

1845
DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED
2009 OCT 16 AM 10:53

**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. 63-5055
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

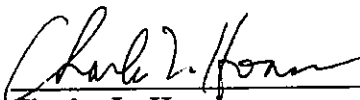
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

CLAIMANT/OBJECTOR:

City of Caldwell

 10/09/04

Charles L. Honsinger Date
Attorney for Claimant/Objector

**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. 63-5055
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

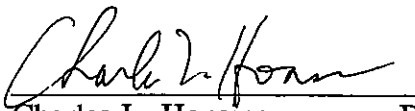
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

CLAIMANT/OBJECTOR:

City of Caldwell

 10/09/04

Charles L. Honsinger Date
Attorney for Claimant/Objector

IDWR Concurrence:

 10-14-09
Carter Fritschle Date
Adjudication Section Manager

 10/14/09
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-5055

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.890 CFS

Right Nos. 63-05054 and 63-05055 shall not exceed a total combined rate of diversion of 2.23 cfs.

PRIORITY DATE: 06/01/1945

POINT OF
DIVERSION:

T04N R03W S34 NWSW Within CANYON County

~~The points of diversion for this right and Right Nos. 63-3441, 63-5051, 63-5052, 63-5053, 63-5054, 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, 63-32031, 63-32032, 63-32033, 63-32038 are diverted through the points of diversion described in Right No. 63-32024.~~

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MUNICIPAL

1/01 12/31

0.890 CFS

C.2A
AB
CX

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.

~~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 #3 located in T4N, R3W, Sec. 34, NWSW.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The wells previously used under Right Nos. 63-05054 and 63-05055 shall be abandoned in a manner which complies with Department well abandonment rules.

~~Right Nos. 63-05054 and 63-05055 shall not exceed a total combined rate of diversion of 2.23 cfs.~~

After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the

department to determine the amount of water diverted from power records and shall annually report the information to the department.

Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

C2.H.

AB CA

CERTIFICATE OF MAILING

I certify that on 10/15, 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:

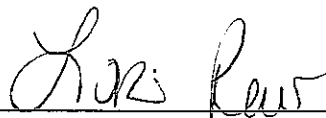
1. Original to:

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

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



Signature of person or attorney mailing form