



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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January 5, 2009

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

SMITH BROKEN HEART RANCH  
MR. JIM SMITH  
3105 E 4100 N  
LIBERTY, UT 84310

**RE: LETTER CORRESPONDENCE TO THE DEPARTMENT FROM MR. SMITH  
RECEIVED ON DECEMBER 18, 2008.**

Mr. Smith:

This letter is in response to your correspondence to the Idaho Department of Water Resource (the Department), specifically Mr. Tim Luke, concerning water measurement in the Bear River Central Division area. I would like to take this opportunity to respond to the questions in your letter.

In concurrence with the Department's direction following the Water Users Coordination Meeting on November 20, 2008, installation or repairs to your existing diversion head works prior to the 2009 irrigation season, as you have proposed, is sufficient. The Department leaves the decision of repair versus replacement to your discretion, our primary concern is that the head works are functional and can isolate the diversion from the Bear River. If you are unable to make improvements to your diverting head works in the spring of 2009, prior to the irrigation season, please notify the Department at that time.

In regards to participating with the Department and the Watermaster in the acoustic Doppler flow meter (ADFM) pilot program in the Central Division, please coordinate with the Watermaster Mr. Rock Holbrook. I know that he has been in coordination with other water users in the area on this issue. Mr. Holbrook may be reached by telephone at (208) 847-5392.

Finally, concerning Smith Broken Heart Ranch stock water rights, a cursory review of our Water Rights Data Base indicates that the only stock water rights in the name of your ranch are a statutory claim (11-7464) for the diversion of 0.03 cfs from a spring source located in the NW quarter of the NW quarter of Section 30, Township 14S, Range 46E, Bear Lake County, Idaho. You may want to confirm the point of diversion and place of use of your stock water rights to make sure you are in conformance with the water rights.

Thank you for your correspondence and on-going support in this matter. If you have any questions or concerns regarding these matters please contact Tim Luke or myself at the address or phone number listed on the above letterhead.

Respectfully,

A handwritten signature in black ink, appearing to read 'Mat Weaver', is written over a horizontal line.

Mat Weaver, PE  
Staff Engineer