

## MEMORANDUM

To: Ron Shurtleff, Watermaster #65

From: J. Westra *JW*

Date: 9/7/06

**RE: Rio Vista Assoc. Call for Water 8/10/06.**

**Ref: Water Rights: 65-7122, 65-7558, 65-6917—Rio Vista  
65-7007, 65-13453—M Resorts**

In review of the Rio Vista water rights, all rights are conditioned with the following:

*Use of this right with rights listed below is limited to a total combined annual diversion volume of 95 acre-feet. Combined right nos.: 65-7122 , 65-7558, 65-6917.*

The dam safety records state that 95 acre-feet is max. reservoir capacity—which amounts to one fill by the water right conditions. As the past dam safety guy, I know the reservoir fills completely in the spring from runoff, and is kept full with the pump from the N. Fork of Payette-#65-7558 during the rest of the season. I am certain they have far exceeded their 95 ac-ft volume early in the season.

They may want to re-think their call for regulation upstream, as upstream flow will need to be released thru the reservoir to WD #65 senior downstream users on the river.

Call me if you have further questions/concerns

Attachment: Water rights described above.

August 10, 2006

Ron Schurtliff, Water Master  
102 N. Main Street  
Payette, ID 83661

Dear Ron:

Re Water Right 65-6917

Thank you for meeting with me on August 1<sup>st</sup> to review information and begin an investigation of why M Resorts, Ltd has built a large pond and dam blocking "unnamed stream", water which is due this Association by our Water Right 65-6917.

John Westra, Water Resources in Boise, mailed me copies of M Resorts, Ltd's two water rights (65-7007 and 65-13453) which allows them certain waters from this "unnamed stream".

I have also shared all information with Bryce Ferris, a Boise attorney specializing in water rights.

It appears to be the responsibility of the Water Master to do the following in a timely manner:

1. Place a regulator on "unnamed stream" allowing M Resorts, Ltd the first 5.60 AF of the spring flow, per their Water Right 65-7007, priority date 7/21/67.
2. After M Resorts, Ltd has received the first 5.60 AF of the spring flow, the Water Master must ensure that M Resort, Ltd allows water to flow downstream so this Association's reservoir receives 2 CFS, as per our Water Right 65-6917, priority date 4/15/71.
3. M Resorts, Ltd's two water rights, 65-7007 and 65-13453, do not allow them to use any water from this "unnamed stream" for irrigation. The Water Master must monitor this water to ensure it is not used for irrigating nor pumped to another storage area where it is used for irrigating.

If there is anything this Association can do to help with this matter, please let me know.



Adelle Adams, President  
Rio Vista Property Owners' Association

Cc Bryce Ferris, Attorney



IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 65-7558

Comments:

1. KWALKER 8/18/1999 COPIED FROM REMARKS

Comment: THIS RIGHT WHEN COMBINED WITH RIGHT 65-7122 SHALL PROVIDE NO MORE THAN 170.0 AFA/ACRE. ADDRESS CHANGED PER CLAIMANT REQUEST (BY DB) 11/18/98. RECOMMENDATION RECOMMEND CHANGES TO P/D & P/U PER TOPO "S-10" DATED 1973. P/U ALSO IN S1/2SW, S8 IN 1973 SO HAVE ADDED THAT TO THIS RIGHT. BELIEVE THAT PREVIOUS EXAMINER HAD GRID MISPLACED WHEN ORIGINAL FINDINGS FOR PRBA WERE DONE. NO CHANGES TO AMOUNT OF WATER, USE, PRIORITY DATE. NOTE THAT THE LICENSE ISSUED ON THIS RIGHT MATCHES THESE RECOMMENDATIONS.

2. SBOCK 9/21/1999 QNT

Comment: THIS RIGHT WAS LIMITED TO 170 AFA WHEN COMBINED WITH RIGHT 65-06917 IN THE PRBA. HOWEVER, THE DAM SAFETY MEASUREMENT SHOWS THEY CAN ONLY HOLD 95 AF. THIS WAS ALSO CONFIRMED BY A FIELD EXAM ON LICENSE 65-07122.

3. AJU10-JS 9/25/1999 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Water Supply Bank:



IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 65-7122

Comments:

1. KWALKER 8/18/1999 RECOMMENDATION

Comment: RECOMMENDED AS PERMITTED. HAVE CORRESPONDED WITH CLAIMANT TO OBTAIN AN AMENDED CLAIM TO CHANGE PRIORITY DATE TO 2/18/1970 WHICH WAS THE DATE THIS RIGHT WAS RECEIVED BY IDWR. HAD SHELLEY KEEN CHECK PERMIT FILE TO SEE IF ANY REASON FOR ADVANCED PRIORITY AND THERE WAS NONE IN FILE. HOPEFULLY PERMIT WILL BE LICENSED PRIOR TO REPORT GOING TO SRBA JUDGE. COPIED FROM REMARKS THIS RIGHT WHEN COMBINED WITH RIGHT 65-7558 SHALL PROVIDE NO MORE THAN 170.0 AFA. THIS PERMIT RIGHT IS NOT DECREED BY THE PRESENT ADJUDICATION PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY. NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING. CHANGED NAME FROM RIO VISTA, INC. TO RIO VISTA PROPERTY OWNER'S ASSOC., INC. PER REQUEST FROM DAVID ENGEN ON 10/18/88. ADDRESS CHANGED PER CLAIMANT REQUEST 11/18/98. (BY DB)

2. JSHURTE 9/22/1999 TRIBUTARY CHANGE

Comment: CHANGED TRIBUTARY TO PAYETTE RIVER, NORTH FORK EVEN THOUGH PERMIT STATED ONLY PAYETTE RIVER. THIS WAS DONE FOR THE SOURCE INDEX FOR THE PRELIMINARY REPORT.

3. AJU10-JS 9/25/1999 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-6917

WATER RIGHT NUMBER: 65-6917

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RIO VISTA PROPERTY OWNERS ASSN INC C/O DAVID ENGEN PO BOX 298 MC CALL, ID 83638 (208)378-4253

Priority Date: 04/15/1971

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	NORTH FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
RECREATION	1/01 to 12/31	2.000 CFS	
	<u>Total Diversion:</u>	2.000 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM NE1/4SE1/4 Sec. 7, Twp 18N, Rge 03E, B.M.  
VALLEY County

Place of Use

RECREATION

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	03E	8											X	X					
													L 10	L 9					
18N	03E	17	X				X												
			L 3																

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 95 AF. COMBINED RIGHT NOS.:65-07122 AND 65-07558.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-6917

Comments:

1. KWALKER 8/18/1999 COPIED FROM REMARKS

Comment: POD & POU ARE THE SAME AS IN ORIGINAL RIGHT. I HAVE EXPANDED ON THIS FOR ADDITIONAL INFORMATION ONLY AS THE QUARTER SECTIONS WERE NOT SHOWN IN ORIGINAL RIGHT. ADDRESS CHANGED PER CLAIMANT REQUEST (BY DB) 11/18/98. RECOMMENDATIONS RECOMMENDING CHANGE TO P/D & P/U PER 1973 TOPO "S-10" WHICH SHOWS STREAM GOING INTO RESERVOIR. PRBA DECREE SHOULD HAVE INCLUDED THE ABOVE CHANGES SINCE SHOWING ON 1973 MAP. SEE COPY OF MAP AND GOV. LOT PLAT IN FILE.

2. SBOCK 9/21/1999 AF LIMITER

Comment: IN THE PRBA THIS RIGHT ALONG WITH 65-07558 WAS LIMITED TO 170 AFA HOWEVER, THE LATEST DAM SAFETY MEASUREMENTS SHOW THEY CAN ONLY HOLD 95 AF, THIS WAS ALSO CONFIRMED WHEN THE FIELD EXAM WAS CONDUCTED ON LICENSE 65-07122.

3. AJU10-JS 9/25/1999 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

4. JSHURTE 10/15/1999 PT OF DIVERSION CHANGE

Comment: PT OF DIVERSION CORRECTED PER REVIEW OF LIC EXAM 65-07122 WHICH CLEARLY SHOWS THIS POINT OF DIVERSION IN NESE, S7, 18N, 3E.

Water Supply Bank:



102 North Main  
Payette, Idaho 83661  
Phone (208) 642-0230  
Fax (208) 642-1042

**Ron Shurtleff**

# Fax

**To:** John Westra **From:** Ron Shurtleff

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**Fax:** 334-2348 **Date:** September 6, 2006

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**Phone:** 334-2180 **Pages:** 2 including FAX cover

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**Re:** Adelle Adams / Rio Vista

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**•Comments:**

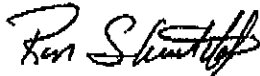
John,

Mrs. Adams is expecting me to get something done about their water interruption. I am forwarding a letter that she wrote after I met with her and viewed the situation.

I need to get started in this and if you have any advice I am open to suggestions.

Thanks for all your help.

Sincerely,



Ron Shurtleff

65-7122-  
65-7558-  
65-6917-



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

**FAX TRANSMITTAL COVER SHEET**

**FAX # (208) 334-2348**

DATE: 9/7/06

TO: Ron S.

FROM J. Westra

DOCUMENT DESCRIPTION: Rio Vista - Call for regulation

TOTAL PAGES SENT: \_\_\_\_\_ + COVER SHEET

CONTACT: \_\_\_\_\_