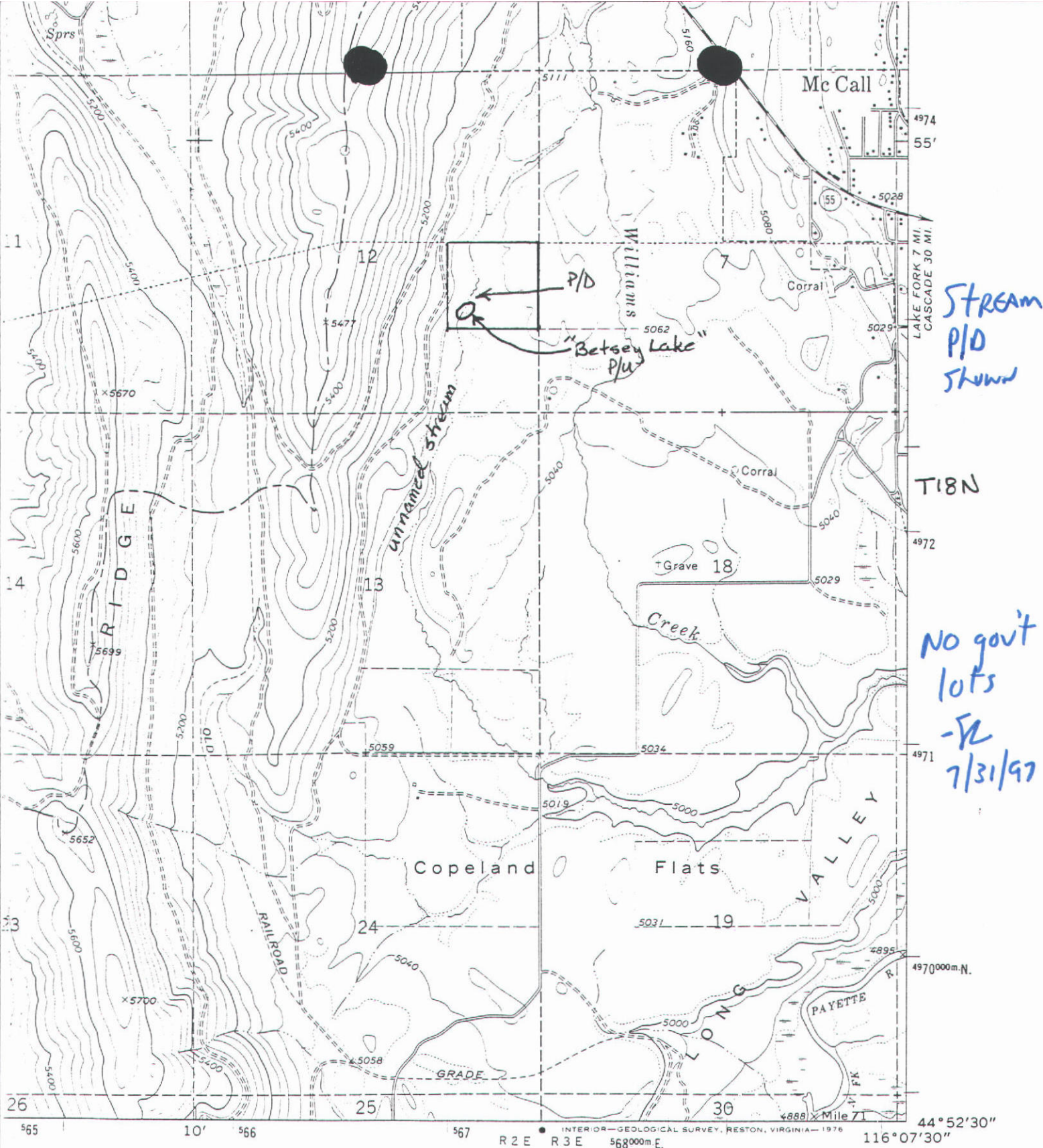
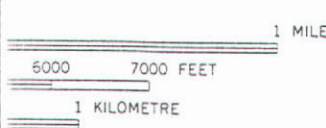
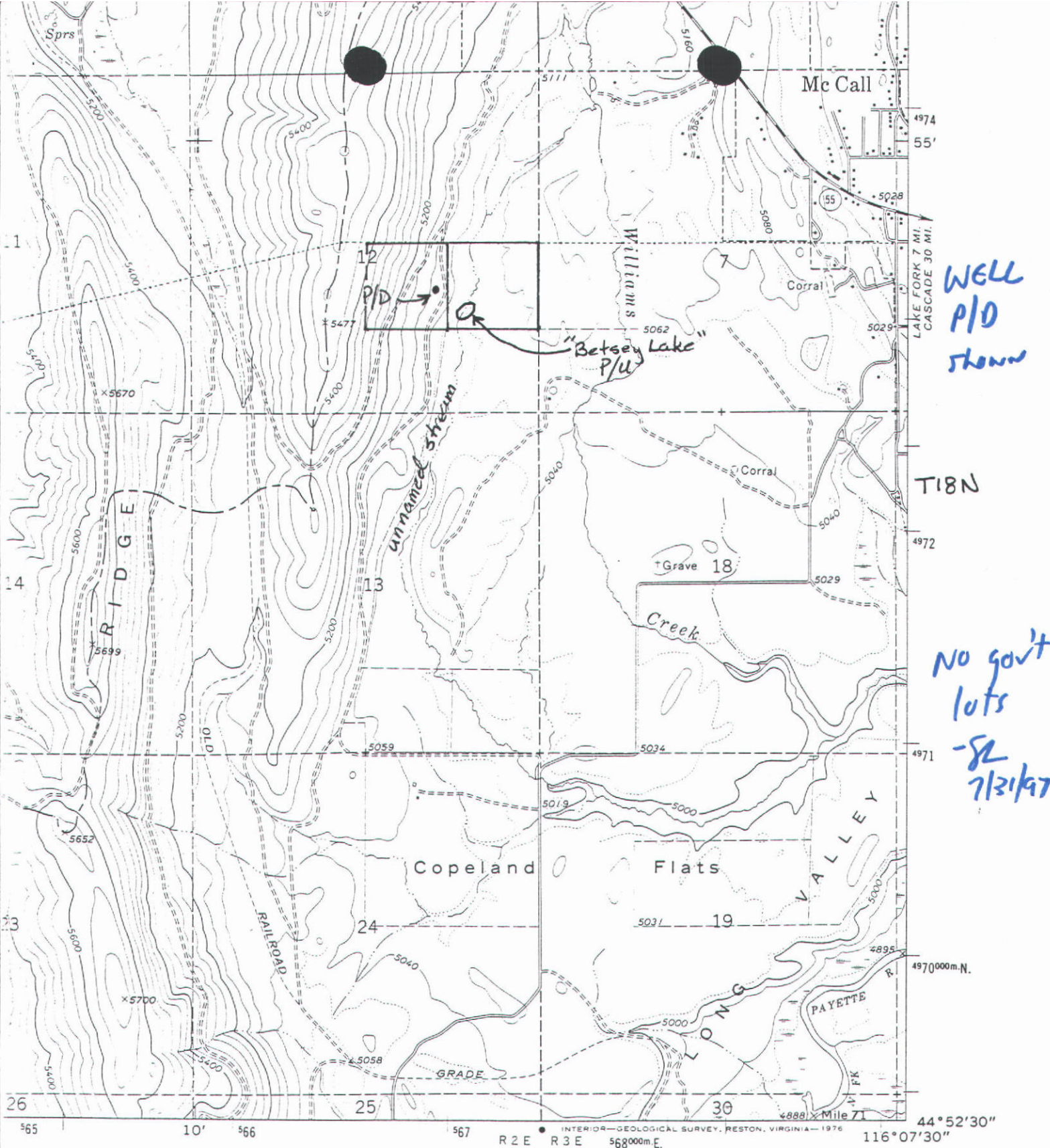
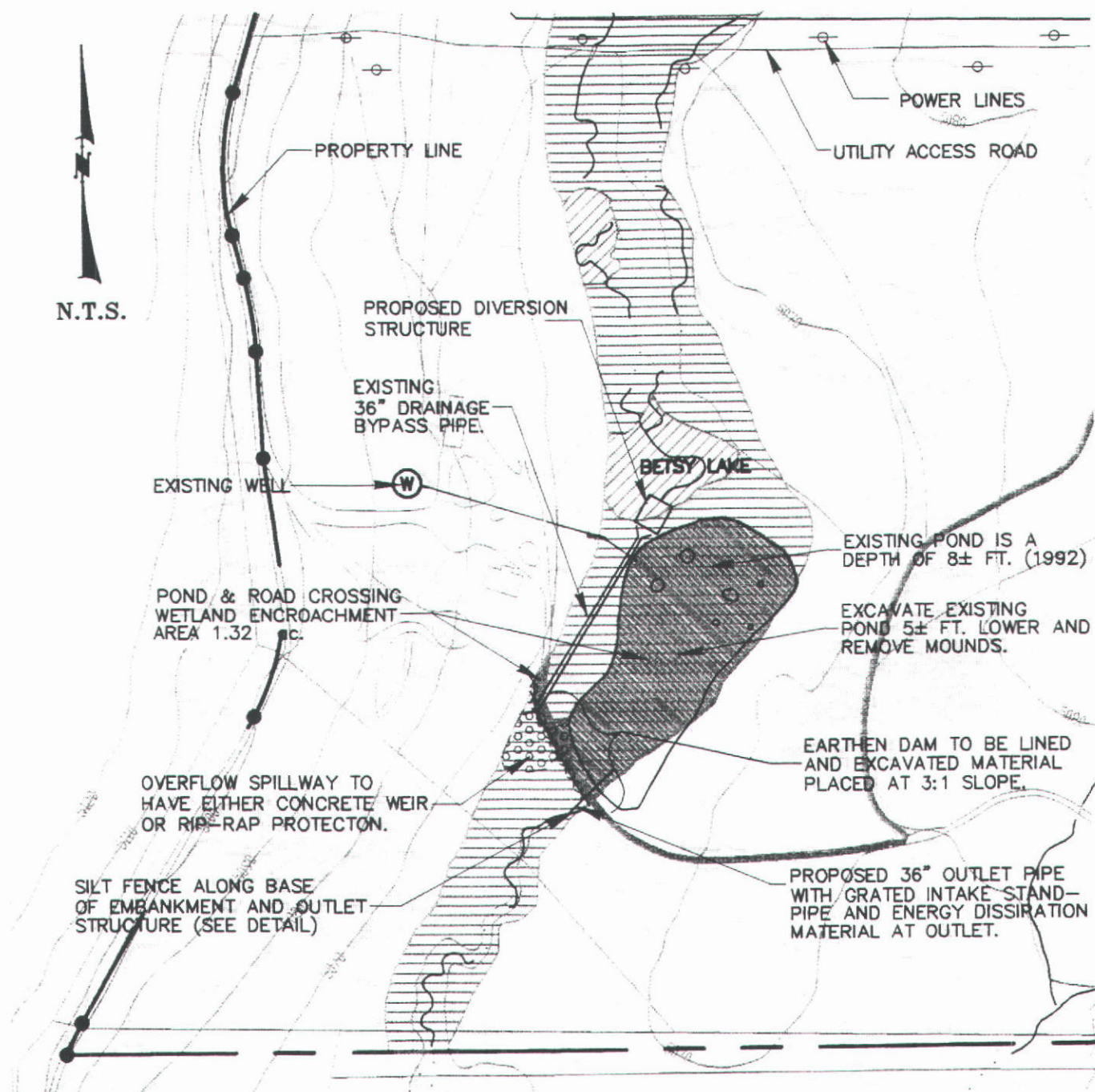






ROAD CLASSIFICATION	
Primary highway, hard surface	Light-duty road, hard or improved surface
Secondary highway, hard surface	Unimproved road
Interstate Route	U. S. Route
	State Route

65-13738 Attachment #2
 MEADOWS, IDAHO
 N4452.5-W11607.5/7.5
 NOV 04 1997



* NOTE: THE CONCEPT DRAWING HAS BEEN SUBMITTED TO U.S. ARMY CORPS OF ENGINEERS APPLICATION NO. 940202770

NOT FOR CONSTRUCTION DRAWINGS.

CONCEPTUAL DRAWING FOR JOINT APPLICATION PERMIT PROCESS ONLY. CONSTRUCTION DRAWINGS NEED TO BE PREPARED BY PROFESSIONAL ENGINEER.

ATTACHMENT #3

BRANCH OF WILLIAMS CREEK VALLEY COUNTY, IDAHO
APPLICATION BY: M RESORTS, INC.

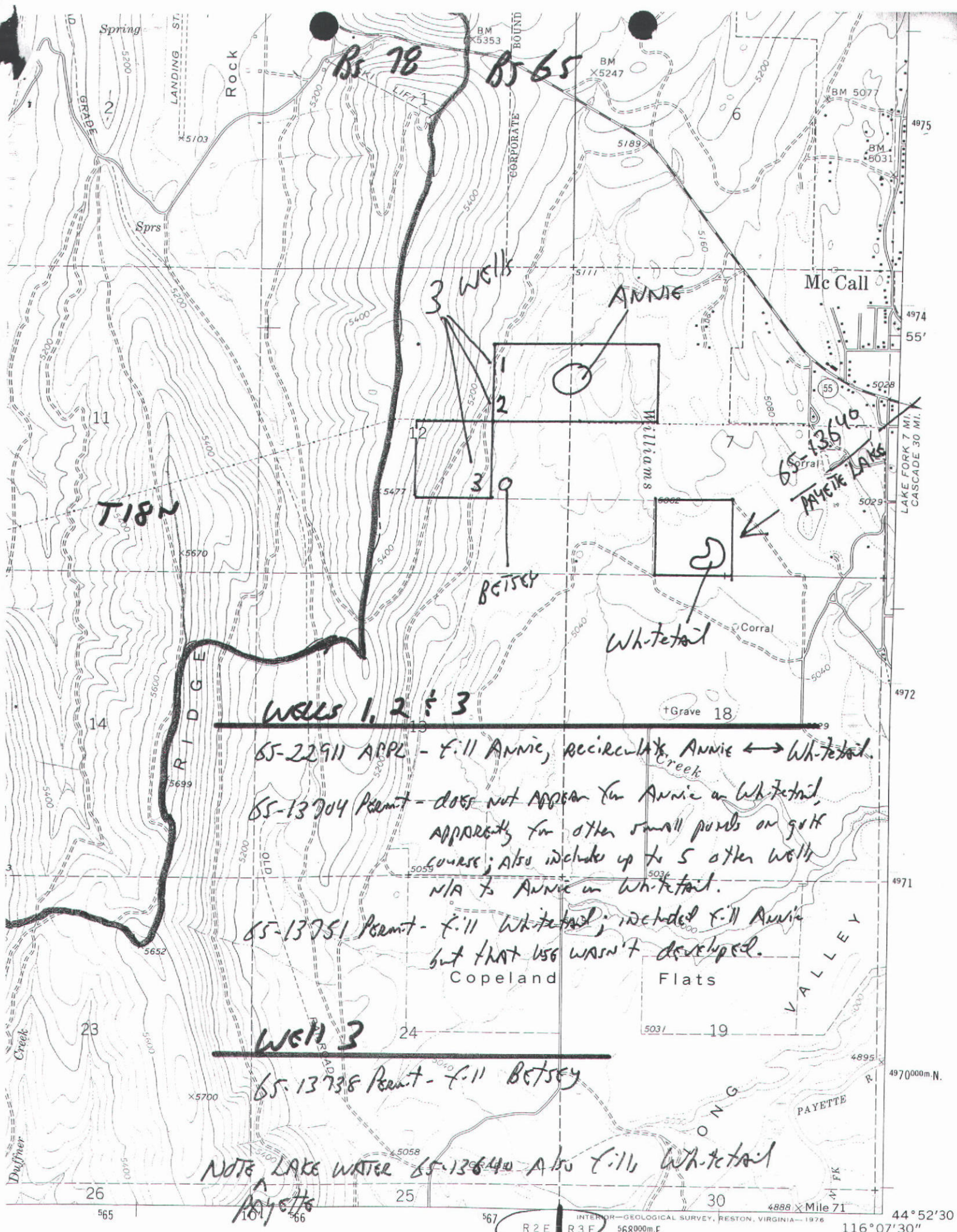
JULY 16, 1997

TOOTHMAN-ORTON ENGINEERING COMPANY
9777 CHINDEN BLVD BOISE IDAHO 83714
McCALL AIR TAXI BLDG. McCALL IDAHO 83638

MICROFILMED

NOV 9 1997

65-13738



BS 78 BS 65

T18N

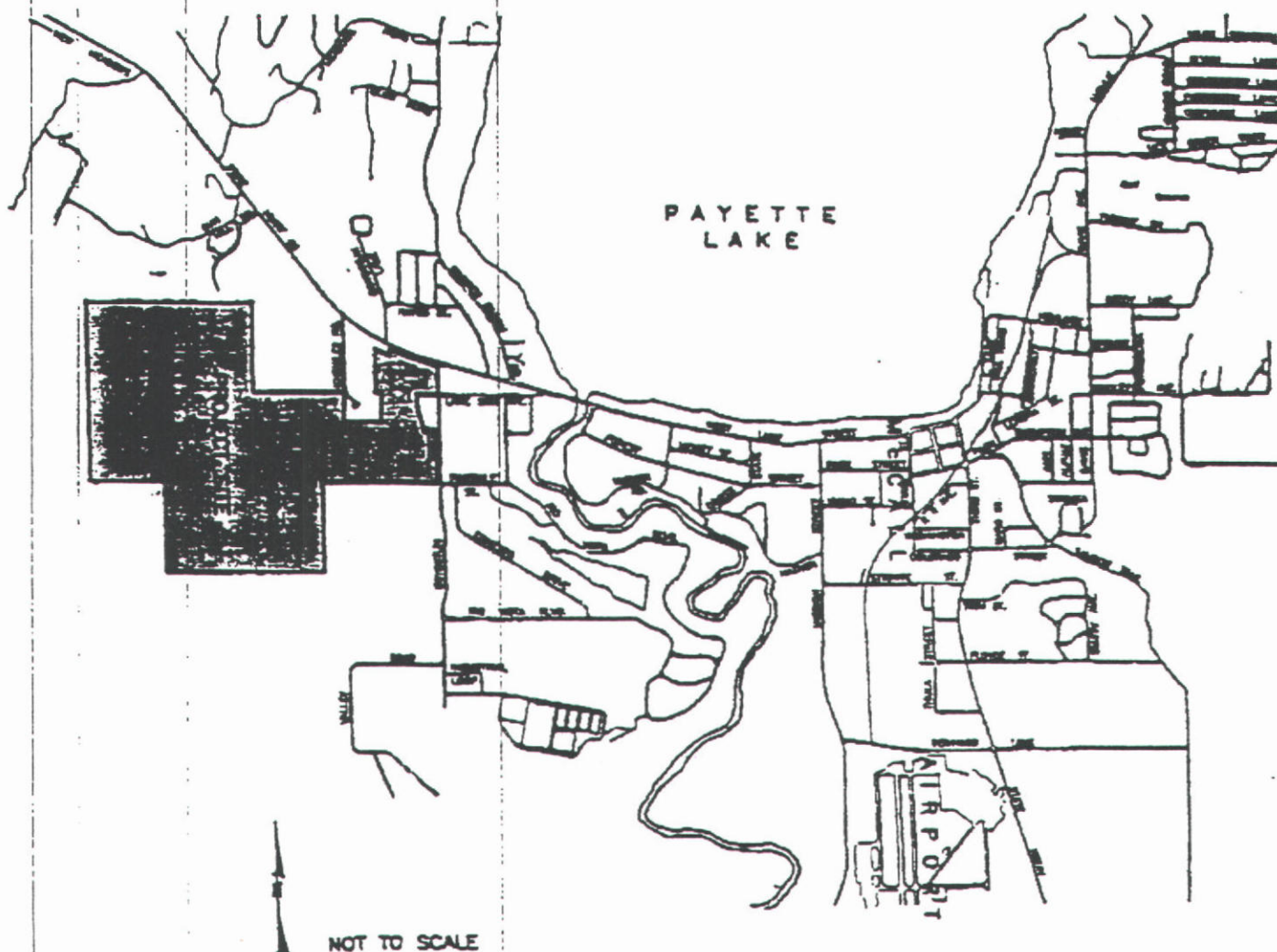
WELLS 1, 2 & 3

65-22911 APPL - fill Annie, recirculate Annie ↔ White-tail.
65-13704 Permit - does not appear for Annie or White-tail, apparently for other small ponds on golf course; also includes up to 5 other wells N/A to Annie or White-tail.
65-13751 Permit - fill White-tail; included fill Annie but that use wasn't developed.

WELL 3

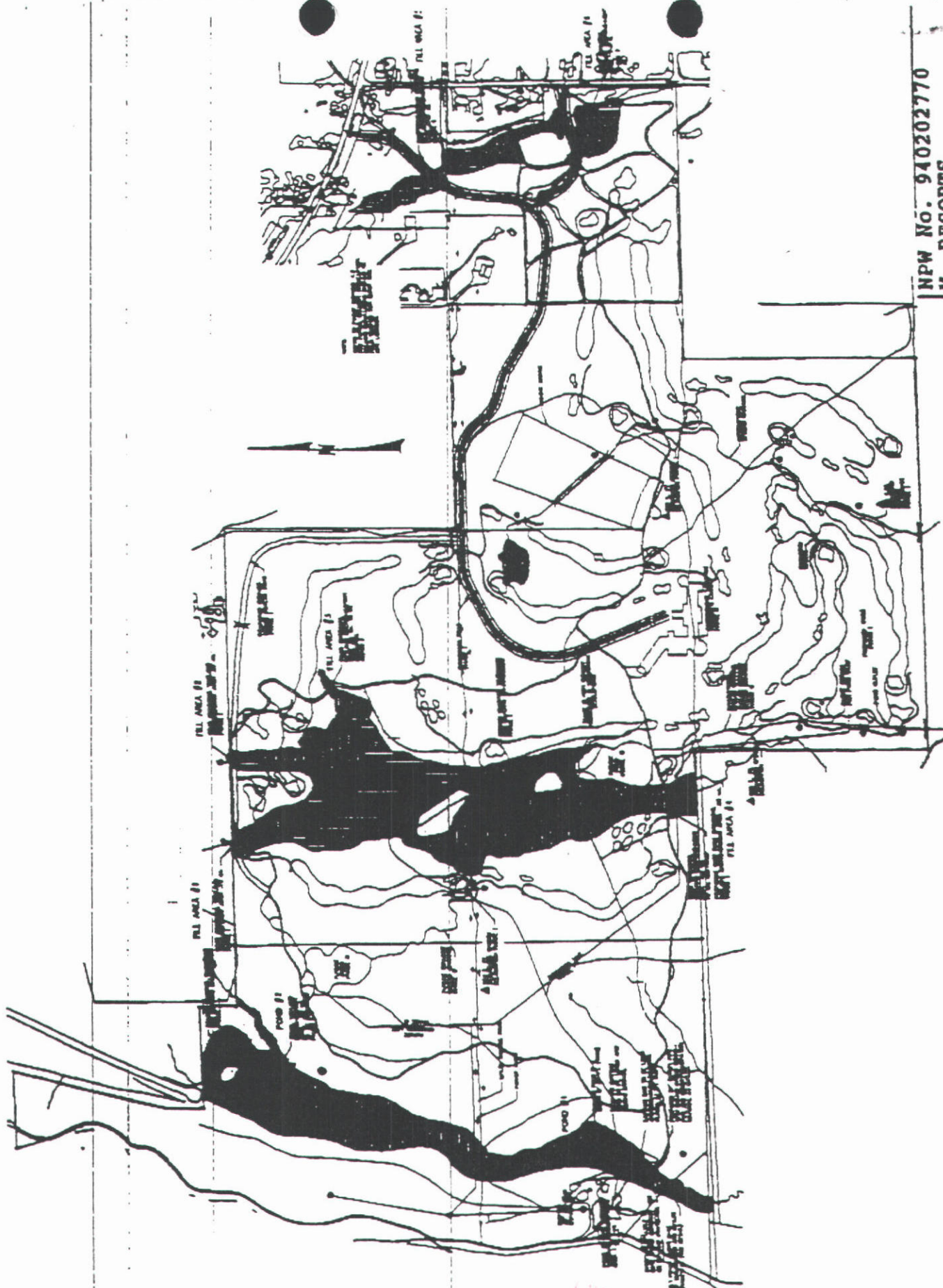
65-13738 Permit - fill BETSEY

NOTE LAKE WATER 65-13640 also fill White-tail



NPW No. 940202770
M. RESORTS
Williams Creek
Valley County, Idaho
Sheet 1 of 14
May 1, 1997

MICROFILMED
NOV 04 1997



NPW No. 940202770

M. RESORTS

M. REBORIS
Williams Creek
Valley County, Idaho
Sheet 2 of 14
May 1, 1997

Sheet 2 of 14

May 1, 1997

NOV 04 1997

LEGEND

	BOUNDARY
	10' CONTOURS
	EXISTING ROADS (TO BE ELIMINATED)
	EXISTING ROADS TO BE RETAINED
	FAIRWAYS
	STREAMS AND WATER WAYS
	EXISTING CHANNEL TO BE FILLED
	PROPOSED RELOCATED STREAM
	RIPARIAN STREAM
	PROPOSED CULVERTS
	PROPOSED CARTRPATH
	PROPOSED SILT FENCE
	PROPOSED APPROXIMATE WELL LOCATION
	FUTURE PH. III WELL LOCATION
	WET MEADOW (EMERGENT)
	SCRUB-SHRUB WETLANDS
	FORESTED WETLANDS
	WETLAND ENCROACHMENT AREA
	WETLAND MITIGATION AREA
	MITIGATED PALUSTRINE BROADLEAFED DECIDUOUS SCRUB-SHRUB

CULVERTS

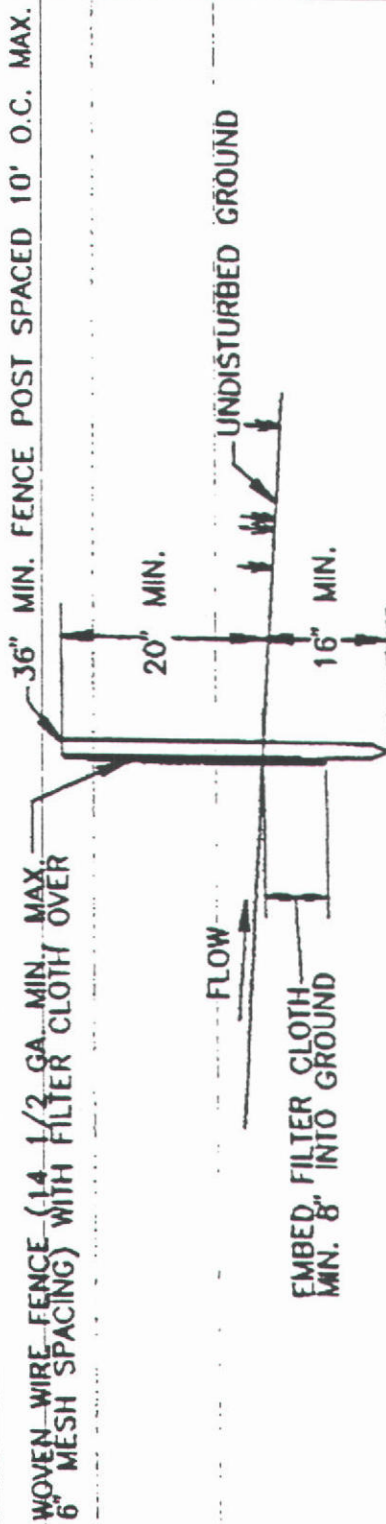
- ① 20' ADS CULVERT @ 12 LF
- ② 20' ADS CULVERT @ 400 LF.
- ③ 20' ADS CULVERT @ 45 LF.
- ④ 30' CMP CULVERT @ 50 LF.
- ⑤ 30' CMP CULVERT @ 12 LF.

NOTE:

REFER TO PERMIT DRAWING 2 of 14
FOR TYPICAL CULVERT INSTALLATION.
CULVERT INSTALLATION SHOULD BE
FIELD VERIFIED FOR EXACT SIZE
AND LOCATION.

NPW No. 940202770
M. RESORTS
Williams Creek
Valley County, Idaho
Sheet 3 of 14
May 1, 1997

MICROFILMED
NOV 04 1997



CONSTRUCTION NOTES FOR FABRICATED SILT FENCE

- 1 WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES.
- 2 FILTER CLOTH TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24 INCHES AT TOP AND MID-SECTION.
- 3 WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY 6 INCHES AND FOLDED.
- 4 MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.

POSTS: STEEL, EITHER "I" OR "U" TYPE OR 2" HARDWOOD.

FENCE: WOVEN WIRE, 14 GAGE, 6" MAX. MESH OPENING.

FILTER CLOTH: FILTER X, MIRAFI 100X, STABILINKA T140N OR APPROVED EQUAL.

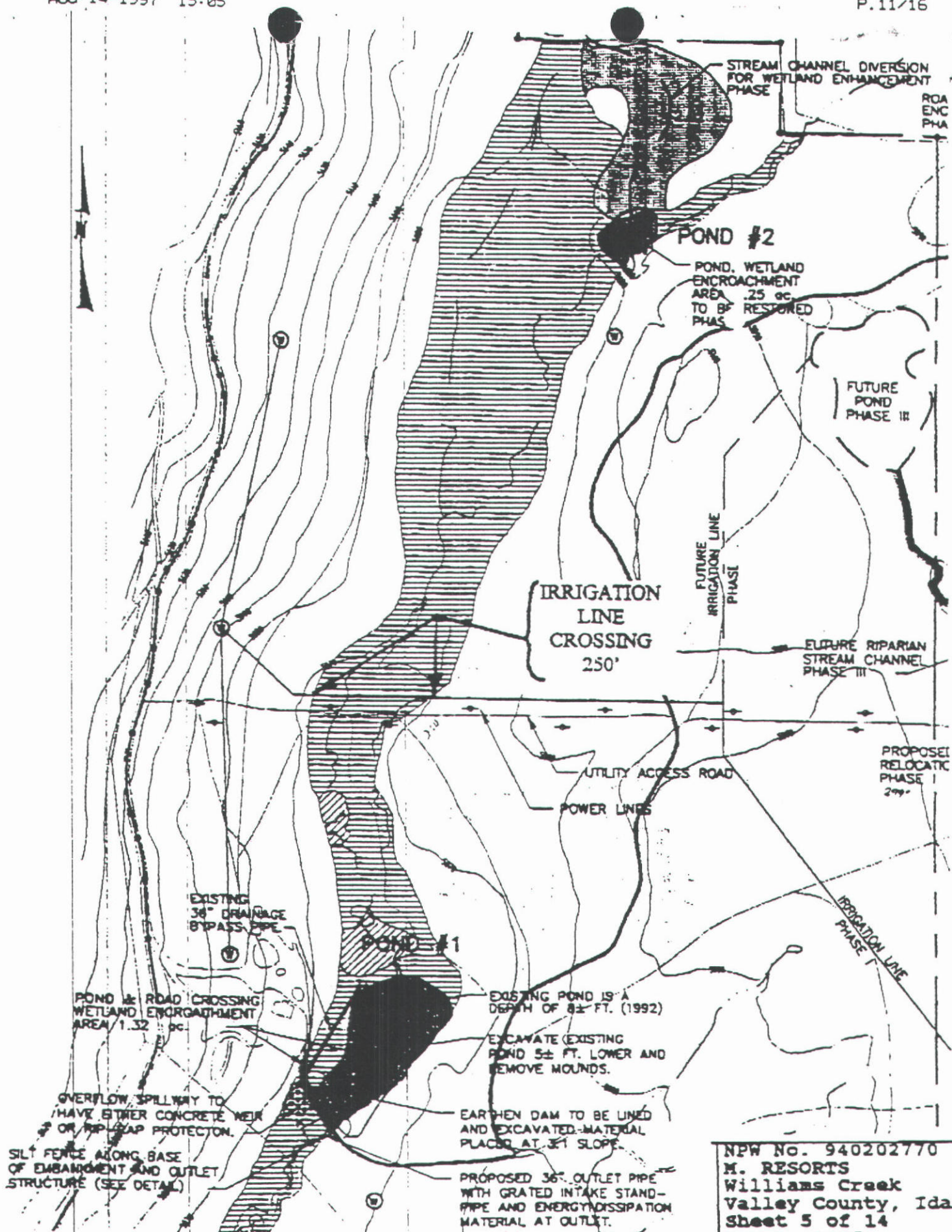
PREFABRICATED UNIT: GEOFAB ENVIROFENCE OR APPROVED EQUAL.

SILT FENCE
NOT TO SCALE

NPW No. 940202770
M. RESORTS
Williams Creek
Valley County, Idaho
Sheet 4 of 14
May 1, 1997

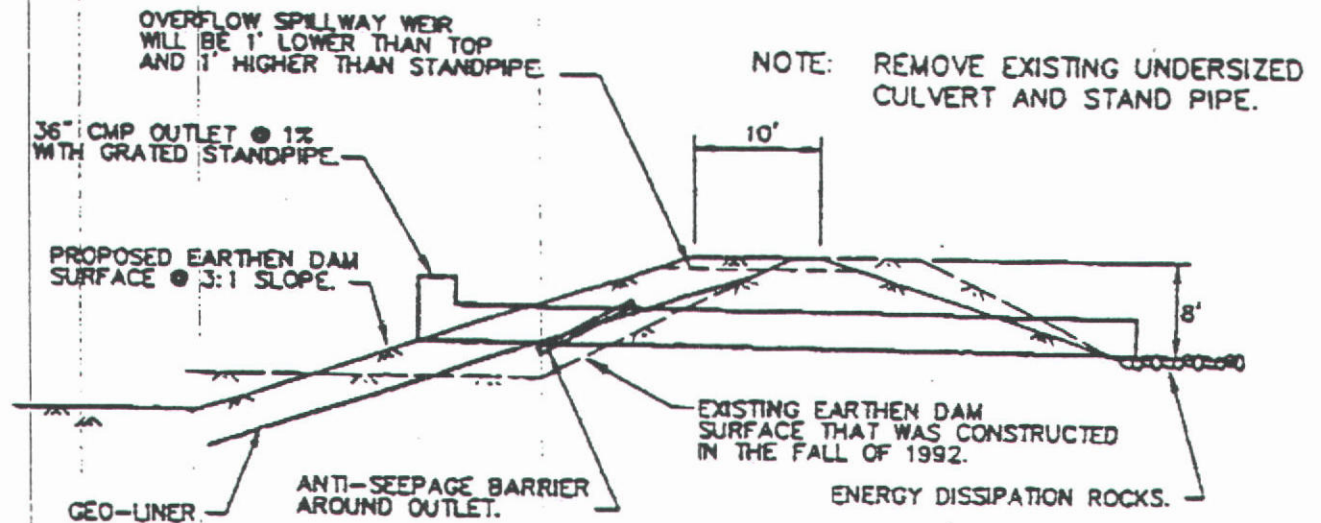
NOT REFILED

NOV 04 1997



NPW No. 940202770
 M. RESORTS
 Williams Creek
 Valley County, Idaho
 Sheet 5 of 14
 May 1, 1997

NOV 04 1997



NOT FOR CONSTRUCTION DRAWINGS.
CONCEPTUAL DRAWING FOR JOINT
APPLICATION PERMIT PROCESS ONLY.
CONSTRUCTION DRAWINGS NEED TO BE
PREPARED BY PROFESSIONAL ENGINEER.

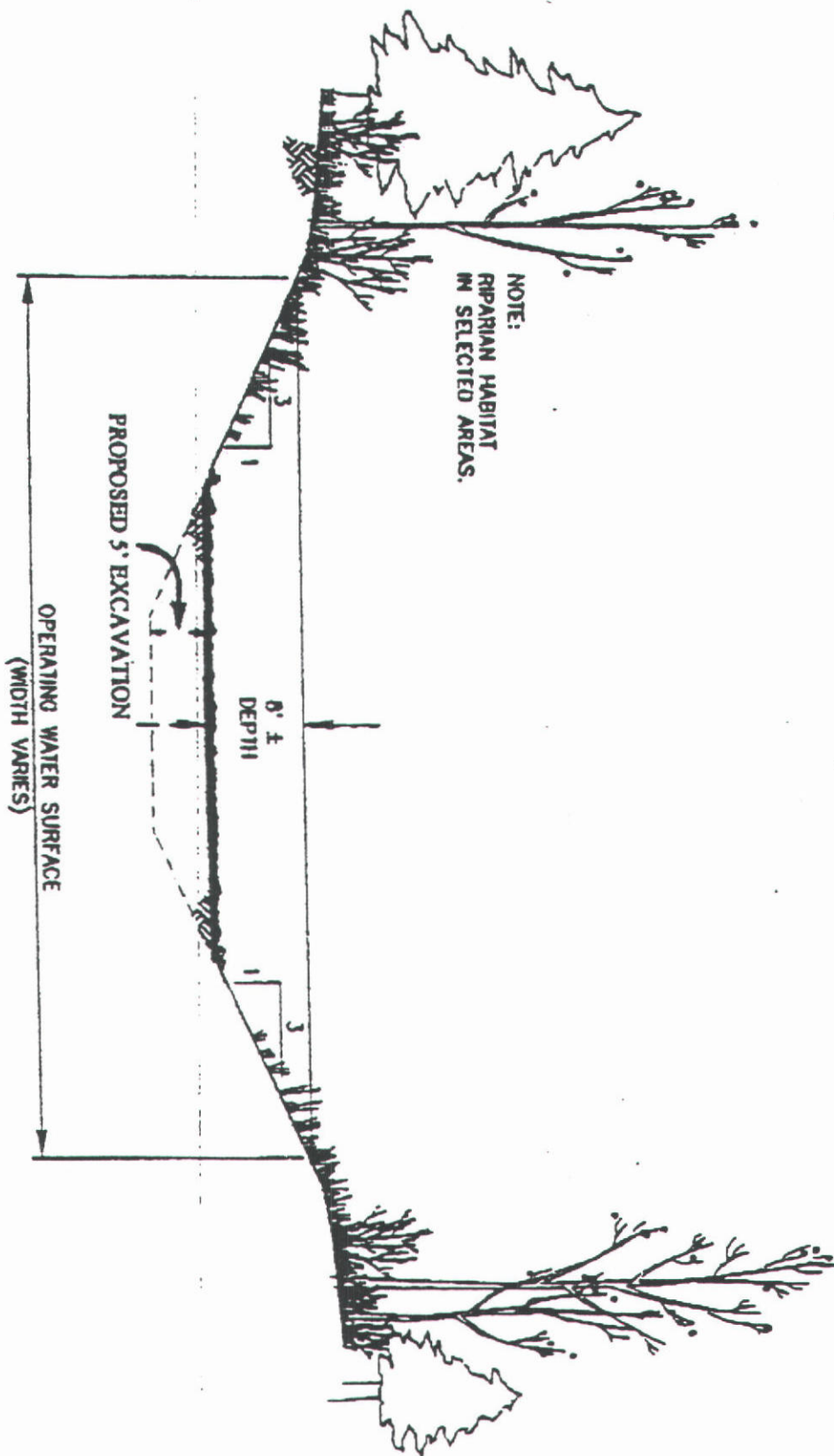
SECTION A-A

NOT TO SCALE

NPW No. 940202770
M. RESORTS
Williams Creek
Valley County, Idaho
Sheet 6 of 14
May 1, 1997

MICROFILMED
NOV 04 1997

POND #1 CROSS SECTION



NOT FOR CONSTRUCTION DRAWINGS.

CONCEPTUAL DRAWING FOR JDRP
APPLICATION PERMIT PROCESS ONLY.
CONSTRUCTION DRAWINGS NEED TO BE
PREPARED BY PROFESSIONAL ENGINEER.

NPW No. 940202770

M. RESORTS

Williams Creek

Valley County, Idaho

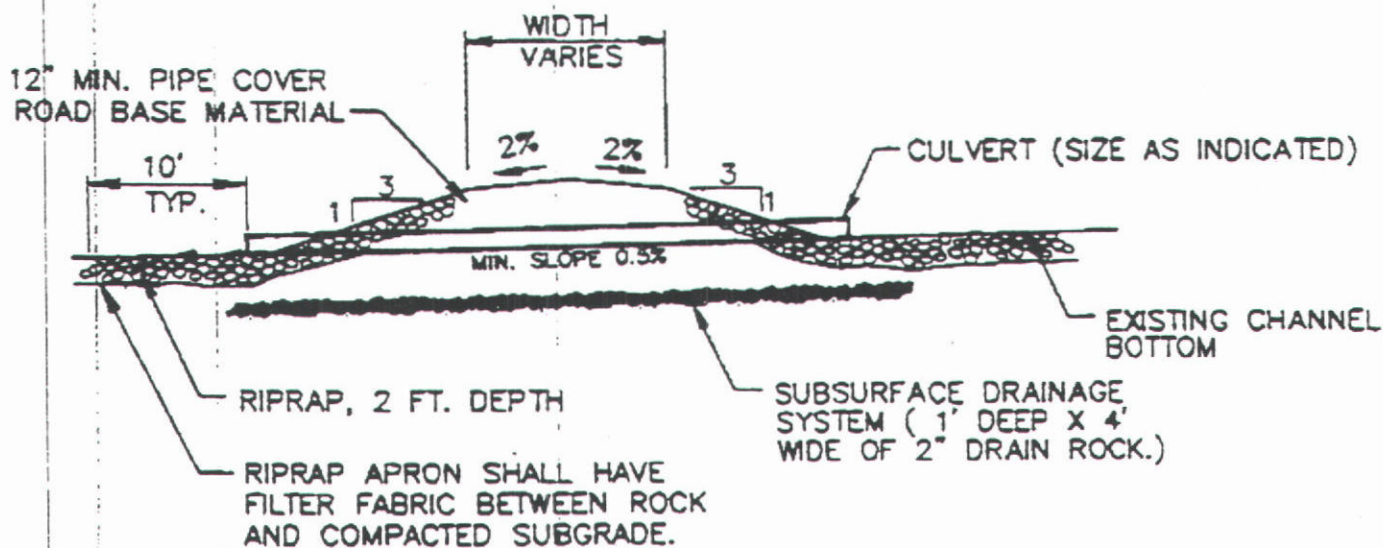
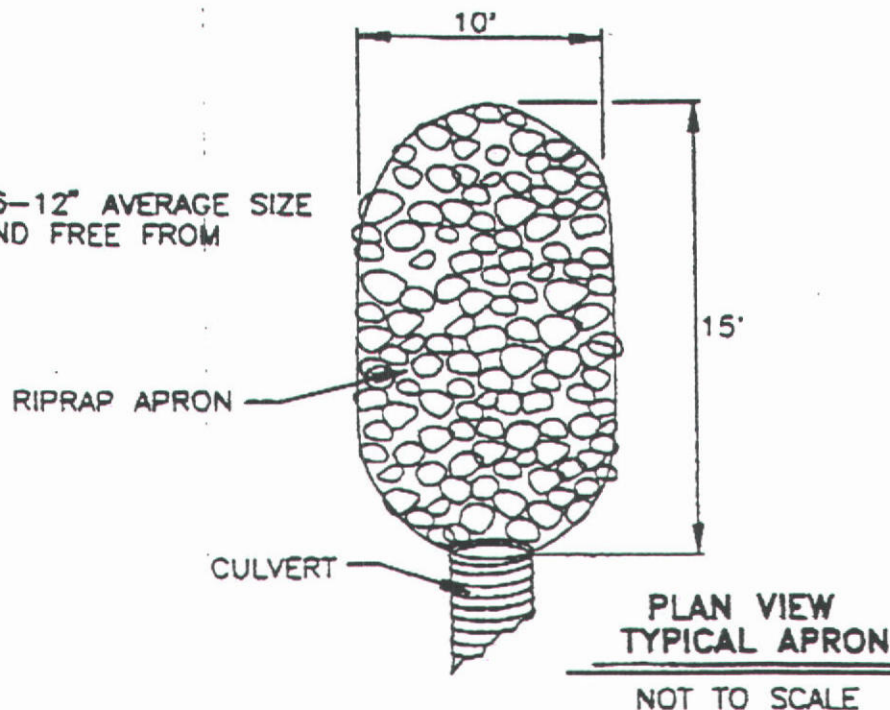
Sheet 7 of 14

May 1, 1997

MICROFILMED
NOV 04 1997

NOTE:

RIFRAP SHALL BE 6-12" AVERAGE SIZE STONES. CLEAN AND FREE FROM ORGANIC MATTER.



TYPICAL WETLAND ROAD FILL SECTION

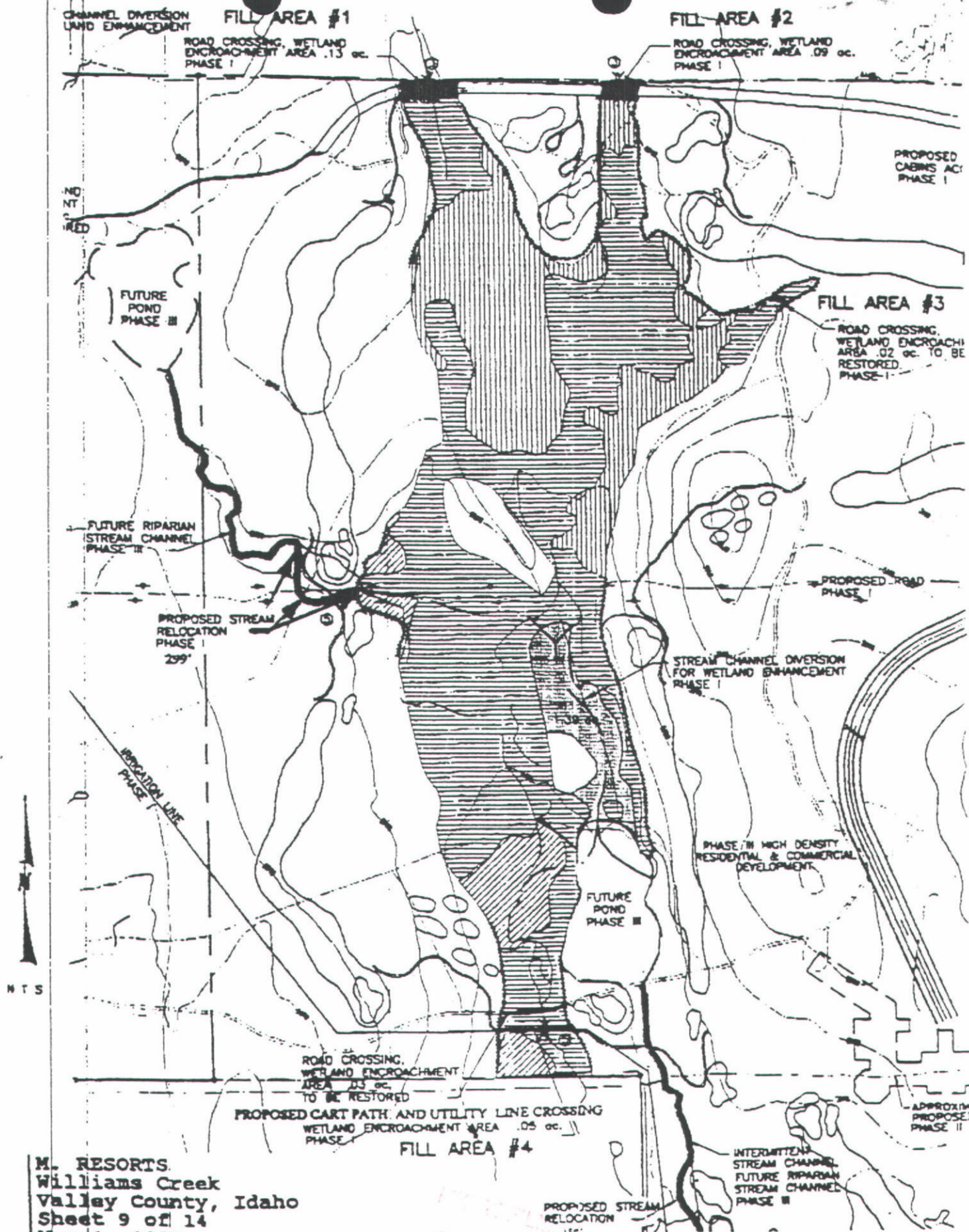
NOT TO SCALE

NOT FOR CONSTRUCTION DRAWINGS.

CONCEPTUAL DRAWING FOR JOINT
APPLICATION PERMIT PROCESS ONLY.
CONSTRUCTION DRAWINGS NEED TO BE
PREPARED BY PROFESSIONAL ENGINEER.

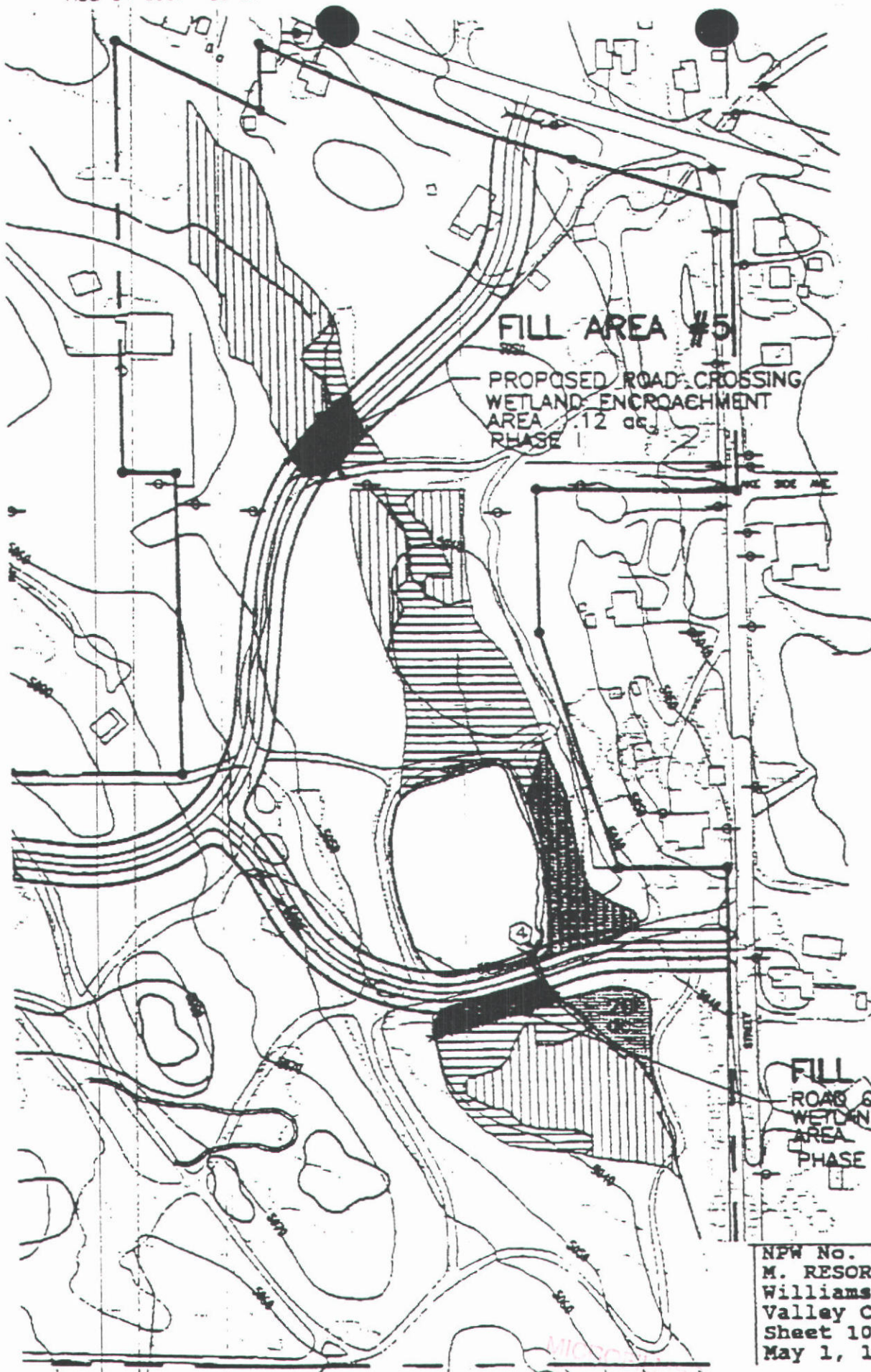
NPW No. 940202770
M. RESORTS
Williams Creek
Valley County, Idaho
Sheet 8 of 14
May 1, 1997

NOV 04 1997



M. RESORTS.
Williams Creek
Valley County, Idaho
Sheet 9 of 14
May 1, 1997

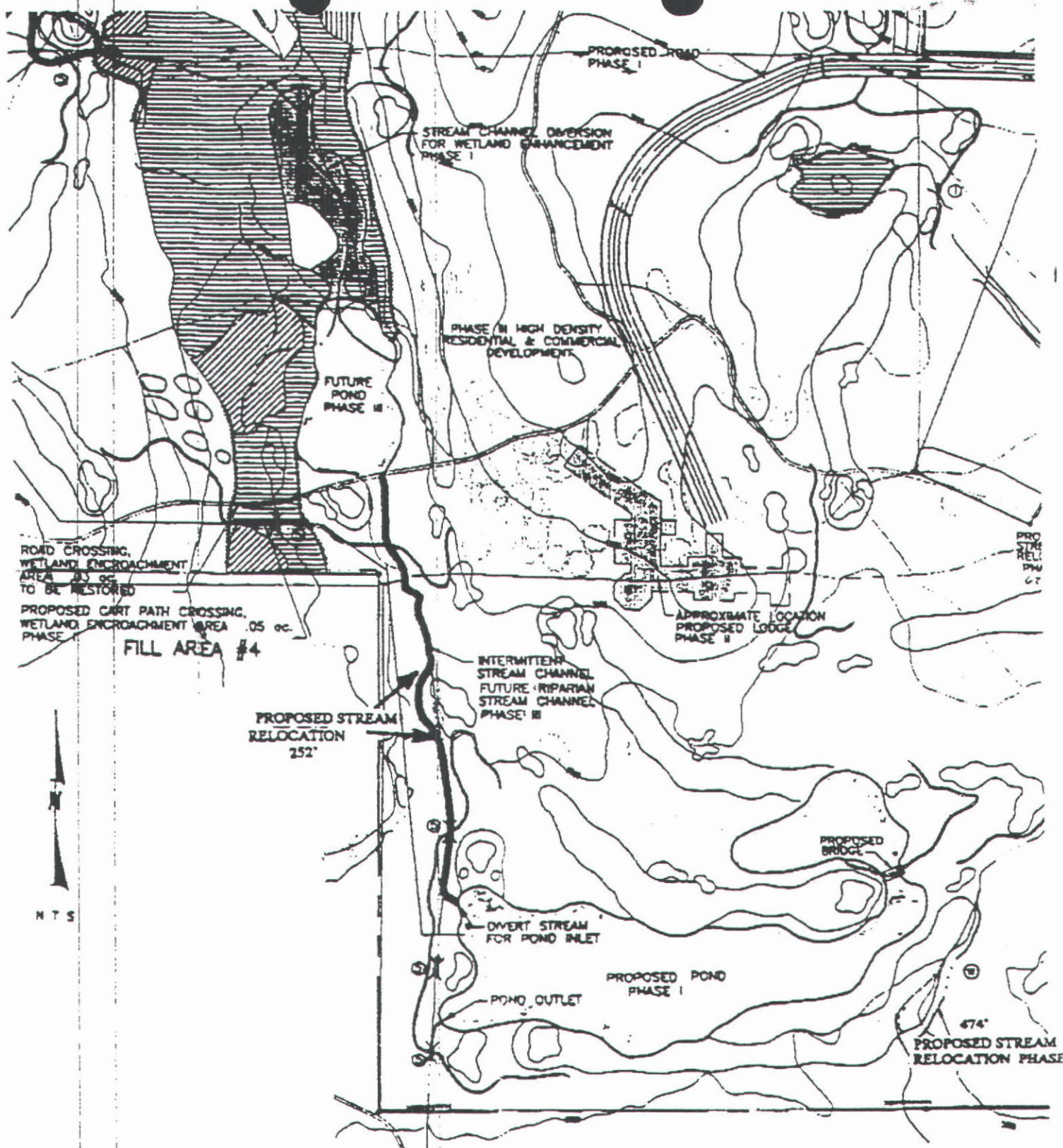
NOV 04 1997



FILL AREA #6
ROAD CROSSING,
WETLAND ENCROACHMENT
AREA .12 ac.
PHASE I

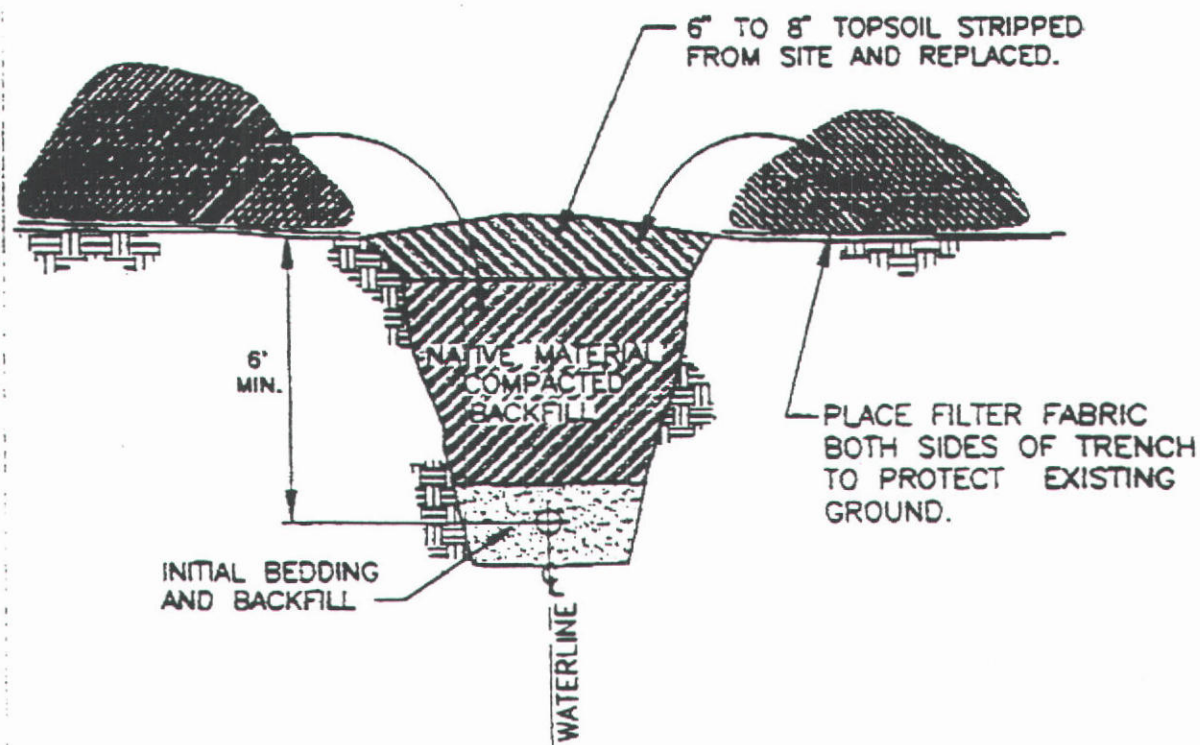
NPW No. 940202770
M. RESORTS
Williams Creek
Valley County, Idaho
Sheet 10 of 14
May 1, 1997

NOV 04 1997



NPW No. 940202770
 M. RESORTS
 Williams Creek
 Valley County, Idaho
 Sheet 12 of 14
 May 1, 1997

NOV 04 1997



WETLAND WATERLINE CONSTRUCTION PROCEDURE DETAIL

NOT TO SCALE

NOT FOR CONSTRUCTION DRAWINGS.

CONCEPTUAL DRAWING FOR JOINT
APPLICATION PERMIT PROCESS ONLY.
CONSTRUCTION DRAWINGS NEED TO BE
PREPARED BY PROFESSIONAL ENGINEER.

NPW No. 940202770

M. RESORTS

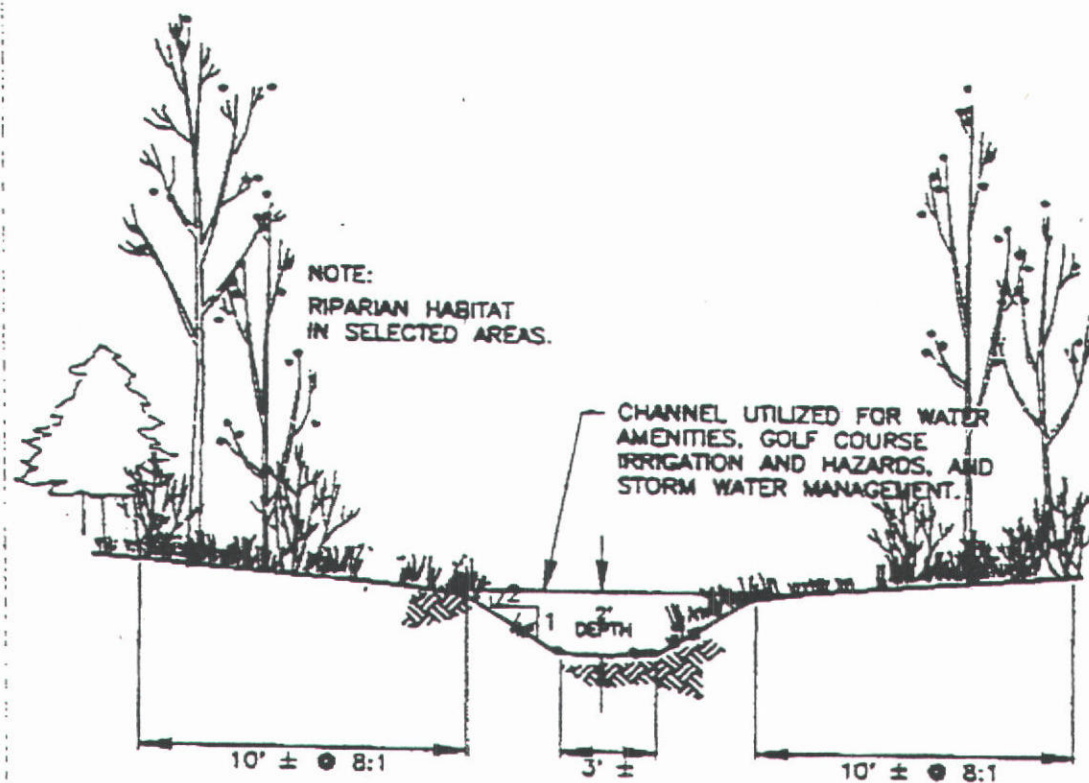
Williams Creek

Valley County, Idaho

Sheet 13 of 14

May 1, 1997

NOV 04 1997



TYPICAL STREAM CHANNEL SECTION

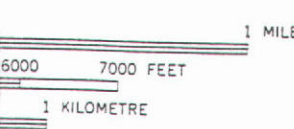
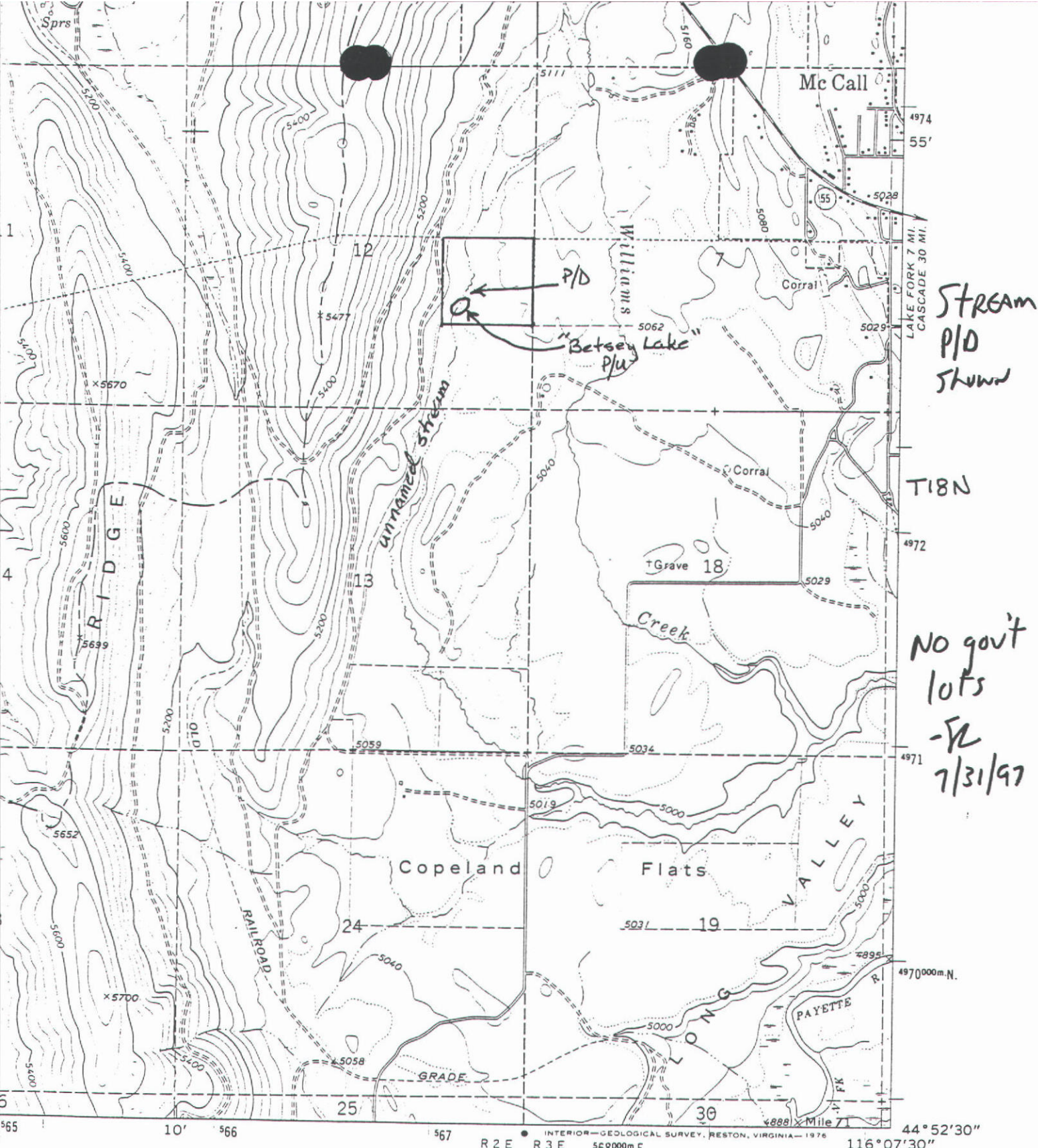
NOT TO SCALE

NOT FOR CONSTRUCTION DRAWINGS.

CONCEPTUAL DRAWING FOR JOINT
APPLICATION PERMIT PROCESS ONLY.
CONSTRUCTION DRAWINGS NEED TO BE
PREPARED BY PROFESSIONAL ENGINEER.

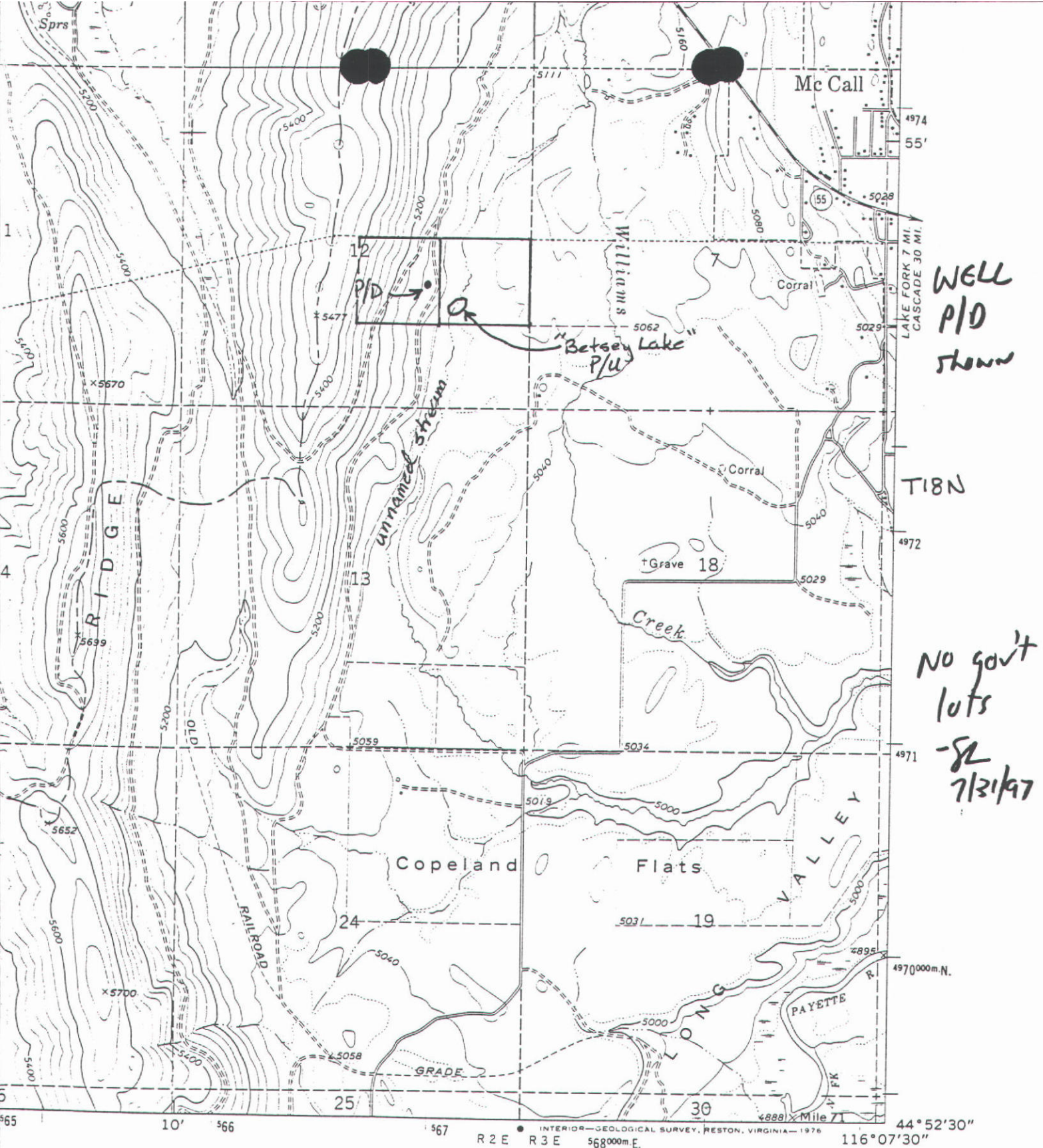
NPW No. 940202770
M. RESORTS
Williams Creek
Valley County, Idaho
Sheet 14 of 14
May 1, 1997

MICROFILMED
NOV 04 1997



65-13738

Attachment #1
MEADOWS, IDAHO
N4452.5-W11607.5/7.5



WELL
P/D
shown

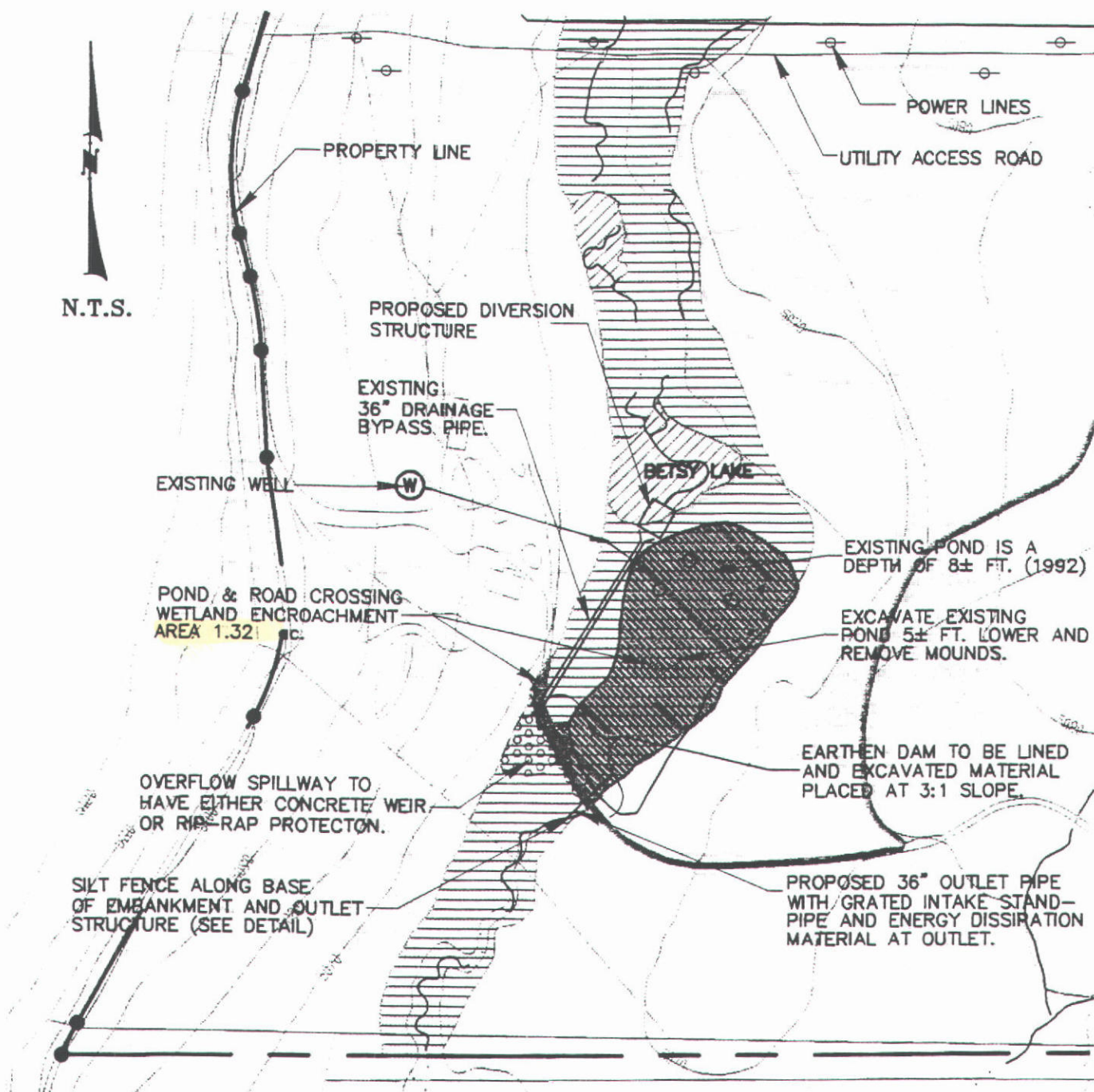
No govt
lots
-SL
7/31/97



- ROAD CLASSIFICATION
- Primary highway, hard surface —————
 - Secondary highway, hard surface - - - - -
 - Light-duty road, hard or improved surface ————
 - Unimproved road ————
 - Interstate Route (circle with 'I')
 - U. S. Route (circle with 'U.S.')
 - State Route (circle with 'S')

65-13738

MICROFILMED
Attachment #2
MEADOWS, IDAHO
N4452.5—W11607.5/7.5



* NOTE: THE CONCEPT DRAWING HAS BEEN SUBMITTED TO U.S. ARMY CORPS OF ENGINEERS APPLICATION NO. 940202770

NOT FOR CONSTRUCTION DRAWINGS.

CONCEPTUAL DRAWING FOR JOINT APPLICATION PERMIT PROCESS ONLY. CONSTRUCTION DRAWINGS NEED TO BE PREPARED BY PROFESSIONAL ENGINEER.

ATTACHMENT #3

BRANCH OF WILLIAMS CREEK VALLEY COUNTY, IDAHO
APPLICATION BY: M RESORTS, INC.

JULY 16, 1997

TOOTHMAN-ORTON ENGINEERING COMPANY
9777 CHINDEN BLVD BOISE IDAHO 83714
McCALL AIR TAXI BLDG. McCALL IDAHO 83638

NOV 04 1997

65-13738

NOV 04 1997
MICROFILMED

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: W022823
BACKOUT

Date: 08/01/97
Time: 09:22:39

Received
From:

M RESORTS

Type of Payment	Program A cct	Amount
APPLICATION FOR PERMIT	0229 210062103 1155	\$ -120.00
Total		\$ -120.00

CHECK 20366

Idaho Department of Water Resources

Region: WESTERN

Signature: _____

RECEIVED

OCT 17 2001

FOR OFFICE USE ONLY
Amt. of Fee \$ 50
Receipt No. 10058424
Receipt By WES
Date Received 10-17-01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee when necessary or be accompanied by a completed field examination report prepared by a certified water right examiner.

1 Permit No. 65-13738 Telephone No. 208-634-2244

2 Name of Permit Holder(s) M RESORTS LTD

3 Mailing Address 501 W LAKE ST

City McCALL State ID Zip 83638

4 Source of Water GROUND WATER
UNNAMED STREAM if GROUNDWATER (well) Date Drilled mo. ____ / yr. ____

Well Driller _____ Drilling Permit Number _____

5 Use(s) (as authorized by the water right permit)

Domestic (No. of households) _____ Stockwater (No. and type of stock) _____

Irrigation (No. of acres) _____ Other STORAGE

6 Total rate of diversion and/or volume for which proof is submitted _____ cfs OR 20 acre-feet

7 Measuring Device Requirement (refer to the approval conditions on your permit and respond accordingly)

(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly will be considered incomplete.)

Measuring Device Is a measuring device required? Yes _____ or No /
Has the measuring device been installed? Yes _____ or No _____

8 Fee Enclosed \$ 50 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9 Person to contact to accompany the Department representative during field examination of the water system

Name BOB McKENNA Telephone Number 634-9675

Address same as above

10 The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder R McKenna MGR Date 9-24-01
(include your title if on behalf of company or organization)

MICROFILMED

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13738

Proposed Priority: July 18, 1997

Maximum Diversion Rate

2 35 CFS

This is to certify, that M RESORTS

PO BOX 1006

MCCALL ID 83638-1006

has applied for a permit to appropriate water from

UNNAMED STREAM

tributary of WILLIAMS CREEK

GROUNDWATER

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 VOLUME</u>
STOCKWATER STORAGE	01/01 to 12/31		20 0 AF
WILDLIFE STORAGE	01/01 to 12/31		20 0 AF
RECREATION STORAGE	01/01 to 12/31		20 0 AF
AESTHETIC STORAGE	01/01 to 12/31		20 0 AF
DIVERSION TO STORAGE	01/01 to 12/31	2 35 CFS	
	Totals	2 35 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec 12, Township 18N, Range 02E

NWSE , Sec 12, Township 18N, Range 02E

VALLEY County

PLACE OF USE STOCKWATER STORAGE

TWN RGE SEC

18N 02E 12

NESE

CONDITIONS OF APPROVAL AND REMARKS

- 1 Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 2002
- 2 Subject to all prior water rights
- 3 Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control
- 4 Use of water under this water right will be regulated by the watermaster of State Water District No 65
- 5 Point of diversion from groundwater is located within NWSE, and the point of diversion from the unnamed stream is located within NESE, S12, T18N, R02E
- 6 Diversion of unnamed stream tributary to Williams Creek shall not exceed 2 00 cfs and diversion from groundwater shall not exceed 0 35 cfs
- 7 The storage facility is a pond locally known as Bolsey Lake and recreational activity associated with the pond will be fishing and swimming. Water from the pond will also provide stockwater for eight horses

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

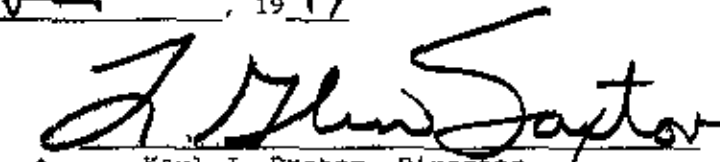
NO. 65-13738

CONDITIONS OF APPROVAL AND REMARKS

- 8 The permit holder shall install permanent measuring devices as approved by the department in a manner to assure that water in the channel upstream from the pond will not be impounded when prior downstream water rights are not being filled. The right holder shall provide reasonable access to the pond and measuring devices.
- 9 Prior to impoundment under terms of this right the right holder shall annually rent 4.0 AF of water from the Water District 65 Rental Pool to mitigate evaporation losses from the pond. If the right holder does not replace evaporation losses until all prior downstream storage rights are filled the requirement for mitigation is waived.
- 10 The groundwater source identified on this right shall be used to replace seepage use only and not used to replace evaporation.

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

23rd day of October, 1997


for Earl J. Dreher, Director

RECEIVED

OCT 15 1997

DEPARTMENT OF WATER RESOURCES

Ident No. 65-13738

CONTACT

BOB MCKENNA
MANAGER OF IDAHO
OPERATIONS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

- 1 Name M RESORTS 208-634-2244
Address PO BOX 1006
MCCALL ID 836381006
2. Source, UNNAMED STREAM Trib to: WILLIAMS CREEK
GROUNDWATER
- 3 Location of Point of Diversion: NESE Sec 12, Township 18N, Range 02E
NWSE Sec 12, Township 18N, Range 02E
VALLEY County
- 4 Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
STOCKWATER STORAGE	01/01	12/31			20 00
WILDLIFE STORAGE	01/01	12/31			20 00
RECREATION STORAGE	01/01	12/31			20 00
AESTHETIC STORAGE	01/01	12/31			20.00
DIVERSION TO STORAGE	01/01	12/31	2 350		
- 5 Total quantity to be appropriated is
2 350 CFS (and/or) AF
6. Proposed diverting works
 - a. Description of ditches, flumes, pumps, headgates, etc
EXISTING WELL & DITCH OR PIPE FROM STREAM, ALL TO SAME POND
 - * b. Height of storage dam 9 feet; active reservoir capacity 15.00
acre-feet; total reservoir capacity 20.00 acre-feet, period of
year when water will be diverted to storage 1/01 to 12/31 inclusive.
 - c. Proposed well diameter is 6 inches; proposed depth of well is 180
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when? 03/01/1993
Drilling Firm MENASCO DRILLING PER 65-93-W-0040-000
Well was drilled for DOUG MANCHESTER (OF M RESORTS)
- 7 Time required for the completion of the works and application of
the water to the proposed beneficial use is 5 year(s)

* DRAIN LESS THAN 10 PER ORIGINAL FILING INFO

-82 7/21/97

* 8 Place of Use: STOCKWATER STORAGE

TWN RGE SEC
18N 02E 12 NESE

9 a Who owns the property at the point of diversion?

APPLICANT

b Who owns the land to be irrigated or place of use?

APPLICANT

c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10 Remarks

Existing pond (Betsey Lake) to be served by runoff and existing
well

11 Map of proposed point of diversion and place of use attached? [4] (3 maps)

BE IT KNOWN that the undersigned hereby makes application for permit to
appropriate the public waters of the State of Idaho as herein set forth.

See original
Applicant

FL per original

Received by ST Date 7/18/97 Time 9:52 Preliminary check by SL

** Fee \$ ¹⁴⁰ 100.00 Receipted by ST #W022822 Date 7/18/1997

Publication prepared by ST Date 7-30-97 Published in Star News
8-7-97

Publication approved ST Date 9-25-97

* All uses from APPL Item #4 = NESE per IDWA D'ENTRIS coding

** Filing Fee = \$140 paid 7/18/97, 2 receipts see app' Comments
for details

- SL 7/31/97

Comments: Date 7/31/1997 User-ID: SLESTER

Subject ADDITIONAL INFORMATION

*done
8/17/97, see
next pg* → Application filed as result of 1996 investigation of complaint Domestic well to be upgraded for non-domestic use, drilling permit 65-93-W-0040-000 Dual sources to serve 20 af capacity pond aka Betsey Lake Application replaces lapsed permit 65-13452 which was previously protested by Bezates Land & Cattle Co. Applicant filed pending appl 65-13704 for multiple wells to irrigate proposed golf course plus cover @ 80 af storage in several proposed ponds for golf course Currently the only approved right for proposed golf course is Payette Lake permit 65-13470, which also includes some storage for multiple ponds Appl 65-13704 held at regional office pending changes in irrig processing. It is possible that any approval of 65-13738 will include mitigation component such as covering this amount of water via water bank lease Upgrade of 1993 drilling permit will be required in this new filing; see today's memo about fees etc for that issue. Applicant's names/titles of officers/directors on file in previous permits issued by IDWR The current version of this new application is a combination of 2 filings, 1 each for ground water & surface water sources The 2 filings have been combined into 1 since an integrated system is proposed.

Note that original application information states that applicant will follow conditions of lapsed permit 65-13452 plus will install a water measurement device upstream of pond to allow adequate flow to bypass pond to serve downstream senior rights held by Bezates Co This should include Bezates' application 65-13694 filed on 10-4-96 for proposed several small ponds to be located downstream from Betsey Lake. Bezates proposed ponds will be for non-irrigation uses. That application is now released for processing since M Resorts has filed 65-13738 for similar uses It appears that both non-irrigation filings can be processed at this time If approved, Bezates application may also require mitigation Bezates ground water application 65-13693 (also filed 10-4-96) for irrigation remains on hold.

Rate of flow in M Resorts 65-13738 includes 2 00 cfs from stream to pond plus .35 cfs from well to pond This filing includes stock use for 8 horses, misc wildlife use, and recreational fishing and swimming uses as well as aesthetic enjoyment of pond. Receipt W022822 is for \$100 while receipt W022823 is for \$120. Application fee is \$140, balance of funds to be applied to well drilling permit upgrade &/or refund as needed All appl fees were paid on 7-18-97 so priority date remains that day.

SD-0420-2
ADD COMMENT

Idaho Department of Water Resources
Modify Comment

Date 08/07/97
Time: 13.54.07

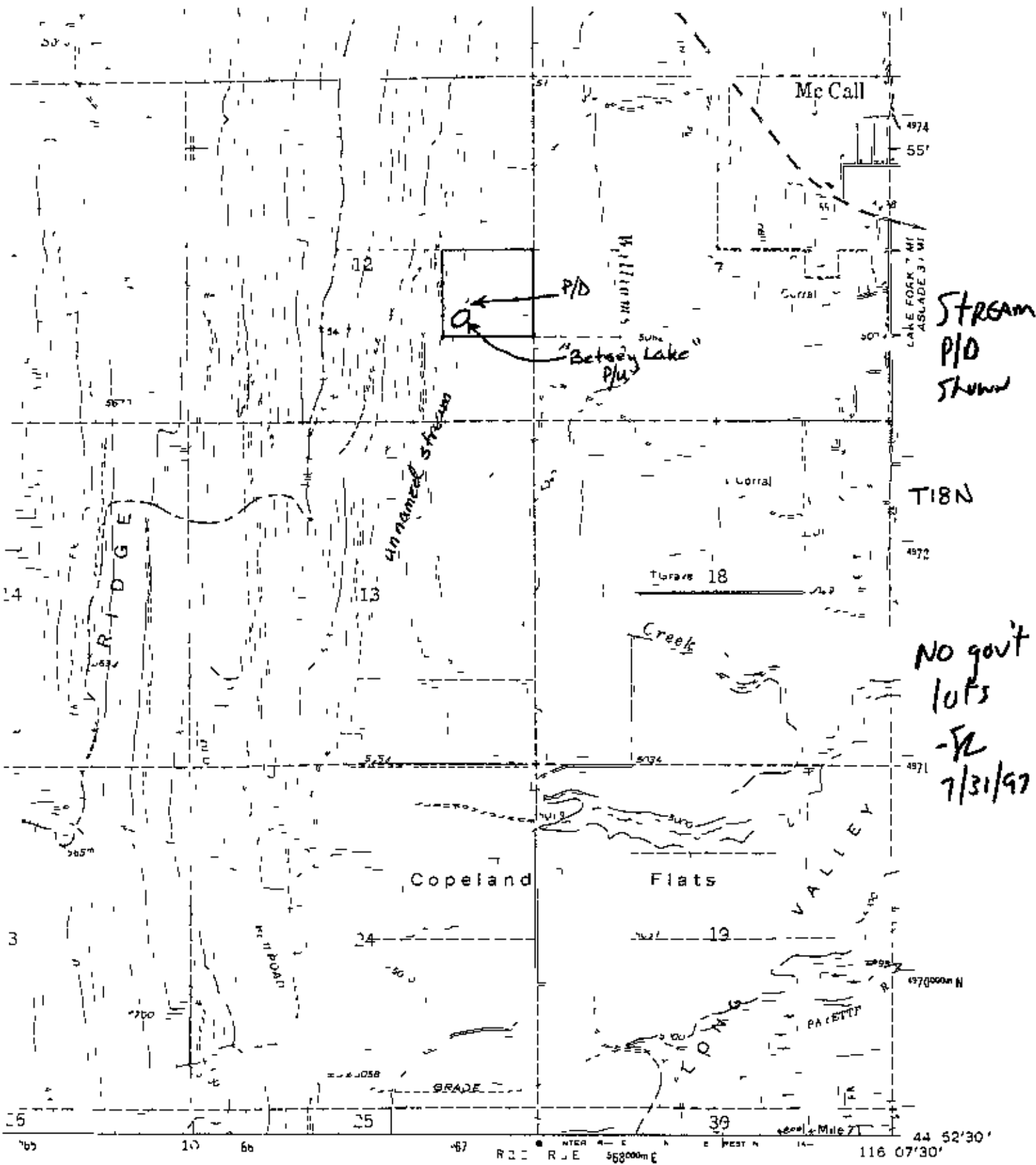
Water Right Number 65-13738

Comment Date 8/ 7/1997 User ID SLESTER

Subject DRILLING PERMIT UPGRADE

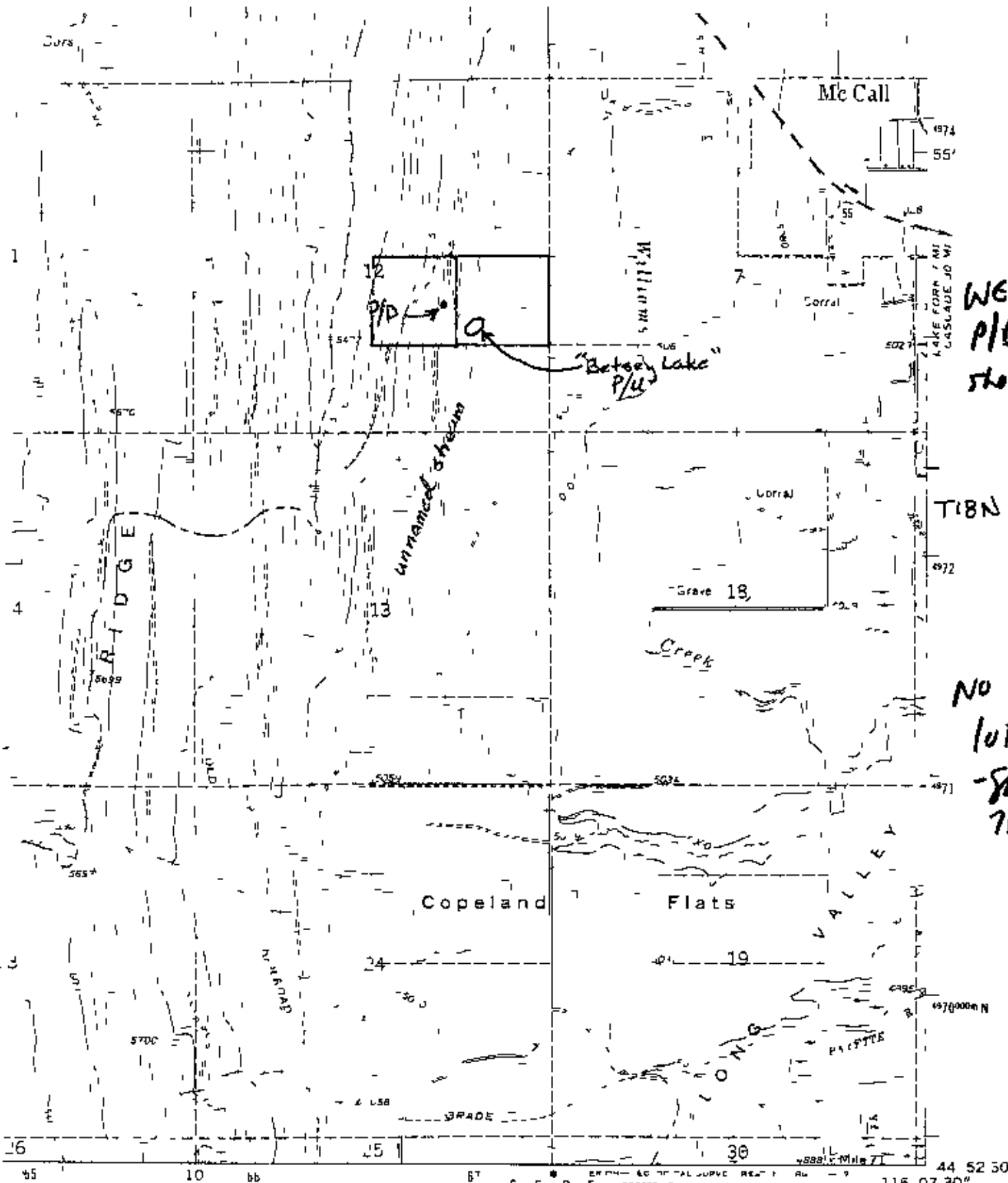
Drilling permit upgrade fee has been completed with today's
payment of \$85, receipt W022902 This information plus data to
correct location of well drilled in this drilling permit has been
provided to well drilling staff for WD d'base corrections

(Enter=Add) (Gold4=Prev) (Gold5=Next) (Gold7=Return to Comment Selection)



65-13738

Attachment #1
MEADOWS, IDAHO
N4452.5-W11607.5

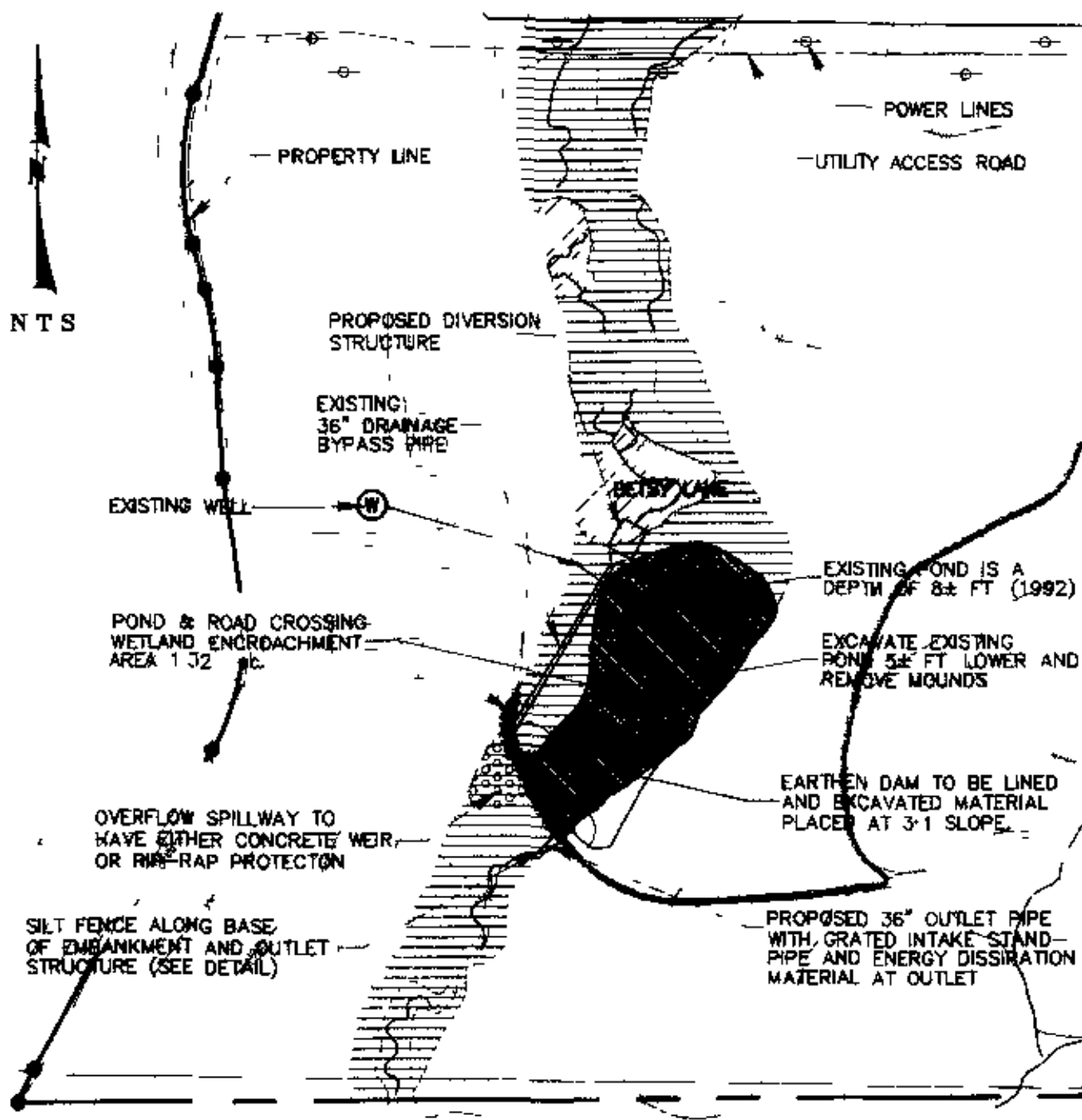


WELL
P/D
shown

No govt
lots
-SL
7/21/97

65-13738

Attachment #2
MEADOWS IDAHO
N44525-W11607575



* NOTE THE CONCEPT DRAWING HAS BEEN SUBMITTED TO U.S. ARMY CORPS OF ENGINEERS APPLICATION NO. 940202770

NOT FOR CONSTRUCTION DRAWINGS

CONCEPTUAL DRAWING FOR JOINT APPLICATION PERMIT PROCESS ONLY
CONSTRUCTION DRAWINGS NEED TO BE PREPARED BY PROFESSIONAL ENGINEER

ATTACHMENT #3

BRANCH OF WILLIAMS CREEK
VALLEY COUNTY, IDAHO
APPLICATION BY M RESORTS INC

JULY 16, 1997

TOOTHMAN-ORTON ENGINEERING COMPANY
9777 CHANDEN BLVD BOISE IDAHO 83714
McCALL AIR TARI BLDG McCALL IDAHO 83638

65-13738

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

JUL 18 1997

WATER RESOURCES
WESTERN REGION

- 1 Name of Applicant M Resorts Attention: Bob McKenna Phone 208-634-2244
 Mailing address P O Box 1006, McCall, ID 83638-1006
- 2 Source of water supply unnamed stream which is a tributary of Williams Creek
- 3 Location of point of diversion is Township 18N Range 2E Sec 12 in the 1/4
NE 1/4, SE 1/4, Govt Lot _____, B.M., _____ Valley _____ County
 additional points of diversion if any _____
- 4 Water will be used for the following purposes
 Amount 2.00 for Div to Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount 20 for Aesthetic Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount 20 for Recreation Stg. purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount 20 for Stockwater Stg purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount 20 for Wildlife Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
- 5 Total quantity to be appropriated is (a) 2.00 and/or (b) 20
 cubic feet per second acre feet per annum
- 6 Proposed diverting works
 a Describe type and size of devices used to divert water from the source diversion structure, ditch
 or pipe, measurement device _____
 b Height of storage dam less than 10 feet active reservoir capacity 15 acre-feet total
 reservoir capacity 20 acre-feet
 c Proposed well diameter is _____ inches, proposed depth of well is _____ feet
 d Is ground water with a temperature of greater than 85°F being sought? _____
 e If well is already drilled, when? _____, Drilling firm _____
 Well was drilled for (well owner) _____, Drilling Permit No _____
- 7 Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
- 8 Description of proposed uses (if irrigation only, go to item 9)
 a Hydropower, show total feet of head and proposed capacity in KW _____
 b Stockwatering, list number and kind of livestock 8 horses
 c Municipal, show name of municipality _____
 d Domestic, show number of households _____
 e Other, describe fully recreation uses include fishing and swimming, wildlife storage
is for fish, bird, mammal, and amphibian habitat

9 Description of place of use

a If water is for irrigation, indicate acreage in each subdivision in the tabulation below

b If water is used for other purposes, place a symbol of the use (example D for Domestic) in the corresponding place of use below See instructions for standard symbols

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18	2E	12													J				
		12													R				
		12													S				
		12													W				

Total number of acres to be irrigated _____

10 Describe any other water rights used for the same purposes as described above none11 a Who owns the property at the point of diversion? applicantb Who owns the land to be irrigated or place of use? applicant

c If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

12 Remarks Storage is in a pond locally known as Betsey Lake Applicant
proposes to follow conditions of lapsed permit No 65-13452 Applicant
will install a water measurement device upstream of the pond to bypass
adequate flow around the pond to meet downstream senior water rights

13 **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range (A photocopy of a USGS 7 1/2 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth

Bob Hickens - Manager of Idaho Operations
 Signature of Applicant (and title if applicable)

Received by [Signature] Date 7-18-97 Time _____ Preliminary check by _____
 Fee \$ _____ Receipted by _____ # _____ Date _____
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

RECEIVED
JUL 18 1997

WATER RESOURCES
WESTERN REGION

- 1 Name of Applicant M Resorts Attention: Bob McKenna Phone 208-634-2244
Mailing address P O. Box 1006, McCall, ID 83638-1006
- 2 Source of water supply groundwater which is a tributary of NA
- 3 Location of point of diversion is Township 18N Range 2E Sec 12 in the 1/4
NW 1/4, SE 1/4, Govt. Lot _____, B.M. Valley County _____
additional points of diversion if any _____
- 4 Water will be used for the following purposes
Amount 0.35 for Div. to Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 20 for Aesthetic Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 20 for Recreation Stg. purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 20 for Stockwater Stg. purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 20 for Wildlife Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- 5 Total quantity to be appropriated is (a) 0.35 and/or (b) 20
cubic feet per second acre feet per annum
- 6 Proposed diverting works
a Describe type and size of devices used to divert water from the source well, submersible pump, ditch
or pipe, measurement device _____
b Height of storage dam less than 10 feet; active reservoir capacity 15 acre-feet total
reservoir capacity 20 acre-feet
c Proposed well diameter is 6 inches, proposed depth of well is 180 feet
d Is ground water with a temperature of greater than 85°F being sought? no
e If well is already drilled, when? 3/93, Drilling firm Menasco Drilling
Well was drilled for (well owner) Doug Manchester, Drilling Permit No 65-93-W-0040
- 7 Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
- 8 Description of proposed uses (If irrigation only, go to item 9)
a Hydropower, show total feet of head and proposed capacity in KW _____
b Stockwatering list number and kind of livestock 8 horses
c Municipal show name of municipality _____
d Domestic, show number of households _____
e Other, describe fully recreation uses include fishing and swimming, wildlife storage
is for fish, bird, mammal, and amphibian habitat

3 Description of place of use

a If water is for irrigation, indicate acreage in each subdivision in the tabulation below

b If water is used for other purposes, place a symbol of the use (example D for Domestic) in the corresponding place of use below See instructions for standard symbols

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18	2E	12													J				
		12													R				
		12													S				
		12													W				

Total number of acres to be irrigated _____

10 Describe any other water rights used for the same purposes as described above none11 a Who owns the property at the point of diversion? applicantb Who owns the land to be irrigated or place of use? applicant

c If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

12 Remarks Storage is in a pond locally known as Betsey Lake. Applicant
proposes to follow conditions of lapsed permit No 65-13452 Groundwater
use will be supplemental to surface water use (see companion application
for 2 00 cfs diversion to storage from unnamed stream)

13 **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range (A photocopy of a USGS 7 5 minute topographic quadrangle map is preferred)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth

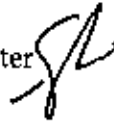
Bob McKenna - Manager of Idaho Operations
 Signature of Applicant (and title, if applicable)

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ _____ Received by _____ # _____ Date _____
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

OVERLAP SUMMARY

December 1, 2004

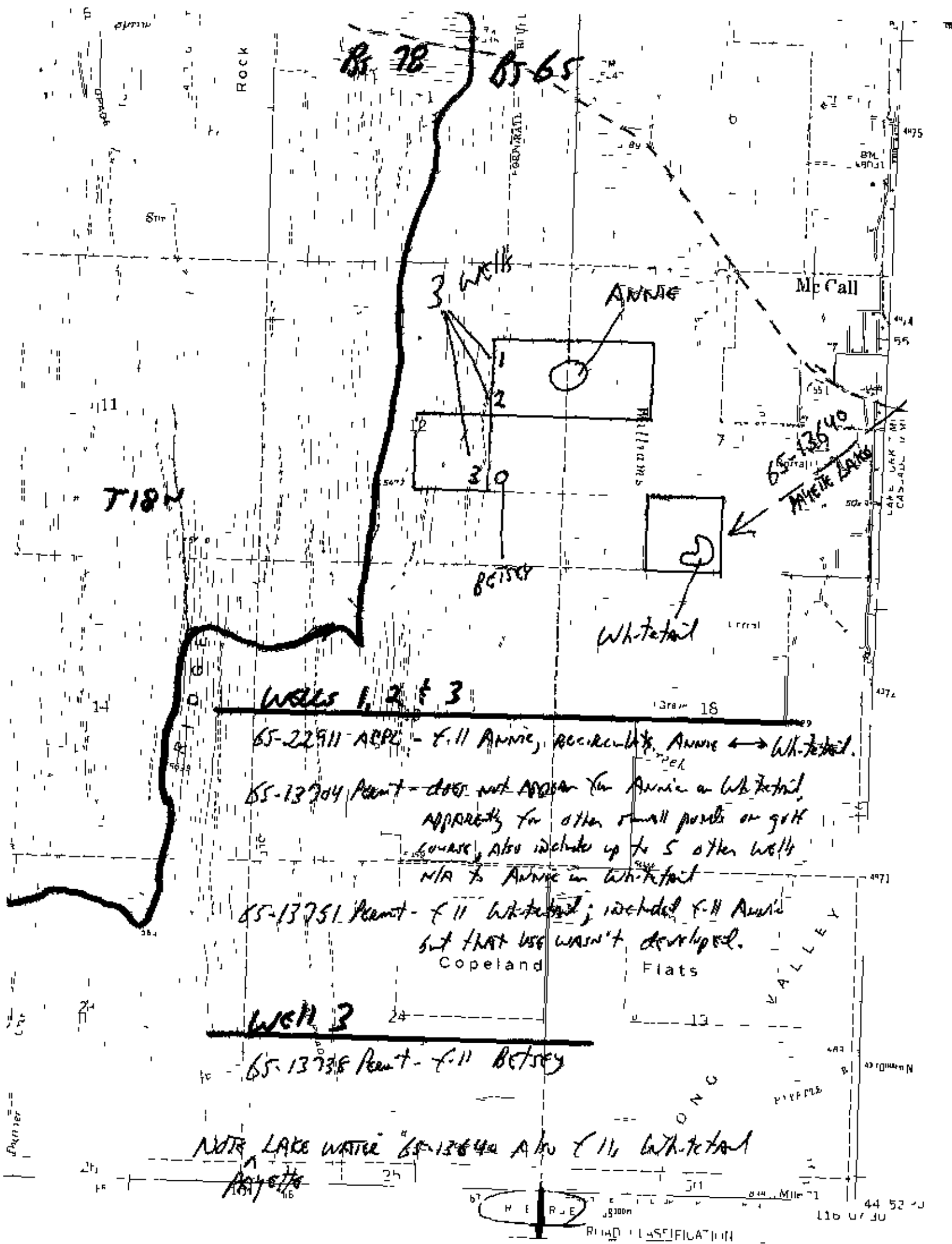
Steve Lester



- See attached map
- Whitetail golf course
- Shared wells
- Develop ponds ("lakes")
- Complex history - Bezates complaint against M Resorts (Manchester) 10/96-12 97, subsequent wr filings
- Apparently Whitetail & Betsy Lakes developed
- Apparently Annie Lake not developed
- Appl 65-22911 for 3 existing wells, initially fill Annie, recirculate some storage to Whitetail, back to Annie repeat
- All 3 wells upgraded to \$200 drilling permit status by 12 97
- 65-22911 P/U Annie Lake all uses Whitetail Lake just "aesthetic from storage"

Original 65-22911

Copies 65-13640 65-13704 ~~65-13938~~ 65-13711



DAHO
NT OF WATER RESOLRCFS
hard Street, P.O. Box 83720
720-0098

e Requested

Manc

RECEIVED

NOV - 8 2001

Department of Water Resources

RESORTS
FIRST CLASS



65-13640

~~65-13640~~ - " - evidence
in letters - lg

MANC501* 636382017 1A01 05 10/31/01
RETURN TO SENDER
MANCHESTER RESORTS
1 MARKET PL
SAN DIEGO CA 92101-7714
RETURN TO SENDER

63720-0098

forwarded "1/8/01 lg

MICROFILMED
NOV 21 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P O Box 83720, Boise, ID 83720-0098

Phone (208) 327-7900 Fax (208) 327-7866 Web Site www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J DREHER
Director

October 25, 2001

BOB MC KENNA
M RESORTS LTD
501 W LAKE ST
MC CALL ID 83638

PROOF ACKNOWLEDGMENT LETTER

RE PERMIT NO 65-13640 and 65-13738

Dear Permit Holder

The department acknowledges receipt of the proof of beneficial use forms submitted for the above referenced permits. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. However, I have some questions I want to bring to your attention.

1 Both of these diversions require measurement devices be installed. Please review the permits and contact the regional office if you have any questions. If you have installed the means of measurement, please disregard this question.

2 Referring specifically to your proof for permit no. 65-13738, question number 6 "Total rate of diversion." Your response was 20 acre feet for this question. IDWR permitted you to develop a total of 2.35 cfs for the diversion, which allotted 20.0 AF per storage use. (See the enclosed copy of this permit.) However, if you only developed 20 AF then that is what you will be licensed for. If that is not correct you will need to file an amended form and submit an additional \$100.00.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

I have received two other water right proofs from you that a response will be forthcoming. Please contact (208) 327-7953 if you have any questions.

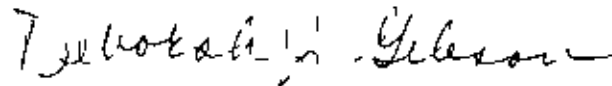
WOPD 2001-10-25

October 25, 2001

Page 2

Additionally if you have questions concerning the field examinations or the applications, please contact the Western Regional Office of the department in Boise at (208) 334-2190

Sincerely,



Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

c IDWR - Regional Office

MICROFILMED

9/1/01

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No 65-13738

Reviewed By dgibson

Date October 24, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No		W028424	Well driller's report filed?		X
Additional Amount Due			Measuring device required?	X	
Name and address same as permit?		X	Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	10/17/2001
Date proof due	- 11/01/2002
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 07/18/1997
New priority date	= 07/18/1997

Deficiencies of Actions Items

Acknowledge proof & status of review of water measurements
 calculation lesser amount subtracted than permitted
 amount will reflect amount on proof

RECEIVED

DEC 29 1997

MEMORANDUM

Department of Water Resources

TO FILE

FROM STEVE LESTER *SL*

DATE: DECEMBER 24, 1997

*

RE: BEZATES COMPLAINT ABOUT M RESORTS, APPL. 65-13704

Bezates filed a complaint on October 4, 1996 regarding alleged illegal use of water on M Resorts property associated with water stored in "Betsey Lake" (pond in lapsed right 65-13452 that involved previous controversy between these two parties). I conducted a field visit with M Resorts land manager Bob McKenna on October 22, 1996 in response to the complaint. After the field visit, Mr. McKenna and I met with M Resorts' attorney, Steven Millemann, in McCall to thoroughly discuss the alleged violations.

The site in question is a proposed golf course. The owner would like to develop a set of wells to irrigate the golf course plus provide water amenities for the course. Adjacent landowners Bezates are concerned about impacts on their decreed surface water rights plus their newer filings (65-13693 and 65-13694, more about these later in memo) filed about a month prior to 65-13704.

M Resorts continues to work with IDWR and Army Corps on 404 permitting issues at this site. At this time it does not appear that SCA issues are involved with any M Resorts water right applications.

The net result of the complaint, field visit and related research is that M Resorts filed three water right applications addressing mostly ground water appropriation for the proposed golf course. These include the following:

Permit 65-13738 for a well and runoff (not direct flow from unnamed stream) to fill and maintain "Betsey Lake",

pending Application 65-13751 for above well plus two others to fill and maintain two additional ponds ("Annie and Whitetail" ponds), and

pending Application 65-13704 for four existing plus four proposed wells (includes the three in above filings) to irrigate 210 acres and provide about 80 af of storage in several ponds on the golf course (storage might be reduced to extent it is covered in prior two filings?)

Bezates also filed applications for permit to cover surface and ground water uses. Their applications are somewhat earlier in time than M Resorts. The Bezates filings include the following:

Permit 65-13694 for surface water to fill and maintain several small non-irrigation ponds, and

pending Application 65-13693 for one ground water diversion (either shallow sump or drilled well) to irrigate up to 200 acres.

MICROFILMED

* Bezates Land + Co #4 (John + George B. 1 + 2 + 3 + 4)
consent filed 1/29/97 (with 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 202

65-13704
Dec 24, 1997
Page 2

Both irrigation applications are being processed based on the applicants' consent to mitigate if required in the future. See Millemann's October 1, 1997 letter for 65-13704 mitigation consent. For Bezates 65-13693, the non-response to my October 16, 1997 letter indicates acceptance of the mitigation condition.

The substantive issues in Bezates' complaint can be addressed in the water rights process. This office has provided copies of the filings to both parties if either is interested in filing protests. Dam safety, stream channel and well construction issues are included in reviewing the applications.

Minor issues in the complaint are being handled through more routine application processing steps, e.g. upgrading of domestic drilling permits and corrections of well logs.

No additional follow up to the Bezates complaint is needed at this time. Let the water right process determine who can do what with surface and ground water on these adjacent properties. The original complaint information and this memo are filed in 65-13704. Copies of this memo are routed to the other water right files plus the region's 1996 complaint file.

MICROFILMED

11 1 1 1 1 1



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

October 27, 1997

PHILIP E. BATT
GOVERNOR

KARL J. OREHER
DIRECTOR

M RESORTS
PO BOX 1006
MCCALL ID 836381006

PERMIT APPROVAL NOTICE

RE PERMIT 65-13738

Dear Permit Holder

Enclosed is a copy of your approved permit. In addition to the following information affecting your water right, please be sure to thoroughly review the "CONDITIONS OF APPROVAL AND REMARKS" listed on the permit.

Your Permit is issued as an Preliminary Order

Your permit is issued as an Preliminary Order meaning that if you disagree with any of the requirements of the permit you must petition the Director for reconsideration within a limited amount of time. See enclosed

"Responding to Preliminary Orders." sheet for more details.

Mitigation

Condition 9 listed on the permit, provides the parameters and quantities as specifically as possible the quantity of water needed for mitigation of any consumptive water use occurring under this right that may cause a reduction in downstream senior water rights.

Water Measurement

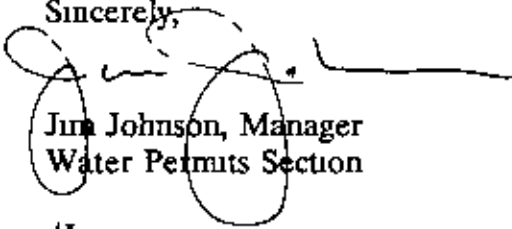
You are required to install a measuring device and lockable controlling works that will enable the watermaster to measure and control the rate of diversion. See condition 8.

Recording water right ownership/address change

As of July 1, 1996, all water right owners are required to report changes of water right ownership and/or change of mailing address to the department. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department for more information.

If you have any questions about your permit please let me know

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Johnson", is written over the typed name and title. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jim Johnson, Manager
Water Permits Section

/J

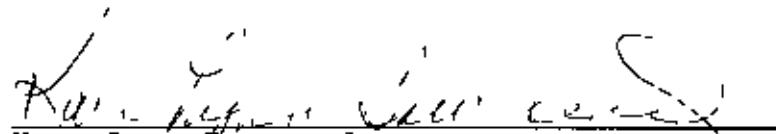
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of October, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDERS (Approved Permit)** to the person(s) listed below

Permit 65-13738

M RESORTS
PO BOX 1006
MCCALL ID 83638-1006



Kari Lynn Townsend
Secretary

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

OCT 15 1997

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY JS

DATE 7/31/97

APPLICATION SS 13778

REQUIRED INFORMATION

Name (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included) *See previous permit M Results (SS 13470 etc)*

Address

Source (See USGS Quad for names of water sources)

Point of Diversion (10 acres for spring, lot & block descriptions for Subdivisions, local name)

County

Quantity (flow and/or volume)

Period of use

Nature of proposed use (Include description of use)

Description of diverting works

Time required for beneficial use of water

Place of use or acres irrigated

Map (show T, R, S, QQ &/or QQQ)

Subdivision plat (for > 1 home in restricted area $\geq$ 5 homes in non-restricted area)

Signature (If applicant is corp, partnership, or municipality, title of signatory is required)

Fee

Yes ☐ No ☐ In form to receipt

Gov't Lots
N P/D
P/U

ADDITIONAL INFORMATION

☒ ADVERTISE REMARK(S)

(Reviewer identify which remarks)

N/A T FLAG CHANGED TO P FLAG

YES NO

☒ Overlapping place of use (Describe source & relationship to present application on next page)

☒ Overlapping point of diversion

☒ Critical groundwater area

☒ Groundwater management area

☒ 1992 moratorium

☒ Copy to SCA staff (perennial stream, non-pump diversion &/or any mining)

☒ Copy to Dam Safety staff (for any storage)

☒ Mitigation plan where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge

☒ Send power requirement letter

☒ Send fish farm requirement letter

☒ Power residency affidavit

☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (If yes, attach Large Diversion supplementary analysis sheet)

☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

CC's to TRW + JS done

DATE REQUESTED 7/31/97

ADDITIONAL INFORMATION ON REVERSE SIDE

* Approval may require mitigation RE WO #65

slow fish flow concerns

~~Don't forward to S.O. until \$85 dep fee paid~~

cc to TRW 7/31/97

PROCESSING

APP NO

15-13704

YES NO

- ☐ In form for advertising
☐ Statewide advertising (> 10 cfs &/or 1000 af)
☒ Fee amount, receipt number and date recorded on application

SEND COPIES TO

YES NO

- ☐ ID Health & Welfare
☐ ID District Health
☐ ID Fish & Game
☐ ID Lands
☐ Adjudication Bureau

YES NO

- ☐ U S BLM
☐ U S Forest Service
☒ Water Dist # 65
☒ Other BEZATES (Re 65 13694 Appl)

Letters already sent
 4 Appl copies +
 1 comment form
 (by RL)

FINAL REGIONAL PROCESSING REVIEW.

YES NO

- ☒ Affidavit of publication received
☒ Application published correctly If not, record action taken

- ☒ Publication dates and paper recorded on application
☒ Protests received Final date for protest 8-25-97
☒ Protest dates, resolution of protest recorded on application
☒ Recommendations attached
☒ Measuring device required
☒ Measuring port required
☒ Water delivered by water master? District # 65 (surface H₂O)
☐ Special conditions of approval or cover letter See memo dated 10/14/97

See below for additional information

Recommended Date of Entry 7/18/97Recommended by Dan S Date 10/12/97

STATE OFFICE REVIEW

See below for additional information By _____ Date _____

ADDITIONAL INFORMATION.

20 Endop 65-13704 M Resut Appl held at Regm for 8 wells, 100%
 proposed yield course One of 8 wells is same as Appl 65-13738

Adjacent landowner (Bezates) & M Resut have complex dispute history - "Betsey
 Lake" - see 65-13452 Appsal right Also, add'l field info > 1996 complaint
 site visit held on 65-13704 ("Adv Betsey Hold" - western) Riparian conditions of
 Appsal water for 8 wells & for Bezates Appl now being processed

MEMORANDUM

To File no 65-13738 M Resorts
From Garv Spackman *Gay*
Date October 14, 1997

Re Conditions of Approval

I recommend approval of application for permit no 65-13738 with the following conditions, and ask that approval be expedited

- W/B* 1 The construction of the dam and reservoir must conform to all dam safety requirements
- W/B* 2 If the stream is flowing when construction is to commence appropriate methods of controlling turbidity shall be identified and approved by the IDHW-DEQ and IDWR prior to construction
- W/B* 3 Stream bank vegetation shall be protected to the extent practicable during construction. Disturbed and eroded areas shall be revegetated with native perennial shrubs, grasses and forbs
- 4 No structure (permanent or temporary) in the stream channel shall constitute a restriction or migration barrier to fish indigenous to this stream
- W/B* 5 All debris and excavated material shall be disposed of out of the stream channel where it cannot reenter the channel at high flows
- W/B* 6 Use of water under this right is subject to control of the watermaster of State Water District No 65 the Payette River and its tributaries
- W/B* 7 Use of water under this permit is subject to all prior water rights
- Restored* 8 Prior to impoundment of water under this permit, the permit holder shall submit and obtain approval of a plan to assure that impoundment of water in Betsey Lake will not injure the water rights of other appropriators
- Restored* 9 The permit holder shall submit a plan for review and obtain approval by the department for water measurement and for permanent measuring device installation
- OK* 10 The department may require that any consumptive use of water from the impoundment of water, such as evaporation, be mitigated by renting storage water from the Water District no 65 Rental Pool

COMMENTS TO FILE #65-13738
FROM SCA PROGRAM

THIS PERMIT DOES NOT RELIEVE THE APPLICANT OF THE RESPONSIBILITY TO OBTAIN A SEPARATE PERMIT FROM THE U.S. ARMY CORPS OF ENGINEERS BEFORE STARTING THIS PROJECT. YOU SHOULD CONTACT THEIR OFFICE AT (208) 343-0671 TO OBTAIN ADDITIONAL INFORMATION ON PERMITTING REQUIREMENTS THAT MAY BE NEEDED FOR THIS PROJECT.

If there is any flow in the stream when this activity is to commence, appropriate methods of controlling turbidity shall be identified, and approved by the IDHW-DEQ and this office prior to commencing the activity.

Stream bank vegetation shall be protected to the extent practicable during construction. Care shall be taken to select locations for ingress and egress from the stream that will minimize bank and riparian vegetation damage. Disturbed and eroded areas shall be revegetated with perennial shrubs, grasses, and forbs as recommended by Idaho Department of Fish and Game and/or the local office of the Natural Resources Conservation Service, to reduce erosion, restore bank cover and habitat and inhibit the invasion of noxious weeds.

No structure (permanent or temporary) in the stream channel shall constitute a restriction or migration barrier to fish indigenous to this stream.

All unauthorized vegetative debris and excavated material, shall be disposed of out of the stream channel where it cannot reenter the channel at high flows. All temporary structures, construction debris and litter from the construction and construction workers shall be removed from the site and disposed of properly.

All construction activities shall be conducted in such a manner as to minimize turbidity and other water quality impacts.

Fuel, oil, and other hazardous materials shall be stored, and equipment refueled, away from the stream to ensure that a spill cannot enter the stream channel.

Turbid water pumped from the construction site shall not be returned directly to the stream (Alternatives are: settling pond, sump hole, irrigation ditch, etc.). Any discharge to a natural waterway shall be in compliance with Idaho Water Quality Standards and Wastewater Treatment Requirements and EPA NPDES permit requirements.

Superseded by memo dated 10/14/97 Gary S

SEP 15 1997

WATER RESOURCES
WESTERN REGION

Publisher's Affidavit of Publication

STATE OF IDAHO

SS

County of Valley

I, Leslie S. Freyer, being duly sworn and say, I am the receptionist of the Central Idaho Star News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho, that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper that the NOTICE OF APPLICATION FOR WATER RIGHT, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number thereof during the period of time of publication, and was published in the newspaper proper and not in a supplement and that publication of such notice began August 7, 1997 and ended August 14, 1997.

Subscribed and sworn before me this the 11th day of September 1997

STATE OF IDAHO

COUNTY OF VALLEY

On this 11th day of September, in the year of 1997, before me a Notary Public, personally appeared Leslie S. Freyer, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true and acknowledged to me that she executed the same.

Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires 1999

NOTICE OF APPLICATION FOR WATER RIGHT
The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

65 11694
BEZATES LAND & CATTLE CO

4620 PLUM LN

ONTARIO OR 97914

Source UNNAMED STREAM
Diversion Pt

Tributary WILLIAMS CREEK

SESE Sec 12 T 18N R 02E in VALLEY County

NENE Sec 13 T 18N R 02E in VALLEY County

NWNE Sec 13 T 18N R 02E in VALLEY County

SWNE Sec 13 T 18N R 02E in VALLEY County

NWSE Sec 13 T 18N R 02E in VALLEY County

Use STOCKWATER STORAGE (14.00 AF)

WILDLIFE STORAGE (14.00 AF)

AESTHETIC STORAGE (0.200 CFS)

DIVERSION TO STORAGE (0.200 CFS)

Total Diversion (0.200 CFS)

Date Filed 10/4/1996

In VALLEY County

T18N R02E S12 SESE

S13 NENE NWNE SWNE NWSE

Up to 6 small storage ponds proposed

65 13736

LAZY 7 INC

207 N 3RD ST

MCCALL, ID 83638

Source GROUNDWATER

Diversion Pt

SENW Sec 16 T 18N R 03E in VALLEY County

Use COMMERCIAL (0.160 CFS)

DOMESTIC (0.040 CFS)

Total Diversion (0.200 CFS)

Date Filed 6/20/1997

In VALLEY County

T18N R03E S16 SENW

65 13738

M RESORTS

P.O. BOX 1006

MCCALL, ID 83638

Source UNNAMED STREAM

Source GROUNDWATER

Diversion Pt

NENE Sec 12 T 18N R 02E in VALLEY County

NWSE Sec 13 T 18N R 02E in VALLEY County

Use STOCKWATER STORAGE (20.00 AF)

WILDLIFE STORAGE (20.00 AF)

RECREATION STORAGE (20.00 AF)

AESTHETIC STORAGE (2.350 CFS)

DIVERSION TO STORAGE (2.350 CFS)

Total Diversion (2.350 CFS)

Date Filed 7/18/1997

In VALLEY County

T18N R02E S12 NENE

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42, 201A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705, no later than a protest fee of \$25.00 on or before AUGUST 25, 1997. The protest must also send a copy of the protest to the applicant.

KARL J. DREHER, Director 2/8/14

CONVERSATION MEMORANDUM

DATE 9/11/97FILE 65-13704NAME OF PARTY Steve Millemann + Bob McKenna65-13738EMPLOYEE SL

- (cont. call) -

RE M Resorts Appls.65-13704 g-w inq. appl. not being processed.

Considerable discussion re why not "inv. delay" etc.

Attorney S. Millemann wanted to know who chief

legal person is for Iowa. Requested him to Ph.1

Rassica for following. possible processing with mitigation plan?

↑
Have phone msg. re to Ph.1 to let him know65-13738 again asked for exped. inq.Region will solicit affidavit of publ. from
newspaper (Gene Taylor is following up with that).Probable decision on this appl. is late Sept
or early Oct. is my best estimate

CONVERSATION MEMORANDUM

DATE 8/2/97

FILE 65-13738

NAME OF PARTY BIB MILLER NA 208-534-9675

EMPLOYEE J

CR" time #

RE:

1) Any protests received I'll check file
i let J know

2) Request to expect to see atty's letter re
pre-approval of construction work

3) send response letter to atty - include that
BIB requested expedited processing.

8/27/97

Called BIB - no protests filed

RECEIVED

AUG 22 1997

WATER RESOURCES
WESTERN REGION

STEVEN J. MILLEMANN
GREGORY C. PITTENGER
BRIAN L. McMAHAN
AMY N. PEMBERTON

MILLEMANN, PITTENGER & McMAHAN
ATTORNEYS AT LAW

708 NORTH FIRST
POST OFFICE BOX 1086
McCALL, IDAHO 83638

August 20 1997

TELEPHONE (208) 475-4754
FACSIMILE (208) 475-4511
E MAIL mpmm@yrblhghw9v.net

Via Facsimile (208)334-2348

Steve Lester

Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

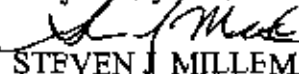
Dear Steve

I am writing to follow up on your conversation today with Bob McKenna and to request that the Department consent in writing to certain construction activities on "Betsy Lake". As you were advised by Bob, M Resorts is about to receive a Section 404 Permit from the Corp of Engineers which will resolve all wetlands' issues on M Resorts' property located west of McCall. Part of the work contemplated is excavation of and improvements to what is commonly referred to as "Betsy Lake", which is the subject of M Resorts' pending application number 65-13738. I am enclosing a copy of the draft Army Corp Permit, and, I would draw your attention to Special Condition "b" on page 2 of the Permit.

We are requesting either a Permit for the contemplated work or, more appropriately, a letter stating that a Permit is not required. The work which is contemplated to be performed on Betsy Lake is detailed in the draft Permit and involves excavation of the pond and restoration of the dam/spillway. No disturbance of Williams Creek (aka "the unnamed stream") will occur, nor will any diversion of water from the creek take place. We clearly understand that diversion of water from the creek can occur only in the event that application 65-13738 is granted. We further understand that the request being made herein is with the express understanding that the stream will not be disturbed, that water will not be diverted from the stream, and that the work is limited to the pond itself.

Time is of the essence in this matter. I would appreciate your prompt reply. Thank you for your attention to our request.

Very truly yours,


STEVEN J. MILLEMANN

SJM:dm

cc Bob McKenna



DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
301 NORTH THIRD AVENUE
WALLA WALLA, WASHINGTON 99362-1876
August 14, 1997

RECEIVED

AUG 22 1997

WATER RESOURCES
WESTERN REGION

Operations Division

SUBJECT: NWW No 940202770

Mr Robert McKenna
M Resorts
P O Box 1006
McCall, Idaho 83638

Dear Mr McKenna

I'm faxing you a draft copy of your Department of the Army permit to retain and excavate an existing 1.32 acre pond constructed in wetlands and discharge dredged and fill material in stream channels and wetlands associated with the construction of a golf course. Your project is located in Sec 7, T 18N, R 3E, B.M., near McCall, Valley County, Idaho.

Please review the General Conditions in paragraphs 1 through 6 (especially General Condition 1) and the Special Conditions. If you accept to the terms and conditions of the permit, please sign and fax the signature page to us at 509-527-7823.

After you fax us the signature page, we will sign it and fax you a copy of the signed permit. We will keep the original permit in our files. Then, you will need to mail us the signature page with your original signature and enclose the permit processing fee of \$100 dollars, in the form of a check or money order made payable to F&AO, USAED, Portland.

Please be aware that the permit is not valid and you may not begin work until we have signed the permit. You may also need to get a permit from the Idaho Department of Water Resources for your project before you start work.

Thank you for your cooperation. If you have any questions, please call Mr Gregory J. Martinez of my Boise Regulatory Office at 208-343-0671.

Sincerely,

A handwritten signature in cursive script that reads "A. Bradley Daly".

A. Bradley Daly
Chief, Regulatory Branch

Enclosure

AUG 22 1997

DEPARTMENT OF THE ARMY PERMIT**Permittee** M Resorts**Permit Number** 940202770**Issuing Office** Walla Walla District

NOTE The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description

Retain and excavate a 1.32 acre pond (Pond No. 1). Discharge fill material into 0.04 acre of wetland/open water to reconstruct an existing dam. Discharge fill and dredged material associated with installing a water line through 440 feet of wetlands at two sites. Discharge fill material into 1652 feet of four sections of unnamed intermittent stream channels. Discharge fill material to bury 400 feet of an unnamed stream channel. Discharge fill material into 0.51 acre of wetlands associated with constructing six (6) road crossings and eight (8) golf cart crossings. Discharge of fill material into 0.29 acre of open-water/wetlands associated with restoring a wet meadow wetland.

THE PROJECT SHALL BE CONSTRUCTED ACCORDING TO THE ENCLOSED PLANS AND DRAWINGS (SHEET 1 THROUGH 14) dated 7-17-97.

Project Location

Williams Creek, unnamed tributaries to Williams Creek, and adjacent wetlands, Sec. 7 T 18N, R 3E, Valley County, Idaho.

Permit Conditions**General Conditions**

1. The time limit for completing the work authorized ends on August 15, 2000. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer.

to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification from this permit from this office, which may require restoration of the area.

3 If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4 If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5 If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6 You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of your permit.

Special Conditions

a Mitigation and restoration activities described in the "Wetland Impact Mitigation Plan, Whitetail Golf Course" dated December 10, 1996, shall be implemented concurrent with project construction. An annual monitoring report shall be submitted to the Boise Office at the end of the calendar year for a period of three years. The first monitoring report shall be submitted at the end of the first growing season following the start of construction.

b Excavation of Pond No. 1, modification of the earthen dam and construction of the irrigation lines crossings through wetlands shall not be conducted until you have provided this office written evidence from the Idaho Department of Water Resources that you have obtained a valid water right or a water right is not required.

c All work in wetlands must be completed by October 15, when the

stream flowing between July 1 and

Extended to Nov 15

d Excavation on the stream must be diverted and

stream flowing into the pond
the pond

Further Information

i Congressional Act 101-644, above pursuant to

undertake the activity described

() Section 10 of the Rivers and Harbors Act of 1899 (33 U S C 403)

(X) Section 404 of the Clean Water Act (33 U.S C 1344)

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U S C 1413)

2 Limits of this authorization

a This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law

b This permit does not grant any property rights or exclusive privileges

c This permit does not authorize any injury to the property or rights of others

d This permit does not authorize interference with any existing or proposed Federal project.

3 Limits of Federal Liability In issuing this permit, the Federal Government does not assume any liability for the following

a Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes

b Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest

c Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit

d Design or construction deficiencies associated with the permitted work

e Damage claims associated with any future modification, suspension, or revocation of this permit

4 Reliance on Applicant's Data The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided

5 Reevaluation of Permit Decision This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include but are not limited to, the following

a You fail to comply with the terms and conditions of this permit

b The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above)

c Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6 Extensions General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give you favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

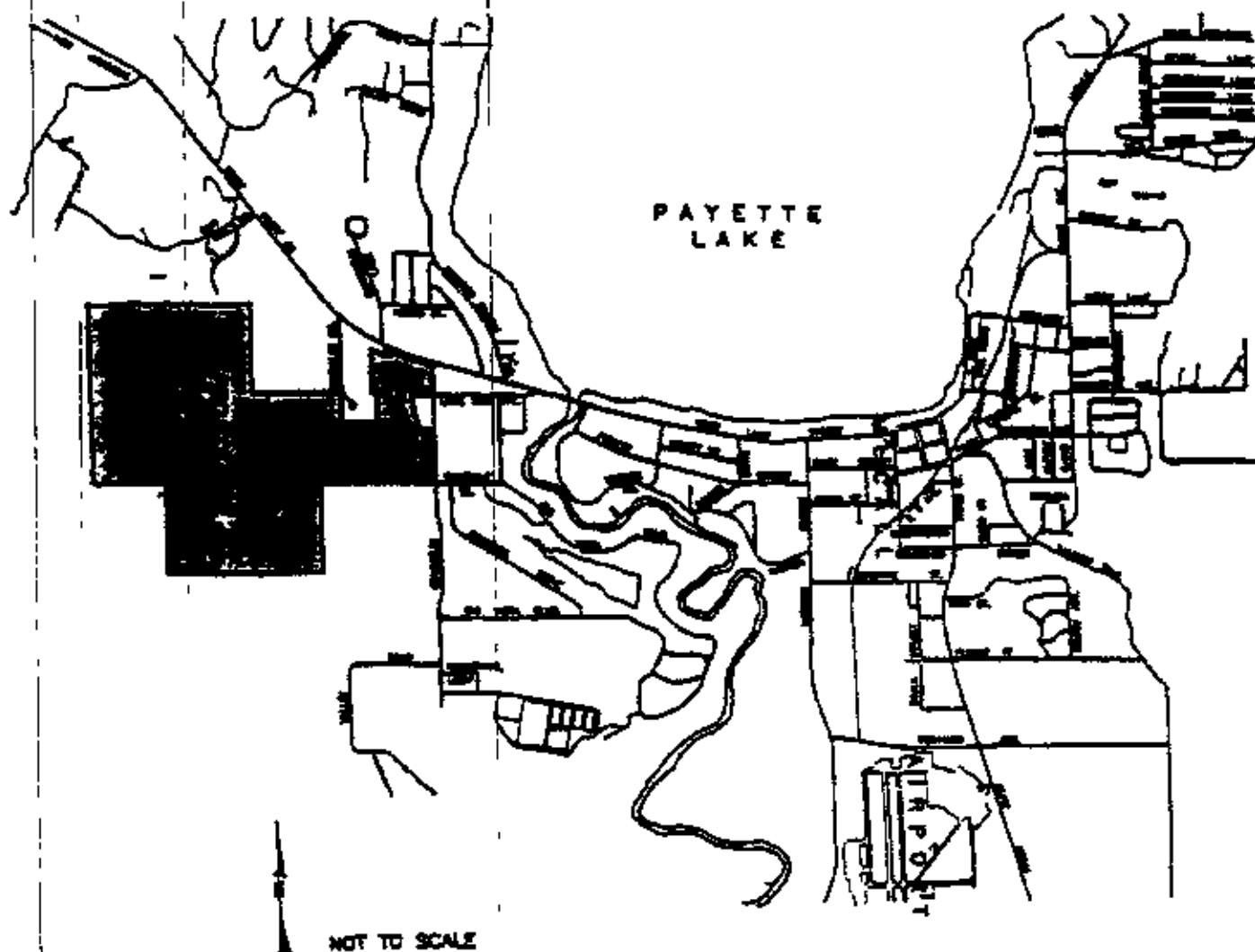
(DISTRICT ENGINEER)

(DATE)

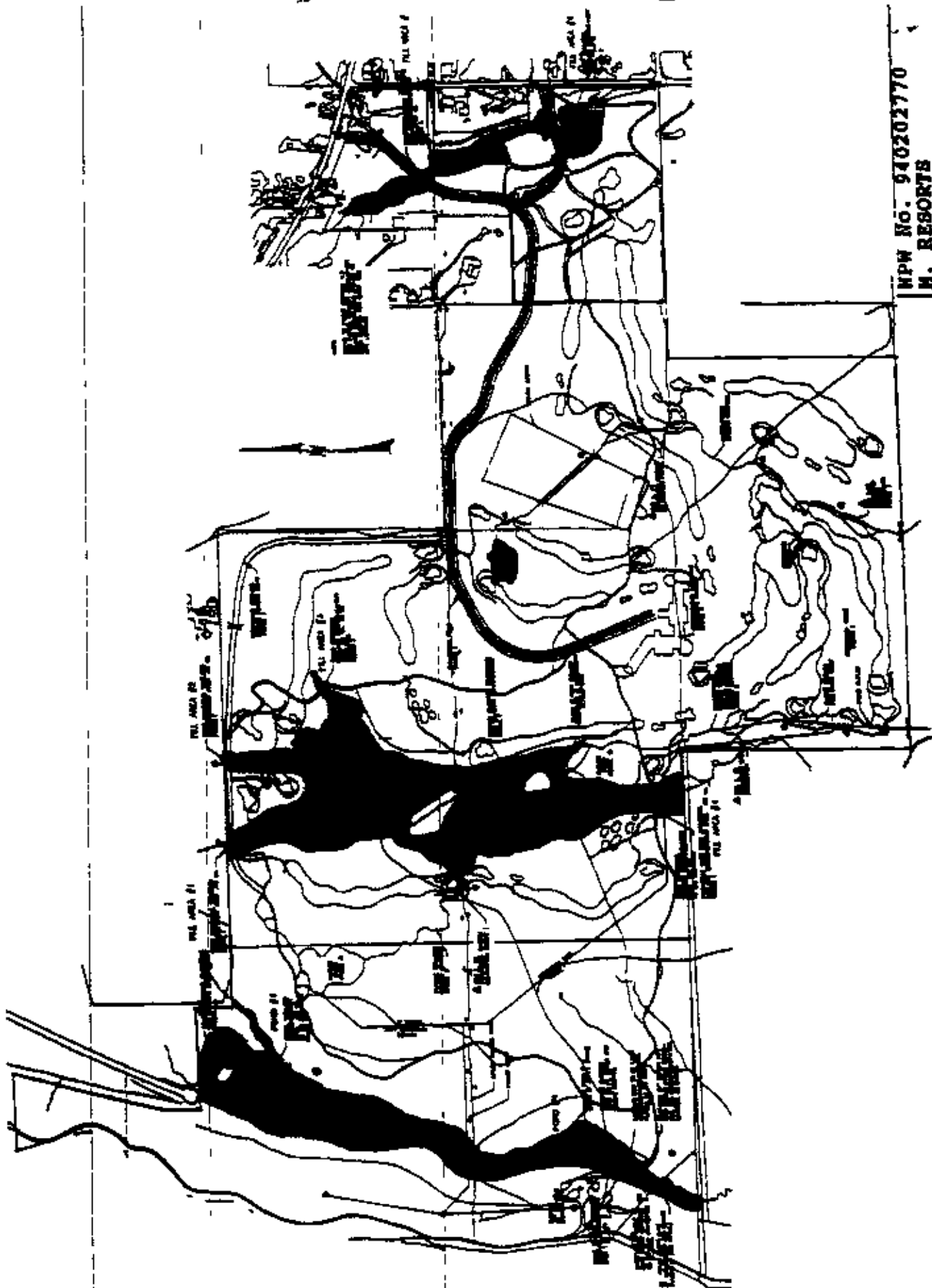
When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below

(TRANSFeree)

(DATE)



NPW No. 940202770
M. RESORTS
Williams Creek
Valley County, Idaho
Sheet 1 of 14
May 1, 1997



NPW No. 940202770

M. RESORTS

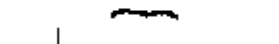
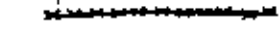
Williams Creek

Valley County, Idaho

Sheet 2 of 14

May 1, 1997

LEGEND

	BOUNDARY
	10' CONTOURS
	EXISTING ROADS (TO BE ELIMINATED)
	EXISTING ROADS TO BE RETAINED
	FAIRWAYS
	STREAMS AND WATER WAYS
	EXISTING CHANNEL TO BE FILLED
	PROPOSED RELOCATED STREAM
	RIPARIAN STREAM
	PROPOSED CULVERTS
	PROPOSED CARTPATH
	PROPOSED SILT FENCE
	PROPOSED APPROXIMATE WELL LOCATION
	FUTURE PH. II WELL LOCATION
	WET MEADOW (EMERGENT)
	SCRUB-SHRUB WETLANDS
	FORESTED WETLANDS
	WETLAND ENCROACHMENT AREA
	WETLAND MITIGATION AREA
	MITIGATED PALUSTRINE BROWDLAND DECIDUOUS SCRUB-SHRUB

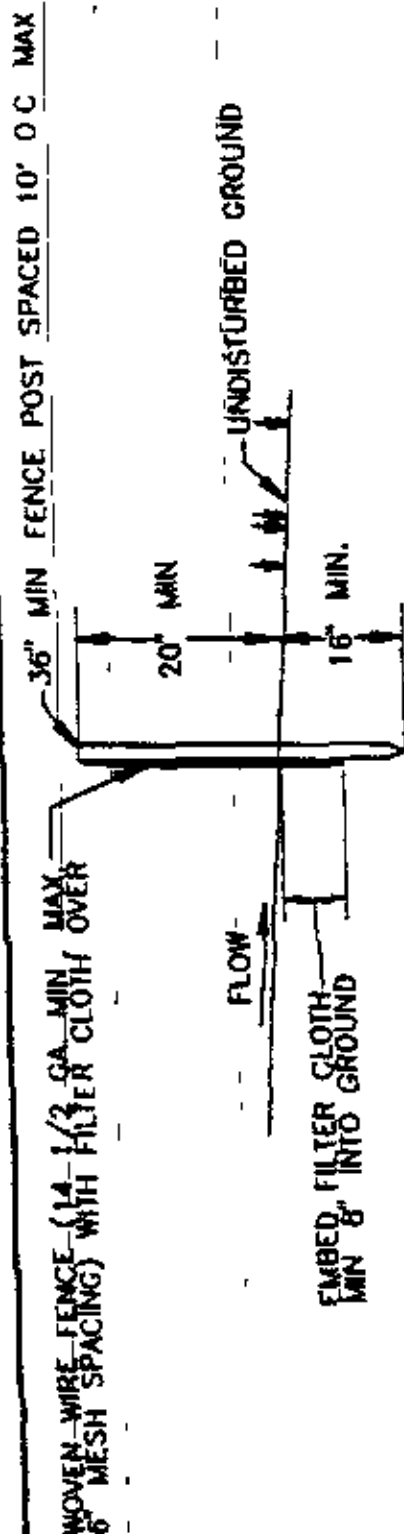
CULVERTS

- ① 20' ADS CULVERT @ 12 LF
- ② 20' ADS CULVERT @ 400 LF
- ③ 20' ADS CULVERT @ 45 LF
- ④ 30' CIP CULVERT @ 50 LF
- ⑤ 30' CIP CULVERT @ 12 LF

NOTE

REFER TO PERMIT DRAWING 2 of 14
FOR TYPICAL CULVERT INSTALLATION.
CULVERT INSTALLATION SHOULD BE
FIELD VERIFIED FOR EXACT SIZE
AND LOCATION

NPW No. 940202770
M. RESORTS
Williams Creek
Valley County, Idaho
Sheet 3 of 14
May 1, 1997



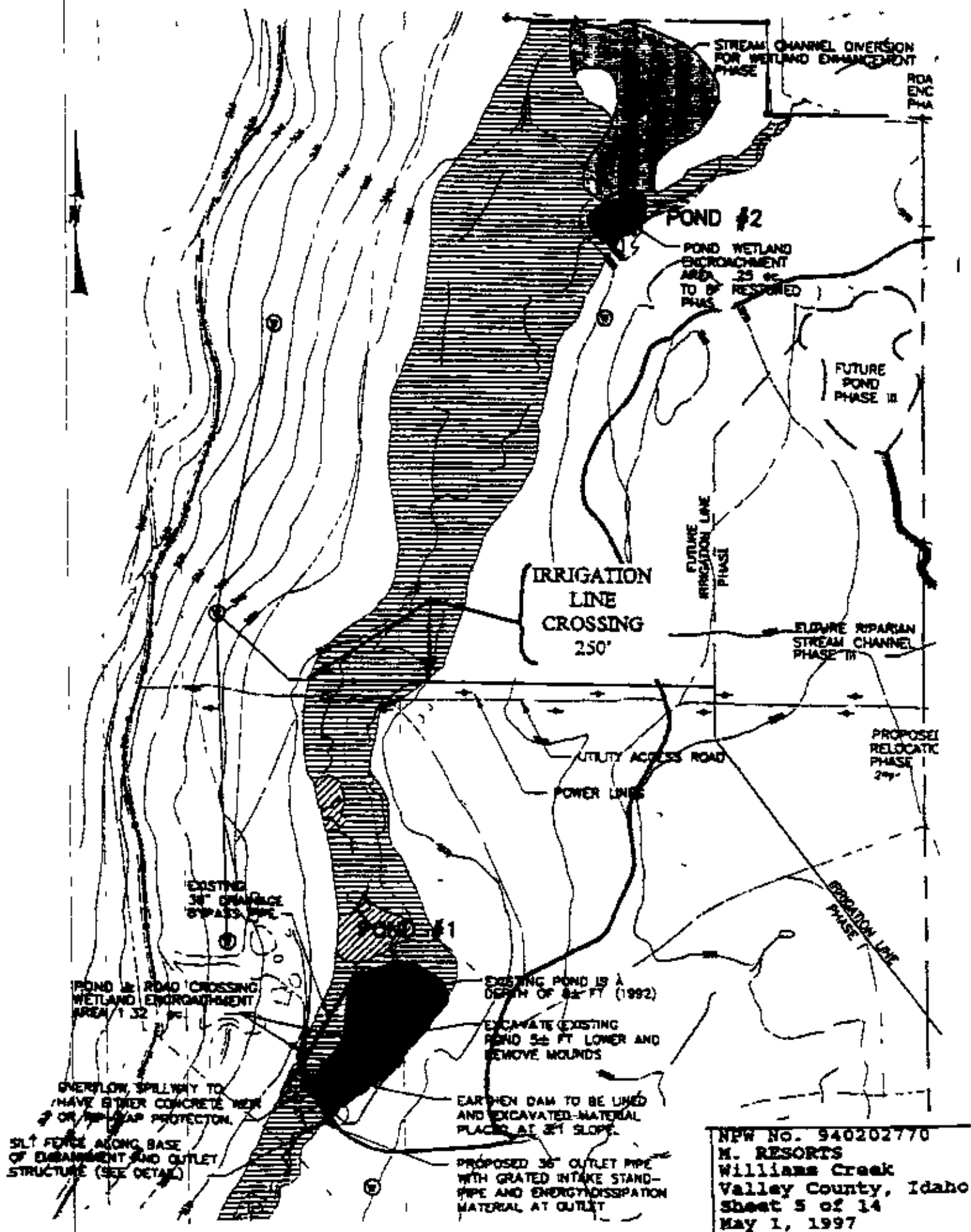
SECTION

CONSTRUCTION NOTES FOR FABRICATED SILT FENCE

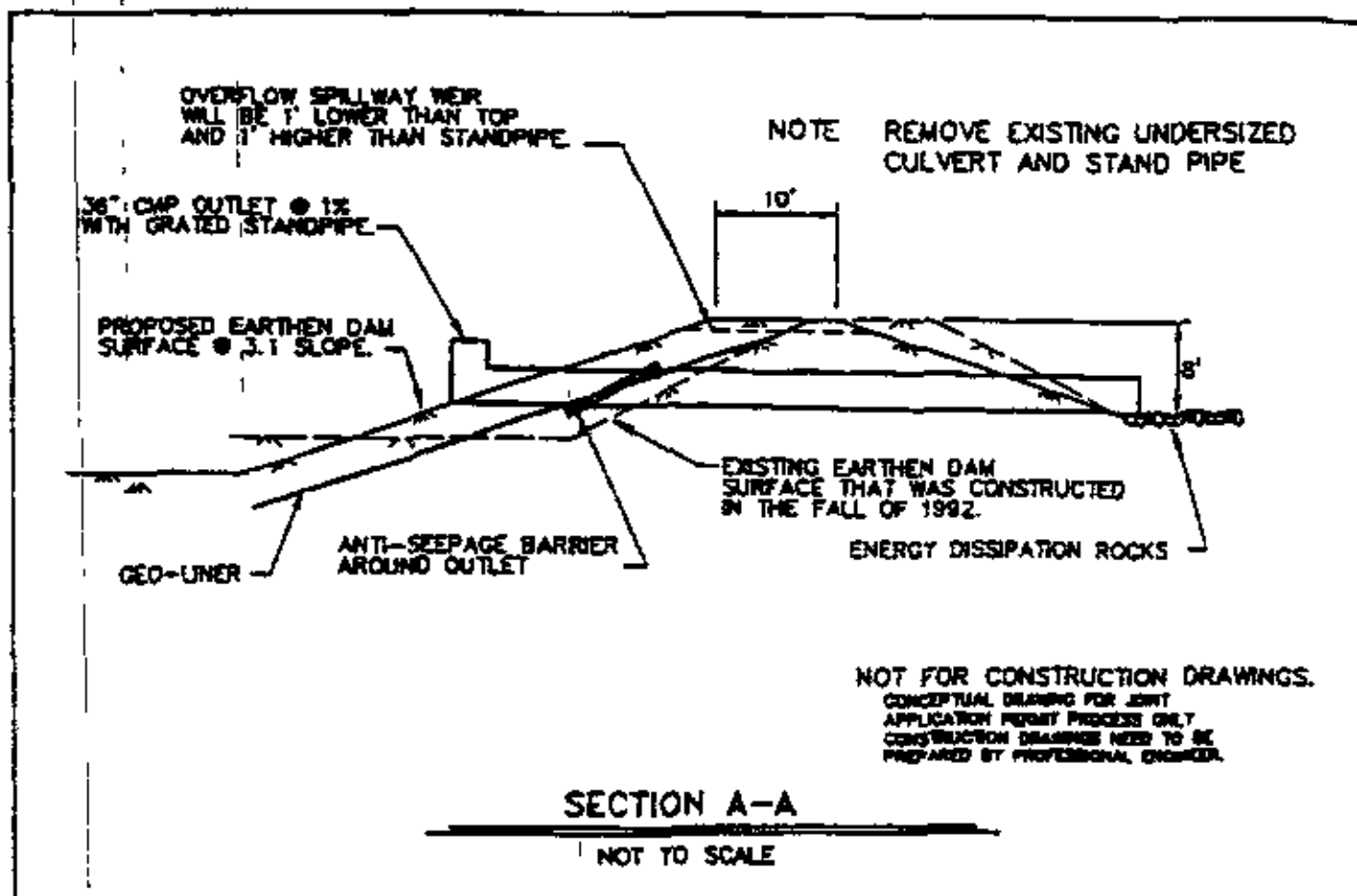
- 1 WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES
 - 2 FILTER CLOTH TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24 INCHES AT TOP AND MID-SECTION
 - 3 WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY 6 INCHES AND FOLDED
 - 4 MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE
- POSTS STEEL EITHER "I" OR "U" TYPE OR 2" HARDWOOD
- FENCE WOVEN WIRE 14 GAGE 6" MAX MESH OPENING
- FILTER CLOTH: FILTER X MIRAFT 100X, STABILINKA 1140N OR APPROVED EQUAL
- PREFABRICATED UNIT GEOFAB ENVIROFENCE OR APPROVED EQUAL.

SILT FENCE
NOT TO SCALE

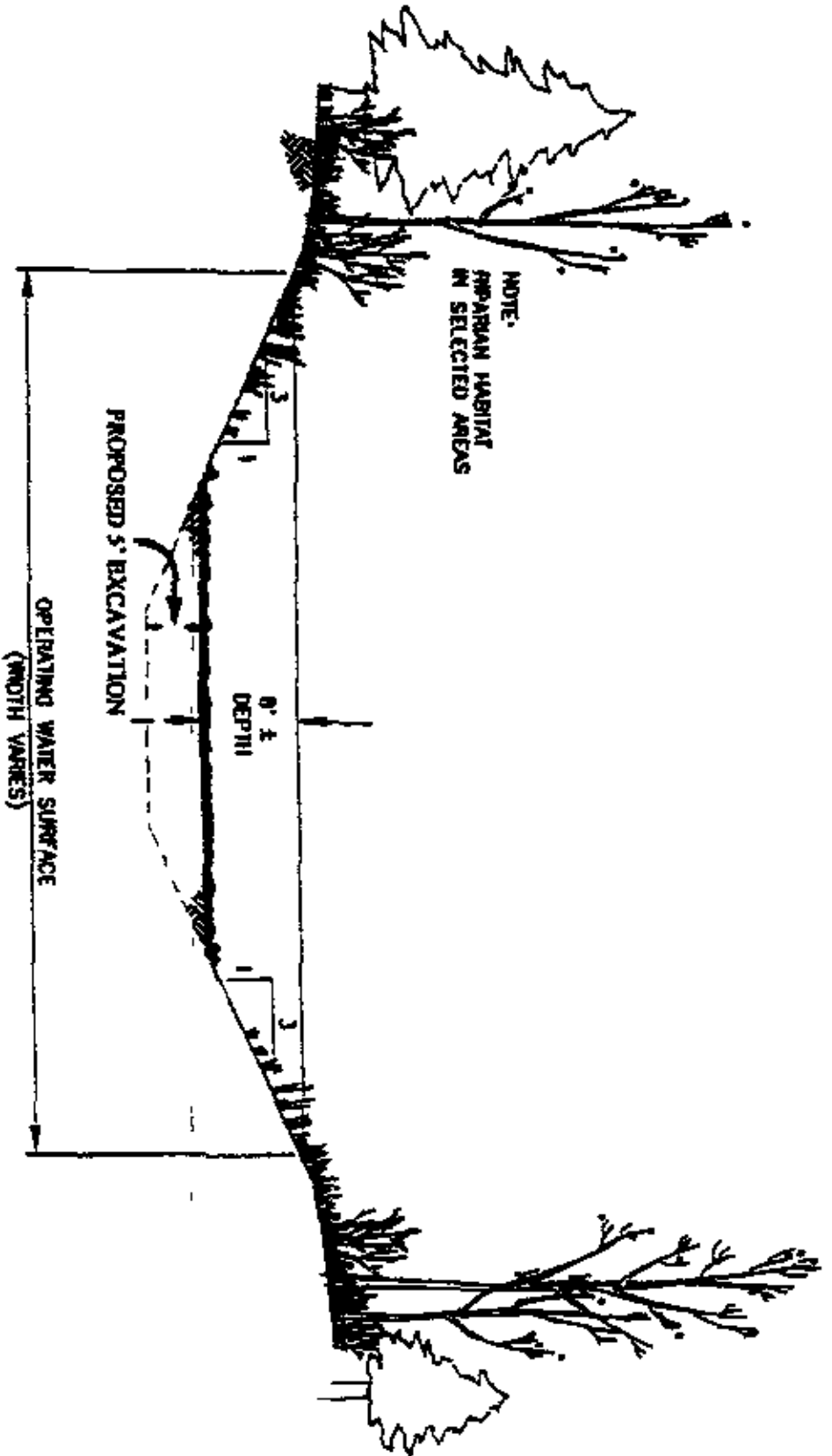
NPW No. 940202770
M. RESORTS
Williams Creek, Idaho
Valley County, Idaho
Sheet 4 of 14
May 1, 1997



NW No. 940202770
 M. RESORTS
 Williams Creek
 Valley County, Idaho
 Sheet 5 of 14
 May 1, 1997



NPW No. 940202770
M. RESORTS
Williams Creek
Valley County, Idaho
Sheet 6 of 14
May 1, 1997



POND #1 CROSS SECTION

NOT FOR CONSTRUCTION DRAWINGS

CONCEPTUAL DESIGN FOR LAND
ACQUISITION PURPOSES ONLY
CONSTRUCTION MATERIALS ARE TO BE
PREPARED BY PROFESSIONAL ENGINEER

RPN No. 940202770

M. RESORTS

Williams Creek

Valley County, Idaho

Sheet 7 of 14

May 1, 1997

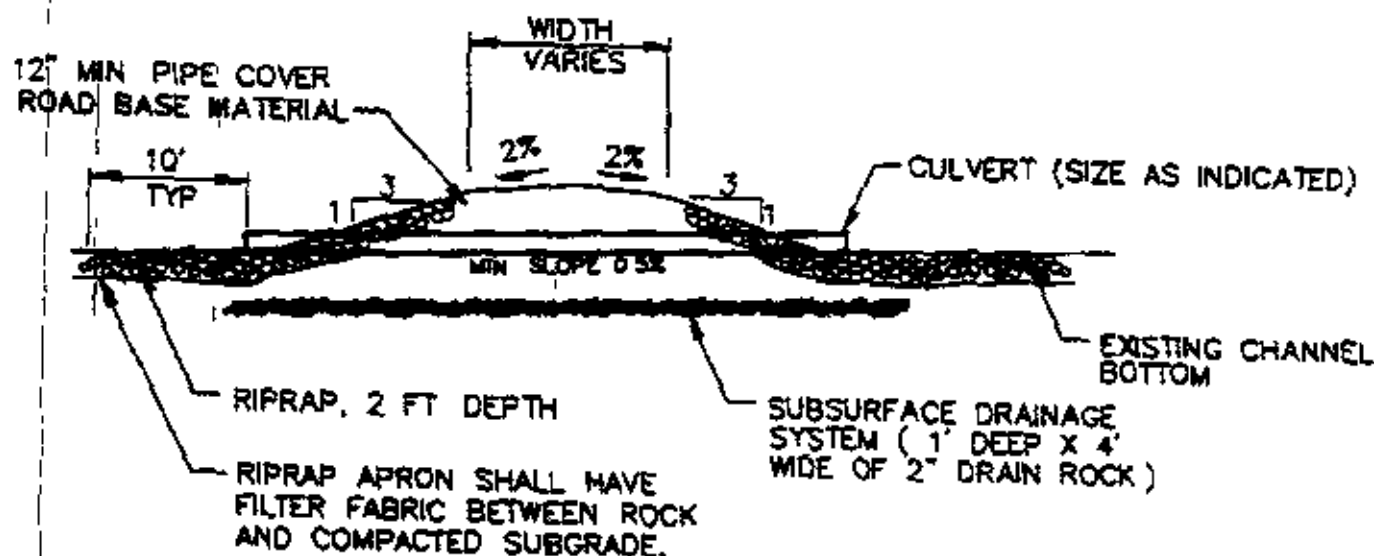
NOTE
RIPRAP SHALL BE 6-12" AVERAGE SIZE
STONES CLEAN AND FREE FROM
ORGANIC MATTER

RIPRAP APRON

CULVERT

PLAN VIEW
TYPICAL APRON

NOT TO SCALE



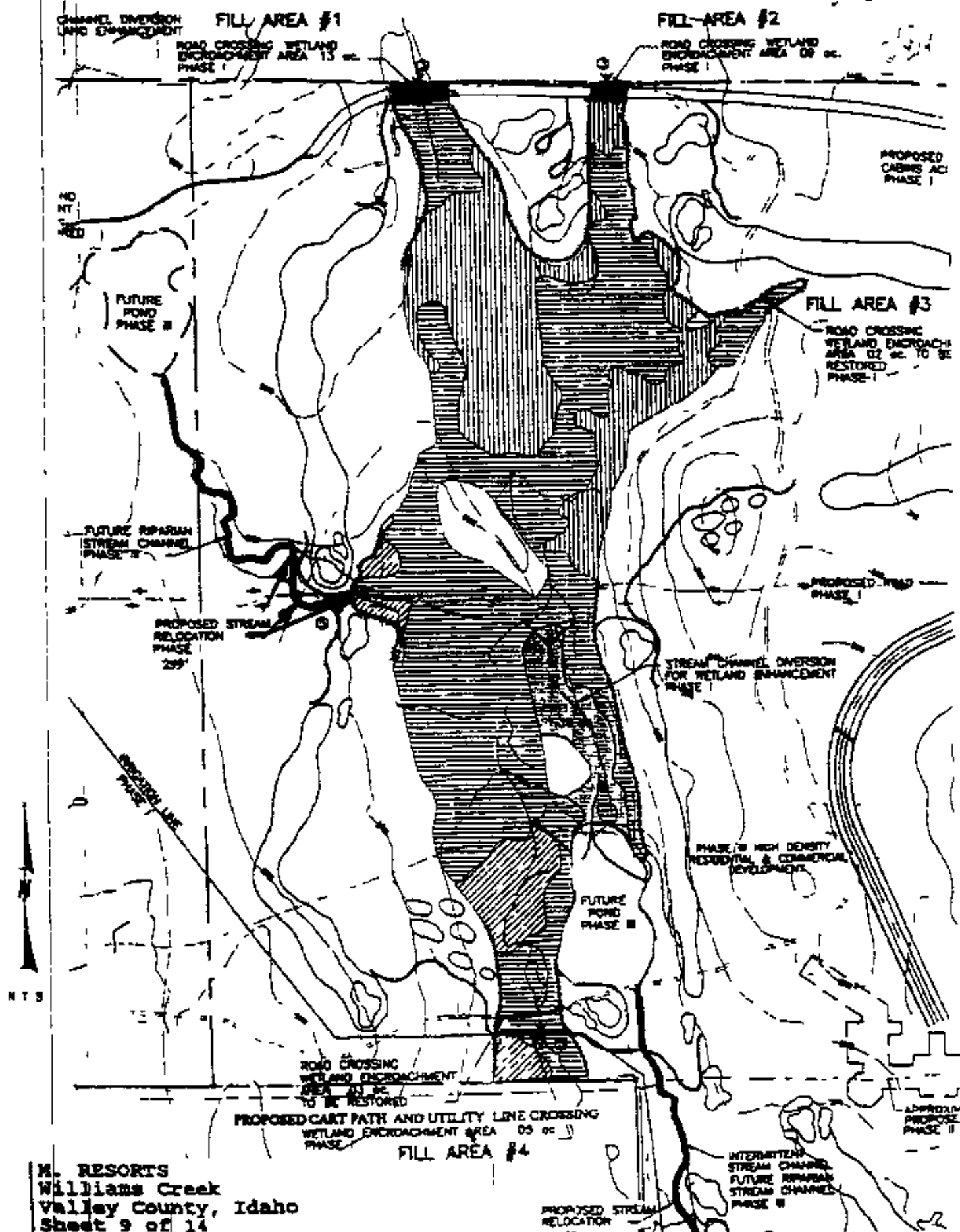
TYPICAL WETLAND ROAD FILL SECTION

NOT TO SCALE

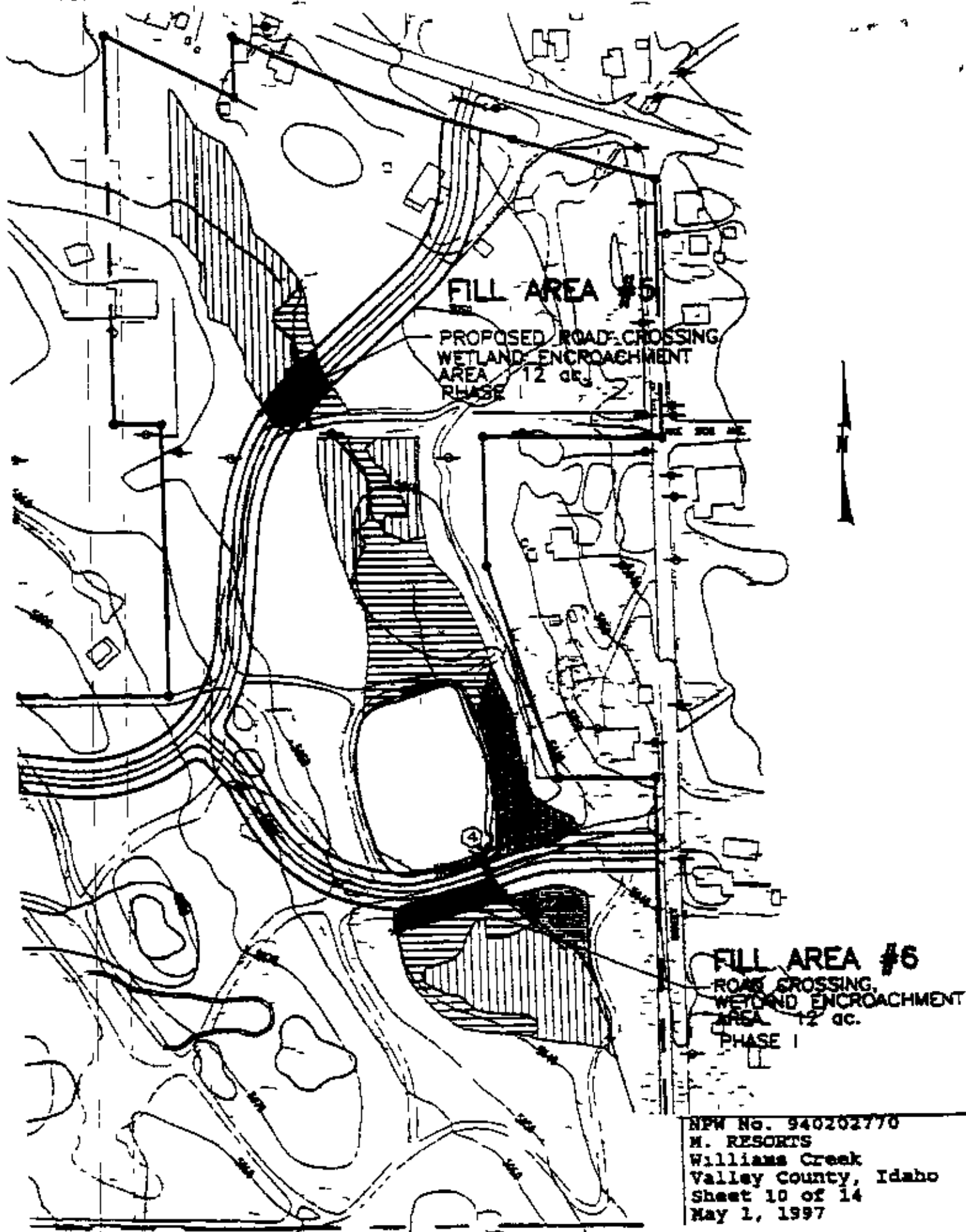
NOT FOR CONSTRUCTION DRAWINGS.

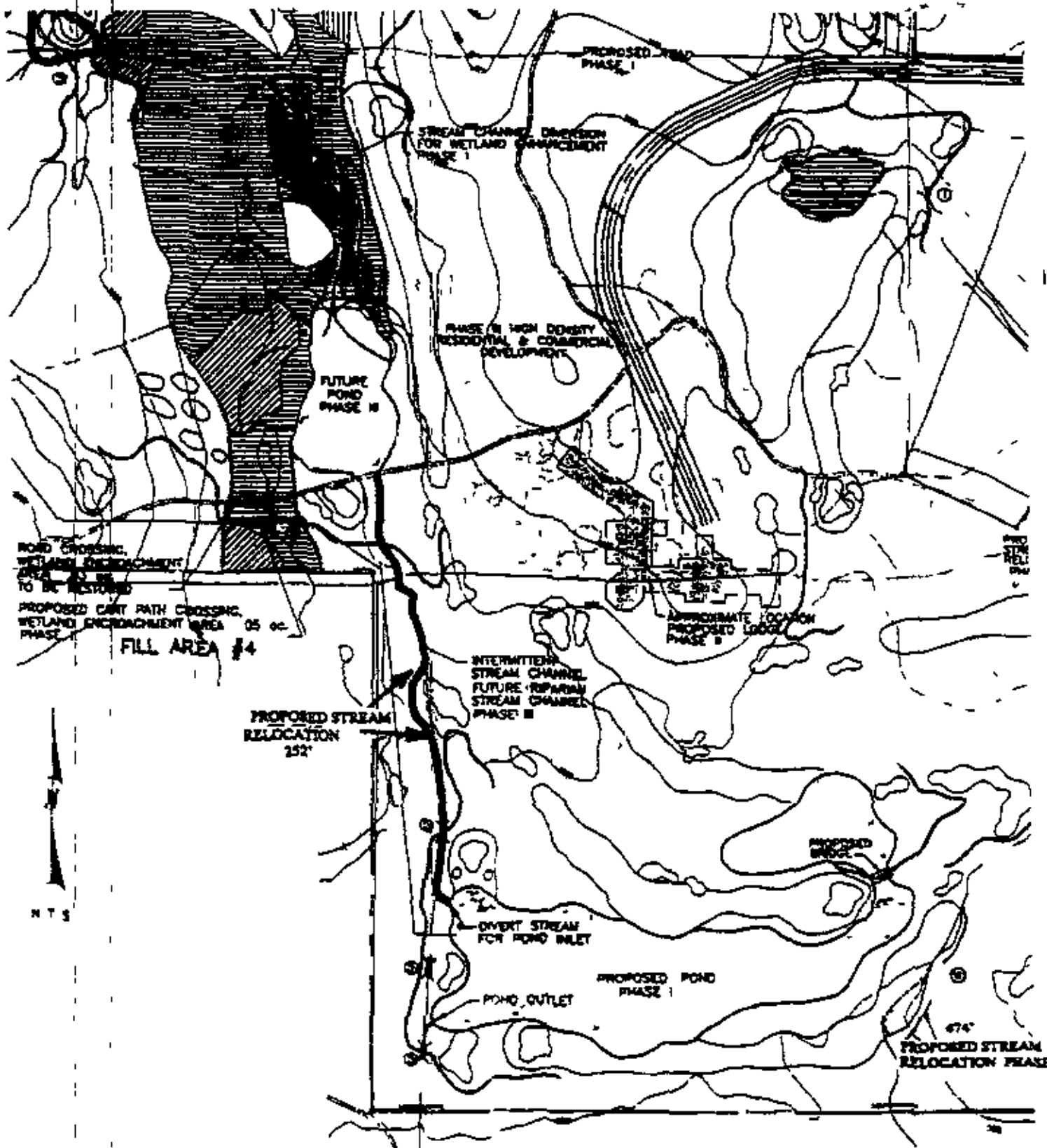
CONCEPTUAL DRAWING FOR JOINT
APPLICATION PERMIT PROCESS ONLY
CONSTRUCTION DRAWINGS NEED TO BE
PREPARED BY PROFESSIONAL ENGINEER.

NFW No. 940202770
M. RESORTS
Williams Creek
Valley County, Idaho
Sheet 8 of 14
May 1, 1997

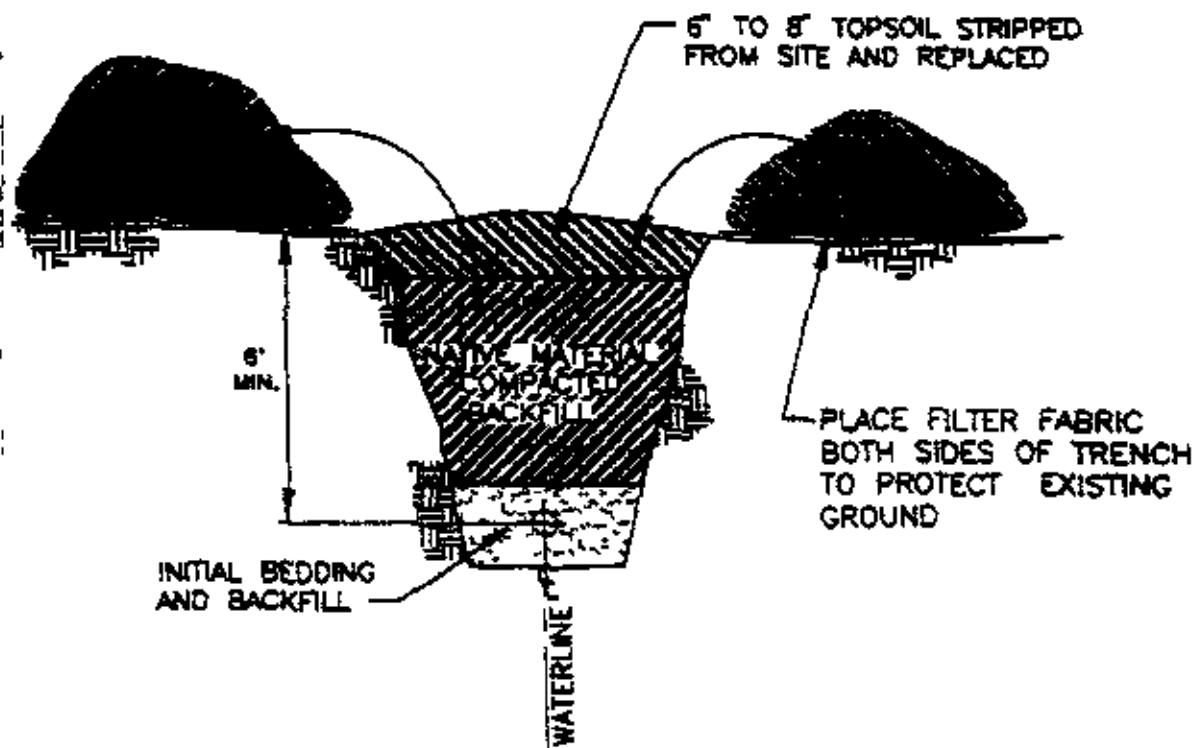


M. RESORTS
Williams Creek
Valley County, Idaho
Sheet 9 of 14
May 1, 1997





NFW No. 940202770
 M. RESORTS
 Williams Creek
 Valley County, Idaho
 Sheet 12 of 14
 May 1, 1997



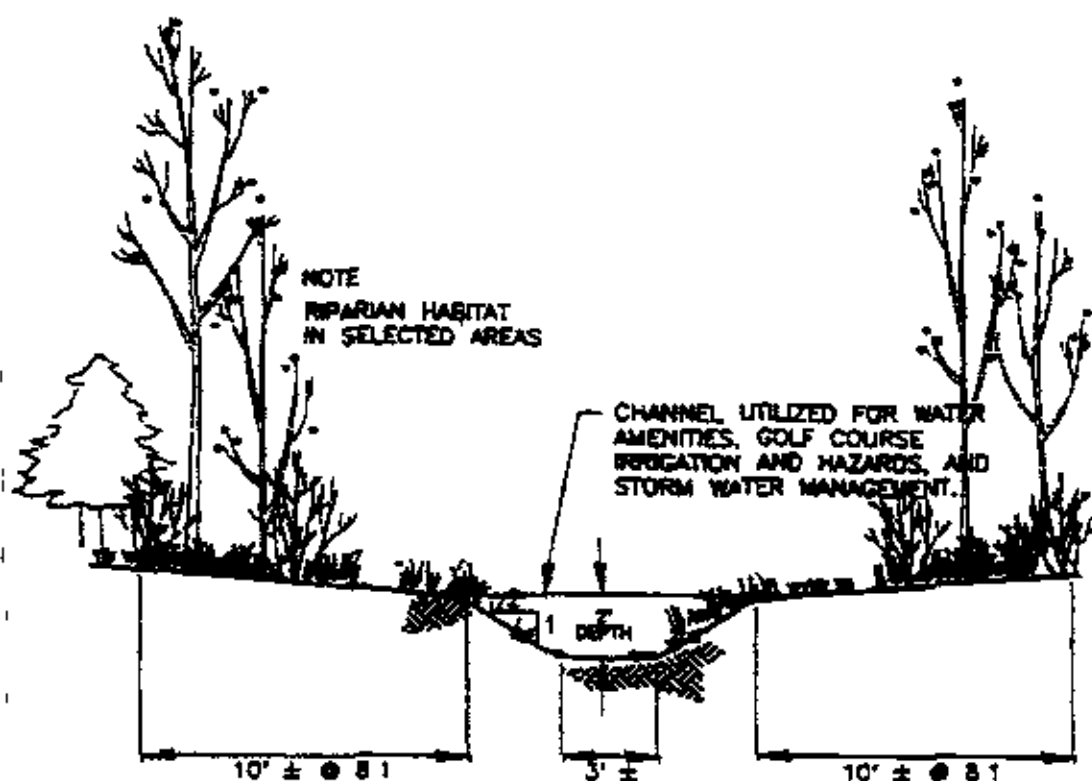
WETLAND WATERLINE CONSTRUCTION PROCEDURE DETAIL

NOT TO SCALE

NOT FOR CONSTRUCTION DRAWINGS.

CONCEPTUAL DRAWING FOR JOINT
APPLICATION PERMIT PROCESS ONLY
CONSTRUCTION DRAWINGS NEED TO BE
PREPARED BY PROFESSIONAL ENGINEER

NPW NO. 940202770
M. RESORTS
Williams Creek
Valley County, Idaho
Sheet 13 of 14
May 1, 1997



TYPICAL STREAM CHANNEL SECTION

NOT TO SCALE

NOT FOR CONSTRUCTION DRAWINGS.

CONCEPTUAL DRAWING FOR JCBT
APPLICATION PERMIT PROCESS ONLY
CONSTRUCTION DRAWINGS NEED TO BE
PREPARED BY PROFESSIONAL ENGINEER

NPW No 940202770
M. RESORTS
Williams Creek
Valley County, Idaho
Sheet 14 of 14
May 1, 1997

IDaho DEPARTMENT
OF HEALTH AND WELFAREDIVISION OF
ENVIRONMENTAL QUALITY

And Justice Officers: State, District, County, and Tribal

Philip E. Hall, Governor

May 22 1997

Mr. A. Bradley Daly
U. S. Army Corps of Engineers
Walla Walla District Office, NPWOP RF
201 N. 3rd Street
Walla Walla, WA 99362-1876



RE: Reference No. 940202770
M Resorts
Stream Channel Relocations, Pond Modifications and Construction, Wetlands Disturbance in
Williams Creek near McCall

Dear Mr. Daly:

The Division of Environmental Quality (DEQ) has considered Water Quality Certification for construction related to the referenced project. DEQ has reviewed the subject application and has the following comments:

1. Work in open water is to be kept at a minimum and only when necessary. Equipment shall not enter the stream channel unless absolutely necessary to complete the work.
2. Fill shall be free of fines and organic material.
3. Sediment which is the result of this activity must be mitigated to prevent violations of water quality standards and impacts to beneficial uses as stipulated under Section 01.220.07 of the "Idaho Water Quality Standards and Wastewater Treatment Requirements." Any violation of these standards must be reported to this office immediately.
4. Fertilizers, pesticides or chemicals necessary for the operation and maintenance of this facility shall be applied in such a manner so as to prevent runoff into any waterway.

If construction is completed and mitigation implemented in accordance with the information provided and the comments above, DEQ can certify under Section 401 that the construction of the project will comply with applicable requirements of Sections 301, 302, 303, 306 and 307 of PL92-500, as amended and will not violate Idaho Water Quality Standards and Wastewater Treatment Requirements. This certification shall remain in effect until December 31, 1998, at which time construction must be completed.

Mr. A. Bradley Daly
May 22, 1997
Page 2

Water quality certification provided herein shall be revoked for failure of the licensee to comply with the conditions of this certification or the terms and conditions of the referenced permit. Revocation shall become effective upon written notice to the licensee and all activities permitted under the referenced permit shall immediately cease until the licensee obtains another water quality certification from the Department.

Please contact Jack Gantz of this office at (208) 373-0599 if you have any questions or further information to present.

Sincerely



Stephen E. West
Regional Administrator

SEW:JMG:ta C:\DATA\WP\JMG\TA\SEW\JMG\TA\REPORT.DOC

cc: Jack Gantz, P.E., DEQ, Boise Regional Office
Gene Gibson, IDWR, Boise
Greg Martinez, COE, Boise
Source File #12, Routing File

TOTAL P 83

TOTAL P 85

***** -COMM JOURN ***** DATE AUG- 1997 ***** TIME 16 13 *** P 01

MODE = TRANSMISSION

START=AUG-20 15 54

END=AUG-20 16 13

NO	COM	SPEED/NTWK	STATION NAME/ TELEPHONE NO	PAGES
001	OF	8	17003342348-891	022

-MP&M

***** (FAX-900 UC 06) ** -MP&M

- ***** -

2086344516- *****

RECEIVED

AUG - 7 1997

WATER RESOURCES
WESTERN REGION

APPLICATION FOR PERMIT FOR WATER RIGHT

NO 65-13738

RECOMMENDATION OF WATERMASTER

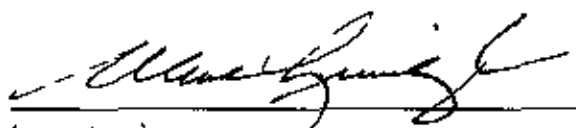
I, Mark Lumbaugh, watermaster of the Payette River, of Water District No 65, County of Valley, State of Idaho whose address is 102 N Main, Payette, Idaho 83661, have read the attached copy of the application for permit for a water right in the name of M Resorts

- ✓ A I hereby endorse the above numbered application and recommend that the Director of the Department of Water Resources approve the application subject to the following conditions The Department may require that any consumptive use of water from the ponds in question, such as evaporation, be mitigated through rental of storage water from the Water District No 65 Rental Pool. If mitigation is required, then installation of suitable measuring devices upstream from the ponds' inlet, on the well head servicing the pond, and downstream from the ponds' outlet should be required as well in order to quantify consumptive losses incurred.

OR

- B I do not endorse approval of the above numbered application for water right as requested for the following reasons _____

Dated at Payette, Idaho, this 6th day of August, 1997


(signature)

CONTACT

BOB MCKENNA
MANAGER OF IDAHO
OPERATIONS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 65-13738

1. Name: M RESORTS
Address: PO BOX 1006
MCCALL ID 836381006
208-634-2244
2. Source: UNNAMED STREAM
GROUNDWATER
Trib. to WILLIAMS CREEK
3. Location of Point of Diversion: NESE Sec. 12, Township 18N, Range 02E
NWSE Sec. 12, Township 18N, Range 02E
VALLEY County
4. Water will be used for the following purposes:
- | Purpose | From | To | CFS | (or) | AF |
|----------------------|-------|-------|-------|------|-------|
| STOCKWATER STORAGE | 01/01 | 12/31 | | | 20.00 |
| WILDLIFE STORAGE | 01/01 | 12/31 | | | 20.00 |
| RECREATION STORAGE | 01/01 | 12/31 | | | 20.00 |
| AESTHETIC STORAGE | 01/01 | 12/31 | | | 20.00 |
| DIVERSION TO STORAGE | 01/01 | 12/31 | 2.350 | | |
5. Total quantity to be appropriated is:
2.350 CFS (and/or) AF
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc.
EXISTING WELL & DITCH OR PIPE FROM STREAM, ALL TO SAME POND
- * b. Height of storage dam 9 feet; active reservoir capacity 15.00
acre-feet; total reservoir capacity 20.00 acre-feet; period of
year when water will be diverted to storage 1/01 to 12/31 inclusive.
- c. Proposed well diameter is 6 inches; proposed depth of well is 180
feet.
- d. Is groundwater with a temperature greater than 85F being sought? NO
- e. If well is already drilled, when? 03/01/1993
Drilling Firm MENASCO DRILLING PER 65-93-W-0040-000
Well was drilled for DOUG MANCHESTER (OF M RESORTS)
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 5 year(s).

* DAM LESS THAN 10' PER ORIGINAL FILING INFO - FZ 7/21/97

* 8. Place of Use: STOCKWATER STORAGE

TWN RGE SEC
18N 02E 12 NESE

9. a. Who owns the property at the point of diversion?

APPLICANT

b. Who owns the land to be irrigated or place of use?

APPLICANT

c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks:

Existing pond (Betsey Lake) to be served by runoff and existing
well.

11. Map of proposed point of diversion and place of use attached? (4) (3 maps)

BE IT KNOWN that the undersigned hereby makes application for permit to
appropriate the public waters of the State of Idaho as herein set forth.

See original
Applicant

SL PER ORIGINAL

Received by ST Date 7/18/97 Time 9 52 Preliminary check by SL

** Fee \$ ¹⁴⁰100.00 Receipted by ST #W022822 Date 7/18/1997

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

* ALL USES FROM APPL ITEM #4 = NESE PER IOWA D'ENTRY coding

** Filing FEE = \$140 paid 7/18/97, 2 receipts See Appl "Comments"
for details

- SL 7/31/97

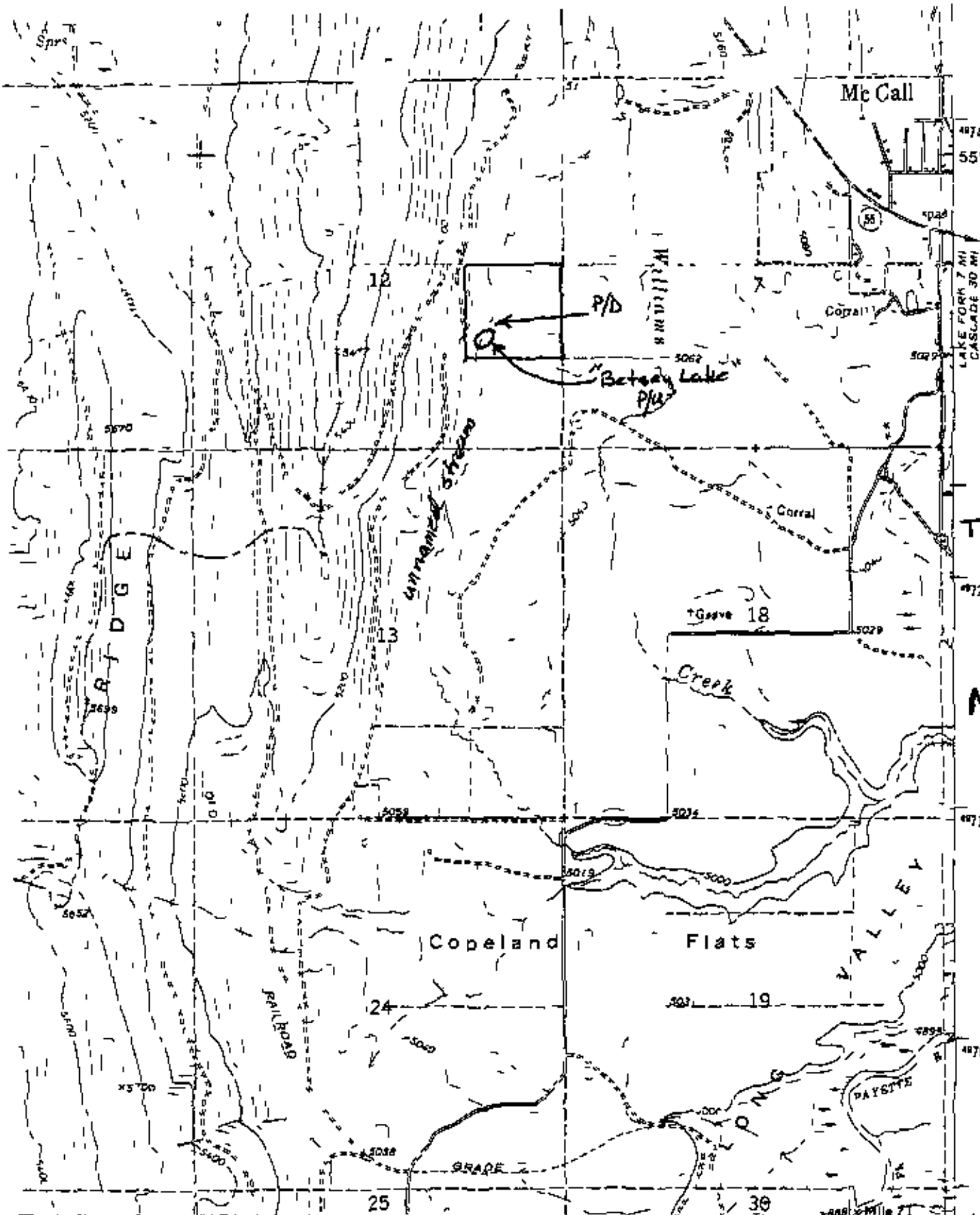
Comments: Date: 7/31/1997 User-ID: SLESTER

Subject: ADDITIONAL INFORMATION

Application filed as result of 1996 investigation of complaint Domestic well to be upgraded for non-domestic use, drilling permit 65-93-W-0040-000. Dual sources to serve 20 af capacity pond aka Betsey Lake. Application replaces lapsed permit 65-13452 which was previously protested by Bezates Land & Cattle Co. Applicant filed pending appl. 65-13704 for multiple wells to irrigate proposed golf course plus cover @ 80 af storage in several proposed ponds for golf course. Currently the only approved right for proposed golf course is Payette Lake permit 65-13470, which also includes some storage for multiple ponds. Appl. 65-13704 held at regional office pending changes in irrig. processing. It is possible that any approval of 65-13738 will include mitigation component such as covering this amount of water via water bank lease. Upgrade of 1993 drilling permit will be required in this new filing; see today's memo about fees etc. for that issue. Applicant's names/titles of officers/directors on file in previous permits issued by IDWR. The current version of this new application is a combination of 2 filings, 1 each for ground water & surface water sources. The 2 filings have been combined into 1 since an integrated system is proposed.

Note that original application information states that applicant will follow conditions of lapsed permit 65-13452 plus will install a water measurement device upstream of pond to allow adequate flow to bypass pond to serve downstream senior rights held by Bezates Co. This should include Bezates' application 65-13694 filed on 10-4-96 for proposed several small ponds to be located downstream from Betsey Lake. Bezates proposed ponds will be for non-irrigation uses. That application is now released for processing since M Resorts has filed 65-13738 for similar uses. It appears that both non-irrigation filings can be processed at this time. If approved, Bezates application may also require mitigation. Bezates ground water application 65-13693 (also filed 10-4-96) for irrigation remains on hold.

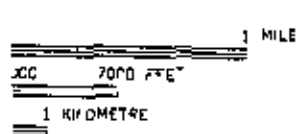
Rate of flow in M Resorts 65-13738 includes: 2.00 cfs from stream to pond plus 35 cfs from well to pond. This filing includes stock use for 8 horses, misc wildlife use, and recreational fishing and swimming uses as well as aesthetic enjoyment of pond. Receipt W022822 is for \$100 while receipt W022823 is for \$120. Application fee is \$140, balance of funds to be applied to well drilling permit upgrade &/or refund as needed. All appl. fees were paid on 7-18-97 so priority date remains that day.



Stream
P/D
shown

No govt
lots
-FL
7/31/97

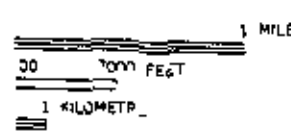
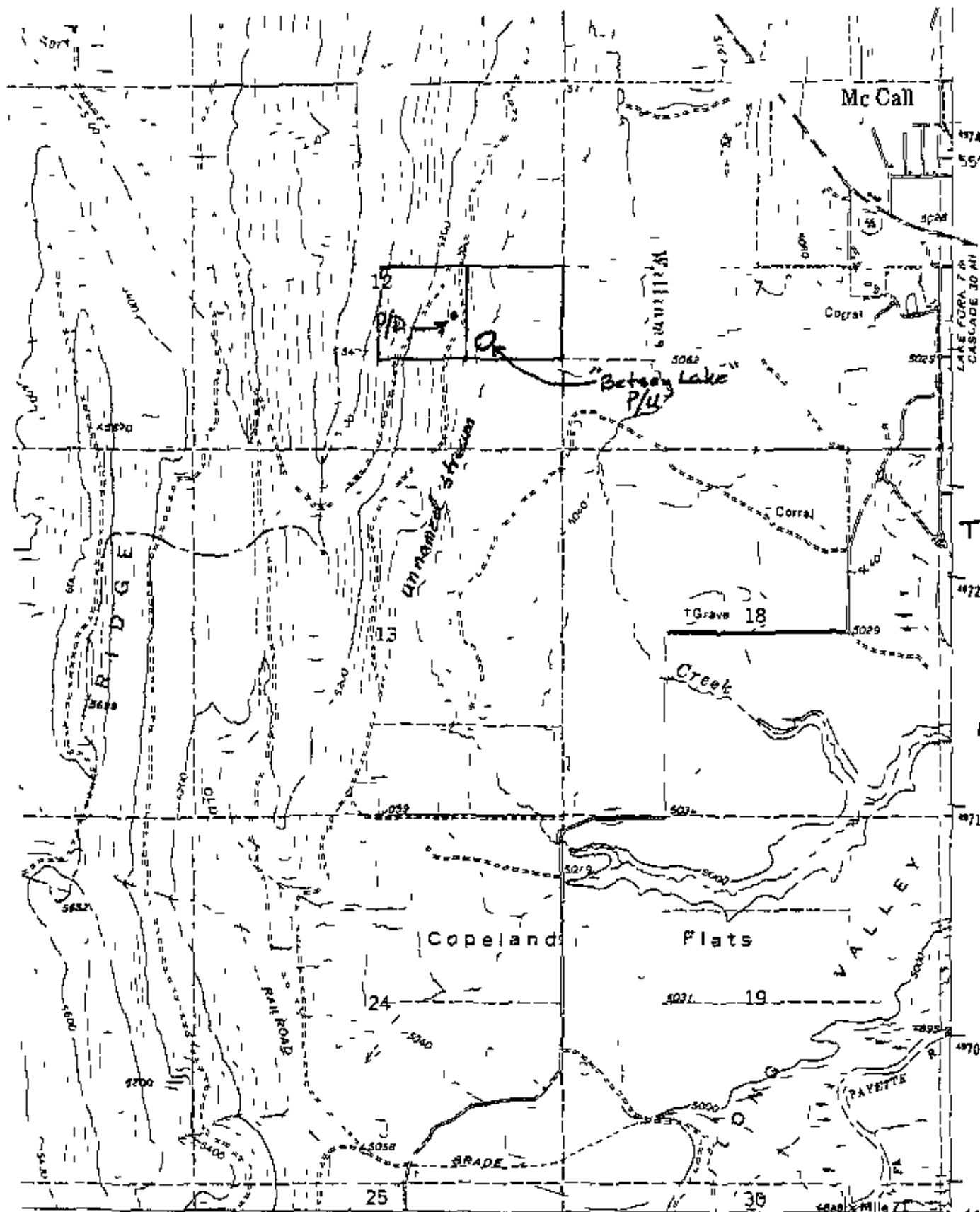
(LAKE FORM)
2/7/51 SE



ROAD CLASSIFICATION	
Primary highway hard surface	Light duty road hard or improved surface
Secondary, high way hard surface	Unimproved road
Interstate Route	U S Route
	State Route

65-13738

Attachment #1
MEADOWS, IDAHO
N44525-W116075/25

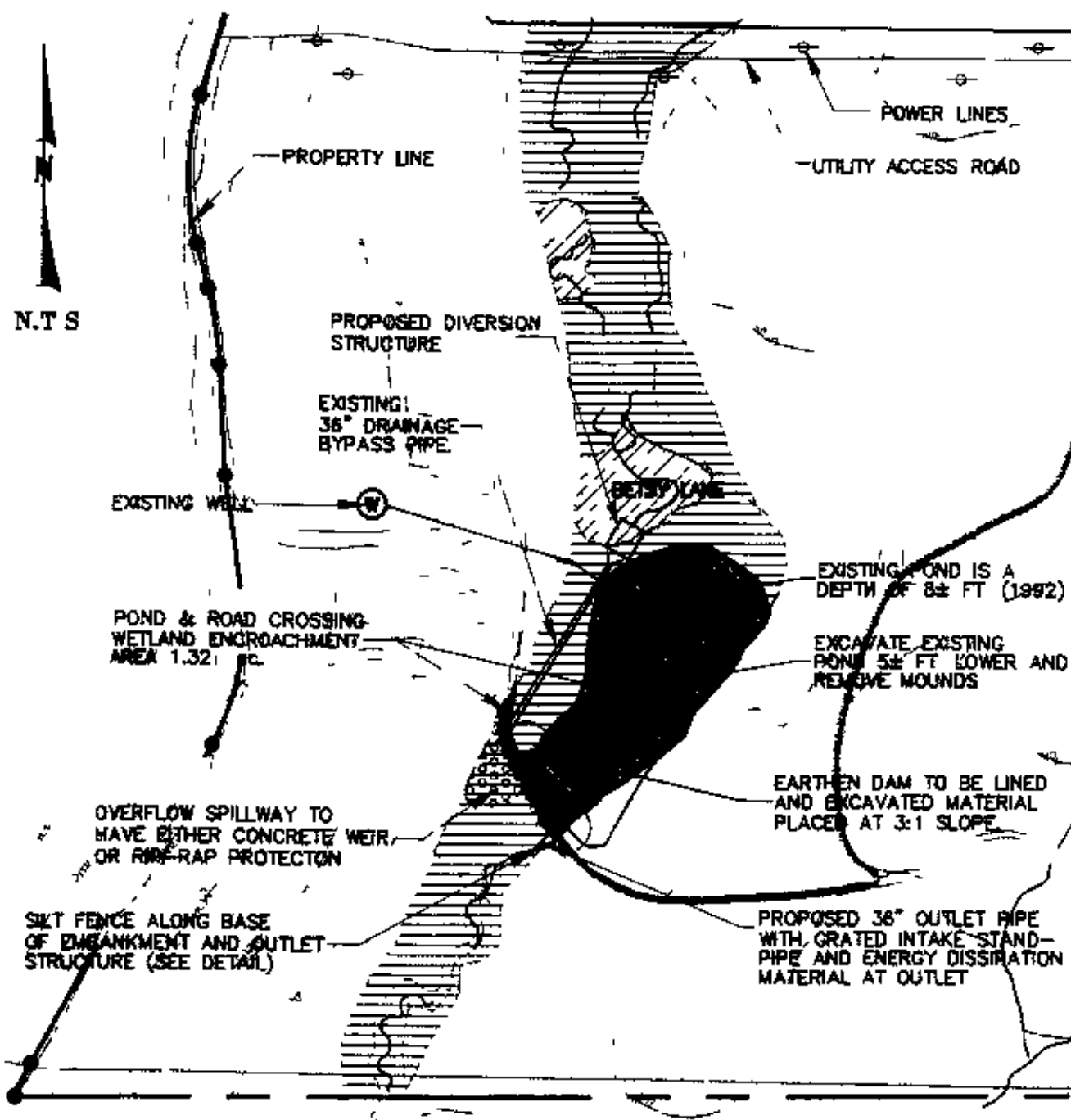


ROAD CLASSIFICATION

Primary highway hard surface	Light duty road hard or improved surface
Secondary highway hard surface	Unimproved road
Interstate Route	U S Route
	State Route

65-13738

Attachment #2
MEADOWS IDAHO
N44525-W11607575



* NOTE THE CONCEPT DRAWING HAS BEEN SUBMITTED TO U.S. ARMY
CORPS OF ENGINEERS APPLICATION NO 940202770

NOT FOR CONSTRUCTION DRAWINGS

CONCEPTUAL DRAWING FOR JOINT
APPLICATION PERMIT PROCESS ONLY
CONSTRUCTION DRAWINGS NEED TO BE
PREPARED BY PROFESSIONAL ENGINEER

ATTACHMENT #3

BRANCH OF WILLIAMS CREEK
VALLEY COUNTY, IDAHO
APPLICATION BY M RESORTS, INC

JULY 16, 1997

TOOTHMAN-ORTON ENGINEERING COMPANY
8777 CHANDEN BLVD BOISE IDAHO 83714
McCALL AIR TAGE BLDG. McCALL IDAHO 83638

65-13738



RECEIVED

JUL 18 1997

WATER RESOURCES
WESTERN REGION

July 17, 1997

State of Idaho
Department of Water Resources
2735 Airport Way
Boise, ID 83705

RE M Resorts - McCall, Idaho - U S Army Corps Application No 940202770

Dear Sirs,

Enclosed are two applications for permit (see Attachments #1 and #2) to replace the lapsed Permit #65-13452

Application for permit (Attachment #1) diverts water from an unnamed creek that is a tributary of Williams Creek and the North Fork Payette River into a existing pond. The diverted water will pass through the existing pond and then return back into the unnamed creek channel. The existing pond is not used for irrigation storage purposes. A diversion structure will be placed at the head of the pond and will be designed to always pass 0.16 cfs when stream flows are available around the pond to maintain downstream senior water rights. The diversion structure will allow a maximum of 2.0 cfs to enter the pond (see Attachment 3). During low water periods, the diversion structure will pass all available water below 0.16 cfs around the pond. Application for permit (Attachment #1) requests appropriation 20 acre feet for diversion to storage for the following uses aesthetic, recreation, stock water and wildlife uses.

Application for Permit (Attachment #2) requests the appropriation of 0.35 cfs (157 gpm) of groundwater from an existing well and the storage water right of 20 acre feet in the existing pond (see Attachment 3). The purpose of the groundwater is to supplement and maintain the pond water elevation during low stream flows of less than 0.16 cfs. Application for permit (Attachment #2) requests appropriation 20 acre feet for diversion to storage for the following uses aesthetic, recreation, stock water and wildlife uses.

Please call if any additional information is needed.

Sincerely,
M Resorts

Bob McKenna
Bob McKenna
Manager of Idaho Operations

LETTER OF
EXPLANATION

65-13738



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region 2735 Airport Way, Boise Idaho 83705 5082 - (208) 334-2190
FAX (208) 334-2348

August 11, 1997

PHILIP E. BART
GOVERNOR

KARL J. DREHER
DIRECTOR

BRIAN L. MCMAHAN
MILLEMANN PITTENGER & MCMAHAN
PO BOX 1066
MCCALL ID 83638

**RE: M RESORTS AND BEZATES LAND & CATTLE CO.
APPLICATIONS FOR PERMIT**

Dear Brian

Enclosed is the information that you requested in your letter of August 5, 1997 regarding water rights applications filed by M Resorts and by Bezates Land and Cattle Company. Four applications for new water rights are pending before IDWR. Each of the parties has filed two applications, one for irrigation use and another for non-irrigation use.

Applications for non-irrigation uses can be processed at this time. This includes legal notices now being published for applications for permit nos 65-13694 (Bezates) and 65-13738 (M Resorts). The two irrigation filings cannot be processed due to concerns largely related to interstate water issues as far as I have been informed. This includes applications for permit nos 65-13693 (Bezates, copy of file attached) and 65-13704 (M Resorts). The best way to obtain information about the status of the irrigation applications is to call me at 334-2190 at your earliest convenience.

The department does not have stream flow measurements or other data for the unnamed stream in question. The department does have information available that describes the maximum amount of water allowable for stock water rights. A copy of "Table 1, Recommended Diversion Rates for Stockwater" is included for your convenience.

Please let me know if you need more information.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

MILLEMANN, PITTENGER & McMAHAN
ATTORNEYS AT LAW
708 NORTH FIRST
POST OFFICE BOX 1088
MCCALL IDAHO 83638

RECEIVED

AUG - 7 1997

WATER RESOURCES
WESTERN REGION

STEVEN J. MILLEMANN
GREGORY C. PITTENGER
BRIAN L. McMAHAN
AMY N. PEMBERTON

TELEPHONE (208) 834-7841
FACSIMILE (208) 834-4518
E-MAIL mpm@cyberhighway.net

August 5, 1997

VIA FACSIMILE - (208) 334-2348 and ORIGINAL TO FOLLOW VIA MAIL

State of Idaho
Department of Water Resources
Attn: Steve Lester 
2735 Airport Way
Boise, ID 83705-5082

Re Applications for Permit No. 65-13694 and 65-13738

Dear Steve

This firm represents M Resorts, the applicant under 65-13738. The purpose of this letter is to request some additional information and documentation regarding the two above-referenced applications. Due to the August 25th protest deadline, please send the requested information/documentation as soon as possible so that an informed decision can be made regarding any protest.

Please send all information you have regarding the particular stream at issue and regarding the two above-referenced Applications. For example, has a stream flow study ever been made? If so, please send all information regarding it and all other aspects of the stream and the subject Applications.

Your letter to the applicants dated July 31st references "pending resolution of the irrigation questions for that area." What are the referenced "irrigation questions"?

It is our understanding that companion irrigation applications, specifically No. 65-13693 for the Bezates, and No. 65-13704 for M Resorts, are on hold. Why are they "on hold"?

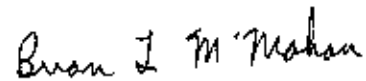
We have received limited documentation regarding Application Nos. 65-13738 and 65-13694. In that documentation, specifically in the comments to No. 65-13694, a reference is made to the comments in No. 65-13693. Accordingly, would you please provide us with a copy of your file regarding Application No. 65-13693?

State of Idaho
Department of Water Resources
Attn Steve Lester
August 5 1997
Page 2

Is there a maximum amount of stock water per animal that is allowable under IDWR Regulations or Policies? If so, please advise and attach a copy of documentation to that effect

Thank you for your prompt attention to these matters. If there is a charge for any of the requested information and documentation, please include an invoice with your response and it will be promptly paid.

Sincerely,

A handwritten signature in black ink that reads "Brian L McMahon". The signature is written in a cursive, slightly slanted style.

BRIAN L. McMAHAN

BLM/pld
cc Client

MEMORANDUM

TO. DEBBIE ALLEN
FROM STEVE LESTER
DATE JULY 31, 1997

RECEIVED
AUG - 4 1997
WATER RESOURCES
WESTERN REGION

Joe - please file in

*THANKS,
SL*

RE: RECEIPT CHANGE

M Resorts filed Application for Permit No 65-13738 on 7-18-97 and paid \$220 via two checks/receipts. The total filing fee was only \$140 but an additional fee is required to upgrade a drilling permit related to the filing.

Please change a portion of one receipt to apply some of the funds to the well drilling permit fee account instead of the water right application account as follows:

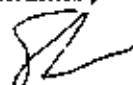
Receipt W022823 for \$120 should be changed to reflect:

\$40 water right fee fund 0229/21 62103 1155

\$80 drilling fee fund 0229/21 62134 1205

Let me know if you have any questions.

Thanks,



Steve Lester

c Appl. 65-13738
Rob Whitney, IDWR

2540 AON

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No

2540 JUL 17

Date
Time

Received
From

Type of Payment

Program A cct

Amount

Total



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region 2735 Airport Way Boise Idaho 83705 5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BALI
GOVERNOR

KARI J. DREHER
DIRECTOR

JULY 31, 1997

Legal Notices Department
The Star News
PO Box 985
McCall, ID 83638

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 25, 1997.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before AUGUST 25, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 8/7/1997 & 8/14/1997

65-13738

M RESORTS
PO BOX 1006
MCCALL, ID 836381006

Source UNNAMED STREAM
Source GROUNDWATER

Tributary WILLIAMS CREEK
Tributary

Diversion Pt: NESE Sec 12 T 18N R 02E in VALLEY County
NWSE Sec 12 T 18N R 02E in VALLEY County

Use: STOCKWATER STORAGE	(	20 00 AF)
WILDLIFE STORAGE	(	20 00 AF)
RECREATION STORAGE	(	20 00 AF)
AESTHETIC STORAGE	(	20 00 AF)
DIVERSION TO STORAGE	(	2 350 CFS)
Total Diversion	(	2.350 CFS)

Date Filed: 7/18/1997

In: VALLEY County
T18N R02E S12 NESE

Existing pond (Betsey Lake) to be served by runoff and existing well.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region 2735 Airport Way Boise Idaho 83705-5082 (208) 334-2100
FAX (208) 334-2348

PHILIP E. BAILEY
GOVERNOR

KARI J. DREHER
DIRECTOR

July 31, 1997

Mr. John Bezates
Bezates Land & Cattle Co
4620 Plum Ln.
Ontario, OR 97914

Mr. Bob McKenna
M Resorts
PO Box 1006
McCall, ID 83638-1006

RE. APPLICATIONS FOR PERMIT NOS 65-13694 AND 65-13738

Dear Gentlemen

Enclosed for each of you is a copy of your application for permit plus the other party's application involving the unnamed stream that flows through property associated with the "Betsey Lake" site. The Bezates application (65-13694) has a 1996 priority date and has been held pending resolution of the irrigation questions for that area. The M Resorts filing (65-13738) was recently made to address a concern about storing water in the pond. The latter filing has a 1997 priority date.

Both applications can now be processed because they do not involve irrigation and because processing might provide a way to solve at least some of the controversy for the site in question. The legal notices for the filings will appear in the local Valley County paper in the first two weeks of August with a protest deadline of August 25, 1997.

Copies have been provided to you to let you know the scope of each proposal and to invite your comments should you have any. Please address any concerns that you might have to this office prior to the protest deadline.

Sincerely,

Steve Lester
Water Rights Supervisor

*Vote 8/1/97
-R*

Enclosure Copies of Applications

*Included note to BOB M. - NCCF \$85⁰⁰ d.p.
upgrade*



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region 2735 Airport Way Boise Idaho 83705 5082 - (208) 334-2190
FAX (208) 334-2348

July 31, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MARK LIMBAUGH WATERMASTER
PAYETTE RIVER WATER DISTRICT #65
102 N MAIN
PAYETTE ID 83661

RE: BEZATES AND M RESORTS APPLICATIONS FOR PERMIT

Dear Mark

Enclosed please find copies of two water right applications in the names of Bezates Land and Cattle Co (no 65-13694) and M Resorts (no. 65-13738). Although the sources listed in the filings are not regulated by you within the water district parameters, it is possible that the department will require mitigation for such uses. If that proves to be true, you might be approached by either or both of the parties regarding water bank leases or other water district options for mitigation.

The watermaster comment letter process offers the best tool to seek your comments about that possibility. Also, you might have other concerns regarding such development. Please use the enclosed forms to submit your comments to this office within two weeks.

Thank you for your help in this matter. Please let me know if you have any questions about the applications.

I hope everything else is going well for you -- this is certainly a year of abundant water, maybe too much so in some places!

Best regards,

Steve Lester
Water Rights Supervisor

Enclosure: Applications and Comment Forms

MEMORANDUM

TO: DEBBIE ALLEN
FROM: STEVE LESTER
DATE: JULY 31, 1997

RE: RECEIPT CHANGE

M Resorts filed Application for Permit No 65-13738 on 7-18-97 and paid \$220 via two checks/receipts. The total filing fee was only \$140 but an additional fee is required to upgrade a drilling permit related to the filing

Please change a portion of one receipt to apply some of the funds to the well drilling permit fee account instead of the water right application account as follows.

Receipt W022823 for \$120 should be changed to reflect

\$40 water right fee fund 0229/21 62103 1155

\$80 drilling fee fund 0229/21 62134 1205

Let me know if you have any questions.

Thanks,



Steve Lester

c. Appl 65-13738
Rob Whitney, IDWR

Rec'd \$220 check #1 20366, 20367
Appl fee combine 2 Appls → into 1 = \$140⁰⁰
Drilling permit upgrade for 1993 well = \$165⁰⁰
from \$35 single domestic to
\$200 other uses

TOTAL FEES = \$305

TOTAL PAID TO DATE = \$220

BALANCE DUE = \$85⁰⁰

✓
OK 8/1/97
-P



PERMIT NUMBER	OWNER CODE	NAME & ADDRESS	TWP	RGE	SEC	TRACT	LOT	ACC FLG	COUNTY
65-93 W 0040 000	0	DOUGLAS MANCHESTER	18N	02E	12	NE NE			VALLEY

Subdivision Well Site Location and Description	Lot(s) Block(s)	Geographic Location GPS Site ID
Subdivision Name		
Well Site Address 150 S BEAR		Lat N
City, State MCCALL, ID		Long W
		Accuracy Code

Injection Permit No
 Water Right No

Well Construction Information Anticipated Bottom Temp B5F or less

Proposed Use of Well Domestic Proposed Casing Diameter 6 In Proposed Depth 200 Ft

Well Use Comments

Driller License No 0391 Firm Name MENASCO DRILLING
 Official ALBERT S MENASCO III

Permit Status Permit	Verbal Issued Date 03/16/1993	Receipt No	Receipt Date	Fee
	Verbal Issued Time 10 48 53			
	Received Date 05/17/1993	W016261	05/17/1993	\$ 280 00
	Approved Date 05/17/1993			
	Proposed Start Date 03/07/1993			
	Extension Date			
	Extension Expiration			

Specific Conditions

Permit Remarks

Comments No Comments Found

*Per 10/22/96 field check
 plus Appl 65-13738
 a 0.1 well drilled in
 NWSE 5.12
 No other wells 5.12 per
 WDAQ3.*

-SL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUSE TYPEWRITER OR
BALLPOINT PENState law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well

WELL OWNER

Name DOUG MANCHESTER
Address Box 1006 McCall 83638
Drilling Permit No 165-93-W-0040
Water Right Permit No _____

7 WATER LEVEL

Static water level 45' feet below land surface
Flowing? ☐ Yes ☒ No GPM flow _____
Artesian closed in pressure _____ psi
Controlled by ☐ Valve ☐ Cap ☐ Plug
Temperature 52 °F Quality Clear
Describe artesian or temperature zones below _____

2 NATURE OF WORK

- ☒
- New well
- ☐
- Deepened
- ☐
- Replacement
-
- ☐
- Well diameter increase
- ☐
- Modification
-
- ☐
- Abandoned (describe abandonment or modification procedures
-
- such as liners screen, materials plug depths, etc in lithologic
-
- log, section 9)

8 WELL TEST DATA

☐ Pump ☐ Bailor ☒ Air ☐ Other _____

Discharge GPM	Pumping Level	Hours Pumped
<u>150</u>	<u>160</u>	<u>1</u>

3 PROPOSED USE

- ☒
- Domestic
- ☐
- Irrigation
- ☐
- Monitor
-
- ☐
- Industrial
- ☐
- Stock
- ☐
- Waste Disposal or Injection
-
- ☐
- Other _____ (specify type)

4 METHOD DRILLED

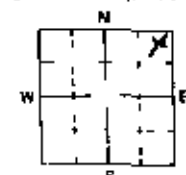
- ☒
- Rotary
- ☒
- Air
- ☐
- Auger
- ☐
- Reverse rotary
-
- ☐
- Cable
- ☐
- Mud
- ☐
- Other _____
-
- (backhoe hydraulic, etc)

5 WELL CONSTRUCTION

Casing schedule ☒ Steel ☐ Concrete ☐ Other _____
Thickness _____ Diameter _____ From _____ To _____
2.50 inches 6 inches + 1 feet 159 feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feetWas casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation? _____ inches by _____ inches
Number _____ From _____ To __________ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feetWell screen installed? ☐ Yes ☒ No
Manufacturer _____ Type _____
Top Packer or Headpipe _____
Bottom of Tailpipe _____Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____
Placed from _____ feet to _____ feetSurface seal depth 30' Material used in seal ☐ Cement grout
☒ Bentonite ☐ Pudding clay ☐ _____
Sealing procedure used ☐ Slurry pit
☐ Temp surface casing ☒ Overbore to seal depth
Method of joining casing ☐ Threaded ☐ Welded
☐ Solvent Weld ☐ Cemented between strataDescribe access port Sanitary Well Seal

6 LOCATION OF WELL

Sketch map location must agree with written location



Subdivision Name _____

Lot No _____ Block No _____

County ValleyAddress of Well Site 150 S Bear
(give at least name of road)NE 1/4 NE 1/4 Sec 12 T 18 N 3 or S 1
R 2 E 2 or W 1

9 LITHOLOGIC LOG

Bore Diam	Depth		Material	Water	
	From	To		Yes	No
8"	0	2	TOP SOIL		X
8"	2	10	Boulders & sand		X
8"	10	20	Ang sand & BASALT		X
8"	20	75	" BASALT Boulders		X
8"	75	80	Gray clay		X
6"	80	104	Brown clay		X
6"	104	120	Brown clay		X
6"	120	125	"		X
6"	125	160	Sandstone		X
6"	160	180	fractured BASALT	X	

MAR 17 1993

Department of Water Resources
Water Resources Division

10

Work started 3 7.93 finished 3 14.93

11 DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removedFirm Name Monaco Drilling Firm No 391Address McCall Id Date 3.14.93Signed by Drilling Supervisor [Signature]and
(Operator) [Signature]
(if different than the Drilling Supervisor)



RECEIVED

JUL 18 1997

WATER RESOURCES
WESTERN REGION

July 17, 1997

State of Idaho
Department of Water Resources
2735 Airport Way
Boise, ID 83705

RE M Resorts - McCall Idaho - U S Army Corps Application No 940202770

Dear Sirs

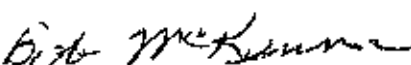
Enclosed are two applications for permit (see Attachments #1 and #2) to replace the lapsed Permit #65-13452

Application for permit (Attachment #1) diverts water from an unnamed creek that is a tributary of Williams Creek and the North Fork Payette River into a existing pond. The diverted water will pass through the existing pond and then return back into the unnamed creek channel. The existing pond is not used for irrigation storage purposes. A diversion structure will be placed at the head of the pond and will be designed to always pass 0.16 cfs when stream flows are available around the pond to maintain downstream senior water rights. The diversion structure will allow a maximum of 2.0 cfs to enter the pond (see Attachment 3). During low water periods, the diversion structure will pass all available water below 0.16 cfs around the pond. Application for permit (Attachment #1) requests appropriation 20 acre feet for diversion to storage for the following uses aesthetic, recreation, stock water and wildlife uses.

Application for Permit (Attachment #2) requests the appropriation of 0.35 cfs (157 gpm) of groundwater from an existing well and the storage water right of 20 acre feet in the existing pond (see Attachment 3). The purpose of the groundwater is to supplement and maintain the pond water elevation during low stream flows of less than 0.16 cfs. Application for permit (Attachment #2) requests appropriation 20 acre feet for diversion to storage for the following uses aesthetic recreation, stock water and wildlife uses.

Please call if any additional information is needed.

Sincerely,
M Resorts


Bob McKenna
Manager of Idaho Operations

LETTER OF
EXPLANATION

65-13738