JAMES L. BUCHAL (SBN 258128) 1 MURPHY & BUCHAL LLP 3425 S.E Yamhill, Suite 100 Portland, OR 97214 Telephone: (503) 227-1011 3 Facsimile: (503) 573-1939 Attorney for Plaintiffs 4 5 6 7 IN THE SUPERIOR COURT OF CALIFORNIA 8 FOR THE COUNTY OF SAN BERNARDINO 9 10 THE NEW 49'ERS, INC., a California Case No. corporation, DEREK D. EIMER; STEPHEN 11 JONES; DAVID GUIDERO; MARVIN GARRY **DECLARATION OF GARRY** LAMPSHIRE II; and DYTON W. GILLILAND, 12 LAMPSHIRE IN SUPPORT OF MOTION Plaintiffs and Petitioners. FOR A TEMPORARY RESTRAINING 13 ORDER AND/OR PRELIMINARY **INJUNCTION** 14 CALIFORNIA DEPARTMENT OF FISH AND 15 WILDLIFE and CHARLTON H. BONHAM, in his capacity as Director of the California 16 Department of Fish and Wildlife, 17 Defendants and Respondents. 18 19 20 Garry Lampshire declares: I am presently residing at the Big Foot RV Park in Happy Camp, Siskiyou County 21 1. California. But my permanent residence is Dolan Springs, Arizona. 22 I have been supporting my family by dredging for gold during the past 5 years. 2. 23 Because of California's moratorium, I have been dredging in Oregon and Colorado 3. 24 where permits are available. 25 26 27 DECLARATION OF GARRY LAMPSHIRE IN SUPPORT OF MOTION FOR James L. Buchal (SBN 258128) A TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY MURPHY & BUCHAL LLP 28 3425 S.E. Yamhill, Suite 100 INJUNCTION Portland, OR 97214 Case No. Tel: 503-227-1011

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- 4. However, it has always been my intention to dredge in California once the moratorium was ended. The reason for this is because it is well known that dredging opportunities in California are better. Said another way, I believe I can make more money dredging in California.
- 5. This is why I purchased a membership in The New 49'ers several years ago. The 49'er association offers 60+ miles of gold-bearing waterways to commercial dredgers, and I am aware that before the moratorium was imposed, there was a substantial commercial dredging industry along the Klamath River in Northern California.
- 6. Because of this court's Ruling earlier this year that I believed put an end to the moratorium, I took up residence in Happy Camp in anticipation of dredging on the Klamath for the duration of the 2015 season.
- 7. During my time in Happy Camp, I have met a number of other commercial dredgers who also believed dredging was going to be allowed on the Klamath River this season. I cannot even begin to explain how much excitement and anticipation we were feeling as a result of this court's Order rendering the moratorium as unconstitutional and unenforceable.
- 8. While other dredgers were more eager to begin the mining season, myself and other commercial dredgers chose to wait for this court to provide meaningful relief from the ongoing harassment by local law enforcement wardens. Frankly, I was, and remain, very intimidated by the degree of harassment and abuse which was being imposed upon active suction dredgers.
- 9. This court's decision on June 23<sup>rd</sup> to allow State law enforcement officers to continue harassing, arresting, citing and seizing the equipment of suction dredgers was a huge blow to my personal belief in the long tradition of Rule of Law as the American way.
  - 10. I have spoken to other suction dredgers who feel the same.
- 11. This is why I am asking the Court to please order the Department to stop harassing me while I am operating on mining claims owned or controlled by The New 49'ers, and I in turn will abide by the new, overly restrictive 2012 regulations until this matter is sorted out further in the courts.

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

Tel: 503-227-1011 Fax: 503-573-1939 Executed on June 29, 2015.

Safry Lampshire

DECLARATION OF GARRY LAMPSHIRE IN SUPPORT OF MOTION FOR A TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION

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