

# Bunker Hill & Sullivan Mining & Concentrating Company.

MINES AND WORKS AT WARDNER, IDAHO.

POSTOFFICE ADDRESS, KELLOGG, IDAHO, Oct. 8th, 1899.

Curtis H. Lindley, Esq.,  
San Francisco, California.

Dear Sir,-

I have your telegram of 7th inst. reading as follows:

"Heyburn wires me as follows: Burbidge insists on diverting water around our flume under the plea that it originates in their mine. This is same question we disposed of when I was in San Francisco. Please have him instructed to desist. If there is any just cause for complaint, you undoubtedly understand your duty in this matter and can act without any instructions from me".

I do not know the nature of the settlement referred to by Heyburn, having received no advice in the matter. Mr. Bradley wrote me at that time, however, that Heyburn complained of the irregularity of the flow of water in their flume, due to our intermittent use of water above their intake. To equalize the flow, we put in a large storage tank several years ago, with a gate designed to let the water into their flume at the natural rate of flow. On numerous occasions their people opened this gate, and finally removed <sup>it</sup> altogether. On receipt of this complaint, I had the tank put into good shape again and the gate replaced, but they have again tampered with it, so that any irregularity of flow is due to their own interference with the regulating device.

The water which Heyburn wires you about now, however, is a different flow. It is from our Reed tunnel, and is water which never

C.H.L.#2.

has been in their flume. At the time they made their water right location on Mile Creek, the water from the Reed Tunnel flowed into the creek, and was therefore appropriated by them. The volume of water from this tunnel was not large at that time, but it has increased considerably since then as more ground has been opened up by our workings. We still turn into the creek, above their flume, a part of the flow from the tunnel, equal to the flow at the time of their appropriation; but the water which has been developed by later workings we have appropriated ourselves, and are using on a small wheel in our machine shop below the Last Chance flume. We have used it there for several years, and they are now trumping up a claim to it, which I believe to be without foundation. Unless by their location they acquired the right to the water flowing from our mine then and all that might thereafter flow from it, their present claim is unjust and cannot be maintained. If, however, their location gave them the right to any flow of water from our mine that might be subsequently created, their claim is good.

Yours truly,