

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

E064087

IN RE SUCTION DREDGE MINING CASES

THE NEW 49'ERS, INC., *et al.*; BEN KIMBLE, *et al.*; and
PUBLIC LANDS FOR THE PEOPLE, INC. *et al.*

Plaintiffs and Appellants,

v.

CALIFORNIA DEPARTMENT OF FISH & WILDLIFE, *et al.*

Defendants and Respondents.

Appeal from the Superior Court of San Bernardino County
Hon. Gilbert Ochoa, Department R-9
Coordinated Proceeding JCPDS4720
SCCVCV1200482 (Siskiyou County); CIVDS1012922 (San Bernardino County);
CIVDS1203849 (San Bernardino County)

DECLARATION OF RAY DERRICK

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August 5, 2015

Ray Derrick declares:

1. I am a member of The New 49ers, Inc., and a plaintiff in Case No. Siskiyou County Case No. SCCVCV 1200482, one of the three coordinated cases prosecuting this appeal. I make this Declaration in support of appellants' motion for calendar preference, insofar as I am 72 years of age and my health is such that a preference is necessary to avoid prejudicing my interest in this litigation.

2. Specifically, I am a private federal mining claim holder and have a substantial interest in these actions. My wife and I have been barred from suction dredge mining our own mining claim since 2009 by unlawful refusal of the Department of Fish and Wildlife to issue dredge permits. I am a Vietnam vet and retired businessman with a degree in accounting and an MBA. I spent my career in financial management primarily in the forest products industry and some in the oil industry. I gave back to society by teaching corporate finance and accounting classes evenings and weekends, both graduate and undergraduate courses, at Portland State, Marylhurst and City University. My wife and I retired in 2005.

3. We had planned my early years of retirement to spend the summers in and around the town of Happy Camp, California dredging for gold in The New 49'er club claims. After two successful summers dredging in Elk Creek, we were able to buy our own claim in the creek. We were very excited to be able to have the next several years to spend on our own claim. Unfortunately, two weeks after making the purchase, dredging was banned.

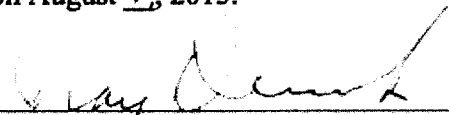
4. After retirement, we generally mined full time in the summers. When we could no longer dredge our claim, we went to work sampling the banks and have proven that working out of the water on our claim is impractical due to steep banks and very little gold. We have been high-banking The New 49'ers club claims on the Klamath River since with varying degrees of success.

5. Unfortunately for us, we are finding we can't take the heat as well as we used to and we are less stable on our feet. The rough bedrock and trails are harder to walk and we are experiencing falls in our travels causing some injuries such as strains, bruising and sprains as well as associated pains. This activity must cease as the risks of significant injuries are becoming too high. My wife has had a hip replacement to further complicate our situation and a few years back I had a blood clot in my left leg that I have to be careful of.

6. This summer will most likely be our last season to effectively work our own or The New 49'ers club claims. Our physical ability to take part in this strenuous activity is quickly being lost to Father Time. We feel that a major portion of our retirement dreams have been unlawfully taken from us. Unless relief is granted to expedite this appeal, our health is unlikely to permit us to resume dredging by the time any appeal is decided in the ordinary course of events.

I certify under penalty of perjury that the foregoing is true and correct.

Executed at Happy Camp, California on August 4, 2015.



Ray Derrick