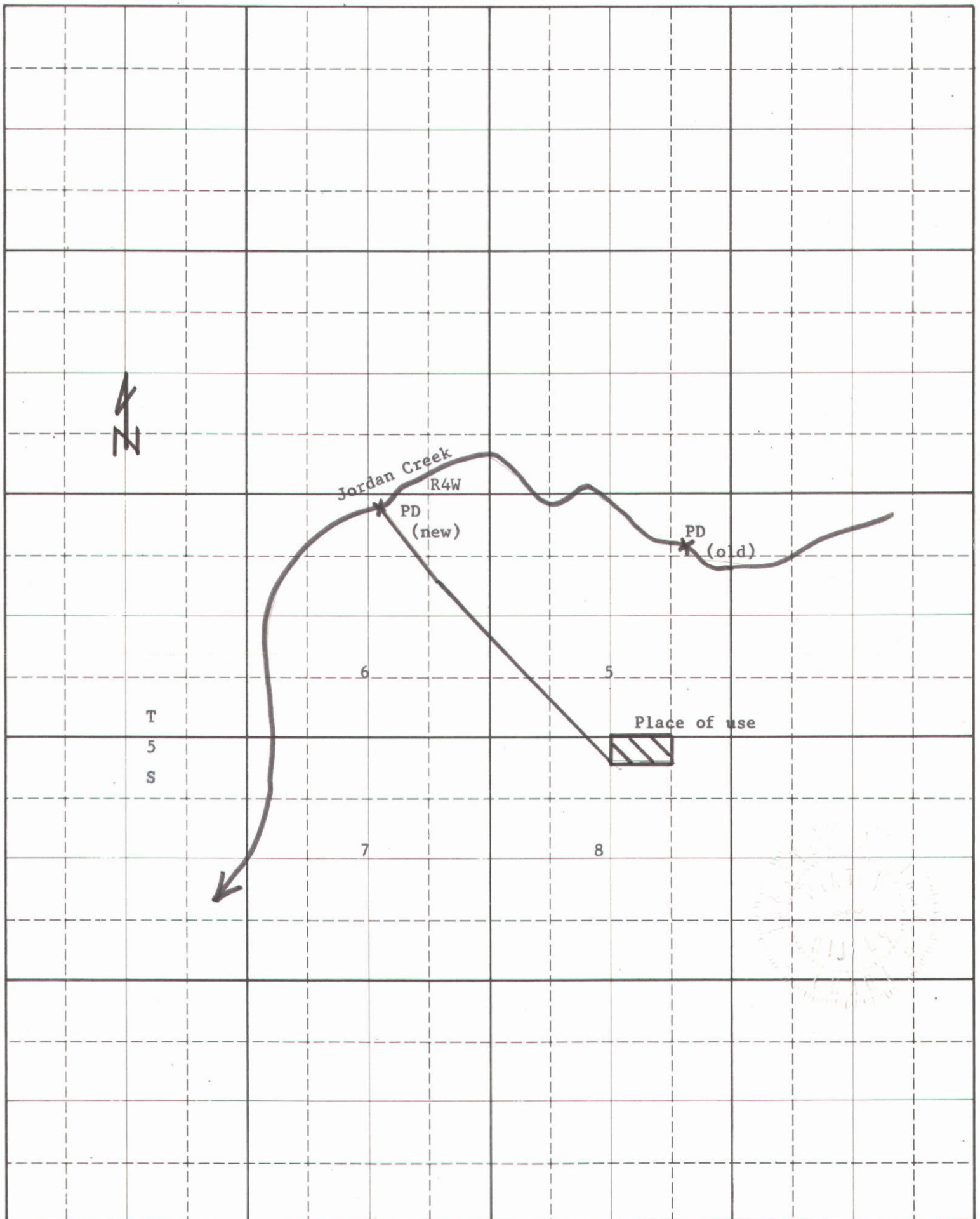
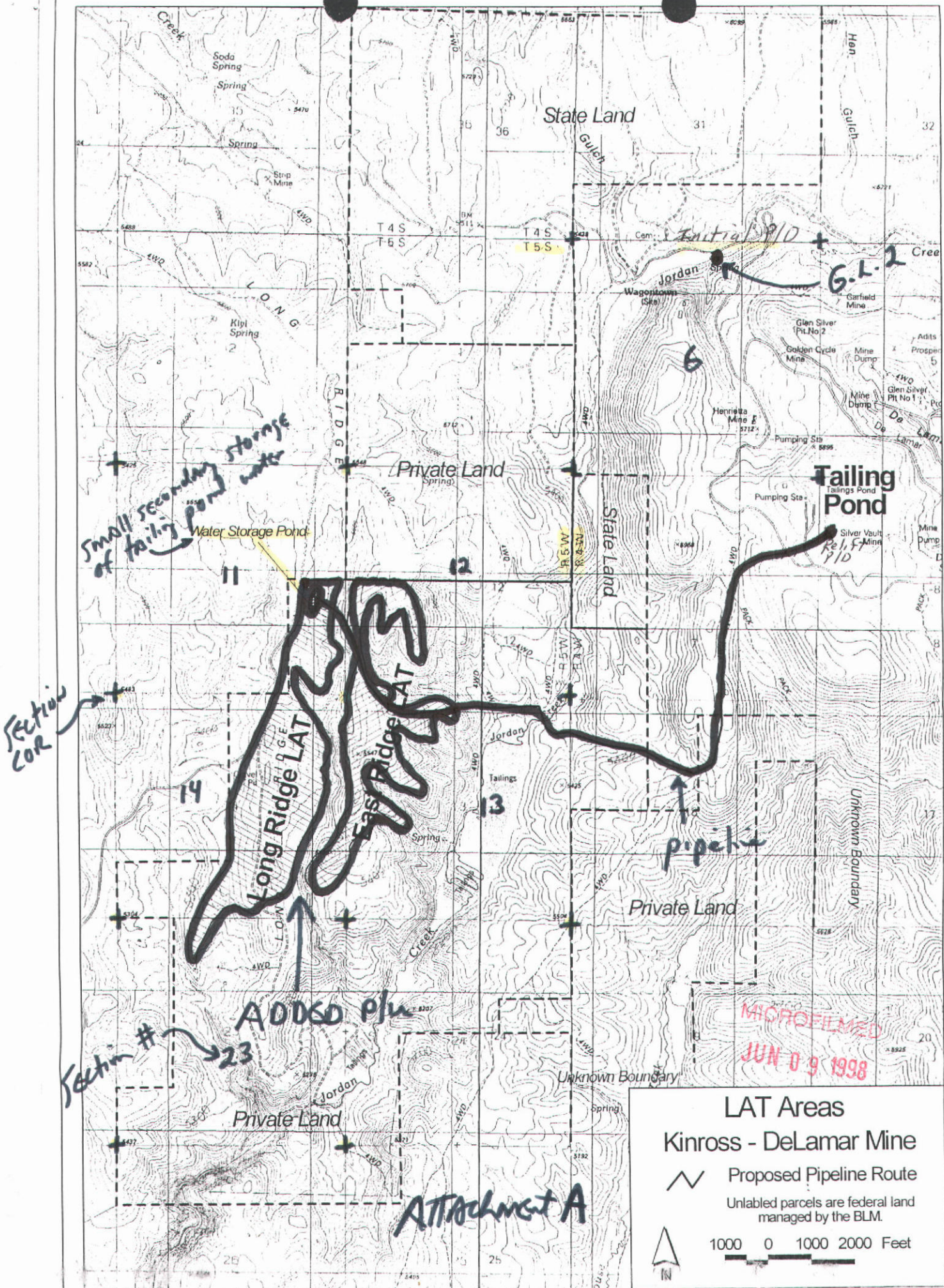


- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.



No part lat is correct or proposed P/L - 82 3/19/98

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

MAR 26 1998

WATER RESOURCES
WESTERN REGION

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

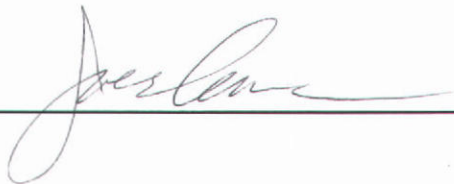
4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in Two (2)

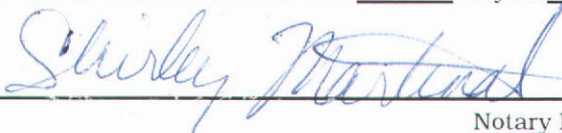
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

March 18 & 25, 1998

Signed



Subscribed and sworn to me this 25th day of March A.D., 19 98



Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires April 22, 2002

JUN 9 1998

NOTICE OF PROPOSED CHANGE OF WATER RIGHT, TRANSFER NO. 5230

Notice is given that KINROSS DELAMAR MINING CO. of PO Box 52, Jordan Valley OR 97910 has applied to the Department of Water Resources to change the Place of Use pursuant to I.C. § 42-222 for the following rights in Owyhee County:

Both rights are from Jordan Creek, diverted & used all year in T5S R4W.

License #55-02134, priority 3-16-1938, .41 cfs, diverted & used in NWNE S6 for mining & domestic use.

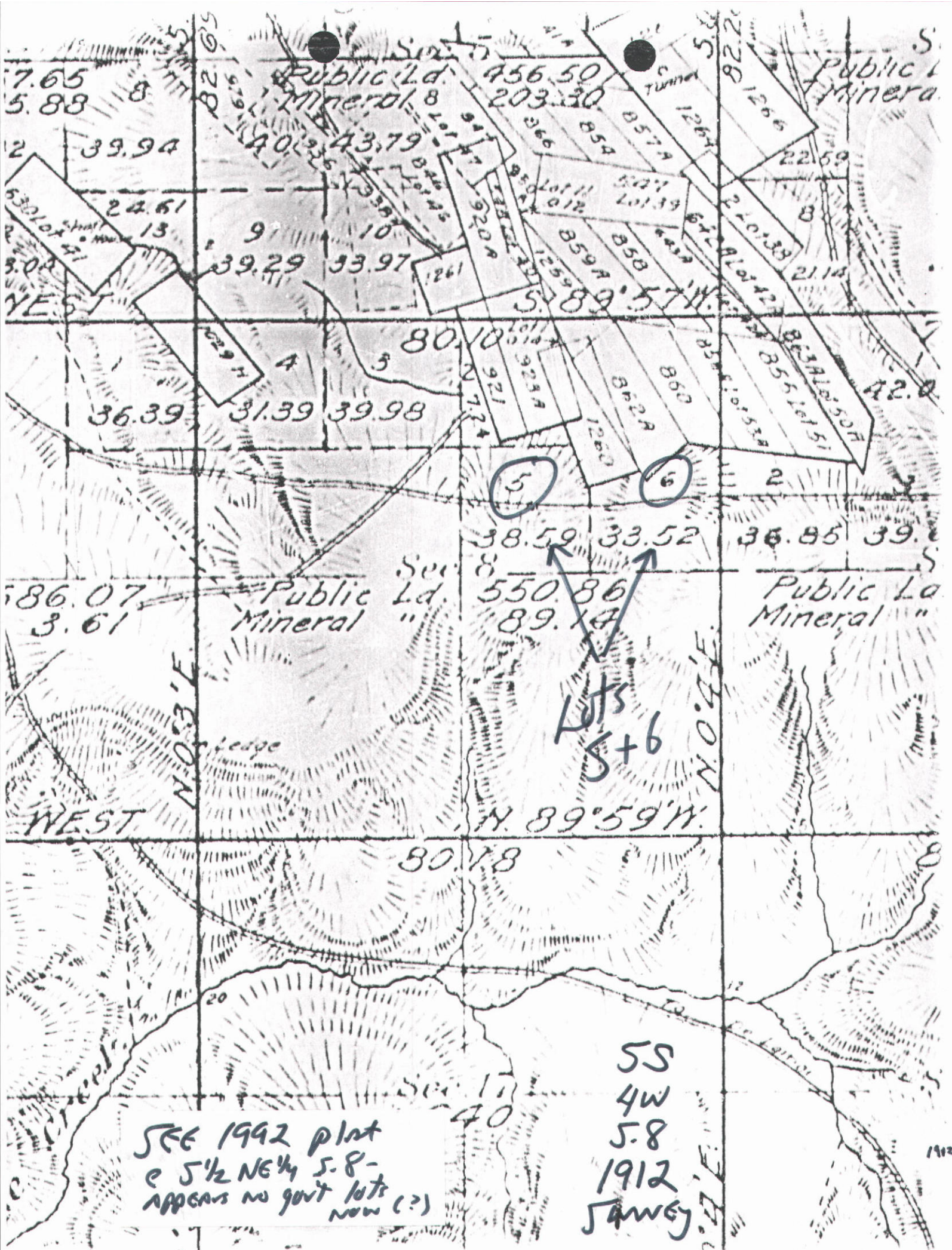
License #55-07078, priority 9-4-1974, 1.11 cfs, same diversion as above but used in SWNE & SENE S8 for mining use.

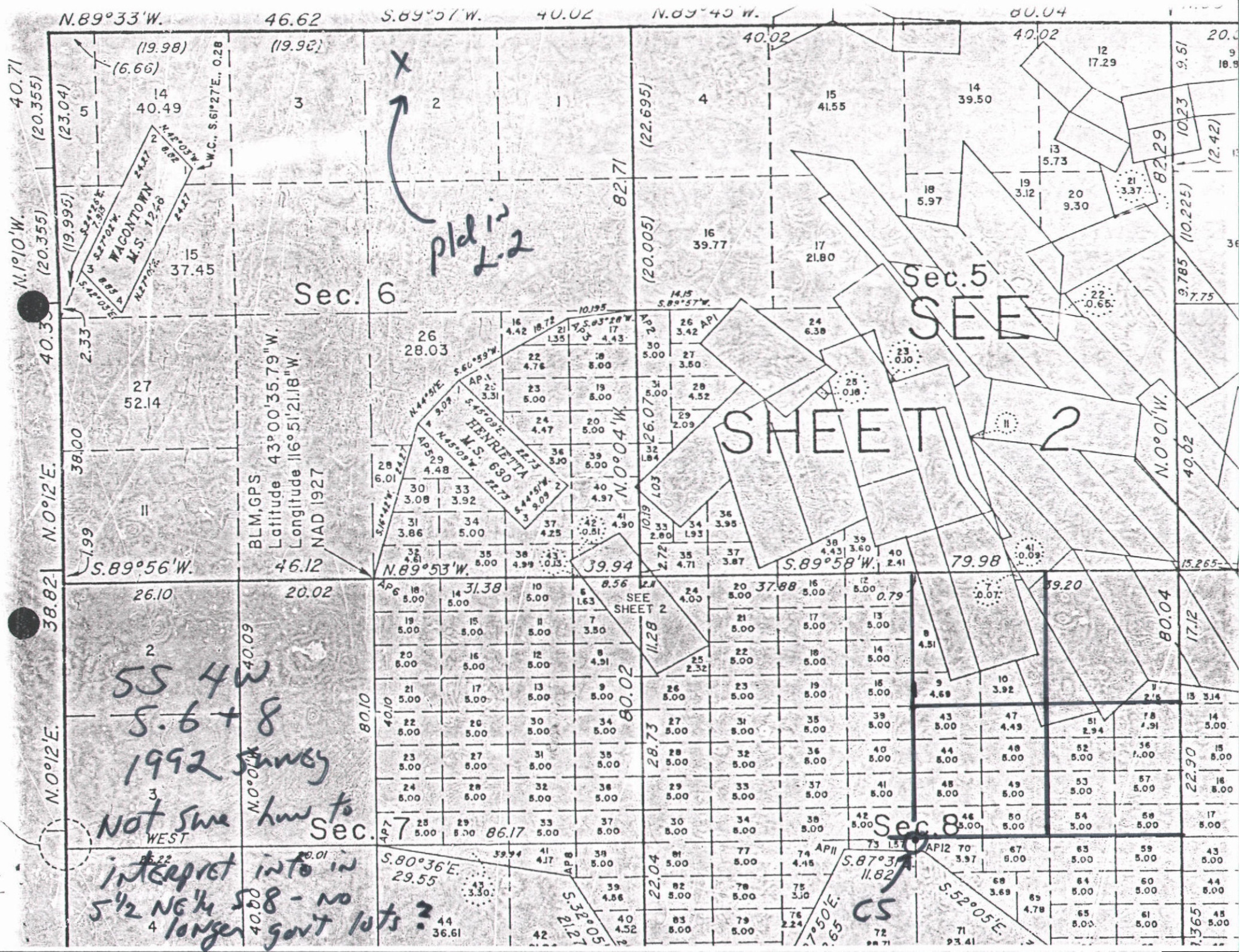
PROPOSED CHANGE

Recommended as above in Snake River Basin Adjudication (SRBA) but place of use for 55-02134 is corrected to NENE S8. Proposed change will include rights as recommended in SRBA plus will add dewatering of a large tailings pond that stores mining water produced via these rights. No increase in beneficial use or consumptive use is proposed. Water will be pumped from the tailings pond and will be applied to about 400 acres of seeded range grass in portions of S11-14 & 23, T5S R5W about 3 miles west of the tailings pond.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 on or before April 6, 1998. The protestant must also sent a copy of the protest to the applicant.

Karl J. Dreher, Director
3/18&25/98







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 a week and every week for 2 consecutive weeks, the first publication being on the 22 day of Nov., 1979, and the last publication being on the 29 day of Nov., 1979;

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 29 day of

November, 19 79.

Thomas L. Shover
NOTARY PUBLIC

My commission expires 9-10-80

(SEAL)

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that DeLamar Silver Mine of P. O. Box 52, Jordan Valley, Oregon has applied to the Department of Water Resources for a change of the point of diversion and place of use of the Water of Jordan Creek. The right sought to be changed is evidenced by Water Right License No. 55-2134 and is recorded as follows:

Amount: .412 cfs Priority: 3/16/1938

Point of Diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, Twp. 5S, Rge. 4W

The water is used for mining and milling purposes within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, Twp. 5S, Rge. 4W.

TO BE CHANGED AS FOLLOWS

Point of Diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, Twp. 5S, Rge. 4W

The water will be used for mining and milling purposes within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8, Twp. 5S, Rge. 4W.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, 92 South Cole Road, Boise, Idaho 83709 on or before December 10, 1979.

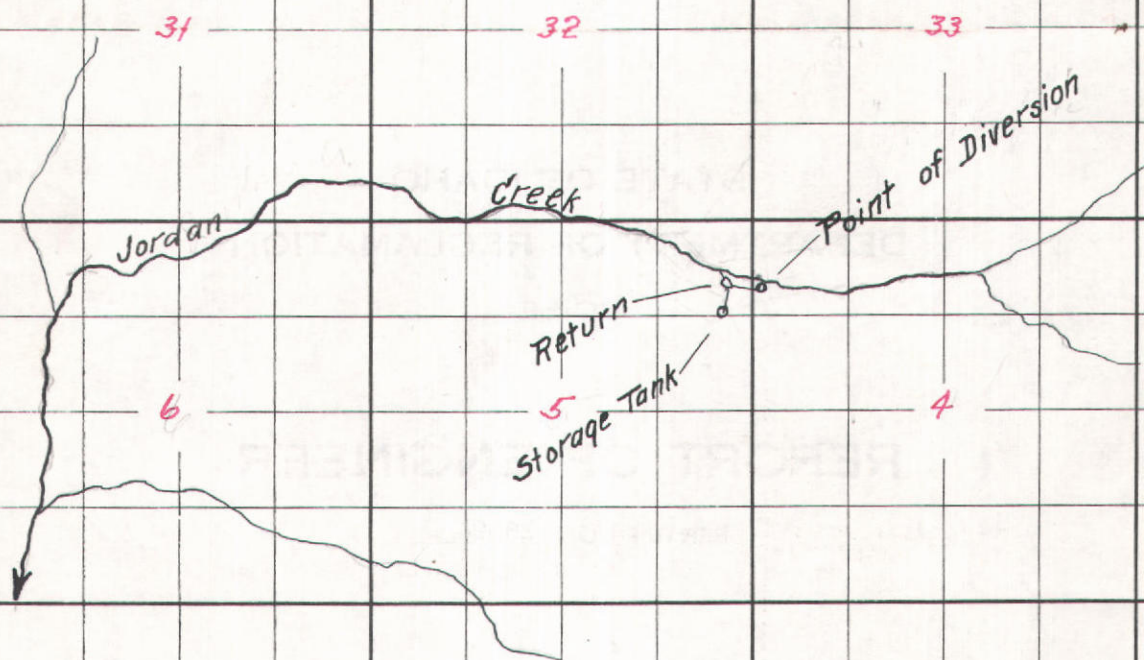
C. STEPHEN ALLRED,
Director.

Published in the Owyhee Nugget, Marsing, Owyhee County, Idaho on November 22 and November 29, 1979

OK-142
12/10/79

RECEIVED
DEC 4 1979

MICROFILMED
Department of Water Resources
Western Regional Office



NOTICE OF PROOF APPLICATION
OF WATER TO BENEFICIAL USE

Notice is hereby given that at 11:00 A. M. on the 15th day of March, 1939, at Marsing, County of Owyhee, State of Idaho, Before Marion Stafford, Notary Public, proof will be submitted of the application to beneficial use of 2 cubic feet per second of the waters of Jordan Creek in accordance with the terms and conditions of Permit No. 18594 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Robert C. Kinney, Delamar, Idaho.

The use to which said water has been applied is Milling and Domestic purposes.

The amount applied to beneficial use is 2 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) in the SE $\frac{1}{4}$ N $\frac{1}{4}$ Section 5, Twp. 5S., R. 4 W., B. M.

The right to take water from such works is based upon Permit No. 18594.

The source of supply from which such water is diverted is Jordan Creek, a tributary of Owyhee River.

The date of priority which said user is prepared to establish is March 16, 1936.

18594
JAMES SPOFFORD

Commissioner of Reclamation
(feb 9—mar 2)

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
COUNTY OF OWYHEE } ss.

I, Rodney A. Hawes

printer and publisher of THE OWYHEE NUGGET, published weekly at Bruneau, Owyhee County, Idaho, do solemnly swear that a copy of the notice as per clipping attached, was published weekly in the regular entire issue of said newspaper, and not in and supplement thereof, for four consecutive issues, commencing with the issue dated Feb. 9 1939, and ending with the issue dated March 2 1939, that the said newspaper has been continuously published in said county during a period of 78 consecutive weeks prior to the first publication of this notice

Rodney A. Hawes
Subscribed and sworn to before me this 11 day of April, 1939

James Spofford
18594
Notary Public

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION
OF WATER TO BENEFICIAL USE

Notice is hereby given that at 11:00 A. M. on the 15th day of March, 1939, at Marsing, County of Owyhee, State of Idaho, Before Marion Stafford, Notary Public, proof will be submitted of the application to beneficial use of 2 cubic feet per second of the waters of Jordan Creek in accordance with the terms and conditions of Permit No. 18594 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Robert C. Kinney, Delamar, Idaho.

The use to which said water has been applied is Milling and Domestic purposes.

The amount applied to beneficial use is 2 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5, Twp. 5S., R. 4W., B. M.

The right to take water from such works is based upon Permit No. 18594

The source of supply from which such water is diverted is Jordan Creek, a tributary of Owyhee River.

The date of priority which said user is prepared to establish is March 16 1938.

JAMES SPOFFORD

Commissioner of Reclamation

(Feb 9-mar 2)

RECEIVED

APR 11 1939

Department of Reclamation

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
COUNTY OF OWYHEE } ss.

I, Rodney A. Hawes,

printer and publisher of THE OWYHEE NUGGET, published weekly at Bruneau, Owyhee County, Idaho, do solemnly swear that a copy of the notice as per clipping attached, was published weekly in the regular entire issue of said newspaper, and not in and supplement thereof, for ⁴ consecutive issues, commencing with the issue dated Feb. 9 1939, and ending with the issue dated March 2, 1939, that the said newspaper has been continuously published in said county during a period of 78 consecutive weeks prior to the first publication of this notice

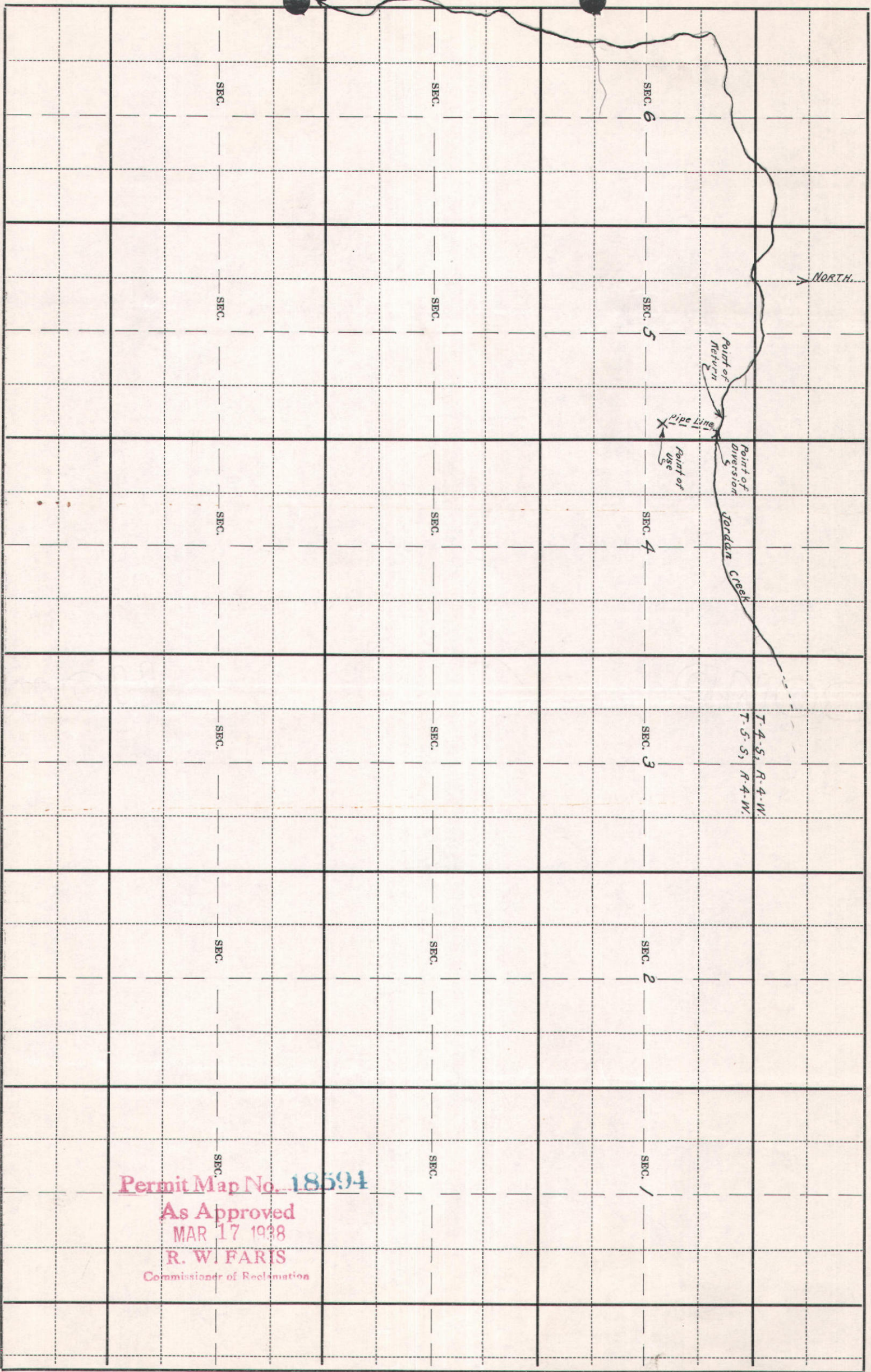
Rodney A. Hawes

Subscribed and sworn to before me this 13 day of March 1939

W. L. Jordan

18594

Notary Public



Permit Map No. 18594

As Approved

MAR 17 1938

R. W. FARIS

Commissioner of Reclamation

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5230
WATER RIGHT NO(8). 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		

MICROFILMED

JUN 09 1998

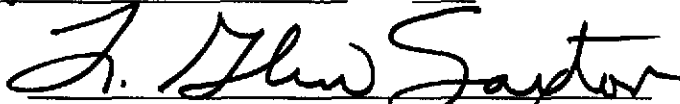
PLACE OF USE: DOMESTIC

TWN RGE SEC

05S 04W 8 NENE

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
MICROFILMED

JUN 09 1998

Page 1 of 7

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5230

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

APR 21 1998

PART 1

Department of Water Resources

Name of applicant KINROSS Delamar Mining Co. Phone 208-583-2511
Post Office address PO Box 52 Jordan Valley OR 97910

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use ⁻⁵⁵⁻⁰²¹³⁴
☐ Change nature of use ☐ Change period of use ☒ Other Plus change for added land ^{-Both Rights}
2. Describe the reason for the proposed changes
to initiate land application treatment & correct plus in older
right (as corrected in SRAA recommendation).

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>55-02134</u>	<u>3-16-1938</u>	<u>.41 cfs</u>	<u>Mining</u>	<u>1/1</u> to <u>12/31</u>
	<u>.41 total</u>	<u>.02</u>	<u>Domestic</u>	<u>}</u> to <u>}</u>
<u>55-07078</u>	<u>9-4-1974</u>	<u>1.11</u>	<u>Mining</u>	<u>}</u> to <u>}</u>
				to

2. Total amount of water being transferred 1.52 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Jordan Creek tributary to Owyhee River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
<u>2</u>	<u>NW</u>	<u>NW</u>	<u>NE</u>	<u>6</u>	<u>5S</u>	<u>4W</u>	<u>Owyhee</u>	<u>Single pt. shared for both</u>
								<u>Rights</u>

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
5S	4W	8	X																
		8			X	X													
Mining & domestic for 55-02134																			
Mining for 55-07078																			
Mining (Land Application) for Both rights																			
5S	5W	11																	
		12																	
		13					X	X	X	X		X							
		14	X	X	X	X								X	X	X	X	X	
		23					X												

* Agrees w/ rights recommended in SRAA

Total acres

MICROFILMED
JUN 0 1998

PART 1

6 General Information:

a. Description of diversion system tailing pond: subm. pump to 3.3 mile buried pipeline to a lined pond on private land. water is then repumped to land application spray evaporation system.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A - adding area for land application only.

d. Remarks:

The purpose for the change is to provide for the land application treatment. Tailing pond must be dewatered for asbestos mine closure. No change in either beneficial use or consumptive use of the water rights. Under the Clean Water Act, tailing pond water cannot be discharged to Jordan Creek.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

MICROFILMED

JUN 09 1998

Witness my hand this _____ day of _____, 19____.

NOTE

Pgs 1-2 prepared in consultation with Mar Barrow's 3/9/98 office visit. -gc

WR5809NP
No. 55-02134

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/09/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KINROSS DE LAMAR MINING CO	03/16/1938	MINING MINING DOMESTIC	00/00 00/00 00/00 00/00 00/00 00/00	0.410 CFS	
TOTAL DIVERSION:					0.410 CFS	

Water Source: JORDAN CREEK

Tributary to: OWYHEE RIVER

Stage: LICENSE

Point(s) of Diversion: T05S R04W S06

NWNE

OWYHEE County

Pou County: *

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
55-07078

Dates: App. Received: Priority Date: 03/16/1938
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 06/21/1979

Misc: Water District Number: Field Exam Fee:

Audit: 08/05/85 04/30/88 CONVERT 06/21/95 SCURTIS

* p/n see attached (same QQ as p12)
↓

SD-4109
WR INQUIRY

Idaho Department of Water Resources
Water Rights Places of Use Screen

Date: 03/09/98
Time: 10:17:38

Water Right Number: 55-02134

FIRST PAGE

10. TWP	RNG	SEC	1/4	1/4	Lot	Acres	Use	Use Desc.	County	County Name
05S	04W	6	NW	NE			07	INDUST	73	OWYHEE

↑ This is correct per
R55-02134
(to NENE 5.8)

MICROFILMED

JUN 09 1998

Pg 3 of 7

WR5809NP
No. 55-07078

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/09/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
P	KINROSS DE LAMAR MINING CO	09/04/1974	MINING	01/01 12/31	1.110 CFS	
C	EARTH RESOURCES CO.					
TOTAL DIVERSION:					1.110 CFS	

Water Source: JORDAN CREEK

Tributary to: OWYHEE RIVER

Stage: LICENSE

Point(s) of Diversion: T05S R04W S06 NWNE OWYHEE County

Place of use Legal Description for: MINING

NE				NW				SW				SE																			
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE	
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
05S	04W	8	:																												
					M		M																								

Pou County: OWYHEE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
55-02134

Conditions of Approval:

- 001 - A measuring device of a type approved by the Department shall
- be permanently installed and maintained as part of the diverting
- works.
- 016 - See remarks for additional conditions of approval.

Remarks: GEN IF NOT FILLED JORDAN CK. WTR. MUST BE REPLACED W/WELL WTR.

Dates: App. Received: Priority Date: 09/04/1974
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 06/28/1979

Misc: Water District Number: Field Exam Fee:

Audit: 07/23/85 04/30/88 CONVERT 06/21/95 SCURTIS

MICROFILMED
JUN 11 1998

B3 - 4 8 1

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

No If yes, describe This answer applies to both water rights

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED N/A

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

See Attachment A

MICROFILMED

JUN 09 1998

PART 3

B. CHANGES IN NATURE OF USE N/A

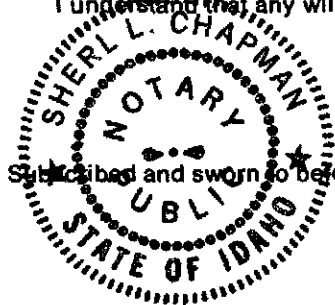
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				_____ to _____
				_____ to _____

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

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

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

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



Mary Canaco
(Signature of Applicant)

Subscribed and sworn to before me this 9 day of March, 19 98.

Sherl L. Chapman
(Notary Public)

My commission expires 6/14/2000

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 1 attachments

Received by R Date 3/9/98 Protest filed by _____

Prelim. check by R Fee \$100

Receipted by 82 Date 3/9/98 receipt # W023490

Published in Owyhee dialanche Copies of protest forwarded by _____

Pub. dates 3-98 + 25-98 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

MICROFILMED
JUN 09 1998

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
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	~~Kinney C. Robert~~	~~0.412~~		~~55-2134~~
2367	Delamar Silver Mine	0.412		55-2134

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MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant De Lamar Silver Mine Phone 583-2511

Post office address P.O. Box 52, Jordan Valley, Oregon 97910

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree to (Name) in case of vs dated in county of (Name of court)
- b. License No. 55-2134 issued by the Idaho Department of Water Resources
- c. Claim No. on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Water right was aquired after licensing by purchase of property and attached facilities by the applicant.
3. Source of water Jordan Creek tributary to Owyhee River
4. Date of priority 3-16-38
5. Water is used for the following purposes:
amount .412 cfs for mining & milling purposes from January 1 to December 31
amount for purposes from to
amount for purposes from to (month/day – both dates inclusive)
6. Total amount of water under right: a. .412 cubic feet per second &/or b. acre feet per annum
7. Location of original point of diversion is NE ¼ of NE ¼ of Section 5 Township 5 South Range 4 West, B.M., in Owyhee County
Additional points of diversion, if any NONE

8. Lands irrigated or place of use: No lands irrigated.

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	4W	5				X													

Total number of acres to be irrigated

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion

a. Amount of water to be diverted .412 c.f.s. &/or _____ acre feet

b. Point(s) of diversion NW ¼ NE ¼, Section 6 Township 5S
Range 4W, B.M., Owyhee County
Additional points None

c. Description of diverting works Short coupled vertical turbine pump. Penstock to mill site. Infiltration gallery in Jordan Creek.

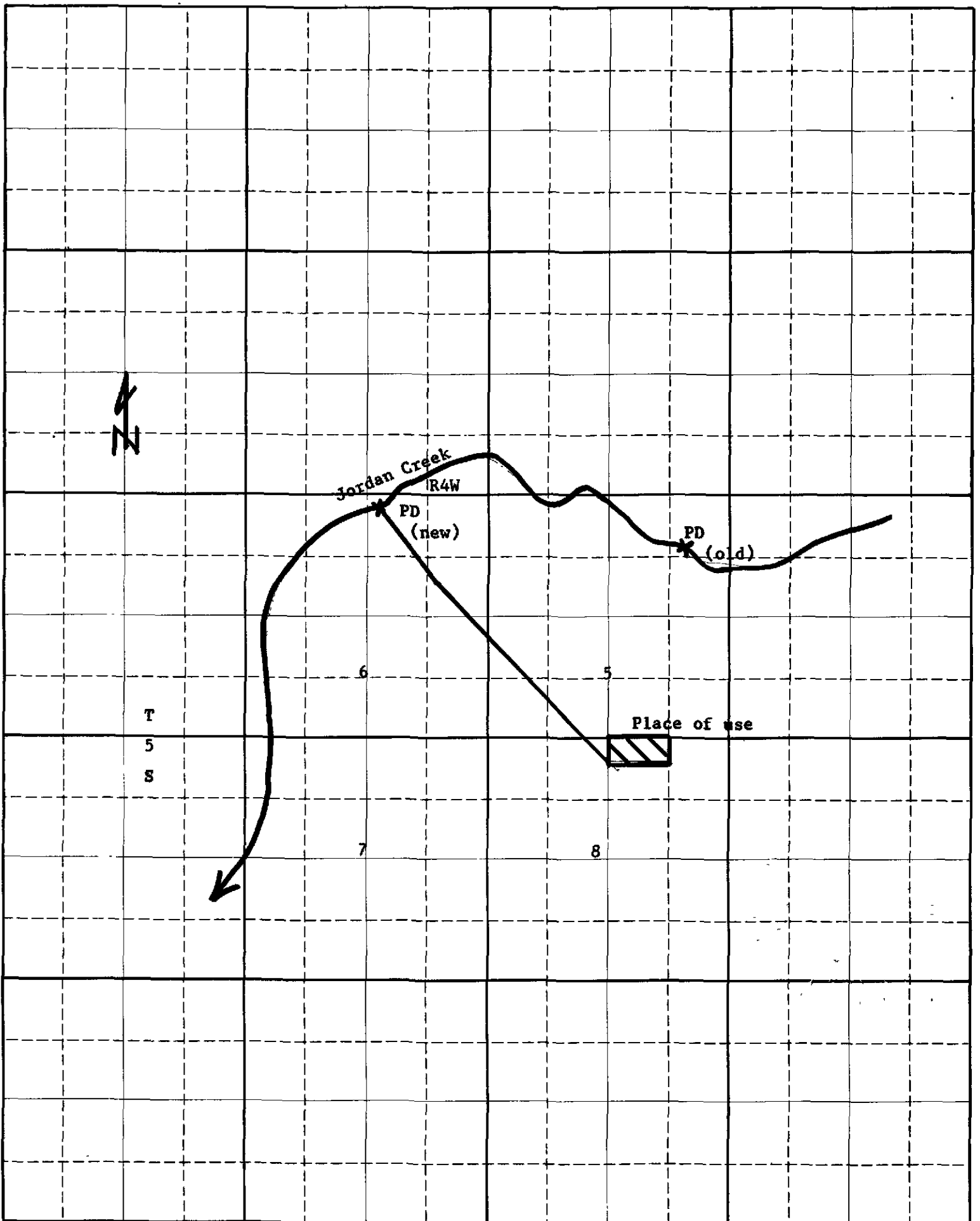
d. Describe the reasons for applying for a change in the point(s) of diversion Greater efficiency of transmission and decrease in energy consumption by pumping from the new location.

2. Change in place of use
- a. Describe the lands or place of use to which the right will be transferred:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	4W	8		X															

Total number of acres to be irrigated None

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks See Attachment "A"

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

Lytle W. Talbot
(Signature of applicant)
Resident Manager

Subscribed and sworn to before me this 12th day of October, 1979

Harvey G. Loomis
(Notary public)

My commission expires 7-8-80

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 55-2134, and said application is hereby approved.

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

2. Denial of said application is for the following reasons: _____

Witness my hand this 3rd day of December, 19 80

Norman C. Young
NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by KW Date 10/15/79 Protest filed by _____

Prelim. check by _____ Fee 35.00 # 15222

Receipted by KR Date 11/5/79

Published in Owyhee Nugget Copies of protest forwarded by _____

Pub. dates 11/22 & 11/29/79 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for approval denial
_____ rec'd. _____ by _____

ATTACHMENT A

Applicant wishes to transfer existing water right 55-2134 to a new point of diversion and place of use to facilitate modern day operation of the milling processes begun on this property in 1938.

The early operation of a mill for metallic ore processing was begun at this location by Mr. Robert Kinney of De Lamar, the original applicant. During operation of the mill Mr. Kinney assigned his water right to De Lamar Milling, Inc., an operating entity for use on the property. De Lamar Milling Corporation and Mr. Kinney then operated the mill for an undeterminate period of time as leaseholders for the owners, the J. C. Rushing family of Tacoma, Washington. Subsequent to the termination of the lease with Mr. Kinney, the Rushing family leased the property to Mr. Jean Heazle for three years. The property was transferred to Marion C. Rushing upon the death of Mrs. J. C. Rushing who subsequently leased the facility and property to Continental Quicksilver, Inc. The property was operated by the company more or less continuously according to Owyhee County records until the sale of the land to Earth Resources, Inc., owner of the De Lamar Silver Mine.

The water right has been utilized for mining and milling operations by the De Lamar Silver Mine and by the previous owners and leaseholders in a more or less continuous operation since licensing. Unfortunately, Mr. Kinney and Mr. and Mrs. Rushing are deceased and their heirs cannot be located at this time. However, extensive investigation by the applicant has led to the above described progression of the water right and operation of the processing facility. It is apparent from this investigation that the water right has been used from application in 1938 to the present and there has not been a period of five consecutive years wherein water was not diverted for the use described under the license. It is, therefore, the request of the applicant to transfer the existing water right to the new point of diversion and place of use.

MICROFILMED

State of Idaho

License and Certificate of Water Right

Water License No. 18594

Amount 0.412 sec. ft.

Water District No.

Priority March 16, 1938

THIS IS TO CERTIFY that ROBERT C. KINNEY
 of Delamar, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated March 16, 1938; that Permit No. 18594
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 2 second feet, was issued thereunder on February 9, 1939, showing that said works
 were completed on the 24th day of January, 1939; and that on the 15th
 day of March, 1939,

ROBERT C. KINNEY

of Delamar, State of Idaho, made proof to the satisfaction of the
 Commissioner of Reclamation of Idaho, of the right to use the waters of Jordan
 Creek, a tributary of Owyhee River, for the purpose of milling gold and silver ore
 and domestic purposes, under Use Permit No. 18594 of the Commissioner of Reclamation
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
 hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7
 of Licenses, at page 979, on the 6th day of February, 1940;

The right hereby confirmed dates from March 16, 1938;

The Point of Diversion is located approx. 1200 ft. distant from NE corner Sec. 5, T.5 S., R.4 W., B.M.
 in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, Tp. 5 S., R. 4 W., B. M. Owyhee County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,

The right hereby confirmed dates from March 16, 1938;

The Point of Diversion is located approx. 1200 ft. distant from NE corner Sec. 5, T. 5 S., R. 4 W., B. M. in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, Tp. 5 S., R. 4 W., B. M. Owyhee County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.412 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Point of use is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 5 South, Range 4 West, B. M.		

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 6th day of February, 1940

JAMES SPOFFORD

Commissioner of Reclamation

(SEAL)

58 2104

State of Idaho

License and Certificate of Water Right

Water License No. 18594Amount 0.412 sec. ft.

Water District No. _____

Priority March 16, 1938

THIS IS TO CERTIFY that **ROBERT C. KINNEY**
of **Delamar, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **March 16**, 1938; that Permit No. 18594
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2 second feet, was issued thereunder on **February 9**, 1939, showing that said works
were completed on the **24th** day of **January**, 1939; and that on the **15th**
day of **March**, 1939,
ROBERT C. KINNEY

of **Delamar**, State of **Idaho**, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of **Jordan**
Creek, a tributary of **Owyhee River**, for the purpose of milling gold and silver ore
and domestic purposes, under Use Permit No. 18594 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume **7**
of Licenses, at page 3979, on the **6th** day of **February**, 1940;

The right hereby confirmed dates from **March 16**, 1938;

The Point of Diversion is located approx. 1200 ft. distant from NE corner Sec. 5, T. 5 S., R. 4 W., B.M.
in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, Tp. 5 S., R. 4 W., B. M. Owyhee County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed **0.412**
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Point of use is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 5 South, Range 4 West, B. M.		

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this **6th** day of **February**, 1940

JAMES SPOFFORD

Commissioner of Reclamation

(SEAL)

55 2104

State of Idaho

License and Certificate of Water Right

Water License No. 18389Amount 3 second feet

Water District No. _____

Priority December 11, 1936

THIS IS TO CERTIFY that **ALBERT BOWEN and ISRAEL SEGRAVES** of **Clayton, Idaho**, made application for a permit to appropriate the public waters of the State of Idaho, dated **December 11**, 19 **36**; that Permit No. **18389** was issued under said application; that Certificate of Completion of works, with a carrying capacity of **three(3) second feet**, was issued thereunder on **November 19**, 19 **37**, showing that said works were completed on the **16th** day of **October**, 19 **37**; and that on the **28th** day of **November**, 19 **38**,

ALBERT BOWEN and ISRAEL SEGRAVES

of **Clayton**, State of **Idaho**, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of **Rough Creek**, a tributary of **Salmon River**, for the purpose of **mining**, under Use Permit No. **18389** of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume **7** of Licenses, at page **3980**, on the **6th** day of **February**, 19 **40**;

The right hereby confirmed dates from **December 11**, 19 **36**;

The Point of Diversion is located about 2000 ft. distant from the N $\frac{1}{4}$ corner Sec. 11, Twp. 10 N., R. 14 E. BM in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, Tp. 10 N., R. 14 E., B. M. Custer County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed **three (3)** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Point of use of water is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, Twp. 11 North, Range 14 East, B. M.		

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this **6th** day of **February**, 19 **40**

JAMES SPOFFORD

Commissioner of Reclamation

(SEAL)

55-2134

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 25932
Permit No. 18594
District No.

1. Name of Applicant: Robert C. Kinney

Postoffice address Gearhart County: Clatsop State: Oregon

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: Two (2) cubic feet per second.

3. Source of water supply: Jordan Creek which is a tributary of the Owyhee River.

4. Location of point of diversion: Approx. 1200 feet distant from the Northeast corner of Section 5, T. 5 South, R. 4 West, B. M., and is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, T. 5 South, R. 4 West, B. M., County of Owyhee

5. Water is to be used for: Milling of Gold and Silver Ore and Domestic Purposes.

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

- (a) Point of use of water: 2500 feet distant from N.E. corner of Section 5 T. 5 S., R. 4 W., B. M., in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, T. 5 S., R. 4 W., B. M.
- (b) Amount of power generated: None H. P., under feet head.
- (c) Water is to be returned to Jordan Creek at a point 1400 feet distant from the Northeast corner of Section 5, T. 5 S., R. 4 W., B. M., in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, T. 5 S., R. 4 W., B. M.

7. Estimated cost of works: \$ 3,000.00

8. Kind of works: Sump at edge of Channel, Pumping Plant and Pipe Line.

9. Height of dam None feet; length of dam at top x feet; length of dam at bottom x feet; material used in dam: x

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

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

Diameter of pipe 4 inches; length of conduit x miles.

Average grade per mile x feet.

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

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

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

15. (a) Is reservoir to be used? No If so, fill in (b) and (c) below.
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

ROBT. C. KINNEY Applicant.

By CARL N. ANDERSON Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M., Mar. 16, 1938

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 18594
Recorded in Book 67 Page 18594 Approved Mar. 17, 1938
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before May 16, 1938 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before September 17, 1938
The whole of said work to be completed on or before March 17, 1939
Beneficial use of water appropriated in accordance herewith, to be made on or before March 17, 1940

Witness my hand this 17th day of March, 1938.

R. W. FARIS
Commissioner of Reclamation.

Remarks: See below.

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
Remarks: A 200 ton per day capacity Ore Milling Plant will be constructed at De Lamar, Idaho, this year, provided that sufficient water for its operation can be assured. The water, of this application, will be pumped from a sump near the edge of Jordan Creek to the plant site which will be above the creek on the north slope of De Lamar Mountain. The water will be returned to Jordan Creek a few hundred feet below the point of diversion. The land on which the works will be situated is under lease to the applicant. In testimony whereof, we, BARZILLA W. CLARK, Governor of the State of Idaho, and IRA H. MASTERS, Secretary of State of the State of Idaho, have hereunto caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed this 17th day of March, 1938. (SEAL) Countersigned: By IRA H. MASTERS Secretary of State STATE OF IDAHO By BARZILLA W. CLARK Governor Permit No. 18594 Certificate of Completion of Works. TO ALL WHOM IT MAY CONCERN: This is to certify that ROBERT C. KINNEY, of Delamar, County of Owyhee, and State of Idaho, the holder of Permit No. 18594 issued upon Application No. 25932, bearing date of priority of March 16, 1938, authorizing the diversion of 2 second feet of the waters of Jordan Creek, a tributary of the Owyhee River, County of Owyhee, State of Idaho, for milling and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works set out and described in said permit; that said works are adequate for diverting and carrying to the place of intended use 2 second feet of the waters of Jordan Creek, a tributary of the Owyhee River; that the point of diversion of said waters is approximately 1200 feet distant from the Northeast corner of Section 5, T.5 S., R.4 W., B.M., and is in the NE¼NE¼ of Section 5, T.5 S., R.4 W., B.M., and that the point of use of water is 2500 feet distant from the NE corner of Section 5, T.5 S., R.4 W., B.M., in the SE¼NE¼ of Section 5, T. 5 S., R.4 W., B.M. Witness my hand this 9th day of February, A. D. 1939 Proof of Completion of Works made January 24, 1939 Certificate issued February 9, 1939 JAMES SPOTFORD Commissioner of Reclamation																			

1.000 ISSUED FOR 2.412 SEC. FT.

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ASSIGNMENT

For value received, I hereby assign all my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 18594, to DeLamar Milling Corp., of DeLamar, Idaho

Robert C. Kinney.

STATE OF IDAHO)
 : ss.
 County of Ada)

On this 26 day of Nov., 1940, before me, a Notary Public for the State of Idaho, residing at Boise, Idaho, personally appeared Robert C. Kinney, known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me that he executed the same.

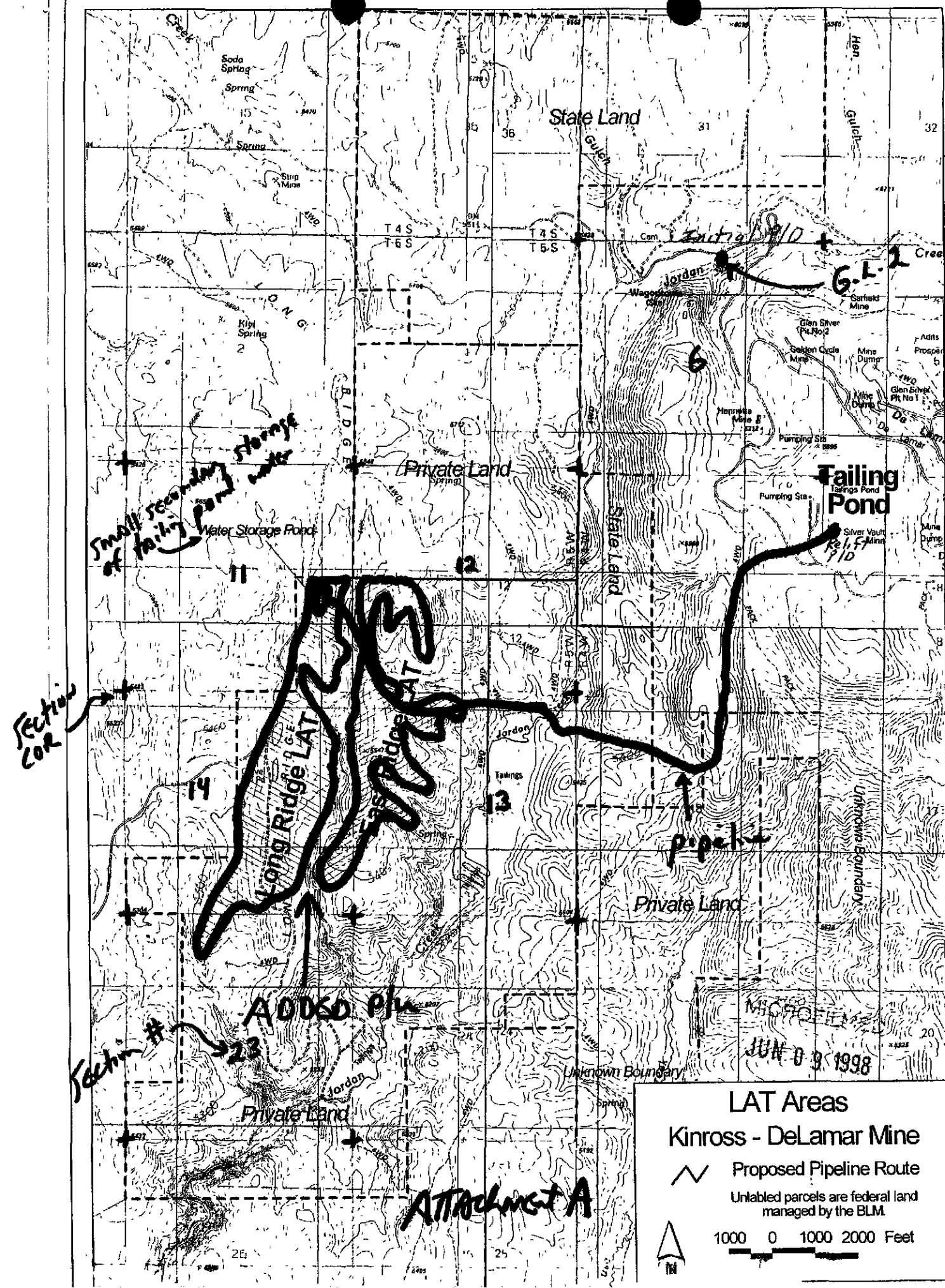
In witness Whereof, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

Mildred C. Halley
 Notary Public

(Seal) My commission expires 11-5-43

Received and filed for record in the Department
 of Reclamation at Boise, Idaho, at
 11:00 A.M. Nov. 26, 1940

JAMES SPOFFORD
 Commissioner of Reclamation
 A.



no part left in current or proposed plan
-82 3/9/98



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,

A handwritten signature in dark ink, appearing to be 'Jim Johnson', written over the typed name and title.

JIM JOHNSON, Manager
Water Right/Permits Section

JJ:klt

Enclosures

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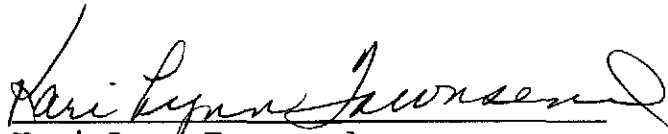
JUN 09 1998

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

MICROFILMED

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.

MICROFILMED
JUN 1 9 1998

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

dk

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.

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JUN 09 1998

TRANSFER REVIEW SHEET

(04-98)

Transfer # 5230

Date Reviewed 05-11-98

Right(s) 55-02134 } based on "R" records/conditions
55-07078 }

WRQ/Split Summary NA Run POU Comparison Report
 NO IRR OLD or NEW P/U

B:Change P/D C:Add P/D (D) Change P/U E:Change Nature of Use
 F:Change Period of Use G:Other H:Change P/D & Add P/D
 I:Change P/D & P/U J:Add P/D & Change P/U

Proof of Ownership SRBA-

Transfer ✓ All of Right Portion of Right
 Resulting Split(s) NONE

Check Transfer Against Recorded Right Season/Vol. NA

(1) ✓ Priority (2) ✓ Use (3) ✓ Season (4) ✓ Rate (5) ^{wholly Consumptive} Volume

(6) ✓ Source (7) ✓ P/D (8) P/U (9) ✓ Proof/Owner (10) ✓ Map

(11) NA Water District (12) ✓ Pertinent Conditions Per "R" records (13) NO Expansion
per Memo #61
Land Application

(5) DON/1.6 abn Mining = Var .41 X 365 X 1.9835 = 296.8
1.11 X 365 X 1.9835 = 803.6 } 1100.4 abn Max.

(8) Change P/U to include area for land application.

W35-1.52 abn + 1100.4 abn Max. Begin Land. Rts - Considered wholly c. Modified Mining/Mining + Milling Silver + Gold ore.
 Transfer Remarks #1 - land application #5 - Mitigation (55-07078) DON/Offices (55-02134)
 Conditions #2-054 + #3-081 N12 (55-02134) (OIM) T07, T08, T09
binding WQ "R" R01

Database/Processing Notes Standard ✓ Non-Standard
I files each rt.

"T" Files Update Complete ✓ Approval Form ✓ Transfer Memo ✓
 Database Updated Following Approval ✓ Memo/Form Files Deleted ✓

28 6-2-98

WR0749NP
No. T55-02134

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/12/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KINROSS DELAMAR MINING CO	03/16/1938	MINING	01/01 12/31	0.410 CFS	296.80 AFA
	PO BOX 52		DOMESTIC	01/01 12/31	0.020 CFS	0.60 AFA
	JORDAN VALLEY OR 97910					
	(208) 583-2511					
TOTAL DIVERSION:					0.410 CFS	296.80 AFA

Water Source: JORDAN CREEK

Tributary to: OWYHEE RIVER

Stage: LICENSE

Point(s) of Diversion: T05S R04W S06 Lot 02(NWNE)

OWYHEE County

Place of use Legal Description for: MINING

				NE				NW				SW				SE															
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		
05S	04W	8	:	M			M	M																							
05S	05W	11	:																							M		M	M		
05S	05W	12	:																												
05S	05W	13	:																												
05S	05W	14	:	M		M		M	M																	M		M	M		
05S	05W	23	:																												

Place of use Legal Description for: DOMESTIC

T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
05S	04W	8	:	D																									

Pou County: OWYHEE

Conditions of Approval:

- R01 - A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
- 054 - Prior to diversion and use of water under this right, the right holder shall comply with all bonding requirements of appropriate governmental entities.
- 081 - 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.
- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 - 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.

Remarks: GEN 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

Remarks: from power records and shall annually report the information to the department.
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.
The quantity of water authorized for domestic purposes under Right 55-02134 shall not exceed 13,000 gallons per day.
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.
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.
Mining use is for mining and milling of silver and gold ore.
Domestic use is for offices.
Rights 55-02134 and 55-07078 are considered to be wholly consumptive.

Dates: App. Received: Priority Date: 03/16/1938
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 06/21/1979

Misc: Water District Number: Field Exam Fee:

Comments: Date: 03/11/1998 User-ID: STAYLOR Subject: TRANSFER NO. 5230
Transfer 5230 changes the place of use under Rights 55-02134 & 55-07078 to include acres for land application of residual mining water.

Audit: 03/11/98 STAYLOR 05/11/98 PSKAGGS

WR0749NP
No. T55-07078

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/12/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KINROSS DELAMAR MINING CO PO BOX 52 JORDAN VALLEY OR 97910 (208) 583-2511	09/04/1974	MINING	01/01 12/31	1.110 CFS	803.60 AFA
TOTAL DIVERSION:					1.110 CFS	803.60 AFA

Water Source: JORDAN CREEK

Tributary to: OWYHEE RIVER

Stage: LICENSE

Point(s) of Diversion: T05S R04W S06 Lot 02(NWNE)

OWYHEE County

Place of use Legal Description for: MINING

				NE				NW				SW				SE															
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		
05S	04W	8	:	M			M	M																							
05S	05W	11	:																							M			M	M	
05S	05W	12	:																												
05S	05W	13	:																												
05S	05W	14	:	M		M		M		M																M		M	M	M	
05S	05W	23	:																												

Pou County: OWYHEE

Conditions of Approval:

- R01 - A measuring device of a type approved by this Department shall
- be maintained as a part of the diverting works.
- 054 - Prior to diversion and use of water under this right, the
- right holder shall comply with all bonding requirements of
- appropriate governmental entities.
- 081 - 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.
- T07 - The right holder shall accomplish the change authorized by this
- transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this
- transfer is cause for the Director to rescind approval of the
- transfer.
- T09 - 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.

Remarks: GEN 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.
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.

WR0749NP
No. T55-07078

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/12/98
PAGE: 2

Remarks: 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.

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.

Mining use is for mining and milling of silver and gold ore. Rights 55-02134 and 55-07078 are considered to be wholly consumptive.

Dates: App. Received: Priority Date: 09/04/1974
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 06/28/1979

Misc: Water District Number: Field Exam Fee:

Comments: Date: 03/11/1998 User-ID: STAYLOR Subject: TRANSFER NO. 5230
Transfer 5230 changes the place of use under Rights 55-02134 & 55-07078 to include acres for land application of residual mining water.

Audit: 03/11/98 STAYLOR 05/12/98 PSKAGGS

SD-0611-2 Basin. 55 Starting Water Right. 02134

S	Water	Name	W	Priority	STG/	Use	S
L	Right No	Last, First	N	Date	STS	Desc	S
-	55-02134	KINROSS DE LAMAR MIN	C	03/16/1938	L/	JORDAN CREEK	MINING WR
-							MINING
-							DOMEST
-	T55-02134			03/16/1938	L/	JORDAN CREEK	MINING WR
-							MINING
-							DOMEST
-	A55-02134	KINROSS DELAMAR MINI	C	03/16/1938	L/	JORDAN CREEK	MINING AJ
-	R55-02134	KINROSS DELAMAR MINI	C	03/16/1938	L/	JORDAN CREEK	MINING AJ
-							DOMEST
-							
-							
-							
-							
-							

(Enter=Continue)

(GOLD7=This Query)

(GOLD8=Cancel)

(Menu _____)

SEAL	Water Right No	Name Last, First	OWN	Priority Date	STG/STS	Source	Use Desc	SY
	55-07078	EARTH RESOURCES CO	C	09/04/1974	L/	JORDAN CREEK	MINING	WR
	T55-07078	EARTH RESOURCES CO	C	09/04/1974	L/	JORDAN CREEK	MINING	WR
	A55-07078	KINROSS DELAMAR MINI	C	09/04/1974	L/	JORDAN CREEK	MINING	AJ
	R55-07078	KINROSS DELAMAR MINI	C	09/04/1974	L/	JORDAN CREEK	MINING	AJ

(Menu _____)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 7, 1998

RE: Recommendations of Notices of Claims Nos. 55-07078 and
55-07079 in the name of Kinross Delamar Mining Company

South Board of Control, Owyhee Project
c/o Clyde Hutton
P.O. Box 67
Homedale, ID 83628

RECEIVED

MAY 08 1998

Department of Water Resources

Gentlemen:

The Department of Water Resources (IDWR) will be recommending water rights diverted from Jordan Creek in the Snake River Basin Adjudication (SRBA). The court will change conditions limiting use of water by Kinross Delamar Mining Company if IDWR's recommendations are adopted.

The previous condition applied to these rights was as follows:

"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."

The condition we will be recommending to the SRBA (Snake River Basin Adjudication) court will be as follows:

"Upon receiving a petition for delivery call on Jordan Creek and a determination by the Department that prior water rights are not being satisfied, the 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."

If you feel this change in the condition is unacceptable, you can file an objection to the recommendations with the SRBA court once IDWR's report has been submitted.

You should also be advised that IDWR has received and advertised a transfer application that proposes to change the place of use under Water Right Nos. 55-02134 and 55-07078. Water from the Kinross Delamar tailings pond will be applied to land for water quality treatment. The conditions recommended for the adjudication are proposed for incorporation into the water rights if the transfer is

MICROFILMED
JUN 09 1998

approved. A copy of this transfer is enclosed for your information. We invite your comment about the application for transfer.

If you have any questions in regard to these matters, please do not hesitate to contact our office.

Sincerely,



KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosure

MICROFILMED

JUN 09 1998

AJ0749NP
No. R55-02134

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/05/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KINROSS DELAMAR MINING COMPANY	03/16/1938	MINING DOMESTIC	01-01 12-31 01-01 12-31	0.41 CFS 0.02 CFS	
TOTAL DIVERSION:					0.41 CFS	

Water Source: JORDAN CREEK

Tributary to: OMYHEE RIVER

Stage: LICENSE

Point(s) of Diversion: T05S R04W S06 Lot02(WNWME)

OMYHEE County

Place of use Legal Description for: MINING

NE				NW				SW				SE			
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac									
05S	04W	8	: M	:	:	:	:								

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE			
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac									
05S	04W	8	: D	:	:	:	:								

POU County: OMYHEE

Other Rights: 55-7078, 55-7079, 55-7081, 55-7109.

Conditions of Approval:

- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- N10 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N12 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: USE USE IS FOR MINING AND MILLING OF SILVER & GOLD ORE.
DOMESTIC USE IF FOR OFFICES AT MINING SITE.

→ GEN THIS RIGHT IS CONSIDERED TO BE WHOLLY CONSUMPTIVE.

Dates: Exam Made Date: 04/14/1993 Verified Date: 05/05/1998 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: C

Post/Fax Note	7671	Date	5/5/98	# of Pages	3
To	Pam Stagg	From	Paul Walker		
Color	Allocations	Co.	Western		
Phone #		Phone #			
Fax #		Fax #			

MEMORANDUM

April 28, 1998

TO: SUSAN HAMLIN & NORM YOUNG

THRU: GARY SPACKMAN *Gary*

FROM: KAY WALKER *KW*

RE: KINROSS DELAMAR CONDITIONS

In regard to the condition requiring replacement water in Jordan Creek when Owyhee Reservoir does not fill I offer the following:

From research on the micro-fiche of Rt. 55-07079 & 55-07078, I found that the owners of Kinross (in December of 1974) proposed the original condition placed on this right to resolve the protest of South Board of Control to the applications for permit. The condition was placed on the right as follows:

"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."

From the records I could see that this requirement was implemented in 1977 when Idaho was in serious drought.

If we do not utilize the same condition found on the licenses, we should use the condition shown in Gary's memo dated April 20, 1998, which says:

"Upon receiving a petition for delivery call on Jordan Creek and a determination by the Department that prior water rights are not being satisfied, the 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."

As it for clarification { In the notices of error submitted by Kinross, Kinross requested the original condition be removed because it was impossible for Kinross to obtain a permit from the EPA. However, the attachment to the error notice stated that the permit they requested was to inject the mine waters into Jordan Creek. As far as I can tell, Kinross has never requested a permit to inject well water into Jordan Creek.

I agree { If we change the condition that requires groundwater to replace Jordan Creek water we should give the South Board of Control a chance to review the condition and include their input in the revised condition.

Norm Young
Pam Skaggs has the transfer app.
Gary

In regard to the Kinross request that IDWR find these rights are consumptive, I can agree that the rights have become "wholly consumptive" since the tailing impoundment was installed in 1977. Therefore we can allow this "change" as an accomplished transfer. Would the condition below be satisfactory?

"This right is considered to be wholly consumptive."

MEMORANDUM

To: Application for Transfer no. 5230 in the name of Kinross
Delamar Mining Co.; Water right nos. 55-02134 & 55-07078
From: Gary Spackman *bus*
Date: April 20, 1998
Re: Conditions of Approval

I recommend the following conditions of approval for the water rights sought to be transferred:

1. 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.

2. (054)

3. (081)

4. (Standard transfer conditions)

5. Upon receiving a petition for delivery call on Jordan Creek and a determination by the Department that 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.

MEMORANDUM

To: Application for Transfer no. 5230 in the name of Kinross
Delamar Mining Co.; Water right nos. 55-02134 & 55-07078
From: Gary Spackman *Gay*
Date: April 20, 1998
Re: Conditions of Approval

I recommend the following conditions of approval for the water rights sought to be transferred:

1. 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.

2. (054)

3. (081)

4. (Standard transfer conditions)

5. Upon receiving a petition for delivery call on Jordan Creek and a determination by the Department that 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.

JUN 03 1998
MCCREARY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 9 1998

TRANSFER ANALYSIS SHEET

Department of Water Resources

APPLICANT Kinross Delamar Mining Co.

TRANSFER NO. 5230

INITIAL ALLOCATION REVIEW BY SL

DATE 3/9/98

SRBA SUPERVISOR REVIEW BY _____

DATE _____

1. Right number(s) 55-02134 55-07078

2. Type of right ☐ Decree ☒ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer ☐ Change P/D ☐ Add P/D ☒ Change P/U Correct 55-02134 AS in R55-02134
☐ Change N/U ☐ Change Source ☐ Split Right
☒ Other: add plan both rights for land appl only

4. Check Existing Right:
☒ Source ☒ Priority ☐ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

5. Check Proposed Right for amount of land &/or water transferred:

- a. ☒ Reviewer's analysis memo completed (always include) = 4/13/98 memo
- b. ☒ All of right
- c. ☐ Part of right (NOTE: Part B should be filled in only if part of right is owned by the applicant)
- d. ☒ Description of point(s) of diversion
- e. ☒ Description of place of use
- f. ☒ Map showing P/D & P/U after transfer
- g. ☒ Correct notarized signature and \$100 fee
- h. ☒ Proof of ownership of right &/or land from which water is N/A transferred
- i. ☒ Expansion in use of right - Comments: _____

Per Admin. memo #61 idea - NOT Expansion.

OK to forward without this
See item 5K on not
pg

j. ☒ Existing rights from same source, on land water is being transferred to; right number(s): NONE

k. ☒ SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) Transfer reflects R files (includes correction of plan for

55-02134)

1. ☒ Comment letters ☒ Yes ☐ No
If yes ☒ Water District #
☒ Other, see #2 below for name and address

PUBLICATION REVIEW

1. Legal Notice electronically sent to DWR03::VAULT? ☒ Yes

2. COMMENT LETTERS

Watermaster recommendation requested on _____, Received on _____

Other comments letters: sent 3/23/98 ☒ See attached information → to DSG

3. Transfer published correctly? ☐ Yes ☐ No

4. Affidavit of publication received? ☒ Yes ☐ No

5. Protests received? ☐ Yes ☒ No; Acknowledgement sent? ☐ Yes

6. Data entry of application completed? ☒ Yes

RECOMMENDED ACTION

1. ☒ Approve ☐ See attached memo

2. ☐ Deny due to _____

3. Conditions (special conditions in Water Districts) See attached memo

4. By Darry Spackman Date 4/9/98

FILE FORWARDING

1. Copies made for Region file (see attached supplemental page)? ☒ Yes Pam

2. File forwarded to S.O.: by AV date 4-21-98

* Comment letter to DSG 3/23/98, no response received.

-52 4/10/98
OK to forward file.

MEMORANDUM

To: Application for Transfer no. 5230 in the name of Kinross
Delamar Mining Co.; Water right nos. 55-02134 & 55-07078
From: Gary Spackman *Gary*
Date: April 20, 1998
Re: Conditions of Approval

I recommend the following conditions of approval for the water rights sought to be transferred:

1. 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.

2. (054)

3. (081)

4. (Standard transfer conditions)

5. Upon receiving a petition for delivery call on Jordan Creek and a determination by the Department that 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.

MICROFILMED

JUN 09 1998

MEMORANDUM

To: Application for Transfer no. 5230 in the name of Kinross
Delamar Mining Co.; Water right nos. 55-02134 & 55-07078
From: Gary Spackman *Gary*
Date: April 9, 1998
Re: Conditions of Approval

I recommend the following conditions of approval for the water rights sought to be transferred:

1. 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.

2. (054)
3. (081)
4. (Standard transfer conditions)

MICRO FILMED
JUN 09 1998

MEMORANDUM

TO: FILE

FROM: STEVE LESTER *SL*

DATE: APRIL 13, 1998

RE: TRANSFER NO. 5230, KINROSS DELAMAR MINING CO.

This transfer is filed to change the P/U for mining purposes. The new P/U will allow land application of a large volume of water stored in a mine tailings pond. The idea of the transfer is similar to that expressed in Admin. Memo #61 for waste water use and treatment.

Most (all?) of the tailings pond water originates from Jordan Creek according to Mary Barraco of Kinross. The tailings pond can hold up to 14,400 af per Dam Safety file D55-7079A (see attached printout). The dam must either be enlarged or dewatered to meet Dam Safety and DEQ/EPA requirements. The mine is being closed over several years, and dewatering of the tailings pond is essential to proper closure of the mine. The applicant needs an expedited action from IDWR. The State Office directed the Regional Office to expedite the transfer, which was immediately advertised within a few days of this assignment.

Note that no large storage right exists for the pond. Apparently, a right to store 14,400 af has not been required by IDWR.

See Table 1, attached. The first four rights are licenses and are recommended in the SRBA. The first two rights in the table are the ones being transferred. The third and fourth rights share the current P/U (as licensed and/or as recommended in the SRBA) with the rights being transferred. Rights 3 and 4 are not included in the transfer because they either provide no water or very little water to the pond.

The last three rights are permits for which proof of beneficial use was filed after 1987, making the SRBA not applicable. The last two of these three rights share the current P/U of the rights being transferred. From a timing perspective, it is not possible to license these permits so that these rights can be added to the transfer. Perhaps it is not too important to license the permits while the mine is being closed. The owner might prefer to relinquish the permits after the mine is closed.

All of the above information is included to justify why additional rights sharing the current P/U of the rights being transferred are not included in the transfer application. Normally, one expects in a transfer all the rights serving a common P/U. In this case, only the two Jordan Creek licenses have been included. Even if that conclusion is not one normally expected, I think the current approach meets the test of the transfer statute.

MICROFILMED

JUN 09 1998

DAM SUMMARY SHEET

March 25, 1996

DELAMAR
55 - 7079A

INVENTORY	AF	CONDITION	GD
BASIN	55	MAINTENANCE	ROUTINE
DAM NUMBER	7079A	INSPECTION DATE	0895 MO/YR
FED ID NUMBER	ID00365	CERTIFICATE EXP DATE	1197 MO/YR
DAM NAME	DELAMAR	LAST RISK EVALUATION	1193 MO/YR
COUNTY	OWYHEE	SURVEY DATE	MO/DD/YR
STREAM	HENRIETTA GL-JORDAN CK(OS)	CALL UP DATE	MO/DD/YR
REGION	W	CERT ISSUE DATE	3/12/96 MO/DD/YR
PURPOSE	T	INSPECTION INTERVAL	2YR
RISK CATEGORY	1	PHASE 1 INSP DATE	
SIZE CATEGORY		OPERATION PLAN	A
Q-Q SECTION	SESE	SEISMIC ANALYSIS	Y
SECTION	06	RESTRICTED	Y
TOWNSHIP	05S	JOINT INSPECTION	
RANGE	04W	QUAD NUMBER	Z54
LATITUDE DEC	43.0121	QUAD NAME	DELAMAR
LONGITUDE DEC	116 8470		
DAM TYPE	EARTH		
STORAGE CAPACITY	14,400.00 ACFT		
HEIGHT	280 00 FT		
DRAINAGE AREA	0.50 SQMI		
RESERVOIR AREA	158.00 AC		
YEAR COMPLETED	1977		
CREST ELEVATION	5,980.00 MSL		
CREST LENGTH	2,400 00 FT		
SPILLWAY TYPE	NONE	DAM OWNER	KINROSS DELAMAR MINING COMPANY
SPILLWAY DEPTH	0 00 FT	ADDRESS - 1	DELAMAR SILVER MINE
SPILLWAY CAPACITY	0 00 CFS	ADDRESS - 2	P O BOX 52
OUTLET TYPE	NONE	CITY	JORDAN VALLEY
OUTLET SIZE	0 IN	STATE	OR
OUTLET CAPACITY	0 00 CFS	ZIP CODE	97910
IDF	PMP	ZIP SUFFIX	
IDF MAGNITUDE	0 00 CFS	PHONE	5832511
RELEASE CAPACITY	0 00 CFS	AREA CODE	208

GENERAL REMARKS . STORAGE CAP INCLUDE TAILINGS. STORAGE CAP IS AT ELEV 5970.0'.
PART OF DAM LOCATED IN SEC 5,7,8 DAM HEIGHT IS STRUCTURAL
TOTAL D A = 450 AC OF WHICH UPPER 140 AC IS DIVERTED AWAY FROM
POND CONTRIBUTING D A = 310 AC

TECHNICAL REMARKS DAM DESIGNED TO STORE PMP & WET YEAR VOLUME WITH 40' FB (876
AC-FT) ULTIMATE CREST HT IS 6017 AT ELEV 6017 MAIN
EMBANKMENT WILL EXTEND AROUND SOUTHERN PORTION OF
IMPOUNDMENT IN THE FORM OF A CONNECTING DIKE.

RESTRICTIONS IN ACCORDANCE WITH KINROSS-DELAMAR'S CONSTRUCTION
SCHEDULE FOR CONSTRUCTION OF STAGE 8, TO RAISE THE MAIN
EMBANKMENT AND SOUTH DIKE TO ELEVATION 6000 FT, THE
OPERATION LEVEL OF THE IMPOUNDMENT SHALL BE AT LEAST 10 FEET
BELOW ANY INTERIM (EMBANKMENT/DIKE) CREST ELEVATION, TO
PROVIDE FREEBOARD

ALTERNATE CONTACTS : SEND ALL CORRESPONDENCE TO JOHN JONES, ENGR SUPT.

*Right 55-07079 adds VERY minor storage
to large tailings pond. Tailings
result from Jordan Creek water for
the most part - so other only include
the creek diversion.*

3/19/98

Tabk 1. T. 5230 Kinross Delamare

92
4/13/98

<u>Right</u>	<u>Stage</u>	<u>Source</u>	<u>W. R. Plu</u>	<u>SUBA Plu (R Files)</u>
55-02134	LIC.	Jordan CK	NWNE 5.6	→ NENE 5.8 (corrected)
-07078	LIC.	Jordan CK	5 1/2 NE 1/4 5.8	TRANSFER Plu ON 15.1 of T. 5230 Same
-07079	LIC.	UNN. STREAM	includes 5 1/2 NE 1/4 5.8 *	SAME EXCEPT SWSE changed to NWSE 5.8 (corrected)
-07081	LIC.	G. W.	includes 5 1/2 NE 1/4 5.8 *	Same
-07376	PER.	G. W.	NOT IN TRANSFER Plu	N/A PROOF 1995
-07399	PER.	SULLIVAN gulch	SENE 5.8 *	N/A PROOF 1993
-07429	PER.	Jordan CK.	includes 5 1/2 NE 1/4 5.8 *	N/A PROOF 1993

* within plu of TRANSFER.

** Unless there is a pressing need to license, leave as unexamined rights to be relinquished when mine closes.

MICROFILMED

JUN 09 1998

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

MAR 26 1998

WATER RESOURCES
WESTERN REGION

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice

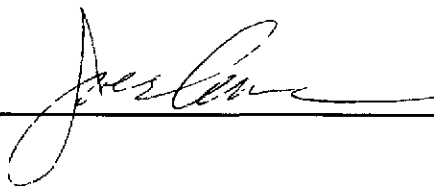
4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in Two (2)

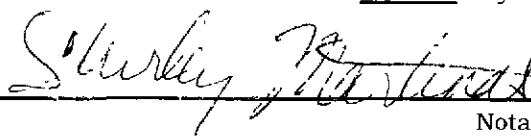
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

March 18 & 25, 1998

Signed



Subscribed and sworn to me this 25th day of March A.D., 19 98



Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires April 22, 2002

JUN 19 1998

PROPOSED CHANGE OF WATER RIGHTS
TRANSFER OF RIGHTS
Notice is given that **KIMROSS DRAINAGE DISTRICT CO.** of PO Box 22, Jordan Valley OR 97910 has applied to the Department of Water Resources to change the Place of Use pursuant to I.C. § 42-222 for the following rights in Owyhee County:

Both rights are from Jordan Creek, diverted & used all year in T5S R4W.

License #55-02134, priority 3-16-1938, .41 cfs, diverted & used in NWNE S6 for mining & domestic use.

License #55-07078, priority 9-4-1974, 1.11 cfs, same diversion as above but used in SWNE & SENE S8 for mining use.

PROPOSED CHANGE
Recommended as above in Snake River Basin Adjudication (SRBA) but place of use for 55-02134 is corrected to NENE S8. Proposed change will include rights as recommended in SRBA plus will add dewatering of a large tailings pond that stores mining water produced via these rights. No increase in beneficial use or consumptive use is proposed. Water will be pumped from the tailings pond and will be applied to about 400 acres of seeded range grass in portions of S11-14 & 23, T5S R5W about 3 miles west of the tailings pond.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 on or before April 6, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. [Signature] Notary
3/19/98

KINROSS DELAMAR MINING COMPANY
WATER RIGHT 55-07078

*copy
from
Notice of Error
SRBA*

The following requirement should be deleted from the "other provisions" section of the water right:

"Water diverted under this right in any given year, must be replaced in Jordan Creek from the Claimant's wells and passed on downstream in the same irrigation season if the Owyhee Reservoir does not fill to its full capacity."

The reason this should be deleted is that discharge of water from a groundwater well into a surface water (Jordan Creek) is unlawful under the Clean Water Act. A point source discharge of any type of water into a surface water is illegal unless EPA has issued a permit specifically for the point source discharge. Kinross and its predecessor (NERCO) worked for 5 years and spent millions of dollars trying to secure an National Pollutant Discharge Elimination System (NPDES) permit from the EPA to discharge mine waters to Jordan Creek. When the EPA finally issued an NPDES permit, the discharge limits for metals were so stringent that no technology could be identified that could meet the limits. In addition, several of the limits could not even be measured by the most sophisticated laboratory instrumentation because the limits were so low. Due to these factors, Kinross did not accept the NPDES permit. Any point source discharge to Jordan Creek, including groundwater discharged from a well, would have to meet the same low limits as stated in the NPDES permit and this is not technically possible. Therefore, requiring replacement well water to be discharged to Jordan Creek when Owyhee Reservoir does not fill to its full capacity is not legally or technically possible and the provision should be removed from the water right.

*COPY
From
SRBA
Notice of Error*

MICROFILMED

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 23, 1998

ID DEPT OF HEALTH & WELFARE
DIV OF ENV QUALITY
BOISE REGIONAL OFFICE
PO BOX 83720
BOISE ID 83706

Re: Application for Transfer of Water Rights Nos. 55-02134 and 55-07078 in the Name of
Kinross Delamar Mining Co.

Dear Sir:

Enclosed is a copy of the above-referenced application for transfer which may be of
interest to your agency. Please review the application and submit any comments you may have
by April 6, 1998.

If you have any questions regarding the application, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:st

Encl.

MICROFILMED

JUN 09 1998

155009NP
No. R55-02134

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/10/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KINROSS DELAMAR MINING COMPANY	03/16/1938	MINING	01-01 12-31	0.41 CFS	
			DOMESTIC	01-01 12-31	0.02 CFS	
TOTAL DIVERSION:					0.41 CFS	

Water Source: JORDAN CREEK

Tributary to: OWYHEE RIVER

Stage: LICENSE

Point(s) of Diversion: T05S R04W S06 Lot02(NWNWNE)

OWYHEE County

Place of use Legal Description for: MINING

NE				NW				SW				SE			
T	R	S		T	R	S		T	R	S		T	R	S	
05S	04W	8	M												

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE			
T	R	S		T	R	S		T	R	S		T	R	S	
05S	04W	8	D												

POU County: OWYHEE

Other Rights: 55-7078, 55-7079, 55-7081, 55-7109.

Conditions of Approval:

- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- N10 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N12 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: USE USE IS FOR MINING AND MILLING OF SILVER & GOLD ORE.
DOMESTIC USE IF FOR OFFICES AT MINING SITE.

Dates: Exam Made Date: 04/14/1993 Verified Date: 03/01/1998 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: C

↑ for transfer d'entry - 55-02134 looks like this except:
add mining plan land list from bottom of pg. 1 of Appl. (S. 11-14 & 23 T5S R5W).
Comments - Transfer # - filed to add land application of water from tailings pond.

AJ5809NP
No. R55-02134

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/10/98
PAGE: 2

=====

Comments: Date: 02/22/1998 User-ID: KWALKER Subject: COPIED FROM REMARKS
MILLING FACILITIES ARE SITED ON UNPATENTED BUREAU OF LAND
MANAGEMENT MILLSITE CLAIMS.
OWNERSHIP CHANGED BY KW 5/16/1994.

Audit: 02/23/98 KWALKER 02/27/98 LHARRIS 03/01/98 KWALKER

AJF009NP
No. R55-07078

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/10/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KINROSS DELAMAR MINING COMPANY	09/04/1974	MINING	01-01 12-31	1.11 CFS	
TOTAL DIVERSION:					1.11 CFS	

Water Source: JORDAN CREEK

Tributary to: OWYHEE RIVER

Stage: LICENSE

Point(s) of Diversion: T05S R04W S06 Lot02(NWNWNE)

OWYHEE County

Place of use Legal Description for: MINING

NE				NW				SW				SE			
T	R	S	Ac	T	R	S	Ac	T	R	S	Ac	T	R	S	Ac
05S	04W	8		05-M	06-M										

POU County: OWYHEE

Other Rights: 55-2134, 55-7079, 55-7104, 55-7081.

Conditions of Approval:

- M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

Remarks: USE USE IS FOR MINING AND MILLING OF SILVER & GOLD ORE.

PCD WATER DIVERTED UNDER THIS RIGHT IN ANY GIVEN YEAR, MUST BE
REPLACED IN JORDAN CREEK FROM THE CLAIMANT'S WELLS AND PASSED ON
DOWNSTREAM IN THE SAME IRRIGATION SEASON IF THE OWYHEE RESERVOIR
DOES NOT FILL TO IT'S FULL CAPACITY.

Dates: Exam Made Date: 04/14/1993 Verified Date: 02/22/1998 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 02/22/1998 User-ID: KWALKER Subject: COPIED FROM REMARKS
IF NOT FILLED JORDAN CK. WTR. MUST BE REPLACED W/WELL WTR.
MILLING FACILITIES ARE SITED ON UNPATENTED BUREAU OF LAND MGMT.
MILLSITE CLAIMS.
OWNERSHIP CHANGED BY KW 5/16/94.

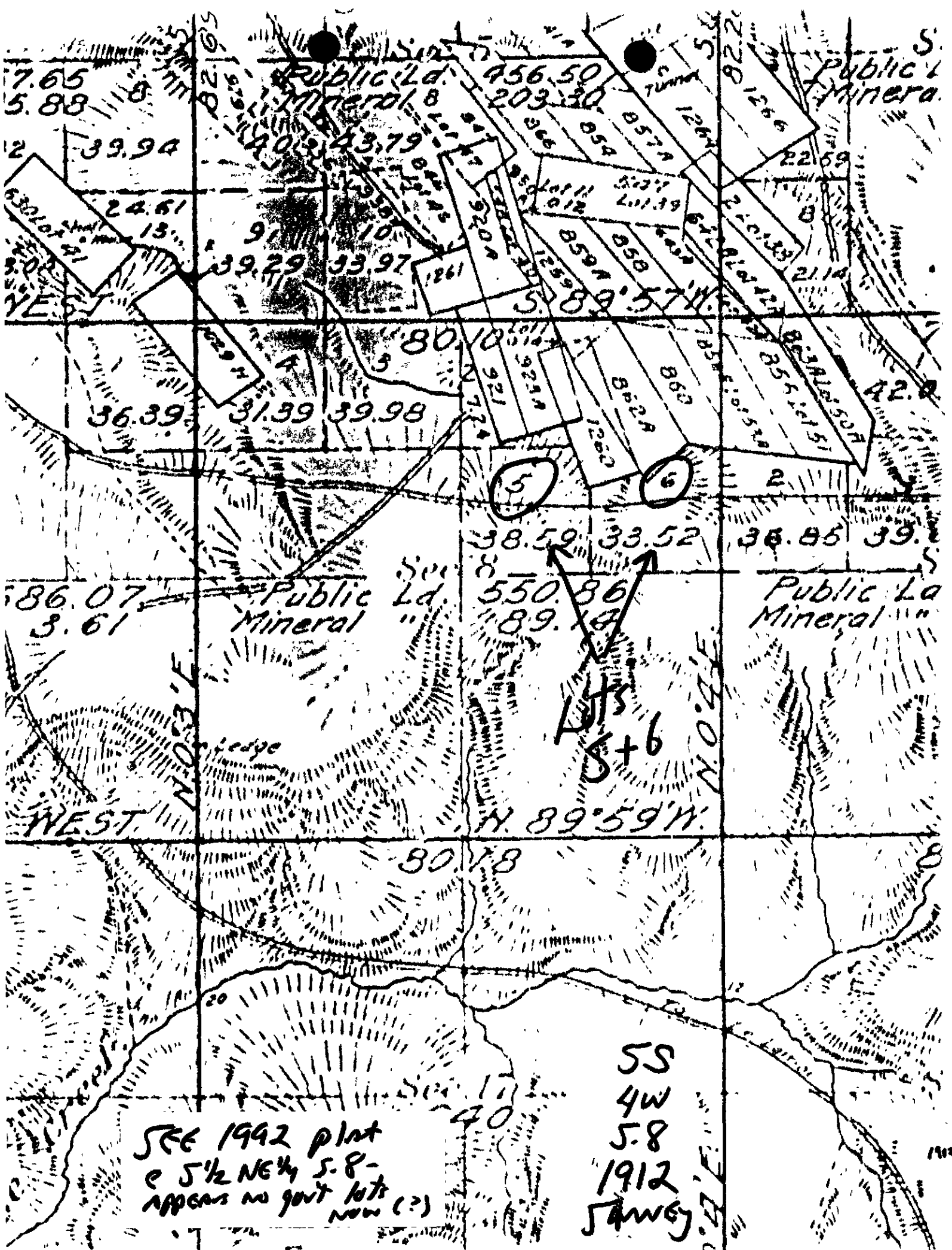
Audit: 02/23/98 KWALKER

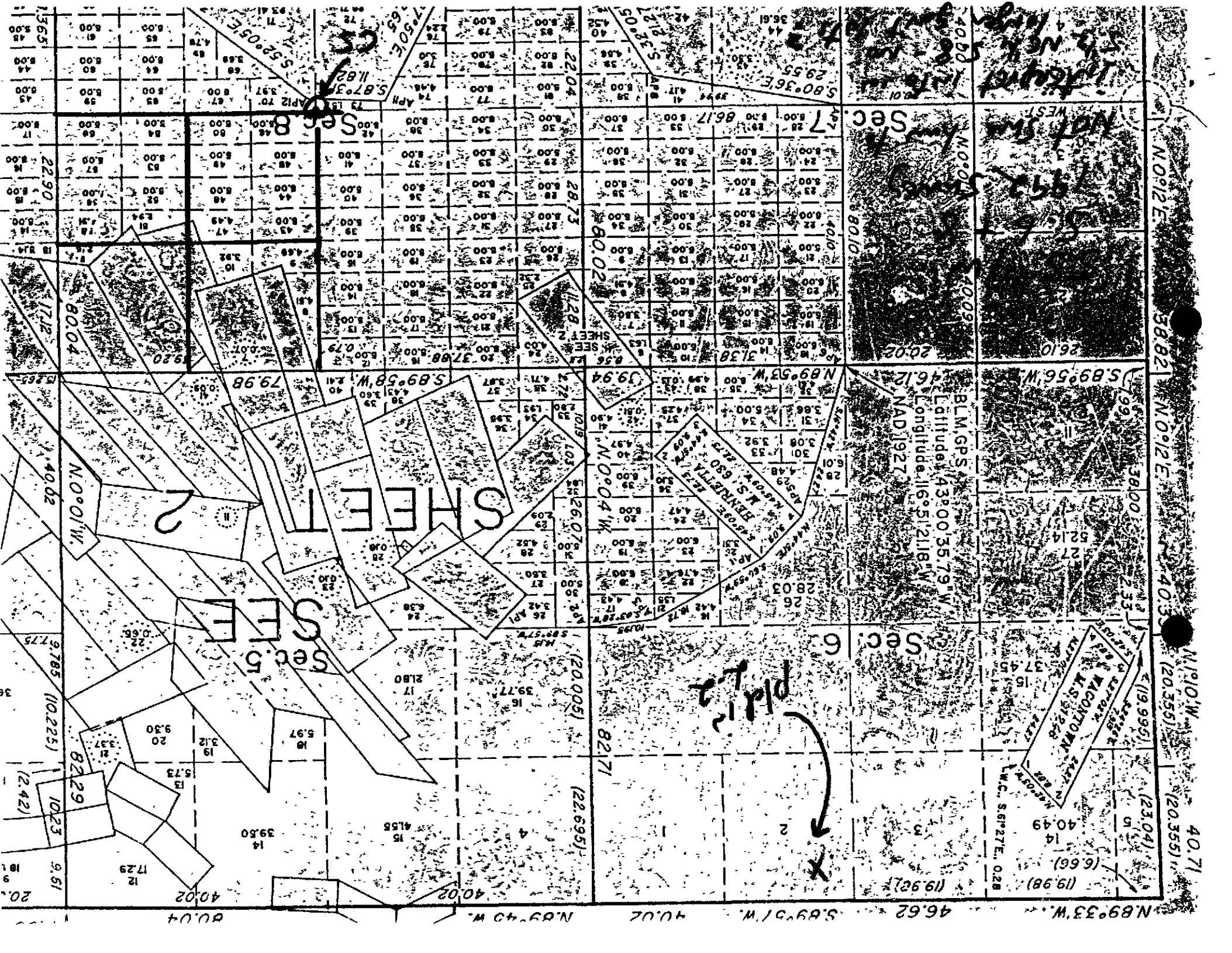
S.8 -

1912 plat = gov't lots
1992 plat = no gov't
lots

so delete L. 5 & 6
from d'base in
transfer & in
corrected R file.

for transfer d'entry 55-07078 looks like this
except:
delete gov't lots in S.8 plat
add same info as shown in 55-02134 for
mining plat & comments.





AJ5809NP
No. R55-07079

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/09/98
PAGE: 5

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KINROSS DELAMAR MINING COMPANY	09/04/1974	MINING	01-01 12-31		30.00 AFA
TOTAL DIVERSION:						30.00 AFA

Water Source: UNNAMED STREAM

Tributary to: JORDAN CREEK

Stage: LICENSE

Point(s) of Diversion: T05S R04W S06 Lot13(SESESE)

OWYHEE County

Place of use Legal Description for: MINING

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac
---	---	---	:	---	---	---	:	---	---	---	:	---	---	---	:
05S	04W	8	:	05-M	06-M	:	:	:	M	M	:	:	M	M	:

POU County: OWYHEE

Other Rights: 55-7078, 55-2134, 55-7104, 55-7081.

Conditions of Approval:

- L09 - RETURN FLOW SHALL BE TREATED TO INSURE THAT THE EFFLUENT MEETS
- IDAHO WATER QUALITY STANDARDS.

Remarks: USE USE IS FOR MINING AND MILLING OF SILVER & GOLD ORE.

PCD 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 IT'S CAPACITY.

EXP SOURCE IS ALSO KNOWN AS HENRIETTA DRAINAGE.

Dates: Exam Made Date: 04/14/1993 Verified Date: 02/22/1998 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 02/22/1998 User-ID: KWALKER Subject: COPIED FROM REMARKS
WATER WILL BE DIVERTED WHENEVER REQUIRED & WHENEVER AVAILABLE;

AJ5809NP
No. R55-07079

IDAMO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/09/98
PAGE: 6

=====

Comments: Date: 02/22/1998 User-ID: KWALKER Subject: COPIED FROM REMARKS
HOWEVER, IN ANY GIVEN YEAR, IF THE OMYHEE RESERVOIR DOES NOT FILL
TO ITS FULL CAPACITY, AN AMT. OF WATER EQUIVALENT TO THAT
DIVERTED WILL BE REPLACED IN JORDAN CREEK FROM EARTH RESOURCES
CO. WELLS & WILL BE PASSED ON DOWNSTREAM. MILLING FACILITIES ARE
SITED ON UNPATENTED BUREAU OF LAND MANAGEMENT MILLSIGE CLAIMS.
OWNERSHIP CHANGED BY KW 5/16/1994.

Audit: 02/23/98 KWALKER

AJ5809NP
No. R55-07081

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/09/98
PAGE: 7

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KINROSS DELAMAR MINING COMPANY	02/21/1975	MINING	01-01 12-31	1.10 CFS	113.00 AFA
TOTAL DIVERSION:					1.10 CFS	113.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T05S R04W S08 Lot06(SENE)

OWYHEE County

Place of use Legal Description for: MINING

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac
05S	04W	8	: M	05-M	06-M	:		M	M	:		: M			:

POU County: OWYHEE

Other Rights: 55-2134, 55-7078, 55-7079, 55-7109.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A55-07081

Conditions of Approval:

- M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

Remarks: USE USE IS FOR MINING AND MILLING OF SILVER & GOLD ORE.

Dates: Exam Made Date: 04/14/1993 Verified Date: 02/23/1998 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 02/22/1998 User-ID: KWALKER Subject: COPIED FROM REMARKS
MILLING FACILITIES ARE SITED ON BLM UNPATENTED MILLSITE CLAIMS.
OWNERSHIP CHANGED BY KW 5/16/1994.

Date: 02/22/1998 User-ID: KWALKER Subject: RECOMMENDING AS PERMIT
LICENSE EXAM SENT TO STATE OFFICE IN 1994. STATE OFFICE AWAITING
AMENDMENT TO LICENSE AS OF 1/27/98.

Date: 02/23/1998 User-ID: KWALKER Subject: RECOMMENDATION

AJ5809NP
No. R55-07081

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/09/98
PAGE: 8

=====
Comments: Date: 02/23/1998 User-ID: KWALKER Subject: RECOMMENDATION
[JUST RECEIVED A COPY OF THE LICENSE ISSUED FOR THIS RIGHT FROM
STATE OFFICE TODAY. RECOMMENDATIONS HAVE BEEN CHANGED TO SHOW
THE LICENSED RIGHT.

Audit: 02/23/98 KWALKER

SD-0601-2 Last Name: KINROSS

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
	KINROSS DE LAMAR MINING CO						
		C	55-02134	03/16/1938	JORDAN CREE	0.410	13 MINING
							13 MINING
							43 DOMEST
		* ~~C~~	55-07079	09/04/1974	UNNAMED STR	30.00	13 MINING
		C	55-07399	03/10/1989	SULLIVAN GU	2.000	13 MINING
							14 MIN S
							15 MIN FS
		C	55-07429	11/14/1991	JORDAN CREE	0.222	13 MINING
							14 MIN S
							15 MIN FS
							55 DIV S
		C	55-07376	03/16/1988	GROUNDWATER	1.600	13 MINING
							43 DOMEST
	KINROSS DELAMAR MINING CO						
		C	55-07081	02/21/1975	GROUNDWATER	1.100	13 MINING
	KINROSS DE LAMAR MINING CO						
		P	55-07078	09/04/1974	JORDAN CREE	1.110	13 MINING

For land Appl. xfer - suggest include all licenses
which contribute H₂O to large tailings pond
or amendment of permits? - 3 permits & prop. filed but no (lx) work yet.
Refer these till licensed then add'l xfer?

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

* only Dam Safety file = 055-07079 several portions (A, B, ...)
A = 14,400 sf max crest @ 6017' = main tailings pond
C = 5 sf seepage (return) control from main tailing pond
D = 18 sf prev 055-x207 "mag pond"

Recent License 55-07081 (2/23/98 License) g.w.

** Permits of prop. filed = 55-07376 -7399 -7429 but no exam dates
filed C file B & C in M's office = "CTH"

WR5809NP
No. 55-07079

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/09/98
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KINROSS DE LAMAR MINING CO	09/04/1974	MINING	01/01 12/31		30.00 AFA
TOTAL DIVERSION:						30.00 AFA

Water Source: UNNAMED STREAM

Tributary to: JORDAN CREEK

Stage: LICENSE

Point(s) of Diversion Capacity: 1989.60 AFA

Point(s) of Diversion: T05S R04W S06

SESE

OWYHEE County

Place of use Legal Description for: MINING

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac
05S	04W	8	:		M	M	:					:	M	M	:

Pou County: OWYHEE

Conditions of Approval:

- 016 - See remarks for additional conditions of approval.
- R09 - Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.

Remarks: GEN 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. Use of water is for mining and milling purposes.

Dates: App. Received: 09/04/1974 Priority Date: 09/04/1974
Proof Due Date: 03/01/1980 Proof Made Date: 01/30/1980
Exam Made Date: 10/03/1984 Exam Sent to S.O.:
Licensed Date: 01/06/1989

Misc: Water District Number: Field Exam Fee:

Audit: 03/31/88 04/30/88 CONVERT 02/13/89 CURTIS 06/21/95 SCURTIS

WR5809NP
No. 55-07081

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/09/98
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KINROSS DELAMAR MINING CO	02/21/1975	MINING	01/01 12/31	1.100 CFS	113.00 AFA
TOTAL DIVERSION:					1.100 CFS	113.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 1.100 CFS

Point(s) of Diversion: T05S R04W S08 Lot 06(SENE)

OWYHEE County

Place of use Legal Description for: MINING

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac
05S	04W	8	: M	05-M	06-M	:	M	M	:	M	:	M	:	:	:

Pou County: OWYHEE

Conditions of Approval:

- 004 - The issuance of this right does not grant any right-of-way or easement across the land of another.
- R01 - A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
- 081 - 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.

Remarks: GEN After specific notification by the department, the right holder shall determine the amount of water diverted and shall annually report the information to the department.

Dates: App. Received: 02/21/1975 Priority Date: 02/21/1975
Proof Due Date: 12/01/1977 Proof Made Date: 11/25/1977
Exam Made Date: 04/14/1993 Exam Sent to S.O.: 03/25/1994
Licensed Date: 02/23/1998

Misc: Water District Number: Field Exam Fee:

Audit: 01/18/88 04/30/88 CONVERT 06/26/89 CURTIS 10/05/93 TAYLOR
03/03/94 TAYLOR 03/25/94 TAYLOR 06/21/95 SCURTIS 06/10/94 BCHAPMAN
06/13/94 BCHAPMAN 06/15/94 BCHAPMAN 06/16/94 BCHAPMAN 09/13/94 BCHAPMAN
02/04/98 SKEEN

WR5809NP
No. 55-07376

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/09/98
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KINROSS DE LAMAR MINING CO	03/16/1988	MINING	01/01 12/31	1.500 CFS	
			DOMESTIC	01/01 12/31	0.100 CFS	
TOTAL DIVERSION:					1.600 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion:	T04S R04W S34	SESW	NWSE	OWYHEE County
	S36	NWNW		OWYHEE County
	T05S R04W S01	NENE		OWYHEE County
	S02	NWNW	SWNW	SESE OWYHEE County
	S12	SWNE		OWYHEE County

Place of use Legal Description for: MINING

NE				NW				SW				SE							
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
04S	04W	36	:													M	M	M	M
05S	04W	1	:	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M
05S	04W	2	:	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M

Place of use location for DOMESTIC is the same location as described for: MINING

Pou County: OWYHEE

Conditions of Approval:

- 026 - Permit holder shall commence the excavation or construction of
- diverting works within one year of the date this permit is issued
- and shall proceed diligently until the project is complete.
- 046 - Right holder shall comply with the drilling permit
- requirements of Section 42-235, Idaho Code.
- 004 - The issuance of this right does not grant any right-of-way
- or easement across the land of another.
- 01G - Prior to the diversion of water under this right a flow
- measurement port or other device as specified by the Department
- shall be installed to provide for the installation of measuring
- equipment and the determination of the rate of diversion by the
- Department.
- 06A - In the event that water used under this right should be
- discharged into a natural channel, settling ponds will be
- required which are capable of reducing the silt load to such a
- level that the quality of the water would not be impaired for
- other beneficial uses.
- 09E - Water used under this right when discharged into a natural
- channel or subsurface system shall meet Idaho Water Quality
- Standards.

? Should this right be licensed (no field exam yet)
or delay licensing, let it be relinquished or ~~paid~~ closer
mine

WR5809NP
No. 55-07376

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/09/98
PAGE: 4

Conditions of Approval:

- 028 - After specific notification by the department, the right holder
 - shall annually report the amount of water diverted to the
 - department.
- 054 - Prior to diversion and use of water under this right, the
 - right holder shall comply with all bonding requirements of
 - appropriate governmental entities.

Remarks: GEN Two points of diversion are located within SENW, S02, T05S, R04W.

Dates: App. Received: 03/16/1988 Priority Date: 03/16/1988
Proof Due Date: 01/01/1996 Proof Made Date: 12/14/1995
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 03/31/88 04/30/88 CONVERT 07/29/88 CURTIS 07/19/89 CURTIS
06/03/91 BILBAO 06/21/95 SCURTIS 10/06/95 CZIMMERM 12/19/95 JYARBROU

WR5809NP
No. 55-07399

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/09/98
PAGE: 5

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KINROSS DE LAMAR MINING CO	03/10/1989	MINING	01/01 12/31	2.000 CFS	
			MINING STORAGE	01/01 12/31		7.40 AFA
			MINING FROM STORAGE	01/01 12/31		5.20 AFA
TOTAL DIVERSION:					2.000 CFS	7.40 AFA

Water Source: SULLIVAN GULCH

Tributary to: LOUSE CREEK

Stage: PERMIT

Point(s) of Diversion: T05S R04W S09 SESWSW OWYNEE County

Place of use Legal Description for: MINING

NE				NW				SW				SE																			
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE	
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
05S	04W	8					06-M																								

Place of use location for MINING FROM STORAGE is the same location as described for: MINING

Pou County: OWYNEE

Conditions of Approval:

- 18A - The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
- 18B - The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
- 004 - The issuance of this right does not grant any right-of-way or easement across the land of another.
- 09C - Return flow if discharged to a subsurface system must be authorized by a separate injection well permit, and return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.

Dates: App. Received: 02/13/1989 Priority Date: 03/10/1989 (Priority Date Advanced.)
Proof Due Date: 07/01/1993 Proof Made Date: 07/26/1993 (Proof Received Late.)
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

Comments: Date: 07/07/1993 User-ID: VAULT Subject: Lapse Notice Sent
Lapse Notice Sent

Date: 07/14/1993 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd

see note 55-07376 e license in rearing fish

WR5809NP
No. 55-07429

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/09/98
PAGE: 7

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KINROSS DE LAMAR MINING CO	11/14/1991	MINING	01/01 12/31	0.220 CFS	
			MINING STORAGE	01/01 12/31		161.30 AFA
			MINING FROM STORAGE	01/01 12/31		161.30 AFA
			DIVERSION TO STORAGE	01/01 12/31	0.220 CFS	
TOTAL DIVERSION:					0.222 CFS	

Water Source: JORDAN CREEK

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T05S R04W S05 Lot 01(SENENE)

OWYHEE County

Place of use Legal Description for: MINING

NE				NW				SW				SE											
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
05S	04W	5	:					:					:			09-M	10-M	:					:
05S	04W	6	:					:					:					:				13-M	:
05S	04W	7	:	01-M				:					:					:					:
05S	04W	8	:			05-M	06-M	:	03-M	04-M	M	M	:					:					:

Place of use location for MINING FROM STORAGE is the same location as described for: MINING

Pou County: OWYHEE

Conditions of Approval:

- 09E - Water used under this right when discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
- 054 - Prior to diversion and use of water under this right, the right holder shall comply with all bonding requirements of appropriate governmental entities.
- 020 - Use of water under this right may be affected by an agreement between the protestant and the right holder.

Remarks: GEN Mining use is for a mining and mill operation.

Dates: App. Received: 10/29/1991 Priority Date: 11/14/1991 (Priority Date Advanced.)
Proof Due Date: 04/01/1993 Proof Made Date: 04/02/1993 (Proof Received Late.)
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 11/12/91 GARRETT 11/13/91 GARRETT 12/09/91 TAYLOR 01/07/92 GARRETT
01/14/92 TAYLOR 02/05/92 TAYLOR 02/20/92 TAYLOR 03/17/92 MILLER

*See note 55-07376 & license
on Relingh.w.8*

**NOTICE OF PROPOSED CHANGE OF WATER
RIGHT, TRANSFER NO. 5230**

Notice is given that KINROSS DELAMAR MINING CO. of PO Box 52, Jordan Valley OR 97910 has applied to the Department of Water Resources to change the Place of Use pursuant to I.C. § 42-222 for the following rights in Owyhee County:

Both rights are from Jordan Creek, diverted & used all year in T5S R4W.

License #55-02134, priority 3-16-1938, .41 cfs, diverted & used in NWNE S6 for mining & domestic use.

License #55-07078, priority 9-4-1974, 1.11 cfs, same diversion as above but used in SWNE & SENE S8 for mining use.

PROPOSED CHANGE

Recommended as above in Snake River Basin Adjudication (SRBA) but place of use for 55-02134 is corrected to NENE S8. Proposed change will include rights as recommended in SRBA plus will add dewatering of a large tailings pond that stores mining water produced via these rights. No increase in beneficial use or consumptive use is proposed. Water will be pumped from the tailings pond and will be applied to about 400 acres of seeded range grass in portions of S11-14 & 23, T5S R5W about 3 miles west of the tailings pond.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 on or before April 6, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Owyhee Avamlanche on March 18 and 25, 1998.

MICROFILMED

JUN 09 1998



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

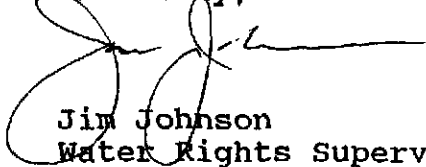
Dear Mr. Jensen:

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 S. 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. ROMRIEL
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. RYTHOR
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

RECEIVED
APR 15 1994
Department of Water Resources

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.

MICROFILMED
JUN 03 1998

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



NUMBER

1

SHARES

10

NERCO Delamar Company

This Certificate is the order of
Ten

Minerals Company

NERCO Delamar Company

*Shares of the Capital Stock 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

Vice President

Secretary

No Par Value

DEPOSIT

JUN 09 1998

SEE LEGEND ON REVERSE SIDE



KINROSS DELAMAR MINING COMPANY

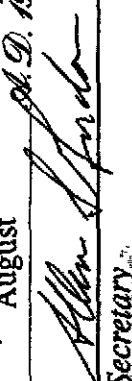
Organized under the Laws of the State of Oregon

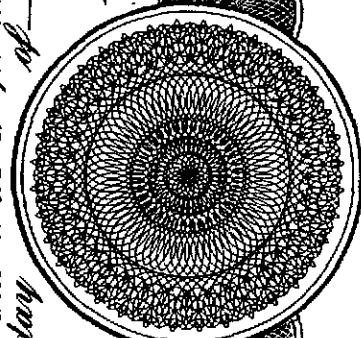
This Certificate is the registered holder of _____ Shares of Common Stock

transferrable 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


 President


 Secretary



MOBILITY

JUN 09 1998



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 R. Smith*

Date *11 August 1993*

MICROFILMED

JUN 09 1998

FILED

AUG 11 1993

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

SECRETARY OF STATE

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
Arthur H. Ditto, President

State of Idaho

Department of State

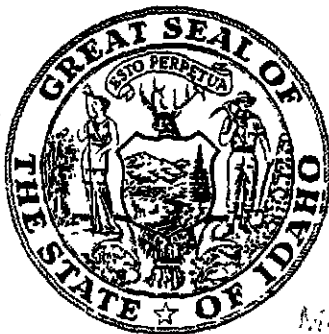
AMENDED CERTIFICATE OF AUTHORITY OF

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

Larry I. Clark

RECORDED

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



Notary Public
175 S. BROADWAY
SALT LAKE CITY, UT 84111
State of Utah

Submit 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

JUN 9 1993

RECEIVED
APR 4 1990

Department of Water Resources

STANLEY F. HAMILTON
DIRECTOR**BOARD OF LAND
COMMISSIONERS**
CECIL D. ANDRUS
Governor
PETE T. CENARRUSA
Secretary of State
JIM JONES
Attorney General
J.D. WILLIAMS
State Auditor
JERRY L. EVANS
Sup't of Public
Instruction

April 3, 1990

Delamar Silver Mine
P.O. Box 52
Jordan Valley, OR 97910

SUBJECT: Reclamation Plan Approval

This correspondence is notification that the following
reclamation plan has been approved:

PLAN NO.	COUNTY	ACRES	LEGAL DESCRIPTION
248G	Owyhee	3	Portion of Section 6, Township South, Range 4 West, B.M.

subject to a reclamation bond of \$1,800.00 per affected
acre be submitted to and maintained with the Department
of Lands.If you have any questions concerning this plan approval,
feel free to contact me at 334-3610.SCOTT H. NICHOLS
Mined-Land Reclamationist

SHN:mab

cc: Sharon Murray, IDL, Southwestern Idaho Area
Department of Water Resources, Boise
Department of Fish and Game, Boise
Department of Health and Welfare (DEQ), Boise**MICROFILMED**
APR 18 1990



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:
Storehouse
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

APR 18 1985

NERCO

SEP 21 1984

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

John R. Woodward
Senior Permitting Engineer

Enclosures

JRW/dj

MicroFILMED

APR 18 1990

December 10, 1980

De Lamar Silver Mine
P.O. Box 52
Jordan Valley, Oregon 97910

Dear Sirs,

RE: Transfer of Water Right No. 55-2134

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 2367). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:mr

Enclosure

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS

Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED

Director

(208) 384-2190

October 8, 1980

MEMORANDUM

TO: File 55-2134

FROM: David Shaw DBS

SUBJECT: Proposed Transfer

The affidavits covering the use of water under this right cover the period from the time of the field examination to the present. Without having some strong evidence to refute the affidavits, it seems clear that some water has been used, at least periodically, in most years since 1939. There has not been a period of 5 consecutive years without some usage.

There is a period from 1958 - 1964, however, when I suspect the consumptive use was minimal. The use during this period was "testing and panning gravel" according to Thomas Brunzell's affidavit.

The proposed use is nearly totally consumptive. This seems to make this transfer and expansion of the right as it existed at the end of 1964. How much or if this expansion will do damage to downstream users is questionable since there is no watermaster to insure that available water is properly distributed. Jordan Creek is presently totally diverted for irrigation downstream from the proposed point of diversion so it seems likely that some reduction in the amount of water diverted downstream will occur. There are no records to show whether the downstream users are entitled to all the water they are diverting.

I recommend the transfer be approved with the condition that no more than 0.2 cfs be consumptively used. The remaining can be diverted but must be returned to Jordan Creek.

DBS:hlh

MICROFILMED

CONVERSATION MEMORANDUM

DATE 10/6/80

FILE 55-2134

NAME OF PARTY Sherl Chapman

EMPLOYEE David Shaw

RE: Proposed Transfer

Sherl said the water under this filing would be retained by the Delmar mining process. The result would be a nearly 100% consumptive use.

Sherl said he thought the original use prior to 1945 was probably highly consumptive also. Since that time the road construction and drilling was probably consumptive but I doubt that the placer mining would have been consumptive.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18594

This proof is for **Beneficial Use**

In Water District No.

1. Name of applicant **Robert C. Kinney, Delamar, Idaho**

2. Source of water supply: **Jordan Creek**

3. Location of point of diversion: Is in the **NE $\frac{1}{4}$ NE $\frac{1}{4}$** of Section **5**

T. 5 S. . . . R. 4 W. B.M. County of Owyhee

4. Describe works as they exist, giving dimensions and capacities of same: *Diversion check of loose rocks, Thence via 160 ft of 30" flume of steel² thence by open ditch to a ponded area 40 ft wide x 100 ft long. Water pumped from pond by pump, rated at 185 G.P.M., and delivered to 45,000 gallon metal tank. 550 ft. head (including friction)*

5. Water is used for: **Milling and domestic purposes**

6. State whether or not water has been turned into works of diversion: *yes*

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

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

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

Remarks

MICROFILMED

This examination was made on the

12th

day of

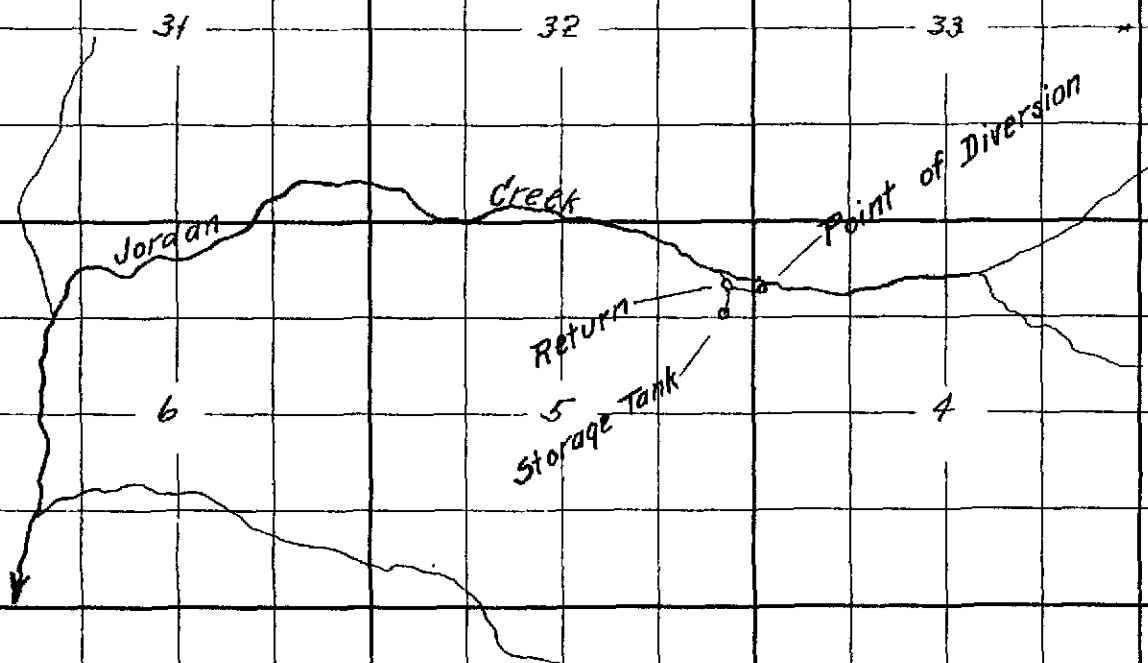
June

19*39*

(Signed)

Robert C. Kinney
18594

Examiner.





DeLamar Silver Mine

Box 52

Jordan Valley, Oregon 97910

(208) 583-2511

September 15, 1980

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

Dear Mr. Allred:

This is an affidavit that the .412 cubic feet per second water right, #55-2134, which is owned by the DeLamar Silver Mine, has been in continuous use since the time of acquisition in 1970.

This water has been beneficially used for drilling fluid, road building, dust control, metallurgical and laboratory testing, domestic uses, reclamation and for ore processing upon plant completion. These consumable uses are a normal part of the exploration, development and operation of a mining business.

Yours truly,

Lyle W. Talbott
Resident Manager

LWT:eb
xc: ✓ David Shaw, Bur. Chief
Dept. of Water Resources
Claude Marcus
Sherl Chapman

RECEIVED
SEP 17 1980
Department of Water Resources
Western Regional Office

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

(208) 384-2190

DATE: September 8, 1980
TO: File No. 55-2134
FROM: G.L. Sisco *GLS*
SUBJECT: Field Inspection

On May 22, 1980, Sherl Chapman and I visited the original site where water was used under licensed water right 55-2134.

This site, located in the NENE, Sec. 5, T 5S, R 4W, is the original DeLamar milling works. The mill is now abandoned and has collapsed, the surrounding buildings are in a state of decay.

There is evidence that the mill and the other building used quite a bit of water. Steel pipes are still partially buried and appear to be old water lines. They range in size from 1 inch to 4 inches in diameter and run to the mill and several buildings. The source of water for the pipelines was Jordan Creek and a large spring area above the mill.

I could not verify the original point of diversion from the creek, but there were several concrete structures on or near the creek that could have been parts of the original diverting works.

There was no evidence of any recent use of water or any permanent diverting works. If water has been used in the area, portable pumps would have to be the means of diversion.

Sherl indicated the DeLamar Silver Mine had used the water for construction needs, building roads and for other mining purposes in the general area.

I told Sherl that we would need an affidavit from the DeLamar Mine showing the dates the water was used, the uses and the amounts since their purchase of the property.

Also, we looked at the new point of diversion which is located down stream from the old site. This site has an infiltration gallery under Jordan Creek, from there the water is pumped to the new processing plant.

GLS:kc

MICROFILMED

Sherl L. Chapman

CONSULTANT

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

June 5, 1980

Mr. Lee Sisco
Department of Water Resources
92 South Cole Road
Boise, Idaho 83705

RECEIVED

JUN 9 1980

Dear Lee:

Department of Water Resources
Western Regional Office

Enclosed you will find affidavits from Tom Brunzell of Murphy, Idaho, and from Continental Quicksilver, Inc. regarding the water right presently under consideration for transfer, #55-2134. As you can see from the affidavits, water from Jordan Creek has been used in varying amounts under this license since its inception in 1938. Licensing of the water right in itself is prima facie evidence of the right and, as we were able to determine at the old Delamar mine site, significant diversion structures and mining and milling facilities were constructed at the point of diversion. Additionally, the work conducted as outlined by Mr. Brunzell were on claims owned by himself and others which are a part of the property to which the water right is appurtenant. You may or may not be aware that the owners of the property, the J. C. Rushing family, leased the property to others who used the water under this right. The Kinney right was used at the Delamar mine site and for the adjacent claims which were all part of one large operation. These claims are now part of the lands and claims owned or held by Earth Resources Company. Additionally, Earth Resources Company has used water from Jordan Creek at this point of diversion since taking control of the area for exploration, development, construction and other purposes directly associated with mining and milling operations. I feel that these affidavits and our visit and inspection of the diversion and old mill site conclusively demonstrate that the water right was, in fact, established, it was utilized for beneficial purposes, and has been used for beneficial purposes from its inception to the present. There is no evidence of abandonment or forfeiture. We would, therefore, ask that you do all you can to see that the application for transfer is processed as rapidly as possible in order to clarify the water rights position of Earth Resources Company.

Sincerely yours,

Sherl L. Chapman
Sherl L. Chapman
Consultant

SLC:kje
enclosures

SPECIALIST IN

MICROFILMED

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

A F F I D A V I T

I, C. H. Reynolds, of President, Continental Quicksilver, Inc.
Box 50726, Tucson, AZ. 85705
Post Office Address

do hereby affirm that I have personal knowledge of licensed water right
 # 55-2134 located in the NE 1/4, NE 1/4, Section 5,
 Township 5S, Range 4W, commonly known as the Kinney right.
 Information I can formally attest to from personal knowledge and recorded
 water rights files is as follows:

1. Date established March 16, 1938
2. Source of water Jordan Creek
3. Date of first use of water March 16, 1938
4. Nature of use Mining and milling
5. Quantity of water diverted .412 cfs or 185 gpm
6. Use of water by this owner see attached statement

7. Other information _____

C. H. Reynolds
 Signature
 President, Continental
 Quicksilver, Inc.

STATE OF Arizona
 COUNTY OF Pima

Subscribed and sworn to before me this 29 day of May, 1980

(NOTARY SEAL)

RECEIVED

JUN 9 1980

Tracy M. Pond
 Notary Public

MY COMMISSION EXPIRES AUGUST 4, 1982

Department of Water Resources
 Western Regional Office

MICROFILMED

CONTINENTAL MATERIALS CORPORATION

Mining Division Office: Suite 101, 2002 N. Forbes Blvd. * P.O. Box 50726, Tucson, Arizona 85703 Phone (602) 882-4144

May 29, 1980

STATEMENT CONCERNING USE OF WATER FROM JORDAN CREEK to accompany affidavit

Continental Quicksilver, Inc. as owner of the DeLamar patented claims made beneficial use of water from Jordan Creek at the times and for the purpose stated as follows:

1965

By lessee Keldon G. Adams, 1415 Maple Park Drive, Medford, Oregon. For washing gravels located on the Wilson Mill Site for the recovery of mercury amalgam.

1966

By contract driller Justice Core Drilling Co., Rt 2, Wildwood St. Boise, Idaho. For core drilling operations on the DeLamar patented claim group.

1967

By lessee Leon Helt, Rt 3., Caldwell, Idaho. For washing gravels located on the Wilson Mill Site for the recovery of mercury amalgam.

1969

By lessee S. Donald Rowe, 142 Midland Boulevard, Nampa, Idaho. For washing gravels located on the Wilson Mill Site for the recovery of mercury amalgam.

Continental Quicksilver Inc., is a subsidiary of Continental Materials Corporation.

RECEIVED

JUN 9 1980

Department of Water Resources
Western Regional Office

MICROFILMED

A F F I D A V I T

I, Thomas Brunzell, of Murphy, Idaho
Post Office Address

do hereby affirm that I have personal knowledge of licensed water right
 # 55-2134 located in the NE 1/4, NE 1/4, Section 5,
 Township 5S, Range 4W, commonly known as the Kinney right.
 Information I can formally attest to from personal knowledge and recorded
 water rights files is as follows:

1. Date established March 16, 1938
2. Source of water Jordan Creek
3. Date of first use of water March 16, 1938
4. Nature of use Mining and milling
5. Quantity of water diverted .412 cfs or 185 gpm
6. Use of water by this owner _____

7. Other information _____

Thomas Brunzell
 Signature

STATE OF _____

COUNTY OF _____

Subscribed and sworn to before me this _____ day of _____, 19____

(NOTARY SEAL)

RECEIVED

JUN 9 1980

 Notary Public

Department of Water Resources
 Western Regional Office

MICROFILMED

THOMAS BRUNZELL
Assessor of Owyhee County
MURPHY, IDAHO

1939 - 1941. worked at the Lamar Mill.
water Pumped from Jordan Creek.

1941 - 1945. mill was operating. Close down
because of shortage of materials

1948 - 1951 Placer Mined at the Lamar on
Jordan Creek -

1954 - 1956. Placer Mined at De Lamar and
Dervey -

1957 - 1958 - Assessment work in summer
time on Jordan Creek at De Lamar.

My Father Bryan Brunzell used water
from 1958 to 1970 - testing and panning gravel
in Jordan Creek.

RECEIVED

JUN 9 1980

Department of
Western Regional Office

STATE OF IDAHO
Department of Water Resources

No 15222

Boise, Idaho, Nov. 5, 1979

RECEIVED
FROM

Shel Chapman Consulting
Thirty five dollars & no/100

35⁰⁰
DOLLARS

FOR

<u>Transfer</u>	<u>35</u>	<u>00</u>
	\$	
	\$	
	\$	
	\$	
TOTAL	\$	<u>35 00</u>

T. J. Knecht

MICROFILMED

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

Western Region

92 South Cole Road
Boise, Idaho 83709
(208) 384-2198

NOVEMBER 15, 1979

Dwylhee Nussel
Marling, ID 83639

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a reply proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated. Please send the affidavit of publication and publication bill to this office before DECEMBER 10, 1979.

Yours truly,

Karla Knecht
Secretary

Encl.

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 55-2134

Notice is hereby given that DeLamar Silver Mine
of P.O. Box 52 Jordan Valley Or. has applied to the Department of Water
Resources for a change of the point of diversion and place of use
of the water of Jordan Creek.

The right sought to be changed is evidenced by Water Right License
55-2134 and is recorded as follows:

Amount: .412 cfs Priority: 3/16/1938

Point(s) of Diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 5 T 5S R 4W

The water is used for mining & milling purposes within the
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 5 T 5S R 4W

TO BE CHANGED AS FOLLOWS

Amount: _____

Point(s) of Diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 6 T 5S R 4W

The water will be used for mining & milling purposes within the
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 8 T 5S R 4W

Any protest against approval of the proposed change of water right appli-
cation must be filed with the Department of Water Resources, 92 S. Cole Road,
Boise, Idaho 83705 on or before _____.

C. STEPHEN ALLRED

Director

Published in the _____

on _____ and _____

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that DeLamar Silver Mine of P. O. Box 52, Jordan Valley, Oregon has applied to the Department of Water Resources for a change of the point of diversion and place of use of the water of Jordan Creek. The right sought to be changed is evidenced by Water Right License No. 55-2134 and is recorded as follows:

Amount: .412 cfs Priority: 3/16/1938

Point of Diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, Twp. 5S, Rge. 4W

The water is used for mining and milling purposes within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, Twp. 5S, Rge. 4W.

TO BE CHANGED AS FOLLOWS

Point of Diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, Twp. 5S, Rge. 4W

The water will be used for mining and milling purposes within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8, Twp. 5S, Rge. 4W.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, 92 South Cole Road, Boise, Idaho 83709 on or before December 10, 1979.

C. STEPHEN ALLRED
Director

Published in the Owyhee Nugget on November 22 and November 29, 1979.

MICROFILMED

Sherl L. Chapman
CONSULTANT

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

December 4, 1979

Mr. Lee Cisco
Western Division
Department of Water Resources
92 South Cole Road
Boise, Idaho 83705

Dear Lee:

Enclosed you will find the warranty deed for the property as listed on the application for transfer of water right I filed with you in behalf of DeLamar Silver Mine, a subsidiary of Earth Resources, Inc. If you need any additional information or have any questions, please feel free to contact me at any time.

Sincerely yours,



Sherl L. Chapman
Consultant

SLC:kje
enclosure

RECEIVED

DEC 6 1979

Department of Water Resources
Western Regional Office

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

MICROFILMED

RESOURCES

Sherl L. Chapman
CONSULTANT

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

October 12, 1979

Mr. Dave Shaw
Western Division
Idaho Department of Water Resources
92 South Cole Road
Boise, Idaho 83705

Dear Dave:

Enclosed you will find Application for Transfer of Water Right in behalf of the De Lamar Silver Mine. This transfer is to establish a change in point of diversion for a water right that has been established for mining and milling purposes since 1938. As you can see from the transfer application, the right has been licensed by the Department of Water Resources for mining and milling uses on land now owned by the De Lamar Silver Mine Corporation. I think the attachment demonstrates the chain of ownership and use adequately but if you have any questions or need additional information, please feel free to contact me at any time.

Sincerely yours,

Sherl L. Chapman
Sherl L. Chapman
Consultant

SLC:kje
enclosure

RECEIVED
OCT 15 1979

Department of Water Resources
Western Regional Office

MICROFILMED

WARRANTY DEED

THIS INDENTURE, made this 7th day of June, 1979
between CONTINENTAL QUICKSILVER, a California corporation, Chicago, County
of Cook, State of Illinois, the party of the first part, and EARTH RESOURCES
COMPANY, a Delaware corporation, the party of the second part, whose address
is 5920 McIntyre Street, Golden, County of Jefferson, State of Colorado
80401.

WITNESSETH:

That the said party of the first part, for and in consideration of
the sum of Ten Dollars (\$10.00), lawful money of the United States of America,
to it in hand paid by the said party of the second part, the receipt whereof
is hereby acknowledged, has granted, bargained and sold, and by these presents
does grant, bargain, sell, convey and confirm unto the said party of the second
part, and to its successors and assigns forever, an undivided 52 ½% interest
in and to the following described patented lode mining claims and mill sites
situated in the Carson Mining District, County of Owyhee, State of Idaho, and
more particularly described as follows, to wit:

See attached Exhibit A.

Together with all water rights belonging thereto, and any
and all improvements thereon; and together with all dips,
spurs and angles, and also all the metals, ores, gold and
silver bearing quartz, rock and earth therein, and all the
rights, privileges and franchises thereto incident, appen-
dant and appurtenant or therewith usually had and enjoyed,
and also all and singular the tenements, hereditaments and
appurtenances thereto belonging or in anywise appertaining,
and all the rents, issued and profits thereof;

Subject to a retained seven and one-half (7½) percent net
profits interest as provided for in that certain Assignment
Agreement (DeLamar Lease and Option) between the party of
the first part and the Silver Group dated November 17,
1969 as amended the 5th day of November, 1971.

and all estate, right, title and interest in and to the property, as well
in law as in equity, of the party of the first part.

MICROFILMED

RECEIVED

DEC 6 1979

Department of Water Resources
Western Regional Office

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its successors and assigns forever.

And the party of the first part and its successors and assigns, shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of the party of the second part, its successors and assigns, against the party of the first part, and its successors and assigns, and against all and every person and persons whomsoever, lawfully claiming or to claim the same.

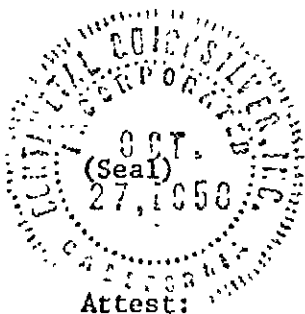
IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal the day and year first above written.

CONTINENTAL QUICKSILVER, INC.,
a California corporation

By

C. H. Reynolds
Its President

(Seal)



Attest:

[Signature]
Its Secretary

State of Illinois)
) SS
County of Cook)

On this 7th day of June, in the year 1979 before me _____, a Notary Public, personally appeared C.H. Reynolds president of the corporation that executed the above instrument and acknowledged to me that such corporation executed the same. In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in the certificate first above written.

Mary D. Nemec
Notary Public
residing at Chicago, Illinois

NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXPIRES NOV. 15 1982
ISSUED THRU ILLINOIS NOTARY ASSOC.

CLAIMSLode Claims

	<u>Survey</u>	<u>Patent</u>
Boston	855	20972
Cash	859A	22255
Chicago	643A	17931
Christian Wahl	642A	17932
Crown Prince & Bismark Consolidated	923A	22257
Denver	856A	21142
Disson	921	21977
Hidden Treasure	1264	30107
Hope	920A	22256
Iburg	1260	30600
Idaho	548	16692
London	857A	37355
Louis Wahl	854	25112
Michigan	1266	29721
Mallory	1029A	30913
New York	863A	20973
Philadelphia	862A	21141
Phoebe Grace	858	21144
San Francisco	860	21143
Stoddard (Index No. 328)	---	12003
Torpedo	1261	30598
Wall Street	1265	34875
Wilson	547	16476
Zulu	1259	30599

Mill Site Claims

	<u>Survey</u>	<u>Patent</u>
Cash	859B	22255
Chicago	643B	17931
Christian Wahl	642B	17932
Crown Prince & Bismark Consolidated	923B	22257
DeLamar	1024	25782
Denver	856B	21142
Hope	920B	22256
London	857B	27355
New York	863B	20973
Philadelphia	862B	21141
Wilson	652	17933

Instrument **159563**

Number

WARRANTY DEED

Continental Quicksilver

Received	to
Continental Quicksilver	Earth Resources Co.
Earth Resources Co.	
Earth Resources Co.	
Earth Resources Co.	
Earth Resources Co.	
Earth Resources Co.	
Earth Resources Co.	
Earth Resources Co.	
Earth Resources Co.	

STATE OF IDAHO, } ss.
Owyhee County,

Filed for record this 6th day
of July, 19 79
at 3:40 o'clock P.M. at
request of R. Co.

Microfilmed

in the records of said county.

BARBARA JAYO,
Ba-Oficio Recorder.By Barbara Jayo
Deputy.Fee, \$ 6.00**MICROFILMED**

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 a week and every week for 2 consecutive weeks, the first publication being on the 22 day of Nov., 1979, and the last publication being on the 29 day of Nov., 1979;

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

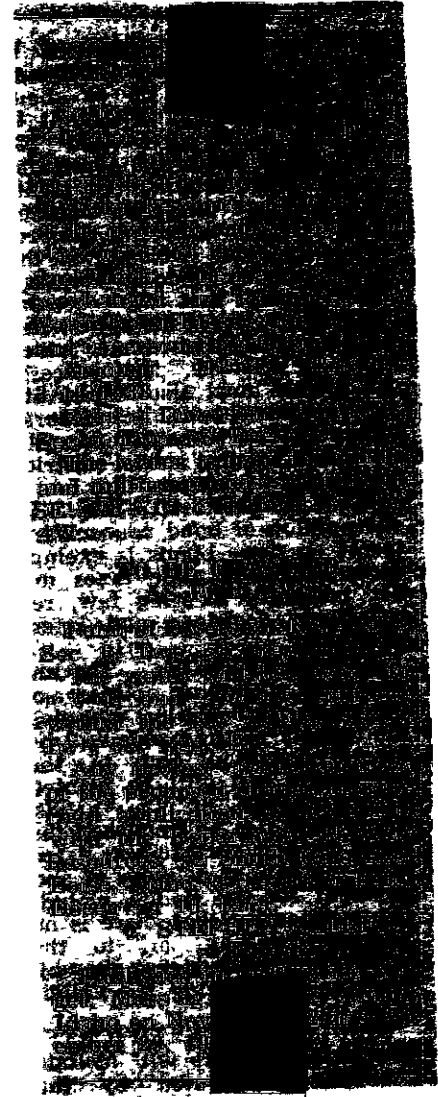
Subscribed and sworn to before me this 29 day of

November, 19 79.

Thomas D. Shreve
NOTARY PUBLIC

My commission expires 9-10-80

(SEAL)



OR-12K
12/10/79

RECEIVED

DEC 4 1979

MICROFILMED
Department of Water Resources
Regional Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: 6LS

1. Right number 55-2134 Applicant De Lamar Silver Mine
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☐ Check proof of ownership of right &/or land from which water is transferred. Have requested
10/16/79
 - h. ☒ Check for expansion in use of right. Comments ~~XXXXXXXXXXXXXXXXXXXX~~ 11/5/79
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) N/A
 - j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on N/A Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* No more than 0.2 cfs may be consumptively used under this water right.

MICROFILMED

4. By DBS Date 12/12/79 10/8/80

Jan 13/21/79 Send receipt w/ approved transfer
*All uses within Watermaster Districts require special conditions.



Rylin

DeLamar Silver Mine

File 55-2134

RECEIVED

Box 52 Jordan Valley Oregon 97910

(208) 583-2511

SEP 17 1980

September 15, 1980

Department of Water Resources

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

Dear Mr. Allred:

This is an affidavit that the .412 cubic feet per second water right, #55-2134, which is owned by the DeLamar Silver Mine, has been in continuous use since the time of acquisition in 1970.

This water has been beneficially used for drilling fluid, road building, dust control, metallurgical and laboratory testing, domestic uses, reclamation and for ore processing upon plant completion. These consumable uses are a normal part of the exploration, development and operation of a mining business.

Yours truly,

Lyle W. Talbott
Resident Manager

LWT:eb

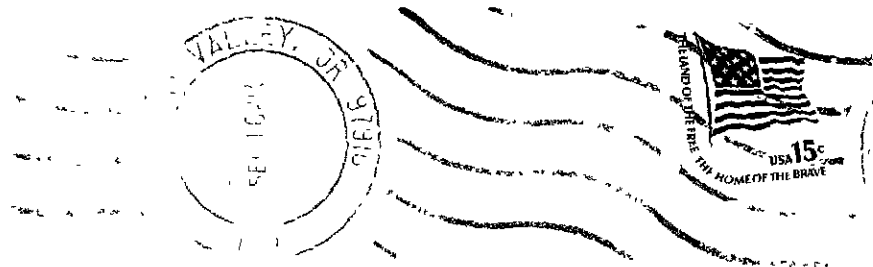
xc: David Shaw, Bur. Chief
Dept. of Water Resources
Claude Marcus
Sherl Chapman

*No response necessary
DWT*

MICROFILMED



Earth Resources Company
DeLamar Silver Mine
Box 52
Jordan Valley, Oregon 97910



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

MICROFILMED

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 11:00 A. M. on the 15th day of March, 1938, at Marsing, County of Owyhee, State of Idaho, Before Marion Stafford, Notary Public, proof will be submitted of the application to beneficial use of 2 cubic feet per second of the waters of Jordan Creek in accordance with the terms and conditions of Permit No. 18594 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Robert C. Kinney, Delamar, Idaho.

The use to which said water has been applied is Milling and Domestic purposes.

The amount applied to beneficial use is 2 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5, Twp. 53., R. 4 W., B. M.

The right to take water from such works is based upon Permit No. 18594

The source of supply from which such water is diverted is Jordan Creek, a tributary of Owyhee River

The date of priority which said user is prepared to establish is March 16 1938.

18594
JAMES SPOFFORD

Commissioner of Reclamation
(feb 9-mar 2)

NOTICE FOR PUBLICATION

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The right to take water from such works is based upon Permit No. 18594

The source of supply from which such water is diverted is Jordan Creek, a tributary of Owyhee River.

The date of priority which said user is prepared to establish is March 16 1938

18594
JAMES SPOFFORD

Commissioner of Reclamation

(feb 9-mar 2)

Clipping - only

December 30, 1940

Re: Permit No. 18594

DeLamar Mining Corporation,
DeLamar, Idaho

Attention- Mr. Robert C. Kinney

Gentlemen:

We have received no reply to the letter which we addressed to Mr. Kinney, at DeLamar, under date of November 27th, in which we returned the assignment of the above numbered permit from Mr. Kinney to the DeLamar Mining Corporation, and asked that he send the fee of 50 cents for recording same.

We understand that Mr. Kinney is not at DeLamar at this time, and we fear that the letter may have gone astray, and as we are anxious to close these matters before the end of our present biennium, we are again addressing you.

Please advise if the assignment was received by you, and we shall appreciate receiving remittance of this 50 cent fee.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

JLA

Chief Clerk

18594

18594

Permit

November 27, 1940

Re: Permit No. 18594

Mr. Robert C. Kinney,
Delamar, Idaho.

Dear Mr. Kinney:

We have duly recorded the assignment of the above
numbered permit from yourself to the Delamar Milling
Corporation, and return same to you herewith.

The fee for this assignment is fifty cents, which you
may kindly send us at your convenience.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

JJA
Encl.

Chief Clerk

18594

February 20, 1940

Re: Permit No. 18594

DeLamar Milling Corporation,
DeLamar, Idaho.

Attention- Mr. Clifford Speaker

Gentlemen:-

We are enclosing herewith License and Certificate of Water Right, issued under the above numbered permit, confirming the right of Robert C. Kinney, to the use of 0.412 second feet of the waters of Jordan Creek, a tributary of Owyhee River, with a date of priority of March 15, 1938, for milling gold and silver ore and domestic purposes, in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5, Township 5 South, Range 4 West, B. M.

We are also enclosing the Department's Receipt No. 17873 for the \$5.00 fee paid in connection with this final proof.

Very truly yours,

JAMES SPOFFORD

Commissioner of Reclamation

By

Chief Clerk

JLA
Encs.

18594

DeLAMAR MILLING CORPORATION
DeLAMAR, IDAHO

January 23, 1940

Mr. James Spofford
Commissioner of Reclamation
State of Idaho
Boise, Idaho

Attention - Jeanne L. Anderson

Dear Sir:

Re Permit No. 18594

We have your letter of January 16 addressed to Mr. Robert C. Kinney stating your Field Engineer finds we are using 0.412 second feet of water from Jordan Creek for milling and domestic purposes, and that upon receipt of the statutory fee of \$5.00 a license will be issued. Accordingly you will find attached our check in the amount of \$5.00.

Yours very truly,

DeLAMAR MILLING CORPORATION

Clifford Speaker

CS
Enc. Check \$5.00

18594

Re: Permit No. 18594

January 15, 1940

Mr. Robert C. Kinney,
Delamar, Idaho

Dear Mr. Kinney:-

We have on file the report of our Field Engineer
on examination for beneficial use proof under the
above numbered permit.

This report shows that you are using 0.412 second
feet of water from Jordan Creek for milling and
domestic purposes.

Therefore, upon receipt of the statutory fee of
\$5.00, a License will be issued.

Very truly yours,

JAMES SPOFFORD

Commissioner of Reclamation

JLA

By

Chief Clerk

18594

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18594

This proof is for Beneficial Use

In Water District No.

1. Name of applicant.....Robert C. Kinney, Delamar, Idaho

2. Source of water supply: Jordan Creek

3. Location of point of diversion: Is in the NE¹ NE¹ of Section 8

T. 5 S. R. 4 W. B.M. County of Owyhee

4. Describe works as they exist, giving dimensions and capacities of same: Diversion check

of loose rocks, Thence via 160 ft of 30" flume of steel and thence
by open ditch to a ponded area 40 ft wide x 100 ft long
Water pumped from pond by pump rated at 185 G F.M.
and delivered to 45000 gallon metal tank
550 ft. head (including friction)

5. Water is used for: Milling and domestic purposes

6. State whether or not water has been turned into works of diversion: yes

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

Milling and fire protection

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

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

Remarks:

This examination was made on the 12th day of June, 1939

(Signed)

Ed L. Delmar
18594 Examiner.

Robert S. Kinney

Bellevue, Idaho

Permit No. 18594

25

Examination for Beneficial Use

County Owyhee

INSTRUCTIONS TO EXAMINERS

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

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

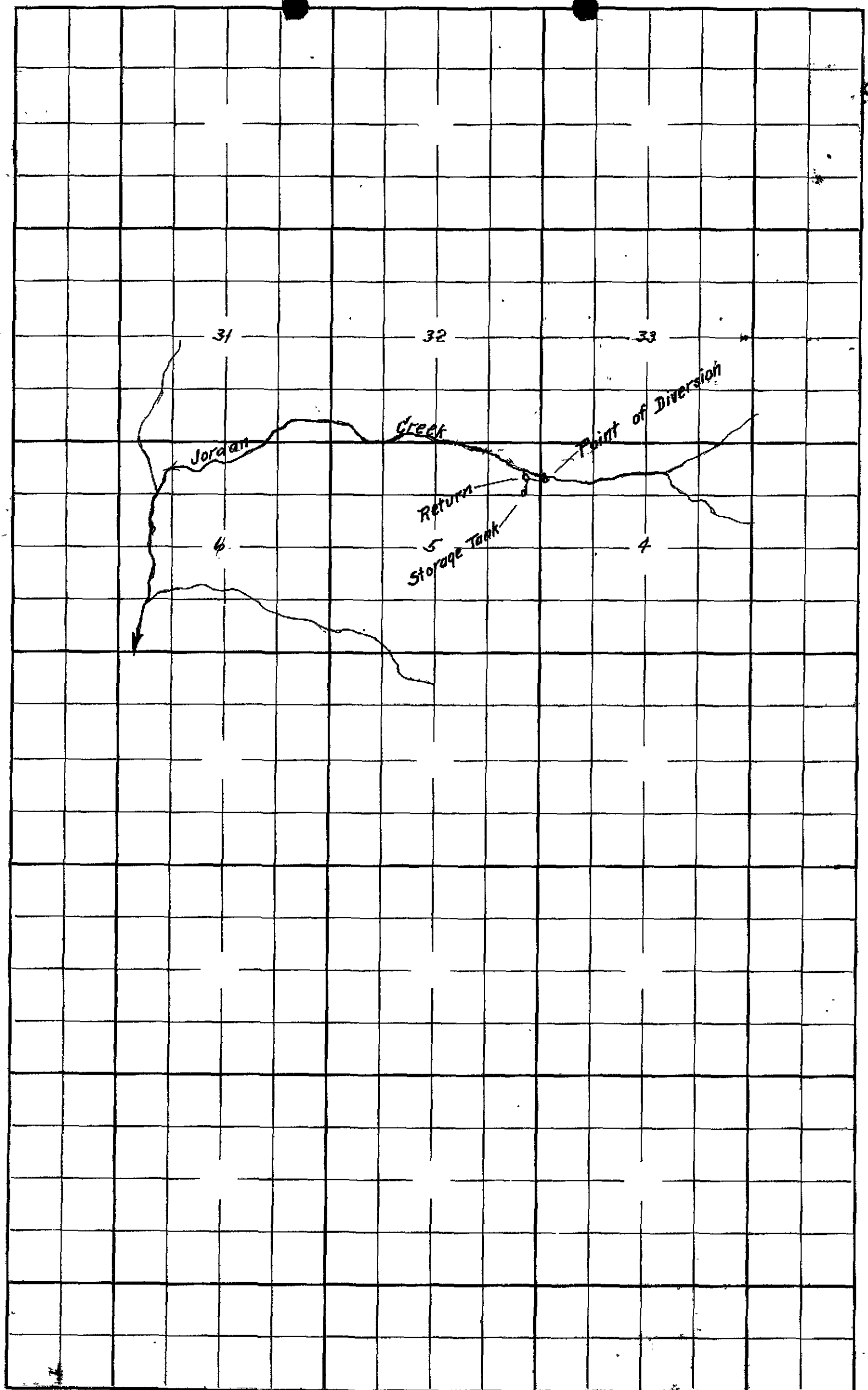
REPORT OF ENGINEER

PERMIT NO. 18594

REPORT ON PROOF OF Beneficial Use

BU : 412 cu.ft. /sec
Fee \$500

H.D. 1-13-40



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

18594

DeLAMAR MILLING CORPORATION
DeLAMAR, IDAHO

April 7th, 1939

Mr James Stafford Commissioner Of Reclamation

Boise Idaho,

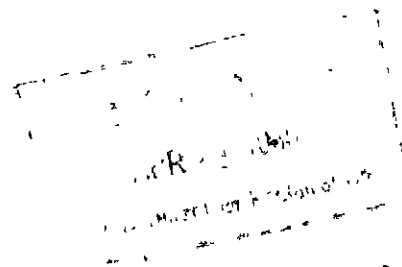
Dear Mr Stafford:

Since writing you recently relative to the misplaced Affidavit of Publication of the Owyhee Nugget, we have found the Affidavit. We received it in this morning mail.

We are herewith enclosing the affidavit. We trust this delay in sending the affidavit has not caused you any inconvenience.

Yours truly,

Robert C. Kinney



18594

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
COUNTY OF OWYHEE } ss.

I, Rodney A. Hawes

printer and publisher of THE OWYHEE NUGGET, published weekly at
Bruneau, Owyhee County, Idaho, do solemnly swear that a copy of the
notice as per clipping attached, was published weekly in the regular entire
issue of said newspaper, and not in and supplement thereof, for four
consecutive issues, commencing with the issue dated Feb. 9 1939,
and ending with the issue dated March 2 1939 that the said
newspaper has been continuously published in said county during a period
of 78 consecutive weeks prior to the first publication of this notice

Subscribed and sworn to before me this 11 day of April, 1939

18594
Notary Public

NOTICE FOR PUBLICATION

**NOTICE OF PROOF APPLICATION
OF WATER TO BENEFICIAL USE**

Notice is hereby given that at 11:00 A M on the 15th day of March, 1939 at Marsing, County of Owyhee, State of Idaho, Before Marion Stafford, Notary Public, proof will be submitted of the application to beneficial use of 2 cubic feet per second of the waters of Jordan Creek in accordance with the terms and conditions of Permit No. 18594 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Robert C. Kinney, Delamar, Idaho.

The use to which said water has been applied is Milling and Domestic purposes.

The amount applied to beneficial use is 2 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) in the SE 1/4 NE 1/4 Section 5, Twp. 5 S., R. 4 W., S. M.

The right to take water from such works is based upon Permit No. 18594

The source of supply from which such water is diverted is Jordan Creek, a tributary of Owyhee River

The date of priority which said user

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
COUNTY OF OWYHEE } ss.

I, ROONEY A. LAWES,

printer and publisher of THE OWYHEE NUGGET, published weekly at Bruneau, Owyhee County, Idaho, do solemnly swear that a copy of the notice as per clipping attached, was published weekly in the regular entire issue of said newspaper, and not in and supplement thereof, for...⁴ consecutive issues, commencing with the issue dated Feb. 9 1939, and ending with the issue dated March 2, 1939, that the said newspaper has been continuously published in said county during a period of 78 consecutive weeks prior to the first publication of this notice

Robert C. Kinney
Subscribed and sworn to before me this 13 day of March 1939

Marion Stafford

18594

Notary Public

April 10, 1939

Re: Permit No. 18594

Mr. Robert C. Kinney,
Delamar, Idaho.

Dear Mr. Kinney:

This will acknowledge receipt of your letter of April 7th, enclosing affidavit of publication of notice in connection with your beneficial use proof under the above numbered permit.

We regret to note that you have been ill, and trust this this will find you completely recovered.

Thanking you for your attention to the matter,

Very truly yours,

JAMES SPOFFORD

Commissioner of Reclamation

By

Chief Clerk

JIA

18594

DE LAMAR MILLING CORPORATION
DE LAMAR, IDAHO

April 5th.1939

Mr James Spofford, Commissioner of Reclamation

Boise, Idaho,

Dear Mr Spofford:

Referring to your letters of March 18th and 31st., I am sorry that they had not been answered as they were received. The writer has been sick for three weeks suffering with a bad case of flu.

We have received the affidavit of publication of the notice as published in the Owyhee Nugget, but unfortunately during my illness this proof has been misplaced. We are writing the Owyhee Nugget requesting them to send you direct the affidavit of publication. We are sending the Owyhee Nugget a copy of this letter.

Apologizing for the delay in answering your letters and trusting that the action we have taken in this matter meets with your approval, we remain,

Yours truly,

De Lamar Milling Corp.

By

John C. Kinney

18594

RECEIVED
APR 11 1939
RECLAMATION

March 31, 1939

Re: Permit No. 18594

Mr. Robert C. Kinney,
Dalemar, Idaho.

Dear Sir:-

We refer you to our letter of March 18th, in which we informed you that we had not received the affidavit of publication of the notice in connection with your beneficial use proof under the above numbered permit, which notice was published in the Owyhee Nugget, of Bruneau, Idaho.

It is important that this matter be taken care of at once, as your final proof is not complete until the affidavit of publication is received and filed in this office.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

JLA

By

Chief Clerk.

18594

March 18, 1939

Re: Permit No. 18594

Mr. Robert C. Kinney,
Delamar, Idaho.

Dear Sir:-

This will acknowledge receipt of the deposition of the holder, and the depositions of two witnesses, in connection with beneficial use proof under the above numbered permit.

7
However, we have not yet received the affidavit of publication of notice from the newspaper, and this is necessary in order to complete your proof.

Before final action can be taken in this matter, the law requires that a field examination be made by an engineer from this department. We are unable to say just when this examination will be made, since the department has but one field engineer, who makes examinations all over the state.

However, Mr. Tolman, Field Engineer for this department, will contact you at the time set for examination, so that you may show him over the grounds. After his report is on file in this office, you will be further notified as to fees before the issuance of your license.

Very truly yours,

JAMES SPOTFORD
Commissioner of Reclamation

By

JLA

Chief Clerk

18594

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 18594

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Robert C. Kinney, Delamar, Idaho

Milling is occupation

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

Ans. _____

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

Ans. Permit No. 18594, Date of Priority is March 16, 1938

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

Ans. Joran Creek, a tributary of the Owyhee River

NE NE CORNER TO SECTION 5

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. A thirty inch (30") pipe submerged in Joran Creek

Capable of carrying at least 5 second feet of water

Is conducted by 30 inch pipe line to settling pond.

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

Ans. Milling of ore

Mill is situated 2500 feet distant from the NE corner of

Section 5, Township 5 South, Range 4 West, B.M., in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of

Section 5, Township 5 South, Range 4 West, B.M.

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

Ans. No horse power generated

Water is used in washing and milling of ore.

MAR 18 1939

9:00 AM

18594

✓Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. 2 second feet.

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

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

Ans. Started taking water Oct. 25, 1938, pumping 500 gallons per minute.
24 hours each day since operation started.

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

Ans. none.

(Sign)

Phil Quinn

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Marsing, County of Owyhee, State of Idaho, on this 15th day of March, A. D. 1939.

Marion D. Stafford
Notary Public

My commission expires Jan. 28, 1942

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 18594

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. N. E. Alcorn, 48 yrs. Delamar, Idaho, laborer.

✓ Ques. 2. Are you acquainted with Robert C. Kinney, the holder of Permit No. 18594? How long have you known him and where does he reside?

Ans. Known Mr. Kinney since December 1935

His address is Delamar, Idaho

✓ Ques. 3. Have you read or heard read said Permit No. 18594, and are you familiar with its provisions and conditions? Yes.

Ans. _____

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

Ans. Jordon Creek, Place of diversion is approximately 1200 feet

distant from the Northwest ^{East} corner of Section 5, Township 5 South,

Range 4 West, B.M. and is in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 5,

Township 5 South, Range 4 West, B.M. A thirty inch pipe submerged in
Jordon Creek.

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

Ans. At least 5 second feet.

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

Ans. Milling of ore about 2500 feet distant from the NE corner of
Section 5, Township 5 South, Range 4 West, B.M., in the SE $\frac{1}{4}$ of
NE $\frac{1}{4}$ of Section 5, Township 5 South, Range 4 West, B.M.

18594

MAR 18 1939
9:00 AM.
Dep. of Reclamation

OK H D

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

Ans. Water to be used only for washing and milling of ore.

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

Ans. none

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

Ans. No interest in the works.

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

Ans. I saw it built. I see it in use at the present time.

(Signed)

M. E. Alcorn

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Marsing, County of Owyhee, State of Idaho, on this 15th day of March, A. D. 1939.

Marian D. Stafford

Notary Public

My commission expires June 28, 1942

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 18594

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. Frank Brunzell, 27 years, Murphy, Idaho

Cat-driving occupation, P.O. Murphy, Idaho

✓ Ques. 2. Are you acquainted with Robert C. Kinney, the holder of Permit No. 18594? How long have you known him and where does he reside?

Ans. Known Mr. Kinney since Sept. 22, 1938

He resides in Delamar, Ida.

✓ Ques. 3. Have you read or heard read said Permit No. 18594, and are you familiar with its provisions and conditions?

Ans. I am.

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

Ans. Jordon Creek. Place of diversion is approximately 1200 feet distant from the Northwest ^{45'} corner of Section 5, Township 5 South, Range 4 West, B.M. and is in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 5,

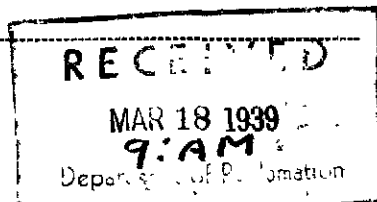
Township 5 South, Range 4 West, B.M. A thirty in. pipe submerged in Jordon Creek.

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

Ans. At least 5 second feet

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

Ans. Milling of ore about 2500 feet distant from the NE corner of Section 5, Township 5 South, Range 4 West, B.M., in the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 5, Township 5 South, Range 4 West, B.M.



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

Ans. Water to be used only for washing and milling of ore.

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

Ans. _____

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

Ans. No interest in the works.

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

Ans. I helped to build the water system.

(Signed) Frank Brunsell

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Marsing, County of Owyhee, State of Idaho, on this 15th day of March, A. D. 1939.

Marion D. Stafford

Notary Public.

My commission expires Feb 28, 1942

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

Re: Permit No. 18594
Robert C. Kinney

BOISE, IDAHO,
March 4, 1939

Marion Stafford
Notary Public
Marsing, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 18594

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On March 15, 1939, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Marsing, Idaho before Marion Stafford, Notary Public

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

JAMES SPOTFORD

Commissioner of Reclamation.

Enc.

18594

February 9, 1939

Re: Permit No. 18594

Mr. Robert C. Kinney,
Delamar, Idaho.

Dear Sir:-

We enclose herein Certificate of Completion of Works issued under the above numbered permit to appropriate 2 second feet of water from Jordan Creek in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 5, Township 5 South, Range 4 West, B.M., County of Owyhee, for milling and domestic purposes.

This will also acknowledge receipt of notice in duplicate for publication in connection with beneficial use proof, and also your authorization to have the notice published in the Owyhee Nugget, Bruneau, Idaho, all in connection with Permit No. 18594.

A copy of the notice has been mailed to the newspaper, with instructions to publish it once a week for four consecutive weeks prior to March 15th. About ten days prior to this date depositions, consisting of one for the holder and one for each of two witnesses, will be mailed to Marion Stafford, Notary Public, at Marsing, Idaho, so that he will have them in ample time for the proof.

On the date designated you should appear at Marion Stafford's office with two disinterested witnesses who are familiar with the terms of the permit and the works constructed thereunder, for the purpose of executing the depositions.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
BY

Chief Clerk

JLA
Enc.

18594

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 18594

Date February 8, 1939

OWYHEE NUGGET
BRUNEAU, IDAHO

DEAR SIRs:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to March 15, 1939, the date set for proof, the expense of the publication to be paid by the applicant, Robert C. Kinney, Delamar, Idaho

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

Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

JAMES SPOTFORD

Commissioner of Reclamation

18594

NOTICE FOR PUBLICATION
**NOTICE OF PROOF APPLICATION OF WATER
 TO BENEFICIAL USE**

Notice is hereby given that at 11:00 A. M. on the 15th day of March, 1939
 at Marsing, County of Owyhee, State of Idaho, before
Marion Stafford, Notary Public, proof will be submitted of the
 application to beneficial use of 2 cubic feet per second of the waters of Jordan
Creek in accordance with the terms and conditions of Permit No. 18594
 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are.....

Robert C. Kinney, Delamar, Idaho

The use to which said water has been applied is Milling and Domestic purposes

The amount applied to beneficial use is 2 cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) in the SE 1/4 Section 5, Twp. 5 S., R. 4 E., B.M.

The name of the canal or ditch or other works by which said water is conducted to such place
 of use is.....

The right to take water from such works is based upon Permit No. 18594

The source of supply from which such water is diverted is Jordan Creek, a tributary
of Owyhee River

The date of priority which said user is prepared to establish is March 16, 1938

JAMES SPOFFORD

Commissioner of Reclamation.

18594

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

March 15

(Date) January 24, 1939

(P. O.) Delamar, Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
OWYHEE NUGGETT of BRUNEAU, IDAHO, published in
the county in which the works are situated.

Robert C. Kimmy

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water
per second, the following certificate must be signed by a well-known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

18594

Permit No. 18594

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO, }
County of OWYHEE } SS

Robert C. Kinney, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the state of Idaho, No. 18594, and that his postoffice address is De Lamar,
State of Idaho.

Second: That the name of the stream from which said water is to be diverted is
Jordan Creek, which is tributary to the Owyhee River.

Third: That the point of diversion of said water is Approx. 1200 feet from N.E. Cor.
of Sec. 5 in T-5-S; R-4-W; in NE 1/4 of Sec. 5 in T-5-S; R-5-W; BM.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by March 17,, 1939.

Fifth: That the use for which said water is intended is Milling Gold-Silver Ore.

Sixth: That on the date above mentioned, the works constructed under said permit were ~~for~~
~~partially~~ fully completed and consisted of the following:

I. Kind of works: Settling Basin at edge of Channel, Pumping Plant &
(Reservoir, dam, ditch, flume, pipe or otherwise.)
Pipe Line.

II. Dimensions of work:

(a) Height of dam None feet, length of dam at top X feet, length of dam at bottom X feet. Material used in construction X

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width feet, height feet.

(d) Conduit width at bottom feet, width at water line
(State whether ditch, flume or pipe.)

feet, depth of water feet; diameter of pipe 30 inches, average grade per mile is feet. Length of conduit is 180 ft. miles.

Seventh: That said works are capable of conducting to the place of intended use Two (2)
second feet of water.

Eighth: That water appropriated under said permit is available for acres of land described as follows:

Ninth: Remarks: That

Robert C. Kinney
(Sign here)

Subscribed and sworn to before me this 24th day of January, 1939

My commission expires Oct 26, 1939

Charles W. Gray
Residing at Boise, Idaho
Notary Public.

18594

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Re: Permit No. 18594

January 24, 1939

Robert C. Kinney
Delamar, Idaho

Dear Sir:

I enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 18594, which should be filled out and returned to this office at least 40 days before the date upon which you wish to make proof. The proof must be submitted before a notary public or other officer authorized by law to administer oaths. The date for proof, as set out in your permit, is March 17, 1940, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

JAMES SPOFFORD

~~ROBERT C. KINNEY~~
R. W. PARIS

Commissioner of Reclamation

18594

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

January 6, 1939

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

**Robert C. Kinsey,
C/o C. H. Anderson,
710 Yeon Building,
Portland, Oregon**

Boise, Idaho,

Dear Sir:—

Under the terms of your permit No. **18594**.....you are required to complete your diversion works on or before **March 17, 1939**..... I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00 a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

JAMES SPOFFORD

Commissioner of Reclamation.

18594

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 18594

Boise, Idaho, ~~March 22~~, 1938

Dear Sir:

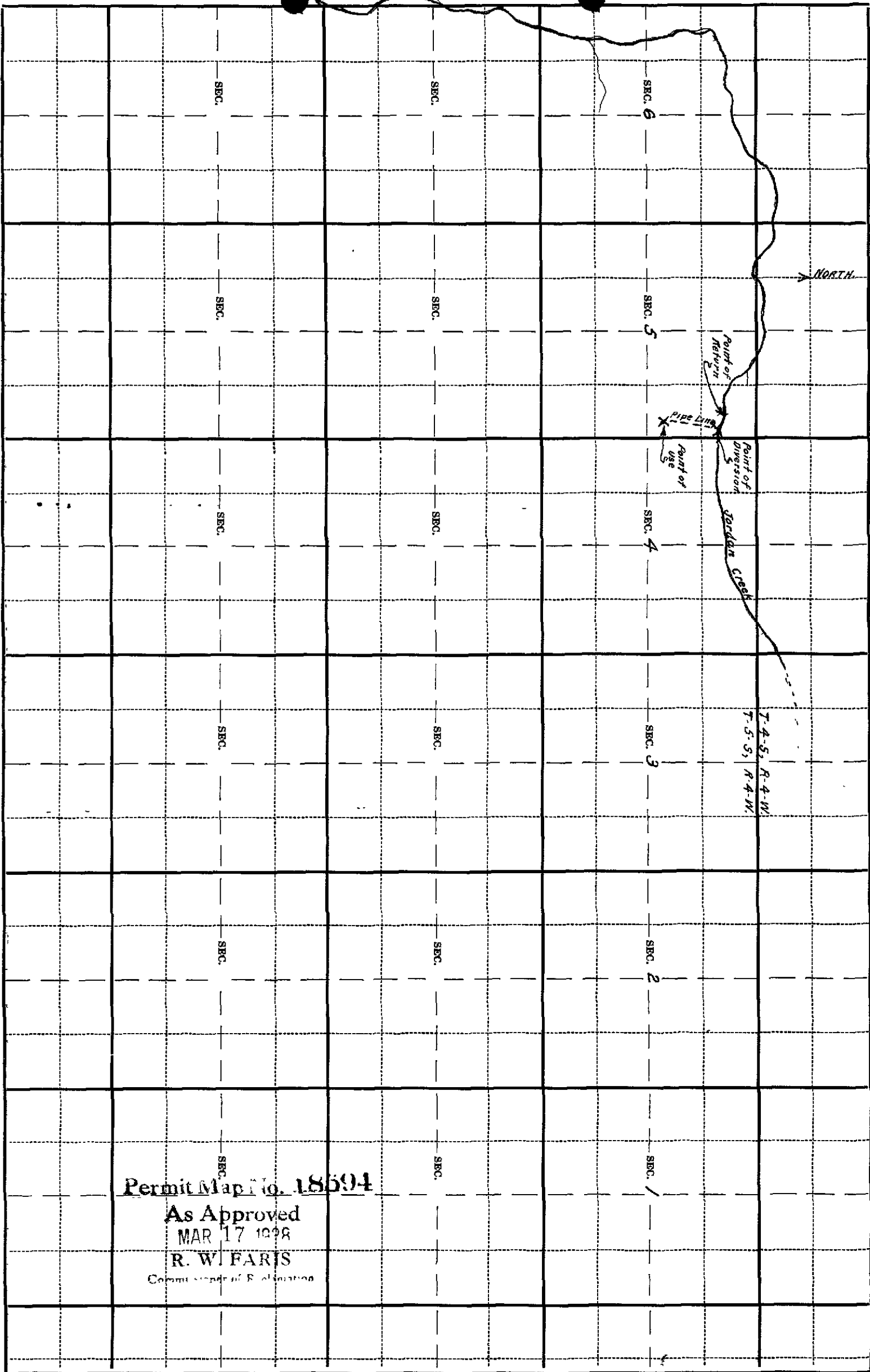
I enclose herewith above numbered permit. BE SURE AND NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the Commissioner of Reclamation on the third page.

Robert C. Kinney
c/o C. H. Anderson
710 Yeon Bldg.
Portland, Oregon

Encl.
Office Receipt for \$5.25.

R. W. FARIS
Commissioner of Reclamation.

18594



Permit Map No. 18594

As Approved
MAR 17 1928

R. W. FARIS
Commissioner of Education

18594

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Boise, Idaho, February 23, 1938

Application No. 25925

Robert C. Kinney
Gearhart, Oregon

SIR:

Application which has been filed under the above number is herewith returned for correction in the following particulars:

1. Township plats.
2. A statement under "Remarks" that the springs are on land owned by the applicant or on government land or on unleased state land, or an affidavit of permission to file on springs by the owner of the land, or by the lessee in case of state land under lease.

You are allowed until 60 days from date of first return for correction, as stamped in second line on back of application, to file completed application. If received after that date application will be refiled under a new number with later priority, requiring additional fee.

Yours truly,

R. W. PARIS

COMMISSIONER OF RECLAMATION.

By Deputy Commissioner of Reclamation

Encl: App. & Office Receipt for \$5.25.

18594