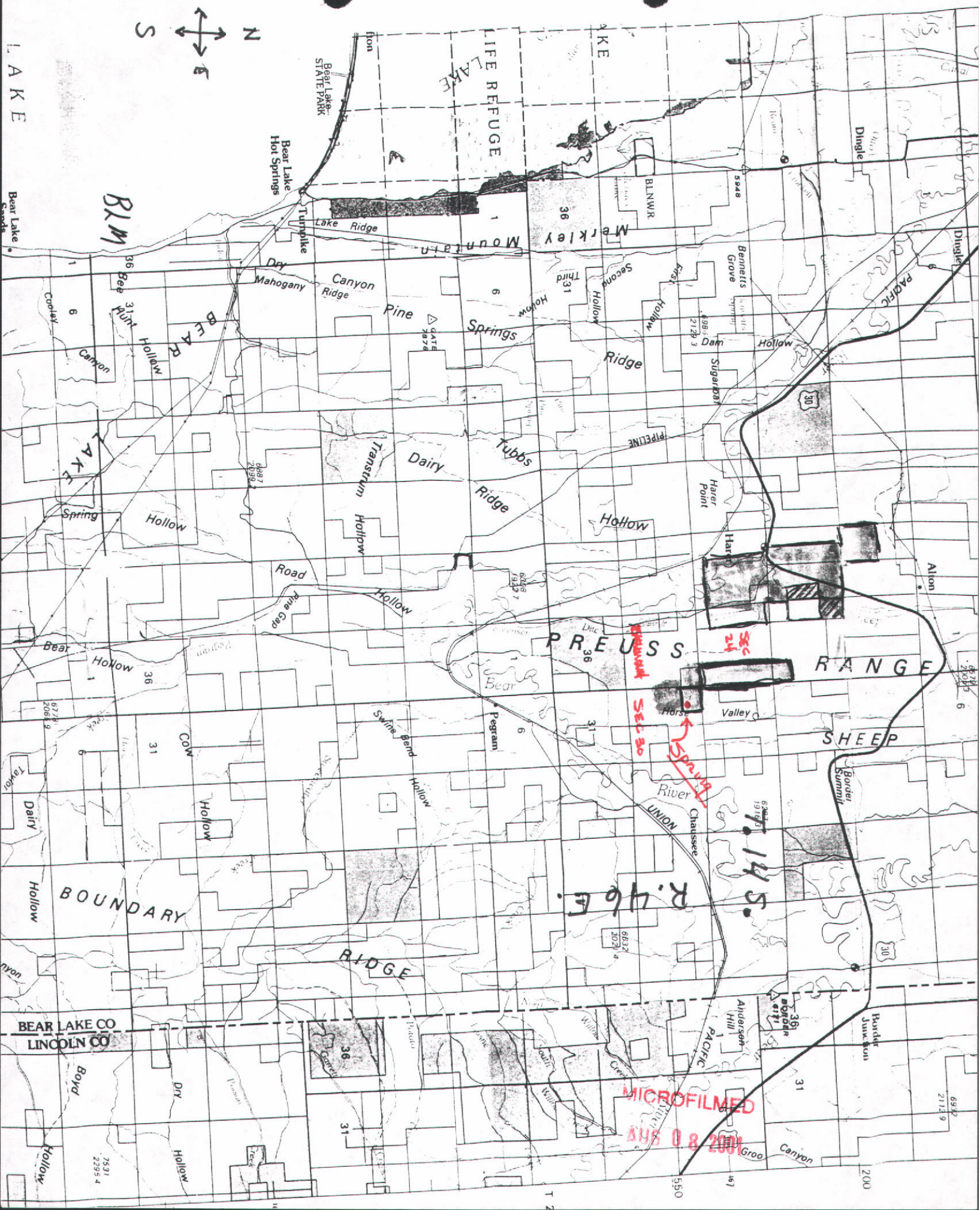


LAKE

BLM

BEAR LAKE CO
LINCOLN CO



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Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Smith Broken Heart Ranch, L.C., c/o James B. Smith, Manager,
3936 N. Highway 126, Ogden, Utah 84404 (Name of Claimant) Telephone No: 801-731-1120
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) 4/1/1889
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Unnamed springs tributary to None-spring sinks

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
(cfs or af) (Irrigation, Domestic, Stock, Etc.) (Both dates inclusive)
(MM/DD) (MM/DD)

Quantity	Use	Period of Use From	to
<u>0.0264 cfs</u>	<u>Stockwater</u>	<u>5/1</u>	<u>10/15</u>
Quantity	Use	Period of Use From	to
Quantity	Use	Period of Use From	to
Quantity	Use	Period of Use From	to

4. 0.0264 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is 1/4 of NW 1/4 of NW 1/4 Govt. Lot 1
Sec. 30 Township 14 S. Range 46 E. B.M., Bear Lake County;
additional points of diversion, if
any:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.

Pipelines from springs to watering troughs.

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6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SE	SW	
14S	46E	30						S											

TOTAL ACRES _____

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific. 120 cow/calf pairs of beef cattle.

NOTE: Include here the type and number of stock watered: _____

7. Remarks: _____

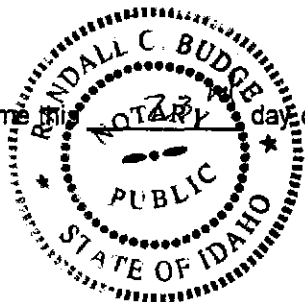
8. Map -- Attach an 8 1/2"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7 1/2 minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of use if available.

State of Utah Idaho)
County of Bannock) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

[Signature]
Claimant's Signature (and title if claim is for an organization)

Sworn to before me this _____ day of _____, 2001



Randall C. Budge
Notary Public

Residing at: Pocatello, ID.

My commission expires: 10/11/2000

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AUG 02 2001

Received by HWT Date 5-31-01 Published _____ in _____
Prelim. check by _____ Date 5-31-01 Publication dates News Examiner June 20 & 27, 01
Fee 250.00 Receipt # E026763 Publication checked by S Date 7/9/01
Receipt prepared by _____ Date _____ Exceptions filed by _____

Bear Lake



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State of Idaho
Department of Water Resources

Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWS

Right Number 11-7464

Applicant Smith's Broken Heart Ranch

#69179

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.
- ☒ W.D. None

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By HWS

Date 7-11-01

STATE OFFICE PROCESSING:

- ☐ Claim review complete.

By _____

Date _____

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Bear Lake

ss.

Rosa S. Moosman

being duly sworn,

deposes and says:

That he is the Ektor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

June 20, 192001, and ending
with the issue of June 27, 192001

Rosa S. Moosman

Fees, 53.36

Subscribed and sworn to before me this 27th day
of June, 192001

Sherry Brown
Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 28, 192003

NOTICE TO WATER USERS

The following claim(s) have been filed based on diversion and beneficial use of water:

11-7464

SMITH BROKEN HEART RANCH

C/O JIM SMITH

3936 HYWAY 126

OGDEN UT 84404

Point(s) of Diversion: L1
NWNW S30 T14S R46E, BEAR
LAKE County

Source SPRING Tributary to
SINKS

Use: STOCKWATER 05/01 TO
10/15 0.03 CFS

Total Diversion: 0.03 CFS

Priority Date: 04/01/1889

Place of Use: STOCKWATER

T14S T46E S30 NWNW

Exceptions to a claim may be
filed with the Department of
Water Resources, Eastern
Region, 900 N Skyline Dr Ste A,
Idaho Falls ID 83402 together
with an exception fee of \$25.00.

KARL J DREHER,
Director

Publish on June 20 and 27,
2001 — Legal No. 6171.



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Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 13, 2001

SMITH BROKEN HEART RANCH
C/O JIM SMITH
3936 HYWAY 126
OGDEN UT 84404

RE: Water Right Claim No 11-7464

Dear Claimant(s):

The Department of Water Resources acknowledges receipt of your water right claim. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the claim has been prepared and is scheduled for publication in the News Examiner on June 20 and 27, 2001. If exceptions to the claim are filed you will be sent a copy of the exceptions(s).

The filing and advertising of the claim does not confirm the water right claimed. It will serve to record and preserve the information and the evidence, including any exceptions, regarding the claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have the information or evidence added at any time. Corrections to the claim may be made by filing an amended claim; no additional filing fees are required to amend a claim.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

We are enclosing a copy of the claim for your records. Please feel free to contact this office if you have any questions.

Sincerely,

Harold W Jones
Water Right Supervisor

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State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

June 13, 2001

KARL J. DREHER
DIRECTOR

Legal Notice Department
NEWS-EXAMINER
PO BOX 278
MONTPELIER ID 83254

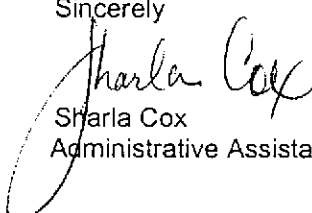
RE: Statutory Claim No. 11-7464 and 11-7465
Transfer T69211

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before July 9, 2001. Your cooperation is appreciated.

Sincerely


Sharla Cox
Administrative Assistant

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AUG 08 2001

11-7464

T14S R46E S30 NWNW

Published on June 20 and 27, 2001

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