

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 37-08859

Priority: October 18, 1996

Maximum Diversion Rate: 5.00 CFS
Maximum Storage Volume: 3.9 AF

This is to certify, that SMOKEY DOME LLC
C/O CHUCK HILL
PISTOL CREEK FINANCIAL
PO BOX 1607
BELLEVUE WA 98009

has applied for a permit to appropriate water from:

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

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL STORAGE VOLUME</u>
WILDLIFE	01/01 to 12/31	5.00 CFS	
AESTHETIC	01/01 to 12/31	5.00 CFS	
WILDLIFE STORAGE	01/01 to 12/31		3.9 AF
DIVERSION TO STORAGE	01/01 to 12/31	5.00 CFS	
AESTHETIC STORAGE	01/01 to 12/31		3.9 AF

LOCATION OF POINT(S) OF DIVERSION:

WEST FORK THREEMILE CREEK NE1/4NW1/4 Sec. 23, Twp 01N, Rge 13E, B.M.
CAMAS County

PLACE OF USE: WILDLIFE

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	23					X			X	X	X	X	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	23					X			X	X	X	X	X					

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PLACE OF USE: WILDLIFE 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	23								X									

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	23								X									

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2015**.
2. Subject to all prior water rights.
3. Use of water under this right is subject to control by the watermaster of State Water District No. 37.
4. 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 from the West fork of Threemile Creek and shall install a measuring device acceptable to the Department at the point where return flows from the project return to the West Fork of Threemile Creek.
5. Wildlife and Aesthetic uses shall be non-consumptive. The Director retains jurisdiction over this right to require further mitigation or other action if the use of this right is found to be consumptive or is not fully mitigated. Further mitigation or other action will be required only upon a determination of need and applicability by the Director.
6. Wildlife Storage and Aesthetic Storage use is in two ponds with a total surface area of 0.86 acres and total capacity of 2.4 acre feet. The total authorized storage under this right (3.9 afa) allows for filling the two ponds annually (2.4 afa) and for annual evaporation from the two ponds (1.5 afa). The total surface area of the ponds is limited to 0.86 acres.
7. To mitigate for the depletion of water resulting from the use of water for Wildlife Storage and Aesthetic Storage under this right and to prevent injury to senior water right holders, the right holder for right 37-368A shall cease diverting 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 will be changed to show that 0.04 cfs on 1.7 acres will be 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 is being removed from these same 1.7 acres, which reduces the permissible place of use from 515.6 acres to 513.9 acres.
8. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 2nd day of January, 2013.

FOR



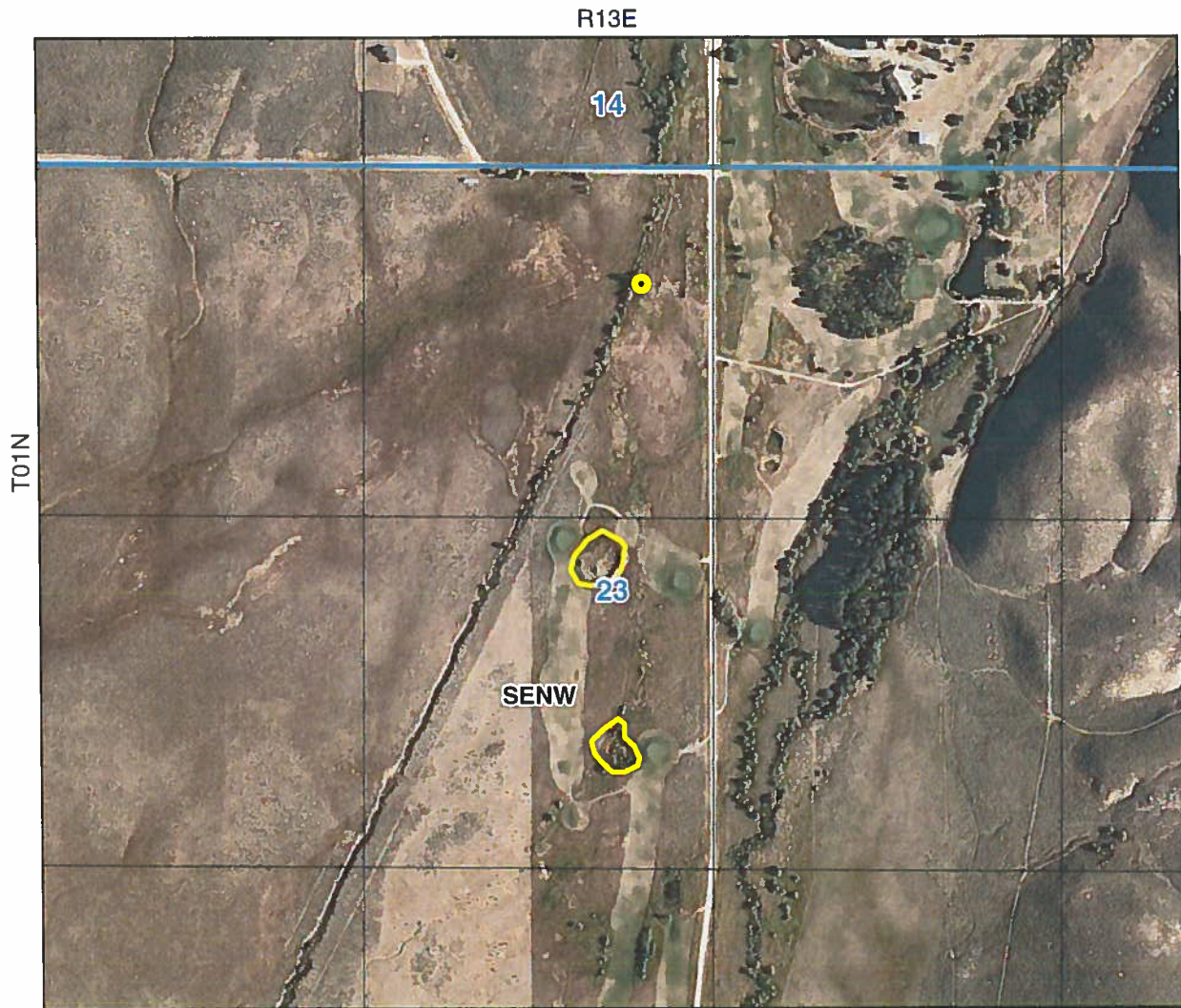
GARY SPACKMAN, Director

State of Idaho
Department of Water Resources

Attachment To Permit to Appropriate Water

37-8859

This map depicts the WILDLIFE 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.



0 0.075 0.15 0.3 Miles

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

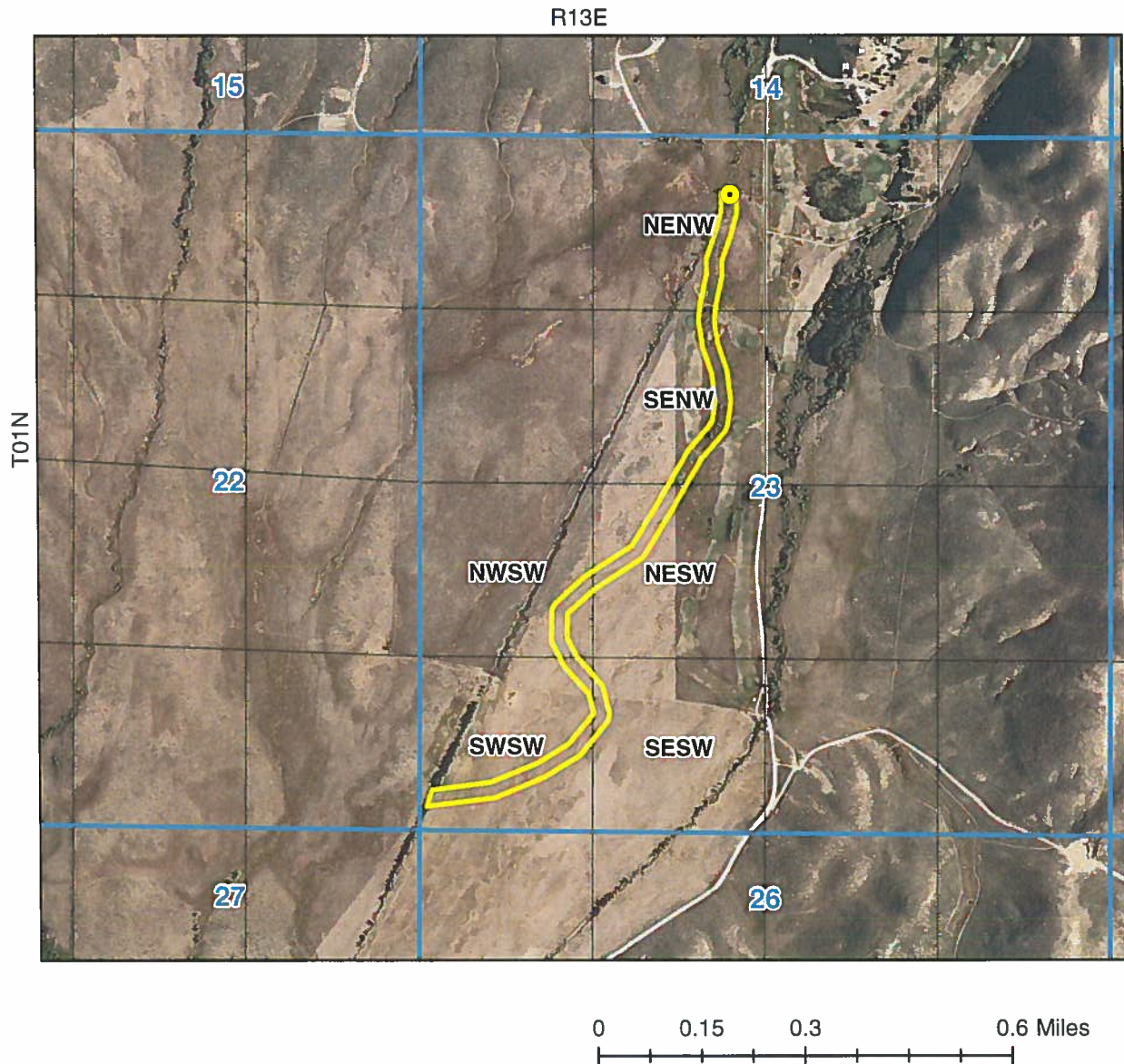


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-  Place Of Use Boundary
-  Townships
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