

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08846

Priority: February 03, 1995

Maximum Diversion Rate: 0.10 CFS
Maximum Diversion Volume: 20.0 AF

It is hereby certified that SMOKEY DOME LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

has complied with the terms and

conditions of the permit, issued pursuant to Application for Permit dated February 03, 1995; and has submitted Proof of Beneficial Use on May 13, 1998. An examination confirms that water has been diverted from:

SOURCE

EAST FORK THREEMILE CREEK

Tributary: CAMAS CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	
RECREATION	01/01 to 12/31	0.10 CFS	
AESTHETIC STORAGE	01/01 to 12/31		20.0 AF
AESTHETIC	01/01 to 12/31	0.10 CFS	
DIVERSION TO STORAGE	01/01 to 12/31	0.10 CFS	
STOCKWATER STORAGE	01/01 to 12/31		20.0 AF
RECREATION STORAGE	01/01 to 12/31		20.0 AF

LOCATION OF POINT(S) OF DIVERSION:

EAST FORK THREEMILE CREEK

NE1/4SE1/4

Sec. 14, Twp 01N, Rge 13E, B.M.

CAMAS County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 13E 14															X		

PLACE OF USE: RECREATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 13E 14															X		

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08846

PLACE OF USE: AESTHETIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N	13E	14															X		

PLACE OF USE: AESTHETIC STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N	13E	14															X		

PLACE OF USE: STOCKWATER STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N	13E	14															X		

PLACE OF USE: RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N	13E	14															X		

CONDITIONS OF APPROVAL

1. Use of water under this right will 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. 37B.
2. Upon specific notification the right holder shall install and maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08846

3. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
4. Right 37-8846 authorizes total annual storage volume of 20.0 acre-feet, 14.7 acre-feet to be used for the initial filling or carryover storage of the ponds and 5.3 acre-feet for the replacement of losses caused by evaporation.
5. The 5 ponds established by the storage of water under this right shall not exceed a total capacity of 14.7 acre-feet or a total surface area of 4.37 acres.
6. Aesthetic and recreation use is for 5 ponds.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 21st day of December, 2015.



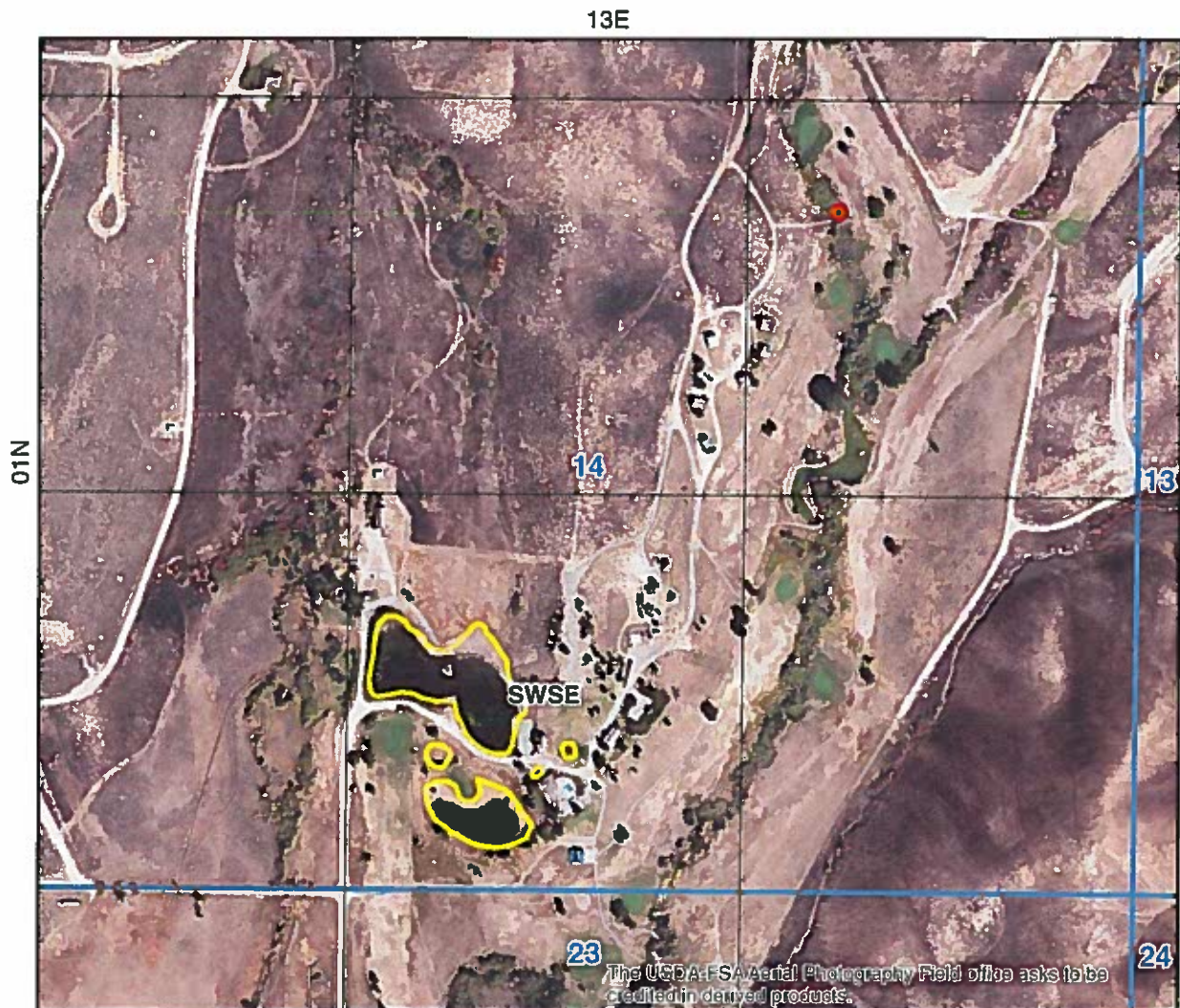
ALLEN D. MERRITT
Southern Region Manager

State of Idaho
Department of Water Resources

Attachment to Water Right License

37-8846

This map depicts the STOCKWATER, RECREATION, AESTHETIC, STOCKWATER STORAGE, RECREATION STORAGE, AND AESTHETIC STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.075 0.15 0.3 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 21, 2015

SMOKEY DOME LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

RE: License No.37-8846

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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.

If you have any questions, please contact me at 208-736-3033.

Sincerely,

Allen Merritt
Southern Region Manager

Enclosure(s)

cc: SPECK & AANESTAD
ROD GONSALES

CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 37-8846

**SMOKEY DOME LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009**

**SPECK & AANESTAD
JAMES P SPECK
PO BOX 987
KETCHUM ID 83340**

**ROD GONSALES
338 S 600 W
CORRAL ID 83322**

A handwritten signature in cursive script, reading "Denise Maline", is written over a solid horizontal line.

**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Reeder, Jana

From: Rusty Krame [waterdistrict37b@outlook.com]
Sent: Tuesday, November 10, 2015 6:37 PM
To: Reeder, Jana
Subject: Re: 37-8846 Smokey Dome

Jana,

After I got back to the office I researched the water rights. I AM waiving the measurement of 37-8846 but will have to do some more research and discussion before deciding on the aesthetic right on the West Fork of Three Mile Creek (37-8859). Bottom line is, tell Mr. Speck they can proceed forward without measuring the East Fork 37-8846 but in the future we might have to measure the West Fork 37-8859.

Thanks

Rusty Kramer - Water Master
Water District 37B
208-870-3217

From: Reeder, Jana <Jana.Reeder@idwr.idaho.gov>
Sent: Tuesday, November 10, 2015 8:29 AM
To: WATERDISTRICT37B@OUTLOOK.COM
Subject: 37-8846 Smokey Dome

Hi Rusty,

Just a reminder about our conversation yesterday to waive the measuring condition for Smokey Dome license 37-8846. Please let me know if you are still considering waiving the measuring device for the East Fork Three Mile diversion for this water right.

Thanks,
Jana

MEMORANDUM

TO: Sascha Marston
FROM: Jana Reeder / Denise Maline 
DATE: November 10, 2015
RE : Refund of fees for application for Amendment of Permit (withdrawn)

Smokey Dome LLC filed an Application for Amendment of a Permit (for Licensing purposes), on November 9, 2015 for Permit #37-8846. A fee of \$100.00 was paid under receipt #S035097.

After further review by IDWR it was determined that the Permit did not need to be amended prior to licensing; therefore the Amendment can be withdrawn and refund issued accordingly.

Please issue a refund in the amount of \$100.00 to:

Smokey Dome LLC
c/o Gregory Vik
PO Box 1607
Bellevue, WA 98009
(425) 460-2542

RECEIPT #

S035097, copy attached

Copy: 37-8846

File ▶ Navigation ▶ Tools ▶

Receipt Details for S035097

Status	Adjustment Type	Version
		1

General Information

Date Received	Date Deposited	Region	Total Amount	Payment Type
11/9/2015 1:41:03 PM	11/9/2015 4:13:33 PM	SOUTHERN	\$100.00	Check
Payer	SMOKEY DOME LLC			

Account Information:

Check Number:	SMOKY-0087462
---------------	---------------

CommentAPPLICATION FOR AMENDMENT OF A PERMIT FOR
LICENSING PURPOSES: 37-8846**Fee Details:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$100.00	AMENDMENTS	64106	0229	21		1155



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5851
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN

November 10, 2015

Smokey Dome LLC
C/O Gregory Vik
PO Box 1607
Bellevue, Wa. 98009

Dear Mr. Vik:

Please find enclosed your withdrawn licensing amendment for water right 37-8846 pursuant to your email dated November 9, 2015 reconsidering the application. I have contacted our fiscal section to initiate your \$100.00 refund. I will continue processing the license for 37-8846 as permitted. Please feel free to contact me if you have any more questions or concerns.

Sincerely,

Jana Reeder
Sr. Water Resource Agent
IDWR

Reeder, Jana

From: Greg Vik [gregv@pistolcreek.com]
Sent: Monday, November 09, 2015 5:12 PM
To: Reeder, Jana
Cc: Nancy Lukacs
Subject: Water Right 37-8846

Jana,
This is to confirm your discussion with my assistant, Nancy Lukacs, today concerning Water Right 37-8846 and to advise that Smokey Dome LLC is withdrawing our licensing amendment for that water right. I understand your office will issue a refund of the \$100 fee we paid. It is also my understanding that the water master has waived the measuring device for this water right.
Thank you,
Greg Vik

CONFIDENTIALITY NOTICE:

This message (including attachments) contains information which is intended for the use of the addressee(s) only. It is confidential, privileged or otherwise protected. If you are not the intended recipient, you are prohibited from reviewing, using, copying, or disclosing it to anyone. This message or any information contained in the message may not be posted to any social networking site (e.g. Facebook, Myspace), blog or internet site. If you have received this message in error, please notify the sender immediately by replying to the email and deleting it from your computer. Thank you.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5851
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

09/25/2015

SMOKEY DOME LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

RE: Water Right Permit No. 37-08846

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

 X Point(s) of Diversion

 Place(s) of Use

 Other

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee.

If you have any questions, please feel free to call me at 208-736-3033

Sincerely,

Jana Reeder
Sr. Water Resource Agent
IDWR

CC Jim Speck

Maximum Diversion Rate: 0.10 CFS

BELLEVUE WA 98009 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 37-08846, and requests that the permit be changed as follows:

Source: EAST FORK THREEMILE CREEK **Tributary:** CAMAS CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	
RECREATION	01/01 to 12/31	0.10 CFS	
AESTHETIC STORAGE	01/01 to 12/31		20.0 AF
AESTHETIC	01/01 to 12/31	0.10 CFS	
DIVERSION TO STORAGE	01/01 to 12/31	0.10 CFS	
STOCKWATER STORAGE	01/01 to 12/31		20.0 AF
RECREATION STORAGE	01/01 to 12/31		20.0 AF

EAST FORK THREEMILE CREEK NE1/4SE1/4 Sec. 14, Twp 01N, Rge 13E, B.M.
CAMAS County

[illegible][illegible]

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-08846

PLACE OF USE: AESTHETIC STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 13E 14															X		

PLACE OF USE: AESTHETIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 13E 14															X		

PLACE OF USE: STOCKWATER STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 13E 14															X		

PLACE OF USE: RECREATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 13E 14															X		

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this _____ day of _____, 200__.

(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-08846

.....
FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = _____ Received by _____ # _____ Date _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 37-08846 with the following:

CONDITIONS OF APPROVAL

1. Use of water under this right will 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. 37B.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
4. Right 37-8846 authorize total annual storage volume of 20.0 acre-feet, 14.7 acre-feet to be used for the initial filling or carryover storage of the ponds and 5.3 acre-feet for the replacement of losses caused by evaporation.
5. The 5 ponds established by the storage of water under this right shall not exceed a total capacity of 14.7 acre-feet or a total surface area of 4.37 acres.
6. Aesthetic and recreation use is for 5 ponds.

Witness my hand this _____ day of _____, 2015.

GARY SPACKMAN
Director