

1 JAMES L. BUCHAL (SBN 258128)  
MURPHY & BUCHAL LLP  
2 3425 S.E Yamhill, Suite 100  
Portland, OR 97214  
3 Telephone: (503) 227-1011  
Facsimile: (503) 573-1939  
4 *Attorney for Defendant*

5  
6  
7 IN THE SUPERIOR COURT OF CALIFORNIA  
8 IN THE COUNTY SISKIYOU  
9

10 THE PEOPLE OF THE STATE OF  
CALIFORNIA,

11 Plaintiff,

12 v.

13 DYTON WILLIAM GILLILAND  
14 DOB: 10/31/1960,

15 Defendant.

Case No. MCYKCRM 15-1124

**DECLARATION OF DAVID  
MCCRACKEN**

16  
17 David McCracken states:

18 1. I am the President of The New 49'ers, Inc. and make this declaration in support of  
19 the motions of defendants Derek Eimer and Dyton Gilliland to dismiss the complaint and suppress  
20 evidence in this action.

21 2. Both Messrs. Eimer and Gilliland are, and were at the time of the conduct for which  
22 they are charged, members of The New 49'ers, and operating under written, revocable license to  
23 conduct mining operations on mining claims owned or leased by The New 49'ers, including the  
24 mining claims described herein.

25 3. Attached as Exhibits 1-3 are location notices for (1) the Doolittle Rapids Claim (No.  
26 K-22A); (2) the A & D #3 Gold Claim (No. K-23AA); and (3) the Ukonom Claim (No. K-25AA).

27 1

28 DECLARATION OF DAVID MCCRACKEN  
Case No. MCYKCRM 15-1124

James L. Buchal (SBN 258128)  
MURPHY & BUCHAL LLP  
3425 S.E. Yamhill, Suite 100  
Portland, OR 97214  
Tel: 503-227-1011  
Fax: 503-573-1939

1 Please note that although the Ukonom Claim is known by that name to our members, it is formally  
2 recorded under the name "King Klaim". These claims are and were under long-term lease to the  
3 New 49'ers, Inc., which had and exercised the contractual right to issue licenses to its members  
4 such as defendants Eimer and Gilliland.

5 4. All of these claims are registered with the U.S. Bureau of Land Management (BLM)  
6 and were and are in good standing. Attached as Exhibits 4-6 are copies of the corresponding  
7 records establishing federal registration and good standing downloaded from BLM's LR2000  
8 system for public access to such records. For clarity, BLM has assigned the Doolittle Rapids Claim  
9 No. CAMC305822, the A&D #3 Claim No. CAMC305705, and the Ukonom (King Klaim) Claim  
10 No. CAMC305766.

11 I certify under penalty of perjury under the laws of California that the foregoing is true and  
12 correct.

13 Executed at Angelo's Club, Philippines this 20 day of October, 2015.

14  
15 David McCracken  
16 David McCracken

Recording requested by and return to  
The New 49'ers Inc.  
Box 47, Happy Camp, CA.  
96039

Siskiyou County Recorder  
M. Mollary, Recorder

DOC - 13-0000212  
Check Number 18787  
Wednesday, JAN 09, 2013 10:25:39  
Trl Pd \$14.00 Nbr-000023965  
JES/C2/1-1

*Handwritten:* No. 47  
6-2-16  
K-22A

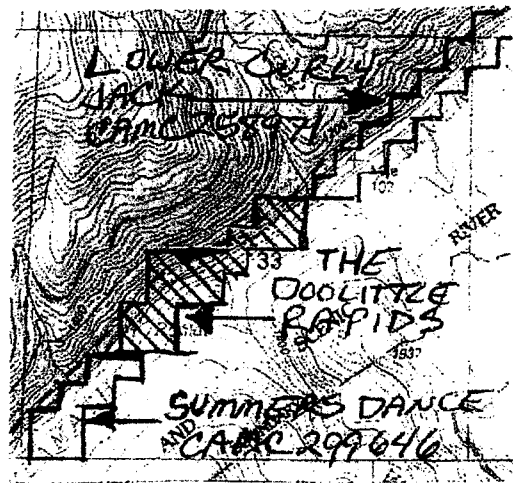
SPACE ABOVE FOR RECORDERS USE ONLY

# Placer Mining Location Notice

Whom it may concern; Please note that...

1. The name of this Placer Mining Claim is THE DOOLITTLE RAPIDS
2. Located in Section 33 See Cadastral description for 1/4 Sec. T. R. Med.
3. Located in the Happy Camp Mining District, County of Siskiyou, State of California
4. The date of this location, as posted on said claim is October 13<sup>th</sup>, 2012
5. Acreage claimed is 40 acres and shall be located by legal subdivision
6. Cadastral Description; SW4, SW4, NE4 & SE4, SE4, SE4, NW4 & NE4, NE4, NE4, SW4 & W2, NE4, NE4, SW4 & NW4, NE4, SW4 & W2, SW4, NE4, SW4 & E2, SE4, NW4, SW4, Sec. 33, T.16N, R.7E Humboldt Mer. Excluding from this claim any Private Land or any portion of this mineral claim isolated by any easement or Right of Way.
7. Topo Map of Sec 33, T16N, R7E, Humboldt Mer IS Showing two existing mining claims; Lower Curly Jack CAMC258971 Summers Dance CAMC299646

And this new claim;  
THE DOOLITTLE RAPIDS



8. Locators of said claim are;

Charles Ripple  
*Signature of Charles Ripple*

Virginia Hyde

*Signature of Virginia Hyde*

PO Box 900, Happy Camp, CA. 96039

PO Box 1189, Happy Camp, CA. 96039

JAN 11 2013

EXHIBIT 1

PAGE 1 OF 1

The New 49'ers Inc.  
Box 47, Happy Camp, CA.  
96039

Siskiyou County Recorder  
A. J. Mallory, Recorder

DOC - 12-0012018  
Check Number 18702  
Monday, DEC 03, 2012 12:00:31  
TLL Pd \$14.00 Nbr-0000222279  
JEK/CL/1-1

E-23 AR

SPACE ABOVE FOR RECORDERS USE ONLY

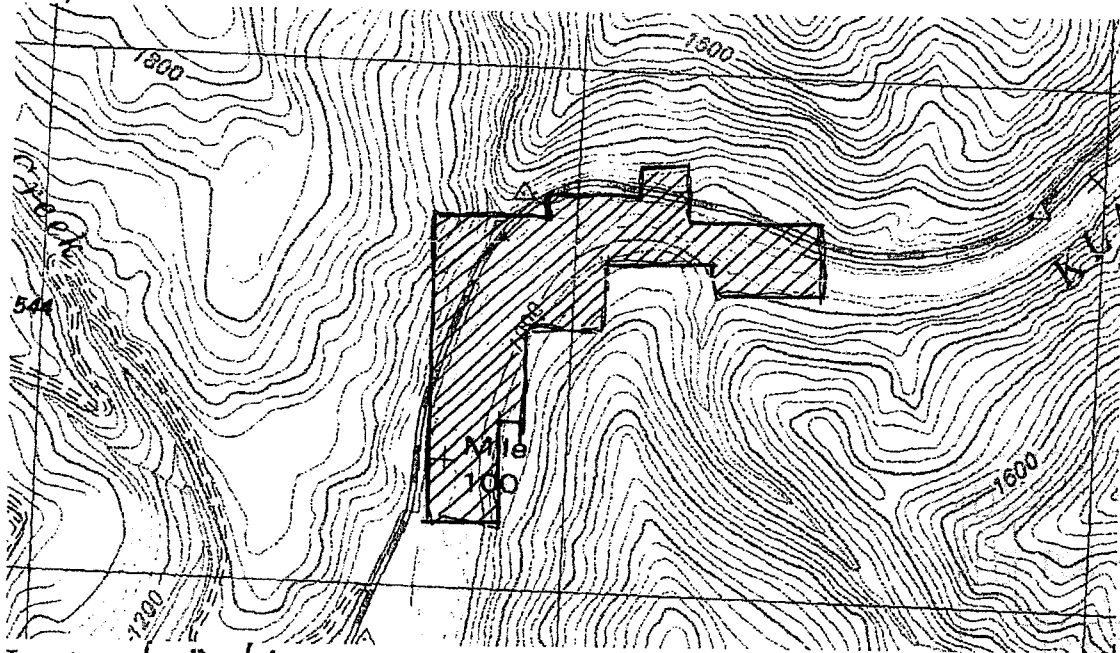
# Placer Mining Location Notice

## Whom it may concern; Please note that...

Located to comply with PL-359 Regulations

1. The name of this Placer Mining Claim is A & D # 3
2. Located in Sections 5 & 32 See Cadastral description for 1/4 Sec. T. R. Med.
3. Located in the Happy Camp Mining District, County of Siskiyou, State of California
4. The date of this location, as posted on said claim is Sept 5, 2012
5. Acreage claimed is 40 acres and shall be located by legal subdivision
6. Cadastral Description; SW4-SW4-SW4-SE4 & S2-S2-SE4-SE4-SW4 Sec 32, T16N, R.7E, Hum. Mer. 15 & N2-NW4-NE4-NE4 & N2-N2-NE4-NW4-NE4 & NW4-NW4-NE4 & W2-W2-SW4-NW4-NE4 & E2-E2-NE4-NW4 & E2-NE4-SE4-NW4, Sec 5, T15N, R.7E, Hum. Mer. 15  
Excluding from this claim any Private Land or any portion isolated by any easement or Right of Way.

7. Map



8. Locators of said Claim are;

Mark Chestnut

John Rose

PO Box 9169, Apache Junction, AZ 85178

PO Box 603, Seiad Valley, Ca. 96086

Recording requested by and return to  
The New 49'ers Inc.  
Box 47, Happy Camp, CA.  
96039

Siskiyou County Recorder  
M. Mallory, Recorder

DOC - 12-0012745  
Check Number 18731  
Thursday, DEC 20, 2012 11:29:11  
Ttl Pd \$14.00 Nbr-0000223224  
JES/C2/1-1

*W & K = YES  
K-2571*

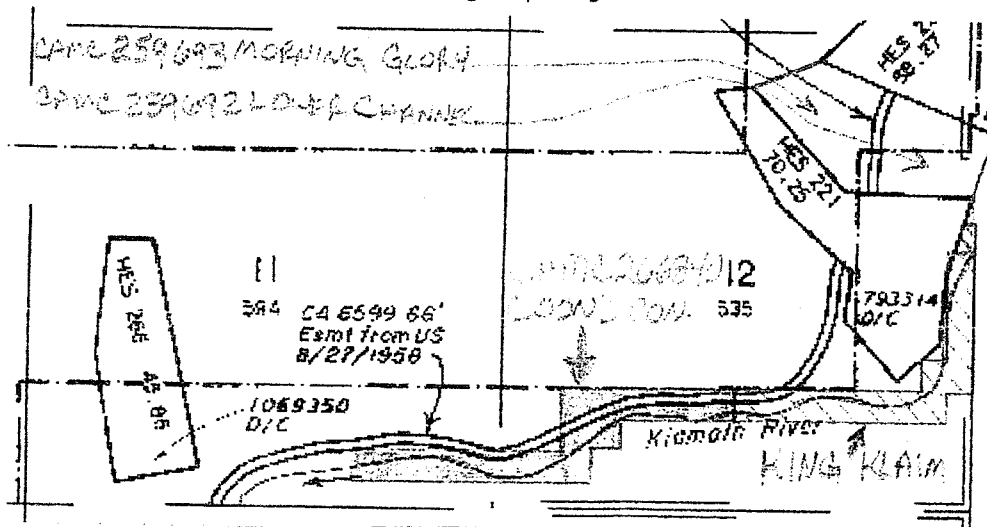
SPACE ABOVE FOR RECORDERS USE ONLY

# Placer Mining Location Notice

Whom it may concern; Please note that...

Located to comply with PL-359 regulations

1. The name of this Placer Mining Claim is KING KLAIM
2. Located in Section 12 See Cadastral description for 1/4 Sec. T. R. Med.
3. Located in the Cottage Grove Mining District, County of Siskiyou, State of California
4. The date of this location, as posted on said claim is September 30<sup>th</sup>, 2012
5. Acreage claimed is 35 acres and shall be located by legal subdivision
6. Cadastral Description; E2, SE4, SE4, NE4 & E2, E2, NE4, SE4 & SW4, SE4, NE4, SE4 & NW4, NE4, SE4, SE4 & N2, NW4, SE4, SE4 & N2, N2, SW4, SE4 of Sec 12, T.14N, R.6E, Humboldt Meridian 15.....Excluding from this claim any Private Land or any portion isolated by any easement or Right of Way.



7. Map of BLM Master Title Plats map, Township 14N, Range 6E, Humboldt Mer. 15

8. Locators of said Claim are;

John Rabe

*John Rabe*

Charles Ripple

*Charles R. Ripple*

PO Box 603, Seiad Valley, CA. 96086

PO Box 900, Happy Camp, CA. 96039

DEC 27 2012

EXHIBIT 3

PAGE 1 OF 1

**DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MINING CLAIMS  
(MASS) Serial Register Page**

Run Date/Time: 10/19/15 12:20 PM

Page 1 of 1

01 10-21-1976;090STAT0090;43USC1744

Case Type 384201: PLACER CLAIM

Claim Name: THE DOOLITTLE RAPIDS

Case Disposition: ACTIVE

Required Maintenance Fee: \$310.00

Name & Address

RIPPLE CHARLES  
PO BOX 900 HAPPY CAMP, CA 96039-0900

Total Acres  
40.000

Serial Number  
CAMC305822  
Lead File Number  
CAMC305822

Int Rel

CLAIMANT

County / State

District

SISKIYOU County, CA

NORTHERN CALIFORNIA DIST

Mer Twp Rng Sec

Subdivision

15 0160N 0070E 033

NE, NW, SW

Act Date	Code	Action Text	Action Remarks	Receipt Number
10/13/2012	403	LOCATION DATE		
01/11/2013	395	RECORDATION NOTICE RECD	1	2722958
08/10/2015	483	SMALL MINER CERT FILED	2016	
09/02/2014	483	SMALL MINER CERT FILED	2015	
11/12/2014	480	EVID OF ASSMT FILED	2014	3167318
06/14/2013	483	SMALL MINER CERT FILED	2014	
01/11/2013	484	LOCATION YEAR / MAINTENAN	2013;\$140	2722958
09/10/2013	480	EVID OF ASSMT FILED	2013	2879026
10/21/2013	396	TRF OF INTEREST FILED	HYDE VIRGINIA	2894804
07/12/2013	265	SUBJECT TO PL 359	NOT WITHIN	
04/23/2013	669	LAND STATUS CHECKED		
01/09/2013	404	COUNTY RECORDATION	0;0;2013-0000212	
01/09/2013	685	ADDL MAINTENANCE FEE	2013;\$140	2722958
01/11/2013	265	SUBJECT TO PL 359		
01/11/2013	500	MAP IN LEAD FILE		
01/11/2013	501	ACCT ADV IN LEAD FILE	CAMC305822;	2722958

Line Nr

Remarks

0001 VERIFIED CASE DOES NOT CONTAIN INDIAN TRUST DATA

EXHIBIT 4  
PAGE 1 OF 1

NO WARRANTY IS MADE BY BLM FOR USE OF THE DATA FOR PURPOSES NOT INTENDED BY BLM

**DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MINING CLAIMS  
(MASS) Serial Register Page**

Run Date/Time: 10/19/15 12:17 PM

Page 1 of 1

01 10-21-1976;090STAT0090;43USC1744

Case Type 384201: PLACER CLAIM

Claim Name: A & D #3

Case Disposition: ACTIVE

Required Maintenance Fee: \$310.00

Name & Address

ROSE JOHN  
PO BOX 47 HAPPY CAMP, CA 96039-0047

Total Acres

40.000

Serial Number

CAMC305705

Lead File Number

CAMC305705

Int Rel

CLAIMANT

County / State

SISKIYOU County, CA

District

NORTHERN CALIFORNIA DIST

Mer Twp Rng Sec

Subdivision

15 0150N 0070E 005

NE, NW

15 0160N 0070E 032

SW, SE

Act Date	Code	Action Text	Action Remarks	Receipt Number
09/05/2012	403	LOCATION DATE		
12/05/2012	395	RECORDATION NOTICE RECD	1	2702416
08/10/2015	483	SMALL MINER CERT FILED	2016	
08/26/2015	480	EVID OF ASSMT FILED	2015	3377497
09/02/2014	483	SMALL MINER CERT FILED	2015	
10/03/2014	480	EVID OF ASSMT FILED	2014	3142180
06/14/2013	483	SMALL MINER CERT FILED	2014	
12/05/2012	484	LOCATION YEAR / MAINTENAN	2013;\$140	2702416
09/10/2013	480	EVID OF ASSMT FILED	2013	2879026
08/10/2015	170	ADDRESS CHANGE FILED	ROSE JOHN	
12/04/2013	669	LAND STATUS CHECKED		
10/21/2013	396	TRF OF INTEREST FILED	CHESTNUT MARK	2894804
09/25/2013	211	FERC/FPC OPEN TO MINING	NO 3RD PROV; NO OBJ	
01/17/2013	669	LAND STATUS CHECKED		
12/05/2012	265	SUBJECT TO PL 359		
12/05/2012	500	MAP IN LEAD FILE		
12/05/2012	501	ACCT ADV IN LEAD FILE	CAMC305705-706;	2702416
12/05/2012	685	ADDL MAINTENANCE FEE	2013;\$140	2702416
12/03/2012	404	COUNTY RECORDATION	0;0;2012-0012018	
12/26/2012	488	ASSMT DOC RECEIVED	481;2012	2713207

Line Nr	Remarks
0001	VERIFIED CASE DOES NOT CONTAIN INDIAN TRUST DATA
0002	EXCEEDS 90 DAYS BUT POSTMARK IS 12/03/2012 89 DAYS

EXHIBIT 5  
PAGE 1 OF 1

**DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MINING CLAIMS  
(MASS) Serial Register Page**

Run Date/Time: 10/19/15 12:23 PM

Page 1 of 1

01 10-21-1976;090STAT0090;43USC1744

Case Type 384201: PLACER CLAIM

Claim Name: KING KLAIM

Case Disposition: ACTIVE

Required Maintenance Fee: \$310.00

Name & Address

ROSE JOHN  
PO BOX 47 HAPPY CAMP, CA 96039-0047

Total Acres  
35.000

Serial Number  
CAMC305766

Lead File Number  
CAMC305765

Int Rel

CLAIMANT

County / State

District

SISKIYOU County, CA

NORTHERN CALIFORNIA DIST

Mer Twp Rng Sec

Subdivision

15 0140N 0060E 012

SW, SE

Act Date	Code	Action Text	Action Remarks	Receipt Number
09/30/2012	403	LOCATION DATE		
12/27/2012	395	RECORDATION NOTICE RECD	1	2713362
08/10/2015	483	SMALL MINER CERT FILED	2016	
09/02/2014	483	SMALL MINER CERT FILED	2015	
09/15/2014	480	EVID OF ASSMT FILED	2014	3129713
06/14/2013	483	SMALL MINER CERT FILED	2014	
12/27/2012	484	LOCATION YEAR / MAINTENAN	2013;\$140	2713362
09/10/2013	480	EVID OF ASSMT FILED	2013	2879026
10/21/2013	396	TRF OF INTEREST FILED	RIPPLE CHARLES	2894804
04/19/2013	669	LAND STATUS CHECKED		
12/27/2012	488	ASSMT DOC RECEIVED	481;2012	2713362
12/27/2012	500	MAP IN LEAD FILE		
12/27/2012	501	ACCT ADV IN LEAD FILE	CAMC305765-767;	2713362
12/27/2012	685	ADDL MAINTENANCE FEE	2013;\$140	2713362
12/20/2012	404	COUNTY RECORDATION	0;0;2012-0012745	

Line Nr

Remarks

0001 VERIFIED CASE DOES NOT CONTAIN INDIAN TRUST DATA

EXHIBIT 6  
PAGE 1 OF 1



1 CERTIFICATE OF SERVICE

2  
3 I, Carole A. Caldwell, hereby declare under penalty of perjury under the laws of the State of  
4 California that the following facts are true and correct:

5 I am a citizen of the United States, over the age of 18 years, and not a party to or interested  
6 in the within entitled cause. I am an employee of Murphy & Buchal, LLP and my business address  
is 3425 SE Yamhill Street, Suite 100, Portland, Oregon 97214.

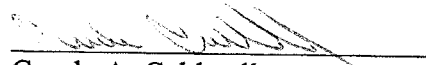
7 On October 21, 2015, I caused the following document to be served:

8 DECLARATION OF DAVID MCCRACKEN

9 on the party listed below in the following manner:

- 10 (X) (BY FEDERAL EXPRESS)  
11 ( ) (BY FIRST CLASS US MAIL)  
12 ( ) (BY FAX)  
13 ( ) (BY E-MAIL)  
14

15 J. Kirk Andrus, District Attorney  
16 County of Siskiyou  
17 P.O. Box 986  
18 Yreka, CA 96097  
Tel: (530) 842-8125  
Fax: (530) 842-8137

19  
20   
21 Carole A. Caldwell  
22 Declarant

23  
24  
25  
26  
27 DECLARATION OF DAVID MCCRACKEN  
28 Case No. MCYKCRM 15-1124

3

James L. Buchal (SBN 258128)  
MURPHY & BUCHAL LLP  
3425 S.E. Yamhill, Suite 100  
Portland, OR 97214  
Tel: 503-227-1011  
Fax: 503-573-1939