



State of Idaho

DEPARTMENT OF WATER RESOURCES

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PHILIP E. BATT
GOVERNOR

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January 5, 1998

Sawtooth National Forest
Attention: Mr. Ed Waldapfel
2647 Kimberly Road East
Twin Falls, ID. 83301

RE: Proposed Application for Transfer (A45-04114)

Dear Mr. Waldapfel,

Enclosed is the receipt for the application for transfer fee. The application for transfer will be processed and we will proceed with the advertisement, however, I would like to point out a concern.

Initially in October 1996, there was a complaint filed with our office that the Pomerelle ski area was illegally using water for the practice of snow making. Research of our records showed the claim, A45-04114, was for domestic purposes for the ski facility.

On August 21, 1997, Allen Merritt and Doug Jones had an informal meeting with Forest Service representatives. The discussion was about the different options regarding the snow making issue. Some of the options discussed were:

1. Obtaining an existing valid permit or water right for the development.
2. Filing an application for a new water right with proof of non-consumptive use.

In October of 1997, the SRBA claim was amended. The domestic use with a rate of 0.02 cfs was changed to commercial use with a rate of 0.06 cfs.

The application for transfer proposes to add a use for snow making. My concern is that the additional use can be construed as an expansion of an existing right, which would be possible grounds for denial of the application for transfer. Eventually evidence will need to be submitted in order to substantiate that this is not an enlargement.

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

Cordially,

A handwritten signature in black ink that reads "Georgia Satterlee". The signature is written in a cursive, flowing style.

Georgia Satterlee
Water Resource Agent

T #5194