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DEPARTMENT OF
WATER RESOURCES

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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

Case No. 39576

Subcase No. 01-70

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, *which removes federal public land from the digital boundary*. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

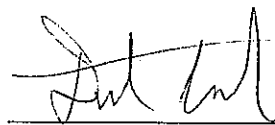
CLAIMANT:

Harrison Canal & Irrigation Co.

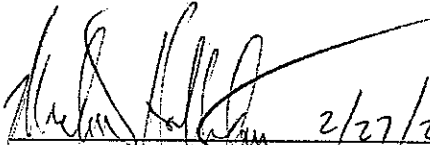
OBJECTOR:

United States of America
Bureau of Reclamation

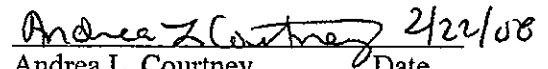
 3-24-08
By: JACK SKINNER Date
Title: Harrison Canal
+ Irrigation President

 4/25/08
David W. Gehlert, USDOJ Date
Attorney for Objector

IDWR Concurrence:



Michael Holliday 2/27/2008
Senior Water Resource Agent Date



Andrea L. Courtney 2/22/08
Deputy Attorney General Date
Attorney for IDWR

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

RIGHT NUMBER: 1-70

NAME AND ADDRESS: HARRISON CANAL & IRRIGATION CO
JOEL BRIGHTON PRESIDENT
1074 E 129 N
IDAHO FALLS ID 83401

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

Water is delivered from the Dry Bed.

QUANTITY: 160.000 CFS

PRIORITY DATE: 01/09/1895

POINT OF
DIVERSION:

T04N R40E S27 NWSW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

160.000 CFS

PLACE OF USE:

12364 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

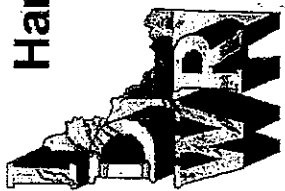
Place of use is within the area served by Harrison Canal & Irrigation Company.

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 - Decreed

Water is delivered through Harrison Canal.



Harrison Canal & Irrigation Co

SRBA Recommendations: 1-69, 1-70, 1-109B, 1-110B, 1-111B, 1-112B, 1-113B, 1-115B, 1-262, 1-309, 1-10156, 1-10157, 1-10158, 1-10159, 1-10160

OK
AMM
86

Service Area Boundary
GIS Place of Use Illustration

Legend

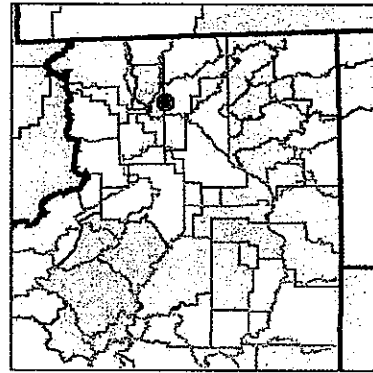
Place of Use



Townships

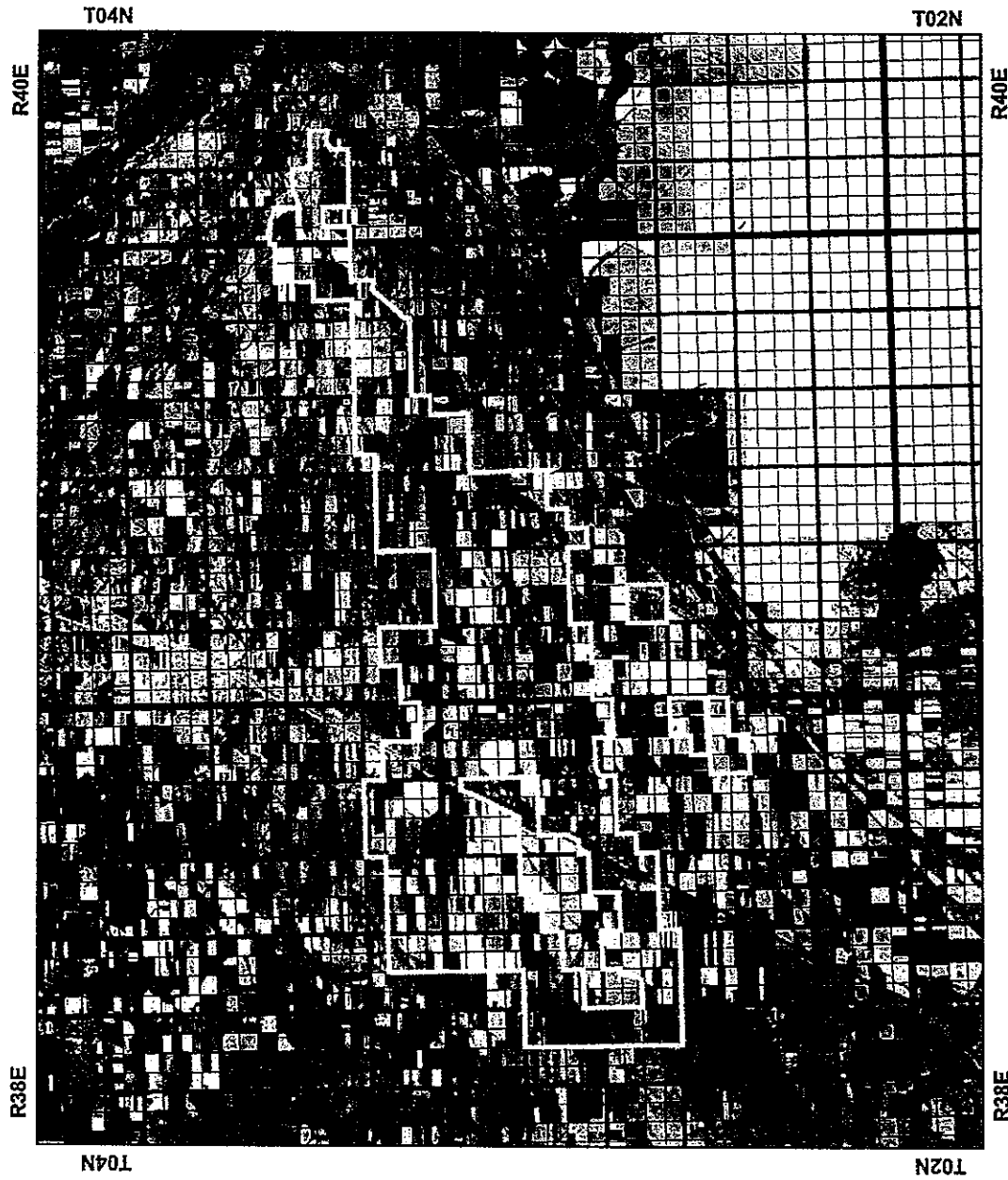
PLS Sections

Quarter Quarters



Bonneville, Jefferson Counties
IDWR Basin 1

Prepared by D. Favreau
On Tuesday, February 19, 2008
1987/88 Aerial Photography



10 Miles

5

0

CERTIFICATE OF MAILING

I certify that on this 25th day of April 2007, I mailed the original and copies of **STANDARD FORM 5 – Water Right No. 01-00070**, including all attachments, as indicated below:

via FedEx mail:

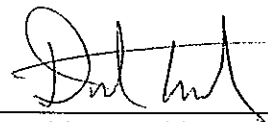
CLERK OF THE SRBA COURT (Original)
SRBA Courthouse
District Court
253 Third Ave. North
Twin Falls, Idaho 83301
Phone: (208) 736-3011

via First Class U.S. Mail, prepaid:

Harrison Canal & Irrigation Co.
Jack Skinner, President
c/o Joel Brighton
1074 E 129 N
Idaho Falls, ID 83401

United States Department of Justice
Environment and Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

IDWR
Document Depository
P.O. Box 83720
Boise, ID 83720-0098



David W. Gehlert