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DEPARTMENT OF
WATER RESOURCES

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SPECK & AANESTAD
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August 13, 2008

SRBA District Court
P. O. Box 2707
Twin Falls, ID 83303-2707

Re: Case No. 39576 / Subcase Nos. 37-404A and 37-38

To the Court:

Enclosed please find Standard Form 5s for water rights 37-38 and 37-404A, claimed by Smokey Dome LLC. Attached to the forms are the updated recommendations of the rights prepared by Sr. Water Resource Agent Steve Clelland. Copies of these documents are also enclosed. Please file these documents, file-stamp the copies and return those copies to us in the self-addressed envelope included in this mailing.

Thank you for your time and attention to this matter. Please let me know if you have any questions or require further information.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____
James P. Speck

JPS/jpp

cc: Steve Clelland, Sr. Water Resource Agent
Christopher M. Bromley, IDWR
Vicki Kelly, IDWR
Client

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-38

NAME AND ADDRESS: SMOKEY DOME LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

SOURCE: OWENS CREEK Tributary: SOLDIER CREEK
SOLDIER CREEK Tributary: CAMAS CREEK

QUANTITY: 1.500 CFS 0.600 CFS

PRIORITY DATE: 11/08/1887

POINT OF DIVERSION:

T02N R14E S29 NESWSE Within CAMAS County
T02N R14E S29 NESWSE Within CAMAS County
T02N R14E S29 SWSWSE Within CAMAS County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	04/15 10/31	1.500 CFS 0.600 CFS

PLACE OF USE: IRRIGATION within CAMAS County

T02N R14E S29 SWSE 15.0	T02N R14E S29 SWSE 10.0
T02N R14E S32 NENE 9.1	T02N R14E S32 NENE 0.7
T02N R14E S32 NWNE 20.0	T02N R14E S32 NWNE 14.0
T02N R14E S32 SWNE 7.8	T02N R14E S32 SWNE 7.6
T02N R14E S32 SENE 27.0	T02N R14E S32 SENE 3.7

78.9 ACRES TOTAL 36 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 78.9 acres in a single irrigation season. Combined Right Nos.: 37-0038 & 37-0404A.
~~The rights listed below are limited to the irrigation of a combined total of 36 acres in a single irrigation season. Combined Right Nos.: 37-0038 & 37-0404A.~~

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

CERTIFICATE OF SERVICE

I certify that on August 14, 2008, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☒ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

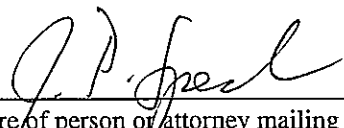
2. Copies to:

IDWR Document Repository
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Boise, ID 83720-0098

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☐ Hand-Delivered
☐ Facsimile

James P. Speck
Speck & Aanestad
P.O. Box 987
Ketchum, ID 83340

☒ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form