

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.

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)

(Zip Code)

Telephone No. 547-3077

(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 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:

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	6.0 cfs	Use	fish propagation	Period of Use From 1/1	To 12/31
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.
-----	---------	----------------------

(cfs, af)

(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 ¼ of SE ¼, 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, T 8 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.

[illegible]

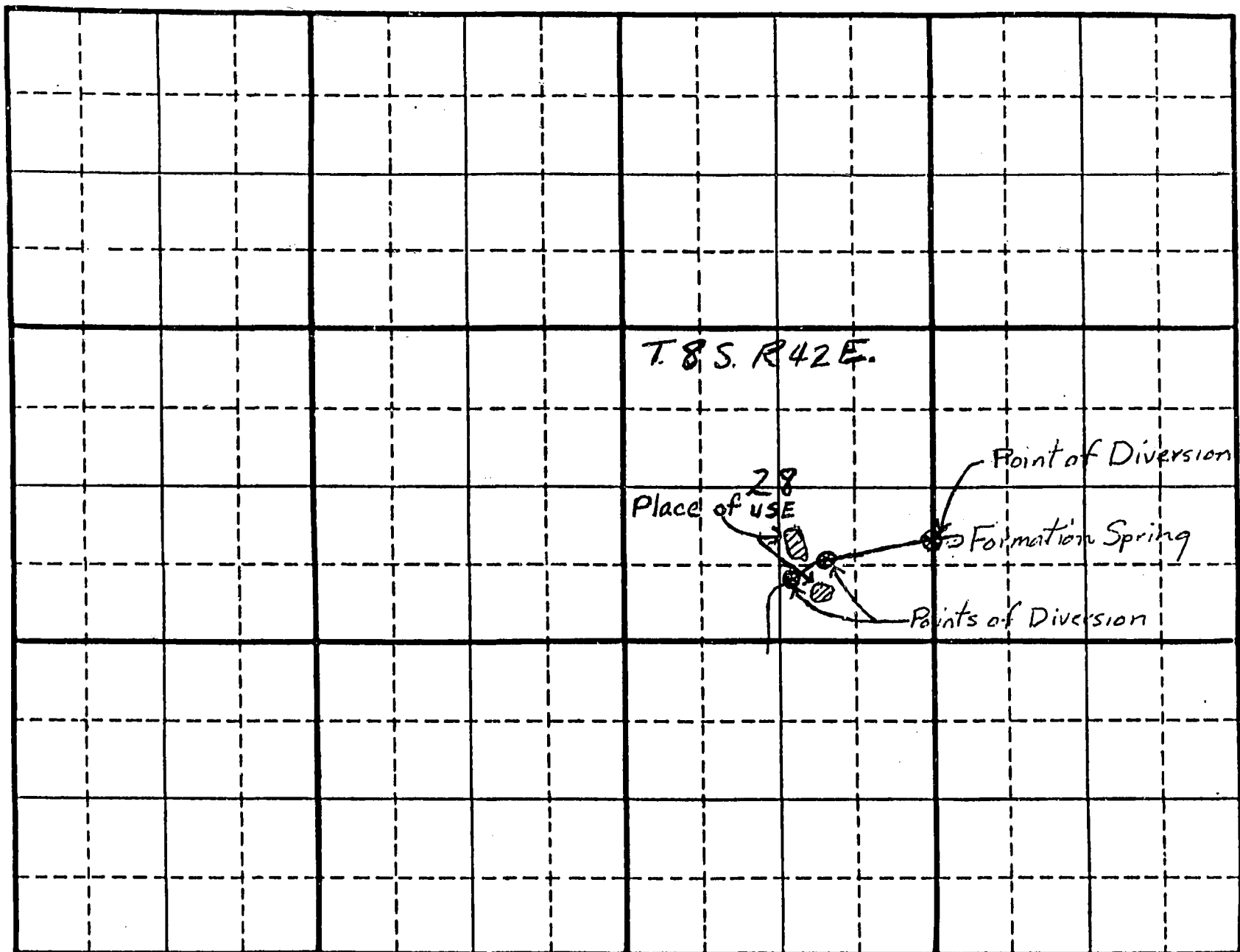
No. of acres _____

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:

(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

19 86.

[Signature]
Notary Public
Residing at Preston, Idaho

My commission expires 8/8/88

FOR DEPARTMENT USE ONLY

Received by SM Date Jan 23, 1986 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by G.S. Date Jan 23, 1986 claimant by: _____
A 2000.00 fee received by MD 5552 Date 1/23/86 City of Soda Springs cw 4-07-86
Published in Caribou County Sun
Dates Feb 6 + 13, 1986

RECEIVED
MAR 14 1986

Department of Water Resources
Eastern District Office

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.

**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, 1986

The date of the last publication
being the 13th day of
February, 1986

Subscribed and sworn to before
me this 6th day
of March, 1986

Notary Public, residing
at Soda Springs, Idaho

(SEAL)

My Commission expires the
1st day of March

1988.

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.

RECEIVED
MAR 10 1986
Department of Water Resources
Eastern District Office

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.

Louise Stewart
NOTARY PUBLIC FOR IDAHO
Residing at Soda Springs

(SEAL)

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.

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.

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

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 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

cc: Clyde G. Nelson, Attorney

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

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

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

2/24/86
4-07-86
4-8-86

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

SC

Date

4/9/86

RECEIVED

APR 09 1986

Department of Water Resources