

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 63-32028

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

SOURCE: GROUND WATER

QUANTITY: 0.11 CFS

PRIORITY DATE: 05/31/1921

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

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

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	0.11 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:

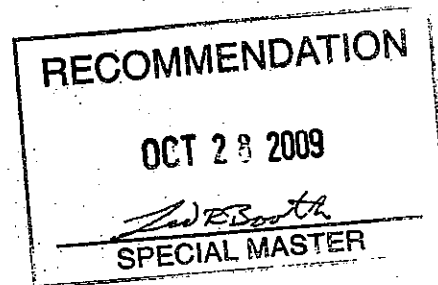
To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from Rose Garden Well No. 4 at the Luby Park Well Field located in T04N, R03W, S22, NENE.

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

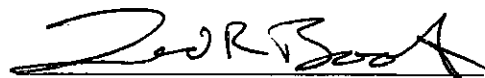
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these 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
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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

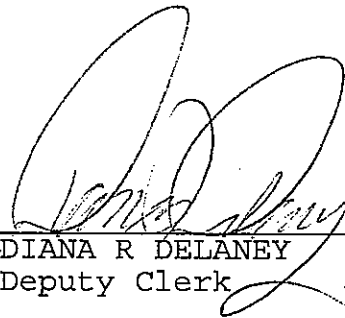
Water Right(s): 63-03441
(SEE ATTACHED EXHIBIT A)

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.

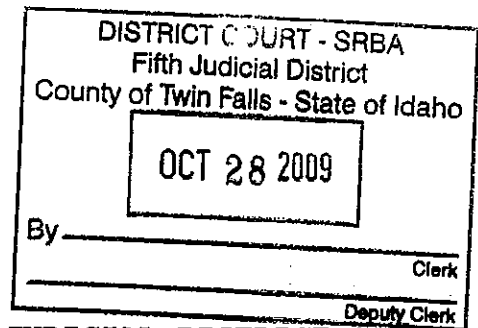


DIANA R DELANEY
Deputy Clerk

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



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CERTIFICATE OF MAILING

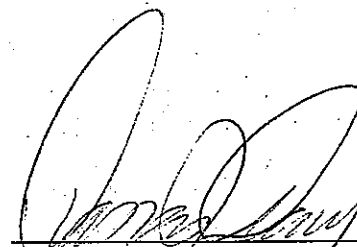
Water Right(s): 63-03441
(SEE ATTACHED EXHIBIT A)

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



DIANA R DELANEY
Deputy Clerk