



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

August 27, 2008

David J. Barber
Deputy Attorney General
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

Sent via Statehouse Mail

RE: Subcase Nos. 63-33057, 63-33058 & 63-33059 (Splits from 63-2650)

Dear David:

I am enclosing an SF5 for each of the above-referenced subcases. Please review the SF5s, and if they are acceptable to you, please sign on the indicated signature lines, initial the recommendations and return the original documents to me. I will obtain the remaining signatures, file the original SF5s with the SRBA Court and provide copies to the parties.

If you should have any questions or comments, please feel free to contact me at 287-4815.

Sincerely,

A handwritten signature in black ink that reads "Ray Williams".

Ray Williams
Paralegal

Enclosures

**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	)	Subcase No. 63-33057
	)	(Split from 63-2650)
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):

George W. Schneider Date

Carol A. Schneider Date

STANDARD FORM 5 – Water Right No. 63-33057

OBJECTOR:

State of Idaho
Department of Lands

David J. Barber Date
Attorney for Objector

IDWR Concurrence:

Kay Walker Date
Senior Water Resource Agent

 8-27-08

Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-33057

NAME AND ADDRESS: GEORGE W SCHNEIDER
20806 SEQUOIA PL
GREENLEAF ID 83636CAROL A SCHNEIDER
20806 SEQUOIA PL
GREENLEAF ID 83636SOURCE: SPRING
UNNAMED DRAINTRIBUTARY: BOISE RIVER
TRIBUTARY: BOISE RIVER

QUANTITY: 0.120 CFS

PRIORITY DATE: 11/18/1946

POINT OF DIVERSION:

T04N R04W S23 SESE Within CANYON County
T04N R04W S23 NESESE Within CANYON CountyPURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	03/01 11/15	0.080 CFS
Domestic use is for 1 home.		

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S23 NESE 3.90

DOMESTIC in CANYON County

T04N R04W S23 NESE

3.9 ACRES TOTAL

NBS

Place of use for this right does not include land owned by the State of Idaho.

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.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 63-2650 .

CERTIFICATE OF MAILING

I certify that on _____, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

CAROL A. SCHNEIDER
GEORGE W. SCHNEIDER
20806 SEQUOIA PL.
GREENLEAF, ID 83686

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV. CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form

**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	)	Subcase No. 63-33058
	)	(Split from 63-2650)
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

OBJECTOR:

State of Idaho, Dept. of Lands

Shane Garbarino Date

David J. Barber Date
Attorney for Objector

STANDARD FORM 5 – Water Right No. 63-33058

Kay Walker
Senior Water Resource Agent

STANDARD FORM 5 – Water Right No. 63-33058

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

RIGHT NUMBER: 63-33058

NAME AND ADDRESS: SHANE GARBARINO
20334 PINTO RD
CALEDWELL ID 83607SOURCE: SPRING
UNNAMED DRAINTRIBUTARY: BOISE RIVER
TRIBUTARY: BOISE RIVER

QUANTITY: 0.580 CFS

PRIORITY DATE: 11/18/1946

POINT OF DIVERSION:

T04N R04W S23 SESE Within CANYON County
T04N R04W S23 NESESE Within CANYON CountyPURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.580 CFS

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S23 NESE 29.00

29 ACRES TOTAL

NBS

Place of use for this right does not include land owned by the State of Idaho.

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.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 63-2650 .

CERTIFICATE OF MAILING

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1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

SHANE GARBARINO
20334 PINTO RD.
CALDWELL, ID 83607

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV. CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form

In Re SRBA	)	Subcase No. 63-33059
	)	(Split from 63-2650)
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

Kay Walker Date
Senior Water Resource Agent

2

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

RIGHT NUMBER: 63-33059

NAME AND ADDRESS: S S STEINER INC
PO BOX 9174
BROOKS OR 97305

SOURCE: SPRING
UNNAMED DRAIN

TRIBUTARY: BOISE RIVER
TRIBUTARY: BOISE RIVER

QUANTITY: 0.080 CFS

PRIORITY DATE: 11/18/1946

POINT OF DIVERSION:

T04N R04W S23 SESE Within CANYON County

T04N R04W S23 NESESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION	03/01 11/15	0.080 CFS

PLACE OF USE: FIRE PROTECTION in CANYON County

T04N R04W S23 NESE

NBS

Place of use for this right does not include land owned by the State of Idaho.

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.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

This right is a split from former right 63-2650 .

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2. Copies to:

S S STEINER, INC.
P.O. BOX 9174
BROOKS, OR 97305

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV. CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

DIRECTOR OF IDWR
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Signature of person or attorney mailing the form