

12/19/2006

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

RIGHT NUMBER: 78-10008

NAME AND ADDRESS: BRUNDAGE MOUNTAIN CORP
PO BOX 1062
MC CALL ID 83638

SOURCE: NORTH BRUNDAGE SPRING TRIBUTARY: THORN CREEK
 SOUTH BRUNDAGE SPRING TRIBUTARY: THORN CREEK

QUANTITY: 0.040 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
T19N R02E S12 NWNE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	01/01 12/31	0.040 CFS
DOMESTIC	01/01 12/31	0.040 CFS

Commercial and domestic use is at the Brundage Mountain Ski Area.

PLACE OF USE: COMMERCIAL in ADAMS County

T19N R02E S12 NWNE

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

This right was renumbered from former right 78-4270.

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 than 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 Boydston [hill manager at the time].

"It was all tough," said Boydston, now 67 and still in charge of making the machinery work. Besides clearing the runs, Boydston 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," Boydston said. "Governor Smylie was here and helped dedicate the thing. And it was a good snow year, too."

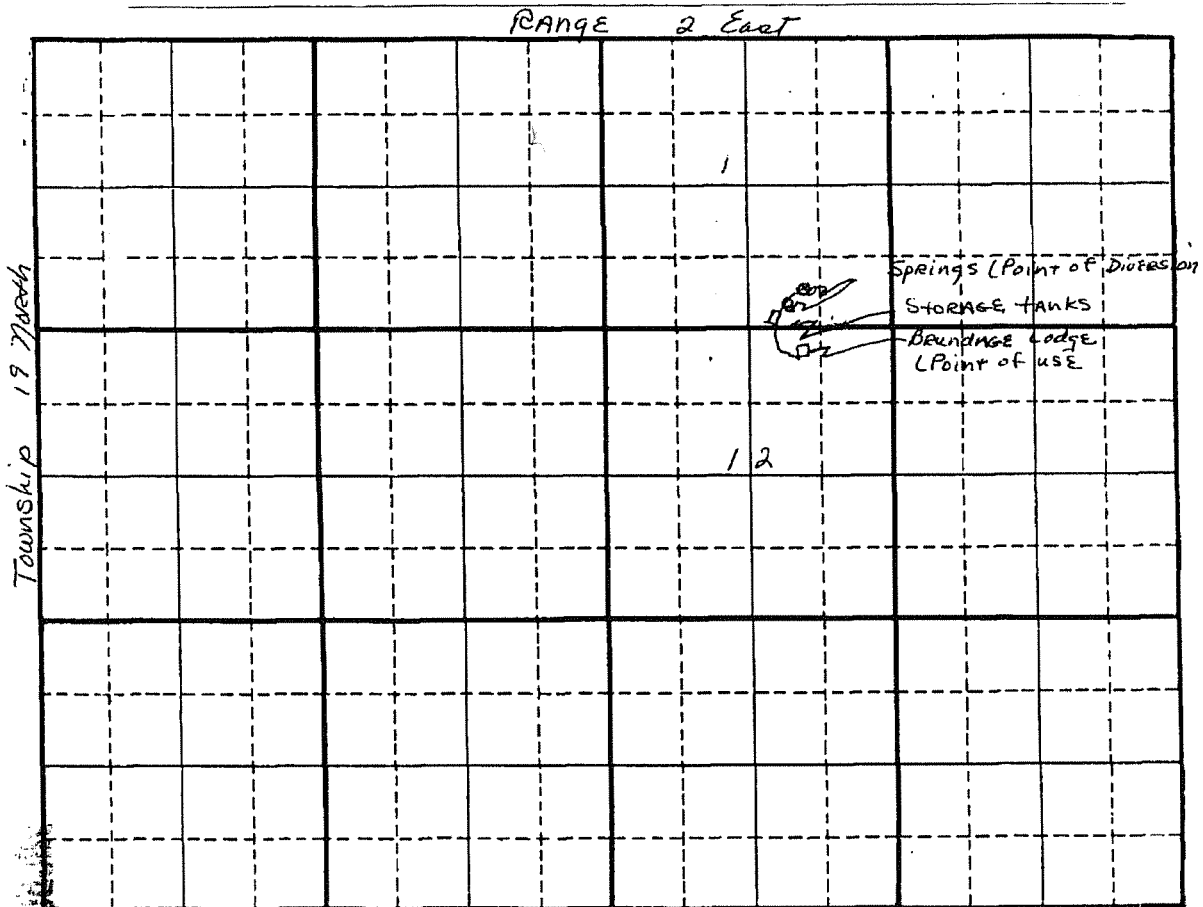
Engen who managed Brundage Mountain from its opening until 1970, said the hill lacked the kind of modern grooming equipment taken for granted today.

"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.

(8) Remarks _____



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 Idaho)
County of Valley) 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.

Sworn to before me this 24 day of May

[Signature]
(Claimant)
19 83.
[Signature]
Notary Public
Residing at McLean, Idaho

My commission expires Life Term

FOR DEPARTMENT USE ONLY

Received by <u>SEC</u>	Date <u>5/26/83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>URS</u>	Date <u>6/2/83</u>		claimant by:	
\$30.00 fee received by <u>JP</u>	Date <u>5/27/83</u>	#28899		
Published in <u>Adams County Leader</u>				
Dates <u>6/30 & 7/1/83</u>				

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: A78-10008
Date Received: 4/18/1988
Receipt No: W000113

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BRUNDAGE MOUNTAIN CORP. 208-634-4151
Address: P.O. BOX 1062
McCALL, ID 83638

2. Date of Priority: APR 01, 1960

3. Source: SPRING Trib. to: THORN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
19N	02E	1	SE	SW	SE		ADAMS

5. Description of diverting works:
5 STORAGE TANKS AND APPROX. 1000' OF PIPE TO USE AREA.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.130		
COMMERCIAL	01/01	12/31	0.130		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 & DRINKING/SANITATION (LODGE), COMM., 2000 PEOPLE/DY. & MISC.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
19N	02E	12	NW	NE		COMMER DOMEST	

11. Place of use in counties: ADAMS

A78-10008

Page 1

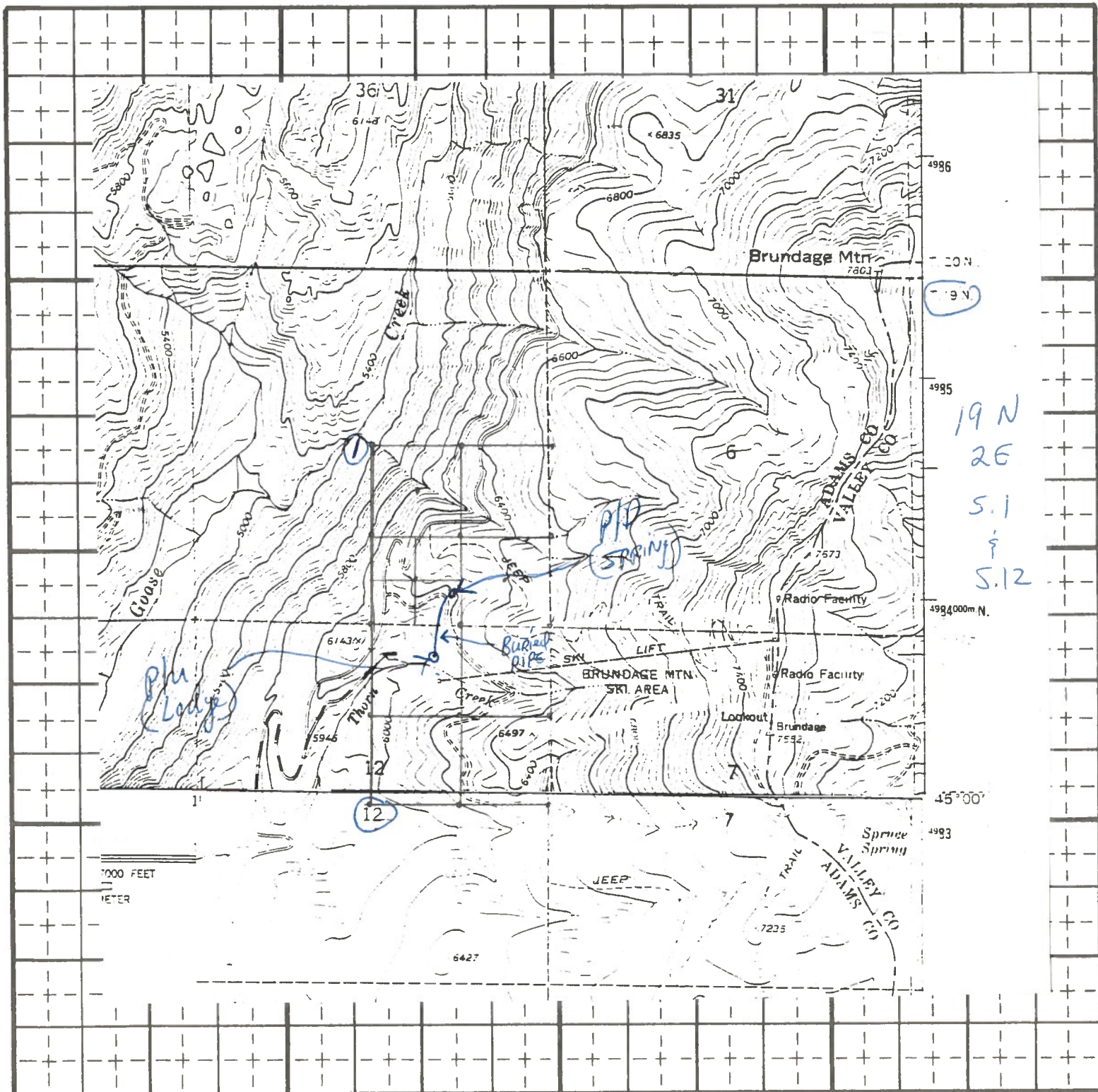
Date: 05/03/88

MICROFILMED

OCT 05 1992

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 Brundage Mountain Corp. Ident No. A78-10008

MICROFILMED
Copies: White-State, Yellow-Claimant
OCT 05 1992

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:
PROPERTY USED THROUGH USDA SPECIAL USE PERMIT. PRIORITY DATE IS
ESTIMATE OF MO. & DAY; EST. 20 GL/DY/PERSON FOR AFA.

15. Basis of Claim: BENEFICIAL USE
Water Right Number: 784270

16. Signature(s) *See attached pgs.*

(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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

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

Signature of Authorized Agent

Title and Organization

Date

See attached pg.

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 78-4270
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 ☒
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) [Signature] Date 4/19/88
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am GENERAL MANAGER
Title _____

of BRUNDAGE MOUNTAIN CORP. that I have signed the foregoing
Organization _____
document in the space below as _____ of _____
Title _____ Organization _____

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

Signature of Authorized Agent [Signature] SEE ABOVE
Title and Organization _____ Date _____

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 18th day of April 19 88

SEAL

Notary Public Nancy M. Lerdgen
Residing at Boise

My Commission Expires 1-19-1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name Brundage Mountain Ident. Number A78-10008
Corp.

MICROFILMED
Copies White-State, Yellow-Claimant
OCT 05 1992

*Note A is primary
to give mo/dog.*

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: A78-10008
Date Received: 4/18/1988
Receipt No: W000113

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BRUNDAGE MOUNTAIN CORP. 208-634-4151
Address: P.O. BOX 1062
McCALL, ID 83638

2. Date of Priority: APR 01, 1960

3. Source: SPRING Trib. to: THORN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
19N	02E	1	SE	SW	SE		ADAMS

5. Description of diverting works:
5 STORAGE TANKS AND APPROX. 1000' OF PIPE TO USE AREA.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.130		
COMMERCIAL	01/01	12/31	0.130		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 & DRINKING/SANITATION (LODGE), COMM., 2000 PEOPLE/DY. & MISC.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
19N	02E	12	NW	NE		COMMER DOMEST	

11. Place of use in counties: ADAMS

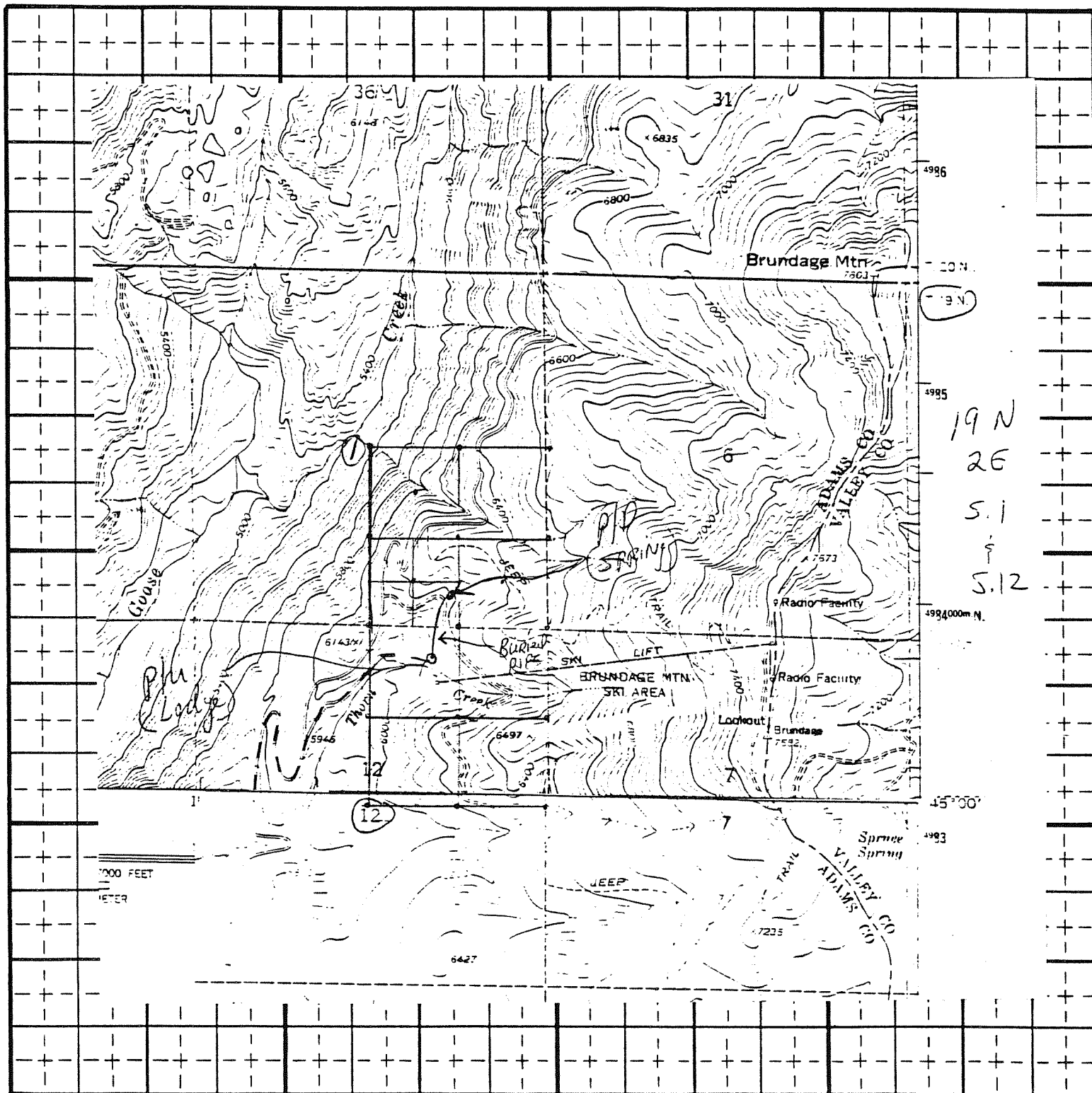
A78-10008

Page 1

Date: 05/03/88

MICROFILMED
OCT 05 1992

Scale: 2 inches equals 1 mile



Brundage Mountain
Corp.

A78-10008

MICROFILMED
Copies: White-State, Yellow-Claimant
OCT 05 1992

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

NONE

14. Remarks:

PROPERTY USED THROUGH USDA SPECIAL USE PERMIT. PRIORITY DATE IS
ESTIMATE OF MO. & DAY; EST. 20 GL/DY/PERSON FOR AFA.

15. Basis of Claim: BENEFICIAL USE

Water Right Number: 784270

16. Signature(s) *See attached pgs.*

(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 wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Organizations:

I do solemnly swear or affirm that I am _____ of _____
Title

_____, that I have signed the foregoing
Organization
document in the space below as _____ of _____

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

Signature of Authorized Agent

Title and Organization

Date _____

See attached pg.

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 78-4270

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 ☒ 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) [Signature] Date 4/18/88

Date _____

For Organizations: I do solemnly swear or affirm that I am GENERAL MANAGER Title

of BRUNDAGE MOUNTAIN CORP. Organization, that I have signed the foregoing

document in the space below as _____ of _____ Title Organization

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

Signature of Authorized Agent [Signature] SEE ABOVE

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 18th day of April 19 88

SEAL

Notary Public Nancy M. Lindgren

Residing at Boise

My Commission Expires 1-19-1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name Brundage Mountain Corp. Ident. Number A78-10008

MICROFILMED
Copies White-State, Yellow-Claimant

OCT 05 1992

A78-10008

Refer to file 78-07286 for
info about north & south springs & plu.
maps & photographs in permit file will be
helpful.

Need to determine rate of flow through
1 1/2" pipe from springs to lodge.

SL
1/6/92

note

Adj # A78-10008

but original WR-78-4270.

Should have used

Adj # A78-04270.

may need to change this &
receipt? Doug & Don are

checking on this SL
5/10/88

MICROFILMED

OCT 05 1992