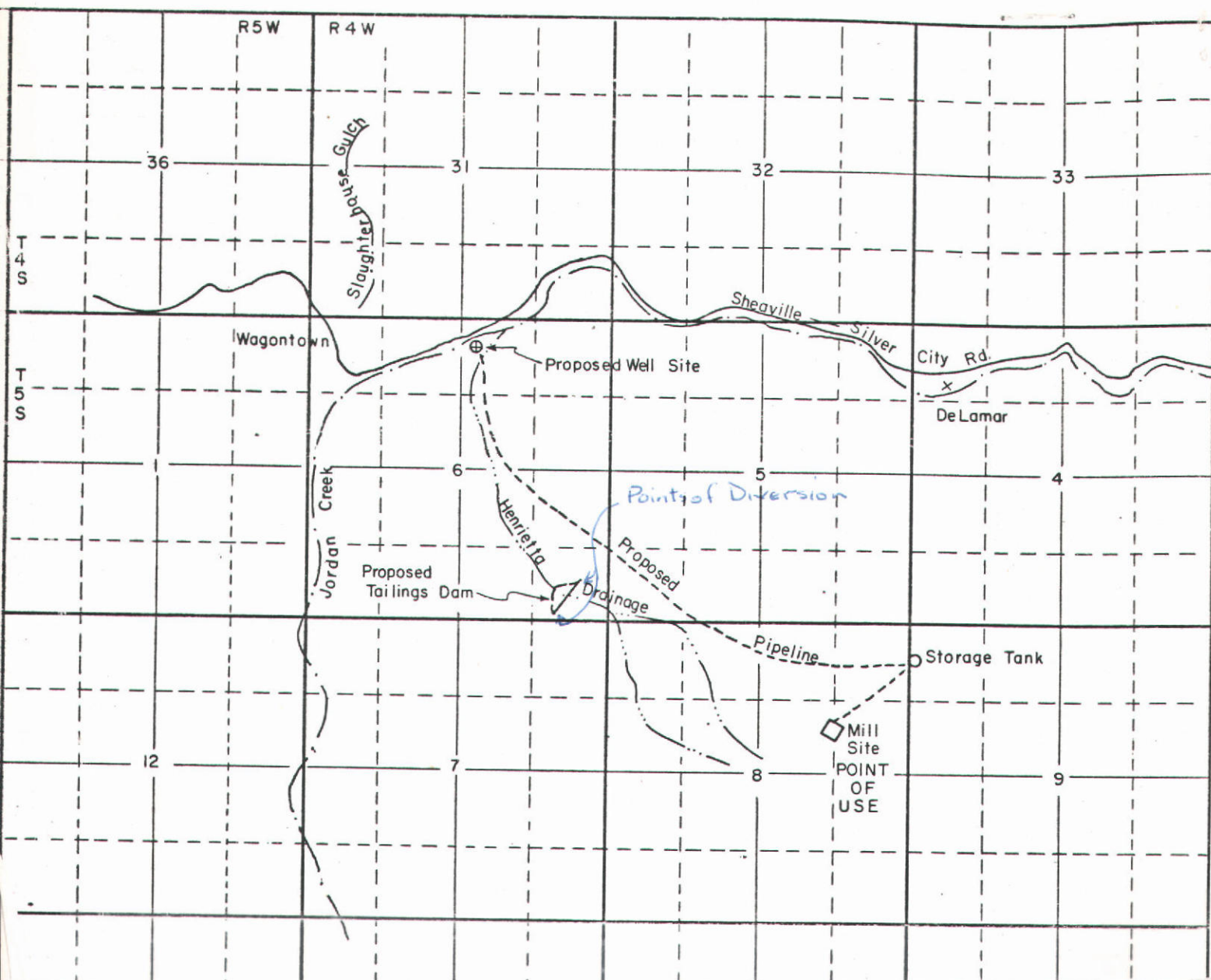




Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Golden, Colorado, this 4th day of March, 19 75.

Wm. J. Long
(signature)

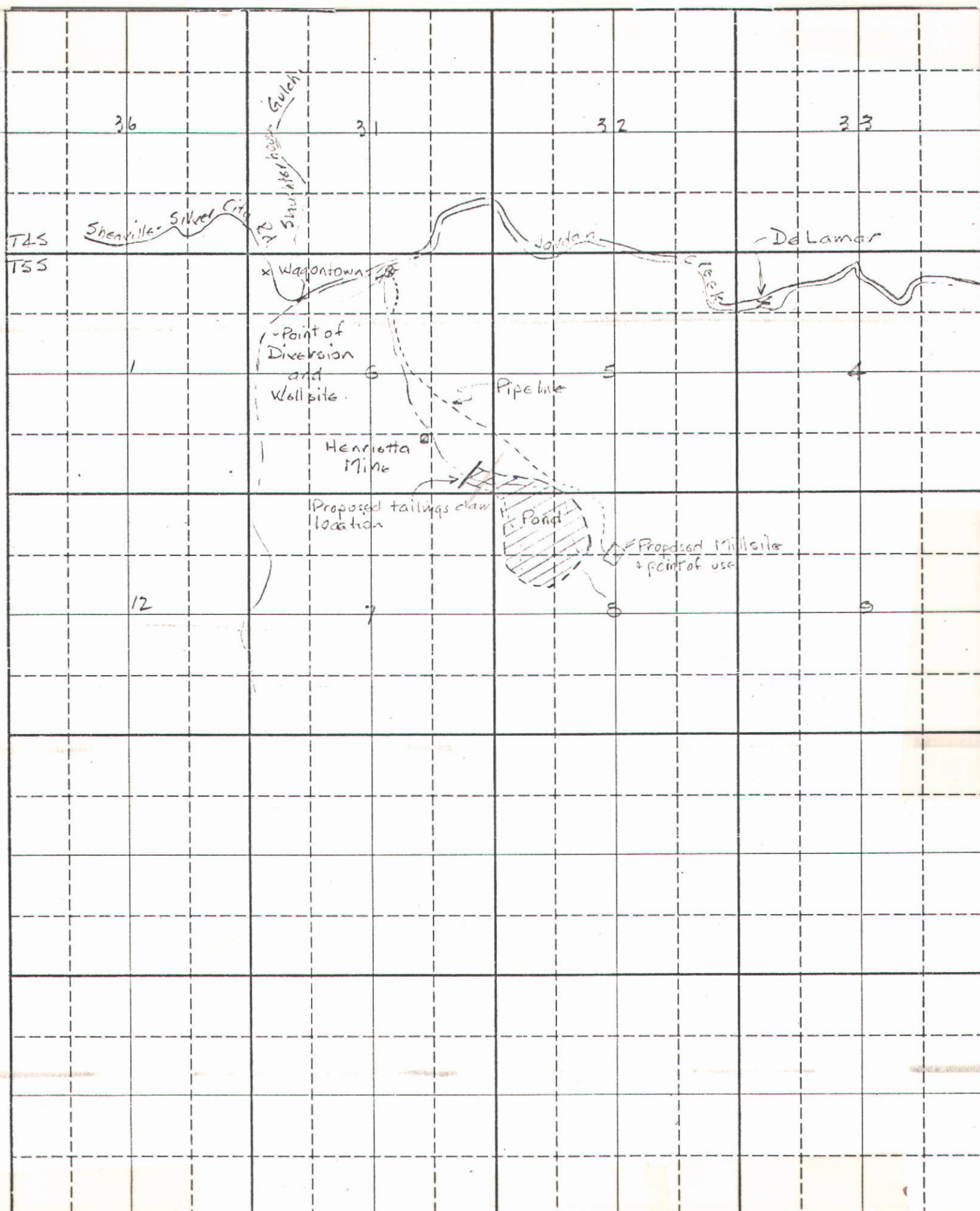
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, Administrator, ^{Operations Division} ~~Director~~ of the Department of Water Resources hereby approve the above application for amendment for Permit No. 55-7079.

Witness my hand this 13th day of March, 19 75.

A. Kenneth Dunn
Administrator, ~~Director~~ Operations Division

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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.

EARTH RESOURCES COMPANY BY:

William B. Tobey
(Applicant) William B. Tobey, Project Manager

PROOF OF PUBLICATION

STATE OF IDAHO

County of Owyhee

} s.s.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 19 day of Sept, 1974, and the last publication being on the 26 day of Sept, 1974;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Rodney A. Hawes
PUBLISHER

Subscribed and sworn to before me this 26 day of Sept, 1974.

Lois S. Hawes
NOTARY PUBLIC

My commission expires 9-10-76

(SEAL)

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that EARTH RESOURCES COMPANY, 5920 McIntyre St., Golden, Colorado 80401, has on September 4, 1974 submitted Application No. 55 - 7079 for a permit to appropriate 1.0 cubic feet per second 30 acre feet per annum of water from Henrietta Drainage, trib. to Jordan Creek by means of gravity system and pump within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T. 5 S., R. 4 W., B. M. Owyhee County to be used from Feb. 15 to June 1 for mining and milling uses within the E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 8, T. 5 S., R. 4 W., B. M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720, on or before Oct. 7, 1974.

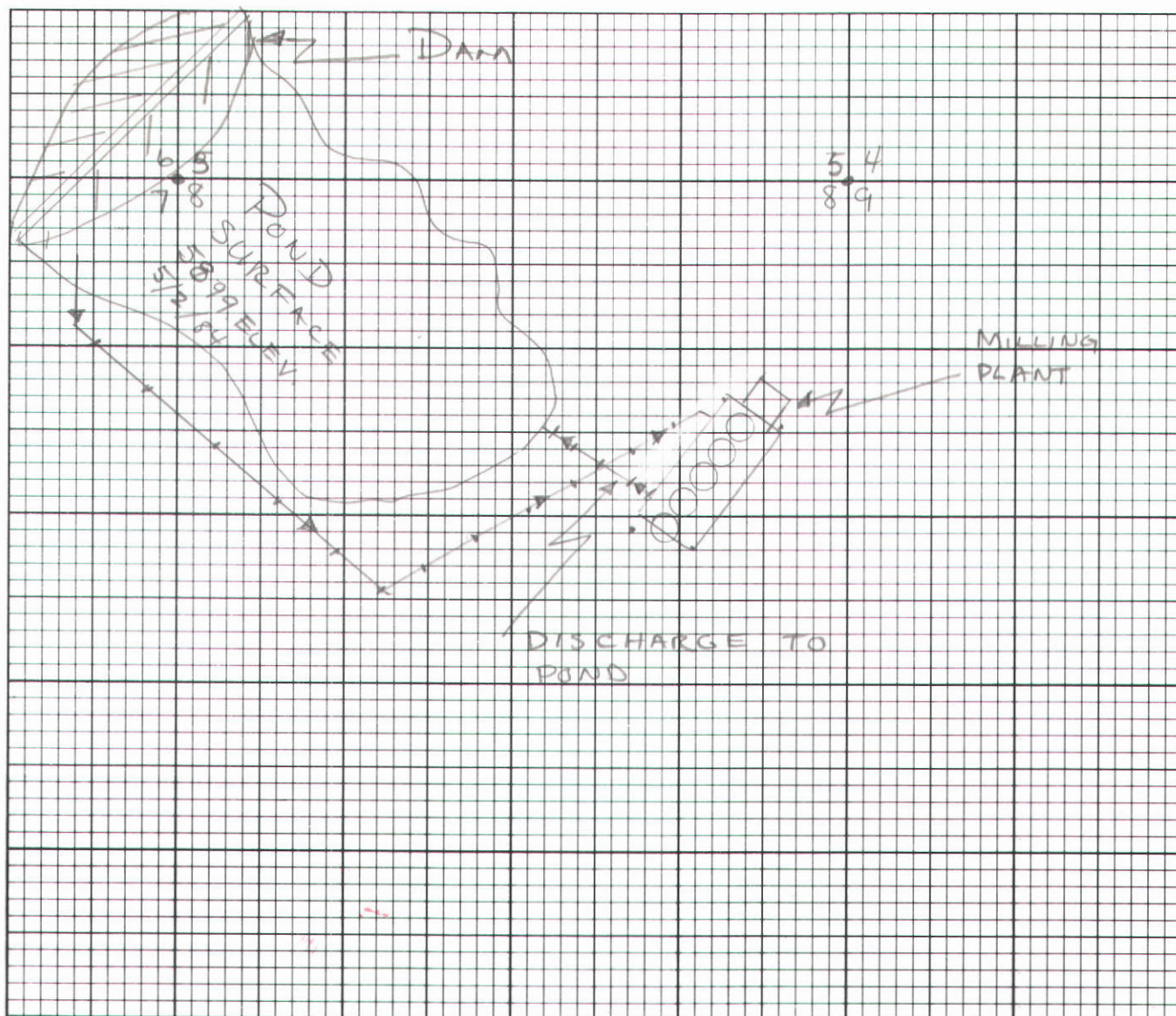
R. KEITH HIGGINSON,
Director.

Published in the Owyhee Nugget, Marsing, ID on Sept. 19, 1974 and Sept. 26, 1974.

OK
9-30-74
CW

MICROFILMED

10. Other water rights on these lands N/A
11. Other water right diverted from same p.d. N/A
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ Photo of Diversion & System Attached ☐ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks STORAGE FACILITY CONTAINED 650,000,000
gallons ON 10/3/84 MORE INFORMATION IS CONTAINED
IN DAM SAFETY FILE D 55-7079

15. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

16. Examiner's/Consultant's Signature Jim Johnson Date 10-9-84
 Consultant's License Number _____
 IDWR Director's Authorization to Conduct
 Beneficial Use Examination _____

Date

CONSULTANT SEAL

MICROFILMED

JAN 20 1989

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 55-7079

Priority: September 4, 1974 Amount: 30.0 AFA

This is to certify, that NERCO DE LAMAR CO.
DE LAMAR SILVER MINE
P.O. BOX 52

JORDAN VALLEY, OR 97910 has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated September 4, 1974, and has submitted proof to the Department of Water Resources on January 30, 1980, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a storage capacity of 1989.60 af of water from;

UNNAMED STREAM tributary to JORDAN CREEK

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Mining	01/01 to 12/31		30.0 afa
<u>LOCATION OF POINT OF DIVERSION(S):</u>		SESE , Sec. 6, Township 5S, Range 4W Owyhee County	
<u>PLACE OF USE:</u> Mining			
<u>TWN RGE SEC</u>			
5S 4W 8	SWNE	SENE	NESE SWSE

CONDITIONS/REMARKS:

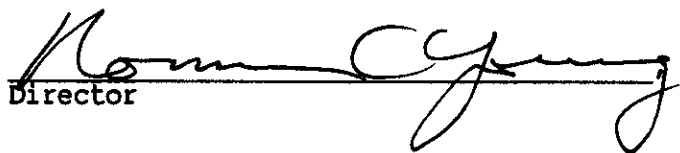
1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Return water shall be treated to insure that the effluent meets Idaho water quality standards.
5. Water diverted under this right shall be replaced by groundwater and shall be discharged into Jordan Creek in the event that Owyhee Reservoir does not fill to its capacity.
6. Use of water is for mining and milling purposes.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 6th day of JANUARY, 1989.

MICROFILMED

Acting for the

Director



State of Idaho
Department of Water Resources

RECEIVED
JAN 25 1988

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 55-7079

Department of Water Resources

Date of Priority: September 4, 1974

Comes now NERCO DE LAMAR CO.
111 S.W. COLUMBIA
SUITE 800
PORTLAND, OR 97201

and represents to the Director of the

APPROVED

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 55-7079, and requests that the permit be changed as follows:

Source: UNNAMED STREAM tributary to: JORDAN CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Mining	01/01 to 12/31		30.0 afa

LOCATION OF POINT OF DIVERSION(S): SESE, Sec. 6, Township 5S, Range 4W
Owyhee County

PLACE OF USE: Mining

TWN RGE SEC

5S	4W	8	SWNE	SENE	NESE	SWSE
----	----	---	------	------	------	------

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at _____, this 12th day of January, 1988.

MICROFILMED

JAN 20 1989

[Signature]
(Signature)
General Manager *

* per teleccn 1/28/88-kw

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 55-7079

FOR DEPARTMENT USE ONLY

Preliminary check by KW Fee = \$20.00 ✓ Received by SA Date 1-26-88 # 48321

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 55-7079 with the following;

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Water diverted under this right shall be replaced by groundwater and shall be discharged into Jordan Creek in the event that Owyhee Reservoir does not fill to its capacity.
5. Use of water is for mining and milling purposes.

Witness my hand this 6TH day of JANUARY, 1987.

Norm Young
Acting for the (Director)

MICROFILMED

JAN 20 1989

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	55-7079	Earth Resources Company	1.0 cfs
Full Assignment	55-7079	NERCO DeLamar Company	1.0 cfs

MICROFILMED

JAN 20 1989

State of Idaho
Department of Water Resources

SEP 24 1984

ASSIGNMENT OF PERMIT

Department of Water Resources

I, MAPCO Petroleum Inc., hereby assign to NERCO DeLamar Company
(formerly known as Earth Resources Co.)
of 111 SW Columbia, Suite 800 Portland, Oregon 97201
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 55-7079 and 55-7081
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 11th day of September, 1984.

[Signature]
Permit Holder Vice President

Spouse of Permit Holder

State of Oregon)
County of Multnomah) ss.

On this 11th day of September, 1984, personally
appeared before me the signer (M) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same on behalf of MAPCO Petroleum Inc.

seal

[Signature]
Notary Public residing at

Washington County Oregon

MICROFILMED

My commission expires:
9-16-86

JAN 20 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXTENSION OF TIME

RECEIVED
FEB 22 1977

Department of Water Resources
Western Regional Office

State of Idaho)
County of Ada)

Permit No. 55-7079

EARTH RESOURCES CO of P. O. Box 52, Jordan Valley, Oregon 97910
(name) (address)

State of _____, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to
Appropriate the Public Waters of the State of Idaho No. 55-7079.

That under the terms and conditions of said permit, work thereunder was required
to be completed on or before March 1, 19 77.

That he has heretofore performed the following work described under said permit:

Have constructed reservoir and catch basin

Costing \$1,200,000

That he is unable to complete the remainder of the work within the required time for
the following reasons, to-wit: the run-off this year is insufficient to determine
any extenet of beneficial use.

Wherefore, he asks that the Department of Water Resources extend the time for the
completion of obligations under said permit to March 1, 19 80.

(signature) *

Subscribed and sworn before me this 22 day of Feb, 19 77.

seal

Notary Public residing at

My commission expires 11-25-78

ACTION OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED
and the time within which to submit proof of beneficial use under Permit No. 55-7079
be extended to March 1, 1980.

Witness my hand this 22 day of February, 19 77.

for A. KENNETH DUNN

Administrator, Operations Division

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available
through the Department of Water Resources, Statehouse, Boise, Idaho 83720.

REPROFILED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING DEVICE)
REQUIREMENT FOR PERMIT NO. 55-7079 in the name of)
EARTH RESOURCES COMPANY)

ORDER

WHEREAS, on September 4, 1974, Earth Resources Company applied to the Department of Water Resources (formerly the Department of Water Administration) for a permit to appropriate 1.0 cubic feet per second of water from Henrietta Drainage, tributary to Jordan Creek, within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, Twp. 5S, Rge. 4W, B.M., Owyhee County, to be used for mining and milling purposes; and,

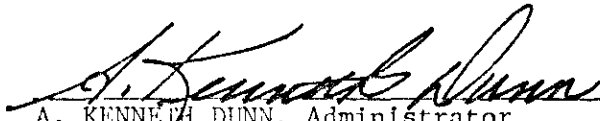
WHEREAS, on February 19, 1975, the Department approved said application and issued Permit No. 55-7079 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before March 1, 1977, and that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on February 26, 1975, the Department received a request for removal of the measuring device requirement; and,

WHEREAS, it has been determined by the Department that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from Permit No. 55-7079.

Dated this 4th day of April, 1975.


A. KENNETH DUNN, Administrator
Operations Division

BDF:JG

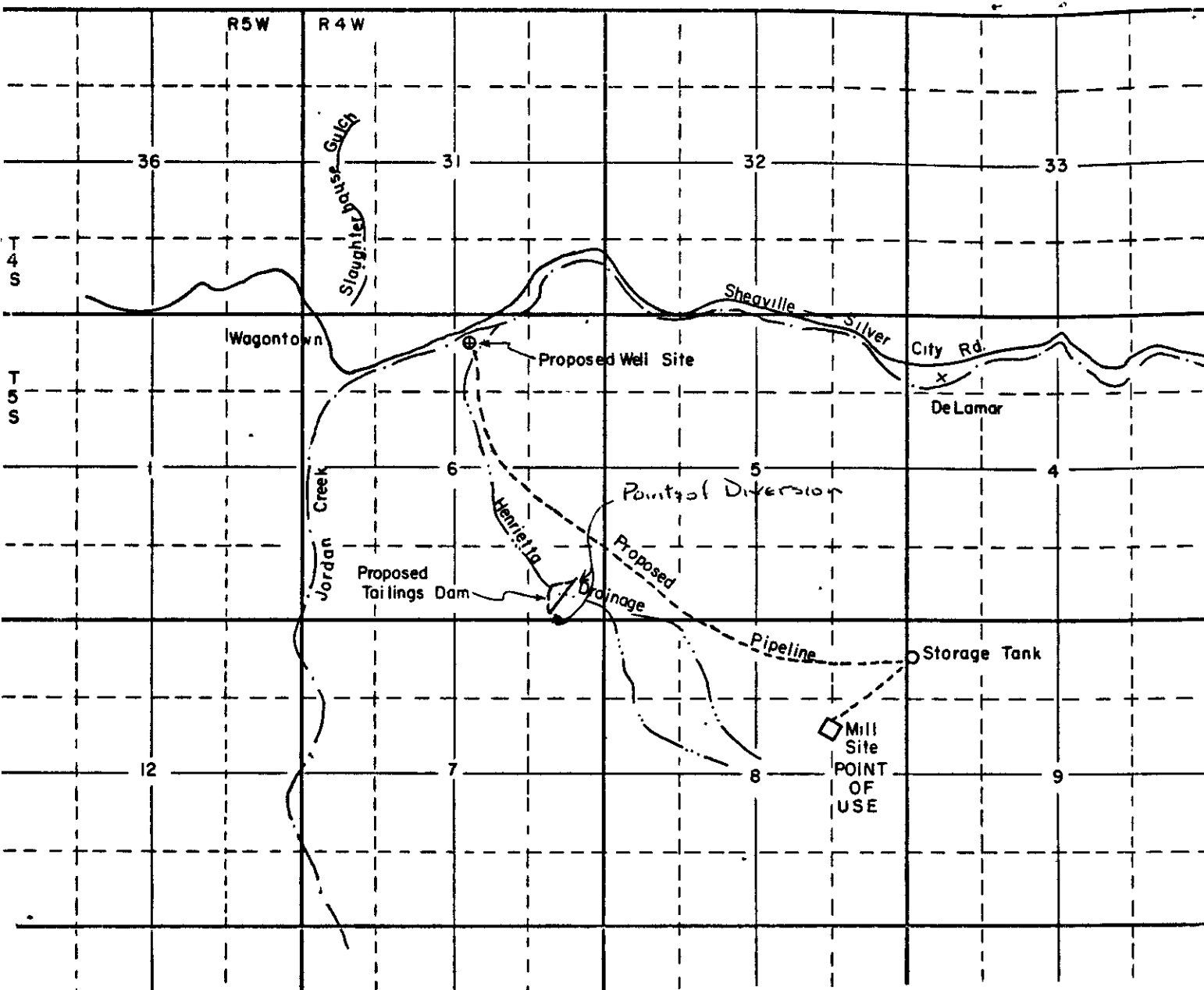
MICROFILMED

Receipt # 1846

DEPARTMENT OF JUSTICE
 MAY 6 1975
 ES

Permit No. 55-7079

SECRET



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Golden, Colorado, this 4th day of March, 19 75.

Wm. B. John
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Operations Division

I, A. KENNETH DUNN, Administrator, ~~Director~~ of the Department of Water Resources

hereby approve the above application for amendment for Permit No. 55-7079.

Witness my hand this 13th day of March, 19 75.

A. Kenneth Dunn
Administrator, ~~Director~~ Operations Division

Application No. 55-7079

APPROVED

To Appropriate the Public Waters of the State of Idaho

- REPRODUCED FROM**

b If water is for irrigation, indicate acreage in each subdivision in the tabulation below

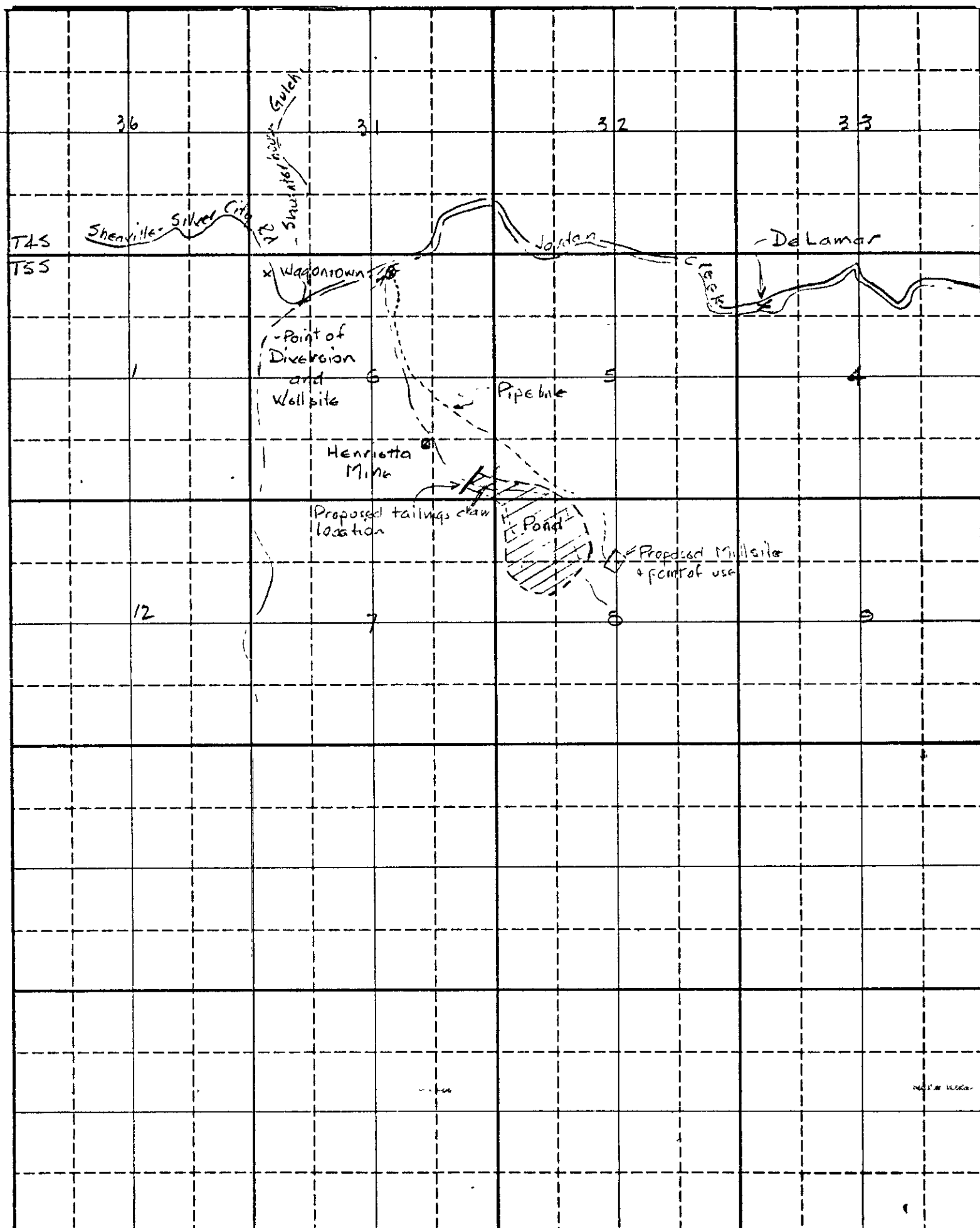
[illegible]

Total number of acres to be irrigated_____

c Describe any other water rights used for the same purposes as described above _____

- a. Who owns the property at the point of diversion North American Silver Corp.
 - b. Who owns the land to be irrigated or place of use Marion Rushing & Charles Lark, Jr.(Trustee)
 - c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing (a) Agreement dated 12/14/70 allowing use of land for all valid mining purposes. (b) Agreement dated 12/1/64 with Continental Quicksilver & Rushing/Lark later assigned to the "Silver Group" (now consisting of Earth Resources and Canadian Superior and controlled by Earth Resources Company) allowing use of land for any legitimate mining, milling and refining use.
10. Remarks Due to certain mining operations on fee land and on valid mining claims it may be necessary to change some of the present watering places for cattle during the summer grazing season. It is the intention of the Company to replace these watering places with others equally accessible so that no hardship will be borne by the local ranchers. Certain portions of the water diverted and pumped from Jordan Creek will be used for this purpose.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number



Scale: 2 inches equal 1 mile

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.

EARTH RESOURCES COMPANY BY:

William B. Tobey
(Applicant) William B. Tobey, Project Manager

9-04-1974

9-4-74

8-12-74

Received by cej Date 7-15-74 Time 10:00 A
Preliminary check by KHF Fee \$ 25.00
Receipted by SW Date 9-5-74 # 15-221
Publication prepared by Ca Date 9-12-74
Published in Owyhee Nugget
Publication dates Sept. 19 & Sept. 26
Publication approved Ca Date 9-30-74
Priority reduced to _____ Reason _____

Protests filed by South Board of Control
Irrigation District

Copies of protests forwarded by SW 10-10-74
Hearing held by _____ Date _____
Recommended for approval denial by _____

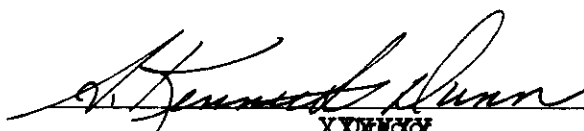
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 55-7079, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 19 77.
- c. Other: Water will be diverted whenever required and whenever available; however in any given year, if the Owyhee Reservoir does not fill to its full capacity, an amount of water equivalent to that diverted will be replaced in Jordan Cr. from Earth Resources Co. wells and will be passed on downstream. (2) A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works. (3) Return of water shall be treated to insure that the effluent meets interstate stream water quality standards. Measuring device requirement removed by Order dated 4/4/75

Witness my hand this 19th day of February 19 75.


XXXXXXXX
Administrator, Operations Division

RECOMMENDED

CONDITIONS OF APPROVAL

- ☐ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
- ☐ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
- ☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.
- ☐ Maximum rate of diversion shall not exceed _____ c.f.s.
- ☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.
- ☒ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.
- ☐ Use of water under this permit is subject to control by the watermaster of State Water District No. _____, _____ River.
- ☐ The proposed well shall not be drilled within _____ feet of another well.
- ☐ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.
- ☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.
- ☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.
- ☐ Other: _____

MICROFILMED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 56-7079

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) CB 9 Sept

In form to receipt

(2) CB 9 Sept

Send Copies to:

☐ Idaho State Health Department
☒ Idaho Fish and Game Department
☐ Bureau of Land Management

(3) NA

☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant

(4) CB 9 Sept

In form for advertising

(5)

Platted on Map No.

(6) NA

Located within Water District No.

(7) NA

Critical groundwater area: yes no

(8) NA

Groundwater levels:

 Declining, Stable, Increasing

(comment)

(9)

Other rights on the same place of use

(10)

Comments:

(11) Ca 9-30-74

Affidavit of Publication received(date) Ok

(12) R.W.H. 10-2-74

Final date for protests 10-7-74

Protests received: yes no ✓

(13) R.W.H. 10-7-74

All requested information received from agencies or applicant: yes no ✓

(14) R.W.H. 10-7-74

Action recommended:

☒ Approve Deny

9-4-74 Proposed Priority

 Reason for Reduction

☒ Measuring device required

☒ See attached sheet for other conditions of approval

 No special conditions for approval

(15) District Western

By R. Hamilton Date 10-7-74

RECEIVED

OCT 1974

Department of Water Resources

RECEIVED

PROOF OF PUBLICATION

STATE OF IDAHO

County of Owyhee

s.s.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 19 day of Sept, 1974, and the last publication being on the 26 day of Sept, 1974;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Rodney A. Hawes
PUBLISHER

Subscribed and sworn to before me this 26 day of Sept, 1974.

Lorna J. Hawes
NOTARY PUBLIC

My commission expires 9-10-76

(SEAL)

SEP 10 1974



OK
9-30-74
CW

RECORDED



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

March 25, 1994

Chaum Cadwell, General Manager
Kinross Delamar Mining Company
P.O. Box 52
Jordan Valley, OR 97910

RE: Water Rights from Jordan Creek

Dear Mr. Cadwell:

During the water right investigations associated with the Snake River Basin Adjudication we have discovered that the conditions of approval for two water right licenses are apparently not being met.

Licensed water rights nos. 55-07078 and 55-07079 (copies enclosed) were issued for diversion from Jordan Creek and an unnamed stream tributary to Jordan Creek, respectively, with conditions of approval that water diverted under the rights shall be replaced to Jordan Creek from ground water in the event that the Owyhee Reservoir does not fill to its capacity. The purpose of these conditions is to protect the rights of senior downstream water right holders.

Our water right investigation revealed that presently there is no system for replacing to the stream water that is diverted under these licenses during periods when downstream senior water rights on Jordan Creek are not satisfied. The purposes of this letter are to bring this factor to your attention, and to allow your organization an opportunity to explain how these conditions are being met. Because 1994 will likely be a below-average water year, this office will need to enforce the conditions of the licenses if diversion under the licenses is to be allowed.

It is my understanding that several augmentation wells have been drilled at Delamar, with unsuccessful results. Accordingly, we are willing to review other types of stream augmentation plans which your organization might propose as substitutes for ground water replacement. Please advise no later than April 22, 1994, as to how your organization wishes to proceed in this matter.

Sincerely,

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

cc: SRBA Files

Enclosures

*1-30-98
No response
in vault
files - 55-07079
55-07078.
kw*

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 15, 1994

Daniel A. Jensen, Esq.
Kimball, Parr, Waddoups, Brown & Gee
P.O. Box 11019
Salt Lake City, Utah 84147-0019

Re: Water Right Nos. 55-2134, 55-7078, 55-7079, 55-7081, 55-7376,
55-7399, 55-7429

Dear Mr. Jensen:

We are in receipt of your letter dated April 12, 1994. Thank you for submitting such complete information.

Our data base has been changed to reflect the new name from NERCO DeLamar Company to Kinross DeLamar Mining Company with an address of P.O. Box 52, Jordan Valley, Oregon 97910.

The copies you sent have been placed in the water right files for future reference.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over the typed name.

Jim Johnson
Water Rights Supervisor

LAW OFFICES OF
KIMBALL, PARR, WADDOUPS, BROWN & GEE

A PROFESSIONAL CORPORATION

SUITE 1300

185 SOUTH STATE STREET

POST OFFICE BOX 11019

SALT LAKE CITY, UTAH 84147-0019

TELEPHONE (801) 532-7840

TELECOPIER (801) 532-7750

OF COUNSEL

CHARLES L. MAAK

BRUCE A. MAAK

KENT H. COLLINS

DALE A. KIMBALL
CLAYTON J. PARR
CLARK WADDOUPS
RICHARD G. BROWN
DAVID E. GEE
SCOTT W. LOVELESS
PATRICIA W. CHRISTENSEN
DAVID K. REDD
ROBERT G. HOLT
JAMES C. SWINDLER
ROBERT B. LOCHHEAD
GARY A. DODGE
ROBERT S. CLARK
ALAN R. ANDERSEN
MICHAEL M. LATER
CAROLYN B. McHUGH
STEVEN J. CHRISTIANSEN
SCOTT F. YOUNG
VICTOR A. TAYLOR
RONALD G. RUSSELL
ROGER O. HENRIKSEN
MARK E. WILKEY
MATTHEW B. DURRANT
JILL N. PARRISH
BRIAN J. ROMRIEL
MARY SHELIA TUCKER
GREGORY D. PHILLIPS
JOHN R. ERICKSON
DAVID G. ANGERBAUER
HEIDI E.C. LEITHEAD
JOHN M. BURKE
STEPHEN E. W. HALE
DANIEL A. JENSEN
MARK F. JAMES
DAVID B. HANCOCK
BRIAN G. LLOYD
DAVID F. CRABTREE
SCOTT R. RYTHUR
GREGORY M. HESS
TERRY E. WELCH
JEFFREY J. HUNT
PAUL C. DRECKSEL
CLAY W. STUCKI
THOMAS R. LEE
D. MATTHEW DORNY
JEFFREY M. MOSS
MARGARET E. WILSON

April 12, 1994

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

Re: Water Right Nos. 55-2134, 55-7078, 55-7079,
55-7081, 55-7399, 55-7376 and 55-7429,
DeLamar and Stone Cabin Mines, Owyhee County, Idaho

Gentlemen:

NERCO DeLamar Company, an Oregon corporation, the former owner of the above-referenced water rights, was acquired by Kinross Gold U.S.A., Inc., a Nevada corporation ("Kinross"), effective August 3, 1993. The acquisition was pursuant to a stock purchase agreement between NERCO Minerals Company, an Oregon corporation (the parent corporation of NERCO DeLamar Company) and Kinross. The attached copies of an Irrevocable Stock Power dated August 2, 1993 and the attached stock certificates show that all 10 of the outstanding shares of NERCO DeLamar Company stock are now held by Kinross.

The name of NERCO DeLamar Company was changed, effective August 11, 1993, to Kinross DeLamar Mining Company, as evidenced by the attached certificate from the Oregon Secretary of State. The name change was recognized by the Idaho Secretary of State on August 13, 1993, as shown by the attached certificate. Kinross DeLamar Mining Company remains an Oregon corporation.

In light of these transactions, would you please amend your records and database to show Kinross DeLamar Mining Company as the current record owner of the seven water rights referenced above, and place a copy of this letter and its attachments in the files for each of the seven water rights. Six extra copies of this letter are enclosed for your convenience.

KIMBALL, PARR, WADDOUPS, BROWN & GEE

Idaho Dept. of Water Resources
April 12, 1994
Page 2

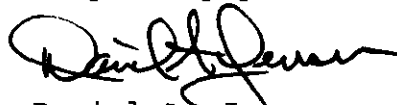
Please note that the address for Kinross DeLamar Mining Company is:

Kinross DeLamar Mining Company
P.O. Box 52
Jordan Valley, OR 97910
(208) 583-2511

If you need any additional information in order to show Kinross DeLamar Mining Company as the record owner of these rights, please let me know. Would you please also let me know as soon as the title changes have been made.

Thank you for your assistance.

Very truly yours,



Daniel A. Jensen

DAJ/wr
Enclosures

cc: Doug Barto (w/encls.)

IRREVOCABLE STOCK POWER

FOR VALUE RECEIVED, the undersigned, NERCO Minerals Company hereby sells, assigns, and transfers to Kinross Gold U.S.A., Inc., 10 Shares of the Capital Stock of NERCO DeLamar Company standing in the name of the undersigned on the books and records of NERCO DeLamar Company and represented by Certificate No. 1, and hereby irrevocably constitutes and appoints _____ as attorney to transfer the said Shares on the books of the within named Company with full power of Substitution in the Premises.

NERCO MINERALS COMPANY

DATED: August 2, 1993

By: _____
Its: _____

IN THE PRESENCE OF

SIGNATURE(S) GUARANTEED

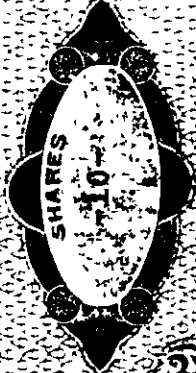
(By Bank of Member of the New York
Stock Exchange)

By: _____
Authorized Signature

SEE LEGEND ON REVERSE SIDE

INCORPORATED UNDER THE LAWS OF OREGON.

THE OREGON MINERALS COMPANY



NERCO Delamar Company

Wm. Griffiths, Trust
is the owner of Ten

Shares of the Capital Stock of

NERCO Delamar Company

transferable only on the books of this Corporation in person or by Attorney upon surrender of this Certificate properly endorsed.

IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed this 7th day of September A.D. 1984

[Signature]
Vice President

[Signature]
Secretary

No Par Value

SHARES

PAGE

CC-01

SHARES 10



KINROSS DELAMAR MINING COMPANY

Organized under the Laws of the State of Oregon

Pharmaceutical

KINROSS GOLD U.S.A., INC., a Nevada corporation,

with the

registered holder of

Ten-

Shares

of Common Stock

transferable only on the books of the Corporation by the holder hereof, in person or by Attorney upon surrender of this Certificate, properly endorsed.

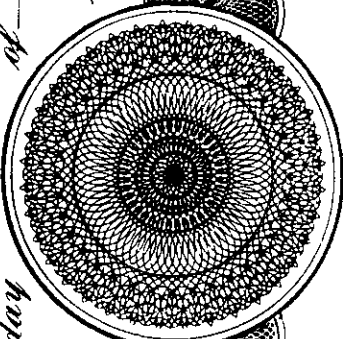
In Witness Whereof, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed.

day

August 24. P. 19.

President

Secretary





Office of the Secretary of State Corporation Division

I, **Janet Sullivan**, *Director of the Corporation Division*,
DO HEREBY CERTIFY:

That the attached copy of the **Articles of Amendment** filed
on **August 11, 1993** for:

KINROSS DELAMAR MINING COMPANY

is a true copy of the original document that has been
filed with this office.

Janet Sullivan

Director

By *Marilyn K. Smith*

Date *11 August 1993*

202850-11

ud/11/93 1:07PM 800W3269

55900

FILED

AUG 11 1993

ARTICLES OF AMENDMENT
TO THE RESTATED ARTICLES OF INCORPORATION SECRETARY OF STATE
OF
NERCO DeLAMAR COMPANY

PURSUANT to the provisions of Section 60.431, et seq., of the Oregon Revised Statutes, the undersigned corporation adopts the following Articles of Amendment to its Restated Articles of Incorporation:

FIRST: The name of the corporation is NERCO DeLamar Company (the "Company").

SECOND: The following amendment to the Restated Articles of Incorporation of the Company was adopted by the sole shareholder of the Company on August 2, 1993:

Article I of the Restated Articles of Incorporation is hereby amended to read as follows:

ARTICLE I

The name of the Company is KINROSS DeLAMAR MINING COMPANY and its duration shall be perpetual.

THIRD: The number of shares of common stock of the Company outstanding at the time of such adoption was Ten (10); and the number of such shares entitled to vote thereon was Ten (10). No other class of shares was issued and outstanding.

FOURTH: All of the outstanding shares were voted for the amendment; no shares were voted against the amendment.

DATED this 2 day of August, 1993.

NERCO DeLAMAR COMPANY, an Oregon corporation

By 
Arthur H. Ditto, President

8-11-93
RG
f

State of Idaho

Department of State

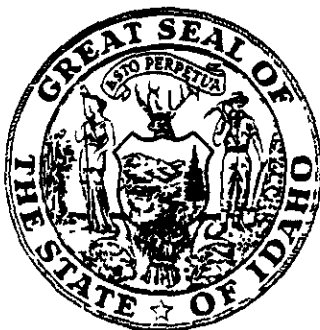
AMENDED CERTIFICATE OF AUTHORITY OF

NERCO DELAMAR COMPANY

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of an Application of NERCO DELAMAR COMPANY for an Amended Certificate of Authority to transact business in this State, duly signed and verified pursuant to the provisions of the Idaho Business Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Amended Certificate of Authority to KINROSS DELAMAR MINING COMPANY to transact business in this State under the name KINROSS DELAMAR MINING COMPANY and attach hereto a duplicate original of the Application for such Amended Certificate.

Dated: August 13, 1993



Pete T. Cenarrusa
SECRETARY OF STATE

By

John F. Clark

APPLICATION FOR AMENDED CERTIFICATE OF AUTHORITY

To the Secretary of State of the State of Idaho:

Pursuant to Section 30-1-118, Idaho Code, the undersigned Corporation hereby applies for an amended certificate of authority to transact business in the State of Idaho and for that purpose submits the following statement.

1. A Certificate of Authority was issued to the corporation by your office on September 10 ^{SECRETARY OF STATE} 19 84, authorizing it to transact business in the State of Idaho under the name of NERCO DeLamar Company
2. Its corporate name has been changed to Kinross DeLamar Mining Company

(Note: If the corporation name has not been changed, insert "No change.")

3. The name which it shall use hereafter in the State of Idaho is Kinross DeLamar Mining Company
4. It desires to pursue in the transaction of business in the State of Idaho purposes other than or in addition to those set forth in its prior application for certificate of authority, as follows:
No change

(Note: If no additional purposes are proposed, insert "No change.")

Dated 8/10/93

NERCO DeLamar Company
(Corporation Name)

By A. W. With
Its President (please specify)

And Allen S. Gordon
Its Secretary/Assistant Secretary (please specify)

STATE OF UTAH)
COUNTY OF SALT LAKE) ss:

I, Scott W. Loveless, a notary public, do hereby certify that on this 10th day of August, 19 93, personally appeared before me Arthur H. Ditto / Allen S. Gordon, who being by me first duly sworn, declared that (s)he is the President and Secretary of NERCO DeLamar Company

that (s)he signed the foregoing documents as President and Secretary of the corporation and that the statements therein contained are true.

Scott W. Loveless
Notary Public
My Comm. Expires 08/11/95
Notary Public Application and filing fee to:
Office of the Secretary of State
State of Idaho Corporations Division
Statehouse, Room 203
Boise, Idaho 83720

Secretary of State use only

IDAH0 SECRETARY OF STATE
19930813 0900 13004 2
CK #: 1116 CUST# 1
CORP 1@ 30.00= 30.00
#: C

KINROSS DeLAMAR MINING COMPANY

P.O. Box 52
Jordan Valley, Oregon 97910
208-583-2511

RECEIVED
AUG 18 1993
Department of Water Resources

August 10, 1993

TO: All DeLamar Vendors *m. g.*
FROM: Mike Durning, Purchasing Agent
RE: DeLamar - Change of Ownership

As of August 2, 1993, NERCO DeLamar Mine was sold to Kinross Gold USA, Inc. The DeLamar Mine is now known as **Kinross DeLamar Mining Company**. The mailing address and phone number for DeLamar remains the same:

P.O. Box 52
Jordan Valley, OR 97910
(208) 583-2511
(208) 583-2516 FAX

The address for the corporate headquarters of Kinross Gold USA, Inc. is:

185 South State Street
Suite 400
Salt Lake City, UT 84111
(801) 363-9152
(801) 363-8747 FAX

If you have any questions, please contact me.

Please initiate this name change at your earliest convenience.

MD/cs

55-7079
55-7081
55-7371
55-7429

January 9, 1989

NERCO DE LAMAR CO.
DE LAMAR SILVER MINE
P.O. BOX 52
JORDAN VALLEY, OR 979100000

RE: PERMIT NO. 55-07079

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

JAN 20 1989



RECEIVED
JAN 25 1988

P.O. Box 52
Jordan Valley, Oregon 97910
208-583-2511

Department of Water Resources

January 22, 1988

Mr. Jim Johnson
Water Rights Supervisor
Dept. of Water Resources
Statehouse
Boise, ID 83720

RE: Permit No. 55-7079

Dear Mr. Johnson:

We concur with the amendments to the above referenced water right and as such have signed the amendment and enclosed a check for \$20.00 for the filing fee.

We would however request that the mailing address on this document be changed to:

NERCO DeLamar Company
DeLamar Silver Mine
P.O. Box 52
Jordan Valley, OR 97910

Thank you for your attention to this matter. Please feel free to call should questions arise.

Sincerely,

Bart Richards
Project/Environmental Engineer

BR:eb
Enc.
cc: Eric Olin -
Tom Schamberger

REPROFILMED
JAN 20 1989

December 29, 1987

NERCO DE LAMAR CO.
111 S.W. COLUMBIA
SUITE 800
PORTLAND, OR 97201

RE: Permit No. 55-7079

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

JAN 20 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

LEGAL OWNER: NERCO

111 S.W. COLUMBIA, SUITE 600 PORTLAND
ORE. 97910

Permit No. 55-7079

Phone No.

1. Owner: EARTH RESOURCES CO. Phone No.
Current Address: P.O. BOX 52 JORDAN VALLEY, ORE 97910

2. Accompanied by: PAT SHEEHAN EXAM. DATE: 10-3-84
Address: _____ Phone No. _____

Relationship to Permit Holder: PLANT MGR

3. Source: UNNAMED STREAM tributary to JORDAN CREEK
HENICLOHA DRAINAGE

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
N/A					

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)
EARTHEN DAM SEE DAM SAFETY FILE DSS-7079
 FOR SPECIFIC INFORMATION

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A						

7 Measurements ☐ Additional data/computation sheets attached

NONE TAKEN

8. Point(s) of Diversion:	Indicate Method of Determination
---------------------------	----------------------------------

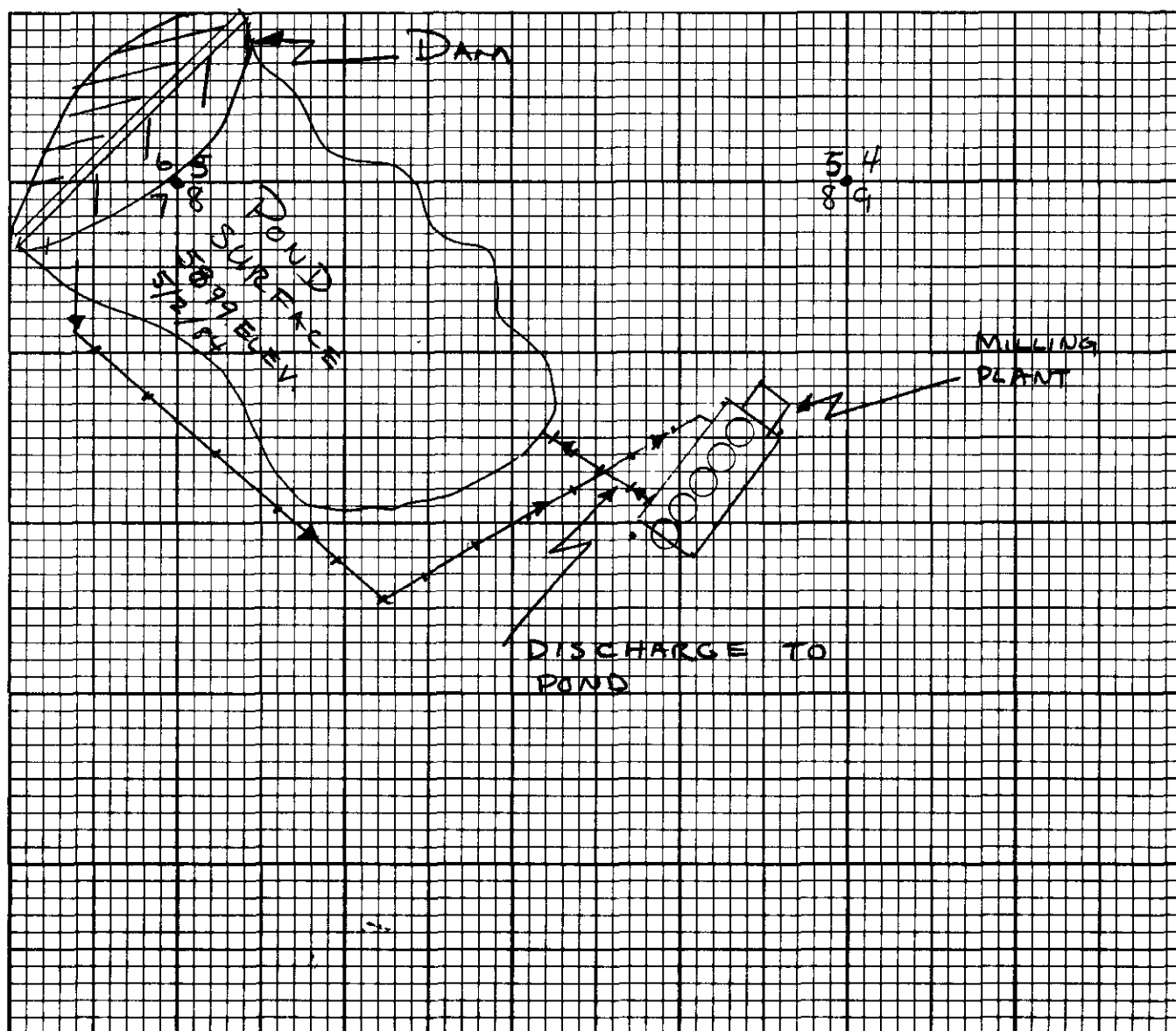
[illegible]

9.	Place(s) of Use:	Irrigation - give acres served by system at time of exam. Indicate Method of Determination
----	------------------	---

[illegible]

Total Acres

10. Other water rights on these lands N/A
11. Other water right diverted from same p.d. N/A
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ Photo of Diversion & System Attached

☐ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks STORAGE FACILITY CONTAINED 650,000,000
gallons ON 10/3/84 MORE INFORMATION IS CONTAINED
IN DAM SAFETY FILE D 55-7079

15. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☒ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

16. Examiner's/Consultant's Signature Jim Johnson Date 10-9-84

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

Date

CONSULTANT MICROFILMED

JAN 20 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

55-7079
Permit No

1. **Measurement Calculations**

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

N/A

b) Volume Calculations for Irrigation: N/A

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____
 $V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____
 $V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$ _____

c) Volume Calculations for Other Uses:

2. **Overlap Review**

a) Other water rights with same place of use: NONE RECORDED

b) Other water rights with same point of diversion: NONE

c) Analysis: N/A

MICROFILMED
JAN 20 1989

RECOMMENDED AMOUNTS

- ~~JAN 20 1989~~



Cecil D. Andrus
Governor

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

2735 Airport Way
Boise, Idaho 83705
(208) 334-2190

55-7079
NERCC DE LAMAR CO.
111 S.W. COLUMBIA, SUITE 800
PORTLAND, OR 97201

138055

April 3, 1987

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information set showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

MICROFILMED

JAN 20 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse
Boise, Idaho 83720
(208) 334-4440

August 27, 1985

RE: Permit Nos. 55-7079 & 55-7081

Nerco Minerals Company
Attn: Terri Wilja
111 S.W. Columbia, Suite 800
Portland, OR 97201-5813

Dear Ms. Wilja:

We are in receipt of the assignments you submitted with your correspondence of August 2, 1985. Please be advised that these permits have already been assigned to Nerco DeLamar Company by assignments received on September 24, 1984. Enclosed is a copy of our correspondence of November 6, 1984, acknowledging the assignments.

Since these permits have already been assigned to Nerco DeLamar Company, we are returning all three of the original assignments of Permit Nos. 55-7079 and 55-7081 to you.

If you have any questions regarding these permits, or if we can be of further assistance to you, please feel free to contact our office.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc

Enclosures

RECEIVED
JAN 20 1989

NERCO MINERALS COMPANY
1 W COLUMBIA, SUITE 800
PORTLAND, OR 97201 • 5813
TELECOPIER 503 • 241 • 2819
TELEPHONE 503 • 796 • 6600



August 2, 1985

CERTIFIED MAIL - RRR

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

RECEIVED
AUG 7 1985

Department of Water Resources

Gentlemen:

Attached are three original, fully-executed Assignment of Permit covering State of Idaho permit numbers 55-7079 and 55-7081. Please return two originals evidencing acceptance by the State of Idaho to my attention. If you need further information or documentation, please advise.

Sincerely,

Terri Wilja
Supervisor, Land Administration

TW/mdr

Attachment

MICROFILMED
JAN 20 1989

State of Idaho
Department of Water Resources

AUG 7 1985

ASSIGNMENT OF PERMIT

Department of Water Resources

I, The Superior Oil Company, hereby assign to NERCO DeLamar Company
of 122 First Avenue, Fairbanks, Alaska 99701
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit Nos 55-7079 and 55-7081
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 31 day of July, 1985.

W. A. Brady
Permit Holder Vice President
The Superior Oil Company

Spouse of Permit Holder

Oregon
State of ~~Idaho~~)
County of Multnomah) ss.

On this 31 day of July, 1985, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he ~~(she)~~ ~~(they)~~ executed the same.

seal

Daniel A. Bell
Notary Public residing at
Portland, Oregon

My commission expires:
9/30/88

MICROFILMED

JAN 20 1989

Copy
originals returned
see correspondence
in file
RW
8/27/85

November 6, 1984

RE: Permit Nos. 55-7079 & 55-7081

NERCO DeLamar Company
111 SW Columbia, Suite 800
Portland, OR 97201

Gentlemen:

This office acknowledges receipt of the Assignment of the above referenced permits to you.

Enclosed for your records are copies of the permits. Be sure to note the special conditions of approval on the fourth pages that identify requirements necessary for developing the permits into licensed water rights.

In reviewing the permits, we find that the requirement for submitting proof of construction of works and application of water to beneficial use has been met, and a field examination has been conducted. We will correspond with you regarding the licensing of these permits when final recommendations are made.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc
Enclosures

MICROFILMED

JAN 20 1989

Permit No. 55-7079

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? ✓
2. Notary? ✓
3. a. Full Assign?
b/ Partial Assign?
4. "No assignment" condition on permit? *NO*
5. Commencement of works received? - *proof submitted*
 - a. Commencement of works requested?
 - b. Show Cause Order drafted & sent?
 - c. Cancellation necessary?
6. Affidavit of Residency required? *NO*

1. Type Permit Summary Sheet ✓
2. Coding Sheet ✓
3. Acknowledgement letter type *special-*
4. Copy to region ✓

Date: 11-1-84

Employee: R. Walker

RECEIVED

JAN 20 1989

NERCO MINERALS COMPANY
111 COLUMBIA, SUITE 600
PORTLAND, OREGON 97201
TELECOPIER 503 • 241 • 2819
TELEPHONE 503 • 796 • 6600



October 25, 1984

~~Department of Water Resources~~
~~Department of Water Resources~~

Ms. Kay Walker
Technical Records Specialist
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Ms. Walker:

Re: Water Right Permit Nos. 55-7079 and 55-7081

I received your letter dated September 28, 1984 which returned assignment forms for permit numbers 55-7079 and 55-7081. The assignment forms were returned because evidence showing that Mapco Petroleum, Inc. was formerly known as Earth Resources Company was needed. This evidence is attached along with the assignment forms. Please process the assignments of these two rights from Mapco Petroleum to NERCO DeLamar Company.

If you have any questions, please don't hesitate to call.

Sincerely,

A handwritten signature in black ink that reads "John R. Woodward". The signature is written in a cursive style.

John R. Woodward
Senior Permitting Engineer

JRW/mdr

Attachment

MICROFILMED

JAN 20 1989

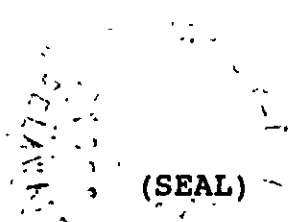
CERTIFICATE OF SECRETARY

OF

MAPCO PETROLEUM INC.

I, the undersigned, Royse M. Parr, the duly elected and acting Assistant Secretary of MAPCO PETROLEUM Inc., a Delaware corporation, do hereby certify that attached hereto as Exhibit "A", are true and correct copies of a (1) Certificate of the Secretary of State of the State of Delaware dated April 29, 1983, and (2) Certificate of Amendment of Certificate of Incorporation dated April 18, 1983, which documents relate to corporate name change from Earth Resources Company to the current name of MAPCO PETROLEUM Inc.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of MAPCO PETROLEUM Inc. this 3rd day of February, 1984.



Royse M. Parr

Royse M. Parr
Assistant Secretary

(SEAL)

Subscribed and sworn to before me this 3rd day of February, 1984.

Beverly F. Baker

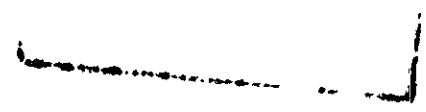
Beverly F. Baker, Notary Public

My Commission Expires:
December 2, 1987



MICROFILMED

JAN 20 1989

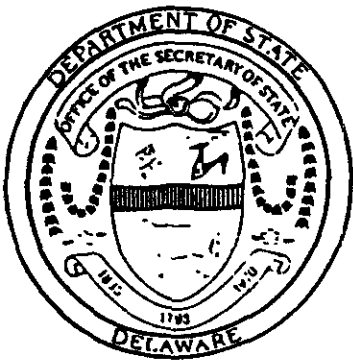




State of DELAWARE

Office of SECRETARY OF STATE

I, Glenn C. Kenton, Secretary of State of the State of Delaware,
do hereby certify that the attached is a true and correct copy of
Certificate of Amendment
filed in this office on April 29, 1983.



Glenn C. Kenton
Glenn C. Kenton, Secretary of State
BY: B. Ahers
DATE: April 29, 1983

MICROFILMED

JAN 20 1989

FILED

REC 2143 PAGE 942

APR 29 1983 10 AM

CERTIFICATE OF AMENDMENT

OF

William C. Keston
SECRETARY OF BOARD

CERTIFICATE OF INCORPORATION

* * * * *

EARTH RESOURCES COMPANY, a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware,

DOES HEREBY CERTIFY:

FIRST: That the Board of Directors of said corporation, by the unanimous written consent of its members, filed with the minutes of the board, adopted a resolution proposing and declaring advisable the following amendment to the Certificate of Incorporation of said corporation:

RESOLVED, that the Certificate of Incorporation of EARTH RESOURCES COMPANY be amended by changing the First Article thereof so that, as amended, said Article shall be and read as follows:

"FIRST: The name of the corporation is MAPCO PETROLEUM INC."

SECOND: That in lieu of a meeting and vote of stockholders, the stockholders have given unanimous written consent to said amendment in accordance with the provisions of section 228 of the General Corporation Law of the State of Delaware.

THIRD: That the aforesaid amendment was duly adopted in accordance with the applicable provisions of sections 242 and 228 of the General Corporation Law of the State of Delaware.

MICROFILMED

JAN 20 1989

EXHIBIT "A"

IN WITNESS WHEREOF, said EARTH RESOURCES COMPANY
has caused this certificate to be signed by R. T. Prater its
President, and attested by Royce Parr, its Assistant
Secretary this 18th day of April, 1983.

EARTH RESOURCES COMPANY

By [Signature]
R. T. Prater
President

ATTEST:

By [Signature]
Royce Parr
Assistant Secretary

RECEIVED FOR RECORD

APR. 24 1983

LEO J. DUGAN, Jr., Recorder

376952

**** CERTIFICATE OF SECRETARY ****

FEB 23 1983

[Signature]

MAPCO Petroleum Inc.

MAPCO Minerals Corp.

REQUEST OF:

INDEXED

MICROFILMED

8.00

FEE: **MICROFILMED**
JAN 20 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 28, 1984

RE: Water Right Permit Nos. 55-7079 & 55-7081

John R. Woodward
Nerco Minerals Company
111 S.W. Columbia, Suite 600
Portland, OR 97201

Dear Mr. Woodward:

We are in receipt of your letter of September 14, 1984, and the two Assignments of the above referenced permits. Before our office can officially act on the assignments, we need more documentation for our files. We need to have evidence for our records that indicates that MAPCO Petroleum Inc. was indeed formerly known as Earth Resources Co.

We are returning the assignment forms to you so that you can attach the above requested evidence to them. Once this evidence is provided we will be able to process the assignment forms. As for rights 55-2134, 55-7078, 55-7104 and 55-7106, we have placed a copy of your letter in the water right files for future reference only. No other action will be taken in regard to these rights.

If you have any questions regarding this matter, please feel free to contact our office.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc

Enclosures

MICROFILMED

JAN 20 1989

NERCO MINERALS COMPANY
1117 N COLUMBIA, SUITE 600
PORTLAND, OREGON 97201
TELECOPIER 503-241-2819
TELEPHONE 503-796-6600



September 14, 1984 Department of Water Resources

Water Rights Section
Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: DeLamar Silver Mine Change of Operator

On September 12, 1984 NERCO Minerals Company acquired the Mapco Minerals' interest in DeLamar Silver Mine. NERCO DeLamar Company, a subsidiary of NERCO Minerals Company, has replaced Mapco Minerals as the mine operator. With the change of operator, two water right permits (Permit No. 55-7079 and 55-7081) were assigned to DeLamar Silver Mine. Assignment forms for these permits are enclosed. In addition, your files for DeLamar Silver Mine water right licenses and permits 55-2134, 55-7078, 55-7104 and 55-7106 should now indicate the change of operator.

Future correspondence with the mine regarding water rights should be addressed as follows:

E.M. Gerick, General Manager
DeLamar Silver Mine
NERCO DeLamar Company, operator
P.O. Box 52
Jordan Valley, OR 97910

If you have any questions, please don't hesitate to call me at 503-796-6641.

Sincerely,

A handwritten signature in cursive script that reads "John R. Woodward".

John R. Woodward
Senior Permitting Engineer

Enclosures

JRW/dj

MICROFILMED

JAN 20 1989

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No 55-7079

Name(s) of Permit Holder: Earth Resources Co./DeLamar Silver

Post Office Address: P.O. Box 52

Jordan Valley, Oregon 97910 Tel. No 208-583-2

Source of Water: Surface

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☐ Irrigation (acres)
☐ Other Mining

Measuring Device Required? ☒ Yes ☐ No Installed? ☐ Yes ☐ No

Access Port Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

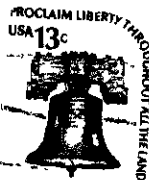
The above information is a true statement of the extent to which the above numbered permit has been developed.

1/28/80
Date

[Signature]
Signature of Permit Holder

MICROFILMED

EARTH RESOURCES
DELAMAR SILVER MINE
P. O. Box 52
Jordan Valley, Oregon 97910



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

JAN 23 1980

Idaho Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

EARTH RESOURCES CO.
5920 MC INTYRE ST.
GOLDEN, CO 80401

131655

DECEMBER 31, 1979

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 55-7079 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MARCH 01, 1980. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

MICROFILMED

Sherl L. Chapman
CONSULTANT

RECEIVED

JUN 1 1977

4706 FAIRVIEW AVENUE / BOISE, IDAHO 83704 / PHONE 375-6131

Department of Water Resources

May 26, 1977

Mr. Steve Allred, Director
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Steve:

As you are aware, I have been retained by Earth Resources Company to supervise the drilling of their water wells 3, 4, and 5. Well #5, as you will remember, is designed to provide water for discharge into Jordan Creek, replacing that that was withdrawn earlier this year. We have obtained the services of Mr. Gerald Adcock and plan on starting the hole at site #5 on or before June 1. The basic construction procedure will be to drill a 12" diameter hole to approximately 500 feet in depth using blank casing in the upper portion of the well to insure that no water is withdrawn from the underflow of Jordan Creek. At this point in time, I am not sure how far the blank casing will have to extend, but I have been instructed by Earth Resources Company to make sure that it is more than adequate to prevent the well from decreasing the flow of Jordan Creek. Additionally, we are designing the well to produce water at about .5 cfs and replace the water previously used at about 1 acre foot per day. If, however, it would be more convenient or beneficial to you for us to utilize a different schedule of replacement, please let me know and we will work with you to the best of our ability.

If you have any questions regarding the construction or location of the well, I would be more than happy to meet with you at your convenience.

Sincerely yours,

Sherl
Sherl L. Chapman
Consultant

SLC:kje
cc:Mr. Clint Miller

SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / THERMAL RESOURCES

March 1, 1977

Re: Permit No. 55-0079

Earth Resources Co.
Box 52
Jordan Valley, Oregon 97910

Gentlemen:

Enclosed is a copy of the approved application for extension of time in connection with the above referenced permit.

The time within which to submit proof of beneficial use of water has been extended to March 1, 1980.

Sincerely,

Jan Grover
Water Rights Supervisor

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

February 8, 1977

Earth Resources Company
5920 McIntire Street
Golden, CO 80401

Gentlemen:

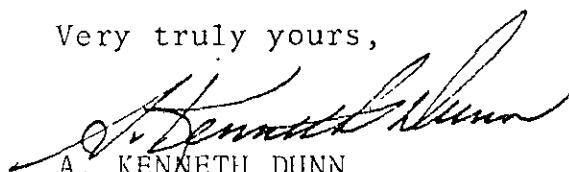
Reference is made to the general meeting held in Jordan Valley, Oregon on January 27, 1977 to discuss water distribution from Jordan Creek and the potential effect of Earth Resources water permits 55-7078, 55-7079 and 55-7081 on the distribution of water from Jordan Creek for the coming water year. As you probably are aware, the water supply outlook for Idaho is extremely poor due to the lack of snowfall this winter. The Jordan Creek drainage as of February 1, 1977 has only 16% of average snow water.

In order for Earth Resources to divert water under either of the surface water source permits (55-7078 and 55-7079) all prior water rights must first be supplied. In particular, these prior rights are to the natural flow of Jordan Creek and the storage rights of the Owyhee Project. It is certain there will not be an adequate supply of water to fill the rights prior to the permits held by Earth Resources, which would mean there would be no water available for Earth Resources to divert.

Please advise this office of plans you have for an alternative water supply which will not interfere with prior existing water rights. To avoid injury to prior rights, Earth Resources should not plan to divert water from Jordan Creek after April 1 of this year, and should also begin by then to replace water diverted from Jordan Creek.

Please feel free to contact me with any proposals or questions you may have.

Very truly yours,


A. KENNETH DUNN
Administrator, Operations Division

AKD/slg

CC: Robert E. Bohm, Mike Hanley, Erich Knechans, IDWR-Western Region

MICROFILMED

December 31, 1976

CERTIFIED MAIL

138174

Re: Permit No. 55-7078 & 55-7079

William Tobey
Earth Resources Co.
5920 McIntyre St.
Golden, Colorado 80401

Dear Mr. Tobey:

One of the conditions of approval of your water Permit No. 55-7078, 55-0079 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before March 1, 1977. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

KEITH HIGGINSON
Director

KKH:jg
Enc: Proof affidavit

RECEIVED

April 7, 1975

Re: Permit No. 55-7079

Earth Resources Company
Attn: William B. Tobey, Director of Engineering Services
5920 McIntyre Street
Golden, Colorado 80401

Dear Mr. Tobey:

Enclosed is an Order which removes the measuring device requirement from the above referenced permit.

If you have any questions concerning this matter, please contact us.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JG
Enclosure

MICROFILMED

RECEIVED

FEB 26

Department of Water Resources

303-279-7631

EARTH RESOURCES COMPANY

5920 mcintyre street

golden colorado 80401

February 21, 1975

Department of Water Resources
Statehouse
Boise, Idaho 83720

Attention: Bobby D. Fleenor
Chief, Water Rights

Gentlemen:

We refer to your letter of February 19, 1975 concerning Permit No. 55-7079 and a measuring device. The 30 acre feet of water to be impounded under this permit will consist entirely of surface run-off during the spring and will run directly into the lake impounded behind our tailings dam. It will run in from many small gullies and riverlets and measuring it in any device would be literally impossible. The figure, 30 acre feet, was arrived at by using the area that will drain into the lake, the anticipated snow depth and the water content of this snow. There will be no diversion as such.

In view of the above we request that the required measuring device be eliminated from the requirements for this permit, and that the water impounded during the spring run-off be calculated from snow depth, water content and drainage area, and that replacement in Jordan Creek be based on these measurements.

Should this not be satisfactory we are open to other practical suggestions.

Very truly yours,

EARTH RESOURCES COMPANY

William B. Tobey
William B. Tobey
Director of Engineering Services

WBT:rm

RECEIVED

March 14, 1975

Re: Permit No.'s 55-7078 & 55-7079

Earth Resources Company
5920 McIntyre St.
Golden, Colorado 80401

Gentlemen:

Enclosed are copies of the approved applications for amendment submitted in connection with the above referenced permits.

Also enclosed are Receipt No.'s 1835 and 1846, each for \$10.00 covering the amendment filing fees submitted for the amendments.

If you have any questions concerning this matter, please contact us.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enclosures

February 18, 1975

Re: Permit Nos. 55-7078 & 55-7079

Earth Resources Company
5920 McIntyre Street
Golden, Colorado 80401

Gentlemen:

Enclosed are copies of your approved application for permits issued on the above referenced numbers. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that there is a special condition requiring you to install and maintain a measuring device at your points of diversion has been palced upon your permits. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM R. Hamilton

DATE 2-18-75

TO Files

SUBJECT Application No. 55-7078 and 55-7079

Mr. Tobey, Earth Resources company was in today and ⁱⁿ informed me that an application for permit for the well mentioned in the above application is in the mail to us along with the filing fee.

The Dam to be constructed in connection with the tailing pond will not be used to store water and will not be built until 1976. Plans will be submitted this fall. The dam will be more than 20 feet in height.

MICROFILMED

SIGNATURE

South Board of Control, Owyhee Project

Homedale, Idaho 83628

Phone 337-3760

Department of Water Resources

Beverly Fisher
Treasurer

January 27, 1975

Tom Cotton
Secy.-Mgr.

Mr. Robert Hamilton
Idaho Department of Water Resources
Western District, Annex 3
Stat house
Bois, Idaho 83720

Dear Bob,

This is to inform you that the Gem Irrigation District and South Board of Control, Owyhee Project, withdraw their protest to Application for Water Permit for applications No. 5-7078 and No. 55-709 made by Earth Resources Co., 5920 McIntyre Street, Golden, Colorado providing the following stipulation is inserted in the permit:

"Water will be diverted whenever required and whenever available; however, in any given year, if the Owyhee Reservoir does not fill to its full capacity, an amount of water equivalent to that diverted will be replaced in Jordan Creek from Earth Resources Company's wells and will be passed on downstream".

The version I sent to Earth Resources said "----- will be passed on downstream past our ditches", our, meaning Earth Resources ditches. They changed it, thinking our meant South Board and inserted "----- will be passed on downstream past the South Board of Control's ditches".

This to me is meaningless since we have no ditches in this area and the intent is to get the water into Owyhee Reservoir. If it then went past our ditches we would have gained nothing. I believe the best solution is to just end the stipulation at "passed on downstream".

Yours very truly,

Tom Cotton

Tom Cotton, Mgr.
Gem Irrigation District and
South Board of Control

10/11

cc: Earth Resources Co.

MICROFILMED

EARTH RESOURCES COMPANY

5920 mcintyre street

golden colorado 80401

February 3, 1975

Mr. Robert Hamilton
Idaho Department of Water Resources
Western District, Annex 3
Statehouse
Boise, Idaho 83720

Dear Bob:

I have before me Tom Cotton's letter of January 27, 1975 concerning our applications 55-7078 and 55-7079 and wish to say that the wording as proposed is satisfactory to Earth Resources Company.

I regret that we misunderstood the intent of the original wording, but believe that Tom's wording should remove any misunderstanding. Hopefully, it will now be possible for you to issue the permits.

Very truly yours,

EARTH RESOURCES COMPANY

William B. Tobey
William B. Tobey
Director of Engineering
Services

WBT:rm

cc: South Board of Control
K. H. Wright

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT — ANNEX 3

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2190

October 10, 1974

Earth Resources Company
5920 McIntyre Street
Golden, Colorado 80401

Re: Applications for Permit No. 55-7078 and 55-7079

Gentlemen:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Applications No. 55-7078 and 55-7079. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Sincerely,

KENNETH H. FOIT, P.E.
Western District Engineer

KHF:sw

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT — ANNEX 3

Cecil D. Andrus
Governor

Statehouse
Boise, Idaho 83720
(208) 384-2190

R. Keith Higginson
Director

October 10, 1974

Tom Cotton
Secretary-Manager
South Board of Control
& Gem Irrigation District
Homedale, Idaho 83628

Re: Applications for Permit No. 55-7078 and 55-7079

Dear Mr. Cotton:

This is to acknowledge receipt of your protest submitted in behalf of the South Board of Control and the Gem Irrigation District to issuance of a permit pursuant to the above referenced applications. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right of way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Sincerely,

KENNETH H. FOIT, P.E.
Western District Engineer

KHF:sw

MICROFILMED

South Board of Control, Owyhee Project

Homedale, Idaho 83628

Phone 337-3760

Beverly Fisher
TreasurerTom Cotton
Secy - Mgr.

October 4, 1974

Mr. Keith Higginson
Idaho Dept. of Water Resources
Statehouse
Boise, Idaho 83720

Dear Mr. Higginson,

The Gem Irrigation District and the South Board of Control, Owyhee Project; do hereby protest the following Notice(s) of Application for Water Permit, application No. 55-7078 and No. 55-709.

The applications are made in the name of Earth Resources Company, 5920 McIntyre St., Golden, Colorado. The point of diversion for No. 55-7078 is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T.4S., R. 4 W. B. M., Owyhee County and is for 1.11 c.f.s., 40 acre feet per annum of water from Jordan Creek, tributary to Owyhee River. No. 55-7079 is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T. 4S., R. 4 W.B.M., Owyhee County and is for 1.0 c.f.s., 30 acre feet per annum of water from Henrietta Drainage, tributary to Jordan Creek.

The Owyhee River and its tributaries are fully appropriated except for years when the Owyhee Reservoir fills and spills. I believe this has been well established in a ruling made by the Department in the Matter of Application for Permit No. 55-7009 in the name of Riddle Ranches, Inc. (Item (2) Page 3). This order was signed November 7, 1972.

If the quantity of water applied for by Earth Resources is to be returned to the stream in a non polluted quality the Gem District and South Board of Control would consider with-drawing their protest.

Yours very truly,

Tom Cotton

Tom Cotton
Secy-Mgr. South Board of
Control & Com Irrig. Dist.

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384 2115
Western District Office



Water Right - Adjudication
Water Resources Planning
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Well
Stream Channel Protection

September 13, 1974

Owyhee Nugget
Marsing, ID 83639

Re: Application for Permit No. 55-7078 - Earth Resources Company
55-7079 - Earth Resources Company
57-7126 - Warren Taylor
57-7127 - Rodney A. &/or Leona S. Hayes

Gentlemen,

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

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

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

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

(signature of claimant)

Sincerely,

Bill submitted

9-30-74

ca

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that ~~EARTH RESOURCES COMPANY~~
~~5920 McIntyre St., Golden, Colo. 80401~~
has on ~~Sept. 4, 1974~~ submitted Application No. ~~55-7079~~
for a permit to appropriate ~~1.0~~ cubic feet per second ~~30~~ acre feet
per annum of water from ~~Henrietta Drainage, trib. to Jordan Creek~~
by means of ~~gravity system and pump~~
within the ~~SE SE 6~~ ~~Sec. 5, T. 5 S, R. 4 W, B.M. Owyhee County~~

to be used from ~~Feb. 15 to June 1~~
for ~~mining and milling uses~~

within the ~~SE SE 6~~ ~~Sec. 8, T. 5 S, R. 4 W, B.M.~~

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720, on or before
~~Oct. 7, 1974~~

R. KEITH HIGGINSON

Director

Published in the ~~Owyhee Nugget, Marsing, ID~~
on ~~Sept. 19, 1974~~ and ~~Sept. 26, 1974~~

MICROFILMED

September 10. 1974

Mr. Herb Pollard
Idaho Fish and Game Department
Statehouse

Re: Application for Permit No. 55-7078, 55-7079

Dear Mr. Pollard:

We are enclosing copies of the above referenced application for permits which may be of interest to your agency. Please review the applications and if you have any comments, please submit them to our department as soon as possible.

We normally complete the processing of an application within a six week period and we are required to take final action shortly thereafter.

If we may be of any assistance to you in the meantime, please do not hesitate to contact this department.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KHF:cla

Enclosures

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
WESTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

- 614 State Street
Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

September 9, 1974

Earth Resources Company
5920 McIntyre St.
Golden, Colorado 80401

Gentlemen:

Enclosed is your Receipt No. 15221 in the amount of \$60.00 for
2 Applications For Permit NO.'s 55-7178 & 55-7070 which was received in this office
on September 4, 1974.

Sincerely,

SUSAN WHALEY
Secretary

SW:s

Enclosure

RECEIVED

EARTH RESOURCES COMPANY

5920 mcintyre street

golden - colorado 80401

SEP 5 1974
Department of Water Resources

SEP 5 1974

303-279-7631

August 29, 1974

State of Idaho
Department of Water Administration
614 State Street
Boise, Idaho

Attention: Kenneth F. Foit, Western District Engineer

Gentlemen:

Returned herewith is our Application for Permit
revised as corrected.

The location of the point of diversion and
point of use have been slotted on 500 scale aerial
photo, showing section corners and the locations have
been accurately scaled and are correct as detailed
on the two applications both as to description and
map.

The location of the pond in which water
from the Henrietta drainage will be impounded has been
added.

The check for 60.00 is also being returned.

Very truly yours,

EARTH RESOURCES COMPANY

William B. Tobey
William B. Tobey
Project Manager

WBT:rm
Enclosures/w/attachments

RECEIVED

August 20, 1974

Earth Resources Company
5920 McIntyre St.
Golden, CO 80401

Gentlemen:

We are returning your application form and check, for the amount of \$60.00.

We made an error in our previous letter. We stated that the map drawn on the form showed the place of use as being in the NE 1/4, Sec. 3, T. 5 S, R. 4 W. The map actually shows the place of use in the NE 1/4 and the NW 1/4, Sec. 3, T. 5 S, R. 4 W.

Could you review each form carefully and correct them so that the point of diversion (item 3a) and place of use (item 8a(1)) agrees with the map drawn.

Please return the corrected application forms along with the check for \$60.00, and we will process your application. If you have any further questions, please do not hesitate to contact this office. Thank you for your cooperation.

Sincerely,

KENNETH H. WOIT, P. E.
Western District Engineer

KHF:cla

Enclosures

RECEIVED
AUG 23 1974

July 16, 1974

Mr. William B. Tobey, Project Manager
Earth Resources Company
5920 McIntyre Street
Golden, Colorado 80401

Dear Mr. Tobey:

We have received your applications for permits to appropriate water for use in your mining operation, however we are returning them for additional information.

On the application for water from the Henrietta drainage, we will need to know the size of storage facility that is to be built as the fee is determined by the amount of water appropriated. If the water will be used then run into a pond to settle suspended matter, you would file on a direct diversion rate rather than on storage.

Please answer question 7.b.

The place of use is shown as being in the S¹ NE¹, Sec. 2, T. 5 N., R. 4 W., S. 1., however the map shows the place of use as being on the line between the NE¹ NE¹ and the NW¹ NE¹.

The filing fee on the application for water from Jordan Creek will be \$35.00. I am enclosing an instruction sheet which gives fee schedules and once you have determined the amount of water you want to file on from the Henrietta drainage, and the fee, add it to the \$35.00 and return the corrected applications along with the fee.

Sincerely,

ROBERT V. HAMILTON
Supervisor of Water Distribution

RWH:sw

MICROFILMED

EARTH RESOURCES COMPANY

5920 mcintyre street

golden - colorado 80401

JUL 15 1974
Department of Water Resources 303-279-7631

July 11, 1974

Department of Water Administration
Annex 2, Statehouse
Boise, Idaho 83707

Attention: Kenneth H. Foit
Western District Engineer

Gentlemen:

Enclosed please find two applications for permits to appropriate water in the DeLamar area of Southwestern Idaho.

This is our first experience in filing for water in Idaho. We have tried to give the proper information requested.

The water will be used in a proposed gold and silver mining operation near the summit of DeLamar Mountain in the area indicated on the map. Should everything proceed as anticipated production would begin in late 1976 or early 1977. The life of the property is anticipated to be ten (10) years, but could be longer, depending on the economic factors involved and on our success in developing more ore.

We trust the information submitted is adequate.

Very truly yours,

EARTH RESOURCES COMPANY

William B. Tobey
William B. Tobey
Project Manager

WBT:rm

Enclosures

MICROFILMED