

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/15/2019

Water Application 37-2769

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MRS L E HARNESS , ZZ

Status: Closed

Source

Tributary

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

9/10/2019

Water Permit 37-2769

Cancelled
Closed

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MRS L E HARNESS , ZZ

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

RECEIVED

SEP 17 1986

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

Department of Water Resources
Southern District Office

IN THE MATTER OF CANCELLATION OF
PERMIT NO. R402/37-2769 IN THE
NAME OF MRS. L. W. HARNESS

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 December 26, 1926, the applicant, Mrs., L. E. Harness, was granted Permit No. R402/37-2769 to appropriate 250 acre feet of water from Lansing Creek tributary of the Malad River, located in the NW1/4SE1/4, Sec. 16, Twp. 1N, Rge. 13E, B.M., Camas County.

2. The permit issued to the applicant imposed a condition that proof of beneficial use was due on December 21, 1929, 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. R402/37-2769 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 Department of Water Resources could cancel permits for failure or neglect to

37-2769

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 thirty-seven (37) 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. R402/37-2769 should be cancelled.

ORDER

IT IS HEREBY ORDERED that pursuant to provisions of Section 42-311, Idaho Code, Permit No. R402/37-2769 is CANCELLED.

Dated this 9th day of September, 1986.

A handwritten signature in dark ink, appearing to read "A. Kenneth Dunn", is written over a horizontal line.

A. KENNETH DUNN

Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

Permit No. _____

A. Prior to Conducting the Exam, the File Contains:

- ☐ Blank Field Report Form
- ☐ Copy of Permit
- ☐ Copies of any Amendments/Orders with conditions of approval
- ☐ Computer Data Proof Report
- ☐ Copy of U.S.G.S. Quad
- ☐ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index _____ (Initial and date)

Overlap? ☐ yes ☐ no If yes: ☐ copy of exam(s) attached?
Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____

Check of P/U index _____ (Initial and date)

Overlap? ☐ yes ☐ no If yes: ☐ copy of water right(s) attached?
Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Other: _____

Aerial Photo

Required? ☐ yes ☐ no If yes: ☐ copy attached?

Scheduling Letter sent? _____ (Initial and date)

☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☐ Fully completed and signed Field Report Form
- ☐ Photographs of Point of Diversion and Place of Use
- ☐ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed _____ (Signature of examiner and date)
Exam Reviewed by Senior Water Resource Agent _____ (Initial and date)
Exam Reviewed by Manager of Regional Office _____ (Initial and date)
Exam Date Entered in Computer _____ (Initial and date)
Exam sent to State Office _____ (Initial and date)
Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

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Mrs L. E. Harness

This is a "Moldy Oldie" discovered
in the state office & referred to the
Region for completion.

Application for a Permit to Construct the Lansing Creek Reservoir

And to Store the Unappropriated Waters of the State of Idaho

37-2769

Application No. R 23513.
Permit No. R 402.
District No.

1. Name of Applicant: **Mrs. L. E. Harness**

Postoffice Address: **Corral;**

County: **Camas;**

State: **Idaho.**

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock: \$
- (c) 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. Quantity of water to be stored **250** acre feet per annum.

3. Source of water supply **Lansing Creek**, which is a tributary of **Malad River.**

4. Water is to be used for: **irrigation and domestic purposes.**

5. The outlet of the proposed reservoir is located

fifty feet distant from the **SW cor. of** ^{NW $\frac{1}{4}$ SE $\frac{1}{4}$} ~~XXXXX~~ of Section 16, T. 1 N., R. 13 E.,

B. M., and is in the **NW $\frac{1}{4}$ SE $\frac{1}{4}$** of Section 16, T. 1 N., R. 13 E. B. M., County of **Camas,**

6. Fill out either (a) or (b).

(a) The reservoir is located in the channel of

fifty feet distant from the SW cor. of ~~Section 16~~ of Section 16, T. 1 N., R. 13 E.,
B. M., and is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, T. 1 N., R. 13 E. B. M., County of Camas,

6. Fill out either (a) or (b).

(a) The reservoir is located in the channel of

(b) The reservoir is to be filled through the

Feeder Canal,

which has a width at bottom of ft., width at top of ft., depth of ft., average
grade per mile ft., capacity cubic feet per second.

7. (a) The area of the high water line of the reservoir is **about five** acres.

(b) The available capacity of the reservoir is **250** acre feet.

8. Height of dam: **10** feet; length of dam at top **175** feet; length of dam at bottom **10** feet.

Material used in dam: **Rocks, earth and timber.**

9. The estimated cost of proposed reservoir is \$ **300.00**

10. Amount of land to be irrigated **160** acres; said land being described in Use Permit mentioned in
Paragraph 13 herein, which Use Permit is hereby referred to and made a part hereof.

11. The time required for the completion of such work is **two** years.

13. The water stored in accordance with this permit will be conducted to the place of use through the
canal, constructed under the terms of Permit No. , filed by

on

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and to store the unap-
propriated waters of the State of Idaho as herein set forth.

Mrs. L. E. Harness , Applicant.

By , Agent.

Date of first receipt at office of State Engineer 9.00 A. M. December 21, 1926.

Returned to applicant for correction

Corrected application received

COMMISSIONER OF RECLAMATION.

Approval of ~~State Engineer~~

The number of this Permit is R **402.**

Recorded in book R 2,

Page **402.**

Approved **December 21, 1926.**

This is to certify that I have examined the within application for a permit to construct a reservoir and to store the unappropriated 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 **February 19, 1927,**

and to continue diligently and

uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before **December 21, 1927.**

The whole of said work to be completed on or before **December 21, 1928.**

Beneficial use of water stored in accordance herewith, to be made on or before

as set out in Permit No.

for the appropriation of the public waters of the State of Idaho, which is hereby

referred to and made a part hereof.

Witness my hand this **21st** day of **December, 1926.**

GEO. N. CARTER,

~~XXXXXXXXXXXX~~
Commissioner of Reclamation.

Witness my hand this 21st day of December, 1926.

GEO. N. CARTER,

~~XXXXXXXXXXXX~~
Commissioner of Reclamation.

Remarks:

This water is stored in accordance with this permit, and will be conducted to the place of use through a ditch owned by applicant constructed under decree of court in case of S. C. Frost, et al, vs. Alturas Water Co., et al, of which applicant owns the right to the use of 25 miner's inches of the waters of Lansing Creek, a dry stream. The only other right upon this small stream is that of David Harness. There are no users of this water other than the one mentioned below the headgate of applicant's ditch.

Proof made December 15, 1928
Certificate issued December 17, 1928

Permit No. R-402
CERTIFICATE OF COMPLETION OF RESERVOIR AND
RIGHT TO STORE WATER

Amount 250 acre feet

Priority 12-21-1926

THIS IS TO CERTIFY That Mrs. L. E. Harness, of Corral, County of Camas, and State of Idaho, the holder of Permit No. R-402, issued upon Application No. 23513, bearing date of priority of December 21, 1926, authorizing the construction of a reservoir and the right to store the waters of Lansing Creek, a tributary of Malad River, County of Camas, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works as set out and described in said Permit; that said works are adequate for the storage of 250 acre feet of water annually; that the location of the outlet of said reservoir is in the NW 1/4 of SE 1/4 of Section 16, Township 1 N., Range 13 E., Boise Meridian; that a right to store the said waters has been perfected in accordance with the laws of Idaho and is hereby confirmed by the Commissioner of Reclamation and entered of record in Volume 2 of Reservoir Permits, at page 402, records of the Department of Reclamation on the 17th day of December, 1928; that the right hereby confirmed dates from December 21, 1926; and that the amount of water to which said right is, by this certificate, entitled to store annually shall not exceed 250 acre feet.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 17th day of December, A. D. 1928.

(SEAL)

GEO. N. CARTER
Commissioner of Reclamation