

08/25/2008

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-32024

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.500 CFS

PRIORITY DATE: 01/28/1890

POINT OF DIVERSION:

- 1 T04N R03W S15 NENE Within CANYON County
- 2 T04N R03W S21 SESW Within CANYON County
- 3 T04N R03W S22 NENE Within CANYON County
- 4 T04N R03W S22 NENE Within CANYON County
- 5 T04N R03W S22 NENE Within CANYON County
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- 7 T04N R03W S22 NENE Within CANYON County
- 8 T04N R03W S22 NENE Within CANYON County
- 9 T04N R03W S26 SWNE Within CANYON County
- 10 T04N R03W S27 NENE Within CANYON County
- 11 T04N R03W S27 SWNW Within CANYON County
- 12 T04N R03W S28 NENE Within CANYON County
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- 21 T04N R03W S34 NWSW Within CANYON County
- 22 T04N R03W S35 NWNE Within CANYON County
- 23 T04N R03W S36 NENW Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| MUNICIPAL             | 01/01 12/31          | 0.500 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.

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08/25/2008

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

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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  
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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

03N 02W 6 NW SW CANYON

5. Description of diverting works:

Wells

6. Water is used for the following purposes:

| Purpose   | From  | To    | C.F.S. | (or) A.F.A |
|-----------|-------|-------|--------|------------|
| MUNICIPAL | 01/01 | 12/31 | 0.5    |            |

7. Total Quantity Appropriated is:  
0.5 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|----------|-------|---------|------------|-----|-----|-------|
|----------|-------|---------|------------|-----|-----|-------|

11. Place of use in counties:

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used: 63-5051, 63-5052, 63-5053, 63-5054, 63-5055, 63-3441, 63-7158, 63-7910, 63-8008, 63-8299, 63-8986, 63-8987, 63-9358, 63-10316, 63-10317, 63-7900

14. Remarks:

Additional points of diversion claimed pursuant to I.C. 42-1425.

6 POINTS OF DIVERSION LOCATED IN T4N, R3W, S28, NENE.

6 POINTS OF DIVERSION LOCATED IN T4N, R3W, S22, NENE

Place of use is within the city of Caldwell and surrounding service area.

15. Basis of Claim: Beneficial Use

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

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: *ALB-32024*

~~AMENDED~~ *Dnr*

*Rec. No. 007564*

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED  
NOV - 2 2004  
Department of Water Resources

1. Name: CITY OF CALDWELL  
Address: 621 CLEVELAND BLVD.  
CALDWELL, ID 83606

2. Date of Priority: JANUARY 28, 1890

3. Source: GROUNDWATER

Tributary To: N/A

4. Points of Diversion:

| Township | Range | Section | 1/4 | of | 1/4 | County            |
|----------|-------|---------|-----|----|-----|-------------------|
| 04N      | 03W   | 28      | NE  |    | NE  | CANYON ✓ (6 PODs) |
| 04N      | 03W   | 15      | NE  |    | NE  | CANYON ✓          |
| 04N      | 03W   | 22      | NE  |    | NE  | CANYON ✓ (6 PODs) |
| 04N      | 03W   | 34      | NW  |    | SW  | CANYON ✓          |
| 04N      | 03W   | 27      | NE  |    | NE  | CANYON ✓          |
| 04N      | 03W   | 35      | NW  |    | NE  | CANYON ✓          |
| 04N      | 03W   | 21      | SE  |    | SW  | CANYON ✓          |
| 04N      | 03W   | 26      | SW  |    | NE  | CANYON ✓          |
| 04N      | 03W   | 28      | SE  |    | NE  | CANYON ✓          |
| 04N      | 03W   | 36      | NE  |    | NW  | CANYON ✓          |
| 04N      | 03W   | 34      | NE  |    | NW  | CANYON ✓          |
| 03N      | 02W   | 06      | NW  |    | SW  | CANYON ✓          |
| 04N      | 03W   | 28      | SW  |    | SE  | CANYON ✓          |
| 04N      | 03W   | 27      | SW  |    | NW  | CANYON ✓          |

5. Description of diverting works:  
ALL POD'S ARE WELLS.

6. Water is used for the following purposes:

| Purpose   | From  | To    | C.F.S. | (or) | A.F.A. |
|-----------|-------|-------|--------|------|--------|
| MUNICIPAL | 01/01 | 12/31 | 0.50   |      |        |

7. Total Quantity Appropriated is:  
0.50 C.F.S. (and/or) N/A A.F.A.

8. Total consumptive use is N/A Acre Feet Per Annum

9. Non-irrigation uses: MUNICIPAL

10. Place of Use:

Township Range Section 1/4 of 1/4 Lot Use Acres  
**CITY OF CALDWELL SERVICE AREA.**

11. Place of use in counties: **CANYON**

12. Do you own the property listed above as place of use? **N/A**

13. Other Water Rights Used:

**A63-05051, A63-05052, A63-05053, A63-05055, A63-05054,  
63-03441, 63-07158, 63-07910, 63-08008, 63-08299, 63-08986,  
63-08987, 63-09358, 63-10316, 63-10317, 63-07900**

14. Remarks: **ADDITIONAL POD'S CLAIMED PURSUANT TO I.C. § 42-1425.**

15. Basis of Claim: **STATUTORY CLAIM**

16. Signature(s)

(a) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b) I/We do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**For Individuals:**

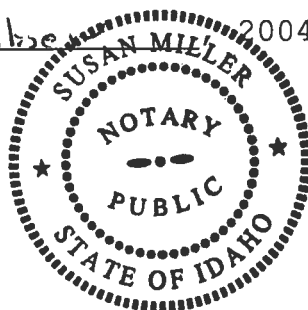
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *David L. Jancus* Date: 9-22-04

\_\_\_\_\_  
Date: \_\_\_\_\_

STATE OF IDAHO )  
 ) ss.  
COUNTY OF CANYON )

Subscribed and sworn (or affirmed) before me this 22 day  
of September, 2004.



*Susan Miller*  
Notary Public

Residing at Caldwell, ID

My commission expires: 12/27/05

Last Name CITY OF CALDWELL Identification No. \_\_\_\_\_

RECEIVED

MAY 26 2008

DEPARTMENT OF  
WATER RESOURCES

2008 MAY 23 PM 03:40  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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     | ) | ORDER SETTING SUBCASE(S)            |
|                | ) | FOR INITIAL HEARING                 |
| Case No. 39576 | ) |                                     |
| _____          | ) | SUBCASE NOS: SEE ATTACHED EXHIBIT A |

The Initial Hearing for this subcase will be held before  
Special Master THEODORE R. BOOTH

FRIDAY, JUNE 20, 2008 at 02:30 PM (MT)  
IDAHO SUPREME COURT BUILDING  
451 WEST STATE STREET  
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to  
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity  
to meet with a representative of the Idaho Department of  
Water Resources (IDWR) and/or the objector in an attempt  
to reconcile any difference between the claim and the  
Director's Report. Bring any and all information you  
believe is relevant to your claim and/or objection. If  
the claim cannot be reconciled at the Initial Hearing,  
the court will set the subcase(s) for trial within 45  
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR  
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by  
JUNE 16, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

(continued)

Dated: MAY 23, 2008

/S/ THEODORE R. BOOTH  
Special Master  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING  
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 23, 2008,  
with sufficient first-class postage to the following:

CITY OF CALDWELL

Represented by:

CHARLES L. HONSINGER

455 S THIRD ST

PO BOX 2773

BOISE, ID 83701-2773

Phone: 208-342-4591

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

CITY OF CALDWELL

621 CLEVELAND BLVD

CALDWELL, ID 83605

Phone: 208-455-3006

Exhibit A

Subcase Nos:

63-03304A  
63-03441  
63-03484  
63-03596  
63-05051  
63-05052  
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  
63-10674  
63-20532  
63-32024  
63-32025  
63-32026  
63-32027  
63-32028  
63-32029  
63-32030  
63-32031  
63-32032  
63-32033  
63-32038

RECEIVED

JUN 14 2007

DEPARTMENT OF  
WATER RESOURCES

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

)  
)  
)  
)  
)  
)

A. Subcase 63-32024  
(Insert water right no.)

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: CITY OF CALDWELL

Address: 621 Cleveland Blvd.  
Caldwell, Idaho 83605

Daytime Phone: (208) 455-3006

Name & Address of Attorney, if any:  
Charles L. Honsinger  
Ringert Clark Chartered  
P.O. Box 2773  
Boise, ID 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: CITY OF CALDWELL

Address: 621 Cleveland Blvd.  
Caldwell, Idaho 83605

**D.** I object to the following elements as recommended in the Director's Report. (Please check the Appropriate box(es)).

1. ☐ **Name and Address**  
Should be: \_\_\_\_\_
2. ☐ **Source**  
Should be: \_\_\_\_\_
3. ☐ **Quantity**  
Should be: \_\_\_\_\_
4. ☐ **Priority Date**  
Should be: \_\_\_\_\_
5. ☒ **Point(s) of Diversion**  
Should be: Remark should be added specifying as follows: "To the extent necessary for administration between points of diversion for ground water and between ground water and hydraulically connected surface sources, ground water was first diverted under this right at Well Site 2 - MP #1 located in T4N R3W, Section 15 NENE.
6. ☐ **Instream Flow Description**  
Should be: \_\_\_\_\_
7. ☐ **Purpose(s) of Use**  
Should be: \_\_\_\_\_
8. ☐ **Period of Year**  
Should be: \_\_\_\_\_
9. ☐ **Place of Use**  
Should be: \_\_\_\_\_
10. ☐ **I object because:**
  - ☐ This water right should not exist.
  - ☐ This water right was not recommended, but should be recommended with the elements described above.

**E. REASONS SUPPORTING OBJECTION (S):** For proper, accurate and efficient administration, the water right must have a "primary" point of diversion as do other water

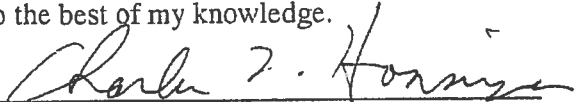
rights held by Caldwell and other municipalities.

**F. VERIFICATION** (must be completed)

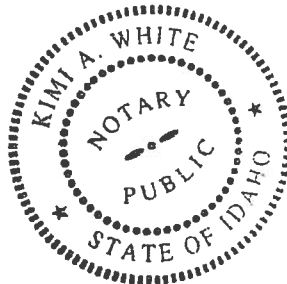
State of Idaho            )  
                                  ) ss.  
County of Ada            )

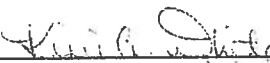
Charles L. Honsinger, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

  
Charles L. Honsinger

Subscribed and sworn to before me on: June 13, 2007



  
Notary Public for Idaho  
Residing at: Boise, Idaho  
My Commission Expires: 2/28/10

**INSTRUCTIONS FOR MAILING**

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

### CERTIFICATE OF MAILING

I certify that on June 13, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls, ID 83303-2707

2. One copy to the Claimant of the water right at the following address:

Name: CITY OF CALDWELL

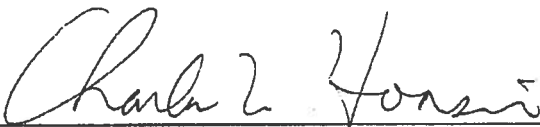
Address: 621 Cleveland Blvd.  
Caldwell, Idaho 83605

3. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
PO Box 44449  
Boise, ID 83711-4449

  
\_\_\_\_\_  
Signature of Objector or attorney  
mailing on Objector's behalf

11/20/2006

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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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 S27 SWNW 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  
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PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
MUNICIPAL

PERIOD OF USE  
01/01 12/31

QUANTITY  
0.500 CFS

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11/20/2006

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11/06/2006

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T04N R03W S27 NENE Within CANYON County  
T04N R03W S27 SWNW Within CANYON County  
T04N R03W S28 NENE Within CANYON County (6 pts)  
T04N R03W S28 SENE Within CANYON County  
T04N R03W S28 SWSE Within CANYON County  
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T04N R03W S34 NWSW Within CANYON County  
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PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Draft

04/19/2005

IDAHO DEPARTMENT OF WATER RESOURCES  
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CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.500 CFS

PRIORITY DATE: 01/28/1890

POINT OF DIVERSION:

GIS Representation?  
Check to see if OK  
✓ matches claim

T04N R02W S6 NWSW Within CANYON County ✓  
T04N R03W S15 NENE Within CANYON County ✓  
T04N R03W S21 SESW Within CANYON County ✓  
T04N R03W S22 NENE Within CANYON County ✓ (6 PODs)  
T04N R03W S26 SWNE Within CANYON County ✓  
T04N R03W S27 NENE Within CANYON County ✓  
T04N R03W S27 SWNW Within CANYON County ✓  
T04N R03W S28 NENE Within CANYON County ✓ (6 PODs)  
T04N R03W S28 SENE Within CANYON County ✓  
T04N R03W S28 SWSE Within CANYON County ✓  
T04N R03W S34 NENW Within CANYON County ✓  
T04N R03W S34 NWSW Within CANYON County ✓  
T04N R03W S35 NWNE Within CANYON County ✓  
T04N R03W S36 NENW Within CANYON County ✓

6 PODs in -  
6 PODs in -

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| MUNICIPAL             | 01/01 12/31          | 0.500 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.

~~The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.~~

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.

EXPLANATORY MATERIAL: Beneficial Use

Water Right 63-32024

1

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

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-32024  
Date Received:  
Receipt No:  
Received By:

AMENDED  
NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CITY OF CALDWELL Phone: (208)455-3006  
621 CLEVELAND BLVD  
CALDWELL ID USA 83605

2. Date of Priority: 01/28/1890 (10/06/1902)

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 04N      | 03W   | 28      | NE NE                 | CANYON |      |
| 04N      | 03W   | 15      | NE NE                 | CANYON |      |
| 04N      | 03W   | 22      | NE NE                 | CANYON |      |
| 04N      | 03W   | 34      | NW SW                 | CANYON |      |
| 04N      | 03W   | 27      | NE NE                 | CANYON |      |
| 04N      | 03W   | 35      | NW NE                 | CANYON |      |
| 04N      | 03W   | 21      | SE SW                 | CANYON |      |
| 04N      | 03W   | 26      | SW NE                 | CANYON |      |
| 04N      | 03W   | 28      | SE NE                 | CANYON |      |
| 03N      | 02W   | 6       | NW SW                 | CANYON |      |
| 04N      | 03W   | 27      | SW NW                 | CANYON |      |
| 04N      | 03W   | 28      | SW SE                 | CANYON |      |
| 04N      | 03W   | 34      | NE NW                 | CANYON |      |
| 04N      | 03W   | 36      | NE NW                 | CANYON |      |

5. Description of diverting works:

Wells

6. Water is used for the following purposes:

| Purpose   | From  | To    | C.F.S.     | (or) A.F.A |
|-----------|-------|-------|------------|------------|
| MUNICIPAL | 01/01 | 12/31 | 0.5 (5.20) |            |

7. Total Quantity Appropriated is:  
0.5 C.F.S. (5.20)

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|---------------|-------|---------|------------|-----|-----|-------|
| (See Remarks) |       |         |            |     |     |       |

11. Place of use in counties:

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

6 POINTS OF DIVERSION LOCATED IN T4N, R3W, S28, NENE.  
6 POINTS OF DIVERSION LOCATED IN T4N, R3W, S22, NENE

Additional points of diversion claimed pursuant to I.C. 42-1425.

Place of use is within the city of Caldwell and surrounding service area.

(First 12 driven wells at the Memorial Park Well Field with 2/3 of 3500 gpm)

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**For Organizations:**

I do solemnly swear or affirm under penalty of perjury that I am

\_\_\_\_\_ of \_\_\_\_\_,  
Title Organization

that I have signed the foregoing document in the space below as

\_\_\_\_\_ of \_\_\_\_\_,  
Title Organization

and that the statements contained in the foregoing document are true and correct

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Title and Organization

\_\_\_\_\_  
Date