1	JAMES L. BUCHAL (SBN 258128)		
2	MURPHY & BUCHAL LLP 3425 S.E Yamhill, Suite 100		
3	Portland, OR 97214 Telephone: (503) 227-1011		
4	Facsimile: (503) 573-1939 Attorney for Plaintiffs		
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6			
7	IN THE SUPERIOR COURT OF CALIFORNIA		
8	FOR THE COUNTY OF SAN BERNARDINO		
9	TOR THE COUNTY OF SAN BERNARDING		
10	THE NEW 402EDS DIG - C-135	Cara Na	
11	THE NEW 49'ERS, INC., a California corporation, DEREK D. EIMER; STEPHEN	Case No.	
12	JONES; DAVID GUIDERO; MARVIN GARRY LAMPSHIRE II; and DYTON W. GILLILAND,		OF RAY DERRICK IN
13	Plaintiffs and Petitioners,		ESTRAINING ORDER MINARY INJUNCTION
14	v.	AND/OR I REEN	mant insurement
15	CALIFORNIA DEPARTMENT OF FISH AND		
16	WILDLIFE and CHARLTON H. BONHAM, in his capacity as Director of the California Department of Fish and Wildlife,		
17			
18	Defendants and Respondents.		
19			
20	Ray Derrick declares:		
21	1. I am a member of The New 49ers, Inc., and a plaintiff in Case No. Siskiyou County		
22	Case No. SCCVCV 1200482 I am also a private federal mining claim holder and have a		
23	substantial interest in these actions as my wife and I have been barred from suction dredge mining		
24	our own mining claim since 2009 by unlawful refusal of the Department of Fish and Wildlife to		
25	issue dredge permits.		
26			
27	DECLARATION OF RAY DERRICK IN SUPPORT OF N	MOTION FOR A	James L. Buchal (SBN 258128
28	TEN MODARY DEGERALDING ORDER AND OR PRELIM MARKET		MURPHY & BUCHAL LLP 3425 S.E. Yamhill, Suite 100 Portland, OR 97214 Tel: 503-227-1011

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- 2. 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 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 will most likely be our last season to effectively work our own or 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 permit us to suction dredge this summer, 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.

Tel: 503-227-1011 Fax: 503-573-1939 Executed at Happy Camp, California on July 2, 2015.

Ray Derrick

DECLARATION OF RAY DERRICK IN SUPPORT OF MOTION FOR A TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION Case No.

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