

Bunker Hill & Sullivan Mining & Concentrating Company.

MINES AND WORKS AT WARDNER, IDAHO.

REED TUNNEL WATER.

POSTOFFICE ADDRESS, KELLOGG, IDAHO, Dec. 9th, 1899.

F. W. Bradley, Esq., President,
Bunker Hill & Sullivan Mining & Concentrating Co.
Crocker Building, San Francisco, California.

Dear Sir,-

I have your letter of December 3rd on the above subject. Heretofore all statements concerning the Reed Tunnel water and the Last Chance water right have been made with reference to the quantity of water flowing at the time of the decree in the injunction proceedings brought by the Last Chance Company against us in 1891, and this had become firmly fixed in my mind as the starting point. Reading your letter of November 20th again, I note that you say that you think Sweeny made his location in May 1890, (it was May 1889), and that all the water the Last Chance Co. is entitled to is that which was flowing in the creek at the time of that location. I can readily see the point raised. If we did not abandon the water developed by the Reed Tunnel between May 1889 and the time of bringing the injunction suit by the Last Chance Co. in 1891, then the Last Chance is entitled only to so much of the Reed Tunnel water as was flowing into the creek in 1889, but if we did forfeit any right by allowing the water to flow into the creek during that period, the Last Chance Co. would be entitled to what was flowing at the latter date. Abandonment is a question of intention, and I suppose it would be impossible for the Last Chance people to prove any intention of abandonment on our part. But Folsom is looking this matter up now and considering it with reference to the decree in the injunction proceedings, and the agreed statement of facts upon which that case was tried. If he finds that we did not forfeit any rights, and I presume he will so find, then he will prepare new affidavits to fit the case accordingly. In this connection, I wish you

F.W.B. #2. R.T.W.

would send me all the information you can as to the date of starting the Reed Tunnel, and the progress that had been made up to May 1889. I have no information in the office, and the recollection of Keeley and Klever is too indefinite to form a basis of an affidavit.

Yours truly,

Dict.

Fredk. Burbidge.