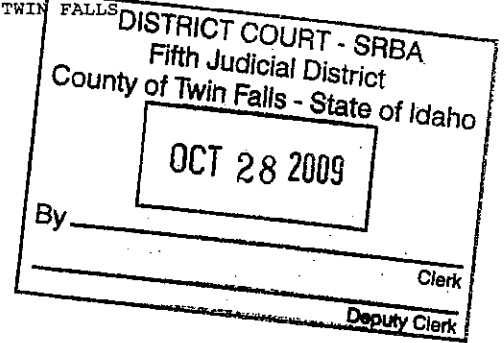


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
 )  
Case No. 39576 )  
 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 63-07158



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

SOURCE: GROUND WATER

QUANTITY: 2.45 CFS

PRIORITY DATE: 10/18/1968

POINT OF DIVERSION: T04N R02W S06 LOT 5 (SWNW ) Within Canyon County  
R03W S15 NENE  
S21 SESW  
S22 NENE  
NENE  
NENE  
NENE  
NENE  
NENE  
S26 SWNE  
S27 NENE  
S28 NENE  
NENE  
NENE  
NENE  
NENE  
SENE  
SWSE  
S34 SENW  
S35 NWNE  
S36 NENW

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Municipal      | 01-01 TO 12-31 | 2.45 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:

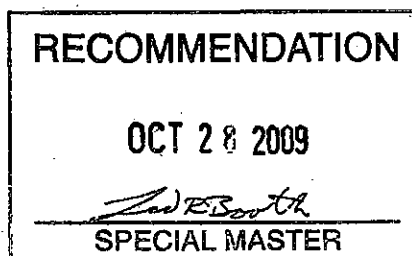
To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from Caldwell Well No. 7, located in T04N, R03W, S35, NWNE.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication



RECEIVED

OCT 29 2009

DEPARTMENT OF  
WATER RESOURCES

|                                       |       |
|---------------------------------------|-------|
| County of Twin Falls - State of Idaho |       |
| OCT 28 2009                           |       |
| By _____                              | Clerk |
| Deputy Clerk                          |       |

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

Case No. 39576

) SPECIAL MASTER'S REPORT  
)  
) FINDINGS OF FACT AND  
) CONCLUSIONS OF LAW  
)  
) FOR WATER RIGHTS 63-03441,  
) 63-05051, 63-05053, 63-05054, 63-05055,  
) 63-07158, 63-07900, 63-07910, 63-08008,  
) 63-08299, 63-08986, 63-08987, 63-09358,  
) 63-10316, 63-10317, 63-32028, 63-32029,  
) 63-32030, and 63-32038

I. FINDINGS OF FACT

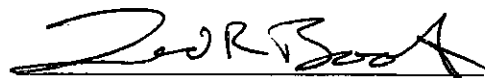
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On June 14, 2007, the claimant of the water rights, the City of Caldwell, through its attorney Charles L. Honsinger, filed objections to the *Director's Report*, objecting to the points of diversion. On October 16, 2009, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in each subcase which resolved the objections. The Idaho Department of Water Resources concurred with the stipulations.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 63-03441, 63-05051, 63-05053, 63-05054, 63-05055, 63-07158, 63-07900, 63-07910, 63-08008, 63-08299, 63-08986, 63-08987, 63-09358, 63-10316, 63-10317, 63-32028, 63-32029, 63-32030, and 63-32038 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated Oct. 28, 2009



Theodore R. Booth  
Special Master  
Snake River Basin Adjudication

|                                       |       |
|---------------------------------------|-------|
| DISTRICT COURT - SRBA                 |       |
| Fifth Judicial District               |       |
| County of Twin Falls - State of Idaho |       |
| OCT 28 2009                           |       |
| By _____                              | Clerk |
| Deputy Clerk                          |       |

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 )  
Case No. 39576 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 63-03441  
(SEE ATTACHED EXHIBIT A)

On October 28, 2009, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED October 28, 2009.

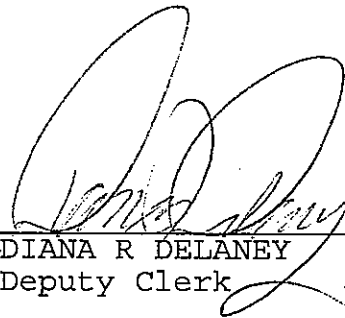
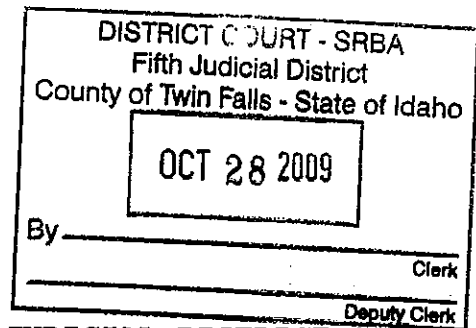
  
\_\_\_\_\_  
DIANA R DELANEY  
Deputy Clerk

Exhibit A

Subcase Nos:

63-03441  
63-05051  
63-05053  
63-05054  
63-05055  
63-07158  
63-07900  
63-07910  
63-08008  
63-08299  
63-08986  
63-08987  
63-09358  
63-10316  
63-10317  
63-32028  
63-32029  
63-32030  
63-32038



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 )  
Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

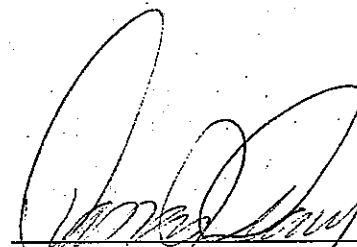
Water Right(s): 63-03441  
(SEE ATTACHED EXHIBIT A)

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on October 28, 2009, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

CITY OF CALDWELL  
Represented by:  
CHARLES L. HONSINGER  
455 S THIRD ST  
PO BOX 2773  
BOISE, ID 83701-2773  
Phone: 208-342-4591



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DIANA R DELANEY  
Deputy Clerk