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OCT 14 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 10 2008	
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

Case No. 39576

) Subcase No. 63-33058

) (Split from 63-2650)

) 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.

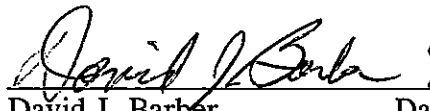
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

 10/5/08
Shane Garbarino Date

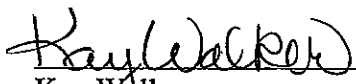
OBJECTOR:

State of Idaho, Dept. of Lands

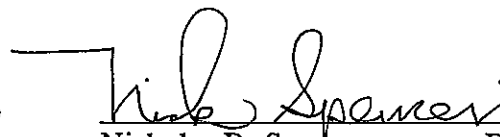
 9/11/2008
David J. Barber Date
Attorney for Objector

STANDARD FORM 5 – Water Right No. 63-33058

IDWR Concurrence:

 9-16-2008

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: 63-33058

NAME AND ADDRESS: SHANE GARBARINO
20334 PINTO RD
CALDWELL 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 County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

03/01 11/15

0.580 CFS

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S23 NESE 29.00

29 ACRES TOTAL

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 Oct. 9, 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:

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

Deserae D. Kramer

Signature of person or attorney mailing the form