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## SPECIAL MASTER'S REPORT

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

**FOR WATER RIGHTS: 72-10480 &  
72-10482**

I.

On May 25, 2000, Gini Ditch Company Inc. filed an objection to the place of use element. Subsequently, a *Standard Form 5* was filed in the above listed subcases on September 6, 2001.

## II.

Therefore based on the file and record herein, and pursuant to the *Standard Form's 5*, IT IS RECOMMENDED that the above listed water rights be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

### III.

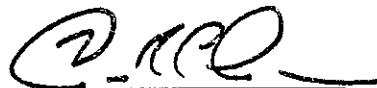
SPECIAL MASTER'S REPORT  
G:\72mrr\10480 & 10482 digital boundary sf5.mrr  
6/4/04

Digital Boundary mapping is appropriate for water rights that are for an irrigation purpose of use and also meet one of the following criteria: (1) used in conjunction with an irrigation project where the canals constructed cover an area of twenty-five thousand (25,000) acres or more; (2) the place of use for the water rights is located within an irrigation district organized pursuant to the laws of the state of Idaho; or (3) the water rights are for an irrigation project developed by an association, company, corporation or the United States to divert and deliver or distribute surface water under any annual charge or rental for beneficial use by more than five (5) water users in an area less than twenty-five thousand (25,000) acres.

The above water rights meet one of the above-stated criteria.<sup>1</sup> Therefore IT IS FURTHER RECOMMENDED that the above water rights be decreed using a digital boundary with the partial decree containing the following additional language as set forth in the attached Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b):

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. §42-202B(2)(2003) and authorized pursuant to I.C. § 42-1411(2)(h)(2003). 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.

DATED June 4, 2004.



THOMAS R. CUSHMAN  
Special Master  
Snake River Basin Adjudication

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<sup>1</sup> In incorporating a digital boundary into a partial decree, the electronic or digital data is what is actually decreed as opposed to the visually displayed map ultimately generated from the data. The data is stored on a CD-ROM. The data on the CD-ROM is incorporated by reference into the partial decree. Duplicate originals of the CD-ROM will be issued. The SRBA District Court retains on original together with the original partial decree, and the Idaho Department of Water Resources (IDWR) retains the other original. Upon request, the claimant can obtain a copy of the CD-ROM from IDWR at no cost, although GIS software will still be required to access the data. Subsequent administrative changes to the place of use will also be stored in a digital format and kept on file and maintained by IDWR. IDWR will maintain all computer software and/or hardware necessary for reducing the data to a usable format that is accessible to the general public, including access through the IDWR Internet website ([www.idwr.state.id.us](http://www.idwr.state.id.us)) or its successor Uniform Resource Locator (URL).

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

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED *[Signature]*

2004 JUN 11 AM 11 18

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 72-10480

NAME AND ADDRESS: GINI DITCH COMPANY INC  
HOLDEN KIDWELL HAHN & CRAPO  
PO BOX 50130  
IDAHO FALLS, ID 83405

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 120.00 CFS

PRIORITY DATE: 07/27/1901

POINT OF DIVERSION: T13N R19E S16 LOT 6 (SWSWSE) Within Custer County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY   |
|-------------------------------|----------------|----------------|------------|
|                               | Irrigation     | 04-01 TO 10-31 | 120.00 CFS |

PLACE OF USE:

PLACE OF USE WITHIN THE BOUNDARY OF THE SERVICE AREA OF  
THE GINI DITCH COMPANY. THIS BOUNDARY IS DELINEATED IN THE  
AFFIDAVIT IDENTIFYING LOCATION OF REAL PROPERTY, INSTRUMENT NO.  
0223257, FILED WITH CUSTER COUNTY RECORDER ON AUGUST 8, 2001.  
THE SERVICE AREA IS WITHIN T13N AND T14N, R19E, CUSTER COUNTY,  
IDAHO. TOTAL IRRIGATED ACRES: 2440 ACRES.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1379 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.  
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) (2003) and authorized pursuant to I.C. Section 42-1411  
(2) (h) (2003). 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

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance  
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a  
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final  
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

JUN 11 2004

*[Signature]*  
SPECIAL MASTER

John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

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

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED DL

2004 JUN 11 AM 11 18

In Re SRBA )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
                  ) Water Right 72-10482

NAME AND ADDRESS: GINI DITCH COMPANY INC  
HOLDEN KIDWELL HAHN & CRAPO  
PO BOX 50130  
IDAHO FALLS, ID 83405

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 25.30 CFS

PRIORITY DATE: 04/01/1950

POINT OF DIVERSION: T13N R19E S16 LOT 6 (SWSWSE) Within Custer County

| PURPOSE AND    |                |                |           |
|----------------|----------------|----------------|-----------|
| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY  |
|                | Irrigation     | 04-01 TO 10-31 | 25.30 CFS |

PLACE OF USE:

PLACE OF USE IS WITHIN THE BOUNDARY OF THE SERVICE AREA OF  
THE GINI DITCH COMPANY. THIS BOUNDARY IS DELINEATED IN THE  
AFFIDAVIT IDENTIFYING LOCATION OF REAL PROPERTY, INSTRUMENT NO.  
0223257, FILED WITH CUSTER COUNTY RECORDER ON AUGUST 8, 2001.  
THE SERVICE AREA IS WITHIN T13N AND T14N, R19E, CUSTER COUNTY,  
IDAHO. TOTAL IRRIGATED ACRES: 2440 ACRES

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 291 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.  
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) (2003) and authorized pursuant to I.C. Section 42-1411  
(2) (h) (2003). The data comprising the digital boundary are  
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issued in duplicate originals on file with the SRBA District

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NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
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DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
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with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a  
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final  
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

JUN 11 2004

  
SPECIAL MASTER

John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

2004 JUN 11 AM 11 18

In Re SRBA )  
 )  
Case No. 39576 )  
 )

Water Right(s): 72-10480  
72-10482

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on June 11, 2004, with sufficient first-class postage prepaid to the following:

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

GINI DITCH COMPANY INC  
Represented by:  
KENT W FOSTER  
PO BOX 50130  
IDAHO FALLS, ID 83405  
Phone: 208-523-0620

DEBBIE LASH  
Deputy Clerk

CERTIFICATE OF MAILING

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In Re SRBA )  
 )  
Case No. 39576 )  
 )  
 )

Water Right(s): 72-10480  
72-10482

*Debbie Lash*  
DEBBIE LASH  
Deputy Clerk

Gini Ditch Company Inc

Boundary  
Townships  
Sections  
Quarter/Quarters



2000 0 2000 4000 6000 8000 Feet

