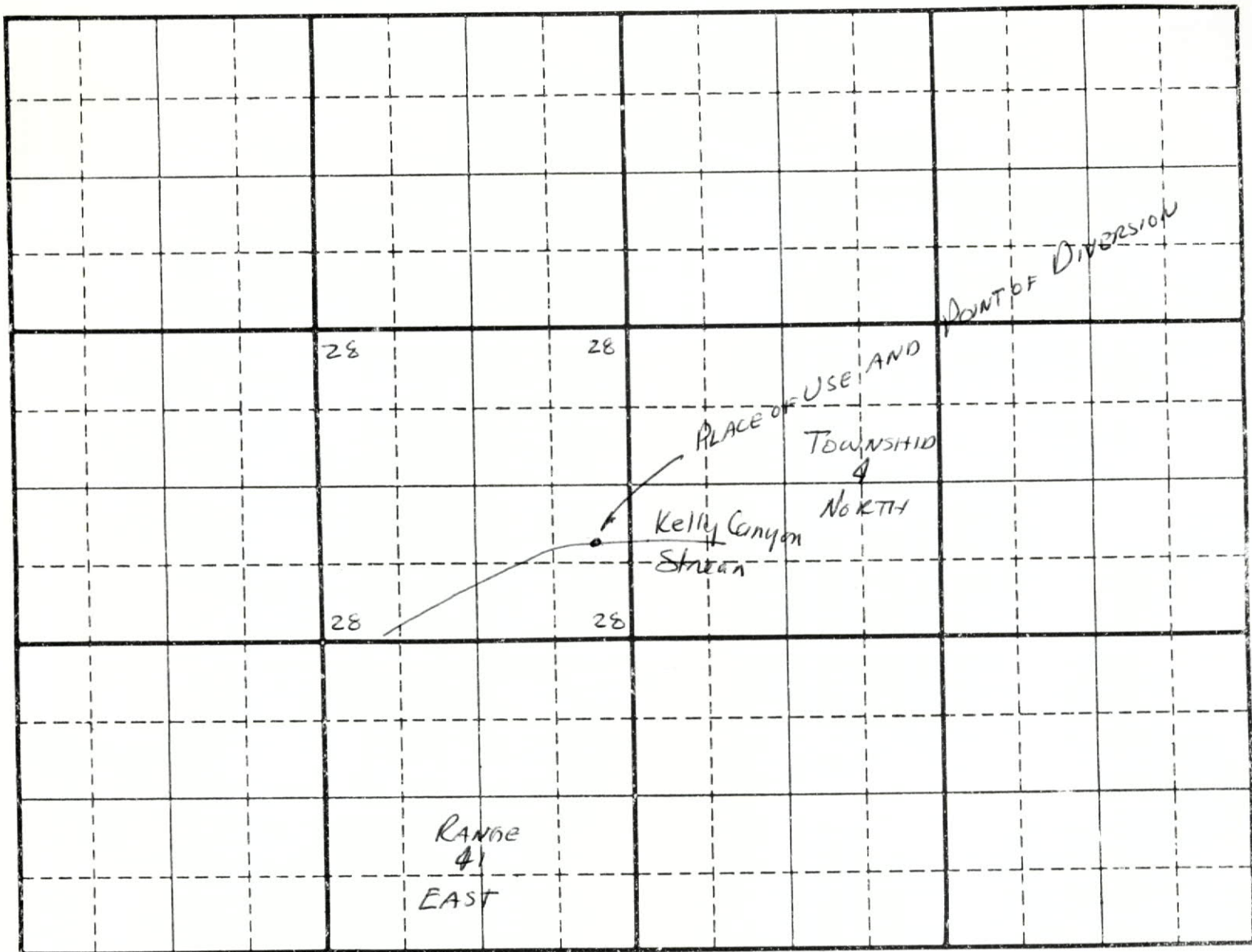


(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 20th day of July

Bob Ninkle Sec. Treas.
(Claimant)

Colleen Gray
Notary Public
Residing at Idaho Falls, Id.

My commission expires 6/15/85

FOR DEPARTMENT USE ONLY

Received by SM Date 7/24/82 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by KCW Date 7/20/82 claimant by: _____
\$30.00 fee received by BP Date 7-20-82 #22397
Published in Rigby Star Dawn S. Blakely _____ CW _____ 8/19/82
Dates 7-29 & 8-5-82

THE JEFFERSON STAR
RIGBY, IDAHO

AFFIDAVIT OF
PUBLICATION

STATE OF IDAHO }
County of Jefferson } ss

I, Bruce Porter

being first duly sworn, depose and say, that I am
the printer of THE JEFFERSON STAR, a weekly
newspaper printed and published weekly at
Rigby, Jefferson County, Idaho, and I do
solemnly swear that the

Notice Of Claims To Water Rights

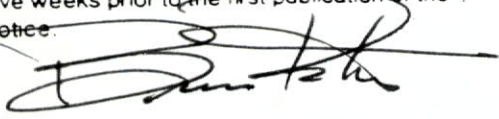
a copy of which notice appears attached here-
to, was published in the regular and entire issue
of said newspaper, and not in any

supplement issue thereof for Two
consecutive issues, the first publication hav-

ing been made on July 29, 1982
and the last publication having been made

on Aug. 5, 1982

Further, that said newspaper is one of general
circulation in said county, that it is a legal
newspaper, conforming to legal specifications
under the Idaho Statutes, that it has at least two
hundred bona fide subscribers living within the
county of publication, and that it has been
continuously and uninterruptedly published in said
county during a period of seventy-eight con-
secutive weeks prior to the first publication of the
said notice.



~

Subscribed to and sworn to before me

this Aug. 6, 1982

Jeri Garner
Notary Public.

(SEAL)

Life.

My commission expires _____

RECEIVED

AUG 13 1982

Department of Water Resources
Eastern District Office

NOTICE OF CLAIMS
TO WATER RIGHTS

Notice is hereby given that the following
claim(s) to water right(s) have been
established by diversion and application to
beneficial use:

23-4040

KELLY CANYON SKI AREA INC. RT. 9.

BOX 155, IDAHO FALLS, ID 83401.

Source: KELLY CANYON STREAM
tributary to Snake River.

Priority Date: 06/01/1959.

Amount: 0.22 CFS.

Diversion Point: NESE Sec 28 T 04N R
41E, JEFFERSON Co.

Use: IRRIGATION (0.22 CFS) from 04/01
to 11/01 STOCKWATER (0.06 CFS) from
05/01 to 11/01.

Place to Use: NESE Sec 28 T 04N R 41e
FOR 3 ACRES.

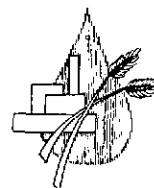
Diversion Means: PUMP & SPRINKLER
SYSTEM.

Any exception to any claim of water right
may be filed with the Director of the Idaho
Department of Water Resources, 150 Shoup
Ave., Idaho Falls, Idaho 83402.

A. KENNETH DUNN
Director

Publ. July 29 and August 5, 1982RS.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Kelly Canyon Ski Area, Inc.

(Name of Claimant)

Rt. 9, Box 155, Idaho Falls, ID 83401

(Mailing Address)

Telephone No. 529-2538

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) June 1, 1959

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Kelly Canyon Stream tributary to Snake River

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity .22cfs	Use Irrigation	Period of Use From 4-1	To 11-1
Quantity .06cfs	Use Stockwater	Period of Use From 5-1	To 11-1
Quantity	Use	Period of Use From	To
Quantity	Use	Period of Use From	To
Quantity	Use	Period of Use From	To

- (4) .22cfs TOTAL QUANTITY USED.

(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 SE 1/4, Sec. 28 Twp. 4N Rge. 41E B.M., County of Jefferson

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Pump from channel to a sprinkler system

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
4N	41E	28			3										(3)				3

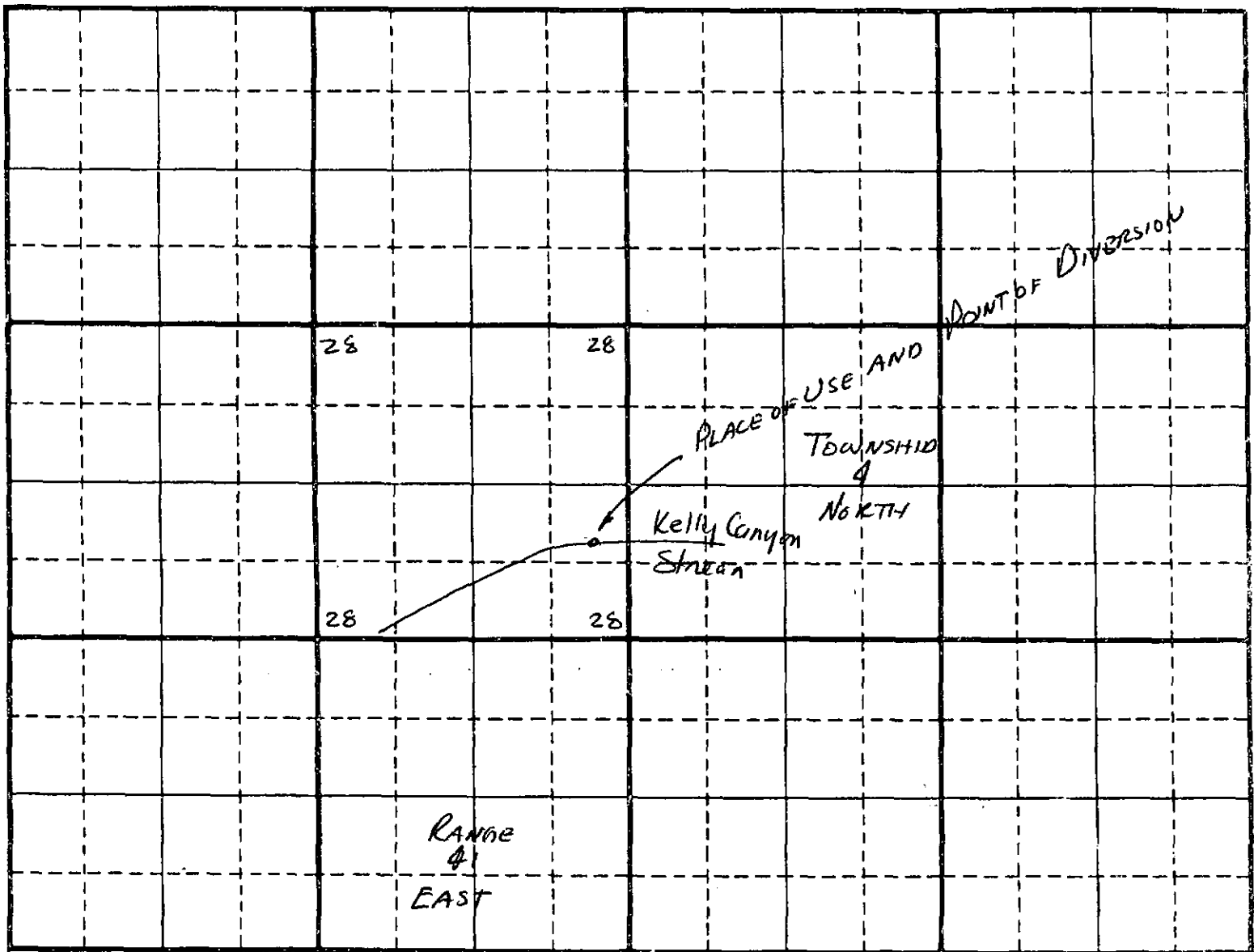
No. of acres 3

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered: 150 head cattle

- (7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks _____

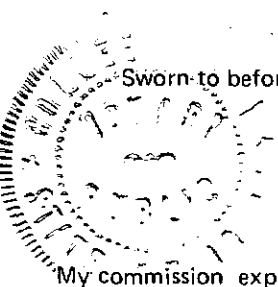


Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.



Sworn to before me this 20th day of July, 1982

Bob Nierkle Sec-Treas.
(Claimant)

Colleen Wray
Notary Public
Residing at Idaho Falls, Id.

My commission expires 6/15/85

FOR DEPARTMENT USE ONLY

Received by SM Date 7/24/82 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by KCW Date 7/20/82 claimant by: _____
\$30.00 fee received by BP Date 7-20-82 #22397
Published in Bigby Star Dawn S. Blakely CW 8/19/82
Dates 7-29 & 8-5-82

THE JEFFERSON STAR

RIGBY, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Jefferson } ss

Bruce Porter

being first duly sworn, depose and say, that I am the printer of THE JEFFERSON STAR, a weekly newspaper printed and published weekly at Rigby, Jefferson County, Idaho; and I do solemnly swear that the

X Notice Of Claims To Water Rights

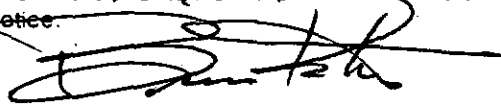
a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any

supplement issue thereof for Two consecutive issues, the first publication having

ing been made on July 29, 1982 and the last publication having been made

on Aug. 5, 1982

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of the said notice.



~~~~~

Subscribed to and sworn to before me  
this Aug. 6, 1982

[Signature]  
Notary Public.

(SEAL) Life.  
My commission expires -

RECEIVED

AUG 18 1982

Department of Water Resources  
Eastern District Office

### NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

23-4040

KELLY CANYON SKI AREA INC. RT. 9.

BOX 155, IDAHO FALLS, ID 83401.

Source: KELLY CANYON STREAM, tributary to Snake River.

Priority Date: 06/01/1959.

Amount: 0.22 CFS.

Diversion Point: NESE Sec 28 T 04N R 41E, JEFFERSON Co.

Use: IRRIGATION (0.22 CFS) from 04/01 to 11/01 STOCKWATER (0.06 CFS) from 05/01 to 11/01.

Place to Use: NESE Sec 28 T 04N R 41e FOR 3 ACRES.

Diversion Means: PUMP & SPRINKLER SYSTEM.

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83402.

A. KENNETH DUNN  
Director

Publ. July 29 and August 5, 1982RS.

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY:

*KC Wilson*

Right Number

*23 4040*

Applicant

*Kelly Canyon Ski Area*

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

send to WTR "01

*Aug. 16, 1982*

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By *kw EMC* Date *8-19-82*

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By *kw* Date *8/24/82*

RECEIVED  
SEP 1 1982

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

---

150 Shoup Ave.  
Idaho Falls, Idaho 83402  
(208) 525-7161

AUGUST 16, 1982

KELLY CANYON SKI AREA INC.  
RT. 9, BOX 155  
IDAHO FALLS ID 83401

RE: Claim No. 23-4040

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON  
Eastern Region Supervisor

Enclosure

RECEIVED  
AUG 23 1982

Department of Water Resources

August 19, 1982

RE: Claim to a Water Right No. 23-4040

Kelly Canyon Ski Area, Inc.  
Rt. #9, Box 155  
Idaho Falls, Idaho 83401

Gentlemen:

Enclosed please find a copy of the exception filed in connection with the above referenced claim. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....  
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON  
Eastern Regional Supervisor

RDC:cw

Enclosure

August 19, 1982

RE: Claim to a Water Right No. 23-4040 KELLY CANYON SKI AREA

Dawn S. Blakely  
Box 385  
Ririe, Idaho 83443

Dear Ms. Blakely:

We have received the exception dated August 9, 1982, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department----Corrections.-----

.....  
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

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If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON  
Eastern Regional Supervisor

RDC:cw



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

---

150 Shoup Ave.  
Idaho Falls, Idaho 83402  
(208) 525-7161

The Risby Star  
P. O. Box 37  
Risby, Idaho 83442

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before AUGUST 16, 1982.

Yours truly,

RONALD D. CARLSON  
Supervisor  
Eastern Region

Encl.

MICROFILMED

Acknowledge as  
exception. EMB

August 9, 1982

I, Aaron S. Blakely,  
Leuby protest application  
# 23-4040 Kelly Canyon  
Ski Area Inc., Rt. 9, Box  
155, Idaho Falls, Idaho, 83401.

Priority date is in  
error being stated as  
6-1-59.

E. Bud Johnson  
started said ski hill  
during 1960. Mr. Johnson  
did not pump any water  
from said Kelly Canyon  
Stream.

E. Bud Johnson sold  
said Kelly Canyon Ski  
Hill Inc. in 1971 to Bob

2/

Miklu. To my knowledge  
said Bob Miklu has  
pumped water from  
Kelly Canyon Stream  
during the last 4 to 5  
years (1977 to 1982) only.

200 miners inches  
of the waters of Kelly  
Creek with a priority  
date of October 21, 1894  
for the irrigation of  
real property was granted  
to Chas. B. Blakely and  
Callins Blakely.

If this said permit  
is granted, it gives  
water not contained  
in said Kelly Canyon

3/

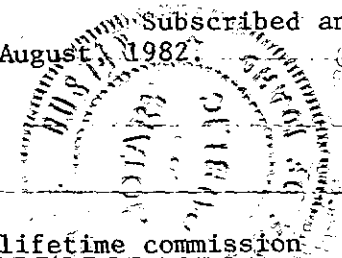
Stream since the flow  
of said Stream is well  
under 200 inches at the  
present time.

Therefore, I request  
this permit be denied  
for the reasons herein  
stated.

Dawn S. Bleckly  
Witness my signature  
this 9<sup>th</sup> day of August  
1982.

STATE OF IDAHO  
County of Jefferson

Subscribed and sworn to before me this 9th day of  
August, 1982.

  
Notary Public, residing in  
Ririe, Idaho

lifetime commission

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83402.

A. KENNETH DUNN

Director

Published 7/29 & 8/5/82.

23-4040.

KELLY CANYON SKI AREA INC.

RT. 9. BOX 155. IDAHO FALLS. ID 83401

Source: KELLY CANYON STREAM tributary to SNAKE RIVER

Priority Date: 06/01/1959

Amount: 0.22 CFS

Diversion Point: NESE Sec 28 T 04N R 41E. JEFFERSON Co.

|                 |            |                     |
|-----------------|------------|---------------------|
| Use: IRRIGATION | (0.22 CFS) | from 04/01 to 11/01 |
| STOCKWATER      | (0.06 CFS) | from 05/01 to 11/01 |

Place of Use: NESE Sec 28 T 04N R 41E FOR 3 ACRES

Diversion Means: PUMP & SPRINKLER SYSTEM

RECEIVED  
MAY 1960