

12/19/2006

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

RIGHT NUMBER: 78-4142

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

SOURCE: NORTH BRUNDAGE SPRING

TRIBUTARY: THORN CREEK

QUANTITY: 0.020 CFS

Right Nos. 78-4142, 78-4143 and 78-10008 are limited to a total combined diversion rate of 0.04 cfs.

PRIORITY DATE: 11/23/1961

POINT OF DIVERSION:

T19N R02E S1 SWSE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

1/01 12/31

0.020 CFS

Domestic use is at Brundage Mountain Ski Area.

PLACE OF USE: DOMESTIC in ADAMS County

T19N R02E S12 NWNE

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: BASIS OF CLAIM - Beneficial Use

FOREST SERVICE RECORD ID = 0412 17060210 37 0401

Brundage Mountain History



Warren Brown, Jack Simplot, and Corey Engen

Reprinted with permission from the Star News. By Tom Grote

Ed. Note: This article was originally printed in November 1986.

People who know Jack Simplot know that he usually means what he says. That's why Corey Engen listened when Simplot told him McCall could use a new ski area.

The time was the late 1950s. Engen, a former member of the U.S. Olympic Ski Team, was teaching skiers at the Little Ski Hill, which was then the center of snow sports in McCall.

Simplot, head of the huge J.R. Simplot Co. in Boise, was a regular visitor to the Little Hill when he visited his home along Payette Lake in the winter.

"Jack came up to me and said, 'when are we going to get something bigger?' " Engen recalled. "He said, 'If you want to go up on the big mountain, I'll put up the money'".

Thus was the impetus that led to the building of Brundage Mountain Ski Area, which this year is celebrating 25 years in business as one of the West's best powder ski areas.

Engen knew that he could only pull off a feat as a new ski area with the help of his friend, Warren Brown, who then was the owner of the Brown Tie and Lumber Co. sawmill along Payette Lake.

Brown had been responsible for talking Engen into coming to McCall in 1938 to teach skiing to the town's children at the Little Ski Hill.

The natural choice in all of the Payette National Forest for the location for a new ski hill was Brundage Mountain, elevation 7,640 feet, the peak of which was visible across Payette Lake from McCall.

Engen said the mountain's characteristics lended itself well for a ski hill, and its closeness to existing logging roads that could be improved cinched the decision.

In the spring of 1961, Engen made several trips on foot to the top of Brundage Mountain, and looked down the hill to the northwest, the best angle to avoid harsh southern exposure to the sun.

Engen imagined in his mind the best routes for ski runs, and most importantly, the Riblet chairlift that would carry skiers to the peak.

"There was tremendous amounts of bushes and trees," he said. "I was trying to see if I could find a spot at the bottom while looking from the top, and I found a big, old white fir."

Next, he went to the McCall Smokejumper Base and borrowed one of the colorful parachutes used by smokejumpers.

He put the parachute in the fire tree so he could better see it from the top of the mountain and set the rough line along which the main chairlift now runs. Once the layout was plotted, the real work began with financial backing from Simplot and help in cutting bureaucratic red tape from Wally Lancaster, who was a ranger for the Payette Forest at the time.

That summer, men and equipment from the Brown's Tie and Lumber Co. left their usual duties and began clearing the slopes under the watchful eye of Engen and Johnny Boydstun [hill manager at the time].

"It was all tough," said Boydstun, now 67 and still in charge of making the machinery work. Besides clearing the runs, Boydstun recalled that something had to be done about the bottom land that was to serve as the area's parking lot.

"The parking lot was more or less a swamp," he said. "A creek went right through the middle of it, but we had lots and lots of slash for filling and leveling."

By the end of the summer, the Main Street and Alpine runs were completed. Also built was the original lodge, called the Triad Lodge, that was constructed by Warren's son, Frank.

The lodge has been expanded several times since then, and the original lodge is now the resort's kitchen facilities. Dale Carey still manages the kitchen, just as he did during Brundage's first year of operation.

The big fir tree that Engen first spotted was cut and the base of the first double chairlift was built.

A t-bar and rope tow were added and the area was ready to open for business in the fall of 1961. "By golly, we got it open for Thanksgiving," Boydstun said. "Governor Smylie was here and helped dedicate the thing. And it was a good snow year, too."

11-23-

Engen who managed Brundage Mountain from its opening until 1970, said the hill lacked the kind of modern grooming equipment taken for granted today.

"We had what were the beginnings of snow cats, but they'd just dig a hole in the snow and give up," he said. "We packed a lot of the slopes by foot. It was nothing but work in those early years."

The second chairlift was added in the mid-1970s and new runs have been added frequently since the beginning years, bringing the current total to 16 runs.

John Edwards managed the hill from 1970 through 1986 and Cliff Lee was named last summer as the Hill's third manager.

78-4142
78-4143

State of Utah
County of Weber

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing three (3) claims 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.

Carl J. Baird
(claimant)
(for) L. KENT MAYS, JR
Deputy Regional Forester, Resources

Sworn to before me this 17 day of June, 1981

Andrea Carlson
Notary Public

Residing at Willard (Box Elder County) Utah

My commission expires 2-20-1985.

MICROFILMED

RECEIVED
AUG 8 1981

Department of Water Resources
Western Regional Office

WATER RIGHTS CLAIMS
MCCALL DISTRICT

SOURCE	TRIBUTARY TO:	PRIORITY DATE	USE PERIOD FROM TO	MAX AMOUNT	USE	DIVERSION POINT	USE POINT	COUNTY
Rattle Snake Spg	Unnamed stream (trib. to French Cr.)	6/1/1960	1/1-12/31	.02 cfs	Stock	Sec 19 T24N R4E SWNW	Same	Idaho
Diversions: *033-004 Spring developed around 1960 with intake pipe leading to wooden log trough. In 1970 spring was improved with addition of metal trough. Located on Burgdorf stock driveway.								
78-4142 North Brundage Spg	Thorn Creek	8/11/1961	1/1-12/31	1.0 cfs	Dom	Sec 1 T19N R2E SWSE	Sec 12 T19N R2E NWNE	Idaho
Diversions: 037-001 Spring box w/400' of 1.5" pipe supplies water to Brundage Mountain Ski Lodge								
78-4143 South Brundage Spg	Thorn Creek	8/11/1961	1/1-12/31	1.0 cfs	Dom	Sec 12 T19N R2E NWNE	Same	Idaho
Diversions: 037-002 Spring box w/30' of 1.5" pipe supplies water to Brundage Mountain Ski Lodge.								

Deposited
March 1961

MICROFILMED

*Watershed Boundary Code (PWI) and Map Number

AJ0749NP
No. R78-04142

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 01/20/99
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 550 W FORT ST MSC 033 BOISE ID 83724	08/11/1961	DOMESTIC	01-01 12-31	0.02 CFS	
TOTAL DIVERSION:					0.02 CFS	

Water Source: NORTH BRUNDAGE SPRING

Tributary to: THORN CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T19N R02E S01

SWSE

ADAMS County

Place of use Legal Description for: DOMESTIC

				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	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:		
---	---	---	:	---	---	---	---	---	---	---	---	:	---	---	---	---	---	---	:	---	---	---	---	---	---	:	---	---	---	---	---	---	:		
19N	02E	1	:									:							:						:							:			
			:									:							:						:							:			

POU County: ADAMS

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: USE DOMESTIC USE AT BRUNDAGE MOUNTAIN SKI AREA.

EXP FOREST SERVICE RECORD ID = 0412 17060210 37 0401

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Audit: 01/20/99 CWALKER

*Hold for later report
Commercial use*

AJ5809NP
No. R78-04142

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/01/98
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 550 W FORT ST MSC 033 BOISE ID 83724	08/11/1961	DOMESTIC	01-01 12-31	0.02 CFS	
TOTAL DIVERSION:					0.02 CFS	

Water Source: NORTH BRUNDAGE SPRING

Tributary to: THORN CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T19N R02E S01 SWSE

ADAMS County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
19N	02E	1	:															:

POU County: ADAMS

Non-Irrigation Uses: 0 Del

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A78-04142 A78-10008 A78-11582 A78-11943

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP FOREST SERVICE RECORD ID = 0412 17060210 37 0401

Dates: Exam Made Date:

Verified Date:

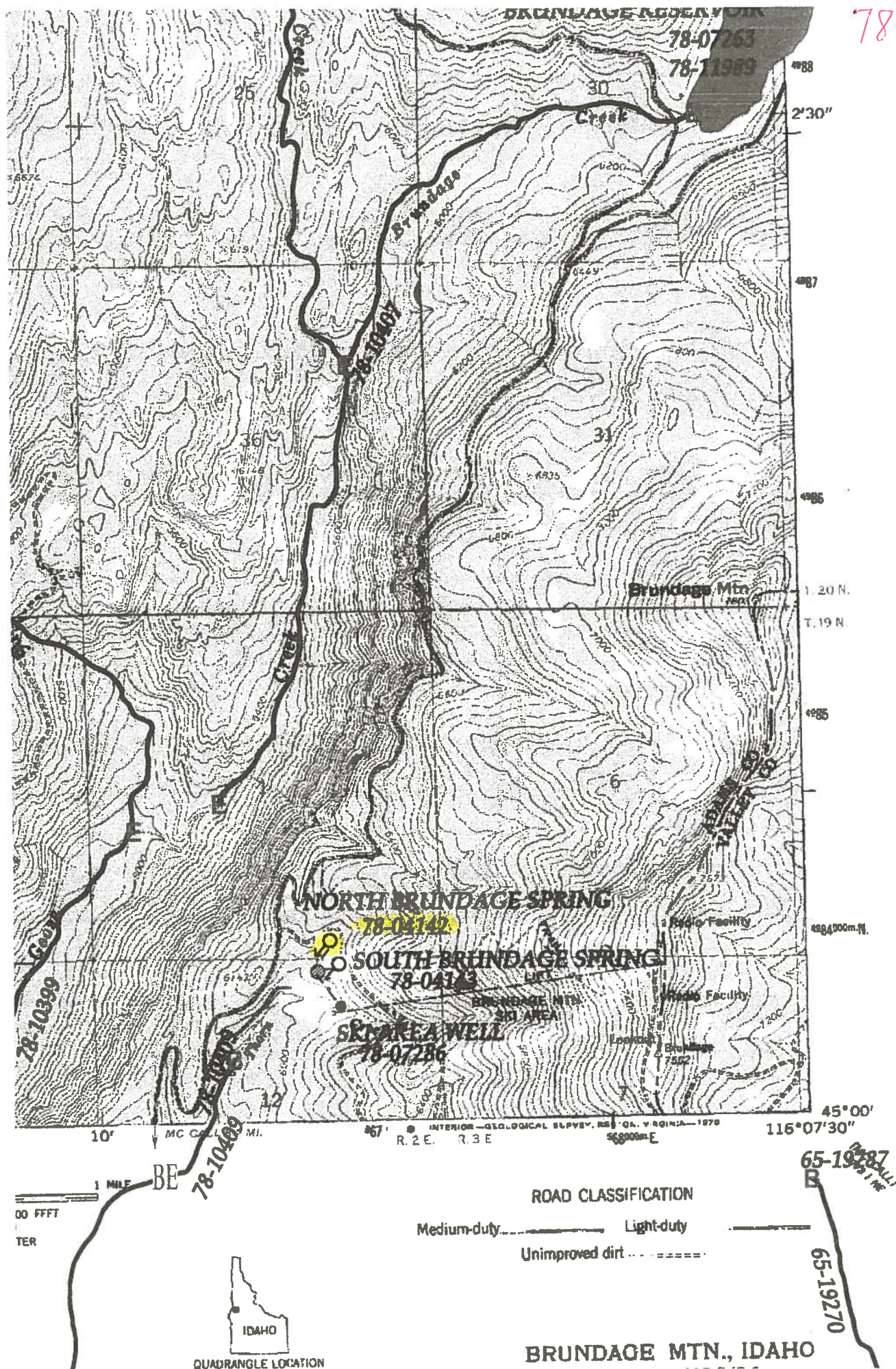
Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Audit: 11/18/98 AJCTR 12/01/98 AJU3-JSH

78-04142



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

RECEIVED
OCT 01 1998
CIVIL CASE NUMBER: 39576
Ident. Number: 78-04142
Department of Water Resources

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: 08/11/1961
3. Source of water: NORTH BRUNDAGE SPRING Tributary: THORN CREEK
4. Location Meridian BOISE
Description of Diversion Works: Headbox From: Spring
Location of Point of Diversion
T: 19 N R: 02 E S: 1 SWSE
Location of Point of Use
T: 19 N R: 02 E S: 1 SWSE
5. Quantity claimed Period Quantity For
1 / 01 -- 12 / 31 0.02 CFS Domestic
6. Total Consumptive Use Claimed for Present and Future Use is:
0.02 CFS
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: 78
National Forest: Payette
Forest Service Record ID: 04 12 17060210 37 0 0401
BRUNDAGE MOUNTIAN SKI AREA.
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

Bruce Bernard
U.S. Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, Box 33
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.

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: A78-04142

Date received: _____

Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: UNITED STATES OF AMERICA (USDA-Forest Service)
Address: 324 25th Street Phone (801) 625-5360
Ogden, Utah 84401

2. Date of Priority: 08/11/1961

3. Source: N BRUNDAGE SPG Trib. to: THORN CR

4. Point of Diversion:

Township	Range	Section	Tract	Lot	County
19 N	2 E	01	SWSE		ADAMS

5. Description of diverting works: HEADBOX

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.	(or)	Elevation/ Well Depth
DOMESTIC	Jan.1	Dec.31	0.02		0.00		0

7. Total Quantity Appropriated is: 0.02 C.F.S. / 0.00 A.F.A.

8. Total consumptive use is: de minimus

9. Non-irrigation uses: OTHER Livestock Numbers: 0

10. Place of Use:

Township	Range	Section	Tract	Lot	County
19 N	2 E	01	SWSE		ADAMS

Purpose of use: DOMESTIC Acres Irrigated:

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used: NONE

14. Remarks: Quad No. 327-3

N BRUNDAGE SPG

APPLICATION DATE: 08/11/1961

15. Basis of Claim: BENEFICIAL USE/APPLICATION

Reference Information:

National Forest: PAYETTE

Forest Service Record ID: 04 12 17060210 37 0 0401 0

IDWR Water State Filing No.: 78-04142

Allotment No.:

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:

Jack Haugrud
Geoffrey Garver
Daria J. Zane
U.S. Department of Justice
Environment and Natural Resources Division
General Litigation Section
P.O. Box 663
Washington, D.C. 20044-0663
202-272-4134

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.