

John - copy fji.
Gary may need
to ask you e
J Ditch or other
stuff. rsl

State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES E RISCH
RISCH GOSS & INSINGER
407 W JEFFERSON ST
BOISE ID 83702

RE: TRANSFER APPLICATION FOR DR. PURDOM

Dear Mr. Risch:

A transfer application for multiple rights was filed in the name of Dr. Kenneth R. Purdom II regarding the J-Ditch in Valley County. Your cover letter dated April 28, 1997 noted that the application was prepared by Mr. Barry Albert of the Valley S&WCD in Cascade.

A number of issues need attention to allow processing of the transfer application to continue. The issues are listed below for your consideration.

1) It appears that decreed rights from Lake Fork and Mud Creeks plus an unnamed stream tributary to Mud Creek will be changed to be totally diverted from the Lake Irrigation District (LID) canal at the outlet of Little Payette Lake. Lake Fork Creek is a regulated water district (#65-K) into which it would difficult to transfer rights from other sources unless the priority dates are advanced to the date of the transfer application.

2) Written authorization from the irrigation district would be needed to use its canal. Also, does the applicant's land receive any storage or natural flow water from the irrigation district? If so, what is the total amount of water that is provided?

3) The application alludes to the addition of waste water into the pipeline that is to replace the J-Ditch. This appears to be a new appropriation of waste water that has not historically been available for the applicant's land, suggesting the need for a new water right permit. The waste water appears to be that water to be provided by the City of McCall in its efforts to improve water quality in Cascade Reservoir.

June 18, 1997

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4) Page 1 of the application does not identify the LID canal in Section 13 nor the waste water injection in Section 32.

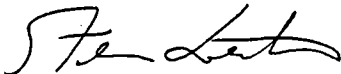
5) Page 1 of the application and the irrigation diagram include references to irrigation in the SW 1/4 of Section 33. No recorded water rights or SRBA claims are found in that location. This suggests a change in place of use and/or an expansion of use.

6) Page 1 of the application appears to identify lands to be irrigated by a sprinkler system plus another land list that is not clear. The total number of acres historically irrigated and the total number of acres to be irrigated after the transfer should be discussed to ensure that an expansion will not occur and that the proper place of use is identified.

As you can see, a number of significant issues are identified. I would suggest a meeting with Mr. Albert, you and staff from this office to clarify the proposal. I will be out of the office from June 20 through July 17. However, the regional manager, Mr. Gary Spackman, can be contacted to arrange an appointment if you want to meet before the third week of July. Otherwise, please let me know when you would like to meet after July 17.

Thank you for your help in this matter.

Sincerely,



Steve Lester
Water Rights Supervisor

c: Barry Albert
Dr. Purdom
Gary Spackman



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

June 18, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

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

RE: STORAGE OF WATER IN BETSEY LAKE

Dear Mr. McKenna:

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

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Steve Lester".

Steve Lester
Water Rights Supervisor

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