

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

RIGHT NUMBER: 63-7158

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.450 CFS

PRIORITY DATE: 10/18/1968

POINT OF
DIVERSION: T04N R03W S35 NWNE 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, 63-7900, 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
MUNICIPAL

PERIOD OF USE
01/01 12/31

QUANTITY
2.450 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:

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 #7 located in T4N, R3W, Sec. 35, 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

09/08/2009

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

RIGHT NUMBER: 63-7158

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.450 CFS

PRIORITY DATE: 10/18/1968

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 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, 63-7900, 63-7910, 63-8000, 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

01/01 12/31

2.450 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 #7~~ from Caldwell Well No. 7 located in T04N, R03W, Sec. 35, NWNE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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 63-7158
(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: Point of diversion remark should read as follows: "This right and Right Nos. 63-3441, 63-5051, 63-5052, 63-5053, 63-5054, 63-5055, 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, and 63-32038 are diverted through the points of diversion described in right No. 63-32024.
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):** The language of the remark specifying

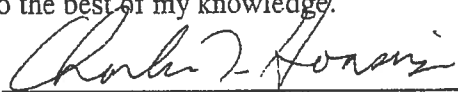
multiple points of diversion makes no sense as recommended.

F. VERIFICATION (must be completed)

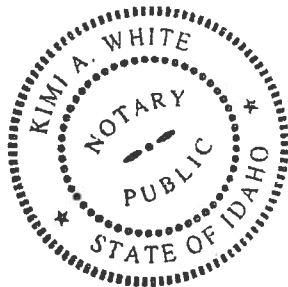
State of Idaho)
) ss.
County of Ada)

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: 04/01/10

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 ____, 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

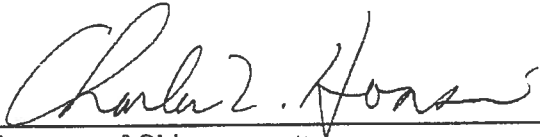
Address: 621 Cleveland Blvd.
Caldwell, Idaho 83605

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

12/13/2006

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

RIGHT NUMBER: 63-7158

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.450 CFS

PRIORITY DATE: 10/18/1968

POINT OF DIVERSION:

T04N R03W S35 NWNE 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, 63-7900, 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.

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PERIOD OF USE:

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PERIOD OF USE

QUANTITY

MUNICIPAL

01/01 12/31

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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Draft

04/14/2005

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

RIGHT NUMBER: 63-7158

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621 E CLEVELAND BLVD
CALDWELL ID 83605

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01/01 12/31

QUANTITY
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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: License

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 63-7158 Priority Oct. 18, 1968 Amount 2.45 cfs

THIS IS TO CERTIFY, that the CITY OF CALDWELL

of Caldwell, Idaho, has complied with the terms and conditions of Permit No. 63-7158 issued pursuant to Application for Permit dated October 18, 1968, and has submitted proof to the Department of Water Administration on November 28, 1973, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 2.45 cfs of water from a ground water source, tributary to _____, and that the permit holder has applied to a beneficial use & established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Municipal</u> from <u>Jan. 1</u> to <u>Dec. 31</u> at <u>2.45</u> cfs and <u>n/a</u>			
_____ from _____ to _____ at _____ cfs and _____			
_____ from _____ to _____ at _____ cfs and _____			

(both dates inclusive)

Subject, however, to the condition that no more than 2.45 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed n/a acre feet per year, and waters to be diverted within the NW 1/4 NE 1/4 of Sec. 35, Twp. 4 N, Rge. 8 W, B.M. in the County of Canyon

Description and location of place of use: City of Caldwell, Idaho

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres irrigated _____

63-7158

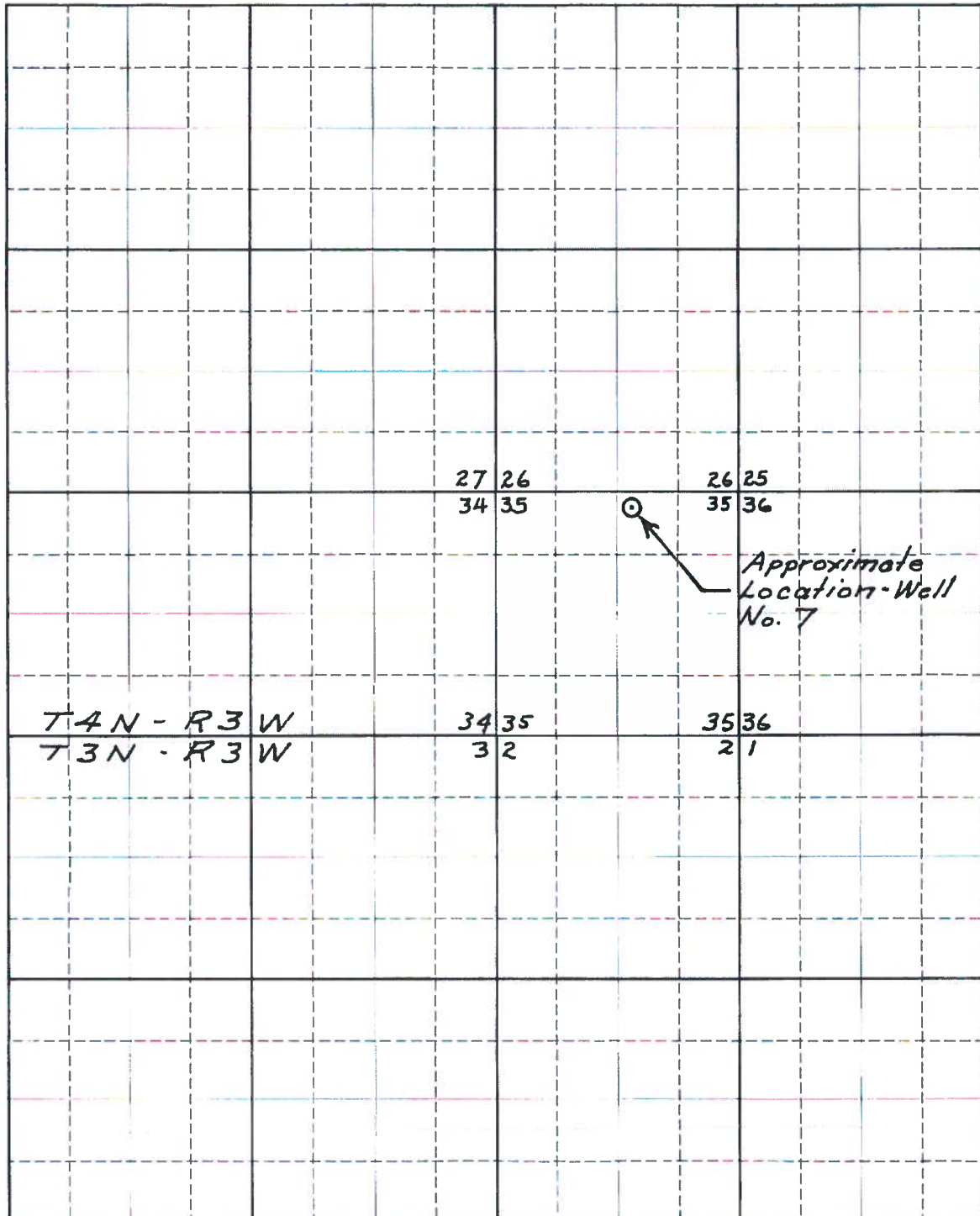
NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 20 day of May, 19 74.

Director

11. Map of proposed project:



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

CITY OF CALDWELL, IDAHO
 BY: Melvin G. Lewis
 (Applicant) Melvin G. Lewis, P.E.
 City Engineer

63-7158

SUPPLEMENTAL MEASUREMENT DATA
LOCUST AND BLAINE WELL NO. 7
Caldwell, Idaho

November 27, 1973

Melvin G. Lewis, P.E., City Engineer, and Jack B. Johansen, Water Superintendent for the City of Caldwell, observed the Sparling meter located in the discharge line of the pump and it registered 850 gal./min. at a pressure of 60 lbs./ sq. in. Mr. Johansen stated that in the recent past this was an average reading although it could vary as the pressure in the water system varies.

Pumping of the well started on April 7, 1969.

The yearly totals are as follows:

<u>YEAR</u>	<u>TOTAL WATER PUMPED IN GALLONS</u>
1970	234,240,000
1971	205,470,000
1972	315,020,000 ← 1.34 cfs avg daily

The monthly totals of the water pumped for the first ten months of 1973 is as follows:

<u>MONTH</u>	<u>TOTAL WATER PUMPED IN GALLONS</u>
Jan.	36,240,000
Feb.	32,450,000
Mar.	35,680,000
Apr.	34,620,000
May	35,190,000
June	33,810,000
July	35,100,000
Aug.	35,840,000
Sept.	34,980,000
Oct.	36,210,000

The increase in flow in 1972 over 1971 was a result of an 8-in. connecting main along Linden Street which permitted an increase flow from well No. 7 into the major distribution system in the center of the city. Since the pump and electric motor have the capability of varying the flow, it is the intention of the City Water Department to use this well continuously as a source for the system.

The water pumped from the well will be dependent upon its relationship to the water produced by the six other wells and will vary up to the maximum continuous flow.

63-7154

Handwritten notes:
 $350,120,000 \div 10 = 35,012,000$
 $35,012,000 \times 1.18 = 41,314,160$
 $\approx 420,944,000$
 $\approx 1.78 \text{ cfs avg daily}$

LEGAL NOTICE OF
PUBLIC HEARING BEFORE THE CANYON COUNTY
BOARD OF COMMISSIONERS

LEGAL NOTICE IS HEREBY GIVEN, that the Canyon County Board of Commissioners will hold a public hearing at 6:00 p.m. on Tuesday, December 20, 1994 in the First Floor Public Meeting Room, Canyon County Courthouse, 1115 Albany, Caldwell, County of Canyon, Idaho.

The purpose of this public hearing is to take public testimony concerning a draft separate ordinance providing for application of Comprehensive Plan and implementing ordinances for the Area of City Impact for Caldwell, Idaho pursuant to Idaho Code Section 67-6526. Said ordinance shall provide for one of the following:

- [1] Application of the city plan and ordinances to the area of city impact; or
- [2] Application of the county plan and ordinances to the area of city impact; or
- [3] Application of any mutually agreed upon plan and ordinances to the area of city impact.

The Impact Area boundary being generally described on the north is the Union Pacific Railroad Tracks, State Highway 44, the north boundary of Curtis Park, the Boise River, Lincoln Street, and Highway 20-26. The Boundary described generally on the south is Homedale Road to Cleveland Boulevard and a line on a northeasterly angle to intersect Middleton Road at Laster Lane. Said boundary on the west is Wagner Road and Farmway Road. Said boundary on the east is Middleton Road, KCID Road, a line south of the Boise River which is in line with Emmett Road which is also the section line between Sections 13 and 14 in Township 4 North, Range 3 West, the east boundary of Curtis Park and the line of W. Hartley Gulch south of Highway 44 to the Boise River. (Please refer to the attached published map, EXHIBIT "A".)

The Canyon County Planning and Zoning Commission held a public hearing and took testimony on this matter November 22, 1994 and recommends to the Canyon County Board of Commissioners that the Board adopt, with certain modifications the draft ordinance considered by the Planning and Zoning Commission at it's hearing. Following this County Commissioners public hearing, the Board of Canyon County Commissioners may adopt or reject any or all portions of the proposal. If the Board intends to make a material change in the proposal, further notice and public hearing shall be provided before the Board of Canyon County Commissioners adopts an Ordinance.

Documents may be reviewed at the office of the Canyon County Board of Commissioners on the 1st Floor in the Canyon County Courthouse at 1115 Albany, Caldwell, Idaho, from 8:00 a.m. to 12:00 noon and from 1:00 p.m. to 5:00 p.m., Monday thru Friday, except holidays. All interested persons are invited to attend this public hearing and present oral or written testimony concerning this matter. For more information call (208) 454-7478. Assistance is available for those with disabilities upon twenty-four (24) hour prior notice.

[Publish the City of Caldwell IMPACT AREA MAP - EXHIBIT A in this area]

CANYON COUNTY BOARD OF COMMISSIONERS

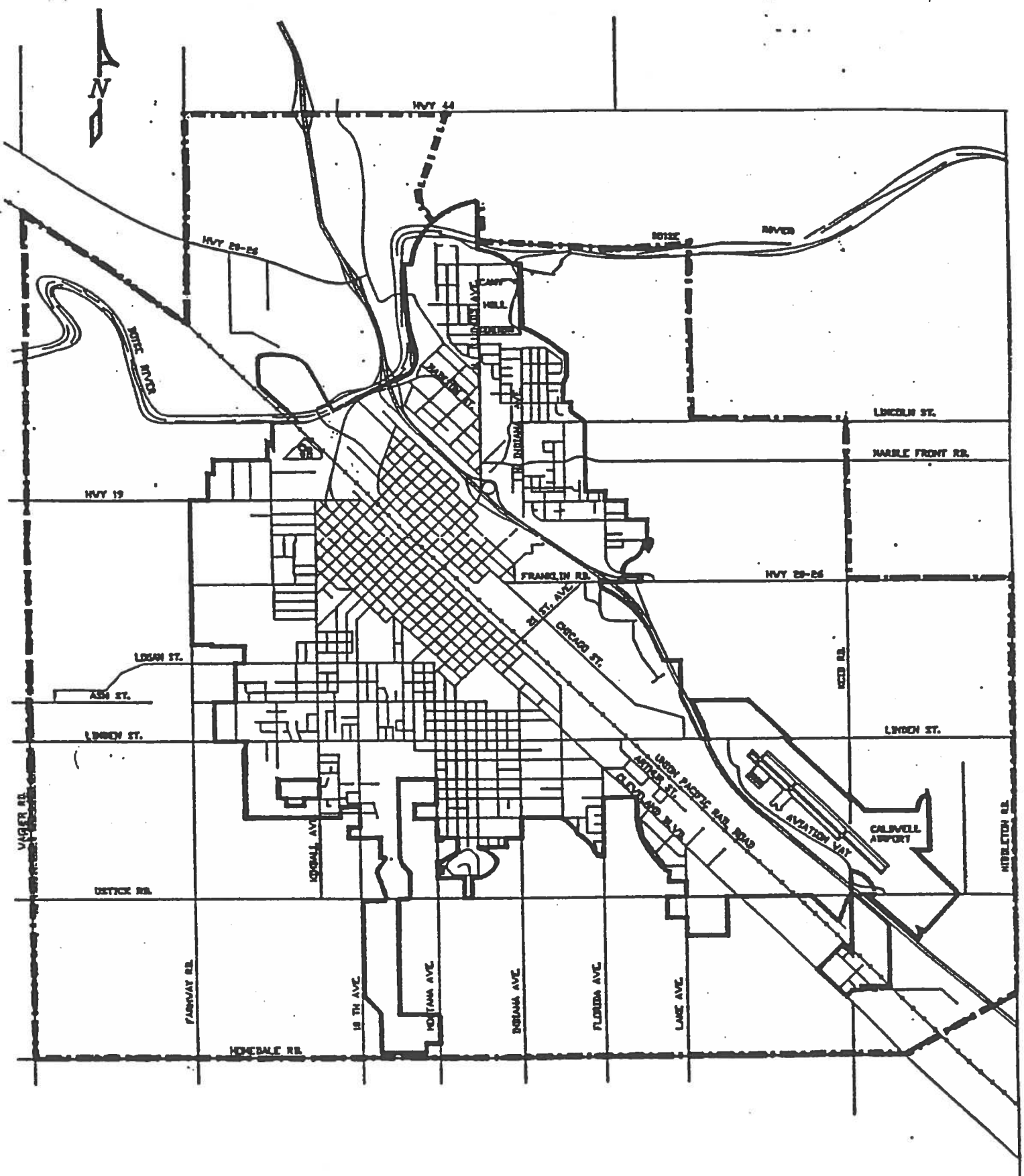
Commissioner George Vance, Chairman *GV*
Commissioner Jan Vinson *JV*
Commissioner Abel "Abe" Wasquez *AW*

ATTEST: NED J. KERR, CLERK
Monica Reeves, Deputy Clerk *11/28/94*

Publish: IDAHO PRESS TRIBUNE
Date: Dec. 4 and Dec. 5, 1994

Copy: Board's Hearing File for Caldwell City Impact Area
Newspaper - Idaho Press Tribune
Notice Board
Agencies and Political Subdivisions
Public Service Announcements
P&S Area of Impact File for Caldwell

BOC LEGALS-JLJ:mrs



—— CITY LIMITS
 --- IMPACT AREA BOUNDARY

EXHIBIT "A"