

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22911

Priority: November 30, 2004

Maximum Diversion Rate: 1.00 CFS

This is to certify, that WHITETAIL A CLUB FOR ALL SEASONS LLC
ONE MARKET PLACE 33RD FLOOR
SAN DIEGO CA 92101

has applied for a permit to appropriate water from:

Source: GROUND WATER

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>
DIVERSION TO STORAGE	01/01 to 12/31	1.00 CFS	
FIRE PROTECTION STORAGE	01/01 to 12/31		60.0 AF
WILDLIFE STORAGE	01/01 to 12/31		60.0 AF
RECREATION STORAGE	01/01 to 12/31		60.0 AF
AESTHETIC FROM STORAGE	01/01 to 12/31		60.0 AF
AESTHETIC STORAGE	01/01 to 12/31		60.0 AF

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	SE¼NE¼	Sec. 12, Twp 18N, Rge 02E, B.M., VALLEY County
GROUND WATER	NW¼SE¼	Sec. 12, Twp 18N, Rge 02E, B.M., VALLEY County
GROUND WATER	SE¼NE¼	Sec. 12, Twp 18N, Rge 02E, B.M., VALLEY County

PLACE OF USE: FIRE PROTECTION STORAGE, WILDLIFE STORAGE, RECREATION STORAGE AND AESTHETIC STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N 02E 12				X													
18N 03E 7							X										
							L 2										

PLACE OF USE: AESTHETIC FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N 02E 12				X													
18N 03E 7							X				X						
							L 2										

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2010**.
2. Subject to all prior water right.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-22911

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 the permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right authorizes the filling of one proposed reservoir, also known as Annie Lake. The aesthetic from storage use is for the circulation of storage water between Annie Lake and Whitetail Lake (existing).
6. Recreation storage use is for fishing and swimming.
7. Water shall not be diverted from fire protection storage under this right except to fight or repel an existing fire.
8. 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 if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed 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.
9. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 8th day of February, 2005.



For KARL J DREHER, Director

5M 10/5/04
5M 11/30/04

RECEIVED
FEB - 1 2005

Ident. No. 65-22911 12/99

RECEIVED

AUG 16 2004

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

AMENDED

- Name of Applicant Whitetail, A Club for All Seasons, LLC Phone (208) 634-2244
Mailing address One Market Place, 33rd Floor, San Diego, CA 92101
- Source of water supply Whitetail Lake groundwater which is a tributary of NA-sinks
- Location of point of diversion is Township 18N Range 2E1E Sec. 12T, in the — ¼, SE ¼, SW NE ¼, Govt. Lot —, B.M., Valley County;
additional points of diversion if any: NWSE same section (2 wells SENE, 1 well NWSE)
- Water will be used for the following purposes:
Amount 1.0 cfs for diversion to storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 60 afa for aesthetic storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 60 afa for fire protection storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 60 afa for wildlife storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 60 afa for recreation storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
60 AFA aesthetic from storage 1/1 to 12/31
- Total quantity to be appropriated is (a) 1.0 and/or (b) 60 afa
cubic feet per second acre feet per annum
- Proposed diverting works:
 - Describe type and size of devices used to divert water from the source Excavated 6-acre pond (Annie Lake)
will be filled by pumping water from ^{WELLS} Whitetail Lake. Water will circulate through the pond and overflow back to Whitetail Lake. Pond will be lined to prevent leakage.
 - Height of storage dam 0 feet; active reservoir capacity 60 acre-feet; total reservoir capacity 60 acre-feet
 - Proposed well diameter is 8", 6", 6" inches; proposed depth of well is 330, 180 feet
 - Is ground water with a temperature of greater than 85°F being sought? No
 - If well is already drilled, when? 1993, 1998; Drilling firm Menasco
Well was drilled for (well owner) Manchester, M Resorts; Drilling Permit No. 65-93-W-0040
65-97-W-0421-100
65-96-W-0156
- Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
- Description of proposed uses (if irrigation only, go to item 9):
 - Hydropower; show total feet of head and proposed capacity in kW.
 - Stockwatering; list number and kind of livestock.
 - Municipal; show name of municipality.
 - Domestic; show number of households.
 - Other; describe fully. Aesthetic, wildlife, recreation and fire protection storage in pond with surface area of 6 acres and volume of 60 acre feet. Recreation uses include fishing and swimming.

9. Description of place of use:

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

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	1E 3E	7							J L.2										
18N	2E	12				J													

J = aesthetic storage; same place of use for fire protection storage, wildlife storage, and recreation storage, *aesthetic from storage*

Aesthetic from storage

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. none

11. a. Who owns the property at the point of diversion? Randall Perkins

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Randall Perkins is majority owner of Whitetail, A Club for All Seasons, LLC

12. Remarks: _____

Aesthetic from storage use is for recirculating water back to Whitetail Lake in the SE SW sec 7

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

R

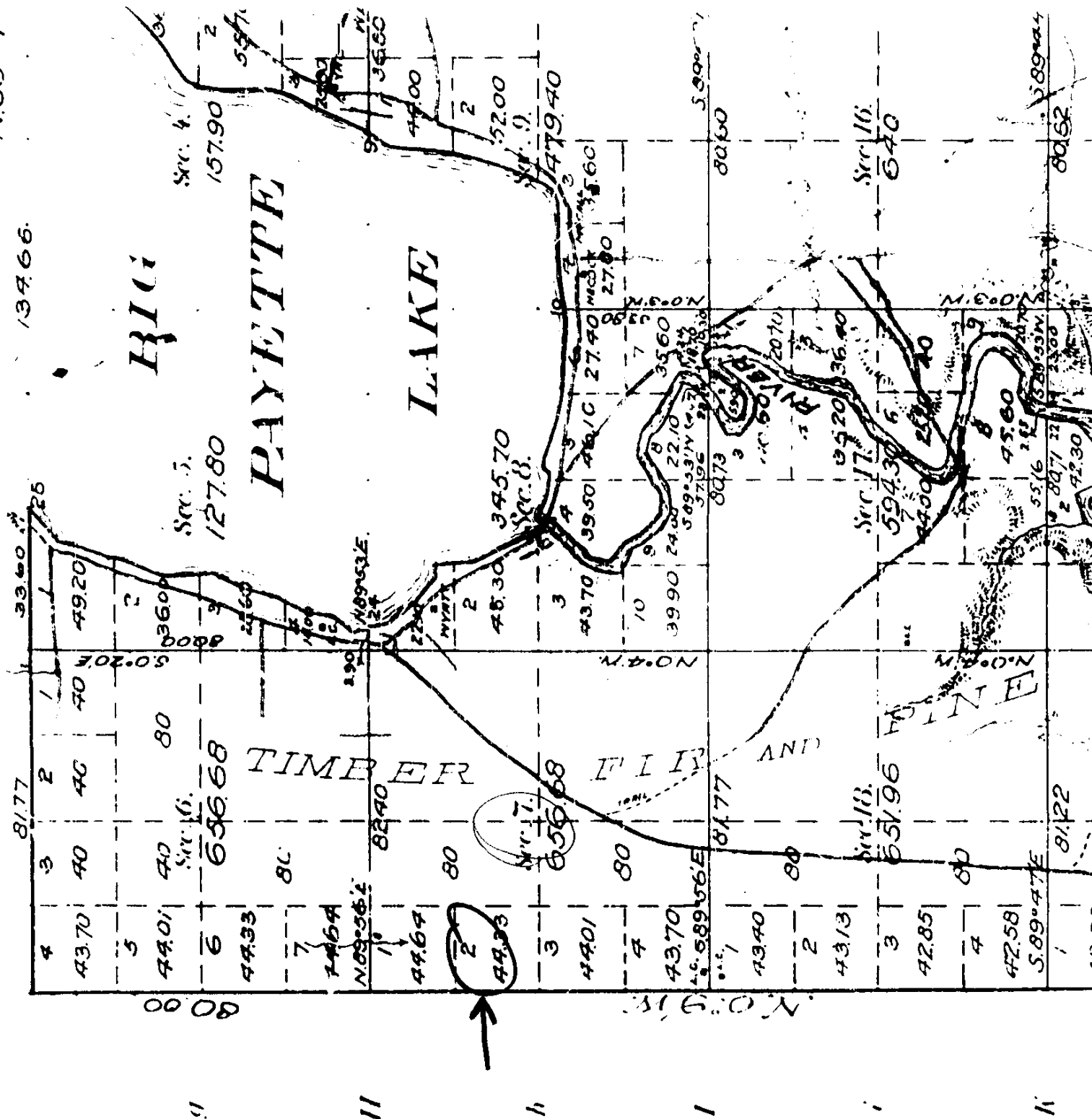
Gentry Matheson

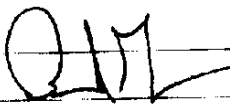
Signature of Applicant (and title, if applicable)

Received by sk Date 8-16-04 Time 11: AM Preliminary check by sk
 Fee \$ 250 Receipted by sk # W032117 Date 8/16/04
 Publication prepared by sk Date 12-16-23-04 Published in STAR NEWS
 Publication approved sk Date 1-6-05

N. 89° 47'

13466



No. W 16969	Due no later than October 31, 2003 Annual Report Form		2. Registered Agent and Office NO PO BOX
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080	Making Address Changes to Existing Registered Agent WHITETAIL, A CLUB FOR ALL SEASONS.		CT CORPORATION SYSTEM 300 N 6TH ST
NO FILING FEE IF RECEIVED BY DUE DATE	ONE MARKET PLACE 33RD FL		BOISE, ID 83701
	SAN DIEGO, CA 92101		3. <u>New</u> Registered Agent Signature
4. Limited Liability Companies: Enter Names and Addresses of Managers.			
<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u> <u>State</u> <u>Zip</u>
President	Randel L. Perkins	3655 Nobel Drive, #490	San Diego CA 92122
Chief Fin. Officer	Richard V. Gibbons	One Market Place, 33rd Fl	San Diego CA 92101
5. Organized Under the Laws of	6. Signature 		
IDAHO W 16969	Date _____ Name (Print or Type) Richard V. Gibbons Title CFO		

Issued 08/04/2003

Do Not Tape or Staple

1234

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant Whitetail, A Club for All Seasons, LLC
Mailing Address One Market Place, 33rd Floor
San Diego, CA 92101
Application No. 65-22911
(if known)

 IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

 PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

 X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature



Date

8/10/04

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Now
Starting
Right Side
of file.



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

February 9, 2005

WHITETAIL A CLUB FOR ALL SEASONS LLC
ONE MARKET PLACE 33RD FLOOR
SAN DIEGO CA 92101

RE: Permit No. 65-22911

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources 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 the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date 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.

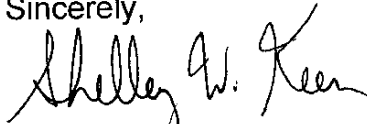
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure 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 forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klf

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

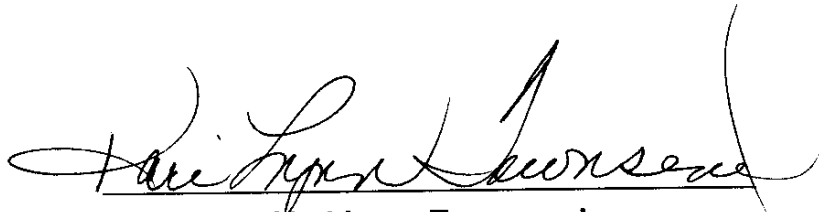
CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2005 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 65-22911

**SPF WATER ENGINEERING LLC
C/O TERRY SCANLAN
600 E RIVER PARK LN STE 105
BOISE ID 83706**

**WHITETAIL A CLUB FOR ALL SEASONS LLC
ONE MARKET PLACE 33RD FLOOR
SAN DIEGO CA 92101**

A handwritten signature in black ink, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 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(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) 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 this 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or ~~conditional~~ approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director 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 Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director 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 Director 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.

Comment Report

65-22911

1. scurtis 8/23/2004 Data Entry

Comment: In the data entry of this application, it was determined that an error was made in the legal description for the point of diversion and place of use. The range listed in association with Section 7 was 1E. On the map attached to the application, the applicant has printed T18N, R1E to the right of T18N, R2E. The range for Sec. 7 is R3E. This correction was made to the data entry and the application was renumbered to basin 65. The shape files for the pod and pou were created accordingly.

2. slester 12/1/2004 Legal Notice Remarks

Comment: Proposes to use 3 existing wells to fill Annie Lake and recirculate some of that water between Annie and Whitetail Lakes. Applicant agrees to mitigate consumptive use in the future as needed.

3. slester 12/1/2004 Comment/Analysis

Comment: Excavated Annie Lake (no dam) for Whitetail Golf Course will cover about 6 acres about 10 feet deep. The 3 existing wells are also used in various combinations: 65-13704 but with no water to Annie or Whitetail Lakes, 65-13751 to fill Whitetail Lake (permit listed Annie Lake also but that use was not developed), and 65-13738 (NWSE well only) to fill Betsey Lake. Lake names are local names only. See 12/1/04 overlap summary in file. Note Whitetail also filled from Payette Lake in 65-13640. Application was amended twice before processing but additional fee n/a. Recirculating stored water (aesthetic from storage) does not expand the use. The only use at SESW S7 (Whitetail) is aesthetic from storage. Priority advanced to final application amendment date since source was changed from surface water to ground water.

4. kwalker 2/7/2005 Permit Review

Comment: Recommend approval as described by region.

MEMORANDUM

TO: File

FROM: Steve Lester 

DATE: January 7, 2005

RE: Application 65-22911 Conditions of Approval

This filing covers use for the Whitetail Golf Course just west of McCall. The application proposes to use 3 existing wells to initially fill pond #1 and to pump a portion of that storage back and forth between ponds #1 and #2. Other rights already fill pond #2. The two ponds are locally called Annie Lake (#1 proposed) and Whitetail Lake (#2 existing).

Additional information in the application file includes database comments and an overlap summary (see 12/1/04 document with diagram included).

Permit 65-13751 identified the same wells to fill these two ponds. However, Annie Lake was not developed according to the consultant, SPF Engineering. No other rights can be used to fill Annie Lake.

The application was amended to change the source and clarify water uses. Priority was advanced because the source was changed from surface to ground water. Additional application fees were n/a. All three drilling permit fees were upgraded.

An unusual part of the application is this: appears to propose all the water stored in Annie Lake (60 af) will be pumped to Whitetail Lake and repeated in a loop system. Only some undetermined portion of the total 60 af stored at Annie Lake will be needed for the recirculation of water between the two ponds. The entire 60 af "aesthetic from storage" was listed solely as a convenience. This sounds acceptable for this unusual situation.

Dam safety comments are n/a in this excavated "lake" scenario.

Proposed Conditions of Approval

Standard conditions.

Drilling permit/well construction condition.

Allow 5 years.

Remains subject to annual measurement/reporting.

Authorizes fill of one new reservoir. Does not authorize fill of any other reservoirs.
Authorizes recirculation of storage water between two reservoirs.

Does not authorize construction of any dams, berms or other aboveground work to impound water.

Possible future mitigation re fish flows.

The place of use is locally known as proposed Annie Lake and existing Whitetail Lake.

To 12/31 3.5 AFA

Use: AESTHETIC STORAGE 01/01 To

12/31 3.5 AFA

Use: DIVERSION TO STORAGE 01/01

To 12/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 09/10/2004

Place Of Use: AESTHETIC STORAGE

T19N R03E S26 SWSE Lot 4

Place Of Use: RECREATION STORAGE

T19N R03E S26 SWSE Lot 4

Remark: Applicant agrees to mitigate consumptive use in the future as needed for an existing pond filled from an existing irrigation ditch. Development was completed about 1990.

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 Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 01/03/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

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

65-22922

LOU T SWINEHART

3120 CRESCENT RIM DR #201

BOISE ID 83706

BARBARA J BARSNESS

1197 N ELKRIVER WAY

EAGLE ID 83616

Point(s) of Diversion L4 (SENE) S3 T18N R03E VALLEY County Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.08 CFS

Total Diversion: 0.08 CFS

Date Filed: 12/02/2004

Place Of Use: DOMESTIC

T18N R03E S3 SENE Lot 4

Remark: Domestic use is for 2 homes and yards in Pilgrim Cove Subdivision.

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 Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 01/03/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director. 2tc12/23



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 8, 2004

BEZATES LAND & CATTLE CO
4620 PLUM LN
ONTARIO OR 97914

Re: Water Right Application No. 65-22911 in the Name of Whitetail, A Club for All Seasons, LLC

Dear Mr. Bezates:

Enclosed is a copy of an application(s) that may be of interest to you. Please review the application(s) 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 desire 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 3, 2005.

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

Sincerely,

Sue Kreger
Administrative Assistant

Encl. Copy of Application(s)

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

December 08, 2004

Legal Notice Department

STAR NEWS

1000 1ST ST

MC CALL ID 83638

RE: Applications for Permit No. 65-22911, 65-22912, 65-22919 and 65-22922

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 01/03/2005. Your cooperation is appreciated.

Sincerely

Sue Kreger

Administrative Assistant

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

65-22911

WHITETAIL A CLUB FOR ALL SEASONS LLC
ONE MARKET PLACE 33RD FLOOR
SAN DIEGO CA 92101

Point(s) of Diversion SENE S12 T18N R02E VALLEY County Source GROUND WATER

Point(s) of Diversion NWSE S12 T18N R02E VALLEY County Source GROUND WATER

Point(s) of Diversion SENE S12 T18N R02E VALLEY County Source GROUND WATER

Use: WILDLIFE STORAGE 01/01 To 12/31 60 AFA

Use: RECREATION STORAGE 01/01 To 12/31 60 AFA

Use: FIRE PROTECTION
STORAGE 01/01 To 12/31 60 AFA

Use: AESTHETIC STORAGE 01/01 To 12/31 60 AFA

Use: AESTHETIC FROM
STORAGE 01/01 To 12/31 60 AFA

Use: DIVERSION TO STORAGE 01/01 To 12/31 1 CFS

Total Diversion: 1 CFS

Date Filed: 08/16/2004

Place Of Use: FIRE PROTECTION STORAGE

T18N R02E S12 SENE

T18N R03E S7 SWNW Lot 2

Place Of Use: WILDLIFE STORAGE

T18N R02E S12 SENE

T18N R03E S7 SWNW Lot 2

Place Of Use: RECREATION STORAGE

T18N R02E S12 SENE

T18N R03E S7 SWNW Lot 2

Place Of Use: AESTHETIC FROM STORAGE

T18N R02E S12 SENE

T18N R03E S7 SWNW Lot 2 SESW

Place Of Use: AESTHETIC STORAGE

T18N R02E S12 SENE

T18N R03E S7 SWNW Lot 2

Remark: Proposes to use 3 existing wells to fill Annie Lake and recirculate some of that water between Annie and Whitetail Lakes. Applicant agrees to mitigate consumptive use in the future as needed.

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 Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 01/03/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Star News on December 16 and 23. 2004.

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"

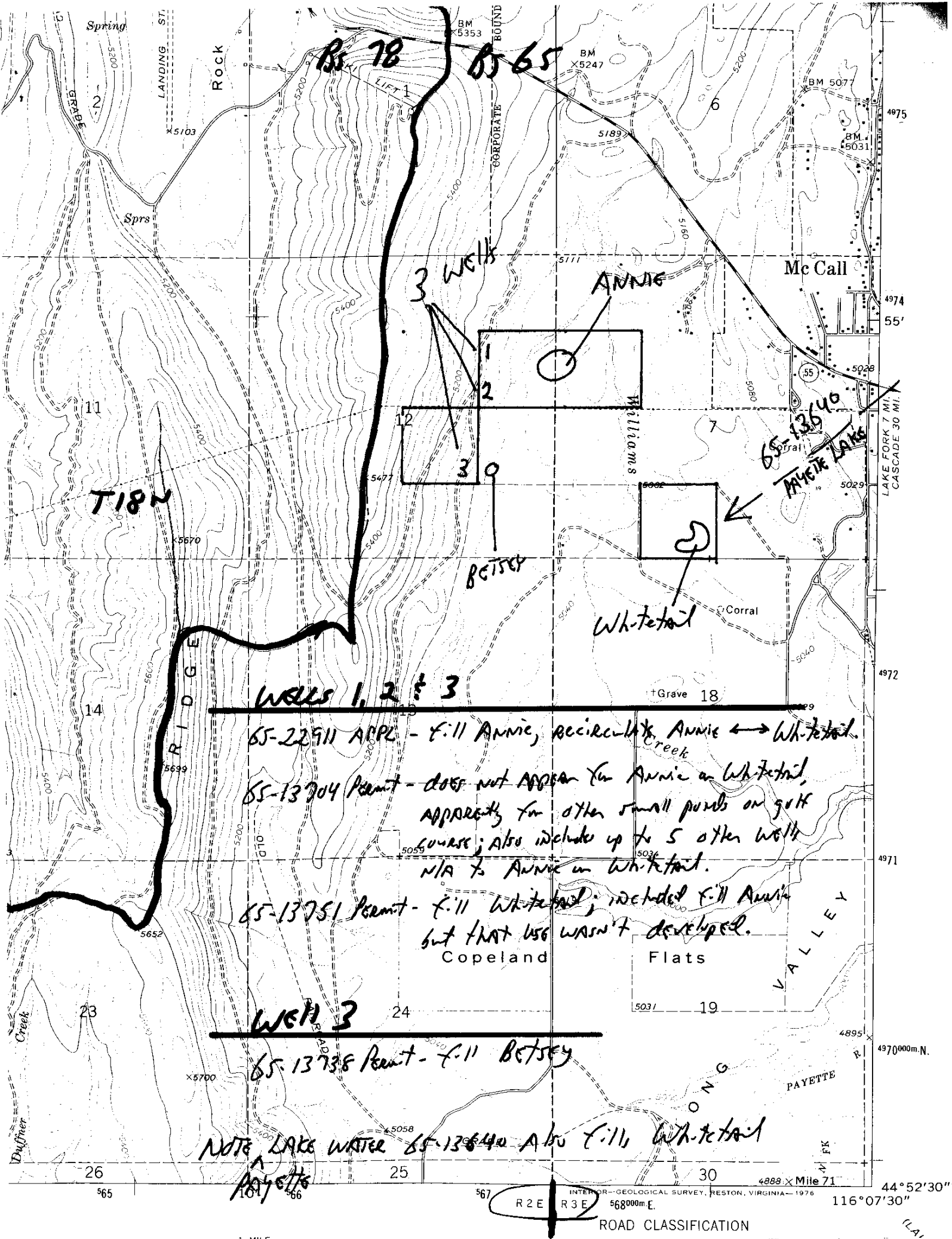
Original: 65-22911

Copies: 65-13640, 65-13704, 65-13738, 65-13751

↑
Already sent copies to S.O. vault files

Diagram = next ps.

12/1/04 OVERLAP INFO



**SPF**

Water Engineering, LLC
water resource consultants

RECEIVED**AUG 16 2004****WATER RESOURCES
WESTERN REGION**

August 13, 2004

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

Subject: Application for Water Right Permit – Whitetail, A Club for All Seasons, LLC

Dear Steve:

Enclosed on behalf of Whitetail, A Club for All Seasons, LLC, is an application for water right permit associated with a proposed pond (Annie Lake) at the Whitetail golf course near McCall. The application proposes appropriation of 1.0 cfs and 60 afa of groundwater for diversion to storage and aesthetic, recreation, wildlife, and fire protection storage purposes.

A check for is enclosed to cover the \$250 filing fee for the water right permit. The application has been signed by Rob DeMore, General Manager for Whitetail.

Please contact me with any questions.

Sincerely,

Terry M. Scanlan, P.E.

Cc: Steve Milleman
Rob DeMore

Idaho Department of Water Resources Receipt

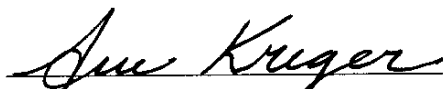
Receipt ID W032117

Payment Amount Date Received Region Status
Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$250.00	PERMITS	0229	21	62103	1155



Signature Line (Dept. Representative)