

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08857

Priority: September 23, 1996

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume: 24.0 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 August 28, 1996; and has submitted Proof of Beneficial Use on
December 27, 1999. An examination confirms water is diverted from:

SOURCE

GROUND WATER

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>
DOMESTIC	01/01 to 12/31	0.20 CFS	24.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NE1/4SW1/4	Sec. 14,	Twp 01N,	Rge 13E, B.M.	CAMAS County
GROUND WATER	NE1/4SW1/4	Sec. 14,	Twp 01N,	Rge 13E, B.M.	CAMAS County

PLACE OF USE: DOMESTIC

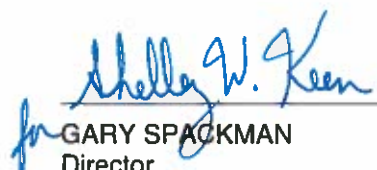
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	13E	14							X	X	X								

CONDITIONS OF APPROVAL

1. Points of diversion are located within Lot 7 Block 4 and Lot 17 Block 3 of Homestead Subdivision.
2. The issuance of this right does not grant any right-of-way or easement across the land of another.
3. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
5. Place of use is for 20 homes located within Lots 1-8, Blk. 1; Lots 1-5, Blk. 2; Lots 1-19 Blk. 3; Lots 1-15, Blk. 4; Lots 1-4, Blk. 5; Lots 1-4, Blk. 6; and Lots 1-7, Blk. 7; Homestead Subdivision.
6. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
7. 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.
8. Domestic use is for 20 homes.
9. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

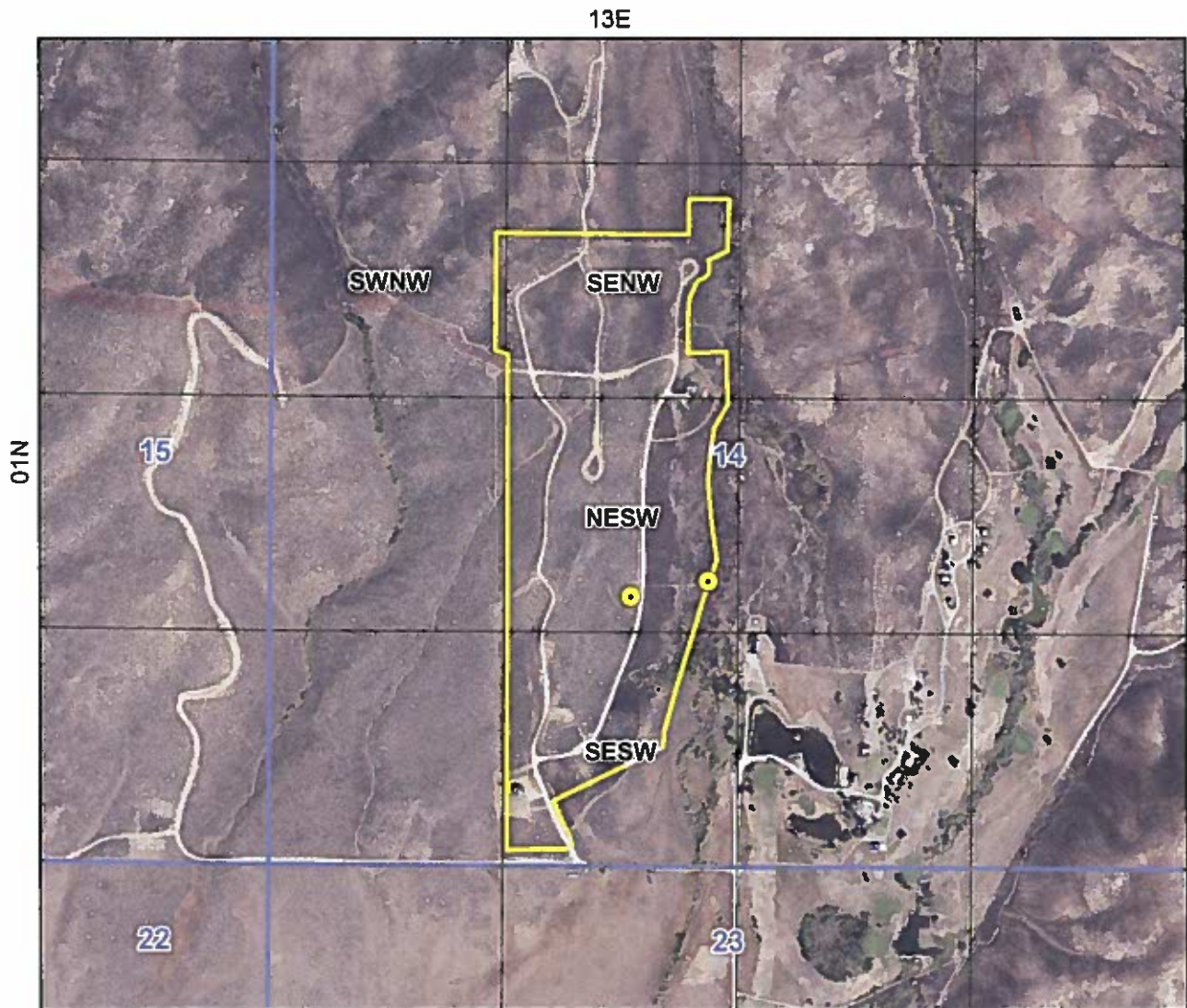
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 2nd day of July, 2015.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
37-8857

This map depicts the DOMESTIC 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
-  Quarter Quarters

0 0.125 0.25 0.5 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 7, 2015

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

RE: License No. 37-8857

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. Also enclosed is a copy of the approved application for amendment

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 208-287-4951.

Sincerely,

Pamela Skaggs

Water Rights Supervisor

Enclosure(s)

cc: SPECK & AANESTAD
WATER DISTRICT #37B

CERTIFICATE OF SERVICE

I hereby certify that on July 8, 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.

37-8857

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

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

**WATER DISTRICT #37B
RUSTY KRAMER
PO BOX 591
FAIRFIELD ID 83327**



**Darla Block
Technical Records Specialist**

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.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-08857

RECEIVED**JUN 29 2015****DEPARTMENT OF
WATER RESOURCES****Date of Priority:** September 23, 1996

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume: 24.0 AF

Comes now SMOKEY DOME LLC
C/O GREGORY VIK
PO BOX 1607
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. 37-08857, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.20 CFS	24.0 AF

LOCATION OF POINT(S) OF DIVERSION:

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GROUND WATER	NE1/4SW1/4	Sec. 14,	Twp 01N,	Rge 13E, B.M.	CAMAS County

PLACE OF USE: DOMESTIC

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	X	X			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 19th day of JUNE, 2005.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-08857

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100.00 Received by dy # C100687 Date 6-29-15

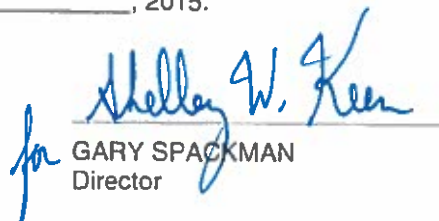
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 37-08857 with the following:

CONDITIONS OF APPROVAL

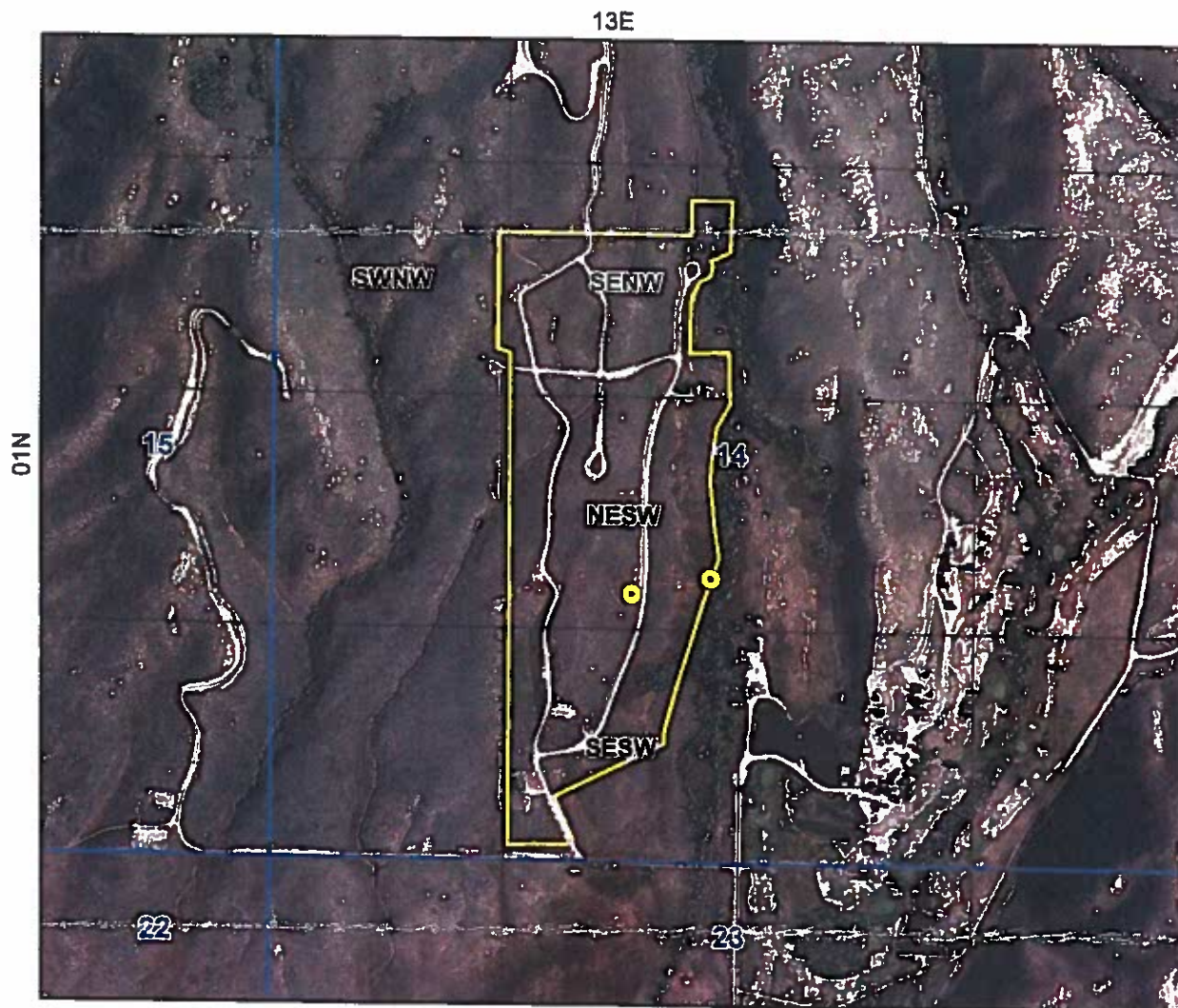
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3. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
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6. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
7. 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.
8. Domestic use is for 20 homes.
9. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

Witness my hand this 2nd day of July, 2015.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment For Amendment To Water Right License
37-8857

This map depicts the DOMESTIC 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
-  Quarter Quarters

0 0.125 0.25 0.5 Miles



Nelson, Dan

From: Jim Speck [jim@speckandaanestad.com]
Sent: Thursday, June 18, 2015 9:30 AM
To: Nelson, Dan
Cc: Greg Vik; Mr. Rod Gonsales; 'Nancy Lukacs'
Subject: RE: RE: 37-8857 Amendment (Smokey Dome)

Dan,

Unfortunately your May 15 correspondence arrived in the confusion of returning from a vacation!! I have just told my client to sign the licensing amendment and return ASAP.

Can you correct their address to c/o Greg Vik instead c/o Chuck Hill??

Thanks.

Jim

-----Original Message-----

From: Nelson, Dan
Sent: Thursday, June 18, 2015 8:46 AM
To: Jim Speck

Hello Jim,

I sent the attached correspondence (Second Amendment Letter) today to you and your client. Please let me know if you have any questions.

Thank you.

Daniel Nelson
Staff Hydrologist
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Nelson, Dan
Sent: Friday, May 15, 2015 1:15 PM
To: 'Jim Speck'
Subject: 37-8857 Amendment (Smokey Dome)

Hello Jim,

We have completed the amendment for permit 37-8857 for the subdivision for Smokey Dome's subdivision. I am sorry it took me so long to get it out to you, but I have had a few too many irons in the fire. We mailed the original today, but I wanted to email you a copy ahead of time to give you time to look it over.

Thank you.

Daniel Nelson
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Idaho Department of Water Resources

Telephone (208) 287-4856

Fax (208) 287-6700 (attn: Dan Nelson)

Attachment(s): 37-8857 Amendment.pdf; Second Amendment Letter.pdf

Nelson, Dan

From: Nelson, Dan
Sent: Thursday, June 18, 2015 11:12 AM
To: 'Jim Speck'
Subject: RE: RE: 37-8857 Amendment (Smokey Dome)

Thank you Jim. Please let them know that there is also a \$100.00 fee with the amendment. When they return the amendment, please have them request the change in contact in their cover letter.

Thank you.

Dan

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Attachment(s): 37-8857 Amendment.pdf; Second Amendment Letter.pdf



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 18, 2015

SMOKEY DOME LLC
C/O CHUCK HILL
PISTOL CREEK FINANCIAL
PO BOX 1607
BELLEVUE WA 98009

RE: Permit No. 37-8857

Dear Permit Holders:

The Department of Water Resources sent you an Application for Amendment form on May 15, 2015, for the above referenced Permit. The amendment is required because the field examiner who verified the water use established in connection with your permit reported that one or more elements of your water use differs from the permit. As of this date the Department has not received a response.

If I do not receive the amendment within fourteen (14) days, I will assume you are no longer interested in obtaining a water right license and your permit will be voided. In case the amendment form I sent you has been misplaced, a new one is enclosed.

If you have any questions, please contact me as soon as possible.

Sincerely,

Daniel Nelson

Staff Hydrologist

Idaho Department of Water Resources

Telephone (208) 287-4856

Fax (208) 287-6700 (attn: Dan Nelson)

Enclosures

Copy – Rod Gonsales and Jim Speck, Speck & Aanestad

Nelson, Dan

From: Nelson, Dan
Sent: Thursday, June 18, 2015 8:43 AM
To: 'Jim Speck'
Subject: RE: 37-8857 Amendment (Smokey Dome)
Attachments: 37-8857 Amendment.pdf; Second Amendment Letter.pdf

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