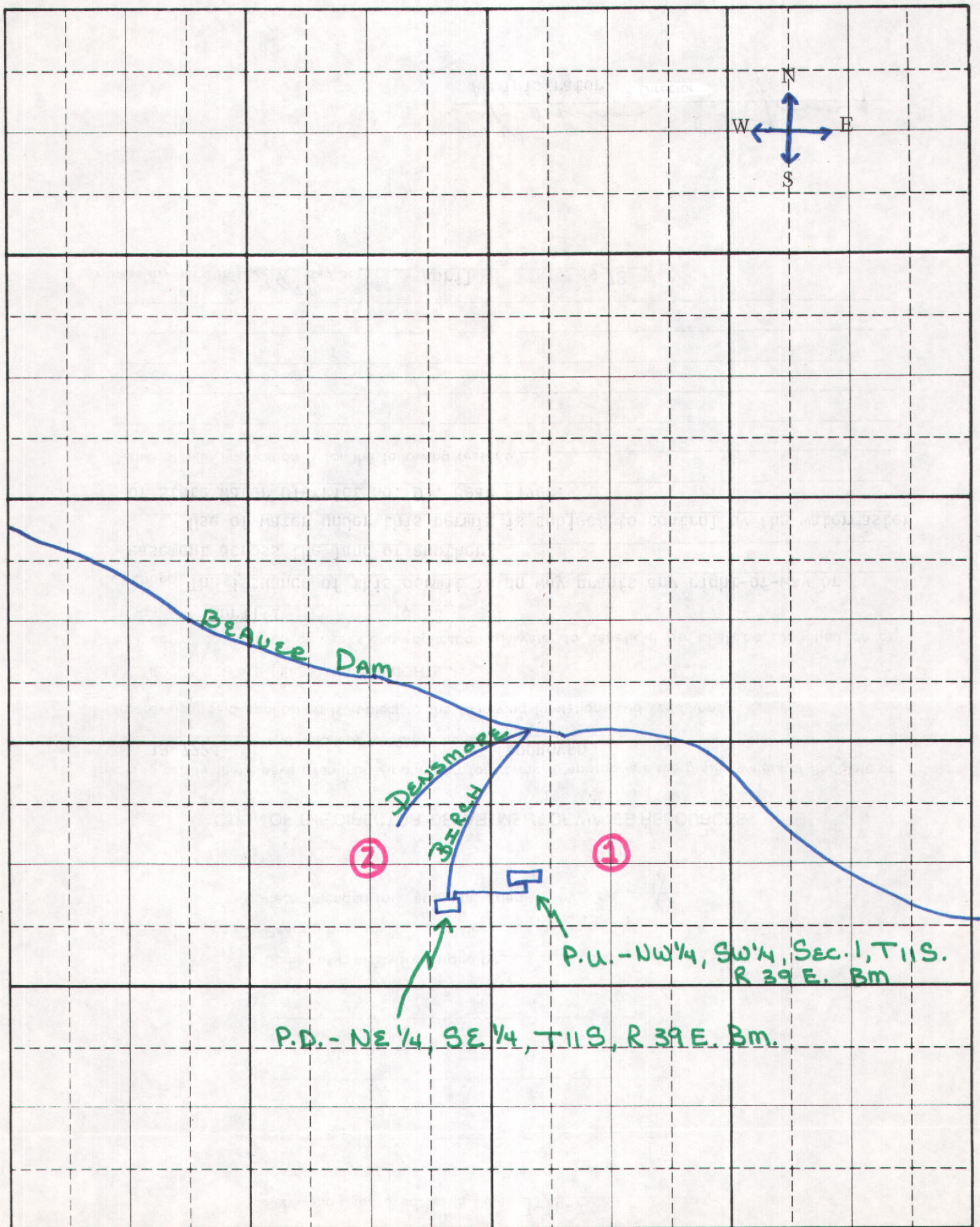


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Map E. Smith
(Applicant)

Kristen Byler
7.8.978
Pine, Utah

8-8-81

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

MAR 05 1990

A. GENERAL INFORMATION

Permit No. 13-7224

1. Owner: MAX E. Smith Phone No. (801)564-3475

Current Address: Box 542 Green River UTAH 84525

2. Accompanied by: Bill Coombs EXAM. DATE: 7-27-87

Address: 5967 East Thatcher Rd., Thatcher Idaho Phone No. 427-6201

Relationship to Permit Holder: nephew

3. Source: Spring tributary to Bear River

B. OVERLAP REVIEW

1. Other water rights with same place of use: N.A.

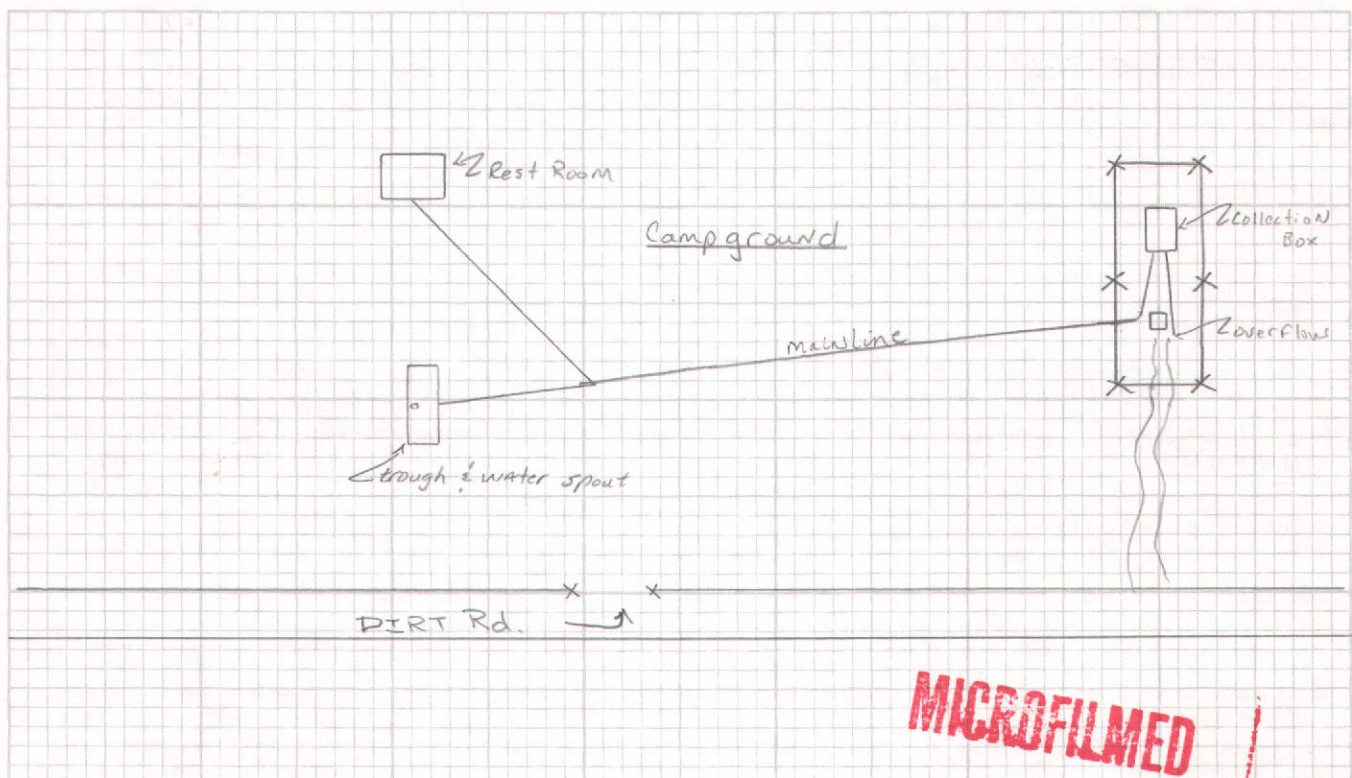
☐ Copies Attached

2. Other water rights with same point of diversion: N.A.

☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



MICROFILMED

MAR 02 1990

Scale: 1" =

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more)

432

4700

50/ R. 40 E

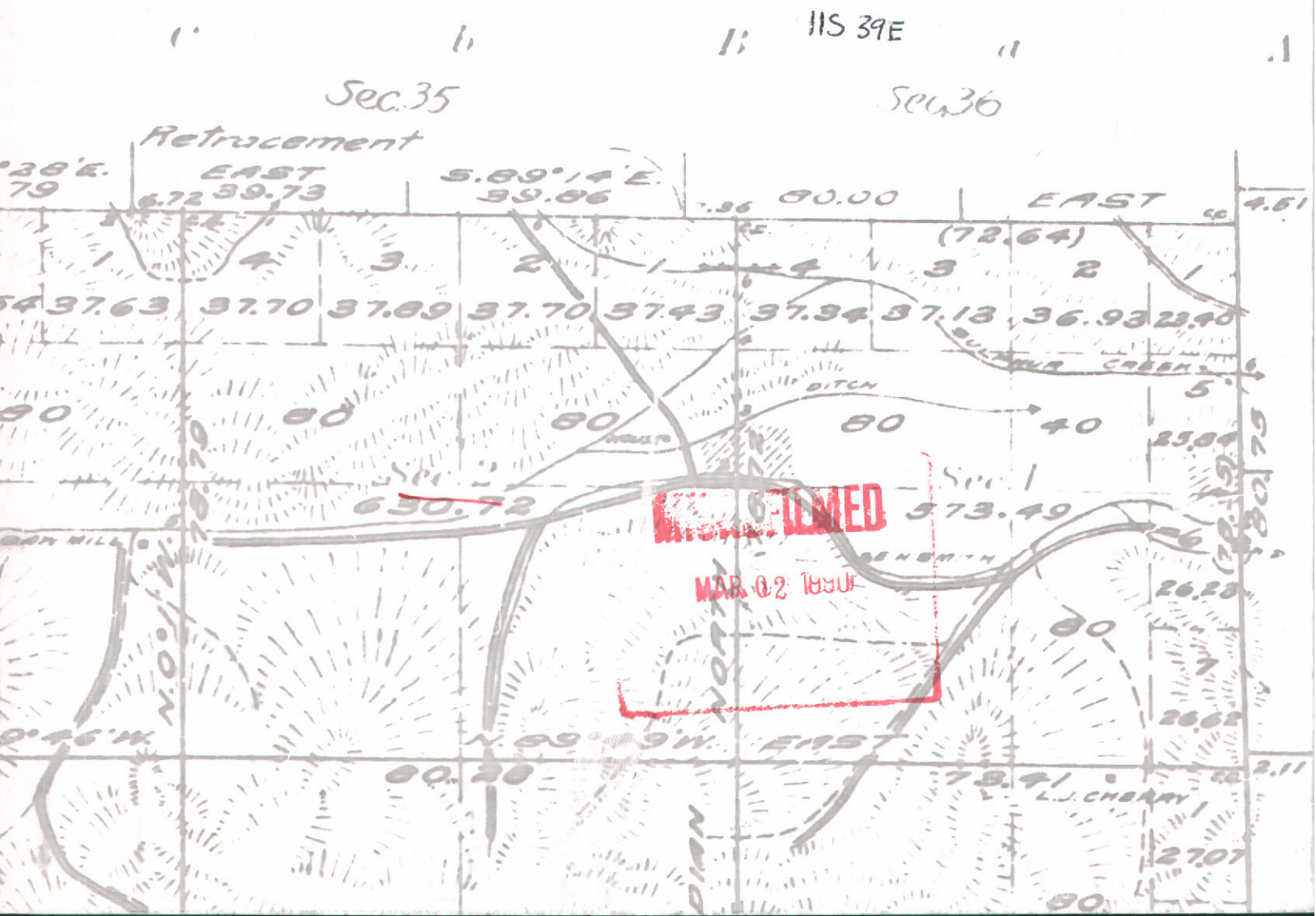
T-115, R-39E

MAR 02 1980

Alder

6754)

of the Boise Meridian, Idaho



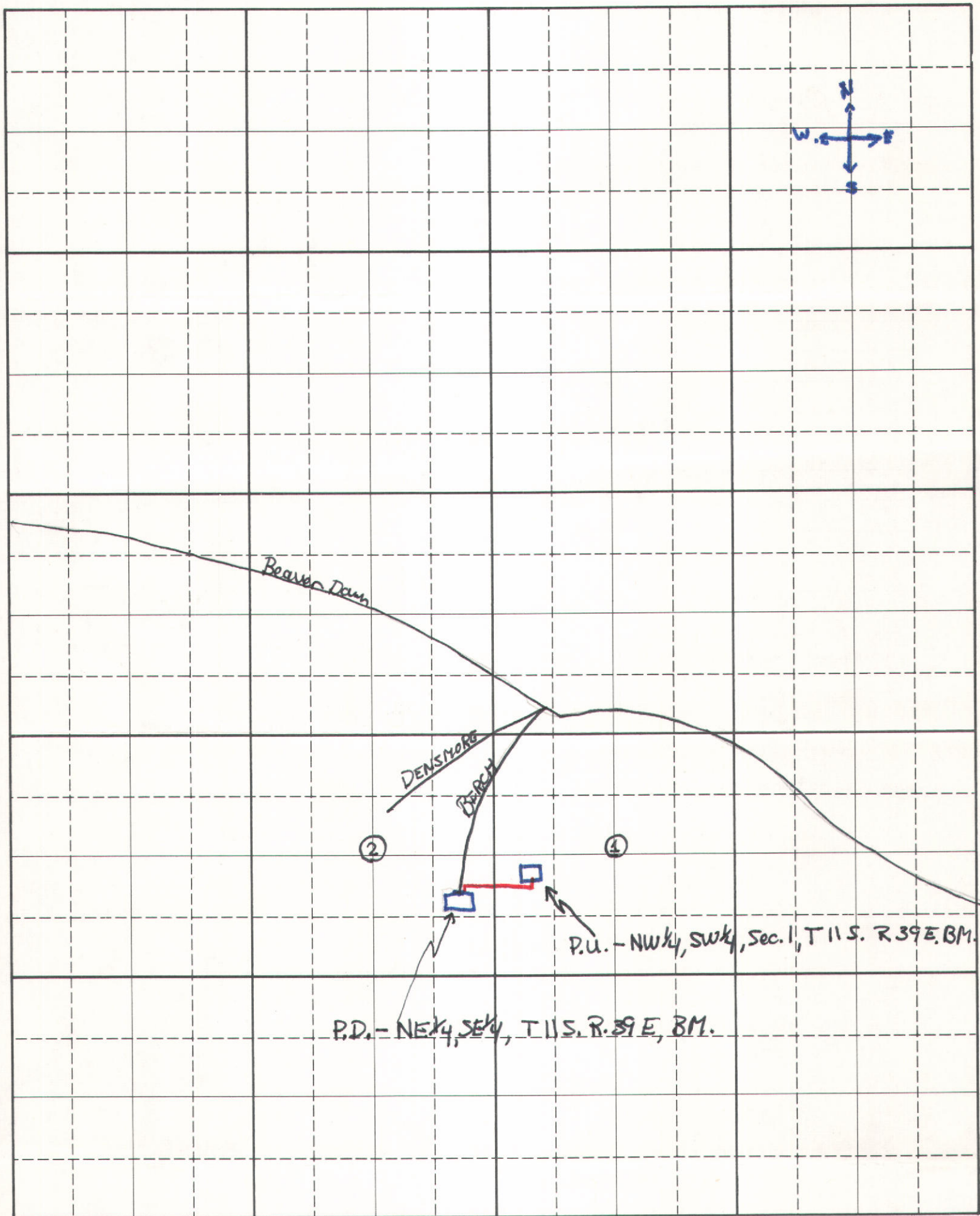
13-7224



MICROFILMED

MAR 02 1990

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.

Map Smith
(Applicant)

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-07224

Priority: February 17, 1978

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume:¹ 0.6 AF

This is to certify, that MAX E. SMITH
P.O. BOX 542

GREEN RIVER, UT 84525 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 12, 1977; and has submitted Proof of Beneficial Use on June 7, 1983. An examination indicates that the works have a diversion capacity of .270 cfs of water from:

SPRING tributary to BEAR RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION: LOT 6(NESE), Sec. 2, Township 11S, Range 39E
CARIBOU County

PLACE OF USE: DOMESTIC

TWN RGE SEC

11S 39E 1 LOT 6(NWSW)

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right is subject to control by the watermaster of State Water District No. 11
6. Domestic use is for a campground.

MICROFILMED

MAR 02 1990

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-07224

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 23RD
day of FEBRUARY, 1990.

Acting for R. Keith Higginson, Director

MICROFILMED

MAR 02 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 13-7224 IN THE)
NAME OF MAX E. SMITH) ORDER OF REINSTATEMENT
_____)

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before April 1, 1983; and,

WHEREAS, the Department has notified the permit holder by certified mail that proof was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, the Department has notified the permit holder that the permit has lapsed for failure of the permit holder to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on June 7, 1983;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 13-7224 be REINSTATED and the priority advanced to February 17, 1978.

Dated this 21 day of July, 1983.

David R. Tutthill (Acting)
for L. GLEN SAXTON
Chief, Operations Bureau

Identification No. _____

Application No. 13-7224

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Max E. Smith Phone: 801-377-0358
post office address 380 West 6th St. South Provo, Utah 84601
2. Source of water supply Birch Creek which is a tributary of Beaver Dam Creek
3. a. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 2 Township 11 South
Range 39 E B.M. Caribou County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount .04^{cfs.} for culinary purpose from January 1 to December 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. .04 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. existing cement headbox and metal pipeline

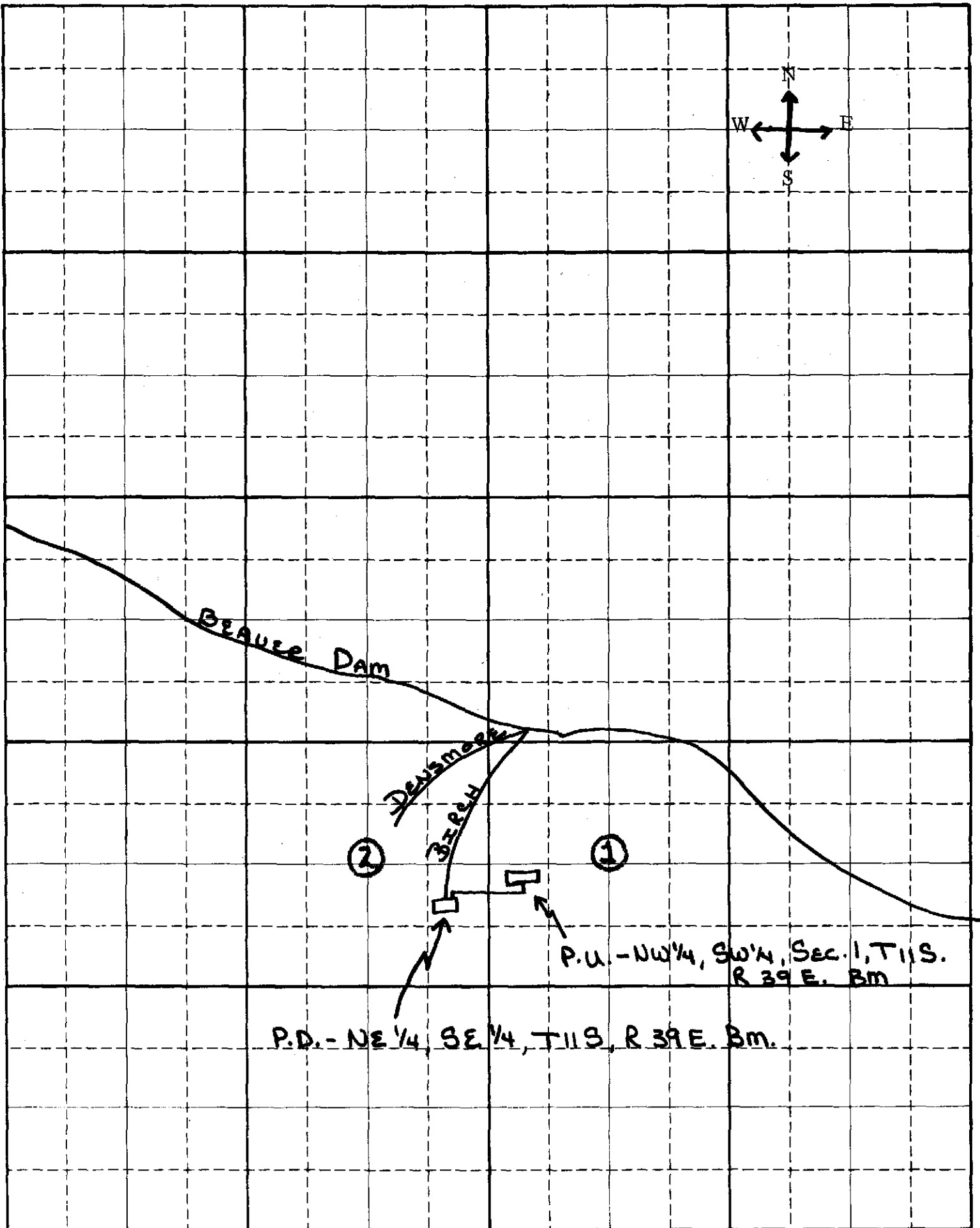
b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years. (Completed previously)
b. Estimated construction cost is \$ _____.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 1 Township 11 South
Range 39 East B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 1.
(5) If water is to be used for other purposes describe: Culinary

MICROFILMED

RECEIVED FEB 13 1978

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.

Mal E. Smith
(Applicant)

8-8-81
Kristen Beyer
7-29-78
Puro Utah

Proposed Priority 12/12/77

CW 2-13-78
Received by CW Date 12-12-77 Time 11:40 a.
11:25 a.

Preliminary check by LH Fee \$ 10.00

Received by CW Date 12-12-77 #9129

Publication prepared by CW Date 12-13-77

Published in Caribou County Sun

Publication dates Dec. 22 & 29, 1977

Publication approved ME Date 1-16-78

Priority reduced to Reason

Protests filed by:

Copies of protests forwarded by

Hearing held by Date

Recommended for approval denial by *abc*

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. 13-7224, 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 April 1, 19 83.

c. Other: The issuance of this permit in no way grants any right-of-way or

easement across the land of another.

Use of water under this permit is subject to control by the watermaster of State Water District No. 21, Bear River.

2. Denial of said application is for the following reasons:

Witness my hand this 24th day of April 19 78

Administrator

Norma Young

Affidavit of Publication

County of Caribou } ss.
State of Idaho }

Mark Steele

being first duly sworn on his
oath, states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County that said
newspaper has been published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for 2 successive weekly
issues thereof, the date of the
first publication being the

22nd day of
December, 1977

The date of the last publication
being the 29th day of
December, 1977

Subscribed and sworn to be-
fore me this 30th day
of December, 1977

Clayton J. Steele
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the
1st day of March
1980

NOTICE OF APPLICATION FOR WATER PERMIT NO. 13-7224

Notice is hereby given that Max
E. Smith, Midvale, Utah has on
12-12-77 submitted Application
No. 13-7224 for a permit to
appropriate 0.04 cubic feet per
second of water from Birch Creek
tributary to Beaver Dam Creek by
means of headbox and pipeline,
with the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T.
11S, R. 39E, B.M., Caribou
County; to be used from Jan. 1 to
Dec. 31 for domestic purposes for
one family within the NW $\frac{1}{4}$
SW $\frac{1}{4}$, Sec. 1, T. 11S, R. 39E,
B.M.

If issued, this permit will be
subject to all prior water rights.
Protests against the granting of
the permit must be filed with the
Idaho Department of Water Re-
sources, 1515 Lincoln Road, Id-
aho Falls, Idaho, 83401 on or
before January 9, 1978.

C. STEPHEN ALLRED
Director

Published in the Caribou Coun-
ty Sun, Soda Springs, Idaho on
December 22 and December 29,
1977.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

February 26, 1990
DIRECTOR

MAX E. SMITH
P.O. BOX 542
GREEN RIVER, UT 84525

RE: PERMIT NO. 13-07224

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

for JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 13-07224

Priority: February 17, 1978

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume:¹ 0.6 AF

This is to certify, that MAX E. SMITH
P.O. BOX 542

GREEN RIVER, UT 84525 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated December 12, 1977; and
has submitted Proof of Beneficial Use on June 7, 1983. An examination indicates
that the works have a diversion capacity of .270 cfs of water from:

SPRING tributary to BEAR RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION: LOT 6(NESE), Sec. 2, Township 11S, Range 39E
CARIBOU County

PLACE OF USE: DOMESTIC

TWN RGE SEC

11S 39E 1 LOT 6(NWSW)

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right is subject to control by the watermaster of State Water District No. 11
6. Domestic use is for a campground.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

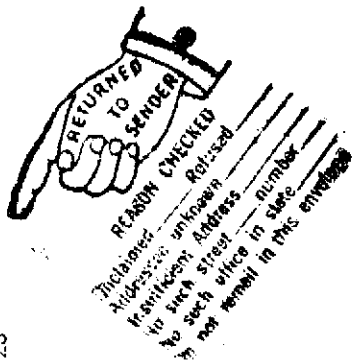
WATER RIGHT NO. 13-07224

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 23rd
day of FEBRUARY, 1990.

Acting for 
R. Keith Higginson, Director

DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720



RECEIVED
MAR 05 1990

Department of Water Resources

RETURN TO SENDER
FORWARDING HAS EXPIRED

13-7224
L13-0722
MAX E. SMITH
P.O. BOX 2
GREEN RIVER UT 84525

February 26, 1990

MAX E. SMITH
P.O. BOX 542
GREEN RIVER, UT 84525

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Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

MAR 02 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

January 18, 1996
KEITH H. JOHNSON
DIRECTOR

MAX E. SMITH
P.O. BOX 542
GREEN RIVER, UT 84525

RE: PERMIT NO. 13-07224

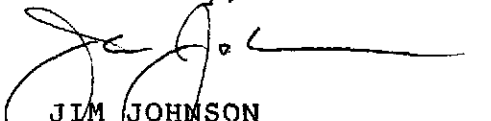
Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

WATER RIGHT NO. 13-07224

Priority: February 17, 1978

Maximum Diversion Rate:
Maximum Diversion Volume:¹

0.04 CFS
0.6 AF

This is to certify, that MAX E. SMITH
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SPRING tributary to BEAR RIVER

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DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF

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CARIBOU County

PLACE OF USE: DOMESTIC

TWN RGE SEC

11S 39E 1 LOT 6 (NWSW)

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4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right is subject to control by the watermaster of State Water District No. 11
6. Domestic use is for a campground.

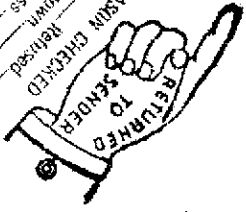
WATER RIGHT NO. 13-07224

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this _____
day of _____, 19____.

R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1 North Orchard Street
Boise, Idaho 83706-2237

REASON CHECKED
 Unpaid _____
 Addressee unknown _____
 Insufficient address _____
 No such office in state _____
 No such street _____
 No such number in this city _____



Current address:
Not listed
No record of address

*is your license
 filed in the
 E*



13-72224



Department of Water Resources

RECEIVED

JAN 29 1990

MAR 02 1990

January 18, 1990

MAX E. SMITH
P.O. BOX 542
GREEN RIVER, UT 84525

RE: PERMIT NO. 13-07224

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

MAR 02 1990

POINT OF DIVERSION OVERLAP REVIEW

WR-NUMBER	TWP	RNG	SC	TRACT			LT	#SOURCE	#NAME
				1\4	1\4	1\4			
1307224	11S	39E	2	NE	SE			BIRCH CREEK	SMITH, MAX E.
1100554								BIRCH CREEK	SMITH, GEORGE M.
1304060								BIRCH CREEK	GILBERT, DON W.
1304064								BIRCH CREEK	SMITH, H. WENDELL
1304065								BIRCH CREEK	GILBERT, DON W.
1304066								BIRCH CREEK	GILBERT, DON W.

MICROFILMED

MAR 02 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

13-7224
Permit No.
SSV-11/17/86

RECEIVED
NOV 09 1987
Department of Water Resources

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 HWS 3-30-87 (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: Overlaps of claims & ditches in same area but none

Check of P/U index HWS 3-30-87 (Initial and date) that need to be considered

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: No overlap of domestic use - only irrigation

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 AL 7-27-87 (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent SL 8-25-87 (Initial and date)

Exam Reviewed by Manager of Regional Office SM 9-23-87 (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)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 13-7224

1. Owner: MAX E. Smith Phone No. (801)564-3475

Current Address: Box 542 Green River UTAH 84525

2. Accompanied by: Bill Coombs EXAM. DATE: 7-27-87

Address: 5967 East Thatcher Rd., Thatcher Idaho Phone No. 427-6201

Relationship to Permit Holder: nephew

3. Source: Spring tributary to Bear River

B. OVERLAP REVIEW

1. Other water rights with same place of use: N.A.

☐ Copies Attached

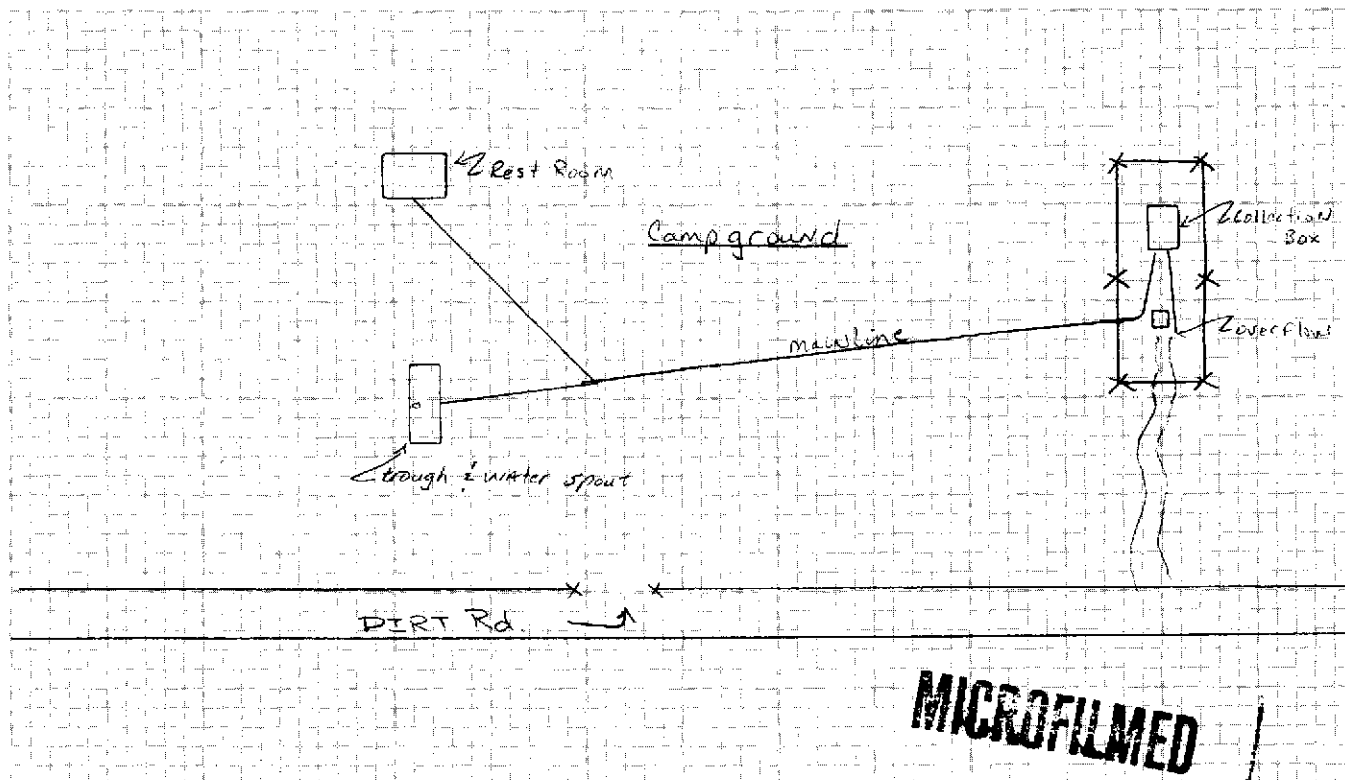
2. Other water rights with same point of diversion: N.A.

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



MICROFILMED

MAR 02 1990

Scale: $1'' =$ _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

- ☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

- ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Spring to collect Box Flies 2" steel pipe to place of use where you will find a nest room & water spout. ~~trough. This is a small campground area.~~

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	N.A.					
Motor Make	—					
Hp	—					
Motor Serial No.	—					
Pump Make	—					
Pump Serial No. or Discharge Size	—					

**Code to correspond with No. on map and aerial photo*

5. Point(s) of Diversion:

[illegible]

Indicate Method of Determination.

6. Place(s) of Use:

[illegible]

Do not use this space

MAR 02 1990

UNCLASSIFIED

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Bucket					2.5 gall.	
Stopwatch						

2. Measurements:

Over Flow filled 2.5 gallon in 2.5 seconds. I also measured water through a break in the collection box at 2.5 gallons in 2.3 sec., 2 sec., 2.5 seconds,

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: multiplied by two because both measurements were alike.

$$Q = 2 \left(\frac{2.5 \text{ gal}}{2.5 \text{ sec.}} \right) \left(\frac{60 \text{ sec.}}{1 \text{ min.}} \right) \left(\frac{1 \text{ min.}}{148.8 \text{ gal}} \right) \left(\frac{1.3}{\text{sec.}} \right) = 0.27 \text{ ft}^3/\text{sec.}$$

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

MICROFILMED

MAR 02 1990

H. REMARKS AND OVERLAP REVIEW ANALYSIS

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (af)
	From	To		
Cullinary	1-1	12-31	0.021	.6

Totals:

0.021 .6

2. Recommended Amendments

- ☐ Change P.D. as reflected above
- ☐ Change P.U. as reflected above
- ☒ Add P.D. as reflected above
- ☐ Add P.U. as reflected above
- ☒ None
- ☐ Other

J. AUTHENTICATION

Field Examiner's Name

Signature

Certification Date

Field Report Preparation Date

Richard Egan, Jr.
9-23-1987

CONSULTANT SEAL

Steve McConnell

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

JDM 8/10/89

MICROFILMED

MAR 02 1990

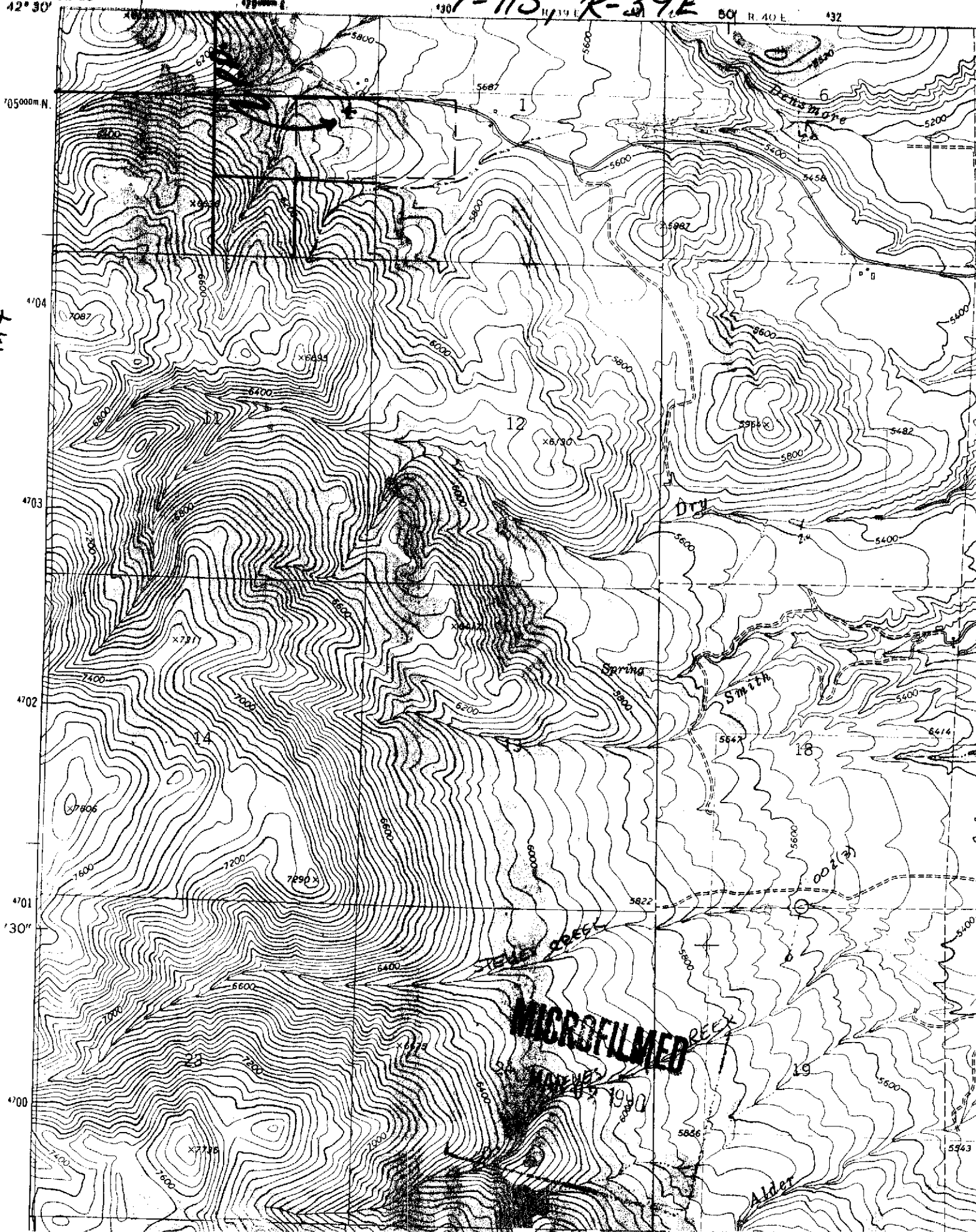
111° 52' 30"
42° 30'

GEOLOGICAL SURVEY

12-7224
T-115, R-39E

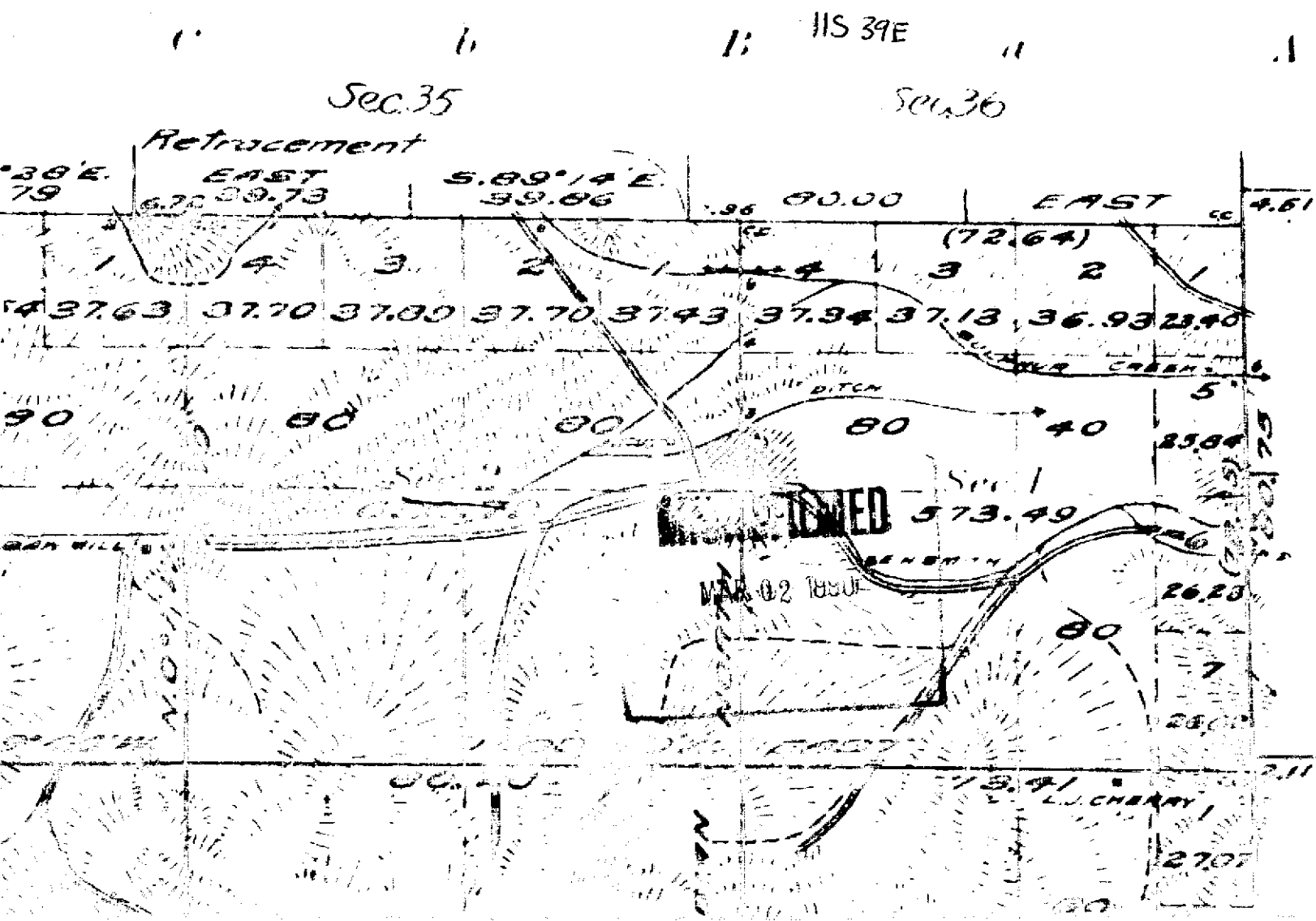
BOY H. 40 L. 432

13-7224

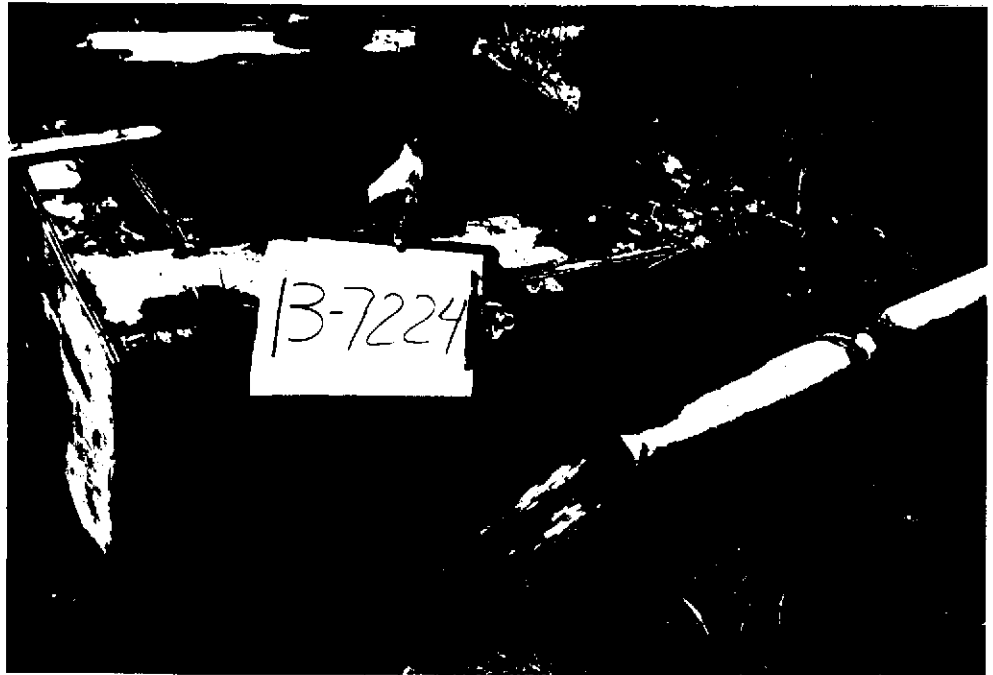


(6754)

of the Boise Meridian, Idaho



13-7224



NOT REFILED

MAR 02 1990



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

A. Kenneth Dunn
Director

July 27, 1983

Max E. Smith
Box 542
Green River, UT 84525

RE: Permit #13-7224

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

_____ A field examination of your system has been scheduled for _____.

If this time and date is not convenient for you, please contact this office as soon as possible.

 X A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

HAROLD W. JONES
Sr. Resource Agent

HWJ:JK

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

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If this time and date is not convenient for you, please contact this office as soon as possible.

 X A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

HAROLD W. JONES
Sr. Resource Agent

HWJ:CW

Enc: Reinstatement Order

RECEIVED

CALCULATION OF NEW PRIORITY DATE

FROM: Rita Fleck

TO: File

DATE: 6/23/83

Date Proof Received

June 7, 1983 158

Proof Due

- April 1, 1983 91

Number of Days Proof Late

67 67 346

Priority Date

+ 12/12/77 346 67 413

New Priority Date

= Feb. 17, 1978

Feb. 17, 1978

Remarks

Proof was 67 days late but lapse letter was sent 4/18/83

proof rec'd 108 158

50 day diff.

allowable to be reinstated

DATE 6-3-83

FILE 13-7224

NAME OF PARTY

Gordon Smith

EMPLOYEE

Ralph Carlson

RE:

Gordon Smith called today in regards to the "Proof Due Notice" (1-31-83) letter he received for his father's permit. Gordon Smith explained that his father is on a mission & he has power of attorney. He also mis placed his B/U card. I explained about the permit & told him I would send him another card today & he should return it by June 18, 1983. He said his address is

131 N. 750 E.

Orem UT 84057

B/U card sent RC 6/3/83

MICROFILMED

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

SMITH, MAX E.
380 W. 6TH ST. S.
PROVO, UT 84601

and

Box 542
Green River, UT 84525

LAPSE NOTICE

APRIL 05, 1983

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 13-7224 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE NOTICE THAT YOU HAVE COMPLETED THE PROJECT (PROOF OF BENEFICIAL USE) BY THE DATE REQUIRED ON YOUR PERMIT OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF DUE NOTICE TO YOU DATED JANUARY 31, 1983.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE POSTCARD OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED POSTCARD OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A STATEMENT OF BENEFICIAL USE POSTCARD AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST AND THAT ONLY ONE EXTENSION OF TIME CAN BE GRANTED UNLESS THE PROJECT HAS NOT BEEN COMPLETED BECAUSE OF LACK OF A NECESSARY APPROVAL BY A GOVERNMENTAL AGENCY OR BY LITIGATION.

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:RF

CERTIFICATION OF MAILING

I hereby certify that on Apr 18, 1983
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

Nita Fleck

INTER-DEPARTMENT MEMO — 1

DATE 3/1/1983

FROM Rita Fleck

TO File 13-7224

SUBJECT B/U Notice - Returned

Pursuant to an address obtained from the Caribou County Assessor's office, I'm sending the notice again to Box 542, Green River, UT 84525. This time it is not being sent certified mail.

rf

SIGNATURE

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

Boise, Idaho 83729

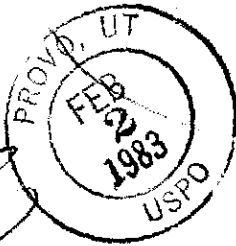
40315/7

Substance

Detached from
PS Form 2849-A
Oct. 1980

W
A
S
H
I
N
G
T
O
N

NO. 138151
Department of Water Resources
AUG 7 1983
CERTIFIED MAIL



PROV. UT
FEB 22 1983
USPO



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138151

SMITH, MAX E.
380 W. 6TH ST. S.
PROVO, UT 84601

PROOF DUE NOTICE

JANUARY 31, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 13-7224 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE APRIL 01, 1983. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 13-7224.

Name(s) of Permit Holder: SMITH, MAX E

Post Office Address: BOX 542 .. GREEN RIVER, UT. 84525

Tel. No. 801-564-3475

Source of Water: SPRING

Extent of Use:

☒ Domestic	<u>CAMP GROUND</u>	(number of households)	<u>OR CABIN</u>
☒ Stockwater		(number and type of stock)	
☐ Irrigation		(acres)	
☐ Other			

pc

Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

6-2-83
Date

Max E Smith
Signature of Permit Holder

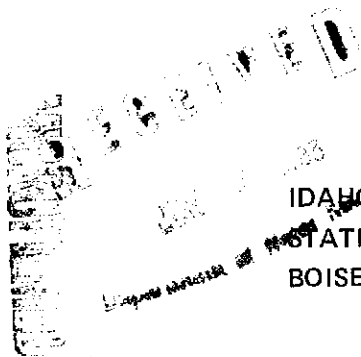
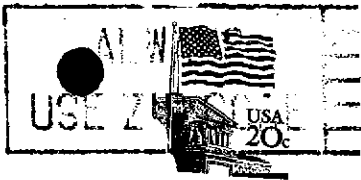
MAX F SMITH



OASIS INDUSTRIES, INC.

1001 E. 12th, U.S. 83401

801-534-3475



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

April 26, 1978

Re: Permit No. 13-7224

Max E. Smith
380 West 6th St. South
Provo, Utah 84601

Dear Mr. Smith:

Your approved copy of Application for Permit No. 13-7224 is enclosed and we direct your attention to the conditions of approval on the fourth page.

You should be aware that since the use proposed in your permit is subject to all prior water rights, there will be many times when there will be no water to satisfy a 1977 water right. The result will be that the State Watermaster of District No. 11 will close or shut off your diversion of water under the permit.

If you have any questions, please let us know.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

MICROFILMED

Transtrum & Budge, Chartered

WALLACE M. TRANSTRUM

RANDALL C. BUDGE

A Professional Corporation

Attorneys at Law

A. BRUCE LARSON

240 So. Main - Suite A - Telephone 208-547-3944
P.O. Box 833 - Soda Springs, Idaho 83276

State of Idaho
Dept. Water Resources
1515 Lincoln
Id. Falls, Id 83401

Date: 2/10/78

Re: Max E. Smith

ENCLOSED ARE: Application For Permit

☐ For your file ☐ Sign ☐ Notarize ☐ Return ☐ Record
☐ Obtain signature of _____
☐ Send to _____
COPY: ☐ Conform ☐ Certify ☐ File ☐ Return
 ☐ Send to _____

REMARKS:

Resubmitting application on updated form.
Filing fees paid previously.

Very truly yours,

Randy Budge

Identification No. 13 7224

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Max E. Smith
post office address 7060S 840 E, Midvale, UT 84047
2. Source of water supply Birch Creek which is a tributary of Beaver Dam Creek
3. a. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 2 Township 11 South
Range 39 East B.M. Caribou County; additional points of diversion if any: _____

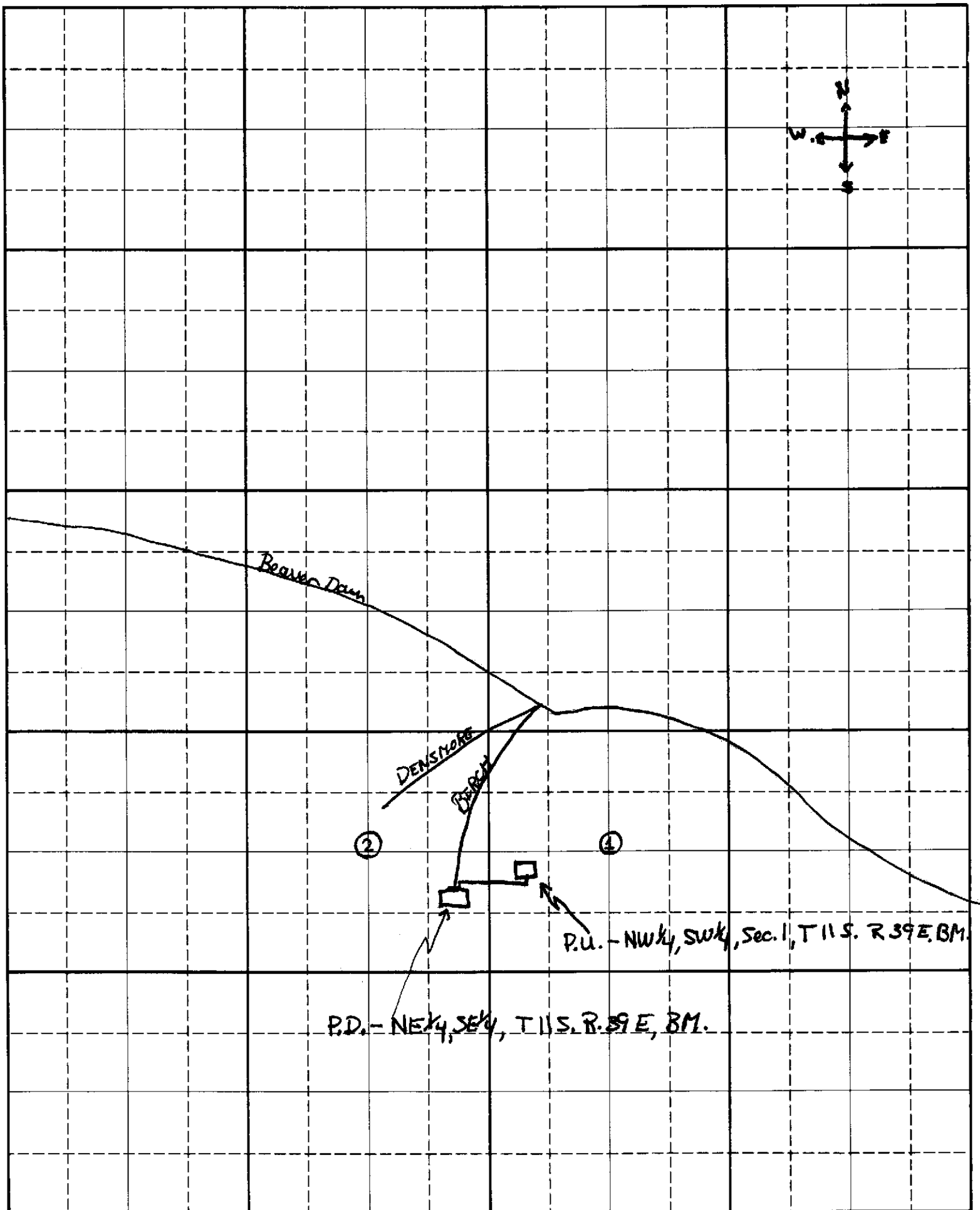
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount .04 cfs for culinary purpose from January 1 to December 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. .04 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. existing cement headbox and metal pipeline.

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years. (Completed previously)
b. Estimated construction cost is \$ _____.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 1 Township 11 South
Range 39 East B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 1.
(5) If water is to be used for other purposes describe: culinary

UNRECORDED

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.

Map Schmitt
(Applicant)

Received by ll Date 12-12-99 Time 11:25A
Preliminary check by ll Fee \$ 0.00
Received by ll Date 12-12-99 # 9129
Publication prepared by ll Date 12-13-99
Published in Blaine County Journal
Publication dates Dec. 21 + 29, 1997
Publication approved the Date January 14, 1998
Priority reduced to _____ Reason _____

Protests filed by: _____

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

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

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 _____, 19____.

c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this _____ day of _____, 19____.

Director

January 17, 1978

RE: Application for Permit No. 13-7224

Mr. Max R. Smith
7060 S 840 E
Midvale, UT 84047

Dear Mr. Smith:

We are enclosing a copy of a letter submitted to the Department by Merlin R. and Earlene Smith. Since they do not wish this letter to be considered as a protest against approval of your application for permit No. 13-7224, it has been included in our files for information purposes.

We are continuing the review and processing of your application; however, before final action can be taken it is necessary you submit the retyped application on the current form we provided your attorney on December 16, 1977.

If you have any further questions concerning this matter, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

:cw

Enclosure

Attorney, Randall Budge

NOT RECORDED

RECEIVED
JAN 6 1978

Department of Water Resources
Eastern District Office

C. Stephen Allred
Director of the Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Application for Water Permit No. 13-7224
Max E. Smith

Dear Mr. Allred:

We do not intend this letter to be a formal protest against the above referenced application, but simply wish to place the applicant on notice that:

1. The flow of Birch Creek never exceeds 1.8 cfs of water during most of the irrigation season from year to year.
2. All 1.8 cfs of the waters of Birch Creek was decreed by Judge Dietrich in 1920 to various named appropriators in the case of Utah Power and Light Co. vs. Last Chance Canal Co., which decree is recorded in Book 41 of Deeds, P. 191, Records Bannock County, Idaho.
3. The undersigned are the owners and users of 1.0 cfs of said decreed water from Birch Creek with priority date of May 1, 1882, and the other .8 cfs is utilized by the predecessors in interest of the owners named in said decree.
4. While any permit issued to applicant would be subordinate to the prior rights of the undersigned, there will be insufficient water at times during the irrigation season to provide applicant with culinary waters.

DATED this 5th day of January, 1978.

Merlin R. Smith
Merlin Smith

Earlene M. Smith
Earlene Smith

December 16, 1977

RE: Application for Permit No. 13-7224 MAX E. SMITH

Mr. Randall C. Budge
Attorney at Law
P.O. Box 833
Soda Springs, Idaho 83276

Dear Mr. Budge:

Attached herewith is departmental receipt No. 9129 in the amount of \$10.00 for the above referenced application.

As this application was submitted on an outdated form, we have taken the liberty of retyping it. Please have the new application signed and return to this office on or before January 9, 1978, which is the final date of protest.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

LOREN O. HOLMES
Assistant Regional Supervisor

LOH:CW

Attachment

Enclosure

MICROFILMED

December 16, 1977

RE: Application for Permit No. 13-7224 SMITH
13-7225 WELCH

Caribou County Sun
P.O. Box 815
Soda Springs, Idaho 83276

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 1-16-78 by CW

RDC:CW

Enc: Legal Notice (2)

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Max E. Smith,
Midvale, Utah

has on 12-12-77 submitted Application No. 13-7224
for a permit to appropriate 0.04 cubic feet per second XXXXXXXXXXXXXXXXXXXX acre feet per annum
of water from Birch Creek tributary to Beaver Dam Creek
by means of headbox and pipeline
within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T. 11S, R. 39E, B.M., Caribou County;

to be used from Jan. 1 to Dec. 31
for domestic purposes for one family

within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, T. 11S, R. 39E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before _____ January 9, 1978

C. STEPHEN ALLRED
XXXXXXXXXXXXXXXXXXXXX
R. KEITH HIGGINSON

Director

Published in the Caribou County Sun, Soda Springs, Idaho
on December 22 and December 29, 1977

UNIFIED

me - L.
me - A.

Transtrum & Budge, Chartered

A Professional Corporation

Attorneys at Law

WALLACE M. TRANSTRUM

RANDALL C. BUDGE

240 So. Main - Suite A - Telephone 208-547-3944

P.O. Box 833 - Soda Springs, Idaho 83276

December 9, 1977

RECEIVED

DEC 12 1977

Department of Water Resources
Eastern District Office

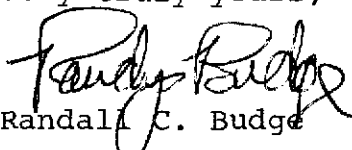
Idaho Department of Water Administration
Eastern Division
1515 Lincoln Road
Idaho Falls, Idaho 83401

RE: MAX E. SMITH - APPLICATION FOR PERMIT

Enclosed for filing on behalf of applicant Max E. Smith is an application for permit together with our trust check in the amount of \$10.00 for filing fees.

Please don't hesitate to contact me if you have any questions or problems in regards to this application.

Very truly yours,


Randall C. Budge

RCB/csj
Enclosure

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. _____

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

Items 7(a) & 8(a) Completed
by T.C. with Attorney.

(1) LA 12-12-77

In form to receipt YES

(2) LA 12-12-77

Send Copies to:

Idaho State Health Department

Idaho Fish and Game Department

Bureau of Land Management

(3) LA 12-12-77

NA

Request Special Use Permit from U.S.F.S.

Request Easement from B.L.M.
NA

Request Information from Applicant

Request Dam Safety Information

(4) " "

In form for advertising YES

(5) " "

Platted on Map No. _____

(6) " "

Located within Water District No. 13-M

(7) " "

NA Critical groundwater area: yes _____ no _____

(8) " "

NA Groundwater levels:

Declining, _____ Stable, _____ Increasing

(comment) _____

(9) " "

Other rights on the same place of use None

(10) " "

Comments: There are Deeded rights for
irrigation use on Birch Cr.

(11) CW 1-16-78

Affidavit of Publication received (date) Jan. 16-1978

(12) CW 1-09-78

Final date for protests January 9-1978

Protests received: yes _____ no ✓

(13) RDC 2/13/78

All requested information received from agencies or
applicant: yes _____ no _____

(14) " "

Action recommended:

✓ Approve

Deny

12/13/78 Proposed Priority

Reason for Reduction

✓ B/W Clause
Measuring device required

✓ See attached sheet for other conditions of
approval

✓ No special conditions for approval

Subject to control
of water master
Bear River

(15) District E

By RDC

Date 2/13/78

Copied
Sheet