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 63-32033
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

1955 Melvin Lewis Affidavit

2. Date of Priority: 09/08/1910 (??/??/????)

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	22	NE NE	CANYON	
04N	03W	15	NE NE	CANYON	
04N	03W	28	NE NE	CANYON	
04N	03W	21	SE SW	CANYON	
04N	03W	26	SW NE	CANYON	
04N	03W	27	NE NE	CANYON	
04N	03W	28	SE NE	CANYON	
04N	03W	34	NW SW	CANYON	
04N	03W	35	NW 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	0.45 (0.53)	

7. Total Quantity Appropriated is:
0.45 C.F.S. (0.53)

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:

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

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.

(Original Well #6 at the Rose Garden in Luby Park)

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

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

/S/ DIANA R DELANEY
Deputy Clerk

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	)	A. **Subcase** 63-32033
	)	(Insert water right no.)
Case No. 39576	)	
	)	**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

COPY

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. X **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 1 - RG #6 located in T4N R3W, Section 15 NENE.
   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, 63-7900, 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, 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): 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. 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

KIMI A. WHITE NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at: Boise Idaho
My Commission Expires: 04/21/10

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 12, 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

12/15/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-32033

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

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.450 CFS

PRIORITY DATE: 09/08/1910

POINT OF DIVERSION:

T04N R03W S15 NENE 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, 63-7900, 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, 63-32038 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	0.450 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:

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 - Beneficial Use

Draft

04/19/2005

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-32033

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

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.450 CFS

PRIORITY DATE: 09/08/1910

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

6 PODs in
6 PODs in

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
MUNICIPAL	01/01 12/31	0.450 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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EXPLANATORY MATERIAL: Beneficial Use