

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 purposes:

(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 _____ License _____ Permit _____
Decree _____
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. Llane

Date 10/23/97

Date _____

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

Title

of Sawtooth National Forest

Organization

, that I have signed the foregoing

document in the space below as Forest Supervisor

Title

of Sawtooth National Forest

Organization

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

Signature of Authorized Agent William P. Llane

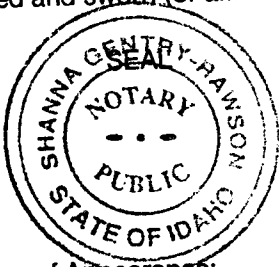
Title and Organization

Forest Supervisor-Sawtooth National Forest

Date 10/22/97

State of Idaho/or Idaho)
County of John Day) SS.

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



Notary Public: Shanna Gentry-Hawson

Residing at John Day 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 Randall

Address 380 E. Parkcenter, Suite 330, Boise, ID 83706

(208) 387-0835

Date 10/27/97

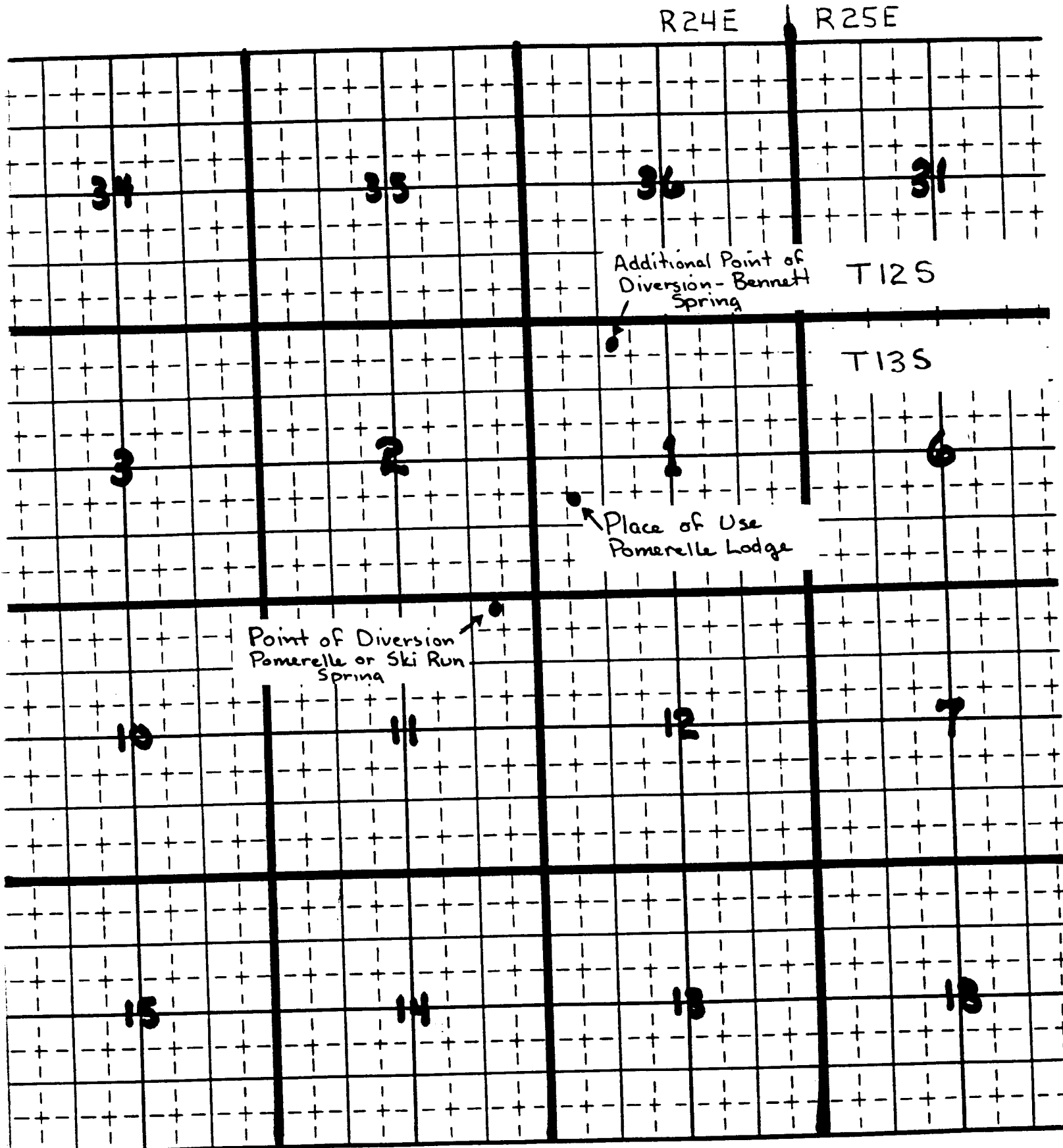
Last Name USFS

Ident. Number 45-0414

Copies White-State, Yellow-Claimant

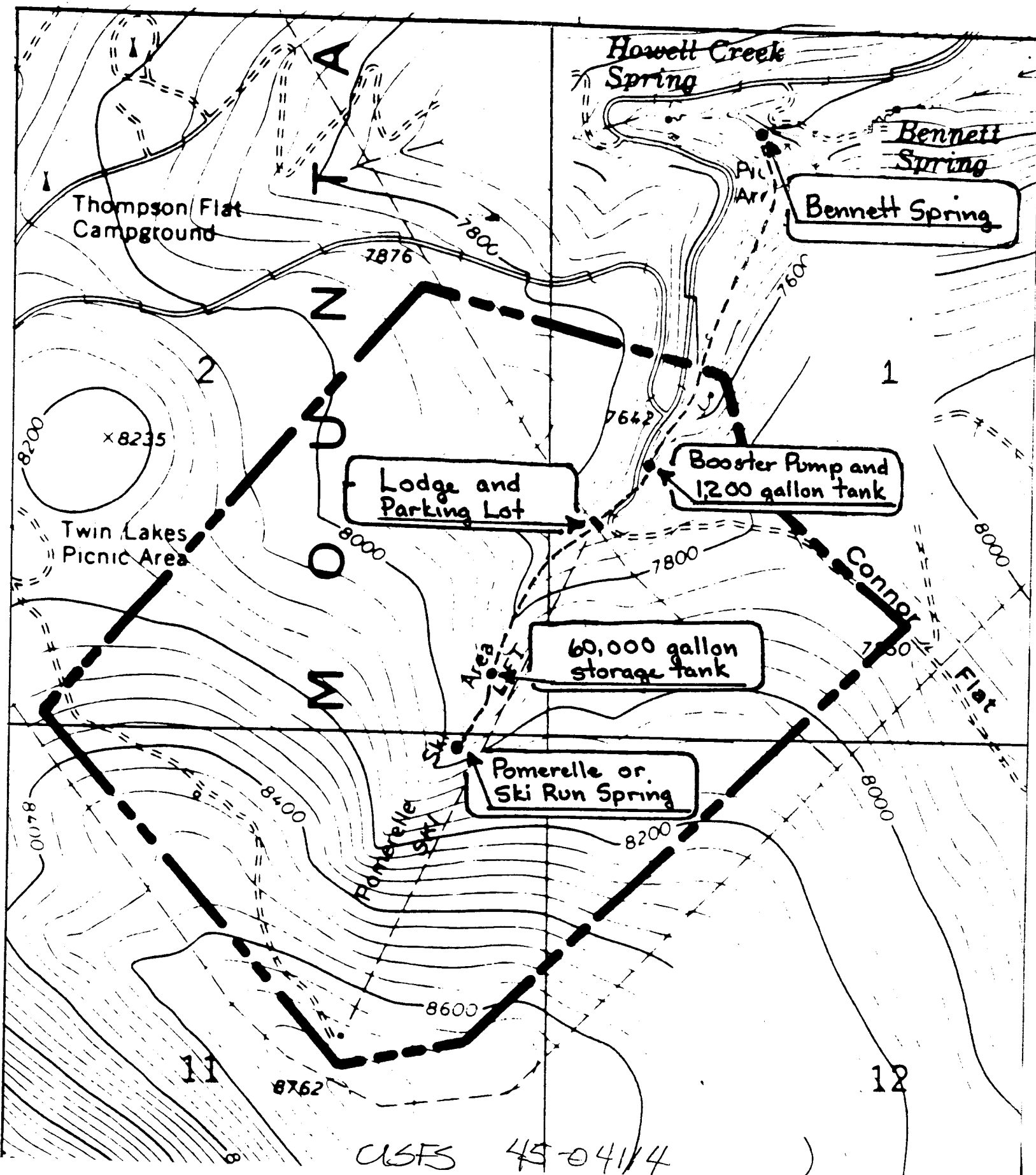
Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



POMERELLE SKI AREA

45-04114



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