IDAHO DEPARTMENT OF WATER RESOURCES Proof Report

9/10/2019

Cancelled

Water Application 37-2794

Owner Type Current Owner Name and Address
WAMC CLURE

, ZZ

Status: Closed

<u>Source</u> <u>Tributary</u>

Beneficial Use <u>From To Diversion Rate Volume</u>

Source and Point(s) of Diversion

Place Of Use

Conditions of Approval:

Comments:

Dates and Other Information

Number of Protests: 0 Water District Number: TBD

Application Type: New Appropriation

Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES Proof Report

11/15/2019

Volume

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Name and Address
WAMC CLURE

, ZZ

Status: Cancelled

Source

Tributary

Diversion Rate

Beneficial Use

<u>To</u>

From

Source and Point(s) of Diversion

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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 DEPARTMENT OF WATER RESOURCES

RECEIVED

OF THE

STATE OF IDAHO

SEP 17 1986

Department of Water Resources Specimen District Colors

IN THE MATTER OF CANCELLATION OF PERMIT NO. 9783/37-2794 IN THE NAME OF W. A. MCCLURE

ORDER OF CANCELLATION

This matter having come before the Department of Water Resources, the Department finds, concludes, and orders as follows:

FINDINGS OF FACT

- 1. On November 28, 1913, the applicant, W. A. McClure was granted Permit No. 9783/37-2794 to appropriate one cubic foot per second of water from the Iron Mine Branch of Fish Creek and an unnamed tributary of Fish Creek, located in the SW1/4SE1/4 and NW1/4SW1/4, Sec. 32, Twp. 3N, Rge. 23E, B.M., Blaine County.
- 2. The permit issued to the applicant imposed a condition that proof of beneficial use was due on November 28, 1914 but the applicant failed to file proof of application to beneficial use.
- 3. On June 18, 1986, a certified letter was sent to the applicant informing him that Permit No. 9783/37-2794 was subject to cancellation for failure to submit proof of application of water to beneficial use and that he must show cause before the Department of Water Resources on or before July 18, 1986, why the permit should not be cancelled.
- 4. The certified letter was returned unclaimed and, as a result, no response was received by the department.

CONCLUSIONS OF LAW

1. Prior to July 1, 1986, Sec. 42-311, Idaho Code, provided that the

7-2794

Department of Water Resources could cancel permits for failure or neglect to comply with the law and the requirements of the permits.

- 2. On July 1, 1986, Sec. 42-311, Idaho Code, was amended to allow the Department of Water Resources to cancel permits, where, on the basis of available information, the Department finds that the permittee has wilfully and intentionally failed to comply with the conditions of the permit.
- 3. By failing to file proof of beneficial use, the applicant has failed or neglected to comply with requirements of the permit and the law. Further, the expiration of seventy-four (74) years since proof was due is an inordinate length of time giving rise to a conclusion that failure to properly file proof of beneficial use was both wilful and intentional.
 - 4. Permit No. 9783/37-2794 should be cancelled.

ORDER

IT IS HEREBY ORDERED that pursuant to provisions of Section 42-311, Idaho Code, Permit No. 9783/37-2794 is CANCELLED.

Dated this 9th day of Systember, 1986.

Director

ORDER OF CANCELLATION - Page 2

This is a moldy oldie discounted in the state office & released

N•3

27-2794 M. B.W.

45-2135

37-2794

No. 14610

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: W. A. McClure

Postoffice address: Crooks

County: Blaine

State: Idaho

- I. If applicant is a corporation, give
 - (a) Date and place of incorporation:
 - (b) The amount of capital stock:
 - (c) The amount paid in:
 - (d) Names and addresses of directors:
- II. The financial resources of the applicant are: (a) Cash on hand:
 - (b) Treasury stock:

(c) Bonds to be issued:

- (d) Other resources:
- 2. The quantity of water claimed is

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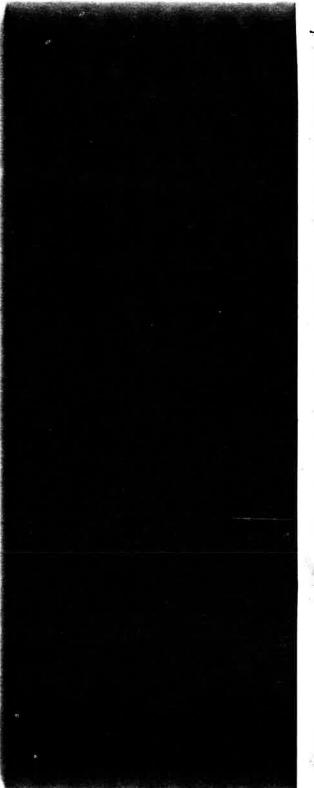
cubic feet per second.

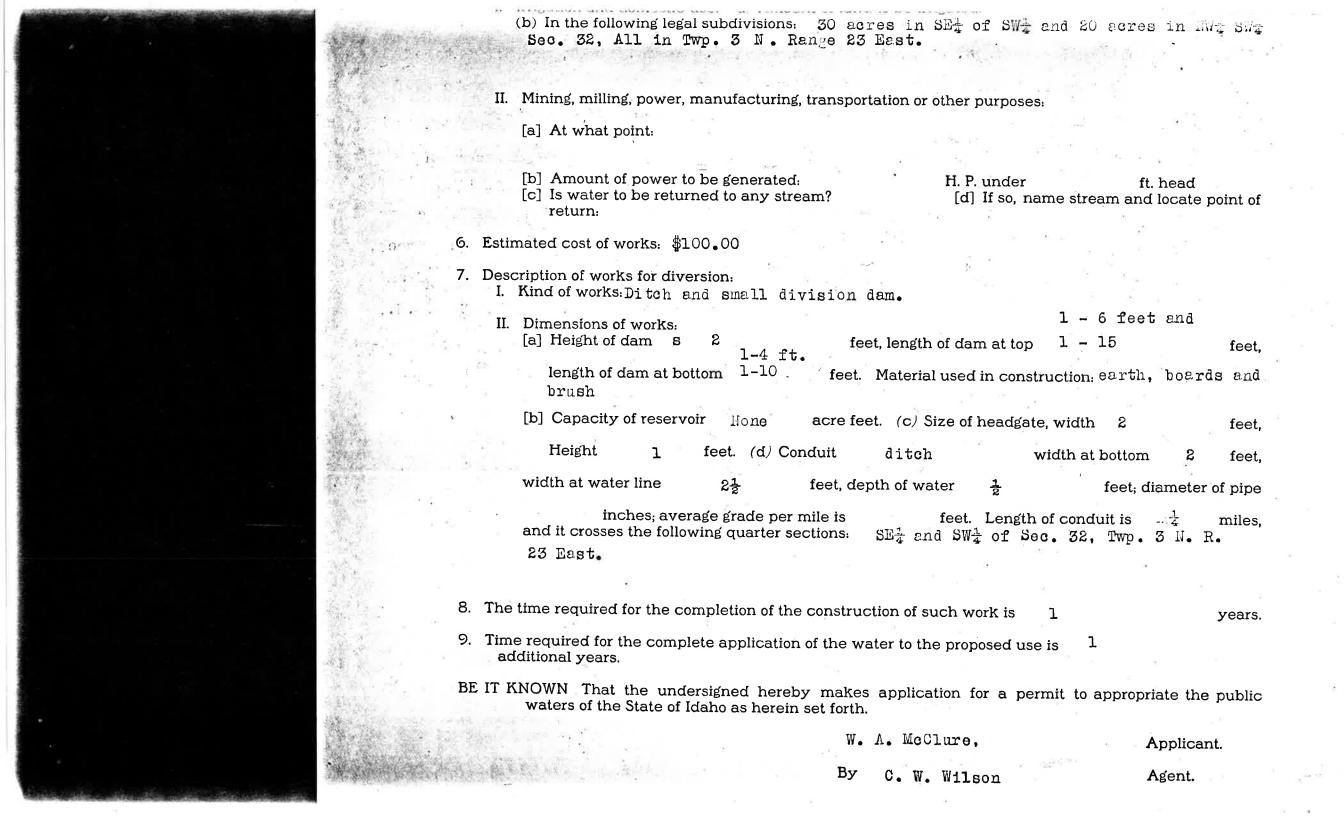
- 3. Source of water supply: Iron Mine branch of Fish Creek and another unnamed tributary of Fish Creek (See Remarks)
- 4. Location of point of diversion: SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 32 and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 32 Twp. 3 N. Range 23 East.

County of Blaine

- 5. To be used for:
 - I. Irrigation and domestic use: (a) Amount of land to be irrigated: 50 acres.
 (b) In the following legal subdivisions: 30 acres in SE¹/₄ of SW¹/₄ and 20 acres in NW¹/₄ SW¹/₄ Sec. 32, All in Twp. 3 N. Range 23 East.
 - II. Mining, milling, power, manufacturing, transportation or other purposes:

4666-LE







Date of first receipt at office of State Engineer 9.00 A. M. November 6, 1913.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is 9783

Recorded in Book 32 Page 9783 Approved November 28, 1913.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions.

Bond in the sum of to be filed on or before

Work to begin on or before January 27, 1914 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before May 28, 1914.

The whole of said work to be completed on or before November 28, 1914.

Beneficial use of water appropriated in accordance herewith, to be made on or before November 28, 1915.

Witness my hand this 28th day of November, 1913.

F. P. King, State Engineer.

Remarks: The amount claimed from each source of supply is 25 inches; that is ½ cu. ft. from Mine branch and ½ cu. ft. from the unnamed tributary, both being tributaries of Fish Creek.

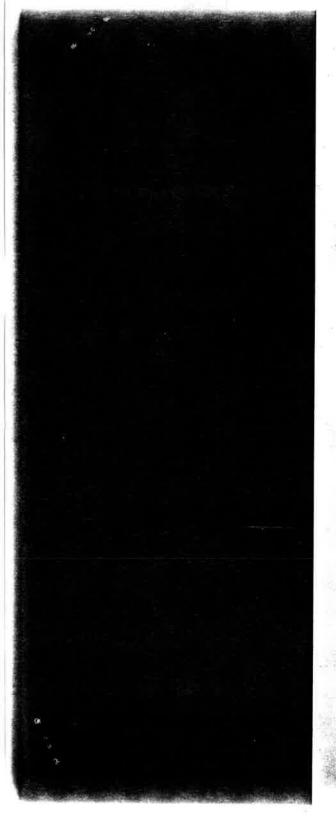
Proof of Completion made Nov.6,1914.
Certificate issued Dec. 15, 1914.

PERMIT NO. 9783

CERTIFICATE OF COMPRETION OF WORKS.

To All Whom It May Concern:

This is to certify that W. A. McClure of Crooks, County of Blaine, and State of Idaho, the holder of Permit No. 9783, issued upon Application No. 14610, bearing date of priority of November 6, 1913, authorizing the diversion of 1 second foot of the waters of Iron Mino Brench of Mich Crook and or application to the Crook Crook Crook of Transitions and State of Transitio



This is to certify that W. A. McClure of Crooks, County of Blaine, and State of Idaho, the holder of Permit No. 9783, issued upon Application No. 14610, bearing date of priority of November 6, 1913, authorizing the diversion of 1 second foot of the waters of Iron Mine Branch of Figh Creek and an unnamed tributary of Figh Creek, County of Blaine, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use $\frac{1}{2}$ second-foot of the waters of Iron Mine Branch of Fish Creek, and $\frac{1}{2}$ second-foot of an unnamed tributary of Fish Creek; that the point of diversion of said waters is at a point in the SW2 of SE2 Sec. 32, and NW2 SW2 Sec. 32, Tp. 3 N. R. 23 E.B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, $SE_{\frac{1}{4}}^{1}$ $SW_{\frac{1}{4}}^{1}$ and $NW_{\frac{1}{4}}^{1}$ $SW_{\frac{1}{4}}^{1}$ Sec. 32, all in Tp. 3 N. R. 23 E.B.M., containing 50 acres. to-wit: Witness my hand this 15th day of December, A. D. 1914.

Herbert Wing,

Acting State Engineer of the State of Idaho.

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