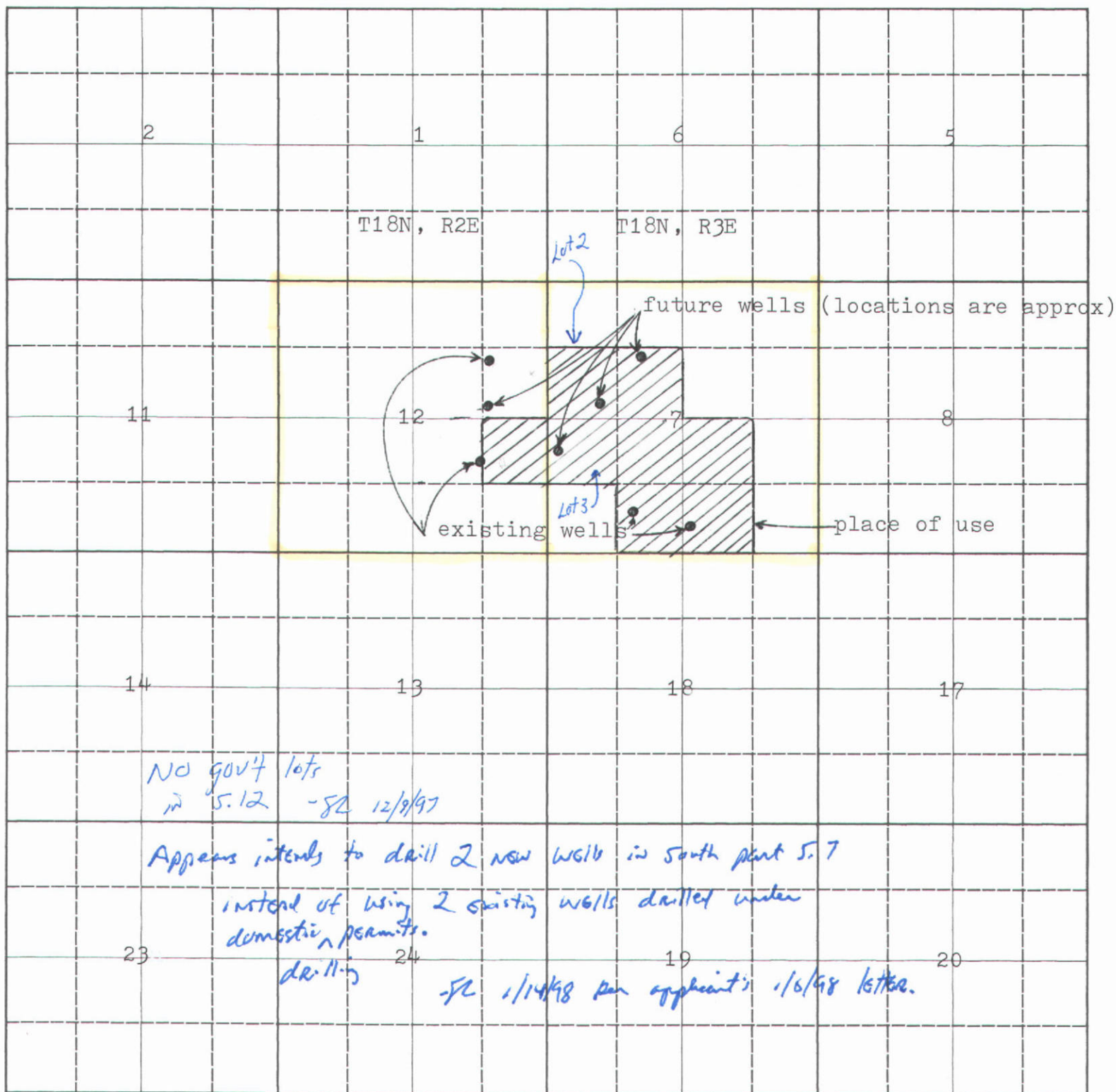


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

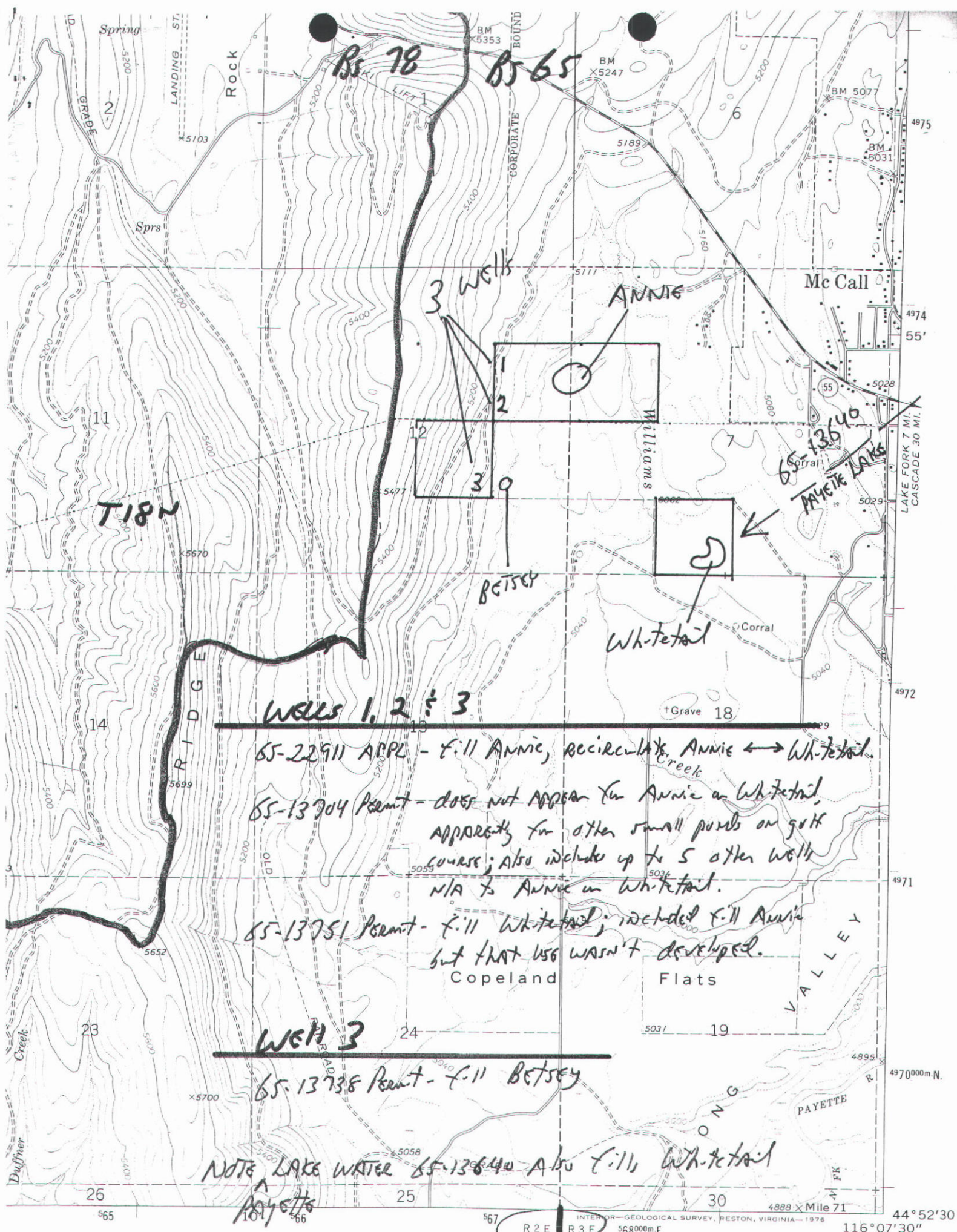
65-13704

MICROFILMED

JUN 09 1999

R. McKenna MGR
(Applicant)

M-RESORTS



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

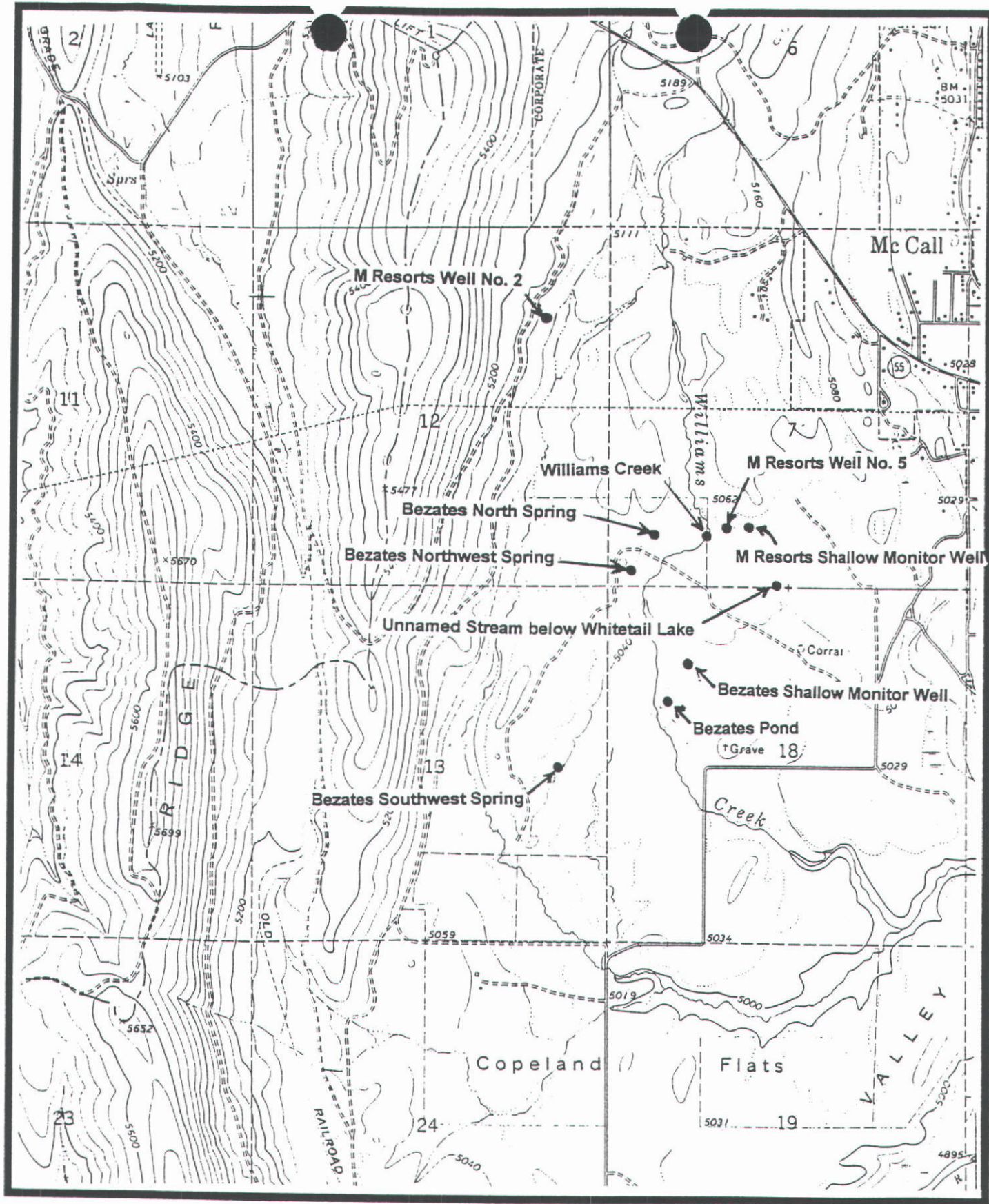


FIGURE 1
HYDROLOGIC MONITORING LOCATIONS
M RESORTS AND BEZATES LAND AND CATTLE COMPANY

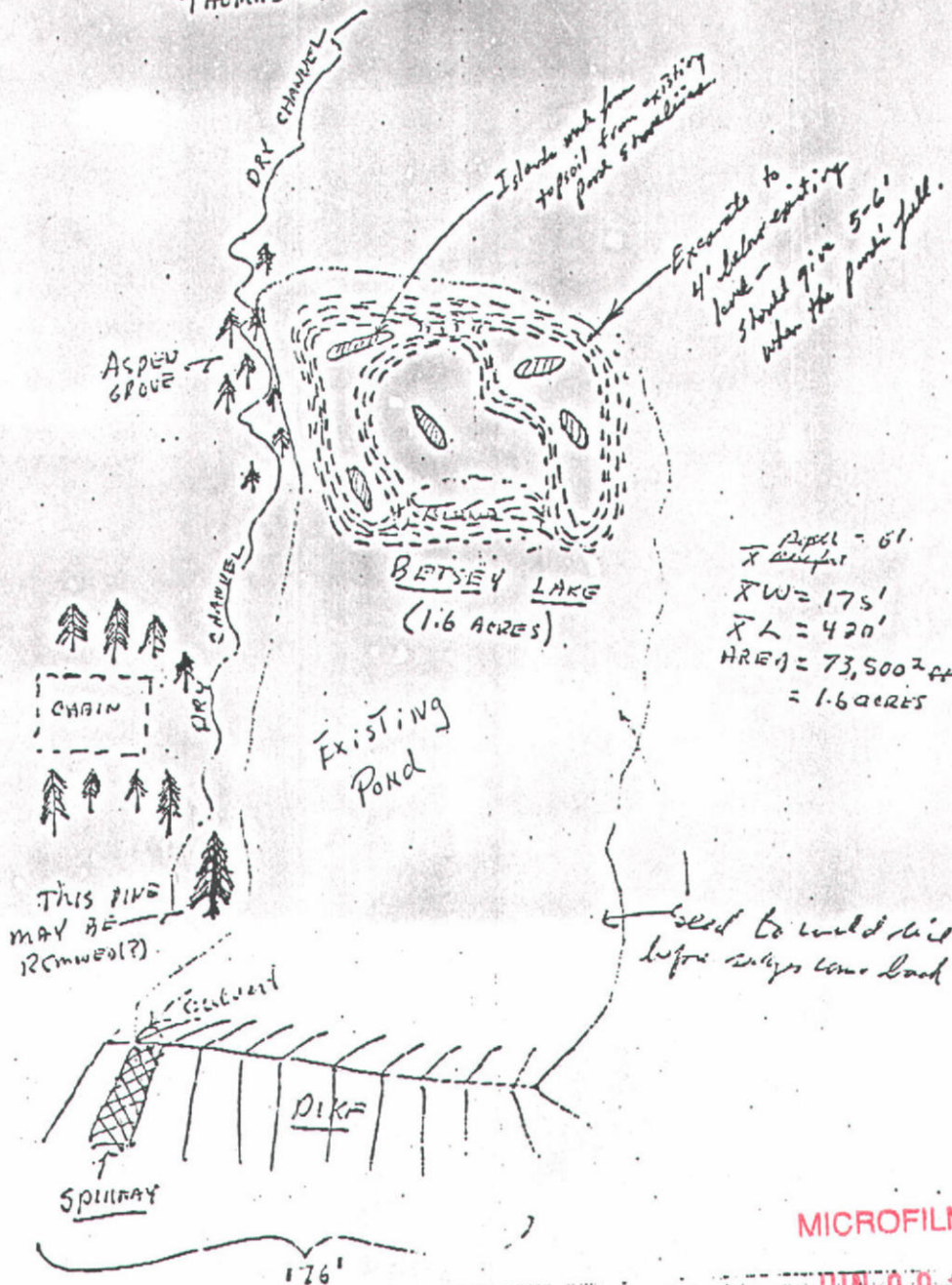
10/09/92 16:02

208 336 2537

Boise Kinko's 1

2003

MANCHESTER FISH & WILDLIFE PROJECT (CIVIL)
THOMAS L. WELSH BIOCONSULTANTS (CIVIL 1992)



April - 61.
X surface
XW = 175'
XL = 420'
AREA = 73,500 sq ft
= 1.6 acres

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JUN 09 1999

copy from Lapsed permit 65-13452
winn. stream & pond trail to Williams ck.
for Betsey Lake storage (13.8 A.F.).

-82 3/6/97

Bezates land

M Resorts land

Fence Line

Access Rd.

outlet valve & pipe
from lake to stream

(A)

Creek flow appears
same as A & B (below &
above possible well input point),
just minor trickle now.

Betsey
Lake

Storing some flow now
but is seepage (shallow
g.w.?) - well not
pumping to lake now

STREAMFLOW is not
BEING DIVERTED TO THIS
LAKE now (re:
Bezates complaint)

36" bypass
culvert
(buried)

Cabin

Road

buried pipe
from well

4" test pump pipe from
well, c 165 gpm was
tested. g.w. flows into
creek via culvert, not
to lake now

c 500' well to
lake

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Steel

6" well
#1

Stream - Stream bypasses
lake via culvert so
no flow into
lake

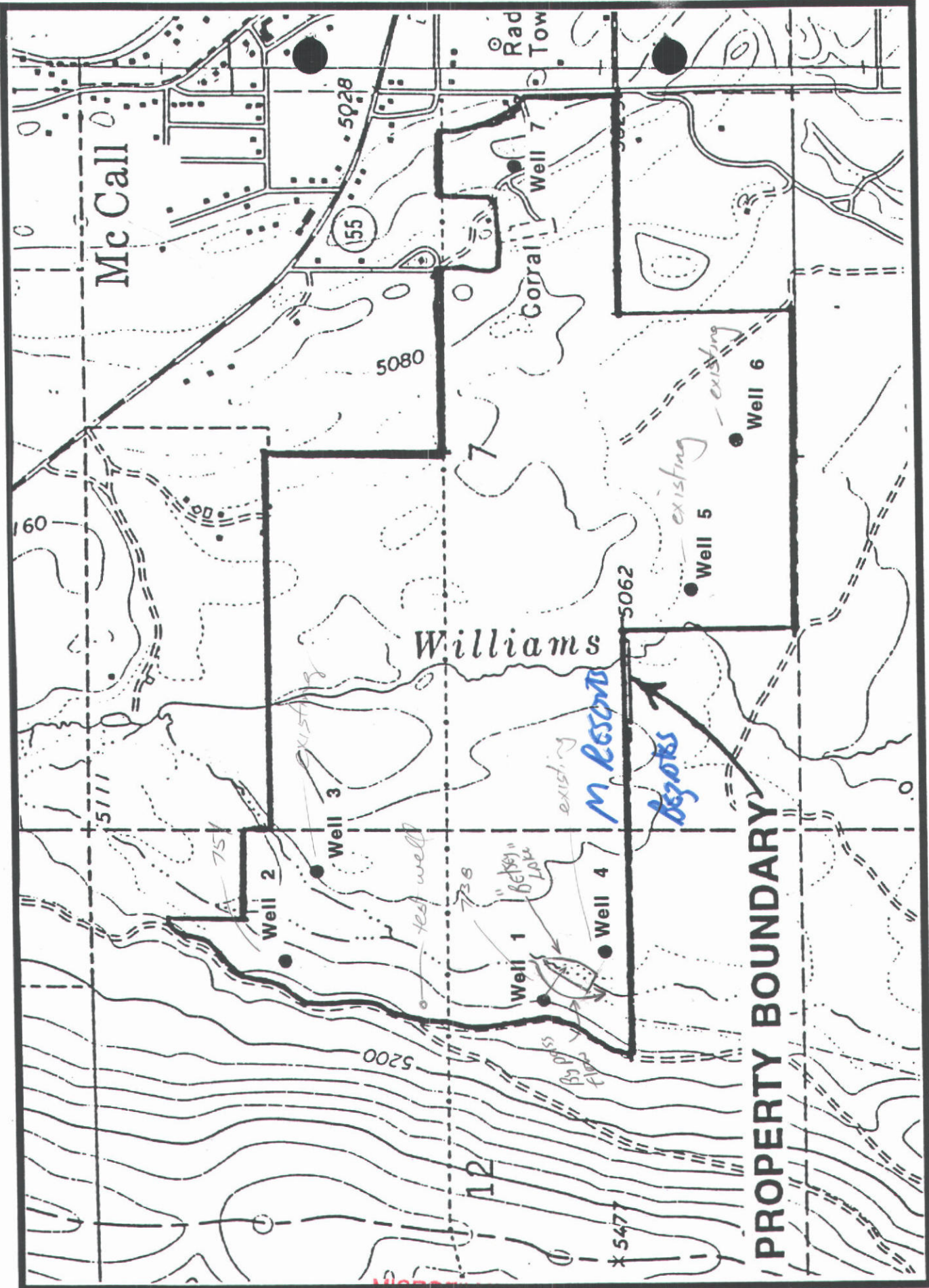


FIGURE 3
EXISTING WELLS LOCATED WITHIN THE PROJECT AREA

Site visit 10/22/96

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JUN 09 1999

pg 5 of 5

*Office visit & complaints
re: M Resort*

-82

October 4, 1996

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

RECEIVED

OCT 04 1996

WATER RESOURCES
WESTERN REGION

Attn: Mr. Steve Lester

Dear Mr. Lester:

This letter is submitted on behalf of Bezates Land and Cattle Company relative to a number of issues regarding certain properties and their respective water rights and resources near McCall.

As a brief background, we have owned approximately 720 acres West of McCall since mid 1930's. The property consists of both lightly timbered pasture and irrigated pasture, and although presently in agriculture, is highly developable with most of the property in the City of McCall impact zone. The water rights are from various sources and according to your staff, are currently being processed for adjudication in the Snake River Basin Water System with all appropriate application documents properly filed.

Adjacent to the North boundary of the Bezates parcel is a parcel of approximately 400 acres. The current ownership is either M Resorts Ltd., whose address is shown as San Diego, California with an individual named Manchester who has some interest or involvement in the property. The parcel seems to have been assembled from several smaller parcels over the past few years. The M Resort property is of comparable topography, zoning and developable characteristics.

With that as a basic backdrop, I will abbreviate the rest of this correspondence and get to the core concerns.

This letter is a request for the following:

1. To investigate the M Resorts Ltd. Property to for improper, inappropriate and or illegal use of water under the terms of a permit to store water granted in March of 1994 as attached;
2. To further investigate the drilling of wells on the same land, shown on the maps attached, without permits for drilling and or application for appropriation; and
3. To specifically terminate the permit for storage of water, and any and all rights under the permit due to non compliance under the terms of the permit, as well as determine whether it has in fact lapsed for failure of noncompliance and final proof of the same.

After numerous visits to your main IDWR office to gather current information on wells drilled in the area, specifically on the M Resorts property, there appears to be no record of recently drilled

MICROFILMED

JUN 09 1999

*Bezates Complaint
& M Resorts*



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JUN 09 1999



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JUN 09 1999



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JUN 09 1999



Well H₂O
flowing into
Betty Lake? ↑



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JUN 09 1999



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JUN 09 1999



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JUN 09 1999



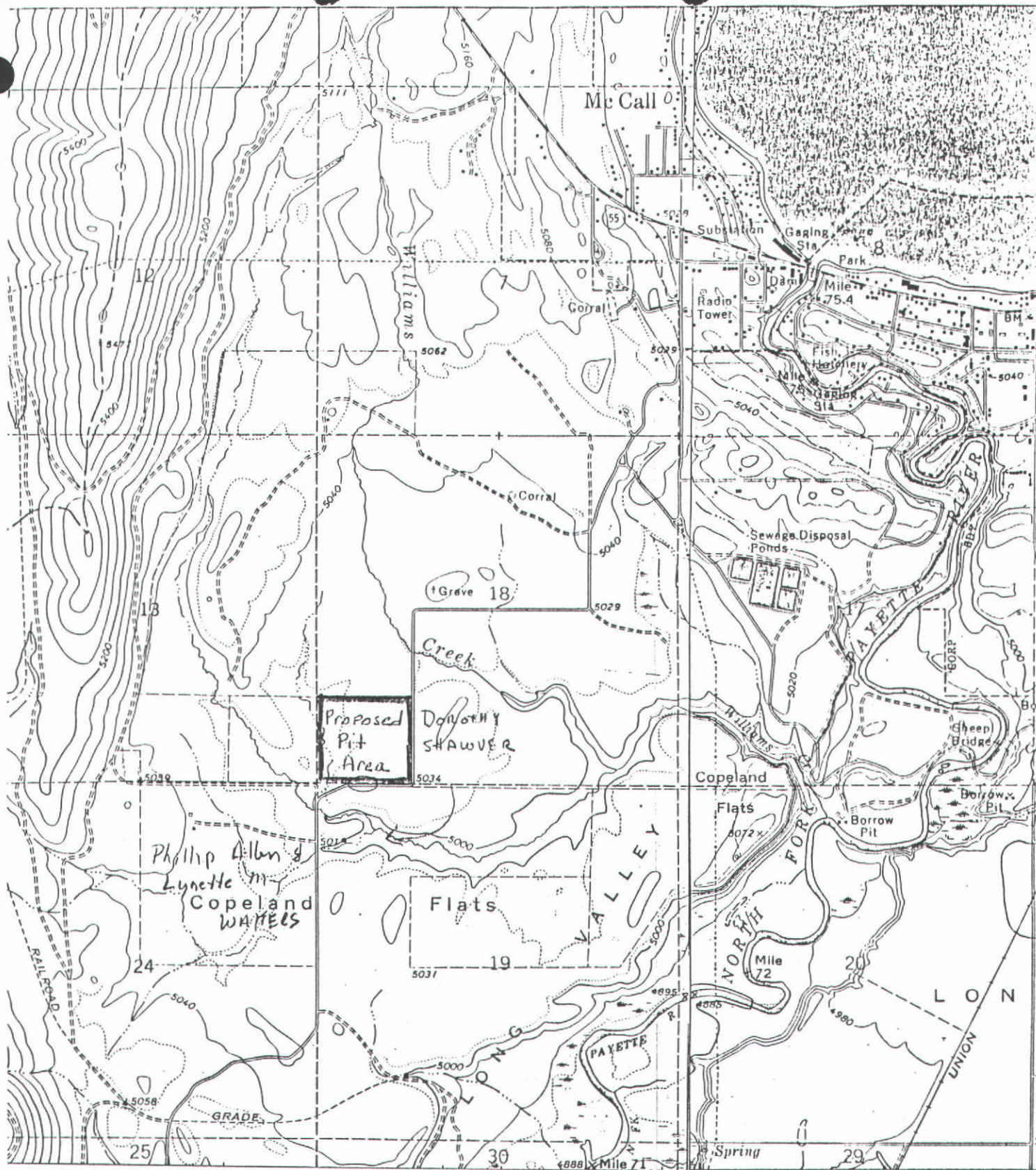
MICROFILMED
JUN 09 1999



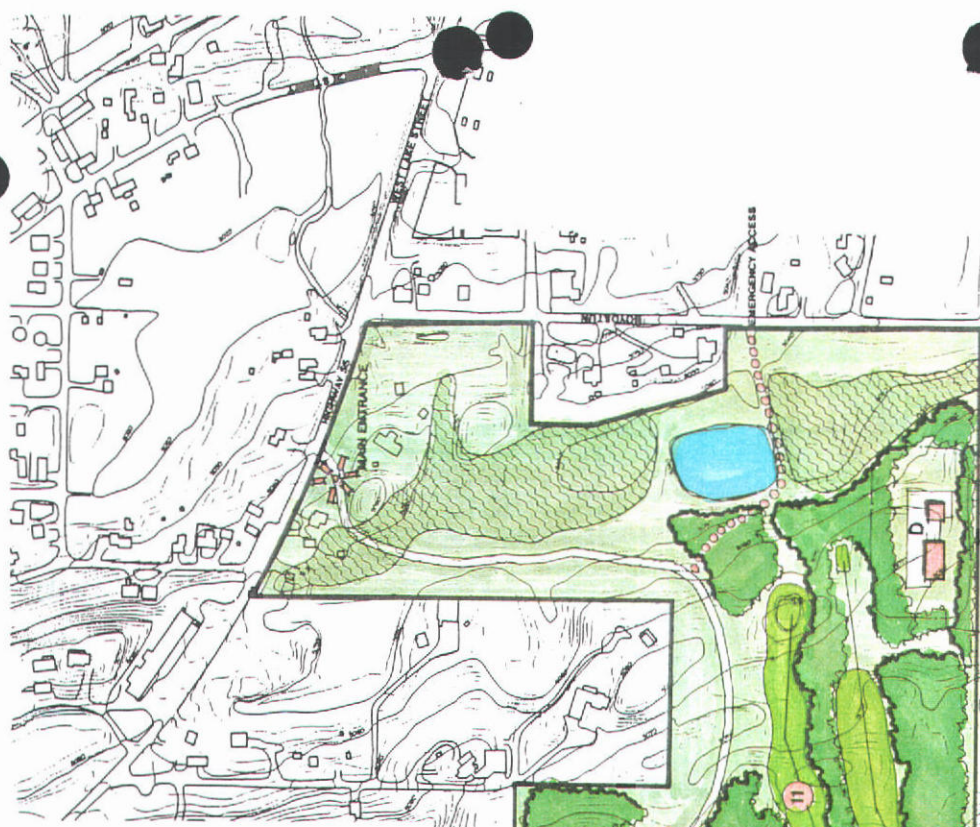
MICROFILMED
JUN 09 1999



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JUN 09 1999



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JUN 09 1999



WHITETAIL PRELIMINARY CONCEPT PLAN

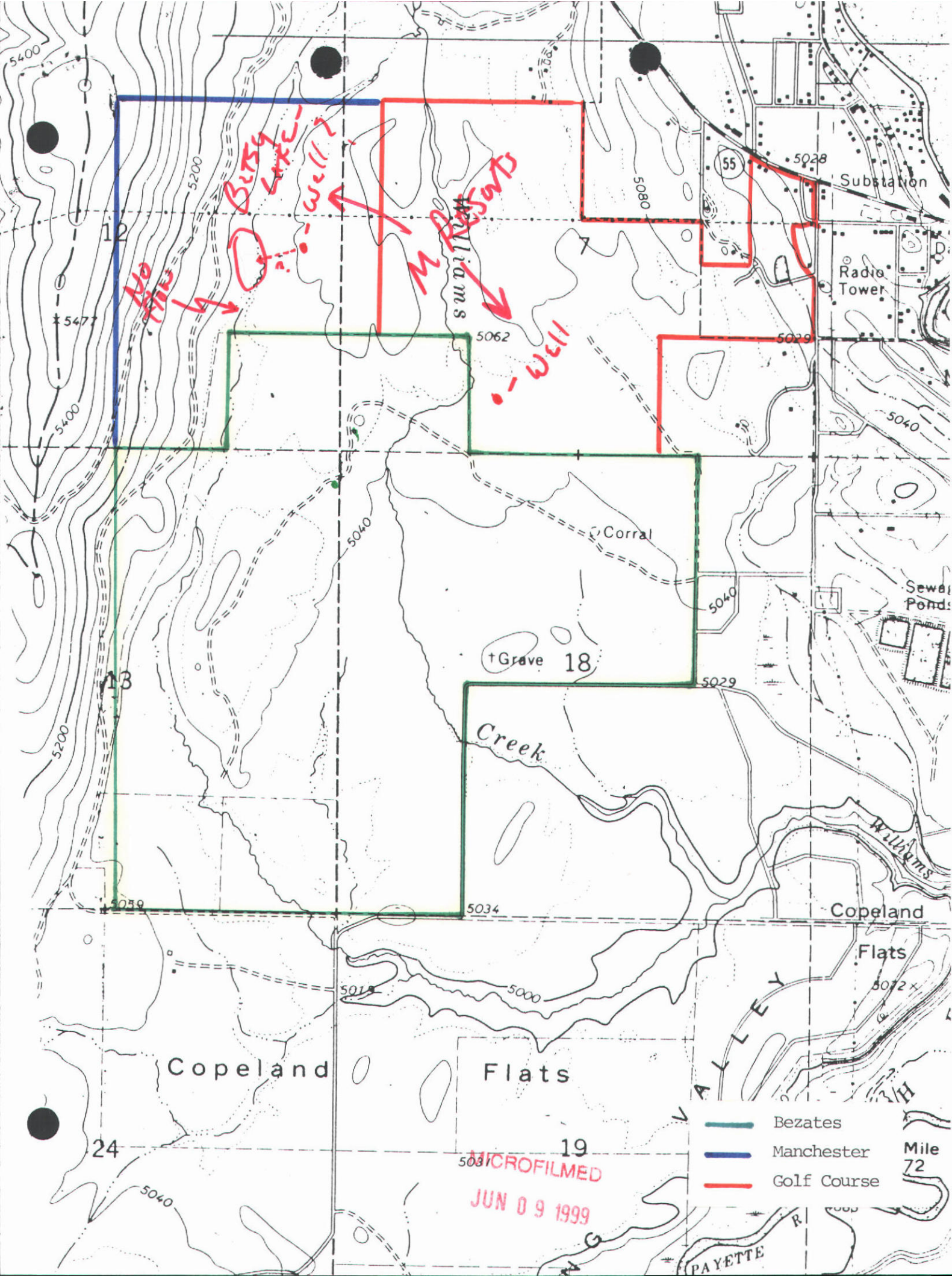
PHASE I		PARKING PHASE I
1-18	A	GOLF COURSE
	B	PRO-SHOP
	C	RESTROOMS
	D	DRIVING RANGE
	E	MAINTENANCE FACILITY
PHASE II		PARKING PHASE II
	F	LODGE
	G	POOL
PHASE III		PARKING PHASE III
	H	RETAIL
	I	ICE RINK
	J	RESTAURANT
	K	HEALTH CLUB
	L	LODGING UNITS
	M	TENNIS COURTS



Packard & North



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JUN 09 1999

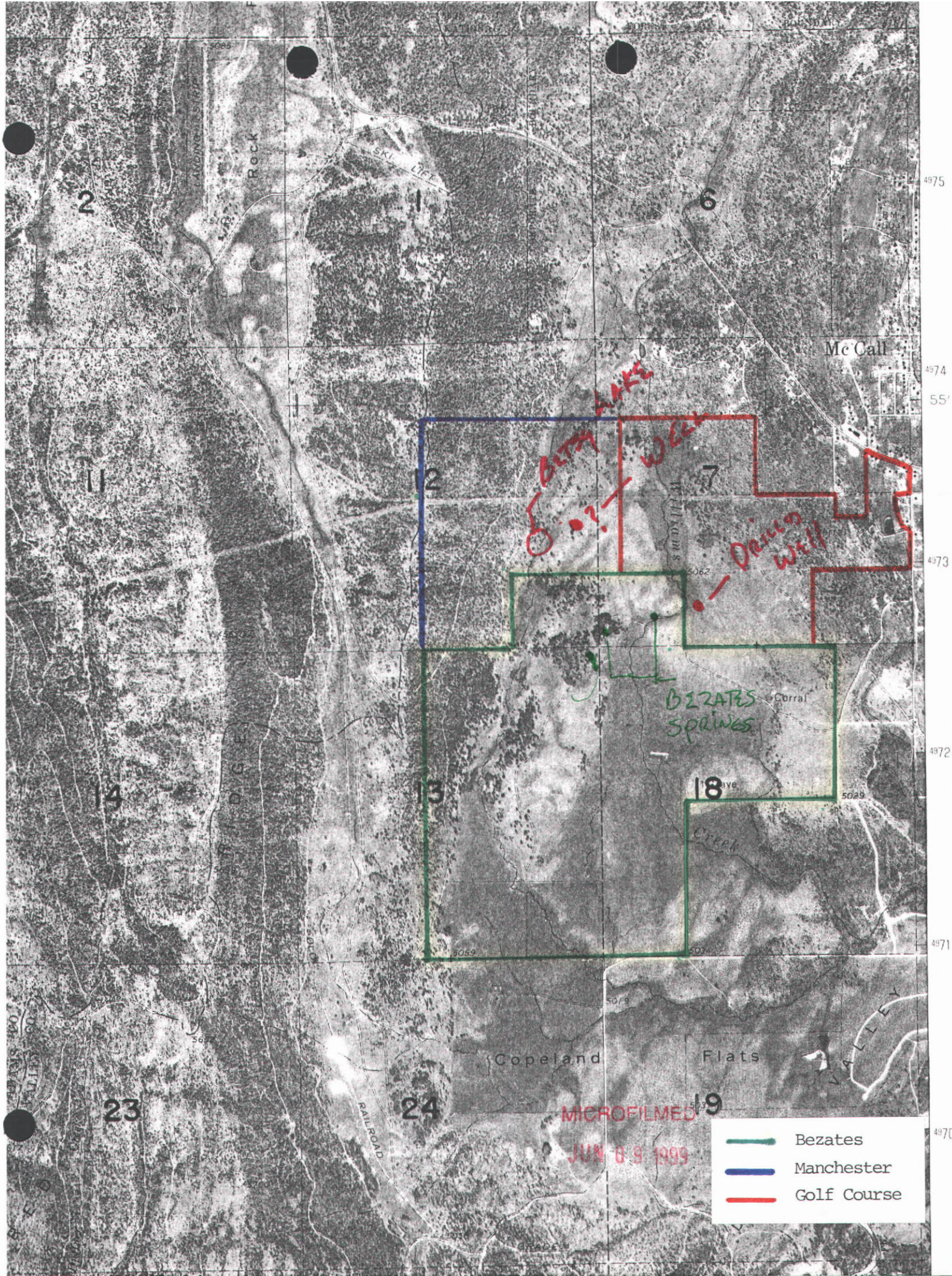


BUTSY LANE
M. Williams
Well

- Bezates
- Manchester
- Golf Course

MICROFILMED
JUN 09 1999

Mile
72



MICROFILMED
JUN 0 9 1999

- Bezates
- Manchester
- Golf Course

RECEIVED

OCT 17 2001

WATER RESOURCES
WESTERN REGION

FOR OFFICE USE ONLY

Amt. of Fee \$ 125
Receipt No. W028426
Receipt By OS
Date Received 10-17-01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 19 2001

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. 65-13704 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 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): 200 Other: STORAGE

6. Total rate of diversion and/or volume for which proof is submitted: 2.0 cfs OR 80 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?

Has the measuring device been installed?

Yes ☒ or No ☐

Yes ☐ or No ☐

8. Fee Enclosed: \$ 125 (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)

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NOV 1 2001

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13704

Proposed Priority: November 4, 1996

Maximum Diversion Rate:

2.00 CFS

This is to certify, that M RESORTS

PO BOX 1006

MC CALL ID 83638-1006

has applied for a permit to appropriate water from: 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>
IRRIGATION	04/15 to 10/15	2.00 CFS	
IRRIGATION STORAGE	01/01 to 12/31		80.0 AF
IRRIGATION FROM STORAGE	04/15 to 10/15		80.0 AF
RECREATION	01/01 to 12/31	2.00 CFS	
RECREATION STORAGE	01/01 to 12/31		80.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	2.00 CFS	
	Totals	2.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 12, Township 18N, Range 02E
NWSE , Sec. 12, Township 18N, Range 02E
Lot 2 (SWNW), Sec. 7, Township 18N, Range 03E
SENE , Sec. 7, Township 18N, Range 03E
Lot 3 (NWSW), Sec. 7, Township 18N, Range 03E
SESE , Sec. 7, Township 18N, Range 03E
SWSE , Sec. 7, Township 18N, Range 03E
VALLEY County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
18N	02E	12	NESE 10.0			10.0
	03E	7	Lot 2 (SWNW) 39.0	SENE 17.0	NESW 15.0	
			Lot 3 (NWSW) 39.0	SESE 10.0	NWSE 40.0	
			SWSE 30.0			190.0

Total number of acres irrigated: 200.0

PLACE OF USE: IRRIGATION FROM STORAGE, same as IRRIGATION use

PLACE OF USE: RECREATION, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 2004.
2. Subject to all prior water rights.

MICROFILMED

JUN 09 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water
NO. 65-13704

CONDITIONS OF APPROVAL AND REMARKS

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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted for irrigation purposes under this right and shall only divert groundwater under this right for irrigation purposes when water from the appurtenant surface water rights cannot be delivered to the right holder.
6. This right shall not be used for irrigation purposes if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
7. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
8. The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
10. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
11. Two points of diversion are located within SENE, S12, T18N, R02E.
12. Use of water under this right is affected by an agreement between the right holder and the protestant. The right holder shall maintain records of water quantity and quality as set forth in the agreement between the parties. Upon request, the right holder shall submit those records to the department.

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JUN 09 1999

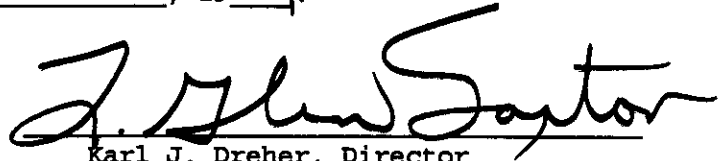
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13704

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

3rd day of June, 1999.



Karl J. Dreher, Director

for

MICROFILMED

JUN 09 1999

CONTACT is
ROB MCKENNA

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
MC CALL ID 836381006

2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: SENE Sec. 12, Township 18N, Range 02E
NWSE Sec. 12, Township 18N, Range 02E
Lot 2(SWNW), Sec. 7, Township 18N, Range 03E
SESW Sec. 7, Township 18N, Range 03E
Lot 3(NWSW), Sec. 7, Township 18N, Range 03E
SESW Sec. 7, Township 18N, Range 03E
SWSE Sec. 7, Township 18N, Range 03E
VALLEY County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	04/15	10/15	2.000		
IRRIGATION STORAGE	01/01	12/31			80.00
IRRIGATION FROM STORAGE	04/15	10/15			80.00
RECREATION	01/01	12/31	2.000		
RECREATION STORAGE	01/01	12/31			80.00
DIVERSION TO STORAGE	01/01	12/31	2.000		

5. Total quantity to be appropriated is:
2.000 CFS (and/or) AF

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc.
PUMPS & PIPELINES TO PONDS, PUMPS FROM PONDS TO IRR GOLF COURSE
- Height of storage dam 4' 0" feet; active reservoir capacity 80.00 acre-feet; total reservoir capacity 80.00 acre-feet; period of year when water will be diverted to storage: 1/01 to 12/31 inclusive.
- Proposed well diameter is 8 inches; proposed depth of well is 400 feet.
- Is groundwater with a temperature greater than 85F being sought? NO
- If well is already drilled, when?
Drilling Firm SEE DRILLING PERMIT INFO IN THIS FILE FOR DETAILS
Well was drilled for SOME BY MENASCO FOR APPLICANT 1993-1996

MICROFILMED

AUG 04 1999

REVISIONS 12/9/97 PER APPLICANT'S INFO

AND IOWA RECORDS.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 year(s).

8. Place of Use: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
18N	02E	12		NESE	10				10
	03E	7	Lot 2	(SWNW)	44	SESW	17	NESW	15
			Lot 3	(NWSW)	44	SESW	10	NWSE	40
				SWSE	30				200

Total number of acres irrigated: 210

Place of Use: IRRIGATION FROM STORAGE, same as IRRIGATION use

Place of Use: RECREATION, same as IRRIGATION use

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:

Mitigation for 4 existing and 4 proposed wells may be required.

11. Map of proposed point of diversion and place of use attached? []

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

per file SL for:

Received by VR Date 11/4/96 Time 11:20 Preliminary check by SL

Fee \$ 120.00 Receipted by VR #W021690 Date 11/ 4/1996

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

MICROFILMED
AUG 09 1999

RECEIVED

Form 202
10/92

NOV - 4 1996

STATE OF IDAHO

Ident No 65-13704

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

To appropriate the public waters of the State of Idaho

MAY 25 1999

DEPARTMENT OF WATER RESOURCES

1. Name of applicant M Resorts Attn: Bob McKenna Phone 208-634-2244
Post office address P.O. Box 1006, McCall, ID 83638-1006

2. Source of water supply groundwater which is a tributary of N.A.

3. Location of point of diversion is NE SE Govt. Lot
Sec 12 Township 18N Range 2E B.M. Valley County; additional
points of diversion if any: SENE Sec 12, T18N, R2E (two wells); SWNW, SENW, NWSW,
SESW, and SWSE Sec. 7, T18N, R3E

4. Water will be used for the following purposes:

Amount 2.00 for irrigation purposes from 4-15 to 10-15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 2.00 for diversion to storage purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 2.00 for recreation purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 80.00 for irrigation stg & recreation stg purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 80.00 AFA irrigation from stg 4-15 to 10-15

5. Total quantity to be appropriated is (a) 2.00 and/or (b) 80.00
cubic feet per second acre feet per annum

6. Proposed diverting works

a. Description of ditches, flumes, pumps, headgates, etc. wells with submersible well pumps,
buried pipelines to ponds and sprinklers, booster pump(s) at pond(s)

b. Height of storage dam less than 10 feet; active reservoir capacity 80 acre-feet; total
reservoir capacity 80 acre-feet; period of year when water will be diverted to storage:
1-1 to 12-31 inclusive.

c. Proposed well diameter is 6" existing wells, 8" new wells inches; proposed depth of well is 400 feet

d. Is ground water with a temperature of greater than 85°F being sought? no

e. If well is already drilled, when? 1993-96; Drilling firm Menasco Drilling;

Well was drilled for (well owner) D. Manchester and M Resorts

7. Time required for the completion of the works and application of the water to be proposed 5 years (minimum 1 year).

MICROFILMED

MAY 24 1999

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. _____
- c Municipal, show name of municipality _____
- d Domestic, show number of households _____
- e. Other, describe fully recreation use is for fishing, swimming, and golf

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	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
18N	3E	7							L2 44	17	15	L3 44	10		40	30			190 200
18N	2E	12							39			39		10					10

* reduced per applicant's 1/6/99 letter. c. 3. 5/28/99. Total number of acres to be irrigated 210 200

10. Describe any other water rights used for the same purposes as described above. 65-13640

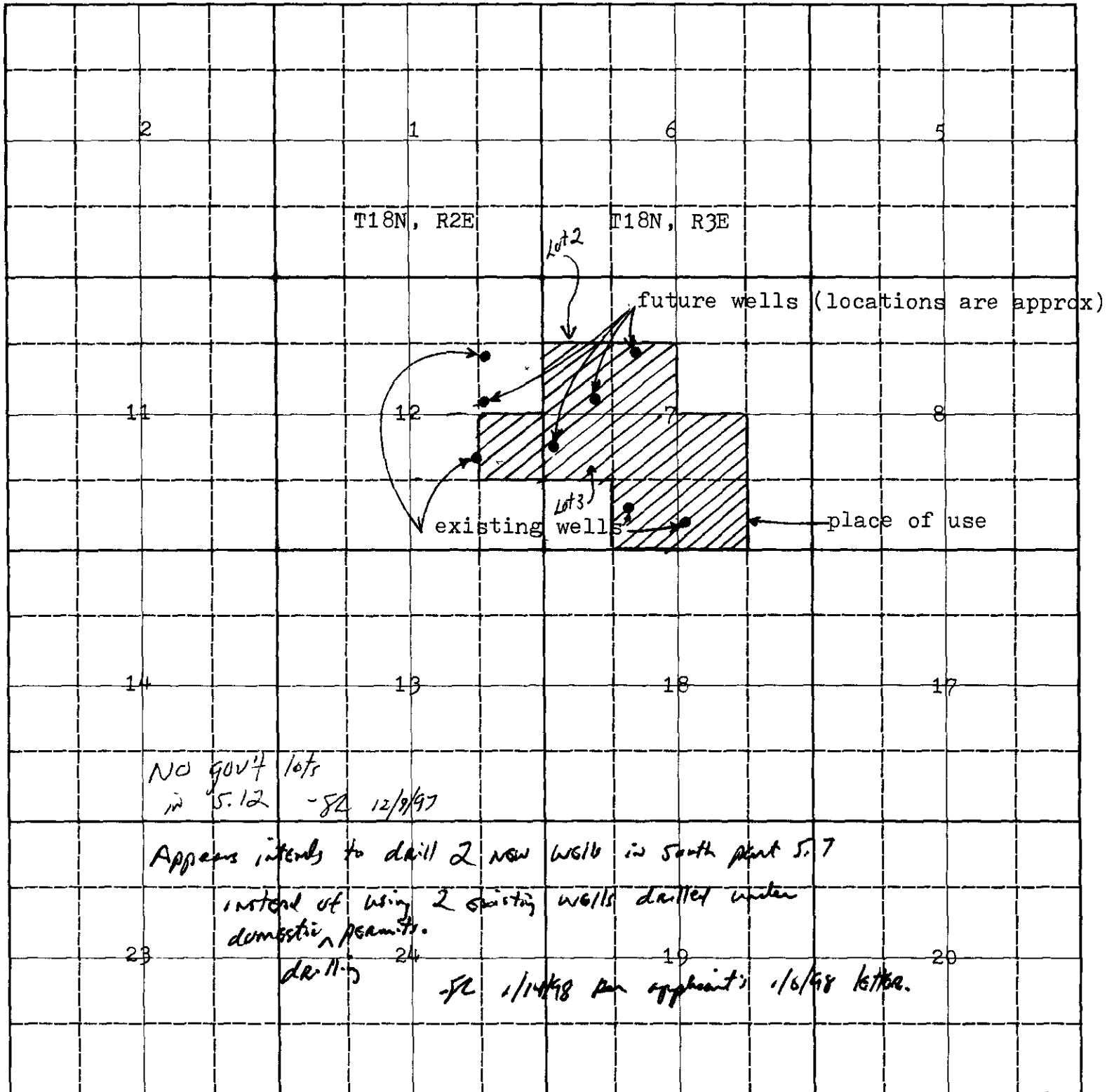
- 11 a Who owns the property at the point of diversion? applicant
- b Who owns the land to be irrigated or place of use? applicant
- c If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

12 Remarks: up to eight wells total, including four existing wells

MICROFILMED

JUN 09 1992

13. Map of proposed project show clearly the proposed point of diversion, place of use, section number, township and range number



Scale 2 inches equal 1 mile

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

65-13704

MICROFILMED

114 D C 1999

R. McKenna MBE
(Applicant)
M - REPORTS

M - REPORTS

Received by VR Date 11-4-96 Time 11:30 am Preliminary check by _____
Fee \$ 120- Receipted by VR # W021690 Date 11-4-96
Publication prepared by [Signature] Date 12-10-97 Published in Star News
Publication approved [Signature] Date 1-29-98 12-18+25-97

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No _____, and said application is hereby _____.

1 Approval of said application is subject to the following limitations and conditions:

a SUBJECT TO ALL PRIOR WATER RIGHTS

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 _____

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit

e Other.

MICROFILMED

JUN 09 1999

Comments: Date: 12/ 2/1996 User-ID: SLESTER

Subject: ADDITIONAL INFORMATION

Application held pending S.O. direction regarding irrigation uses in "open areas" in Western Region. Filing made as result of complaint site visit re Bezates Land & Cattle Co. (see held appls 65-13693 & 65-13694 for land south of M Resorts property). If processing resumes, recommend process all 3 appls. together since protests expected. 2 P/D in SENE and single P/D on/near line NESE-NWSE, S12. Four wells drilled & four proposed. See drilling permit file info. Use is for golf course irrig. & rec. includes swimming/fishing ponds. Several ponds will store total of 80 af. Surface water not to be used to fill/maintain ponds - just well water. One pond is existing Betsey Lake (re: Oct. 1996 Bezates complaint & lapsed permit 65-13452). If any surface water, e.g. misc. runoff, gets into any ponds, will be flow-through only per applicant's 11-20-1996 letter.

Comments: Date: 12/ 9/1997 User-ID: SLESTER

Subject: PROCESSING UPDATE

This application can now be processed per applicant's agreement to accept mitigation based on future finding & procedure ~~as~~ yet to be determined. The filing should be considered along with Bezates' ground water application being processed at the same time under same possible mitigation concept (65-13693). Of the existing wells, 1 well in SENE and 1 well in NWSE S.12 (no longer considered on/near QQ line for latter well per newer info available to IDWR) have been upgraded from \$75 domestic to \$200 non-domestic per actions in permit 65-13738 (NWSE well for Betsey Lake) and pending application 65-13751 (SENE well for Annie and Whitetail Ponds). Two wells in SESW & SWSE S.7 also need to be upgraded (balance due is \$250). The remaining wells have not been drilled. Irrigation filing includes same S.12 wells as 65-13738 (NWSE P/D) and 65-13751 (NWSE plus 2 P/D in SENE) - both for non-irrigation. Still 2 P/D in SENE S.12. All uses are for a golf course. Same golf course site more or less covered by Payette Lake permit 65-13640, which does not appear to have been developed yet. Legal notice includes mitigation statement. Comment letter should be sent to Bezates and to Watermaster #65.

MICROFILMED
JUN 09 1999

Continued
Next pg.

SD-0420-2
ADD COMMENT

Id Department of Water Resources
Modify Comment

Date: 12/12/97
Time: 08:45:48

Water Right Number: 65-13704

Comment Date: 12/12/1997 User ID: SLESTER

Subject: SECTION 12 WELLS

2 existing and 1 proposed wells in S.12 are now correctly listed under \$200 drilling permits. See 12/1/297 Comments in application 65-13751.

D.P. upgrades for existing S.7 wells are yet to be completed.

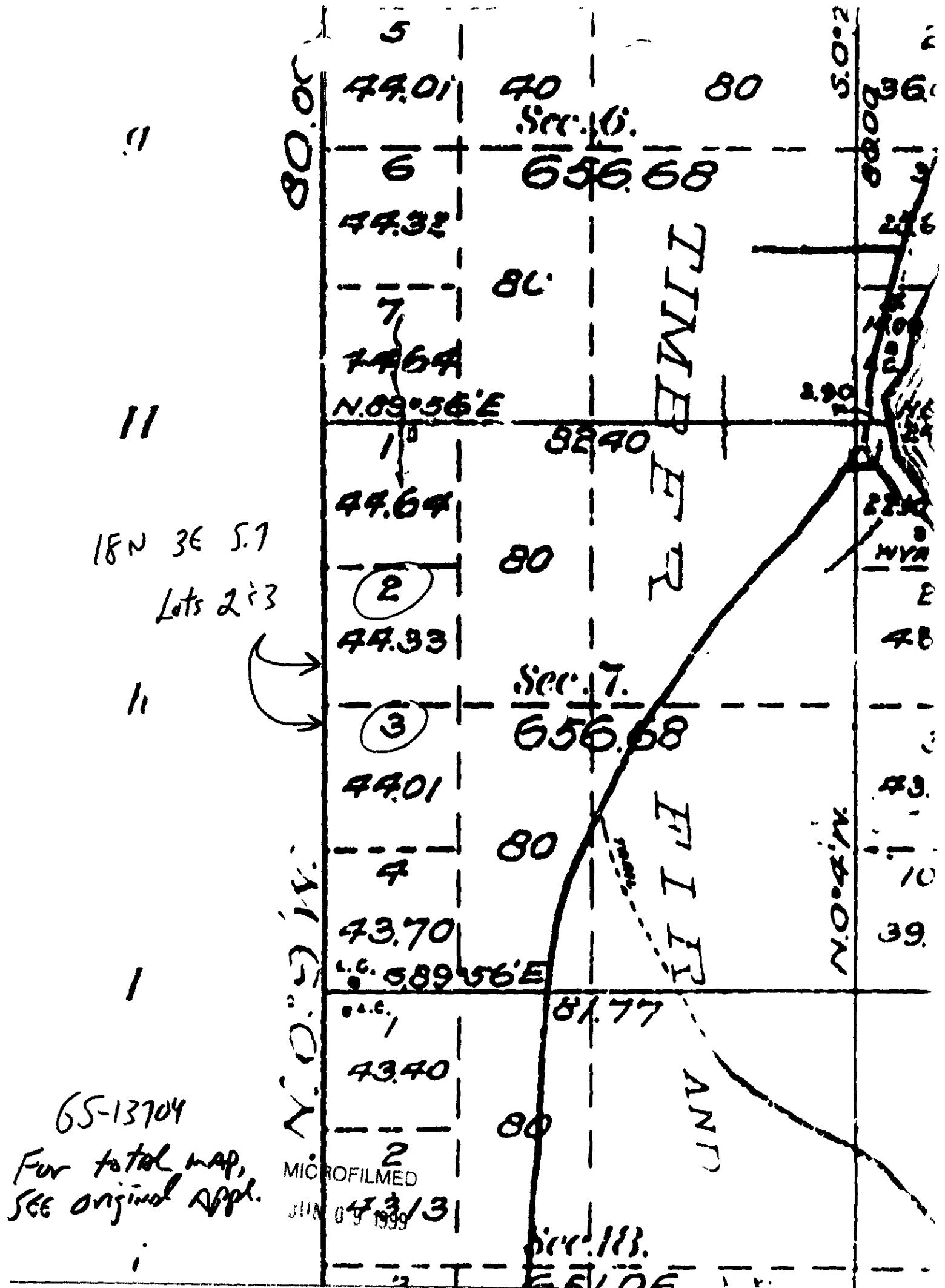
(Enter=Add) (Gold4=Prev) (Gold5=Next) (Gold7=Return to Comment Selection)

*1/14/98 update **

*Reduced to 200 acres, large div. into N/A now.
wants to keep 2 wells S.7 as non-production
wells so d.p. upgrades N/A at this time.*

** d'saa update per MICRONIZED 1/6/98 letter.*
JUN 09 1999

-SL





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 14, 2005

TERRY M SCANLAN PE
SPF WATER ENGINEERING LLC
600 EAST RIVER PARK LN STE 105
BOISE ID 83706

Re: Water Right Permit No. 65-13704, in the name of M Resorts, Ltd.

Dear Mr. Scanlan:

This letter is in response to your May 27, 2004 letter regarding the filing of proof of beneficial use for the above-referenced permit. I apologize for the delay in addressing your request; unfortunately your letter was received prior to my two-month leave beginning June of 2004. During that time this matter was not addressed, and the file was placed with other proof filings.

Your letter is correct, the generation of a second Proof Due Notice was inadvertent and the database has been corrected without any dire consequences to the status of this permit. The permit is in good standing and the Western region will schedule the field examination.

Thank you for this opportunity to correct the status of this permit and for the additional information you supplied. If you have any questions, my direct phone number is (208) 287-4942.

Sincerely,

A handwritten signature in cursive script that reads "Deborah J. Gibson". The signature is written in dark ink and is positioned above the printed name and title.

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Cc: Regional office



May 27, 2004

Deborah J. Gibson
Water Allocation Bureau
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

RECEIVED
JUN 01 2004
Department of Water Resources

Subject: Proof Due Notice for Permit 65-13704 (M Resorts)

Dear Debbie.

On behalf of M Resorts, this letter is a response to your proof due notice for water right permit 65-13704 dated March 31, 2004. Proof of Beneficial Use dated September 24, 2001 was submitted for this water right permit, and a proof acknowledgement letter was sent to M Resorts on October 31, 2001. Applicable documents, copied from M Resorts and Department files, are enclosed

I should note that the "Has measurement device been installed?" was not checked on the Proof of Beneficial Use form. Measurement devices have been installed for the three production wells utilized under this permit. Also, I have enclosed the applicable Well Driller's Reports for the production wells. These reports provide drilling permit numbers. The third well has two Well Driller's Reports because it was originally drilled to 270 feet and then later deepened to 330 feet.

We assume no further action is required from M Resorts on this matter. A written confirmation would be appreciated for our records

Sincerely,

Terry M. Scanlan, P.E

Cc: Rob DeMore, General Manager Whitetail Club



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

October 31, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

M RESORTS
PO BOX 1006
MC CALL ID 83638-1006

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NOS. 65-13704 AND 65-13751

Dear Permit Holder:

The department acknowledges receipt of the proofs 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 contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights 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.

If you have questions, 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

NOV 26 2001

RECEIVED

OCT 1 2001

WATER RESOURCES
WESTERN REGION

FOR OFFICE USE ONLY

Amt of Fee \$ 125
Receipt No W028421
Receipt By OB
Date Received: 10-17-01

RECEIVED

JUN - 1 2004

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED

OCT 19 2001

Department of Water Resources

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. 65-13704 Telephone No. 208-634-2244

2. Name of Permit Holder(s): M RESORTS LTD

3. Mailing Address: 501 W LAKE ST

City Mc CALL State ID Zip 83638

4. Source of Water: GROUND WATER 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): 200 Other: STORAGE

6. Total rate of diversion and/or volume for which proof is submitted: 2.0 cfs OR 80 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: \$ 125 (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

NOV 26 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No. 65-13704

Reviewed By. dgibson

Date: October 23, 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.		W028426	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	- 06/01/2004
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 11/04/1996
New priority date	= 11/04/1996

Deficiencies of Actions Items

Forward to Well Construction to check to see that the correct fee was paid. If they ok, then acknowledge proof. There is no reference to the Drilling Permit number in the water right file.

10/24 to W.C. Acknowledge Proof.
ok'd 10/26/01.

RESORTS LTD

11736

DATE	INVOICE NO	COMMENT	AMOUNT	DISCOUNT	NET AMOUNT
10/04/01	011004D	PERMIT #65-13704	125.00	.00	125.00
HECK: 011736 10/04/01 STATE OF IDAHO					TOTAL 125.00

M. RESORTS LTD
 ONE MARKET PLACE, THIRTY-THIRD FLOOR
 SAN DIEGO, CA 92101
 619-231-3800

WELLS FARGO BANK
 11-24-1210

11736

*ONE HUNDRED TWENTY FIVE DOLLARS AND NO CENTS

DATE

CHECK AMOUNT

10/04/01

*****125.00*

THE
 DEPT

STATE OF IDAHO
 DEPT OF WATER RESOURCES
 P.O. BOX 83720
 Boise

ID 83720-0098



⑈011736⑈ ⑈121000248⑈4159 344274⑈

One of features not due. Details on back.

MP

RESORTS LTD

11736

DATE	INVOICE NO	COMMENT	AMOUNT	DISCOUNT	NET AMOUNT
10/04/01	011004D	PERMIT #65-13704	125.00	.00	125.00
HECK: 011736 10/04/01 STATE OF IDAHO					TOTAL 125.00



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.usDIRK KEMPTHORNE
GovernorKARL J. DREHER
Director

March 31, 2004

M RESORTS LTD
1 MARKET PL
SAN DIEGO, CA 92101-7714

PROOF DUE NOTICE

RE: PERMIT NO. 65-13704

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 01, 2004. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Natural Resources within 30 days after the completion or abandonment of the well.

[illegible]

Form 238-
3/96IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT
Use Typewriter or Ballpoint Pen

Office Use Only		
Inspected by _____		
Twp. _____	Rge. _____	Sec. _____
_____ 1/4	_____ 1/4	_____ 1/4
Lat _____	Long _____	
☐ Pump ☐ Sailer ☐ Air ☐ Flowing Artesian		

1. DRILLING PERMIT NO. 65-97-W-0424 REV
Other IDWR No. 65-13751

2. OWNER:

Name M. Aspects
Address 501 W. LAKE ST
City M'CALL State ID Zip 84632

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location

Twp. <u>12</u>	North ☒ or South ☐
Rge. <u>2</u>	East ☒ or West ☐
Sec. <u>12</u>	1/4 <u>SE</u> 1/4 <u>NE</u>
Gov't Lot _____	County <u>Valley</u>
Lat _____	Long _____

Address of Well Site _____

City M'CALL

Blk _____ Sub Name _____

4. USE:

☐ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☒ Other strong strike water

5. TYPE OF WORK check all that apply (Replacement, etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL FILTER PACK			AMOUNT		METHOD
Material	From	To	Sacks	Barrels	
CEMENT	0	50	10	0	OVER PACK

Was drive shoe used? ☒ Y ☐ N Shoe Depth (ft) 220Was drive shoe seal tested? ☒ Y ☐ N How? _____

8. CASING/LINER:

Depth	From	To	Size	Material	Casing	Line	Weight	Thread
8"	1	219	250	STEEL	X			

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations Method _____
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

140 ft below ground Artesian pressure _____ lb
 Depth flow encountered 230 ft Describe access port or control devices WELL CAP

11. WELL TESTS:

Flow Rate (gpm)	Drawdown	Rising Level	Time
<u>5</u>	<u>—</u>	<u>2.20</u>	<u>1 hr</u>

Water Temp _____ Bottom hole temp _____

Water Quality test or comments _____

12. LITHOLOGIC LOG. (Describe repairs or abandonment)

Depth (ft)	From	To	Remarks: Lithology, Water Quality & Temperature
10'	0	3	TOP SOIL
10'	3	37	Gray sand & gravel & clay
10'	37	40	Gray clay
10'	40	60	Clay yellow & brown
10'	60	80	Clay brown
10'	80	100	white lt. brownish
10'	100	120	Reddish brown clay
10'	120	140	" "
10'	140	160	" "
10'	160	180	Brown & black sandstone broken
10'	180	200	Broken red & yellow sandstone
10'	200	220	Clay yellow & sandstone
10'	220	225	Red gravel & fine basalt
10'	225	270	Fine basalt (gray)

RECEIVED

JUN 05 1998

WATER RESOURCES
1: CROWN FRANCHCompleted Depth 270 (Measurable)
Date Started 12-9-97 Completed 1-02-98

13 DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with the time the rig was removed

Firm Name Monasew Drilling Firm No. 391Firm Official [Signature] Date 1/20/98

and _____ Date _____

(Signature of Firm Official & Operator)

OVERLAP SUMMARY

December 1, 2004

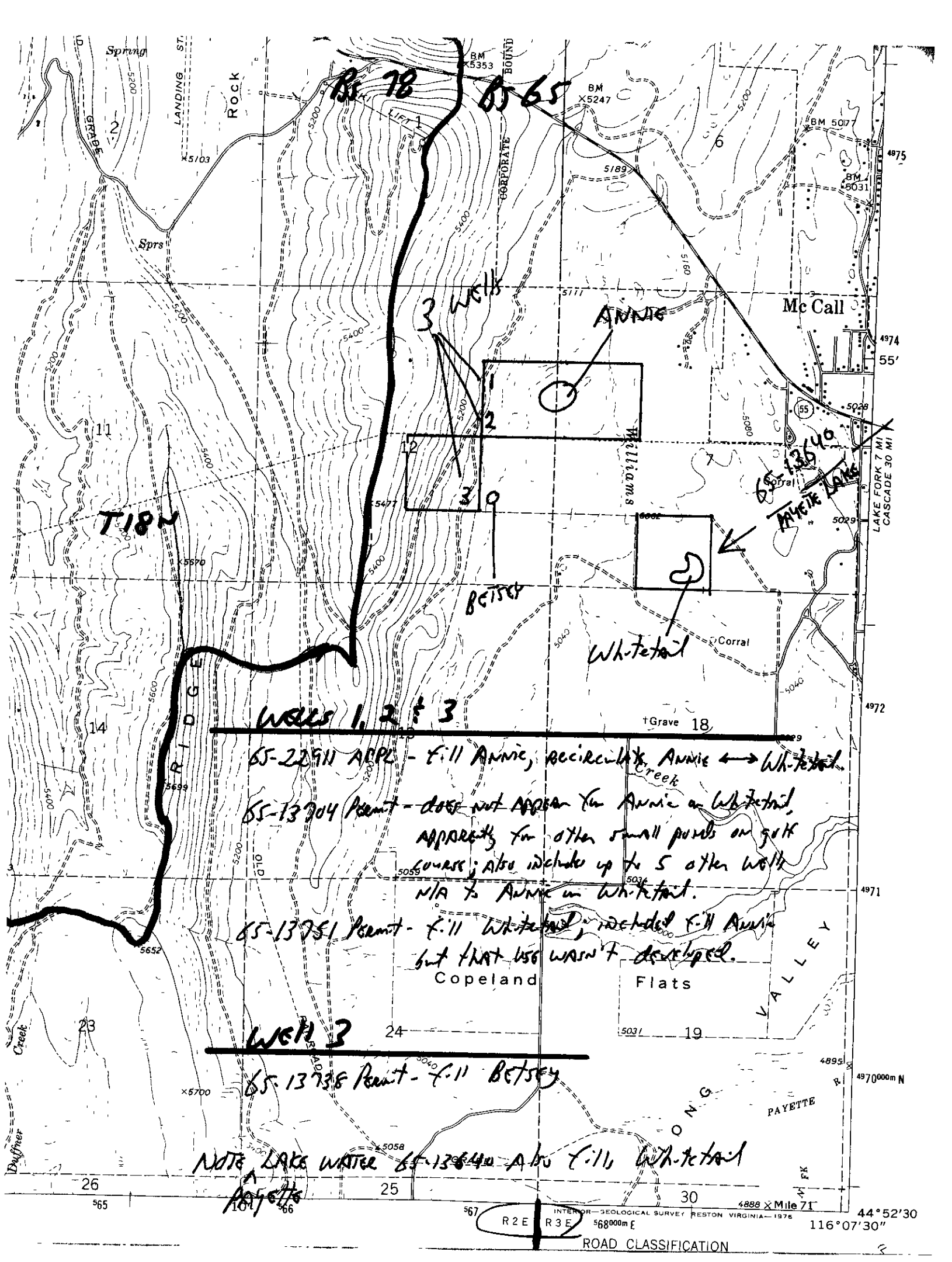
Steve Lester



- 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 & Betsey 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, 65-13738, 65-13751



BS 78 BS 65

3 Wells

ANNIE

Mc Call

T18N

BETSEY

Whitetail

65-13640
ANNIE LAKE

WELLS 1, 2 & 3

65-22511 APPL - FILL ANNIE; RECIRCULATE ANNIE ↔ WHITETAIL Creek

65-13704 Permit - does not appear for ANNIE or WHITETAIL, apparently for other small ponds on golf course; also includes up to 5 other wells N/A to ANNIE or WHITETAIL.

65-13751 Permit - FILL WHITETAIL; included FILL ANNIE but that use wasn't developed.
Copeland Flats

WELL 3

65-13738 Permit - FILL BETSEY

NOTE LAKE WATER 65-13640 Also FILL WHITETAIL

**SPF**

Water Engineering, LLC
water resource consultants

RECEIVED**SEP 29 2004**

Department of Water Resources

September 27, 2004

Rob DeMore
General Manager
Whitetail Club
501 West Lake Street
McCall, ID 83638

Subject: Status Report of M Resorts (Whitetail Club) Hydrology Monitoring for 65-13704

Dear Rob:

Enclosed for your files are monitoring data collected through September 2004 as part of the monitoring program associated with M Resort's water right permit No. 65-13704.

Monitoring was initiated in August 2000. Results through September 2002 were reported in letters dated February 25, 2001, October 12, 2002, and October 2, 2003. The February 25, 2001 letter also included a revised monitoring plan and schedule.

Monitoring data from August 2000 through September 2004 are summarized in the enclosed table. Laboratory reports for the period of September 2003 through September 2004 are attached.

Please contact me with any questions. The next monitoring event is scheduled for July 2005.

Sincerely,

Terry M. Scanlan, P.E.

Cc: George Bezates
✓ Gary Spackman

M Resorts / Bazetee Monitoring Summary
(Water level measuring points for wells and North Spring is top of steel casing)

Monitoring Point	Date	Depth to Water (feet)	Discharge Rate (gpm)	Totalizer Reading (gallons)	Specific Conductance (uS)	Ammonia (NH3-N) (mg/L)	Nitrate (NO3-N) (mg/L)	Nitrogen (TKN) (mg/L)	Phosphate (Total P) (mg/L)	Total Dissolved Solids (TDS) (mg/L)	Remarks
M Resort Well 1	8/4/2000				137	<0.04	<0.20	30.1	<0.05	104	no flow meter, pump discharging to pond, sampled for nutrients and herbicides at pump house
	5/6/2001				144	<0.04	<0.20		0.09	84	pump off; turned on for sampling
	7/8/2001				140	<0.04	<0.20	<0.1	0.07	100	pump on, sampled at cabin hose bib
	9/28/2001				139	<0.04	<0.20	<0.1	0.08	120	
	7/19/2002				139	<0.04	<0.20	<0.1	0.09	80	pump on, sampled at cabin hose bib
	7/28/2003				133	<0.04	<0.20	<0.1	1.44	116	
	7/31/2004				136	<0.04	<0.20	<0.1	0.10	104	sampled at cabin hose bib
M Resort Well 2	8/4/2000	60.75									pump installed (not operable) but no sounding tube for water levels 5.4 acre feet pumped pump off pump off pump off pump off pump off pump off
	9/1/2000	62.86									
	11/11/2000			16085							
	5/6/2001			1182700							
	7/8/2001			1770395							
	9/28/2001			1770395							
	7/19/2002			1770395							
	9/28/2002			1770395							
	7/28/2003			1770285							
	9/29/2003			1770396							
	7/31/2004			1770285							
	9/20/2004			1770285							
M Resort Well 5	8/4/2000	26.83									could not locate well due to snow cover could not locate well due to snow cover could not measure due to temporary burial pump installed (not operable) with sounding tube initial totalizer reading 24,274.12 gallons pumped; pump off pump off; 20.5 af pumped in 2001 pump off pump off; no pumping in 2002 pump on, 118 gpm pump off; 40.6 acre feet pumped sampled for nutrients and herbicides below top of steel casing, 9.43' below top of plastic
	9/1/2000	28.86									
	11/11/2000	26.34									
	2/17/2001										
	3/31/2001										
	5/6/2001	18.40									
	7/8/2001	27.03									
	9/29/2001	33.97									
	7/18/2002	25.33									
	9/28/2002	30.45									
	7/30/2003	31.05									
	9/29/2003	33.02									
	7/31/2004	33.44									
	9/20/2004										
	8/4/2000	57.75									
	9/1/2000	59.86									
M Resort Well 7	11/11/2000	56.99									pump installed (not operable) with sounding tube initial totalizer reading 24,274.12 gallons pumped; pump off pump off; 20.5 af pumped in 2001 pump off pump off; no pumping in 2002 pump on, 118 gpm pump off; 40.6 acre feet pumped sampled for nutrients and herbicides below top of steel casing, 9.43' below top of plastic
	2/17/2001	51.41									
	3/31/2001	49.23									
	5/6/2001	47.63		16288							
	7/8/2001	58.15		2443700							
	9/28/2001	65.65		6689740							
	7/19/2002	56.21		6689740							
	9/28/2002	62.18		6689740							
	7/28/2003	62.78		6689688							
	9/29/2003	65		6689768							
	7/31/2004	136.85		13658900							
	9/20/2004	67.49		19927313							
	8/7/2000	8.99			128	<0.04	<0.20	<0.1	<0.05	120	
	9/1/2000	10.49									
	11/11/2000	10.07									

M Resorts / Bezates Monitoring Summary
(Water level measuring points for wells and North Spring is top of steel casing)

Monitoring Point	Date	Depth to Water (feet)	Discharge Rate (gpm)	Totalizer Reading (gallons)	Specific Conductance (uS)	Ammonia (NH3-N) (mg/L)	Nitrate (NO3-N) (mg/L)	Nitrogen (TKN) (mg/L)	Phosphate (Total P) (mg/L)	Total Dissolved Solids (TDS) (mg/L)		Remarks
M Resort Shallow Well	2/17/2001	10.81										
	3/31/2001	7.52			178	<0.04	<0.20	0.28	<0.05	144	sampled for nutrients	
	5/6/2001	7.43			182	0.05	<0.20	0.19	0.1	124	sampled for nutrients	
	7/8/2001	13.37			186	<0.04	<0.20	0.19	0.08	150	sampled for nutrients	
	9/29/2001	10.79			217	<0.04	<0.20	<0.1	0.08	108	sampled for nutrients	
	7/19/2002	9.32										
	9/28/2002	9.69			188	<0.04	<0.20	<0.1	0.08	172	measured at steel, 7.98' at PVC	
	7/25/2003	9.07										
	9/29/2003	9.59			207	<0.04	0.2	<0.1	0.08	134	measured at steel, 8.43' at PVC	
	7/31/2004	9.35										could not measure due to temporary burial
Bezates Shallow Well	8/5/2000				50	0.46	<0.20	<0.1	0.47	198	sampled for nutrients and herbicides	
	8/7/2000	10.22										
	9/1/2000	11.17										
	11/11/2000	13.03										
	2/17/2001	14.73										
	3/31/2001	14.29										
	5/6/2001	7.52			64	<0.04	0.71	<0.1	<0.05	86	sampled for nutrients	
	7/8/2001	11.45			80	<0.04	0.63	<0.1	<0.05	58	sampled for nutrients	
	9/29/2001	13.92			86	<0.04	0.87	<0.1	0.07	78		
	7/19/2002	10.15			88	<0.04	0.49	<0.1	0.07	98		
Bezates North Spring	8/4/2000	6.35	0		52	<0.04	<0.20	<0.1	0.05	64	Overflow from Whitetail Lake is running in ditch near well	
	9/1/2000	7.86	0								measured at steel casing, 8.08 from PVC	
	11/11/2000	9.55	0								measured at steel casing, 7.56' from PVC	
	2/17/2001	10.54	0								measured at steel casing, 7.80' from PVC	
	3/31/2001	5.89	0								measured at steel casing, 2.59' from PVC	
	5/6/2001	5.31	15		46	<0.04	0.29	<0.1	<0.05	80	no flow, sampled for nutrients and herbicides, sampled with pump	
	7/8/2001	9.02	0		86	<0.04	0.34	<0.1	<0.05	48	no flow	
	9/29/2001	5.79	0		82	<0.04	<0.20	<0.1	<0.05	64	no flow, sampled with pump	
	7/19/2002	5.79	0		96	<0.04	0.77	<0.1	<0.05	16	no flow, sampled with pump	
	9/29/2002	9.41	0		100	<0.04	0.72	<0.1	<0.05	74	no flow, sampled with pump	
Bezates Northwest Spring	7/28/2003	7.17	0		74	<0.04	1.5	<0.1	<0.05	80	no flow, sampled with pump	
	9/29/2003	10.05	0								no flow, no access into spring box for sampling	
	7/31/2004	6.09	0								no flow	
Bezates Southwest Spring	8/4/2000		1.5		56	<0.04	0.28		0.11	88	sampled for nutrients	
	11/11/2000											
	5/6/2001											
Bezates Pond	8/4/2000		0.49			<0.04	<0.20	<0.1	0.12	130	sampled for nutrients and herbicides	
	8/4/2000		0		57	<0.04	<0.20	<0.1	<0.05	64	sample collected at 6-inch depth	
	5/6/2001				45	<0.04	<0.20		<0.05	74	sample collected at 6-inch depth	
	7/8/2001				57	<0.04	<0.20	0.26	<0.05	32	sample collected at 6-inch depth	
	9/29/2001				59	<0.04	<0.20	0.38	0.09	64	sample collected at 6-inch depth	
	7/19/2002				53	<0.04	<0.20	0.21	<0.05	50	sample collected at 6-inch depth	
	7/30/2003				57	<0.04	<0.20	0.25	<0.05	78	sample collected at 6-inch depth	
	7/31/2004				75	<0.04	<0.20	0.26	<0.05	56	sample collected at 6-inch depth	

M Resorts / Bezates Monitoring Summary
(Water level measuring points for wells and North Spring is top of steel casing)

Monitoring Point	Date	Depth to Water (feet)	Discharge Rate (gpm)	Totalizer Reading (gallons)	Specific Conductance (uS)	Ammonia (NH3-N) (mg/L)	Nitrate (NO3-N) (mg/L)	Nitrogen (TKN) (mg/L)	Phosphate (Total P) (mg/L)	Total Dissolved Solids (TDS) (mg/L)		Remarks
										(mg/L)	(mg/L)	
Betsey Lake Pump (Well No 1 Irrigation Use)	5/6/2001			12951								Initial reading
	7/8/2001			99212900								totalizer running backward?, if so, 800,051 gallons pumped
	9/29/2001			1636170								5.3 af pumped in 2001
	7/19/2002			1636060								pump off
	9/28/2002			2688450								pump off; 3.2 af pumped in 2002
	9/29/2003			4162814								pump off
	7/30/2003			4162798								pump off
	7/31/2004			4162814								pump off
Williams Creek (@ M Resort fence)	9/20/2004			4162815								
	5/6/2001				48	<0.04	<0.20		0.06	88		sampled for nutrients
	7/8/2001											no flow
	9/29/2001											no flow
	7/19/2002											no flow
	9/28/2002											no flow
	7/31/2004											no flow
	9/20/2004											no flow
Unnamed Stream below Whitetail Lake	5/6/2001											no flow
	7/8/2001											no flow
	9/29/2001											no flow
	7/19/2002											no flow
	9/28/2002											flowing
	9/29/2003											flowing approximately 1 cfs
	7/31/2004											no flow
	9/20/2004											flowing approximately 1 cfs



Analytical Laboratories, Inc.

1804 N. 33rd Street
Boise, Idaho 83703
Phone (208) 342-5515

<http://www.analyticallaboratories.com>

Laboratory Analysis Report

Sample Number: 0425631

Attn: TERRY SCANLAN, P.E., P.G.
S P F WATER ENGINEERING, LLC
600 E RIVER PARK LN STE 105
BOISE, ID 83706

Collected By: T SCANLAN

Submitted By: T SCANLAN

Source of Sample:

M RESORTS SHALLOW

Time of Collection: 15:25
Date of Collection: 7/31/2004
Date Received: 8/3/2004
Report Date: 8/10/2004

PWS:

Test Requested	MCL	Analysis Result	Units	MDL	Method	Date Completed	Analyst
Nitrate (as N)		0.2	mg/L	0.2	EPA 300.0	8/4/2004	WW
Ammonia Direct (as N)		<0.04	mg/L	0.04	EPA 350.1	8/4/2004	WW
Nitrogen, Total Kjeldahl (TKN)		<0.10	mg/L	0.10	EPA 351.2	8/9/2004	KDH
Total Phosphate (as P)		0.08	mg/L	0.05	EPA 365.4	8/9/2004	KDH
Total Dissolved Solids		134	mg/L	25	EPA 160.1	8/5/2004	DLR

MCL = Maximum Contamination Level
MDL = Method/Minimum Detection Limit
UR = Unregulated

Thank you for choosing Analytical Laboratories for your testing needs

If you have any questions about this report, or any future analytical needs, please contact: Michael Moore



Analytical Laboratories, Inc.

1804 N 33rd Street
Boise, Idaho 83703
Phone (208) 342-5515

<http://www.analyticallaboratories.com>

Laboratory Analysis Report

Sample Number: 0425632

Attn: TERRY SCANLAN, P.E.,
S P F WATER ENGINEERING, LLC
600 E RIVER PARK LN STE 105
BOISE, ID 83706

Collected By: T SCANLAN

Submitted By: T SCANLAN

Source of Sample:

BEZATES SHALLOW

Time of Collection: 15:50
Date of Collection: 7/31/2004
Date Received: 8/3/2004
Report Date: 8/10/2004

PWS:

Test Requested	MCL	Analysis Result	Units	MDL	Method	Date Completed	Analyst
Nitrate (as N)		0.3	mg/L	0.2	EPA 300.0	8/4/2004	WW
Ammonia Direct (as N)		<0.04	mg/L	0.04	EPA 350.1	8/4/2004	WW
Nitrogen, Total Kjeldahl (TKN)		<0.10	mg/L	0.10	EPA 351.2	8/9/2004	KDH
Total Phosphate (as P)		0.06	mg/L	0.05	EPA 365.4	8/9/2004	KDH
Total Dissolved Solids		42	mg/L	25	EPA 160.1	8/5/2004	DLR

Thank you for choosing Analytical Laboratories for your testing needs

If you have any questions about this report, or any future analytical needs, please contact: Michael Moore

MCL = Maximum Contamination Level
MDL = Method/Minimum Detection Limit
UR = Unregulated



Analytical Laboratories, Inc.

1804 N. 33rd Street
Boise, Idaho 83703
Phone (208) 342-5515

<http://www.analyticallaboratories.com>

Laboratory Analysis Report

Sample Number: 0425634

Attn: TERRY SCANLAN, P.E.,
S P F WATER ENGINEERING, LLC
600 E RIVER PARK LN STE 105
BOISE, ID 83706

Collected By: T SCANLAN

Submitted By: T SCANLAN

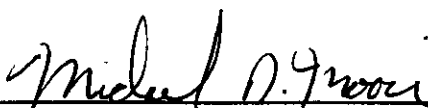
Source of Sample:
NORTH SPRING

Time of Collection: 16:20
Date of Collection: 7/31/2004
Date Received: 8/3/2004
Report Date: 8/10/2004

PWS:

Test Requested	MCL	Analysis Result	Units	MDL	Method	Date Completed	Analyst
Nitrate (as N)		1.5	mg/L	0.2	EPA 300.0	8/4/2004	WW
Ammonia Direct (as N)		<0.04	mg/L	0.04	EPA 350.1	8/4/2004	WW
Nitrogen, Total Kjeldahl (TKN)		<0.10	mg/L	0.10	EPA 351.2	8/9/2004	KDH
Total Phosphate (as P)		<0.05	mg/L	0.05	EPA 365.4	8/9/2004	KDH
Total Dissolved Solids	80		mg/L	25	EPA 160.1	8/5/2004	DLR

MCL = Maximum Contamination Level
MDL = Method/Minimum Detection Limit
UR = Unregulated


Michael D. Moore

Thank you for choosing Analytical Laboratories for your testing needs.

If you have any questions about this report, or any future analytical needs, please contact: Michael Moore



Analytical Laboratories, Inc.

1804 N. 33rd Street
Boise, Idaho 83703
Phone (208) 342-5515

<http://www.analyticallaboratories.com>

Laboratory Analysis Report

Sample Number: 0425633

Attn: TERRY SCANLAN, P.E.,
S P F WATER ENGINEERING, LLC
600 E RIVER PARK LN STE 105
BOISE, ID 83706

Collected By: T SCANLAN

Submitted By: T SCANLAN

Source of Sample:
BEZATES POND

Time of Collection: 16:00
Date of Collection: 7/31/2004
Date Received: 8/3/2004
Report Date: 8/10/2004

PWS:

Test Requested	MCL	Analysis Result	Units	MDL	Method	Date Completed	Analyst
Nitrate (as N)		<0.2	mg/L	0.2	EPA 300.0	8/4/2004	WW
Ammonia Direct (as N)		<0.04	mg/L	0.04	EPA 350.1	8/4/2004	WW
Nitrogen, Total Kjeldahl (TKN)		0.28	mg/L	0.10	EPA 351.2	8/9/2004	KDH
Total Phosphate (as P)		<0.05	mg/L	0.05	EPA 365.4	8/9/2004	KDH
Total Dissolved Solids		56	mg/L	25	EPA 160.1	8/5/2004	DLR

Thank you for choosing Analytical Laboratories for your testing needs.

If you have any questions about this report, or any future analytical needs, please contact: Michael Moore

MCL = Maximum Contamination Level
MDL = Method/Minimum Detection Limit
UR = Unregulated



Analytical Laboratories, Inc.

1804 N. 33rd Street
Boise, Idaho 83703
Phone (208) 342-5515

<http://www.analyticallaboratories.com>

Laboratory Analysis Report

Sample Number: 0425635

Attn: TERRY SCANLAN, P.E.,
S P F WATER ENGINEERING, LLC
600 E RIVER PARK LN STE 105
BOISE, ID 83706

Collected By: T SCANLAN

Submitted By: T SCANLAN

Source of Sample:

M RESORTS #1

Time of Collection: 17:00
Date of Collection: 7/31/2004
Date Received: 8/3/2004
Report Date: 8/10/2004

PWS:

Test Requested	MCL	Analysis Result	Units	MDL	Method	Date Completed	Analyst
Nitrate (as N)		<0.2	mg/L	0.2	EPA 300.0	8/4/2004	WW
Ammonia Direct (as N)		<0.04	mg/L	0.04	EPA 350.1	8/4/2004	WW
Nitrogen, Total Kjeldahl (TKN)		<0.10	mg/L	0.10	EPA 351.2	8/9/2004	KDH
Total Phosphate (as P)		0.10	mg/L	0.05	EPA 365.4	8/9/2004	KDH
Total Dissolved Solids	104		mg/L	25	EPA 160.1	8/5/2004	DLR

MCL = Maximum Contamination Level
MDL = Method/Minimum Detection Limit
UR = Unregulated

Thank you for choosing Analytical Laboratories for your testing needs

If you have any questions about this report, or any future analytical needs, please contact: Michael Moore

March 31, 2004

M RESORTS LTD
1 MARKET PL
SAN DIEGO, CA 92101-7714

PROOF DUE NOTICE

RE: PERMIT NO. 65-13704

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 01, 2004. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

7000 1530 0000
9415 0188

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
I) Idaho 83720-0098

Return Service Requested

RECEIVED

NOV - 8 2001

Department of Water Resources

501

65-13704-forwarded
65-13751 11/8/01 dg

data base
updated 11/8/01.

MP5501 636362908 1A01 08 11/06/01
RETURN TO SENDER
IN RESORTS
1 MARKET PL
SAN DIEGO CA 92101-7714
RETURN TO SENDER

11/14/01 - 11/14/01

11/14/01 - 11/14/01

MICROFILMED



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

October 31, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

M RESORTS
PO BOX 1006
MC CALL ID 83638-1006

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NOS. 65-13704 AND 65-13751

Dear Permit Holder:

The department acknowledges receipt of the proofs 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 contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights 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.

If you have questions, 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

NOV 26 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No 65-13704

Reviewed By dgibson

Date: October 23, 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		W028426	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	- 06/01/2004
Lapse notice sent	-
No of days late	= 0
Holiday allowance	+
Priority date	+ 11/04/1996
New priority date	= 11/04/1996

Deficiencies of Actions Items

██████████ to check to see that the correct fee was paid If they ok, then acknowledge proof There is no reference to the Drilling Permit number in the water right file

10/24 to W.C. acknowledge proof.
ekd 10/26/01.



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 4, 1999

M RESORTS
PO BOX 1006
MC CALL ID 83638-1006

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13704

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to file any change of water right ownership and/or change of mailing address to the department within 120 days of the change.

Microformed
JUN 9 1999

to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script, reading "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

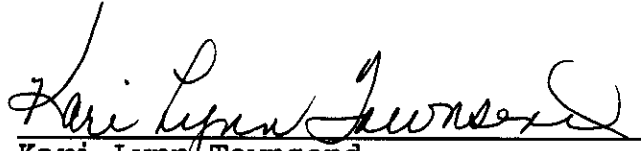
JUN 09 1999

CERTIFICATE OF MAILING

I hereby certify that on the 4th day of June, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 65-13704

M RESORTS
PO BOX 1006
MC CALL ID 83638-1006


Kari Lynn Townsend
Secretary

MICROFILMED
JUN 09 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by Cindy StenNo.: 65 13704 Name: M Resorts Date: 5/28/99 Ad OK? ✓ ✓ Gvmt Lts: ✓

AREA OF CONCERN: - No/Yes _____ Mor / _____ GWMA / Trust / Non-trust

PROTESTED: - 080 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 266 (P17)
- ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

- All wells (✓ WDQ3) - 046 (P23)
- In Basin 34? - 085
- Irr within WD - P05 (new well location)
- WMD (✓ MAP) - North / East / West
- > 0 24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0 24 cfs/5 acres - No MD

WMD

- Supp irr use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr source)
- Supp irr + uses - 100-101
- > 0 24 cfs/5 acres - 01M (report when notified)
- ≤ 0 24 cfs/5 acres - No MD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated)

- FISH & GAME CONTACTED - YES / NO, WHEN _____ RESPONSE _____
- IN/ABOVE MSF (✓ MAP) - *WB9
- IN-STREAM DEVELOPMENT - P52 (stream channel alteration)
- WD (✓ MAP & LISTING) - R04 (WD # _____)
- > 0 20 cfs - 01J-P08 (MD & LD)
- ≤ 0 20 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)
- WMD (✓ MAP) - 067 or No MD (in-stream stock or power)
- > 0 24 cfs/5 acres - No MD
- ≤ 0 24 cfs/5 acres - No MD
- SPRINGS/SINK, INACTIVE WD & REST OF STATE
- > 0 24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0 24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water)

- Snake R (01) - *W22-P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R (65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA
- Weiser R (67) - 086, 087

USE:

- STORAGE (✓ 3 compo) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA
- IRR ≤ 5 acres - R66/R67/R68/R69 (0 03 cfs/acre + 3 0/3 5/4 0/4 5 AF)
- > 5 acres - R62/R63/R64/R65 (0 02 cfs/acre + 3 0/3 5/4 0/4 5 AF)
- STOCKWATER - R37 (BLM/USFS), NA
- MINING - 054(req) - 081-P10
- FISH PROPAGATION - 029(70's only) - 007-042(req) - 081 (WQ) - P10
- HEATING/COOLING - R07 (injection well)
- POWER - 17H/17K(+uses) - 08A-025(P18) - 01N-028-081(P10) - 027 (if no other cons use), 17G (FERC) or 17M (FERG), 18B-P09, >25 cfs - P18
- MUNICIPAL
- In restricted area? - 022, 075, 004 (+memo?)
- Irr, GW supp to SW? - 102
- DOMESTIC
- Surface water - *WB5 (Big Wood R or Boise R ↑ Star Bridge), 27A (Payette River), NA
- > 1 in rest area - 071-070
- FIRE PROTECTION - 077

LOCATION:

- BOISE FRONT LOGEO - 058 (<85° GW temp only)
- MITIGATION - 109
- 42-248 AREA - P84 (in 20/30/40/50/60/70/80 (87) basin)
- SWAN FALLS FLAG (✓ Code) -
- Trust - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

to owner's 02/03/2004 SENE, S12
11/2004

RECEIVED

MAY 25 1999

Department of Water Resources

65-13704 M RESORT
AND

65-13693 BEZATES

Should be processed
together re 10/96 complaint
& possible mitigation to be
required.

MICROFILMED

JUN 04 1999

-52
12/9/97

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
MAY 25 1999
Department of Water Resources

INITIAL REVIEW BY: SL DATE: 12/9/97 APPLICATION: 65-13704

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 permits M Resorts - already on file*
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)
Correct fee paid

Gov't. Lots:
Yes P/D
P/U

ADDITIONAL INFORMATION

☒ ADVERTISE REMARK(S)
(Reviewer identify which remarks)

DONE 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:
☐ Bull trout impact area
☐ 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

*SEE REVIEWER'S 12/24/97
MEMO for background*

*MAY require
mitigation for
fishery impact*

*N/A
PER
1/18/98
RESPONSE*

210 acres requires supplemental info

2 drilling permits need to be approved @ \$25 each

*OK to process
but not forward
file to SD while
these 2 steps are
pending*

Date Requested 12/24/97 Date Response Received 1/8/98

See next page

PROCESSING

APP. NO. 65-13704

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

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☒ ☐ Water Dist. # 65
☒ ☐ Other Regrates - see Appl. 65-13693

FINAL REGIONAL PROCESSING REVIEW:

for Appl. no: suggest 1st 3 pages computer copy
 plus map page from original

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:
☒ ☐ Final date for protest 1-5-98

☒ ☒ Protests received.

☒ ☐ Recommendations attached:

☐ ☒ Measuring device required:

☐ ☒ Measuring port required:

☐ ☒ Water delivered by water master? District #

☒ ☐ Special conditions of approval or cover letter: See memo dated 5/14/99

See below for additional information

Recommended Date of Priority 11/4/96Recommended by: CampDate: 5/21/99**STATE OFFICE REVIEW**

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

The only irig. overlap is 65-13640 M Resorts' Payette Lk. permit (not developed yet) See Appl. Comments C 512 well overlap RG 65-13738 & 65-13751 (both non-irig users). Ponds in these 2 filings may be part of proposed ponds in 65-13704.

Applicant's 6/6/98 letter: Refuse to 2nd Rev. large div. N/A. Won't use two down wells south part 5-7, instead will drill 2 production wells there so w.d. upgrade N/A now. Protester notified via 1/15/98 letter.

PROTEST INFORMATION SHEET

APPLICANT: M RESORTS

WR #: 63-13704

DATE FILED: 11-4-96

PROTEST DATE: 1-5-98

PROTESTANT(S) NAME & ADDRESS:

BEZATES LAND & CATTLE CO.
C/O JOSEPHINE BEEMAN
PO BOX 1427
BOISE ID 83701-1427

Attorney - Name & Address _____

Issues _____

Applicant - Attorney - Name & Address Brian McMahon

Dates: _____

Acknowledgement Letters 1-8-98

Hearing Notice _____

Hearing Date _____

Other: _____

RECEIVED

MEMO

To: File No. 65-13704 in the Name of M Resorts
From: Gary Spackman *Gary*
Subject: Conditions of Approval
Date: May 14, 1999

Application no. 65-13704 was filed by M Resorts after an investigation by Steve Lester in response to a complaint from Bezates Land & Cattle Co. Steve found that M Resorts had drilled several "monitoring" wells from which M Resorts was pumping or had pumped water to "test" the sufficiency of the water supply. After Steve's investigation, M Resorts filed the application. Prior to filing of the M Resorts application, however, Bezates filed applications to appropriate water. One of the applications filed by Bezates, numbered as 65-13693, is being processed simultaneously with application no. 65-13704 filed by M Resorts.

Application no. 65-13704 was one of the first applications processed by IDWR after the informal moratorium related to salmon was lifted. As a result, the standard option form that we require of applicants is not in the file. I have flagged a letter from Brian L. McMahan, attorney for M Resorts, in which he commits to mitigate for the depletions caused by M Resorts. I believe this letter, dated October 1, 1997, is sufficient. Norm Young also wrote on the letter that the water right application was okay to process.

Steve Lester requested additional information required by the water appropriations rules and regulations because the application proposed irrigation of more than 200 acres. The applicant, by letter reduced the number of acres to 200. I have also flagged the letter from Shore Lodge (M Resorts) for your reference.

As I understand Steve Lester's notes, the application proposes the drilling and diversion from three (3) existing wells located in Section 12, Township 18 N, Range 2 E. I believe two wells are already located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12. The application also proposes the drilling of five new wells in Section 7, Township 18 N, Range 3 E.

Bezates protested the M Resorts application, (65-13704) and M Resorts protested application no. 65-13693 filed by Bezates. The parties signed a reciprocal agreement withdrawing protests to each of the applications. A hydrology monitoring and operation plan, referenced in the agreement, requires water level and water quantity monitoring. The agreement states that the hydrology monitoring and operation plan will be an integral part of the IDWR permits that are issued. The plan is so lengthy, however, that I cannot include its entire text as a condition of approval. I recommend the following conditions of approval.

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MAY 13 1999

File No. 65-13704 in the Name of M Resorts

Page 2

May 14, 1999

1. (120).
2. (046).
3. (020).
4. The water right holder shall maintain records of water quantity and quality as set forth in the agreement between the parties. Upon request, water right holders shall submit these records to IDWR.

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JUN 09 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

April 12, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BOB MCKENNA
M RESORTS
PO BOX 1006
MCCALL ID 83638

BEZATES LAND & CATTLE CO
4620 PLUM LN
ONTARIO OR 97914

BEZATES LAND & CATTLE CO
C/O JOSEPHINE BEEMAN &
DANA HOFFSTETTER
PO BOX 1427
BOISE ID 83701-1427

BRIAN MCMAHAN
MILLEMAN PITTENGER & MCMAHAN LLP
PO BOX 1066
MCCALL ID 83638

Re: Application for Permit Nos. 65-13704 in the Name of M Resorts and 65-13693 in the Name of Bezates Land & Cattle Co.

This letter is to acknowledge the withdrawal of protests in the above-referenced matters.

The department will now continue to process these applications, subject to certain conditions of approval.

If you have any questions please call this office.

Sincerely,


Gary Spackman

GS:st

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APR 14 1999

RECEIVED

MAR 30 1999

WATER RESOURCES
WESTERN REGION

**AGREEMENT REGARDING
M RESORTS APPLICATION FOR PERMIT NO. 65-13704
AND
BEZATES LAND & CATTLE CO. APPLICATION FOR PERMIT NO. 65-13693**

The undersigned, for and in behalf of M Resorts and Bezates Land & Cattle Co., respectively, hereby agree as follows.

1. M Resorts withdraws its protest to Bezates Land & Cattle Co Application for Permit No 65-13693, and Bezates Land & Cattle Co. withdraws its protest to M Resorts Application for Permit No. 65-13704, and

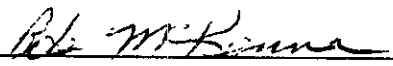
2. The attached Hydrology Monitoring and Operation Plan shall apply to both Application No. 65-13704 and Application No. 65-13693 The applicable provisions of said Plan (e.g., the monitoring, operations and mitigation provisions) shall apply equally to both parties, regardless of which party develops its water right first, and regardless of the extent of said development. This Agreement and the attached Plan will be an integral part of the IDWR Permits that are issued to M Resorts and Bezates Land & Cattle Co., respectively

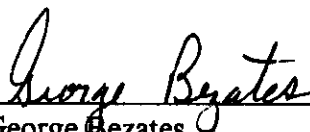
3. This Agreement shall inure to the benefit of and bind the parties' respective successors and assigns

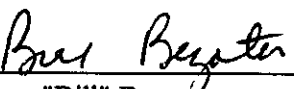
This Agreement is effective the 16th day of March, 1999

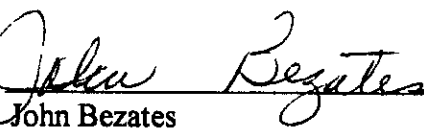
M RESORTS

BEZATES LAND & CATTLE CO.

By 
Bob McKenna, Manager of Idaho
Operations

By 
George Bezates

By 
William "Bill" Bezates

By 
John Bezates

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MAR 31 1999

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

September 28, 1998

Mr Bob McKenna
M Resorts
P.O Box 1006
McCall, ID 83638

Subject: M Resorts Hydrology Monitoring and Operations Plan

Dear Bob

Enclosed is a revised Hydrology Monitoring and Operations Plan for Water Right Application 65-13704. The Plan has been revised to address comments that were faxed to you from George Bezates on September 8, 1998. Changes are detailed below.

1. A "neutral party" will conduct all monitoring and sample analysis. Scanlan Engineering or another engineering or environmental consultant will be considered a neutral party for the purposes of this plan.
2. Well water levels and North Spring discharge rate will be monitored during July and September.
3. After five years of annual monitoring, monitoring frequency will be reduced to bi-annual for six additional years (three monitoring events). If no significant impacts to water quality or quantity have occurred after the third bi-annual monitoring event, the parties agree to terminate the monitoring program. In my professional opinion, the cost for longer-term monitoring is not warranted because any significant negative impacts or trends resulting from the golf course operation should be detectable within the first decade of operation.
4. Water quality monitoring will take place in July following first-year monitoring.
5. M Resorts shall mitigate any significant impacts to Bezates' water quantity or quality caused by M Resorts activities. Mitigation shall consist of supplying an adequate quantity and quality of water to locations on the Bezates property that have been negatively impacted. In the event of a dispute regarding the cause of an impact, the significance of an impact, or the adequacy of mitigation efforts, the parties agree to request a final determination by the Director of the Idaho Department of Water Resources.

Please contact me with any questions or comments.

Sincerely,



Terry M. Scanlan, P.E.

Enclosure

Cc: Brian McMahan

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**Hydrology Monitoring and Operation Plan for Water Right Application 65-13704
M Resorts Whitetail Golf Course**

This document describes a plan for (1) monitoring hydrology and water quality in the vicinity of the proposed Whitetail Golf Course, (2) operating the golf course to prevent negative hydrology and water quality impacts, and (3) mitigating negative impacts that might occur. The plan has been prepared in response to concerns raised by Mr. George Bezates (neighboring landowner to the south). Hydrology concerns are the potential impacts to groundwater levels and surface water flows, with resultant injury to Bezates water rights. Water quality issues are the potential for surface water or groundwater contamination from fertilizers and pesticides.

MONITORING PLAN

Water quantity and quality shall be monitored by a neutral party hired by M Resorts (such as Scanlan Engineering or another engineering or environmental consultant). Monitoring data (water levels, groundwater production, and water quality reports) shall be reported annually, with copies sent to IDWR, M Resorts, and Bezates. Bezates (or their successors) shall cooperate with M Resorts by allowing reasonable access to the Bezates property for data collection purposes.

The monitoring schedule in Table 1 proposes a 13-year monitoring period. Table 1 assumes that monitoring will begin in July of 1999, because it further assumes that golf course vegetation planting will begin in the fall of 1999 or summer of 2000. If these presumptions are incorrect, Table 1 will be adjusted to reflect the actual date of golf course vegetation planting.

Groundwater Quantity Monitoring

Groundwater quantity monitoring shall document groundwater levels and groundwater production. M Resorts shall monitor groundwater levels at three wells on the M Resort property and at one well on the Bezates' property. Groundwater production shall be monitored with totalizing flow meters at all wells diverting in excess of 0.1 cfs (45 gpm). Bezates North Spring shall be monitored by measuring the rate of flow into the livestock watering trough.

Well locations for groundwater-level monitoring are shown on Figure 1. Wells are described below.

- M Resorts Well 2 – This is an existing 192-foot well located near the northwest corner of the M Resorts property. The well can provide monitoring of the productive bedrock aquifer along the west side of the M Resorts property.
- M Resorts Well No. 5 – This 260-foot well shall be used to monitor water levels in the bedrock aquifer in the south central portion of the M Resorts property, near Whitetail Lake.
- M Resorts Shallow Monitor Well – A new well, 2-inch diameter and approximately 30-feet deep, shall be constructed for monitoring water levels and water quality in the shallow glacial

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aquifer in the southern part of the M Resorts property. This well should be drilled in the vicinity of existing Well No. 5.

- **Bezates Shallow Monitor Well** – A new well, 2-inch diameter and approximately 30-feet deep, shall be constructed in the north central portion of the Bezates property for monitoring water levels and water quality in the shallow aquifer that supplies the pond.

Well water levels and Bezates North Spring flow rate shall be measured on a bi-monthly schedule for one year of baseline monitoring, followed by a May, July, and September schedule for the first year following grass planting, then a semi-annual (July and September) schedule for five years, and finally a semi-annual (July and September) schedule every-other year for the next six years. Totalized flow meter readings shall be recorded on a monthly basis throughout the irrigation season for the life of this monitoring plan.

Water Quality Monitoring

Groundwater and surface water quality shall be monitored by a neutral party hired by M Resorts. Water samples shall be analyzed by an independent private laboratory, such as Alchem Laboratories or Analytical Laboratories.

Baseline Monitoring. Baseline water quality monitoring will include at least one sampling event before initial planting of new golf course vegetation. Baseline monitoring parameters shall include specific conductance (field), total dissolved solids, nitrate, ammonia, TKN, and total phosphorus. The first sample event also will include analysis for phenoxy acid herbicides (includes 2,4-D). Baseline monitoring shall occur at the following nine locations (shown on Figure 1):

Surface water

- Williams Creek at M Resorts southern property boundary (if flow is available)
- Unnamed stream below Whitetail Lake at the M Resorts southern property boundary (if flow is available)
- Bezates Pond

Groundwater

- M Resorts shallow monitor well
- Bezates shallow monitor well
- M Resorts Well No. 2

Springs

- Bezates North Spring
- Bezates Northwest Spring
- Bezates Southwest Spring.

First-Year and Subsequent Monitoring. First-year water quality monitoring will follow initial grass planting to detect water quality impacts resulting from golf course construction and planting. The first-year monitoring will also supplement the baseline monitoring, and will occur in May, July, and September. Annual monitoring will occur each July for five years following first-year

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monitoring, and then every second July for the next six years. Monitoring parameters shall include specific conductance (field), total dissolved solids, nitrate, ammonia, TKN, and total phosphorus. Monitoring shall occur at the following seven locations (shown on Figure 1):

Surface water

- Williams Creek at M Resorts southern property boundary (if flow is available)
- Unnamed stream below Whitetail Lake at the M Resorts southern property boundary (if flow is available)
- Bezates Pond

Groundwater

- M Resorts shallow monitor well
- Bezates shallow monitor well
- M Resorts Well No. 2

Springs

- Bezates North Spring.

Groundwater and surface water quality shall meet applicable groundwater quality standards for domestic supplies, as listed in Attachment A. Attachment A is the applicable portions of IDAPA 16.01.02.299.05 a. If background levels exceed Attachment A standards, then alternate standards shall be developed. Any indication of exceedance of Attachment A water quality standards shall be cause for resampling. Resampling shall include water quality monitoring parameters listed above, plus specific pesticides and herbicides used at the golf course site. If the Attachment A water quality standards have been exceeded, the source of contamination shall be identified and a plan for mitigation shall be formulated and implemented.

OPERATIONS PLAN

The operations plan will be implemented to reduce the risk of impacting the quality and quantity of local groundwater and surface water.

Water Quantity. Water for irrigation purposes shall be preferentially taken from surface water sources rather than groundwater sources. M Resorts will use its best efforts to develop water permit No. 65-13640. To the extent 65-13640 is able to be developed, M Resorts' primary supply of irrigation water shall be Payette Lake. Bezates surface water supply is derived from springs under license 65-07624. Groundwater sources shall be utilized for irrigation at those times when surface water is not available to meet golf course needs. For example, the full amount of surface water might not be available due to water right priority, insufficient rental pool supply, institutional constraints, temporary mechanical failure, or other reasons beyond the diverter's control.

Water Quality. Pesticides and fertilizers shall be applied following local, state, and federal regulations and best management practices. Application of chemicals shall occur in such a manner as to minimize the potential for contamination of surface water and groundwater, through direct runoff, leaching, or other pathways.

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11/13/98 10:43:00

MITIGATION

M Resorts shall mitigate any significant impacts to Bezates' water quantity or water quality caused by M Resorts activities. Mitigation shall consist of supplying an adequate quantity and quality of water to locations on the Bezates property that have been negatively impacted. In the event of a dispute regarding the cause of an impact, the significance of an impact, or the adequacy of mitigation efforts, the parties agree to request a final determination by the Director of the Idaho Department of Water Resources. The Director's final decision can be appealed through the court system.

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ATTACHMENT A

Maximum Allowable Concentrations for Selected Substances.

Substance	Maximum Allowable Concentrations (mg/l)
Nitrate (as N)	10.000
2,4-D	0.100

source. IDAPA 16.01.02 299.05.a

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1988 11 9 1989

**TABLE 1
MONITORING SCHEDULE**

Month (a)	Item
July-99	Drill Shallow Monitor Wells (2 @ 30-ft)
July-99	Install Flow Meters (M Resort Wells 1&2)
July-99	Baseline Level and Quality Monitoring (b)
September-99	Baseline Water-Level Monitoring
November-99	Baseline Water-Level Monitoring
January-00	Baseline Water-Level Monitoring
March-00	Baseline Water-Level Monitoring
May-00	1st-Year Level and Quality Monitoring (c)
July-00	1st-Year Level and Quality Monitoring (c)
September-00	1st-Year Level and Quality Monitoring (c)
July-01	Level and Quality Monitoring (d)
September-01	Water-Level Monitoring
July-02	Level and Quality Monitoring (d)
September-02	Water-Level Monitoring
July-03	Level and Quality Monitoring (d)
September-03	Water-Level Monitoring
July-04	Level and Quality Monitoring (d)
September-04	Water-Level Monitoring
July-05	Level and Quality Monitoring (d)
September-05	Water-Level Monitoring
July-07	Level and Quality Monitoring (e)
September-07	Water-Level Monitoring
July-09	Level and Quality Monitoring (e)
September-09	Water-Level Monitoring
July-11	Level and Quality Monitoring (e)
September-11	Water-Level Monitoring

(a) assumes golf course planting in fall 1999 or summer 2000

(b) baseline; nine locations sampled; includes 2,4-D analysis

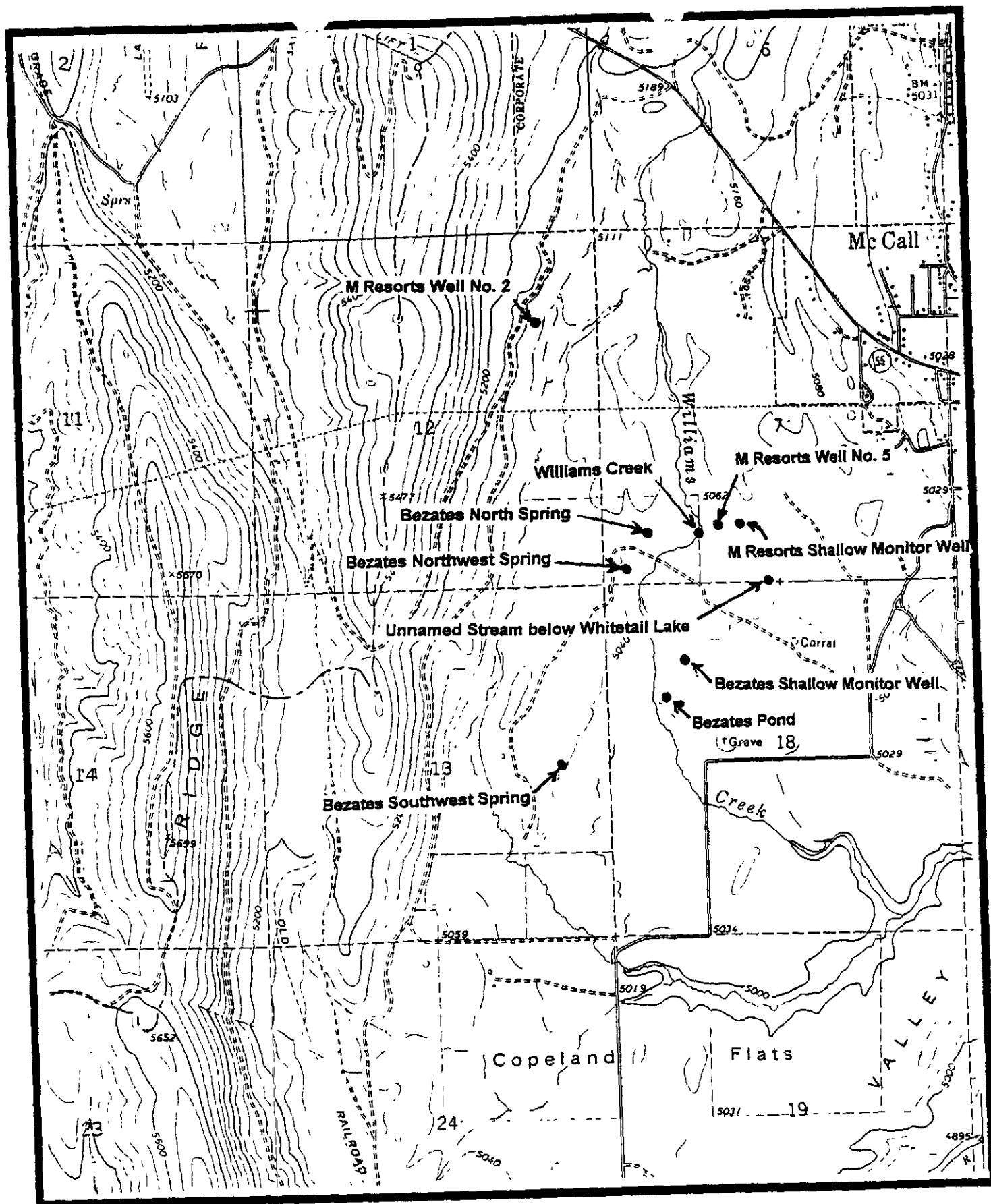
(c) first-year; seven locations sampled

(d) annual; seven locations sampled

(e) bi-annual; seven locations sampled

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1998 11 3 434



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NOS. 65-13704 IN THE)
NAME OF M. RESORTS AND)
65-13693 IN THE NAME OF BEZATES)
LAND AND CATTLE COMPANY)

NOTICE OF CANCELLATION
OF PREHEARING CONFERENCE

Pursuant to an agreement between the parties of the above captioned applications for permit the prehearing conference in the matter scheduled for Thursday, March 18, 1999, at 1:30 p.m. is hereby **CANCELED**.

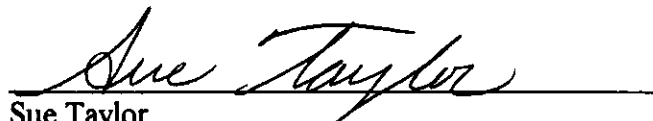
Dated this 16th day of March, 1999.



Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of March, 1999, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:



Sue Taylor
Senior Secretary

BOB MCKENNA
M RESORTS
PO BOX 1006
MCCALL ID 83638

BEZATES LAND & CATTLE CO
4620 PLUM LN
ONTARIO OR 97914

BEZATES LAND & CATTLE CO
C/O JOSEPHINE BEEMAN &
DANA HOFFSTETTER
PO BOX 1427
BOISE ID 83701-1427

BRIAN MCMAHAN
MILLEMAN PITTENGER & MCMAHAN LLP
PO BOX 1066
MCCALL ID 83638

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

January 20, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MCCALL CITY HALL
216 PARK ST
MCCALL ID 83638

Re. Prehearing Conference

This letter is to confirm the conference room reservation made by the Department of Water Resources for the Thursday the 18th day of March, 1999, at 1:30 p.m. *cancelled 3-16-99*

If you have any questions please call me at 334-2190, Western Region of the Department of Water Resources

Sincerely,

Sue Taylor
Senior Secretary

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JUN 09 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 65-13704 IN THE)
NAME OF M. RESORTS AND NO.)
65-13693 IN THE NAME OF BEZATES)
LAND AND CATTLE COMPANY)

**NOTICE OF PREHEARING
CONFERENCE**

On November 11, 1996, M. Resorts filed with the Department of Water Resources (IDWR) application for permit no. 65-13704 to appropriate the public waters of the State of Idaho. The application was protested by Bezates Land & Cattle Co. On October 4, 1996, Bezates Land & Cattle Co. filed with the Idaho Department of Water Resources (IDWR) application for permit no. 65-13693 to appropriate the public waters of the State of Idaho. The application was protested by M. Resorts.

IDWR has scheduled a conference for the protest to be held on Thursday, March 18, 1999, at 1:30 p.m. at the McCall City Hall, American Legion Hall, 216 Park St., McCall, Idaho 83638. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the IDWR within (10) days prior to the conference.

Dated this 21st day of January, 1999.

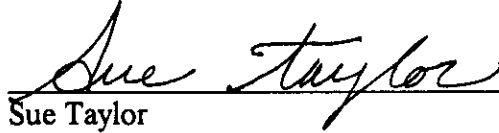


Gary Spackman

MICROFILMED
JAN 18 1999

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of January, 1999, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

BOB MCKENNA
M RESORTS
PO BOX 1006
MCCALL ID 83638

BEZATES LAND & CATTLE CO
C/O JOSEPHINE BEEMAN &
DANA HOFFSTETTER
PO BOX 1427
BOISE ID 83701-1427

BRIAN MCMAHAN
MILLEMANN PITTENGER & MCMAHAN LLP
PO BOX 1066
MCCALL ID 83638

BEZATES LAND & CATTLE CO
4620 PLUM LN
ONTARIO OR 97914

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

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CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

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JUN 09 1999



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. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 17, 1998

**JOSEPHINE BEEMAN &
DANA HOFFSTETTER
PO BOX 1427
BOISE ID 83701-1427**

**BRIAN MCMAHAN
PO BOX 1066
MCCALL ID 83638**

Re Applications for Water Right No. 63-13704 (M Resorts) and 65-13693 (Bezates Land & Cattle Co.)

Ladies and Gentlemen:

A prehearing conference scheduled to discuss the protest against application for water right no. 63-13704, scheduled for August 3, 1998, was canceled. Bob McKenna of M Resorts and Dana Hoffstetter representing the protestant, Bezates Land and Cattle Co (Bezates), both represented that the issues raised by the Bezates protest had been resolved. In addition, a related application, 65-13693, filed by Bezates, was protested by M Resorts. I assumed from the conversation that a document would be submitted to IDWR setting forth the conditions of settlement, and would contain reciprocal withdrawals of protest by M Resorts and Bezates. I have not yet seen any withdrawals of protest or settlement documents that allow me to continue processing these applications. I would appreciate some response from you. If I do not hear from you in thirty (30) days, I will schedule both of the protested applications for conference.

Sincerely,

Gary Spackman

GS:st

CC. M Resorts
Bezates Land & Cattle Co.

MICROFILMED

SEP 24 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

13704
IN THE MATTER OF APPLICATION)
FOR PERMIT NO. ~~65-13526~~ IN THE)
NAME OF M RESORTS)

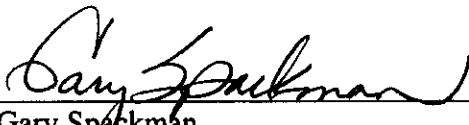
**NOTICE OF PREHEARING
CONFERENCE**

On November 4, 1996, M Resorts filed with the Department of Water Resources (department) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Bezates Land and Cattle Co.

The department has scheduled a second prehearing conference for the protest to be held on Monday, August 3, 1998, at 10:00 a m. at the McCall City Hall, American Legion Hall, 216 Park St., McCall, Idaho 83638. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

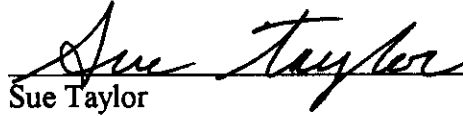
The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 13th day of July, 1998



Gary Speckman

I hereby certify that on the 14th day of July, 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed



Sue Taylor
Senior Secretary

BOB MCKENNA
M RESORTS
PO BOX 1006
MCCALL ID 83638

BEZATES LAND & CATTLE CO
C/O JOSEPHINE BEEMAN
& DANA HOFFSTETTER
PO BOX 1427
BOISE ID 83701-1427

BRIAN MCMAHAN
MILLEMANN PITTENGER & MCMAHAN LLP
PO BOX 1066
MCCALL ID 83638

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

MICROFILMED

1984 1 4 1984

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

MICROFILMED

JUN 05 1993

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY, BOISE, IDAHO 83705

Re: Application for Permit No. 65-13704 in the Name of M Resorts

Place: McCall City Hall, American Legion Hall, 216 Park St., McCall, Idaho 83638

Date: Monday, June 22, 1998

Conducted by: Gary Spackman

NAME

ADDRESS

George Berates	3354 King Edwards Ct.	Eugene, Ore
Dana Hofstetter	P.O. Box 1427	Boise 83701-1427
Jo Beeman	"	" "
R. McKenna	PO BOX 1155	McCall ID
Brian L. McMahon	Box 1066	McCall, ID 83638
Gary Spackman	IDWR	Boise Id 83705

MICROFILMED

JUN 24 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

13704
IN THE MATTER OF APPLICATION)
FOR PERMIT NO. ~~65-10326~~ IN THE)
NAME OF M RESORTS) **AMENDED NOTICE OF CONFERENCE**

Pursuant to a request by the protestant, the conference for the above-referenced matter is hereby changed from Wednesday, June 17, 1998, at 10.00 a.m. to Monday, **June 22, 1998, at 10:00 a.m.** The location of the conference remains the same, at the McCall City Hall, American Legion Hall, 216 Park St., McCall, Idaho 83638 The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.



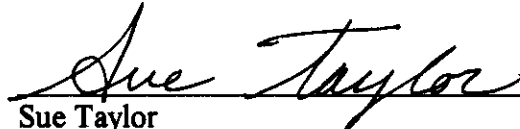
Gary Spackman

MICROFILMED

JUN 09 1999

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of June, 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

BOB MCKENNA
M RESORTS
PO BOX 1006
MCCALL ID 83638

BEZATES LAND & CATTLE CO
C/O JOSEPHINE BEEMAN
& DANA HOFFSTETTER
PO BOX 1427
BOISE ID 83701-1427

BRIAN MCMAHAN
MILLEMANN PITTENGER & MCMAHAN
LLP
PO BOX 1066
MCCALL ID 83638

MICROFILMED
JUN 09 1999

MEMORANDUM

TO: FILE

FROM: STEVE LESTER 

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 (shallow sump or drilled well) to irrigate up to 200 acres.

1 + 1499

* Bezates Land + Cattle Co. (John + George B.) along with consultant Greg Tackie, all abbreviated as "Bezates".

52

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
JUN 09 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

**IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 65-13704 IN THE)
NAME OF M RESORTS)**

NOTICE OF CONFERENCE

On November 4, 1996, M Resorts filed with the Department of Water Resources (department) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by the Bezates Land & Cattle Co

The department has scheduled a conference for the protest to be held on Wednesday, June 17, 1998, at 10:00 a m at the McCall City Hall, American Legion Hall, 216 Park St., McCall, Idaho 83638. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

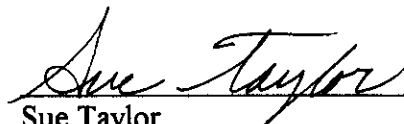
The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 1st day of May, 1998



Gary Spackman

I hereby certify that on the 27th day of May, 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed.

A handwritten signature in cursive script, reading "Sue Taylor", is written over a horizontal line.

Sue Taylor
Senior Secretary

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

MICROFILMED
JUN 09 1998

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

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BURDEN OF PROOF

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PROCEDURE

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MICROFILMED

13 11 1999

CONFERENCE

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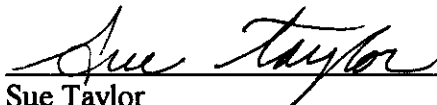
AMERICANS WITH DISABILITIES ACT

The hearing will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

MICROFILMED

JUN 04 1999

I hereby certify that on the 7th day of May, 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

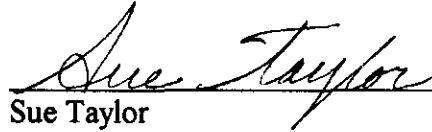


Sue Taylor
Senior Secretary

✓ BOB MCKENNA
M RESORTS
PO BOX 1006
MCCALL ID 83638-1006

BEZATES LAND & CATTLE CO
C/O JOSEPHINE BEEMAN
PO BOX 1427
BOISE ID 83701-1427

I hereby certify that on the 1st day of May, 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed.



Sue Taylor
Senior Secretary

BOB MCKENNA
M RESORTS
PO BOX 1006
BOISE ID 83638-1006

BEZATES LAND & CATTLE CO
C/O JOSEPHINE BEEMAN
PO BOX 1427
BOISE ID 83701-1427

MILLEMANN, PITTINGER & McMAHAN, LLP
ATTORNEYS AT LAW
708 NORTH FIRST
POST OFFICE BOX 1066
MCCALL, IDAHO 83638

RECEIVED
APR 16 1998
WATER RESOURCES
WESTERN REGION

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

TELEPHONE (208) 634-7641
FACSIMILE (208) 634-4516
E-MAIL mpm@cyberhighway.net

April 15, 1998

Idaho Department of Water Resources
Western Region
Attn. Gary Spackman
2735 Airport Way
Boise, ID 83705-5082

Re Application for Permit No. 65-13693 and 65-13704

Dear Gary.

This firm represents the Applicant under Application for Permit No. 65-13704, M Resorts. This letter is in response to your letter dated January 7, 1998, wherein you indicated that if you had not been advised within twenty (20) days that the respective protests had been resolved, the matter would be scheduled for a conference. We have tried a number of times to schedule a meeting with the protestant, Bezates Land & Cattle Co., but those efforts have been unsuccessful to date. Accordingly, the purpose of this letter is to formally request that a conference be scheduled as was referenced in your January 7th letter. Due to our client's schedule, please schedule the conference after May 4, 1998

Thank you for your attention to these matters

Sincerely,

Brian L. McMahon

BRIAN L. McMAHAN

BLM\pld

cc: Client
Dana Hofstetter

idwr 003

MICROFILMED

APR 16 1998

WR5809NP
No. 65-13640

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/23/98
PAGE: 1

OWNER		PRIORITY	WATER USE	USE PERIOD		DIVERSION	DIVERSION
CODE	NAME & ADDRESS	DATE		FROM	TO	RATE	VOLUME
C M RESORTS		08/28/1995	IRRIGATION	04/15	10/15	4.000 CFS	
			IRRIGATION STORAGE	01/01	12/31		80.00 AFA
			IRRIGATION FROM STORAGE	04/15	10/15		80.00 AFA
			RECREATION	01/01	12/31	4.000 CFS	
			RECREATION STORAGE	01/01	12/31		80.00 AFA
			DIVERSION TO STORAGE	01/01	12/31	4.000 CFS	
TOTAL DIVERSION:						4.000 CFS	

Water Source: PAYETTE LAKE

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: PERMIT

Point(s) of Diversion: T18N R03E S08 Lot 02(SWNW)

VALLEY County

Place of use Legal Description for: IRRIGATION

																NE				NW				SW				SE																																															
			NENE		NWNE		SWNE		SENE		:	NENW		NWNW		SWNW		SENW		:	NESW		NWSW		SWSW		SESW		:	NESE		NWSE		SWSE		SESE		:																																					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM																																					
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18N	03E	7	:									:					02-44	17	:					15	03-44					10	:					40	30	:	200.0																																				
			:																	:																	:																	:																	:	TOTAL ACRES		200.0	

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION

Place of use location for RECREATION is the same location as described for: IRRIGATION

Pou County: VALLEY

Conditions of Approval:

- 020 - Use of water under this right may be affected by an agreement between the protestant and the right holder.
- 26A - 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.
- 005 - Use of water under this right is subject to control by the watermaster of State Water District No. 65.
- 028 - After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
- 01J - Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
- 047 - The availability of water for this right is subject to all prior water rights of Lake Reservoir Co.

Conditions of Approval:

- 03A - The rate of diversion of water for irrigation under this right
 - and all other water rights on the same land shall not exceed 0.02
 - cubic feet per second for each acre of land.
- 07A - Assignment or sale of this right is subject to a determination
 - by the Department that the right holder has proceeded to develop
 - the right with due diligence and without speculation.

Remarks: GEN Use of water under this water right shall conform with any applicable provisions of the Lake Management Plan, as adopted by the Idaho Legislature and enacted into law, pursuant to the Big Payette Lake Water Quality Act.
Recreation use is for fishing and swimming.

Dates: App. Received: 08/28/1995 Priority Date: 08/28/1995
Proof Due Date: 12/01/1998 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee:

Comments: Date: 09/11/1995 User-ID: SLESTER Subject: PLACE OF USE, OVERLAP & OFFICERS
Originally, applicant filed for 250 acres but then reduced it to 200 by eliminating 15 acres each from 2 tracts. However, reviewer subsequently determined that tract lines in S7 were not as shown by applicant but were offset slightly to east to account for govt lots. Therefore, some adjustment was needed to include all correct tracts and still limit total to 200 acres.
No irrigation overlap found; proposed P/D is new point at lake.
\$20 refund to be issued per memo sent to S.O. today.
Officers of M Resorts are Bradford Raulston, President; and William Johnson, Secretary.

Audit: 09/11/95 SLESTER 09/11/95 STAYLOR 10/16/95 STAYLOR 11/09/95 STAYLOR
11/22/95 CZIMMERM 11/24/95 SKEEN

Remarks: GEN 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.

Diversion of unnamed stream tributary to Williams Creek shall not exceed 2.00 cfs and diversion from groundwater shall not exceed 0.35 cfs.

The storage facility is a pond locally known as Betsey Lake and recreational activity associated with the pond will be fishing and swimming. Water from the pond will also provide stockwater for eight horses.

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.

Prior to impoundment under terms of this right the right holder

Remarks: 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.
The groundwater source identified on this right shall be used to replace seepage use only and not used to replace evaporation.

Dates: App. Received: 07/18/1997 Priority Date: 07/18/1997
Proof Due Date: 11/01/2002 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee:

Comments: Date: 07/31/1997 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.

Date: 08/07/1997 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.

Date: 10/20/1997 User-ID: CZIMMERM Subject: LIMITED PARTNERS

WR5809NP
No. 65-13738

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/23/98
PAGE: 6

Comments: Date: 10/20/1997 User-ID: CZIMMERM Subject: LIMITED PARTNERS

The limited partners of M Resorts, Ltd. are Doug Manchester,
Dick Gibbons, and Mary Biddlecome.

Audit: 07/31/97 SLESTER 08/07/97 SLESTER 10/10/97 CZIMMERM 10/23/97 JJOHNSON
10/17/97 CZIMMERM 10/20/97 CZIMMERM 10/20/97 JJOHNSON 10/21/97 JJOHNSON
10/22/97 SCURTIS 10/22/97 JJOHNSON 10/23/97 JJOHNSON

WR5809NP
No. 65-13751

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/23/98
PAGE: 7

OWNER		PRIORITY		USE PERIOD	DIVERSION	DIVERSION	
CODE	NAME & ADDRESS	DATE	WATER USE	FROM	TO	RATE	VOLUME
-----		-----	-----	-----	-----	-----	-----
C	M RESORTS	10/06/1997	STOCKWATER STORAGE	01/01	12/31		65.00 AFA
			WILDLIFE STORAGE	01/01	12/31		65.00 AFA
			RECREATION STORAGE	01/01	12/31		65.00 AFA
			AESTHETIC STORAGE	01/01	12/31		65.00 AFA
			DIVERSION TO STORAGE	01/01	12/31	1.500 CFS	

TOTAL DIVERSION:						1.500 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T18N R02E S12 SENE NWSE VALLEY County

Place of use Legal Description for: STOCKWATER STORAGE

NE				NW				SW				SE								
NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:
18N	02E	12	:						:					:					:	
18N	03E	7	:						:					:					:	

Pou County: VALLEY

Conditions of Approval:

- 01M - After specific notification by the department, the right holder
 - shall install a suitable measuring device or shall enter into an
 - agreement with the department to determine the amount of water
 - diverted from power records and shall annually report the
 - information to the department.
- 046 - Right holder shall comply with the drilling permit
 - requirements of Section 42-235, Idaho Code.

Remarks: GEN Two points of diversion are located within SENE, S12, T18N, R02E.

Aesthetic and recreation storage uses are for two fishing and swimming ponds.

Stockwater use is for 8 horses.

Places of use are locally known as Annie Pond and Whitetail Pond.

The director retains jurisdiction to require the right holder by written order to release purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. The right holder has the right to administrative and judicial review of any order requiring mitigation water to be provided under this condition pursuant to the procedures of

Remarks: Section 42-1701A or Chapter 52, Title 67, Idaho Code.

Dates: App. Received: 10/06/1997 Priority Date: 10/06/1997
Proof Due Date: 01/01/1999 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 10/17/1997 User-ID: SLESTER Subject: ADDITIONAL INFORMATION
Contact person is Bob McKenna. See previous rights for company officers/directors.

2 wells in SENE & 1 in NWSE require \$200 drilling permit fees per well. Existing wells: 1 in SENE needs to be upgraded from \$75 to \$200, 1 in NWSE already upgraded recently per 65-13738. Applicant will submit \$125 while new filing proceeds. All 3 wells also are P/D's in pending irrigation appl. 65-13704 while NWSE well is the ground water P/D in pending appl. 65-13738.

Wells will serve 2 ponds locally known as Annie Pond (SENE S12, cover 2 acres, 20 af, dam < 10') & Whitetail Pond (SWSE S7, cover 4 acres, 45 af, dam < 6') in a joint system so 1 filing is okay. D.P. include 65-93-W-0040 and 65-96-W-0156. Fee upgrade will be for latter well.

Stock is for 8 horses & other uses include personal fishing and swimming plus misc. wildlife habitat.

Comment letter will be sent to adjacent landowner Bezates due to ongoing dispute/concerns between these 2 parties.

Date: 12/12/1997 User-ID: SLESTER Subject: DRILLING PERMIT UPDATE
The 3 P/D are now correctly identified under \$200 drilling permits as follows (also see topo in application):

- * existing well in NWSENE, d.p. 65-96-W-0156 upgraded 12/5/97;
- * proposed well in SWSENE, d.p. 65-97-W-0421 approved 12/11/97 per expedited approval as requested;
- * existing well in NWSE, d.p. already okay per permit 65-13738.

Note that irrigation application 65-13704 is now being advertised per S.O. guidelines.

Audit: 10/17/97 SLESTER 12/12/97 SLESTER 01/13/98 CZIMMERM 01/14/98 CZIMMERM
01/15/98 CZIMMERM

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 December 18, 1997 and ended December 24, 1997

Subscribed and sworn before me this the 1st day of January, 1998.

STATE OF IDAHO

COUNTY OF VALLEY

On this 1st day of January, in the year of 1998, 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

RECEIVED
JAN 28 1998
WATER RESOURCES
WESTERN REGION

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

65-13693
BEZATE LAND & CATTLE CO 4620
PLUM LN ONTARIO, OR 97914

Source GROUNDWATER
Division Pt SESE Sec 12 T 18 N R 02E in
VALLEY County NENE Sec 13 T 18 N R 02E
in VALLEY County LOT 4 (SWSW) Sec 7 T
18 N R 03E in VALLEY County LOT 1
(NWNW) Sec 18 T 18 N R 03E in VALLEY
County

Use IRRIGATION (4 000 CFS)
Total Diversion (4 000 CFS)

Date Filed 10/4/1996

In VALLEY County T18N R02E S12
SESE S13 NENE SENE NESE R03 S07 Lot 4
(SWSW)

Mitigation for proposed diversion may be required

65-13704
M RESORTS PO BOX 1006 MCCALL,
ID 83638-1006

Source GROUNDWATER

Division Pt SESE Sec 12 T 18 N R 02E in
VALLEY County NWSE Sec 12 T 18 N R 02E
in VALLEY County LOT 2 (SWSW) Sec 7 T
18 N R 03E in VALLEY County SENW Sec 7
T 18 N R 03E in VALLEY County LOT 3
(NWSW) Sec 7 T 18 N R 03E in VALLEY
County SESE Sec 7 T 18 N R 03E in VAL-
LEY County SWSE Sec 7 T 18 N R 03E in
VALLEY County

Use IRRIGATION (2 000 CFS)

IRRIGATION STORAGE (80 000 AF)

IRRIGATION FROM STORAGE
(80 000 AF)

RECREATION (2 000 CFS)

RECREATION STORAGE (2 000 CFS)

DIVERSION TO STORAGE (2 000 CFS)

Date Filed 11/4/1991

In VALLEY County T18N R02E S12
NENE S07 Lot 2 (SWSW) SENW NENE
Lot 3 (NWSW) SESE NWSE SWSE
210 0 ACRES TOTAL

Mitigation for 4 existing and 4 proposed
wells may be required
77-07367

CHATWOOD, MYRA G, CHATWOOD,
GERALD L, PO BOX 613 MARIANNA, FL
32447-0613

Source UNNAMED STREAM
Tributary SALMON RIVER, SOUTH FORK
Division Pt Lot 2 (NWNW) Sec 2 T 21N
R 07E in VALLEY County

Use DOMESTIC (0 040 CFS)

FIRE PROTECTION (0 040 CFS)

Total Diversion (0 040 CFS)

Date Filed 11/20/1997

In VALLEY County T21N R07E S02 Lot
2 (NWNW)

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 JANUARY 5, 1998. The
protestant must also send a copy of the protest
to the applicant.

KARL J DREHER, Director

Published 12/18/1997 and 12/24/1997

2/12/24

From: DWR06::"beehof@micron.net" 23-JAN-1998 15:28:52.98
To: Steve Lester <dwr06::slester>
CC:
Subj: App. No. 65-13704

Dear Mr. Lester:

Your letter of January 15, 1998 to Jo Beeman regarding M Resorts Application No. 65-13704 stated in the last paragraph, "Please submit any comments about this change to this office within 30 days." Did you mean 30 days from the date of the letter, which would mean February 13? If not, could you tell us the 30-day deadline?

Thank you.

--
Joyce E. Angell, PLS
Office Manager
Beeman & Hofstetter, P.C.
60 West Franklin Street
P.O. Box 1427
Boise, Idaho 83701-1427
208-388-8900
Fax 208-388-8400
beehof@micron.net

From: DWR80::SLESTER 23-JAN-1998 15:37:56.70
To: DWR06::"beehof@micron.net"
CC: SLESTER
Subj: RE: App. No. 65-13704

Dear Ms. Angell:

Generally, the 30 day deadline is from the date you receive a letter from the department. Sometime around mid-February is acceptable from my point of view.

Please let me know if you need more information.

-- Steve Lester, IDWR Western Region

MICROFILMED

1998 JAN 23

From: DWR06::"beehof@micron.net" 23-JAN-1998 15:54:27.11
To: Steve Lester <dwr06::slester>
CC:
Subj: Re: App. No. 65-13704

Dear Mr. Lester:

Thanks for your prompt response. Jo thought of another question. We had calendared January 25 as the deadline to advise IDWR that protests have been resolved or else matter will be scheduled for conference, assumably from the original filing of the protest.

Does your January 15 letter and M Resorts' modification extend this deadline to the mid-February date (2/13/98)?

--

Joyce E. Angell, PLS
Office Manager
Beeman & Hofstetter, P.C.
608 West Franklin Street
P. O. Box 1427
Boise, Idaho 83701-1427
208-388-8900
Fax 208-388-8400
beehof@micron.net

From: DWR80::SLESTER 26-JAN-1998 08:25:04.03
To: DWR06::"beehof@micron.net"
CC: SLESTER
Subj: Re: App. No. 65-13704

Your suggestion is acceptable. I will note the file to show that we should not expect progress until mid-Feb. on this one.

thanks,

Steve L.

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JUN 09 1998

*Postpone any action until mid-February
per above mgs. -jc*



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

January 15, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BEZATES LAND & CATTLE CO
C/O JOSEPHINE P BEEMAN
PO BOX 1427
BOISE ID 83701-1427

RE: APPLICATION NO. 65-13704 FOR M RESORTS

Dear Protestant:

The applicant has slightly modified the above referenced application for permit. This letter is to notify you as protestant of the change. The change is minor enough that additional legal notice is not required but your comments about the modification are welcome.

Enclosed is a copy of the applicant's January 6, 1998 letter. The total irrigation has been reduced from 210 to 200 acres. Also, the two domestic wells drilled in SESW and SWSE Sec. 7 will not be used for production wells in 65-13704. Instead, the plan is to drill two production wells in those tracts. I have also included an updated copy of the well drilling permit summary sheet from the file for your reference in keeping track of various well drilling permits issued by IDWR for the applicant's property.

The application has been changed from four existing plus four proposed wells to what at first appears to be two existing plus six proposed wells. However, by this time one of the proposed wells has been drilled in SENE Sec. 12 under right no. 65-13751 via approved drilling permit 65-97-W-0421-000. Therefore, irrigation application 65-13704 includes three existing wells plus five proposed wells. The existing wells in Sec. 12 have been covered by right nos. 65-13738 ("Betsey Lake") and 65-13751 ("Annie and Whitetail" ponds), both for non-irrigation uses. The proposed wells will be in Sec. 7. It appears that the non-irrigation rights will be subsets of the irrigation right.

Application 65-13704 remains protested despite the modification described in this letter. Please submit any comments about this change to this office within 30 days. I will be glad to provide more information at your convenience.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

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JAN 16 1999



RECEIVED

JAN 08 1998

WATER RESOURCES
WESTERN REGION

January 6, 1998

Steve Lester 
Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Dear Steve:

In response to your letter dated December 24, 1997, the information submitted in Permit #65-13704 was incorrect. I am requesting that the Permit be amended to reduce the acreage to 200 in the following way:

Reduce 5 acres in the SWNW Section 7, and 5 acres in the NWSW Section 7

Also, in regards to Drilling Permits #65-93-W-0440 and #65-93-W-0462, at this time I would like to keep these wells as test and observation wells

Sincerely,


Bob McKenna

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JAN 08 1998



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. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 7, 1998

M RESORTS
PO BOX 1006
MCCALL ID 83638

Re: Application for Permit No. 65-13704

Dear Applicant:

Enclosed is a protest filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestant and attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest have been resolved, the matter will be scheduled for a conference. The following are the criteria the Department must consider (per Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,


Gary Spackman

GS:st

Enclosure: Copy of protest(s)

MICROFILMED

JAN 9 1998



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. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 7, 1998

BEZATES LAND & CATTLE CO
C/O JOSEPHINE P BEEMAN
PO BOX 1427
BOISE ID 83701-1427

Re: Application for Permit No 65-13704 in the Name of M Resorts

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest

If this office has not been advised within twenty (20) days that the protests have been resolved, the matter will be scheduled for conference. The following are the criteria the Department must consider in either approving or denying an application or permit (Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us

Sincerely,


Gary Spackman

GS st

MICROFILMED

JUN 19 1999

Josephine P. Beeman
Dana L. Hofstetter
BEEMAN & HOFSTETTER, P.C.
608 West Franklin Street
P. O. Box 1427
Boise, ID 83701-1427
(208) 388-8900
(208) 388-8400 (Facsimile)
beehof@micron.net

RECEIVED

JAN 05 1998

WATER RESOURCES
WESTERN REGION

Attorneys for Bezates Land & Cattle Company

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

In the Matter of the Application for) Case No. _____
Permit No. 65-13704 in the name of)
M Resorts) **PROTEST OF BEZATES LAND &**
_____) **CATTLE COMPANY**

The Bezates Land & Cattle Company, by and through its counsel of record, Josephine P. Beeman and Dana L. Hofstetter of Beeman & Hofstetter, P.C., files this protest to Application for Permit No. 65-13704 (the "Application"), pursuant to *Idaho Code* § 42-203A. Bezates Land & Cattle Company is a senior water right user in the Williams Creek drainage and is an adjacent land owner to the proposed place of use under Permit No. 65-13704. Bezates Land & Cattle Company is concerned *inter alia* that the proposed ground water use will adversely affect its senior water rights in the Williams Creek drainage.

Specifically, the Bezates Land & Cattle Company protests the issuance of a permit for Application No. 65-13704 because:

- (1) The proposed use will reduce the quantity of water under existing water rights;

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JUN 11 1998

- (2) the water supply itself is insufficient for the purpose for which it is sought to be appropriated;
- (3) the Application is not made in good faith, and is made for delay or speculative purposes;
- (4) the proposed use will conflict with the local public interest, when the local public interest is defined as the affairs of the people in the area directly affected by the proposed use; and/or
- (5) the Application is contrary to the conservation of water resources within the State of Idaho.

To address these matters, the Application should be denied or any permit issued should be appropriately conditioned and adequate mitigation should be provided to senior water users. In addition, any decision on the Application must address M Resorts' undeveloped water right permit from Payette Lake (No. 65-13640) issued for the same purposes covered by Application No. 65-13704.

A \$25.00 check is submitted simultaneously herewith to cover the protest fee.

RESPECTFULLY SUBMITTED this 5th day of January, 1998.

BEEMAN & HOFSTETTER, P.C.

By 
Josephine P. Beeman

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of January, 1998, I caused to be served copies of the foregoing **Protest of Bezates Land & Cattle Company** by the methods indicated below:

Original and Filing Fee Via Hand Delivery

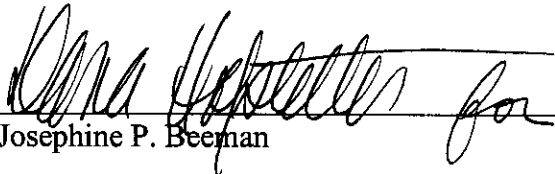
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Copy Via U.S. Mail

Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

Bob McKenna
M Resorts
P. O. Box 1006
McCall, Idaho 83638-1006

Steven J. Millemann
Brian L. McMahan
Millemann, Pittenger & McMahan
P. O. Box 1066
McCall, Idaho 83638-1066


Josephine P. Beeman

D \2086\1893

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: 0020050

Date: 1/ 5/1998
Time: 16:54:51

Received
From: DANA HOFSTETTER

Type of Payment	Program A cct	Amount
PROTEST APP #65-13704_BY BEZATES	62103 229 21 1155	25.00
CHECK 0923		
	Total	\$ 25.00

Region: WESTERN

Signature: *Sue Taylor*

MICROFILMED

1/12 1998

MEMORANDUM

TO: FILE

FROM: STEVE LESTER *SL*

DATE: DECEMBER 24, 1997

*1/6/98 update per
applicant; 15 Hec.
instead of 4 existing + 4
proposed wells,
use 3 existing + 5
proposed wells
-SL*

*

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.

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JUN 09 1999

* Bezates Land + Cattle Co. (John + George B.) along with consultant Greg Tackis, all abbreviated as "Bezates".

-SL

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

MAR 4 1999

65-13704 WELL DRILLING PERMIT STATUS

12/24/97
NOTES

WELL SITE IN 65-13704 *	WELL # FROM 10/22/96 SITE VISIT INFO	DRILLING PERMIT NUMBER	\$75 FEE PAID	UPGRADED TO \$200 DRILLING PERMIT
SENE S.12	2	65-96-W-0156	YES	YES, IN 65-13751 ON 12/5/97
SENE S.12	N/A	65-97-W-0421	NO	PAID \$200 IN 65-13751, d.p. APPROVED 12/11/97
NWSE S.12	1	65-93-W-0040	YES	YES, IN 65-13738 ON 8/7/97
SWNW S.7 (90' LOT 2)	N/A	N/A	drilling permit not filed yet	
SENE S.7	"	"	"	} pending pg 65-13704
NWSE S.7 (90' LOT 3)	"	"	"	
SESE S.7	5	65-93-W-0440	YES	
SWSE S.7	6	65-93-W-0462	YES	} 1/6/98 update - KEEPING THESE 2 WELLS AS DOMESTIC SO WILL DRILL 2 NEW WELLS FOR 65-13704 IN THESE Q's

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JUN 09 1999

TOTAL 8 WELLS proposed 65-13704 -

5 { 4 existed when " filed (# 1, 2, 5 & 6 noted above).

1 d.p. issued recently in 65-13751 for second well SENE S.12.

N/A FOR 1/6/98 → WELLS "5+6" NEED \$125 each to upgrade in 65-13704.

WELLS "1+2" already upgraded per 65-13738 & 65-13751.

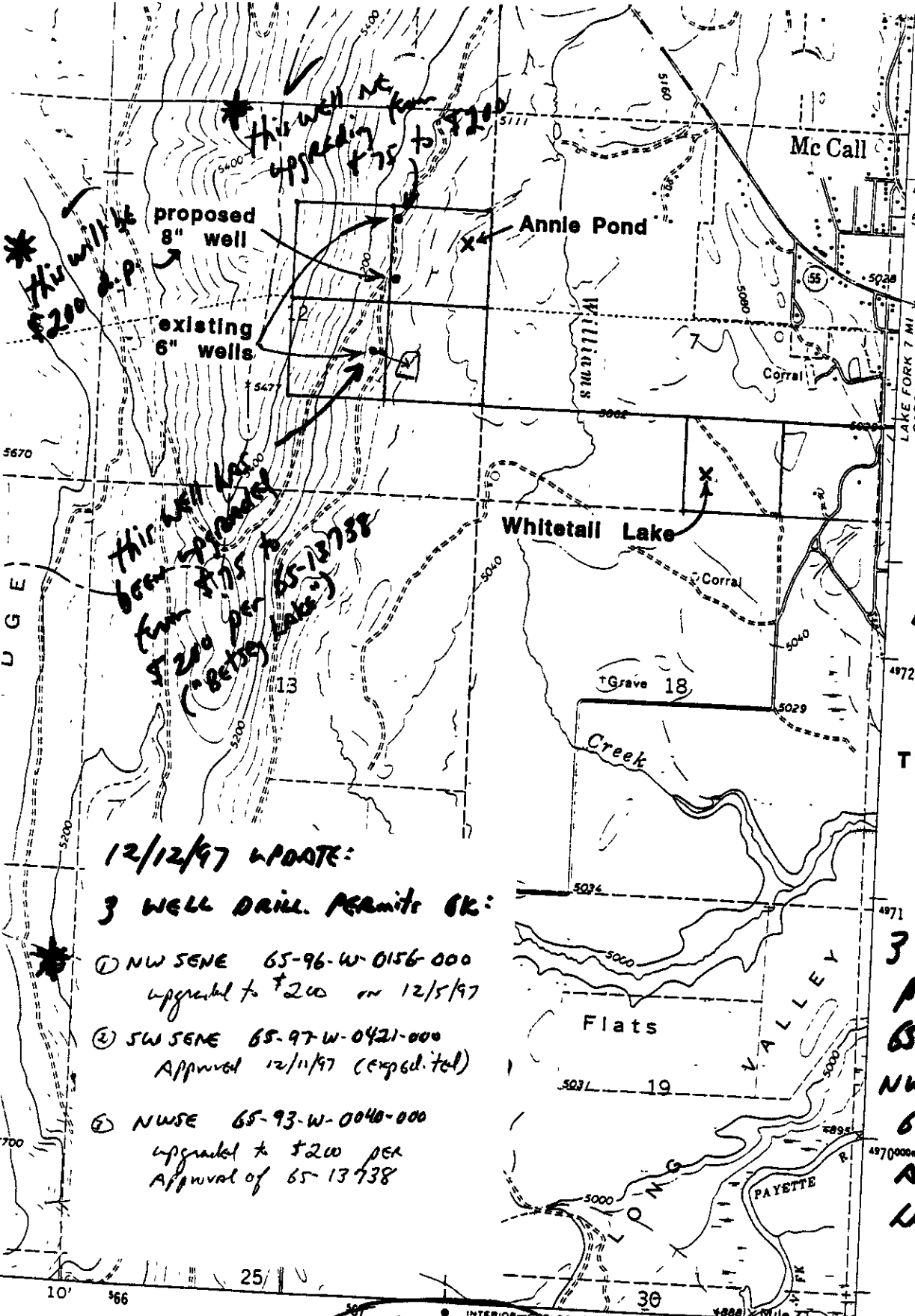
3 - Remaining 3 well sites will require \$200 d.p.'s.

SO NOW: 65-13704 HAS 3 EXISTING WELLS, DRILL 5 MORE = 8 WELLS.

* S.12 IN T18N R2E ; S.7 IN T18N R3E

- 82

Overlapping uses
from 3 of 8
Wells listed in
65-13704



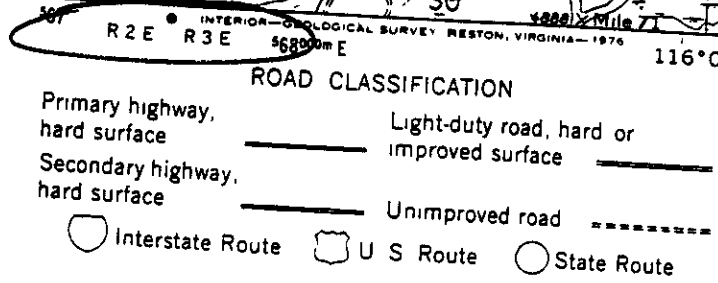
No gov't lots
in pld or plu
Q's.

3 wells also
proposed for
65-13704 (imaging),
NWSE well also in
65-13738 (for
Adjacent "Betsey
Lake" in NWSE).

-82 10/17/97

12/12/97 UPDATE:
3 WELL DRILL PERMITS OK:

- ① NW SENE 65-96-W-0156-000
upgraded to \$200 on 12/5/97
- ② SW SENE 65-97-W-0421-000
Approved 12/11/97 (expedited)
- ③ NWSE 65-93-W-0040-000
upgraded to \$200 per
Approval of 65-13738



MICROFILMED
JUN 09 1999
(LAKE FORK, SE)

65-13751

MEADOWS, IDAHO

this cc for
65-13704

WR5809NP
No. 65-13738

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/17/97
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C M RESORTS		07/18/1997	STOCKWATER STORAGE	01/01 12/31		20.00 AFA
			WILDLIFE STORAGE	01/01 12/31		20.00 AFA
			RECREATION STORAGE	01/01 12/31		20.00 AFA
			AESTHETIC STORAGE	01/01 12/31		20.00 AFA
			DIVERSION TO STORAGE	01/01 12/31	2.350 CFS	
TOTAL DIVERSION:					2.350 CFS	

Water Source: UNNAMED STREAM
GROUNDWATER

Tributary to: WILLIAMS CREEK

Stage: APPLICATION

Point(s) of Diversion: T18N R02E S12

NESE

NWSE

VALLEY County

Place of use Legal Description for: STOCKWATER STORAGE

NE

NW

SW

SE

NENE		NWNE		SWNE		SENE		:	NENW		NWNW		SWNW		SENW		:	NESW		NWSW		SWSW		SESW		:	NESE		NWSE		SWSE		SESE		:	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:

18N 02E 12 :																																				

Pou County: VALLEY

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-13704

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

Dates:	App. Received:	07/18/1997	Priority Date:	07/18/1997
	Proof Due Date:		Proof Made Date:	
	Exam Made Date:		Exam Sent to S.O.:	
	Licensed Date:			

Misc: Water District Number: Field Exam Fee:

MICROFILMED

JUN 09 1999

"Betsey Lake"

Comments: Date: 07/31/1997 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 8 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.

Date: 08/07/1997 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.

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JUN 09 1999

← Completed for
Nurse 5.12.98
(65-93-W-0400)

WR0749NP
No. 65-13751

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/17/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C M RESORTS		10/06/1997	STOCKWATER STORAGE	01/01 12/31		65.00 AFA
			WILDLIFE STORAGE	01/01 12/31		65.00 AFA
			RECREATION STORAGE	01/01 12/31		65.00 AFA
			AESTHETIC STORAGE	01/01 12/31		65.00 AFA
			DIVERSION TO STORAGE	01/01 12/31	1.500 CFS	
TOTAL DIVERSION:					1.500 CFS	

Water Source: GROUNDWATER

Tributary to:

SENE

NWSE

Stage: APPLICATION

Point(s) of Diversion: T18N R02E S12

Place of use Legal Description for: STOCKWATER STORAGE

NE				NW				SW				SE			
T	R	S		T	R	S		T	R	S		T	R	S	
18N	02E	12	:				:				:				:
18N	03E	7	:				:				:				:

Pol County: VALLEY

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

65-13704 65-13738

Other Water Rights Listing Overlapping Place(s) of use:

65-13640 65-13704

Remarks: System includes 2 existing wells & 1 proposed well for 2 ponds
for non-consumptive uses.

Dates: App. Received: 10/06/1997 Priority Date: 10/06/1997
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

MICROFILMED

JUN 09 1999

"Annie +
Whitetail" Ponds

Comments: Date: 10/17/1997 User-ID: SLESTER Subject: ADDITIONAL INFORMATION
Contact person is Bob McKenna. See previous rights for company officers/directors.

2 wells in SENE & 1 in NWSE require \$200 drilling permit fees per well. Existing wells: 1 in SENE needs to be upgraded from \$75 to \$200, 1 in NWSE already upgraded recently per 65-13738. Applicant will submit \$125 while new filing proceeds. All 3 wells also are P/D's in pending irrigation appl. 65-13704 while NWSE well is the ground water P/D in pending appl. 65-13738.

Wells will serve 2 ponds locally known as Annie Pond (SENE S12, cover 2 acres, 20 af, dam < 10') & Whitetail Pond (SWSE S7, cover 4 acres, 45 af, dam < 6') in a joint system so 1 filing is okay. D.P. include 65-93-W-0040 and 65-96-W-0156. Fee upgrade will be for latter well.

Stock is for 8 horses & other uses include personal fishing and swimming plus misc. wildlife habitat.

Comment letter will be sent to adjacent landowner Bezates due to ongoing dispute/concerns between these 2 parties.

Audit: 10/17/97 SLESTER

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JUN 09 1999

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

=====

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUN
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
6513704	T18N R02E S12 GROUNDWATER																	
	:															10		10
6513693	GROUNDWATE :																40	40
6513704	T18N R03E S 7 GROUNDWATER																	
	:							02-44	17		15	03-44		10		40	30	200
6504042	SPRING : 03																	3
A6504042	SPRING : 03																	3
6513505	GROUNDWATE :																01	1
6513640	PAYETTE LA :							02-44	17		15	03-44		10		40	30	200
6513693	GROUNDWATE :											04-40						40

=====

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JUN 09 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

December 24, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MR BOB MCKENNA
M RESORTS
PO BOX 1006
MCCALL ID 83638-1006

RE: APPLICATION FOR PERMIT NO. 65-13704

Dear Bob:

The above referenced application for permit regarding irrigation wells for the proposed golf course is being advertised with a protest deadline of January 5, 1998. To assist this office in completing the initial processing steps, please submit additional information required by I.C. § 42-203A(5)(a-e) for "large diversion projects". This requirement includes the following items discussed in Water Appropriation Rules 37.03.08.05(c) through (g):

- 1) effect on existing water rights
- 2) sufficiency of water supply
- 3) good faith, delay or speculative purposes
- 4) financial resources
- 5) local public interest.

In this case, the large diversion requirement is triggered by irrigation exceeding 200 acres. This requirement is waived if the application is reduced to 200 or less acres. Please see the enclosed copy of the rules for large diversion applications. The items requiring responses have been highlighted.

Also, two more well drilling permits issued as \$75 domestic drilling permits need to be upgraded to \$200 drilling permits. Each one requires \$125 for the upgrade. This involves wells in SESW and SWSE Sec. 7, drilling permits 65-93-W-0440 and 65-93-W-0462. Two other wells of the four existing wells listed in the irrigation application have already been upgraded to \$200 drilling permits in the processing of your recent non-irrigation filings (for Betsey, Annie and Whitetail ponds).

Please remit \$250 to upgrade the two wells with your large diversion reply. Your response within 30 days will be most helpful in this process. Please contact me at your convenience if you have any questions.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

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JUN 04 1999

Now N/A:
See 1/6/98
reply e
these issues
-SL

Large Diversion info
Rule 37.03.08.05.c through h
(h N/A if not trust water)

WATER APPROPRIATION RULES

IDAPA 37.03.08

a. For unprotested applications and permits being reprocessed, the additional information required by Rule 040.05.c. shall be submitted within thirty (30) days after the director notifies the applicant that the application or permit is being reviewed for decision. The director may extend the time within which to submit the information upon request by the applicant and upon a showing of good cause. Failure to submit the required information within the time period allowed will be cause for the director to void an application or to advance the priority of a permit being reprocessed by the number of days that the information submittal is late. The director will provide opportunity for hearing as provided in Section 42-1701A, Idaho Code.
(7-1-93)

b. For protested applications or protested permits being reprocessed, the information required by Rule 040.05.c. may be requested by the director to be submitted within thirty (30) days after notification by the director, may be made a part of the record of the hearing held to consider the protest, or may be made available in accordance with any pre-hearing discovery procedures. Failure to submit the required information within the time period allowed will be cause for the director to void an application or to advance the priority of a permit being reprocessed by the number of days that the information submittal is late.
(7-1-93)

→ c. The following information shall be submitted for applications to appropriate unappropriated water or trust water and for permits being reprocessed for trust water. The additional information submittal requirements of this rule are waived for filings which seek to appropriate five (5) cfs or less or storage of five hundred acre-feet (500 A-F) or less and for filings seeking reallocation of trust water which the director determines will reduce the flow of the Snake River measured at Murphy Gauge by not more than two (2) acre-feet per day. For filings proposing irrigation as a purpose of use, the additional information is required if more than two hundred (200) acres will be irrigated. However, the director may specifically request submittal of any of the following information for any filing, as he determines necessary. Information relative to the effect on existing water rights, Section 42-203A(5)(a), Idaho Code, shall be submitted as follows:
(7-1-93)

i. For applications appropriating springs or surface streams with 5 or fewer existing users, either the identification number, or the name and address of the user, and the location of

PAGE 20
MICROFILMED

JUN 09 1999

the point of diversion and nature of use for each existing water right shall be submitted. (7-1-93)

(ii) For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed well. (7-1-93)

(iii) Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights. (7-1-93)

(d) Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows:

(i) Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year. (7-1-93)

(ii) Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source. (7-1-93)

(e) Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows: (7-1-93)

(i) The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code. (7-1-93)

ii. The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials. (7-1-93)

(f.) Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows: (7-1-93)

(i) The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed. (7-1-93)

(ii) The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications. (7-1-93)

(g.) Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows: The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Health and Welfare, Division of Environment, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director. (7-1-93)

N/A { h. The following information Relative to the Public Interest Criteria of Section 42-203C(2), Idaho Code, shall be submitted by an applicant seeking reallocation of trust water for a project which the director determines will reduce the flow of the Snake River by more than two (2) acre-feet per day. For filings proposing irrigation as a purpose of use, the additional information is required if more than two hundred (200) acres will be irrigated. The director may request any or all of the following information for any filing seeking the reallocation of trust water. (7-1-93)

* Need letters from
City of McCall &
County Commissioners



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. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 15, 1997

MARK LIMBAUGH
WATER DISTRICT 65
102 N MAIN
PAYETTE ID 83661

**Re: Application for Permit No. 65-13693 in the Name of Bezates Land & Cattle Co. and
65-13704 in the Name of M Resorts**

Dear Sir:

Enclosed are copies of the above-referenced applications for permit within your district.
Also enclosed are forms for your recommendation concerning these applications for permit.

Please review the applications and submit any comments you may have within two weeks.
If you have any questions or need information, feel free to contact this office.

Sincerely,

Gary Spackman

GS:st

Encl.

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JUN 09 1999



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. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 15, 1997

BEZATES AND & CATTLE CO.
4620 PLUM LN
ONTARIO OR 97914

Re: Application for Permit No. 65-13693 in the Name of M Resorts

Dear Sir:

Enclosed is a copy of the above-referenced application for permit which may be of interest to you. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter, however, if you desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by January 5, 1998.

If you have any questions regarding the application, please contact this office.

Sincerely,



Gary Spackman

GS:st

Encl.

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JUN 09 1999

From: DWR80::SLESTER 9-DEC-1997 11:31:02.35
To: DWR03::JJOHNSON
CC: SLESTER
Subj: APPL. 65-13693 BEZATES

Jim, this application was originally d'entered with P flag but was then changed to T flag since could not process it (the "no-seum moratorium" about irrigation).

Now we can process it per Norm's verbal okay since applicant has agreed to accept future mitigation if needed.

So will need to put this one back on weekly listing. Will be advertised in 3rd & 4th weeks of December.

Also note that 65-13704 irrigation is being advertised at same time under same circumstances. But that one has always had T flag until I changed it today to P. So it should appear okay on weekly listing automatically.

Norm said he will be sending written directive soonest about processing irrigation that has been held in open areas. Meanwhile, he said we could proceed if applicant agrees to accept mitigation condition as part of the application (so it should be in writing, it appears, instead of just telephone conversation). So you may see a few pop up in near future until we get written directive. Wanted to let you know so it doesn't look like we are going haywire over at Western.

thanks,

Steve

CONVERSATION MEMORANDUM

DATE 12/4/97

FILE 65-13751

NAME OF PARTY BOB McKenna - M Report

65-13704

EMPLOYEE RL

RE: CORRECTION re "Test Well"

He called to note that his earlier fax misidentified
OQ for proposed well - SENG not NUSE 5.12 (so agrees
with Appl. map).

This changes my 12/3/97 fax reply recommendation (item 8) -
no need to amend either W.R. Application.

He will send \$125 to upgrade d.p. in 65-13751.

Region will process 65-13704 (irrig) asap. This means
will also process Register Appl. 65-13693 asap (also
irrigation).

IN later discussion with mgr - indicated willing
to issue d.p. 65-13751 soonest if Applicant requests
that. So is possible in this case to get
expedited d.p. for new well in SENG 512.

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JUN 09 1999

orig - 65-13751
cc - 65-13704
- 65-13693

COPY

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

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

Spackman —
RECEIVED

OCT 02 1997

Department of Water Resources

OK to process.

TELEPHONE (208) 634-7841
FACSIMILE (208) 634-4516
E-MAIL mpm@cyberhighway.net

October 1, 1997

RECEIVED

OCT - 7 1997

WATER RESOURCES
WESTERN REGION

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

Re: M Resorts Application for Permit No. 65-13704

Dear Mr. Lester:

This letter will follow the telephone conference you had with Bob McKenna and Steven J. Millemann on September 11th regarding the above-referenced application. Pursuant to your invitation, we have contacted Phil Rassier, Senior Deputy Attorney General for the Idaho Department of Water Resources. Pursuant to Mr. Rassier's instructions, we are now forwarding this letter to you.

Mr. Rassier explained to us the reason for the "informal moratorium" on groundwater irrigation applications. However, he also explained that there are ways to work around the "informal moratorium." One of those ways, he explained, was for us to forward to you a written commitment to mitigate the adverse effect, if any, of Application No. 65-13704. Accordingly, the purpose of this letter is to commit to mitigate the adverse impacts, if any, by purchasing Payette Water Bank water, or by the use of surface water, or by any other reasonable method that may be available at the time it is decided (if ever) that mitigation is necessary. We reserve the right to select the method of mitigation, but by this letter we commit to mitigate by reasonable means if and when it is shown that mitigation is necessary. We also reserve all procedural and due process rights to a full hearing and presentation of evidence before an impartial decision maker if any request to mitigate is deemed unreasonable by the Applicant or its successors.

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JUN 09 1999

Idaho Department of Water Resources
Attn: Steve Lester
October 1, 1997
Page 2

It is our understanding from Mr. Rassier that with this letter you are now able to proceed with the processing of Application for Permit No. 65-13704. If you are not able to so proceed, please inform us immediately. Thank you for your past and continuing assistance in this matter. If you have any questions, please call Steven J. Millemann or me.

Sincerely,

Brian L. McMahon

BRIAN L. McMAHAN

BLM\pld

cc: Doug Manchester
Bob McKenna
Phil Rassier

idwr 002

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JUN 09 1999

CONVERSATION MEMORANDUM

DATE 9/11/97

FILE 65-13704

NAME OF PARTY Steve Millemann + Bob McKenna

EMPLOYEE FL

65-13738

- CONT. CALL -

RE: M Results Appls.

65-13704 g.w. inv. Appl. not being processed.

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

Attorney J. Millemann wanted to know who chief

legal person is for IDWR. Referred him to Phil

Rossier for followup: possible processing with mitigation plan?

↑
HAVE phone msg. in to Phil to let him know.

65-13738 again asked for Exped-ting.

Region will solicit affidavit of publ. from
Newspaper (Joe Taylor is following up with that).

Probable decision on this Appl. is late Sept.

or early Oct. is my best estimate.

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JUN 09 1999

✓ CC: 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. BATT
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

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JUN 09 1993

MILLEMANN, PITTENGER & McMAHAN

ATTORNEYS AT LAW

706 NORTH FIRST
POST OFFICE BOX 1066
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) 634-7641
FACSIMILE (208) 634-4516
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?

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JUN 04 1999

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,

Brian L. McMahon

BRIAN L. McMAHAN

BLM/pld
cc: Client

MICROFILMED

JUN 09 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

June 18, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BOB MCKENNA
MANAGER IDAHO OPERATIONS M RESORTS
PO BOX 1006
MCCALL ID 83638

RE: STORAGE OF WATER IN BETSEY LAKE

Dear Mr. McKenna:

Earlier this spring we discussed possible methods for M Resorts to obtain new irrigation water rights for the proposed golf course that includes the Betsey Lake site in Section 12, T18N, R2E B.M. I have not received any response from you since that discussion.

This office continues to hold application for permit no. 65-13704, which proposes ground water (several wells) to serve a new golf course in the name of M Resorts.

I wanted to take this opportunity to remind you that water cannot be stored in Betsey Lake until valid water right protection is secured. Any water held in the pond should be released to the adjacent stream pending such water right approval.

Thank you for your attention to this detail. Please contact this office if you would like additional information. Also, please note that I will be out of the office from June 23 to July 17. Feel free to direct your questions or concerns to the regional manager during that period.

Sincerely,

Steve Lester
Water Rights Supervisor

c: Bezates Land & Cattle Co.
IDWR Western Regional Manager

MICROFILMED
JUN 09 1999

*filed Appl 65-13738
to cover pond
(non-irrig). Being
processed 7/31/97
-SL*

Ident. No. 65-13738

Appl. for existing well plus
Runoff to fill/maintain
"Betsey Lake" e
M Resorts

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.

This copy provided for WR files:

65-13470 Permit for
65-13704 Appl. M Resorts
65-13693 Appl. } for
65-13694 Appl. } Bezates

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JUN 09 1999

CONVERSATION MEMORANDUM

DATE 5/14/97
FILE 65-13704NAME OF PARTY John BezatesEMPLOYEE Steve LesterRE: M Resorts

Continues to have concerns re M Resorts
re "Betsey Lake" & Williams Creek. Received letter
re SCA 65-S-526 - advised him to send
comments if he has concerns.

Still no water right in place that allows
filling of this pond. Pending appl 65-13704 (ground
water for irrig. proposed golf course) still cannot
be processed.

NO response from ROB McKenna re idea to
mitigate that appl. with storage water from
water bank.

Dept. should inform M Resorts that ~~cannot~~ cannot
store water in this pond until water
coverage provided.

MICROFILMED

JUN 09 1999

U → 65-S-526 file

CON. ERSATION MEMORANDUM

DATE 3/6/97

FILE 65-13640 (permit)
65-13704 (Appt)

NAME OF PARTY BOB McKenna 634-2244

EMPLOYEE Steve Lester

RE: M RESULTS

both
for
same
proposed
golf
course

65-13640 Lake Hw, Irrigation -

J.O. working on his 10-29-96 Request to allow more time to start construction (Concl. #4).

65-13704 Wells, Irrigation & Recreation -

Options

① Amend to delete irrig so can proceed with non-irrig portion ("irrigation delay" problem since 7/96±).

② then file separate Appl. to cover irrig. portion.

③ Instead of 1+2 :

can propose to mitigate g.w. irrig use by retiring lake permit & provide storage water (water bank) for depletion in Br. 65 - OR could just propose storage component mitigation without retiring lake permit.

per Gary Spackman's conversation with Norm Young, Gary briefed me on this

If this option used - notify Regate c same same option for Appl. (s).

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JUN 09 1999

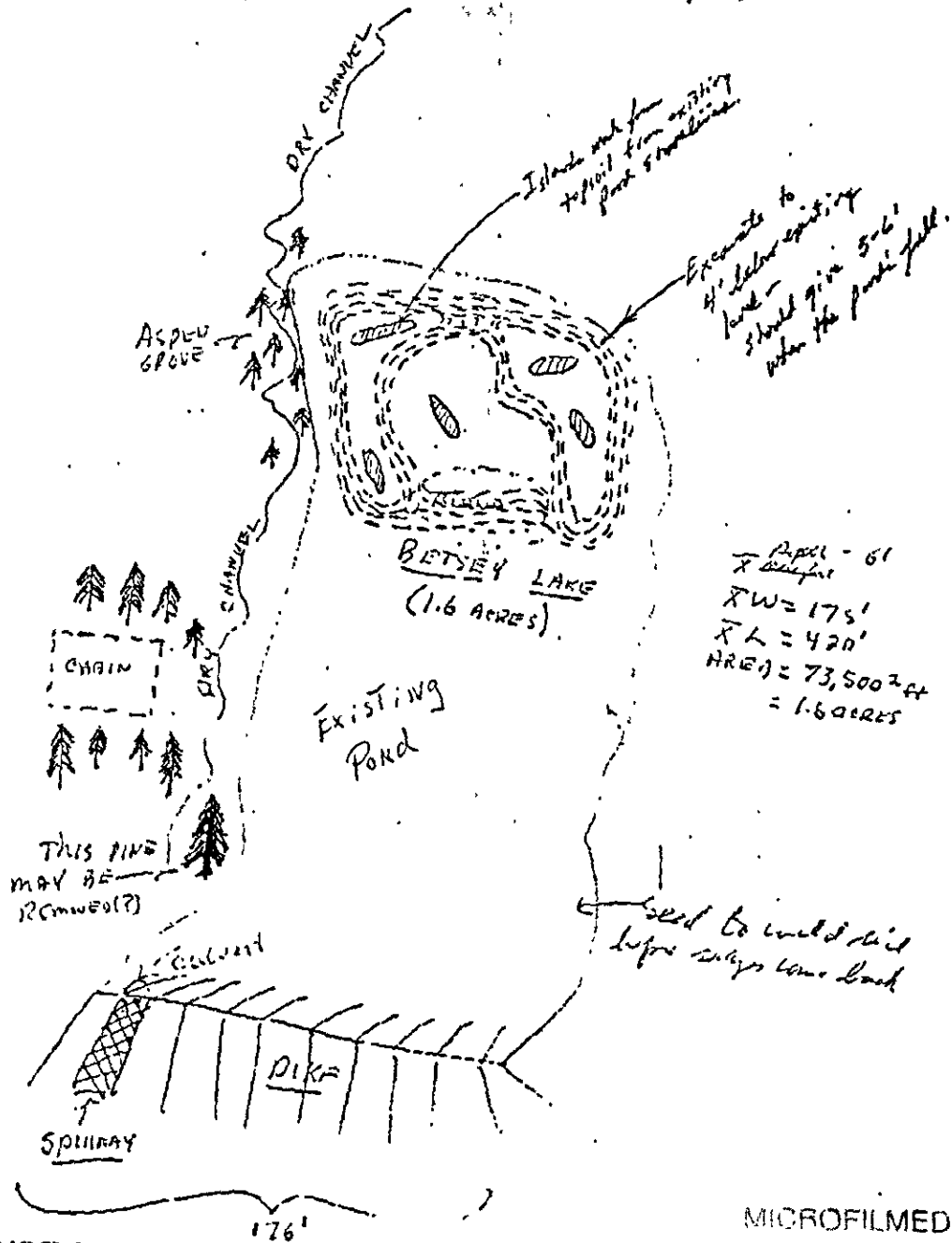
10 08 02 18:02

203 328 2537

Boise Kinko's 1

2005

MANCHESTER FISH WILDLIFE PROJECT (L.I.T.)
THOMAS L. WELSH BIOCONSULTANTS (1991-1992)



April - 61
RW = 175'
RL = 420'
AREA = 73,500 sq ft
= 1.6 acres

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copy from Lapsed permit 65-13452

www.strom... tied to Williams ck.

for... (13.8 A.E.)

8/2

CONVERSATION MEMORANDUM

DATE 3/6/97FILE 65-13704NAME OF PARTY BOB McKennaEMPLOYEE Steve LasterRE: Processing

Discussed options per other conv. memo of today.
He wants to discuss this with consultant, Terry
Scanlon.

Wait to hear from BOB before proceed.

Whatever method used:

Need into e - max # ponds

==

- Est. capacity per pond

- " dam size " "

- details e culvert re-routing e

"Betsey Lake" so can be

assured creek thro does not

enter that pond

- /Arge div. into > 200 Area

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JUN 04 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

March 5, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BOB MCKENNA
MANAGER IDAHO OPERATIONS M RESORTS
PO BOX 1006
MCCALL ID 83638

RE: WATER RIGHT APPLICATIONS

Dear Mr. McKenna:

This letter serves as a brief response to your letter dated January 27, 1997 concerning proposed development on land owned by M Resorts ("Resort"). The following chronology of events might be useful in summarizing the current situation.

1. Bezates Land and Cattle Company ("Bezates") filed a complaint at this office on October 4, 1996. The complaint alleged that Resort had violated several water right procedures and/or statutes, resulting in injury to Bezates senior water rights in the Williams Creek drainage.

2. Bezates filed two water right applications on October 4, 1996. One proposed ground water to irrigate 200 acres (no. 65-13693), while the other included surface water tributary to Williams Creek for non-irrigation uses (no. 65-13694).

3. I met with you on October 22, 1996 to visit Resort property to investigate the complaint. We then met briefly at the office of Millemann, Pittenger & McMahan in McCall to discuss the situation with Steven J. Millemann.

4. Resort filed a water right application proposing ground water to irrigate 210 acres for a golf course on November 4, 1996. The application also included several storage ponds for the golf course (no. 65-13704).

5. You submitted a letter dated January 27, 1997 requesting that application no. 65-13704 be processed since the department has not issued a moratorium on such processing in the McCall area.

Turning to the alleged water right violations and alleged injury, the field inspection last October did reveal a number of irregularities occurring on Resort property. None of these items appeared to be causing observable injury, e.g. reducing the flow of water in the stream adjacent to "Betsey Lake". It is conceivable that I lack sufficient information to determine if injury related to the Betsey Lake situation has been or is occurring. Additional investigation may be required to make such a determination.

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JUN 04 1999

March 5, 1997

Page 2

The irregularities need to be addressed in greater detail than this letter allows, and I will continue to work on that matter. I will remain in close contact with Bezates and Resort during this process.

Meanwhile, the domestic and/or test well that was being used to maintain Betsey Lake must be addressed. A water right is required to fill the lake with any surface and/or ground water. No valid water right exists to fill and maintain the pond. Therefore, water from any source cannot be used to fill and/or maintain this pond until a valid water right is secured for the source(s) in question.

I am also sending you a copy of this letter via facsimile to provide this information to you without further delay. I do regret any inconvenience imposed on Bezates or Resort by not responding sooner.

Please contact me at your convenience if you would like more information.

Sincerely,



Steve Lester
Water Rights Supervisor

c: Bezates Land & Cattle Co.
Steven J. Millemann
IDWR Application Files

MICROFILMED
JUN 09 1999

W 21 3/4/97

SD-0601-2 Last Name: M RESORTS

STATE

S	First	O	Water	Priority	Total	Use
E	Name	W	Right No.	Date	Diversion	Code Desc
L		N				
M RESORTS		C	65-13640	08/28/1995 PAYETTE LAK	4.000	01 IRR
				for new golf course		02 IRR S
						03 IRR FS
						46 REC
						47 REC S
						55 DIV S
M RESORTS LIMITED		C	65-13453	05/10/1993 UNNAMED STR	10.60	05 STOC S
	Expand to pond 65-07007			Lake Douglas Ext. to 11/1/98		17 WILD S
	Expand Pit Lake & cover existing storage	C	65-13454	05/10/1993 UNNAMED STR	4.10	53 AES S
				Pit Lake Ext to 11/1/96		05 STOC S
						17 WILD S
						53 AES S
M RESORTS LTD		C	65-13470	08/09/1993 GROUNDWATER	0.040	04 STOCK
	* { to Lake Douglas			"Lambert well" Ext to 10/1/98		16 WILDLF
	to Pit Lake	C	65-13471	00/00/0000 "Sevier well" / Apr 10/10/94	0.00	52 AES
M RESORTS LIMITED		C	65-13452	00/00/0000 - Surf. H2O Betsey Lake	0.00	
M RESORTS		C	65-13704	11/04/1996 GROUNDWATER	2.000	01 IRR
				g.w. Appl. for new golf course "in delay"		02 IRR S
						03 IRR FS
						46 REC
						47 REC S
						55 DIV S

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

Cannot store any H2O Betsey Lt. (except g.w. 42111 1/2 m. surf. area max)

* T 4144 65-08209 L. well } withdrawn 7/8/93
4145 65-08296 S. well } replanting 1/13/94

JUN 09 1999

late 1996

*Water Right
Name query*

SD-0601-2		Last Name: M RESORT						STATE	
S	E	L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc

M RESORTS									
				C	65-13640	08/28/1995	PAYETTE LAK	4.000	01 IRR
									02 IRR S
									03 IRR FS
									46 REC
									47 REC S
									55 DIV S
M RESORTS LIMITED									
				C	65-13453	05/10/1993	UNNAMED STR	10.60	05 STOC S
									17 WILD S
									53 AES S
				C	65-13454	05/10/1993	UNNAMED STR	4.10	05 STOC S
									17 WILD S
									53 AES S

*Expanded pond on
65-07067*

*Expanded Pit Lake
to provide coverage
of entire portion*

*Pump from
lake to 5 ponds,
proof due
12/1/98*

*Lake Douglas
Ext. of time
to 11/1/98*
*Pit Lake,
Ext. of time
to 11/1/96*

SD-0601-2		Last Name: M RESORT						STATE	
S	E	L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc

M RESORTS LTD									
				C	65-13470	08/08/1993	GROUNDWATER	0.040	04 STOCK
									16 WILDLF
									52 AES
				C	65-13471	00/00/0000	"Sevier" well to Pit Lake, Lapse notice 10/1/94	0.00	
M RESORTS LIMITED									
				C	65-13452	00/00/0000	Betsy Lake pond, Lapse notice 3/7/95; also see 11/23/94 atty letter aware to pond	0.00	

** {*

*Expanded Betsy Lake?
no precise coverage, it appears*

*"Lambert"
well to
Lake Douglas
Ext. of time
to 10/1/98*

(Enter=Continue) (GOLD 7=This Query) (Menu _____)

** Transfers # 4144 - 65 08209 - Lambert well
4145 - 65 08296 - Sevier well } Withdrawn 7/8/93,
replaced by 65-13470
65-13471*

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JUN 09 1999

SD-0601-2 Last Name: M SORT

SRBA Name *guy* STATE

S	First	O	Water	Priority	Total	Use
E	Name	W	Right No.	Date	Diversion	Code Desc
L		N				
-	M RESORTS LTD	-	-	-	-	-
-		C	A65-08260	01/01/1967	GROUNDWATER	0.040 43 DOMEST
-		C	A65-00589	04/01/1967	BIG PAYETTE	2.250 49 FIRE
-		C	A65-00590	04/01/1941	BIG PAYETTE	2.220 07 INDUST
-		C	A65-00591	04/01/1941	BIG PAYETTE	0.500 07 INDUST
-		C	A65-00596	04/01/1941	BIG PAYETTE	0.340 07 INDUST
-	<i>Sevier well -</i>	C	A65-08296	04/01/1954	GROUNDWATER	0.040 43 DOMEST
-		C	A65-08356	06/01/1916	UNNAMED STR	0.030 04 STOCK
-		C	A65-08357	06/01/1916	GROUNDWATER	0.040 43 DOMEST
-	<i>Lambert well -</i>	C	A65-08209	04/01/1970	GROUNDWATER	0.040 43 DOMEST
-		C	A65-10293	08/01/1955	GROUNDWATER	0.040 43 DOMEST
-		C	A65-00592	04/01/1941	BIG PAYETTE	0.250 07 INDUST
-	<i>This pond expanded w/ 65-13453</i>	C	A65-07007	07/21/1967	UNNAMED STR	5.60 47 REC S
-						06 STO FS
-						45 DOM FS

END OF DATA...ENTER MENU OPTION AND/OR PRESS ENTER TO CONTINUE
 (Enter=Continue) (GOLD7=This Query)

(Menu _____)

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JUN 04 1999

Hand drilling name query

SD-0602-2 Last Name: M .SORTS
S Basin Number: 65 Year:

E	Name	Permit	1	1	1	A	L					Approval
L	Last, First	Number	4	4	4	Lt	c	U	T	G		Date

M RESORTS												
		65-93-W-0462-000	18N	03E	07							
		65-93-W-0463-000	18N	03E	07							
		65-96-W-0156-000	18N	03E	07							
		65-96-W-0197-000	18N	03E	07							
M RESORTS LIMITED												
		65-93-W-0440-000	18N	03E	07							

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

*M Resort → ∅
(No s)*

MICROFILMED

11/11/95

From: DWR80::SLESTER 14-FEB-1997 12:25:17.47
To: DWR03::JJOHNSON
CC: SLESTER
Subj: PERMIT 65-13640

I forwarded a letter on 11-1-96 to you from Bob McKenna for M Resorts. He asked for more time to commence development under permit 65-13640. Bob called me today to ask for follow-up on that request.

This permit for Payette Lake water has become even more important to owner since ability to obtain new irrigation permits has been in doubt for several months. For example, we cannot process M Resorts' newest ground water irrigation application (65-13704).

Please check and let me know how the request by Bob is coming along so I can let him know.

thanks,

Steve

MICROFILMED

JUN 04 1999



RECEIVED

JAN 29 1997

WATER RESOURCES
WESTERN REGION

January 27, 1997

Mr. Steve Lester
Water Rights Supervisor
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Dear Mr. Lester:

*Steve G ✓
Bob can
uncomfortably wait
a little longer.
He would like
us to write a
letter responding
to allegations of
wrongdoing, however,
Do you want me
to write the letter?
Bob ✓*

This correspondence is in regards to the status of the Application for Permit number 65-13704. The Application for Permit was submitted to the Western Region office in early November by myself on behalf of the Applicant M Resorts.

I understand that the Idaho Department of Water Resources has delayed the processing of applications for permit in the Payette River basin due to water rights issues that affect one or more northwest states. I also understand that the Idaho Department of Water Resources has not issued a moratorium on the processing of applications for permit as a result of the mentioned water rights issues.

In view of the fact that there is presently no moratorium on the processing of applications for permit in take Payette River basin, I am requesting that the Western Region office move forward with the advertisement of Application for Permit number 65-13704. Please contact me at (2 08) 634-2244 if you need additional information to prepare the Application for Permit for advertisement.

Sincerely,

Bob McKenna

Bob McKenna
Manager, Idaho Operations

cc: D. Manchester
T. Scanland

MICROFILMED

JUN 19 1997



November 20, 1996

SL
Steve Lester
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Dear Steve:

In response to your request for additional information regarding M Resorts application for permit, at this time there is no plan to divert surface water or collect any run off. However, we may in the future, as the project grows, divert unnamed stream into a pond for esthetic reasons. We would not be storing any water. It would be surface water in and surface water out. We may also subsidize well water to create a stream bed.

Please include this in our file for future consideration.

Sincerely,

Bob McKenna
Bob McKenna
M Resorts

RECEIVED

NOV 22 1996

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WATER RESOURCES
WESTERN REGION

JUN 04 1999

APPLICATION WORKSHEET FOR "ADVERTISING DELAY"

APPL. NO. 65-13704 M Rents

DATE 12-2-96

T FLAG USED IN DATA ENTRY ✓

APPS.LIS UPDATED TO SHOW
FILE AT SL'S DESK ✓

APPL. FOLDER PREPARED AND
BAR CODE ENTRY COMPLETED ✓

FILE ROUTED TO SL ✓

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JUN 09 1999



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. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Sent ✓

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 11/15/96

TO: BOB MCKENNA
M Resorts

FROM: Steve Lester

Fax 208-634-7504

DOCUMENT DESCRIPTION: FEW QUESTIONS & NEW APPL. FOR
PERMIT for proposed golf course. CAN send reply via
mail or fax.

TOTAL PAGES SENT: 1 + COVER SHEET

CONTACT: _____

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JUN 09 1999

*11/19/96 telephone reply:
not using surf. water re ponds, except maybe
flow through only. Ponds to be filled + maintained
by ground water.
BETSEY Lake will be part of w.r.
Suggested he submit an attachment to appl. to explain
this.*



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

11/15/96

— NOTES —

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN: BOB McKenna & M Resorts

RE: Appl. for Permit, wells for ponds & irrigation
and recreation uses

1. Do ponds include "Betsey Lake"? I assume
so per site visit with you.
2. For all proposed ponds: need estimate of
dimensions to calculate volume capacity plus
est. dam heights per pond (will all dams
be less than 10' high?).
3. Sources: wells —
What about any runoff collected in
ponds as most likely will occur?
Consider adding source for misc.
runoff = unnamed STREAMS (dept.
term for misc. runoff).
Correct to assume that no actual
diversions from flowing STREAM(s) will
be used to fill any ponds?

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JUN 09 1999

— Steve L.

Field Visit e M Resorts e Bogates Complaint of 10/4/96

10/22/96
JL

with BOB McKenna, property mgr. (e Shore Lodge office)
map - see Figure 3 provided by McKenna.

Shows 7 wells

Well	Drilling Permit	Approx Location
1	GS-93-W-0040 Manchester	NWSE 5.12 18N 2E
2	GS-96-W-0156 M Resorts	SENE "
3	GS-96-W-0197 "	" "
4	GS-93-W-0463 "	NWSE 5.12
5	GS-93-W-0440 "	SESW 5.7 18N 3E
6	GS-93-W-0462 "	SWSE "
7	N/A Lambert	NESB 5.7

Decreed O/I Well, also GS-13470

Logs? convert logs in W.d. d'base i logs?

Lake Douglas - GS-07007

GS-13453 expands pond, 2nd ext. issued 10/96
due to litigation.

GS-13470 Lambert well to lake, " " "

N/A TO COMPLAINT

Pit Lake - N/A - lake filled in, project abandoned,
w/ (s) lapsol in e to.

GS-13454

GS-13471 Service Well

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JUN 09 1999

Pg 1 of 5

Betsy Lake is NWSE 5.12

Applied 65-13452 (protest etc. & Betsy previously).

Spring 1995 - 36" culvert routes natural flow & lake so
not storing or diverting natural flow (bypass pipe).

Well #1 pump flow into lake, overflow via outlet & dam
so adds to stream flow.

Working w/ SCA @ 404 permit

Tested wells 1 & 2 together, no interference found.

Now - run 14 day pump test well #1 @ 165 gpm, monitor
wells 2-6, maybe 7 to see effects.

Wells 2-6 test pumps only, no permanent pumps.

Wanted to get g.w. data to see where/if good production wells
could be located for golf course.

Thought this was proper procedure to see what to file for
water right.

(ACTUALLY: that's a backwards process)

g.w. Appl. plan will be same as Payette Lk permit
(65-13640).

Might only use a lake or g.w. source once get good data
Payette

Visited Betsy Lk. site -

- See diagram next pg -

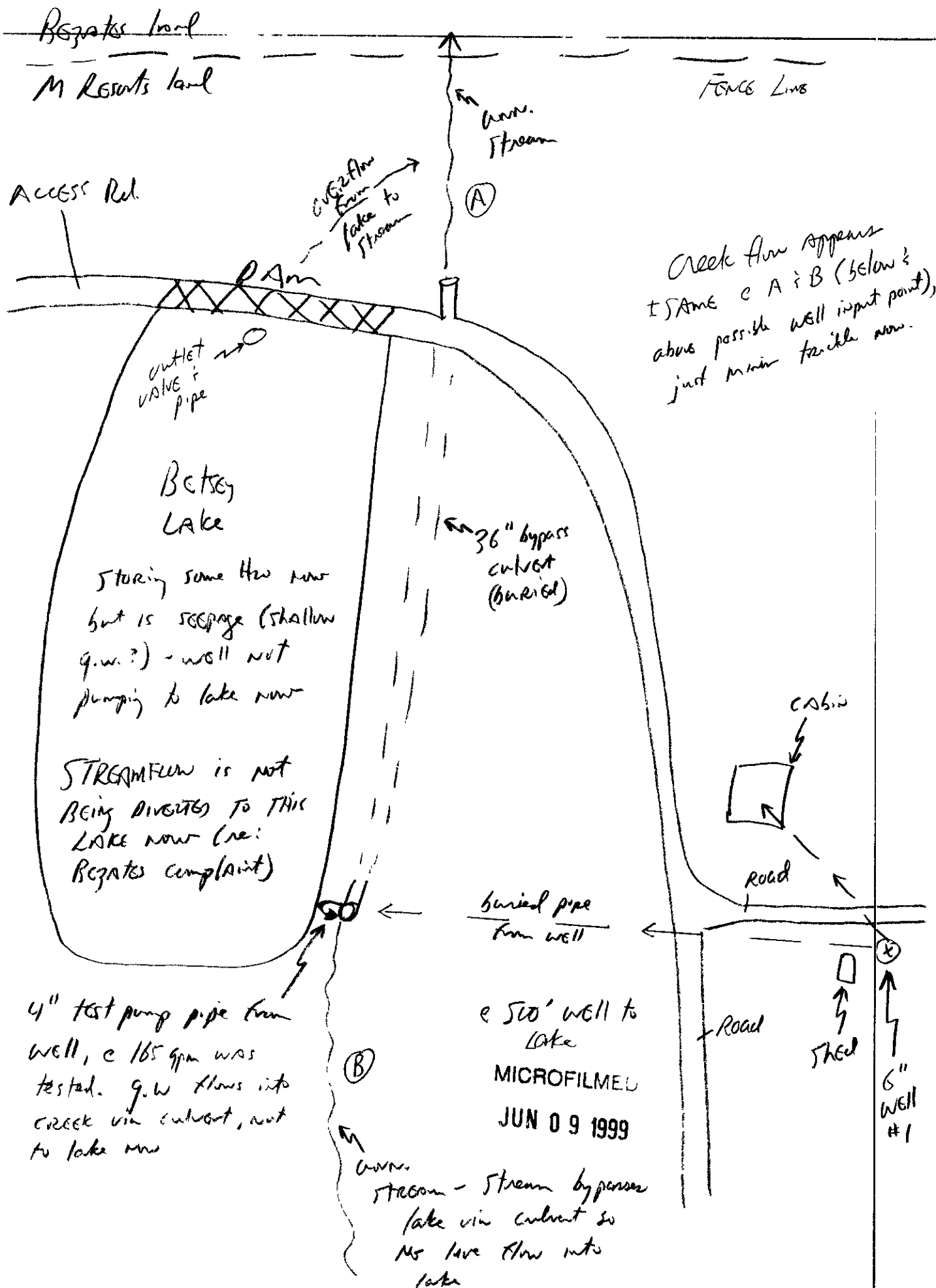
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JUN 09 1999

22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS



2
↓



No observed flow creek to lake - channel is lower than lake but maybe seepage occurs (?).

Lake fills w/ some shallow gws plus runoff that may naturally flow into (rain etc.).

Pump tests have rented gws from well #1 to lake but not now.

NGC file w.r. Appl for gws to lake since no storage right for this exists.

Logged stream w.r. GS-13452 for lake:

- ✓ pump tests RBW
- ✓ dam safety JKW

Terry Scanlon conducted pump tests & might handle w.r. Appl(s)

After field visit

Visited with attorney Steve Millemann & Bob McKenna & thoroughly discussed situation -

issues of well drilling (i.e. data incorrectly recorded logs, w.d. permits?)

dam safety (Story, Haz & Betsy Lake)

MICROFILMED w.r. Appl (gws to store in ").

JUN 09 1999

also inv. Appl. for golf course re wells.

Follow up by M Resorts & JKW

Reopened file w.r. Appl asap to address Bezstar complaint issues.

Bezstar will have chance to comment on M Resorts Appl. & vice versa.

Send written response to Bezstar complaint to Bezstar w/ cc to S.M., attorney for M Resorts

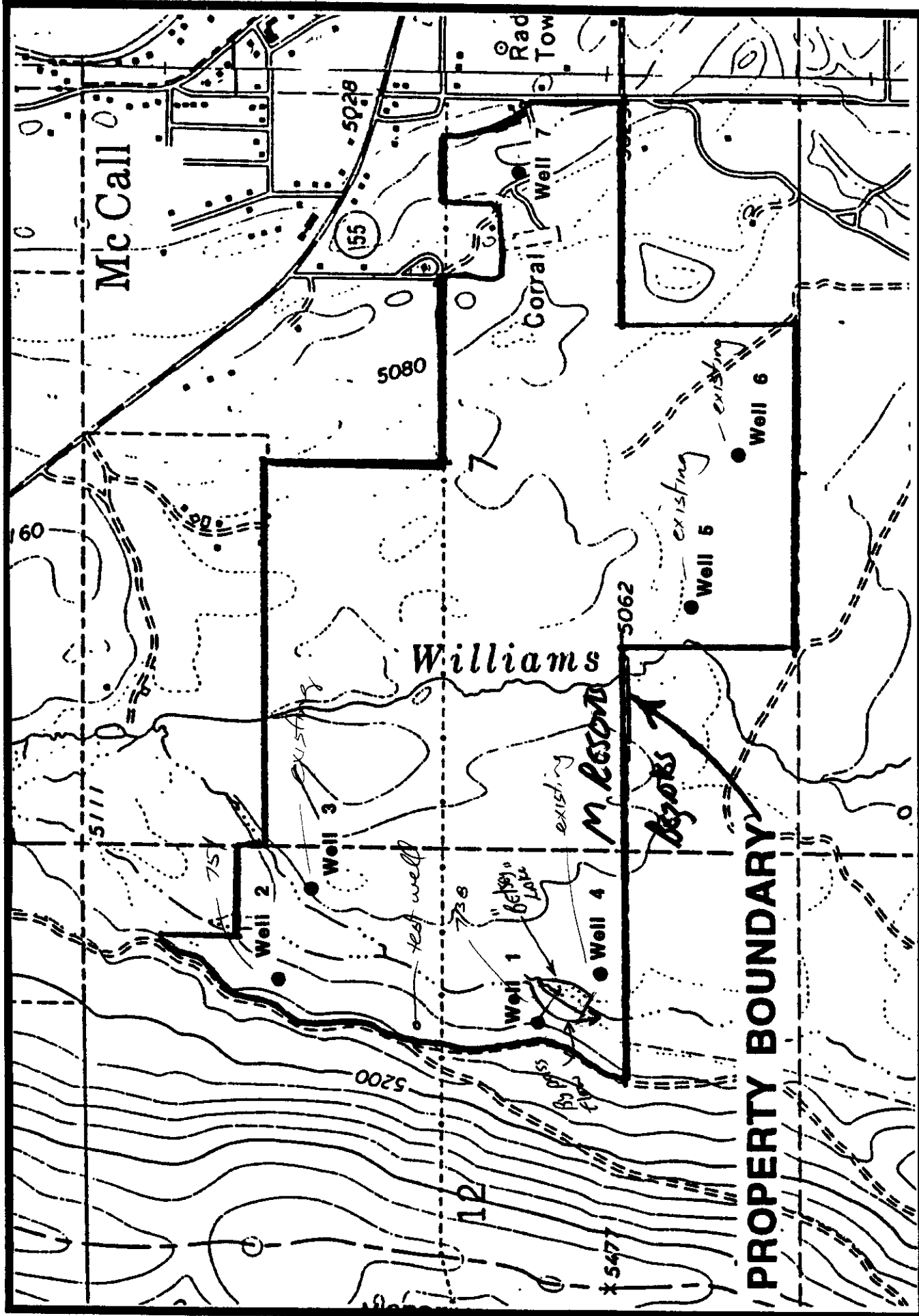


**FIGURE 3
EXISTING WELLS LOCATED WITHIN THE PROJECT AREA**

CONVERSATION MEMORANDUM

DATE 10/17/96

FILE _____

NAME OF PARTY M ResortsEMPLOYEE Steve LesterRE: BEZATES Complaint - Betty Lk etc -

from W.R. file at Steve Milmonn * 634-7641 -

- still represents M Resorts.

- wants cc new Bezates' apps.

- referred me to prop. mgr. BOB McKenna at

Stone Lodge 634-2244.

That # gave me 634-9675

BOB McKenna

- wants fax (634-7504) of complaint if cons.

- appt. to meet i ✓ in field

10:30 ± Tue 10/22 at Stone Lodge

Receipt Book

MICROFILMED

JUN 09 1999

* Said Terry Scanlon working on test wells for
M Resorts

cc. Bezates' Applications

From: DWR80::SLESTER
To: DWR03::NYOUNG
CC: SLESTER
Subj: QUESTIONS

9-OCT-1996 10:34:07.66

Norm, we have had a hard time connecting via the phone last few days so am sending this instead. I'll be gone Thur & Fri but Jan will be Acting if anything comes up needing immediate attention.

Here are my questions:

1) United Water well drilling, Cassia St. site - met with Mark S. to discuss general situation where water right needed for new well. Do you agree that broadly speaking we will not issue drilling permit just because w.r. filing is made? Need to pursue w.r. course first, then look at well drilling permit later? Of course, there will be exceptions to this such as when an exempted use is proposed (d.p. ok for that only) plus maybe a few acres irrig. proposed (w.r. filing to be held on that part, at least locally).

For United Water, has drilling permit been issued under the "alternate P/D" concept: ok to have 2 wells in tract under existing right provided that only use 1 at a time? That's what I heard. If true, is this intended to be a one-time fix rather than opening up a whole new avenue for well drilling? We have new appl. for permit for that well specifying 4.5 cfs where existing right is for @ 1/2 that - will not advertise new appl. until can confirm status of drilling permit appl. & whether or not UW seeks add'l capacity. Have call into Ed Squires to check that out.

2) Appls. for Permit regardless of source in areas open to new rights - have held all processing these per your suggestion but now have @ 15-20 that am getting concerned about. How long can we hold these since the areas in question are open to new appropriations? If continue to hold, think we should send "delay" letters to applicants but that is problematic - not sure what kind of language can use. I am getting uncomfortable with just holding them and not notifying applicants.

One in particular needs to be processed as follow-up to a complaint where complainant seeks new irrig. well @ McCall to secure senior priority over anticipated ground water filing by M Resorts for proposed golf course in McCall. Complainant's appl. was filed few days ago & he's expecting something to happen although I told him would probably take "awhile" for us to get the processing started - "field work, other office duties etc. causing some delay" type of conversation. This one is similar to the recent pond building/SCA violation near McCall where you indicated ok to advertise the irrig. appl. to address the problem. Will advertise this irrig. well appl. same way unless you think cannot at this time.

Please advise - do we need to sit down & discuss? Can meet at your office at your convenience if so.

Thanks,

teve

*Sent down cc of appls
to JHW 10/9/96 w/
note & some delay
- 10/9/96*

*Rezates 65-13693
-13694
Hold pending OK NLY
to process*

*Office visit & complaints
re: M Resort
-JR*

October 4, 1996

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

RECEIVED

OCT 04 1996

WATER RESOURCES
WESTERN REGION

Attn: Mr. Steve Lester

Dear Mr. Lester:

This letter is submitted on behalf of Bezates Land and Cattle Company relative to a number of issues regarding certain properties and their respective water rights and resources near McCall.

As a brief background, we have owned approximately 720 acres West of McCall since mid 1930's. The property consists of both lightly timbered pasture and irrigated pasture, and although presently in agriculture, is highly developable with most of the property in the City of McCall impact zone. The water rights are from various sources and according to your staff, are currently being processed for adjudication in the Snake River Basin Water System with all appropriate application documents properly filed.

Adjacent to the North boundary of the Bezates parcel is a parcel of approximately 400 acres. The current ownership is either M Resorts Ltd., whose address is shown as San Diego, California with an individual named Manchester who has some interest or involvement in the property. The parcel seems to have been assembled from several smaller parcels over the past few years. The M Resort property is of comparable topography, zoning and developable characteristics.

With that as a basic backdrop, I will abbreviate the rest of this correspondence and get to the core concerns.

~~This letter is submitted for the following:~~

1. To investigate the M Resorts Ltd. Property to for improper, inappropriate and or illegal use of water under the terms of a permit to store water granted in March of 1994 as attached;
2. To further investigate the drilling of wells on the same land, shown on the maps attached, without permits for drilling and or application for appropriation; and
3. To specifically terminate the permit for storage of water, and any and all rights under the permit due to non compliance under the terms of the permit, as well as determine whether it has in fact lapsed for failure of noncompliance and final proof of the same.

After numerous visits to your main IDWR office to gather current information on wells drilled in the area, specifically on the M Resorts property, there appears to be no record of recently drilled

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*Bezates Complaint
& M Resorts*

wells on the property. As mentioned to your staff, it appears at least two, and presumably more wells have been drilled, are operating, and or have been placed on the M Resorts property, none of which according to your records have been permitted.

With regard to the permit for a storage pond in 1994, it was conditioned upon numerous factors, and restricted in accordance with the terms of the permit. Attached are several items which illustrate the intent of the applicant, our objections and concerns and the proposed and final orders from the Director. These references are included because they essentially set the pattern of activity which is in part the basis for our letter and concern at this time.

The ponds, nearly 3 surface acres and the dam, are in the channel of an unnamed stream which flows on and through our property which has down stream priority rights. The pond is situated in inventoried and recognized wetlands. M Resorts dug the pond without first applying for or obtaining any permit, although they must have been aware of the requirement to do so because they had been declined a permit in a couple of earlier instances.

This year could be described as a reasonably good water year. However, our springs and sumps, and the entire wetland area of the unnamed stream have dried up this year. We have owned and were raised on this property, and for over 60 years, even in bad drought years, they have never gone dry. We believe this is a direct result of the M Resorts pond which has adversely affected the flow from the stream, the water table and overall groundwater down stream, the springs, the vegetation and the wetlands. Recently, a little seepage began to appear.

Specifically;

1. M Resorts appears to be storing water in excess of their allocation during the entire year;
2. They are obstructing the natural flow beyond any right they appear to have;
3. They appear to have negatively impacted the downstream flows, wetlands, and adversely impacted the water rights of others senior to their permit;
4. They appear to have drilled or caused wells to be drilled without authority, and have caused damage to our property.

Recently, we found survey stakes, orange flags and what appears to be another drilled and developed 6" cased well. This well is located within 100 feet or so from our property line. We received a notice from City of McCall that M Resorts had submitted an application to develop the bulk of their property for a golf course. The development is shown on a colored rendering provided by their attorney to the City which we have included for your review. You can see the coloration of blue which according to their attorney are new lakes to be formed, which is where the newest well is located, however there is no record of a well log filed or a permit application on this well.

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It is logical to conclude the new well or wells drilled are not to be used for domestic purposes. It also seems their intentions based on the quiet pattern of water development thus far, raises serious doubt for an honest understanding of where they are headed. The fact that a 6" well has been drilled next to our property, and the simultaneous development of the golf course plan, which does not indicate or show any improvement less than a quarter of a mile away, (except the lake) is more than coincidental.

Our concern has resulted in the submission of this letter. Our initial concern prior to learning of the golf course, was an attempt to analyze, with Department help why our springs were going dry, why the stream was closed off, and why they can get away with this. It seems M Resorts Ltd., or whomever is responsible for these activities of drilling and damming streams, does so with a consistent disregard for consideration of the rules or their neighbors.

Simultaneous with this complaint, we are filing for adjudication of the water presently being taken by the pond. We feel their permit is lapsed according to its terms and the rules, and we want the wetlands restored and our rights and springs restored, if they are not already ruined.

Additionally, and in anticipation of their ability to continue taking our water, we are filing for a water right from a well which we will develop. We are also developing 7 new test wells around the perimeter of our property so that we can monitor their future affects on our water table as well as potential contamination from their development.

If you have any questions, please call me at 541-889-5963, or George Bezates, my brother at 208-634-3809. Thank you for your attention to this matter.

Sincerely,

John Bezates

Bezates Land and Cattle Co.
John Bezates

*contact George in
McCall & area
to B. property*

IMPORTANT MESSAGE	
FOR <u>SL</u>	
DATE <u>10/4/96</u>	TIME <u>11:55</u> A.M. P.M.
WHILE YOU WERE OUT	
M <u>Greg Sackis</u>	
OF <u>w/ John Bezates</u>	
PHONE NO. _____	
TELEPHONED ☐	PLEASE CALL ☐
CALLED TO SEE YOU ☐	WILL CALL AGAIN ☐
WANTS TO SEE YOU ☐	URGENT ☐
RETURNED YOUR CALL ☐	
MESSAGE <u>Will be 15-20</u>	
<u>mins late for</u>	
<u>mtg - c M Resorts</u>	
SIGNED <u>VR</u>	
CASCADE P3-A2334 MADE IN USA	

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Well 420
Flowing into
Betsy Lake? ↑



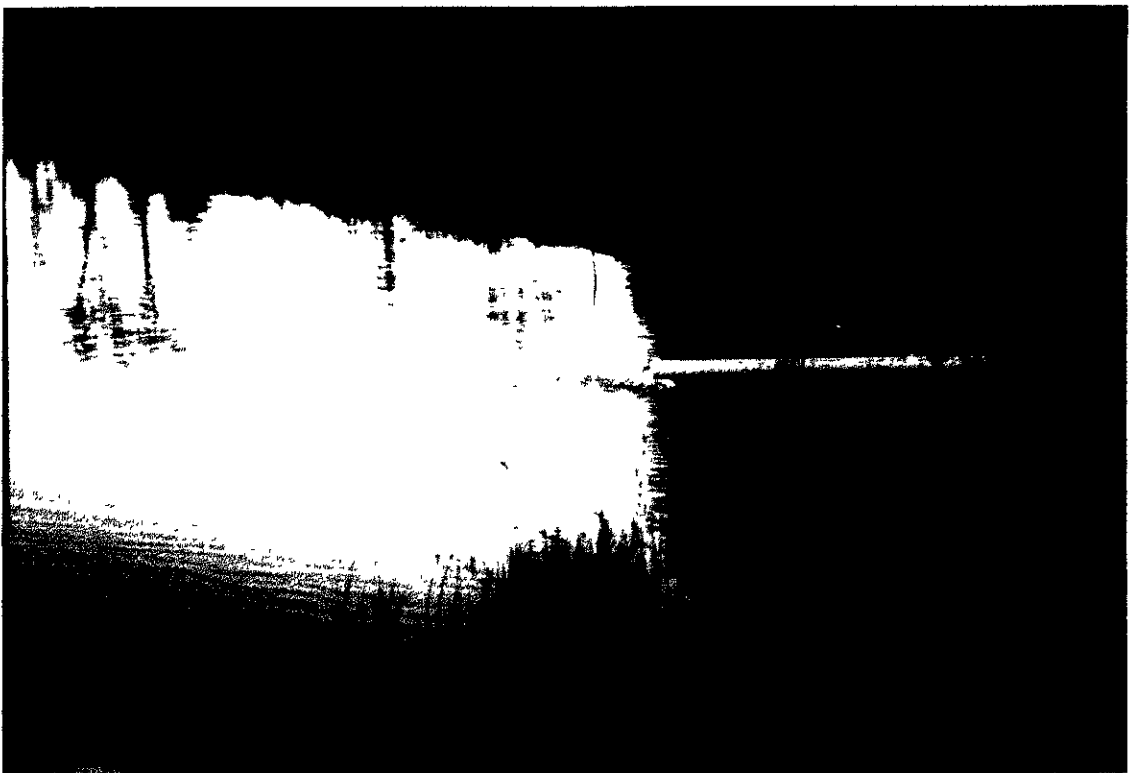
WELL 420



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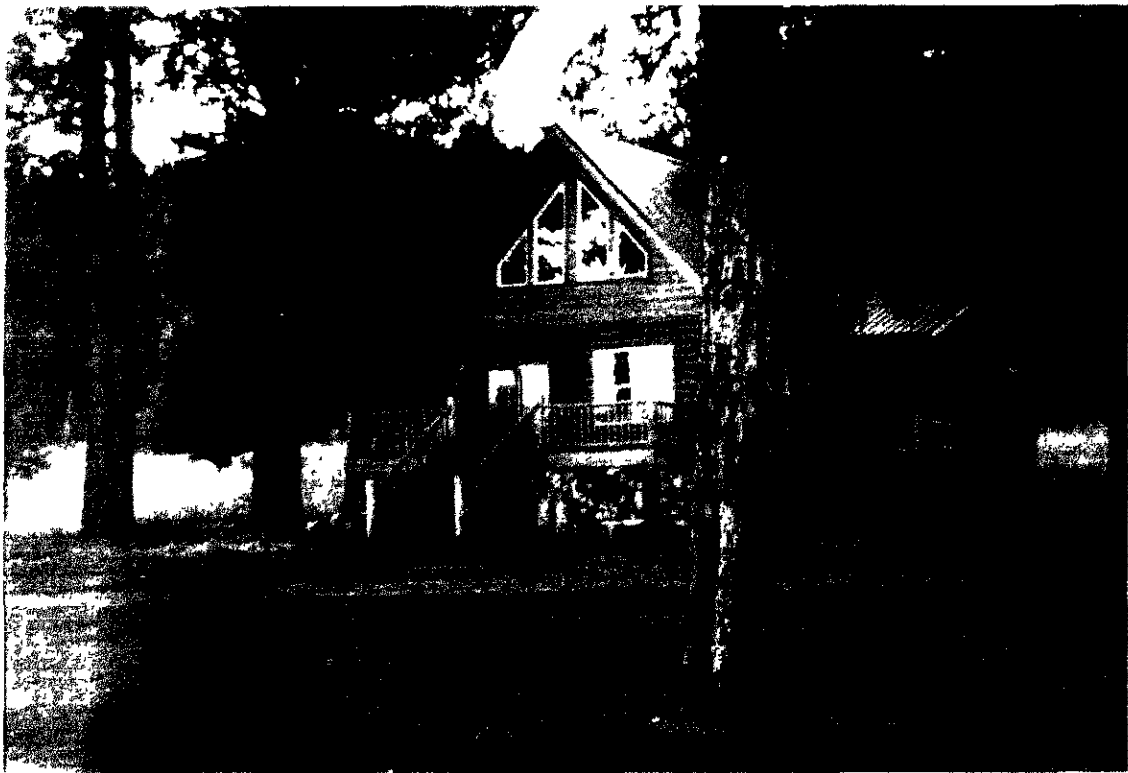


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10/10/05 11:12



1. 1940-1941

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13452

Proposed Priority: May 10, 1993

Maximum Storage Volume: 13.8 AF

This is to certify, that M RESORTS LIMITED
AN IDAHO LIMITED PARTNERSHIP
PO BOX 1006
MCCALL ID 83638-1006

has applied for a permit to appropriate water from:

UNNAMED STREAM
POND

tributary of WILLIAMS CREEK
tributary of WILLIAMS CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER STORAGE	01/01 to 12/31		13.8 AF
WILDLIFE STORAGE	01/01 to 12/31		13.8 AF
AESTHETIC STORAGE	01/01 to 12/31		13.8 AF
	Totals		13.8 AF

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 12, Township 18N, Range 02E
VALLEY County

PLACE OF USE: STOCKWATER STORAGE

TWN RGE SEC

18N 02E 12 NESE

CONDITIONS/REMARKS:

1. See Final Order for additional conditions of approval.

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

4th day of March, 1994.

for. 
R. Keith Higginson, Director

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1994 3 4



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 18, 1993

M Resorts Limited
An Idaho Limited Partnership
P.O. Box 1006
McCall, ID 83638

RE: Applications for Permit Nos. 65-13452, 65-13453, 65-13454

Ladies and Gentlemen:

Based on a water right conference in the above-referenced matter held on October 7, 1993, the protest against the approval of applications nos. 65-13453 and 65-13454 was withdrawn. Processing of these applications will continue. Enclosed please find a copy of the withdrawal of protest.

An on-site inspection of the pond described in application no. 65-13452 revealed the possibility of impact on downstream water rights due to the location and construction of the pond. In addition, this office has contacted the U.S. Corps of Engineers and has been advised that the pond represents a violation of wetlands protection laws. Mr. Greg Martinez of the Corps has indicated that he had already visited the site and a wetlands study is presently being conducted on behalf of the landowners by Toothman Orton Engineers, to review potential remediation of the violation. I have requested that this Department be advised as to the results of the wetland study.

M Resorts Limited needs to ensure that any wetland study includes a review of the ramifications of its pond development on downstream senior water rights. This review should apply to the pond identified in application no. 65-13452, as well as to any other water-related developments planned for this area. It is my understanding that there is a potential for the development of a golf course in this area. Water hazards and lawn sprinkling require the acquisition of water rights by the developer.

In Idaho, the proper means of developing a water right is to first submit an application and attempt to work through any protest, and if a permit is issued the water source can be developed as approved. The technique of first digging the pond or appropriating the water and later filing the application is both illegal and risky in that the development can be required to be removed if the water right acquisition is not successful. While we are willing to work with you in the proper filing and processing of this and

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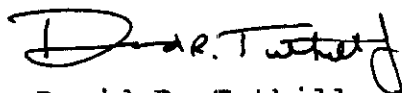
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M Resorts Limited
Page 2
October 18, 1993

future applications, this letter will serve as notice that water resource development in Idaho should take place only after proper permitting is achieved.

If construction of the pond needs to be modified, it is likely that such modification would be required prior to the 1994 runoff. Thus, if a hearing is to be held in this matter, it should be conducted by early December. Accordingly, I will plan to schedule a hearing for December 15, 1993, unless I hear otherwise from the parties in this matter prior to November 16, 1993.

Sincerely,



David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

Enclosure: Withdrawal of Protest

cc: Bezates Land and Cattle Co.
Brian McMahan, Esq.
Greg Martinez, Corps of Engineers
Glen Saxton, Norm Young, S.O.

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NOV 15 1993

IN THE MATTER of)
Applications for Permit)
Nos. 65-13453 and)
65-13454 in the Name of)
M Resorts Limited)
Withdrawal of
Protest

I the undersigned hereby withdraw my
protest to the above-referenced Applications for Permit,
because they do not impact my water use.

Begates Land & Cattle Co.
Vice-President
George Begates

10/7/1993

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stated at Paragraph 4 of his Affidavit, "M Resorts, Ltd., has sufficient financial resources to complete all aspects of all the projects now before the IDWR and the Army Corps of Engineers." Even though in Shokal v. Dunn, 109 Idaho 330, 707 P.2d 441 (1985), the Supreme Court struck down the trial judge's requirement that applicants show that they "then and there" have the financial resources to complete a project (stating instead that the more appropriate standard would be that "the applicant must make a showing that it is reasonably probable he or she will obtain the necessary financing within five years," 109 Idaho at 336), in the instant case the record shows that the Applicant "here and now" has the financial resources to properly complete the project. Accordingly, the standard set forth by the Idaho Supreme Court regarding this issue is not only met, but it is exceeded.

IS THE PROPOSED APPROPRIATION IN THE LOCAL PUBLIC INTEREST?

The proposed appropriation is in the local public interest and will benefit the affairs of the people in the general area. The proposed appropriation will enhance the area's aesthetics, and it will serve to improve wildlife habitat and fish propagation. Further, under IDWR Water Appropriation Rule 5,1,5: the project will have a beneficial effect on the economy of the local area; it has and will continue to increase employment opportunities, both short and long term; it will have a positive effect on recreation, fish and wildlife resources in the local area; and the project will be in compliance with all applicable standards and government ordinances, as is evidenced by the Affidavit of L. Edward Elam. Accordingly, the project is in the local public interest and the requested permit should be granted.

IS THE PROPOSED USE CONTRARY TO CONSERVATION OF WATER
RESOURCES WITHIN THE STATE OF IDAHO?

The proposed use is not contrary to conservation of water resources within the State of Idaho. In fact, the proposed use is expressly to store and conserve the water resources of the State of Idaho. No consumptive uses of the water are requested, and it is anticipated that consumption will only occur through the forces of

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SEP 10 1987



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 20, 1994

Steven J. Millemann, Esq.
Millemenn, Pittenger & McMahan
P.O. Box 1066
McCall, ID 83638

RE: Permit No. 65-13452

Dear Mr. Millemann:

Thank you for your letter dated September 14, 1994, with which you provided design information for weirs to be installed upstream and downstream from Betsy's Pond, in conjunction with the above-referenced water right permit.

While the design appears to be adequate for two weirs, this information does not complete the requirements in Conditions of Approval Nos. 3 and 4 of the Order which approved issuance of the permit. The conditions are as follows:

3. Prior to impoundment of water under the terms of this permit, the permit holder shall submit to the department for review and approval a plan to either mitigate any potential injury to the protestant caused by impoundment of water in Betsy's pond or a plan to assure that impoundment of water will not injure the prior rights of the protestant. Any plan proposing a structural solution such as a by-pass pipeline shall also provide for future maintenance of the system and the consequence of system failure.

4. The permit holder shall submit a plan for review and approval by the department for water measurement and for permanent measuring device installation and maintenance to assure that water in the channel upstream from the pond will not be impounded (added to the water already stored) when the prior right of the protestant is not being filled. The plan may need to provide for reasonable limited access to Betsy's Pond or to the measuring devices.

Design of the measurement structures is but the first step toward compliance with Condition of Approval No. 4. While in your letter you have offered IDWR access to the property with a minimum 48 hours notice, this falls far short of the more difficult task of providing for a plan that will assure timely measurement and delivery of water which will result in the protection of downstream water rights.

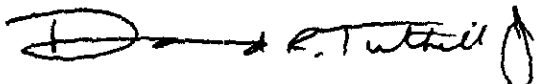
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Page 2
Permit No. 65-13452
October 20, 1994

Please feel free to contact me if you would like to discuss ideas for development of a water delivery plan.

Sincerely,



David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

cc: Mr. George Bezates
Mr. Glen Saxton
State Office File

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OCT 28 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 65-13452 IN THE)
NAME OF M RESORTS LIMITED)
_____)

RECOMMENDED ORDER

This matter having come before the Idaho Department of Water Resources (department) in the form of a protested application for permit, the department having held a conference and a hearing in the matter, the Director of the department makes the following Findings of Fact, Conclusions of Law, Analysis and Order:

FINDINGS OF FACT

1. On May 10, 1993, M Resorts Limited (applicant) filed Application for Permit No. 65-13452 with the department proposing the diversion and storage of 13.8 acre feet (AF) of water of an Unnamed Stream and Pond tributary to Williams Creek to be used for stockwater, wildlife and aesthetic purposes in Valley County, Idaho.

2. The department advertised the application which was subsequently protested by Bezates Land & Cattle Company (protestant).

3. On February 2, 1994, the department held a hearing in the matter. The applicant was represented by Steven J. Millemann. The protestant was present and represented himself.

4. Issues identified by the protestant include the following:

a. The proposed use will reduce the quantity of water under existing water rights.

b. The water supply is insufficient for the purpose for which it is sought to be appropriated.

c. The application is not made in good faith, is made for delay or speculative purposes.

d. The application will conflict with the local public interest.

e. The application is contrary to conservation of water resources within the state of Idaho.

5. Exhibits offered and accepted as a part of the record include the following:

a. Applicant's Exhibit No. 1 - A copy of a U.S. Geological

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Quadrangle sheet showing the general location of springs and points of diversion near the applicant's planned project.

b. Applicant's Exhibit No. 2 - Copy of a letter dated October 19, 1993 to Edward Elam from Barry S. Semple.

c. Applicant's Exhibit No. 3. - A copy of an agreement between Shore Lodge Club and Toothman-Orton Engineering Company, said agreement being entitled "Toothman-Orton Engineering Company, Agreement for Professional Services"

d. Applicant's Exhibit No. 4. - Affidavit of Marvin Whiteman dated January 12, 1994.

e. Applicant's Exhibit No. 5. - Affidavit of A.W. Effinger, Jr. dated January 18, 1994.

f. Applicant's Exhibit No. 6 - Summary of the education and work experience of J. Evan Merrell.

6. In late 1992, the applicant constructed a water impoundment structure across an Unnamed Stream tributary to Williams Creek upstream from land owned by the protestant. The on-stream impoundment known as Betsey's Pond or Betsey Lake has a capacity to store about 13.8 AF of water and has a surface area of about 1.6 acres. Due to concerns of the parties over adequacy of the embankment of Betsey's Pond and the right to store water in the pond, the applicant has breached the dam embankment to a point three (3) feet below the existing outlet pipe for the duration of the contested water right application matter.

7. The protestant diverts water under terms of decreed water right no. 65-09523 from the same source of water which has been used to fill Betsey's Pond. Betsey's Pond is approximately one-half (1/2) mile upstream from the uppermost diversion point of the protestant.

8. Decreed right no. 65-09523 provides the following:

Priority:	June 1, 1907
Source:	Unnamed Streams tributary to Williams Creek
Rate of diversion:	0.16 cubic feet per second (cfs)
Annual Volume:	9.4 AF
Use:	Stockwater
Season of use:	Year-round
Points of div:	NW1/4NE1/4, NW1/4SE1/4, SW1/4SE1/4 - Sec. 13, T18N, R2E, BM.

9. The primary source of water in the Unnamed Stream is snow melt which provides water during the spring run-off in excess of the bank full discharge capacity of the channel which has been estimated to be about 7.0 cfs. Flow in the channel then diminishes to almost no flow in late summer.

10. During November 1993, flow in the channel upstream from

Betsey's Pond which was being impounded in the pond was observed to result in no discharge in the channel below the pond.

CONCLUSIONS OF LAW

1. Section 42-203A, Idaho Code, provides in part as follows:

In all applications whether protested or not protested where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor...

2. The protestant has a prior water right to water in the Unnamed Stream and is entitled to protection of his prior right.

3. The proposed use of water will not reduce the quantity of water under existing water rights if the approval of the protested application is properly conditioned.

4. The water supply is sufficient to fill Betsey's Pond during times of excess run off, but not to maintain an undiminished water level in the pond throughout the summer and fall.

5. The application was not made for delay or speculative purposes.

6. The application will not conflict with the local public interest if the use of water proposed under the application is properly conditioned to protect prior water rights.

7. The application is not contrary to the conservation of water resources within Idaho.

ANALYSIS

While the applicant did not initially comply with permitting requirements before constructing Betsey's Pond and impounding water in it, the applicant has since shown good faith in obtaining necessary approvals and by breaching the dam embankment until the contested matter is resolved.

There is water early in the season to fill the pond without injury to other water rights. The applicant, however, should not be allowed to continue to impound flows later in the summer and

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fall to maintain the level in the pond which will diminish by both evaporation and seepage. Such diminished flows should either be passed through the impoundment or diverted around the impoundment when the right of the protestant and other downstream prior rights are not being filled.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Permit No. 65-13452 is APPROVED subject to the following conditions:

1. Proof of construction of works and application of water to beneficial use shall be submitted to the department on or before the date shown in the Final Order of the department in this matter.

2. Use of water under this permit is subject to all prior water rights.

3. Prior to impoundment of water under terms of this permit, the permit holder shall submit to the department for review and approval a plan to either mitigate any potential injury to the protestant caused by impoundment of water in Betsey's Pond or a plan to assure that impoundment of water will not injure the prior rights of the protestant. Any plan proposing a structural solution such as a by-pass pipeline shall also provide for future maintenance of the system and the consequence of system failure.

4. The permit holder shall submit a plan for review and approval by the department for water measurement and for permanent measuring device installation and maintenance to assure that water in the channel upstream from the pond will not be impounded (added to the water already stored) when the prior right of the protestant is not being filled. The plan may need to provide for reasonable limited access to Betsey's Pond or to the measuring devices.

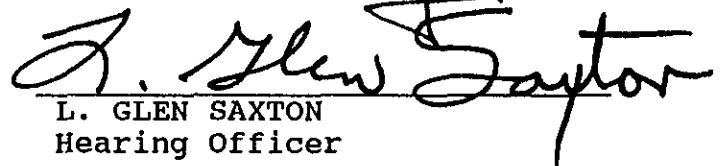
5. The protestant will be allowed to participate fully in the plan review required in Condition of Approval No. 4. above. The applicant shall provide copies of the plans and supporting documents to the protestant.

6. Use of water under this right is subject to control by the watermaster of State Water District No. 65, the Payette River and tributaries.

7. The place of use is locally known as Betsey's Pond or Betsey Lake.

8. Stockwater storage is for eight (8) horses.

Signed this 8th day of February, 1994.


L. GLEN SAXTON
Hearing Officer

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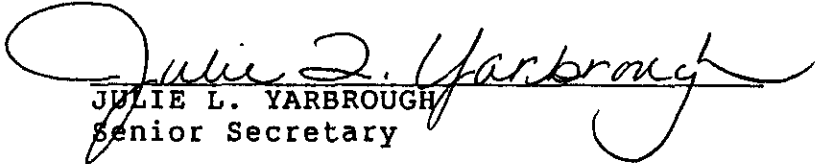
CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 8TH day of February, 1994, I mailed a true and correct copy, postage prepaid, of the foregoing Recommended Order to the following:

M. Resorts Limited
An Idaho Limited Partnership
P.O. Box 1006
McCall, ID 83638

George Bezates
Bezates Land and Cattle
518 Ridgeway
Ontario, OR 97914

Brian McMahan
Millemann & Pittenger
706 N. 1st
P.O. Box 1066
McCall, ID 83638


JULIE L. YARBROUGH
Senior Secretary

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NO 15 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	FINAL ORDER ADOPTING
PERMIT NO. 65-13452 IN THE NAME	)	THE RECOMMENDED ORDER
OF M. RESORTS LIMITED	)	

WHEREAS, R. Keith Higginson, Director of the Department of Water Resources, sent a copy of the Recommended Order addressing the above captioned matter to the parties of record on February 8, 1994, pursuant to Section 67-5211, Idaho Code; and,

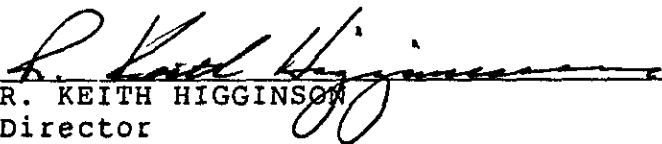
WHEREAS, more than fifteen (15) days have passed since the service of the Recommended Order; and,

WHEREAS, the parties in the matter did not file exceptions to the Recommended Order;

IT IS, THEREFORE, HEREBY ORDERED that said Recommended Order be adopted and issued as the Final Order, and Application for Permit No. 65-13452 is APPROVED.

IT IS FURTHER HEREBY ORDERED that proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1995.

Dated this 4TH day of March, 1994.



R. KEITH HIGGINSON
Director

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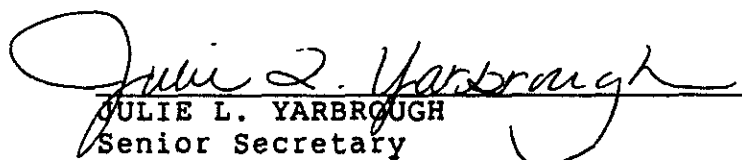
CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 4TH day of March, 1994, I mailed a true and correct copy, postage prepaid, of the foregoing Final Order Adopting the Recommended Order to the following:

M. Resorts Limited
An Idaho Limited Partnership
P.O. Box 1006
McCall, ID 83638

George Bezates
Bezates Land and Cattle
518 Ridgeway
Ontario, OR 97914

Brian McMahan
Millemann & Pittenger
706 N. 1st
P.O. Box 1066
McCall, ID 83638


JULIE L. YARBROUGH
Senior Secretary

MICROFILMED
JUN 09 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 4, 1994

RE: In the matter of application for permit no. 65-13452 in the name of M. Resorts Limited

Dear Interested Party:

The accompanying order is a "final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

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

(a) the petition for reconsideration is disposed of; or

(b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

(6) A party may not be required to comply with a final order

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unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A nonparty shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

The appeal must be filed within twenty-eight (28) days a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

JUN 09 1999

Idaho Department of Water Resources
David R. Tuthill, Jr., P.E.
Western Region
2735 Airport Way
Boise, Id 83705-5082

RE: Water Right Application No. 65-13452

Dear Dave:

This letter is in response to Mr. McMahan's letter received 11-27-93, regarding the above mentioned application. I will address each issue as Mr. McMahan did.

1. WILL THE PROPOSED APPROPRIATION INJURE OTHER WATER RIGHTS?

As I recall at our meeting of October 7, 1993, the original application was for a pond to be built above the creek channel, and was to impound water from snow melt only. The water right application made no mention of impounding water from the existing stream, since the "proposed pond" was to be constructed above the existing stream channel. As for the measuring device to be installed below the dam, I am at a loss to visualize how a measuring device to be installed below a dam will insure that downstream users are not adversely impacted. At our October 7th meeting, water was entering the "proposed pond", but none was being discharged. The water entering the pond was prevented from discharging, except in times of runoff, and high flows, which lasts only a short period of time in the spring.

2. IS THE PROPOSED WATER SUPPLY SUFFICIENT FOR THE PURPOSE FOR WHICH IT IS SOUGHT TO BE APPROPRIATED?

With all due respect to M Resorts, Ltd. and Mr. Merrell, Bezatos Land and Cattle Company has owned the property that the stream flows onto, after leaving the area of Betsy Lake, since 1937. It is hard for me to understand how Mr. Merrell can determine in one visit that the flows are sufficient to meet even the needs of the existing water rights, let alone any additional water needs.

We have seen the flows in the stream over the past forty years or more, and have seen droughts and flash floods in the area. By no stretch of the imagination can it be truthfully said that this creek flows five to ten cubic feet per second for extended periods. This is based on over forty years of observation, not a few minutes of calculations.

M Resorts, Ltd. is not requesting authorization to install the weir, because as of December 2, 1993, the weir has already been installed without obtaining anybody's permission.

3. WAS THE APPLICATION MADE IN GOOD FAITH OR FOR DELAY OR SPECULATIVE PURPOSES?

I don't see how this application can be considered as being in good faith when, by Mr. McMahan's own admission at our, ^{MICROFILMED} October 7, 1993 meeting, he stated that his firm

NOV 9 1993

advised M Resorts, Ltd. that a water right was needed prior to constructing any pond. This advise was given approximately two years prior to the water right application being filed, and disregarded.

We were not notified at the time of construction of the pond, that we might be adversely impacted.

M Resorts, Ltd. constructed the pond two years prior to a water right application, water was impounded without a permit, and we have been adversely impacted by the lack of water on the backside of our property.

M Resorts Ltd. states they are obtaining other permits necessary to complete the project, and there are no obvious impediments to the successful completion of the project.

I disagree with both of these statements. M Resorts Ltd. is applying for the permits, and then going ahead and doing exactly as they please. They have installed the weir without permission, and on December 2, 1993, they had a backhoe on the property making modifications to the pond. I feel that M Resorts Ltd. has blatantly disregarded anyone's rights and concerns. This, to me, is a very obvious, and serious impediment to the completion of the project. We don't find any good faith effort in any of their actions.

As far as M Resorts, Ltd. developing a golf course on the subject property, we do not object to that. Our fear, as Mr. McMahan so aptly put it, was not that a golf course would be built, but that more water would be needed to sustain that golf course. In the event that more water was needed, we have no doubts that the water would be impounded first, and we would be in a position that we would have to fight for what we legally had a right to. This seems to be the scheme of things so far - do it first, and then ask if it's okay.

4. DOES THE APPLICATION HAVE SUFFICIENT FINANCIAL RESOURCES TO COMPLETE THE PROPOSED PROJECT?

I am sure that M Resorts, Ltd. has the finances to complete the project, since the project has been completed for almost two years. Our concern is not over M Resorts Ltd. financial resources, but with their misappropriation of water, and it's damaging effect on us.

5. IS THE PROPOSED APPLICATION IN THE LOCAL PUBLIC INTEREST?

The Local Public Interest is defined as the affairs of the people in the area directly affected by the proposed use. We are the people in the area directly affected by the proposed use. Our existing water rights were filed in 1977. We applied, prior to any construction or modifications, to any existing or proposed water source. We followed the rules. We did not impound any water, nor prevent any natural flows from continuing through our property.

The "proposed project" has not, and will not benefit us. It has, in fact, damaged us by shutting off the flow water through our property. The flow was shut off during the driest time of the year, when we needed it most.

As far as improving fish propagation, the overflow structure that was installed prevents any fish from getting above the dam. Propagation is defined as the natural reproduction of young, or the natural increase in numbers. This project will definitely not improve fish propagation.

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MAY 9 1993

From my observation, this project has not met one applicable standard, nor complied with one government ordinance so far. Judging by recent events, I don't believe this will change.

6. IS THE PROPOSED USE CONTRARY TO CONSERVATION OF WATER RESOURCES WITHIN THE STATE OF IDAHO?

Mr. McMahan's memorandum states that no consumption uses were applied for. If this is the case, why was a trench dug to the pond with a 1 1/2 inch pipe laid in it? I don't believe that consuming water through 1 1/2" PVC pipe is considered a force of nature?

As far as Mr. Elam's affidavit is concerned, the only part of it that I feel has any merit is the part that states M Resorts Ltd. has the financial resources to complete all projects before the IDWR, and the Army Corps of Engineers. Everything else in his affidavit is merely the opinions of people who have spent a limited amount of time on the property, not nearly enough time to know actual conditions.

Conservation is defined as: The planned management of a natural resource to prevent exploitation, destruction, or neglect. We feel that the impoundment of this water, not only damages us, but destroys the natural balance that has existed forever. This includes the natural flow of water through underground aquifers. We, therefore, believe that this proposed use is contrary to the Conservation of Water Resources within the State of Idaho.

CONCLUSION:

Sirs:

We feel that if this requested permit is granted, it will not only damage us immensely, it will also set a precedent, and be an open invitation for anyone wanting a water right to develop a source, and then ask all of the regulatory agencies to give their blessing.

Aside from being vice-president of Bezates Land and Cattle Co., I am also President of Bezates Construction, Inc. As a contractor, I have dealt with the IDWR, and the Corps of Engineers on several environmentally sensitive projects. We have completed these projects successfully, with the cooperation of these agencies. It is partly because of my experience with the IDWR, and the Corps of Engineers, that the actions of M Resorts Ltd. have left me stunned.

For the foregoing reasons, it is the position of Bezates Land and Cattle Co. that the requested permit be denied, and the applicant should not be allowed to proceed.

We request that the application be denied, and a date for a IDWR hearing be set.

We appreciate your time, and attention to this matter. Thank you.

Very truly yours,
Bezates Land and Cattle Co.

George Bezates, Vice President

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JUN 09 1999

BEZATES LAND AND CATTLE CO.
GEORGE BEZATES, VICE PRESIDENT
518 RIDGEWAY
ONTARIO, OR 97914-1360

I HEREBY CERTIFY that on this 2nd day of December, 1993, I caused a true and correct copy to be served, by the method indicated below, of the following documents:
Response to "Request for Permit No. 65-13452":

- ☐ Hand-delivered
- ☐ U. S. Mail
- ☒ Facsimile
- ☐ Fed-Ex
- ☒ Original Copies to David Tuthill

to the following persons:

David R. Tuthill, Jr., P.E.
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2348 (Fax)

R. Keith Higginson, Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83707
(208) 327-7866 (fax)


George Bezates

MICROFILMED
JUN 08 1995

SD-G601-2 Last Name: M RESORTS

STATE

S	First	O	Water	Priority		Total	Use	
E	Name	W	Right No.	Date	Source	Diversion	Code	Desc
L		N						
	M RESORTS LTD							
		C	A65-08260 ✓	01/01/1967	GROUNDWATER	0.040	43	DOMEST
		C	A65-00589	04/01/1967	BIG PAYETTE	2.250	49	FIRE
		C	A65-00590	04/01/1941	BIG PAYETTE	2.220	07	INDUST
		C	A65-00591	04/01/1941	BIG PAYETTE	0.500	07	INDUST
		C	A65-00596	04/01/1941	BIG PAYETTE	0.340	07	INDUST
		C	A65-08296	04/01/1954	GROUNDWATER	0.040	43	DOMEST
		C	A65-08356	06/01/1916	UNNAMED STR	0.030	04	STOCK
		C	A65-08357 ✓	06/01/1916	GROUNDWATER	0.040	43	DOMEST
		C	A65-08209 ✓	04/01/1970	GROUNDWATER	0.040	43	DOMEST
		C	A65-10293	08/01/1955	GROUNDWATER	0.040	43	DOMEST
		C	A65-00592	04/01/1941	BIG PAYETTE	0.250	07	INDUST
		C	A65-07007 ✓	07/21/1967	UNNAMED STR	5.60	47	REC S
							06	STO FS
							45	DOM FS

(Enter=Continue)

(GOLD7=This Query)

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JUL 09 1999

WR5809NP
65-08357

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/17/96
PAGE: 14

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HELEN STANFIELD SMITH	06/01/1916	DOMESTIC	01/01 12/31	0.040 CFS	1.20 AFA
TOTAL DIVERSION:					0.040 CFS	1.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T18N R03E S07

SWSE

VALLEY County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE																				
T	R	S	Ac	Lt	Ac	Lt	Ac	T	R	S	Ac	Lt	Ac	Lt	Ac	T	R	S	Ac	Lt	Ac	Lt	Ac	T	R	S	Ac	Lt	Ac	Lt	Ac	
18N	03E	7	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:

Pou County: VALLEY

Other Water Rights Listing Overlapping Place(s) of use:
65-13640

Dates:	App. Received:	Priority Date:	06/01/1916
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT

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JUN 09 1999

WR5809NP

65-08209

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT PROFILE REPORT

DATE: 09/17/96

PAGE: 9

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ALBERT B. LAMBERT	04/01/1970	DOMESTIC	01/01 12/31	0.040 CFS	1.20 AFA
TOTAL DIVERSION:					0.040 CFS	1.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T18N R03E S07

NESE

VALLEY County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE			
NENE NWNE SWNE SENE				NENW NWNW SWNW SENW				NESW NWSW SWSW SESW				NESE NWSE SWSE SESE			
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac						
18N	03E	7	:	:	:	:	:	:	:	:	:	:	:	:	:

Pou County: VALLEY

Other Water Rights with Same Point(s) of Diversion and Source:

65-06977 65-08260 65-13470

Dates:	App. Received:	Priority Date:	04/01/1970
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT

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JUN 09 1999

WR5809NP
65-07007

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/17/96
PAGE: 7

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ALBERT B. LAMBERT	07/21/1967	STOCKWATER FROM STORAGE	01/01 12/31		1.40 AFA
			DOMESTIC FROM STORAGE	01/01 12/31		1.20 AFA
			RECREATION STORAGE	01/01 12/31		5.60 AFA
TOTAL DIVERSION:						5.60 AFA

Water Source: UNNAMED STREAM

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion: T18N R03E S07 NESE VALLEY County

Place of use Legal Description for: DOMESTIC FROM STORAGE

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac
18N	03E	7	:					:				:			
			:					:				:			

Place of use location for STOCKWATER FROM STORAGE is the same location as described for: DOMESTIC FROM STORAGE

Pou County: VALLEY

Other Water Rights with Same Point(s) of Diversion and Source:
65-13453

Dates:	App. Received:	Priority Date:	07/21/1967
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

Audit: 09/26/86 04/30/88 CONVERT

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JUN 09 1999

WR5809NP
65-08260

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/17/96
PAGE: 11

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM A. KIRK	01/01/1967	DOMESTIC	01/01 12/31	0.040 CFS	1.20 AFA
C	WILLA H. KIRK					
TOTAL DIVERSION:					0.040 CFS	1.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T18N R03E S07 NESE VALLEY County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
18N	03E	7	:															:
			:															:

Pou County: VALLEY

Other Water Rights with Same Point(s) of Diversion and Source:
65-06977 65-08209 65-13470

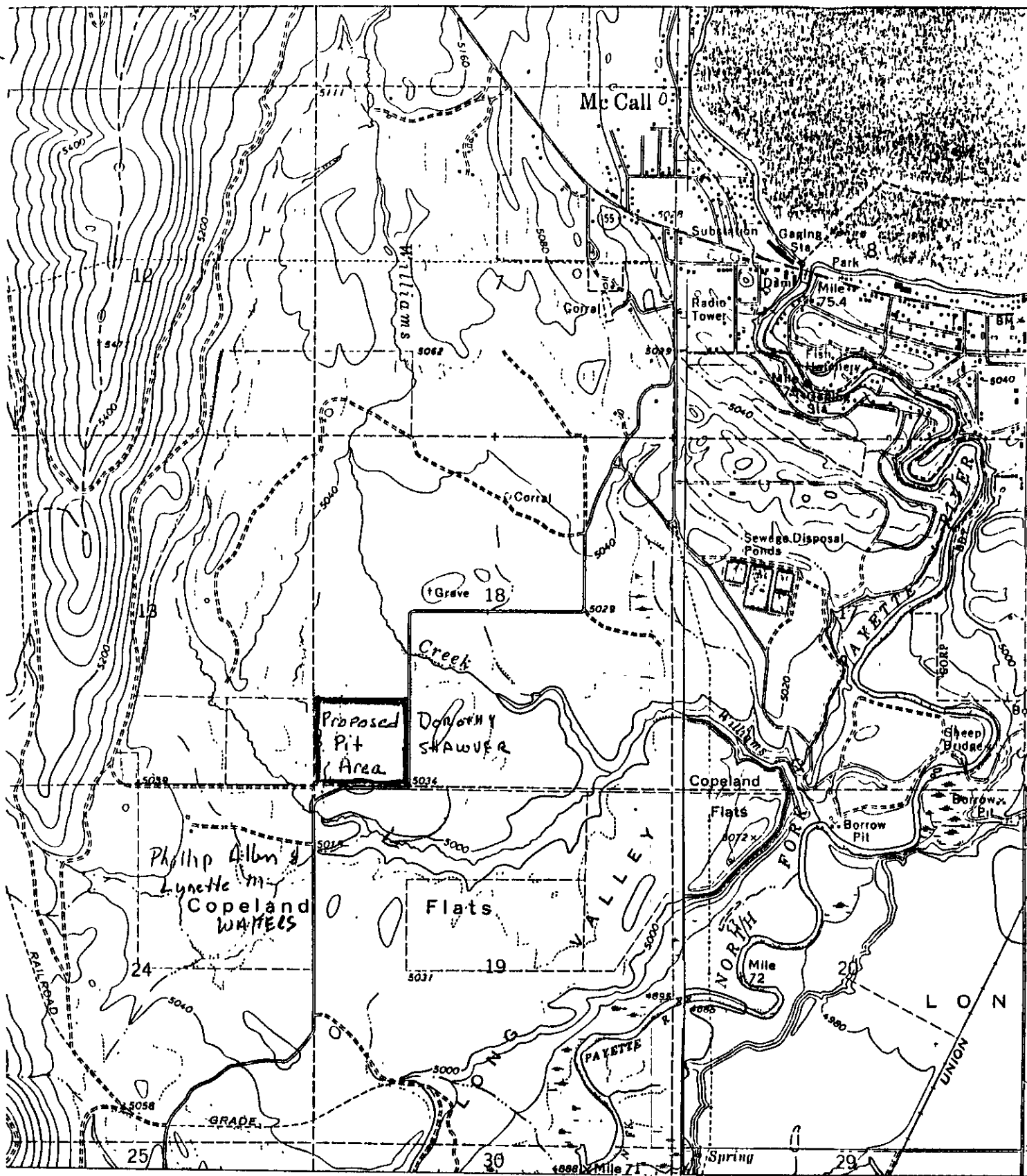
Dates:	App. Received:	Priority Date:	01/01/1967
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT

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JUN 09 1999



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WR5809NP
No. 65-08356

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/17/96
PAGE: 13

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HELEN STANFIELD SMITH	06/01/1916	STOCKWATER	01/01 12/31	0.030 CFS	1.40 AFA
TOTAL DIVERSION:					0.030 CFS	1.40 AFA

Water Source: UNNAMED STREAM

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion: T18N R03E S07

SENE

VALLEY County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE											
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENE		NENE		NWSE		SWSE		SESE	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
18N	03E	7	:																				

Plu County: VALLEY

Other Water Rights Listing Overlapping Place(s) of use:
65-13640

Dates:	App. Received:	Priority Date:	06/01/1916
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT

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WR5809NP

No. 65-06986

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT PROFILE REPORT

DATE: 09/17/96

PAGE: 6

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KEITH W. ELLIOTT	07/21/1962	DOMESTIC	01/01 12/31	0.040 CFS	1.20 AFA
C	DOROTHY H. ELLIOTT					
TOTAL DIVERSION:					0.040 CFS	1.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T18N R03E S07

NESW

VALLEY County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
18N	03E	7	:	:	:	:	:	:	:	:	:	:	:	:	:

Pou County: VALLEY

Other Water Rights Listing Overlapping Place(s) of use:

65-13640

Dates:	App. Received:	Priority Date:	07/21/1962
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT

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JUN 09 1999

WR5809NP

65-07624

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT PROFILE REPORT

DATE: 09/17/96

PAGE: 8

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BEZATES LAND & CATTLE CO.	05/24/1976	IRRIGATION	04/15 10/15	9.600 CFS	
TOTAL DIVERSION:					9.600 CFS	

Water Source: SPRING

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: PERMIT

Point(s) of Diversion: T18N R03E S07 SWSW VALLEY County
S18 SWNW VALLEY County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE														
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
18N	02E	13	:				20	:					:					:	40	20	40	40	:	160.0		
18N	03E	18	:		40	40		:	40	40	40	40	:		40	40		:					:	320.0		
TOTAL ACRES																							480.0			

Pou County: VALLEY

Other Water Rights Listing Overlapping Place(s) of use:

L65-07624

Remarks: THIS RIGHT WHEN COMBINED WITH RIGHT 65-7459 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.
THIS PERMIT RIGHT IS NOT DECREED BY THE PRESENT ADJUDICATION PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY.
NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.

Dates: App. Received: Priority Date: 05/24/1976
Proof Due Date: 08/01/1981 Proof Made Date: 01/01/1900
Exam Made Date: 09/18/1988 Exam Sent to S.O.: 09/18/1988
Licensed Date:

Misc: Water District Number: Field Exam Fee: N (Not Required)

Audit: 01/14/86 04/30/88 CONVERT 05/23/88 GARRETT 06/19/89 CURTIS
06/21/89 GARRETT 10/18/93 TAYLOR 05/28/96 SKEEN

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65-09524

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT PROFILE REPORT

DATE: 09/17/96

PAGE: 16

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BEZATES LAND & CATTLE CO.	06/01/1907	STOCKWATER	01/01 12/31	0.040 CFS	9.40 AFA
			DOMESTIC	01/01 12/31	0.040 CFS	1.20 AFA
TOTAL DIVERSION:					0.040 CFS	10.60 AFA

Water Source: SPRINGS

Tributary to: WILLIAMS CREEK

Stage: DECREED

Point(s) of Diversion:	T18N R02E S13	NWSE	VALLEY County
	R03E S07	SWSW	VALLEY County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE												
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESE		NWSE		SWSE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
18N	02E	13	:		S	:		:		:		:		:		:		:		:		:		:

Place of use Legal Description for: DOMESTIC

18N	03E	7	:		:		:		:		:		:		:		:		:		:		:		:
-----	-----	---	---	--	---	--	---	--	---	--	---	--	---	--	---	--	---	--	---	--	---	--	---	--	---

Pou County: VALLEY

Dates:	App. Received:	Priority Date:	06/01/1907
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT

MICROFILMED

1998 12 14 1494

WR5809NP
No. 65-09523

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/17/96
PAGE: 15

OWNER	PRIORITY	USE PERIOD	DIVERSION	DIVERSION
DE NAME & ADDRESS	DATE	WATER USE	FROM TO	RATE VOLUME
C BEZATES LAND & CATTLE CO.	06/01/1907	STOCKWATER	01/01 12/31	0.160 CFS 9.40 AFA
			TOTAL DIVERSION:	0.160 CFS 9.40 AFA

Water Source: UNNAMED STREAMS

Tributary to: WILLIAMS CREEK

Stage: DECREED

Point(s) of Diversion: T18N R02E S13 NWNE NWSE SWSE VALLEY County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE												
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
18N	02E	13	:		S	:			:				:				S	S	S	:				

Pou County: VALLEY

Other Water Rights Listing Overlapping Place(s) of use:

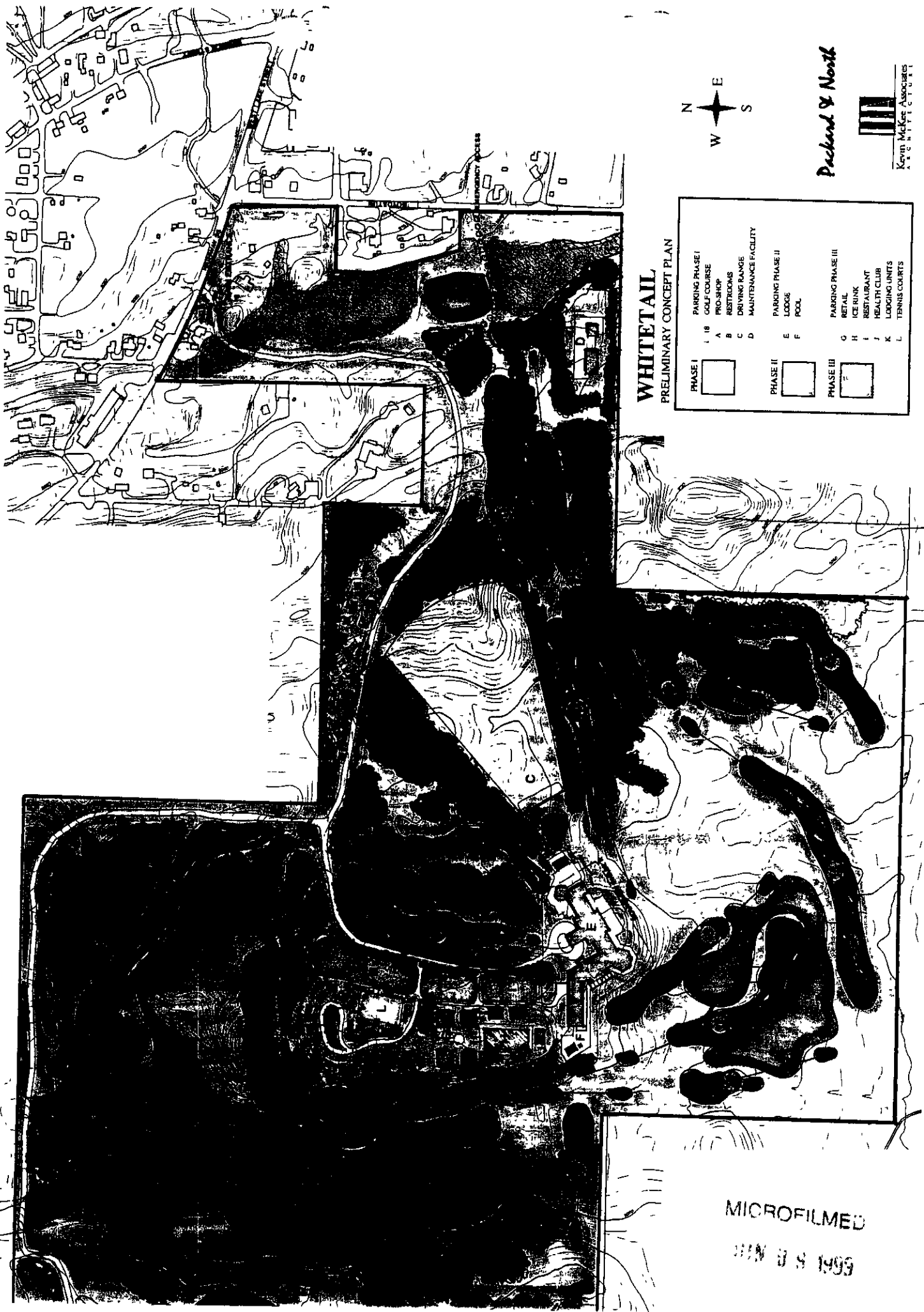
65-07624 L65-07624

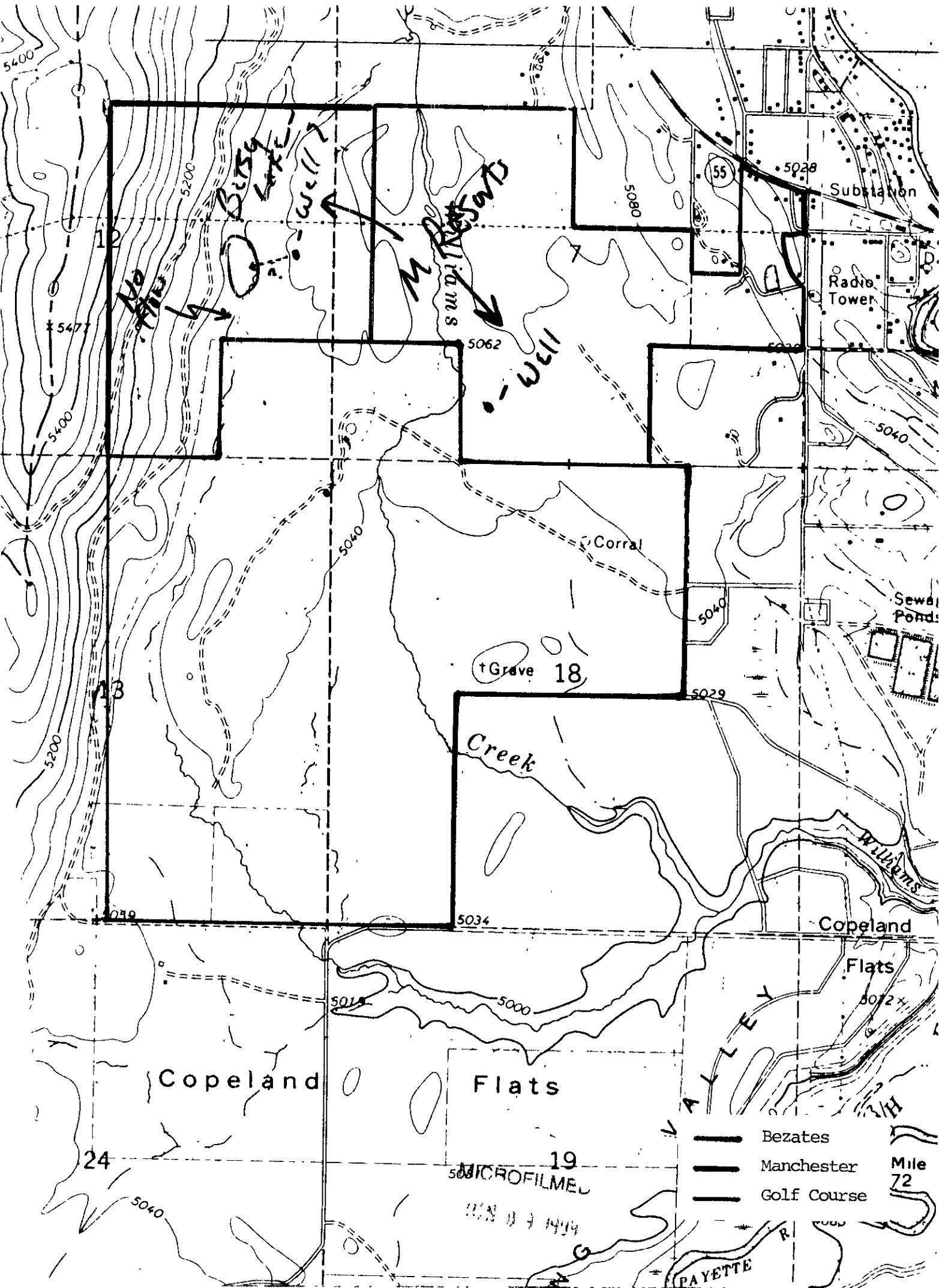
Dates:	App. Received:	Priority Date:	06/01/1907
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT

MICROFILMED
JUN 09 1999





these notes ARE
by GREG SACKIS &
John Begatos in
10/4/96 office

vis. T - 5 mil lake
now holds H₂O, no
flow in stream
downstream from
lake.

-JL



1975

1974

55

1973

1972

1971

1970

- Bezates
- Manchester
- Golf Course

65-13704

M RESORTS
PO BOX 1006
MC CALL, ID 836381006

Source: GROUNDWATER

Diversions Pt:	SENE	Sec 12	T 18N R 02E	in VALLEY County.
	NWSE	Sec 12	T 18N R 02E	in VALLEY County.
LOT 2 (SWNW)	SENE	Sec 7	T 18N R 03E	in VALLEY County.
	SENE	Sec 7	T 18N R 03E	in VALLEY County.
LOT 3 (NWSW)	SENE	Sec 7	T 18N R 03E	in VALLEY County.
	SENE	Sec 7	T 18N R 03E	in VALLEY County.
	SENE	Sec 7	T 18N R 03E	in VALLEY County.

Use: IRRIGATION	(	2.000 CFS)	
IRRIGATION STORAGE	(		80.00 AF)
IRRIGATION FROM STORAGE	(		80.00 AF)
RECREATION	(	2.000 CFS)	
RECREATION STORAGE	(		80.00 AF)
DIVERSION TO STORAGE	(	2.000 CFS)	
Total Diversion:	(	2.000 CFS)	

Date Filed: 11/ 4/1996

In: VALLEY County							
T18N R02E S12	NESE						
R03E S07 Lot 2 (SWNW)	SENE						
	SENE						

210.0 ACRES TOTAL

Mitigation for 4 existing and 4 proposed wells may be required.

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JUN 09 1999