



SOUTHERN REGION
222 SHOSHONE AVE
TWIN FALLS, ID 83301
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GOVERNOR

KARL J DREHER
DIRECTOR

November 7, 1996

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.

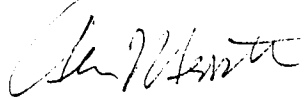
- &/or obtain a valid permit or water right for your development.

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.

T# 5194

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