

1231

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED  
2009 OCT 16 AM 10 54

**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. 63-8987             |
|                | ) |                                 |
| Case No. 39576 | ) |                                 |
|                | ) | <b>STANDARD FORM 5</b>          |
|                | ) |                                 |
|                | ) | <b>STIPULATED ELEMENTS OF A</b> |
|                | ) | <b>WATER RIGHT</b>              |

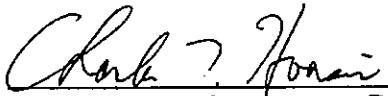
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

 10/09/09  
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. 63-8987      |
|                | ) |                          |
| Case No. 39576 | ) |                          |
|                | ) | STANDARD FORM 5          |
|                | ) |                          |
|                | ) | STIPULATED ELEMENTS OF A |
|                | ) | WATER RIGHT              |

---

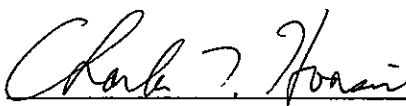
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

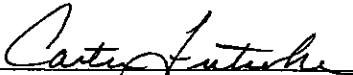
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

**CLAIMANT/OBJECTOR:**

City of Caldwell

 10/09/09  
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: 63-8987

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.450 CFS

PRIORITY DATE: 07/19/1977

POINT OF  
DIVERSION:

T03N R02W S6 SWNW Lot 5 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 S22 NENE Within CANYON County

T04N R03W S22 NENE Within CANYON County

T04N R03W S22 NENE Within CANYON County

T04N R03W S22 NENE 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 S28 NENE Within CANYON County

T04N R03W S28 NENE Within CANYON County

T04N R03W S28 NENE Within CANYON County

T04N R03W S28 NENE Within CANYON County

T04N R03W S28 NENE 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 SENW Within CANYON County

T04N R03W S35 NWNE Within CANYON County

T04N R03W S36 NENW 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, 63-9358, 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

1.450 CFS

PLACE OF USE:

Place of use is within the service area of City 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 #12 from Caldwell Well No. 12 located in T04N, R03W, Sec. 34, SENW.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

C.L.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:

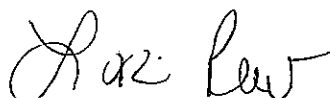
1. Original to:

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