

Wim Smith
Smith Broken Heart Ranch WD
3105 E 4100 N.
LIBERTY UTAH 84310

2211
RECEIVED

DEC 18 2008

DEPARTMENT OF
WATER RESOURCES

MR. Tim Luke

I FIRST WANT TO THANK
CHRISTINE IN YOUR OFFICE FOR CALLING AND
GETTING MY ADDRESS IN UTAH. I
DIDN'T RECIEVE ANYTHING LAST YEAR UNTIL
I PICKED UP MY MAIL IN THE SPRING.

BETWEEN EQUIPMENT PROBLEMS
& PERSONAL SET BACKS WE HAVE NOT BEEN
ABLE TO ACCOMPLISH ANY OF THE WORK
REQUESTED. THIS FALL.

I HAVE EQUIPMENT & HELP
SCHEDULED BEFORE 2009 WATERING SEASON.

I ALSO TALKED WITH ROCK HOLBROOK
WATER MASTER AND TOLD HIM WE WOULD
BE INTERESTED IN PARTICIPATING IN TEST
MEASURING DEVICES THAT YOU FIND ACCEPTABLE.
WITH THIS DEVICE IN PLACE WE COULD
ASSURE YOU THAT WE ARE NOT TAKING
MORE THAN OUR WATER RIGHT PERMITTED
THIS COULD BE ACCOMPLISHED BY PUTTING
AN EXTENSION ON OUR EXISTING CULVERT
AND BEING ABLE TO REMOVE THE WHOLE
UNIT IN TACT FOR STORAGE IN THE
WINTER.

IF WE DID FIND THE WHOLE
HEAD GATE NEEDS REPLACING AND

is not repairable. We would ask that we could still take delivery for 2009 watering season.

We have left the headgate open slightly for stock water for Dave Ure cattle and ours on east side of Peagram Road and am hopeful there has just some build up in bottom of head gate.

Stock water permits were applied for when we settled our dispute with Mr. Tracy Baxter - work was done by Randy Budge.

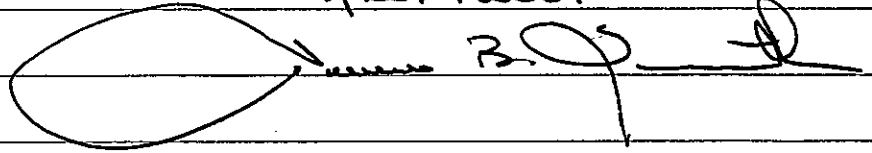
If this is not ^{the} case work could be accomplished by end of July as we don't use water after that except for stock. With my son & equipment we could accomplish this at reasonable costs. With a commitment we would hire it out if full replacement required.

We cannot take advantage of our full water right though this diversion now. So at no time would we be using more than our right call for.

I value my water right and have fought hard for them.

Thanking You For Consideration
of Our Plan

Respectfully

A handwritten signature in dark ink, appearing to read "James B. Smith", with a large, loopy flourish extending from the end.

James B. Smith

Partner

Smith Broken Heart

LLC.

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