

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

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

[illegible]

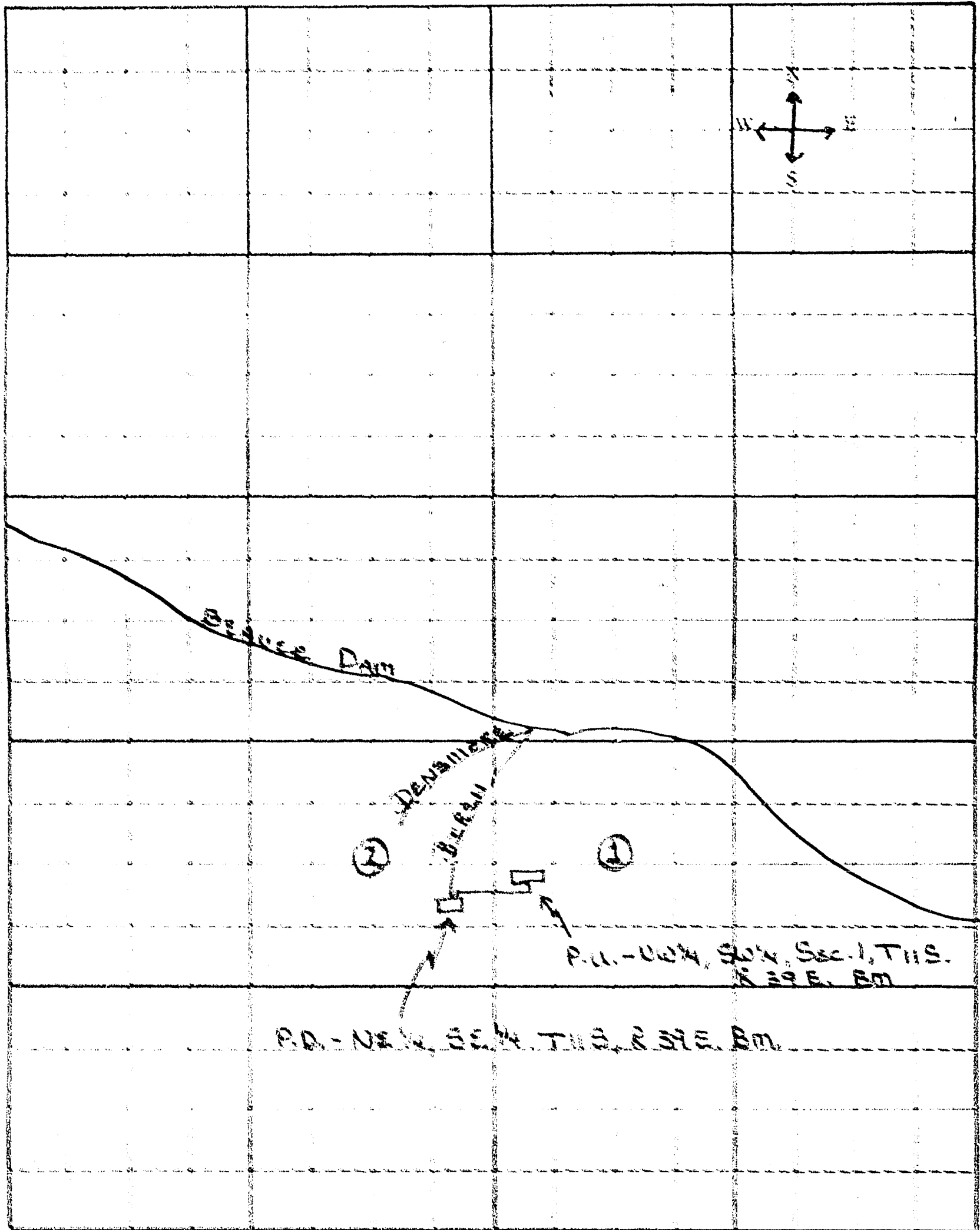
Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes as described above. _____

9. a. Who owns the property at the point of diversion Leo Nielsen, 4150 S. 2700 E. Salt Lake City, Ut
 b. Who owns the land to be irrigated or place of use applicant - Max E. Smith
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing oral agreement

10. Remarks _____

12. Map of proposed project with owner's name, name of dam, place of use, section number, township and range number.



Map of proposed project

13. Name of the person or persons who have authority to execute the project and the date of the project.

[Signature]
 Applicant

[Signature]
 Date

Proposed Priority 12/12/77

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

Preliminary check by LH Fee \$ 10.00

Receipted 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 RDC JG

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. 11, Bear River.

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

Witness my hand this 24TH day of April 19 78.

Norman C. Young
Administrator

RECEIVED

JAN 16 1978

Department of Water Resources
Eastern District Office

**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 Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before January 9, 1978.

C. STEPHEN ALLRED
Director

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

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 circulation 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 seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

That the annexed notice was published as per clipping attached 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

Mark Steele

Subscribed and sworn to be-

fore me this 30th day

of December, 1977

Clarence J. Stube
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the

1st day of March

1980.

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

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

Request Easement from B.L.M.

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 Decreed 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

12/12/77 Proposed Priority

Reason for Reduction

✓ RIW Clause
Measuring device required

✓ See attached sheet for other conditions of
approval

✓ No special conditions for approval

(15) District E

By RDC

Date 2/13/78

Subject to control
of water master
Bear River

Transtrum & Budge, Chartered

A Professional Corporation

Attorneys at Law

WALLACE M. TRANSTRUM
RANDALL C. BUDGE

December 9, 1977

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

RECEIVED

DEC 12 1977

Department of Water Resources
Eastern District Office

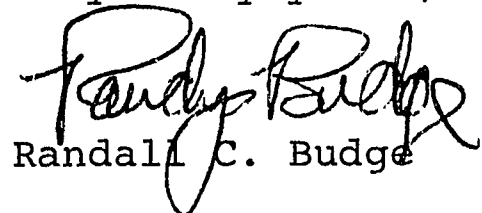
Idaho Department of Water Administration
Eastern Division
1515 Lincoln Road
Idaho Falls, Idaho 83401

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

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
XXXXXXXXXXXXXXXXXXXX
R. KEITH HIGGINSON

Director

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

the D.
the L.

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)

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

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

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

RDC:cw

Enclosure

cc: Attorney, Randall 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

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

[illegible]

Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes as described above. _____

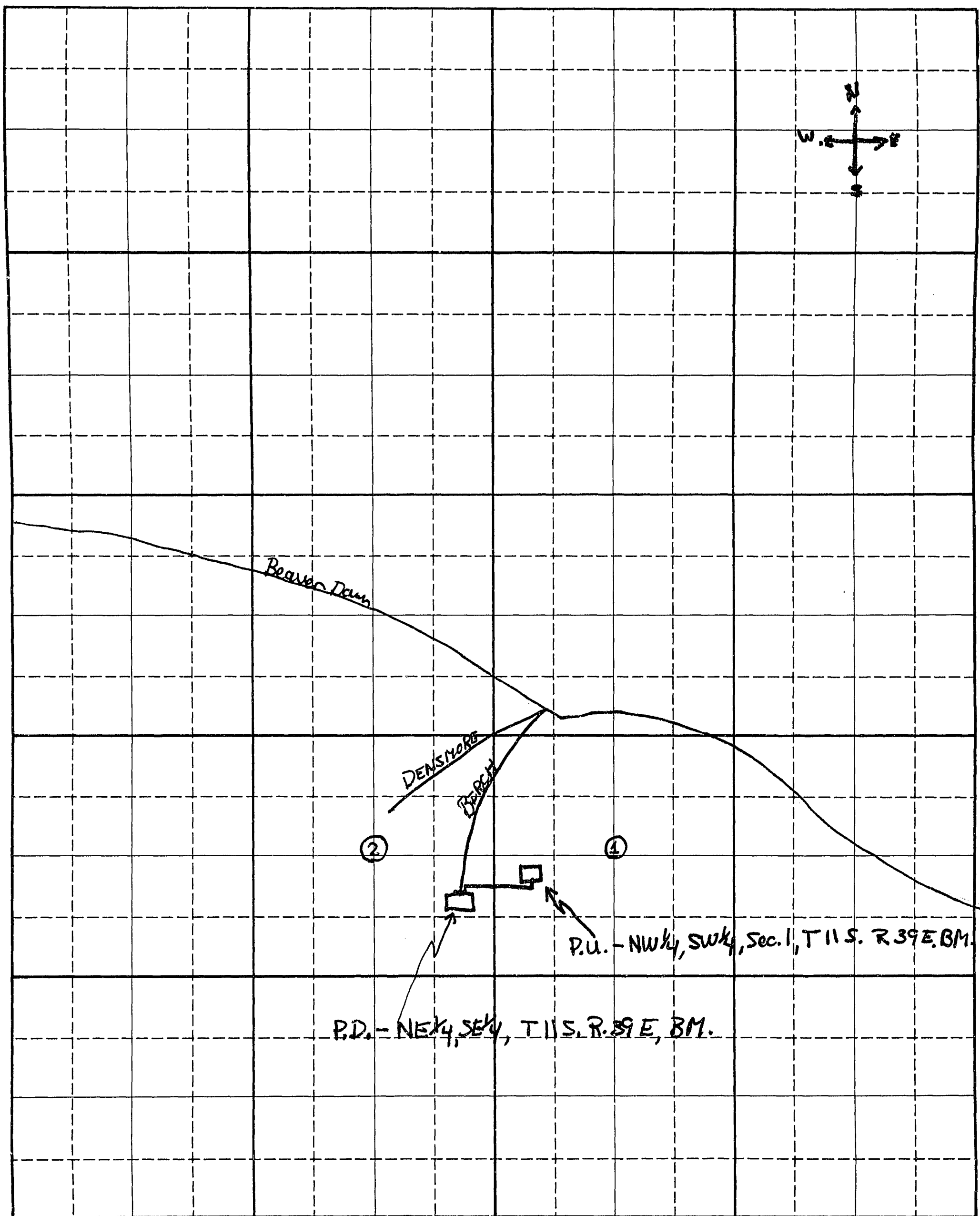
9. a. Who owns the property at the point of diversion Leo Nielsen, 4150 S. 2700 E., Salt Lake City
Utah.

b. Who owns the land to be irrigated or place of use applicant-Max E. Smith Utah.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. oral agreement

10. Remarks _____

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.

May E. Smith
(Applicant)

Received by CA Date 12-12-77 Time 11:25A
Preliminary check by LA Fee \$ 10.00
Receipted by CA Date 12-12-77 # 9129
Publication prepared by CA Date 12-13-77
Published in Caribou County Sun
Publication dates Dec. 22 + 29-1977
Publication approved me Date January 16, 1978
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

Transtrum & Budge, Chartered

A Professional Corporation

Attorneys at Law

WALLACE M. TRANSTRUM

RANDALL C. BUDGE

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

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

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. Tuttle (Acting)
for L. GLEN SAXTON
Chief, Operations Bureau

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

CLAIM CHECK
NO.
403157

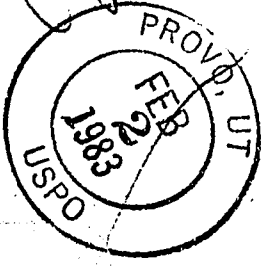
DATE
FEB 1983
NOTICE
RETURN

Detached from
PS Form 3840-A
Oct. 1980



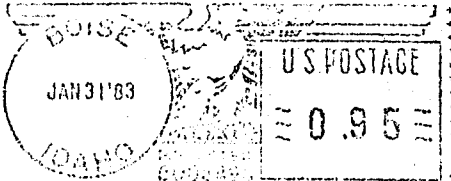
FEB 1983

over 1 year on file



RECEIVED

CERTIFIED MAIL
Department of Water Resources
NO. 138151



INTER-DEPARTMENT MEMO — 1

FROM Rita Fleck

DATE 3/1/1983

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

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

CONVERSATION MEMORANDUM

DATE 6-3-83FILE 13-7224NAME OF PARTY Gordon SmithEMPLOYEE Ralph Carlson

RE:

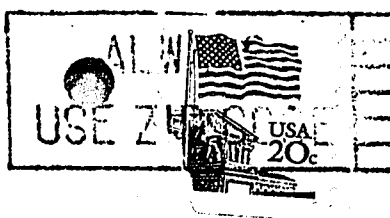
Gordon Smith called today in regards to the "Proof Due Notice" (1-31-83) letter he received for his father's permit. Gordon Smith explained that his father is on a mission & he has power of attorney. He also miss placed his B/U card. I explained about the permit & told him I would send him another card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

MAX F SMITH
OASIS HOTEL & CAFE
GREEN RIVER, UT 84301
801-534-3475



RECEIVED
JUN 7 1983



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

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 CAMP Ground (number of households) OR CABIN
☒ Stockwater (number and type of stock)
☐ Irrigation (acres)
☐ Other

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

CALCULATION OF NEW PRIORITY DATE

FROM: Rita Fleck

TO: File

DATE: 6/23/83

Date Proof Received

Proof Due

Number of Days Proof Late

Priority Date

New Priority Date

June 7, 1983	158	
- April 1, 1983	91	346
67	67	67
+ 12/12/77	346	413
		365
		48
	=	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



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

July 27, 1983

Max E. Smith
Box 542
Green River, UT 84525

RE: Permit No. 13-7224

Dear Mr. Smith:

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: CW

Enc: Reinstatement Order



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

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☒ 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

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

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
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.

PAGE 2

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

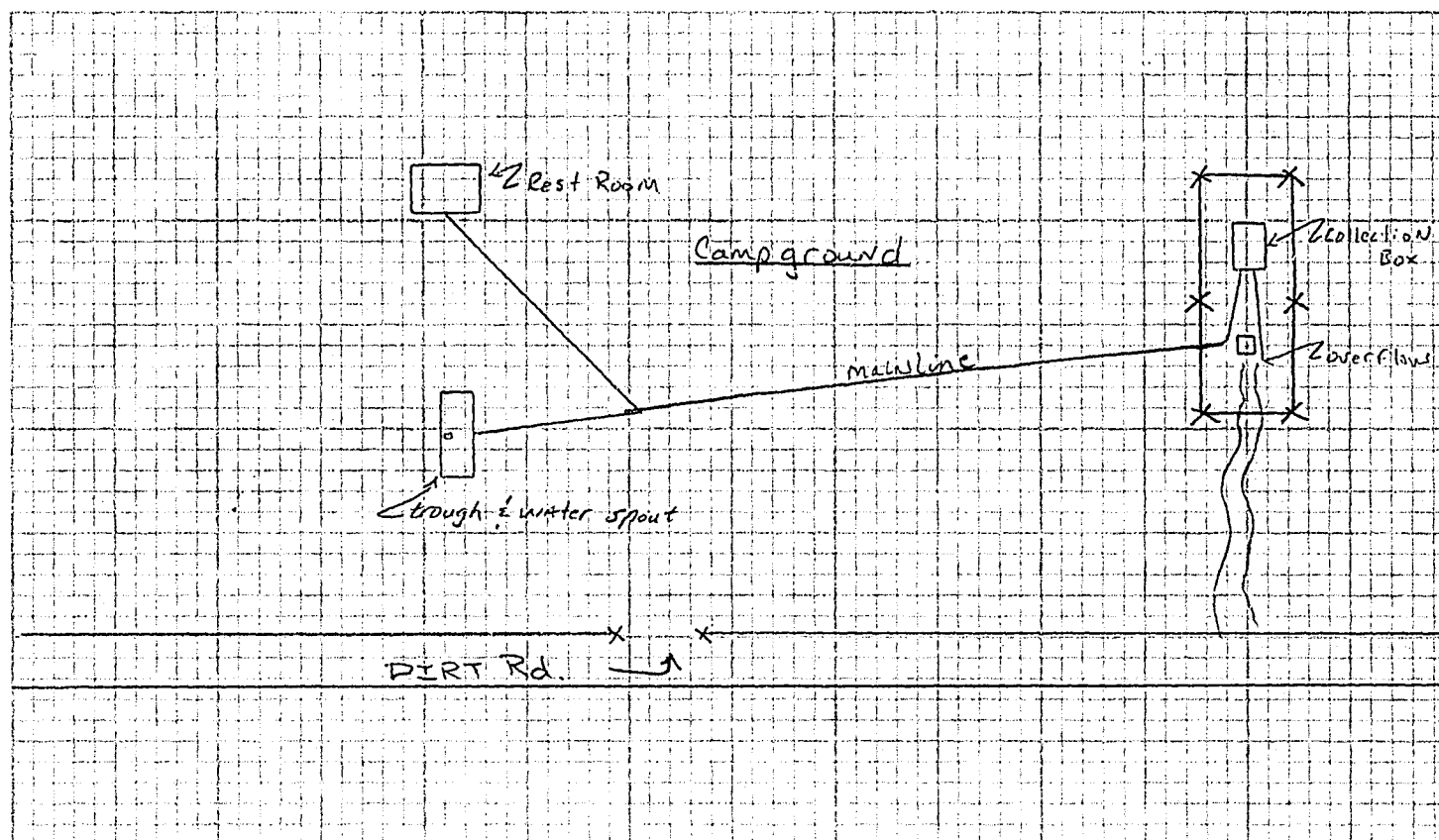
1. Owner: MAX E Smith Permit No. 13-7224
Current Address: Box 542 Green River UTAH 84525 Phone No. (801)564-3475
2. Accompanied by: Bill Coombs EXAM. DATE: 7-27-87
Address: 5967 East Thatcher Rd., Thatcher Idaho Phone No. 427-6201
Relationship to Permit Holder: nephew
3. Source: Spring tributary to Bear 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



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). ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

System Description (continued)

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

Spring to collection Box then 2" steel pipe to place.
 of use where you will find a rest room & water spout
 & trough. This is a small campground area.

☐ See Remarks on page 4 for continuation

4.

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

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

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	6		NE	SE	2	115	39E	Caribou	

6. **Place(s) of Use:**

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
115	39E	2													D				D
															L-6				

Do not use this space

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.

$$Q = 2 \left(\frac{2.5 \text{ gal}}{2.5 \text{ sec}} \right) \left(\frac{60 \text{ sec}}{1 \text{ min}} \right) \left(\frac{1 \text{ min}}{144.8 \text{ gal}} \right) \left(\frac{1.48 \text{ ft}^3}{\text{sec}} \right) = 0.27 \text{ ft}^3/\text{sec}.$$

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:

1. *Phragmites australis* (Common reed)
 2. *Scirpus americanus* (Nodding reed)
 3. *Eleocharis acicularis* (Spike rush)
 4. *Cyperus tenuifolius* (Dwarf spikerush)
 5. *Eleocharis obtusa* (Spike rush)
 6. *Scirpus setaceus* (Nodding reed)
 7. *Phragmites australis* (Common reed)
 8. *Scirpus americanus* (Nodding reed)
 9. *Eleocharis acicularis* (Spike rush)
 10. *Cyperus tenuifolius* (Dwarf spikerush)
 11. *Eleocharis obtusa* (Spike rush)
 12. *Scirpus setaceus* (Nodding reed)
 13. *Phragmites australis* (Common reed)
 14. *Scirpus americanus* (Nodding reed)
 15. *Eleocharis acicularis* (Spike rush)
 16. *Cyperus tenuifolius* (Dwarf spikerush)
 17. *Eleocharis obtusa* (Spike rush)
 18. *Scirpus setaceus* (Nodding reed)
 19. *Phragmites australis* (Common reed)
 20. *Scirpus americanus* (Nodding reed)
 21. *Eleocharis acicularis* (Spike rush)
 22. *Cyperus tenuifolius* (Dwarf spikerush)
 23. *Eleocharis obtusa* (Spike rush)
 24. *Scirpus setaceus* (Nodding reed)
 25. *Phragmites australis* (Common reed)
 26. *Scirpus americanus* (Nodding reed)
 27. *Eleocharis acicularis* (Spike rush)
 28. *Cyperus tenuifolius* (Dwarf spikerush)
 29. *Eleocharis obtusa* (Spike rush)
 30. *Scirpus setaceus* (Nodding reed)

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Cullinney	1-1	12-31	0.04	.6
		Totals:	0.04	.6

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

Field Examiner's Name Richard Leamon, Jr.
Signature Richard Leamon, Jr.
Certification Date 9-23-1987
Field Report Preparation Date _____

Steve McCormick

CONSULTANT SEAL

ADM 8/10/89

4 6754)

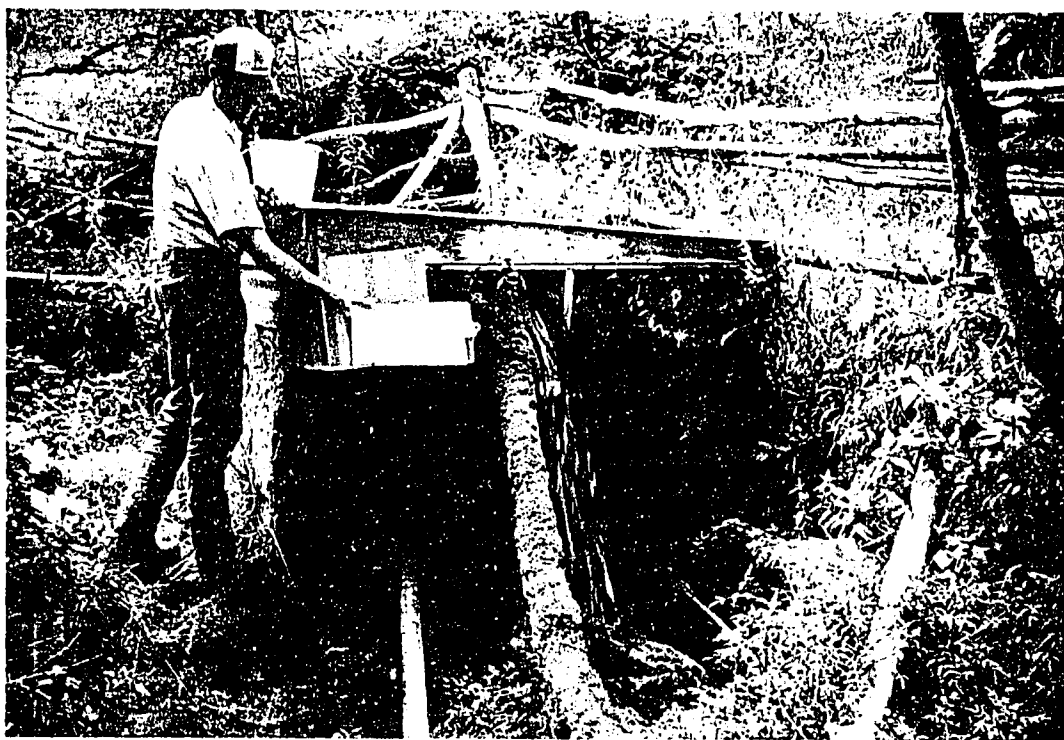
11S 39E

50636

This is a detailed topographic map of a section of the San Joaquin Hills. The map features a grid with elevations and various geographical features. Key elements include:

- Grid and Elevations:** The map is overlaid with a grid. Elevations are marked at various points, including 37.63, 37.70, 37.89, 37.70, 37.43, 37.34, 37.13, 36.93, 36.70, 36.50, 36.30, 36.10, 35.90, 35.70, 35.50, 35.30, 35.10, 34.90, 34.70, 34.50, 34.30, 34.10, 33.90, 33.70, 33.50, 33.30, 33.10, 32.90, 32.70, 32.50, 32.30, 32.10, 31.90, 31.70, 31.50, 31.30, 31.10, 30.90, 30.70, 30.50, 30.30, 30.10, 29.90, 29.70, 29.50, 29.30, 29.10, 28.90, 28.70, 28.50, 28.30, 28.10, 27.90, 27.70, 27.50, 27.30, 27.10, 26.90, 26.70, 26.50, 26.30, 26.10, 25.90, 25.70, 25.50, 25.30, 25.10, 24.90, 24.70, 24.50, 24.30, 24.10, 23.90, 23.70, 23.50, 23.30, 23.10, 22.90, 22.70, 22.50, 22.30, 22.10, 21.90, 21.70, 21.50, 21.30, 21.10, 20.90, 20.70, 20.50, 20.30, 20.10, 19.90, 19.70, 19.50, 19.30, 19.10, 18.90, 18.70, 18.50, 18.30, 18.10, 17.90, 17.70, 17.50, 17.30, 17.10, 16.90, 16.70, 16.50, 16.30, 16.10, 15.90, 15.70, 15.50, 15.30, 15.10, 14.90, 14.70, 14.50, 14.30, 14.10, 13.90, 13.70, 13.50, 13.30, 13.10, 12.90, 12.70, 12.50, 12.30, 12.10, 11.90, 11.70, 11.50, 11.30, 11.10, 10.90, 10.70, 10.50, 10.30, 10.10, 9.90, 9.70, 9.50, 9.30, 9.10, 8.90, 8.70, 8.50, 8.30, 8.10, 7.90, 7.70, 7.50, 7.30, 7.10, 6.90, 6.70, 6.50, 6.30, 6.10, 5.90, 5.70, 5.50, 5.30, 5.10, 4.90, 4.70, 4.50, 4.30, 4.10, 3.90, 3.70, 3.50, 3.30, 3.10, 2.90, 2.70, 2.50, 2.30, 2.10, 1.90, 1.70, 1.50, 1.30, 1.10, 0.90, 0.70, 0.50, 0.30, 0.10, 0.00.
- Geographical Features:**
 - San Joaquin Hills:** The main area of the map.
 - Ditch:** A feature running horizontally across the middle of the map.
 - Creek:** A feature running vertically along the right side of the map.
 - San Joaquin River:** A feature running horizontally along the bottom of the map.
- Labels and Orientation:**
 - San Joaquin Hills:** Labeled at the top.
 - DITCH:** Labeled near the horizontal feature.
 - CREEK:** Labeled near the vertical feature.
 - SAN JOAQUIN RIVER:** Labeled at the bottom.
 - North:** Indicated by an arrow pointing upwards.
 - South:** Indicated by an arrow pointing downwards.
 - East:** Indicated by an arrow pointing to the right.
 - West:** Indicated by an arrow pointing to the left.

13-7224



For Clarity of
Photographs Filmed
Please See File

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.

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

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

RETURNED
TO
SENDER
REASON CHECKED
Unclaimed
Addressee unknown
Insufficient address
No such street
No such office in state
Do not re-mail in this envelope

Current address:
Not listed
No record of owner

Issue license
held in file

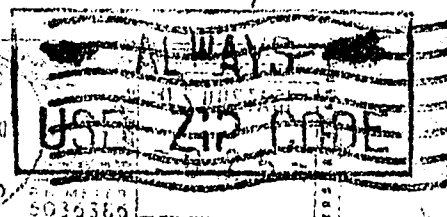
FD *EX*

RECEIVED
JAN 29 1990

Department of Water Resources

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

13 - 7224



February 26, 1990

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,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure