



Idaho Dept. of Water Res.
PO Box 83720
Boise, ID 83720-0098
rulesinfo@idwr.idaho.gov

Re: Negotiated Rulemaking, Beneficial Use Examination Rules

May 15, 2024

Dear IDWR Rules Review Officer:

Please accept this comment letter on behalf of the Idaho Ski Areas Association (“ISAA”) in support of inclusion of “commercial snowmaking” into the *Beneficial Use Examination Rules*, IDAPA 37.03.02 (“BU Rules”). The ISAA is a non-profit organization representing 19 different alpine winter and summer resorts/recreation areas located throughout Idaho.

ISAA members rely on mother nature to provide a winter recreation season for their patrons. When winter snow is late in coming, or is inconsistent through the season, some Idaho ski areas turn to snowmaking to enhance coverage on runs, with other Idaho ski areas contemplating new or additional snowmaking systems.

Because of the vagaries of the climate, the traditional five-year beneficial use standard makes it difficult for Idaho’s ski areas to realize in licensing the maximum amount of water that a ski area should be entitled to in drought conditions. Incorporating the fifty-year lookback standard specifically for snowmaking – which was already present in the BU Rules for heating and cooling systems – is consistent with how IDWR has reviewed licensing for snowmaking water rights owned ISAA members Bogus Basin Recreation Association and Sun Valley Company. With the fifty-year lookback standard already used by IDWR as a matter of policy, it therefore makes sense and is supportable to include the policy in the BU Rules.

If you have any questions regarding ISAA’s position in this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Brad Wilson".

Brad Wilson
President, ISAA

c.c. Chris M. Bromley, McHugh Bromley PLLC