

1 T.W. Arman, owner, & John F. Hutchens, Joint Venturers,
2 *grantee's agent; Tenant-in-Chief, Warden of the Gales, Expert*
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5 T.W. Arman; *pro se*; sole stockholder: Iron Mountain Mines, Inc. President, Chairman, CEO
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7 **INTERVENTION COMPLAINT & CITIZENS' ARREST OF JUDICIAL TAKING**
8 **SUPERSEDEAS BY RIGHT PETITION FOR INJUNCTIVE RELIEF**
9 **INTERLOCUTORY APPEAL IN THE UNITED STATES OF AMERICA**
10 **COURT OF APPEALS FOR THE NINTH CIRCUIT**

11 CITIZENS OF THE UNITED STATES OF) **CIRCUIT No. 09-17411**

12 AMERICA STATE OF CALIFORNIA,) related cases USDC-CES -91-0768 DFL/JFM,

13 EX REL. ARMAN & HUTCHENS, aka:)2:10-cv-232 FCD CMK PS, USCFC No. 09-207 L

14 TWO MINERS & 8000 ACRES OF LAND;) CIRCUIT Nos. 09-70047, 09-71150 **ABSOLUTE**

15 T.W. ARMAN and JOHN F. HUTCHENS;)& **IMMEDIATE INJUNCTIVE RELIEF:**

16 IRON MOUNTAIN MINES, INC. ET AL) *Writ of error, coram vobis damnum absque injuria;*

17 FREEMINERS' STATE OF MINNESOTA) *stare decisis & supersedeas intervention;*

18 Grantees, Patentees; Owner & Operator.) *de Quibus Commote Alodium & Alodarii,*

19 v.) *Quia tria sequunturdefamatorem;*

20 USDC-CES respondent & DEFENDANT) *Quando Dominus Conscientiae detrimentum;*

21 UNITED STATES OF AMERICA) *Quae clamat tenere de te per liberum seruitium*

22 STATE OF CALIFORNIA; Grantors) *& difficillimum est invenire authorem infamatoriae*

23 WRONGFUL TAKING UNDER A FALSE) *scripturae; Breve Capitalis Justiciarius noster and*

24 PRETENSE OF OFFICIAL RIGHT.) *ad placita coram nobis tenenda; BREVE SOKE!*

25 **§ 807. The law of natural flow**

26 **In conducting mining operations, water, as was said by Lord Tenterden, is a sort of common**
27 **enemy, against which each man must defend himself. Yet while this property right of defense**
28 **is a natural one, it must be so exercised as not to endanger the lives or property of others.**

writ of error, coram vobis damnum absque injuria; petition for order to show cause.

1 Each mine owner has all the rights of property in his mine, and, among them, the right to ex-
2 tract all minerals therefrom, provided he works with skill and in the usual manner; and if,
3 while the occupier of a higher level exercises that right, nature causes water to flow to a lower
4 mine, he is not responsible for this operation of nature.

5 Land on a lower level owes a natural servitude to that on a higher, in respect of receiving,
6 without claim to compensation, the water naturally flowing down upon it.

7 From the necessity of the case, every owner of a mine must submit to the inconvenience of
8 having water of an adjoining mine upon a higher level descend upon his land so long as it de-
9 scends in the natural course of drainage.

10 If the owner of the servient heritage wishes to guard against this operation, he must leave
11 barriers “to bay back the water of his higher neighbor.”

12 Otherwise the resulting damage, if any, is *damnum absque injuria*; (damages without injury).

13 In July of 1983, (before Iron Mountain Mine was placed on the NPL in Sept.), the U.S. Dept.
14 of the Interior Bureau of Reclamation completed its SPRING CREEK HEAVY METAL
15 POLLUTION STUDY. See: [http://www.ironmountainmine.com/iron mountain/DOI STUDY.pdf](http://www.ironmountainmine.com/iron%20mountain/DOI%20STUDY.pdf)
16 “Optimum protection of Chinook salmon would be achieved by alternative 4b, increasing the
17 size of the Spring Creek Debris Dam to 25,000 acre-feet (an increase of 19,200 acre-feet)”.

18 **STATUTORY REMEDY REQUIRED & RELIEF DEMANDED**

19 As this remedy is still needed for Iron Mountain Mine to meet provisions of the CWA (Clean
20 Water Act), we respectfully request this Court to direct to the U.S. Bureau of Reclamation an
21 Order to Show Cause why they should not be compelled to complete this dam improvement.

22
23 February 28, 2010 Signature: _____

24 /s/ John F. Hutchens, operator, *grantees' agent*; Warden of the Gales, Forests, & Stannaries expert
25 **CITIZEN & AGENT OF RECORD for: T.W. Arman & Iron Mountain Mines, Inc.**
26 **T.W. ARMAN & JOHN F. HUTCHENS, “TWO MINERS”, JOINT VENTURERS,**
27 **UNITED STATES OF AMERICA STATE OF CALIFORNIA AGRICULTURAL COLLEGE**
28 **FREEMINERS’ STATE OF MINNESOTA, SHASTA FLAT CREEK MINING DISTRICT.**

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writ of error, coram vobis damnum absque injuria; petition for order to show cause.