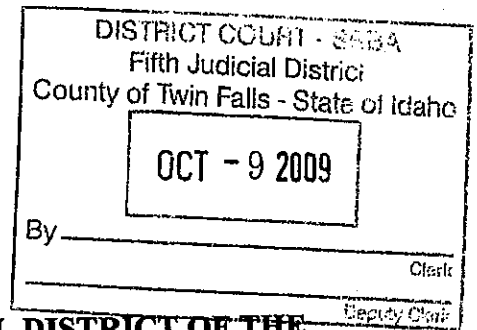




**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

Subcase No. 63-04256A

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.

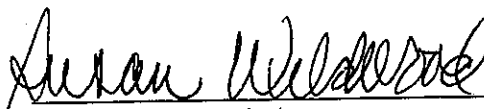
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT

Western Idaho Development, Inc.

OBJECTOR

Wilder Irrigation District

 9-18-09
Susan Wildwood, Attorney Date

 9-23-09
Albert P. Barker, Attorney Date

STANDARD FORM 5 - 63-04256A

United States on behalf of
Bureau of Reclamation

IDWR Concurrency:

Jean Thunte 9-29-09 Nicholas Spencer 9-28-09
IDWR Agent Date Deputy Attorney General Date

CERTIFICATE OF MAILING

I certify that on 10/8, 2009, 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:

WILDER IRRIGATION DISTRICT

Represented by:
PAUL L ARRINGTON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485

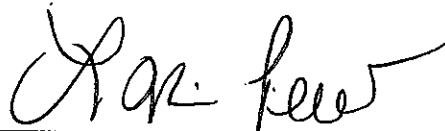
WESTERN IDAHO DEVELOPMENT INC

Represented by:
SUSAN WILDWOOD
PO BOX 6502
2533 N 26TH
BOISE, ID 83707-6502

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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



Signature of person or attorney mailing the form

SF5 Right No. 63-4256A

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

RIGHT NUMBER: 63-4256A

NAME AND ADDRESS: WESTERN IDAHO DEVELOPMENT INC
19630 FRIENDS RD
GREENLEAF ID 83626

SOURCE: LOWER EMBANKMENT DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.560 CFS

PRIORITY DATE: 04/01/1949 03/01/1970

POINT OF DIVERSION:

T04N R04W S35 NESWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.560 CFS

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S34	SENE	39.00	T04N R04W S34	NESE	39.00
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78 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

While the Lower Embankment Drain is a natural water way, it is also a federal facility and has been utilized as part of the Boise Project since 1908 as invoked by the United States through its reservation authority provided by the Act of August 30, 1890 (43 U.S.C. 945). As a federal facility, the Lower Embankment Drain, to the extent allowed by law, may be rerouted, piped, or its flow of water interrupted if determined appropriate to better serve Boise Project purposes.

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.~~

The source of this water right includes waste water. The 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 - Beneficial Use

SF5 Right No. 63-4256A