

Attorneys for Thompson Creek Mining Company

Scott L. Campbell, ISB No. 2251
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Post Office Box 829
Boise, Idaho 83701
Telephone: (208) 345-2000
Facsimile: (208) 385-5384
18976.4

RECEIVED
FEB - 1 2005
DEPARTMENT OF
WATER RESOURCES

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF TRANSFER
NO. 71264 IN THE NAME OF
THOMPSON CREEK MINING COMPANY

**AFFIDAVIT OF SCOTT L. CAMPBELL IN
SUPPORT OF PETITION FOR REVIEW OF
PRELIMINARY ORDER (TRANSFER
APPROVAL) AND REQUEST FOR HEARING**

State of Idaho)
) ss.
County of Ada)

SCOTT L. CAMPBELL, being first duly sworn upon oath, deposes and says:

1. I am the attorney of record providing legal representation to Thompson Creek Mining Company in the above-captioned matter. I have knowledge of the files pertinent to this matter, and I make this affidavit based upon personal knowledge.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Partial Decree for Water Right No. 72-07257, dated August 8, 2001.

3. Attached hereto as Exhibit 2 is a true and correct copy of the Partial Decree for Water Right No. 72-07193, dated August 8, 2001.

**AFFIDAVIT OF SCOTT L. CAMPBELL IN SUPPORT OF
PETITION FOR REVIEW OF PRELIMINARY
ORDER (TRANSFER APPROVAL) AND REQUEST FOR HEARING - 1**

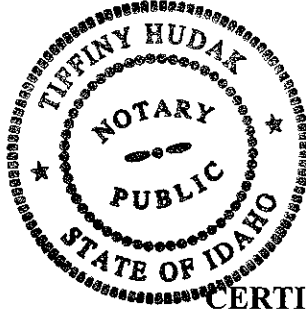
4. Attached hereto as Exhibit 3 is a true and correct copy of the Standard Form 5 filed with the Snake River Basin Adjudication District Court in Subcase 72-07257, on or about June 14, 2001.

5. Attached hereto as Exhibit 4 is a true and correct copy of the Standard Form 5 filed with the Snake River Basin Adjudication District Court in Subcase 72-07193, on or about June 14, 2001.

DATED this 1st day of February, 2005.

By Scott L. Campbell
Scott L. Campbell

SUBSCRIBED AND SWORN to before me this 1st day of February, 2005



Tiffany Hudak
NOTARY PUBLIC FOR IDAHO
Residing at Boise
My Commission Expires 9/16/09

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of February, 2005, I caused a true and correct copy of the foregoing **AFFIDAVIT OF SCOTT L. CAMPBELL IN SUPPORT OF PETITION FOR REVIEW OF PRELIMINARY ORDER (TRANSFER APPROVAL) AND REQUEST FOR HEARING** to be served by the method indicated below, and addressed to the following:

Karl Dreher, Director
Idaho Department of Water Resources
322 E. Front Street, 6th Floor
Idaho Water Center
Boise, Idaho 83702

() U.S. Mail, Postage Prepaid
(x) Hand Delivered
() Overnight Mail
() Facsimile

Scott L. Campbell
Scott L. Campbell

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 72-07257

2001 AUG -8 PM 3:35

DISTRICT COURT - SRBA
TWIN FALLS, IDAHO
FILED *ML*

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

SOURCE: BRUNO CREEK TRIBUTARY: SQUAW CREEK

QUANTITY: 9.62 CFS
1600.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 72-07193 IS LIMITED TO A
A TOTAL COMBINED ANNUAL VOLUME OF 2916 AF.

PRIORITY DATE: 03/11/1983

POINT OF DIVERSION: T12N R16E S25 SENESW Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Industrial	01-01 TO 12-31	9.62 CFS
	Industrial Storage	01-01 TO 12-31	1600.00 AFY
	Industrial from Storage	01-01 TO 12-31	1600.00 AFY

INDUSTRIAL USE FOR MILLING OF MOLYBDENUM ORE.

PLACE OF USE:	Industrial	Within Custer County
	T11N R16E S12 NENE	NWNE
	Industrial Storage	Within Custer County
	Same as Other Use	
	Industrial from Storage	Within Custer County
	Same as Other Use	

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

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

WHEN WATER USED UNDER THIS RIGHT IS DISCHARGED INTO THE
NATURAL CHANNEL, SETTLING PONDS MUST BE MAINTAINED WHICH ARE
CAPABLE OF REDUCING THE SILT LOAD TO SUCH A LEVEL THAT THE
QUALITY WILL NOT BE IMPAIRED FOR OTHER BENEFICIAL USES.

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 72-07193

2001 AUG -8 PM 3:34
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *[Signature]*

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

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 20.89 CFS
1600.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 72-07257 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2916 AF.

PRIORITY DATE: 06/16/1982

POINT OF DIVERSION: T11N R16E S25 LOT 05 (NESESE) Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Industrial	01-01 TO 12-31	20.89 CFS
	Industrial Storage	01-01 TO 12-31	1600.00 AFY
	Industrial from Storage	01-01 TO 12-31	1600.00 AFY

INDUSTRIAL USE IS FOR MILLING OF MOLYBDENUM ORE.

PLACE OF USE:	Industrial	Within Custer County
	T11N R16E S12 NENE	NWNE
	Industrial Storage	Within Custer County
	Same as Other Use	
	Industrial from Storage	Within Custer County
	Same as Other Use	

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

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

RETURN FLOW IF DISCHARGED TO A SURFACE WATER SYSTEM SHALL
MEET IDAHO WATER QUALITY STANDARDS.

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).

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Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

Sent By: IDAHO DEPT OF WATER RESC S; 2083275400;

NO.196

MAY.16.2001 4:12PM

305

2001 JUN 14 AM 9:25

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

Subcase No. 72-07257

Case No. 39576

Standard Form 5

STIPULATED ELEMENTS
OF A WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Cyprus Thompson Creek Mining Co.

Angela A. Schaar6-13-01

Angela Schaar

Date

Attorney, Cyprus Thompson Creek Mining Co.

OBJECTOR:

United States on behalf of the
Bureau of Land ManagementLarry A. Brown6/14/01

Larry A. Brown

Date

Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Robert Brown6/13/01

Date

IDWR CONCURRENCE:
APPROVED IS TO FORWade Spencer6-13-01

Deputy Attorney General

Date

Standard Form 5

Subcase No. 72-07257

Page 1

EXHIBIT 3

06/13/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 72-7257

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

SOURCE: BRUNO CREEK TRIBUTARY: SQUAW CREEK

QUANTITY: 9.62 CFS
1600 AFY

USE OF THIS RIGHT WITH RIGHT NO. 72-07193 IS LIMITED TO
A TOTAL COMBINED ANNUAL VOLUME OF 2916 AF.

PRIORITY DATE: 03/11/1983

POINT OF DIVERSION: T12N R16E S25 SE1/4SW Within CUSTER County

RA NISS
QSS
LAR

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
INDUSTRIAL	1-01 12-31	9.62 CFS
INDUSTRIAL STORAGE	1-01 12-31	1,600.00 AFY
INDUSTRIAL FROM STORAGE	1-01 12-31	1,600.00 AFY

INDUSTRIAL USE FOR MILLING OF MOLYBDENUM ORE.

PLACE OF USE:

INDUSTRIAL Within CUSTER County
T11N R16E S12 NENE T11N R16E S12 NWNE

INDUSTRIAL FROM STORAGE Use same as
INDUSTRIAL

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC
LANDS

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

WHEN WATER USED UNDER THIS RIGHT IS DISCHARGED
INTO THE NATURAL CHANNEL, SETTLING PONDS MUST BE
MAINTAINED WHICH ARE CAPABLE OF REDUCING THE SILT
LOAD TO SUCH A LEVEL THAT THE QUALITY WILL NOT BE
IMPAIRED FOR OTHER BENEFICIAL USES.

Water Right 72-7257

1

EXHIBIT 3

FEB-01-05 TUE 03:17 PM SRBA

FAX NO. 31

P. 04

06/14/01 THU 11:18 FAX 202 305 0274

DOJ ENRD Gen Lit 5th Fl

Jun-13-1 2:51PM;

Page 4/15

Sent By: IDAHO DEPT OF WATER RESO .6; 2083275400;

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. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - 1 license

NBS
CWS
RA
JCS

Water Right 72-7257

2

EXHIBIT 3

02/01/2005 TUE 15:11 [TX/RX NO 5602] 004

CERTIFICATE OF MAILING

I certify that on June 14, 2000 mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to:

Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Cyprus Thompson Creek Mining Co.
C/O Bert Doughty
P.O. Box 62
Clayton ID 83227



Signature of person or attorney mailing the form

06/14/01 THU 11:19 FAX 202 305 0274

DOJ ENRD Gen Lit Div F1

Jun-13-1

2:53PM;

Page 9/15

NO.196

P.2/11

Sent By: IDAHO DEPT OF WATER RESO S; 2083275400;

MAY 16 2001 4:18PM

2001 JUN 14 AM 9:26

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

In Re SRBA

Subcase No. 72-07193

Standard Form 5

Case No. 39576

STIPULATED ELEMENTS
OF A WATER RIGHT

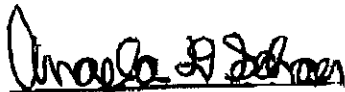
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Thompson Creek Mining Co.



Angela Schaefer

Date

Attorney, Thompson Creek Mining Co.

OBJECTOR:

United States on behalf of the
Bureau of Land Management


Larry A. Brown FWP

Date

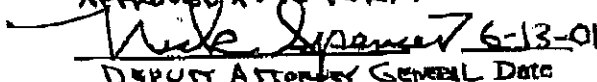
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:



Date

IDWR CONCURRENCE:



DEPUTY ATTORNEY GENERAL Date

Standard Form 5

Subcase No. 72-07193

Page 1

EXHIBIT 4

Sent By: IDAHO DEPT OF WATER RESO S; 2083276400;

06/13/2001

**IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW**

RIGHT NUMBER: 72-7193

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

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 20.89 CFS
1600 AFY

USE OF THIS RIGHT WITH RIGHT NO. 72-07257 IS LIMITED TO
A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2916 AF.

PRIORITY DATE: 06/16/1982

POINT OF DIVERSION: T11N R16E S25 LOT 5 NESESE Within CLUSTER County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

INDUSTRIAL	1-01 12-31	20.89 CFS
INDUSTRIAL STORAGE	1-01 12-31	1,600.00 AFY
INDUSTRIAL FROM STORAGE	1-01 12-31	1,600.00 AFY

INDUSTRIAL USE IS FOR MILLING MOLYBDENUM ORE.

PLACE OF USE:

INDUSTRIAL Within CLUSTER County
T11N R16E S12 NENE

T11N R16E S12 NWNE

INDUSTRIAL FROM STORAGE Use same
as INDUSTRIAL

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC
LANDS

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

RETURN FLOW IF DISCHARGED TO A SURFACE WATER
SYSTEM SHALL MEET IDAHO WATER QUALITY STANDARDS

Water Right 72-7193

1

EXHIBIT 4

FEB-01-05 TUE 03:18 PM SRBA

FAX NO. 31

P. 08

06/14/01 THU 11:20 FAX 202 300 0274

DOJ ENRD Gen Lit. Sth "

JUN-13-01 2:54PM;

Page 11/15

Sent By: IDAHO DEPT OF WATER RESOUR S; 2083275400;

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL
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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. SECTION 42-1412(6), IDAHO CODE.

RB
NBS
088

lex

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Water Right 72-7193

2

EXHIBIT 4

Sent By: IDAHO DEPT OF WATER RESO S; 2083275400;
MAY.15.2001 4:11PM

CERTIFICATE OF MAILING

I certify that on June 14, 2000 mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
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P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to:

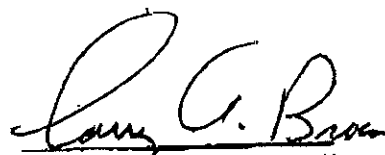
Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

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550 West Fort Street, MSC 033
Boise, Idaho 83724

Thompson Creek Mining Co.
C/O Bert Doughty
P.O. Box 62
Clayton ID 83227



Signature of person or attorney mailing the form