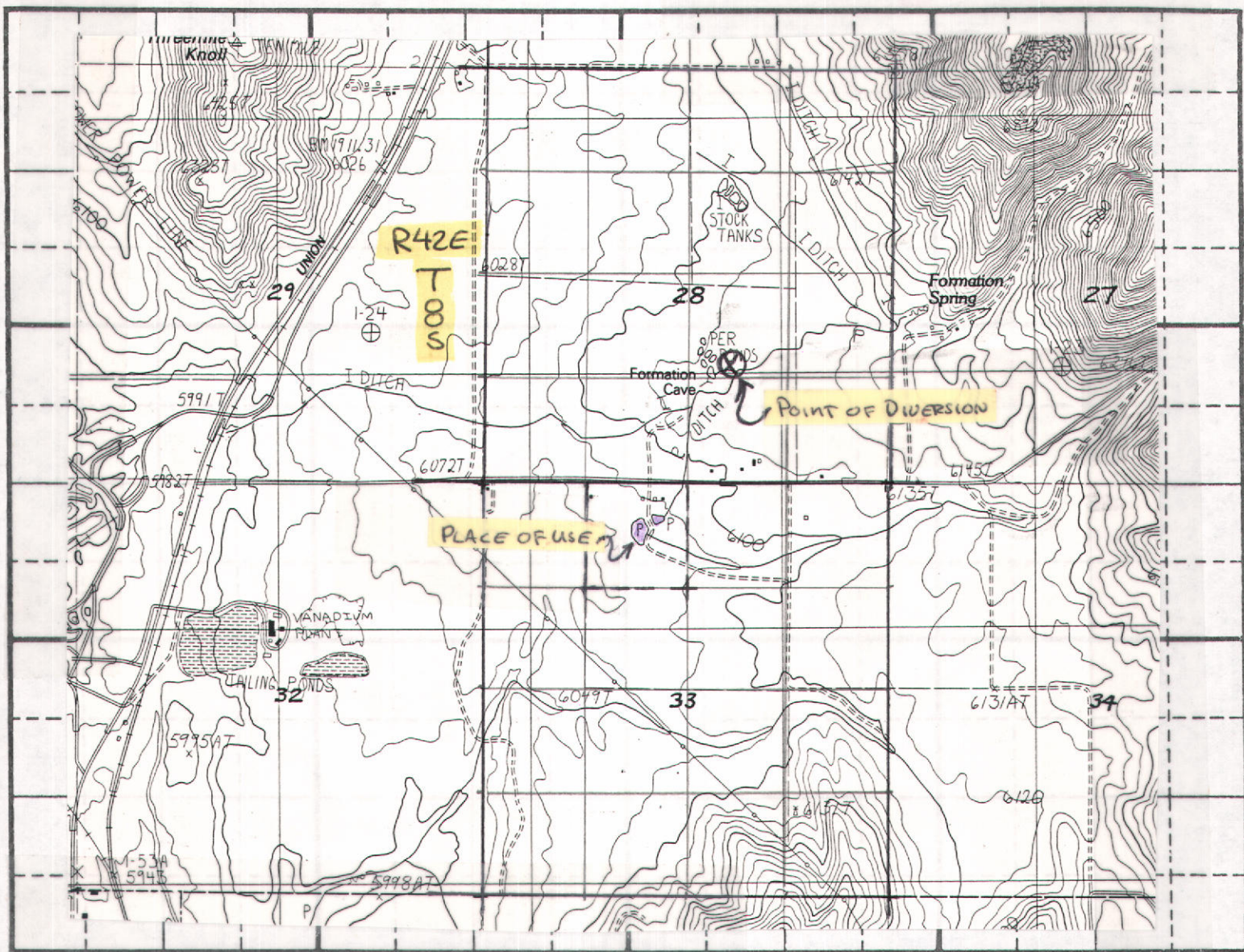


(8) Remarks Water is the same as irrigation water under 11-0995D.



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 29th day of July, 1986.

Claude Huld Jensen
(Claimant)
Calvin Wray
Notary Public
Residing at Idaho Falls

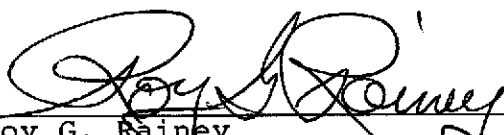
My commission expires 5/29/1991

ASSISTED BY KCW 7-29-86 FOR DEPARTMENT USE ONLY
Received by AWJ Date 7-30-86 Exception filed by: Fowarded to: Date
Prelim. check by MD Date 7-29-86 # 39803 claimant by:
Published in CARIBON COUNTY SUN City of Soda Springs cw 10-15-86
Dates AUG 21+28, 1986

EXCEPTION TO CLAIM TO WATER RIGHTS

THE CITY OF SODA SPRINGS, IDAHO, does hereby file its exception to that claim of water right file by Claude S. Jeppsen and/or Claude G. Jeppsen, under No. 11-4323, claiming a water right for fish propagation in Formation Springs, a tributary to Sinks Formation, and Springs Creek. Said exception is made in and for the reason that the City of Soda Springs, Idaho, has decreed and licensed water rights in said water for municipal, domestic and culinary purposes and the same may interfere and obstruct the City's prior use thereof.

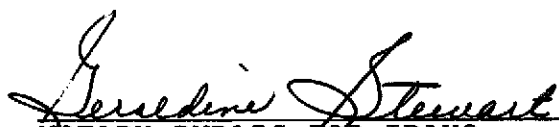
CITY OF SODA SPRINGS, IDAHO

By 
Roy G. Rainey
City Administrator

STATE OF IDAHO)
 : ss
County of Caribou)

On this 22nd day of September, 1986, before me the undersigned Notary Public, personally appeared ROY RAINEY, known to me to be the City Administrator of the City of Soda Springs, Idaho, whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same on behalf of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.


NOTARY PUBLIC FOR IDAHO
Residing at Soda Springs

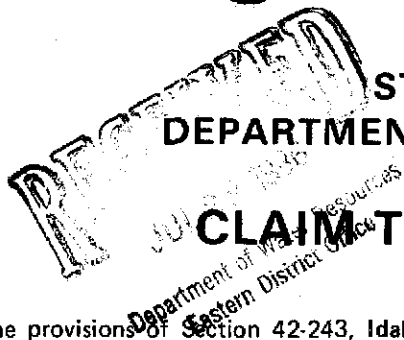
(SEAL)

RECEIVED

SEP 23 1986

Department of Water Resources
Eastern District Office

RECORDED



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 Claude S. or Claude G. Jepps

(Name of Claimant)

HC 70, Box 2095, Soda Springs

83276

Telephone No. 547-2331

(Mailing Address)

(Zip Code)

-3071

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) May 1964

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)

Formation Springs tributary to Sinks

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

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
<u>1.2 cfs</u>		<u>Fish Propagation</u>		<u>1/1</u>	<u>12/31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

- (4) 1.2 cfs TOTAL QUANTITY USED.
(cfs, af)

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

SW 1/4 NW 1/4 SE 1/4, Sec. 28 Twp. 8S Rge. 42E B.M., County of Caribou

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. Headgate to irrigation ditch to fish ponds.

- (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.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			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	
<u>8S</u>	<u>42E</u>	<u>33</u>					<u>H</u>												

No. of acres

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

UNRECORDED

NOTE: Include here the type and number of stock watered:

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

Assisted by Kew 7-29-86
Received by ALJS
Prelim. check by MD
Published in Caribou County
Dates Aug 21 + 28, 1986

FOR DEPARTMENT USE ONLY

10-15-86

Forwarded to
claimant by:

Exception filed by:

Date
Date
Date

7-30-86
7-29-86
7-29-86

RECEIVED
OFFICE OF THE
CLERK OF THE
DISTRICT COURT

My commission expires

5/29/1991

Sworn to before me this 29th day of

July

19 86

6 Claude Russell Ferguson
(Claimant)

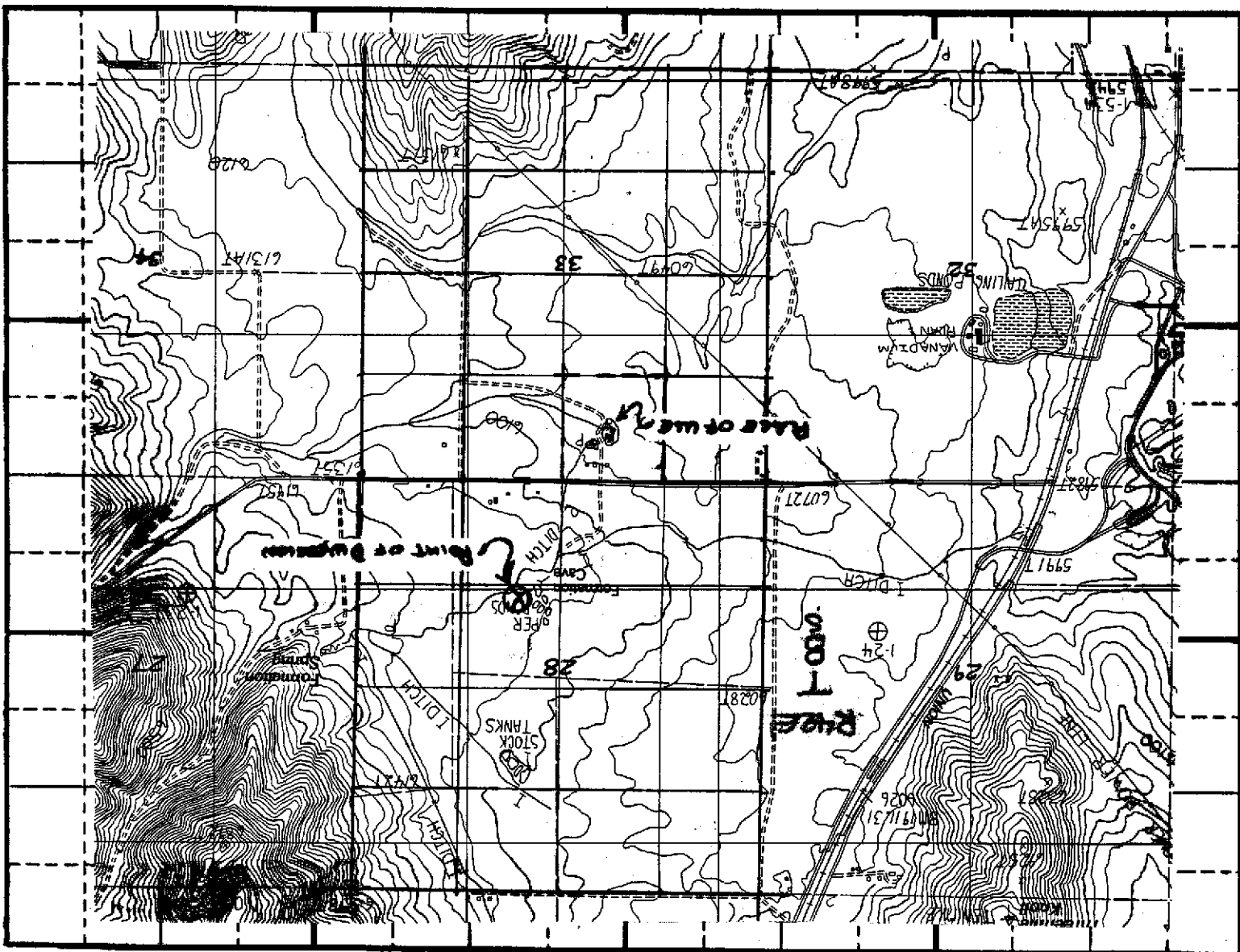
Notary Public
Residing at
Idaho Falls

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.

State of Idaho
County of Bonneville
ss.

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.

Scale: 2 inches equal 1 mile.



(8) Remarks Water is the same as irrigation water under 11-0995D.

Affidavit of Publication

County of Caribou
State of Idaho

ss.

Mark Steele

being duly sworn on his oath,
states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circulation
in Caribou County, Idaho, pub-
lished weekly at Soda Springs in
said County that said newspaper
has been published in said County
uninterruptedly and continuously
for over seventy-eight consecutive
weeks, prior to the first publica-
tion of the annexed notice or
advertisement;

That the annexed notice was
published as per clipping attached
in the regular and entire edition of
said newspaper and not in any
supplement thereof for 2
successive weekly issues thereof,
the date of the first publication

being the 21st day of
August, 19 86

The date of the last publication
being the 28th day of
August, 19 86

Subscribed and sworn to before
me this 29th day
of August, 19 86

Cell [Signature] Steele
Notary Public, residing
at Soda Springs, Idaho

(SEAL)
My Commission expires the
1st day of March

19 88

PUBLIC NOTICE

First Time Published

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed
on water right(s) created by diversion
and beneficial use:

11-4323

JEPPSEN, CLAUDE S. and-or
CLAUDE G.
HC 70 BOX 2095, SODA SPRINGS,
ID 83276

Source: FORMATION SPRINGS
trib. to SINKS
Diversion PT: SWNWSE Sec 28 T
08S R 42E

Use: FISH PROP. (1.2 CFS)

Priority Date: 05-01-1964

In: NENW Sec 33 T 08S R 42E

Exceptions to a claim may be filed
with the Director, Dept. of Water
Resources, 150 Shoup Ave., Suite 15,
Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published Aug. 21 and 28, 1986 in
the Caribou County Sun.

RECEIVED
SEP 12 1986
Department of Water Resources
Eastern District Office

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
BRENT O. ROCHE
PATTI POWELL**
CARY B. COLAIANNI
FRED J. LEWIS

LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-0391

TELEPHONE
AREA CODE 208
232-6101

TELEX
208-232-6109

April 5, 1989

*ALSO MEMBER ILLINOIS BAR
**ALSO MEMBER WASHINGTON BAR

State of Idaho
Department of Water Resources
150 Shoup Avenue - Suite 15
Idaho Falls, Idaho 83402

RECEIVED
MAY 04 1989

APR 6 1989

Re: City of Soda Springs
Application No. 11-7356

Department of Water Resources
Department of Water Resources
Eastern District Office

Dear Sir:

Enclosed for filing in the above-entitled matter you will find a fully executed Stipulation regarding the Formation Spring Water Rights.

Sincerely,

Louis F. Racine
LR

LOUIS F. RACINE, JR.

LFR:rc

Enclosure

cc: Robert Wigington
Suzanne D. Case
Clients

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

RECEIVED

MAY 04 1989

IN THE MATTER OF THE)
APPLICATION FOR PERMIT)
NO. 11-7356 IN THE NAME) STIPULATION
OF THE CITY OF SODA SPRINGS.)
-----)

Department of Water Resources

1. This stipulation is between the Applicant, City of Soda Springs, and Protestants, Claude Jeppsen, Farrell B. (Blaine) Panting, Dale G. Panting, Elmus Panting, Marjorie Beins and Jack Christensen and The Nature Conservancy, a District of Columbia corporation, with headquarters in the State of Virginia.

2. If approved, this stipulation is intended to avoid further hearing on the application as to the Protestants, and is not intended to determine the water rights of the Protestants.

3. The references in this stipulation as to the Water Right, Order, Permit, License or Claim No. of a water right are to the Water Right, Order, Permit, License or Claim No. assigned by the Idaho Department of Water Resources or its predecessors. All references in the stipulation to water measurements and rights are to water taken from Formation Spring, located in Caribou County, Idaho. Any reference to "Decree" is that Decree entered in the case of Daniel J. Lau, et al, Plaintiff, vs. Chris Panting, et al, Defendants, in the Fifth Judicial District of the State of Idaho, in and for the County of Caribou, by Decree entered by District Judge B. S. Varian, on November 6, 1919, and recorded in book 1, page 157, Judgment Records of Caribou County, Idaho.

4. The Protestants waive all objections and protests, and agree to the issuance to the City of a permit (No. 11-7356) as the same may be amended or substituted, or to the issuance of a license pursuant to that permit as amended or substituted for the year-round use of 5.0 cfs under a 1986 priority date for municipal purposes, not including hydropower, for use within the City and adjoining territories, and will not seek abandonment or forfeiture of that license or permit. The Protestants agree that said water being applied for by the City constitutes excess water from Formation Spring, in excess of 17.7 cfs of decreed rights, which excess water is not being consumed or applied

to a beneficial use at this time. It is understood that the flow of Formation Spring may not always equal 22.7 cfs (17.7 cfs plus 5.0 cfs), and in that event the City shall only be entitled to that water in Formation Spring in excess of 17.7 cfs under its 1986 priority date. The Protestants also will not seek abandonment or forfeiture of the year-round use of 5.5 cfs under an 1889 priority date for domestic and culinary purposes (Decree, Water Right No. 11-0994, Transfer Order No. 1076, owned by the City) and waive all objections and protests to the same and agree to the specification of this water right as a year-round water right for municipal purposes, not including hydropower, with an 1889 priority date. The water rights described in this paragraph will be considered cumulatively, and the Protestants waive their objections to a total of 10.5 cfs under these water rights. The Protestants further waive all objections and agree to the alternative use of this 10.5 cfs for municipal purposes, not including hydropower, by means of ground water storage and recharge at points and places downstream from the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 28, Township 8 South, Range 42 East, B.M., for recharge of Ledge Springs and Ledge Creek, another source of water for municipal purposes for the City. The Protestants agree to any alternative point of diversion downstream from the W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 28, Township 8 South, Range 42E., B.M., required by the City for such use, that ground water storage and recharge is a reasonable and efficient means of diversion, storage and conveyance, and that such use constitutes a beneficial use of such water. Protestants further waive all objections and agree that the City, or its successors in interest shall have the right to file such additional applications as may be necessary with the Idaho Department of Water Resources to achieve the results intended by this paragraph and waive any objections or exceptions thereto and shall not protest the same if such application is in conformance with the terms and conditions of this paragraph and stipulation.

5. The City will withdraw its exception to the notice of claim by Claude Jeppsen for the year-round use of 1.2 cfs for private fish propagation purposes with a 1964 priority date (Claim No. 11-4323) and waives all objections and agrees to the adjudication of this claim as a year-round water right for private fish propagation purposes, or to the year-round use of this 1.2 cfs to maintain the level of the ponds, without further expansion of said ponds, in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 8 South, Range 42 East, with a 1964 priority date, for non-commercial, non-industrial, non-domestic, non-culinary, non-irrigation, non-agricultural, non-hydropower, non-stock watering, non-recreational, ecological purposes. The City also waives all objections and agrees to the alternative year-round use of 1.2 cfs under an 1895 priority date (Decree, Water Right No.

11-0995, Transfer No. 874, owned by Claude Jeppsen) to maintain the level of such ponds, without enlargement or expansion of said ponds, for non-commercial, non-industrial, non-domestic, non-culinary, non-irrigation, non-agricultural, non-hydroelectric, non-stock watering, non-recreational, ecological purposes, provided that any such water not used for irrigation and associated domestic and stock purposes, if any such rights exist, in the E $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 33, Township 8 South, Range 42 East, B.M., as provided for and allowed in the Decree, Water Right No. 11-0995 or Transfer Order No. 874, is allowed to sink into the ground without further diversion, conveyance or use, except for ground water storage and recharge by the City as agreed upon in paragraph 4 of this stipulation. The Protestants and the City agree that the amounts of water needed for irrigation and any associated domestic and stock purposes, if any such rights or uses exist, are subject to paragraph 7 of this stipulation. These parties further agree that the ecological use of water described in this paragraph is beneficial. Water rights described in this paragraph will be considered coincidentally, not cumulatively, to any irrigation, domestic, or stock watering right held by Protestants, if any, and the City waives only its objections as to a total of 1.2 cfs held by Jeppsen for ecological purposes. Jeppsen makes claim to and has no more than a total of 1.2 cfs water right for any purpose whatsoever, whether the same is for ecological or any other beneficial use. Jeppsen, or his successors in interest, shall have the right to file such additional applications as may be necessary with the Idaho Department of Water Resources to achieve the results intended by this paragraph, and the City shall not file objections or exceptions thereto and shall not protest the same if such application is in conformance with the terms and conditions of this paragraph and stipulation.

6. The City will withdraw its exception to the notice of claim (No. 11-4322) by Dale Panting, Elmus Panting and Marjorie Beins for the year-round use of 6.0 cfs for private fish propagation purposes with a 1967 priority date, and waives all objections and agrees to the adjudication of this claim as a year-round water right for private fish propagation purposes, or to the year-round use of this 6.0 cfs to maintain the level of the ponds, without further enlargement of said ponds, in the W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 28, Township 8 South, Range 42 East, B.M., with a 1967 priority date, for non-commercial, non-industrial, non-domestic, non-culinary, non-irrigation, non-hydropower, non-agricultural, non-stock watering, non-recreational, ecological purposes. The City also waives all objections and agrees to the alternative year-round use of 6.0 cfs under the Decree, Water Right No. 11-0991 and Transfer

No. 2609, owned by Dale Panting, Elmus Panting, and Marjorie Beins to maintain said ponds at their present level, without further expansion, for non-commercial, non-industrial, non-domestic, non-culinary, non-irrigation, non-hydropower, non-agricultural, non-stock watering, non-recreational, ecological purposes, provided that this paragraph 6 is subject to the following conditions:

a. Any such water not needed for irrigation and associated domestic and stock purposes, if any such rights exist, in the $W\frac{1}{2}SE\frac{1}{4}$ and $NW\frac{1}{4}$ of Section 28, and $SW\frac{1}{4}$ of Section 21, and the $SE\frac{1}{4}NE\frac{1}{4}$ of Section 29, Township 8 South, Range 42 East, B.M., as may be provided for and allowed in the Decree, Water Right No. 11-0991, or Transfer No. 2609, is allowed to sink into the ground without further diversion, conveyance, or use, except for ground water storage and recharge by the City as agreed in paragraph 4 of this stipulation.

b. The additional points of diversion in the $W\frac{1}{2}SE\frac{1}{4}$ of Section 28, Township 8 South, Range 42 East, B.M., for the water rights owned by Dale Panting, Elmus Panting, and Marjorie Beins (as referred to in Transfer No. 2609, Water Right No. 11-0991) are not changed, and the original point of diversion as described in the Decree, and Water Right No. 11-0991, and Transfer No. 2609 is not utilized, as a change in point of diversion or a utilization of the original point of diversion would interfere with and obstruct the ground water storage and recharge of Ledge Springs and Ledge Creek.

c. The 6.0 cfs referred to under the Decree, Water Right No. 11-0991 and Transfer No. 2609 for ecological use agreed upon in this paragraph 6 shall be co-equal with the 1889 priority date for the 5.5 cfs of municipal use agreed upon in paragraph 4, and any shortages, in the event that the flow of Formation Spring drops below 11.5 cfs, shall be shared equally between those uses notwithstanding their priority dates. The reference to the Decree, Water Right No. 11-0991, and Transfer No. 2609 in this paragraph 6, which Decree, Water Right No. and Transfer No. refer to an 1887 priority date, is set forth for reference and clarification purposes only as to ecological uses, and is not intended to, and shall not establish any priority of water right over the City's 1889 right for 5.5 cfs.

The City and Protestants agree that the amounts of water needed for irrigation and any associated domestic and stock watering purposes, if any such uses exist, on the land described in this paragraph 6, are subject to paragraph 7 of this stipulation, and that the 1887 priority date for such uses will not be subordinated or affected by this stipulation in any way. These parties further agree that the ecological use of water described in this paragraph 6 is beneficial. The water rights described in this paragraph 6 will be considered coincidentally to any irrigation, domestic, or stock watering rights, if any, held by the Protestants, and not cumulatively, and the City only waives its objections as to a total of 6.0 cfs under these water rights, for ecological purposes. Dale Panting, Elmus Panting, and Marjorie Beins make claim to and have no more than a total of 6.0 cfs of water rights for any purpose whatsoever, whether the same is for ecological or any other beneficial use. Dale Panting, Elmus Panting, and Marjorie Beins, or their successors in interest, shall have the right to file such additional applications as may be necessary with the Idaho Department of Water Resources to achieve the results intended by this paragraph 6, and the City shall not file objections or exceptions thereto, and shall not protest the same if such application is in conformance with the terms and conditions of this paragraph 6 and stipulation.

7. The Protestants and the City waive no claims or objections as to the use of 11.0 cfs for irrigation and any associated domestic and stock purposes under an 1887 priority date (the Decree, Water Right No. 11-0991 and Transfer No. 2609 owned by Dale Panting, Elmus Panting, and Marjorie Beins; the Decree and Water Right No. 11-0992 owned by Jack Christensen; and the Decree and Water Right Nos. 11-0991 and 11-0993 owned by Blaine Panting) or under an 1895 priority date (Decree, Water Right No. 11-0995, Transfer No. 874 owned by Claude Jepps) and these water rights, if any, will not be affected by this stipulation in any way. These parties agree, however, that the irrigation season under these water rights will be no greater than from May 1 to October 31. Before any party can use and enforce these or any other water rights to Formation Spring, said party shall install proper measuring devices at said party's respective point or points of diversion as required by the decrees, permits or licenses or as otherwise required by law.

8. This stipulation will be binding on the heirs, successors and assigns of the Protestants and the City, and will be recorded in the office of the County Recorder of Caribou County, Idaho, against the points of diversion and water rights listed in Exhibit "A" to this stipulation, and shall run with the land and water rights, and be binding

upon any purchasers or other persons or entities holding rights in and to said properties, and shall further be recorded with the Idaho Department of Water Resources against the water right identification numbers also listed in Exhibit "A".

9. The failure of the Department of Water Resources, State of Idaho, or any court of jurisdiction within the State of Idaho, to accept or approve this stipulation as to the Protestants' water rights for ecological purposes or to the City's water rights for ground water storage and recharge, or to grant a permit, license, decree, or right for such purposes, shall not invalidate the remaining provisions contained in this stipulation.

10. Before said agreement shall become effective, all parties to this agreement, and their spouses, shall execute this agreement with the warranty that they are the sole owners in fee, licensees or permit holders of the water rights as listed in Exhibit "A", or said parties shall cause the agreement to be executed by any co-owner, or succeeding owner, to the interest in these water rights, and acknowledged in order that the same may be properly recordable in the office of the County Recorder of Caribou County, Idaho. The Mayor and City Clerk shall execute said agreement on behalf of the City.

11. The Nature Conservancy, a national conservation organization, incorporated under the laws of the District of Columbia, acknowledges that it is purchasing property from Dale Panting, Elmus Panting, and Marjorie Beins, together with their water rights set forth in this stipulation, and do hereby agree to the terms and conditions set forth in said stipulation and to be bound by the same, and agree that said Nature Conservancy shall execute this stipulation concurrently with all other parties hereto.

12. This stipulation is contingent upon the consummation of the sale of all real property and water rights appurtenant thereto from Formation Spring owned by Dale Panting, Elmus Panting and Marjorie Beins to The Nature Conservancy and Jack Christensen.

13. By their execution of this stipulation, the following signatories hereby warrant that they are the sole or succeeding owners in fee, the licensee or the permit holder of the water rights as listed in Exhibit "A".

DATED: This 20th day of March, 1989.

THE NATURE CONSERVANCY

By Laurel Mayer
Laurel Mayer, Director
Vice President

DATED: This 1st day of March, 1989.

Stuart A. Beins
STUART A. BEINS

Marjorie P. Beins
MARJORIE P. BEINS

DATED: This 1 day of March, 1989.

Elmus L. Panting
ELMUS L. PANTING

DATED: This 1st day of March, 1989.

Dale G. Panting
DALE G. PANTING

Shirley M. Panting
SHIRLEY M. PANTING

DATED: This 1st day of March, 1989.

Farrell B. Panting
FARRELL B. (BLAINE) PANTING

Margaret R. Panting
MARGARET PANTING

DATED: This 3rd day of March, 1989.

Claude J. Jeppsen
CLAUDE JEPPESEN

Mae Jeppsen
MAE JEPPESEN

DATED: This 1 day of March, 1989.

Jack Christensen
JACK CHRISTENSEN

Renee Christensen
RENEE CHRISTENSEN

THE CITY OF SODA SPRINGS,
IDAHO

By Kirk L. Hansen
KIRK L. HANSEN, Mayor

ATTEST:

Larae Rasmussen
LARAE RASMUSSEN, City Clerk

STATE OF CALIFORNIA)
County of) : ss

On this 20th day of March, 1989, before me the undersigned Notary Public, personally appeared LAUREL MAYER, known to me to be the Director of The Nature Conservancy, Western Regional Office, whose names is subscribed to the foregoing instrument and acknowledged to me that she executed the same on behalf of said organization.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Marlene Walker
NOTARY PUBLIC FOR CALIFORNIA
Residing at : Oakland
Comm. Expires: 9/28/92

STATE OF IDAHO)
County of Cambau) : ss

On this 1st day of March, 1989, before me the undersigned Notary Public, personally appeared STUART A. BEINS and MARJORIE P. BEINS, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)

Marilyn L. Swain
NOTARY PUBLIC FOR IDAHO
Residing at: Payson
Comm. Expires: April 15, 1991

STATE OF IDAHO

County of Caribou

)
: ss
)

On this 1st day of March, 1989, before me the undersigned Notary Public, personally appeared ELMUS L. PANTING, a widow, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Marilyn L. Luvain
NOTARY PUBLIC FOR IDAHO
Residing at: Edgemoor
Comm. Expires: April 15, 1991

(SEAL)

STATE OF IDAHO

County of Caribou

)
: ss
)

On this 1st day of March, 1989, before me the undersigned Notary Public, personally appeared DALE G. PANTING and SHIRLEY M. PANTING, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Suzanne Lopez
NOTARY PUBLIC FOR IDAHO
Residing at: Soda Springs
Comm. Expires: 10-14-93

(SEAL)

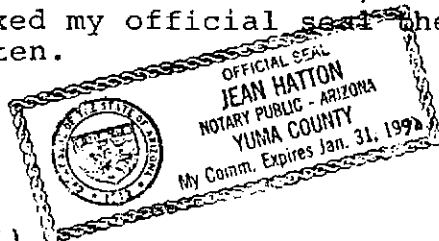
STATE OF ~~IDAHO~~ ARIZONA

County of Yuma

)
: SS
)

On this 3rd day of March, 1989, before me the undersigned Notary Public, personally appeared CLAUDE JEPPSEN and MAE JEPPSEN, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



(SEAL)

NOTARY PUBLIC FOR ~~IDAHO~~ ARIZONA
Residing at: 1950 E. 24th St., Yuma, Az. 85336.
Comm. Expires: 1-31-90

STATE OF IDAHO

County of Caribou

)
: SS
)

On this 1st day of March, 1989, before me the undersigned Notary Public, personally appeared JACK CHRISTENSEN and RENEE CHRISTENSEN, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Marilyn G. Swain
NOTARY PUBLIC FOR IDAHO
Residing at: Ukayan
Comm. Expires: April 15, 1991

(SEAL)

STATE OF IDAHO

)

: ss

County of

)

On this 1 day of March, 1989, before me the undersigned Notary Public, personally appeared FARRELL BLAINE PANTING and MARGARET PANTING, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.


NOTARY PUBLIC FOR IDAHO
Residing at: Soda Springs, ID
Comm. Expires: 5-11-93

(SEAL)

STATE OF IDAHO

)

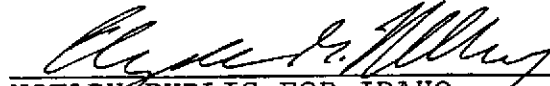
: ss

County of Caribou

)

On this 1 day of March, 1989, before me the undersigned Notary Public, personally appeared KIRK L. HANSEN and LARAE RASMUSSEN, known to me to be the Mayor and City Clerk of the City of Soda Springs, Idaho, and acknowledged to me that they executed the same on behalf of said city.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.


NOTARY PUBLIC FOR IDAHO
Residing at: Soda Springs
Comm. Expires: 8/28/92

(SEAL)

EXHIBIT A

<u>Water Right No.</u>	<u>Amount (cfs)</u>	<u>Owner</u>		<u>Land on which Point of Diversion Could Be Located</u>
11-0991	6.0	Dale Panting	Section 27	NW1/4 SW1/4
T-2609		Elmus Panting	Section 28	NE1/4 SE1/4, W1/2 SE1/4
11-4322		Marjorie Beins		
11-0992	3.0	Jack Christensen	Section 27	NW1/4 SW1/4
			Section 28	NE1/4 SE1/4
11-0991	1.5	Blaine Panting	Section 27	NW1/4 SW1/4
11-0993	.5		Section 28	NE1/4 SE1/4
11-0994	5.5	City of Soda Springs	Section 27	NW1/4 SW1/4
T-1076			Section 28	NE1/4 SE1/4
11-7356	5.0			
11-0995	1.2	Claude Jeppsen	Section 27	NW1/4 SW1/4
T-874			Section 28	NE1/4 SE1/4
11-4323			Section 28	W1/2 SE1/4, SE1/4 SW1/4

All land in T8S R42E, B.M.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

AUGUST 6, 1986

CLAUDE S. JEPSEN
CLAUDE G. JEPSEN
HC 70 BOX 2095
SODA SPRINGS

ID 83276

RE: Claim No. 11-4323

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

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWT

Right Number _____ Applicant Jeppsen

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.

PROTEST DATE
SEPT 8, 1986

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest [Signature] Date 20 Oct 86

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC Date 10/21/86

RECEIVED

RECEIVED
OCT 21 1986

Department of Water Resources

October 15, 1986

RE: Claim to a Water Right No. 11-4323 JEPPSEN

Mr. Roy G. Rainey
City Administrator
City of Soda Springs
9 West 2nd South
Soda Springs, ID 83276

Dear Mr. Rainey:

We have received the exception dated September 22, 1986, 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.

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

October 15, 1986

RE: Claim to a Water Right No. 11-4323

Claude S. or Claude G. Jeppsen
HC 70, Box 2095
Soda Springs, ID 83276

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.

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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

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

AUGUST 6, 1986

Caribou County Sun
P. O. Box 815
Soda Springs, Idaho 83276

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 billing to this office before SEPTEMBER 8, 1986.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

First Time Published

**NOTICE OF CLAIMS
TO WATER RIGHTS**

The following claim(s) have been filed
on water right(s) created by diversion
and beneficial use:

11-4323

JEPPSEN, CLAUDE S. and-or
CLAUDE G.

HC 70 BOX 2095, SODA SPRINGS,
ID 83276

Source: FORMATION SPRINGS
trib. to SINKS

Diversion Pt: SWNWSE Sec 28 T
08S R 42E

Use: FISH PROP. (1.2 CFS)

Priority Date: 05-01-1964

In: NENW Sec 33 T 08S R 42E

Exceptions to a claim may be filed
with the Director, Dept. of Water
Resources, 150 Shoup Ave., Suite 15,
Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published Aug. 21 and 28, 1986 in
the Caribou County Sun.

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

11-4323

JEPPSEN, CLAUDE S. &/or CLAUDE G.

HC 70 BOX 2095, SODA SPRINGS, ID 83276

Source: FORMATION SPRINGS trib. to SINKS

Diversion Pt: SWNWSE Sec 28 T 08S R 42E

Use: FISH PROP. (1.2 CFS)

Priority Date: 05/01/1964

In: NENW Sec 33 T 08S R 42E

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 8/21 & 8/28/86.

MICROFILMED

