

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

9/24/2020

**Water Right 37-8859**  
**WR Report AFTER Ownership Change Split**

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SMOKEY DOME LLC C/O GREGORY VIK PO BOX 1607 BELLEVUE, WA 98009 (425) 460-2542
Current Owner	DALLAS E SMITH PO BOX 518 FAIRFIELD, ID 83327-0518 (208) 539-5900
Current Owner	CANDICE SMITH PO BOX 518 FAIRFIELD, ID 83327-0518 (208) 539-5900

**Priority Date:** 10/18/1996

**Basis:** License

**Status:** Active

<u>Source</u>	<u>Tributary</u>
WEST FORK THREEMILE CREEK	CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
WILDLIFE	01/01	12/31	1.060 CFS	416.0 AF
AESTHETIC	01/01	12/31	1.060 CFS	416.0 AF
	<b><u>Total Diversion</u></b>		1.060 CFS	416.0 AF

**Source and Point(s) of Diversion**

WEST FORK THREEMILE CREEK      NENW      Sec. 23, Twp 01N, Rge 13E, CAMAS County

**Place Of Use**

AESTHETIC within CAMAS County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	13E	23					X			X	X	X	X	X					

WILDLIFE within CAMAS County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	13E	23					X			X	X	X	X	X					

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9/24/2020

**Conditions of Approval:**

1. The right holder shall maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works from the West fork of Threemile Creek and shall maintain a measuring device acceptable to the Department at the point where return flows from the project return to the West Fork of Threemile Creek.
2. X38 Wildlife and aesthetic uses authorized by this right shall be non-consumptive. At such time in the future as the Director determines necessary to protect the prior rights of other users, the Director may require further mitigation or other action will be required only upon a determination of need and applicability by the Director
3. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
4. 259 Right 37-23250 authorizes the storage of an annual total of 3.9 acre-feet, comprised of 2.3 acre-feet to be used for the initial filling or carryover storage of the ponds and 1.3 acre-feet for the replacement of losses due to evaporation. An additional 416 acre feet of flow through water is authorized by the wildlife and aesthetic uses under right 37-8859.
5. F06 The following rights are diverted through point(s) of diversion described above: 37-368B, 37-2076A, 37-2076B, and 37-23250.

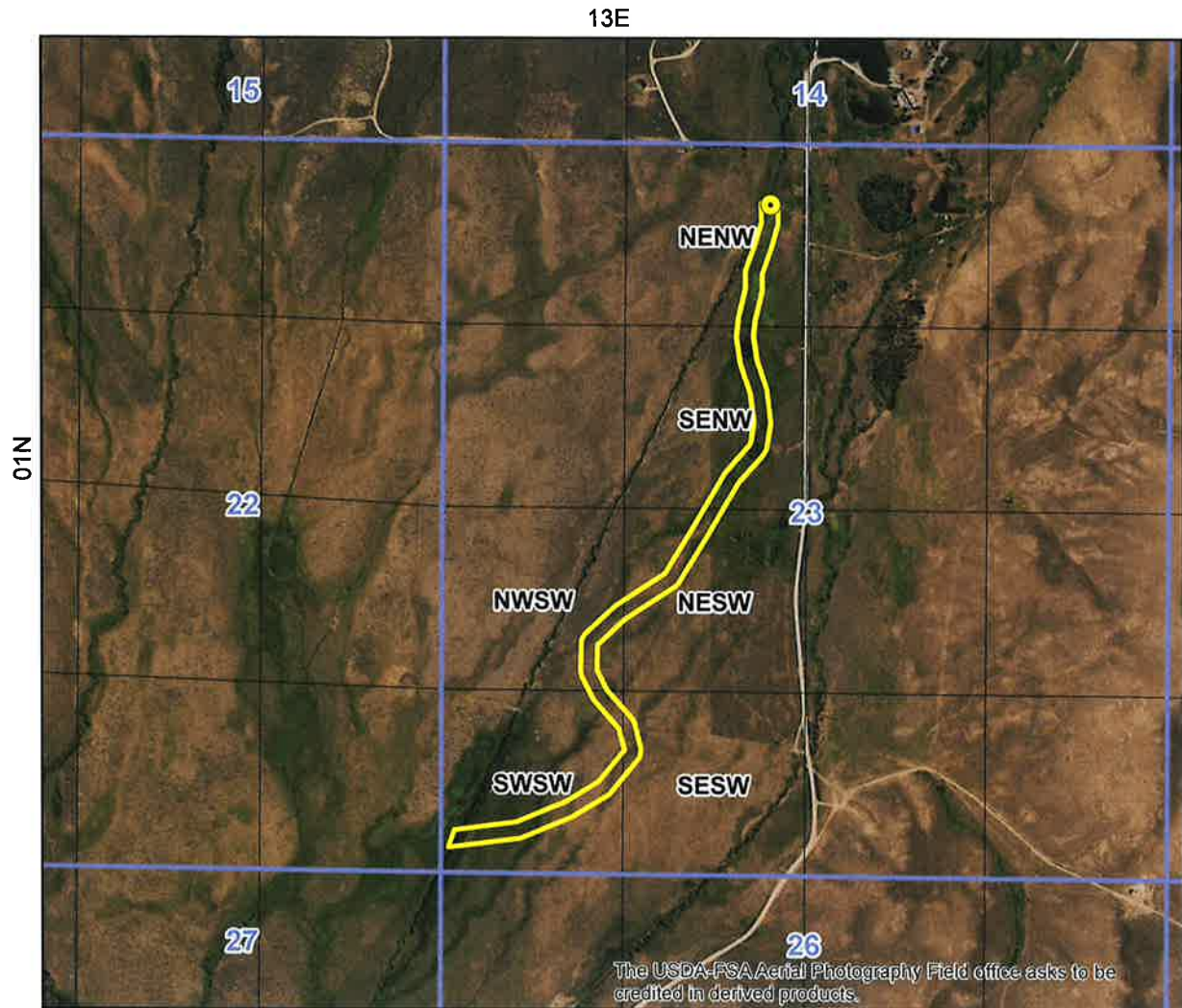
**Comments:**






- |                                     |           |             |
|-------------------------------------|-----------|-------------|
| 1. dnelson<br>Updated Shape         | 1/17/2018 | POD         |
| 2. dnelson<br>Updated Shape         | 1/17/2018 | POU         |
| 3. dnelson<br>Updated PLS           | 1/17/2018 | POU         |
| 4. dnelson<br>Updated Shape         | 1/29/2018 | POU         |
| 5. dnelson<br>Updated PLS           | 1/29/2018 | POU         |
| 6. mrichman<br>Split into 37-23250. | 9/23/2020 | Split Right |
| 7. mrichman<br>Updated Shape        | 9/23/2020 | POU         |

**Dates and Other Information**

Licensed Date: 1/31/2018  
Water District Number: 37B  
Swan Falls Trust or Nontrust: T  
Mitigation Plan: False

State of Idaho  
Department of Water Resources  
**Water Right License**  
37-8859 Aesthetic (After Split)



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.15 0.3 0.6 Miles





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**Conditions of Approval:**

1. The right holder shall maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works from the West fork of Threemile Creek and shall maintain a measuring device acceptable to the Department at the point where return flows from the project return to the West Fork of Threemile Creek.
2. X38 Wildlife and aesthetic uses authorized by this right shall be non-consumptive. At such time in the future as the Director determines necessary to protect the prior rights of other users, the Director may require further mitigation or other action will be required only upon a determination of need and applicability by the Director
3. 220 The two (2) ponds established by the storage of water under this right shall not exceed a total capacity of 2.3 acre-feet or a total surface area of 0.8 acre.
4. 259 Right 37-8859 authorizes the storage of an annual total of 3.9 acre-feet, comprised of 2.3 acre-feet to be used for the initial filling or carryover storage of the ponds and 1.3 acre-feet for the replacement of losses due to evaporation. An additional 416 acre feet of flow through water is authorized by the wildlife and aesthetic uses under this right.
5. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
6. 194 To mitigate for the depletion of water resulting from the diversion and use of water under this right and to prevent injury to other water right holders, the right holder shall cease diverting and using 0.04 cfs for the irrigation of 1.7 acres within the NENW of Section 23, T01N, R13E. Moreover, the official record for right 37-368A has been changed to show that 0.04 cfs on 1.7 acres is dedicated to mitigation, and the permissible place of use for irrigation use for rights 37-368A, 37-409A, 37-2076A, 37-2455 and 37-2157 has been removed from these same 1.7 acres, which reduces the permissible place of use from 515.6 acres to 513.9 acres.
7. F06 The following rights are diverted through point(s) of diversion described above: 37-368B, 37-2076A, and 37-2076B.

**Comments:**

- |                             |           |     |
|-----------------------------|-----------|-----|
| 1. dnelson<br>Updated Shape | 1/17/2018 | POD |
| 2. dnelson<br>Updated Shape | 1/17/2018 | POU |
| 3. dnelson<br>Updated PLS   | 1/17/2018 | POU |
| 4. dnelson<br>Updated Shape | 1/29/2018 | POU |
| 5. dnelson<br>Updated PLS   | 1/29/2018 | POU |

**Dates and Other Information**

Licensed Date: 1/31/2018

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9/23/2020

Water District Number: 37B  
Swan Falls Trust or Nontrust: T  
Mitigation Plan: False

**Combined Use Limits**

N/A

**SubCase:**

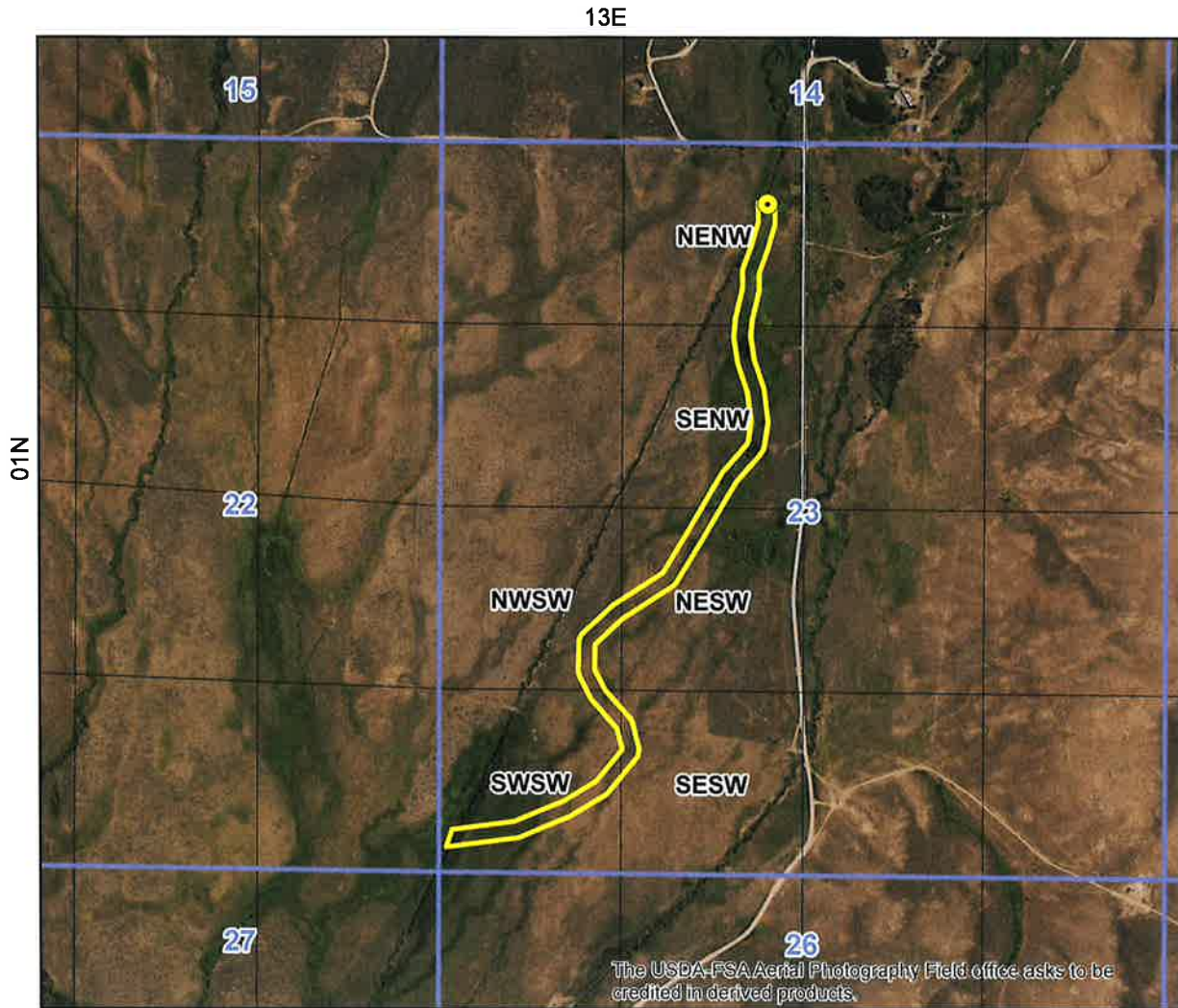
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**Water Supply Bank:**

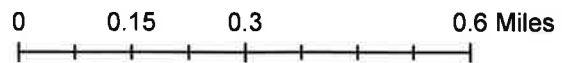
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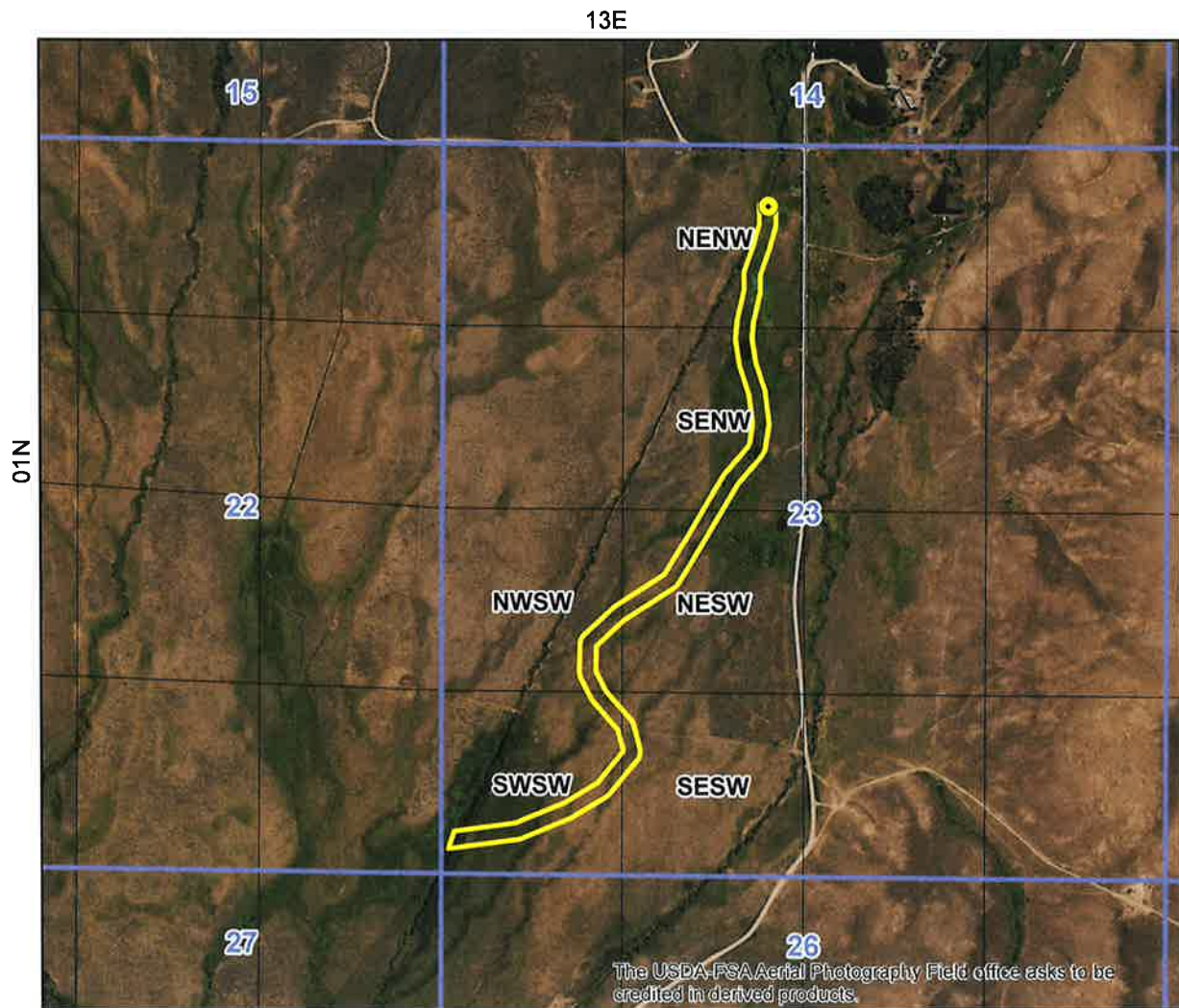
State of Idaho  
Department of Water Resources  
**Water Right License**  
37-8859 Aesthetic (Before Split)








-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters



State of Idaho  
Department of Water Resources  
**Water Right License**  
37-8859 Wildlife (Before Split)



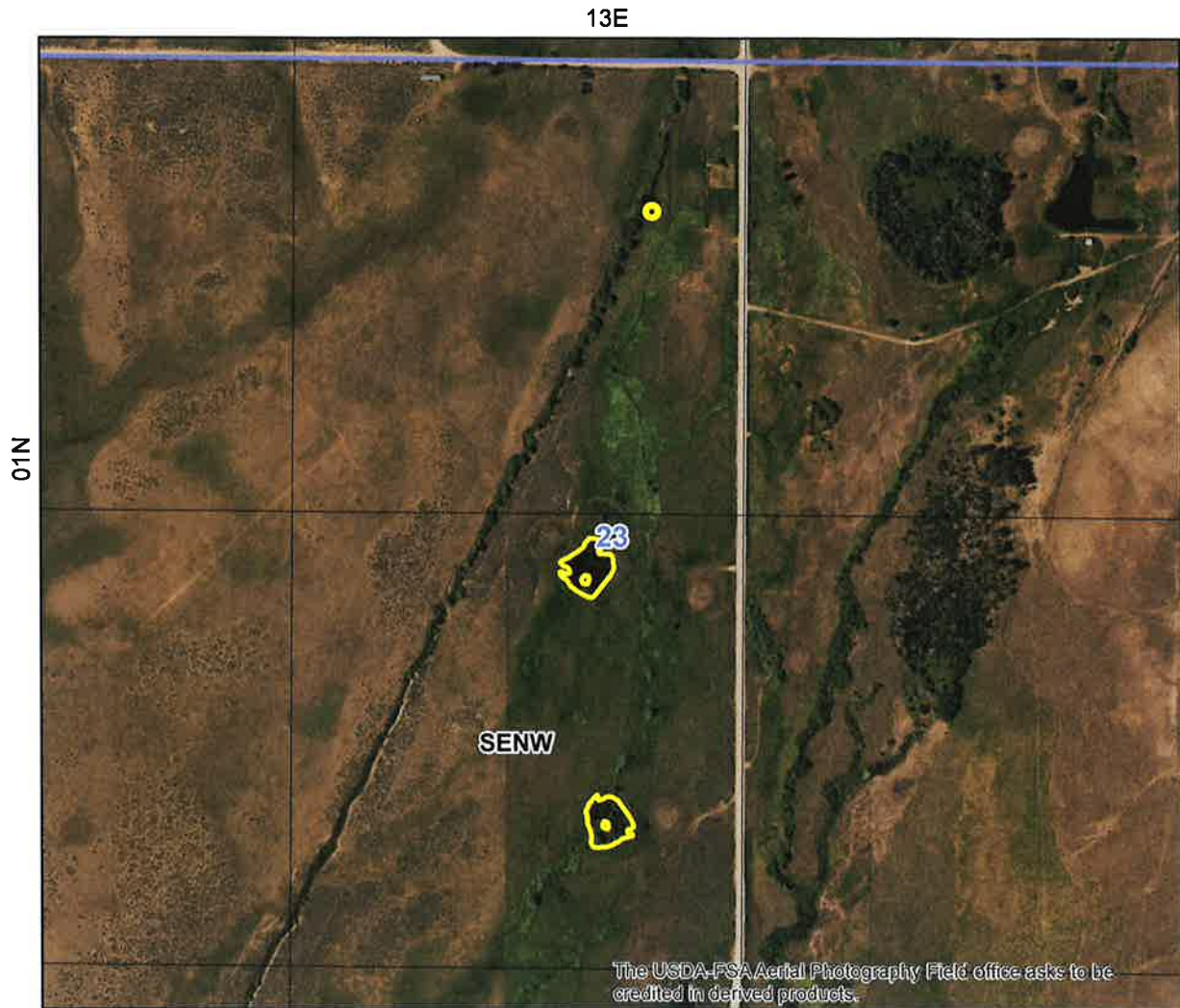
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters






0 0.15 0.3 0.6 Miles





State of Idaho  
Department of Water Resources  
**Water Right License**  
37-8859 Wildlife Storage (Before Split)

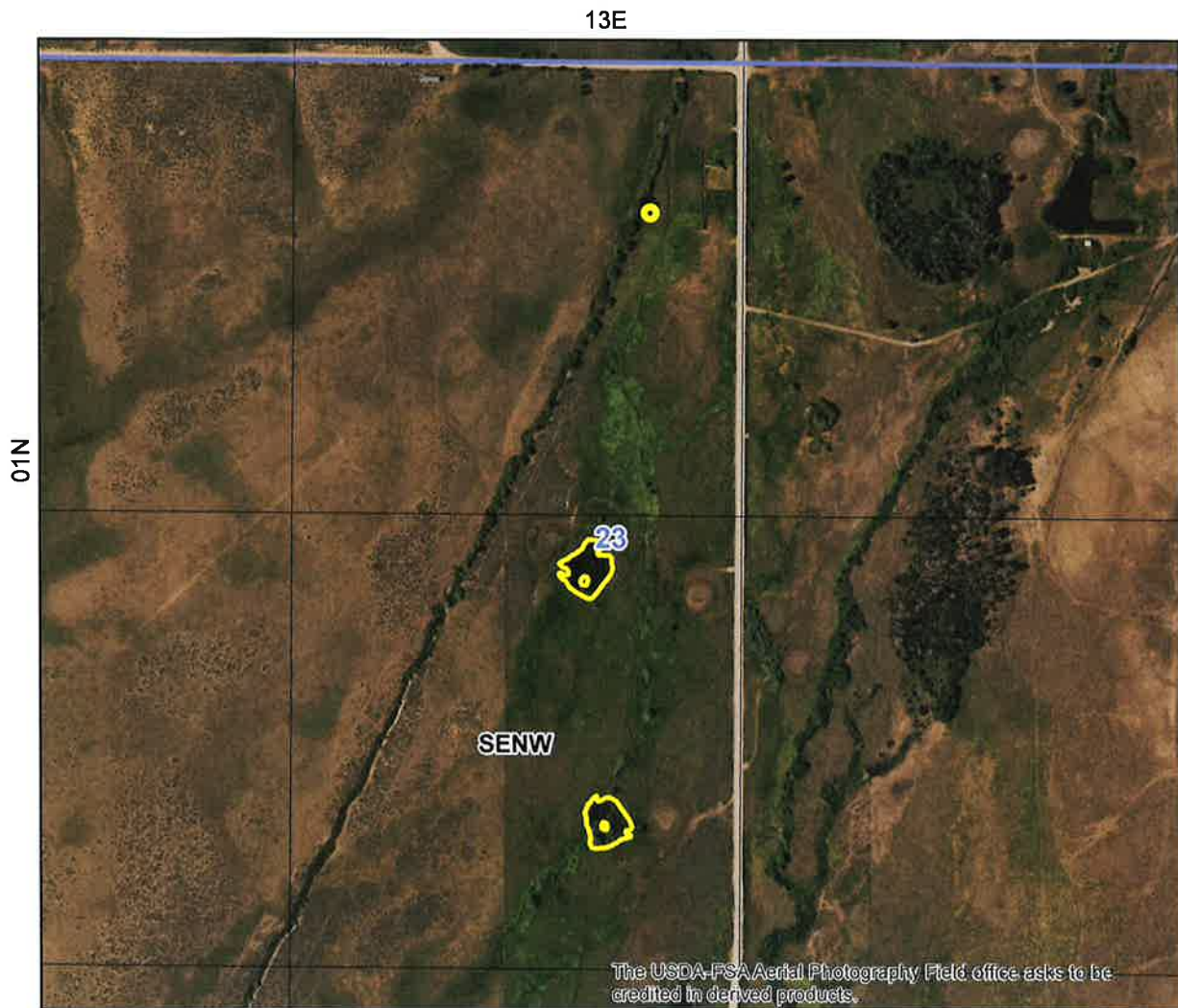


-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.05 0.1 0.2 Miles



State of Idaho  
Department of Water Resources  
**Water Right License**  
37-8859 Aesthetic Storage (Before Split)



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.05 0.1 0.2 Miles

