



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

September 25, 2009

Caldwell Housing Authority
ATTN: Mike Dittenber
P.O. Box 70
Caldwell, ID 83606

RE: SRBA Subcase Nos. 63-3596 & 63-20532

Dear Mr. Dittenber:

As a follow up to your recent conversation with Carter Fritchle, Adjudication Section Manager with the Idaho Department of Water Resources, I am enclosing a Standard Form 5 ("SF5") for each of the above-referenced subcases. The SF5 is the document required by the Snake River Basin Adjudication ("SRBA") Court to settle water right disputes. Please review the documents, and if they are acceptable, please sign on the indicated signature lines, initial the revised recommendations and return the original documents to me in the self-addressed stamped envelope that I have enclosed. I will obtain the remaining signatures.

If you should have any questions or comments, please feel free to contact me at 287-4815, or Carter Fritschle at 287-4917.

Sincerely,

A handwritten signature in cursive script that reads "Ray Williams".

Ray Williams
Paralegal

Enclosures

**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	)	Subcase No. 63-3596
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

City of Caldwell

Caldwell Housing Authority 

Charles L. Honsinger Date
Attorney for City of Caldwell

By: Date
Title:

IDWR Concurrence:

Carter Fritschle	Date
Adjudication Section Manager	

Garrick L. Baxter	Date
Deputy Attorney General	
Attorney for IDWR	

09/08/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-3596

NAME AND ADDRESS: CITY OF CALDWELL CALDWELL HOUSING AUTHORITY
621 CLEVELAND BLVD PO BOX 70
CALDWELL ID 83605 CALDWELL ID 83606

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.780 CFS
97.00 AFY

~~After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.~~

The total instantaneous diversion of water from all points of diversion under Transfer No. 5123 shall not exceed 0.78 cfs, nor total combined annual volume of 97.0 af.

PRIORITY DATE: 05/10/1967

POINT OF
DIVERSION:

T04N R03W S9 NENW Within CANYON County

T04N R03W S9 NWNW Within CANYON County

T04N R03W S9 NWNW Within CANYON County

~~Two points of diversion located within NWNW, S09, T04N, R03W~~

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.780 CFS 97.00 AFY
Domestic use is for 159 housing units, store, office, day-care center and 2.0 acres of irrigation.		

PLACE OF USE: DOMESTIC in CANYON County

T04N R03W S09	NENW	T04N R03W S09	NWNW
T04N R03W S09	SWNW	T04N R03W S09	SENW

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.

~~To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right at the Well Site Labor Camp #2 located in T4N, R3W, Sec. 9, NWNW.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.

~~The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.~~

The right holder shall accomplish the change authorized by transfer no. 5123 by Septmeber 29, 1998.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

CERTIFICATE OF MAILING

I certify that on _____, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage 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, IDAHO 83303-2707

2. Copies to:

CITY OF CALDWELL
Represented by:
CHARLES L. HONSINGER
455 S. THIRD STREET
P.O. BOX 2773
BOISE, ID 83701-2773

CALDWELL HOUSING AUTHORITY
P.O. BOX 70
CALDWELL, ID 83606

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing 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 SRBA	)	Subcase No. 63-20532
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

City of Caldwell

Caldwell Housing Authority

Charles L. Honsinger Date
Attorney for City of Caldwell

By: Date
Title:

IDWR Concurrence:

Carter Fritschle	Date
Adjudication Section Manager	

Garrick L. Baxter	Date
Deputy Attorney General	
Attorney for IDWR	

09/08/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-20532

NAME AND ADDRESS: CITY OF CALDWELL CALDWELL HOUSING AUTHORITY
631 CLEVELAND BLVD PO BOX 70
CALDWELL ID 83605 CALDWELL ID 83606

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.220 CFS
45.00 AFY

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/01/1944

POINT OF
DIVERSION:

T04N R03W S9 NENW NWNW Within CANYON County

T04N R03W S9 NWNW 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, 63-32025, 63-32026, 63-32027, 63-32028, 63-32029, 63-32030, 63-32031, 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>
IRRIGATION	03/01 11/15	0.200 CFS 45.00 AFY
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in CANYON County

T04N R03W S09 NWNW 10.00

STOCKWATER same as IRRIGATION

10 ACRES TOTAL

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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.

To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right at the Labor Camp #1 Well Site located in T4N, R3W, Sec. 9, NENW.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Black Canyon Irrigation District.

CERTIFICATE OF MAILING

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Signature of person or attorney mailing form