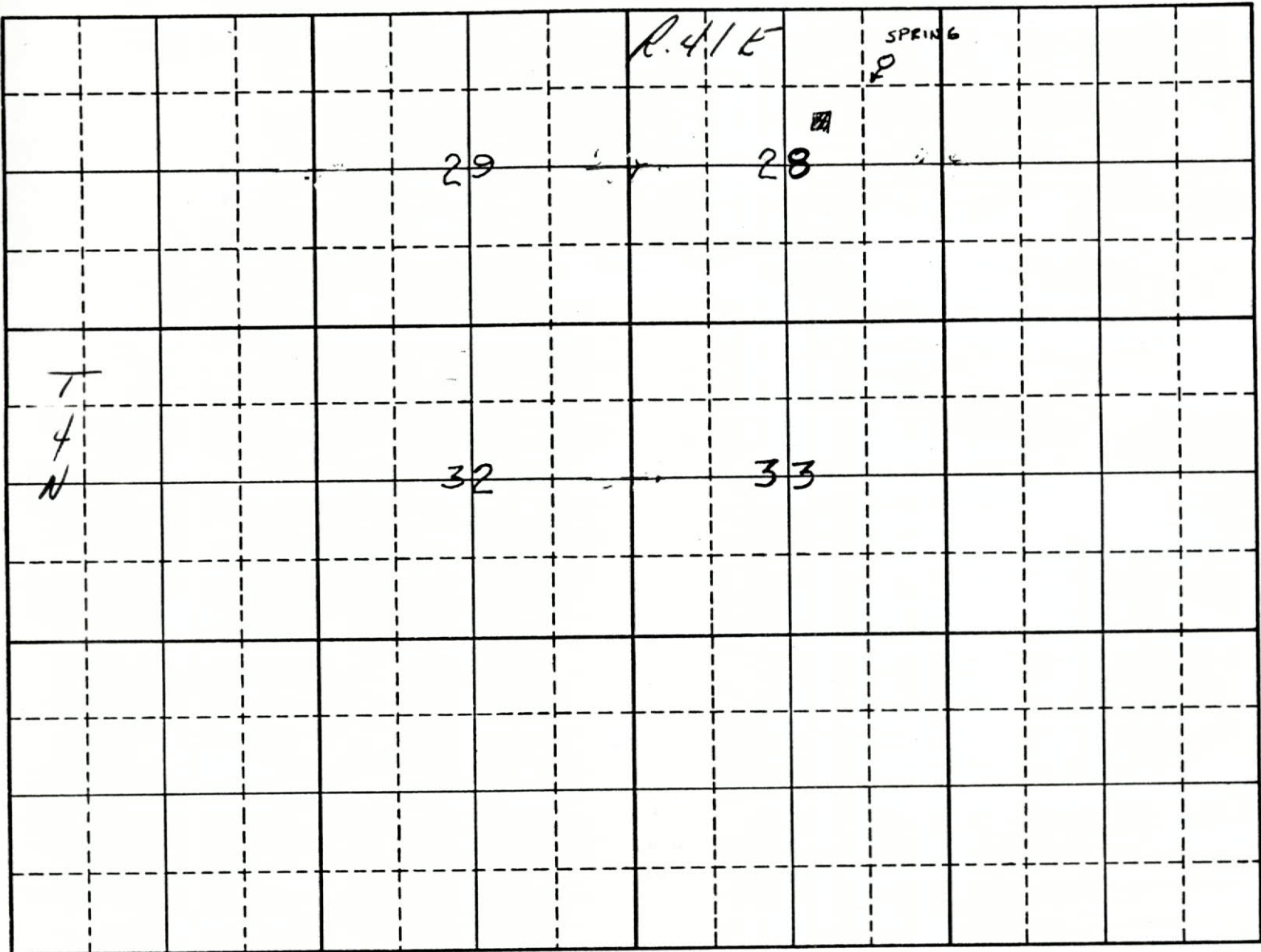


(8) Remarks _____



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 affiants knowledge.

Sworn to before me this 8th day of June, 1977

Bob Meikle
(Claimant)

Ronald D. Carper
Notary Public
Residing at Idaho Falls, Idaho

My commission expires 2/14/78

For Department Use Only

Received by <u>CW</u>	Date <u>6-08-77</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>RDC</u>	Date <u>6/8/77</u>			
\$10.00 fee received by <u>CW</u>	Date <u>6-08-77</u>			
Approved for publication by <u>me</u>	<u>6-27-77 #1343</u>	<u>Zolly Maw +</u>	<u>CW</u>	<u>7-11-77</u>
Published in <u>Lafayette Star</u>		<u>Blakely</u>		
Dates <u>June 16 + 23-1977</u>				

RECEIVED

Affidavit of Publication

JUN 24 1977

THE RIGBY STAR

Department of Water Resources
Eastern District Office

STATE OF IDAHO,

County of Jefferson

ss

NOTICE OF CLAIM TO
A WATER RIGHT

No. 23-4007

NOTICE IS HEREBY
GIVEN that Kelly Canyon Ski
Area, Idaho Falls, Idaho has
filed a claim to a water right
established by diversion and
application to beneficial use
of 0.04 cubic feet per second
of water from unnamed
springs tributary to sinks
with point of diversion in the
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 4N,
R. 41E, B.M., Jefferson
County.

The water is claimed to be
used from January 1 to
December 31 for domestic
purposes and public water
supply for the Kelly Canyon
Ski Lodge with a priority of
December 31, 1957; the place
of use is within the
SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 4N,
R. 41E, B.M.

ANY EXCEPTION to this
claim of water right may be
filed with the Idaho Depart-
ment of Water Resources,
1515 Lincoln Road, Idaho
Falls, Idaho 83401.

C. Stephen Allred
Director

Publish: June 16, and 23,
1977.

I, Russell Jones, do solemnly swear that I am the
Editor of THE RIGBY STAR, a weekly
newspaper as defined by Idaho Codes Annotated Section 58-106 as
amended, and that said newspaper is a weekly newspaper, printed and
published at Rigby, Jefferson County, Idaho, having a general circulation in
said county, and that said newspaper has been printed and published as a
weekly newspaper, in said county for more than 78 consecutive weeks prior
to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said
publication as per clipping attached, was published in said newspaper in the
regular and entire issue thereof, and not in any supplement issue thereof,
for 2 consecutive issues thereof; first publication having been made on
the

Sixteenth day of June, 1977

and the last publication on the

Twenty-third day of June, 1977

And affiant further says that at the times herein mentioned said
newspaper was made up of at least four pages of at least five columns each
printed from type matter of at least seventeen and three-fourths inches
depth; and that there are at least two hundred bonafide subscribers in
Jefferson County.

Russell Jones

Editor

Subscribed in my presence and sworn to before me this Twenty-third
day of June, 1977.
[SEAL]

Marian Phillips

Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

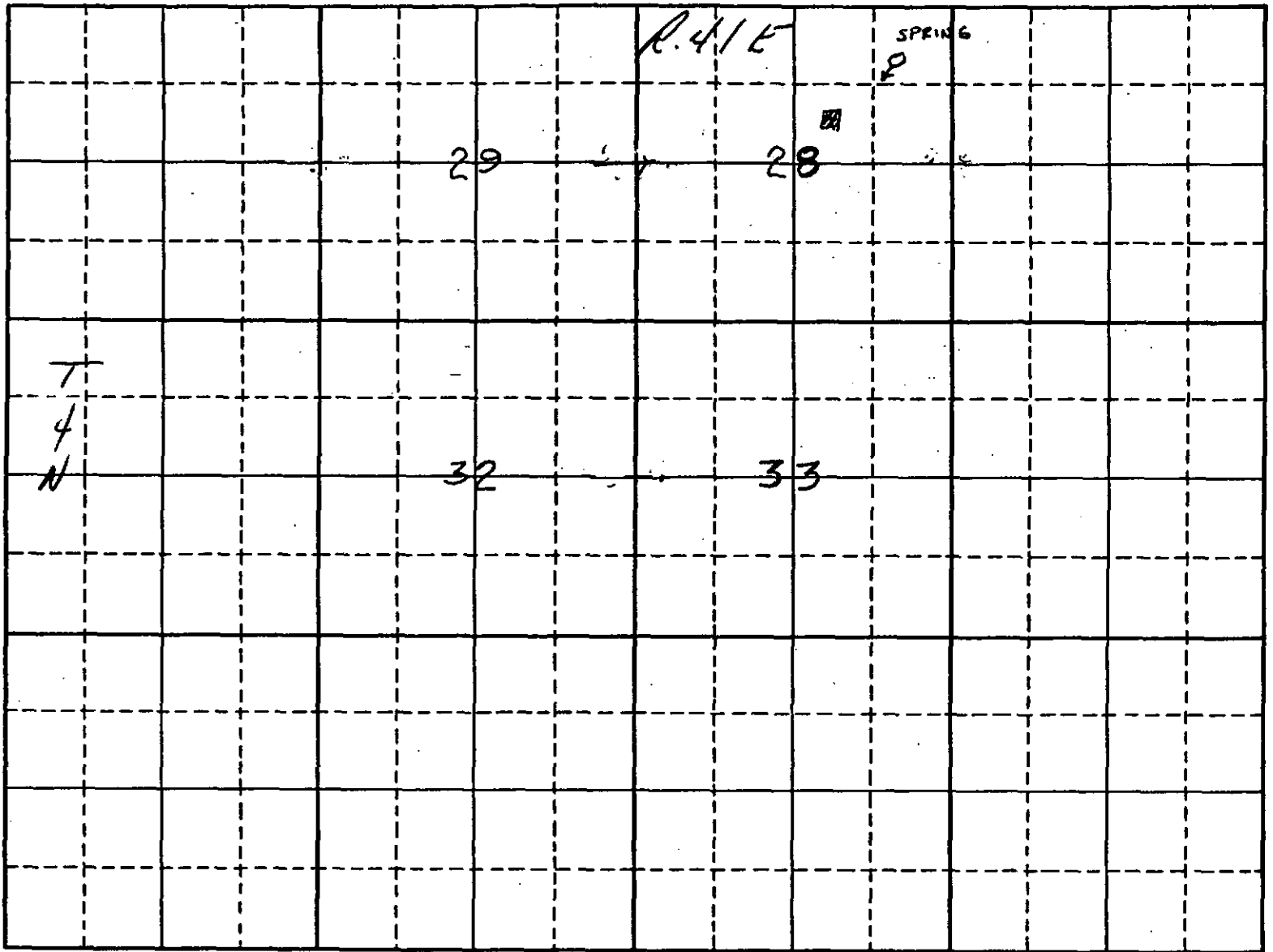
My commission expires Non-Exper, 19

Publication Fee: \$ 14.00

PROFILEMED

- (7) If you are claiming water as a member of an organization, list name of organization: Kelly Canyon Ski Area, Inc.

(8) Remarks _____

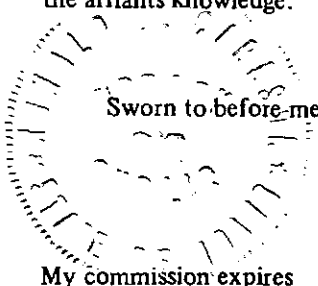


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State of Idaho)
County of Bonneville) ss.

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 affiants knowledge.



Sworn to before me this 8th day of June, 1937

Bob Meikle
(Claimant)

Ronald D. Carter
Notary Public
Residing at Idaho Falls, Idaho

My commission expires 2/14/78

For Department Use Only

Received by <u>CW</u>	Date <u>6-08-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RDC</u>	Date <u>6/8/77</u>		claimant by:	
\$10.00 fee received by <u>CW</u>	Date <u>6-08-77</u>			
Approved for publication by <u>me</u>	Date <u>6-27-77</u>	<u>3rd day May +</u>	<u>CW</u>	<u>7-11-77</u>
Published in <u>Highway Star</u>		<u>Biggs</u>		
Dates <u>June 16 & 23-1977</u>		<u>Blakely</u>		

RECORDED

BEFORE THE DEPARTMENT OF WATER RESOURCES

JUN 30 1977

OF THE
STATE OF IDAHO

Department of Water Resources
Eastern District Office

In the Matter of Claim to a	)	EXCEPTION TO
Water Right, No. 23-4007 filed by	)	CLAIM OF WATER RIGHT
	)	
KELLY CANYON SKI AREA, INC.	)	
Idaho Falls, Idaho	)	
	)	
	)	

COMES NOW Beatrice D. Blakley, Route 2, Box 280, Rigby, Idaho, 83442, and Zella Mae Blakley, Route 2, Box 282, Rigby, Idaho, 83442, by their attorney, Jack G. Voshell of the firm of Voshell & Wright, Chartered, P.O. Box 557, Idaho Falls, Idaho, 83401, who take exception to the claim of water right filed by Kelly Canyon Ski Area, Inc. of 0.04 cubic feet per second of water from unnamed springs tributary to sinks with a point of diversion in the NE 1/4 NE 1/4, Section 28, T 4N, R 41 E.B.M., Jefferson County, Idaho, and state as follows:

I

that the only spring water from said Section 28 that has in the past been used by Kelly Canyon Ski Area, Inc. has come from springs on that part of said Section which is owned by the undersigned objectors and but has been a limited permissive use under a written agreement dated November 7, 1959, and given in exchange for a valid consideration.

II

That the spring water heretofore used by Kelly Canyon Ski Area, Inc. is private water of these objectors in that such water is entirely upon the land of these objectors and does not flow off their premises except to the extent that it has been piped and carried to the premises of Kelly Canyon Ski Area, Inc. with the consent of these objectors but under limitations insuring these owners priority at all times for the watering of their livestock.

EXCEPTION TO
CLAIM OF WATER RIGHT

III

That Kelly Canyon Ski Area, Inc. has diverted spring water of 0.04 cubic feet per second from January 1 to December 31 since 1957 as stated in its published notice of claim is denied.

WHEREFORE, the objectors pray that said claim not be confirmed and that no license be issued thereon.

Beatrice D. Blakely

Zella Mae Blakely

VOSHELL & WRIGHT, Chartered

By [Signature]

Attorneys for Objectors
589 North Capital
P.O. Box 557
I Idaho Falls, ID 83401

STATE OF IDAHO)
) ss
County of Bonneville)

Beatrice D. Blakely and Zella Mae Blakely, being first duly sworn, deposes and says: That they are the Objectors named in the above and foregoing Exception to Claim of Water Right; that they have read the same, know the contents thereof and that they verily believe the statements made therein are true.

Beatrice D. Blakely

Zella Mae Blakely

SUBSCRIBED AND SWORN to before me this 30th day of June, 1977.

Carolyn J. Monroon
Notary Public for Idaho
Residing at Idaho Falls

EXCEPTION TO CLAIM
OF WATER RIGHT

RECEIVED

Affidavit of Publication JUN 24 1977

THE RIGBY STAR Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO
A WATER RIGHT

No. 23-4007

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ANY EXCEPTION to this
claim of water right may be
filed with the Idaho Depart-
ment of Water Resources,
1515 Lincoln Road, Idaho
Falls, Idaho 83401.

C. Stephen Allred
Director

Publish: June 16, and 23,
1977

STATE OF IDAHO,

County of Jefferson

ss

I, Russell Jones, do solemnly swear that I am the
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Russell Jones

Editor

Subscribed in my presence and sworn to before me this Twenty-third
day of June, 1977.

[SEAL]

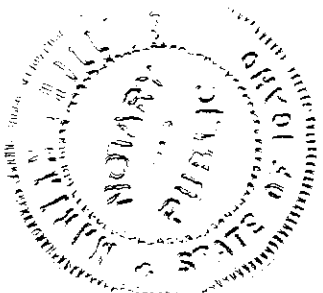
Marian Phillips

Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires Non-Exper, 19

Publication Fee: \$ 14.00

PROFILED



ACTION

N OWNER LAST NAME - KELLY CANYON SKI AREA INC.
N ADDRESS LINE 1 - 2034 VIRGINIA

CITY - IDAHO FALLS

STATE - ID ZIP CODE - 83401

N SOURCE - SPRINGS

TRIBUTARY OF - SINKS

N STAGE - STATUTORY CLAIM

PRIORITY - 12-31-1957

COUNTY - JEFFERSON

TOTAL DIV. RATE -

.0400CFS

WATER DIST. - 01

N DIVERSION POINT - NENE 28 04N 41E

N FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE - .0400CFS

N USE - DOMESTIC

PLACE OF USE - TWN 04N RNG 41E SEC 28 TRACT SWNE

N REMARKS - P/U KELLY CANYON SKI LODGE.

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 23-4007
Old No. New No.

Record

1. Original Owner: Kelly Canyon Ski Area, Inc.

Present Owner: _____

2. Address: 2034 Virginia

3. City: Idaho Falls State: ID Zip: 83402

4. A. Source of Water: spring

B. Tributary of: sinks

5. A. Stage (A,P,L,D,S,J): S

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 12-31-1957

D. County: 51

E. Total Diversion Rate: .04

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District: 01

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NE NE</u>	<u>28</u>	<u>4N</u>	<u>41N</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from 1-1 to 12-31 for D purposes. Amount .04
(cfs or AC-FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: **D**

172379

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	41E	28			D														

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. *P/U Kelly Canyon Ski Lodge.*
 B.
 C.
 D.
 E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

July 11, 1977

RE: Claim to a Water Right No. 23-4007

Kelly Canyon Ski Area, Inc.
2034 Virginia
Idaho Falls, Idaho

Gentlemen:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves 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 in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RAUL D. CARLSON
Supervisor
Eastern Region

RDC:TH

Enc: Copy of claim



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

July 11, 1977

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

Kelly Canyon Ski Area, Inc.
2034 Virginia
Idaho Falls, Idaho 83401

Gentlemen:

Enclosed please find a copy of the exception filed by Jack G. Vosshell in behalf of Zella Mae and Beatrice D. Blakely, in connection with your Claim No. 23-4007. 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
Supervisor
Eastern Region

RDC:CW

Enclosure

MAILED
JUL 11 1977
FBI



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

July 11, 1977

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

RE: Claim to a Water Right No. 23-4007 KELLY CANYON SKI AREA, INC.

Mr. Jack G. Vosshell
Attorney
P.O. Box 557
Idaho Falls, Idaho 83401

Dear Mr. Vosshell:

We have received the exception dated June 30, 1977, filed in behalf of Zella Mae Blakely and Beatrice D. Blakely, 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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Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CW

JACK GALEN VOSHELL
ROGER B WRIGHT

LAW OFFICE
VOSHELL & WRIGHT, CHARTERED
598 NORTH CAPITAL AVENUE - P. O. BOX 557
IDAHO FALLS, IDAHO 83401

TELEPHONE 523-4433
AREA 208

June 30, 1977

RECEIVED

JUN 30 1977

State of Idaho
Department of Water Resources
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Department of Water Resources
Eastern District Office

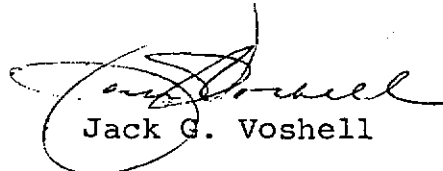
Re: protest against Permit No.
23-7024 and Claim No. 23-4007
Kelly Canyon Ski Area, Inc.

Gentlemen:

Please accept and file the within protest of Beatrice D. Blakley and Zella Mae Blakley and also their separate exception to the claim of prior appropriation as have been published and indicated in the above caption.

Very truly yours,

VOSHELL & WRIGHT, Chartered


Jack G. Voshell

JGV:cjm
enc.

MICROFILMED

June 10, 1977

RE: Claim to a Water Right No. 23-4007 KELLY CANYON SKI AREA
Application for Water Permit No. 25-7116 TERRY
No. 31-7261 LUNDHOLM

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

Enc: Legal Notice (3)

Bill submitted 6-22-77 by CW

NO. 23-4007

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED
XXXXXXXXXXXXXXXXXXXXX
R. KEITH HIGGINSON

Director

Published in the **Rigby Star, Rigby, Idaho**

June 16

and

June 23, 1977

MICROFILMED

me-d.
the-a.