

**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 39576

Subcase No. 21-11248

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: *Lawrence J. Ybarrondo*
Lawrence J Ybarrondo

OBJECTOR:
USDA Forest Service

Edward W Pike 11/03/06
Edward W Pike Date
Attorney for Lawrence J Ybarrondo

David L. Negri 11/16/06
David L. Negri Date
Attorney for the United States

IDWR Concurrence:

Ernie Carlsen 11-16-06
Ernie Carlsen Date

Nick Spencer 11-16-06
Nick Spencer Date
Deputy Attorney General

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

RIGHT NUMBER: 21-11248

NAME AND ADDRESS: LAWRENCE J YBARRONDO
PO BOX 3399
JACKSON WY 83001

SOURCE: Source: RISING CREEK

Tributary: PORCUPINE CREEK

QUANTITY: 0.200 CFS

PRIORITY DATE: 04/01/1935

POINT OF DIVERSION: T09N R44E S24 NESE Within FREMONT County

PURPOSE AND
PERIOD OF USE: Purpose of use
IRRIGATION

Period of use:
04/01 10/31

Quantity:
0.200 CFS

PLACE OF USE: IRRIGATION within FREMONT County

T09N R44E S24 SESE 3.1

T09N R44E S25 NENE 13.0

T09N R45E S30 Lot 5 NWNW 9.1

~~T09N R45E S30 Lot 6 NWNW 9.1~~

25.2 ACRES TOTAL

Right Nos. 21-11241 and 21-11248 are limited to the irrigation of a combined total of 25.2 acres in a single irrigation season.

This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.

~~This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.~~

~~Right Nos. 21-11241 and 21-11248 are limited to the irrigation of a combined total of 25.2 acres in a single irrigation season.~~

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

Amended Director's Report: 21-11248

WAF

*Eme 284
DN GWP
NBS*

CERTIFICATE OF MAILING

I certify that on November 16, 2006, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

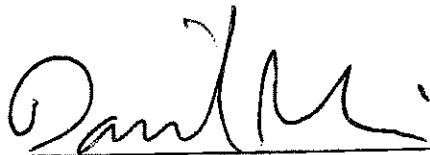
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

Lawrence J Ybarrondo
C/O Edward Pike
PO Box 2949
Idaho Falls, ID 83403-2949

IDWR Document Depository
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US Department of Justice
Environment and Natural Resources Section
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person mailing the form