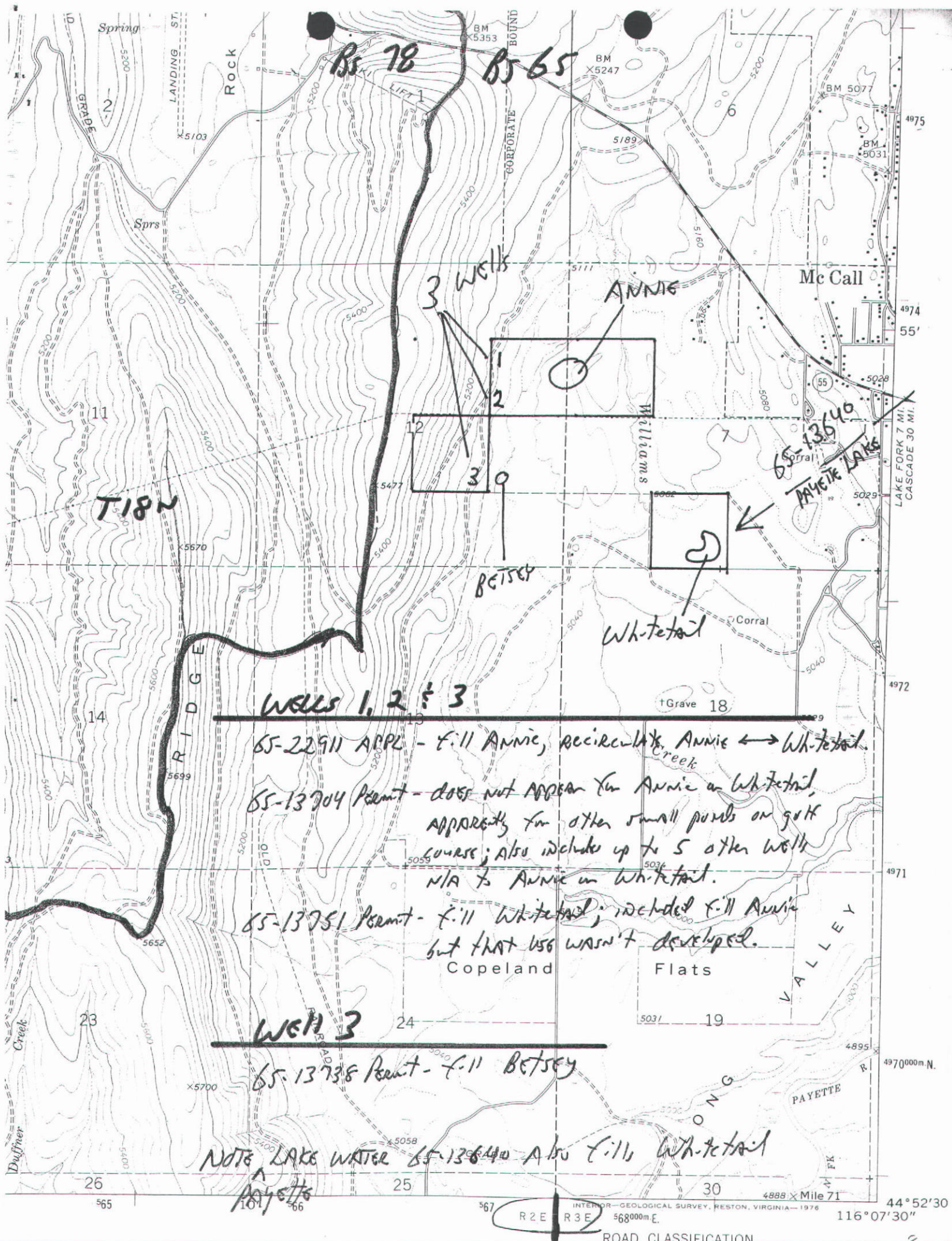




RECEIVED

OCT 17 2001

FOR OFFICE USE ONLY

Amt. of Fee \$ 175

Receipt No. 4028427

Receipt By: RS

Date Received: 10-17-01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER RESOURCES
WESTERN REGION

RECEIVED

OCT 19 2001

PROOF OF BENEFICIAL USE

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. 65-13640 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: PAYETTE LAKE 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: 4.0 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: \$ 175 (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 Date: 9-24-01

(include your title, if on behalf of company or organization)

MICROFILMED

NOV 26 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME RECEIVED
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF **OCT 20 1998**
BENEFICIAL USE FOR A WATER RIGHT PERMIT

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 65-13640

Name(s) of Permit Holder: M-RESORTS % BOB MCKENNA

Mailing Address: 501 W. LAKE ST MC CALL ID 83638

Date Proof is Due: DEC 1, 1998 Telephone No. 208-634-2244

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

CONSTRUCTION OF WHITETAIL LAKE HAS STARTED, UTILITY'S
ARE IN PLACE, ENGINEERING & SCOPE OF WORK AND PUT OUT
TO BID HAVE BEEN COMPLETED

Costing \$ _____

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

PERMITS FROM CITY OF MCCALL (SEE LETTER ATTACHED)
AND IDAHO DEPT OF LANDS STILL NEEDED TO COMPLETE
THIS PERMIT

Permit holder(s) request an extension to NOV 1, 1998

FEE: \$50.00

R. McKenna MGR
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to **December 1, 2002.**

MICROFILMED

NOV 27 1998

Signed this 19 th day of November, 19 98

L. Glen Saylor
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13640

Proposed Priority: August 28, 1995 Maximum Diversion Rate: 4.00 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:

PAYETTE LAKE

tributary of **PAYETTE RIVER, NORTH FORK**

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	4.00 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	4.00 CFS	
RECREATION STORAGE	01/01 to 12/31		80.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	4.00 CFS	
Totals		4.00 CFS	

LOCATION OF POINT(S) OF DIVERSION: Lot 2(SWNW), Sec. 8, 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	03E	7	Lot 2(SWNW)	44.0	SENE	17.0	NESW	15.0	
			Lot 3(NWSW)	44.0	SESE	10.0	NWSE	40.0	
			SWSE	30.0					200.0

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 **December 1, 1998**.
2. Subject to all prior water rights.
3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
4. 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.
5. Use of water under this right is subject to control by the watermaster of State Water District No. 65.

JAN 25 1995

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

NO. 65-13640

CONDITIONS OF APPROVAL AND REMARKS

6. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
7. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this right.
8. When water is not available to fill this right, the right holder shall cease diversion or shall rent water from the Payette River Rental Pool.
9. The availability of water for this right is subject to all prior water rights of Lake Reservoir Co.
10. 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.
11. 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.
12. 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.
13. Recreation use is for fishing and swimming.

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

24th day of November, 1995.

Karl J. Dreher
for Karl J. Dreher, Director

JUN 25 1996

RECEIVED
NOV 21 1995

Department of Water Resources

Ident. No. 65-13640

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: M RESORTS
Address: BOX 1006
MC CALL ID 83638
208-634-2244
2. Source: ~~BIG~~ PAYETTE LAKE Trib. to: PAYETTE RIVER, NORTH FORK
3. Location of Point of Diversion: Lot 2 (SWNW), Sec. 8, 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	4.000		
IRRIGATION STORAGE	01/01	12/31			80.00
IRRIGATION FROM STORAGE	04/15	10/15			80.00
RECREATION	01/01	12/31	4.000		
RECREATION STORAGE	01/01	12/31			80.00
DIVERSION TO STORAGE	01/01	12/31	4.000		
5. Total quantity to be appropriated is:
4.000 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
PUMP FROM LAKE TO 5 PONDS (COMBINED 80 AF) FOR IRRIG. & REC. USES
 - b. Height of storage dam 10 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.
 - c. Proposed well diameter is inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when?
Drilling Firm
Well was drilled for
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 5 year(s).

JAN 25 1996

8. Place of Use: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
18N	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: 200

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:

Recreation use is for 5 storage ponds also associated with
irrigation use.

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

Received by CZ Date 8/28/95 Time 3:51 Preliminary check by 82

Fee \$ 160
~~181.25~~ Received by JW #C033462 Date 8/28/1995

Publication prepared by AT Date 9-11-95 Published in Star News

Publication approved AT Date 11-9-95

JAN 25 1996

Comments: Date: 9/ 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.

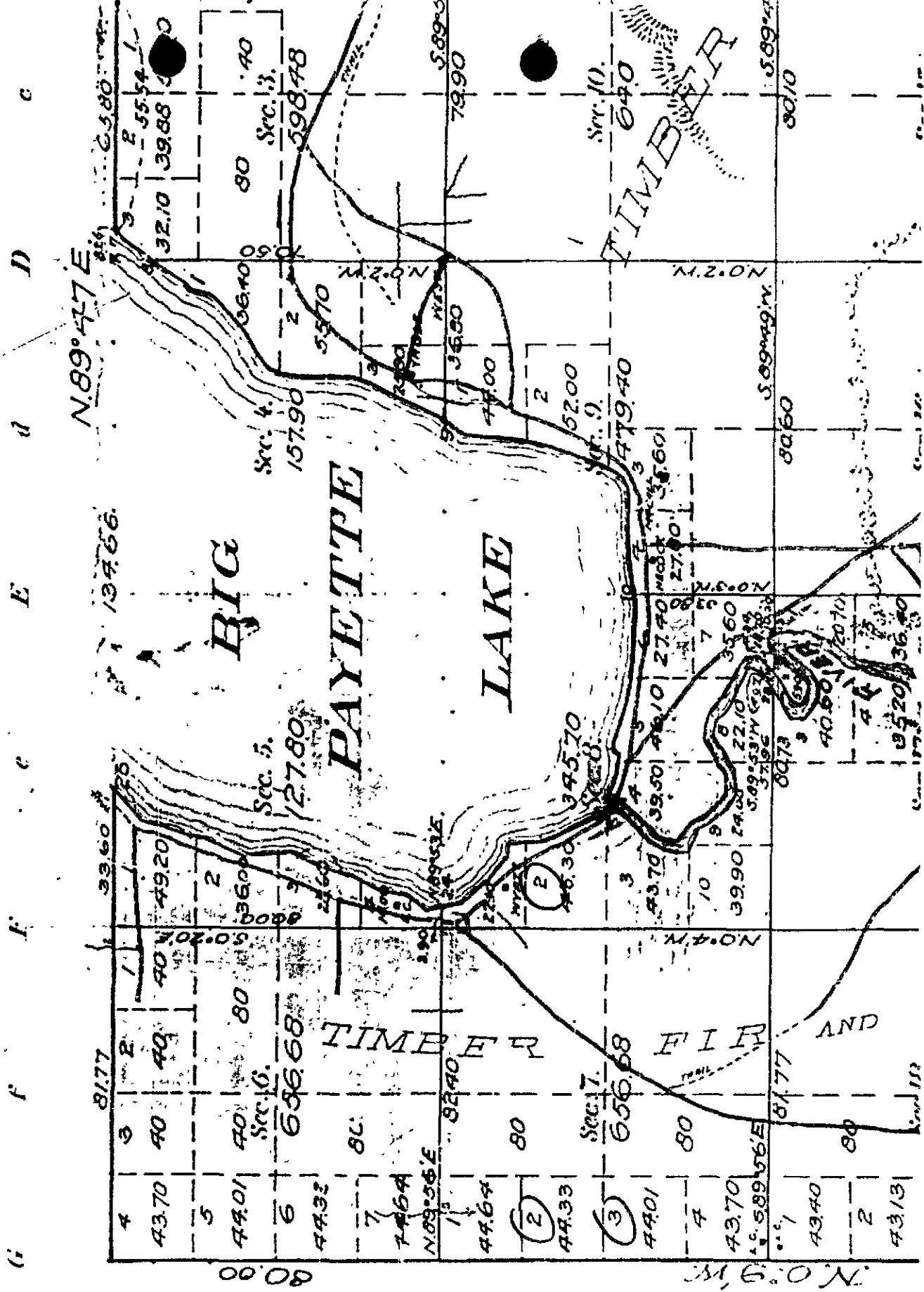
No irrigation overlap found; proposed P/D is new point at lake.

Officer names included in fax received 9-1-95.

\$20 refund to be issued per memo sent to S.O. today.

JAN 25 1996

Township No 18 North, Range No 3 East of T1h



AN 2 5 1996

65-13640

RECEIVED

AUG 31 1995

Form 202
10/92

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Ident No 65-13640

RECEIVED

AUG 28 1995

To appropriate the public waters of the State of Idaho

Department of Water Resources

1 Name of applicant M RESORTS Phone 634-2244

Post office address Box 1006, McCall, Idaho 83638

2. Source of water supply Payette Lake which is a tributary of Payette River

3. Location of point of diversion is govt plat change 5W 1/4 of NW 1/4, Govt. Lot 2

Sec 8 Township 18N Range 3E B.M. Valley County; additional

points of diversion if any. None

4. Water will be used for the following purposes:

Amount 4.00 cfs for irrigation purposes from 8/15 to 12/15 (both dates inclusive)
(cfs or acre-feet per annum) irrigation

Amount 80 AF for storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) irrigation from

Amount 80 AF for storage purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 4.00 cfs for recreation purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

*Continued on back... back page 4.

5 Total quantity to be appropriated is (a) 4.00 cubic feet per second and/or (b) 80.0 acre feet per annum

6. Proposed diverting works:

a Description of ditches, flumes, pumps, headgates, etc. Pump from Payette Lake to (5) ponds and to irrigate lands. See Attachment A.

b Height of storage dam max 10' (each) combined feet, active reservoir capacity 80.0 combined acre-feet, total reservoir capacity 80.0 acre-feet, period of year when water will be diverted to storage 1/1 to 12/31 inclusive

c Proposed well diameter is _____ inches, proposed depth of well is _____ feet.

d Is ground water with a temperature of greater than 85°F being sought? _____

e. If well is already drilled, when? _____; Drilling firm _____

Well was drilled for (well owner) _____

7. Time required for the completion of the works and application of the water to be proposed beneficial use is

5 years (minimum 1 year).

CHANGES per telecon from R. MCKENNA, Mgr., to Cindy Zimmerman on 9/1/95. INTS relayed to Region prior to advertising. -SL

ORIGINAL

JAN 25 1996

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. Irrigation storage, recreation storage & irrigation

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							LT 2 40	15 40	15 40	LT 3 40		10		40 50	30 40		250 200
		7							3.62 STGR			2.2 STGR				1.99 STGR	4.53 STGR		12.34

this is not Add'l. irrig. acres, is
located at storage. use std. data entry
where other uses = irrig. plan.

Total number of acres to be irrigated 250 200

10 Describe any other water rights used for the same purposes as described above _____

11. a. Who owns the property at the point of diversion? M RESORTS

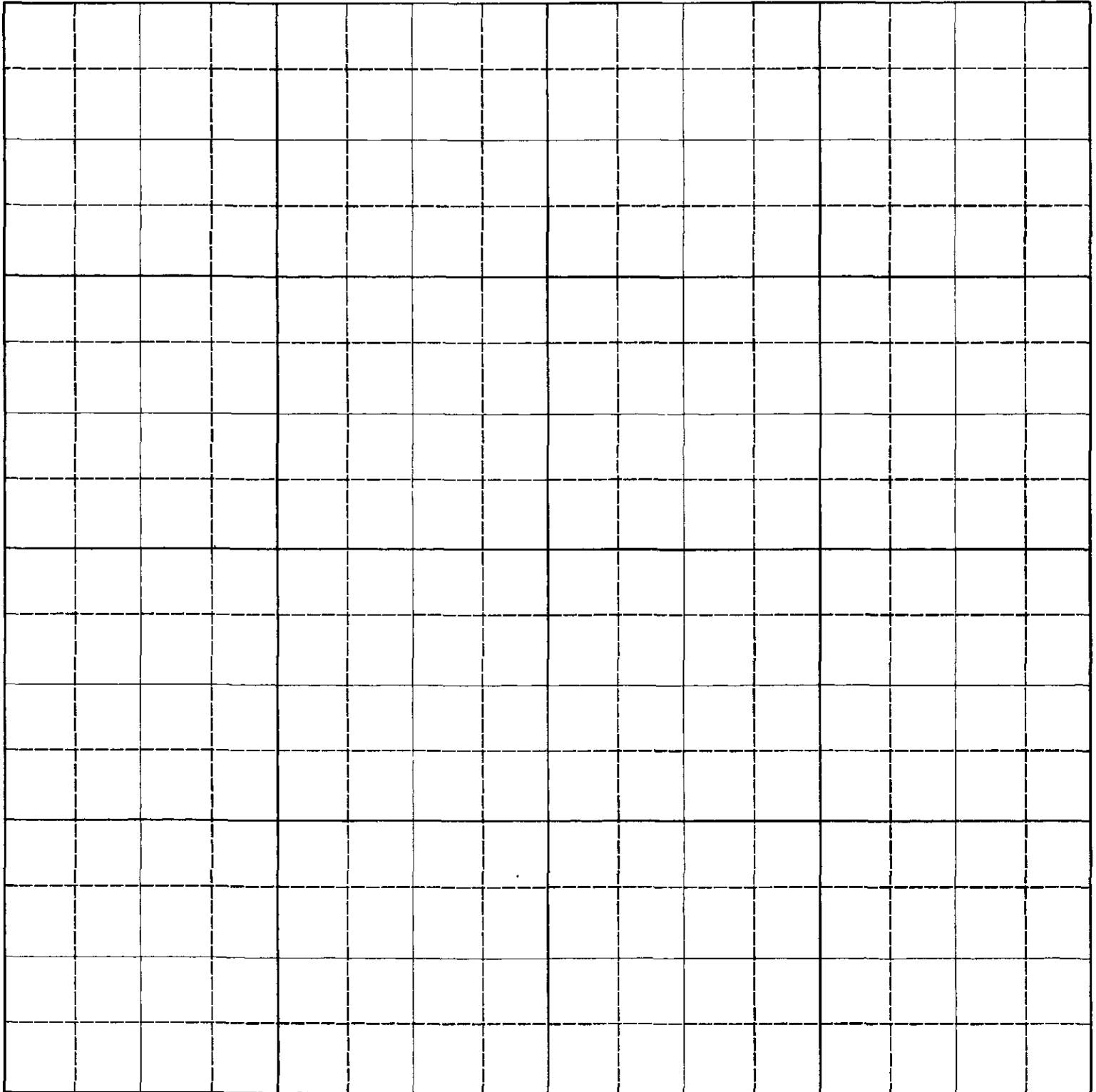
b Who owns the land to be irrigated or place of use? M RESORTS

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 _____

JAN 25 1980

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



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

JAN 25 1996

R. McKenna
R MCKENNA, MGR(Applicant)
M RESORTS

Received by CZ Date 8-28-95 Time 3:51 Preliminary check by SL
* Fee \$ 180.00 Receipted by JW # C033462 Date 8-28-95
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

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.

* NOTE: per reduced amount (to 4.00 cfs), fee is \$160.
NEED \$20 Refund issued.
Balance paid (\$125) was for copies.
-SL 8/11/95

Continuation Item #4:

* Amount 80 AF for Recreation Storage purposes from 1/1 to 12/31 (incl)
Amount ~~4.9~~ cfs for Diversion to Storage purposes from 1/1 to 12/31 (incl)
4.00

SEP 25 1996

OVERLAP SUMMARY

RECEIVED
DEC - 2 2004
DEPARTMENT OF
WATER RESOURCES

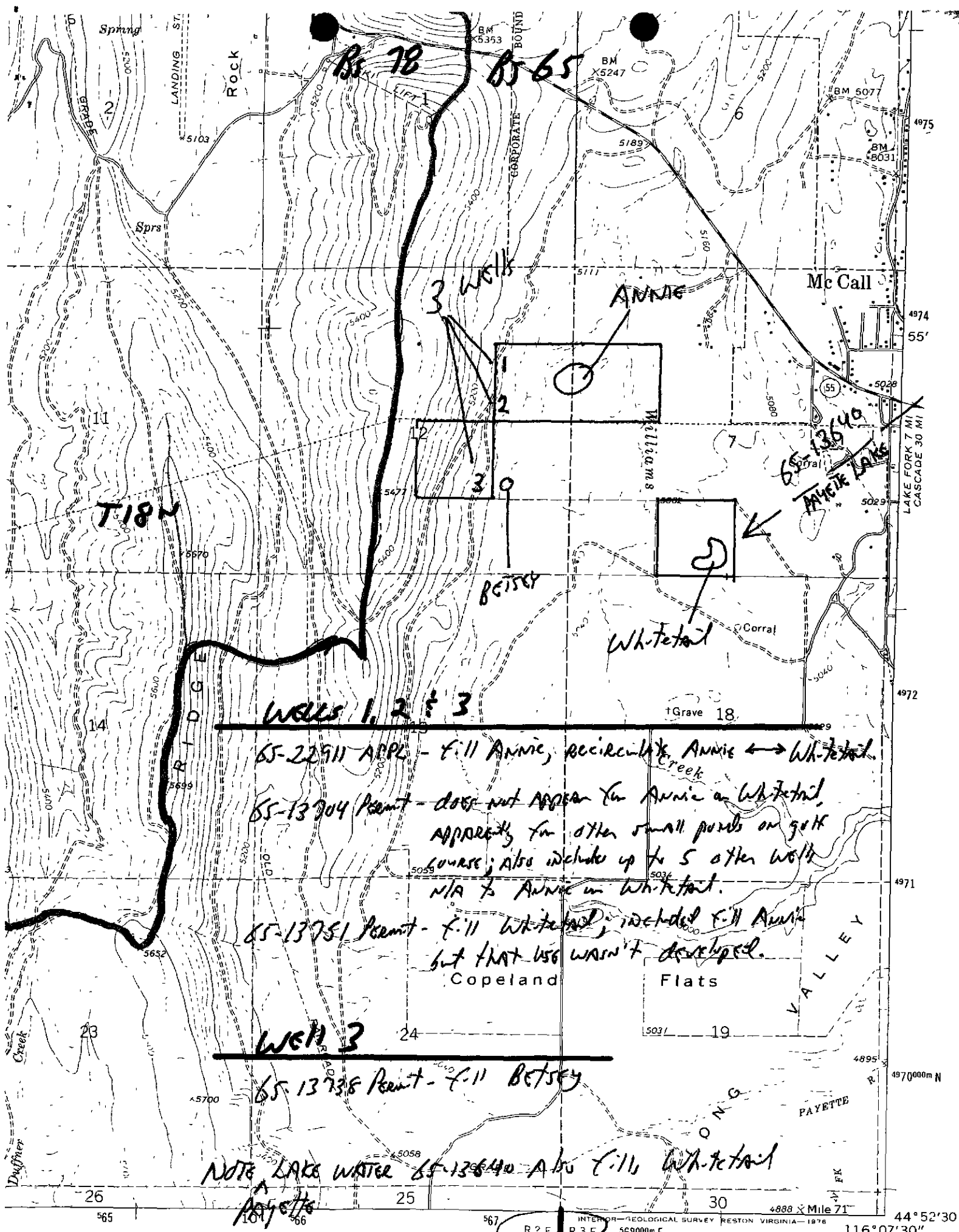
December 1, 2004

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



Wells 1, 2 & 3

65-22511 APPL - fill Annie, recirculate Annie ↔ White-tail Creek

65-13304 Permit - does not appear for Annie or White-tail, apparently for other small ponds on golf course; also include 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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720

Bo...aho 83720-0098

Return Service Requested

Manc

RECEIVED

NOV - 6 2004

Department of Water Resources

83720-0098

MANC01*--836322017 1A01 05 10/31/01
RETURN TO SENDER
MANCHESTER RESORTS
1 MARKET PL
SAN DIEGO CA 92101-7714
RETURN TO SENDER

11/8/01 dg

65-13640 "1/7-Database updated dg."
65-13738

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 25, 2001

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

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13640 and 65-13738

Dear Permit Holder:

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

1. Both of these diversions require measurement devices be installed. Please review the permits and contact the regional office if you have any questions. If you have installed the means of measurement, please disregard this question.
2. Referring specifically to your proof for permit no. 65-13738, question number 6 "Total rate of diversion". Your response was 20 acre feet for this question. IDWR permitted you to develop a total of 2.35 cfs for the diversion, which allotted 20.0 AF per storage use. (See the enclosed copy of this permit.) However, if you only developed 20 AF then that is what you will be licensed for. If that is not correct you will need to file an amended form and submit an additional \$100.00.

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

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

MICROFILMED
NOV 28 2001

October 25, 2001
Page 2

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

Sincerely,

A handwritten signature in cursive script that reads "Deborah J. Gibson".

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 : 65-13640

Reviewed By: dgibson

Date: October 22, 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.		W028427	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?	X	
Name and address same as permit?		X	Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	10/17/2001
Date proof due	- 12/01/2002
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 08/28/1995
New priority date	= 08/28/1995

Deficiencies of Actions Items

Acknowledge proof, but notify of measurement and lockable controlling device need on diversion.

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 65-13640 Reviewed by JY Date 11-19-98

BASIC INFORMATION

10-20-98 Date stamp received
YES Extension received timely
YES Fee received and receipted
YES Name and signature same as permit
YES Address Change

BASIS FOR EXTENSION REQUEST

YES Has adequate work been completed to demonstrate due diligence?

_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN Recommend extend to Dec. 1, 2002, on basis of due diligence.

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address 501 W Lake St
Change Proof Due Date 12-1-2002
Change Priority Date X



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 19, 1998

M Resorts
Attn Bob McKenna
501 W Lake St
McCall ID 83638

RE: Permit No. 65-13640

Dear Permit Holder:

I have enclosed a copy of the approved request for extension of time submitted in connection with the above referenced permit, which extends the time within which to submit proof of beneficial use to **December 1, 2002**. Please note that the department granted the extension based on due diligence. It is important that you work diligently towards completion of this project since the department **will not** be able to grant additional extension requests based on due diligence.

Section 42-248, Idaho Code, which became effective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact this office or any regional office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please contact me at (208)327-7953, if you have any questions regarding this matter.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED

NOV 27 1998

September 10, 1998

Richard H. Harbert, President
RH2
PO Box 2553
Redmond, WA 98073-2553

Dear Mr. Harbert:

As we have discussed, you are authorized to perform engineering services in relation to the Shore Lodge renovation and water supply issues. The Shore Lodge project is a critical part of our efforts to enhance our community's economy.

Your efforts on this project will be invoiced separately to the City of McCall. The City will pass these costs on to the Shore Lodge for reimbursement as either engineering necessary to the water supply project or as part of building permit review. We should seek ways to minimize costs both to the Shore Lodge and the City through innovative project design and management. Our goal is to achieve a mutually beneficial resolution of the water supply issues.

Thank you for your attention to this important project. Please contact me with any questions.

Sincerely,



Brian D. Olson
City Manager

cc: Bob McKenna, Shore Lodge



Jim Johnson, Manager
Water Right Permits Section
State of Idaho Department of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Re: Water Permit No. 65-13640

Dear Mr. Johnson:

This letter will follow my letter to you dated April 1, 1997, and your return correspondence dated April 7, 1997, regarding the above-referenced water permit. The purpose of this letter is to request an extension, pursuant to Idaho Code Sections 40-204 and 40-218, of the allowable time for commencement of construction, actual construction, and proof of beneficial use.

The reasons for this request are as follows. Essentially, I am still struggling to overcome some of the obstacles referenced in my April 1, 1997, letter to you. Specifically, I am still negotiating with the City of McCall, and the Idaho Transportation Department (ITD), regarding the necessary permits, approvals, easements, and so forth. I am also addressing concerns that stem from the recently enacted Big Payette Lake Water Quality Act. Each of these processes is consuming an extraordinary amount of time, especially given the fact that, as you probably know, the City of McCall has recently experienced almost a complete turnover in personnel. Although I was making good progress with the prior City Manager, City Council and City Attorney, now that all of those positions have been replaced with new personnel, I have been informed that I am essentially "back to square one" with the City. Accordingly, an extension of time is going to be necessary in order for me to get the necessary approvals from the City once again, and to address the concerns of the Big Payette Lake Water Quality Council and the ITD. Because of all of these government entity imposed hurdles, and because of the extraordinary amount of time it takes to address each agency's respective concerns and get them resolved, I request the maximum extension of time possible of the commencement of construction, actual construction, and proof of beneficial use on this water permit.

Thank you for your consideration of these matters. If you have any questions, please give me a call. Time is becoming a pressing issue, so please respond as soon as possible.

Sincerely,

Bob McKenna

Bob McKenna, Manager
Idaho Operations

MCCALL, IDAHO

September 30, 1998

M RESORTS
PO BOX 1006
MC CALL ID 836381006

PROOF DUE NOTICE

RE: PERMIT NO. 65-13640

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 December 1, 1998.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete 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.

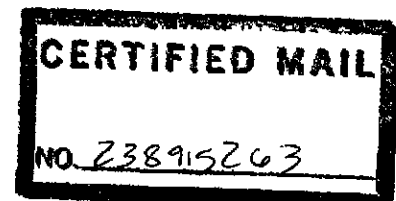
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
NOV 27 1998





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

July 6, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SHORE LODGE
BOB MCKENNA
501 W LAKE ST
MCCALL ID 83638

RE: Water Permit 65-13640

Dear Mr. McKenna:

Your letter (undated) received by FAX on June 24, 1998 has been carefully considered.

It appears that the information in my letter of April 7, 1997 still prevails. A copy of this letter is enclosed for your convenience.

You may be confident that the Department will contact you at least 60 days prior to December 1, 1998 which will allow you ample time to file Proof of Beneficial Use or request an Extension of Time.

If you have any questions regarding this matter, please call me at 208-327-7947.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over the typed name and title.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

MICROFILMED

NOV 27 1998



RECEIVED
JUN 26 1998
Department of Water Resources

Jim Johnson, Manager
Water Right Permits Section
State of Idaho Department of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Re: Water Permit No. 65-13640

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Sincerely,

Bob McKenna, Manager
Idaho Operations

MICRO FILMED

NOV 27 1998



Jim Johnson, Manager
Water Right Permits Section
State of Idaho Department of Water Resources
1301 N. Orchard Street
Statehouse Mall
Boise, ID 83720-9000

Re: Water Permit No. 65-13640

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Sincerely,

Bob McKenna, Manager
Idaho Operations



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

April 7, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BOB McKENNA
C/O SHORE LODGE
PO BOX 1006, 505 W LAKE ST
McCALL ID 83638

RE: WATER PERMIT NO. 65-13640

Dear Water Permit Holder(s):

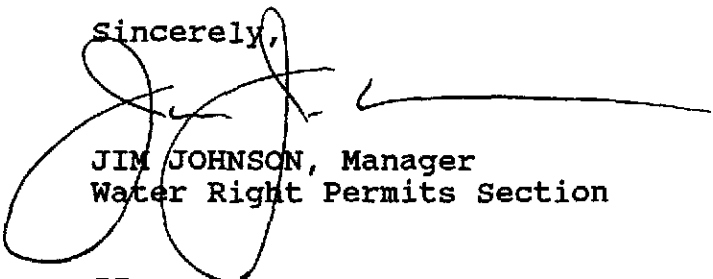
I have reviewed your letter dated April 1, 1997 requesting an extension of time to commence construction. The information which you provided certainly provides a summary of delays that were caused through no fault of your own.

While there is no provision in the Idaho Code for the Department to provide you an explicit extension of an exact date to commence your project construction, you have provided information showing you have been diligent in attempting to appropriate water under your Permit.

The Department will again contact you approximately 60 days prior to December 1, 1998 informing you of your options if you have not been able to complete your project prior to December 1, 1998.

If you have questions please contact me at (208) 327-7947

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:vrr

MICRO FILMED

NOV 27 1998



RECEIVED

APR 07 1997

Department of Water Resources

April 1, 1997

Jim Johnson, Manager
Water Permits Section
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

RE: Permit 65-13640

Dear Mr. Johnson:

In response to your letter of March 25, 1997, please note the following:

December, 1995	Permit 65-13640 was approved.
December, 1995	Toothman-Orton Engineering contracted to perform Project Feasibility Study
January, 1996	Toothman-Orton Engineering contracted to begin Engineering and Design.
February, 1996	Design was not feasible and over budget. Met with Mark Limbaugh, Water District 65 to discuss the ability to rent water during low water period.

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NOV 27 1998

June, 1996	Met with City of McCall to request the use of existing pump station that the City was going to discontinue using. Request denied.
July, 1996	Scanlan Engineering contracted to perform Engineering and Design.
August, 1996	Design within budget but not feasible due to access to lake permitting with State Lands below historical high water.
August, 1996	Started PUD permit process with City of McCall
September, 1996	Filed 404 Permit with Corp of Engineers to address wetlands.
October, 1996	Letter sent to Department of Water Resources requesting additional time.
October, 1996	General development approval from the City of McCall subject to all permits, engineering, drainage approval from City Engineer.
November, 1996- March, 1997	During this time period we still have not received approval from the Corp of Engineers for the 404 request. During this time we have not received final approval from the City of McCall for the PUD. I once again asked the City to use the pump station. This time they gave me preliminary approval subject to design and permission from Idaho Department of Transportation for the use of right of way to install water lines.

As you can see from the above information, in dealing with so many agencies, it has been a very slow permit process to obtain final plan approval for a complex project.

Your consideration of our request for an extension of time to commence construction would be greatly appreciated.

Sincerely,



Bob McKenna
Manager, Idaho Operations



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

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

March 25, 1997

M Resorts
PO BOX 1006
MC CALL ID 83638-1006

ATTEN: BOB MCKENNA

RE: PERMIT 65-13640

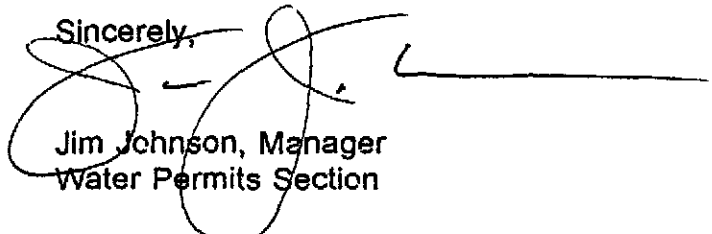
Dear Mr. McKenna;

Your letter of October 29, 1996 requesting more time to commence construction of the project under the above referenced permit, has been forwarded to me for review.

In responding to your request I find that I need more specific information concerning activities that have occurred since the permit has been issued. You had mentioned in our phone conversation extensive time delays encountered in getting necessary approvals from other departments and agencies. Please provide as much detail as you can to show that these delays were beyond your control and how they prevented commence of the project.

Once I have the information I will provide you a response to your request.

Sincerely,



Jim Johnson, Manager
Water Permits Section

MICROFILMED

NOV 27 1998



Received in
S.O. 3/15/97
from Western
J

October 29, 1996

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

Dear Steve:

To follow up on our phone conversation of October 28, 1996 in regards to Permit No. 65-13640; as you know, on October 22, 1996 M Resorts received general development plan approval for Whitetail on the 200 acres. Because it took almost one year to get the permit to do the project, we are requesting an extension of time for Condition #4 on our water permit.

If you need further information, do not hesitate to call. Thank you for your consideration of this request.

Sincerely,

Bob McKenna
Bob McKenna
M Resorts

PH 634-2244
CELL 634-9675

MICROFILMED

NOV 27 1998

RECEIVED

OCT 31 1996

WATER RESOURCES
WESTERN REGION

RECEIVED

CON. ERSATION MEMORANDUM

MAR 07 1997

DATE 3/6/97

Department of Water Resources

FILE 65-13640 (permit)
65-13704 (Appl.)

NAME OF PARTY BOB McKenna 634-2244

EMPLOYEE Steve Lester

RE: M RESULTS

65-13640 Lake Hw, Irrigation -

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

both for same proposed golf course

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 B.S. 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

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NOV 27 1998

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

ORIS: S.O. files (permit)
CC: Regate " " + Appl.)

file in
65-13640

(65-13704 is
At Region as
Appl.)

jc

RECEIVED

CONVERSATION MEMORANDUM

OCT 30 1996

DATE 10/29/96

Department of Water Resources

FILE 65-13640

NAME OF PARTY BOB MCKENNA for M Resorts

EMPLOYEE Steve Legten

RE: PROJECT CONSTRUCTION COMMENCEMENT - MORE TIME?

Permit issued 11/24/85 with cond. # 4 that construction must start within 1 yr. unless delays beyond control of permit holder etc.

M Resorts just received PWD from local officials so can now take next step of confirming engineering details in prep. for starting construction.

Suggested that owner make written request to have 1 more year to commence construction. Should ~~show~~^{show} how have made good faith effort to comply with timeline etc. in water right permit.

This would be prudent from owner's point of view given recent controversy over plr activities (complaints being investigated at 65-13640 plr but not involving Big Poyette Lake water - regional office working on complaint response now).

MICROFILMED

NOV 27 1998



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 24, 1995

M RESORTS
PO BOX 1006
MC CALL ID 83638-1006

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13640

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

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.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

Please be advised that there is insufficient natural flow available from the source identified on your permit to provide water throughout the entire season. You may want to arrange for a supplemental supply from a different source.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

JAN 25 1996

SK:rl

Enclosures

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 65-13640 Name: M Resorts. Date: 11/22/95 Ad OK? ✓
Correct Fee? ✓ Receipt #: 6033462 Priority: 8/28/95 ✓ Gvmt Lts: ✓

AREA OF CONCERN? - No/Yes _____ Mor _____ GWMA Trust/Non-trust
PROTESTED: - 020(Protest Agr) or W19(See Final/Prelim Order)

SYSTEM COMPLETED:

Yes/proof filed - NA
1 year/no proof - P16
+1 year - 26A-P17

GROUNDWATER: <✓ FLO-CH>

+ 0.2 cfs - 01M
=/- 0.2 cfs - No MD
=/+ 5 a. - 01M, 065(if GW use SW 1st)

Drilling Permit:

Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. _____, P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)

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

Water District(~~dem~~) - 005 (req) WD # 65 <SEE MAP & LISTING>
+ 0.2 cfs - 028(may report)-01J(meas dev)-P08
=/- 0.2 cfs - 028(may report)-01H(lock dev)-P01 or No MD
=/+ 5 a. irr. - 028(may report)
~~In-WD~~ + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
=/+ 5 a. irr. - 01M

RIVER BASINS (*Surface water):

Snake R (01) - 11A-P04, NA
(02/03-irr) - 007-P07 (w/remark WB9-† Weiser), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064(regulated uses), 047-P04(Payette Lake), NA

USE:

Domestic (surface) - 021(Boise R † L Peak); 27A(Payette R); NA
Fish Propagation - 07A-042(rq)-010/06A/09E(WQ)-P10; 044(N 1000 Spr)
Irr <POU> =/- 5 a - 057 (0.03 cfs/A)
+ 5 a - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F(P19)-09E(P10);
+25 cfs-P18; 17G(FERC) or 17M(FERE); 18B-P09
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA

LOCATION:

Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - 3 <SEE CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-land owner

- 004 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS:

- Protest agreement conditions

BENEFICIAL USE DUE:

- 12-1-1998

COMMENTS:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: R DATE: 9/11/95 APPLICATION: 65-13640

REQUIRED INFORMATION

☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
☒ Address:
☒ Source: (See USGS Quad for names of water sources)
☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
☒ County:
☒ Quantity: (flow and/or volume)
☒ Period of use:
☒ Nature of proposed use: (Include description of use)
☒ Description of diverting works:
☒ Time required for beneficial use of water:
☒ Place of use or acres irrigated:
☒ Map: (show T, R, S, QQ &/or QQQ)
☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee:
☒ Yes ☐ No* In form to receipt:

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

ADDITIONAL INFORMATION

YES NO

☒ ☐ Overlapping place of use: (Describe source & relationship to present application on the back.)
☒ ☐ Overlapping point of diversion:
☐ ☐ Field check required: Field check by: _____
☐ ☐ Field report attached: _____
☐ ☐ Critical groundwater area:
☐ ☐ Groundwater management area:
☐ ☐ 1992 moratorium:
☒ ☐ Copy to SCA staff: (perennial stream, non-pump diversion).
☒ ☐ Copy to Dam Safety staff: (for any storage) copy provided 9/11/95 ✓
☐ ☐ Basin 63 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:
☐ ☐ Power efficiency form:
☐ ☐ 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

RECEIVED
NOV 21 1995

Department of Water Resources

DATE REQUESTED: _____

☒ Additional information on reverse side:

PROCESSING

APPLICATION

65-13640

YES NO

☒ ☐
☒ ☐
☒ ☐

In form for advertising:

Statewide advertising: (> 10 cfs &/or 1000 af)

Fee amount, receipt number and date recorded on application: *Refund*
memo (\$20) sent to So.

SEND COPIES TO

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒

I.D. Health and Welfare

I.D. District Health

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☒ ☐
☐ ☒
☒ ☐
☐ ☒

U.S. BLM

U.S. Forest Svc.

Water Dist. # *65 Payette River*

Other

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

Publication dates and paper recorded on application:

Protests received. Final date for protest *10-9-95*

Protest dates, resolution of protest recorded on application:

Recommendations attached: *Approve, Rev*

Measuring device required:

Measuring port required:

Water delivered by water master? District #

Special conditions of approval or cover letter:

Please use attached conditions of approval verbatim, as they were used in a conditional withdrawal of protest.

See below for additional information

Recommended Date or Priority *8/28/95*Recommended by: *GR*Date *11/13/95*

STATE OFFICE REVIEW

See below for additional information. By Date

ADDITIONAL INFORMATION

Overlap - none significant:

*P10 - Some other lake diversions for other land & other owners,
 also other sources tapped in same tract.*

*P11 - No irrig or recreation uses nor any lake water for any use
 found e P11.*



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

November 2, 1995

Robert McKenna
M Resorts
PO Box 1006
McCall ID 83638

Peter T Johnson
Big Payette Lake Water Quality Council
PO Box T
McCall ID 83638

Re: Application for Permit No. 65-13640 in the Name of M Resorts

Dear Gentlemen:

This letter is to acknowledge the receipt of the Withdrawal of Protest and Agreement of Conditions by the protestant, Peter T. Johnson, Chairman of the Big Payette Lake Water Quality Council and the applicant, Robert McKenna of M Resorts, regarding the above-referenced application for water right.

The Department now will continue to process the application, subject to the agreed upon conditions of approval.

If you have any questions please call this office.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

JAN 25 1996

Publisher's Affidavit of Publication

STATE OF IDAHO

.SS

County of Valley

I, Ramona A. French, 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 there of 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 September 21, 1995 and ended September 28, 1995.

Subscribed and sworn before me this 28th day of September, 1995.
STATE OF IDAHO

COUNTY OF VALLEY

On this 28th day of September, in the year of 1995, before me, a Notary Public, personally appeared Ramona A. French, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

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

RECEIVED
NOV 01 1995
NOTARY PUBLIC
VALLEY COUNTY

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

65-13639
DAVIDSON, JOHN G
PO BOX 165
LAKE FORK, ID 83635
Source: GROUNDWATER
Diversion Pt: LOT 8 (SESE) Sec 12 T
17N R 02E in VALLEY County.
LOT 4 (SWSW) Sec 7 T
17N R 03E in VALLEY County.
Use: IRRIGATION (0.175 CFS)
DOMESTIC (0.040 CFS)
Total Diversion: (0.200 CFS)
Date Filed: 8/29/1995
In: VALLEY County
T17N R02E S12 Lot 8(SESE)
R03E S07 Lot 4(SWSW)
8.7 ACRES TOTAL
65-13640

M RESORTS
BOX 1006
McCALL, ID 83638
Source: BIG PAYETTE LAKE
Tributary: PAYETTE RIVER, NORTH FORK
Diversion Pt: LOT 2 (SWNW) Sec 8 T
18N R 03E in VALLEY County.
Use: IRRIGATION (4.000 CFS)
IRRIGATION STORAGE (80.00AF)
IRRIGATION FROM STORAGE (80.00 AF)
RECREATION (4.000 CFS)
RECREATION STORAGE (80.00 AF)
DIVERSION TO STORAGE (4.000 CFS)
Total Diversion: (4.000 CFS)
Date Filed: 8/28/1995
In: VALLEY County
T18N R03E S07 Lot 2(SWNW)
SENE NESW Lot 3(NWSW) SESW NWSE
200.0 ACRES TOTAL
77-07346
KEITHLEY, SCOTT

Not fatal - notice was adequate.
Or

KEITHLEY, M C
PO BOX 14
LAKE FORK, ID 83635
Source: SALMON RIVER, SOUTH FORK
Tributary: SALMON RIVER
Diversion Pt: LOT 2 (NENE) Sec 2 T
21N R 07E in VALLEY County.
Lot 2 (NWNE) Sec 2 T
21N R 07E in VALLEY County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 8/4/1995
In: VALLEY County
T21N R07E S02 Lot 2(NENE) Lot 2(NWNE)
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 OCTOBER 9, 1995. The protestant must also send a copy of the protest to the applicant.
KARL J. DREHER, Director 2/9/28

JAN 25 1996

BIG PAYETTE LAKE WATER QUALITY COUNCIL

Post Office Box T • McCall, Idaho 83638

(208) 634-5951 • Fax: (208) 634-7611

RECEIVED

OCT 30 1995

**WATER RESOURCES
WESTERN REGION**

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

P. O. Box T
McCall, Idaho 83638
October 26, 1995

Subject: Protested Application for Permit No. 65-13640

Attention: ^{DRA}David R. Tuthill, Jr., P. E., Manager, Western Region Office

Gentlemen:

We have received your letter of October 23, 1995 with enclosure: WITHDRAWAL OF PROTEST AND AGREEMENT OF CONDITIONS.

Enclosed please find the executed WITHDRAWAL OF PROTEST AND AGREEMENT OF CONDITIONS.

We wish to express our appreciation for the professional manner in which our concerns have been discussed and resolved.

Sincerely,



Peter T. Johnson, Chairman
Big Payette Lake Water Quality Council

Enclosure

cc: M Resorts, McCall, Idaho
BPLWQC Members

RECEIVED
JAN 25 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

OCT 30 1995

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF APPLICATION FOR	)	WITHDRAWAL OF PROTEST
	)	
PERMIT NO. 65-13640	)	AND
	)	
IN THE NAME OF M RESORTS	)	AGREEMENT OF CONDITIONS

The undersigned applicant agrees to abide by the following conditions which will be made a part of the permit issued based on the above-referenced application for permit number 65-13640. Accordingly, the undersigned protestant agrees to withdraw the protest to the approval of the application.

1. This water right is subject to all prior water rights.

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

3. A lockable controlling works and a totalizing measuring device of a type approved by the department shall be permanently installed and maintained as a part of the diverting works. This device shall be maintained by the water right holder and shall be made available to inspection by the watermaster.

4. Water shall be diverted under this water right only during periods when the natural flow in the Payette River basin is sufficient to provide for a water right with a priority date of August 28, 1995. There will be periods during each summer when water will not be available for diversion under this water right. During these periods diversion through the delivery system established for this water right will be allowed only if a supplemental water right such as storage rental is acquired by the water right holder and utilized via the Watermaster of Water District 65.

5. 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.

6. This permit shall not be assigned or sold unless it can be shown to the satisfaction of the Director of the Department of Water Resources that the water right application was not filed for speculative purposes.

JAN 25 1996

Withdrawal of Protest and Agreement of Conditions of Approval

7. 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 the permit holder had no control.

8. The time allowed for completion of works and application of water to a beneficial use under this water right is limited to three years from the date of approval of the water right permit.

DATED this _____ day of _____, 1995

Applicant: _____

DATED this 26th day of October, 1995

Protestant: Big Payette Lake Water Quality Council
Peter T. Johnson, Chairman

JAN 25 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

OCT 26 1995

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF APPLICATION FOR	)	WITHDRAWAL OF PROTEST
	)	
PERMIT NO. 65-13640	)	AND
	)	
IN THE NAME OF M RESORTS	)	AGREEMENT OF CONDITIONS

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JAN 25 1996

Withdrawal of Protest and Agreement of Conditions of Approval

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8. The time allowed for completion of works and application of water to a beneficial use under this water right is limited to three years from the date of approval of the water right permit.

DATED this 24 day of OCT, 1995

Applicant: R. McBenna, FOR M. RESORTS LTD

DATED this _____ day of _____, 1995

Protestant: _____

JAN 25 1996



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

October 23, 1995

Mr. Peter T. Johnson
Big Payette Lake Water Quality Council
Post Office Box T
McCall, ID 83638

Mr. Steve Millemann, Esq.
PO Box 1066
McCall, ID 83638

RE: Protested Application for Permit No. 65-13640

Gentlemen:

Pursuant to a series of telephone calls Friday, I have modified condition no. 5 of the Withdrawal of Protest and Agreement of Conditions for the above-referenced Application for Permit. Enclosed please find a revised document.

Mr. Millemann has requested that I provide some additional information to explain the anticipated impacts of regulation as projected in condition no. 4. Typically the natural flows in the Payette River system are fully appropriated beginning in June (during a dry year) or in July (during a wet year). This year, for example, the flows were fully appropriated beginning on July 28, and lasting through about October 15. During this time period a junior (post-1938) appropriator desiring to divert 4.0 cubic feet per second would be diverting about 8 acre-feet per day. The cost for rental of storage water for in-basin uses during the past few years has been \$2.70 per acre-foot. Thus, rental of storage water would have cost about \$22 per day during this period. For computational purposes one should keep in mind that irrigation of grasses does not require full-time diversion at the maximum rate of flow.

If the conditions shown are acceptable, please sign and return the document. If we do ultimately receive matching signed documents from both parties we will resume processing of the application. Please feel free to call me to discuss this matter.

Sincerely,

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

JAN 25 1996

Enclosures

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	WITHDRAWAL OF PROTEST
	)	
PERMIT NO. 65-13640	)	AND
	)	
IN THE NAME OF M RESORTS	)	AGREEMENT OF CONDITIONS

The undersigned applicant agrees to abide by the following conditions which will be made a part of the permit issued based on the above-referenced application for permit number 65-13640. Accordingly, the undersigned protestant agrees to withdraw the protest to the approval of the application.

1. This water right is subject to all prior water rights.

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

3. A lockable controlling works and a totalizing measuring device of a type approved by the department shall be permanently installed and maintained as a part of the diverting works. This device shall be maintained by the water right holder and shall be made available to inspection by the watermaster.

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5. 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.

6. This permit shall not be assigned or sold unless it can be shown to the satisfaction of the Director of the Department of Water Resources that the water right application was not filed for speculative purposes.

JAL 25 1995

Withdrawal of Protest and Agreement of Conditions of Approval

7. 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 the permit holder had no control.

8. The time allowed for completion of works and application of water to a beneficial use under this water right is limited to three years from the date of approval of the water right permit.

DATED this _____ day of _____, 1995

Applicant: _____

DATED this _____ day of _____, 1995

Protestant: _____

3-23-95

3-23-95



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

October 17, 1995

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

Mr. Peter T. Johnson
Big Payette Lake Water Quality Council
Post Office Box T
McCall, ID 83638

RE: Protested Application for Permit No. 65-13640

Gentlemen:

On October 4, 1995, this office received a protest letter in the above-referenced matter from Mr. Johnson on behalf of the Big Payette Lake Water Quality Council. The copy of this letter that was sent to M Resorts resulted in a number of telephone calls, and we determined that a good first step toward the resolution of the concerns of the protestants would be for me to draft a list of proposed conditions of approval that (1) address the concerns that were raised by the protestant, and (2) are typically found on permits issued by this Department.

Enclosed please find an initial draft of this document. If either party feels that the conditions are unacceptable, our next step will be to schedule a water right pre-hearing conference. If the conditions are close to what you would expect, please advise me of any suggested changes, and we can discuss the changes and perhaps attempt another iteration of this process. If the conditions are fully acceptable, than you can sign and return the document. If we do ultimately receive matching signed documents from both parties we will resume processing of the application.

Please feel free to call me to discuss this matter.

Sincerely,

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

Enclosures

fax 634-7504

JAN 25 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	WITHDRAWAL OF PROTEST
	)	
PERMIT NO. 65-13640	)	AND
	)	
IN THE NAME OF M RESORTS	)	AGREEMENT OF CONDITIONS

The undersigned applicant agrees to abide by the following conditions which will be made a part of the permit issued based on the above-referenced application for permit number 65-13640. Accordingly, the undersigned protestant agrees to withdraw the protest to the approval of the application.

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5. Use of water under this water right shall comport with provisions of the Lake Management Plan established under the Big Payette Lake Water Quality Act.

6. This permit shall not be assigned or sold unless it can be shown to the satisfaction of the Director of the Department of Water Resources that the water right application was not filed for speculative purposes.

RECORDED
JAN 25 1996

Withdrawal of Protest and Agreement of Conditions of Approval

7. 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 the permit holder had no control.

8. The time allowed for completion of works and application of water to a beneficial use under this water right is limited to three years from the date of approval of the water right permit.

DATED this _____ day of _____, 1995

Applicant: _____

DATED this _____ day of _____, 1995

Protestant: _____

JAN 25 1996

CONVERSATION MEMORANDUM

D 10/16/1995

FILE 65-13640

NAME OF PARTY Peter Johnson

EMPLOYEE D. Tuthill

RE: Discussion of Protest Letter

System should comport with guidelines of water quality act

Property is for sale.

Prepare proposed list of conditions.

MICROFILMED

JAN 25 1996

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

RECEIVED

OCT 04 1995

WATER RESOURCES
WESTERN REGION

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains all necessary information.

1. Matter being protested Application for permit No. 65-13640 in the name of: M Resorts, Box 1006, McCall, ID. 83638
2. Name of protestant Big Payette Lake Water Quality Council
3. Protestant's representative for service (If different than protestant)
Peter T. Johnson, Chairman, P.O.
4. Service mailing address P.O. Box T, McCall, Idaho 83638
5. Service telephone no. (208) 634-5951
6. Basis of protest (including statement of facts and law upon which the protest is based) See letter attached dated 3 Oct. 1995

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? See letter attached dated 3 Oct. 1995

I hereby acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 3rd day of October, 1995

Big Payette Lake Water Quality Council
PROTESTANT

Peter T. Johnson, Chairman
PROTESTANT'S REPRESENTATIVE

Note: \$25 check payable to the Department enclosed

JAN 25 1996

NOTE:

- a) Not more than two (2) representatives for service of documents may be designated on a protest. If this protest is signed by more than one person without identifying the representative(s) for service of documents, the hearing officer may select the person(s) upon whom documents will be served.
- b) A protestant is required to timely file a protest with the department together with a \$25.00 protest fee in order for the protest to be considered by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.
-

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by VR Date 10-4-95 Time 9:30 am
\$25.00 fee Receipted by VR # W1019944 Date 10-4-95

JAN 25 1995

BIG PAYETTE LAKE WATER QUALITY COUNCIL

Post Office Box T • McCall, Idaho 83638

(208) 634-5951 • Fax: (208) 634-7611

RECEIVED

OCT 04 1995

WATER RESOURCES
WESTERN REGION

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

P. O. Box T
McCall, Idaho 83638
October 3, 1995

Reference: M Resorts, McCall, ID. Application for Water Right of 4.000 CFS/80
AF from Big Payette Lake

Gentlemen:

I have been instructed by resolution of the Big Payette Lake Water Quality Council to write this letter in connection with referenced application.

1. We protest the apparent lack of any reference to the high water and low water elevations and the historical hydrograph that are recognized by the Lake Reservoir Company which controls the headgates on the dam at the outlet of the Lake. These criteria were established in an effort to meet the intent of Chapter 43, Title 67-4301, Idaho Code, BIG PAYETTE LAKE -- APPROPRIATION OF WATERS IN TRUST FOR PEOPLE. The public must be assured that applicant's request, if granted, will not alter these criteria in a manner that could adversely impact the water quality of Big Payette Lake.

2. In addition, the water quality study and preparation of the Lake Management Plan as set forth in Chapter 66, Title 39, Idaho Code, THE BIG PAYETTE LAKE WATER QUALITY ACT are not yet completed. That Plan will speak specifically and broadly to measures to protect and enhance water quality into the future in Big Payette Lake and its watershed. Therefore, any permit issued for this quantity of water must specify that the permit will be subject to all conditions of the Lake Management Plan once approved by the Idaho Legislature after which that Plan will have the force and effect of law.

3. Finally, The Council protests the "Time required for the completion of the works -- 5 year(s)." in referenced application by M Resorts, Box 1006, McCall, Idaho. One year to begin and three years from application to complete would be a more reasonable time frame and preclude the appearance that this application may be used for speculative purposes in connection with the sale of the applicant's private property where the water is to be used.

We would be happy to discuss these matters with you.

Respectfully submitted,


Peter T. Johnson, Chairman

JAN 25 1996

cc: M Resorts, McCall, Idaho

APPLICATION FOR PERMIT FOR WATER RIGHT

NO. 65-13640

RECEIVED

SEP 26 1995

WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

I, MARK LIMANOWITZ, watermaster of
PAYETTE RIVER, of Water District No. 65, County of
VALEY, State of Idaho, whose address is
102 N. MAIN PAYETTE ID 83661, have read
the attached copy of the application for permit for a water right
in the name of M RESORTS.

(A.) I hereby endorse the above numbered application and
recommend that the Director of the Department of Water Resources
approve the application subject to the following conditions:

WATERMASTER CONTROL OF DIVERSION. MUST HAVE RELIABLE
AND ACCURATE MEASURING DEVICE, AS STORAGE WATER
MUST BE RENTED FROM WD 65 RENTAL POOL WHEN RIGHTS
ARE OUT WITHIN THIS REACH.

OR

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

Dated at PAYETTE, Idaho, this 25 day of
SEPTEMBER, 1995.


(Signature)

Please use reverse side if needed.

JAN 25 1996



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 11, 1995

MARK LIMBAUGH
102 N MAIN
PAYETTE ID 83661

Re: Application for Water Right No. 65-13640 in the Name of M
Resorts

Dear Sir:

Enclosed is a copy of the above referenced application for
water right.

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

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

Enclosure: Copy of Application

JAN 25 1996

MEMORANDUM

TO: DEBBIE ALLEN

FROM: STEVE LESTER *SL*

DATE: SEPT. 11, 1995

RE: REFUND

M Resorts filed Application for Permit #65-13640 on 8-28-95 and paid \$180. The application was revised to a lesser amount requiring a fee of only \$160.

Please complete the following based on the applicant's actions. Attached is a copy of the receipt for your convenience.

ACTION - Issue \$20 refund

REASON - Application revision

RECEIPT - C033462

MAIL TO - Attn. Bob McKenna, Manager
M Resorts
Box 1006
McCall, ID 83638
(tele 634-2244)

C: Application 65-13640

JAN 25 1996



RECEIVED

SEP 01 1995

WATER RESOURCES
WESTERN REGIONFACSIMILE COVER SHEET

TO: Cindy Zimmerman
COMPANY: _____
FAX NO: 208-327-7866
DATE: 9-1-95
FROM: Bob McKenna
COMPANY: _____

The information contained in this facsimile message is management privileged and confidential information intended for entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at the above number.

MESSAGE: _____

THIS IS THE FIRST OF 2 PAGES. IF YOU DO NOT RECEIVE
ALL OF THE PAGES, PLEASE CALL THE NUMBER ABOVE.

JAN 25 1996

THANK YOU.

P.O. BOX 1006, 501 W. LAKE STREET, McCALL, IDAHO 83638
208-634-2244 800-657-6464 CONTINENTAL U.S. FAX: 208-634-7504

65-13640



RECEIVED

SEP 01 1995

WATER RESOURCES
WESTERN REGION

SENT VIA FAX 208-327-7866

September 1, 1995

Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Attention: Cindy Zimmerman

Pursuant to your request, the officers of M Resorts are as follows:

Bradford Raulston, President
William Johnson, Secretary

Mailing address: P. O. Box 1006, 501 W. Lake Street
McCall, Idaho 83638

If you have any further questions, do not hesitate to call.

Sincerely,

Bob McKenna
Manager

51996

CONVERSATION MEMORANDUM

DATE

9/1/95

FILE

65-13640

NAME OF PARTY

Cindy Zimmerman

EMPLOYEE

Steve Lator

RE:

M Resorts Appl. - Revisions

Per call to her from R. McKenna, Mgr. of
M Resorts (Shore Lodge etc.)

① reduce flow to 4.00 gpm, \$20 refund

② " same to 200

SESW 40 → 15

NSW 40 → 15

★

✓

③ Will fax officers names

④ receipt included \$1.25 for copies

★ note 9/11/95: due to govt ltr,

P/L also includes SESW (not originally

shown on appl. in land list). Thus, 40 ac.

SWSE originally shown as 666 ac. re-interpreted

as 10 ac. SESW & 30 ac. SWSE.

251996

received
9/1/95

65-13640

M RESORTS
BOX 1006
MC CALL, ID 83638

Source: BIG PAYETTE LAKE

Tributary: PAYETTE RIVER, NORTH FORK

Diversion Pt: LOT 2 (SWNW) Sec 8 T 18N R 03E in VALLEY County.

Use: IRRIGATION	(	4.000 CFS)	
IRRIGATION STORAGE			(80.00 AF)
IRRIGATION FROM STORAGE			(80.00 AF)
RECREATION	(	4.000 CFS)	
RECREATION STORAGE			(80.00 AF)
DIVERSION TO STORAGE	(	4.000 CFS)	
Total Diversion:	(	4.000 CFS)	

Date Filed: 8/28/1995

In: VALLEY County					
T18N R03E S07	Lot 2 (SWNW)	SESW	SENW	NESW	Lot 3 (NWSW)
			NWSE	SWSE	

200.0 ACRES TOTAL

JAN 25 1996