

11/06/2006

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

RIGHT NUMBER: 63-10674

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.070 CFS
2.500 AFY

PRIORITY DATE: 07/27/1988

POINT OF DIVERSION:

T05N R03W S28 SESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
01/01 12/31

QUANTITY
0.070 CFS
2.50 AFY

PLACE OF USE:

Place of use is within the service area of the City of Caldwell municipal water supply system as provided for under Idaho Law.

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: BASIS OF CLAIM - License

Draft

09/26/2005

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

RIGHT NUMBER: 63-10674

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.070 CFS
2.500 AFY

PRIORITY DATE: 07/27/1988

POINT OF DIVERSION:

T05N R03W S28 SESE Within CANYON County ✓

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
DOMESTIC

PERIOD OF USE
01/01 12/31

QUANTITY
0.070 CFS
2.50 AFY

Municipal

PLACE OF USE:

City of Caldwell

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.

~~Domestic use is for a Municipal Golf Course.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Draft

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-10674 V1

WATER RIGHT NUMBER: 63-10674 V1

Owner Type

Current Owner

Name and Address

CITY OF CALDWELL
621 E CLEVELAND BLVD
CALDWELL, ID 83605
(208)455-3006

Priority Date: 07/27/1988

Basis: License

Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

COMMERCIAL

From To

1/01 to 12/31

Diversion Rate

0.070 CFS

Annual Volume

Total Diversion: 0.070 CFS

Location of Point(s) of Diversion

GROUND WATER

CANYON County

SE1/4SE1/4

Sec. 28, Twp 05N, Rge 03W, B.M.

Place of Use

COMMERCIAL Within CANYON County

T05N R03W S28 SESE

Conditions of Approval:

1. C18 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.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. 124 Place of use is within the service area of the City of Caldwell, municipal water supply system as provided for under Idaho Law.

Remarks:

Comments:

1. awarntje 9/23/2005 Water Use

Comment: Water use claimed is different than licensed.

2. awarntje 9/23/2005 POU

Comment: Unable to link large POU because water use claimed different than licensed.

Licensed after 1987 - no accomplished transfer.

Dates and Other Information:

Do not link to large POU -
Licensed after 1987.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-10674 V1

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	9/23/2005 12:47:38 PM	awarntje			Active
Priority Date	9/23/2005 12:48:21 PM	awarntje			Active
POD	9/23/2005 12:48:44 PM	awarntje			Active
Source	9/23/2005 12:49:04 PM	awarntje			Active
Use	9/23/2005 12:49:40 PM	awarntje			Active
POU	9/23/2005 12:50:52 PM	awarntje			Active
Season	9/23/2005 12:52:03 PM	awarntje			Active
Quantity	9/23/2005 12:53:02 PM	awarntje			Active
Summary			09/23/2005	awarntje	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	9/23/2005 12:47:39 PM	awarntje	(No) 1. Do you want to schedule an appointment?
			Comment for 1: Sufficient info in file
POD	9/23/2005 12:48:45 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-10674 V1

General	9/23/2005 12:48:22 PM	awarntje	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Source	9/23/2005 12:49:05 PM	awarntje	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
Use	9/23/2005 12:49:41 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (No) 5. Can the claimed Purpose of Use be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the Purpose of Use?
POU	9/23/2005 12:50:53 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (No) 2a. Is the POU required? (Yes) 14. Is a POU remark and/or condition required?
Season	9/23/2005 12:52:04 PM	awarntje	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (No) 14. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	9/23/2005 12:53:03 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (No) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - 2.5 afa

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-10674 V1

Summary 9/23/2005 12:54:20 PM awarntje

(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?
(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?
(No) 5. Does this right have any combined use limits with other rights?
(No) 6. Is an additional remark and/or condition required?
(Yes) 7. Would you like to view the recommended right?
(No) 8. Is this a split or combined right?
(No) 9. Do you have documents you would like to attach or link to the file?
(Yes) 10. Would you like to set the verification date?

Water Supply Bank:

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]

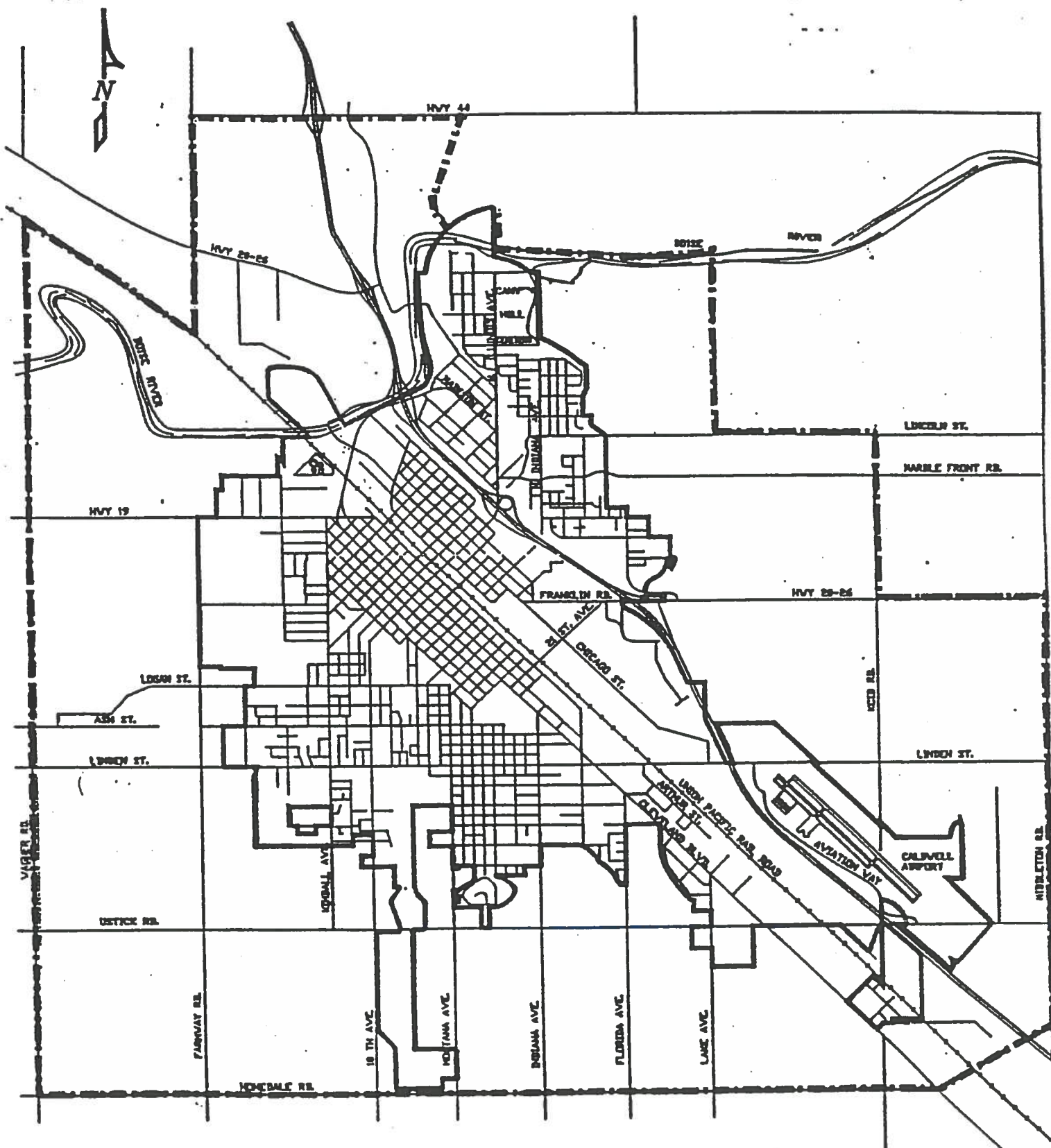
CANYON COUNTY BOARD OF COMMISSIONERS

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&Z Area of Impact File for Caldwell



MICROFILMED
OCT 08 1996

EXHIBIT "A"

State of Idaho
Department of Water Resources

SEP 13 1988

WATER RIGHT LICENSE
WATER RIGHT NO. 63-10674

Department of Water Resources
Western Regional Office

Priority: July 27, 1988

Maximum Diversion Rate: 0.07 CFS
Maximum Diversion Volume: 2.5 AF

This is to certify, that CITY OF CALDWELL
PO BOX 1177

CALDWELL ID 836061177 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 27, 1988; and has submitted Proof of Beneficial Use on September 11, 1989. An examination indicates that the works have a diversion capacity of .090 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.07 CFS	2.5 AF

LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 28, Township 05N, Range 03W
CANYON County

PLACE OF USE: DOMESTIC
TWN RGE SEC

05N 03W 28 SESE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for a Municipal Golf Course.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 21st day of SEPTEMBER, 1992.

Acting for R. Keith Higginson, Director

MICROFILMED

JUL 26 1994

ATTACHMENT A

SRBA CLAIM CHECK PER BENEFICIAL USE EXAM

EXAMINER K Christensen DATE SUBMITTED 7-19-90

ADJUDICATION AGENT _____ RESPONSE DUE DATE 7-25-90

COUNTY Canyon OWNER'S NAME Cty - Caldwell

PERMIT DATA	T	R	S	Q/Q	T	R	S	Q/Q
P/D	<u>5N</u>	<u>3W</u>	<u>28</u>	<u>SE/SE</u>	_____	_____	_____	_____
P/U	<u>5N</u>	<u>3W</u>	<u>28</u>	<u>SE/SE</u>	_____	_____	_____	_____

ADJUDICATION DATA RELATING TO THIS PERMIT NUMBER

A. Check Permit Number for Adjudication Claim Filing

- ☐ Claim required for permit but not filed
(examiner needs to notify permit holder during exam)
☒ Claim filed for permit and copy attached *
☐ Claim filed although not required (proof filed after 11-19-87)
☐ No claim filed or required.

B. Check Adjudication Claims Relating to the Permit Holder but are Different Claims (new number - different right)

- ☐ Name index search
☐ Non-data entry claims search
☐ Claim found but large system no exam required *

Claims found requiring exam	Date field exam conducted	Exam data is in, Permit file	Attached
--------------------------------	------------------------------	---------------------------------	----------

<u>63-10674</u> Adj No.	<u>7-26-90</u>	☒	☐
<u>63-3484</u> Adj No.	<u>NOT CONDUCTED</u>	☐	☐
_____ Adj No.	_____	☐	☐

* copies included only if pertinent to permit field exam

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AUG 24 1992

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-10674

Priority: July 27, 1988

Maximum Diversion Rate: 0.07 CFS
Maximum Diversion Volume: 2.5 AF

This is to certify, that CITY OF CALDWELL
PO BOX 1177

CALDWELL ID 836061177

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 27, 1988; and has submitted Proof of Beneficial Use on September 11, 1989. An examination indicates that the works have a diversion capacity of .090 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.07 CFS	2.5 AF

LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 28, Township 05N, Range 03W
CANYON County

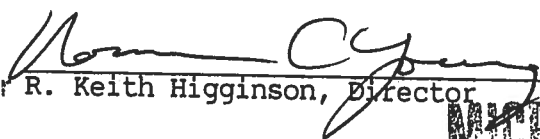
PLACE OF USE: DOMESTIC
TWN RGE SEC

05N 03W 28 SESE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for a Municipal Golf Course.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 2nd day of SEPTEMBER, 1992.

Acting for  R. Keith Higginson, Director

MICROFILMED

SEP 10 1992

SCANNED
DEC 30 2002

RECEIVED

SEP 23 2005

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-10674
Date Received: 1/31/1990
Receipt No: C015577
Received By: C. Wong

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF CALDWELL
Address: P.O. BOX 1177
321 CLEVELAND BLVD
CALDWELL, ID

208-455-3006

83606-1177

RECEIVED
MAR 15 1990

2. Date of Priority: JUL 27, 1988

3. Source: GROUNDWATER

Trib. to:

Department of Water Resources

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	03W	28	SE	SE			CANYON

5. Description of diverting works:
WELL, PUMP AND PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.070		

7. Total Quantity Appropriated is:
0.070 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

D/CLUBHOUSE FOR MUNICIPAL GOLF COURSE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	03W	28	SE	SE		COMMER	

11. Place of use in counties: CANYON

A63-10674

Page 1

Date: 01/31/90

MICROFILMED

AUG 24 1992

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: PERMIT

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: 1

For Organizations:

I do solemnly swear or affirm that I am WATER Supt of
Title
CITY OF CALDWEN, that I have signed the foregoing
Organization
document in the space below as WATER Supt of
Title
CITY OF CALDWEN and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent
WATER Supt, CITY OF CALDWEN
Title and Organization
3/13/90
Date

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of March 19 90

[Signature]
Notary Public

Seal

A63-10674

Page

Residing at Caldwell Idaho

My Commission Expires 12/90
Date: 01/31/90

MICROFILMED
AUG 24 1992

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