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Documents
In File

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 63-32031
Date Received: 11/2/2004
Receipt No: C075645
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CITY OF CALDWELL Phone: (208)455-3006
621 E CLEVELAND BLVD
CALDWELL ID USA 83605

2. Date of Priority: 11/02/1908

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
04N	03W	22	NE	NE		CANYON	
04N	03W	15	NE	NE		CANYON	
04N	03W	28	NE	NE		CANYON	
04N	03W	34	NW	SW		CANYON	
04N	03W	27	NE	NE		CANYON	
04N	03W	35	NW	NE		CANYON	
04N	03W	21	SE	SW		CANYON	
04N	03W	26	SW	NE		CANYON	
04N	03W	28	SE	NE		CANYON	
04N	03W	36	NE	NW		CANYON	
04N	03W	34	NE	NW		CANYON	
04N	03W	28	SW	SE		CANYON	
04N	03W	27	SW	NW		CANYON	

03N 02W 6 NW SW CANYON

5. Description of diverting works:

Wells

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
MUNICIPAL	01/01	12/31	0.45	

7. Total Quantity Appropriated is:
0.45 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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11. Place of use in counties:

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used: 63-5051, 63-5052, 63-5053, 63-5054, 63-5055, 63-3441, 63-7158, 63-7910, 63-8008, 63-8299, 63-8986, 63-8987, 63-9358, 63-10316, 63-10317, 63-7900

14. Remarks:

Additional points of diversion claimed pursuant to I.C. 42-1425.

6 POINTS OF DIVERSION LOCATED IN T4N, R3W, S28, NENE.

6 POINTS OF DIVERSION LOCATED IN T4N, R3W, S22, NENE

Place of use is within the city of Caldwell and surrounding service area.

15. Basis of Claim: Beneficial Use

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: *AL3-32031*
Rec. No. *CO75445*

~~AMENDED~~
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
NOV - 2 2004
Department of Water Resources

1. Name: CITY OF CALDWELL
Address: 621 CLEVELAND BLVD.
CALDWELL, ID 83606

2. Date of Priority: NOVEMBER 2, 1908

3. Source: GROUNDWATER

Trib. To: N/A

4. Points of Diversion:

Township	Range	Section	1/4 of 1/4		County
04N	03W	22	NE	NE	CANYON (6 PODs)
04N	03W	15	NE	NE	CANYON
04N	03W	28	NE	NE	CANYON (6 PODs)
04N	03W	34	NW	SW	CANYON
04N	03W	27	NE	NE	CANYON
04N	03W	35	NW	NE	CANYON
04N	03W	21	SE	SW	CANYON
04N	03W	26	SW	NE	CANYON
04N	03W	28	SE	NE	CANYON
04N	03W	36	NE	NW	CANYON
04N	03W	34	NE	NW	CANYON
03N	02W	06	NW	SW	CANYON
04N	03W	28	SW	SE	CANYON
04N	03W	27	SW	NW	CANYON

5. Description of diverting works:
ALL POD'S ARE WELLS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	0.45		

7. Total Quantity Appropriated is:
0.45 C.F.S. (and/or) N/A A.F.A.

8. Total consumptive use is N/A Acre Feet Per Annum

9. Non-irrigation uses: MUNICIPAL

10. Place of Use:

Township Range Section 1/4 of 1/4 Lot Use Acres
CITY OF CALDWELL SERVICE AREA.

11. Place of use in counties: **CANYON**

12. Do you own the property listed above as place of use? **N/A**

13. Other Water Rights Used:

**A63-05051, A63-05052, A63-05053, A63-05054, A63-05055,
63-03441, 63-07158, 63-07910, 63-08008, 63-08299, 63-08986,
63-08987, 63-09358, 63-10316, 63-10317, 63-07900**

14. Remarks: **ADDITIONAL POD'S CLAIMED PURSUANT TO I.C. § 42-1425.**

15. Basis of Claim: **STATUTORY CLAIM**

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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Gary L. Daniels Date: 9-22-04

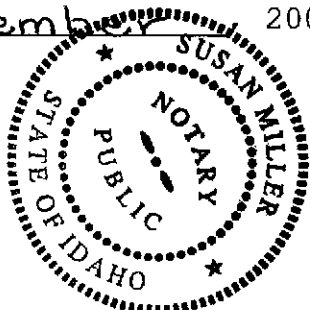
Date: _____

STATE OF IDAHO)

) ss.

COUNTY OF CANYON)

Subscribed and sworn (or affirmed) before me this 22 day
of September 2004.



Susan Miller
Notary Public

Residing at Caldwell, ID

My commission expires: 12/27/06

Last Name CITY OF CALDWELL Identification No. _____

RECEIVED

JUN 14 2007

DEPARTMENT OF
WATER RESOURCES

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 63-32031
) (Insert water right no.)
Case No. 39576)
)
)
)
)
)
)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: CITY OF CALDWELL

Address: 621 Cleveland Blvd.
Caldwell, Idaho 83605

Daytime Phone: (208) 455-3006

Name & Address of Attorney, if any:

Charles L. Honsinger
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: CITY OF CALDWELL

Address: 621 Cleveland Blvd.
Caldwell, Idaho 83605

COPY

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: _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point(s) of Diversion**
Should be: Remark should be added specifying as follows: "To the extent necessary for administration between points of diversion for ground water and between ground water and hydraulically connected surface sources, ground water was first diverted under this right at Well Site 1 - RG #4 located in T4N R3W, Section 15 NENE.
Point of diversion remark should read as follows: "This right and Right Nos. 63-3441, 63-5051, 63-5052, 63-5053, 63-5054, 63-5055, 63-7158, 63-7900, 63-7910, 63-8008, 63-8299, 63-8986, 63-8987, 63-9358, 63-10316, 63-10317, 63-20532, 63-32025, 63-32026, 63-32027, 63-32028, 63-32029, 63-32030, 63-32032, 63-32033, and 63-32038 are diverted through the points of diversion described in right No. 63-32024.
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: _____
10. ☐ **I object because:**
☐ This water right should not exist.

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

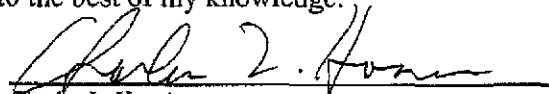
E. **REASONS SUPPORTING OBJECTION (S):** For proper, accurate and efficient administration, the water right must have a "primary" point of diversion as do other water rights held by Caldwell and other municipalities. The language of the remark specifying multiple points of diversion makes no sense as recommended.

F. **VERIFICATION** (must be completed)

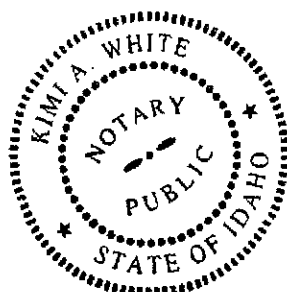
State of Idaho)
) ss.
County of Ada)

Charles L. Honsinger, duly sworn, upon oath, deposes and says:

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


Charles L. Honsinger

Subscribed and sworn to before me on: June 13, 2007




Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 2/15/10

INSTRUCTIONS FOR MAILING

You must mail the objection, 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.

CERTIFICATE OF MAILING

I certify that on June 13, 2007, I mailed the original and copies of this objection, 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: CITY OF CALDWELL

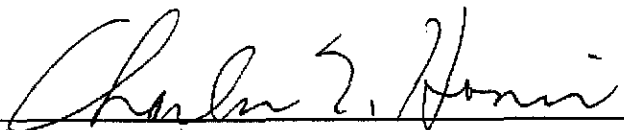
Address: 621 Cleveland Blvd.
Caldwell, Idaho 83605

3. Copies to:

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

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

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



Signature of Objector or attorney
mailing on Objector's behalf

12/15/2006

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

RIGHT NUMBER: 63-32031

NAME AND ADDRESS: CITY OF CALDWELL
621 CLEVELAND BLVD
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.450 CFS

PRIORITY DATE: 11/02/1908

POINT OF DIVERSION:

T04N R03W S15 NENE Within CANYON County

The points of diversion for this right and Right Nos. 63-3441, 63-5051, 63-5052, 63-5053, 63-5054, 63-5055, 63-7158, 63-7900, 63-7910, 63-8008, 63-8299, 63-8986, 63-8987, 63-9358, 63-10316, 63-10317, 63-20532, 63-32025, 63-32026, 63-32027, 63-32028, 63-32029, 63-32030, 63-32032, 63-32033, 63-32038 are diverted through the points of diversion described in Right No. 63-32024.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	01/01 12/31	0.450 CFS

PLACE OF USE:

Place of use is within the service area of Caldwell as provided for under Idaho law. The place of use is generally described as within the city limits of Caldwell and the surrounding service area.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Draft

04/19/2005

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

RIGHT NUMBER: 63-32031

NAME AND ADDRESS: CITY OF CALDWELL
621 E CLEVELAND BLVD
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.450 CFS

PRIORITY DATE: 11/02/1908

POINT OF DIVERSION:

T03N R02W S6 NWSW Within CANYON County
T04N R03W S15 NENE Within CANYON County
T04N R03W S21 SESW Within CANYON County
T04N R03W S22 NENE Within CANYON County
T04N R03W S26 SWNE Within CANYON County
T04N R03W S27 NENE Within CANYON County
T04N R03W S27 SWNW Within CANYON County
T04N R03W S28 NENE Within CANYON County
T04N R03W S28 SENE Within CANYON County
T04N R03W S28 SWSE Within CANYON County
T04N R03W S34 NENW Within CANYON County
T04N R03W S34 NWSW Within CANYON County
T04N R03W S35 NWNE Within CANYON County
T04N R03W S36 NENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
01/01 12/31

QUANTITY
0.450 CFS

PLACE OF USE:

Place of use is within the service area of Caldwell as provided for under Idaho law. The place of use is generally described as within the city limits of Caldwell and the surrounding service area.

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.

EXPLANATORY MATERIAL: Beneficial Use

Draft

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32031 V1

WATER RIGHT NUMBER: 63-32031 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CITY OF CALDWELL 621 E CLEVELAND BLVD CALDWELL, ID 83605 (208)455-3006

Priority Date: 11/02/1908
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	01/01 to 12/31	0.450 CFS	
	<u>Total Diversion:</u>	0.450 CFS	

Location of Point(s) of Diversion

GROUND WATER CANYON County	NE1/4NE1/4	Sec. 22, Twp 04N, Rge 03W, B.M.
GROUND WATER CANYON County	NE1/4NE1/4	Sec. 15, Twp 04N, Rge 03W, B.M.
GROUND WATER CANYON County	NE1/4NE1/4	Sec. 28, Twp 04N, Rge 03W, B.M.
GROUND WATER CANYON County	NW1/4SW1/4	Sec. 34, Twp 04N, Rge 03W, B.M.
GROUND WATER CANYON County	NE1/4NE1/4	Sec. 27, Twp 04N, Rge 03W, B.M.
GROUND WATER CANYON County	NW1/4NE1/4	Sec. 35, Twp 04N, Rge 03W, B.M.
GROUND WATER CANYON County	SE1/4SW1/4	Sec. 21, Twp 04N, Rge 03W, B.M.
GROUND WATER CANYON County	SW1/4NE1/4	Sec. 26, Twp 04N, Rge 03W, B.M.
GROUND WATER CANYON County	SE1/4NE1/4	Sec. 28, Twp 04N, Rge 03W, B.M.
GROUND WATER CANYON County	NE1/4NW1/4	Sec. 36, Twp 04N, Rge 03W, B.M.
GROUND WATER CANYON County	NE1/4NW1/4	Sec. 34, Twp 04N, Rge 03W, B.M.
GROUND WATER CANYON County	SW1/4SE1/4	Sec. 28, Twp 04N, Rge 03W, B.M.

Adjudication Recommendation Report 63-32031 V1

Sec. 27, Twp 04N, Rge 03W, B.M.

Sec. 6, Twp 03N, Rge 02W, B.M.

MUNICIPAL

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32031 V1

04N 03W 23			X		X	X	X	X	X	X	X	X	X	X	X	X	X
04N 03W 25						X	X			X	X	X			X		
04N 03W 26	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
04N 03W 27	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
04N 03W 28	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
04N 03W 29	X			X													X
04N 03W 33	X	X	X	X	X	X	X	X					X	X			X
04N 03W 34	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
04N 03W 35	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X
04N 03W 36	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Conditions of Approval:

1. 125 Place of use is within the service area of Caldwell as provided for under Idaho law. The place of use is generally described as within the city limits of Caldwell and the surrounding service area.
2. C18 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.

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32031 V1

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	4/19/2005 2:22:51 PM	awamtje			Active
Priority Date	4/19/2005 2:23:29 PM	awamtje			Active
Use	4/19/2005 2:24:09 PM	awamtje			Active
POU	4/19/2005 2:25:00 PM	awamtje			Active
Source	4/19/2005 2:26:18 PM	awamtje			Active
Season	4/19/2005 2:26:52 PM	awamtje			Active
Quantity	4/19/2005 2:30:07 PM	awamtje			Active
Summary			04/19/2005	awamtje	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	4/19/2005 2:22:52 PM	awamtje	(No) 1. Do you want to schedule an appointment? Comment for 1: Sufficient info in file
Priority Date	4/19/2005 2:23:30 PM	awamtje	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32031 V1

Use	4/19/2005 2:24:09 PM	awamtje	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required?
POU	4/19/2005 2:25:00 PM	awamtje	(No) 1. Is the basis of this claim a Decree or License? (No) 2b. Is the POU required? (Yes) 14. Is a POU remark and/or condition required?
Source	4/19/2005 2:26:19 PM	awamtje	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required?
Season	4/19/2005 2:26:53 PM	awamtje	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	4/19/2005 2:30:08 PM	awamtje	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32031 V1

Summary	4/19/2005 2:30:59 PM	awamtje	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
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