

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 36-00005A

Date Received 9-26-00

Receipt Number C050573

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

SEP 26 2000

Department of Water Resources

Please type or print clearly

- Name of Claimant (s) Lynn J and Kathy L. Babington Phone (208) 837-4860
Mailing Address 2849 South 850 East, Hagerman, Id Zip 83332
- Date of Priority (Only one (1) per claim) 09-10-1884
- Source of water supply (a) B. Hingley Creek
which is tributary to (b) Snake River
- a. Location of existing point of diversion is: Township 07S Range 13E Section 11,
SE 1/4 of SE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Gooding
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
- Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.
Water is delivered through the Buckeye Ditch and pumped from
ponds adjacent to the ditch.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 2-15 to 11-30 amount .96 or _____

For Stockwater purposes from 01-01 to 12-31 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .96 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) stockwater

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
7S	13E	27								X									24
7S	13E	27								I									

Total number of acres irrigated 24

11. In which county (ies) are lands listed above as place of use located? Gooding County

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
36-00003C and 36-00019 or None ()

14. Remarks:

Scale: 2 inches equals 1 mile

See Attached Map

A large grid of 20 columns and 20 rows of squares. Each square contains a crosshair pattern with a central dot and four lines extending to the edges. A faint circular stamp is visible in the upper left quadrant.

Babington

Ident No.

36-00005A

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number 36-00005

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do X do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature] Date _____

Patrick D. Brown

Attorney for Claimants

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho)

) SS.

County of Jerome)

Subscribed and sworn (or affirmed) before me this 31st day of May 2000

Notary Public Patricia J. Fahrenholz

Residing at Twin Falls

My Commission Expires 11-09-2004

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Patrick D. Brown will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature]

Patrick D. Brown, P.C.

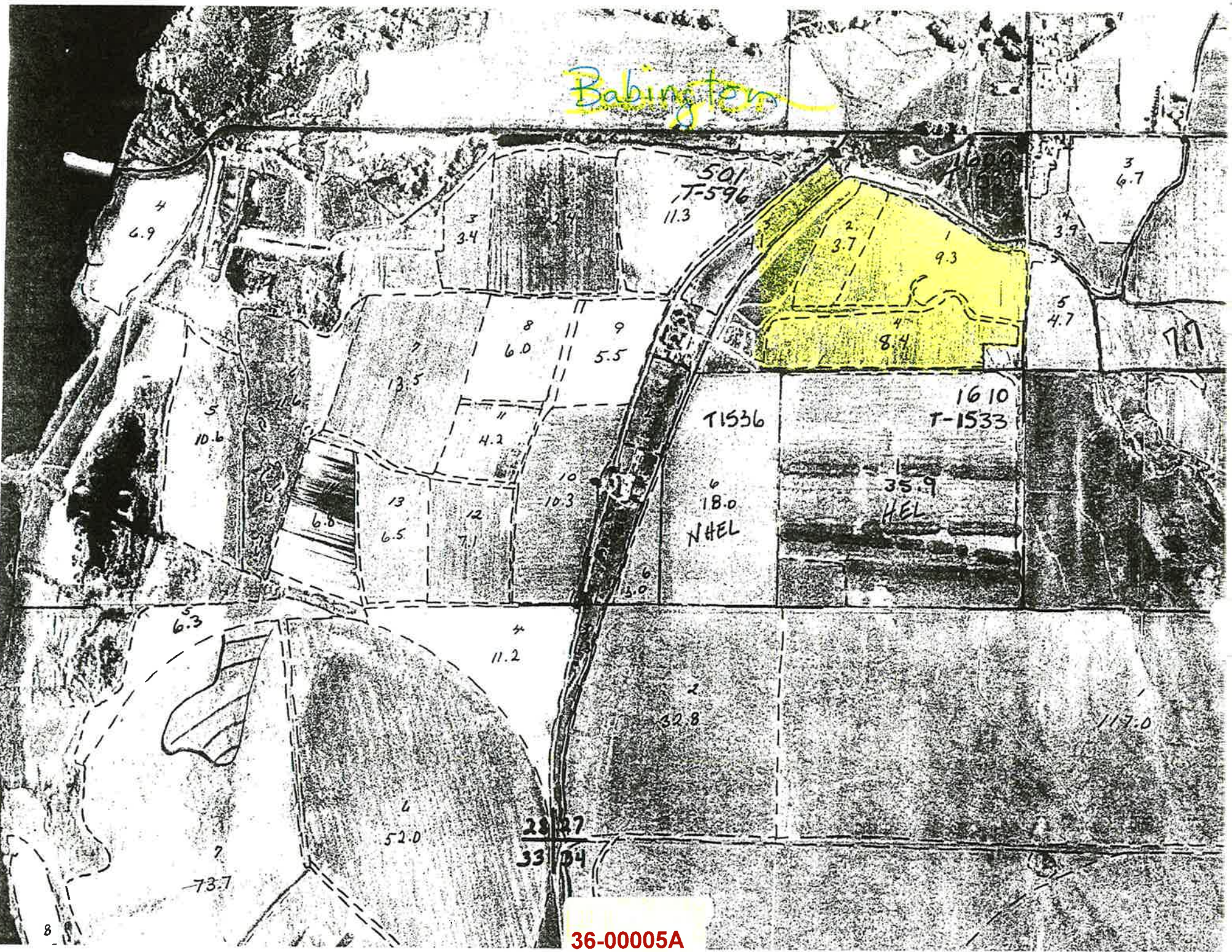
Address 109 So. Adams, Jerome ID 83338

Date 5-31-00

Last Name Babington Ident. Number 36 00005 A

Copies White-State, Yellow-Claimant

Babington



36-00005A

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME	<u>Babington, L. J. Kathy L.</u>	CLAIM IDENT. NO.	<u>36-5A</u>
DATE RECEIVED	<u>9-26-00</u>	AMOUNT	<u>\$100.00</u>
	<u># C050573</u>		

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates?	☒	☐	*
See Adjudication Memos #1 and #4 to determine if a Permit is required.	☒	☐	
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required)	☒	☐	
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	☒	☐	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	
8. If required is a consumptive use entered?	☒	☐	
Is the consumptive use correct?	☒	☐	
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.	☒	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated?	☒	☐	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☒	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)	☒	☐	
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	☒	☐	*
18. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
19. Was this claim filed on time, or was an extension granted?	☒	☐	*
20. Is the fee enclosed correct?	☒	☐	*
21. If this claim is based on an existing water right, has the identification number been entered?	☒	☐	
22. Should this claim be data entered?	☒	☐	

Claim checked by: J. Sherman/D. S. Haff Date: 9-26-00
Claim must be returned to claimant: (Yes) / (No)
Claimant must be notified of modifications: (Yes) / (No)

Receipt Prepared by: J. Masl Date: 9-26-00
Claim data entered by: J. Sherman Date: 9-27-00 Checked by: _____ Date: _____
Sent to claimant by: _____ Date: _____

Comments: _____

200 SEP 21 PM 1:54
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase No. 36-00005 A

ORDER GRANTING MOTION
TO FILE LATE NOTICE OF CLAIM

On May 31, 2000, a *Motion to File Late Notice of Claim* was filed by
Lynn & Kathy Babington (Attys - Pat & Brown). All procedural requirements under *Administrative*
Order 1 were complied with in filing this *Late Notice of Claim*. No valid objections were made
to this *Late Notice of Claim*. The *Motion* is GRANTED.

IT IS SO ORDERED.

DATED SEP 21 2000.



BARRY WOOD
Administrative District Judge
Interim Presiding Judge
Snake River Basin Adjudication

RECEIVED

JUN 30 2000

Department of Water Resources

2000 MAY 31 PM 4: 25

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case 39576

Hrg 9-19
Subcase 36-00005-A

STANDARD FORM 4

MOTION TO FILE LATE
NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase". You must use a **separate form** for each late or amended Notice of Claim.

By filing a *Motion to File Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

X

I have read SRBA Administrative Order 1, Rules of Procedure (amended Sept. 30, 1996).

My name is: Lynn J. and Kathy L. Babington

My address is: 2849 S 850 E, Hagerman, ID 83332

My phone number is: Work: (208) 837-4860 Home: (208) 837-4860

I am an attorney representing: Lynn J. and Kathy L. Babington

My name is: Patrick D. Brown

My address is: Patrick D. Brown, P.C.
Law Offices
109 South Adams Street
Jerome, ID 83338

My phone number is: (208) 644-1967

MOTION TO FILE LATE NOTICE OF CLAIM

A Motion to File Late Notice of Claim will require a hearing before the Presiding Judge.

X

I did not file a Notice of Claim to the use of water in the SRBA because:

The Motions for Late/Amended Claims for Water Right Nos. 36-00003, 36-00005, along with 36-00019 are made in order to conform the pleadings to the proof previously given at trial in the 36-00003 subcases and to conform to the Memorandum Decision and Order on Challenge, issued by Presiding Judge Wood, November 23, 1999.

Those three rights are described with the same point of diversion, priority date, have contiguous places of use on adjacent properties, and have been used together on the properties known as the "Buckeye Ranch." The purpose of the Motions for Late Claims and Motions to Amend Claims is in order to accurately reflect the nature and extent of use as set forth in the 1932 New International Mortgage Bank Decree, and the subsequent history wherein changes in place of use and commingling of the rights have occurred. The changes also reflect the deeded history and actual use of the rights, as described as controlling by Judge Wood's Memorandum Decision. The amended claims and late claims, read as a whole, do not enlarge the amount of water previously claimed under the 36-00003 claims and subcases.

—

I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stockwatering use.

X

I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stockwatering use, but you must attach a copy of your Notice of Claim.)

1. Notice of Claim to a Water Right
2. Map
3. _____

I have attached:

X A fully completed Notice of Claim (available from IDWR).

X A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$25.00.

— A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$_____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This Motion will be heard on _____
(insert date and time)
at the SRBA Courthouse, 253 Third Avenue North, Twin Falls, Idaho.

VERIFICATION (Must be completed)

State of Idaho)
:ss

County of Jerome

Patrick D. Brown, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on May 31, 2000.
(Insert date)



Notary Public for Idaho

Residing at: Twain Falls

My commission expires: 11-09-2004

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy of all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on May 31, 2000, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postabe prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

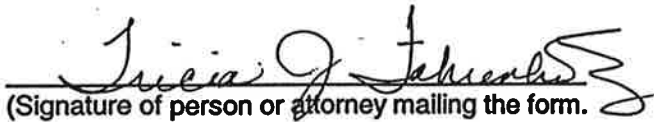
2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Forth Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or Special Master, you may serve a copy on all parties to that subcase.


(Signature of person or attorney mailing the form.)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

36-00005-A

Date Received

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Lynn J and Kathy L. Babington Phone (208) 837-4860Mailing Address 2849 South 850 East, Hagerman, Id Zip 833322. Date of Priority (Only one (1) per claim) 09-10-18843. Source of water supply (a) B. Hingley Creek
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 07S Range 13E Section 11,SE 1/4 of SE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Gordonia

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.Water is delivered through the Buckeye Ditch and pumped from
ponds adjacent to the ditch.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 2-15 to 11-30 amount .96 or _____

For Stockwater purposes from 01-01 to 12-31 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .96 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) stockwater

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
7S	13E	27			X					X									24
7S	13E	27				I				I									

Total number of acres irrigated 24

11. In which county (ies) are lands listed above as place of use located? Gooding County

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

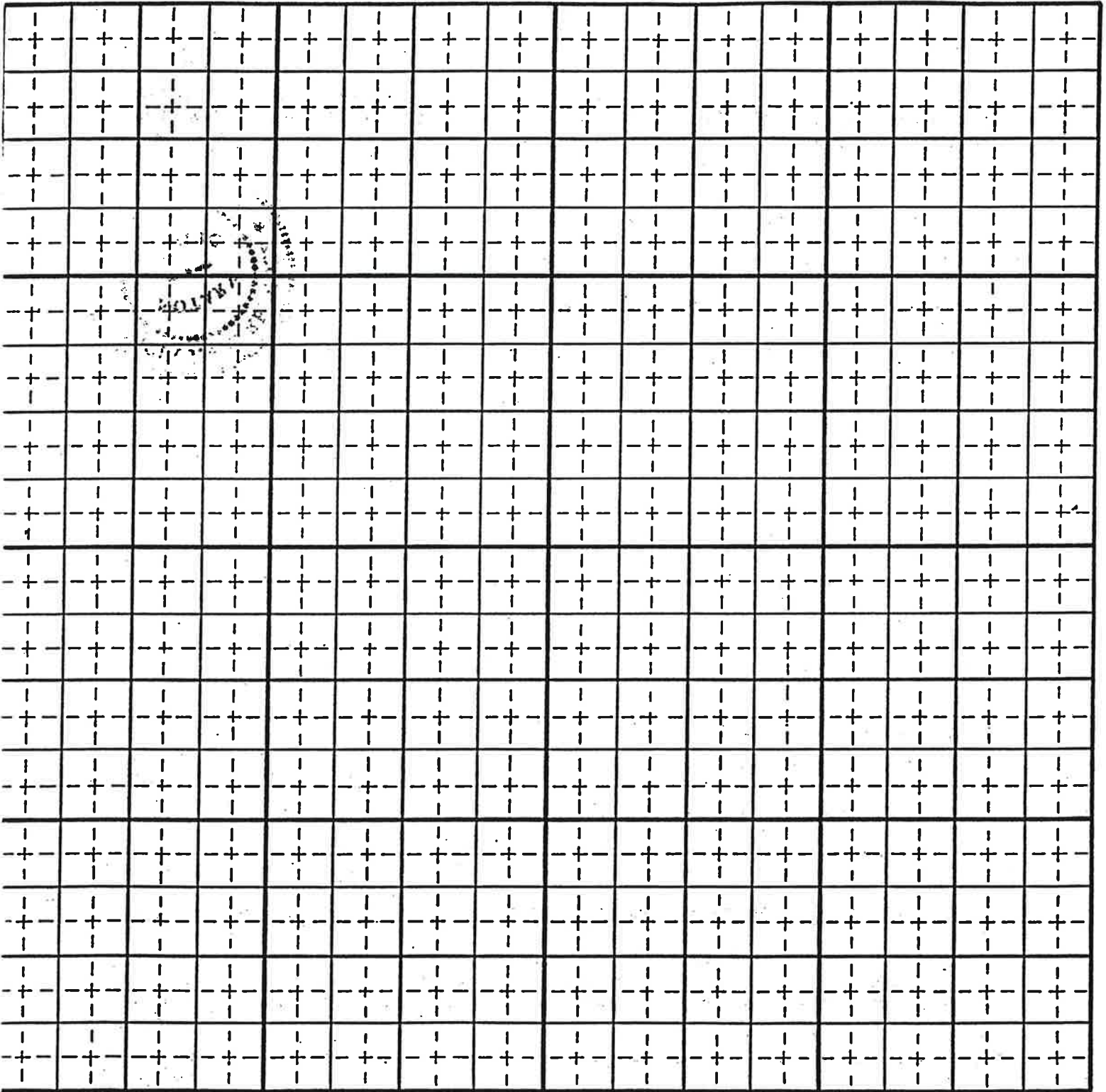
13. Describe any other water rights used at the same place and for the same purposes as described above.
36-000030 and 36-00019 or None ()

14. Remarks:

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

See Attached Map



Last Name

Babington

Ident No.

36-00005A

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 36-00005
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) [Signature] Date _____

Patrick D. Brown
Attorney for Claimants

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____ Organization _____, that I have signed the foregoing

document in the space below as _____ Title _____ of _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho or _____)
County of Jerome) SS.

Subscribed and sworn (or affirmed) before me this 31st day of May 2000

Notary Public Patricia J. Fahrenholz

Residing at Twin Falls

My Commission Expires 11-09-2004



Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Patrick D. Brown will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature [Signature]

Address Patrick D. Brown, P.C.
109 So. Adams, Jerome ID 83338

Date 5-31-00

Last Name Babinington Ident. Number 36 00005 A

Copies White-State, Yellow-Claimant

RECEIVED

JUL 27 2001

Department of Water Resources

RECEIVED

AUG 07 2001

Department of Water Resources
Southern Region

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	A. Subcase 36-00005A
	)	
Case No. 39576	)	STANDARD FORM 2
	)	RESPONSE TO OBJECTION
	)	
	)	
	)	

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Lynn J. and Kathy L. Babington
Address: 2849 S 850 E
Hagerman, ID 83332

Daytime Phone: (208) 837-4860

Name & Address of attorney, if any:

Patrick D. Brown, P.C.
109 S. Adams Street
Jerome, Idaho 83338
ph: (208) 644-1967

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING:

Name: North Snake Ground Water District
Address: 2092 East 3600 South
Wendell, ID 83355

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. Name and Address
2. Source
3. X Quantity Should be decreed as claimed.
4. Priority Date
5. Point(s) of Diversion
6. Instream Flow Description
7. Purpose(s) of Use
8. Period of Year
9. Place of Use

11. **Recommendation**

This water right should not exist.

This water right was not recommended, but should be recommended with the elements described above.

E. **VERIFICATION (Must be Completed)**

State of Idaho)

ss:

County of Jerome)

Patrick D. Brown, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this response, as defined by I.C. 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.



(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 7-26-01

Patricia J. Fahrenholz
Notary Public for Idaho
Residing at: Twin Falls
My Commission Expires: 11-09-04

INSTRUCTIONS FOR MAILING

You must mail the response to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on July 26 2001, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Lynn J. and Kathy L. Babington
Address: 2849 S 850 E
Hagerman, ID 83332

3. One copy to the party who filed the objection at the following address:

Name: North Snake Ground Water District
2092 East 3600 South
Wendell, ID 83355

4. Copies to:

Nick Spencer
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83720

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Div.
5550 West Fort Street, MSC 033
Boise, ID 83724

Josephine P. Beeman, Dana L. Hofstetter, Deborah E. Nelson
Beeman & Hofstetter, P.C.
608 West Franklin Street
P.O. Box 1427
Boise, ID 83701-1427


Signature

JUL - 2 2001

RECEIVED

AUG 07 2001

**Department of Water Resources
Southern Region**

In Re SRBA

A. Subcase 36-00005A

Case No. 39576

STANDARD FORM 1

OBJECTION

Name: North Snake Ground Water District

Address: 2092 East 3600 South
Wendell, Idaho 83355

Daytime Phone: (208) 536-6553

Name & Address of Attorney, if any:

Josephine P. Beeman
Dana L. Hofstetter
Deborah E. Nelson
Beeman & Hofstetter, P.C.
608 West Franklin Street
P. O. Box 1427
Boise, Idaho 83701-1427
(208) 388-8900

Name: Lynn J. Babington

Kathy L. Babington

Address: 2849 South 850 East
Hagerman, ID 83332

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: Less than .09 cfs. if allowed at all.
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. I object because:

- ☒ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** Water from the original 36-00005 and 36-00019 rights may not be recommended for use on the 36-00003 right's place of use without a showing that a commensurate portion of the 36-00003 right water was transferred to another place of use. Therefore, this water right should not exist. In the alternative, the quantity element should be corrected. In conjunction with the .87 cfs recommended for 36-00003C on the same 24 acres, the recommended quantity exceeds one inch/acre yet gives no indication if a portion of the quantity is allocated to conveyance loss. Further, the recommended quantity was determined without regard for the means of irrigation actually employed. The recommended quantity exceeds the amount actually beneficially used and the amount necessary.

VERIFICATION

State of Idaho)
) ss.
County of Ada)

Deborah E. Nelson, duly sworn, upon oath, deposes and says:

That I am the attorney for the party filing this objection, as defined by I.C. §§ 42-1401A(i) and (6), and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Deborah E. Nelson

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 28, 2001



Joyce E. Angell

Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 07-24-02

CERTIFICATE OF MAILING

I certify that on June 28, 2001, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to (via hand delivery):

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Lynn J. Babington
Kathy L. Babington
Address: 2849 South 850 East
Hagerman, ID 83332

Patrick D. Brown (Attorney for Claimant)
109 S. Adams Street
Jerome, ID 83338
(Via Certified Mail)

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of attorney mailing on Objector's behalf

05/17/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: **36-00005A**

NAME AND ADDRESS: KATHY L BABINGTON
LYNN J BABINGTON
2849 S 850 E
HAGERMAN, ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.09 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT
WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

PRIORITY DATE: 09/10/1884

POINT OF DIVERSION: T07S R13E S11 SESENE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	02-15 11-30	0.09 CFS
STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE:

IRRIGATION Within GOODING County
T07S R13E S27 SENW 24
STOCKWATER Within GOODING County
T07S R13E S27
SENW

24 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 36-00003C IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 24 ACRES IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

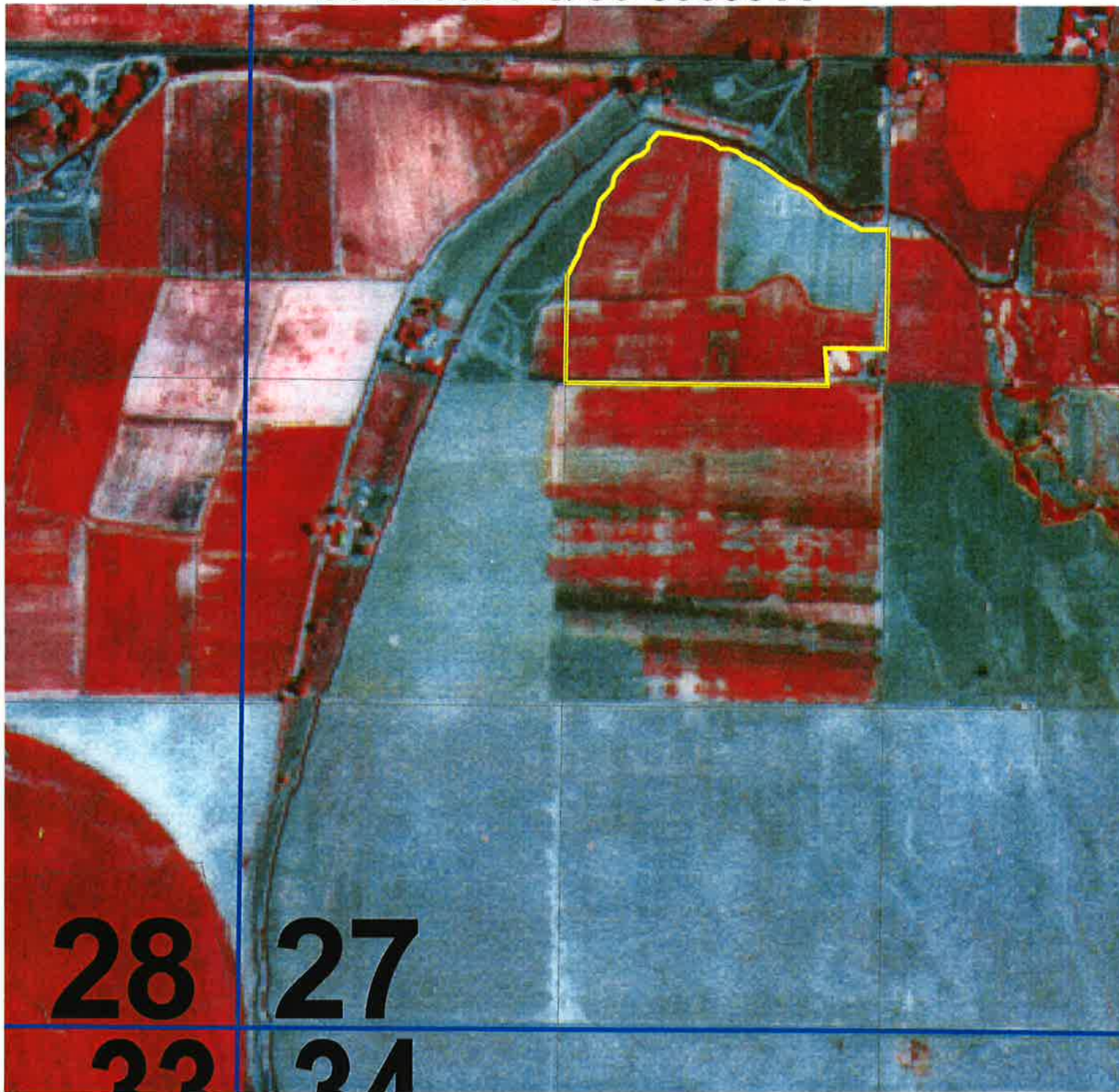
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.

IDAHO DEPT OF WATER RESOURCES
36-00003C & 36-00005 A



660 0 660 1320 Feet

- ▮ RECOMMENDED PLACE OF USE
- POINT OF DIVERSION
- ▮ SECTION LINES
- 1/4 - 1/4 LINES

T07S R13E
SEC. 27, SENW



GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY

DATA ENTRY BY: STEVE CLELLAND
DATE: MAY 17, 2001
*****REVISED*****

	3	5	19	Total
Babington	$\checkmark_{ecvr}$ 3 $\boxed{-3C}$ $\times$ $\checkmark_{ecvr}$ (1.97) $\boxed{0.87 \text{ cfs}}$ $\boxed{0.70 \text{ cfs}}$ (.96) (24 AC)	$\boxed{-5A}$ $\checkmark_{ecvr}$ $+ .09 \text{ cfs}$	$-19A$ $\checkmark_{ecvr}$ $\times \emptyset \text{ cfs}$	$\boxed{2''/AC}$ $\boxed{.04}$ 0.87 $+ .09$ 0.96 cfs
Simcoe	$\checkmark_{ecvr}$ $\boxed{3F}$ $\times$ $\checkmark_{ecvr}$ (1.32) $\boxed{1.54 \text{ cfs}}$ $\boxed{1.67 \text{ cfs}}$ (1.54) (58 ac)	$-5C$ $\times \checkmark_{ecvr}$	$-19C$ $\times \checkmark_{ecvr}$	$\boxed{1.3''/ac}$ $\boxed{.0266}$
Kurston	$\boxed{-3B}$ $\left. \begin{array}{l} (7.16) \\ 129 \end{array} \right\} \rightarrow$ $\boxed{4.69 \text{ cfs}}$ $\boxed{3.71 \text{ cfs}}$	$\boxed{-5B}$ $+ .55 \text{ cfs}$ (2.16 cfs) (136 AC)	$\boxed{-19B}$ $+ 1.92 \text{ cfs}$	4.69 cfs $+ .55$ $+ 1.92$ 7.16 cfs $\boxed{0.56 \text{ cfs}}$
Gardner	$\checkmark_{ecvr}$ $\boxed{0.04 \text{ cfs}}$ $\boxed{-3K}$ $\times$ $\checkmark_{ecvr}$ $\left. \begin{array}{l} .92 @ \text{ rec'd} \\ 136 \text{ ac} \end{array} \right\}$ $\boxed{1.37 \text{ cfs}}$ (?) $\boxed{1.03 \text{ cfs}}$	$\otimes$ Rec'd is for 1 acre as found by aerial & field exams. Not combined into the same system with 3B until recently (c.1996). Use found was part of the sprinkler system used by Babington above Buckeye Ditch.		
McClure	$-3D$ $\checkmark_{ecvr}$ $\times$ (DISALLOW)	$\otimes$ NO CLAIM $\rightarrow$ see 19D	$\boxed{-19D}$ (No Hubble) $\checkmark_{ecvr}$ $\checkmark_{layout}$ $.24 \text{ cfs}$	$\boxed{.24 \text{ cfs}}$ 8.5 AC.
V. Bell	$\boxed{-3A}$ $\checkmark_{ecvr}$ (1.6 cfs) $\boxed{1.57 \text{ cfs}}$ $\times$ $\checkmark_{ecvr}$ (13 ac) $\times$ Temp. ALLOWANCE	$\otimes$ NO CLAIM	$\otimes$ NO CLAIM	

LOWR:
 $.42 \text{ cfs}$
 $.15 \text{ CL}$
 $.57 \text{ cfs}$

Raised Hubble

Split Right Review
 5/17/01
 SCC

Balances: $\emptyset 3$
 7.71 cfs
 $\boxed{1.60 \text{ (bell)}}$
 $\boxed{6.11}$

$\emptyset 5$
 3.0
 $-.09$
 2.91

19
 2.16
 $-.24$ (19D)
 1.92
 -1.92 (3B w/19B)

$\emptyset$ ~~19D~~ & 19B
 split all of 19 right
 as Decreed.

See page 2

5/17/01
SCC

03 SPLIT REVIEW:

Balance: 7.71 cfs

$$\begin{array}{r} 7.71 \\ - .57 \\ \hline 7.14 \end{array} \quad \begin{array}{l} (-3A Bell) \\ \text{(didn't claim 05 or 19.)} \\ \text{(- even tho' claimant states 03/5/19} \\ \text{are used together \& combined.)} \end{array}$$

1ST PRO RATA:

129	(3B)	$129/212 \times 7.14$	=	4.34 cfs
24	(3C)	$24/212 \times$	=	0.81
* 58	(3F)	$58/212 \times$	=	1.95 (> claim 1.54)
1	(3K)	$1/212 \times$	=	0.03
<u>212</u>		Ac.		

* Adjust for 3F: (pro rata share > claim)

$$\begin{array}{r} 7.14 \text{ cfs} \\ - 1.54 \text{ (3F) (all from 03 right)} \\ \hline 5.60 \end{array}$$

2ND PRO RATA:

129	(3B)	$129/154 \times 5.60$	=	4.69 cfs
24	(3C)	$24/154 \times$	=	0.87
1	(3K)	$1/154 \times$	=	0.04
<u>154</u>		Ac.		

* full rec'd based on same system as Babington's claim of 0.04 cfs/Ac

PORTIONS OF 03 SPLIT:

- 3B 129 Ac. 4.69 cfs	- 3C 24 Ac. 0.87 cfs	- 3A 13 Ac. 0.57 cfs
- 3K 0.04 cfs	- 3F 58 Ac. 1.54 cfs	

Total = 7.71 cfs

Common sprinkler system is used.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

September 27, 2000

KARL J. DREHER
DIRECTOR

Patrick D. Brown, P.C.
109 S. Adams St.
Jerome, ID 83338

RE: Snake River Basin Adjudication (SRBA)
Late Notices of Claim to a Water Right
Lynn J. and Kathy L. Babington - #A36-5A and A36-19A
Receipt #C050573
and
Kingston Properties, L.P. - #A36-5B and A36-19B
Receipt #C050572
and
Doyt H. and Roxie J. Simcoe - #A36-5C and A36-19C
Receipt #C050571

Dear Mr. Brown:

Late Notices of Claim to a Water Right for your clients referenced above were received from the SRBA Court recently. We have enclosed data-entered copies of their claims and your receipts for the fees paid.

These Notices of Claims will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/327-7932 if you have any questions.

Sincerely,

Donald V. Shaff, Manager
Adjudication Technical Section

DS:ss:region
Enclosures:

Receipts #C050571, C050572 and C050573
Data-entered Copies of Claims

Claim No(s). 36-5A

Claim No(s). 36-5A

[illegible]