

Form I-243
7/98
Form 243
7/98

Claim No. 11-7464

RECEIVED

JUL 16 2001

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 <u>0.0264 cfs</u>	Use <u>Stockwater</u>	Period of Use From <u>5/1</u> to <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	NE¼				NW¼				SW¼				SE¼				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: _____

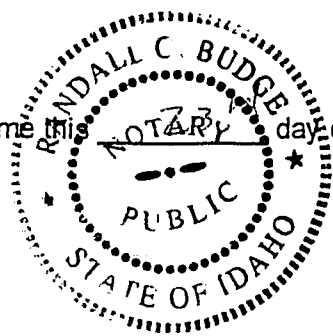
8. Map -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of 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.

Claimant's Signature (and title if claim is for an organization) James B. Finkbeiner Manager

Sworn to before me this 11th day of MAY, 2001



Notary Public

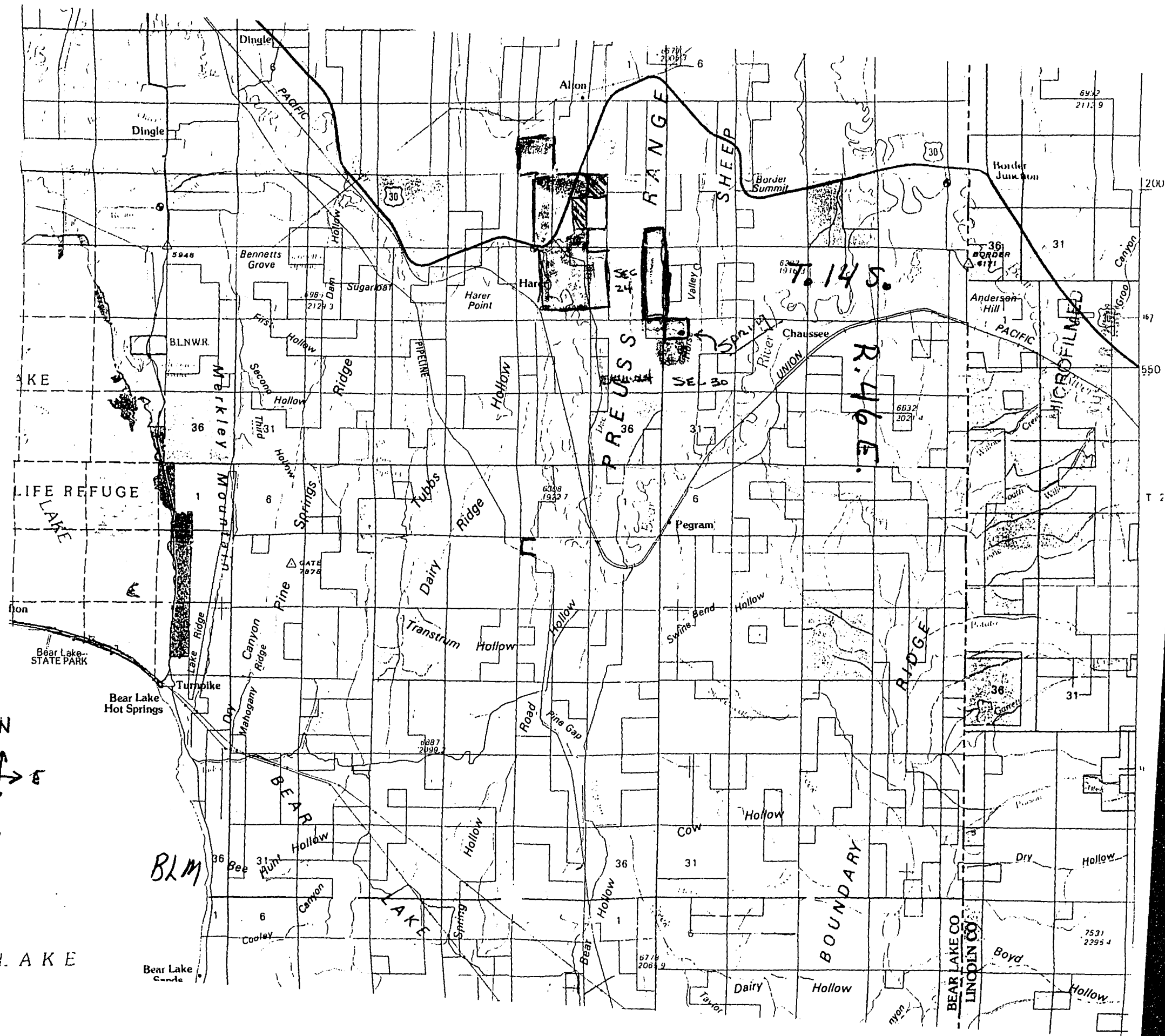
Residing at: Pocatello, ID.

My commission expires: 10/11/2000

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FOR DEPARTMENT USE ONLY

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 g Date 7/9/01
Receipt prepared by _____ Date _____ Exceptions filed by _____



11-7464

T14S R46E S30 NWNW

Published on June 20 and 27, 2001

ALL 0 8 7001



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

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

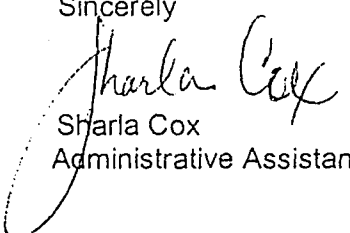
RE: Statutory Claim No. 11-7464 and 11-7465
Transfer T69211

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



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

Harold W Jones
Water Right Supervisor

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JUN 14 2001



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

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June 13, 2001

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Sincerely,

Harold W. Jones
Harold W Jones
Water Right Supervisor

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AUG 6 2001

No 6171

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake } ss.

Rosa L. Moosman
being duly sworn,

deposes and says:

That he is the Editor 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, 2001, and ending
with the issue of June 27, 2001.
Rosa L. Moosman

Fees, 53.36

Subscribed and sworn to before me this 27th day
of June, 2001

Sherry Brown
Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 28, 2003

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

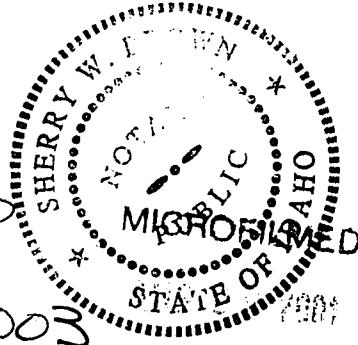
Priority Date: 04/01/1889

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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JUL 09 2001

Department of Water Resources
Eastern Region