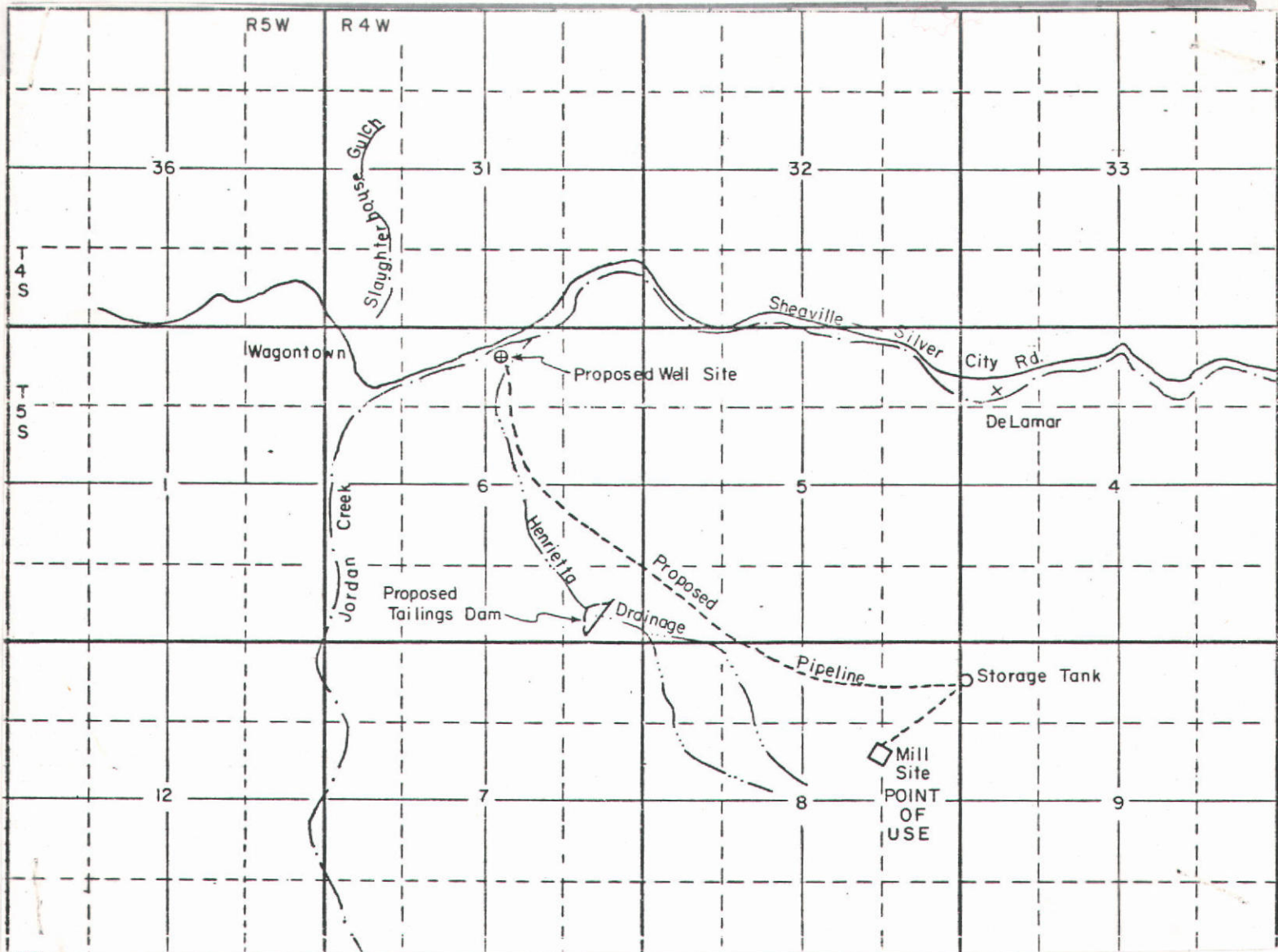


Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



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 25th day of February, 19 75.

Wm. B. Jolley
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Operations Division

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

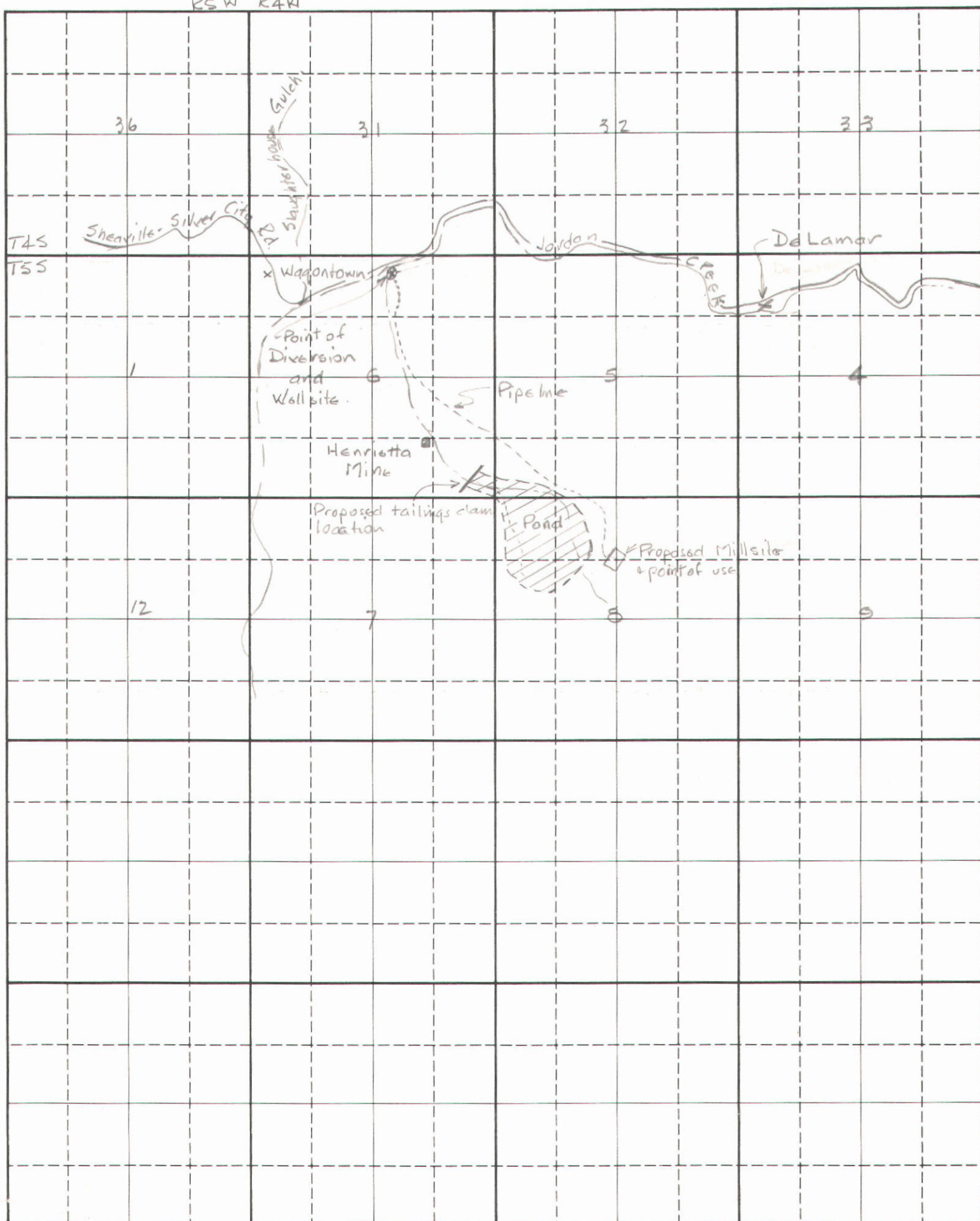
hereby approve the above application for amendment for Permit No. 55-7078.

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.

RSW R4W



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.

Lena S. Hawes
NOTARY PUBLIC

My commission expires 9-10-76

(SEAL)

MICROFILMED

RECEIVED

SEP 20 1974

Department of Water Resources

SEP 30 1974

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 - 7078 for a permit to appropriate 1.11 cubic feet per second 804 acre feet per annum of water from Jordan Creek, trib. to Owyhee River by means of ditch, pump, pipeline and reservoir within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T. 5 S., R. 4 W., B. M. Owyhee County to be used from Jan. 1 to Dec. 31 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
ca

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5230
WATER RIGHT NO(S). 55-02134/55-07078

This is to certify that: KINROSS DELAMAR MINING CO
PO BOX 52
JORDAN VALLEY OR 97910

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 55-02134 :			
MINING	01/01 to 12/31	0.41 CFS	296.8 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
Priority: 03/16/1938			
	SUBTOTAL:	0.41 CFS	296.8 AF
Right No. 55-07078 :			
MINING	01/01 to 12/31	1.11 CFS	803.6 AF
Priority: 09/04/1974			
	TOTAL:	* 1.52 CFS	* 1100.4 AF

SOURCE
JORDAN CREEK

TRIBUTARY OF
OWYHEE RIVER

LOCATION OF POINT(S) OF DIVERSION: Lot 2(NWNE), Sec. 6, Township 05S, Range 04W
OWYHEE County

PLACE OF USE: MINING

TWN RGE SEC

05S 04W 8	NENE	SWNE	SENE
05W 11	NESE	SWSE	SESE
12	NESW	NWSW	SWSW
	SESW		
13	NENW	NWNW	SWNW
	SENW	NWSW	
14	NENE	NWNE	SWNE
	SENE	SESW	NESE
	NWSE	SWSE	SESE
23	NENW		

PLACE OF USE: DOMESTIC

TWN RGE SEC

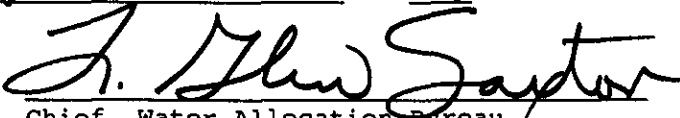
05S 04W 8 NENE

MICROFILMED

JUN 09 1998

TRANSFER NO. 5230
WATER RIGHT NO(S). 55-02134/55-07078CONDITIONS OF APPROVAL AND REMARKS

1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. Prior to diversion and use of water under this right, the right holder shall comply with all bonding requirements of appropriate governmental entities.
3. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
- * 8. Rights 55-02134 and 55-07078 when combined shall not exceed a total diversion rate of 1.52 cfs, a total annual diversion volume of 1100.4 af.
9. The quantity of water authorized for domestic purposes under Right 55-02134 shall not exceed 13,000 gallons per day.
10. The water used for mining under this right is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the extraction of minerals as authorized by the water right.
11. Upon receiving a petition for delivery call on Jordan Creek and a determination by the Department that the prior water rights are not being satisfied, the water right holder must cease diverting water from Jordan Creek when it is not available or must fully mitigate for depletions in the flow of Jordan Creek caused by the diversion.
12. Rights 55-02134 and 55-07078 are considered to be wholly consumptive.
13. Mining use is for mining and milling of silver and gold ore.
14. Domestic use is for offices.

Dated this 1st day ofJune, 1998
Chief, Water Allocation Bureau

MICROFILM

JUN 09 1998

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 55-7078 Priority September 4, 1974 Amount 1.11 cfs

THIS IS TO CERTIFY, that EARTH RESOURCES COMPANY
of Golden, Colorado, has complied with the terms and conditions of Permit
No. 55-7078 issued pursuant to Application for Permit dated September 4, 1974,
and has submitted proof to the Department of Water Resources on February 22, 1971,
that he has applied water to a beneficial use, an examination by the Department indicates that the works have a
capacity for the diversion of 1.11 cfs of water from Jordan Creek,
tributary to Owyhee River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Mining & Milling	from January 1 to December 31	at 1.11 cfs and	N/A
	from	cfs and	
	from	at cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 1.11 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
N/A acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, Twp. 5S,
Rge. 4W, B. M. in the County of Owyhee

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$	
5S	4W	8		X	X										

Total number of acres irrigated _____

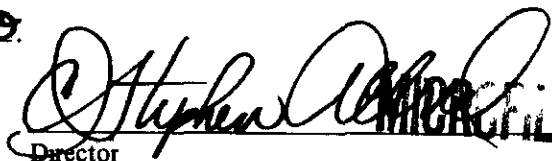
CONDITIONS: (1) A measuring device of a type approved by the Department shall be maintained at the point of diversion.
(2) Water diverted under this license in any given year, must be replaced in Jordan Creek from the licensee's wells and passed on downstream in the same irrigation season if the Owyhee Reservoir does not fill to its full capacity.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 10 day of

January, 19 79


Director

Receipt # 1235

APPLICATION FOR AMENDMENT

RECEIVED
FEB 20 1964
Department of Water Resources

55-7078
Permit No. ~~55-7078~~

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 55-7078, and requests that the permit and permit map be changed as follows:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 1.11 cfs for Mining & Milling purposes from Jan. 1 to Dec. 31 (both dates inclusive)

Amount for purposes from to (both dates inclusive)

Amount for purposes from to (both dates inclusive)

Amount for purposes from to (both dates inclusive)

(cfs or acre feet per annum)

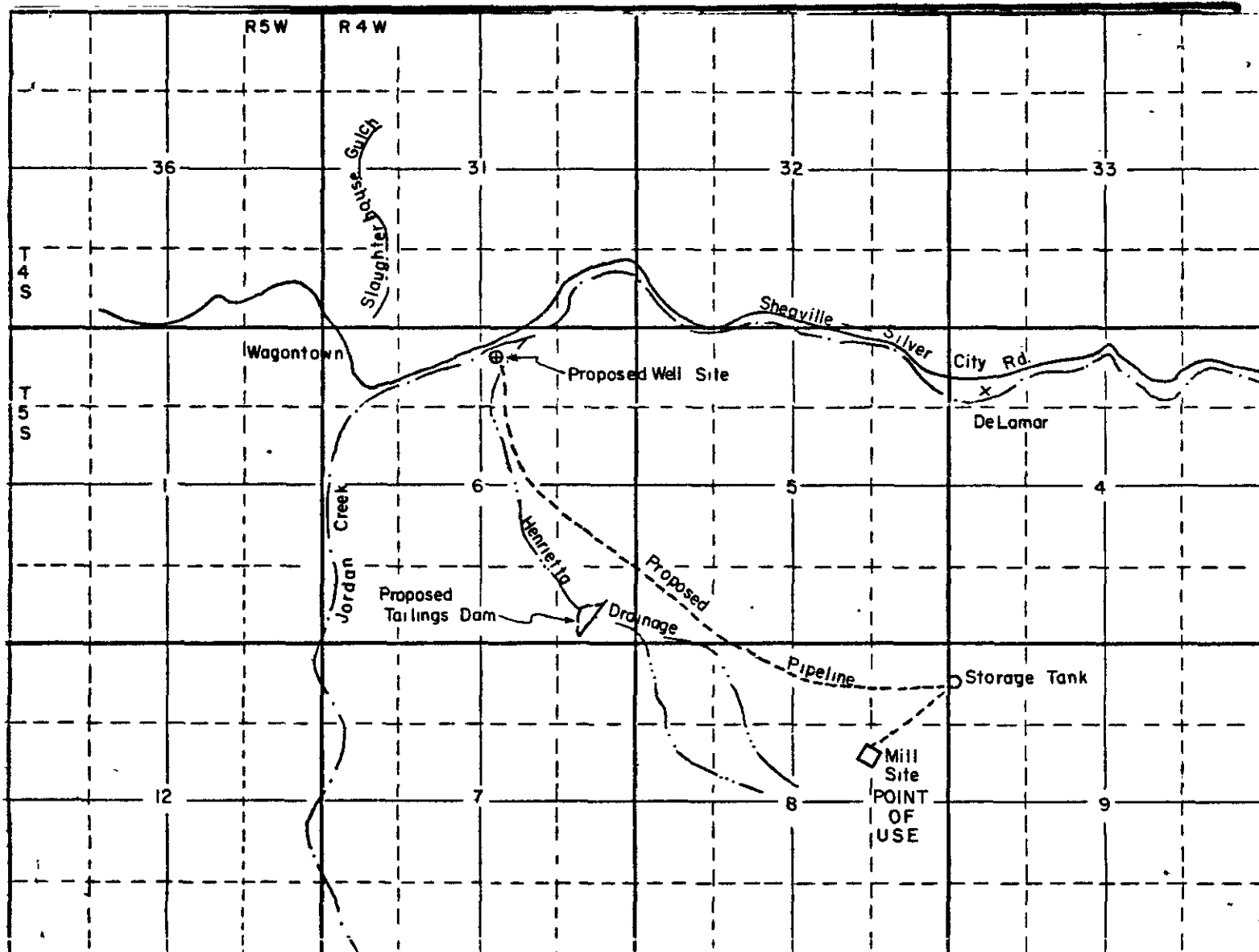
3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated

100-443887-1

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



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 25th day of February, 19 75.

W. S. Lee
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Operations Division

I, A. KENNETH DUNN, Admin., ~~DIRECTOR~~ of the Department of Water Resources hereby approve the above application for amendment for Permit No. 55-7078.

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

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

Identification No. _____

Application No. 55-7078

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Earth Resources Company
post office address 5920 McIntyre Street, Golden, Colorado 80401
- 2 Source of water supply Jordan Creek which is a tributary of Owyhee River
- 3 a Location of point of diversion is N E $\frac{1}{4}$ of N W $\frac{1}{4}$ of Section 6 Township 5 S
Range 4 W B M Owyhee County; additional points of diversion if any _____
A well will be drilled into a local shattered geological formation for a
supplementary source during dry seasons.
- b If water is not consumed, it will be discharged into Jordan Creek drainage at a point in SE $\frac{1}{4}$
of S E $\frac{1}{4}$ of Section 6 Township 5 S Range 4 W B.M. Owyhee
- 4 Water will be used for the following purposes
Amount 1.11 cfs ^{mining & milling} purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- 5 Total quantity to be appropriated
a 1.11 cubic feet per second ~~and/or~~
b 804 acre feet per annum.
- 6 Proposed diverting works
a Description of ditches, flumes, pumps, headgates, etc Water to be diverted from Creek by
ditch 3 ft. wide, 1 ft. deep to pump suction. 200 HP pump to pump water to
Sommercamp flat via 13,000 ft. 6" pipe line to a 500,000(proposed) gallon
reservoir
- b Height of storage dam 10 feet, active reservoir capacity 2 acre feet, total reservoir
capacity 3 acre feet, materials used in storage dam plastic lined earth fill.
Period of year during which storage will occur Jan 1 to Dec. 31 inclusive.
(Mo Day) (Mo Day)
- c Proposed well diameter is 12 inches, proposed depth of well is 250 feet.
- 7 a Time required for the completion of the works and application of the water to the proposed beneficial use
is 2 years
b Estimated construction cost is \$ 150,000
- 8 Description of proposed uses
a If water is **not** for irrigation
(1) Give the place of use of water E 1/2 of NW 1/4, and
W 1/2 of NE $\frac{1}{4}$ of Section 8 Township 5 S
Range 4 W B M
(2) Amount of power to be generated N/A hp under N/A feet of head
(3) List number of each kind of livestock to be watered Not known
- (4) Name of municipality to be served N/A, or number of families to be
supplied with domestic water _____
- (5) If water is to be used for other purposes describe For mining and milling purposes
on DeSamar Mountain.

MICROFILMED

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

TWP	RANGE	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 number of acres to be irrigated _____

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

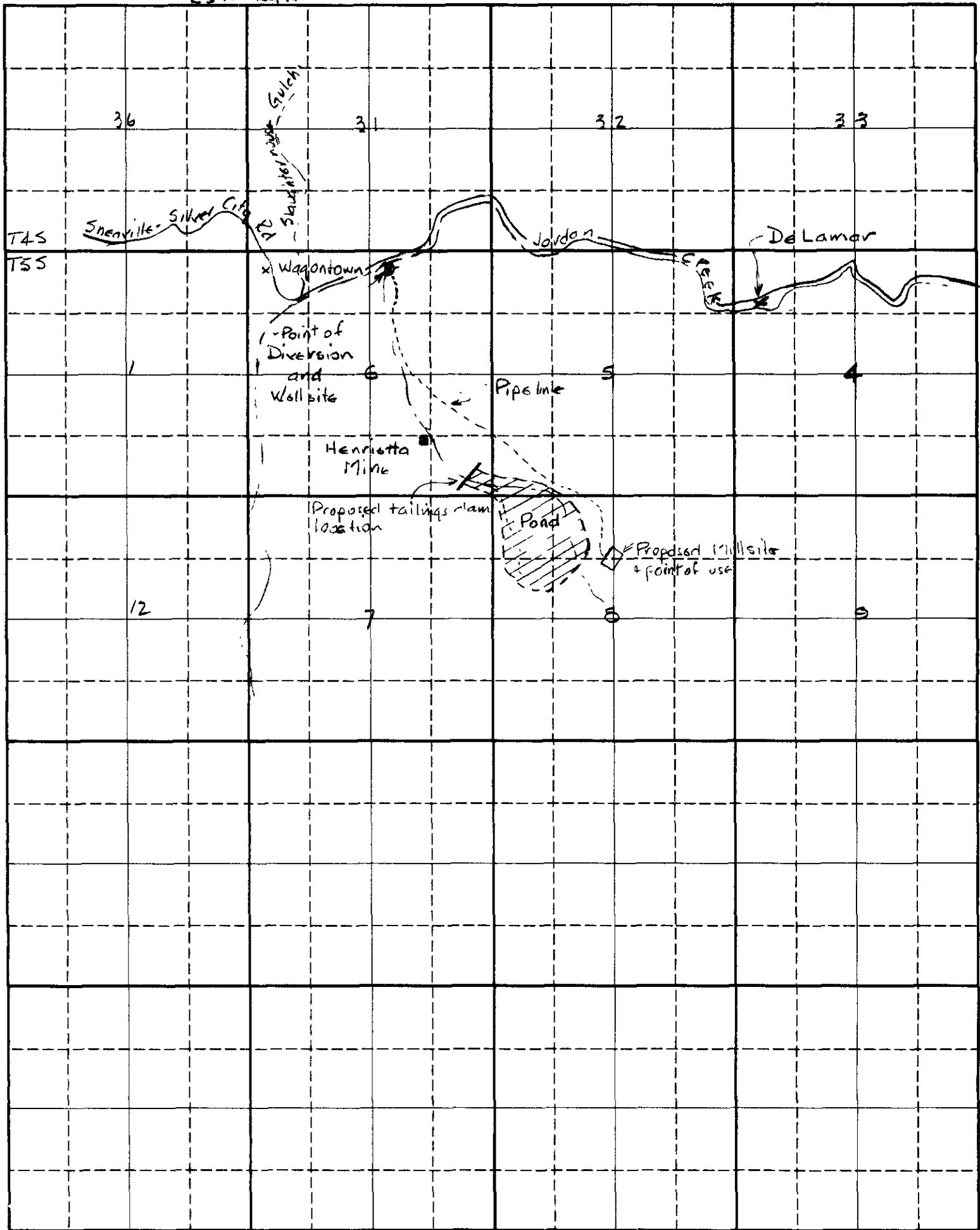
- 9 a Who owns the property at the point of diversion North American Silver Corp.
- b. Who owns the land to be irrigated or place of use Marion Rushing & Charles Lark, Jr. (Trustee)
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to 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 Co. & Canadian Superior & controlled by ERC) allowing use of land for any legitimate mining, milling and refining use.
- 10 Remarks _____

The water will be required by ERC to conduct its mining, milling and refining operations on the slopes of DeLamar Mountain. Except under unusual circumstances only the water required will be pumped and there will be no water returned to the local drainage. In unusual cases the water will be returned to the Jordan Creek 1/2 a mile below the Sommercamp flat. (In the "Henrietta" drainage).

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 other 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

25 W 24 N



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

9-04-74 — 8.00 A

8-12-74

Received by ej Date 7-15-74 Time 10.00 A

Preliminary check by KHF Fee \$ 35.00

Receipted by SW Date 9-5-74 # 15221

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
Idem Irrigation District

Copies of protests forwarded by SW 10-10-74

Hearing held by _____ Date _____

Recommended for approval denial by JD

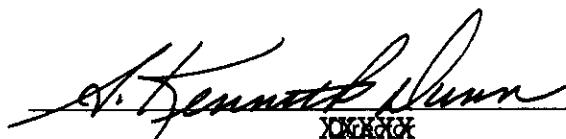
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No 55-7078, 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 water shall be treated to insure that the effluent meets interstate stream water quality standards.

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



Administrator, Operations Division

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 7 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.

Lona L. Hawes
NOTARY PUBLIC

My commission expires 6-10-76

(SEAL)

UNRECORDED

SEP 30 1974

OK
9-30-74
ca



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 2, 1998

KINROSS DELAMAR MINING CO
PO BOX 52
JORDAN VALLEY OR 97910

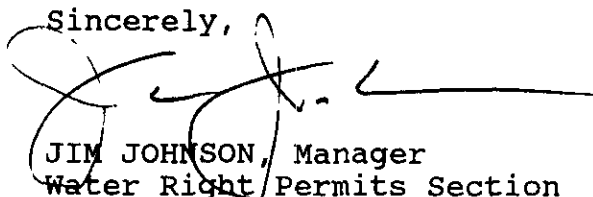
RE: Water Rights 55-02134/55-07078 (Transfer 5230)

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water rights (Transfer 5230). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer.

Also, please be advised that the accompanying **transfer approval** should be considered and treated as a **preliminary order** of the department issued pursuant to Section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosures

MICROFILMED

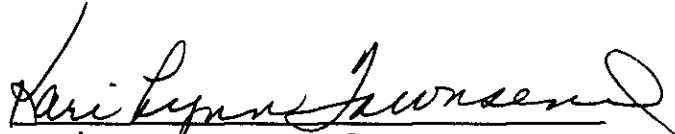
JUN 09 1998

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of June, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHTS 55-02134/55-07078 (Transfer 5230)

**KINROSS DELAMAR MINING CO
PO BOX 52
JORDAN VALLEY OR 97910**


Kari Lynn Townsend
Secretary

APPROVED
JUN 09 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
JUN 09 1998

MEMORANDUM

TO: Files 55-02134 & 55-07078

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 5230

DATE: May 12, 1998

Transfer 5230 changes the place of use under Rights 55-02134 and 55-07078 to include an area identified for land application of residual water left after ore processing in order to meet water quality requirements.

Conditions include measuring device, future reporting, bonding requirements, water quality, combined limits, domestic limits, land application limited to water used for processing first, use limit with other Jordan Creek waterusers, use identified as wholly consumptive and standard transfer conditions.

MICROFILMED
JUN 09 1998

MEMORANDUM

TO: FILE 55-07078
FROM: PAM SKAGGS
RE: TRANSFER # 5230
DATE: 3-18-98

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 55-02134.

NOTED
JUN 09 1998



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

MICROFILMED

JUN 09 1998

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

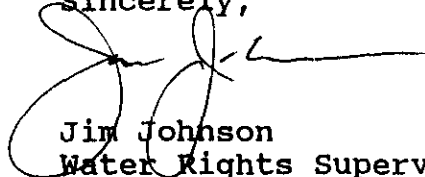
Dear Mr. Jensen:

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,



Jim Johnson
Water Rights Supervisor

MICROFILMED

JUN 09 1998

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

A PROFESSIONAL CORPORATION

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 D. HENRIKSEN
MARK E. WILKEY
MATTHEW B. DURRANT
JILL N. PARRISH

BRIAN J. ROMRIELL
MARY SHEA 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. RYTHER
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

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

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.

KIN\IDWR wr

MICROFILMED
JUN 09 1998

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: _____

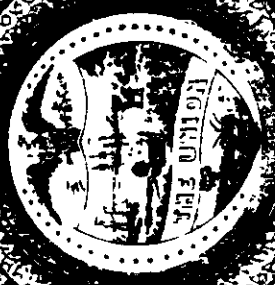
IN THE PRESENCE OF

SIGNATURE(S) GUARANTEED

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

By: _____
Authorized Signature

INCORPORATED UNDER THE LAWS OF OREGON.



NUMBER

SHARES

NERCO DeLamar

Chic Outfit: Day

to the corner of

Minerals Company

Shares of the Capital-Stock of

ERCO DeLamar Company

Not transferable unless in 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

7th

day of September 1984

अथ भूषणस्य चरित्रम्

Orville Martin
Secretary

Abstracts

No Par Value

DEAR

JUN 09 1998

[illegible]

SHARES



THE KINROSS DELAMAR MINING COMPANY

Organized under the Laws of the State of Oregon

Phosphorus

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

is 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.

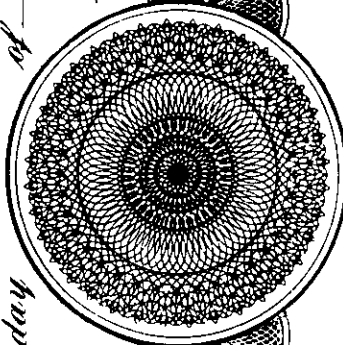
In Witness Whereof, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed as of this _____ day _____ of _____ A. D. 19____ August _____

day

1961

President

Secretary





Office of the Secretary of State Corporation Division

I, **Danet 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.

Danet Sullivan

Director

By *Marilyn K. Smith*

Date *11 August 1993*

MICROFILM

JUN 09 1998

202850-11

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

State of Idaho

Department of State

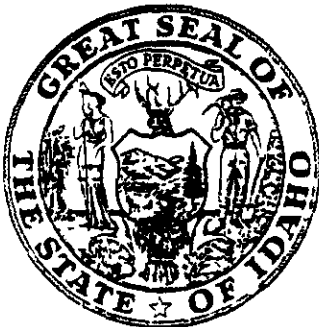
AMENDED CERTIFICATE OF AUTHORITY OF

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 T. Clark

JUN 09 1998

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, 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. H. Ditto
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 05-31-95
I hereby certify that the application and filing fee to:
Office of the Secretary of State
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 10 30.00= 30.00
#: C



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:
Starehouse
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

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JUN 09 1998

NERCO MINERALS COMPANY
11 W COLUMBIA, SUITE 600
PC, FLAND, OREGON 97201
TELECOPIER 503-241-2819
TELEPHONE 503-796-6600

RECEIVED
SEP 14 1984

NERCO

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

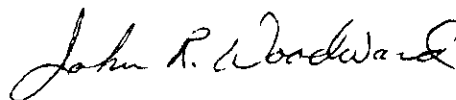
On September 12, 1984 NERCO Minerals Company acquired the Mapco Minerals' interest in DeLamar Silver Mine. NERCO DeLamar Company, a subsidiary of NERCO Minerals Company, has replaced Mapco Minerals as the mine operator. With the change of operator, two water right permits (Permit No. 55-7079 and 55-7081) 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,



John R. Woodward
Senior Permitting Engineer

Enclosures

JRW/dj

MAILED
JUN 09 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address
Statehouse
Boise, Idaho 83720
(208) 384-2215

January 11, 1979

Re: Permit No. 55-7078

Earth Resources Company
Box 52
Jordan Valley, Idaho 97910

Gentlemen:

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

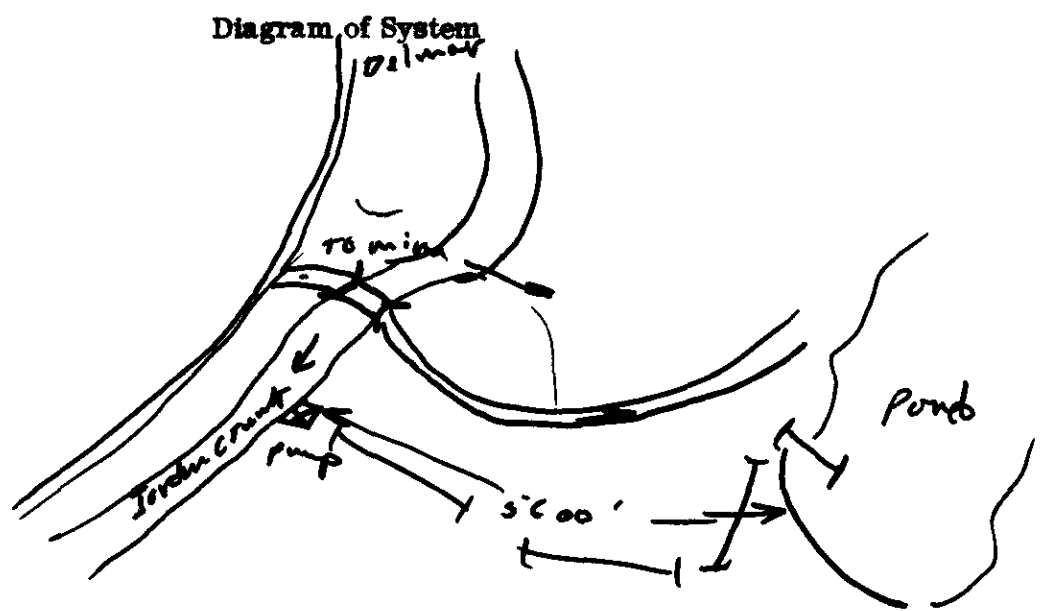
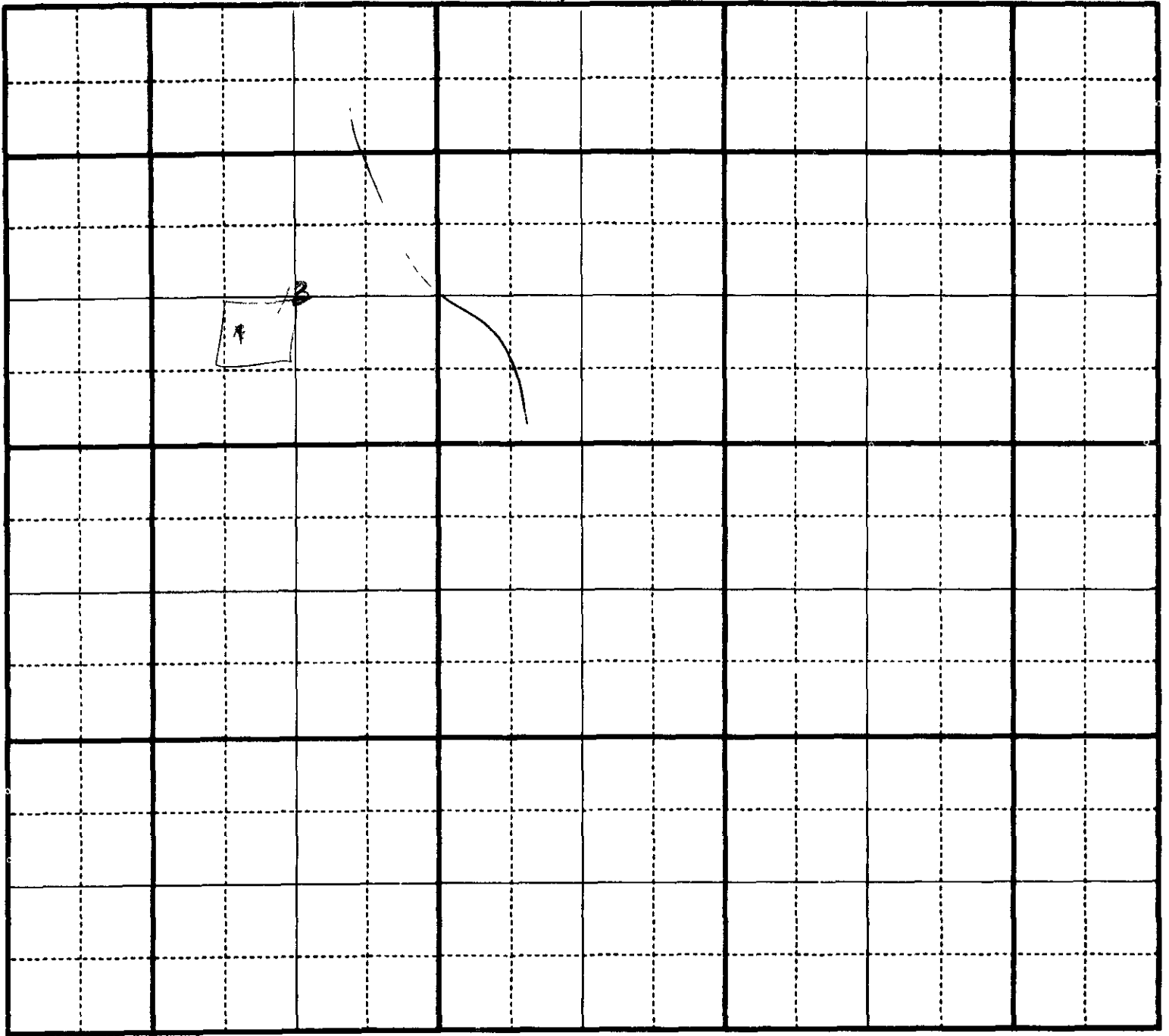
JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure

BASIN NO.	NAME	SOURCE	AMT.	DATE OF FILING OR PRIORITY	POINT OF DIVERSION	BENEFICIAL USE, REMARKS, ETC.	STATUS
55-7078	Earth Resources Co.	Jordan Cr.	1.1 cfs	9-04-74	NWNE-6, TSS, R4W	Mining & milling - Jan 1 to Dec 31 S ² NE - Sec 8, TSS, R4W Conditions of approval: If any well Res does not fill, the amt of water diverted from Jordan Cr. shall be replaced to Jordan Cr. from wells. - meas device	Permit - proof due 3-1-77
55-7079	Earth Resources Co.	Hemivilla Drainage	30 AF	9-04-74	SESE-6, TSS, R4W	Mining & milling - Feb 15 to June 1 S ² NE - Sec 8, TSS, R4W Conditions of approval - Same as on 55-7078 - meas device	Permit - proof due 3-1-77
55-7081	Earth Resources Co.	Ground water	1.1 cfs	2-21-75	SENE-8, TSS, R4W	Mining & milling - 1-1 to 12-31 S ² NE - Sec 8, TSS, R4W - meas Device	Permit proof due 12-1-77

FIELD REPORT

TOTAL ACREAGE



DATE OF EXAM 8 month 77

ACREAGE
Found _____
Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE
Irrigation Q=_____ c.f.s. V=_____ AF/Ann. from _____ to _____
Domestic Q=_____ c.f.s. V=_____ AF/Ann. from _____ to _____
Livestock Q=_____ c.f.s. V=_____ AF/Ann. from _____ to _____

mining & milling 1.11 cfs @ 804 AF/Ann 1-1 to 12-31

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 1.11 cfs Method of measurement CFS

Total Q recommended 804 AF/Ann Meter No. 766934 Type Muesco Condition New

Total V recommended 804 AF/Ann

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION.

1.11 cfs reading in AS

SYSTEM DESCRIPTION:

#1003732
125 HP US pump w/ Worthington pump No. 12-L-54
w 5670' of 8" main to discharge into tailings pond

REMARKS:

System in operation at time of exam m.
clean miller present.

Examiner's Signature Erin Ballen Date 20 June 77

Checked by TJS Date 9-06-77

Approved by _____ Date _____



DeLamar Silver Mine

Box 52

Jordan Valley, Oregon 97910

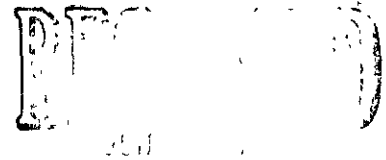
(208) 583-2511

Clinton L. Miller, Resident Manager

June 16, 1977

CLM

Mr. Ervin E. Ballou
Department of Water Resources
92 South Cole Road
Boise, Idaho 83705



Department of Water Resources
Western Regional Office

Dear Mr. Ballou:

Per your letter and request of
June 7, 1977, enclosed are two reports from this
office.

The first report covers information
on the Jordan Creek pump and flow meter. The second
covers the water movement to and from Jordan Creek.

Sincerely yours,

Clinton L. Miller
Clinton L. Miller

CLM:eb
Enc.



DeLamar Silver Mine

MEMO

March 22, 1977

TO: Clinton L. Miller

FROM: J. V. MacGuffie

SUBJECT: Jordan Creek Pump Station

The pump is a Worthington - 12 L 54

Serial # - 1003732

Motor 125 HP US
Hollow shaft
480 3 Phase
60 HZ

Serial # R 2103362

Model of Flowmeter

Muesco

Serial # 766934

Length of Line - 8 "
5670 '

684 ' of head.

J. V. MacGuffie
Ass't. Mill Superintendent

JVM:eb

RECEIVED



DeLamar Silver Mine

MEMO

June 14, 1977

TO: Clinton L. Miller

FROM: J. V. MacGuffie

SUBJECT: Water Pumped

Water from Well #2 into Louse Creek

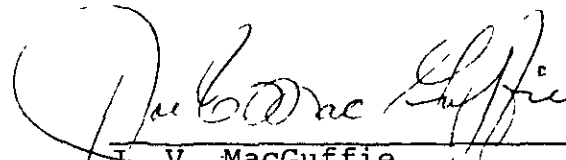
1.3583 acre feet or 442,573.53 gallons

Water from Well #3 into Louse Creek

4,875,056.80 gallons or 14.961 acre feet

Gallons of water pumped from Jordan Creek to
Tailings Pond:

Feb. 1, 1977 to June 14th. 39,808,000 gallons


J. V. MacGuffie
Project Superintendent

JVM:eb

xc: L. D. Hartzog
File

RECEIVED

June 7, 1977

RE: 55-7078

Olint Miller,
General Manager
Delamar Silver Mines
Box 52
Jordan Valley, Idaho 97910

Dear Mr. Miller:

After our March 8, 1977, inspection of Delamar Silver Mines diversion from Jordan Creek, I requested information on the pumping system and pumping records. To include; size and serial numbers of pump, motor and measuring device, and a record of measurements taken during past operation.

If the information is not available, please advise me. I will be working in your area later this month and will need access to the pump to get the information.

Very truly yours,

ERVIN E. BALLOU
Senior Water Resource Agent

EEB:cs

1977 JUN 10 10 00 AM

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 L. Chapman
Sherl L. Chapman
Consultant

SLC:kje
cc:Mr. Clint Miller

Sherl L. Chapman

CONSULTANT

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

*file in Jordan Creek
permit for Earth
resources 55-7078*

March 23, 1977

Mr. Glen Saxton
Department of Water Resources
Western Division
29 South Cole Road
Boise, Idaho 83705

Dear Glen:

Earth Resources, Inc. has asked me to convey to you an up-date on the progress of the wells at the Delamar Silver Mine. As you are aware, two wells have been drilled under the permit you now have on file, both of which are less than adequate. We are in the process now of completing the third well within the same forty acre tract hoping to achieve the desired yield at this location. As soon as our development and test pumping is completed, we will provide you with the information for your files relating to the yield, depth of the well, and other pertinent data. We would welcome any of your people to visit on site during the completion of the pump installation phase and would be most happy to provide you with any information that you may require.

Additionally, we have made arrangements to have a driller on site to drill the well to replace water in Jordan Creek on April 5th, and anticipate completion in a week to 10 days.

Sincerely yours,

Sherl Chapman

Sherl L. Chapman
Consultant

SLC:kje
cc:Mr. Clint Miller

MAR 26 1977

SPECIALIST IN
GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN

Department of Water Resources
MICROFILMED

February 24, 1977

Re: Permit No. 55-7078

Earth Resources Company
Box 52
Jordan Valley, Oregon 97910

Gentlemen:

We acknowledge receipt of the affidavit submitted as proof of beneficial use on the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this exam will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions regarding the field exam, please contact our Regional Office in Boise.

Sincerely,

JANICE RENK
Water Rights

jr

MICROFILMED

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
FEB 28 1974
OK

Department of Water Resources
Western Regional Office

1. a) Name of Permit Holder Earth Resources Company
b) Post Office Address P. O. Box 52, Jordan Valley, Oregon 97910
2. Permit Number 55-7078
3. Date of Priority that you are prepared to establish September 4, 1974
4. a) Source from which water was appropriated Jordan Creek
b) Location of the point of diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6
Township 5S, Range 4W Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 1.11 c.f.s. for Mining & Milling purposes from Jan 1 to Dec 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 1.11 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Flowmeter determination; monitored by L. D. Harteog, Mill Supt. Met. Eng.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: N/A
b) Describe the agreement or understanding by which you take water from the works: N/A
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 125 H.P. motor, Max. Cap. 600 gpm, 750 TDH (total dev. head).
b) Describe the type and size of measuring device which you have installed at your point of diversion: 8" Annu Bar with a Fisher transmitter and box containing a square root extractor indicator and totalizer operating on 120 V AC power.
c) Give well driller's name and address and the date the well was completed: N/A
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: For mining and milling purposes on Delamar Mountain.

MICROFILMED

2/24/77

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres irrigated _____

10. Remarks: _____

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

• 22 February 77
(Date)

• [Signature]
(Signature)

State of Idaho)
County of Ada) ss.

On this 22nd day of Feb., 19 77, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at Boise, Idaho

My commission expires 11-25-78



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:

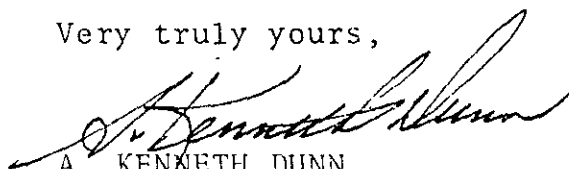
Reference is made to the general meeting held in Jordan Valley, Oregon on January 27, 1977 to discuss water distribution from Jordan Creek and the potential effect of Earth Resources water permits 55-7078, 55-7079 and 55-7081 on the distribution of water from Jordan Creek for the coming water year. As 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,

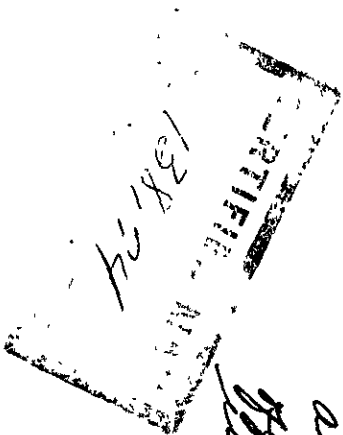

A. KENNETH DUNN
Administrator, Operations Division

AKD/slg

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

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

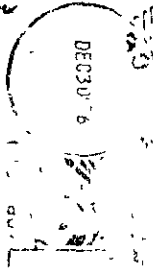
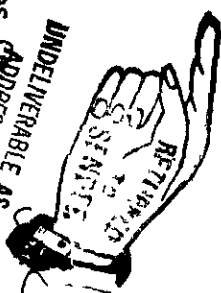


cc.
H. H. H.
Henderson P.D.

5920 McIntyre St.
Golden, Colo 80401

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

UNDELIVERABLE AS
ADDRESSED



RECEIVED
JAN 6 1977

Department of Water Resources

MICROFILMED

495-2421

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, 55-7079 (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.

6-11-76
R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

MICROFILMED

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 Raich
Water Rights Supervisor

DOR:JG
Enclosures

REC-11

February 19, 1975

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

Earth Resources Company
5920 McIntyre
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 pages.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your points of diversion has been placed 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 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

EARTH RESOURCES COMPANY

5920 mcintyre street

golden colorado 80401

RECEIVED
FEB
Department of Water Resources
303-279-7051

FEB

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

RECEIVED

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.

RECEIVED
JAN 29 1975
DHF

Mr. Robert Hamilton
Idaho Department of Water Resources
Western District, Annex 3
Statehouse
Boise, 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. 55-7078 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

TC/mt
cc:Earth Resources Co.

MICROFILMED

EARTH RESOURCES COMPANY

5920 mcintyre street

golden colorado 80401

303-279-7631

January 21, 1975

Idaho Department of Water Resources
Western District Office
Statehouse Annex 3
Boise, Idaho 83720

Re: Applications for Permit
Nos. 55-7078 and 55-7079

Attention: Kenneth H. Foit, P.E.
Western District Engineer

Gentlemen:

With reference to the above applications and to the protest lodged by the South Board of Control we submit the following correspondences.

- a. Letter from Earth Resources Company to the
South Board of Control
- b. Letter from the South Board of Control to
Earth Resources Company

In the letter from the South Board of Control they have specifically agreed to withdraw their protest providing the Department of Water Resources will include the stipulation in the permit, which is satisfactory to Earth Resources Company. However in the interests of clarification we suggest the stipulation be reworded as follows:

"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 past the South Board of Control's ditches".

Since this wording in no way affects the sense and intent of the stipulation there appears to be no reason why the Board should object to it. However, a copy of this letter will be sent to the

MICROFILMED

Idaho Department of Water Resources
William B. Tobey 1/21/75
Page 2

South Board of Control to keep them informed.

If there are no further objections to the applications we will
look forward to receiving them in due course.

Very truly yours,

EARTH RESOURCES COMPANY

William B. Tobey

William B. Tobey
Director of Engineering
Services

WBT:rm

Enclosures

cc: Messrs: K. H. Wright
R. W. Price
Tom Cotton, South
Board of Control

EARTH RESOURCES COMPANY
3920 mcintyre street

golden colorado 80401

303-279-7631

December 18, 1974

South Board of Control, Owyhee Project
Homedale, Idaho 83628

Attention: Tom Cotton
Secretary-Manager

Gentlemen:

Your letter of December 10th has been received and we would suggest the stipulation be changed as noted below, since the water from the reservoir will not be fit to use, as it will contain minor concentrations of cyanide.

Stipulation: "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 our wells and will be passed on downstream past your ditches".

If this modification meets your approval it will be taken up with the Department of Water Administration to see if it will be adequate, along with your protest withdrawal, to allow the issuance of the necessary permits for our operation.

If this is adequate and the permits are issued, we will begin diverting water in the fall of 1976.

Very truly yours,

EARTH RESOURCES COMPANY

William B. Tobey
Director of Engineering
Services

WBT:rm

MICROFILMED

South Board of Control, Owyhee Project

Homedale, Idaho 83628

Phone 337-3760

Beverly Fisher
Treasurer

RECEIVED

JAN 17 1974

Tom Cotton
Secy.-Mgr.

January 13, 1975

Mr. William B. Tobey
Earth Resources Company
592 McIntyre
Golden, Colorado 80401

Dear Mr. Tobey,

To confirm what I verbally told you in my office this afternoon I will quote from the South Board of Control minutes of the regular meeting held January 7, 1975.

"A letter was read from Earth Resources Company in which they suggested that instead of releasing water from their settling ponds during low stream runoff years, the following stipulation be inserted in their permit from the Department of Water Administration:

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 our wells (Earth Resources Company) and will be passed on downstream past our ditches.

A motion was made by Don Parker, seconded by Russell Dines and passed unanimously accepting the stipulation proposed by Earth Resources Company".

I hope this meets with your approval and the Department of Water Resources sees fit to include it in the permit.

Yours very truly,

Tom Cotton

TOM COTTON

MICROFILMED

January 24, 1975

Re: Application for Permit No. 55-7078

Tom Cotton, Manager
South Board of Control
Homedale, Idaho 83628

Dear Tom:

Before we approve the Earth Resources applications for permit, we would like a letter from your office withdrawing your protest against the granting of said permits. We also would like your approval to the stipulation to be included on these permits. It appears the only changes made by Earth Resources Co. was adding Earth Resources Company and South Board of control. Please restate the stipulation and we will see that it is included on these permits.

Sincerely,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:jg

RECEIVED

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

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.

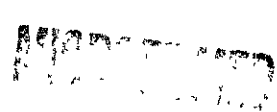
You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

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

Sincerely,

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

KHF:sw



South Board of Control, Owyhee Project

Homedale, Idaho 83628

Phone 337-3760

Beverly Fisher
Treasurer

October 4, 1974

RECEIVED

Tom Cotton
Secty.-Mgr.

OCT 7 1974

Department of Water Resources

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.5S., R. 4 W. B. M., Owyhee County and is for 1.11 c.f.s., 840 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. 5S., 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
Secty-Mgr. South Board of
Control & Gem Irrig. Dist.

INDEXED



WILLIAM D. ANDRUS, Governor

COMMISSION

ETHEL THOMPSON, Sandpoint
AUL C. KEETON, Lewiston
JOHN EATON, Cascade
ACK HEMINGWAY, Sun Valley
JACK ALVORD, Pocatello

IDAHO FISH AND GAME DEPARTMENT

Region 3
109 W. 44th
Garden City, Idaho 83704
384-3725

Department of Water Resources

SEP 19 1974
KMP

JOSEPH C. GREENLEY
Director

POST OFFICE BOX 25
600 SOUTH WALNUT STREET
BOISE, IDAHO 83707

September 16, 1974

Mr. Kenneth H. Foit, P.E.
Western District Engineer
Idaho Department of Water Resources
Western District Office
Statehouse Annex 3
Boise, Idaho 83720

Dear Ken:

RE: Application to appropriate public water #55-7078

I think that a diversion of 1.1 cubic feet per second from Jordan Creek might be excessive during dry seasons. The permit should stipulate no diversion when the natural flow is less than 6 cfs.

Also, we should be careful to stipulate that any water discharged into Jordan Creek be thoroughly settled and clarified and meet Department of Health standards. Provision should be made to prevent unsettled discharge into Jordan Creek during unusual precipitation.

Thank you for the opportunity to comment on this application.

Sincerely,

IDAHO FISH AND GAME DEPARTMENT
Joseph C. Greenley, Director

James F. Keating
Regional Supervisor

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse Annex 2
Boise Idaho 83707
(208) 384-2215
Western District Office



Water Rights Administration
Water Resource Planning
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
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. Hawes

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

RECEIVED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that ~~EARTH RESOURCES COMPANY~~
~~5920 McIntyre St., Colo. 80401~~
has on ~~September 4, 1974~~ submitted Application No. ~~55-7078~~
for a permit to appropriate ~~1.11~~ cubic feet per second ~~804~~ acre feet
per annum of water from ~~Jordan Creek, trib. to Owyhee River~~
by means of ~~ditch, pump, pipeline, and reservoir~~
within the ~~NE 1/4, Sec. 6, T. 5 S, R. 4 W, B.M. Owyhee County~~

to be used from ~~Jan. 1 to Dec. 31~~
for ~~mining and milling uses~~

within the ~~E 1/4, W 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~~

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

RECORDED

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 & 55-7079 which was received in this office
on September 4, 1974.

Sincerely,

SUSAN WHALEY
Secretary

SW:s

Enclosure

RECEIVED

RECEIVED

SEP 5 1974

Department of Water Resources

SEP 5 1974

303-279-7631

EARTH RESOURCES COMPANY

5920 mcintyre street

golden colorado 80401

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

MICROFILMED

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 N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 8, T. 5 S, R. 4 W. The map actually shows the place of use in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8, 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. FOIT, P. E.
Western District Engineer

KHF:cla

Enclosures

MICROFILMED

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 SW¹/₄NE¹/₄, Sec. 9, T. 5 S, R. 4 W, B.M., however the map shows the place of use as being on the line between the NE¹/₄NE¹/₄ and the NW¹/₄NE¹/₄.

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 W. HAMILTON
Supervisor of Water Distribution

RWH:sw

MICROFILMED

EARTH RESOURCES COMPANY
5920 mcintyre street

golden colorado 80401

RECEIVED
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