



U.S. Forest Service

WATER RIGHTS CLAUSES USED IN SKI AREA PERMITS



Pre-1982

“This permit confers no rights upon the permittee to the use of the water involved; such rights must be obtained under State law.” (National clause)

1982

“All water rights obtained by the permittee for use on the area must be acquired in the name of the United States.” (Colorado/Wyoming, Clause R2-X88)

1989

“This authorization confers no right to the use of water by the Holder; such rights must be obtained under State law. All water rights acquired by the Holder during the term of this authorization which involve diversion of water from National Forest System lands, to the extent the same are applied to beneficial uses on National Forest System lands, shall be acquired in the name of or transferred to the United States. Such transactions are subject to the Holder’s right of use.” (Colorado/Wyoming, Clause R2-X3)

1996

“All water rights acquired by the Holder during the term of this authorization which involve diversion of water from National Forest System lands, to the extent the same are applied to beneficial uses on National Forest System lands, be acquired in the name of or transferred to the United States. Such transactions are subject to the Holder’s right of use.” (Colorado/Wyoming, R2-X-3B)

1997

“All water rights obtained by the holder for use on the area authorized must be acquired in the name of the United States.” (National clause, X-99)

2003

“All water rights acquired by the Holder during the term of this authorization which involve diversion of water from National Forest System lands, to the extent the same are applied to beneficial uses on National Forest System lands, shall be acquired in the name of or transferred to the United States. Such transactions are subject to the Holder's right of use.” (Arizona/New Mexico, clause R3-X-99)

2004

“This permit does not confer any water rights on the holder. Water rights must be acquired by the holder under state law. After June 2004, any right to divert water from the permitted NFS land where the use of such water is on the same permitted NFS land shall be applied for and held in the name of the United States and the holder (hereinafter called the “joint water rights”). This provision shall not apply to water rights that are acquired by the permit holder from a source off of the permitted NFS land and transferred to a point of diversion or storage on the permitted NFS land. During the term of the permit and any reissuance thereafter, the permit holder shall be responsible for maintaining such joint water rights, and shall have the right to make any applications or other filings as may be necessary to maintain and protect such joint water rights. In the event of revocation of this permit, the United States shall succeed to the sole ownership of such joint water rights. All joint water rights subject to this clause are listed below...” (National clause embedded in the standard ski area permit form)