

RECEIVED

APR 23 2007

DEPARTMENT OF
WATER RESOURCES
MEMO

TO: File 11-7342

FROM: Cindy Bird

DATE: April 10, 2007

REF: Proof of Beneficial Use for this permit

SUBJECT: Recommending permit for cancellation.

CC: Files 11-7339 and 11-7343

Permit 11-7342 was applied for by the Connie Ship trust in 1983 and approved by the Department on April 23rd, 1984 and proof was due April 1, 1989. In 1987 some of this ground and the ground under permits 11-7339 and 11-7343 were put into CRP. In 1997, Stephany Huthrich renewed the CRP contracts and then again in 2007 she extended the contracts until 2010.

The permit was issued for domestic, stockwater and irrigation. The Department received Proof on May 15th, 1989: which stated under the domestic use; one, summer camp only; Stockwater; 30 cattle intermittently, irrigation of 7 acres; ditch system fully developed, subject land in CRP beginning 1987.

On May 27th, 2003 the Department acknowledged an assignment of permit to the Utah Process Agency, Inc. c/o Stephany Wuthrich for this permit and permits 11-7339 and 11-7342.

Since this permit is so old I checked with Carol Call from the Caribou County assessor's on the ownership of the property. According to them this land is currently owned by John & Julie Franson. I contacted the Franson's to get an assignment of permit. Julie Franson called me back to say that she found the assignment of permit in there files and I requested a copy of it because it appeared that the Department had never received the assignment.

When Julie brought the assignment of permit into my office it was the original. So I gave her a copy and filed the original in the file. While Julie was in the office I explained the licensing process to her and asked her about the development of the spring. She stated that she and John developed the spring. I asked her if they put in a spring box or how was the spring developed? She wasn't sure but she did know that they installed a cistern. She said she could talk to John if it was necessary. I asked her what they use the spring for? She replied there house. Then I asked her if they irrigate with the spring? She said no, only the lawn around the house.



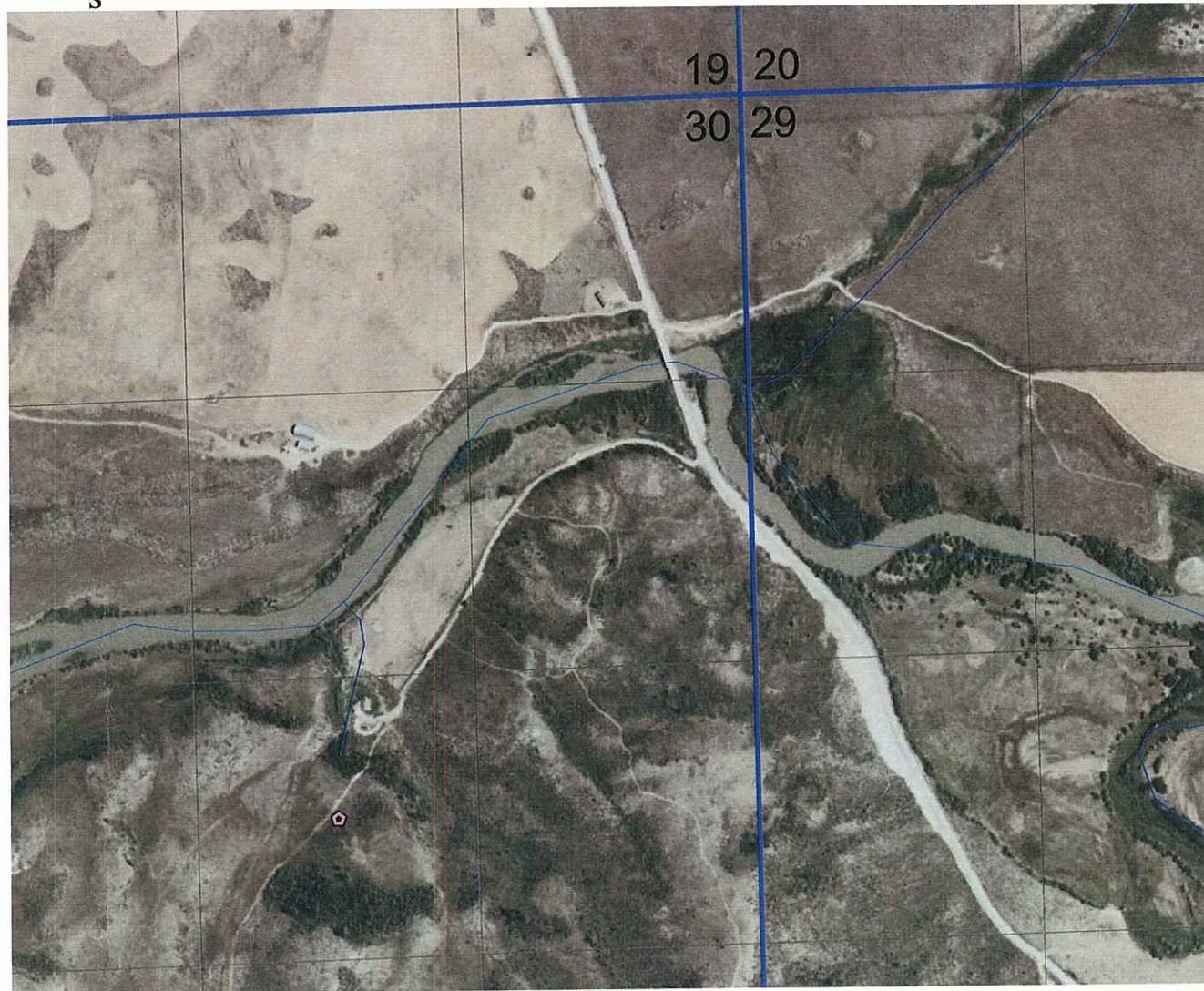
Photo was taken looking in a southeasterly direction at the hillside and Franson's home.

The land slopes to the Bear River. The Bear River would be in the foreground just out of the picture.

The Franson's purchased the property in 2003 and built there home in 2005. It was listed on the tax roles in 2006. I believe Mrs. Franson when she said they developed the spring. Therefore, I'm recommending this permit be cancelled due to no beneficial use found and that the Franson's make a new application for permit for their new domestic development.



Permit 11-7342



-  Sections
-  T9S R42E QQ lines
-  Permit POD
-  Allstr.shp
-  Stream
-  Canal or Ditch
-  Intermittent
-  Other Hydro
-  Permit POU

2006 Satellite Imagery
April 2, 2007
Prepared by: Cbird