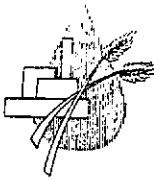


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Ted D. Rupp, Dwight G. Rickel and Clyde J. Sampson
(Name of Claimant)

609 Calle De Valdez Santa Fe, NM 87501 Telephone No. 505-982-1106
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 1907 May

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Black Eagle Creek tributary to Hoodoo Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>0.04 cfs</u>	Use <u>Domestic</u>	Period of Use From <u>4-15</u>	To <u>12-15</u>
Quantity	<u>0.055cfs</u>	Use <u>Mining & Milling</u>	Period of Use From <u>4-15</u>	To <u>12-15</u>
Quantity	<u>0.41 cfs</u>	Use <u>power generation</u>	Period of Use From <u>4-15</u>	To <u>12-15</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 0.50 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ SE ¼, Sec. 35 Twp. 20N Rge. 16E B.M., County of Lemhi
Additional points of diversion: NONE

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Small diversion dam feeding water into 600 ft of 6 in diameter pipe.
Pipe has 100 ft head at outlet.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
20N	16E	35															X		

No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
The water is being used to generate power, cool and operate mining machinery, mill and process ore and for domestic purposes.

NOTE: Include here the type and number of stock watered: None

(7) If you are claiming water as a member of an organization, list name of organization: N/A

Scale: 2 inches equal 1 mile.

State of ~~XXXX~~ NEW MEXICO)
) ss.
County of LOS ALAMOS)

Be it known that the undersigned, being duly sworn, deposes and says that ~~XX, X~~/they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

X Wingfield G. Ryck
(Claimant)

Sworn to before me this 16th day of JUNE, 19 81

Notary Public
Residing at LOS ALAMOS, N.M.

My commission expires May 27, 1983

Received by mm Date 7-9-81 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by 6/5 Date 7/10/81 claimant by: _____
\$30.00 fee received by 6/5 Date 7/10/81 # 19526
Published in Recorder - Herald _____
Dates 7-23-81 _____

NOTICE OF CLAIMS
TO WATER RIGHTS

Notice is hereby given
that the following claim(s)
to water right(s) have
been established by diver-
sion and application to
beneficial use:

77-4074

RUPP, TED D.
RICKEL, DWIGHT G.
SAMPSON, CLYDE J.
609 CALLE DE VALDEZ,
SANTA FE, NW 87501
Source: BLACK EAGLE
CREEK tributary to
HOODOO CREEK

Priority Date: 05/01/1907

Amount: 0.50 CFS

Diversion Point: NWSE
Sec 35 T 20N R 16E, LEM-
HI Co.

Use: DOMESTIC (0.04
CFS) from 04/15 to 12/15
MINING (0.05 CFS) from
04/15 to 12/15

POWER (0.41 CFS) from
04/15 to 12/15

Place of Use: SWSE Sec
35 T 20N R 16E

Diversion Means: DAM &
PIPELINE TO PLACE OF
USE

Any exception to any
claim of water right may
be filed with the Director
of the Idaho Department
of Water Resources, 92 S.
Cole Road, Boise, Idaho
83709.

A. KENNETH DUNN
Director

Published 7/23 & 7/30/
81.

7-23-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

AUG 3 1981

Department of Water Resources
Western Regional Office

JERRY G. ROSIN

being first duly sworn, deposes
and says that he is one of the printers (publisher) of the RECORDER HERALD,
a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general
circulation therein,

That the Notice of Claim to Water Right No. 77-4074

..... a true
printed copy of which is attached to the margin hereof, has been and was correct-
ly printed and published in the regular and entire issue of every number of said
newspaper and not in any supplement thereof or thereto for2.....
consecutive issues, commencing with the issue dated July 23, 1981
and ending with the issue dated July 30, 1981

Subscribed and sworn to before me, this thirtieth
day of July, 1981

Notary Public for the State of Idaho
Residing at Salmon, Idaho

Publication Fee \$ 20.70

MICROFILMED

01 WATER RIGHT NUMBER - 77-4074 02 OLD (D) NUMBER -

LAST NAME	FIRST NAME	ORIG. OWNER
03001 - RUPP	04001 - TED D.	05001 - C
03002 - RICKEL	04002 - DWIGHT G.	05002 - D
03003 - SAMPSON	04003 - CLYDE J.	05003 - D

06 ADD LINE 1 - 609 CALLE DE VALDEZ

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - SANTA FE

10 STATE - NM

11 ZIP - 87501

12 STAGE - S STATUTORY CLAIM

13 STATUS -

SOURCE
14001 - BLACK EAGLE CREEKTRIBUTARY OF
15001 - HOODOO CREEK

16 DIVERSION MEANS - DAM & PIPELINE TO PLACE OF USE

17 COUNTY - 59 LEMHI

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - .500

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT -

TRACT		SEC	TWN	RNG	DIVERSION POINTS		STREAM INDEX FIELDS										
					LOT	RFLG											
22001 -	NWSE	23001 - 35	24001 - 20N	25001 - 16E	26001 -	27001 -											
					28001 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0.0

29 NON-IRRIGATION USE -

USE CODE / USE		TWN	RNG	SEC	TRACT	ACRES	LOT
30001 - 13 MINING		31001 - 20N	32001 - 16E	33001 - 35	34001 - SWSE	35001 -	36001 -
						TOTAL ACRES: 0	

PERIOD FROM		PERIOD TO		USE CODE / USE		WATER USE		DIVERSION RATE		DIVERSION VOLUME	
37001 - 0415		38001 - 1215		39001 - 43	DOMESTIC			40001 -	0.040	41001 -	0.00
37002 - 0415		38002 - 1215		39002 - 13	MINING			40002 -	0.050	41002 -	0.00
37003 - 0415		38003 - 1215		39003 - 28	POWER			40003 -	0.410	41003 -	0.00

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

REMARKS
44001 -

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

D A T E S		D A T E S		F L A G S	
47 PRIORITY	- 1-MAY-1907	55 LICENSE	-	63 TRANSFER/AMENDED	-
48 PROOF DUE	-	56 APPL RECEIVED	-	64 DLE/CAREY ACT	-
49 PROOF MADE	-	57 FIELD EXAM MADE	-	65 FLAG_1	-
50 APPROVE/DENIED-		58 DECREE	-	66 FLAG_2	-

WRR100
77-4074

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
11-MAR-1986 09:03:37

----- D A T E S ----- D A T E S ----- F L A G S -----

51 PROTESTED -
52 HEARING -
53 VERIFIED -
54 LAST UPDATE - 10-MAR-1986

59 START WORK -
60 ORDER SHOW CAUSE -
61 DATE_1 -
62 DATE_2 -

67 FLAG_3 -

VERIFIED AMS

STATE OF IDAHO)
 : ss.
COUNTY OF BANNOCK)

Be it known that the undersigned, being duly sworn, deposes and says that he subscribed to the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Clyde J. Sampson
(Claimant)

Sworn to before me this 8TH day of July, 1981 by the foregoing claimant, CLYDE J. SAMPSON.

K. R. Boring
NOTARY PUBLIC

My Commission Expires:

APRIL 22, 1982

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RECEIVED

JUL 9 1981

Department of Water Resources
Western Regional Office

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

January 4, 1980

(Date)

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY That the attached reproduction(s) is a (extract) copy
of documents on file in this office.

IN TESTIMONY WHEREOF I have hereunto subscribed my name and
caused the seal of this office to be affixed on the above day and year.



(Authorized Signature)

Sharron Derooin
Chief, Branch of Records

RECEIVED

JUL 9 1981

Department of Water Resources
Western Regional Office

(4-675)

2152

20 N 16 E
FISH RITE
(unsurveyed)

C.C. N° 2 (unsurveyed)

BLACK EAGLE N° 2

SUR.

BLACK EAGLE

Black Eagle N° 3 (unsurveyed)

Total area Black Eagle lode 20.652 Ac
" " Black Eagle N° 2 " 20.652 "
" " C.C. " 20.652 "
Total area claimed, Sur N° 2208 61.956 "

Claim located, amended, August 9, 1906

Mineral Survey N° 2208

Harley

Land District.

PLAT

OF THE CLAIM OF

The Black Eagle Gold Mining Company

KNOWN AS THE

BLACK EAGLE GROUP
LODE CLAIM

IN Yellow Jacket MINING DISTRICT,
Lemhi COUNTY, Idaho
Containing an Area of 61.956 Acres.
Scale of 300 feet to the inch.
Variation 20° 06' E.

ATTESTED July 31 - August 2, 1907 BY
Allen C. Merritt
U.S. Mineral Surveyor.

The Original Field Notes of the Survey of the Mining Claim of
The Black Eagle Gold Mining Company
known as the Black Eagle Group comprising the
Black Eagle, Black Eagle N° 2 and C.C. lodes

from which this plat has been made under my direction,
have been examined and approved, and are on file in this Office;
and I hereby certify that they furnish such an accurate descrip-
tion of said Mining Claim as will, if incorporated into a patent,
serve fully to identify the premises, and that such reference
is made therein to natural objects or permanent monuments
as will perpetuate and fix the locus thereof.
I further certify that Five Hundred Dollars worth of labor has
been expended or improvements made upon said Mining
Claim by claimant or its grantors, and that
said improvements consist of 2 cuts and 6 tunnels

Value \$6350.00

that the location of said improvements is correctly shown
upon this plat, and that no portion of said labor or im-
provements has been included in the estimate of expendi-
tures upon any other claim.
And I further certify that this is a correct plat of said Mining
Claim made in conformity with said original field notes of the
survey thereof, and the same is hereby approved.

U.S. Surveyor General's Office *Samuel A. Utter*

Boise City, Idaho U.S. Surveyor General for

January 22, 1909 Idaho

Serial 87651, Pat. 251229, Mar. 4, 1912

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, in pursuance of the provisions of the Revised Statutes of the United States, Chapter Six, Title Thirty-two, and legislative supplemental thereto, there have been deposited in the General Land Office of the United States the Plat and Field Notes of Survey and Certificate of the Register of the Land Office at HAILEY, IDAHO, accompanied by other evidence whereby it appears that THE BLACK EAGLE GOLD MINING COMPANY,

did, on NOVEMBER 3, 1910, duly enter and pay for that certain mining claim or premises, known as BLACK EAGLE AND G. O. LODE MINING CLAIMS

designated by the Surveyor-General as SURVEY NO. 2208, EMBRACING A PORTION OF THE UNSURVEYED PUBLIC DOMAIN, IN THE YELLOW JACKET MINING DISTRICT, LEMHI COUNTY, IDAHO,

and bounded, described, and platted as follows:

Beginning FOR THE DESCRIPTION OF THE BLACK EAGLE LODE CLAIM AT CORNER NO. 1, A FIR POST FOUR INCHES SQUARE, FOUR FEET LONG, MARKED 1-1-2208, IN MOUND OF STONE FROM WHICH U. S. LOCATION MONUMENT NO. 3 BEARS SOUTH FIFTY-NINE DEGREES TWENTY-ONE MINUTES WEST TWO HUNDRED TWENTY-EIGHT AND TWENTY-EIGHT-HUNDREDTHS FEET DISTANT; AND DISCOVERY BEARS SOUTH SIXTY-ONE DEGREES EIGHTEEN MINUTES WEST FOUR HUNDRED NINETY-EIGHT AND SIXTEEN HUNDREDTHS FEET DISTANT;

RECORD OF PATENTS: Patent Number

251229

THENCE, FIRST COURSE, SOUTH NINE DEGREES FIFTY-NINE MINUTES WEST SIX HUNDRED FEET TO CORNER NO. 2, A PINE POST FIVE INCHES SQUARE, FIVE FEET LONG, MARKED 2-2208, IN MOUND OF STONE;

THENCE, SECOND COURSE, NORTH EIGHTY-ONE DEGREES FORTY-FOUR MINUTES WEST ONE THOUSAND FIVE HUNDRED FEET TO CORNER NO. 3, A PINE POST FOUR INCHES SQUARE, FOUR FEET LONG, MARKED 3-2-2208, IN MOUND OF STONE, IDENTICAL WITH CORNER NO. 2 OF THE BLACK EAGLE NO. 2 LODE CLAIM, SURVEY NO. 2208;

THENCE, THIRD COURSE, NORTH NINE DEGREES FIFTY-NINE MINUTES EAST SIX HUNDRED FEET TO CORNER NO. 4, A FIR POST FIVE INCHES SQUARE, FOUR FEET LONG, MARKED 4-1-2-2208, IN MOUND OF STONE, IDENTICAL WITH CORNER NO. 1 OF SAID BLACK EAGLE NO. 2 LODE CLAIM;

THENCE, FOURTH COURSE, SOUTH EIGHTY-ONE DEGREES FORTY-FOUR MINUTES EAST ONE THOUSAND FIVE HUNDRED FEET TO CORNER NO. 1, THE PLACE OF BEGINNING; THE SURVEY OF THE LODE CLAIM AS ABOVE DESCRIBED EXTENDING ONE THOUSAND FIVE HUNDRED FEET IN LENGTH ALONG SAID BLACK EAGLE VEIN OR LODE;

BEGINNING FOR THE DESCRIPTION OF THE O. O. LODE CLAIM AT CORNER NO. 1, IDENTICAL WITH CORNER NO. 1 OF SAID BLACK EAGLE LODE CLAIM, FROM WHICH DISCOVERY BEARS NORTH FIFTY-SIX DEGREES FIFTEEN MINUTES WEST SIX HUNDRED NINETY-SIX AND EIGHTY-FOUR-HUNDREDTHS FEET DISTANT;

THENCE, FIRST COURSE, NORTH EIGHTY-ONE DEGREES FORTY-FOUR MINUTES WEST ONE THOUSAND FIVE HUNDRED FEET TO CORNER NO. 2, IDENTICAL WITH CORNER NO. 4 OF SAID BLACK EAGLE LODE CLAIM;

THENCE, SECOND COURSE, NORTH NINE DEGREES FIFTY-NINE MINUTES EAST SIX HUNDRED FEET TO CORNER NO. 3, A PINE POST FIVE INCHES SQUARE, FOUR FEET LONG, MARKED 3-2208, IN MOUND OF STONE;

THENCE, THIRD COURSE, SOUTH EIGHTY-ONE DEGREES FORTY-FOUR MINUTES EAST ONE THOUSAND FIVE HUNDRED FEET TO CORNER NO. 4, A PINE POST SIX INCHES SQUARE, FOUR FEET LONG, MARKED 4-2208, IN MOUND OF STONE;

THENCE, FOURTH COURSE, SOUTH NINE DEGREES FIFTY-NINE MINUTES
WEST SIX HUNDRED FEET TO CORNER NO. 1, THE PLACE OF BEGINNING; THE
SURVEY OF THE LOSE CLAIM AS ABOVE DESCRIBED EXTENDING ONE THOUSAND FIVE
HUNDRED FEET IN LENGTH ALONG SAID O. O. VEIN OR LOSE; THE PREMISES,
HEREIN GRANTED, CONTAINING FORTY-ONE AND THREE HUNDRED FOUR THOUSANDTHS
ACRES, MORE OR LESS.

251229

MICROFILMED

NOW KNOW YE, That there is therefore, pursuant to the laws aforesaid, hereby granted by the United States unto the said grantee and to the heirs, or successors, and assigns of said grantee, the said mining premises hereinbefore described, and not expressly excepted from these presents, and all that portion of the said vein^s, lode^s, or ledge^s, and of all other veins, lodes, and ledges throughout their entire depth, the tops or apexes of which lie inside of the surface boundary lines of said granted premises in said survey, extended downward vertically, although such veins, lodes, or ledges in their downward course may so far depart from a perpendicular as to extend outside the vertical side lines of said premises: Provided, That the right of possession to such outside parts of said veins, lodes, or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward through the end lines of said survey so continued in their own direction that such planes will intersect such exterior parts of said veins, lodes, or ledges: And provided further, That nothing herein contained shall authorize the grantee herein to enter upon the surface of a claim owned or possessed by another.

TO HAVE AND TO HOLD said mining premises, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, unto the said grantee above named and to the heirs, or successors, and assigns of said grantee forever; subject, nevertheless, to the above-mentioned and to the following conditions, and stipulations:

FIRST. That the premises hereby granted shall be held subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local laws, customs, and decisions of the courts. And there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

SECOND. That in the absence of necessary legislation by Congress, the Legislature of IDAHO may provide rules for working the mining claim or premises hereby granted, involving easements, drainage, and other necessary means to its complete development.

IN TESTIMONY WHEREOF, I,

WILLIAM H. TAFT

President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the FOURTH day of MARCH In the year of our Lord one thousand nine hundred and TWELVE and of the Independence of the United States the one hundred and THIRTY-SIXTH

By the President:

By

Wm. H. Taft
H. O. Leary

Secretary,

H. J. Langford
Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number 251229

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: CLS

Right Number 77-4074

Applicant Rupp, Rickel, Sampson

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. 8-3-81 Recorder. Harold
- ☒ Claim published correctly. 7-23-80 81
- ☒ Exceptions processed. None

By CLS Date 8/10/81

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By [Signature] Date 8/14/81

RECEIVED

IDENT. NO.

WATER RIGHT
DATA ENTRY LOG

[illegible]

June 24, 1981

Ted D. Rupp
609 Calle De Valdez
Santa Fe, NM 87501

Dear Sirs:

Enclosed is a Water Right Claim application form and a check for \$30.00. In addition, I have included supporting information for the claim in the form of a certified copy of the original Patent approval, a copy of the Mineral Survey 2208 and a copy of the Master Plat to aid in locating the area under consideration.

The application has been reviewed by Harold Jones at your Idaho Falls office and his suggestions were implimented, but if there is any further information that would be of value please feel free to call me at my office 505-667-4677 or at home 505-982-1106.

Sincerely yours,

Ted D. Rupp

Ted D. Rupp

Five enclosures.

ENCLOSURE

RECEIVED

JUL 9 1981

Department of Water Resources
Western Regional Office

Projection Diagram No 52 approved 7/8/1966

LEWIS COUNTY

SALMON DISTRICT

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAY

[illegible]

21 N-17 E

20 4-17 E

All IP included in bel. Solution of 6/24/68
6/25/1968

1 OTT 14 Oct Pl 107 (Act of Cong 7/23/1955).
completed 2/13/1962 All of surface wgt by
USFS

1 DB735 Out PL 157 (Act of Cong 7/23/1953)
completed 12/6/1962. All RF surface up to
USFS

FOR ORDERS FIVE-TONE DISPOSAL OR USE OF
ENLIGHTENED LAYERS AFTER TO INTRICATE
MISCELLANEOUS FOR JOINTS

1. Subject: Mathematics
 2. Page: 10
 3. Date: 10/10/20

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RUPP, TED D.
RICKEL, DWIGHT G.
SAMPSON, CLYDE J.

609 CALLE DE VALDEZ, SANTA FE, NM 87501

Source: BLACK EAGLE CREEK tributary to HOODOO CREEK

Priority Date: 05/01/1907

Amount: 0.50 CFS

Diversion Point: NWSE Sec 35 T 20N R 16E, LEMHI Co.

Use: DOMESTIC	(0.04 CFS)	from 04/15 to 12/15
MINING	(0.05 CFS)	from 04/15 to 12/15
POWER	(0.41 CFS)	from 04/15 to 12/15

Place of Use: SWSE Sec 35 T 20N R 16E

Diversion Means: DAM & PIPELINE TO PLACE OF USE

MICROFILMED