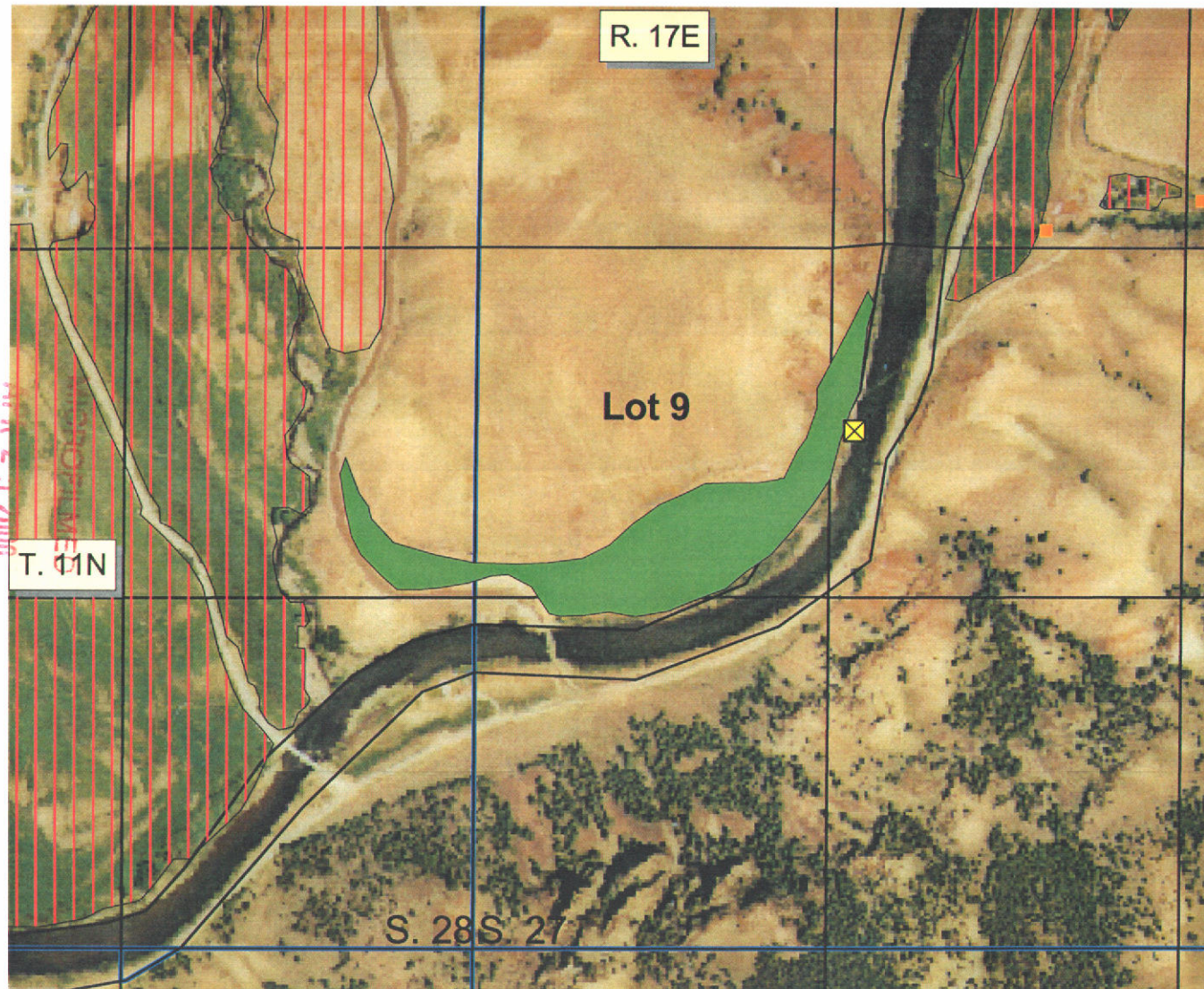
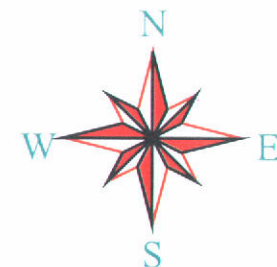


Thompson Creek Mining Transfer #2



- ✕ Proposed New P/U
- Present P/U Per SRBA

Prepared By J E Stanton
8-2-1999



Pg 5 of 7
T# 5532



TIM, R. TE

South Butte
Mine

Creek

SALMON

RIVER

Sullivan Hot Springs

MICROFILMED

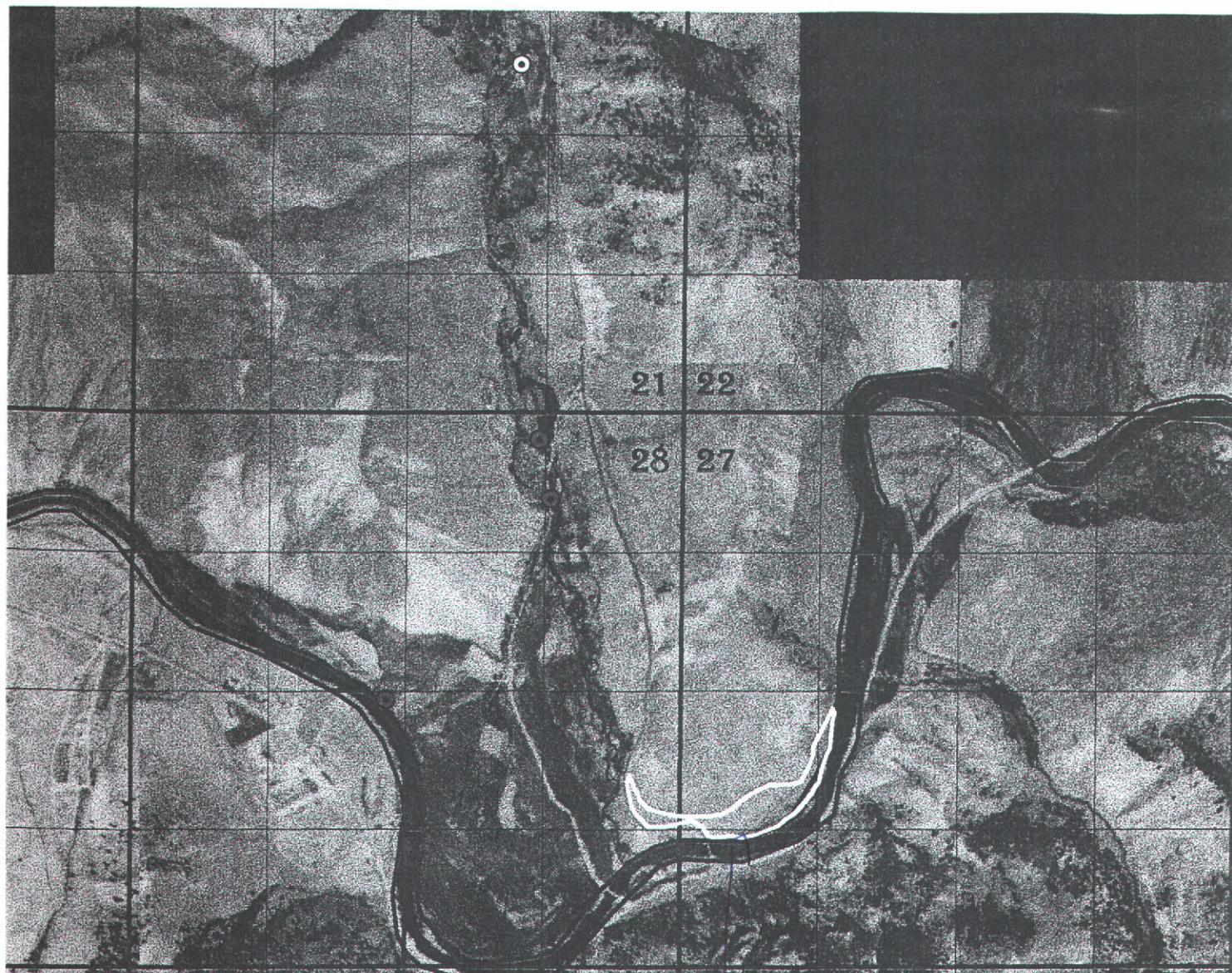
ATTACHMENT B

APR 25 2000

5532

IDAHO DEPARTMENT OF WATER RESOURCES

72-00135



660 0 660 1320 Feet

Place of Use

RECOMMENDED PLACE OF USE

○ RECOMMENDED POINT OF DIVERSION

□ SECTION LINES

□ QUARTER-QUARTER LINES

∨ STREAMS & DITCH CHANNELS

TWN: 11N
RNG: 17E
SEC: 27 & 28



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APR 25 2000

GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND

ATTACHMENT C

DATE: OCT. 26, 1998

T#5532

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I. Margaret Parks

Publisher of the Challis Messenger,
a weekly newspaper, published at
Challis, Idaho, do solemnly swear
that the notice hereto attached and
made a part hereof, was published
in the regular and entire issue of
the Challis Messenger for 2

consecutive weeks, commencing with
the issue dated July 16

1987 and ending with the issued
dated July 23 1987

Margaret Parks

Subscribed and sworn to before
me this 28th day of July
1987

Ernest M. Peck

Notary Public, residing at Challis,
Idaho. My commission expires on

3-21-92

**NOTICE OF APPLICATION
FOR EXTENSION OF TIME
TO AVOID FORFEITURE**

The following application has
been filed to avoid forfeiture of a
water right in the State of Idaho,
evidenced by Decree to Anton
Cominotti in case of McClure, et al
vs Campbell, et al, dated 5/8/1987 in
District Court, Custer County and
described as follows:

72-0135

Cyprus Thompson Creek Mining
Company

P.O. Box 62; Clayton, ID 83227

SOURCE: Squaw Creek tri-
butary to Salmon River

Diversion Pt.: S $\frac{1}{2}$ SE $\frac{1}{4}$, NWSE,
Sec. 21; NW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 28,
T11N, R17E, Custer County; near
confluence of Squaw Creek and
Salmon River.

Priority Date: 6/1/1887

Used for irrigation of 160 acres
from 5/1 to 9/30 within NWSE,
S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 21; NWNE, Sec. 28,
T11N, R17E.

Granting of the application will
allow the right to be removed from
beneficial use for a period not to
exceed five (5) years. Protests
must be filed with the Director,
Dept. of Water Resources,
Southern Region, 2148 Fourth
Avenue East, Twin Falls, Idaho
83301 on or before August 3, 1987.

KEN DUNN, Director
Published: July 16 & 23, 1987.

OK
MB
8/3/87

RECEIVED

JUL 29 1987

Department of Water Resources
Southern Region Office

MICROFILMED

AUG 27 1987

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Ruth E. Burchill, representing the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated Sept 23 1999 and ending with the issue dated Sept 30 1999.

Ruth E Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 30th day of September in the year of 1999 before me, a Notary Public, personally appeared Ruth E. Burchill known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Janet Dango
Notary Public for Idaho
Residing at Challis
My commission expires: 4/30/04

RECEIVED

OCT 01 1999

Department of Water Resources
Southern Region

NOTICE OF APPLICATIONS FOR PROPOSED CHANGES TO WATER RIGHTS

Notice is hereby given that four applications for transfer have been filed with the Department of Water Resources as described below:

Transfer No. 5529 by United States Antimony Corp (PO Box 643, Thompson Falls MT 59873) requests modification of right 72-07140. The right is recorded with a priority date of 5/30/1981 for 0.50 cfs diverted from Preacher's Cove Creek, tributary to Yankee Fork, Salmon River and Yankee Fork, Salmon River at three diversions within Section 20. The right is currently used for industrial and domestic purposes at the mill within Section 20. The transfer proposes to convert the entire right to irrigation of 14 acres at the same site for reclamation of tailings. The right will continue to be diverted from Preacher's Cove Creek within SENE Section 20, all T12N, R15E, Custer County.

Transfer No. 5530 and Transfer No. 5532 by Thompson Creek Mining Co (c/o Bert Doughty, PO Box 62, Clayton ID 83227) requests modifications of rights as follows: Transfer 5530 proposes to change the location of the point of diversion of right 72-10488. The right is currently diverted from the Salmon River within NESE Section 26 with a priority of 5/24/1888 at a rate of 0.72 cfs for irrigation of 8 acres within SESE Section 25. The new diversion will be within SESE Section 25, all T11N, R16E, Custer County by pump in Salmon River. Transfer 5532 proposes to

change the location of the point of diversion of right 72-00135. The right is currently diverted from Squaw Creek, tributary to Salmon River, within SWNE Section 21 with a priority of 6/1/1887 at a rate of 0.79 cfs for irrigation of 11 acres within parts of Sections 27 and 28. The new diversion will be within Section 27, all T11N, R17E, Custer County by pump in Salmon River.

Transfer No. 5534 by Stephen & Lyndella Bauchman (3730 Pama Lane, Las Vegas NV 89120) requests modification of rights 72-00189A (priority 5/1/1879 at 0.79 cfs) and 72-10246A (priority 4/15/1912 at 1.03 cfs) currently diverted within SESW Section 5 from Darling Creek, tributary to Challis Creek for irrigation of 76 acres within portions of Sections 4, 8 and 9. The transfer proposes to add another point of diversion from Darling Creek within NWNW Section 9, all T14N, R19E, Custer County.

Any protest against the proposed applications must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before October 12, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed applications. (Each application requires a separate protest). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Pub: Sept. 23 & 30, 1999.

OK MB
10/7/99
MICROFILMED
APR 25 2000

**NOTICE OF APPLICATION
FOR EXTENSION OF TIME
TO AVOID FORFEITURE**

The following application has been filed to avoid forfeiture of a water right in the State of Idaho, evidenced by Decree to Anton Cominotti in case of McClure, et al vs Campbell, et al, dated 5/8/1987 in District Court, Custer County and described as follows:

72-0135

Cyprus Thompson Creek Mining Company

P.O. Box 62; Clayton, ID 83227

SOURCE: Squaw Creek tributary to Salmon River

Diversion Pt.: S $\frac{1}{2}$ SE $\frac{1}{4}$, NWSE, Sec. 21; NW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 28, T11N, R17E, Custer County; near confluence of Squaw Creek and Salmon River.

Priority Date: 6/1/1887

Used for irrigation of 160 acres from 5/1 to 9/30 within NWSE, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 21; NWNE, Sec. 28, T11N, R17E.

Granting of the application will allow the right to be removed from beneficial use for a period not to exceed five (5) years. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East, Twin Falls, Idaho 83301 on or before August 3, 1987.

KEN DUNN, Director

Published: July 16 & 23, 1987.

OK
MB
7/20/87

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AUG 27 1987

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
72-00135	THOMPSON CREEK MINING CO	C	06/01/1887	D/	SALMON RIVER	P DECR	WR
*72-00135	THOMPSON CREEK MINING CO	C	06/01/1887	D/	SQUAW CREEK	P DECR	AJ
A72-00135	CYPRUS THOMPSON CREEK MINING CO	C	06/01/1887	D/	SQUAW CREEK	IRR	AJ

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JUN 1 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5532
WATER RIGHT NO. 72-00135

This is to certify that: **THOMPSON CREEK MINING CO**
C/O BERT DOUGHTY
PO BOX 62
CLAYTON ID 83227

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>
IRRIGATION	04/01 to 10/31	0.79 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SALMON RIVER	SNAKE RIVER

Priority: 06/01/1887

LOCATION OF POINT(S) OF DIVERSION: Lot 9 (NESW), Sec. 27, Township 11N, Range 17E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
11N	17E	27	Lot 9 (NESW)	1	Lot 9 (NWSW)	7.5	Lot 9 (SWSW)	0.8	9.3
		28	NESE	1.7					1.7
					Total number of acres irrigated:				11.0

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
4. After specific notification by the department, the right holder shall install a suitable measuring device 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.

TRANSFER NO. 5532
WATER RIGHT NO. 72-00135

CONDITIONS OF APPROVAL AND REMARKS

5. When applied through a pressurized sprinkler system, this right shall provide no more than 0.02 cfs per acre nor exceed a maximum annual diversion volume of 38.5 af for irrigation of the lands above.
6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of a final unified decree.
7. Diversion from the Salmon River is limited to those times water is available for diversion under this right and priority from the original source, Squaw Creek.

Dated this 20th day of March, 2000.


Chief, Water Allocation Bureau

Transfer No. 5532
5532

Page 7
RECEIVED
22 1999

JUL 22 1999

JUL 22 1981
Department of Water Resources
Southern Region
Name of applicant _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Send all correspondence to:
Scott L. Campbell, P.O. Box 1539
Boise, Idaho 83701

Department of Southern
Name of applicant Thompson Creek Mining Co.

Phone 208-838-2200

Post Office address c/o Bert Doughty, P.O.Box 62, Clayton, Idaho 83227

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NOV 10 1999

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Change Source Department of Water Resources
- 2 Describe the reason for the proposed changes The point of diversion has been changed from Squaw Creek to the Salmon River.

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
72-00135	6-1-1887	.79	irrigation	4-1 to 10-31
		(see remarks, infra)		to
				to
				to

2. Total amount of water being transferred .79 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Salmon River tributary to Snake River
4. Point(s) of Diversion. go 8-4-99 Changed per G/S

[illegible]

5. Lands irrigated or place of use: **No Change**

[illegible]

MICROFILME:

Total acres 11.0

PART 1**6. General Information**

- a. Description of diversion system Pump in the Salmon River to pipeline which conveys water to current distribution system (sprinkler)

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

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

- d. Remarks:

See Attachment D

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:

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

MICROFILMED

APR 25 2000

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 72-00135

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/31	⁷⁹ 0.22 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SQUAW CREEK	SALMON RIVER

Priority: 06/01/1887

LOCATION OF POINT(S) OF DIVERSION: SWSWNE , Sec. 21, Township 11N, Range 17E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
11N	17E	27	Lot 9(NESW)	1	Lot 9(NWSW)	7.5	Lot 9(SWSW)	0.8	9.3
		28	NESE	1.7					1.7
					Total number of acres irrigated:				11

CONDITIONS/REMARKS:

1. THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 72:

<u>WATER RIGHT NO.</u>	<u>SOURCE</u>
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

<u>WATER RIGHT NO.</u>	<u>SOURCE</u>
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

MICROFILMED

11/27/00

Pg 4 of 7 J# 5532
 10 To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 No If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion.

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

3 Lands irrigated or place of use:

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

Total acres

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

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Total acres

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of Wm. McGlure, et al. vs. Robert Campbell
dated May 8, 1887 in 6th District county of Custer
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Squaw Creek tributary to Snake River

4. Date or priority June 1, 1887

5. Water is used for the following purpose.

amount 3.20 cfs for irrigation purposes from 4/1 to 10/31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6 Total amount of water under right 3.20 cubic feet per second and/or 75 acre-feet per annum.

7. Point(s) of Diversion.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	21	11N	17E	Custer	

8. Lands irrigated or place of use

Twp	Rge.	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11N	17E	21			10										20				30

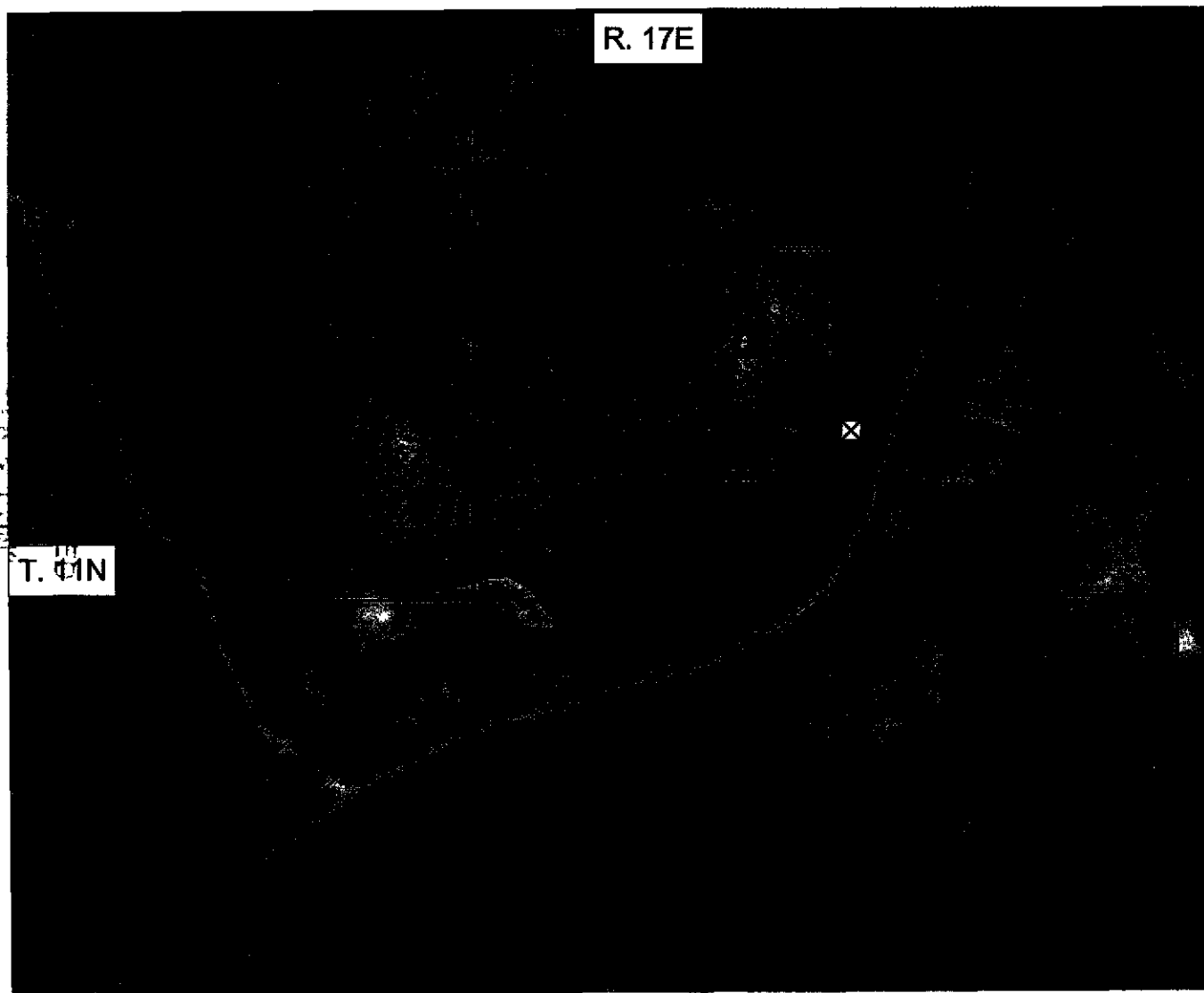
MICROFILMED
Total acres 30

9 Describe any other water rights used for the same purpose as described above

APR 25 2000

Pg 5 of 7

Thompson Creek Mining Transfer #2

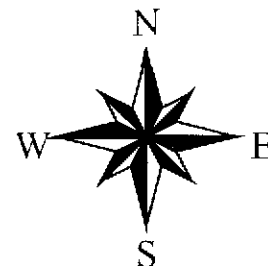


R. 17E

T. 41N

- ⊗ Proposed New P/U
- Present P/U Per SRBA

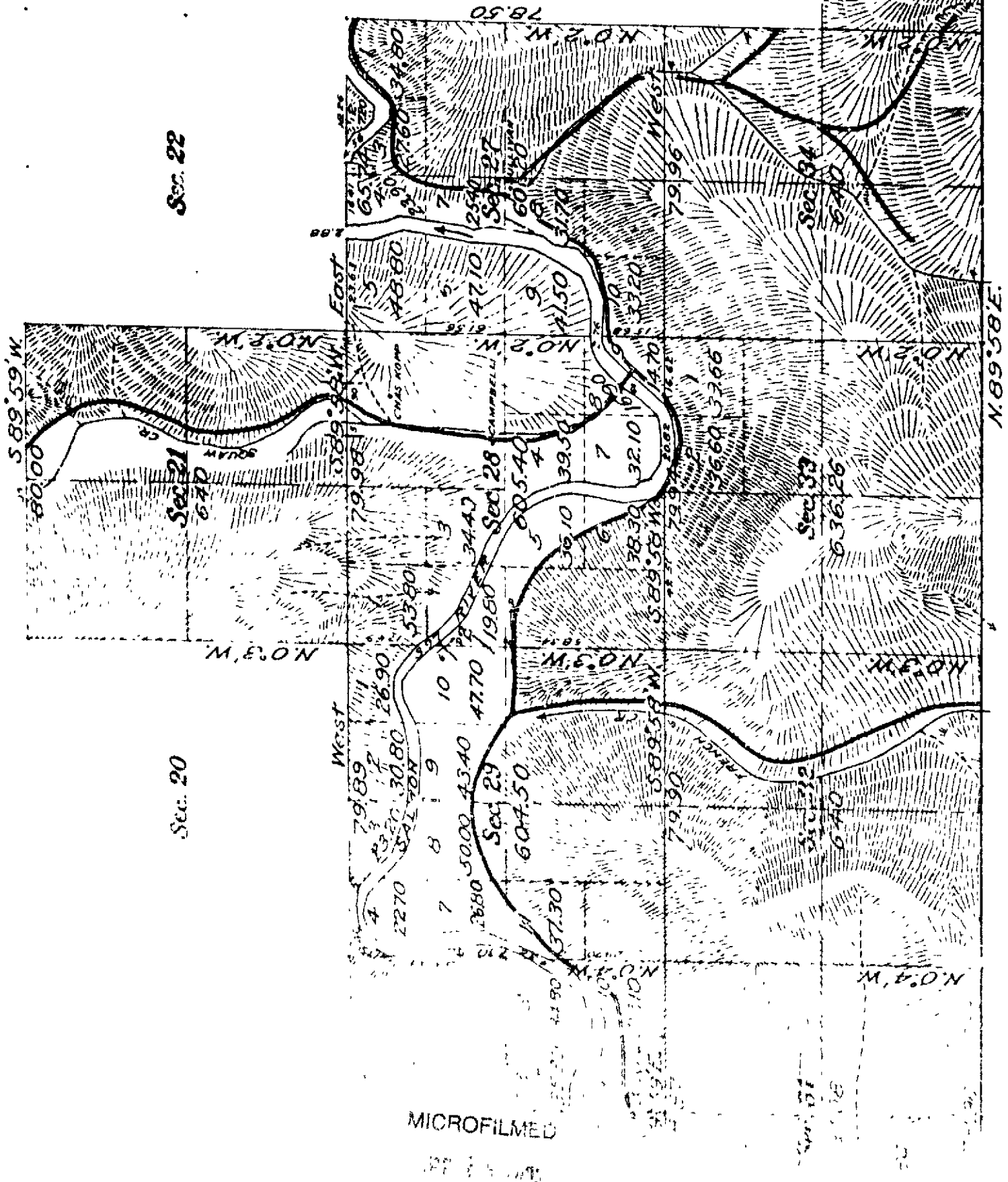
Prepared By J E Stanton
8-2-1999



0.2 0 0.2 0.4 Miles

T# 5533.

T#5532



Pg 7 of 7
B. CHANGES IN NATURE OF USE

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.

Subscribed and sworn to before me this 7th day of July, 19 99.

(Signature of Applicant)

Joyce P. Erickson
(Notary Public)

My commission expires 8/19/99

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 3 attachments

Received by J. S. Stanton Date 7-22-99

Protest filed by None

Prelim. check by J. S. Stanton Fee \$100. 5022383

Recerpted by J. S. Stanton Date 7-22-99

Published in Challis Messenger

Copies of protest forwarded by _____

Pub dates 7/23 & 7/30/99

Hearing held by _____ Date _____

Watermaster recommendation requested on N/A

Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by AD

Copy of transfer sent to lien holder _____

MICROFILMED

20 6 5 2000

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 B (Point of Diversion)
See Attachment C (Place of Use)

Kevin Loughrey
Senior Vice President
and General Counsel

By Facsimile and E-mail

June 11, 1999

Angela D. Schaer
Elam & Burke
Key Financial Center, 702 West Idaho
Boise, ID 83701

**Re: Thompson Creek Mining Co. Water Rights
Applications for Transfer and for Permit**

Dear Ms. Schaer:

In response to your letter of June 11, 1999, listed below are the names and addresses of the corporate officers for Thompson Creek Mining Co.

<u>Office</u>	<u>Name and Mailing Address</u>
President	Richard J. Fiorini 945 West Kenyon Avenue Englewood, CO 80110
Senior Vice President, General Counsel, and Secretary	Kevin Loughrey 945 West Kenyon Avenue Englewood, CO 80110
Vice President	Kent Watson P. O. Box 62, 35 miles SW of Challis Clayton, ID 83227
Vice President, Treasurer, and Assistant Secretary	Vicki P. Byrne 945 West Kenyon Avenue Englewood, CO 80110
Vice President	Richard S. DeCesare 945 West Kenyon Avenue Englewood, CO 80110

Sincerely,

Kevin Loughrey

KL:je

MICROFILM

JUN 15 1999

ATTACHMENT E

T#5532

THOMPSON CREEK MINING COMPANY
APPLICATION FOR TRANSFER OF WATER RIGHT

ATTACHMENT D

1. The place of use is being changed to reflect the manner in which the places of use for water right numbers 72-00135 and 72-00136 were designated by IDWR in its SRBA Director's Report for those rights. Thompson Creek concurs with that place of use designation and has objected only to the quantity (rate of diversion) recommendation.

2. The Director's Report for this water right recommended a rate of diversion of .22 c.f.s., and a rate of diversion for right number 72-00136 of .72 c.f.s. Thompson Creek has filed an objection to each of those recommendations, and has asked for a diversion rate of .79 c.f.s for water right number 72-00135. Therefore, Thompson Creek has listed that amount as the quantity in this Application for Transfer.

MICROFILMED

APR 2 1989

ATTACHMENT D

T# 5532.

IDAHO DEPARTMENT OF WATER RESOURCES

72-00135

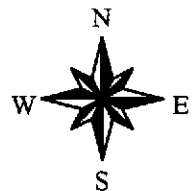


660 0 660 1320 Feet

Place of Use

- RECOMMENDED PLACE OF USE
- ⊙ RECOMMENDED POINT OF DIVERSION
- ▭ SECTION LINES
- ▭ QUARTER-QUARTER LINES
- ∨ STREAMS & DITCH CHANNELS

TWN: 11N
RNG: 17E
SEC: 27 & 28



MICROFILM

GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND

ATTACHMENT C
7.45532

DATE: OCT. 26, 1998

PARCEL NO: RP11N17E276020A

* T A X R E M I N D E R *

CUSTER COUNTY TAX COLLECTOR
P.O. BOX 350
CHALLIS, IDAHO 83226

YEAR BILL# TAX
1998 -2 5675 236.40

TOTAL
236.40

DATE PRINTED: 5/12/1999
RP11N17E276020A

=====

TOTAL DUE:	236.40	VALID THROUGH: 6/20/1999
------------	--------	--------------------------

=====

RECEIPT NOT VALID UNTIL CHECK CLEARS
THANK YOU

THOMPSON CREEK MINING
PO BOX 62
CLAYTON ID 83227

TRACT 99-17
SEC 27 T11N R17E
SEC 28 T11N R17E

72- 00135

MICROFILM

ATTACHMENT A
PAGE 1 OF 3

T# 5532

PARCEL NO: RP11N17E280002A

* T A X R E M I N D E R *

CUSTER COUNTY TAX COLLECTOR
P.O. BOX 350
CHALLIS, IDAHO 83226

YEAR BILL# TAX
1998 -2 5677 632.26

TOTAL
632.26

DATE PRINTED: 5/12/1999
RP11N17E280002A

=====
TOTAL DUE: 632.26 VALID THROUGH: 6/20/1999
=====

RECEIPT NOT VALID UNTIL CHECK CLEARS
THANK YOU

THOMPSON CREEK MINING COMPANY
PO BOX 62
CLAYTON ID 83227

TRACTS 322, 1234, 1237
NE4NE4, NW4NE4
SEC 28 T11N R17E

72-00135

MICROFILMED
APR 21 2000

ATTACHMENT A
PAGE 2 OF 3

PARCEL NO: RP11N17E273601A

* T A X R E M I N D E R *

CUSTER COUNTY TAX COLLECTOR
P.O. BOX 350
CHALLIS, IDAHO 83226

YEAR	BILL#	TAX
1998 -2	5674	265.47

TOTAL
265.47

DATE PRINTED: 5/12/1999

=====

TOTAL DUE:	265.47	VALID THROUGH: 6/20/1999
------------	--------	--------------------------

=====

RECEIPT NOT VALID UNTIL CHECK CLEARS
THANK YOU

THOMPSON CREEK MINING COMPANY
PO BOX 62
CLAYTON ID 83227

LOTS 6,9
TRACT 83-78
SEC 27 T11N R17E

72-00135

MICROFILM

ATTACHMENT A
PAGE 3 OF 3

RECEIVED

FEB 14 2000

Department of Water Resources

2000 FEB 10 PM 12:32

SRBA
TWIN FALLS, IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 72-00135
_____	)	

On December 1, 1999, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 72-00135 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED FEB 10 2000 .



BARRY WOOD
Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

SRBA DECREE

MICROFILMED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

200 FEB 18 PM 12:32

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 72-00135

FILED
TWIN FALLS, IDAHO
FEB 18 1999

NAME AND ADDRESS: THOMPSON CREEK MINING CO
C/O BERT DOUGHTY
PO BOX 62
CLAYTON, ID 83227

SOURCE: SQUAW CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.79 CFS

PRIORITY DATE: 06/01/1887

POINT OF DIVERSION: T11N R17E S21 SWSWNE Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.79 CFS

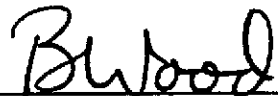
PLACE OF USE: Irrigation Within Custer County
T11N R17E S27 LOT 09 (NESW) 1.0 LOT 09 (NWSW) 7.5
LOT 09 (SWSW) 0.8
S28 NESE 1.7
11.0 Acres Total

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED

2000 FEB 10 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 72-00135

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 72-00135 was mailed
on February 10, 2000, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

THOMPSON CREEK MINING CO
Represented by:
SCOTT L. CAMPBELL
PO BOX 1539
BOISE, ID 83701
Phone: 208-343-5454

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
02/10/00
MICROFILMED

**This right has been
superceded by
a Decree.**

**All actions above this point
are based on the decreed
version of this right.**

MICROFILMED
SEP 2 1 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Application for Extension of Time to Avoid Forfeiture
of a Water Right

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

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

1. Name of water right holder Cyprus Thompson Creek Mining Company
Post office address P. O. Box 62, Clayton, Idaho 83227
2. The right was obtained or is evidenced by:
 - a. Decree to Cominotti, Anton in Case of McClure, et al
(Name)
vs. Campbell, et al, Dated May 8, 1987 in District
(Name of Court)
Court, County of Custer. Fully describe decree Sets the
water rights for lower Squaw Creek.
 - b. License No. _____ issued by the Department of Water Resources.
 - c. Claim No. _____ on file with the Department of Water Resources.
3. Source of water _____ tributary to _____
(Name of stream or source)
4. Date of priority of right June 1, 1887
5. Amount of water a. 160 inches c.f.s. and/or 3.2 cfs
b. _____ acre feet/annum
6. Water is used for Irrigation from 5-1 to 9:30
from _____ to _____
from _____ to _____
(Purpose) (Month-Day) (Month-Day)
7. Location of point of diversion is S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 21
Township 11N, Range 17E, B.M., in Custer County;
Additional points of diversion, if any NW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec 28, T 11N, R 17E.
8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11N	17E	21														X	X	X	
11N	17E	28		X															

Total number of acres irrigated 160

9. Give last date when water was applied to beneficial use 1982

Length of extension of time requested 5 years, or until _____
(Date)

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use 1. Establishment of reclamation. 2. Land and water lease for ranches.

I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

Patrick H. Fitch & c. g. n. s.
(Signature of Applicant)

Subscribed and sworn to before me this 30th day of April, 19 87.

Barbara S. Metz
(Notary Public)

My commission expires Nov. 20, 1992 Residing at Custer County

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE said application subject to the following conditions or reasons.

Use of water under this right shall resume on or before April 1, 1993.

Witness my hand this 27th day of August, 19 87.

MICROFILMED
AUG 27 1987

J. Glen Saylor
Chief, Operations Bureau

For Department Use Only

Received by M. Baldwin Date 6/1/87 Time 4 pm Preliminary check by ADM
Fee \$ 50 Received by M. Baldwin Date 6/5/87 Publication prepared by _____
Published in Challis Messenger Dates 7/16 & 7/23/87
Publication approved by M. Baldwin Date 8/3/87 Protests filed by: None

Copies of protests forwarded by _____ Hearing held by _____ Date _____
Recommended for /X Approval // Denial by ADM J. S.

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY
OF CUSTER.

Recorded
William McClure, William E.
Sullivan, Anton Coninotti,
and John Pedrini,
Plaintiffs,
vs.

::

DECREE.

Robert Campbell,
Defendant.

This cause coming on regularly for trial this 8 day of May, 1917, the plaintiffs and defendant herein having waived findings of fact and conclusions of law by a stipulation filed with the Clerk of this Court, and the allegations of the complaint and cross-complaint herein having been duly admitted,

Now, therefore, on motion of Milton A. Brown, attorney for plaintiffs, it is hereby ordered, adjudged and decreed, and this does order, adjudge and decree,

1. That each and every of the tracts of land described in the complaint, answers and cross-complaints in this action as belonging to the said several parties plaintiff and defendant herein are arid in character and will not successfully raise any agricultural crop without the use of water thereon.
2. That the quantity of water required for the successful irrigation and cultivation of said land is one inch per acre measured under a four-inch pressure, or its equivalent in cubic feet per second of time, to be measured at the point or place of diversion.

That the lands of Robert Campbell require for successful irrigation and cultivation one and one-half inches per acre, measured under a four inch pressure, or its equivalent in cubic feet per second of time, to be measured at the point or place of diversion.

3. That each of the parties, plaintiff and defendant hereinafter named were, at the times of the several appropriations of water made as herein-after set forth, the owners respectively of the several tracts of land set forth and described in the complaints, answers and cross-complaints,

and that for the irrigation of the same the said parties of their predecessors in interest did respectively appropriate the quantities of water hereinafter stated and on the dates respectively as hereinafter stated and set opposite the names of each of said parties, such water being estimated and measured under a four-inch pressure or its equivalent in cubic feet per second of time; and ever since said date of the said several appropriations, said water has been so diverted and used on said lands in the irrigation thereof.

The following named persons, parties to this action, are entitled to the use of all the waters of Squaw Creek and its tributaries, upon the lands mentioned and described in the complaint, cross-complaint and answers herein, in the following amounts and from the following dates, to-wit:-

William McClure, 100 inches, from April 1, 1892; 72 0133

Robert Campbell, 300 inches, from August 24, 1886; 72 0134

Anton Cominotti, 160 inches, from June 1, 1887; 72 0135

John Pedrini, 160 inches, from June 1, 1887; 72 0136

William E. Sullivan, 100 inches, from April 1, 1902. 72 0137

That all the waters of said Squaw Creek are necessarily used by the plaintiffs and defendant herein for the irrigation of their land.

That each of the parties in said suit, plaintiffs and defendant, and their successors in interest, their agents, attorneys, servants and employees, and any and all persons acting in aid or for any of said parties, are hereby forever restrained from in any manner interfering with or diverting or using the waters of said Squaw Creek, except in accordance with the terms of this decree.

That each party shall pay his own costs expended herein.

Done in open Court, this 8th day of May, 1917.

F. J. Cowen,
District Judge.

Filed May 8th, 1917.

E. J. Michael,
Clerk.

STATEMENT

**Custer Publishing, Inc.**

Phone 879-4445

P.O. Box 405

Challis, Idaho 83226

Director
 Dept. of Water Resources
 Southern Region
 Twin Falls, Id.

Job No	Date	DESCRIPTION	Amount
OK MB 8/3/87	7/27/87	Notice of Application for extension of time to avoid forfeiture 72 0135 pub July 16 & 23, 1987 37 lines at	29.79
RECEIVED JUL 26 1987 Department of Water Resources Southern Region Office			

A finance charge of 1½ percent (annual percentage rate of 18%) with a minimum charge of 50¢ will be charged to all accounts not paid within 30 days of billing

PAID
 AUG 27 1987

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer ss

I *Margaret Parks*

Publisher of the Challis Messenger
a weekly newspaper published at
Challis Idaho do solemnly swear
that the notice hereto attached and
made a part hereof was published
in the regular and entire issue of
the Challis Messenger for *2*

consecutive weeks commencing with
the issue dated *July 16*
19*87* and ending with the issued
dated *July 23* 19*87*

Margaret Parks

Subscribed and sworn to before
me this *28th* day of *July*
19*87*

Ethel M. Peck

Notary Public residing at Challis
Idaho My commission expires on

3-21-92

**NOTICE OF APPLICATION
FOR EXTENSION OF TIME
TO AVOID FORFEITURE**

The following application has
been filed to avoid forfeiture of a
water right in the State of Idaho,
evidenced by Decree to Anton
Cominotti in case of McClure, et al
vs Campbell, et al, dated 5/8/1987 in
District Court, Custer County and
described as follows:

72-0135

Cyprus Thompson Creek Mining
Company

P.O. Box 62, Clayton, ID 83227

SOURCE Squaw Creek tri-
butary to Salmon River

Diversion Pt.: S½SE¼, NWSE,
Sec. 21, NW¼, NE¼, Sec. 28,
T11N, R17E, Custer County, near
confluence of Squaw Creek and
Salmon River.

Priority Date: 6/1/1887

Used for irrigation of 160 acres
from 5/1 to 9/30 within NWSE,
S½SE¼, Sec 21; NWNE, Sec. 28,
T11N, R17E

Granting of the application will
allow the right to be removed from
beneficial use for a period not to
exceed five (5) years. Protests
must be filed with the Director,
Dept of Water Resources,
Southern Region, 2148 Fourth
Avenue East, Twin Falls, Idaho
83301 on or before August 3, 1987

KEN DUNN, Director
Published. July 16 & 23, 1987.

*OK
MB
8/3/87*

JUL 23 1987

AUG 27 1987

RECEIVED
AUG 27 1987

RECEIVED

APP 11/20

Department of Water Resources

ELAM & BURKE

A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
Established in 1928

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

ANGELA D. SCHAEER

E-mail: ads@elamburke.com

April 7, 2000

Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706 2237
Attn: Karl E. Dreher, P.E., Director

Re In the Matter of Application for Transfer No. 5532,
in the Name of Thompson Creek Mining Company
Correction to Petition for Reconsideration

Dear Director Dreher:

On March 29, 2000, Scott Campbell and myself, on behalf of Thompson Creek Mining Company, filed a Petition for Reconsideration regarding Condition/Remark No. 7 to approval for the above referenced Application for Transfer. In that Petition for Reconsideration we stated that the new point of diversion is upstream from the point at which Squaw Creek enters the Salmon River.

After further examination and conference with our client, we have determined that that statement was incorrect and that the point of diversion is actually downstream from the point at which Squaw Creek enters the Salmon River. However, our other arguments as set forth in the Petition for Reconsideration still apply, and we continue to believe that the limitation is difficult, if not impossible, to understand and also places an improper limitation of Thompson Creek's exercise of its water right.

Thank you very much for your continued consideration in this matter

Very truly yours,

ELAM & BURKE
A Professional Association

(Angela D. Schaer)
Angela D. Schaer

ADS:dap G:\Dap\WPDATA\A\0016\00131-dreher.wpd

cc: Bert Doughty
Kevin Loughery

MICROFILMED



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

April 7, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SCOTT L. CAMPBALL
ELAM & BURKE
702 WEST IDAHO ST
PO BOX 1539
BOISE ID 83701

RE: TRANSFER 5532 - PETITION FOR RECONSIDERATION

Dear Mr. Campbell:

I have reviewed the Petition for Reconsideration ("petition") you submitted to the department on March 29, 2000 in connection with the above referenced transfer. In your petition, you indicate that you do not understand Condition of Approval No. 7 or its purpose. I will try to provide an explanation to help you.

Condition of Approval No. 7 reads as follows:

7. Diversion from the Salmon River is limited to those times water is available for diversion under this right and priority from the original source, Squaw Creek.

Squaw Creek is tributary to and runs into the Salmon River. Application for Transfer No. 5532 sought to change the point of diversion from Squaw Creek to a new point of diversion downgradient on the Salmon River. The proposed new point of diversion, contrary to your understanding, is downstream from the mouth of Squaw Creek.

Section 42-222, Idaho Code, among other considerations, provides that a transfer can not be approved if the proposed change enlarges the use of the original water right or injures another right. Whenever a transfer proposes to relocate a point of diversion to a different source of water, the department conditions the approval such that the amount of water diverted at the new point of diversion can never be larger or for a longer duration than at the original point. This logic applies whether the new point of diversion from the Salmon River is either upstream or downstream from the mouth of Squaw Creek.

MICROFILMED

Under terms of the condition, the right holder would not be not entitled to divert any water from the Salmon River during times when there is no water in Squaw Creek to fill the respective priority of the water right when considering the other water rights on Squaw Creek. This concept applies even if there is water physically available to divert from the Salmon River.

With respect to the filing of protests against approval of the application, the department is obligated to evaluate the criteria set forth in section 42-222, Idaho Code, and will impose conditions of approval as needed to prevent enlargement or injury.

I hope I have clarified the department's purpose to impose Condition of Approval No. 7 for you and the location of the new point of diversion, since the department does not intend to remove or change the condition.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Glen Saxton". The signature is fluid and cursive, with the first name "L." and last name "Saxton" clearly distinguishable.

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - Region
Bert Doughty w/ petition

MICROFILMED
JUN 15 1971

Allen -

4-6-02

T 5532 changed the
point of division & source
from Squaw Creek to its
tributary Salmon River.

Condition 7 is standard for
such changes in order to
avoid expensing fees from
the range source when
division only at those
times water is available
at the original source. The
alternative is to advance
the priority of the transfer
right to the date of transfer
approval.

Allen -

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
Established in 1928

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

ANGELA D. SCHAER

RECEIVED

MAR 29 2000

Department of Water Resources

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

E-mail: ads@elamburke.com

March 29, 2000

VIA HAND-DELIVERY

Karl E. Dreher, P.E.
Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Re: In the Matter of Application for Transfer No. 5532,
in the Name of Thompson Creek Mining Company

Dear Mr. Dreher:

Enclosed for filing please find the original and one copy of Thompson Creek Mining Company's Petition for Reconsideration in the above-referenced matter. I have also enclosed an additional copy to be date-stamped and returned in the enclosed self-addressed, stamped envelope.

If you have any questions, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours,

ELAM & BURKE
A Professional Association

Angela D. Schaer
Angela D. Schaer

ADS:thm G:\Thm\WPDATA\0016\00129-dreher.wpd

MICROFILMED

72-00135

RECEIVED

MAR 29 2000

DEPARTMENT OF WATER RESOURCES

Scott L. Campbell, ISB #2251
Angela D. Schaer, ISB #5436
ELAM & BURKE, P.A.
Key Financial Center
702 West Idaho Street, 10th Floor
Post Office Box 1539
Boise, Idaho 83701-1539
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for Thompson Creek Mining Company

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 5532, IN THE)
NAME OF THOMPSON CREEK)
MINING COMPANY)
_____)

PETITION FOR RECONSIDERATION

Thompson Creek Mining Company ("Thompson Creek"), by and through its attorneys of record Elam & Burke, P.A., hereby files this Petition for Reconsideration ("Petition") of the Idaho Department of Water Resources' ("Department") *Preliminary Order* regarding Application for Transfer Number 5532, which sought the transfer of water right number 72-00135. This petition, made in accordance with Idaho Code section 67-5243(3) and Idaho Department of Water Resources Rules of Practice and Procedure 730, is predicated upon the fact that Condition/Remark Number 7 is unclear and places an improper limitation on Thompson Creek's exercise of its water right.

Condition Number 7 provides that "[d]iversion from the Salmon River is limited to those times water is available for diversion under this right and priority from the original source.

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Squaw Creek." Thompson Creek does not understand what is actually meant by that condition, and can only speculate. As to the first part, of course Thompson Creek will not divert water from the Salmon River unless there is water in the Salmon River to divert. However, given that the priority date is 1887, Thompson Creek would probably be one of the last water users to be curtailed in times of shortage.

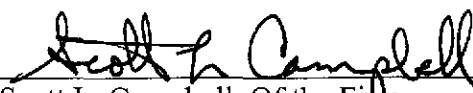
From a factual standpoint, two points are important to note. First, Squaw Creek flows into the Salmon River, not out of the Salmon River. Thus, this water right transfer has eased the burden on Squaw Creek, and exercise of this right will not affect Squaw Creek in any way. Second, the new point of diversion is upstream from the point at which Squaw Creek enters the Salmon River, thus lessening the effect even more. In other words, water right number 72-00135, as transferred, cannot possibly utilize any Squaw Creek flows.

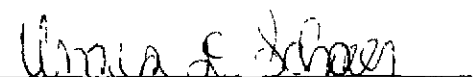
Moreover, there were no protests to Application for Transfer Number 5532, including protests that other water rights would be injured by the transfer. Absent any proof that such an injury would occur, Thompson Creek further objections to Condition Number 7.

In accordance with IDAPA 37.01.01.730, Thompson Creek respectfully requests that the Department reconsider its decision to impose Condition Number 7, and further requests that the Department either clarify or remove that limitation.

DATED this 29th day of March, 2000

ELAM & BURKE, P.A


Scott L. Campbell, Of the Firm


Angela D. Schaer, Of the Firm
Attorneys for Thompson Creek Mining Co.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21th day of March, 2000, I caused a true and correct copy of the foregoing PETITION FOR RECONSIDERATION to be mailed by depositing same in the United States mail, postage prepaid, to:

Jeff Peppersack, Manager
Water Right Permits Section
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

and by hand-delivering the original and one copy to:

Karl Dreher, Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Angela D. Schaefer
for ELAM & BURKE, P.A.

MICROFILMED



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

March 21, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

THOMPSON CREEK MINING CO
C/O BERT DOUGHTY
PO BOX 62
CLAYTON ID 83227

RE: Water Right 72-00135 (Transfer 5532)

Dear Mr. Doughty:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5532). 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.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Samela S. Skaggs

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

cc: Scott Campbell

REPROFILMED

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of **March**, 2000 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 72-00135 (Transfer 5532)

**THOMPSON CREEK MINING CO
C/O BERT DOUGHTY
PO BOX 62
CLAYTON ID 83227**

**SCOTT CAMPBELL
PO BOX 1539
BOISE ID 83701-1539**


**Kari Lynn Townsend
Secretary**

MICROFILMED

2000

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

SD-0420-2
MODIFY RECORD

Idaho Department of Water Resources
Modify Comment

Date: 03/18/00
Time: 10:40:03

Water Right Number: T72-00135

Comment Date: 3/18/2000 User ID: SKEEN

Subject: Transfer review_____

Transfer review and data entry by S. Keen on 3/18/2000. The____
transfer moves the point of diversion downstream on a gaining____
reach, which is usually not allowed because of potential injury____
to downstream junior appropriators. However, in this case the____
source is not actively regulated because historically the flows____
have been sufficient to satisfy all water rights. Therefore, the
potential for injury is slight._____

The diversion rate will remain at 3.5 inches per acre as_____
decreed because of the possibility that the right holder may want
to revert to flood irrigation. However, the right will be_____
limited to 0.02 cfs per acre when sprinklers are used for_____
irrigation._____

(Enter=Continue/Exit) (Gold2=Update) (Gold3=Delete) (Gold4=Prev) (Gold5=Next)

11 acres x 3.5 afa = 38.5 AFY

T5532

*Database updated to reflect
upstream transfer. AS 03-20-00*

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM		
		NE		NW		SW		SE		NE		NW		SW		SE				
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
T7200135	T11N R17E S27	SALMON RIVER																		
	:									09-01 09-07 09-0								8		
7200135	SQUAW CREE :									09-01 09-07 09-0								8		
*7200135	SQUAW CREE :									09-01 09-07 09-0								8		
7200136	SQUAW CREE :									09-1 09-1										
A7200136	SQUAW CREE :									09-35								35		
7202061	SULLIVAN H :			02	40			24			25					20		111		
*7202061	SULLIVAN H :			03-0				04-09			07-12	08-0				02		23		
A7202061	SULLIVAN H :			02	40			24			25					20		111		
7207173	SALMON RIV :													02				2		
T7200135	T11N R17E S28	SALMON RIVER												01				1		
	:																			
7200134	SQUAW CREE :					1						03-1 : 04-1				1 04-1 07-1 08-1				
*7200134A	SQUAW CREE :					08						03-16 : 03-0				01 04-33 07-30 08-09		97		
A7200134A	SQUAW CREE :					08						19 : 03				01 33 30 09		103		
*7200134B	SQUAW CREE :					04		08									17 04-02 08-02		33	
A7200134B	SQUAW CREE :					04		08									17 02 02		33	
7200135	SQUAW CREE :																	01	1	
*7200135	SQUAW CREE :																	01	1	
7200136	SQUAW CREE :	1				1														
*7200136	SQUAW CREE :	11				13												02		26
A7200136	SQUAW CREE :	25				30														55
R7200136	SQUAW CREE :	11				13												02		26
7204074	SALMON RIV :									03										3
7204157	SALMON RIV :																	04-39 07-35 08-09		83
*7204157	SALMON RIV :																	01 04-33 07-30 08-09		73
A7204157	SALMON RIV :																	01 04-39 07-38 08-05		83
7204161	FRENCH CRE :													40						40
*7204161A	FRENCH CRE :									02-03				01						4
A7204161A	FRENCH CRE :									02										2
*7204161B	FRENCH CRE :									02-12										12
A7204161B	FRENCH CRE :									10										10
7207173	SALMON RIV :																	02		2
7207282	GROUNDWATE :													03						3
7207286	SALMON RIV :											05-03		06-0						3
7207293	SALMON RIV :							02-0	05-0	05-0		0								
7207384	GROUNDWATE :													0						
*7207384	GROUNDWATE :													0						
A7207384	GROUNDWATE :													0						
7207461	GROUNDWATE :											05-02		02						4
7207529	SALMON RIV :							02-02											2	
A7210408	SALMON RIV :								01	0										1
*7216497A	SQUAW CREE :			08					03-16 : 03-0						01 04-33 07-30 08-09		97			
A7216497A	SQUAW CREE :			08					19 : 03						01 33 30 09		103			
*7216497B	SQUAW CREE :			04	08											17 04-02 08-02		33		

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

		NE								NW								SW								SE								
WR-NUMBER	SOURCE	NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		SUM
		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			
A7216497B	SQUAW CREE :					04		08																		17		02			02	33		

MEMO

FROM: Allen Merritt *AM*

DATE: November 4, 1999

TO: Transfer File No. 5532
Water Right(s): 72-00135

RECEIVED

NOV 10 1999

In the Name of: Thompson Creek Mining Co

Department of Water Resources

SUBJECT: Review and Recommendation

This transfer proposes to change the point of diversion from one relying on gravity to one near the place of use which will rely on a pump. The source changes from Squaw Creek to the Salmon River. The change in point of diversion is to improve the fishery in the creek. See Stanton's 8/4/99 memo. The subject right recommendation is objected to in the SRBA.

Recommendation

I recommend that the transfer be approved subject to the following conditions:

-Subject to SRBA final determination. (At issue is the diversion rate, etc.; approval of this transfer only deals with change in P/D, the other elements of right are subject to SRBA determination. Note that any allowance for conveyance loss in SRBA recommendation should be removed with the change in P/D. I agree that rate should be limited to 0.22 cfs when sprinklers are used but there may be an allowance to go back to gravity depending on SRBA determination.)

-Pump intake should be screened with 1/4" mesh or smaller to prevent takings of fish.

-Measuring device must be installed on pump diversion

**Notify SRBA of approval of this transfer.

Note that SRBA GIS has been changed to reflect this transfer and the GIS shapes are on South325.

MICROFILMED

NOV 10 1999

SRBA

SUBCASE SUMMARY REPORT 72-00135

[Return to SRBA Home Page](#)

SRBA
11-02-1999

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 72-00135 FILE#: 00311
CLAIMANT: THOMPSON CREEK MINING CO
STATUS: AT ISSUE
WATER SOURCE: SQUAW CREEK, SALMON RIVER
ISSUES: QUANTITY OF WATER USED

**** PARTIES INVOLVED ****

THOMPSON CREEK MINING CO	PRO SE
THOMPSON CREEK MINING COMP	PRO SE

**** ROA ENTRIES ****

05-28-1999	OBJ	01 F/B THOMPSON CREEK MINING COMPANY	RB	10-04-1999	0001
10-21-1999	NOTICE	SETTING SCHEDULING CONFERENCE	SS	12-02-1999	0930

[Return to SRBA Home Page](#)

MICROFILMED

11 1 1999

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Thompson Creek Mining

TRANSFER NO. 5532

1. Right number(s)

72-00135

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
☐ Change N/U ☐ Change Source ☐ Split Right
☐ Other: _____

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

Comments: _____

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

☒ Also see attached memo for more analysis information

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

See attached memo

i. ☒ Existing rights from same source, on land water is being transferred to; right number(s): _____

N/A

j. ☒ 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) _____

k. ☒ Comment letters _____ Yes ☒ No
If yes _____ Water District # _____
_____ Lienholder, others, see #2
_____ below for name and address

INITIAL ALLOCATION REVIEW BY J.E. Henton DATE 8-9-99
SRBA SUPERVISOR REVIEW BY _____ DATE _____
PUBLICATION REVIEW BY _____ DATE _____

1. Legal Notice electronically sent to DWRO3::VAULT ☒ Yes 9/13/99

2. COMMENT LETTERS Copy of Pg 1 to AJ ☒ Yes 9/14/99

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es): _____

3. Transfer published correctly? ☒ Yes ☐ No

4. Affidavit of publication received? ☒ Yes ☐ No

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

6. Copies made for Region file (see attached supplemental page)? ☐ Yes

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

☒ Also see attached memo for recommendation dated: 11/4/99

4. By ADa Date 11/4/99

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

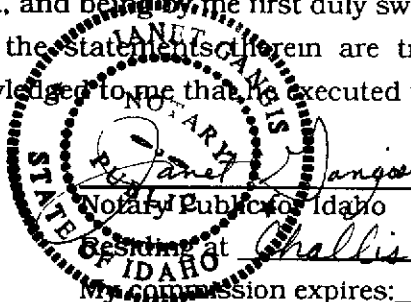
I, Ruth E. Burchell, representing the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated Sept 23 1999 and ending with the issue dated Sept 30 1999.

Ruth E Burchell

STATE OF IDAHO

COUNTY OF CUSTER

On this 30th day of September in the year of 1999 before me, a Notary Public, personally appeared Ruth E Burchell known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements herein are true, and acknowledged to me that he executed the same.


Notary Public for Idaho
Residing at Challis
My commission expires: 4/30/04

RECEIVED

OCT 01 1999

Department of Water Resources
Southern Region

NOTICE OF APPLICATIONS FOR PROPOSED CHANGES TO WATER RIGHTS

Notice is hereby given that four applications for transfer have been filed with the Department of Water Resources as described below:

Transfer No. 5529 by United States Antimony Corp (PO Box 643, Thompson Falls MT 59873) requests modification of right 72-07140. The right is recorded with a priority date of 5/30/1981 for 0.50 cfs diverted from Preacher's Cove Creek, tributary to Yankee Fork, Salmon River and Yankee Fork, Salmon River at three diversions within Section 20. The right is currently used for industrial and domestic purposes at the mill within Section 20. The transfer proposes to convert the entire right to irrigation of 14 acres at the same site for reclamation of tailings. The right will continue to be diverted from Preacher's Cove Creek within SENE Section 20, all T12N, R15E, Custer County.

Transfer No. 5530 and Transfer No. 5532 by Thompson Creek Mining Co (c/o Bert Doughty, PO Box 62, Clayton ID 83227) requests modifications of rights as follows. Transfer 5530 proposes to change the location of the point of diversion of right 72-10488. The right is currently diverted from the Salmon River within NESE Section 26 with a priority of 5/24/1888 at a rate of 0.72 cfs for irrigation of 8 acres within SESE Section 25. The new diversion will be within SESE Section 25, all T11N, R16E, Custer County by pump in Salmon River. Transfer 5532 proposes to

change the location of the point of diversion of right 72-00135. The right is currently diverted from Squaw Creek, tributary to Salmon River, within SWNE Section 21 with a priority of 6/1/1887 at a rate of 0.79 cfs for irrigation of 11 acres within parts of Sections 27 and 28. The new diversion will be within Section 27, all T11N, R17E, Custer County by pump in Salmon River.

Transfer No. 5534 by Stephen & Lyndella Bauchman (3730 Pama Lane, Las Vegas NV 89120) requests modification of rights 72-00189A (priority 5/1/1879 at 0.79 cfs) and 72-10246A (priority 4/15/1912 at 1.03 cfs) currently diverted within SESW Section 5 from Darling Creek, tributary to Challis Creek for irrigation of 76 acres within portions of Sections 4, 8 and 9. The transfer proposes to add another point of diversion from Darling Creek within NWNW Section 9, all T14N, R19E, Custer County.

Any protest against the proposed applications must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before October 12, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed applications. (Each application requires a separate protest). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Pub: Sept. 23 & 30, 1999.

STATEMENT

**Custer Publishing, Inc.**

Phone 879-4445

P.O. Box 405

Challis, Idaho 83226

Dept. of Water
 1341 Fillmore St., Suite 200
 Twin Falls, Id 83301-3380

Job No.	Date	DESCRIPTION	Amount
	9-30-99	Notice of Applications for Proposed Charges to Water Rights 9/23 + 30/99 93 lines Transfer # 5529, 5530, 5532, 5534	\$117.65 OK MB 10/7/99

A finance charge of 1½ percent (annual percentage rate of 18%) with a minimum charge of 50¢ will be charged to all accounts not paid within 30 days of billing.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

September 14, 1999

**KARL J. DREHER
DIRECTOR**

ATTN MIKE LARKIN
ID DEPT OF FISH & GAME
PO BOX 1336
SALMON ID 83467

Re: Four (4) Applications for Transfer

Dear Mr. Larkin:

The Department is seeking a written Comment &/or Recommendation from your agency regarding the above referenced applications for surface water, a copy of the applications are enclosed for your information and reference.

Regional review of an unprotested application can be completed as soon as the final protest period is past; therefore, your prompt response to this request is appreciated.

If you have any questions about an application, please contact this office or the applicant.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

Enclosure(s)

10-100000-0000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

September 13, 1999

**KARL J. DREHER
DIRECTOR**

**ATTN -ANGELA D SCHAER
ELAM & BURKE
PO BOX 1539
BOISE ID 83701**

Re: Applications for Transfer No. 5530 & 5532

Dear Ms Schaer:

The Department of Water Resources acknowledges receipt of the Applications for Transfer on behalf of Thompson Creek Mining Co.

This office has scheduled advertising the applications in the Challis Messenger for 9/23 and 9/30/99. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

State Office personnel will conduct a complete review prior to final processing of the applications and will notify you of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

**JS:MB
CC:
ATTN BERT DOUGHTY
THOMPSON CREEK MINING CO
PO BOX 62
CLAYTON ID 83227**

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Transfer No. 5534 by Stephen & Lyndella Bauchman (3730 Pama Lane, Las Vegas NV 89120) requests modification of rights 72-00189A (priority 5/1/1879 at 0.79 cfs) and 72-10246A (priority 4/15/1912 at 1.03 cfs) currently diverted within SESW Section 5 from Darling Creek, tributary to Challis Creek for irrigation of 76 acres within portions of Sections 4, 8 and 9. The transfer proposes to add another point of diversion from Darling Creek within NWNW Section 9, all T14N, R19E, Custer County.

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Karl J. Dreher, Director

Published in the Challis Messenger on 9/23 & 9/30/99.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

September 13, 1999

**KARL J. DREHER
DIRECTOR**

**CUSTER PUBLISHING
PO BOX 405
CHALLIS ID 83226**

Ladies and Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We have inserted the required publication dates. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill

Very truly yours,

Mary Baldwin
Administrative Assistant

Enclosure

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
Established in 1928

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

ANGELA D SCHAER

E-mail: ads@elamburke.com

August 31, 1999

James E. Stanton
Sr. Water Resource Agent
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RECEIVED

SEP 02 1999

Department of Water Resources
Scribner Regler

Re: Applications for Transfer No. 5532 in the name of Thompson Creek Mining

Dear Jim:

The purpose of this letter is to confirm that I have spoken with our client, and the client has indicated that the corrections you have made to the first page of the above-referenced Application for Transfer are correct, and meet with their approval

If you have any further questions or concerns, please do not hesitate to contact Scott Campbell or me. In the meantime, thank you very much for your prompt consideration of this matter.

Very truly yours,

ELAM & BURKE
A Professional Association

Angela D Schaer

ADS:pw G:\Thm\WPDA\1A\0016\stanton 8-31 wpd

cc: Kevin Loughrey
Bert Doughty
Ken Melmem



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 5, 1999

Scott Campbell, Attorney
PO Box 1539
Boise, ID
83701

RE: App. for Transfer #5532, Thompson Creek Mining Co.

Dear Scott;

I have been reviewing this transfer, which covers the TCM property at the mouth of Squaw Creek. While the application shows the new point of diversion to be in the NW/SW Sec. 27, both the quad map in the file and our GIS data shows the pump site to be in the NE/SW. I have changed the application to correct this error, and have also made some minor additions to Part 1. A copy of the front page of the application is enclosed for your information. If you have questions or comments, please contact me at your earliest convenience. I will be turning the file over to Mary for advertising shortly, although she is working on a large backlog.

Regards,

James E. Stanton
Sr. Water Resource Agent

TO: File

DATE: August 4, 1999

FROM: Jim Stanton

SUBJECT: App. for Transfer, Thompson Creek Mining #2

This transfer also proposes to change the p/d from a gravity headgate to a pump/pipeline/sprinkler system. The source will change from Squaw Creek to the Salmon River. The application described the original decreed right as the data source, with the place of use from their SRBA claim. I replaced their Part 2a with one printed from the SRBA findings. The only thing I changed from the findings is the flow rate, since they have objected to the 0.22 cfs recommendation. Steve Clelland found that the p/u was irrigated with sprinklers in 1992, so recommended 1"/acre. So this application just legalizes what is already there by unrecorded post-1987 transfer. If the transfer is approved, this right should be limited to the recommended flow of 0.22 cfs.

With regard to the p/u, Steve visited the property in 1993. He could see that it had been irrigated in the recent past. The pump had been struck by lightning, however, and was not in use during his visit. I talked to mine foreman Bert Doughty yesterday, who said that the property had been irrigated during the last 3 years; he could not remember what had happened before that. So forfeiture does not seem to be an issue here. Due to the time and difficulty in obtaining ASCS data from Mackay, I do not plan to pursue this unless requested. I recommend approval of this transfer.

The application showed the new p/d as being in the NW/SW S. 27, but both GIS and the applicant's map show it in the NE/SW. I have changed the application accordingly, and will notify applicant's attorney of this change.

RECEIVED

JUL 22 1999

Department of Water Resources
Southern Region

ELAM & BURKE
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Established in 1928

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

ANGELA D. SCHAER

E-mail: ads@elamburke.com

July 21, 1999

James E. Stanton
Sr. Water Resource Agent
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Applications for Permit and Transfer, Thompson Creek Mining

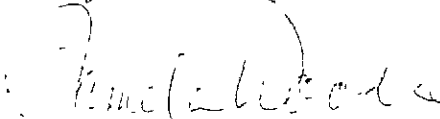
Dear Mr. Stanton:

We are in receipt of your letter dated July 20, 1999, regarding the incorrect check amount. We apologize for the error and enclose herewith a check in the amount of \$320.00.

Thank you very much for your cooperation in this matter.

Very truly yours,

ELAM & BURKE
A Professional Association


Pamela Woodies
Assistant to Angela D. Schaer

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 20, 1999

Scott L Campbell
Elam & Burke
PO Box 1539
Boise, ID
83701

RE: Applications for Permit & Transfer, Thompson Creek Mining

Dear Scott;

We have received the above-referenced applications and your check in the amount of \$380. Since the correct filing fee is \$320., we are returning your check for submittal of the correct amount. It is not cost effective for us to make partial refunds of filing fees. We will hold these applications for submittal of the correct fee.

Regards,

James E. Stanton
Sr. Water Resource Agent

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
Established in 1928

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

ANGELA D SCHAER

RECEIVED

JUL 13 1999

**Department of Water Resources
Southern Region**

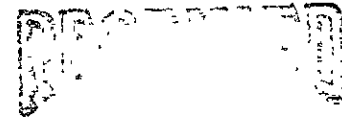
TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

E-mail ads@elamburke.com

July 13, 1999

Harold Jones
Idaho Department of Water Resources
Eastern Region
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402



JUL 15 1999

**Department of Water Resources
Eastern District Office**

*Re: Thompson Creek Mining Company Water Rights
Applications for Transfer and Application for Permit*

Dear Mr. Jones:

I am enclosing for filing two Applications for Transfer and one Application for Permit filed on behalf of Thompson Creek Mining Company. In addition, I have enclosed a check in the amount of \$320 to cover the statutory filing fee for each application. I have also enclosed an additional copy to be receive-stamped and returned to our offices in the enclosed stamped, self-addressed envelope.

If you have any questions or concerns, please do not hesitate to contact Scott Campbell or me.

Very truly yours,

ELAM & BURKE
A Professional Association

Angela D. Schaer
Angela D

ADS.pw
Enclosures
G:\Thm\WPDATA\0016\jones 7-13 wpd

cc. Bert Doughty (w/o enc.)
Kevin Loughrey (w/o enc.)

7/19/99
Jan - I have
not yet received
these as yet
in case you have
to send back
for some reason
Re.



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

January 12, 1993

Bert Doughty
Cyprus Thompson Creek
PO Box 62
Clayton, ID 83227

RESUMPTION OF WATER ACKNOWLEDGEMENT

Re: Permit Nos. 72-0133, 72-0135, 72-0136, and 72-0137

Dear Permit Holder:

The Department acknowledges receipt of your statement of resumption of beneficial use submitted in connection with the above referenced licenses.

Pursuant to Section 42-222.2, Idaho Code, only one five (5) year extension of time to avoid forfeiture can be granted. It is, therefore, essential that you continue to use the water associated with this license. The Department cannot grant you another extension.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Regional Office

RECEIVED

JAN 12 1993

Department of Water Resources

Cyprus Thompson Creek

Post Office Box 62
Clayton, Idaho 83227
Telephone (208) 838-2200

January 6, 1993

Glen Saxton
Department of Water Resources
Water Allocation Bureau
Statehouse Mail
Boise, ID 83720

Re: Resumption of Use of Water

Dear ~~Mr. Saxton:~~ *G/Sax*

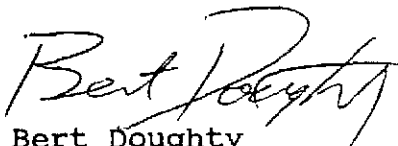
This letter is to inform the Department that Cyprus Thompson Creek has resumed the use of water for Water Right Nos. 72-0133, 72-0135, 72-0136, and 72-0137. Water was used during the 1992 season for irrigation of agriculture ground.

Sprinkler systems have been set up for Water Right Nos. 72-0136 and 72-0135. The points of diversions for these two water rights were changed but the changes were reflected in the adjudication forms. The remaining two rights are still flood irrigation, with the points of diversion remaining the same.

Our water right expert has informed us that the resumption date for the use of the water is April 1, 1993. He also stated that we were to fill out a required form reporting the resumption of use and submit it to the Department. If this letter does not suffice for the notification, could you please forward me the correct Department form.

If you need any further information, please don't hesitate to contact me. Thank you for your action on this matter.

Sincerely,



Bert Doughty
Supervisor, Environmental Affairs

PAD/cc

CYPRUS



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

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

August 25, 1987

RE: Water Right Nos. 72-0133/0135/0136/0137

Cyprus Thompson Creek Mining Co.
Box 62
Clayton, ID 83227

Gentlemen:

Enclosed are copies of the approved Applications for Extension of Time to Avoid Forfeiture of the above referenced water rights. Please note that beneficial use of water under these rights must resume on or before April 1, 1993.

If you have any questions concerning these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosures

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE

The following application has been filed to avoid forfeiture of a water right in the State of Idaho, evidenced by Decree to Anton Cominotti in case of McClure, et al vs Campbell, et al, dated 5/8/1987 in District Court, Custer County and described as follows:

72-0135

Cyprus Thompson Creek Mining Company

P.O. Box 62; Clayton, ID 83227

SOURCE: Squaw Creek tributary to Salmon River

Diversion Pt: S1/2SE1/4, NWSE, Sec. 21; NW1/4, NE1/4, Sec. 28, T11N, R17E, Custer County; near confluence of Squaw Creek and Salmon River.

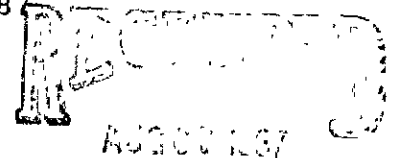
Priority Date: 6/1/1887

Used for irrigation of 160 acres from 5/1 to 9/30 within NWSE, S1/2SE1/4, Sec. 21; NWNE, Sec. 28, T11N, R17E.

Granting of the application will allow the right to be removed from beneficial use for a period not to exceed five (5) years. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East., Twin Falls, Idaho 83301 on or before August 3, 1987.

KEN DUNN, Dir.

Published in Challis Messenger on 7/16 & 7/23/87



Department of Water Resources

**NOTICE OF APPLICATION
FOR EXTENSION OF TIME
TO AVOID FORFEITURE**

The following application has been filed to avoid forfeiture of a water right in the State of Idaho, evidenced by Decree to Anton Cominotti in case of McClure, et al vs Campbell, et al, dated 5/8/1987 in District Court, Custer County and described as follows:

72-0135

Cyprus Thompson Creek Mining Company

P O. Box 62; Clayton, ID 83227

SOURCE Squaw Creek tributary to Salmon River

Diversion Pt : S $\frac{1}{2}$ SE $\frac{1}{4}$, NWSE, Sec. 21, NW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec 28, T11N, R17E, Custer County, near confluence of Squaw Creek and Salmon River.

Priority Date: 6/1/1887

Used for irrigation of 160 acres from 5/1 to 9/30 within NWSE, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 21; NWNE, Sec 28, T11N, R17E

Granting of the application will allow the right to be removed from beneficial use for a period not to exceed five (5) years. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East, Twin Falls, Idaho 83301 on or before August 3, 1987

KEN DUNN, Director

Published. July 16 & 23, 1987

OK
MB
7/20/87

RECEIVED
AUG 27 1987



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

July 9, 1987

Custer Publishing Company
P.O. Box 405
Challis, ID 83226

Re: Applications for Extension of Time to Avoid
Forfeiture/72-0133, 72-0135, 72-0136, 72-0137

Gentlemen:

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

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

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary A. Baldwin
Sec/Office Coord.

Encl:



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

July 9, 1987

Cyprus Thompson Creek Mining Co.
P.O. Box 62
Clayton, ID 83227

Re: Applications for Extensions of Time to Avoid
Forfeiture/72-0133, 72-0135, 72-0136, 72-0137

Gentlemen:

The Department of Water Resources acknowledges receipt of your applications for Extension of Time to Avoid Forfeiture for the above numbered Decrees.

This office will be advertising the applications in the Challis Messenger on 7/16 & 7/23/87. The advertisements will be published correctly for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the applications are protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the applications are not protested, they will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the applications and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Enclosed please find your receipt no.45020 for the amount of \$200.00.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Loren O. Holmes, P. E.
Southern Region Supervisor

LOH:mb
Enclosure

STAFF ANALYSIS SUPPLEMENT

1) Water District _____ *Basin #* _____

2) Local Description: (of one P/L)

☐

At the above street address

☐_____ miles N'S _____ and _____ miles E/W _____
of _____ (City or landmark).☒

Other (describe)

*Nez. Confluence of
Squaw Cr. & Salmon R.*

EXTENSION OF TIME TO AVOID FORFEITURE

ANALYST'S SHEET

1. INITIAL REVIEW BY: ADM
2. RIGHT NUMBER 72-0135 APPLICANT _____
3. TYPE OF RIGHT: ☒ Deed ☐ License ☐ Claim
4. Is reason for request extension given on application?
☒ Yes ☐ No (If No, return Application)
5. CHECK:
- (a) ☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period of Use
- (b) ☒ Description of Point of Division
- (c) ☒ Description of Place of Use
- (d) ☒ Check for correct Signature, Notarization, Fee
6. OWNERSHIP OF RIGHT

Applicant's ownership confirmed by:

- (a) ☐ Copy of Tax Notice, Deed, or other _____
in file.
- (b) ☒ County Assessor records. Date Contacted 6/3/87

7. Is the right in a Watermaster District? ☐ Yes ☒ No Dist. _____
(If Yes, send copy to Watermaster)

FINAL REVIEW IN REGION by ADM

- (a) Is Application published correctly? ☐ Yes ☐ No
- (b) Protest Received? ☐ Yes ☒ No

RECOMMENDED ACTION

- ☒ Approve
- ☐ Deny

Recommendations: _____