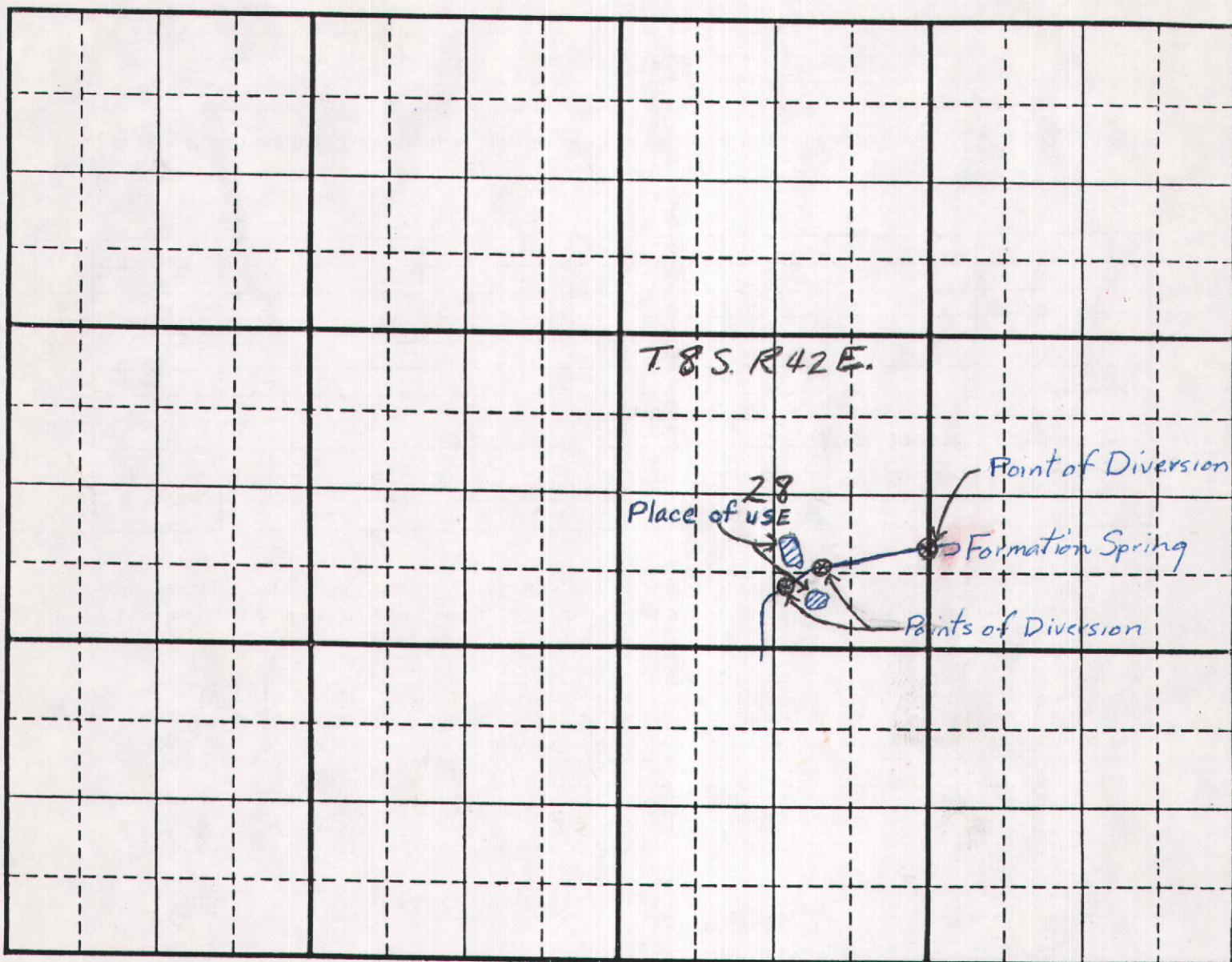


MICROFILMED

(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 Franklin) 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.

Wale G. Panting
(Claimant)

Sworn to before me this 21st day of January 1986.

[Signature]
Notary Public
Residing at Preston, Idaho

My commission expires 8/8/88

FOR DEPARTMENT USE ONLY

Received by <i>SM</i>	Date <i>Jan 27/1986</i>	Exception filed by:	Forwarded to	Date
Prelim. check by <i>G.S.</i>	Date <i>Jan 23, 1986</i>		claimant by:	
<i>A 200.00</i> fee received by <i>MD #35552</i>	Date <i>1/22/86</i>			
Published in <i>Caribou County Sun</i>		City of Soda Springs	cw	4-07-86
Dates <i>Feb 6+13, 1986</i>				

RECEIVED
MAR 14 1986
Department of Water Resources
Eastern District Office

Affidavit of Publication

County of Caribou
State of Idaho

ss.

Mark Steele

being duly sworn on his oath,
states:

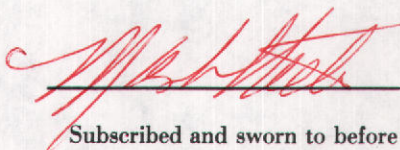
That he is Publisher
of the Caribou County Sun, a
newspaper of general circulation
in Caribou County, Idaho, pub-
lished weekly at Soda Springs in
said County that said newspaper
has been published in said County
uninterruptedly and continuously
for over seventy-eight consecutive
weeks, prior to the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

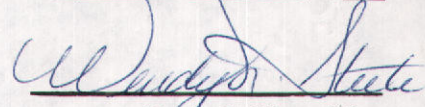
That the annexed notice was
published as per clipping attached
in the regular and entire edition of
said newspaper and not in any

supplement thereof for 2
successive weekly issues thereof,
the date of the first publication

being the 6th day of
February, 19 86

The date of the last publication
being the 13th day of
February, 19 86


Subscribed and sworn to before
me this 6th day
of March, 19 86


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:

11-4322

PANTING, ELMUS &-or DALE
BEINS, MARJORIE
BOX 631, SODA SPRINGS, ID
83276

Source: FORMATION SPRINGS
trib. to SINKS FORMATION
SPRINGS CREEK trib. to SINKS

Diversion Pt: SWSE NESE Sec 28 T
08S R 42E NWSW Sec 27 T 08S R 42E

Use: FISH PROP. (6.0 CFS)

Priority Date: 06-01-1967

In: NWSE SWSE Sec 28 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,

Director

Published Feb. 6 and 13, 1986 in the
Caribou County Sun.

MICROFILMED

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 ELMUS PANTING and/or DALE PANTING and/or MARJORIE BEINS

(Name of Claimant)

Box 631, Soda Springs, ID 83276

(Mailing Address)

Telephone No. 547-3077

(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, 1967

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 & formation spring creek 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)
Quantity <u>6.0 cfs</u>		Use <u>fish propagation</u>		Period of Use From <u>1/1</u>	To <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 _____

(4) 6.0 cfs TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source) From formation spring creek, the diversion NW1/4 and SW 1/4 of SE 1/4, Sec. 28 Twp. 8 S Rge. 42 E B.M., County of Caribou
Additional points of diversion: Formation springs at or near the boundary line between the NE1/4 SE1/4 of Section 28 and the NW1/4 SW1/4 of Section 27, 18 S., R 42 EBM

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. Diversion weir to natural formed ponds, to sinks.

(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>8</u>	<u>42E</u>	<u>28</u>																	

No. of acres _____

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

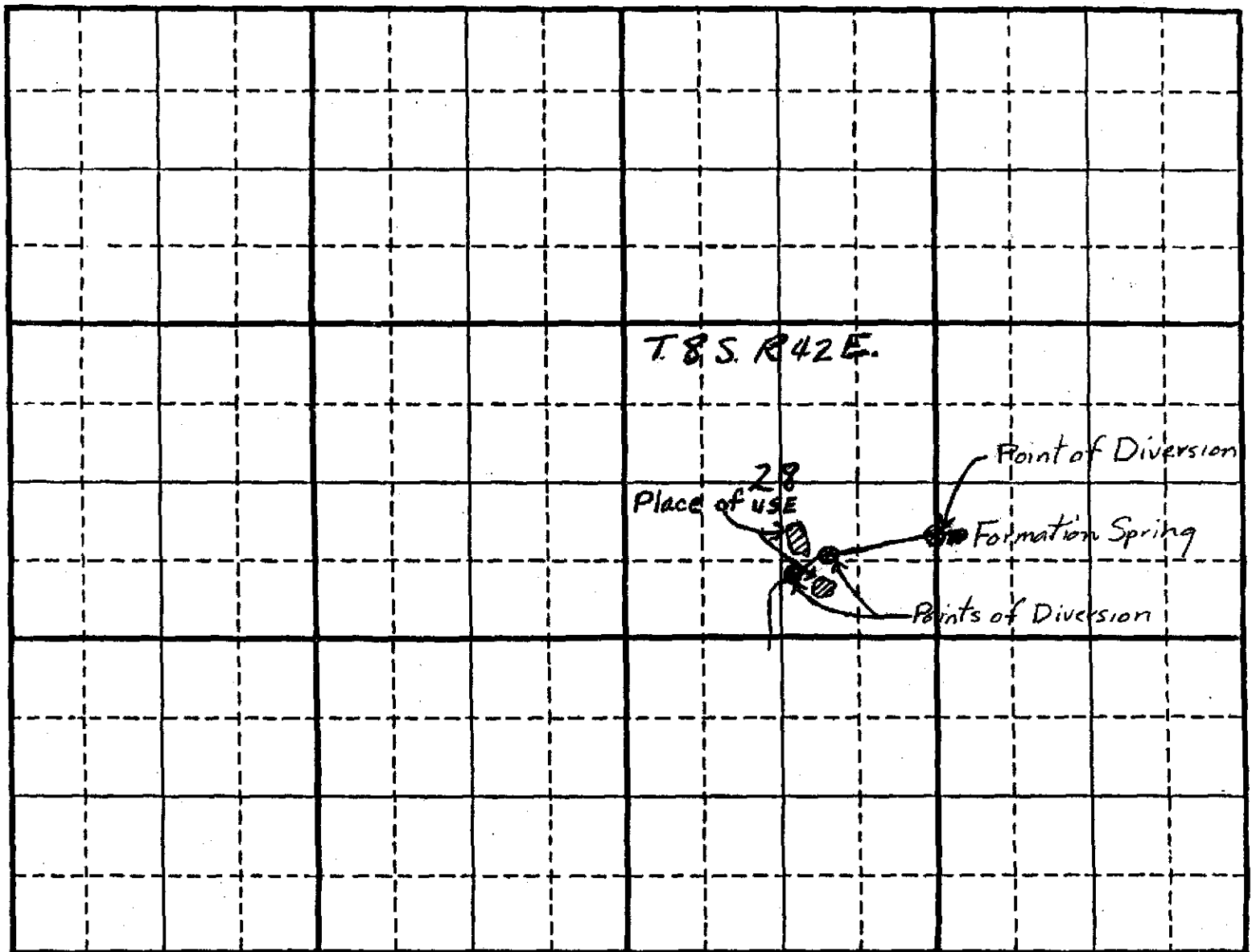
NOTE: Include here the type and number of stock watered: Rainbow trout

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

MICROFILMED

MICROFILMED

(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 Franklin) 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.

Walter S. Panting
(Claimant)

Sworn to before me this 21st day of January

[Signature]
Notary Public
Residing at Preston, Idaho

My commission expires 8/8/88

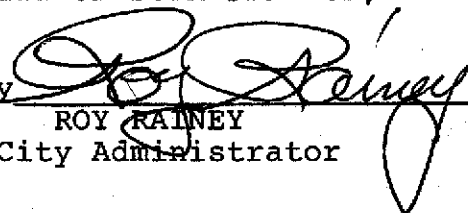
FOR DEPARTMENT USE ONLY

Received by <u>SM</u>	Date <u>Jan 23, 1986</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>h.s.</u>	Date <u>Jan 23, 1986</u>		claimant by:	
<u>\$200.00</u> fee received by <u>MD 5552</u>	Date <u>1/23/86</u>			
Published in <u>Caribou County News</u>		City of Soda Springs	cw	4-07-86
Dates <u>Feb 6 + 13, 1986</u>				

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 Elmus Panting and/or Don Panting and Marjorie Beins, under No. 11-4322, 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

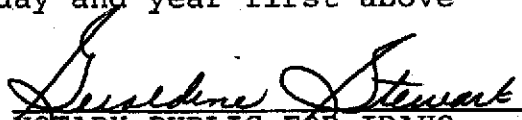
By 

ROY RAINEY
City Administrator

STATE OF IDAHO)
: ss
County of Caribou)

On this 7th day of March, 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

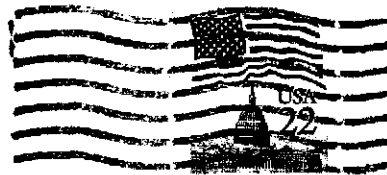
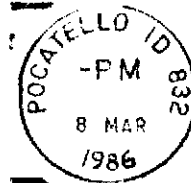
(SEAL)

MICROFILMED

RECEIVED
MAR 10 1986
Department of Water Resources
Eastern District Office

CITY OF SODA SPRINGS

CLYDE G. NELSON, ATTORNEY
172 SOUTH MAIN
SODA SPRINGS, IDAHO 83276



Mr. Ken Dunn, Director
Department of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID. 83402

Affidavit of Publication

County of Caribou }
State of Idaho } ss.

Mark Steele

being duly sworn on his oath,
states:

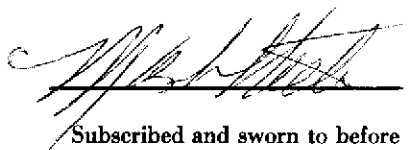
That he is Publisher
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said County that said newspaper
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uninterruptedly and continuously
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weeks, prior to the first publica-
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advertisement;

That the annexed notice was
published as per clipping attached
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said newspaper and not in any

supplement thereof for 2
successive weekly issues thereof,
the date of the first publication

being the 6th day of
February, 19 86

The date of the last publication
being the 13th day of
February, 19 86


Subscribed and sworn to before
me this 6th day
of March, 19 86


Notary Public, residing
at Soda Springs, Idaho

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

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trib. to SINKS FORMATION
SPRINGS CREEK trib. to SINKS

Diversion Pt: SWSE NESE Sec 28 T
08S R 42E NWSW Sec 27 T 08S R 42E

Use: FISH PROP. (6.0 CFS)

Priority Date: 06-01-1967

In: NWSE SWSE Sec 28 T 08S R
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KEN DUNN,

Director

Published Feb. 6 and 13, 1986 in the
Caribou County Sun.

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 16, 1990

Dale Panting
7013 South 2310 West
West Jordan, UT 84084

RE: Use of Water from Formation Springs

Dear Dale:

After you left my office on May 8, 1990, I checked our decree file, and compared our decree to the decree which you delivered to me. You are correct that our decree only contains three pages, while the copy of the decree you delivered to me is four pages long. In comparing the text, however, I cannot discover any difference between the two. The copy of the decree which you delivered to me is double spaced. Our copy of the decree is single spaced, which shortens the length of the document. All of the language of the two decrees appears to be identical. I have enclosed a copy of our decree for reference.

I have also inserted copies of the material which you submitted to me in the file for the City of Soda Springs and in all of your water right files.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc: Eastern Region

PANTING FILE

11-00991
11-4434322

Sunday

DALE PANTING
7013 South 2310 West
West Jordan, Utah 84084
(801) 566-0706

August 5, 1987

Attorney General, State of Idaho
State House, Room 210
Boise, Idaho 83720

RE: Public Notice of Filing Petition to Commence General
Adjudication of Water Rights, Civil Case No. 39576

Dear Sirs:

I see it being advertised about the water rights and users of the Snake River, yet it doesn't show anything other than White in Southeastern Idaho, Caribou County. Why then is it being published in the Caribou County Sun of Soda Springs, Idaho? I am asking this as I am a decreed water right owner of Formation Springs in Caribou County and would like a reply immediately about this and if it concerns Formation Springs or this area. If so, why isn't the map more thorough. If the Caribou area is in the Snake River Tributary, it is not shown legitimately on the map, making it null and void, being published under false pictures and lack of public information.

Sincerely,

Dale Panting

Dale Panting

DP:lt

EXCERPTS FROM THE BOOK OF GOVERNMENT IN
STATES AND NATIONS

1. Page 23 -- All important officers are required to take oath (or affirmation) to support the Constitution of the United States and the Constitution of the State of _____ and faithfully to discharge the duties of the office of _____.
2. Page 23 -- Officers who have considerable responsibility and especially those in whose custody money is placed, are required to furnish bonds for the faithful performance of their duties.
3. Page 31 -- A mayor elected for two years or more, his salary to be fixed by the Council. The mayor is to appoint all heads of departments (except Controller). Subordinates are to be appointed under a Civil Service Examination System administered by a Commission of three members to be appointed by the mayor. This is to guard against political practice of installing their friends every election.
4. Page 312 -- Right of eminent domain is properly vested in the government. By this right, private property may be taken for public use only after the payment of a just price.

Constitutional Amendment #1 -- Freedom of speech.

Constitutional Amendment #5 -- Nor shall private property be taken for public use without just compensation.

Constitutional Amendment #14 -- No state shall make or enforce any law which shall abridge the privileges of immunities of citizens of the United States nor shall any state deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

5. Page 349 -- This Constitution and the Laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the Supreme Law of the Land. And the Judges in every state shall be bound thereby, laws to the states notwithstanding.

Federal Energy Regulatory Commission (FERC) -- Pete Horings (359-4791).

The State has to show it will not infringe on the people's rights.

Number 1390

4-405

THE UNITED STATES OF AMERICA.
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

Homestead Certificate No. 1775

Application 1789.

WHEREAS, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Blackfoot, Idaho, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto the claim of Christopher Panting has been established and duly consummated, in conformity to law, for the North West quarter, of Section twenty eight in Township eight south of Range forty two East of Boise Meridian in Idaho containing one hundred and sixty acres according to the Official Plat of the Survey of the said Land, returned to the General Land office by the Surveyor General:

NOW KNOW YE, That there is, therefore, granted by the United States unto the said Christopher Panting, the tract of Land above described: TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said Christopher Panting and to his heirs and assigns forever; subject to any vested and accrued water rights for

mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

IN TESTIMONY WHEREOF, I, Grover Cleveland, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the eighth day of June in the year of our Lord one thousand eight hundred and ninety five, and of the Independence of the United States the one hundred and nineteenth.

By the President: Grover Cleveland

By, M. Mc Kean, Secretary

L. Q. C. Lamar, Recorder of the General Land Office.

SEAL

RECORDED, VOL. 3 Page 459

Recorded at the request of:
N. E. Snell, May 24, 1920 at 5:05 p.m.
Fee \$1.00

E. Kenneth Gorton, Recorder

By, *Dorothy Starrett*
Deputy

Hur. Truth &
Hob. 344.

Illustrations
of the error of
C. 25; Brown;
Jones, Esq. (M.)

opportunity of
nat. 27. Truth
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of disapproval,

at present and
does not from
of truth.

conformity
t. "Import and
Judgm. § 278.

§ 27. A slave

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if in a guard

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with v. Bus-

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r v. Union
33, 232 F.

NT. They
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other craft
is broadest
"ship."
float upon
ce or war.
t. or cars.
Kind

Every description of water craft or other
contrivance used, or capable of being used, as
means of transportation in water or in wa-
ter and in air. Act Sept. 21, 1922, c. 356 (19
USCA § 281).

Every description of water-craft or other
artificial contrivances used, or capable of be-
ing used, as a means of transportation on
water. Rev. St. U. S. § 3 (1 USCA § 3). Un-
der this definition, the term has been held to
include a large dredging barge, having no
propelling power, but capable of being towed
astern; City of Los Angeles v. United Dredg-
ing Co. (C. C. A.) 14 F.(2d) 864, 305; and like-
wise a house boat, not permanently attached
to the shore, though without motive power;
The Ark (D. C.) 17 F.(2d) 440, 447; but not a
starboat, secured to the shore by cables and
used as an office, warehouse, and wharf, and
having water and electric light connections
and telephone system; Evansville & Bow-
ling Green Packet Co. v. Chero Cola Bottling
Co. 271 U. S. 19, 46 S. Ct. 379, 380, 70 L. Ed.
25; nor a dry dock used for the repair of
vessels, though capable of being floated and
moved from place to place; Berton v. Tietjen
& Lang Dry Dock Co. (D. C.) 219 F. 763, 771.

As used in various other statutes, the word "ves-
sel" has been held applicable to a ferryboat; Port
Swan & Sarnia Ferry Co. v. Lawson (D. C.) 228
F. 215, 219; a pile driver scow; George Leary Const.
Co. v. Matson (C. C. A.) 272 F. 451, 453; a derrick
boat, carrying a derrick used for loading logs from
the river bank upon boats; Patton-Tully Transp.
Co. v. Turner (C. C. A.) 238 F. 324, 326; a hydro-
plane while moving on the water; Reinhardt v.
Newport Flying Service Corporation, 223 N. Y. 118,
124 N. E. 57, 372, 13 A. L. R. 1234; and even to a log
raft; The Libby Maine (D. C.) 1 F.(2d) 79, 80. The
term is broad enough to include a vessel's tackle,
apparel, furniture, chronometer and appurtenances.
The Frolic (D. C.) 148 F. 321.

The word has also been held to include a new
ship as soon as its hull has been launched; The
Fathia (C. C. A.) 226 F. 123; and any structure
which is so far completed as to be capable of being
used as a means of transportation on water; R. R.
Rice & Sons Co. v. Fairbanks, Morse & Co. (C. C.
A.) 11 F.(2d) 103, 104; but not an old hull built of
timber taken from an old dry dock; The Dredge A
(D. C.) 217 F. 617, 620. Contra, Moore v. Under-
writers (C. C.) 14 F. 238.

The words "boat," "craft," and "water craft" are
usually applied to small vessels, while larger ves-
sels, especially in the case of large iron steamships,
are usually referred to by the term "steamer," or
"steamship," or "vessel." The Saxon (D. C.) 239 F.
69, 641.

A utensil, such as a bottle, designed to hold
liquids, etc. Old Tavern Farm v. Fickett, 125
Mo. 123, 131 A. 305, 306.

Foreign Vessel

A vessel owned by residents in, or sailing
under the flag of, a foreign nation. "Foreign
vessel," under the embargo act of January,
1808, means a vessel under the flag of a fore-
ign power, and not a vessel in which foreign-
ers domiciled in the United States have an

interest. The Sally, 1 Gall. 58, Fed. Cas. No.
12,257.

Public Vessel

One owned and used by a nation or govern-
ment for its public service, whether in its
navy, its revenue service, or otherwise.

VEST. To accrue to; to be fixed; to take ef-
fect; to give a fixed and indefeasible right.

It may denote either a vesting in interest
or a vesting in possession. Busick v. Busick,
65 Ind. App. 655, 115 N. E. 1025, 1029. An
estate is vested in possession when there ex-
ists a right of present enjoyment; and an es-
tate is vested in interest when there is a pre-
sent fixed right of future enjoyment. Fearnie,
Rem. 2; Butler v. Sherwood, 114 Misc. 483,
186 N. Y. S. 712, 714; Schae v. Boone, 236 Mo.
212, 243 S. W. 882, 886; State v. Welch's Es-
tate, 235 Mich. 555, 209 N. W. 930, 934; Zieg-
ler v. Love, 185 N. C. 40, 115 S. E. 887, 888;
Hignett v. Sherman, 75 Colo. 84, 224 P. 411,
415; Gray v. Shinn, 298 Ill. 573, 127 N. E. 705,
758; In re Neal's Estate, 252 Pa. 394, 97 A.
502, 504.

The normal sense of the word is to indicate a
present and immediate interest, as distinguished
from one that is contingent. In re Stocker's Estate,
230 Pa. 395, 103 A. 885, 886; Class v. Strack, 35 N. J.
Eq. 219, 14 A. 405, 406; Saertum v. Saertum, 135 Miss.
238, 193 N. W. 304, 306; Crawford v. Carlisle, 304 Ala.
379, 23 So. 565, 571.

To clothe with possession; to deliver full
possession of land or of an estate; to give
seisin; to enfeoff. Spelman.

VESTA. The crop on the ground. Cowell.

VESTED. Fixed; accrued; settled; abso-
lute. Orthwein v. Germania Life Ins. Co. of
City of New York, 261 Mo. 650, 170 S. W.
885, 888. Having the character or giving
the rights of absolute ownership; not con-
tingent; not subject to be defeated by a con-
dition precedent. See Scott v. West, 63 Wis.
529, 24 N. W. 161; McGilla v. McGilla, 11
App. Div. 359, 42 N. Y. S. 924; Smith v. Pro-
key, 39 Misc. 335, 79 N. Y. S. 851.

VESTED DEVISE. See Devise.

VESTED ESTATE. An interest clothed with
a present, legal, and existing right of aliena-
tion. Anderson v. Menafee (Tex. Civ. App.)
174 S. W. 904, 908. Any estate, property, or
interest is called "vested," whether in pos-
session or not, which is not subject to any
condition precedent and unperformed. The
interest may be either a present and immedi-
ate interest, or it may be a future but uncon-
tingent, and therefore transmissible, interest.
Brown. See Tayloe v. Gould, 10 Barb. (N. Y.)
388; Flanner v. Fellows, 206 Ill. 136, 68 N.
E. 1057; Tindall v. Tindall, 167 Mo. 213, 66
S. W. 1092; Ward v. Edge, 100 Ky. 757, 39
S. W. 440. A vested estate, whether present
or future, may be absolutely or defeasibly
vested. L'Etourneau v. Henquet, 89 Mich.
428, 50 N. W. 1077, 23 Am. St. Rep. 310. If a

OUT OF DON BLACKHAMS LAW BOOK. WHO IS
ATTORNEY AT LAW - 11-18-88 - DON ALSO SAID
IT IS ORDER BY THE COURTS

WATER LOCATION OF ~~FORMATION~~ SPRINGS:

Notice is hereby given that the undersigned have this day claimed and appropriated and do hereby claim and appropriate all the water in the Creek run or water course known as ^{Formation} Springs near Soda Springs in the County of Bingham, Territory of Idaho. Said water to be taken out at a point where this notice is posted and a monument erected close to the head of said Springs by a dam built across said Creek run or water course and ditch 4 feet wide and at least 1 foot deep running from the north end of said dam in a northerly direction with a fall of $\frac{1}{2}$ foot to the rod. Said water to be used by us

on three quarter sections of Government land now unimproved and occupied or to be occupied by us; and lying close to and north of said Springs. Each of us to own the use of an undivided one third of said water and to use the same for agricultural and domestic purposes.

Soda Springs, Idaho. April 19th A. D. 1887. Chris. Panting F.M. Merrill James Moore.

TERRITORY OF IDAHO, COUNTY OF BINGHAM: ss. John H. Swank being first duly sworn deposes and says that he posted a true and correct copy of the foregoing notice of water location at the point therein set forth and built there a monument of stones on the 9th day of April A. D. 1887. John H. Swank. Subscribed and sworn to before me this 9th day of April A. D. 1887. Wm. Chester, Justice of the Peace.

Recorded 4/11 '87 at 10 o'clock A. M. by request of E. S. Whittier. Geo. A. Robethan, Recorder.

Transcribed from Book B of Water Locations, Page 59, Records of Bingham County, Idaho.

Transcribed from Bannock County Records, Water Location Record No. 1, Page 183. ✓

Territory water right - Precedes any state right

BOOK OF WATER LOCATIONS - BINGHAM COUNTY

WATER LOCATION OF ~~TOMATINS~~ ^{Formation} SPRINGS:

Notice is hereby given that the undersigned have this day claimed and appropriated and do hereby claim and appropriate all the water in the Creek run or water course known as Formation Springs near Soda Springs in the County of Bingham, Territory of Idaho. Said water to be taken out at a point where this notice is posted and a monument erected close to the head of said Springs by a dam built across said Creek run or water course and ditch 4 feet wide and at least 1 foot deep running from the north end of said dam in a northerly direction with a fall of $\frac{1}{2}$ foot to the rod. Said water to be used by us

on three quarter sections of Government land now unimproved and occupied or to be occupied by us; and lying close to and north of said Springs. Each of us to own the use of an undivided one third of said water and to use the same for agricultural and domestic purposes. Soda Springs, Idaho. April 19th A. D. 1887. Chris. Panting F.M. Merrill James Moore.

TERRITORY OF IDAHO, COUNTY OF BINGHAM: ss. John H. Swank being first duly sworn deposes and says that he posted a true and correct copy of the foregoing notice of water location at the point therein set forth and built there a monument of stones on the 9th day of April A. D. 1887. John H. Swank. Subscribed and sworn to before me this 9th day of April A. D. 1887. Wm. Chester, Justice of the Peace.

Recorded 4/11 '87 at 10 o'clock A. M. by request of E. S. Whittier. Geo. A. Robethan, Recorder.

Transcribed from Book B of Water Locations, Page 59, Records of Bingham County, Idaho.

Transcribed from Bannock County Records, Water Location Record No. 1, Page 183. ✓

THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

Homestead Certificate No. 1775

APPLICATION 1789

of the LAND OFFICE at Blackfoot Idaho

approved 20th May, 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the

of Christopher Panting has been established and duly consummated, in conformity to law, for

North West quarter of Section twenty eight in Township eight South of Range forty two E

of Boise Meridian in Idaho containing one hundred and sixty acres

according to the OFFICIAL PLAT of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the SURVEYOR GENERAL:

Now know ye, That there is, therefore, granted by the United States unto the said Christopher Panting

the tract of Land above described: To have and to hold the said tract of Land, with the appurtena

thereof, unto the said Christopher Panting and to his

irs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs use

connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a

or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

In testimony whereof I, Grover Cleveland, President of the United States of Amer

have caused these letters to be made Patent, and the seal of the GENERAL LAND OFFICE to be hereunto affixed.

Given under my hand, at the CITY OF WASHINGTON, the eight day of June, in the year of our Lord one thou

eight hundred and ninety five, and of the Independence of the United States the one hundred and nineteen

By the President: Grover Cleveland

4-05-88	TEL CONFERENCE w/ DALE - LETTER TO ALL CLIENTS	1.00 Hrs
4-05-88	DALE CALLED Lou 2 MIN	.53
4-10-87	LODGING + MEALS - BY Lou WHERE?	38.92
1-12-89	TEL CONF w/ WILKINSON - RE - CITY - PANTINE - CLOSING - REVIEW CORRESPONDENCE - STIPULATION + ECT	.50 Hr
1-12-89	DALE NEVER CALLED HIM	
2-23-89	TEL CONF w/ DALE - LETTER TO CLIENTS RE - STIPULATION	1 Hr
2-23-89	DALE CALLED Lou - 3 MIN	.73

I WOULDN'T CALL HIS OFFICE & THEN BE PUT
THROUGH TO ROBBIN (HIS SEC) & FOR HER TO SEE

He sure ~~W~~ts To Review Title

Deputy.

Ex-Officio Recorder

at page --- 334

711

Office and duly record

day of May:

es par... 0'010

100

at the request of:

100

IN THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO

IN AND FOR THE COUNTY OF CARIBOU

Daniel J. Lau, Joseph E. Lau, Louise Horsley
and Daniel Cross,

Plaintiffs,

vs.

Chris Panting, Adelbert Panting, Lina Panting
and Henry L. Finch,

Defendants.

DECREE.

THIS CAUSE Came on Regularly for trial the Fifth day of November, 1919, upon the amended complaint of Daniel J. Lau, Joseph E. Lau, Louise Horsley and Daniel Cross; the answer and cross complaints of Chris Panting, Adelbert Panting and Lina Panting and the answer and cross complaint of Henry L. Finch; Budge & Merrill of Pocatello, Idaho appearing as attorneys for the Plaintiffs, J. M. Stevens, Esq., appearing for the Pantings and N. E. Snell, Esq., appearing for the Defendant Finch; and it appearing to the court that the respective rights of all the parties to the waters of Formation Spring and Creek -- the water course mentioned and described in the pleadings herein -- have been agreed upon and stipulated in open court and the parties, having also stipulated all facts necessary as a basis for the complete determination and adjudication of the claims of all said parties to the said waters, and Findings of Fact and Conclusions of Law having been expressly waived and the Court being fully advised in the premises,

It is ordered, adjudged and decreed that the said several parties are and shall be entitled to receive of the waters of said Formation Spring and Creek which rises in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Twp. 8 S., R. 42 E., S. 6 N., in Idaho for the irrigation of the lands herein after described, the quantity of water set opposite their respective names with priority dating from the dates stated as follows: to-wit:

Chris Panting - 7 $\frac{1}{2}$ second feet (375 miners inches), from May 1st, 1887, for the irrigation of the

2
NW $\frac{1}{4}$, and (SE $\frac{1}{4}$ NE $\frac{1}{4}$, the NE $\frac{1}{4}$ SE $\frac{1}{4}$), W $\frac{1}{2}$ -SE $\frac{1}{4}$ of Section 28,
and the (SE $\frac{1}{4}$ NE $\frac{1}{4}$) and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, all in Twp. 8 S.,
R. 42 E., B. M., in Idaho;

Adelbert Panting - 3 second feet (150 miners inches),
from May 1st, 1887, for the irrigation of the (25 miners inches),
W $\frac{1}{2}$ -NE $\frac{1}{4}$ of Section 28, and the SE $\frac{1}{4}$ of Section 21, Twp.
8 S., R. 42 E., B. M., in Idaho.

Lina Panting - $\frac{1}{2}$ second foot (25 Miners inches) from
May 1st, 1887, for the irrigation of the (25 miners inches) to be diverted
(SE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section 29, in Twp. 8 S., R. 42 E.,
B. M., in Idaho.

The water hereinbefore decreed to Chris Panting,
Adelbert Panting and Lina Panting, to be diverted from the said
Formation Spring and Creek within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28 and
at a point at or near the boundary line between the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of
Section 28, and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Twp., 8 S., R. 42 E.,
B. M.
Henry L. Finch, $\frac{5}{8}$ second feet (275 miners inches),
from May 1st, 1889 for the irrigation of the (275 miners inches) named.

W $\frac{1}{2}$ SW $\frac{1}{4}$, and the SW $\frac{1}{4}$ NW $\frac{1}{4}$, and Lot 4 of Section 5, Twp.
9 S., R. 42 E., B. M. in Idaho:

The said water to be diverted from the channel of
Formation Spring Creek at a point in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28,
Twp. 8 S., R. 42 E., B. M., in Idaho;

Daniel J. Lau - 6.9 second feet (345 miners inches),
as of May 1st, 1895, for the irrigation of the (345 miners inches), the
E $\frac{1}{2}$ -SW $\frac{1}{4}$ and Lots 3 and 4, and the W $\frac{1}{2}$ -SW $\frac{1}{4}$ -SE $\frac{1}{4}$ of Section
18; and the NW $\frac{1}{4}$ -NE $\frac{1}{4}$, and Lot 1 of Section 19, all in Twp. 8 S.,
R. 42 E., B. M., in Idaho.

Joseph E. Lau - 4.7 second feet (235 miners inches),
as of May 1st, 1895, for the irrigation of the (235 miners inches) and
SE $\frac{1}{4}$ -NW $\frac{1}{4}$, the E $\frac{1}{2}$ -SE $\frac{1}{4}$, and the E $\frac{1}{2}$ -SW $\frac{1}{4}$ -SE $\frac{1}{4}$ all in Section
18, Twp. 8 S., R. 42 E., B. M., in Idaho;

Panting
375"
7 1/2 CFS
3 SF

Lina
Panting
25"
1/2 CFS
11 CFS
1887

5 1/2

1889

Louise Horsley - 1.4 second feet (70 miners inches),
as of May 1st, 1895, for the irrigation of the
W $\frac{1}{2}$ -SE $\frac{1}{4}$ the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 13; the N $\frac{1}{2}$ NE $\frac{1}{4}$, the SE $\frac{1}{4}$ NE $\frac{1}{4}$
of Section 24, Twp. 8 S., R. 41 E., B. M., in Idaho;
Daniel Cross - .5 of a second foot (25 minerag inches),
as of May 1st, 1913, for the irrigation of the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section
29, ~~twp 8 S., R. 42 E., B. M., in Idaho~~

The water hereinbefore decreed to the said Daniel J.
Lau, Joseph E. Lau Louise Horsley and Daniel Cross to be diverted
from Formation Springs Creek at or near the boundary between the
NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, twp 8 S.,
R. 42 E., B. M., in Idaho.

It is further ordered adjudged and decreed that the
rights of each of said parties, as above specified, be and it is
hereby quieted and established as against any claims of any of
the other parties and each of said parties is hereby permanently
restrained and enjoined from in any manner interfering with the
full and complete exercise and enjoyment of the said rights so
decreed to the other parties and each of them herein named.

It is further ordered adjudged and decreed that the
said Daniel J. Lau, Joseph E. Lau, Louise Horsley and Daniel
Cross shall at their own cost cause to be constructed and install-
ed at the in-take of the ditch now used by them (the in-take
being the point of diversion hereinbefore described); a permanent
measuring device for the measurement of the water decreed to
them and such of the waters of said creek as the defendants, the
Panting, divert for their use through said ditch and that the
said named parties shall maintain the said measuring devices and
keep the same in repair.

It is further ordered adjudged and decreed that the
said Chris Panting, Adelbert Pa nting and Lina Panting shall at
their own cost construct and install at their points of diversion
along the ditch jointly used by the plaintiffs and themselves

NEVER WAS THIS
MUCH WATER

TOTAL
AMOUNTS
Decreed
IS 31.4 CFS

ENJOYMENT - ACT OF ENJOYING,
PLEASURE or GRATIFICATION
GRATIFICATION - SATISFACTION
PLEASURE

FOUND IN COLUMBIA
ENCYCLOPEDIA - 2ND EDITION
EXERCISE
ALSO A MEANS
OF RECREATION

permanent measuring devices and keep the same in repair so that any person interested may determine the total quantity of water being diverted by them from said ditch;

It is further ordered and adjudged and decreed that the said Pantings at any and all other points on said Spring or along the channel of said Formation Spring Creek where they divert any of the waters herein decreed to them ~~shall at their own cost~~ cost install and maintain permanent measuring devices which shall accurately measure the quantity of water being diverted by them from said Spring Creek and that said Henry L. Finch shall at his own cost install and maintain at his point of diversion a suitable and permanent measuring device.

It is further ordered, adjudged and decreed that the said several parties are and each of them is permanently enjoined and restrained from diverting the waters decreed to them as aforesaid except through the measuring devices herein required to be constantly and installed.

It is further ordered and adjudged and decreed that the plaintiffs and the said Henry L. Finch be and they are hereby granted the right of ingress and egress to and from their respective points of diversion and the further right to maintain and care for their diverting works and ditches whereby water is conveyed to their said lands hereinbefore described.

It is further ordered and adjudged and decreed that each party pay his own costs herein.

Dated this sixth day of November A. D. 1919.

B. S. Varian, District Judge.
E. Kenneth Gorton, Recorder
By, Dorothy Sterrett
Deputy

Filed Nov. 7, 1919
E. Kenneth Gorton, Clerk

-----oOo-----

11-01233

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. 11-432~~9~~) 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 Jeppsen) 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 Jeppsen
CLAUDE JEPSEN

Mae Jeppsen
MAE JEPSEN

DATED: This 1 day of March, 1989.

Jack Christensen
JACK CHRISTENSEN

Renée 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)
: ss
County of)

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)
: ss
County of Cambau)

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: Pitkin
Comm. Expires: April 15, 1991

STATE OF IDAHO

)

: ss

County of Caribou

)

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. Lewain
NOTARY PUBLIC FOR IDAHO
Residing at: Edgemoor
Comm. Expires: April 15, 1991

(SEAL)

STATE OF IDAHO

)

: ss

County of Caribou

)

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. 8536
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: Idaho
Comm. Expires: April 15, 1991

(SEAL)

STATE OF IDAHO

)

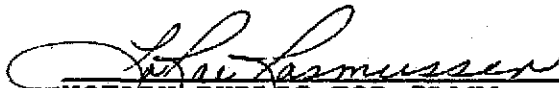
: ss

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
Comm. Expires: 5-11-93

(SEAL)

STATE OF IDAHO

)

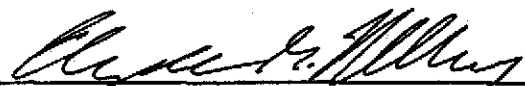
: ss

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.

PAGE - ~~11~~ 12

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY:

Gary Spackman

Right Number _____

Applicant

Elmus Panting and/or Dale
Panting and/or Marjorie Beins

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.

FINAL REGIONAL PROCESSING REVIEW:

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

By

JW
ENC

Date

4-07-86
4-8-86

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

SC

Date

4/9/86

MICROFILMED

RECEIVED

APR 09 1986

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

FEBRUARY 24, 1986

ELMUS PANTING
DALE PANTING
MARJORIE BEINS
BOX 631
SODA SPRINGS

ID 83276

RE: Claim No. 11-4322

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

MICROFILMED

April 7, 1986

RE: Claim to a Water Right No. 11-4322

Elmus Panting
Dale Panting
Marjorie Beins
Box 631
Soda Springs, ID 83276

Dear Claimants:

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

MICROFILMED

April 7, 1986

RE: Claim to a Water Right No. 11-4322 PANTING & BEINS

Mr. Roy Rainey
City Administrator
City of Soda Springs
172 So. Main
Soda Springs, ID 83276

Gentlemen:

We have received the exception dated March 7, 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 evalutate 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

cc: Clyde G. Nelson, Attorney

MICROFILMED

February 25, 1986

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

RE: Claim to a Water Right No. 11-4322. Elmus Panting and/or
Dale Panting and or Marjorie Reins.

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced Claim. The legal notice was to have been published in your paper on February 6, and 13, 1986.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

MICHELE DAVIS
Office Secretary

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JANUARY 29, 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 billings to this office before FEBRUARY 24, 1986.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MACROFILMED

Soda Springs, Idaho
6, 1986

tices —

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:

11-4322

PANTING, ELMUS &-or DALE
BEINS, MARJORIE
BOX 631, SODA SPRINGS, ID
83276

Source: FORMATION SPRINGS
trib. to SINKS FORMATION
SPRINGS CREEK trib. to SINKS

Diversion Pt: SWSE NESE Sec 28 T
08S R 42E NWSW Sec 27 T 08S R 42E
Use: FISH PROP. (6.0 CFS)

Priority Date: 06-01-1967

In: NWSE SWSE Sec 28 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,

Director

Published Feb. 6 and 13, 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:

11-4322

PANTING, ELMUS &/or DALE
BEINS, MARJORIE

BOX 631, SODA SPRINGS, ID 83276

Source: FORMATION SPRINGS trib. to SINKS
FORMATION SPRINGS CREEK trib. to SINKS

Diversion Pt: SWSE NESE Sec 28 T 08S R 42E NWSW Sec 27 T 08S R 42E

Use: FISH PROP. (6.0 CFS)

Priority Date: 06/01/1967

In: NWSE SWSE Sec 28 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 2/6 & 2/13/86.

MICROFILMED

