recommendation for approval.

Before we do this however you must first supply this office with the date the water was last used by Bunker Hill. If that date is less than 4 years, the Application for Extension is not yet needed. Since it is not possible to obtain more than one extension of time for a period of five years, it is in the applicants best interest to wait until forfeiture is imminent before you request an additional five years to re-commence use.

If I can be of any further assistance to you please feel free to contact me at this office.

Sincerely,

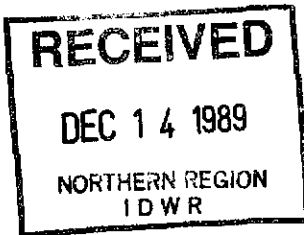

Tom D. King
Sr. Water Resource Agent



**BUNKER
LIMITED
PARTNERSHIP**

P. O. Box 29, Kellogg, Idaho 83837-0029

(208) 784-1261
FAX: (208) 786-1301



October 13, 1989

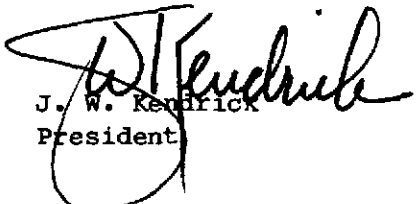
SHOSHONE COUNTY COMMISSIONERS
Shoshone County Courthouse
Wallace, ID 83873

Dear Commissioners:

Please be advised that Bunker Limited Partnership has made beneficial use of water from the Enaville well within the last five years.

Very truly yours,

BUNKER LIMITED PARTNERSHIP
By BH Properties, Inc.


J. W. Kendrick
President

JWK:nm

MICROFILMED

SEP 24 1990

June 28, 1989

Re: Bunker Hill Water Rights

Mr. Larry Comer
Welch, Comer & Associates
220 Harbor Plaza
610 W. Hubbard
Coeur d'Alene, ID 83814

Dear Larry:

I am writing in response to your request for a letter concerning options available to Shoshone County regarding the possible transfer of the Bunker Hill water system to the county. As I understand the problem, the county is dealing with the Department of Commerce for funding to accomplish acquiring the system and there is concern on the their part about the water rights. Ownership of a water right is a prerequisite of being able to effect a transfer of place of use or nature of use.

One possible way to deal with the problem would be for the county to seek permission from Bunker Hill to file a transfer that would be necessary to reflect the way the county would be using the water. Once all the processing had been completed the approval could be held until the actual ownership had been conveyed to the county.

In considering filing a transfer, one factor that should be investigated, is whether there has been five years of non-use on the Bunker Hill water right. If there has been the right may have been forfeited by that non-use.

If forfeiture has occurred the county may file a new application for permit to appropriate water.

I hope that this information is of help to you. If I can be of any further assistance, please contact me.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

MICROFILMED

SEP 24 1990

October 23, 1959

Re: Permit No. 26562

Bunker Hill Company
Box 29
Kellogg, Idaho

Attn: Ira A. Robson
Assistant Sec.

Dear Mr. Robson:

We enclose Certificate of Completion of Works and License
and Certificate of Water Right issued on Permit No. 26562.

We also enclose departmental receipt No. 29832 in the
amount of \$10.90 covering fees.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR:ew
Enc. certificate
license
receipt

26562

RT

September 28, 1959

RE: Permit No. 26562

Bunker Hill Company
Box 29
Kellogg, Idaho

Attention: Ira A. Robson, Assistant Secretary

Dear Mr. Robson:

Our field engineer's report on his inspection of the completion of works and beneficial use of the water under the terms of Permit No. 26562 shows that the works is capable of conveying 645 miner's inches (12.9 c.f.s.) of water for mining, milling, metallurgical and domestic purposes.

Upon receipt of the statutory fees, totaling \$10.90, we will issue the Certificate of Completion of Works (for which the fee is \$5.90) and the License and Certificate of Water Right (\$5.00), confirming the right with priority of September 25, 1956, to the use of 12.9 second feet of the water of the North Fork of the Coeur d'Alene River, a tributary of Coeur d'Alene Lake, with point of diversion in the NE $\frac{1}{4}$ NWP of Section 31, Township 49 North, Range 2 East, B. M., for mining, milling, metallurgical and domestic purposes in the NE $\frac{1}{4}$ of Section 2, Township 48 North, Range 2 East, B.M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR:mr

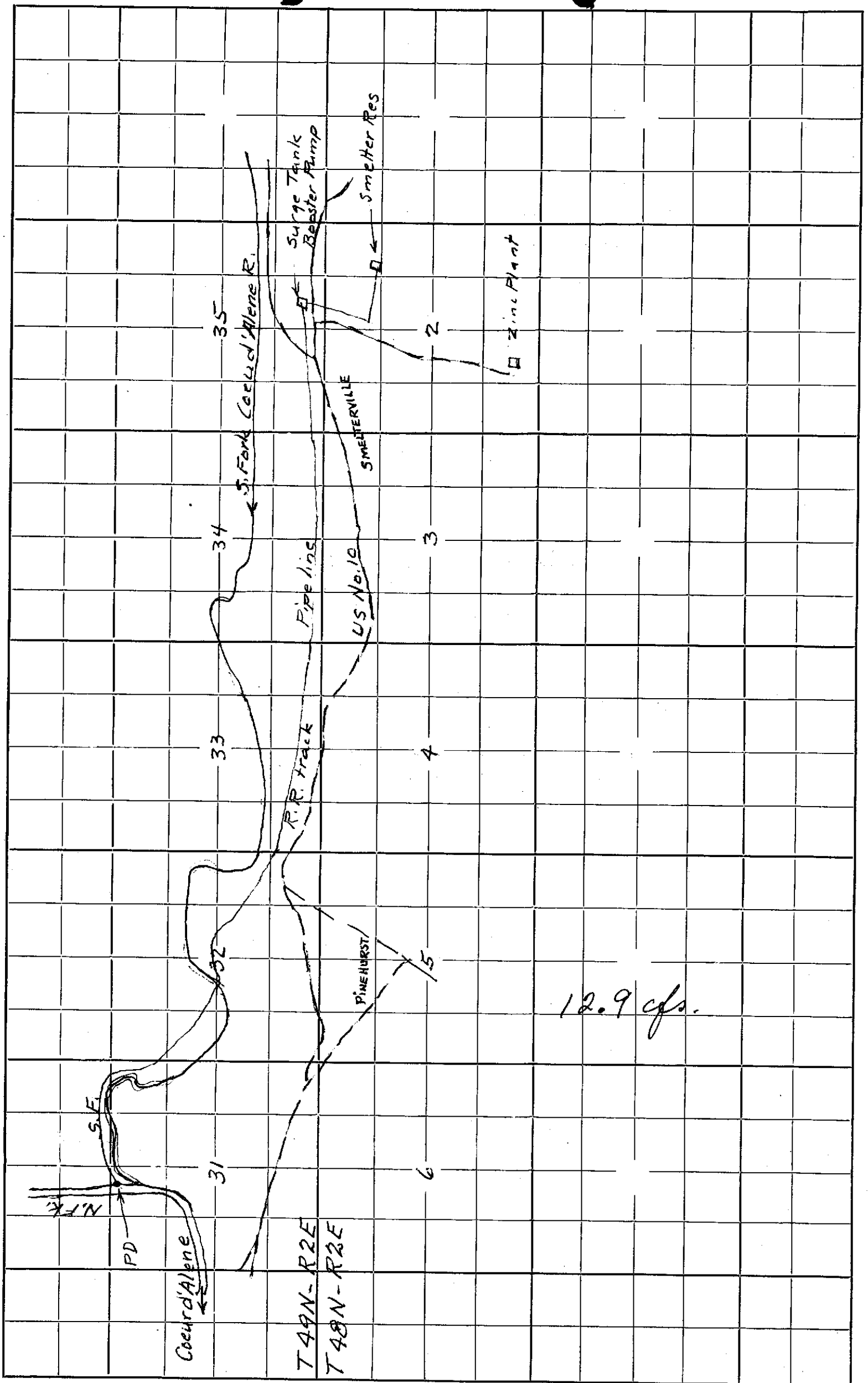
26562

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 26562

REPORT ON PROOF OF Completion of Works & Beneficial Use



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

26562

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 26562This proof is for Completion of Works and Beneficial Use In Water District No. _____1. Name of applicant Bunker Hill Company, A corporation2. Source of water supply: No. fork Coeur d'Alene River, tributary of Coeur d'Alene Lake3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31T. 49 N. R. 3 E. B.M. _____ County of Shoshone

4. Describe works as they exist, giving dimensions and capacities of same: Well 60' x 6' d. and h = 5' to 11' 2 - 200 hp B.T. Submersible connected by 4" in to 24" pipe line - part steel, part wood, wire wrapped. Water is pumped up to large booster tank then to storage tank and to other places of use. Used for cooling - for domestic - for milling.

5. Water is used for: Mining, milling, metallurgical and domestic purposes -6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Place of Use: NE $\frac{1}{4}$ Section 2, Twp. 48 North, Range 2 East, B.M.
(Bunker Hill Mining and Metallurgical Plant)

5800 gpm is max. pumped at present from this source.

Both pumps in same well.
Covered with heavy planks even with ground surface.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: _____

Harrel Peterson (Water Eng.) along.

This examination was made on the 30 day of July, 1959(Signed) E. N. Thompson Examiner.

26562

9(3500
400
845

250 X 10 X 20 X 50
105 - 1645

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
SEP 24 1959

DEPARTMENT OF AGRICULTURE

Bunker Hill Company - 3-4-5 P.M.
Kellogg, Idaho at Brown's office
Permit No. 26562 in Kellogg
David Peterson, Engineer
Examination for Completion of Works
and Beneficial Use
County - Shoshone

31-49N-2E
Q - 23.0 cfs
S - N.F.K. Coeur d'Alene
P.D. - NENW 31-49N-2E
Mining, Milling, Metallurgical
and domestic
Point of Use - NE 1/4 2-48N-2E
5800 gpm

Filed Sept 25, 1956

Due 10-4-61
Due 10-4-66

Ina J. Ralston
06244
Barag

See Remarks on Wat. sheet.

"Water from springs & streams
on property is from a number
of wells."

Johnson Cafe in Kellogg
2:45 P.M.

Well 60 x 6' cap.

2 B.T. 200 hp. each

12" cal. 12"

3500 gpm @ 180'
338979 1750 gpm
338978 440 V
262 a
604.

44" static head

into a 24" pipe

11' = extreme d.f.
5' = h normal.

3700 gpm - one pump
5800 gpm - both operating

East of R.P. bridge by Eureka
100' on E. side of river.

THE BUNKER HILL COMPANY

Executive Office: 660 MARKET STREET, SAN FRANCISCO 4, CALIFORNIA • Operations Office: BOX 29, KELLOGG, IDAHO

PLANT SERVICES DIVISION
Kellogg

August 25, 1959

State of Idaho
Dept. of Reclamation
Boise, Idaho

Attn.: E.N. Humphrey

Dear Mr. Humphrey:

Enclosed is a copy of the corrected map, to be placed in your file on Permit No. 26562, North Fork water right.

I think you will find this map shows everything you ask for, if not please feel free to ask for any additional information.

Yours truly,



Darrell I. Petersen
Water Superintendent

DIP:ec

AUG 28 1959
Department of Reclamation

26562

August 3, 1959

Re: Permit No. 26562

Bunker Hill Company
Kellogg, Idaho

Attn: Darrel Peterson
Engineer Division

Dear Mr. Peterson:

In making the corrected map to be placed in the file will you please show where the discharged water or effluent returns to the river.

Show pipeline, size or channel and settling pond, in fact the whole transmission line returning it to the river.

Yours truly,

GEO. N. CARTER
State Reclamation Engineer

By:

E. N. HUMPHREY, Deputy
State Reclamation Engineer

ENH: ew

26562



ROBERT E. SMYLLIE
Governor

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

GEO. N. CARTER, STATE RECLAMATION ENGINEER

BOISE

July 24, 1959

Re: Permit # 26562

Bunker Hill Company
Box 29
Kellogg, Idaho

Attn: Ira. A. Robson, Assistant Secretary

Dear Mr. ~~Robson~~

Statutes requires a field inspection in connection with the proofs on Permit # 26562 before license and certificate of water right can be issued.

Such inspection and report on same is required for any and all permits being brought to license within this State.

An inspecting Engineer from this Department requests that you or someone familiar with the terms of the permit and representing you be prepared to accompany him on the inspection, on Friday, at 10 o'clock in the morning, July 31, 1959.

If he cannot get in touch with you by phone or otherwise he will drive to the well location or point of diversion given in the permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

E. N. Humphrey
Deputy

ENH:ew

26562

July 24, 1959

Re: Permit No. 26562
Bunker Hill Company

Mr. Robert Brown
Attorney at Law
Kallaggs, Idaho

Dear Mr. Brown:

Enclosed is a copy of a form letter being sent to advise the Bunker Hill Company regarding an inspection in connection with their Permit No. 26562.

I have talked to Mr. Cal Dworshak, attorney at law here in Boise, and he advised me to get in touch with you so that you could make the necessary arrangements. I will try to call you by phone sometime during the week when I am in Coeur d'Alene, so that we can make a definite appointment regarding the place to meet.

I will be working in North Idaho all of the week of July 27th, and I will probably stop at the Skyline Hotel the evening of July 30th.

Very truly yours,

CHAS. E. CARTER
State Reclamation Engineer

By:

E. H. HUSPHEEY, Deputy
Reclamation Engineer

ENH:ew
Enc. copy
of inspection notice

26562

October 8, 1958

Re: Permit No. 26562

Bunker Hill Company
Box 29
Kellogg, Idaho

Attention: Ira A. Robson
Assistant Secretary

Dear Mr. Robson:

We acknowledge receipt of the depositions of yourself and two witnesses in Proof of Completion of Works and Beneficial Use on your Permit No. 26562, also the Affidavit of Publication from the Kellogg-News-Wardner.

This completes your proofs but before final action is taken, the law requires an examination by a field engineer from this department.

We cannot say at this time just when this examination will be made, but we will try and contact you in advance in order that you may be able to show him over the project.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Mrs. Edna P. Rutledge
Chief Clerk

EPR/A.lw

26562

PERMIT NO. 26562

Proof of Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Ira A. Robson, Assistant Secretary, The Bunker Hill Company,
Box 29, Kellogg, Idaho

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. The Bunker Hill Company, a Delaware corporation, Box 29, Kellogg,
Idaho, Assistant Secretary appearing in such capacity.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion. No. 26562, dated October 4, 1956. North Fork

Ans. of Coeur d'Alene River, S 88° 30' E 1750 ft. from the NW Corner Sec. 31,
T 49 N, R 2 EBM, and in the NE 1/4 of NW 1/4 of Sec. 31, T 49 N, R 2 EBM,
Shoshone County.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. For mining, milling, metallurgical and domestic purposes at The Bunker
Hill Company's mining and metallurgical plants at Kellogg, Idaho.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Water has been turned into works of diversion November 15, 1957,
12 cubic feet per second being used.

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Yes

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. None

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

2. Ans. Well adjacent to river with 24" wood stave pipeline. Capacity 23 cubic
feet per second. Two 200 HP submerged pumps each 4000 gallons per minute. Well
59 ft. in depth, 6 ft. casing, 5 ft. to water depth. 5.4 miles of pipeline. Total cost
\$445,201.56.

(Sign here.)

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Kellogg,

County of Shoshone, State of Idaho, on this 25th
day of September A. D. 1958

Harriet A. Bergman
Notary Public.

My Commission expires October 24, 1961.

26562

The Depositions of Witnesses, in this form, taken separately, required in each case.

PERMIT No. 26562..

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Le Vern M. Griffith, Electrical Engineer, Box 29, Kellogg, Idaho.....

Ques. 2. Are you acquainted with... The Bunker Hill Company....., the

holder of Permit No. 26562.....authorizing the diversion of.. 23.....second-feet of the waters of the North Fork of the Coeur d'Alene River....., at Shoshone County, Idaho for.....mining.....purposes? How long have you known him, and where does he reside?

Ans. Twenty-five years. Kellogg, Idaho.....

Ques. 3. Have you read or heard read said Permit No. 26562....., and are you familiar with its terms and conditions?

Ans. Yes.....

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use? If so, when were they so completed?

Ans. Completed November 1, 1957.....

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.

Ans. Works consist of two 200 HP pumps with approximately 5.4 miles of 24" wood stave pipeline; capacity of pipeline 23 cubic feet per second; capacity of pumps each 4000 gallons per minute.....

(Sign here.)

Le Vern M. Griffith

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Kellogg....., County of Shoshone....., State of Idaho, on this 25th..... day of September..... A. D. 1958..

My Commission expires October 24, 1961.....

Harriet L. Bergman
Notary Public.

26562

The Depositions of Witnesses, in this form, taken separately, required in each case.

PERMIT No. 26562...

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Victor M. Vang, Mechanical Engineer, Box 29, Kellogg, Idaho.....

Ques. 2. Are you acquainted with The Bunker Hill Company....., the holder of Permit No. 26562.....authorizing the diversion of 23.....second-feet of the waters of the North Fork of the Coeur d'Alene River....., at Shoshone County, Idaho for mining.....purposes? How long have you known him, and where does he reside?

Ans. Twenty-five years.. Kellogg, Idaho.....

Ques. 3. Have you read or heard read said Permit No. 26562....., and are you familiar with its terms and conditions?

Ans. Yes.....

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use? If so, when were they so completed?

Ans. Completed November 1, 1957.....

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.

Ans. Works consist of two 200 HP pumps with approximately 5.4 miles of 24" wood stave pipeline; capacity of pipeline 23 cubic feet per second; capacity of pumps each 4000 gallons per minute.....

(Sign here.)

Victor M. Vang.....

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Kellogg....., County of Shoshone....., State of Idaho, on this 25th..... day of September..... A. D. 1958..

My Commission expires... October 24, 1961..

Harriet S. Bergman.....
Notary Public.

26562

PROOF OF PUBLICATION

STATE OF IDAHO,
County of Shoshone,

SS.

NOTICE OF PROOF OF COMPLETION OF WORKS APPLICATION OF WATER TO BENEFICIAL USE

NOTICE is hereby given that at 2:00 o'clock P. M., on the 25th day of September, 1958, at Kellogg, County of Shoshone, State of Idaho, before HARRIET BERGMAN, a Notary Public, proof will be submitted of the completion of works for the diversion of twenty-three (23) cubic feet per second of surface waters from the North Fork of the Coeur d'Alene River, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 26562 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the corporation holding said permit are THE BUNKER HILL COMPANY, a corporation, at Kellogg, County of Shoshone, State of Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is twenty-

three (23) cubic feet per second.

3. The use to which said water has been applied is for mining, milling, metallurgical and domestic purposes, and the amount applied to beneficial use is twenty-three (23) cubic feet per second.

4. The point of diversion of said water is S. 88° 30' E. 1750 feet distant from the Northwest Corner of Section 31, T. 49 N., R. 2 E., B. M. and is in the NE Quarter of the NW Quarter of Section 31, T. 49 N., R. 2 E., B. M., County of Shoshone.

5. The place where said water is used is S. 32° W. 1450 feet distant from the NE corner of Section 2, T. 48 N., R. 2 E., B. M., in the NE Quarter of Section 2, T. 48 N., R. 2 E., B. M.

6. The date of priority which said user is prepared to establish is the 25th day of September, 1956

GEO. N. CARTER, State Reclamation Engineer.
8-22-29-9-5-12

Wm. Penney, being first duly sworn deposes and says that he is publisher of KELLOGG-NEWS-WARDNER a weekly 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

*Notice of Proof
of Completion of Works
Application of Water
to Beneficial Use*

*The Bunker Hill Company
Permit No 26562*

of which the annexed is a true copy, was published in each regular weekly issue of said newspaper, and not in a supplement thereto, for a period of Four consecutive weeks, the first publication thereof being in its issue dated Aug. 22, 1958

and the last publication thereof being in the issue dated Sept. 12, 1958

Wm Penney
Subscribed and sworn to before this 30th
day of September, 1958

Wendell R. Brainerd

Notary Public

26562

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 26562

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Ira A. Robson, Kellogg, Idaho, Assistant Secretary The Bunker Hill Company, Box 29, Kellogg, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. The Bunker Hill Company a Delaware Corporation, Box 29, Kellogg, Idaho, Assistant Secretary, appearing in such capacity.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. No. 26562, Dated October 4, 1956, date of priority September 25, 1956

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. North Fork Coeur d'Alene River, S 88°30' E 1750 ft. from the NW Corner Sect. 31, T 49 N, R 2 EBM, and in the NE 1/4 of NW 1/4 of Section 31, T 49, N, R 2 EBM, Shoshone County.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

2 Ans. Well adjacent to river with 24" wood stave pipe line capable of carrying 23 Cu. Ft. per second. Present pumps capable of 19.4 Cu. F. per second. Well 59 Ft. in depth, 6 ft. casing, 5 ft. to water depth, varying with depth of river flow. 2-200HP submerged pumps each capable of 4000 gallons per minute. Measured by reservoir pumping. 5.4 miles of pipeline.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Used for mining, milling metallurgical and domestic purposes, at The Bunker Hill Company's mining and metallurgical plants at Kellogg, Idaho

NW 4, Sec. 2, T. 48 N., R. 2 E

26562

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. At the present time water is used in metallurgical processes and for domestic use.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 23 Cubic Feet Per Second.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Same Holder

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Water in continuous use since November 15, 1957. Twelve cubic feet per second being used at present time with use and need gradually increasing to expected 23 cubic feet per second.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. Company at the present time, in addition to above permit, obtains water from Milo Creek, Wardner, Idaho with seasonal variations from 250 gallons per minute to 5000 gallons per minute; 1200 gallons per minute from Miners Slough near Big Creek, and 250 gallons per minute to 1500 gallons per minute, seasonal variation, from Government Gulch, all of Shoshone County, Idaho. Uses are the same for mining and metallurgical uses and domestic use.

(Sign) *Ernest J. Johnson*

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Kellogg, County of Shoshone State of Idaho, on this 25th day of September, A. D. 1958

Harriet E. Bergman

My commission expires October 24, 1961.

26562

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 26562**Proof of Application of Water to Beneficial Use****Deposition of Witness**

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Victor M. Vang, 58, Kellogg, Idaho, Mechanical Engineer, Box 29

Ques. 2. Are you acquainted with THE BUNKER HILL COMPANY, the holder of Permit No. 26562? How long have you known him and where does he reside?

Ans. Twenty-Five years, Kellogg, Idaho

Ques. 3. Have you read or heard read said Permit No. 26562, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. North Fork Coeur d'Alene River S 88° 30' E 1750 ft. from the NW Corner Sect. 31, T 49 N, R 2 EBM, and in the NE 1/4 of NW 1/4 of Section 31, T 49 N, R 2 EBM, Shoshone County

Works consist of 2 - 200 HP pumps with approximately 5.4 miles of 24" wood stave pipeline.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Will conduct 23 cubic feet per second. Have seen conveyed 19.4 second ft.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Used for mining, milling, metallurgical and domestic purposes, at The Bunker Hill Company's mining and metallurgical plants at Kellogg, Idaho

26562

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. At the present time water is used in metallurgical processes and for domestic use.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. _____

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Installation completed November 1, 1957 and first water pumped for process use on November 15, 1957 and I have watched continuous use of water since that date.

(Signed)

Victor M. Tang

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Kellogg, Idaho,
County of Shoshone, State of Idaho, on this 25th day of September,
A. D. 1958.

Harriet S. Bergman

Notary Public.

My commission expires October 24, 1961

26562

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 26562

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. LeVern M. Griffith, 50, Kellogg, Idaho, Electrical Engineer,

Box 29

Ques. 2. Are you acquainted with THE BUNKER HILL COMPANY, the holder of Permit No. 26562? How long have you known him and where does he reside?

Ans. Twenty-Five years. Kellogg, Idaho

Ques. 3. Have you read or heard read said Permit No. 26562, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. North Fork Coeur d'Alene River S 88°30' E 1750 ft. from the NW Corner Sect. 31, T 49 N, R 2 EBM, and in the NE 1/4 of NW 1/4 of Section 31, T 49 N, R 2 EBM, Shoshone County.

Works consist of 2- 200 HP pumps with approximately 5.4 miles of 24" wood stave pipeline.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Will conduct 23 cubic feet per second. Have seen conveyed 19.4 second ft.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Used for mining, milling, metallurgical and domestic purposes, at The Bunker Hill Company's mining and metallurgical plants at Kellogg, Idaho

26562

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. At the present time water is used in metallurgical processes and for domestic use.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. _____

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Installation completed November 1, 1957 and first water pumped for process use on November 15, 1957 and I have watched continuous use of water since that date.

(Signed) _____

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Kellogg, Idaho,
County of Shoshone, State of Idaho, on this 25th day of September,
A. D. 19 58.

Harriet S. Bergman

Notary Public.

My commission expires October 24, 1961

26562

September 22, 1958

Re: Permit No. 26562

Kellogg-News-Wardner
Kellogg
Idaho

Gentlemen:

Please send a copy of the paper in which the first publication of Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 26562, The Bunker Hill Company, appeared.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR:nls

26562

Note - Re: Permit No. 26562
The Bunker 1 Company

Mr. Dworshak was in the office today,
8/13/58 - and delivered the Authorization
for Publication in connection with Permit
No. 26562 - also he picked up a set of
depositions of Proof, and is sending them
to Mr. Brown, a Notary. He also picked
up a set of depositions for his own use.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
Boise, Idaho

Date: August 13, 1958

Re: Permit No. 26562
The Bunker Hill Company

Kellogg-News-Wardner
Kellogg, Idaho

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to September 25, 1958 the date set for proof;

the expense of the publication is to be paid by the applicant's Attorneys

Worthwine & Dworshak, Continental Bank of Bldg. Boise, Idaho

to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear-sheet of the first publication.**

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Mrs. Edna P. Rutledge
Chief Clerk

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

EPR:lw
Encs. (1)

26562

WORTHWINE & DWORSHAK

ATTORNEYS AND COUNSELORS AT LAW

CONTINENTAL BANK BLDG.

BOISE, IDAHO

August 12 1958

OSCAR W. WORTHWINE
CALVIN DWORSHAK

TELEPHONE:
4-4621

RECEIVED
AUG 13 1958
Department of Reclamation

State of Idaho
Reclamation Engineer
Boise Idaho

RE: Permit No. 26562
The Bunker Hill Company

Dear Sir:

You are hereby authorized to have the
attached notice published at our expense in the
Kellogg-News-Wardner of Kellogg, Idaho, a news-
paper published in the County in which the works
are situated.

Yours very truly

WORTHWINE & DWORSHAK

BY

Calvin Dworshak

CD;dw
encl

26562

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

NOTICE is hereby given that at 2:00 o'clock P.M., on the 25th day of September, 1958, at Kellogg, County of Shoshone, State of Idaho, before HARRIET BERGMAN, a Notary Public, proof will be submitted of the completion of works for the diversion of twenty-three (23) cubic feet per second of surface waters from the North Fork of the Coeur d'Alene River, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 26562 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the corporation holding said permit are THE BUNKER HILL COMPANY, a corporation, at Kellogg, County of Shoshone, State of Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is twenty-three (23) cubic feet per second.

3. The use to which said water has been applied is for mining, milling, metallurgical and domestic purposes, and the amount applied to beneficial use is twenty-three (23) cubic feet per second.

4. The point of diversion of said water is S. 88° 30' E. 1750 feet distant from the Northwest Corner of Section 31, T. 49' N., R 2' E., B.M. and is in the NE Quarter of the NW Quarter of Section 31, T. 49' N., R 2' E., B.M., County of Shoshone.

26562

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5. The place where said water is used is S. 32° W. 1450 feet distant from the NE corner of Section 2, T. 48 N., R. 2 E., B.M., in the NE Quarter of Section 2, T. 48 N., R. 2 E., B.M.

6. The date of priority which said user is prepared to establish is the ^{25th}~~4th~~ day of ^{SEPTEMBER}~~OCTOBER~~, 1956.

State Reclamation Engineer

26562

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October 11, 1956

RE: Permit No. 26562

The Bunker Hill Company, a corporation
C/o Worthwine & Dworshak
Box 737
Boise, Idaho

Gentlemen:

We enclose Permit No. 26562 in the name of the Bunker Hill Company, a corporation, and direct attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose departmental receipt No. 28186 for the \$10.50 filing fee on this Permit.

Very truly yours,

MARIE R. KULP
State Reclamation Engineer
By

Chief Clerk

R;hll
Enc.

26562

(Form No. 1)

WORTHWINE & DWORSHAK

P. O. Box 737 - Boise, Idaho

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No.

Permit No.

District No.

1. Name of applicant: THE BUNKER HILL COMPANY, a corporation

Post office address Kellogg County Shoshone State Idaho

I. If applicant is a corporation, give Incorporated July, 1887-State of Oregon
Reincorporated March, 1924-State of Del.(a) Date and place of incorporation:
Common: \$3,270,000.00 \$3,270,000.00 Common
(b) Amount of capital stock: \$2,000,000.00 Pref. Amount paid in: \$840,200.00 Pref.

(d) Names and addresses of directors: John D. Bradley, W. W. Crocker, Donald H. McLaughlin, John L. Merrill and D. J. Murphy, all of San Francisco, Calif., and Stanly A. Easton, Coeur d'Alene, Idaho, and L. J. Randall, Wallace, Idaho.

II. The financial resources of the applicant are: (a) Cash on hand: \$4,784,396.00

(b) Treasury stock: (c) Bonds to be issued:

(d) Other resources:

2. Quantity of water claimed: Twenty-three cubic feet per second

3. Source of water supply: North Fork-Coeur d'Alene River
which is tributary of Coeur d'Alene Lake4. Location of point of diversion: S. 88°30' E-1750 feet distant from the Northwest corner
of Section 31, T. 49 N. R. 2-E., B. M., and is in the NE 1/4 of the NW 1/4
of Section 31, T. 49 N. R. 3-E., B. M., County of SHOSHONE

5. Water is to be used for Mining, Milling, Metallurgical and domestic purposes

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: S. 32° W. 1450 feet distant from N.E. corner of Section 2
T. 48 N. R. 2-E., B. M., in the NE 1/4 of Section 2, T. 48 N. R. 2-E., B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to South Fork-Coeur d'Alene River N. 24°30' W-1550 feet
distant from the South 1/4 corner of Section 35, T. 49-N, R. 2-E, B. M., in the
NE 1/4 - S.W. 1/4 of Section 35, T. 49-N, R. 2-E, B. M.

7. Estimated cost of works: \$336,575.00

8. Kind of works: Forebay & pumping plant at river and woodstave pipe line
(Reservoir, dam, ditch, flume, pipe, etc.)9. Height of dam feet; length of dam at top feet; length of dam at bottom
(If height of dam will exceed 10 feet or will store more than 100 acre feet of water, send to Department of Reclamation for Regulations.)
feet; material used in dam

10. Size of headgate: Width feet; Height feet.

11. Ditch: Width at bottom feet; Width at water line feet; Depth of water feet;

Dimensions of flume ; Diameter of pipe inches;

Length of conduit 5.4 miles. Average grade per mile 18 feet.

26562

12. The time required for the completion of such work is Five years.

13. The time required for the complete application of the water to the proposed use is Five additional years.

14. The land to be irrigated is described in the following tabulation:

(Give irrigable acreage in each 40-acre subdivision)

[illegible]

Total Number of Acres to be Irrigated.....

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:.....

26562

16. (a) Is reservoir to be used? _____ (If so, fill in (b) and (c) below.)

(b) Name of reservoir and number of Storage Permit: _____

(c) Date of filing of Application for Storage Permit and Name of Applicant: _____

Remarks: **The applicant is engaged in the production of the non-ferrous metals, lead, zinc, copper and silver. It's operations include mining, milling and metallurgical processes. Up to the present time the water used in these processes has come from springs and streams originating on property owned by the applicant, and from a number of wells. Expanding operations require the additional water asked for in this application**

BE IT KNOWN That the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

THE BUNKER HILL COMPANY, a corporation.
Applicant.

By M. J. [Signature] Agent

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, _____, of _____, County of _____, State of _____, do hereby certify that I am the owner of the land on which the spring mentioned in the application of _____ is located, to-wit: _____ and that I do hereby grant unto the said _____ permission to file on the said spring as set forth in the foregoing application.

STATE OF IDAHO

County of _____ } ss.

On this _____ day of _____, 195____, before me, a Notary Public for the State of Idaho, residing at _____, personally appeared _____ known to me to be the person whose name _____ subscribed to the foregoing certificate, and acknowledged to me that he executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

My commission expires _____

Notary Public.

26862

Approval of State Reclamation Engineer

The number of this permit is

Recorded in Book Page Approved

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$..... to be filed before

Work to begin on or before, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before

The whole of said work to be completed on or before

Beneficial use of water appropriated in accordance herewith, to be made on or before

Witness my hand this day of, 195.....

.....
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ... Governor of the State of Idaho,
and Secretary of State of the State of Idaho, have caused
this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be
hereunto affixed, this day of, 195.....

Countersigned:

STATE OF IDAHO

By
Secretary of State.

By
Governor.

No.	
PERMIT	
Date of first receipt at office of State Reclamation Engineer	
Returned to applicant for correction	
Corrected application received	
Fees, \$	
FILING FEES FOR USE PERMIT:	
For the first Sec. Ft.	\$5.00
For each additional Sec. Ft. or Fraction	
Thereof	.25

**NOTICE OF PROOF
OF COMPLETION OF WORKS
and**

**APPLICATION OF WATER
TO BENEFICIAL USE**

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5. The place where said water is used is S. 32° W. 1450 feet distant from the NE corner of Section 2, T. 48 N., R. 2 E., B. M., in the NE Quarter of Section 2, T. 48 N., R. 2 E., B. M.

6. The date of priority which said user is prepared to establish is the 25th day of September, 1956.

GEO. N. CARTER, State Reclamation Engineer.