

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 94-07549

Priority: January 20, 2010

Maximum Diversion Rate: 0.12 CFS

This is to certify, that RANDALL W BABIN And/Or
NETTA L BABIN And
GREGORY BABIN
PO BOX 381
MURRAY ID 83874
(208) 682-3141

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	0.12 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER, SE1/4NE1/4, Sec. 31, Twp 50N, Rge 04E, B.M., SHOSHONE County

PLACE OF USE: IRRIGATION

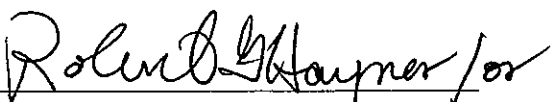
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
50N 04E 31				2.8									.2				3.0
50N 04E 32							.3				.7						1.0

Total Acres: 4

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2011**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Coeur d'Alene, this 29th day of March, 2010.


GARY SPACKMAN, Interim Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

April 1, 2010

RANDALL W BABIN
PO BOX 381
MURRAY ID 83874

NETTA L BABIN
PO BOX 381
MURRAY ID 83874

GREGORY BABIN
PO BOX 381
MURRAY ID 83874

RE: Permit No.94-7549

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 762-2800.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith E. Franklin". The signature is stylized with a large, prominent "K" and "F".

Keith E. Franklin

Sr. Water Resources Agent

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2010 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

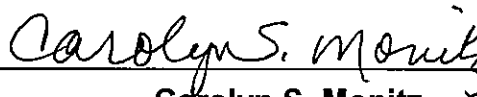
RE: WATER RIGHT NO.

94-7549

**GREGORY BABIN
PO BOX 381
MURRAY ID 83874**

**NETTA L BABIN
PO BOX 381
MURRAY ID 83874**

**RANDALL W BABIN
PO BOX 381
MURRAY ID 83874**

A handwritten signature in cursive script, reading "Carolyn S. Monitz", is written over a horizontal line.

**Carolyn S. Monitz
Technical Records Clerk**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

W.R. # 94-7549

APPLICATION ID # 76284

ENT. 2/11

BCA 2/12/10

OK to Publish

2/12/10

APPLICANT: Babin

INITIAL REVIEW

BY: KJ

DATE: 2/15/2010

ITEM REQUIRED INFORMATION

1. ☒ Name and Address
2. ☒ Source
3. ☒ Point of Diversion & County
4. ☒ Quantity
5. ☒ Nature of Proposed Use
6. ☒ Period of Use
7. ☒ Total Quantity
8. ☒ Description of diverting works
9. ☒ Time required for b/u
10. ☒ Proposed use
11. ☒ Place of use or acres irrigated
12. ☒ Other water Rights
13. ☒ Ownership
14. ☒ Map
15. ☒ Signature
16. ☒ Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y () N ()

ADDITIONAL INFORMATION

(Yes)(No) 2/18
 Shape File Created Date 2/18 By: KJ
 Field check: by _____
 Field report attached _____
 Analysis Supp. attached(>5cfs/500af) _____
 Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

PRIORITY DATE: 1/20/2010

(Include Moratorium Remark)

Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN:

Newspaper: NP Shoshone County

Dates scheduled for publication 2/15 + 25/10

Affidavit of Publication received: 3/1/10

Dates actually published: 2/18 + 25/10

Application published correctly. Yes ☒ No _____

If not, action taken: _____

Final Date for Protest: 3/8

Protests Received: Yes _____ No ☒

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
 () Power Information () Other: _____

INFORMATION RECEIVED:

- () Dam Information () Fish Information
 () Power Information () Other: _____

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
_____	_____	Dom. _____ Non-Dom. _____	Paid \$ _____	_____	Y () N (☒)
_____	_____	Dom. _____ Non-Dom. _____	Paid \$ _____	_____	Y () N ()
_____	_____	Dom. _____ Non-Dom. _____	Paid \$ _____	_____	Y () N ()

- _____ Groundwater management area
 _____ Critical ground water area
 _____ Well Drilling Permit required
 _____ Well Drilling Application and Fees received
 _____ Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No) /
 Notice of pending void order issued. Final order response date: 3/11/2010
 Further information required from applicant _____

- _____ Measuring device required
 _____ Measuring port required
 _____ Special conditions: _____
 _____ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: Keith J. ... Date: 3/11/2010 Sr. Agent initial KJ

AFFIDAVIT OF PUBLICATION

RECEIVED

MAR 01 2010

IDWR / NORTH

STATE OF IDAHO, } ss.
County of Shoshone

Angela Abbott

being first duly sworn

upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Shoshone News Press", a newspaper printed and published daily except Sunday and Monday in Kellogg, Shoshone County, Idaho, and having a general circulation in said county.

3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 18th day of February, 20 10, and such publication was made as often during said period as said Daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Shoshone County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Angela Abbott

On this 25th day of February in the year of 2010, before me, a Notary Public, personally appeared Angela Abbott

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Regina Mason

Notary Public for the State of Idaho
residing in Coeur d'Alene, Idaho

MY COMMISSION EXPIRES 6/18/15

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

94-7549

RANDALL W BABIN

NETTA L BABIN

GREGORY BABIN

PO BOX 381

MURRAY, ID 83874

Point of Diversion: SENE S31 T50N R04E SHOSHONE CO

Source GROUND WATER

Use: IRRIGATION 04/01 to 10/31 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 1/20/2010

Place Of Use: IRRIGATION

T50N R04E S31 SENE L9(NESE)

T50N R04E S32 SWNW NWSW

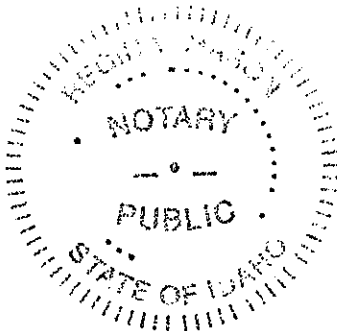
Total Acres: 4

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 3/8/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

SHO Legal 808

February 18, 25, 2010



The following application(s) have been filed to appropriate the public waters of the State of Idaho:

94-7549

RANDALL W BABIN

NETTA L BABIN

GREGORY BABIN

PO BOX 381

MURRAY, ID 83874

Point of Diversion SENE S31 T50N R04E SHOSHONE County

Source GROUND WATER

Use: IRRIGATION 04/01 to 10/31 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 1/20/2010

Place Of Use: IRRIGATION

T50N R04E S31 SENE L9(NESE)

T50N R04E S32 SWNW NWSW

Total Acres: 4

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 3/8/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 2/18/2010 and 2/25/2010

Ball, Dianne

From: Ball, Dianne
Sent: Friday, February 12, 2010 11:51 AM
To: Legal Notices-Shoshone NP Angie Abbott@cdapress.com;
ccampbell@shoshonenewspress.com
Subject: Application for Permit No. 94-7549 BABIN
Attachments: LegalNotice 02-12-10 NP e-mail 94-7549.doc

Hi, Angie,

Please publish the enclosed legal notice on the dates indicated, February 18 and 25, 2010, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

If you have any questions, please call me or reply to this e-mail.

I will need a proof/preview copy for my review before this goes to press. I'm trying to match your newer column widths and font, but occasionally will need a minor adjustment.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 3/8/2010. Your cooperation is, as always, greatly appreciated.

Thanks for all your great help.



LegalNotice
02-12-10 NP e-mail..

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

February 12, 2010

RANDALL W BABIN
NETTA L BABIN
PO BOX 381
MURRAY, ID 83874

GREGORY BABIN
PO BOX 381
MURRAY, ID 83874

Application For Permit No. 94-7549

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the SHOSHONE NEWS PRESS on 2/18/2010 and 2/25/2010. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keith Franklin'.

Keith Franklin
Sr. Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

94-7549

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 21, 2010

Randall Babin
PO Box 381
Murray, ID 83874

Re: Application For Permit to appropriate the Public Waters of the State of Idaho

Dear Mr. Babin:

The Idaho Department of Water Resources is returning your recently submitted application for corrections and/or additional information.

Item #4 Purpose of Use

For the irrigation of 5 acres or less the guideline for a diversion is 0.03 cfs per acre and for acreages over 5 acres the diversion rate is 0.02 cfs per acre. Once you have finalized the amount of land to be irrigated you may want to adjust the amount as shown on the application. Also, the irrigation season for your area is between April 1 and October 31 instead of 3/1 and 11/15.

Item #9 Place of Use

Please refer to the attached aerial photograph. The area you intend to irrigate is located in 4 different quarter quarters within sections 31 and 32. On the application please indicate the amount of acreage to be irrigated in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ in Section 32 and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 31.

Once the corrections and additional information has been made to the application, please return it to me within the next 30 days so as not to delay processing. If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent
Enclosure

COPY

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, February 16, 2010 8:47 AM
To: 'Abbott, Angela'
Subject: RE: Application for Permit No. 94-7549 BABIN

Good morning, Angie,

If we abbreviate County (CO) will it move up on the same line as SHOSHONE???

It looks like there are enough spaces spread out due to word wrap that it might work. If so, that will be great.

If that doesn't work, then let's move SHOSHONE down on the line with County.

I prefer the first option if possible.

Everything else looks great.

Thanks for your wonderful help.

One joy scatters a hundred griefs.

Dianne

From: Abbott, Angela [mailto:aabbott@cdapress.com]
Sent: Tuesday, February 16, 2010 8:13 AM
To: Ball, Dianne
Subject: Re: Application for Permit No. 94-7549 BABIN

Dear Dianne,

I have received this legal notice, and it is scheduled to be published in the Shoshone News Press on 02/18/10, and 02/25/10. The ad number is 808. I have attached a proof for you to review. If any changes need to be made, please let me know by 11:00 AM on Wednesday 02/17/10.

Thank you,

Angela Abbott
Coeur d'Alene Press /
Shoshone News Press
208.664.8176 ex: 1055
AAbbott@cdapress.com

2/16/2010