

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 94-07399

Priority: August 12, 2004

Maximum Diversion Rate: 0.11 CFS

This is to certify, that NEW JERSEY MINING CO
PO BOX 1019
KELLOGG ID 83837

has applied for a permit to appropriate water from:

Source: LONE CABIN CREEK **Tributary:** NORTH FORK COEUR D'ALENE RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
MINING	01/01 to 12/31	0.11 CFS

LOCATION OF POINT(S) OF DIVERSION:

LONE CABIN CREEK L3 (NW¼ SW¼) Sec. 19, Twp 51N, Rge 01W, B.M. KOOTENAI County

PLACE OF USE: MINING

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N 01W 19											X						
											L 3						

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2006**.
2. Subject to all prior water rights.
3. A fish screen of 3/8 inch or smaller mesh shall be installed and maintained at the point of diversion.
4. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
5. This right does not grant any right-of-way or easement across the land of another.
6. The Director retains jurisdiction to require a bypass flow for maintenance of fish, wildlife, riparian and aquatic habitat.
7. Prior to diversion and use of water under this right, the right holder shall comply with all bonding requirements of appropriate governmental entities.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
9. Mining use is for paste backfill makeup, drilling dust suppression, muck wetting and other mining operation uses.
10. Water shall not be diverted under this right when flows in the Coeur D'Alene are below established minimum flow amounts.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 2ND day of March, 2005.


for KARL J DREHER, Director

RECEIVED

FEB 25 2005

DEPARTMENT OF
WATER RESOURCES

71455

Ident. No. 94-7399STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED
FEB 12 2004

IDWR/North

1. Name of Applicant New Jersey Mining Company Phone 208-783-3331Mailing address P.O. Box 1019, Kellogg, Idaho 838372. Source of water supply Lone Cabin Creek which is a tributary of North Fork Coeur d'Alene River3. Location of point of diversion is Township 51 N Range 1W Sec. 19 in the NW $\frac{1}{4}$,
SW $\frac{1}{4}$, Govt. Lot _____, B.M., Kootenai County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.11 for Mining purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)5. Total quantity to be appropriated is (a) 0.11 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source 700 feet of 2-inch diameter HDPE pipe will be placed upstream from No. 3 portal and divert water from Lone Cabin Creek via gravity to an 83,000 liter storage tank system.b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feetc. Proposed well diameter is N/A inches; proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 85°F being sought? _____

e. If well is already drilled, when? _____; Drilling firm _____;

Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. Water will be used for mining operations - paste backfill makeup, drilling dust suppression, muck wetting and other miscellaneous uses.RECEIVED
AUG 12 2004
IDWR/North

3. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N	1W	19									X								

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? US Public Domain - FOREST SERVICE
- b. Who owns the land to be irrigated or place of use? Surface- US Public Domain, Mineral - New Jersey Mining Co.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Agreement

12. Remarks: Water for mining operations will primarily be obtained from existing mine discharge and surface runoff from the project site. However, it may be necessary from time to time to obtain water from Lone Cabin Creek. Mine discharge and surface runoff from the site will be collected in a two tank sedimentation system (storage capacity 83,000 liters). Sediment will be collected in the tanks. Overflow will be directed either to a permitted injection well or to a land application facility.

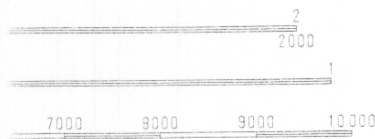
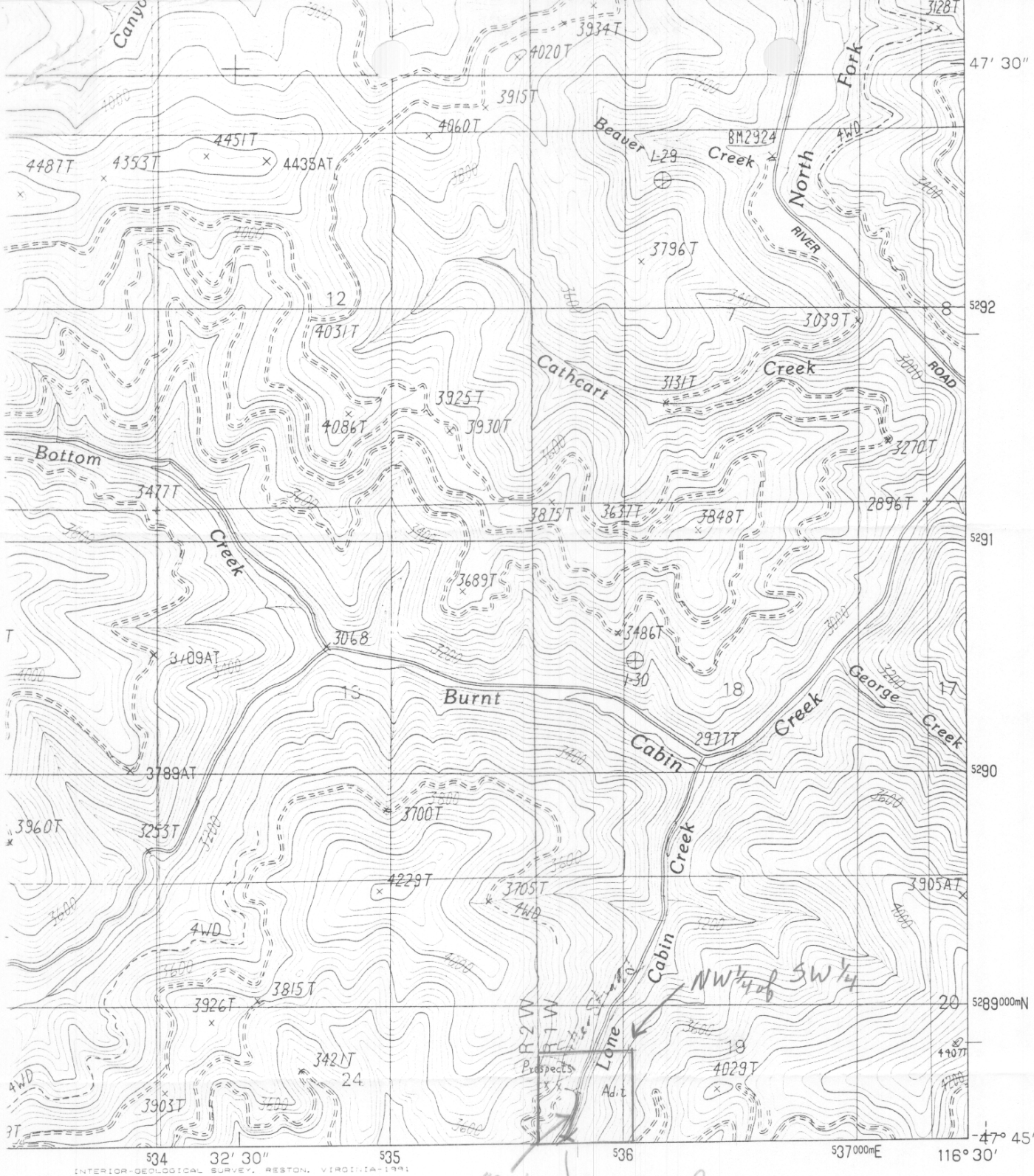
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

James A. Brackebusch Vice-President
Signature of Applicant (and title, if applicable)

Received by db Date 2/12/04 Time 1:00 P Preliminary check by AB
Fee \$ 100.00 Receipted by db # N016081 Date 2/12/04
Publication prepared by db Date 8/26/04 Published in CAA Press 9/24/04
Publication approved db Date 9/15/04

FRED BRACKEBUSCH - PRES
GRANT BRACKEBUSCH - V.P.
JENNA BRACKEBUSCH - SEC.



QUADRANGLE LOCATION

1	2	3	1 Athol
			2 Bayview
4		5	3 Lakeview
			4 Hayden Lake
			5 Cataract Peak
6	7	8	6 Fernan Lake
			7 Wolf Lodge
			8 Skitwish Peak

ADJOINING 7.5' QUADRANGLE NAMES

ROAD LEGEND

Improved Road
 Unimproved Road
 Trail

○ Interstate Route ○ U.S. Route ○ State Route

SPADES MOUNTAIN, IDAHO PROVISIONAL EDITION 1990

47116-G5-TF-024

Now
Starting
Right Side
of file.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 2, 2005

NEW JERSEY MINING CO
PO BOX 1019
KELLOGG ID 83837

RE: Permit No. 94-7399

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

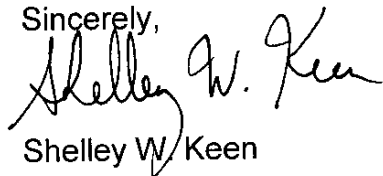
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is written in a cursive style with a large, stylized 'S' and 'K'.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

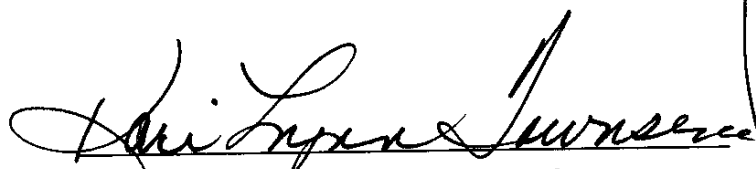
CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2005 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

94-7399

**NEW JERSEY MINING CO
PO BOX 1019
KELLOGG ID 83837**



**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 this 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 fourteen (14) 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 this 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director 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 Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director 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 Director 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.

MEMORANDUM

Date: March 02, 2005
To: Water Right File 94-7399
From: eretelle
Re: Permit review

Pre-pub: no WD, no moratorium, no WaSR, no overlap
Post-pub: 3 conditions desired by USFS
Data: PoD and PoU govt lot 3
Remarks: beneficial use 1 year

Recommend approval as suggested by IDWR Northern.

MEMORANDUM

RECEIVED

FEB 25 2005

DEPARTMENT OF
WATER RESOURCES

To: File 94-7399

From: Al Beardslee/Bob Haynes



Date: February 15, 2005

Re: Comments from USFS

In a comment letter from the Forest Service in September, 2004, the agency requested that the permit approval contain three specific conditions that they had drafted.

Their first condition is unnecessary because the permit approval clearly identifies the diversion limit.

The second condition relates to the intake site and base flow conditions. Because of USFS concern, condition X13 should be used on the permit allowing the director to retain jurisdiction to require a bypass flow for maintenance of fish habitat. Conditions X15 and X16 should also be placed on the permit (fish screen of 3/8" mesh and approach velocity of 0.5 fps).

The third condition is also unnecessary because selling, leasing or using water for any other purpose than mining is prohibited by the permit anyway. If the mining company proposes a change in the place of use, the Forest Service can be notified by the department with a letter requesting their comments.

This filing was not protested and we recommend approval with the conditions identified above (X13, X15, X16).



File Code: 2540-1

Date: September 13, 2004

Dianne Ball
Administrative Assistant
Idaho Department Water Resources
Suite 210
1910 Northwest Blvd.
Coeur d'Alene, ID 83814-2615

*Go on computer
3 items highlighted
9/28/04
b*

RECEIVED
SEP 15 2004
IDWR/North

Dear Diane:

Thank you for the recent request for comments regarding New Jersey Mining Company's (NJMC) application to the Idaho Department of Water Resources (IDWR) for the acquisition of water rights to 0.11 cubic feet per second (cfs) from the surface flow of Lone Cabin Creek as outlined in IDWR Permit Application Serial Number 94-7399. We have some comments regarding the application and granting of the water right.

NJMC has submitted a Plan of Operations to develop a seasonal mining operation to extract a mineralized orebody on public lands under the jurisdiction of the USDA Forest Service, Idaho Panhandle National Forests at the Silver Strand Mine. Environmental analyses required under the National Environmental Policy Act (NEPA) are nearly complete and a Decision Notice will be released for public comment and review in the near future. The mining operation will require water for use in paste backfill, for drilling operations and for dust control as outlined in NJMC's permit application. NJMC's Plan of Operations calls for the use of the mine water currently seeping out of the No. 3 portal and the use of diverted storm water for these mine-related activities. In most, if not all cases, the water from these sources will be sufficient for the mine's needs. In the case where there is insufficient water for these mine-related uses from the primary sources and water must be withdrawn from the creek, we want to insure that sufficient flow remains in the creek. We are concerned about maintaining sufficient flows because of our responsibilities under Endangered Species Act (ESA), Federal Land Policy Management Act (FLPMA) and other regulatory direction.

Specifically, we would request IDWR consider incorporating the three conditions below into the water right to aid us in meeting our natural resource management responsibilities:

1. Water withdrawals will not exceed the water right granted and specified under the permit;
2. Should flow in Lone Cabin Creek at the intake site fall below base flow conditions (1.25 cfs) then water withdrawals will not exceed 10% of total surface flow present at the intake site.
3. Applicant will not sell, lease or use water for any other than stated purposes nor change place of use without permission from USDA Forest Service.

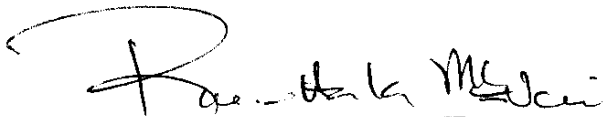


The conditions outlined below will be incorporated into the USDA Forest Service Decision Notice regarding NJMC's Silver Strand mining Plan of Operations. Incorporation of these conditions insure the water right withdrawals granted in the IDWR permit coincide with the stipulations and mitigation measures designed to protect the watershed functions and ecosystem integrity. We would also encourage you to consider these conditions in the water right.

1. An intake screen with a mesh size of no greater than 3/8" diameter must be placed on the intake pipe to protect fish and other aquatic species from entrapment;
2. The intake pipe must be placed in a location and in water of sufficient depth that sediments in the stream bed or channel walls are not disturbed by the intake pipe turbulence;
3. Water will not be withdrawn from the creek if water in sufficient quantities from the primary sources (storm water diversion and portal No. 3 discharge) is available and those waters are utilized in their entirety before withdrawals from Lone Cabin Creek are initiated;
4. Should additional water quantities beyond that approved in the water right be required, the grantee must obtain an additional water right from IDWR and notify, in writing, the IPNF Forest Supervisor of the request.
5. Applicant will provide an annual report to the USDA Forest Service no later than the first day of February containing water removal rates and total volumes used for the previous year.

I appreciate the opportunity to comment on IDWR Water Right Application Serial Number 94-7399. Please feel free to contact our Forest Hydrologist, Rick Patten, at (208) 765-7403, should you have any questions or wish to discuss our request.

Sincerely,



RANOTTA K. MCNAIR
Forest Supervisor

cc: Christopher M Dail, Linda L McFaddan, Rick Patten

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss.

SEP 14 2004

IDWR/North

being first duly sworn

upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

Legal Notice

of which the annexed is a printed copy, was published in the regular *Thursday* issue of said newspaper for *2* consecutive *weeks* commencing on the *9th* day of *September* 2004, and ending on the *9th* day of *September* 2004, and such publication was made as often during said period as said *Daily* newspaper was regularly issued.

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

Personally appeared before me this

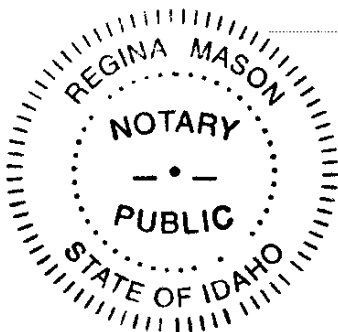
9 day of *September* 2004

Kathie Hay

Regina Mason

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/09



NOTICE OF APPLICATION FOR WATER RIGHTS

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

94-7399

NEW JERSEY MINING CO

PO BOX 1019

KELLOGG ID 83837

Point(s) of Diversion: NWSW S19 T51 R01W KOOTENAI County
Source LONE CABIN CREEK Tributary to NORTH FORK COEUR D'ALENE RIVER

Use: MINING 01/01 To 12/31 0.11 CFS
Total Diversion 0.11 CFS

Date Filed: 08/12/2004

Place Of Use: MINING T51N R01W S19 NWSW

95-9238

JAMES C DAY

761 HEATHER LANE

WOODLAND CA 95695

Point(s) of Diversion: SWSNE S9 T52N R03W KOOTENAI County
Source SPRING Tributary To SINKS

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Use: FIRE PROTECTION 01/01 To 12/31 0.04 CFS

Use: FIRE PROTECTION STORAGE 01/01 To 12/31 0.04 CFS 1AFA
Total Diversion

Date Filed: 08/06/2004

Place Of Use: DOMESTIC T52N R03W S9 SENE

Place Of Use: All others uses same as DOMESTIC

Remark: Domestic use is for one home.

95-9239

FRANCIS W CASH

5504 MIRAMAR LANE

COLLEYVILLE TX 76014

Point(s) of Diversion: L1 (SWSW) S36 T50N R04W KOOTENAI County
Source: COEUR D ALENE LAKE Tributary To SPOKANE RIVER

Use: IRRIGATION 03/15 To 11/15 0.13 CFS
Total Diversion 0.13 CFS

Date Filed: 03/12/2004

Place Of Use: IRRIGATION T50N R04W S36 SWSW Lot 1

Number of Acres: 2

Permits will be subject to all prior water rights. Protests must be submitted based on the criteria of Sec. 42.203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814 together with a protest fee of \$25.00 for each application on or before 09/20/2004. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Legal 5817
Sept. 2, 9, 2004

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

94-7399

NEW JERSEY MINING CO

PO BOX 1019

KELLOGG ID 83837

Point(s) of Diversion NWSW S19 T51N R01W KOOTENAI County

Source LONE CABIN CREEK Tributary To NORTH FORK COEUR D ALENE RIVER

Use: MINING 01/01 To 12/31 0.11 CFS

Total Diversion: 0.11 CFS

Date Filed: 08/12/2004

Place Of Use: MINING T51N R01W S19 NWSW

95-9238

JAMES C DAY

761 HEATHER LANE

WOODLAND CA 95695

Point(s) of Diversion SWSENE S9 T52N R03W KOOTENAI County

Source SPRING Tributary To SINKS

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Use: FIRE PROTECTION 01/01 To 12/31 0.04 CFS

Use: FIRE PROTECTION STORAGE 01/01 To 12/31 1 AFA

Total Diversion: 0.04 CFS

Date Filed: 08/06/2004

Place Of Use: DOMESTIC T52N R03W S9 SENE

Place Of Use: All other uses same as DOMESTIC

Remark: Domestic use is for one home.

95-9239

FRANCIS W CASH

5504 MIRAMAR LANE

COLLEYVILLE TX 76014

Point(s) of Diversion L1 (SWSW) S36 T50N R04W KOOTENAI County

Source COEUR D ALENE LAKE Tributary To SPOKANE RIVER

Use: IRRIGATION 03/15 To 11/15 0.13 CFS

Total Diversion: 0.13 CFS

Date Filed: 03/12/2004

Place Of Use: IRRIGATION T50N R04W S36 SWSW Lot 1

Number of Acres 2

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 09/20/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on September 2 and 9, 2004.



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 26, 2004

~ PLEASE FAX PROOF PRIOR TO PUBLICATION ~

**KATTIE HOY & KRISTY PEAK
LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE ID 83814**

RE: Application for Permit No. 94-7399, 95-9238 and 95-9239

Dear Kattie and Kristy:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, September 2 and 9, 2004, (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 09/20/2004. Your cooperation is, as always, GREATLY appreciated.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, August 26, 2004 10:05 AM
To: Legal Notices-CdA Press (E-mail); Kristy Peak (E-mail)
Subject: Legal Notice for publication September 2 and 9, 2004

Another great day to you, ladies. It feels to me like autumn has arrived early this year.

Attached is Cover Letter requesting publication of a Legal Notice on September 2 and 9, 2004. Also attached is the Legal Notice.

PLEASE FAX ME A PROOF PRIOR TO PUBLICATION so I can check layout. Often tabs do crazy things when we copy and paste. It also helps me double check my work.

Thanks again for all your good work.

May your day be filled with beauty.

Dianne

Dianne Ball, Administrative Assistant
Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814
Phone 208-769-1450 FAX 208-769-1454

8/26/2004



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 26, 2004

NEW JERSEY MINING CO
PO BOX 1019
KELLOGG ID 83837

RE: Application for Permit No 94-7399

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Coeur d'Alene Press on September 2 and 9, 2004. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

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

Sincerely,

A handwritten signature in cursive script that reads "Allen Beardslee".

Allen Beardslee
Senior Water Resource Agent



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 13, 2004

US DEPT OF AGRICULTURE
FOREST SERVICE
IDAHO PANHANDLE NATIONAL FORESTS
3815 SCHREIBER WAY
COEUR D ALENE, ID 83815

Application to Permit No. 94-7399

US DEPT OF AGRICULTURE :

Enclosed is a copy of the above referenced application. Please review the application, and submit your comments to this office within two weeks of receipt of this request, by August 31, 2004.

You may submit your comments by e-mail to dball@idwr.state.id.us.

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

Sincerely,

Dianne Ball
Administrative Assistant

Enclosure(s)



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 13, 2004

MARY TERRA-BERNS
STATE OF IDAHO
DEPT OF FISH & GAME
2750 KATHLEEN AVE
COEUR D ALENE, ID 83814

FAXED TO MARY 8/13/04
4 pages total

Application to Permit No. 94-7399

Dear Mary :

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application follows for your reference.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

If you will not be protesting this application you may reply by e-mail to dball@idwr.state.id.us.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in cursive script that reads "Dianne".

Dianne Ball
Administrative Assistant

Enclosure(s)



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 5, 2004

New Jersey Mining Co.
PO Box 1019
Kellogg, ID 83837

RECEIVED
AUG 12 2004
IDWR/North

RE: Application for Permit Filing

Gentlemen:

We received your application for permit to appropriate water from Lone Cabin Creek for mining purposes. Everything looks fine except that the place of use under item 9 has not been entered. Please indicate with an X in each of the ¼ ¼'s where the water will be used. The place of use also needs to be indicated on the map you attached to the application.

Please return the application to us after you have made the above mentioned corrections so that we can continue processing. Please call if you have questions.

Sincerely,

Sharla Curtis

for Al Beardslee
Sr. Water Resource Agent

Enclosure

OK

*I've made the
corrections.*

Thanks,

*Grant Brackebusch, P.E.
Vice President*

NEW JERSEY MINING CO.

P.O. Box 1019
KELLOGG, ID 83837
(208) 783-3331 [PHONE OR FAX]

February 11, 2004

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

RECEIVED
FEB 12 2004
IDWR/North

Dear Sirs:

Please find attached a permit application to appropriate the public waters of the State of Idaho and a check for the \$100 fee. We are in the permitting stages with the USFS for a seasonal underground mining operation at the Silver Strand mine located on Lone Cabin Creek in Kootenai County.

If you have any questions, please contact me at the above-listed address or via e-mail at minesystems@usamedia.tv.

Sincerely,



Grant A. Brackebusch, P.E.
Vice President