

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/2/2020

Water Permit 72-7385

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|---|
| Current Owner | REX A THOMPSON RT 1 FILER, ID 83328 (208) 326-4013 |

Status: Cancelled

Source

Tributary

Beneficial Use

From

To

Diversion Rate

Volume

Source and Point(s) of Diversion

Place Of Use

Conditions of Approval:

Comments:

Dates and Other Information

Water District Number: TBD
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE
STATE OF IDAHO

RECEIVED

MAR - 1 1994

IN THE MATTER OF PERMIT
NO. 72-07385 IN THE NAME
OF REX ALFRED THOMPSON

PRELIMINARY ORDER VOIDING
PERMIT

Department of Water Resources
Southern Region Office

This matter having come before the Department of Water Resources (Department) as a result of an examination by Department staff to determine the extent of beneficial use of water, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On June 18, 1985, Rex Alfred Thompson applied to the Department of Water Resources for a permit to appropriate 0.50 cubic feet per second of water from Rough Creek, tributary of Salmon River, within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, Township 11N, Range 14E, B.M., Custer County, to be used for placer mining purposes.
2. On September 9, 1985, the Department approved the Application for Permit.
3. On August 6, 1986, the Department received Proof of Beneficial Use for the permit.

72-07385

4. On August 14, 1991, a Department staff member conducted a field examination and the examiner's report indicated that water had not been diverted and put to a beneficial use as authorized on the permit.

5. The provisions of Section 42-219, Idaho Code, authorize the Director of the Department to void permits for which the applicant has not fully complied with the law and the conditions of the permit.

CONCLUSIONS OF LAW

1. Section 42-219, Idaho Code, states:

In the event that the Department shall find that the applicant has not fully complied with the law and the conditions of the permit, it may issue a license for that portion of use which is in accordance with the permit, or may refuse issuance of a license and void the permit.

2. Permit No. 72-07385 required that the permit holder complete construction of works and application of water from the source identified to the proposed beneficial use within the authorized permit period.

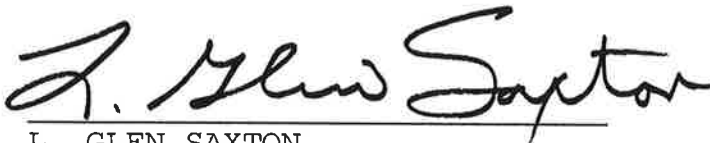
3. Examination by the Department revealed that the permit holder has not complied with the conditions of the permit by not completing construction of works and application of water from the identified source to the proposed beneficial use as required by the permit and Section 42-219, Idaho Code.

4. The permit should be voided pursuant to Section 42-219, Idaho Code.

ORDER

IT IS HEREBY ORDERED that Permit No. 72-07385 is VOIDED and issuance of a license is REFUSED under Section 42-219, Idaho Code.

Dated this 22nd day of February, 1994.



L. GLEN SAXTON
Chief, Water Allocation Bureau

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 24th day of February, 1994, I mailed a true and correct copy, postage prepaid, of the foregoing Preliminary Order to the following:

Rex Alfred Thompson
Rte. 1
Filer, ID 83328



Donna L. Corless
Clerical Specialist

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

MAR - 1 1994

Department of Water Resources
Southern Region Office

IN THE MATTER OF PERMIT
NO. 72-07409 IN THE NAME
OF JAMES ALEXANDER

PRELIMINARY ORDER VOIDING
PERMIT

This matter having come before the Department of Water Resources (Department) as a result of an examination by Department staff to determine the extent of beneficial use of water, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On September 18, 1987, William Alexander applied to the Department of Water Resources for a permit to appropriate 0.20 cubic feet per second of water from groundwater and Burnt Creek, tributary of Salmon River, within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, Township 11N, Range 16E, B.M., Custer County, to be used for irrigation purposes.

2. On February 29, 1988 the Department approved the Application for Permit.

3. On August 22, 1990, the Department received Proof of Beneficial Use for the permit.

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4. On July 21, 1992, a Department staff member conducted a field examination and the examiner's report indicated that water had not been diverted and put to a beneficial use as authorized on the permit.

5. The provisions of Section 42-219, Idaho Code, authorize the Director of the Department to void permits for which the applicant has not fully complied with the law and the conditions of the permit.

CONCLUSIONS OF LAW

1. Section 42-219, Idaho Code, states:

In the event that the Department shall find that the applicant has not fully complied with the law and the conditions of the permit, it may issue a license for that portion of use which is in accordance with the permit, or may refuse issuance of a license and void the permit.

2. Permit No. 72-07409 required that the permit holder complete construction of works and application of water from the source identified to the proposed beneficial use within the authorized permit period.

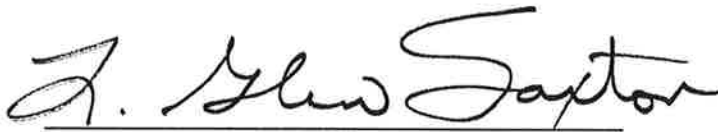
3. Examination by the Department revealed that the permit holder has not complied with the conditions of the permit by not completing construction of works and application of water from the identified source to the proposed beneficial use as required by the permit and Section 42-219, Idaho Code.

4. The permit should be voided pursuant to Section 42-219, Idaho Code.

ORDER

IT IS HEREBY ORDERED that Permit No. 72-07409 is VOIDED and issuance of a license is REFUSED under Section 42-219, Idaho Code.

Dated this 22nd day of February, 1994.



L. GLEN SAXTON
Chief, Water Allocation Bureau

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 24th day of February, 1994, I mailed a true and correct copy, postage prepaid, of the foregoing Preliminary Order to the following:

James Alexander
PO Box 88
Challis, ID 83226



Donna L. Corless
Clerical Specialist

Form 217
03/86

RECEIVED

AUG 6 1986

Department of Water Resources
Sustainable Water Use

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

field exam Date Sent to S.O. DEC - 7 1993

For Office Use Only
Fee Received \$100.
Date 8-6-86
Receipt # 38653
Receipt by [signature]
Reviewed by
Sent to region

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 72-7385

Name(s) of Permit Holder: Rex Alfred Thompson

Post Office Address: Route #1, Filer, ID 83328

Telephone No. 326-4013

Source of Water: Rough Creek

Extent of Use:

Domestic (number of households) Stockwater (number and type of stock)

Irrigation (acres) Other/Remark Mining

Pump installation is installed each spring & removed each fall. Land is reclaimed each year

Total rate and/or volume for which proof is submitted 0.50 cfs acre-feet

Show the date water was first diverted and beneficially used under this permit: July 25, 1985

Measuring Device: Required? Yes No
Installed? Yes X No

Fee enclosed \$ 100.
(See License Examination Fee Schedule)

Flow Measurement Port: Required? Yes No
Installed? Yes X No

Person to contact to accompany the Department representative during the field examination:

Permit Holder Note: System won't be ready for exam until 1987 due to federal requirement
(Name) of reclaiming mined area each year. (Telephone Number)

(Address)

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

8/6/86
Date

Rex A Thompson
Signature of Permit Holder (and title, if appropriate)

72-07385

RECEIVED
SEP 16 1985Department of Water Resources
Southern District OfficeSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMITIdent. No. 72-7385

To appropriate the public waters of the State of Idaho

1. Name of applicant Rex Alfred Thompson Phone (208) 326-4013Post office address Route 1, Filer Idaho 833282. Source of water supply Rough Creek which is a tributary of Salmon River3. Location of point of diversion is SW NE
N-E $\frac{1}{4}$ of ##### of Section 34 Township 11 NRange 14 E B.M. Custer County, additional points of diversion if any: 0

4. Water will be used for the following purposes:

0.50 2-15-25 RDD
Amount 0.50 cfs for Placer Mining purposes from 7/1/85 to 10/30/85 (both dates inclusive)
(cfs or acre-feet per annum)Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

2-15-25 RDD
a. -2.0- 0.50 cubic feet per second and/or b. acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 1 8HP Brigge/ Straten 4 inch pump.
Pocket dug in streamside gravel to collect water for pumpingb. Height of storage dam feet, active reservoir capacity acre-feet; total reservoir capacity acre-feet, materials used in storage dam: Period of year when water will be diverted to storage to inclusive.
(Month/Day) (Month/Day)c. Proposed well diameter is inches; proposed depth of well is feet.7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation: S $\frac{1}{2}$ NE $\frac{1}{2}$
(1) Give the place of use of water: -N-E- $\frac{1}{4}$ of ##### of Section 34 Township 11 N
Range 14 E B.M.(2) Amount of power to be generated: 0 horsepower under feet of head.(3) List number of each kind of livestock to be watered 0(4) Name of municipality to be served , or number of families to be supplied with domestic water 0(5) If water is to be used for other purposes describe: Placer mining.

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b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated None.

c. Describe any other water rights used for the same purposes as described above. None.

9. a. Who owns the property at the point of diversion Unpatented Mining Claim in SNRA.

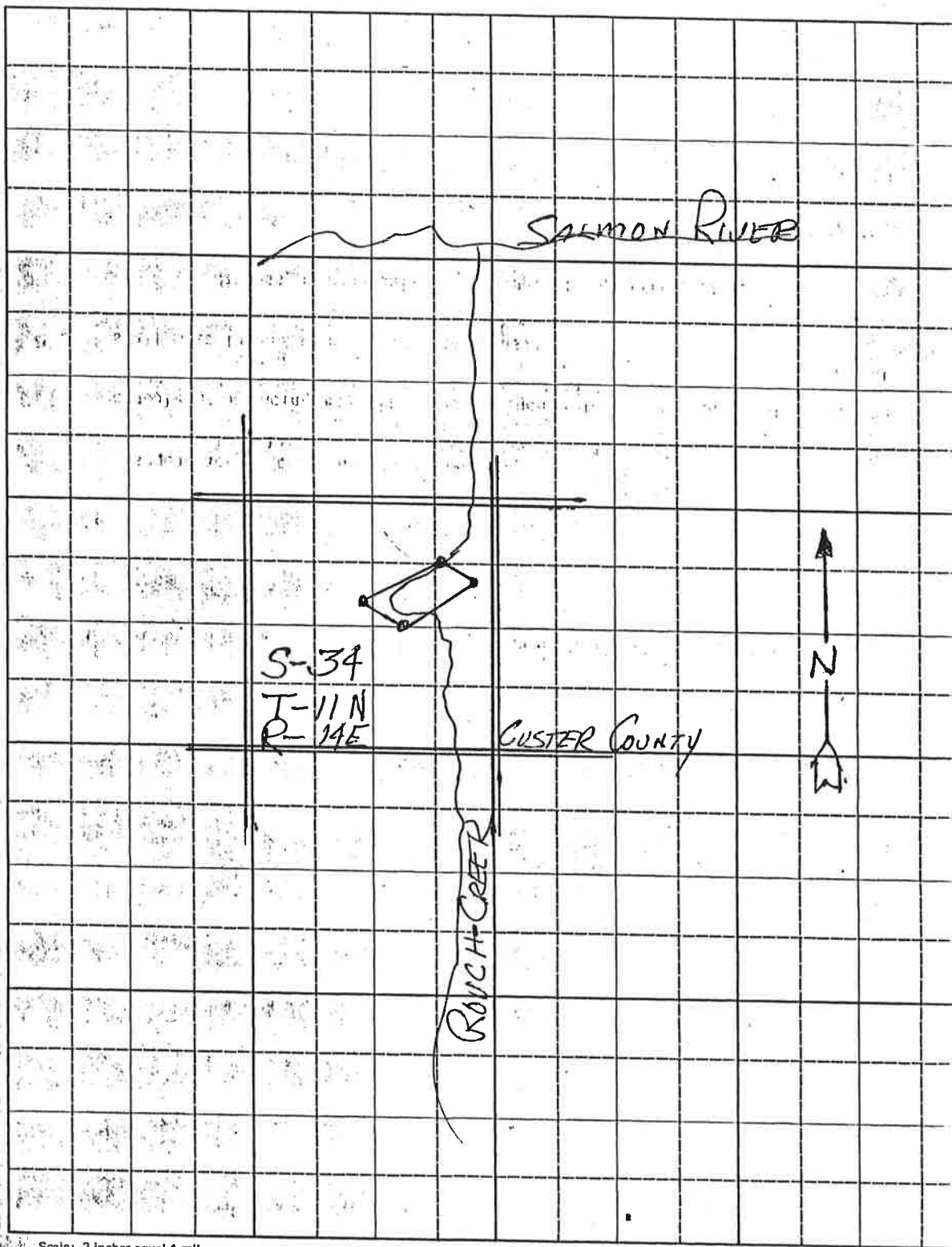
b. Who owns the land to be irrigated or place of use Same as above.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Lease purchase of mining claim.

10. Remarks The exact P/D can be anywhere within the mining claim in the SW/NE Sec. 34.
The diversion moves as different areas are being mined.

The diversion moves as different areas are being mined.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Rex Alfred Thompson

(Applicant)
Rex Alfred Thompson.

Proposed Priority 6/18/85

Received by JS Date 6-18-85 Time 7:50 am
Preliminary check by TB Fee \$ 65.00 \$45.00 refund requested - kw 9/4/85
Receipted by JS Date 6-18-85 # 36608
Publication prepared by marya Date 7/30/85
Published in eastern publishing Co.
Publication dates 8/2 & 8/5/85
Publication approved marya Date 8/8/85
Protests filed by: None

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by ADM kw

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 72-7385, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 19 86.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: The issuance of this permit in no way grants any right-of-way or easement across the land of another. If In the event that water used under this permit should be discharged into a natural channel, settling ponds will be required which are capable of reducing the silt load to such a level that the quality of the water would not be impaired for other beneficial uses. Water used under this permit if discharged into a natural channel shall meet Idaho Water Quality Standards.

Witness my hand this 9 day of September, 1985.

A. Glen Saxton
Chief, Operations Bureau