

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

RIGHT NUMBER: 63-7900

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.740 CFS
166.50 AFY

PRIORITY DATE: 12/04/1973

POINT OF
DIVERSION:

T04N R03W S27 SWNW 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, 63-7910, 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

PERIOD OF USE

QUANTITY

MUNICIPAL

03/01 11/01

0.740 CFS
166.50 AFY

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:

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 Fairview Golf Course located in T4N, R3W, Sec. 27, SWNW.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is used for the irrigation of the Fairview Golf Course.

IDAHO DEPARTMENT OF WATER RESOURCES
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PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
03/01 11/01

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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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 63-7900
(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, 63-7158, 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

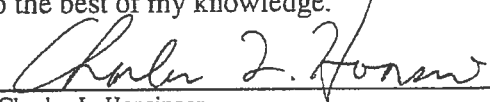
multiple points of diversion makes no sense as recommended.

F. VERIFICATION (must be completed)

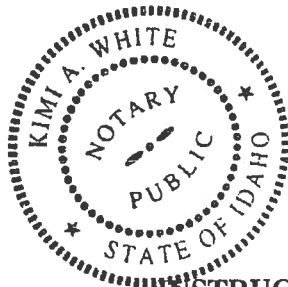
State of Idaho)
) ss.
County of Ada)

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, 2004




Notary Public for Idaho
Residing at: Bonneville, Idaho
My Commission Expires 11/21/10

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

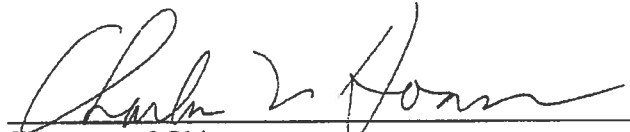
Address: 621 Cleveland Blvd.
Caldwell, Idaho 83605

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

12/13/2006

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

RIGHT NUMBER: 63-7900

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621 CLEVELAND BLVD
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.740 CFS
166.500 AFY

PRIORITY DATE: 12/04/1973

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T04N R03W S27 SWNW Within CANYON County

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PERIOD OF USE:

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PERIOD OF USE

QUANTITY

MUNICIPAL

03/01 11/01

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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

11/06/2006

IDAHO DEPARTMENT OF WATER RESOURCES
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CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.740 CFS
166.500 AFY

PRIORITY DATE: 12/04/1973

POINT OF DIVERSION:

T03N 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
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 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

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

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03/01 11/01

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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Draft

04/15/2005

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

RIGHT NUMBER: 63-7900

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621 E CLEVELAND BLVD
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.740 CFS
166.500 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 12/04/1973

POINT OF DIVERSION:

T03N 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
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 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

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	03/01 11/01	0.740 CFS 166.50 AFY

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EXPLANATORY MATERIAL: License

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

Water Right 63-7900

1

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-07900

Date: 1-14-02

				NE				NW				SW				SE				Sum
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	4N	3W	27						3	19										22
GIS									4.2	20										24.2
Claim	4N	3W	28	9			6													15
GIS				10			6.3													16.3
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 37

Overlapping POU Claim #'s:

63-09141

Total GIS Acres: 40.5

COMMENTS:

per license map + county data

Idaho Department of Water Resources

Claim Number: 63-07900
Legal: T04N, R03W, S27, 28
Reviewed By:



Point of Diversion



Place of Use

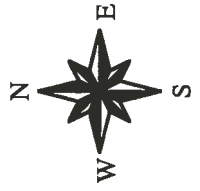


Section Lines



Quarter Quarter Lines

1987 Napp Photo



Idaho Department of Water Resources

Claim Number: 63-07900
Legal: T04N, R03W, S27, 28
Reviewed By:

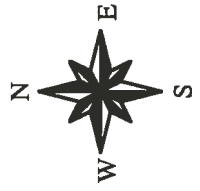
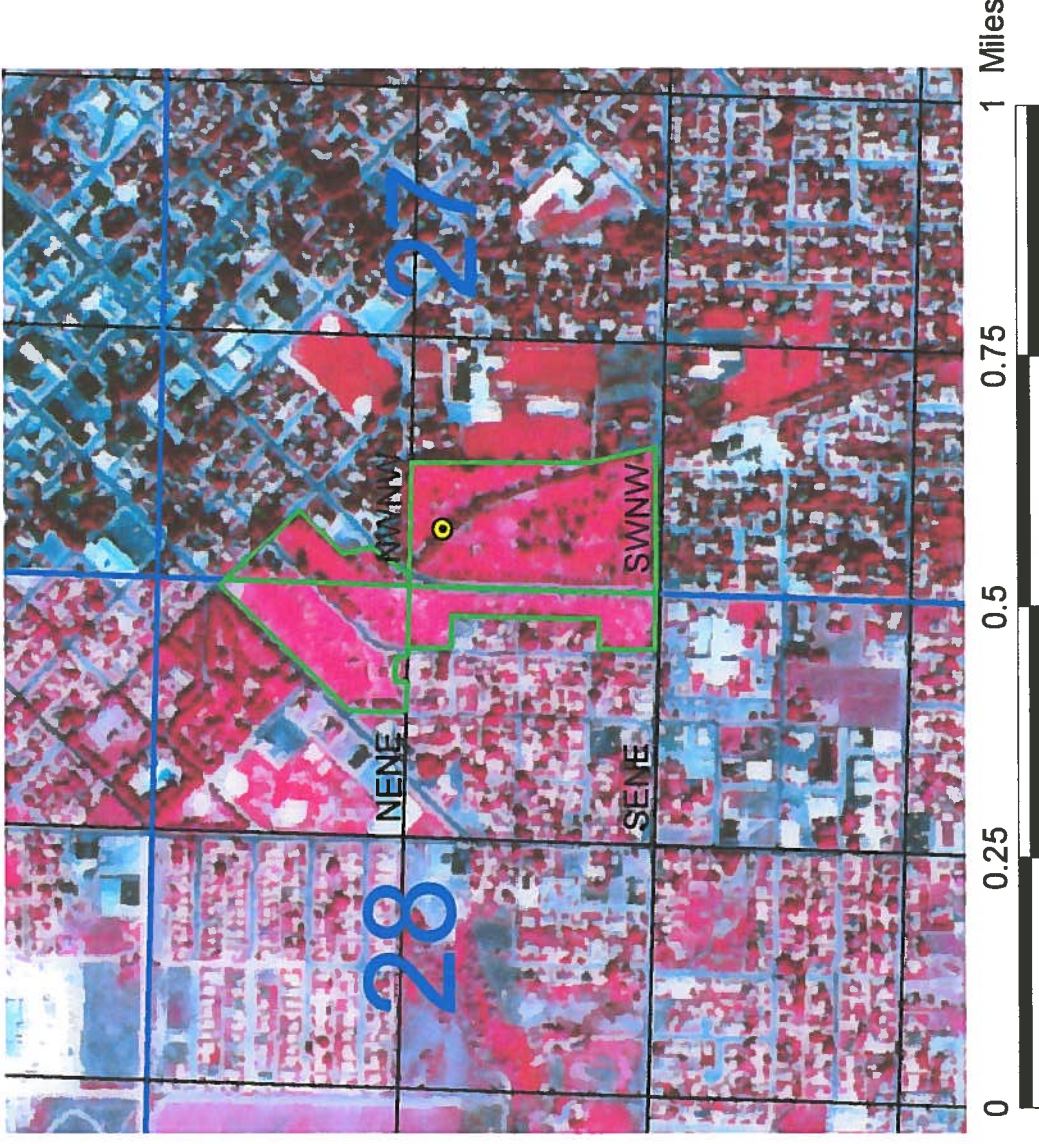
 Point of Diversion

 Place of Use

 Section Lines

 Quarter Quarter Lines

1987 Napp Photo



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7900 Priority December 4, 1973 Amount .74 cfs

THIS IS TO CERTIFY, that CITY OF CALDWELL

of Caldwell, Idaho, has complied with the terms and conditions of Permit No. 63-7900 issued pursuant to Application for Permit dated December 4, 1973, and has submitted proof to the Department of Water Resources on December 27, 1978, 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 1.34 cfs of water from a groundwater source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 1</u> to <u>November 1</u>	at <u>.74</u> cfs and	<u>166.5</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than .74 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 166.5 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, Twp. 4N, Rge. 3W, B.M. in the County of Canyon

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4N	3W	27					3	19											22
		28	9			6													15

Total number of acres irrigated 37

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

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 24 day of June, 19 81.

MICROFILMED

Director

Identification No. _____

Application No. 63-7900

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant City of Caldwell
post office address 704 Blaine St., City Hall, Caldwell, Idaho 459-3641
2. Source of water supply Groundwater which is a tributary of ---
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 27 Township 4N
Range 3W B.M. Canyon County; additional points of diversion if any: None

- b. If water is not consumed, it will be discharged into --- at a point in --- $\frac{1}{4}$
of -- $\frac{1}{4}$ of Section -- Township -- Range -- B.M. --

4. Water will be used for the following purposes: _____ of each year
- Amount 2 cfs for irrigation purpose from March 1st to Nov. 1st (both dates inclusive)
(cfs or acre-feet per annum)
- Amount -- for -- purpose from -- to -- (both dates inclusive)
(cfs or acre-feet per annum)
- Amount -- for -- purpose from -- to -- (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. Two cubic feet per second and/or

per phone b. 193.5 acre feet per annum.
E.E.B.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Water is to be diverted from well by a deep well turbine pump for sprinkler irrigation of the Fairview Golf Course in the City of Caldwell.

b. Height of storage dam -- feet, active reservoir capacity -- acre feet; total reservoir capacity -- acre feet, materials used in storage dam: --

Period of year during which storage will occur -- to -- inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is 12 inches; proposed depth of well is 125 feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.

b. Estimated construction cost is \$ 20,000 including pump station

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: --- $\frac{1}{4}$ of --- $\frac{1}{4}$ of Section --- Township ---
Range --- B.M.

(2) Amount of power to be generated: --- hp under --- feet of head.

(3) List number of each kind of livestock to be watered ---

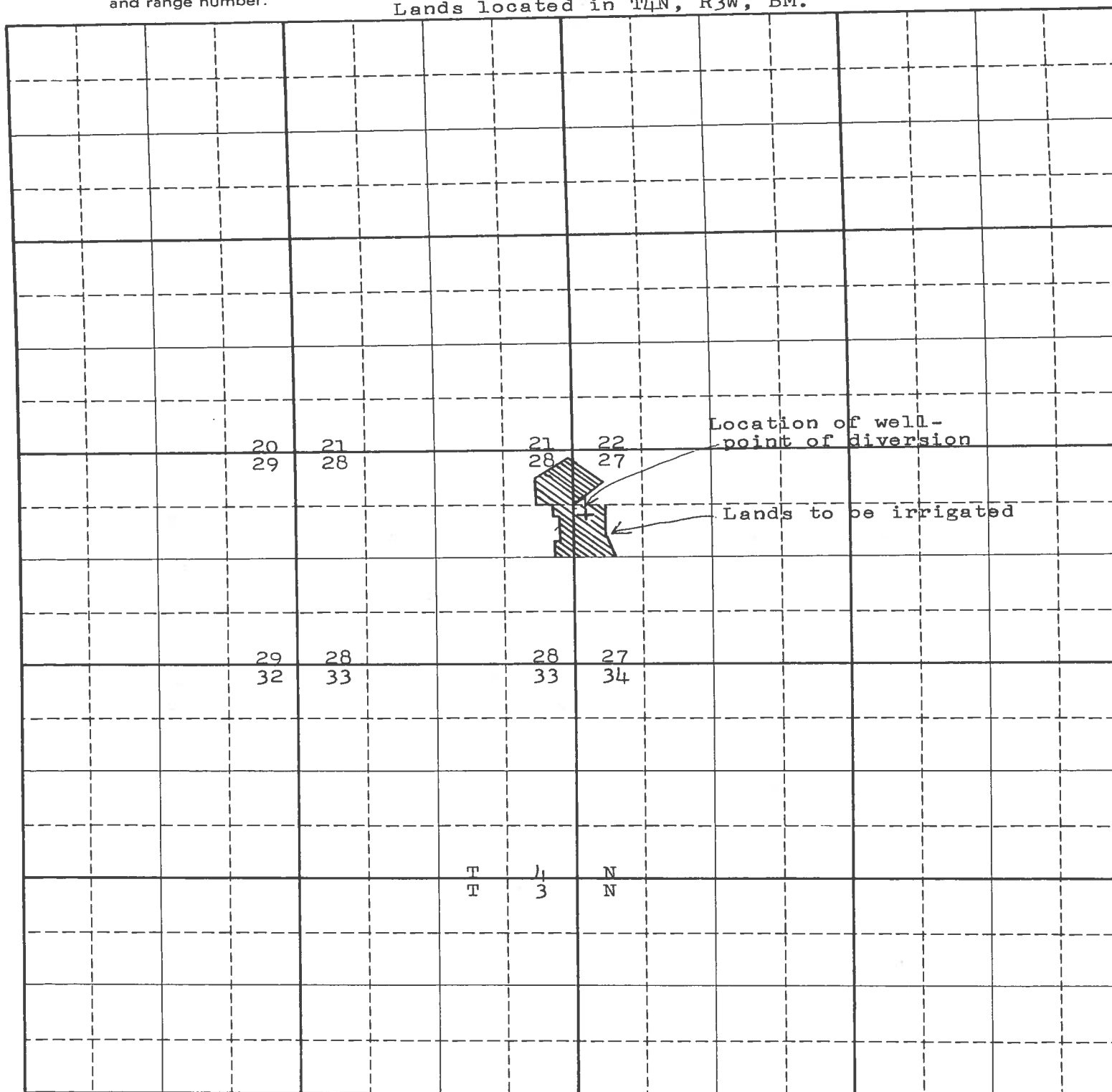
(4) Name of municipality to be served ---, or number of families to be supplied with domestic water ---.

(5) If water is to be used for other purposes describe: ---

63 7900

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

Lands located in T4N, R3W, BM.



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
 By: *Charles W. Carpenter*
 (Applicant)
 Charles W. Carpenter
 Mayor

TOTAL ACREAGE

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 us 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" Vasquez *AV*

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

