



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

03/07/2014

GARY SPACKMAN

Director

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

RE: Water Right Permit No. 37-8846 Notice of Pending Order to Void Permit

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:

- Permit 37-8846 authorizes development of a point of diversion from the East Fork Threemile Creek, with condition 01J: Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
- The beneficial use field examination determined that the point of diversion (POD) was from the East Fork Threemile Creek, but there was no evidence of a measuring device and lockable controlling works prior to diversion of water, as part of the diverting works.

On March 6, 2014, the Department received confirmation from the Water Master District 37B, that Smokey Dome LLC was not exempt from condition 01J, and that a measuring device and lockable controlling works was needed prior to licensing.

Because the conditions have not been met, the Department cannot issue a license in connection with the permit 37-8846. However, documentation can be submitted to the Department that an approved measuring device and lockable controlling works has been installed.

If you believe you developed a beneficial use of water under Permit 37-8846, with an approved measuring device and lockable controlling works, please send me supporting documentation **within thirty days**. If I do not hear from you within thirty days, I will take action to void your permit. If you are no longer interested in your permit, you can shorten the voiding process by signing and returning the enclosed relinquishment form.

If you wish to contact Rusty Krame, Water Master District 37B to ensure that an approved measuring device and lockable controlling works is installed, please contact Rusty at: PO Box 591, Fairfield, ID 83327 (208)287-3217 idahotrapguy@hotmail.com

If you have any questions, please call me at (208)287-4920.

Sincerely,
Sandy Hemenway
Sr. Water Resource Agent
Enclosure(s)

Cc: Rusty Krame

Hemenway, Sandy

Subject: FW: FW: 37-8846 Smokey Dome LLC (Soldier Mtn Resort) request for waiver

From: Rusty Krame [<mailto:idahotrapguy@hotmail.com>]

Sent: Thursday, March 06, 2014 1:11 PM

To: Hemenway, Sandy

Subject: Re: FW: 37-8846 Smokey Dome LLC (Soldier Mtn Resort) request for waiver

Sorry haven't replied earlier. No they may not be exempt.

Thank you

Rusty Kramer