

RECEIVED
MAR 20 2012
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAR 19 2012
By _____ Clerk
Deputy Clerk

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) SPECIAL MASTER'S REPORT
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 63-32024,
) 63-32025, 63-32026, and 63-32033

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On June 14, 2007, the claimant City of Caldwell, through its attorney Charles L. Honsinger, filed an objection to the *Director's Report*. On May 29, 2009, IDWR filed *Amended Director's Reports* for these claims. Notice of filing of the *Amended Director's Reports* appeared on the Court's docket Sheet. No party filed objections to the *Amended Director's Reports* and the objection period has expired.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 63-32024, 63-32025, 63-32026, and 63-32033 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated March 19, 2012


Theodore R. Booth
Special Master
Snake River Basin Adjudication

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54 (b) FOR
Case No. 39576)
) Water Right 63-32024

POINT OF DIVERSION:	T03N R02W S06 LOT 5	(SWNW) Within Canyon County
	T04N R03W S15	NENE
	S21	SESW
	S22	NENE
		NENE
		NENE
		NENE
		NENE
		NENE
	S26	SWNE
	S27	NENE
	S28	NENE
		NENE
		NENE
		NENE
		NENE
		SENE
		SWSE
	S34	SENW
	S35	NWNE
	S36	NENW

RECOMMENDATION

MAR 19 2012

Les B. Booth

SPECIAL MASTER

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 63-32025

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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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-32026

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

SOURCE: GROUND WATER

QUANTITY: 0.53 CFS

PRIORITY DATE: 06/01/1909

POINT OF DIVERSION: T03N R02W S06 LOT 5 (SWNW) Within Canyon County
T04N R03W S15 NENE
S21 SESW
S22 NENE
NENE
NENE
NENE
NENE
NENE
S26 SWNE
S27 NENE
S28 NENE
NENE
NENE
NENE
NENE
S34 SENW
S35 NWNE
S36 NENW

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Municipal	01-01 TO 12-31	0.53 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:

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 Caldwell Well No. 4 located in T04N, R03W, S15, NENE.

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. I.C. SECTION 42-1412(6).



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 63-32033

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

SOURCE: GROUND WATER

QUANTITY: 0.53 CFS

PRIORITY DATE: 07/01/1955

POINT OF DIVERSION: T03N R02W S06 LOT 5 (SWNW) Within Canyon County
T04N R03W S15 NENE
S21 SESW
S22 NENE
NENE
NENE
NENE
NENE
S26 SWNE
S27 NENE
S28 NENE
NENE
NENE
NENE
SENE
SWSE
S34 SENW
S35 NWNE
S36 NENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	0.53 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:

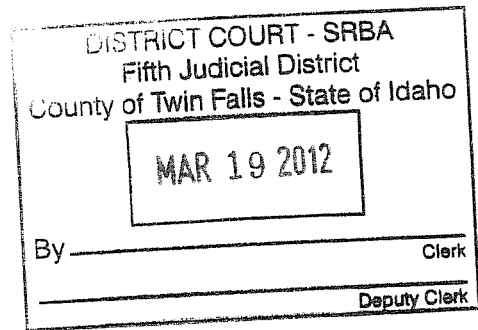
To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from Rose Garden Well No. 6 at the Luby Park Well Field located in T04N, R03W, S22, NENE.

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. I.C. SECTION 42-1412(6).

RECOMMENDATION

MAR 19 2012

Lee E. Booth
SPECIAL MASTER



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)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

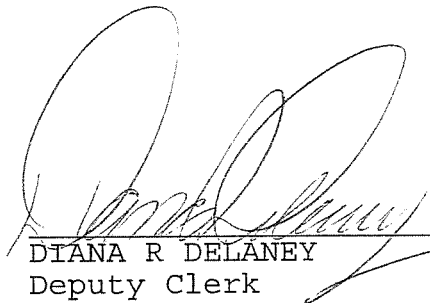
Water Right(s) : 63-32024
63-32025 63-32026 63-32033

On March 19, 2012, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

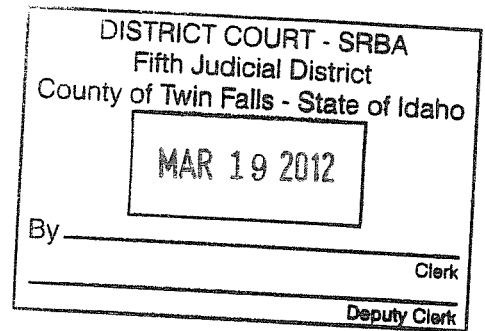
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED March 19, 2012.



DIANA R DELANEY
Deputy Clerk



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)

CERTIFICATE OF MAILING

Case No. 39576)

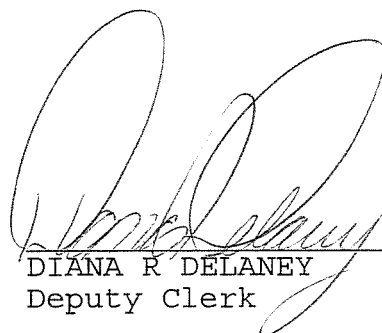
Water Right(s): 63-32024
63-32025 63-32026 63-32033

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on March 19, 2012, with sufficient first-class postage prepaid to the following:

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

CITY OF CALDWELL
Represented by:
CHARLES L. HONSINGER
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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