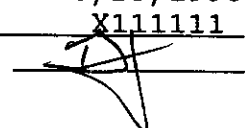


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A45-04114
Date Received: 3/25/1993
Receipt No: X111111
Received By: 

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: UNITED STATES OF AMERICA ACTING THROUGH 801-625-5360
Address: USDA FOREST SERVICE
324 25TH STREET
OGDEN UT 84401-2394

2. Date of Priority: MAY 1, 1965

3. Source: SPRINGS Trib. to: HOWELL CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	24E	1	NW	NE	NW		CASSIA
		11	NW	NE	NE		CASSIA

5. Description of diverting works:
HEADBOXES, PIPES TO COLLECTION TANK, PUMPS AT 1 SPRING & TANK ETC

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.060		

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
COMMERCIAL USE AT POMERELLE SKI AREA

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
13S	24E	1	NW	SW		COMMER	

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

FOREST SERVICE RECORD ID = 041417040209530013 00

10/31/97, DJ: CLAIM AMENDED 10/28/97 DATA ENTERED THIS DAY. SEE
FILE FOR ADDITIONAL INFORMATION RELATIVE TO USES ON SITE AND
EVOLUTION OF SYSTEM. DJ

15. Basis of Claim: BENEFICIAL USE



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

November 1, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RANDALL BRAMER, ATTORNEY
ENVIRON AND NAT RESOURCE DIV
US DEPT OF JUSTICE
380 E PARKCENTER, SUITE 330
BOISE ID 83706

RE: Amended claim A45-04114, Pomerelle Ski Area

Dear Mr Bramer:

Representatives of the Sawtooth National Forest recently submitted amendments to the above referenced claim. Please find the enclosed updated computer record for this claim. Review this data for completeness and accuracy and notify this office if you find an error or if there are any questions.

It is my understanding that this claim represents a non-de minimis use of water and as such should not appear in the upcoming Domestic and Stock Director's Report scheduled for later this Fall. At this time there isn't a scheduled Director's Report for non-D&S uses for Reporting Area #10.

IDWR will be contacting Sawtooth officials to coordinate priority date evidence submittal and any needed field investigations. By copy of this letter, with enclosures, I am notifying the Sawtooth National Forest.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor
Southern Adjudication Unit

enc

cc: file
Valdon Hancock, SNF

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 45-4114

Date Received

Receipt Number

AMENDED
**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

RECEIVED

OCT 28 1997

Department of Water Resources
Southern Region

Please type or print clearly

1. Name of Claimant (s) United States of America
Sawtooth National Forest Phone (208) 737-3200
Mailing Address 2647 Kimberly Road East
Twin Falls, Idaho Zip 88301-7976

2. Date of Priority (Only one (1) per claim) May 1, 1965

3. Source of water supply (a) Two unnamed springs locally known as
Pomerelle or Ski Run Spring and Bennett Spring
which is tributary to (b) Howell Creek

4. a. Location of existing point of diversion is: Township 13 South Range 24 East Section 11,

NW 1/4 of NE 1/4 of NE 1/4, Govt. Lot, B.M., County of Cassia

Additional points of diversion if any: NW 1/4 of NE 1/4 of NW 1/4 of Section 1, see attached remarks

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as

constructed and as enlarged and the depth of each well. The first water systems for this use were:

(1) Pomerelle Spring collection system. All gravity feed beginning with perforated pipe
to an onsite headbox, then by 2" pipe continuing down to the Lodge. (2) At the same time
a second spring near the parking lot was collected into a headbox and pumped up to the
Lodge. Later parking lot expansion resulted in filling this location with boulders and
gravel for an enlarged parking lot and accomplished change in point of diversion to
Bennett Spring in 1976.

6. Water is claimed for the following uses:

(both dates are inclusive)

(cfs)

(acre feet)

For Commercial purposes from January to Dec. 31 amount .06 cfs or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .06 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Commercial use at Pomerelle Ski Area. See accompanying page.

10. 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 use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
13S	24E	1									C								

Total number of acres irrigated 2

11. In which county (ies) are lands listed above as place of use located? Cassia

12. Do you own the property listed above as place of use? Yes x No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (xx)

14. Remarks: Pomerelle or Ski Run Spring is also used by the claimant as the point of diversion for 45-11985, a de minimus stockwater claim for cattle grazing on the Sawtooth National Forest. Additional remarks and information pertaining to water use at Pomerelle Ski Area are on an accompanying page.

Last Name USFS Ident No. 45-04114

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) ☒ Beneficial Use XX ☐ Posted Notice ☐ In Use ☐ Permit

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) William P. DeVore Date 10/28/97

Date _____

For Organizations: I do solemnly swear or affirm that I am Forest Supervisor

of Sawtooth National Forest , that I have signed the foregoing
Organization Title

document in the space below as Forest Supervisor of Sawtooth National Forest
Title Organization

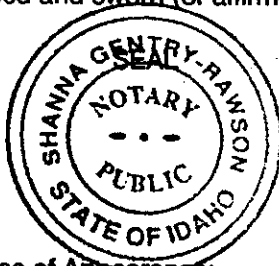
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent *William P. Lave*

Title and Organization Forest Supervisor-Sawtooth National Forest Date 10/28/97

State of Idaho/or Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 28th day of October 19 97



Notary Public Shanna Gentile-Rawson

Residing at Twin Falls County

My Commission Expires 5/15/2003

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Randall J. Bramer will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Handall

Address 380 E. Parkcenter, Suite 330, Boise, ID 83706 (208) 387-0835

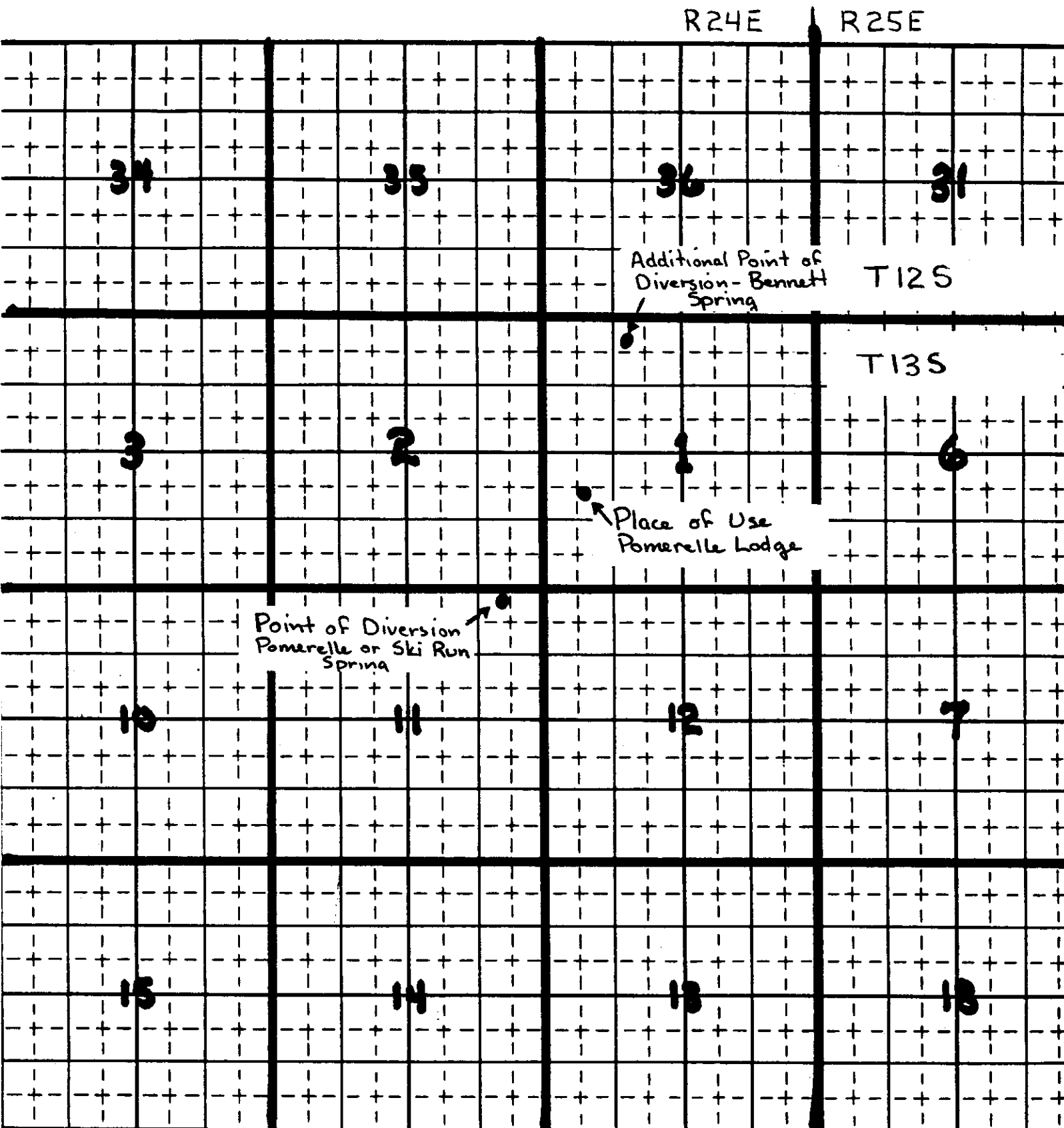
Date 10/27/97

Last Name USFS Ident. Number 45-04114

Copies White-State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



Last Name

USFS

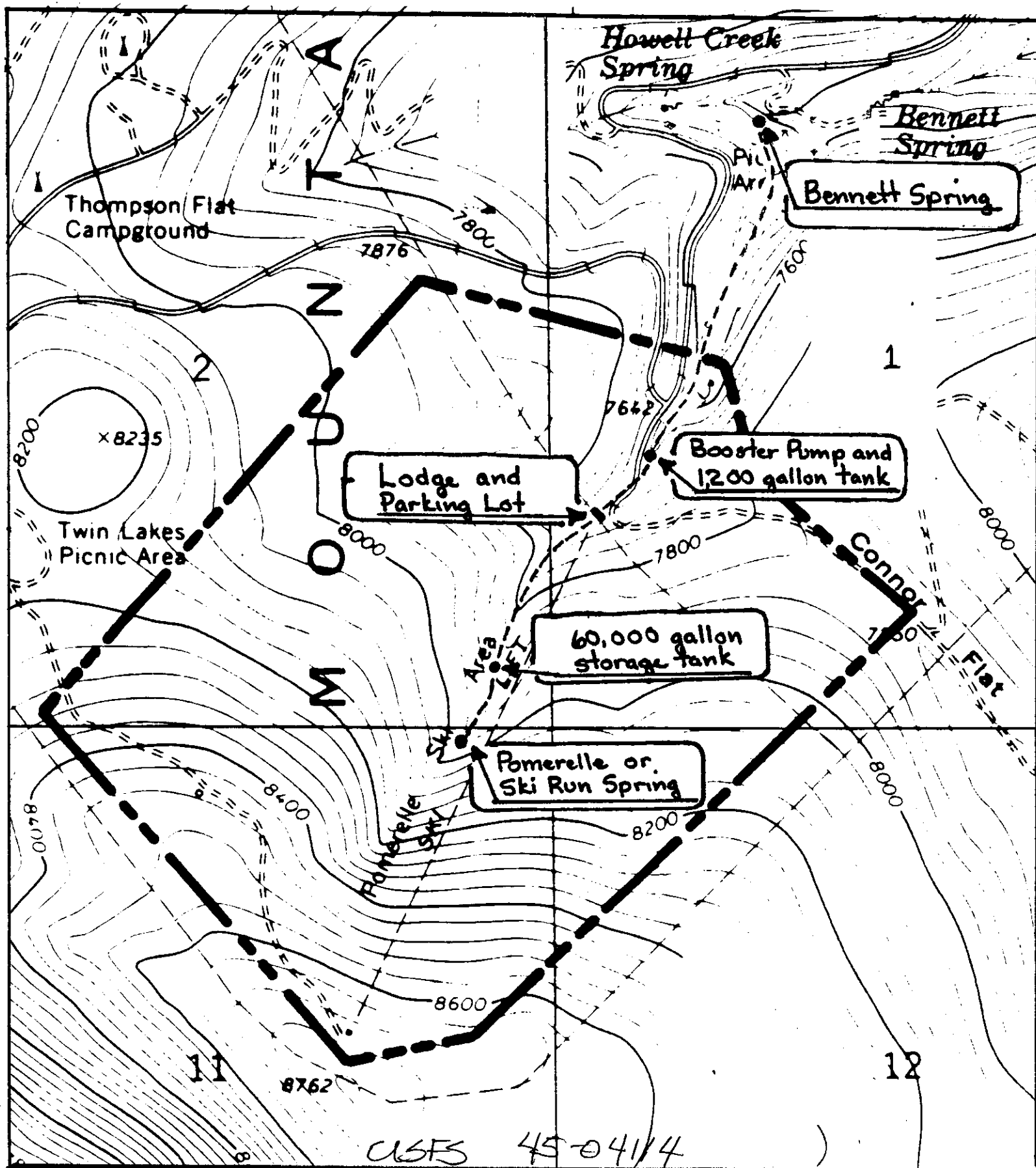
Ident No.

45-04114

Copies: White-State, Yellow-Claimant

POMERELLE SKI AREA

45-04114



County Cassia	Forest Sawtooth	Base and Meridian Boise	T. 13 S.
State Idaho	Ranger Dist. D-1 Burley	Status Revised * 7-1-1972	R. 24 E.

*Revised 9=30-1981, 4-22-1996,

4 49.11	3 49.56	2 49.81	1 49.65	4 49.45	3 49.17	2 48.91	1 48.63	4 48.37	3 48.10	2 47.84	1 53.77
R1 3 Pr3				R1 2 Pr4				Pr3 Pr4 R1 1			
								5 43.47			
								6 41.87			
								7 40.26			
R1 10				R1 11				1 38.74			
								2 37.31			
								3 36.52			
								4 36.62			
R1 15				R1 14				1 36.85			
								2 37.21			
								3 37.55			
								4 37.91			
R1 20								1 38.10			
								3 38.14			

USFS - 45-0414

POMERELLE WATER CLAIM
WATER RIGHT NUMBER 45-04114

Additional information and remarks to the amended notice of claim to a water right acquired under state law.

1. Number 3 (a) needs to read: 2 unnamed springs locally known as Pomerelle or Ski Run Spring and Bennett Spring. The spring in Section 11 is locally known as Pomerelle or Ski Run Spring. The spring in Section 1 is between springs identified on the USGS topographic map as Howell Creek Spring and Bennett Spring. The spring being claimed as a source and point of diversion is not either spring shown on the USGS map (see accompanying map), but is nevertheless also known as Bennett Spring. This information may need to be in REMARKS or OTHER INFORMATION NECESSARY TO ADMINISTER THE WATER RIGHT.
2. Number 4 a needs include the following information pertaining to the additional points of diversion. The NE NW of Section 1 is actually 48.1 acres and properly described by government survey as Lot 3 of Section 1. Applying traditional survey templates or overlays on this section yields the NW NE NW of Section 1.
3. Additional information about the diversions: The 1976 works collect water from Bennett Spring into a 4 foot diameter by 6 foot tall fiberglass tank. Water is pumped approximately 1/2 mile up to a 1200 gallon tank in the NWSW Section 1, approximately 1/8 mile below the lodge. A booster pump conveys water through an iodine disinfection system to either the distribution system around the lodge or through the original 2 inch galvanized pipe up to the 60,000 gallon storage tank.
4. Commercial use at Pomerelle Ski area consists of use at the lodge, including 175 seat restaurant, kitchen, restrooms, ski rental service, ski patrol headquarters with first aid facilities, and a ticket office. In addition there is also a managers residence, employee bunkhouse, maintenance shop and outside irrigation of approximately 2 acres of grounds and associated landscaping. The area has an average visitor use of 350 daily and peak use of 1,000 daily.

USFS 45-04114

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVED

OCT 15 1997

Department of Water Resources

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER 39576

Ident. Number: **45-04114**

Date received _____

Receipt No: _____

FILED UNDER STATE LAW

1. Name of Claimant: UNITED STATES OF AMERICA on behalf of the U.S.D.A. Forest Service

Address: 550 W. Fort Street MSC033

Boise

ID 83724

2. Date of Priority: 05/01/1965

3. Source of water: BENNETT SPRING

From: Spring

4. Location

Description of Diversion Works:

Headbox

Location of Point of Use

Meridian BOISE

T: 13 S R: 24 E S: 1 NWSW

Location of Point of Diversion

T: 13 S R: 24 E S: 1 NENW Fl:

5. Quantity claimed:

Period	Quantity	For
1/ 01 ~ 12/ 31	0.01 CFS	Domestic

6. Total Consumptive Use Claimed for Present and Future Use is:

0.01 CFS

AE2B010663



COPY

7. Present and future uses to which the water is or will be used:

Domestic

8. Attach the legal description of the reservation, and maps showing for each consumptive use the existing and proposed place of use and existing points of diversion.

Bound separately

9. Remarks:

State Basin: 45

National Forest: Sawtooth

Forest Service Record ID: 04 14 17040209 53 0 0013

10. Describe any other water rights used at the same place and for the same purposes as described above:

None

11. Counties within the reservation: Not available

Notice is hereby given that the United States Department of Justice will represent the Department of Agriculture, Forest Service, in all matters pertaining to the Snake River Basin Adjudication. All notices required by law to be mailed by the Director to the claimant should be mailed to the individuals at the address below:

Bruce Bernard
U.S. Department of Justice
Environment and Natural Resources Division
550 W. Fort Street MSC033
Boise, ID 83724

This form is an attachment to a letter forwarding the claims of the U.S. Department of Agriculture, Forest Service. The signature and affirmation on such letter constitutes the signature of the authorized agent representing the United States of America required for each such claim.

COPY

AJ5809NP
No. R45-04114

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/15/98
PAGE: 13

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE 550 W FORT ST MSC 033 BOISE ID 83724	05/01/1965	DOMESTIC	01-01 12-31	0.01 CFS	.02
TOTAL DIVERSION:					0.02 CFS	.02

Water Source: BENNETT SPRING

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion: T13S R24E S01

NENW

CASSIA County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE											
T	R	S	Ac	Lt	Ac	Lt	Ac	T	R	S	Ac	Lt	Ac	Lt	Ac	T	R	S	Ac	Lt	Ac	Lt	Ac
13S	24E	1																					

POU County: CASSIA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A45-04114

Remarks: EXP FOREST SERVICE RECORD ID = 0414 17040209 53 0013

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 11/03/97 AJCTR

Spring w/ pipeline to

map CC-80
91

ADP
129-907

AJ5809NP
No. A45-04114

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/22/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE 324 25TH STREET OGDEN UT 844012394 (801) 625-5360	05/01/1965	COMMERCIAL	01-01 12-31	0.06 CFS	
TOTAL DIVERSION:					0.06 CFS	

Water Source: SPRINGS

Tributary to: HOWELL CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:	T13S R24E S01	NWNENW	CASSIA County
	S11	NWNENE	CASSIA County

Place of use Legal Description for: COMMERCIAL

	NE				NW				SW				SE			
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T R S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
13S 24E 1	:		:		:		:		:		:		:		:	

POU County: CASSIA

Non-Irrigation Uses: COMMERCIAL USE AT POMERELLE SKI AREA

Remarks: GEN FOREST SERVICE RECORD ID = 041417040209530013 00

10/31/97, DJ: CLAIM AMENDED 10/28/97 DATA ENTERED THIS DAY. SEE
FILE FOR ADDITIONAL INFORMATION RELATIVE TO USES ON SITE AND
EVOLUTION OF SYSTEM. DJ

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

06/21/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-4114

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

SOURCE: SPRINGS
TRIBUTARY: HOWELL CREEK
RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.

QUANTITY: 0.060 CFS
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.06 CFS . COMBINED RIGHT NOS. 45-4114 and 45-13795

PRIORITY DATE: 05/01/1965

POINT OF DIVERSION:
T13S R24E S1 NWNENW Lot 3 Within CASSIA County
T13S R24E S11 NWNENE Within CASSIA County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	11/01 04/30	0.060 CFS

PLACE OF USE: COMMERCIAL Within CASSIA County
T13S R24E S01 NWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

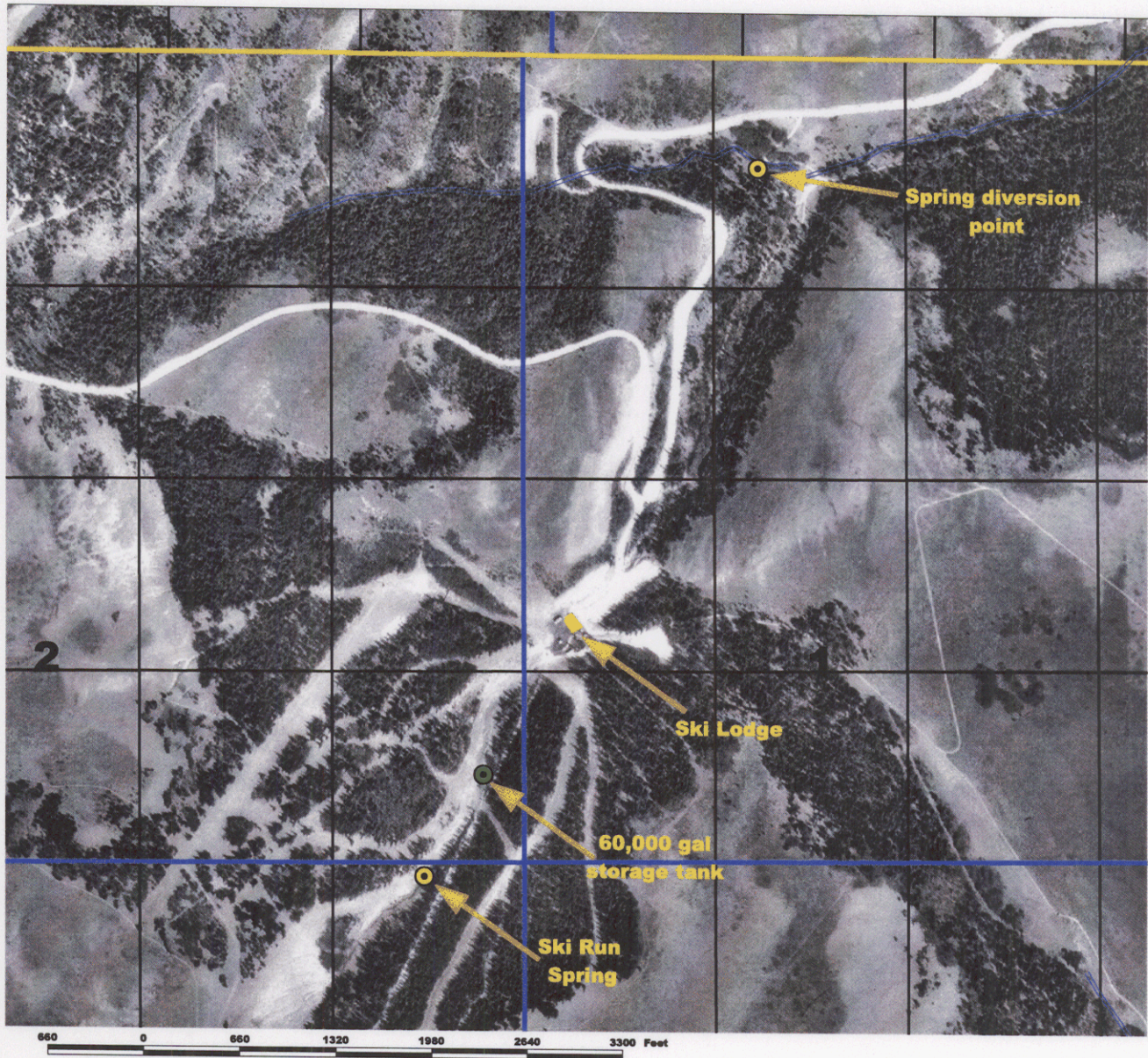
EXPLANATORY MATERIAL: Beneficial Use

COMMERCIAL USE IS FOR THE POMERELLE SKI LODGE FACILITIES.

THE SOURCE IN TWP 13S, RNG 24E SEC 11 NWNENE IS ALSO KNOWN AS POMERELLE SPRING

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RECOMMENDED PLACE OF USE FOR 45-4114



PLACE OF USE
TWP 13S, RNG 24E, SEC 1
Data entry on January 12, 2004

-  RECOMMENDED POINT OF DIVERSION
-  RECOMMENDED PLACE OF USE
-  SECTION LINES
-  QUARTER/QUARTER LINES

GIS PLACE OF USE PRESENTATION
1992 ORTHO AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN



CASSIA CO





Steven M
Spencer/R4/USDAFS
05/24/2004 12:33 PM

To kchristensen@idwr.state.id.us
cc
bcc
Subject Pomerelle

I'm sending to you via US Mail some pages from a 1973 report when Woody Anderson was acquiring Pomerelle Ski Area. The pages are from a Gross Fixed Assets determination showing that a trailer home valued at \$3,100 was on site at that time. There is a picture of the trailer house showing that it was on the site. Woody says the trailer had been there for what appears to have been a number of years prior to this time (1971). It served throughout the year as an onsite managers residence until it was replaced by the Boise Cascade log sided building that is there today for the same purpose. Woody says that they just pulled the trailer away from the site, the plumbing connections were already there, they put the new building down and connected to the existing plumbing.

Hopefully this can contribute to the documentation needed for recommendation of a year round water right for domestic use at Pomerelle. Our records show that the original system was constructed and operational in 1965. It would seem to stand to reason that water for the workers and manager has been used throughout the summer as well as during the ski season since that time. I will call you in a few days to discuss the matter.

Steve Spencer
Boise Adjudication Team
161 E. Mallard, Suite A
Boise, ID 83706

(208) 331-5944
(208) 387-0842 FAX
e-mail: sspencer@fs.fed.us

RECEIVED

MAY 25 2004

Department of Water Resources
Southern Region

ANDRWOOD INC.
Pomerelle Ski Area
Gross Fixed Assets as of
November 30, 1973

Ski Rental Equipment		
Ski boots (65)	\$ 975.00	
Ski poles (43)	129.00	
Ski bindings (45)	225.00	
Ski hats (22)	66.00	
Ski gloves (12)	48.00	
Ski equipment (other)	75.00	
Victor adding machine	100.00	
Cash register	250.00	
Small tools and equipment	65.00	
Short skis (18)	1,239.00	
Skis, metal and glass (53)	<u>2,650.00</u>	
	\$5,822.00	\$5,822.00
Lounge		
Cooler for tap	500.00	
Refrigerator	25.00	
Stereo, receiver, speakers	50.00	
Adding machine	50.00	
Other equipment	200.00	
Cash register	<u>200.00</u>	
	1,025.00	1,025.00
Cafe		
Freezers (3)	1,230.00	
Counters and servers	1,500.00	
Refrig. (2), stove, grill (1 ea.)	1,380.00	
Deep fryer (1)	400.00	
Sinks (stainless) (4)	1,200.00	
Silverware, plates, etc.	550.00	
Trays	50.00	
Cash register	450.00	
Condiment server	<u>520.00</u>	
	7,280.00	7,280.00
Office		
Time clock	100.00	
Cash register	100.00	
Chairs	60.00	
File, safe, and other equipment	<u>300.00</u>	
	560.00	560.00

Shop

Propane tanks	800.00	
Air compressor	125.00	
Gas welding equipment	85.00	
Small tools	<u>1,000.00</u>	
	2,010.00	2,010.00

Pump Room Equipment	300.00	
Restroom Equipment	2,000.00	
Outdoor Restroom	1,000.00	
Outdoor Tables	50.00	
Outside Lodge - Tables, Ski Racks	500.00	
Upstair Fireplaces, Benches, Tables	1,000.00	
Ski Patrol Beds (3)	300.00	
Ski Patrol Toboggans (3)	273.00	
Desk, Chairs, Cabinets	50.00	
Candy and Cigarette Machines	<u>2,559.00</u>	
	8,032.00	8,032.00

Hill Grooming Equipment		
Snow cat	5,500.00	
Cat roller, blade, rake	300.00	
Mogual cutter	<u>500.00</u>	
	6,300.00	6,300.00

Vehicles		
1973 Blazer	5,098.00	
Trailer home	3,104.00	
1973 Chev. pickup	<u>4,017.00</u>	
	12,219.00	12,219.00

Buildings		
Lodge	75,000.00	
Shop building	30,000.00	
Office and ski school	15,000.00	
Ski patrol building - (Top)	<u>5,000.00</u>	
	125,000.00	125,000.00

Lifts and Equipment		
Double chairlift	80,884.00	
Pony lift	8,000.00	
Rope tows	10,022.54	
Lift pads	500.00	
Ski lift	<u>500.00</u>	
	99,906.54	99,906.54
		<u>\$268,154.54</u>



Pomerelle Ski Area
trailer used as
manager's residence.



Pomerelle Ski Area
outside restrooms.

W & S Anderson.
975 Parke Lane
Albion, Idaho 83371

May 24, 2004

Dear Kelly,

We have enclosed a copy of a letter sent to Steve Spences in July 2000, from Roger L. Jones (which is self explanatory) for your records and files concerning water rights at Pomerelle Ski area.

Also enclosed is a brief historical note of water use at Pomerelle.

We didn't know if you had this information. Thank you for your assistance.

Sincerely,

Woody and Sandy Anderson



Magic Valley Foods, Inc.

TELEPHONE: 208-436-3126 • P.O. BOX 475, RUPERT, IDAHO 83350
FAX: 208-436-4542 • mvf@mrspud.com

July 19, 2000

RECEIVED

MAY 25 2004

Department of Water Resources
Southern Region

Mr. Steven M. Spencer
Boise Adjudication Team
USDA Forest Service
380 E. Parkcenter, suite 330
Boise, Idaho 83706

Dear Mr. Spencer:

I was President of Pomerelle Ski Inc. from the years 1968 to 1973 at which time the area was sold to Woody & Sandy Anderson.

We did a lot pioneering work at the area during the 1960's which included construction of chair lifts, rope tows, cleaning ski trails and construction of a maintenance shop and the lodge. We also maintained a residence at the base area consisting of a 3 bedroom trailer house. Myself and some of my employees stayed at the lodge and the loft of the maintenance shop.

The source of water used at that time was from the lower spring at the bottom of the parking lot and also at the upper Spring Creek located in the draw south of the lodge.

Any other information on the usage of the facilities, or water, or construction of the site, please let me know. I will be happy to inform you to the best of my recollection.

Very truly yours,

Roger L. Jones
President
Magic Valley Foods, Inc.

CC: Woody Anderson



POMERELLE

This is to document the history and development of Pomerelle Ski Resort relative to water use.

FIRST USE AND INITIAL DEVELOPMENT

The exact date of the first physical development and use at the present site known as Pomerelle Ski Resort is unknown. A log cabin was constructed by the Civilian Conservation Corps one year before World War II. Use of this cabin was then interrupted for a period of time. The cabin was down the canyon from today's Pomerelle. It served as a warming shelter and establishes that skiing in this area began in the early 1940's. After the war, use of the cabin resumed.

Exact dates of various development activities at Pomerelle unknown. However, the Forest Service issued a special use permit February 15, 1957 for the present location of Pomerelle Winter Sports Site. The old log cabin and an associated rope tow were moved from the original vicinity of the CCC cabin up the canyon to the present site at Pomerelle in about 1959. This cabin is still in use today at Pomerelle as the ticket office. Apparently after a period of initial development, Pomerelle Ski Area began operations at the top of Howell Canyon in the winter of 1959. There is some indication that the first use of Pomerelle Spring (aka Ski Run Spring) was by the developers and construction workers at the ski area in 1959.

Construction of the existing Day Lodge began in 1961-1962 and took three years to complete. This establishes and substantiates 1965 as the year the lodge was fully operational and corresponds with the priority date of 5/1/1965 on the Statutory Claim to water right no. 45-04114, subsequently filed by the Forest Service for domestic use at Pomerelle.

ORIGINAL WATER DEVELOPMENT UP TO 1965

The water system associated with Pomerelle was constructed as part of the initial development beginning in 1959 and fully operational in 1965. Buildings where water was used included the lodge, a mobile home used as a caretakers residence and a combined bunkhouse facility/shop. The original water system in 1965 consisted of:

- First, Pomerelle or Ski Run Spring, approximately 1700 lineal feet above the lodge (gravity feed), and
- Second, a spring now referred to as Parking Lot Spring, that was below the lodge. This water was pumped.
- A 1200 gallon tank and pump immediately adjacent to but below the parking lot.
- A 60,000 gallon storage tank on the slope below Pomerelle or Ski Run Spring.
- Ancillary pipelines, collection systems and plumbing.

- Water diverted from Pomerelle Spring gravity feeds into the 60,000 gallon tank and to the lodge. Overflow from the tank is returned to the natural drainage. There is no perennial stream in this unnamed canyon above the lodge.
- Water from Parking Lot Spring was gathered and gravity fed into a 1,200 gallon tank where it was pumped up to the lodge. The other buildings were plumbed together from the lodge. If the water was not used in the buildings it continued up to be stored in the 60,000 gallon tank. Again, excess water flowed from the tank through an overflow back into a natural drainage.

In summary, the first water system utilized two springs. Water from one spring gravity flowed into the system. Water from the second spring was pumped from a point below the lodge up to the lodge. Water has been continuously diverted, pumped and used throughout the system as described above since 1965.

The pipelines associated with this original system are three to four feet deep. This is not below the frost line during the winter months. This would be particularly true in late fall and early winter before the snow gets two or three feet deep. Consequently, part of the initial design and operation of the water system contemplated running the pump continuously to prevent freezing of the pipes in the winter. Otherwise the system would have been severely damaged or destroyed by pipes freezing and breaking the very first year. However, such damage never occurred leading to the conclusion that water has been pumped continuously through this entire system from since becoming fully operational in 1965.

SUBSEQUENT DEVELOPMENT 1976

The parking lot was expanded in 1976 to accommodate growth. Parking Lot Spring, part of the original development, was a casualty to this project. It was covered with boulders and buried in a "French Drain" type of construction under the present day parking lot. As a result another source of water to replace Parking Lot Spring began to be used in 1976. The new source of water is an unnamed spring approximately 3500 feet down the canyon situated midway between Howell Creek Spring and Bennett Spring. It has been referred to, howbeit incorrectly, as Bennett Spring.

This 1976 replacement source is captured into a 4 foot diameter by 6 foot tall fiberglass tank and pumped 3000 lineal feet up to the original 1200 gallon "parking lot" tank. From this tank water is delivered through a newly installed iodine disinfection system to the lodge and on up to the 60,000 gallon storage tank. The existing pump at Bennett Spring is exact in specifications to the pump known to be in place in 1973 when the current owner/ permittee took possession of the facilities. It is thus concluded that present day pump rate of 20 gallons per minute (0.044 cfs) has been diverted and pumped continuously since 1965 from springs below the lodge through the lodge and on up to the 60,000 gallon tank.

Christensen, Kelly

From: Steven M Spencer [sspencer@fs.fed.us]
Sent: Friday, January 09, 2004 12:54 PM
To: kchrste@idwr.state.id.us
Cc: Zeke Zimmerman; Jamie Gough; lnrlaw@pmt.org; info@pomerelle-mtn.com
Subject: info request regarding claim 45-4114 (Pomerelle ski resort)



Short HISTORY.doc

Kelly,

Zeke forwarded your message to me. I hope the short history document that is attached to this message will assist you in sorting out a water right recommendation for Pomerelle. The information I have available shows water use at Pomerelle began in 1965. It was from two springs. Pomerelle or Ski Run spring gravity feeds and Parking Lot spring was pumped to a 60,000 gallon storage tank on the hill above the lodge. Use of the Parking Lot spring was switched to another spring in 1976. Other than that the diversions rates and use are essentially the same as in 1965 as far as I can tell.

I realize there are complicating factors with amendments, applications and transfers associated with water use at Pomerelle. However, it is my understanding that statutory claims are being dealt with as beneficial use claims. If I need to amend 45-04114 and/or prepare a new beneficial use claim that would cover water use at Pomerelle in 1965 please let me know.

It would seem to me that changing from Parking Lot Spring to 'Bennett Spring' in 1976 may be permissible as an accomplished transfer. I also understand a separate claim for domestic use at the caretakers residence that replaced the trailer used back in 1965 may be advisable. As you work through this please contact me if you have any questions or if I need to take some specific action. Thank you.

(See attached file: Short HISTORY.doc)

Steve Spencer	(208) 331-5944
Boise Adjudication Team	(208) 387-0842 FAX
161 E. Mallard, Suite A	e-mail: sspencer@fs.fed.us

Boise, ID 83706

----- Forwarded by Steven M Spencer/R4/USDAFS on 01/09/2004 12:24 PM -----

----- Forwarded by Zeke Zimmerman/R4/USDAFS on 01/09/2004 11:37 AM -----

"Christensen,

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Kelly"
Zimmerman'" <zzimmerman@fs.fed.us>
<kchriste@idwr.s
<DJones@idwr.state.id.us>, "Shaff, Don"
tate.id.us>
To: "'Zeke
cc: "Jones, Doug"
<DSHAFF@idwr.state.id.us>
Subject: RE: info request
regarding claim 45-4114 (Pomerelle ski resort)
01/09/2004 09:11

AM

I don't believe that I have researched everything and there is likely additional information that could affect the preliminary recommendation but I am planning on drafting my recommendation based upon the information I currently have before me. We are pushing to complete the review process for Basin 45 this month and we need some lead time to prepare documents for the mailing of that report.

Where my research has led me is to recognize the commercial use for the 0.02 cfs as originally developed for the ski lodge during the ski season Nov thru April. I can recognize both springs as an accomplished transfer (adding a second point of diversion) but I cannot recognize the additional diversion rate with the original priority date.

The documentation I have reviewed indicates that the domestic use was developed around 1976 as was the diversion and additional water from Bennett Springs. As a domestic use from a surface water source is not exempt from the mandatory permit statutes and this use was developed after the permit requirement date of 1971, I cannot recognize the domestic use through the adjudication claim. You need to file an application for permit for that use.

You still have an opportunity during the notice of error period to provide additional information that would modify my recommendation before that recommendation is submitted to the court in the B45 director's report.

Kelly

Jaho Dept of Water Resources
Claims review notes and narrative

Date: 1-5-2004

File: 45-4114 prelim analysis

Prepared by Kelly K Christensen

45-4114 review and preliminary analysis

Elements affecting recommendation.

1. Claimed priority date 1965.
2. Claimed year round at 0.06 cfs for commercial use. (original statutory claim was for 0.015 cfs domestic)
3. Source = 2 springs one initially developed in 1959, the second in 1976
4. Domestic (caretaker's home) built in 1976. Domestic use is asserted to be year round use.
5. Historic use is winter months claimed to be Mid Nov thru April. (Nov 1 thru Mar 31 is 150 days)
6. Current use is described as 175-seat restaurant, kitchen, restrooms, ski rental service, ski patrol headquarters with first aid facilities, and a ticket office. The domestic use includes a lawn area of approx 80' by 200'.
7. Current use described as 7200 gpd. ENVIRONMENTAL ASSESSMENT OF POMERELLE SKI RESORT MASTER DEVELOPMENT PLAN Received 1997. Current withdrawal from Bennett Spring noted to be 18 to 20 gpm. This is a continuous 24 hr diversion to a storage tank with the excess diverted water returned to the Howell Cr drainage system. It is run continuously to prevent freezing of the water line. Pg 17. Pomerelle spring is identified as having a 10-gpm flow. It is not clear if this is a developed flow or just the spring capacity.
8. On page 34 item 4.1.3 of the Env Assessment report, it states that the combined pumping from Bennett and Pomerelle springs is (0.04 cfs) with approximately 7200 gal/day as the consumptive use of the system.
9. On page 44 of the Env Assessment report and part of item 4.4.4 it states that The Bennett spring withdrawal is 0.04 cfs and that the Pomerelle spring withdrawal is 0.02 cfs.
10. Of the actual sources, the one identified as Bennett spring is NOT the Bennett spring identified on the USGS quad map.
11. C.G. Brockway provided SUMMARY OF DATA AND ANALYSIS -- POMERELLE 1999 Dated August 11, 1999 and provided to the department as a part of the documentation regarding the protests for application for permit 45-7745.
 - a. On page 1 1964-1975 he states that the lodge was built during this time frame and that the Parking Lot Springs were diverted as a water source. Pomerelle spring was also developed during this timeframe.
 - b. On page 1 1975 – present he states that in the 1975-1976 timeframe the Parking Lot Springs were buried by the parking lot and the spring discharge was piped through a culvert to the end of the parking lot. The source was changed to Bennett Springs and a 3 Hp pumping system was developed.
 - c. On page 2 Flow measurements he identifies the Parking Lot Springs system as historically and currently capable of delivering 18 gpm (0.04 cfs) based upon a theoretical calculation using a pump curve.
 - d. Consumptive use is addressed in the report.

Issues:

1. Do we need to compute a volume for the surface water system?
2. Should additional information be sought?
3. Thoughts, suggestions?

Initial thoughts on a recommendation.

1. Recognize the 1965 priority date at 0.02 cfs for commercial use.
2. Recognize two springs as the source.
3. Suggest that the Forest Service file an application for permit for the domestic use developed in 1976.

Christensen, Kelly

From: Zeke Zimmerman [zzimmerman@fs.fed.us]
Sent: Wednesday, November 26, 2003 10:54 AM
To: Christensen, Kelly; Zeke Zimmerman
Subject: Re: info request regarding claim 45-4114 (Pomerelle ski resort)

Kelly, here is what I have so far:

1. The first ski area in Howell Cyn was in the 1930's and '40's....it was not Pomerelle. However, the "group" that operated that area moved the operation to the present location in 1959 and renamed it Pomerelle Ski, Inc. There was a permit issued for this site at that time. Pomerelle Ski Inc sold the resort to Woody Anderson on 7/31/73, and a permit was issued at that time to Woody.
2. The original water diversion was in 1959 from Ski Run spring, and stored in a tank uphill from the current lodge/dwelling. (That tank is still currently being used for storage.) In 1976, Pomerelles (Woody Anderson) permit was ammended to allow the development from Bennet Springs....and at that time the dwelling came into play. The dwelling is a manufactured home that was moved on site. So, Bennet Springs was first used for domestic water in 1976, but Ski Run spring was used "commercially" since 1959.....as near as I can determine from our records.
3. The predominant period of use for the lodge has historically been the winter operating season...roughly mid-November thru April. There has been an effort for the last 8-10 years to become more year-round in scope of activity there. With the approval to build a new lodge at the area, I am sure more of a 2-season use period will surface....winter and summer. Current summer uses include open for the public on weekends, catering to weddings, business meetings, archery shoots, mt. bike races, equestrian events and the like.
4. The original filing was for "domestic", however, during the SRBA re-filing that was changed to reflect the commercial aspects of the area. The dwelling has served as year-round housing for the 20+ years I have been working here.
5. The only irrigation is the lawn area in front of the lodge and dwelling...I estimate that area to be roughly 80' X 200'. This is both for esthetics and for fire protection purposes.

Let me know if I can help any further. zeke



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

DEPT INTERNET WEB SITE: www/idwr.state.id.us

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 25, 2003

FS, Fed. 25
33immerman @ Fed. FS. 25
e-mailed 11-26-03
to Zeke Zimmerman

*Possible amendment
to add DOMU.*

RE: SNAKE RIVER BASIN ADJUDICATION CLAIM 45-4114

Dear

This office is reviewing Snake River Basin Adjudication claims in your area in preparation for our report to the court. As a part of this processing, IDWR is mailing draft recommendations to claimants where they differ from the original claim. Prior to making the draft recommendation I need input regarding several points.

1. The claimed priority date is May 1, 1965. In reviewing the predecisional "ENVIRONMENTAL ASSESSMENT OF POMERELLE SKI RESORT MASTER DEVELOPMENT PLAN" it states on page 1 of Chapter 1, that it was operated with only minimal facilities before and after World war II, the winter sports site was moved to it's present location and the original Pomerelle permit was issued in 1967 to a group of local skiing enthusiasts. This suggests that the current facilities were not developed until 1967. I see this as the best current information of the priority date of this right.
2. It is not clear when the Bennett Springs source was developed. The attachment to the amendment for the claim discusses the 1976 Bennett Springs system. Please provide additional information regarding the development of the two springs and the diversion rate for each spring system.
3. As the ski season is during the winter months only, it would appear that the commercial use should be limited to those months only. Again, there is some information suggesting that recently summer uses have been developed. Please provide me with information regarding the various seasonal uses.
4. The caretaker's house is mentioned several times but domestic use is not included anywhere. Domestic uses from a surface water source are NOT exempt from the mandatory permit statutes and therefore need to be claimed. When was the domestic use developed and was it historically for year round use?
5. At times irrigation is discussed in the currently available information. At times it is described as $\frac{1}{2}$ acre and at other times ± 2 acres. Irrigation is not claimed and is not considered as an 'understood' part of a commercial use. I need additional information regarding the irrigation uses associated with the ski area.

I look forward to working with you to improve the accuracy and completeness of the recommendation(s). The draft recommendations may be further modified by information you provide or by additional information received by the department through further investigation. Without additional input I would be required to make a recommendation based upon the currently available information that does not appear to reflect the 1987 and historical uses associated with Pomerelle.

Sincerely

Kelly K Christensen
Sr Water Resource Agent
E-mail address: kchrste@idwr.state.id.us

Enclosures

Summary of Data and Analyses – Pomerelle 1999

C. G. Brockway, P.E.

Brockway Engineering, PLLC

August 11, 1999

HISTORY OF WATER DEVELOPMENT

The following is my best understanding of the development of water at the Pomerelle location. The information is based on discussions with Woody Anderson and a review of historical documentation provided by Mr. Anderson.

1964 - 1975

In 1964-65, the Pomerelle day lodge was constructed and a water supply was developed by placing a collector pipe in the Parking Lot Springs. These springs were located in a gully along the northwest side of the present-day parking lot. The collector pipe diverted water to a 1000-gallon concrete tank at the northeast end of the parking lot (the "parking lot tank"). From the parking lot tank, water was pumped with a 2HP pump to the lodge via a buried 2-inch galvanized steel pipe. Both the parking lot tank and the galvanized line are still in use. In addition to the Parking Lot Springs, a small spring known as the Pomerelle Spring or Ski Run Spring was used to supply stockwater or domestic/commercial water. This spring is located approximately 2500 feet southwest of the day lodge.

In conjunction with the development, a 60,000-gallon concrete elevated storage tank was constructed on the hill 1100 feet southwest of the day lodge. A 2-inch line was installed from the lodge to this tank. A 1-inch line from the Pomerelle Spring to this tank was installed, which supplies additional domestic/commercial water.

1975 - present

Andrwood, Inc. purchased the site in 1973. In 1975-76, the following water system improvements were made:

The Parking Lot Springs were culverted and buried and the original collector pipe was removed. The source of water was moved 3200 feet north to Bennett Springs. AT this location, a collector pipe and 3HP pump was installed. A 2-inch PVC line was installed from the pump to the parking lot tank. No changes were made to the 2HP pump in the tank or in the 2-inch galvanized line from the tank to the lodge.

This is the same system which is in operation today. The 3HP Bennett Springs pump runs continuously – any excess water spills from the parking lot tank back to the gully and eventually returns to Howell Creek or seeps into the ground. The 2HP pump in the tank delivers water to an iodine disinfection system located in the lodge, and then either directly to the distribution system or to the elevated 60,000-gallon tank. This tank overflows any excess water. The Parking Lot Springs no longer serve as a source of

Copy
1-7-04
KKC
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water – the culvert installed in 1975-76 discharges into the gully near the parking lot tank.

FLOW MEASUREMENTS

The measured discharge from the existing Bennett Springs pump on November 20, 1998 was 21.8 gpm, with the pump discharging into the 1000-gallon tank at the bottom of the parking lot. The measurement was made using a 5-gallon bucket and stopwatch. Four readings were taken and averaged. This discharge should not vary seasonally since Bennett Springs can always deliver at least 21.8 gpm via the collector pipe at the pump location.

The measured discharge from Pomerelle Springs on July 27, 1999 was 12.4 gpm using a 5-gallon bucket and stopwatch. Four readings were taken and averaged. This discharge varies seasonally. The July measurement was made during the peak flow period, based on historical observations of the flow variability.

The measured discharge from the Parking Lot Springs on July 27, 1999 was 97 gpm. This measurement was made approximately 10 feet downstream of the culvert which collects most or all of the spring flow. No surface water was entering the culvert at its upstream end near the ski lifts. The flow measurement was made with a pygmy current meter using standard USBR procedures, and was rated "excellent" according to USBR criteria.

The original system (pre-1971) consisted of a collector pipe in the Parking Lot Springs, which discharged to the 1000-gallon tank at the bottom of the parking lot. A booster pump delivered water either to the 60,000-gallon storage tank above the lodge area or directly to the lodge. This pump has periodically been replaced, but according to the best information available, the pump capacity has been substantially the same from pre-1971 to the present. Assuming that the pump which was recently removed from the 1000-gallon tank is substantially the same as the pre-1971 pump, a theoretical calculation was made of the flow rate this pump could deliver. The following data was used:

Length of pipe from 1000-gallon tank to lodge	700 feet (from site plan)
Length of pipe from lodge to 60,000-gallon tank	1100 feet (from site plan)
Diameter of pipe	2 inches
Pipe material	Galvanized steel
Elevation difference from 60,000-gallon tank to 1000-gallon tank	188 feet (surveyed 7/27/99)
Pump curve	Grundfos 16S20-18

System curves were developed for pumping to the 60,000-gallon tank and directly to the lodge, accounting for surveyed elevation differences and friction losses in the supply

pipeline. Differences between the two curves reflect friction loss differences only, since a static pressure is maintained at the lodge by the elevated tank.

The attached plot shows the system curves with the pump curve overlain. The operating point is near the high end of the pump curve, but the flow rate would be 22 gpm in this condition. This is the best estimate of what the pre-1971 pump could have delivered to the lodge and to the 60,000-gallon tank. Based on the culvert discharge, the Parking Lot Springs were discharging at least 97 gpm on July 27, 1999, which is much more than the 22 gpm that could have been pumped. The system pre-1971 did not collect all of the Parking Lot Spring flow, but this recent measurement provides some evidence that there was probably enough water discharging from the springs to provide the full amount of the claim. The measurement was made at a time near or slightly after the typical peak flow point. Discharge from the Parking Lot Springs will decrease somewhat into the fall, but it is not likely not fall below about 20 to 30 gpm.

JUSTIFICATION FOR DIVERSION RATE

The transfer application filed by the USFS contemplates a diversion rate of 0.06 cfs based on historic beneficial use. A justification is necessary for a year-round diversion rate of 0.06 cfs for commercial use. This component of the water right is the maximum allowable instantaneous rate, and can be justified by the following considerations:

1. During winter months, a continuous flow is necessary to prevent freezing of the delivery system piping. The 2-inch supply pipe from the Bennett Springs pump to the facility is not buried below the frost line. According to Mike Smith of Mike's Pump Service, who is familiar with the Pomerelle system, a soil cover of only 6" to 1' is present along the pipe length from Bennett Springs to the 1000-gallon tank. Therefore, without a continuous flow, the pipe would be subject to freezing from October through May, depending on the climatic conditions. A similar problem may exist with the pre-1971 pipeline from the 1000-gallon tank to the 60,000-gallon tank.
2. Providing a continuous diversion rate and allowing spill to occur from a storage facility provides additional benefits in terms of operation and water quality. A continuously-running pump will require less maintenance than a pump which runs irregularly according to demand. Continuous diversion also provides for turnover of the water in the storage tank, reducing the possibility of stagnation and degradation of water quality.

HISTORIC NON-SNOWMAKING CONSUMPTIVE USE

Some of the water historically used for domestic and commercial purposes has been consumed. The consumptive use of such activities is generally small—available data suggests about 20% of the total volume. Historic average daily water demand based on recorded skier visits and 3.5 gpd / skier is approximately 1100 gpd during a 125-day

Doc B

(average) ski season. During the remaining 240-day off-season, water demand for domestic use and light commercial use is estimated to be 300 gpd average. Based on these values, total historic annual water demand for non-snowmaking use is estimated to be 209,500 gallons, or 0.64 acre-feet. Of this amount, about 0.13 acre-feet has been consumed.

Historical use has also involved the irrigation of approximately 0.5 acres of turf associated with the domestic residence. This is allowed under domestic use provisions of Idaho law. Based on Allen and Brockway (1983) data, seasonal consumptive use of turf grass at the Pomerelle site is estimated to be 37.4 inches, or 1.56 ac-ft for 0.5 acre of irrigation. The total historical consumptive use is therefore estimated to be $1.56 + 0.13 = 1.69$ ac-ft.

WATERSHED HYDROLOGY

An analysis was made of the projected water usage for snowmaking, and the potential impact on the Howell Creek watershed. The proposed use involves artificial creation of snow using two standard 60-gpm guns. The process will occur over a 75-day period from October 15 through December 31 each year, with approximately 55 days of actual snowmaking occurring within this period for 16 hours per day.

Calculations showing the estimated total water requirement are provided with this letter. A total of 19.4 acre-feet per season will be required for snowmaking. It is proposed to supply this water through a combination of withdrawal from Howell Creek via the existing pump during the snowmaking period, and from on-hill storage filled chiefly from snowmelt in the Spring. An analysis of the timing and magnitude of water uses and the effects on Howell Creek was performed assuming a maximum of 27 gpm can be withdrawn from the creek. 27 gpm withdrawn for 75 days provides 8.9 acre-feet, or about 46% of the total water requirement. The remaining 10.5 ac-ft will be supplied from on-hill storage.

To document runoff and base flow patterns in Howell Creek, gauging stations were established at Bennett Road and at Howell Canyon Road. Current-meter measurements at varying flow rates were used to develop rating curves. Staff gauges at the rated sections have been read at least twice per week since May 1997. The attached hydrographs show the discharge at the two locations for May 1997 through October 1998. Nearly identical patterns were observed for the two years: runoff from snowmelt begins in mid-April, peaks in early July, and recesses to the base flow level, which is reached by October or November. The total annual surface runoff volume in 1998 was 2382 ac-ft at Bennett Rd and 4515 ac-ft at Howell Canyon Road. 1998 was an above-average snow year, with the NRCS Howell Canyon SnoTel site indicating a snow water equivalent about 120% of the 1961-90 average for December through May 1998. The snow water equivalent on April 15, 1998, just prior to the beginning of runoff, was 139% of average. Therefore, the average basin runoff yield is likely somewhat less than the 1998 measured volume.

DAB

During the snowmaking period, the base flow in Howell Creek is a nearly constant level of 2.0 cfs at Bennett Road and 2.4 cfs at Howell Creek Road. The total average volumetric discharge of the creek during this period is 297.5 and 357.5 ac-ft, respectively. The total water volume withdrawn from the creek for snowmaking (8.9 ac-ft) is 2.5 to 3.0% of the creek discharge during the snowmaking period.

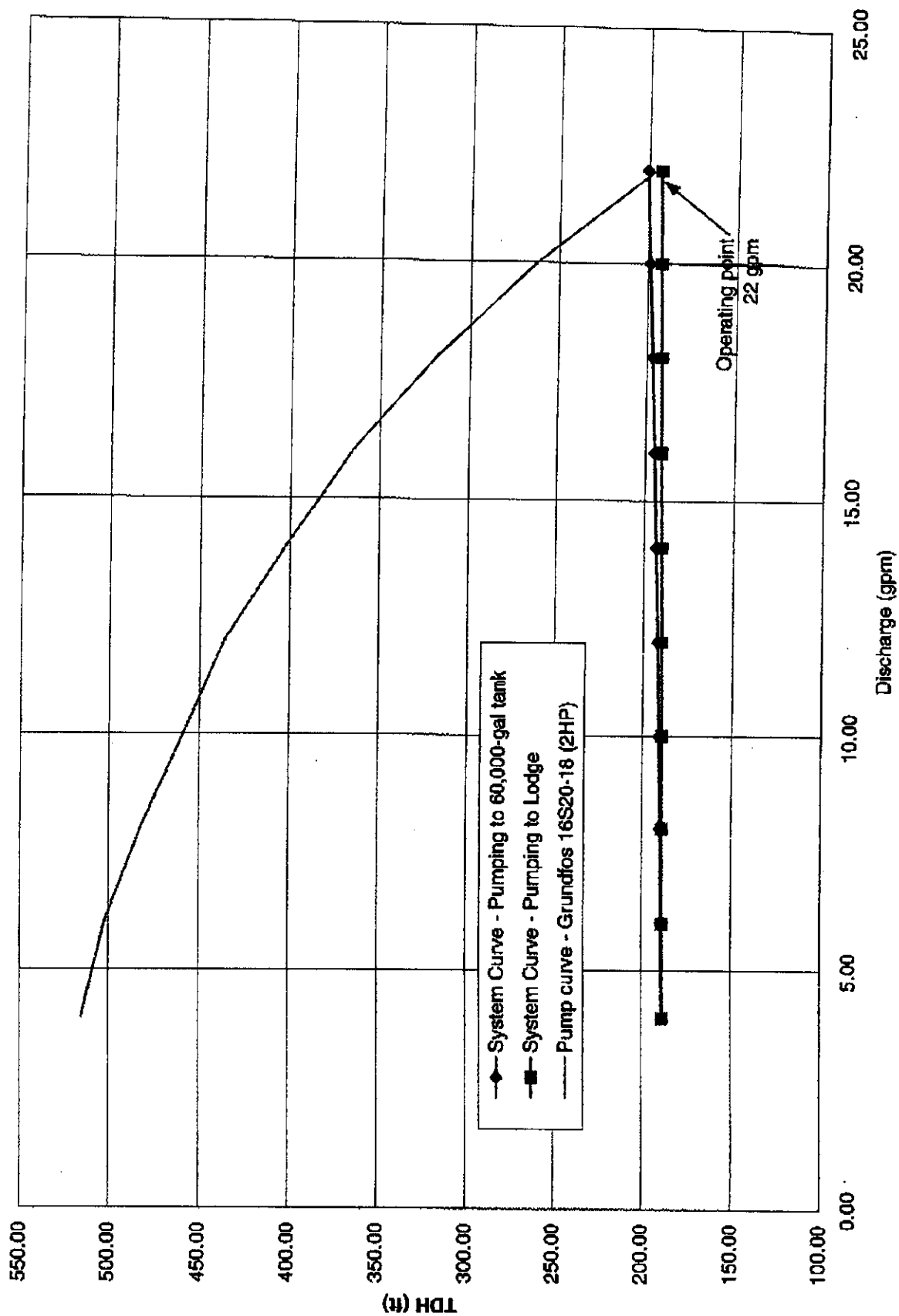
Snowmaking water is withdrawn from the creek, applied to the hill, and is stored on the hill along with the natural snowpack. During the snowmaking process, some of the water is consumptively used. Based on previous studies by Brockway Engineering for the Sun Valley Company and for Bogus Basin, a reasonable average estimate of consumptive use is 10% of the total volume. Thus, of the 19.4 acre-feet used for snowmaking, about 1.94 acre-feet will be consumed, leaving 17.5 acre-feet of snow on the hill above that which falls naturally. This additional snowpack will contribute to runoff in the spring. The attached calculations show that the net effect on surface runoff will be an increase of 7.0 acre-feet. The timing of the runoff will also be altered slightly, since artificial snow is generally denser than natural snow and melts more slowly. The runoff hydrograph will therefore be slightly extended.

EFFECT ON EXISTING WATER RIGHTS

As shown, the net annual effect of the proposed snowmaking on the Howell Creek drainage will be a decrease of 1.94 acre-feet due to consumptive use. This is a very small percentage of the annual basin runoff. The total volume withdrawn for snowmaking is about 2.5 to 3.0% of the creek discharge during the proposed snowmaking period. If any overflow back to the creek occurs, the net decrease in creek discharge will be less.

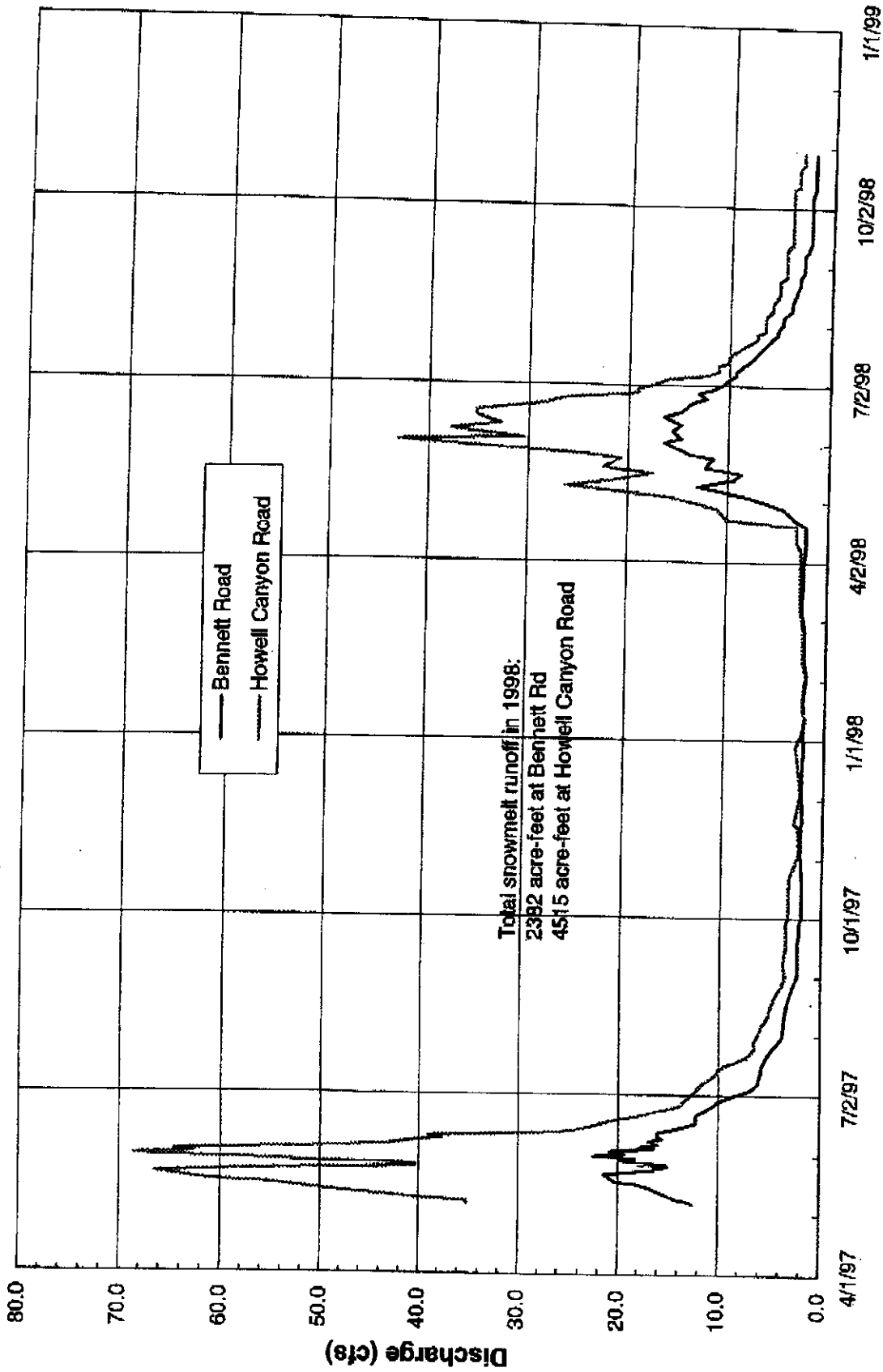
Irrigation rights do exist on Howell Creek south of Albion. These rights will not be affected by the proposed snowmaking since the authorized period of use for irrigation does not overlap the proposed snowmaking period. The irrigation rights may in fact benefit slightly from the augmented and extended runoff as described above. The only other known water right on Howell Creek with a period of use corresponding to the proposed snowmaking period is 45-07642, a license for hydropower use. However, condition No. 7 on this license explicitly states that the right shall be junior and subordinate to all non-hydropower rights, whatever the priority and whenever they were initiated.

Doc B



HOWELL CREEK DISCHARGE 1997 AND 1998

Channel sections rated 5/97 - 9/97 by Brockway Engineering



WATER BALANCE ANALYSIS FOR PROPOSED SNOWMAKING AT THE POMERELLE SKI AREA

Brockway Engineering, PLLC 3/1/99

27 gpm max pumping from Howell Creek during snowmaking period
Assume no spill back to creek during snowmaking (all water stored on hill)
New earthen storage reservoir filled with Spring snowmelt

Snowmaking period	10/15 - 12/31
Total days in period	75
No. of days of snowmaking	55
Number of snowmaking guns	2
Output of guns	60 gpm
Operating hours / day	16 hrs/day
Volume of water required for snowmaking	19.4 acre-feet
Average daily demand of guns	115200 gpd
Average flow rate to guns	80 gpm

During snowmaking period:

	Bennet Rd	Howell Rd	
Howell Creek average flow	2.0	2.4 cfs	
Total creek volumetric discharge	297.5	357.0 acre-feet	
Pumping rate	27	27 gpm or	0.06 cfs
Volume pumped from creek for snowmaking	8.9	8.9 acre-feet	
Percent of total discharge	3.0%	2.5%	
Estimated consumptive use percentage	10.0%		
Total annual consumptive use	1.94	ac-ft	

Howell Creek average discharge volumes:

	Bennet Rd	Howell Rd
Estimated average annual surface runoff	2050	3930 ac-ft (measured at rated section)
Estimated average base flow discharge	830	1000 ac-ft (210 days)
Estimated average annual discharge	2880	4760 ac-ft

SUMMARY

Total applied to hill 10/15 - 12/31	19.45 ac-ft
Taken from creek during 10/15 - 12/31	8.95 ac-ft (27 gpm for 75 days)
Spring runoff stored	10.50 ac-ft (total required minus creek pumpage)
Lost to consumptive use	1.94 ac-ft
Volume which melts and contributes to runoff	17.50 ac-ft
NET EFFECT ON SPRING / SUMMER RUNOFF	7.01 ac-ft
NET EFFECT ON CREEK FROM 10/15 TO 12/31	-8.95 ac-ft
NET EFFECT ON ANNUAL BASIS	-1.94 ac-ft

Doc B

SEC 1 T 2 R 2 PM 2

Date 11/1/76

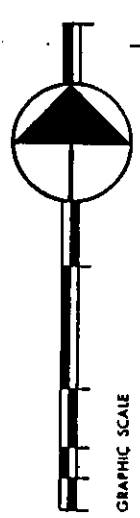
NOTE: Addendum to existing Special Use Permit

POMERELLE WATER SUPPLY

BURLEY DISTRICT SAWTOOTH NATIONAL FOREST

INTERMOUNTAIN REGION	FOREST SERVICE	U. S. DEPT. AGRICULTURE	TOTAL ACRES
DESIGN DATE	RECOMMENDED DATE	APPROVED DATE	
FOREST LANDSCAPE ARCHITECT	FOREST RECREATION TRAIL		P. A. Q. T.
RECOMMENDED DATE	APPROVED DATE		DEV. SCALE
			INTERIOR
			ROAD NO.
			SCALE
			SHEET
			OF

APR/Opdm, Utah



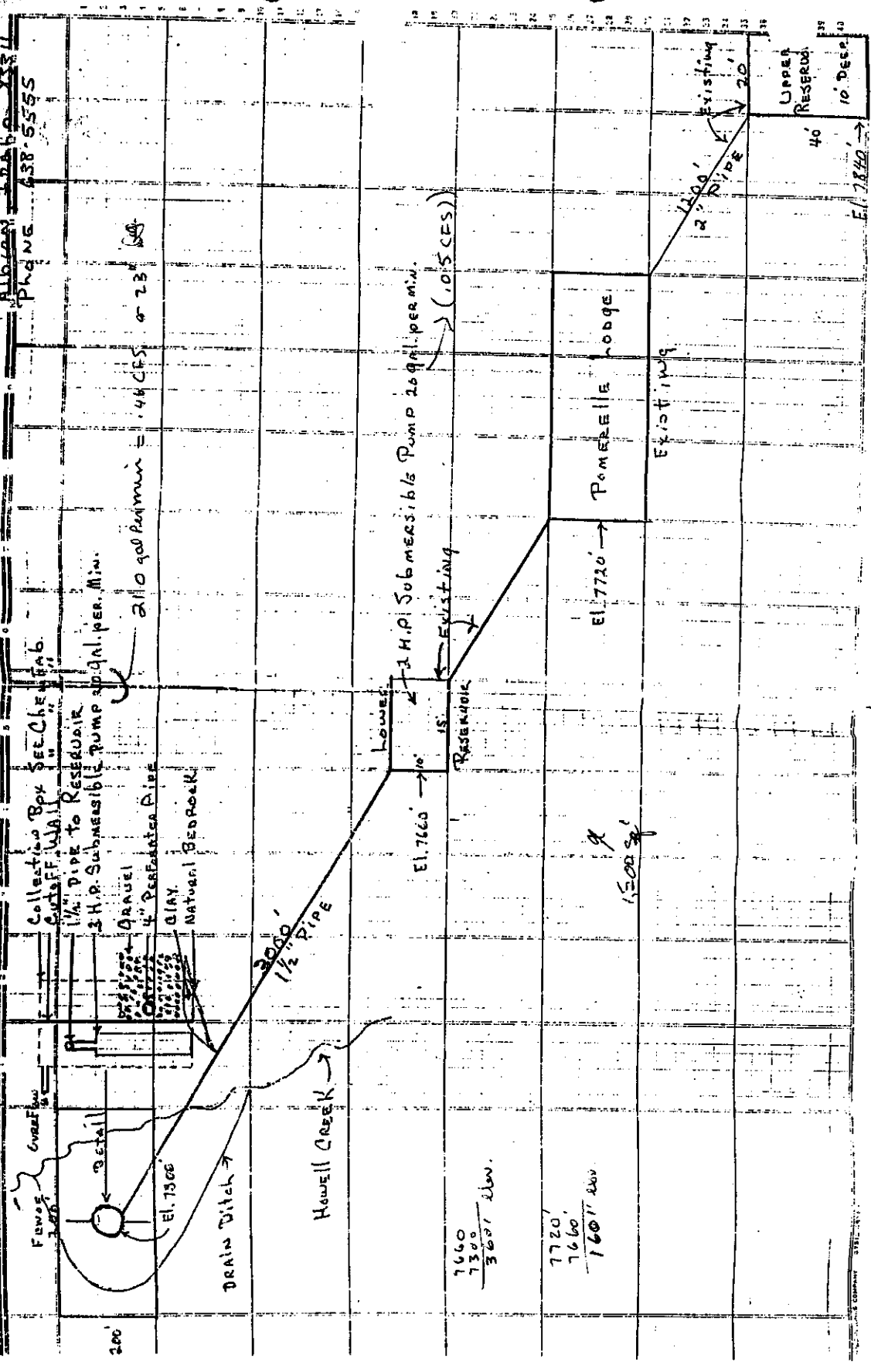
GRAPHIC SCALE

Doc B

19 76

Howell Creek 8000

P.O. Box 158
Albion, Idaho
Phone 438-5555



7500'

8000'

Doc B

predecisional

ENVIRONMENTAL ASSESSMENT

OF

POMERELLE SKI RESORT

MASTER DEVELOPMENT PLAN

Sawtooth National Forest
U.S. Dept. of Agriculture

Copied
1-7-04
Doc A KC

CHAPTER 1 - PURPOSE OF AND NEED FOR ACTION

INTRODUCTION - Pomerelle Ski Area is located 18 miles southeast of Burley, Idaho, within the Sawtooth National Forest. One of the pioneer skiing opportunities in southern Idaho, it began as Mount Harrison Ski Area in the lower reaches of Howell Canyon in the early 1940's. Operating with only minimal facilities before and after World War II, the winter sports site was moved to its present location and the original Pomerelle permit was issued in 1967 to a group of local skiing enthusiasts. The present owner, Andrwood, Incorporated, purchased the ski area from the original Pomerelle, Incorporated, in 1973 and has made steady improvement to the area and has expanded the skiing opportunity in southern Idaho throughout the ensuing years.

The current facilities include 1 triple chairlift, 1 double chairlift, 1 rope tow and 1 handle tow. The area offers 1,000 ft. vertical drop (8680 to 7700 ft.), 137 acres of skiable runs, and night skiing on approximately 1/3 of the developed acreage. The lodge and lifts are operated 7 days a week from Thanksgiving to Easter in typical snow years and night skiing is offered 5 nights a week from mid-December through mid-March. The current parking facility accommodates 400 vehicles.

The Pomerelle Ski School and professional and volunteer members of the National Ski Patrol continually offer the latest teaching and skier care techniques. Pomerelle is known for its focus on the beginner and family skier and for offering a consistently high quality, groomed skiing experience.

Andrwood managers forecast the need to expand their teaching opportunity in order to keep pace with the locally growing demand for entry level skiing and snowboarding at an affordable price. Providing uncongested beginner areas without the intimidation of mixing with higher skilled enthusiasts, adding additional lodge and learning center facilities and relieving the crowding in limited parking areas are highlights of the winter portion of a recently proposed Master Development Plan. Summer season proposals include opening the lodge to provide food and equipment rental services, operating a system of hiker and non-motorized trails, and offering concerts, conferences, and catered events at the new lodge facility.

CONSTRUCT NON-MOTORIZED TRAIL SYSTEM A system of single-track trails for use by non-motorized activities would be constructed within the boundary of the ski area. Connection to other National Forest system trails is possible. Use of the ski lifts in conjunction with these trails is anticipated. See fig. 3.

VEGETATION MANAGEMENT Large timber vegetation is an important element for the capture and holding of the generous snow deposits at Pomerelle. Maintaining the snow gathering and holding capability of the permit area is much like maintaining other infrastructure - it must be taken care of. The existing stands are declining. Disease and insect attack are killing many older trees and other pathogens hosted by these dying trees are infecting and stunting the younger, smaller trees. Removal of small patches of affected trees and general sanitation of the stands has been approved in a previous analysis (1992, Howell Canyon Forest Health and Ecosystem Management Project). The specific locations of timber to be removed can be determined in coordination with the ski area to its best advantage. As runs are modified, as described above, certain areas would be returned to non-skiable acres. Regeneration of new trees can generally be assured by natural means. Hand planting would rarely be necessary. In some stands, the natural aspen component is being suppressed. As the stand is thinned, more aspen may become evident.

EXPAND NIGHT LIGHTING To meet the needs of an expanding customer base, night skiing operations would be expanded. Additional acres of ski runs would be lighted. See fig. 1.

EXISTING BASE AREA Several changes in the existing base area would be targeted at relieving congestion of skiers returning to the lifts and providing a more "front door" appearance rather than the high visibility of maintenance facilities and kitchen entries. Specific actions would include relocation of the existing maintenance building and fueling facility to a site between the existing parking lot and existing Conner Flat road with a new approach from the east end of the existing parking lot, removal of the existing rope tow, and removal of the existing ticket office.

WATER SOURCES, PERMITS AND USES The proposed combination of water uses requires new permitting from the State of Idaho Department of Water Resources. In the past, the combination of waters from Pomerelle Spring and Bennett Spring have been used without differentiation of purpose, i.e., culinary vs. snowmaking or other. With the proposed increases in water use new Permits will be required. This Alternative proposes water uses in addition to the existing culinary water use (approx. 7200 gal. per day during ski season) and the summer diversion of waters from Pomerelle Sp. It also differs from the existing situation in that water now returned to Howell Cr. as excess to the present tank capacity may be stored for snowmaking.

DocA

Because of potential conflicts between drawing additional water from the Bennett Spring source and the need to maintain adequate spawning habitat for fisheries in Howell Cr. during the fall of the year, additional Alternatives have been formulated to examine different possibilities and outcomes.

2.2.3 REDUCED SNOWMAKING Alternative

Because of potential impacts from withdrawing substantially more water from Bennett Spring than the current 18 to 20 gal/minute, an Alternative limited to a reduced water quantity has been analyzed. All provisions of the PROPONENT'S PROPOSAL ALTERNATIVE would remain the same except:

SNOWMAKING SYSTEM The quantity of water drawn from Bennett Spring would be limited to 60 gal/min.(total) during the period from approximately October 15 to approximately December 31 each year. This in combination with approximately 10 gal/min. from Pomerelle Spring would provide approximately 500,000 gals. to be stored in one or more of three reservoirs. Locations of the reservoir sites are described on the attached map, fig.3. The reservoirs would not exceed 1 acre in surface area nor 10 feet in depth. The reservoirs would typically be filled from spring runoff in approximately 10 days. Once filled additional runoff would pass through the reservoirs. The quantity of water pumped from Bennett Spring during other times of the year would be limited to the existing rate of 18 to 20 gal/min. This Alternative would produce approximately 39 acre feet of snow.

2.2.4 FOREST SERVICE PROPOSED ACTION Alternative

As an alternative which could be maintained within the current system of continuous year-round pumping from Bennett Spring, this Alternative would propose all elements of the PROPONENT'S PROPOSAL ALTERNATIVE with the exception:

SNOWMAKING SYSTEM In this Alternative, the pumping rate would remain at 18-20 gal/min. from Bennett Spring, year-round, plus approximately 10 gal/min from Pomerelle Spring, during the winter season. To supply the snowmaking demand, reservoirs totalling 5,300,000 gal. (16.3 ac-ft) would be located at sites #1 through #3 - see fig. 3. The surface area of each reservoir would not exceed 5 acres and the average depth would not exceed 10 feet. The reservoirs would likely be filled by spring snowmelt, but might be maintained by pumping from Bennett Spring or by the approximately 10 gal/min. flow from Pomerelle Spring. Reservoirs would likely fill in 45 days or less. Once filled, additional runoff would pass through the reservoirs. Snowmaking would take place for an average of 55 days of the 75 day period from October 15 through December 31. During this period, a maximum of 18-20 gals/min. would be pumped continuously from Bennett Spring, to be used in

RECEIVED

MAY 10 1999

ALAN G. LANCE
Attorney General
State of Idaho

Department of Water Resources

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208)327-7920
Fax: (208)327-5400

Attorneys for IDWR

South
FILE

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAY 3 1999	
By _____	Clerk
Deputy Clerk	

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

SUBCASE NO.: 45-04114

NOTICE OF WITHDRAWAL
OF DIRECTOR'S REPORT

TO ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that the Idaho Department of Water Resources (IDWR) hereby withdraws its Director's Report for the above-referenced subcase number. This water right was incorrectly recommended in the Director's Report for small domestic and stockwater rights, when, in fact, the amended claim for the right is for a non de minimus, commercial use. Therefore, recommendation of 45-04114 is hereby withdrawn. It will be reported in the Director's Report

for Basin 45 Irrigation and Other. The United States Forest Service filed the only objection to the recommendation, which is being withdrawn concurrently with IDWR's withdrawal of this recommendation.

DATED this 28th day of April, 1999.


NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources

DATED this 28TH day of April, 1999.


IDWR Concurrence
Roxanne Brown
Senior Water Right Agent
Idaho Department of Water Resources

IT IS SO ORDERED that the Director's Report be withdrawn for the aforementioned subcase number.

DATED this 3 day of May, 1999.


Barry Wood
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that following the signing of the order portion of the **NOTICE OF WITHDRAWAL OF DIRECTOR'S REPORT** by Judge Barry Wood, a copy of such was mailed on May 7, 1999, via first-class mail to the following:

Idaho Department of Water Resources
Adjudication Bureau
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resources Division
550 W Fort Street, MSC 033
Boise, ID 83724

Cassia County Clerk
1459 Overland Ave
Burley, ID 83318



Deputy Clerk

ALAN G. LANCE
Attorney General
State of Idaho

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208)327-7920
Fax: (208)327-5400

Attorneys for IDWR

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	
	)	
Case No. 39576	)	SUBCASE NO.: 45-04114
	)	
	)	NOTICE OF WITHDRAWAL
	)	OF DIRECTOR'S REPORT
_____	)	

TO ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that the Idaho Department of Water Resources (IDWR) hereby withdraws its Director's Report for the above-referenced subcase number. This water right was incorrectly recommended in the Director's Report for small domestic and stockwater rights, when, in fact, the amended claim for the right is for a non de minimus, commercial use. Therefore, recommendation of 45-04114 is hereby withdrawn. It will be reported in the Director's Report

for Basin 45 Irrigation and Other. The United States Forest Service filed the only objection to the recommendation, which is being withdrawn concurrently with IDWR's withdrawal of this recommendation.

DATED this 28th day of April, 1999.



NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources

DATED this 28th day of April, 1999.



IDWR Concurrence
Roxanne Brown
Senior Water Right Agent
Idaho Department of Water Resources

IT IS SO ORDERED that the Director's Report be withdrawn for the aforementioned subcase number.

DATED this ____ day of _____, 1999.

Barry Wood
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF SERVICE

I hereby certify that on the 27 day of April, 1999, I mailed the original and copies of this notice to the following persons by mailing in the U.S. Mail, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

FAX

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

U.S. Dept. of Justice
Environment & Natural Res. Div.
550 West Fort St., MSC 033
Boise, ID 83724

Cassia County Clerk
1459 Overland Ave.
Burley, ID 83318

Sandy Egbert

Signature of person or attorney mailing the form

TRANSMISSION VERIFICATION REP

TIME : 04/28/1999 14:44
NAME : IDWR
FAX : 3275400
TEL : 3277906

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

04/28 14:44
SRBA COURT
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OK
STANDARD
ECM

RECEIVED

APR 28 1999

Department of Water Resources

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

) Subcase: 45-04114
)
)
)
)
)
)
)

STANDARD FORM 5

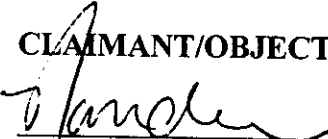
**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The claim for this water right does not represent a de minimus domestic and/or stockwater right. The parties and IDWR agree and stipulate that the Director's Report recommendation for this water right should be withdrawn and that the recommendation for this claim should appear in the subsequent report of "irrigation and other" water rights in Reporting Area 7, Basin 43. IDWR will file a Notice to Withdraw the Director's Report recommendation of this right. The USFS hereby withdraws its objection to the right as reported.

CLAIMANT/OBJECTOR


Randall J. Bramer
4/27/99
date

CONCURRENCE


Roxanne Brown
4/27/99
date
Idaho Dept. of Water Resources

Wick Spencer 4-27-99
As to form date
Deputy Attorney General, State of Idaho

CERTIFICATE OF MAILING

I certify that on 4/27, 1999, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☒ Overnight Mail
☐ Regular Mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ Overnight Mail
☒ Regular Mail
☐ hand-delivered
☐ facsimile

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☒ Regular Mail
☐ hand-delivered
☐ facsimile

United States Department of Justice
Adjudication Team
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☐ Regular Mail
☒ hand-delivered
☐ facsimile



Signature of Person Mailing Form



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE AVE
TWIN FALLS, ID 83301
(208) 736-3033 FAX (208) 736-3037

PHILIP E BATT
GOVERNOR
KARL J DREHER
DIRECTOR

November 7, 1996

COPY

Sawtooth National Forest
Forest Supervisor
2647 Kimberly Rd E
Twin Falls, ID 83301

RE: Potential illegal water use

Dear Sir:

Our office has had a complaint about the practice of snow making at the Pomerelle ski area by a downstream wateruser. One of our agents has contacted Woody Anderson of the ski facility and also Dale Hom with the USFS. From these contacts we understand that at times water is diverted from Bennett Spring for domestic/commercial use at the ski facility and for snow making.

I have searched our water right records and find that no water right clearly records a use for snow making. I have found SRBA claim A45-04114 in the name of the USFS for domestic purposes for the ski facility.

Please be aware that since 1963, to develop any use except domestic use as defined in §42-111, IDAHO CODE, from groundwater and since 1971, to develop any use from surface water, you are required first to obtain a water right permit. Since no right or permit exists in our records which clearly documents the snow making use, I request your cooperation in:

- identifying what water right covers your development if our records are not correct.

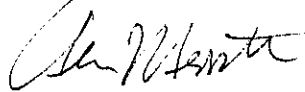
- do not start the diversion of water for snow making if you do not have a water right.

- &/or obtain a valid permit or water right for your development.

Please respond to our office within 14 days of the date of this letter as to the status of your project. Please also note that to divert water in Idaho without a valid water right is illegal pursuant to §42-351, IDAHO CODE and subject to civil penalties of up to \$100 per day.

If you have questions regarding this matter please feel free to contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Allen Merritt".

Allen Merritt, PE
Southern Region Manager

CC: Glen Saxton & Don Shaff - IDWR (State Office)
Randy Braemer - ADJUDICATION USFS
Woody Anderson - Pomerelle Ski Area
Earl Warthen

Earl L. Warkken
Box 145
Tata Lo, Tata Lo
83311

OCT 28 1996

Dear Mr. Merritt

Pommerelle Ski Area in the
ga last few years have been
engaged in artificial snow making.

This affecting stream flows of
District 45-F - The area is located
in T-13-S - R-24-E - Sec. 20 or 11 or more.
To the best of my knowledge
the area has no permitt for this
practice.

Acording to the Times News
dated Friday October 18, 1996
front Page They are actively making
artificial snow again.

over.

Would you please look into
this matter and return to me
by mail an acknowledgment
of the legality of this activity.

Your Prompt
Attention would
be appreciated.

Thank you

A handwritten signature in cursive script, appearing to read "Earl L. Warren". The signature is fluid and stylized, with a prominent loop at the end.

CERTIFIED

P 281 444 483

MAIL

A. L. Merritt
Box 145
P. O. Box, Idaho.

ATTN) Allen Merritt

Idaho Dept. Water Resources
222 Shoshone East

Twin Falls, Idaho

83311

UCI 23 1995



Greeting United State Forest Service
Attn = Zeke Zimmerman.

Below: My Public Comments to Proposed
Pomerelle Ski Area Master Plan by

RECEIVED

SEP 22 1997

Department of Water Resources
Southern Region

Earl H. Warkhen
Box 145
Albion, Idaho
83311

Presently I am a holder of consumptive and also nonconsumptive water rights of Water District 45-F Marsh. These rights dating back to 1881 or earlier. This district is taxed on the amounts of water that its users use in a season.

Present growth of Pomerelle Ski Area, and future growth will be having an effect on the water shed that this Water District depends on and its users. Most presently the flows of Howell Creek.

Listed below are impacts that I have witnessed, with that will effect water quality and quantity.

1. Presently the area has no sewage treatment facilities to treat waste from its users and employees. And if treated would leach in to the spring waters of Bennett springs that Water users of District 45-F Depend on and also that of which Pomerelle consumes for its own water supply.

2. Presently Contaminates around the existing shop and parking lot are a threat to water quality. With the fact in mind the area is built on a spring or water recharge area.

3. Presently the area is machine packing and grooming the slopes both winter and summer. This action drive frost deeper in to surface soil in the winter which effects the spring run off and the ability of ground water recharge. Summer grooming compacts soils, all the more resulting in the same effects that determine summer and fall soil holding ability.

4. As for the further development in the master plan I see only more of the same resulting in the degradation of the present watershed.

a. further constinction will disrupt forest growth along with surface and subsurface soils.

b. the adding of snow making equipment will effect ground water recharge, add more to flooding during thaws in the early fall, winter & spring. Along with the use of water for snow making, stock water users & nonconsumptive water rights will be effected, also consumptive uses.

5. Then last, but not least this area too Independence was given as Minidoka Bird Sanctuary. I believe that constant yearly use of these areas is having an effect on those populations, bringing about deterioration of forest & watershed. You can see this in the abundance of Pine Beetles that effect forest growth.

6. As I finish this, they say History repeats its self, it maybe! But remember the Term Typhoid Mary for you can see that in the past from grave markers of those that settled in the early 1870s:

Trusting your attention
in this matter:

Sincerely

E. L. W. H. H.

Other Copies Too:

Myself.

Terry Fletcher = US Forest Service

Fred Neitson = Natural Resources Conservation Service.

Jeff Bohr = Snake River Water Quality Project.

Director: Idaho Department Water Resources.

Don Gunderson = Water Master District 45-F Marsh.

Director of = Dept of Health and Human Services

RECEIVED BURLEY R.D.		
APR 15 '96		
DEF	TBR	
SSS	WLF	
RECP	REC	
RGE	RGE T.	
FMO	MIN	

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee

DATE

January 21, 1997 4:49pm

CUSTOMER

Warthem, Earl

SUBJECT: A45-04111, [REDACTED]

phone call (X) walk-in (.)

Wanted profile reports on the above claims. I sent the reports to him @: PO Box 145, Albion, ID. 83311



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 22, 1997

Earl Warthen
PO Box 145
Albion, ID 83311

RE: Pomerelle Ski Facility

Dear Mr. Warthen:

Based on your phone message requesting an update on the Pomerelle Ski facility and their water rights, please find enclosed copies of the correspondence regarding this matter since your initial complaint. Please review these copies and if you have questions please let me know.

At this date, to my knowledge, the department has not received any new application for permit to cover future development at the ski facility. If we ever do, the application should be advertised in the South Idaho Press.

Sincerely,

Allen Merritt, PE
Southern Region Manager



United States
Department of
Agriculture

Office of
General
Counsel

DEC 20 1996

December 13, 1996

Department of Agriculture
Office of General Counsel

Alan Merritt
Manager
Idaho Department of Water Resources
Southern Region
222 Shoshone Street, East
Twin Falls, Id 83301

Re: Pomerelle Ski Area Water Use

Dear Alan:

I am writing in response to your November 7, 1996, letter concerning potential illegal diversions on Forest Service land in the vicinity of Pomerelle Ski Area. As we discussed recently, the Forest Service has been assured that the water uses referred to in your letter have been discontinued. As a result, we do not believe any further action by the Department is necessary.

To the extent that any future water use beyond that evidenced by Snake River Basin Adjudication notice of claim no. 45-4114 is contemplated, we will be filing a permit application with the Department.

We appreciate your assistance and patience in this matter and look forward to working with you and your staff in the future.

Sincerely,



Randall J. Bramer

cc: Woody Andersen
Roger Ling, Esq.
Bill Levere

TO: Allen

DATE: October 29, 1996

FROM: Jim Stanton

SUBJECT: Complaint of Earl Warthen RE Pomerelle Ski Area

Per your request, I have investigated this situation. I talked to Dale Hom of the USFS, and Pomerelle owner Woody Anderson. Mr. Anderson told me that the USFS took care of their water filings. He also said that the resort gets its water from Bennett Spring. This water is pumped uphill into a 60,000-gallon tank. The spring provides water for culinary/commercial uses, including snow making. They make snow in October, November, and possibly December in order to cover a few bare spots or heavy-traffic areas. Natural snowfall takes care of their primary snow needs, and they do not open until it snows enough for safe skiing. They may empty their storage tank several times in the snow making process, which would involve less than 2 acre feet of water. Apparently Bennett Spring has a good flow of water, with the excess dumping into Howell Creek.

With this additional information, I again searched the database. This time I found Claim A45-04114. The USFS claimed 0.02 cfs from Bennett Spring for domestic use all year. This spring is shown on the USGS map as being in the NE/NE/NW Sec. 1 T. 13S R. 24E, but is claimed as a point of diversion in the NW/SW Sec. 1. The place of use is claimed in the same tract, and this is where the ski resort is located. Mr. Warthen's telephone inquiry and his written complaint talk about Sec. 2 & 11 T. 13S R. 24E. The ski lift is in all three sections, but all or most of the use is probably in Sec. 1. This is apparently not a Sun Valley-type system that goes all the way up the mountain.

Mr. Anderson is planning an expansion of his facility, and will be applying for a water permit once his plans are set. Roger Ling will be handling the paperwork. The address of the resort is PO Box 158, Albion, ID, 83311. Phone is 673-5599. Up until now, Mr. Anderson has relied upon the USFS to take care of the water rights, as that is what he was told to do. So if the proper filings were not made, it is probably their fault. A 1965 priority is claimed for this use, which would make it a legal use. Since the daily usage in all likelihood exceeds 2500 gallons, the use should be claimed as commercial instead of domestic. Once the SRBA claim is corrected, it appears that the resort can legally make a little snow (subject to SRBA findings, of course).

FROM: Allen Merritt *AM*

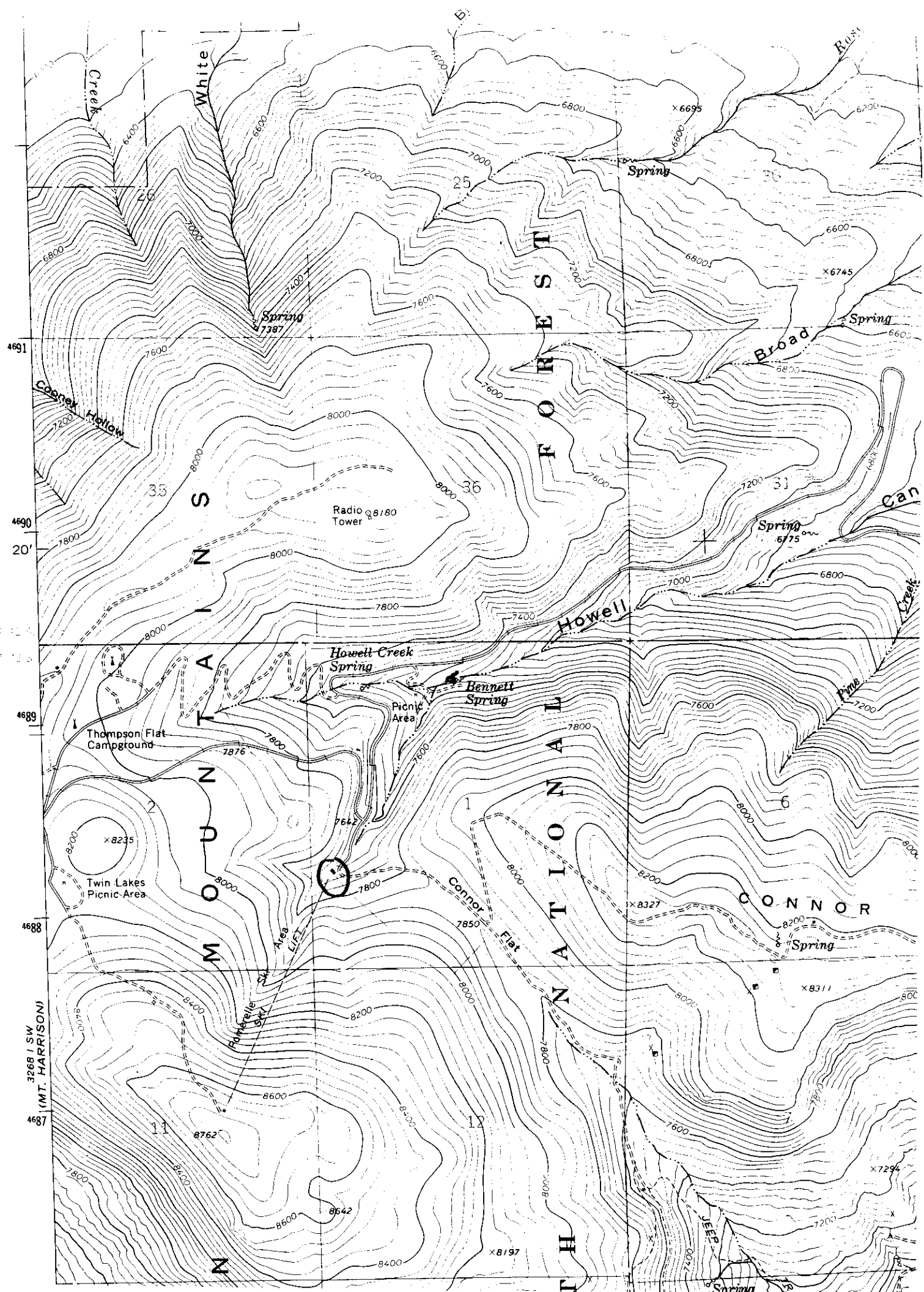
DATE: November 20, 1996

TO: Pomerelle Ski Area File

SUBJECT: Phone conversation with Randy Braemer (USFS ADJUDICATION)

Mr. Braemer phoned in response to my Nov 7 letter regarding the "Potential Illegal Water Use" at the Pomerelle Ski Area. He indicated that he has contacted the Forest District staff and the ski owner and advised them not to make anymore snow. He also indicated that he will be meeting with them in the next few weeks to develop an application for permit to cover the snow making &/or cover any future expansion of use at the facility or whatever filing is necessary.

In our discussion I told him my understanding of SRBA claim A45-04114 was vague and I asked if it was intended to cover snow making. He said it was not. He indicated it was his intentions to cover that use under a new permit.



AJ0723NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

10/29/96 11:17:35
Page 1

Forest Supervisor

Water Right Number - A65-04114

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** A - ATTORNEY ***
GHELETA, M OR D ZANE OR E GOULD

380 E Parkcenter
Suite 330
83706
State- ID Zip- 837240001

*** C - CURRENT OWNER ***
AMERICA ACTING THROUGH

UNITED STATES OF

1 - USDA FOREST SERVICE
2 - 324 25TH STREET
3 -
City- OGDEN
Phone - 801-625-5360
State- UT Zip- 844012394

*** K - ALSO KNOWN AS ***
US DEPT OF AGRICULTURE

1 - FOREST SERVICE
2 - 324 25TH STREET
3 -
City- OGDEN
Phone - 801-625-5360
State- UT Zip- 844012394

USFS

1 -
2 -
3 -
City- X
Phone -
State- UT Zip- 0

*** R - REPRESENTATIVE ***
BOYLE

GARY

1 - USDA FOREST SERVICE
2 - 324 25TH STREET
3 -
City- OGDEN
Phone - 801-625-5360
State- UT Zip- 844012394

+ - - Priority Date - - +
05/01/1965

+ - - - - Region - - - - +
17 SOUTHERN

+ - - - - Stage - - - - +
J - BENEFICIAL USE

+ - - - - Status - - - - +

+ - - - - Source - - - - - +
BENNETT SPRING

+ - - - - Tributary - - - - - +
SINKS

Turn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name
13S	24E	1	NW SW		(31)	CASSIA		

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
43 - DOMESTIC		01/01	12/31		0.020	

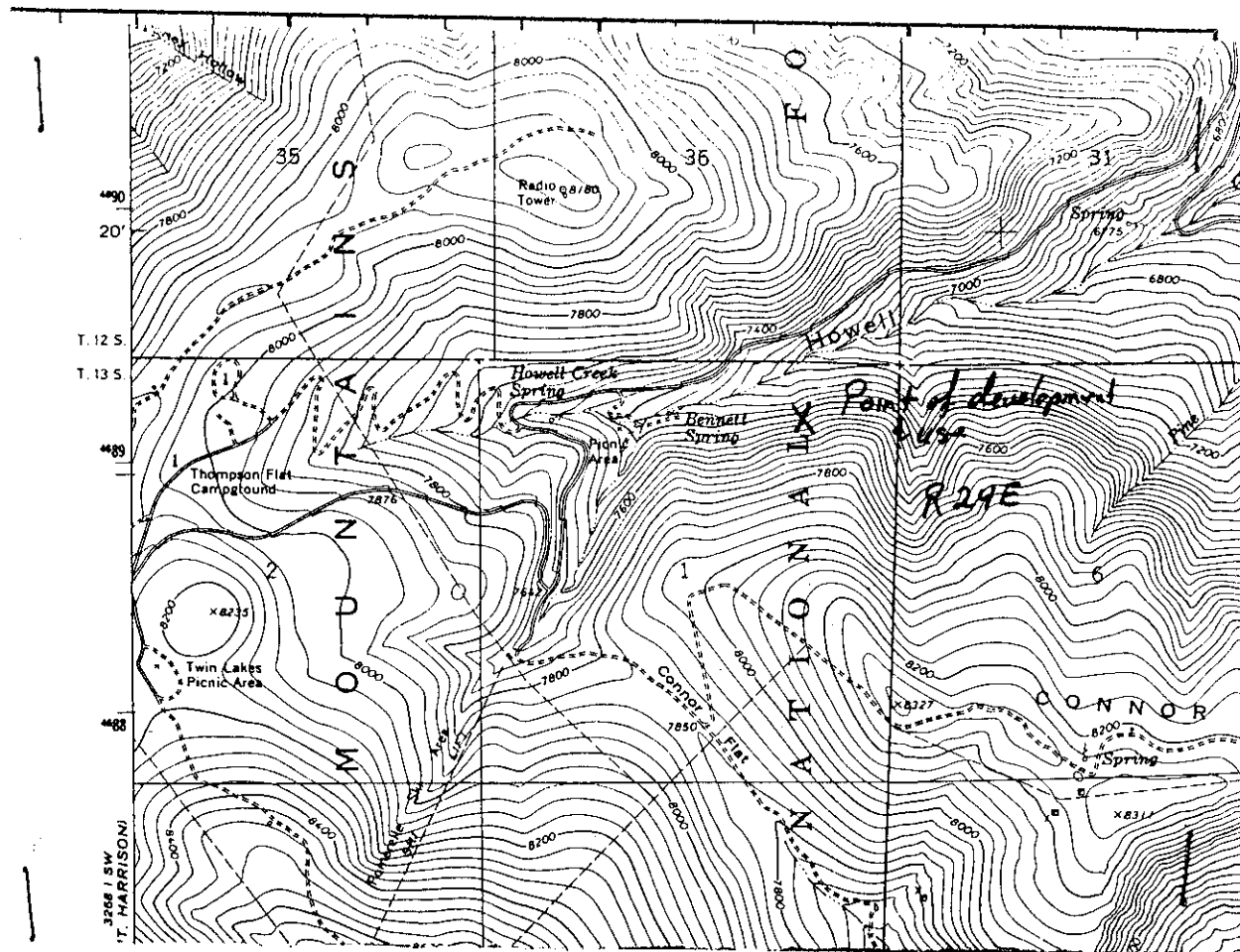
+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.020 0.0

Water right number - A45-04114

Prefix Translation: ADJUDICATION CLAIM

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
13S	24E	1	NW SW			43	DOMESTIC	(31) CASSIA
+ - - Diversion Means - Headbox								
+ - - Non-Irrigation Use -								
+ - - Other Rights for Same Use -								
+ - - Remarks -								
GEN FOREST SERVICE RECORD ID = 041417040209530013 00								
+ - - Old Water Right Numbers -								
No Old Water Right Numbers found.								
+ - - Conditions of Approval -								
No Conditions of Approval found.								
+ - - Decree Plaintiff - - - +								
+ - - Decree Defendant - - - +								
+ - - Decree Date - +								
00/00/0000								
+ - - Audit Fields - 04/23/94 AUCTR								
+ - - Comments -								
No Comments Found								
+ - - Adjudication Rights Dates and Flags Area -								
Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	-	39576		
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-			
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-			
Claim Received Date	- 03/25/1993	Last Amended Date	- 00/00/0000	Temporary Right	- P			
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-			
Licensed Date	- 00/00/0000	Receipt Number	- X111111	Federal/State Indicator	- S			
POU Ownership Flag - Y								
Name Connector -								
Notice of Error Flag -								

(7) If you are claiming water as a member of an organization, list name of organization: _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Utah)
County of Weber) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge. **United States of America, Forest Service**

Sworn to before me this 27 day of May, 19 80.

Jeff M. Sirmo
JEFF M. SIRMON (Claimant) Deputy Regional Forester, Resources

Colleen Saxton
Notary Public
Residing at Ogden, Utah

My commission expires 6/19/83

FOR DEPARTMENT USE ONLY

Received by marya Date 4/4/80 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by marya Date 6-16-80 claimant by: _____
\$20.00 fee received by marya Date 7-14-80 #16511
Published in Salt Lake Tribune
Dates 7/1 + 7/8/80