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OCT 06 2009

DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |                       |
|-----------------------------------------------------------------------------------------|-----------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                       |
| OCT - 5 2009                                                                            |                       |
| By _____                                                                                | Clerk<br>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     | ) | SPECIAL MASTER'S REPORT AND             |
|                | ) | RECOMMENDATION; FINDINGS OF             |
| Case No. 39576 | ) | FACT AND CONCLUSIONS OF LAW             |
|                | ) |                                         |
|                | ) | WATER RIGHT NO.: 21-00008               |
|                | ) | (Digital Boundary – Arcadia Reservoir & |
| _____          | ) | Canal Co. Ltd.)                         |

I. FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

An *Objection* was filed by Arcadia Reservoir & Canal Co. Ltd. on May 8, 2006. The *Objection* was resolved on September 20, 2007 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

II. ANALYSIS

A. Place of Use/Digital Boundary

The place of use element for this water right is described by a digital boundary rather than by legal description with legal subdivisions such as Township, Range, Section, and Quarter- Quarter designations.

B. Recommendation for Place of Use Description Using Digital Boundary.

On July 1, 2002, the Idaho Legislature approved the use of digital boundaries for describing the place of use for water rights meeting certain criteria. I.C. § 42-219(2) (licenses) and I.C. § 42-1411 (2) (h) (*Director's Reports*) Digital boundary descriptions of the place of use rely on Geographic

Geographic Information System (GIS) mapping technology. This technology provides a description of the place of use for a water right to be identified and visually displayed in a map overlay format through the aid of computer technology.<sup>1</sup>

**C. Digital Boundary on CD-Rom Filed January 30, 2006.**

The place of use agreed on by the parties and IDWR is illustrated by the map overlay attached to the *Recommendation for Partial Decree*. The digital boundary for the place of use is described on the CD-Rom filed January 30, 2006.

**III. CONCLUSIONS OF LAW**

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: October 5, 2009.

  
BRIGETTE BILBEY  
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 map generated from the data. The map generated from the data is for illustrative purposes. The digital data is stored on a CD-ROM and is incorporated by reference into the *Special Master's Report and Recommendation* and recommendation for partial decree. Duplicate originals of the CD-ROM will be issued. The SRBA District Court retains one 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, if any, 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).

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

OCT - 5 2009

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 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 21-00008

NAME AND ADDRESS: ARCADIA RESERVOIR & CANAL  
CO LTD  
C/O GEORGE NEDROW  
1361 N 3125 E  
ASHTON, ID 83420

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WATER RESOURCES

SOURCE: UPPER SAND CREEK TRIBUTARY: SINKS  
QUANTITY: 6.70 CFS  
1182.00 AFY

Right Nos. 21-00008 and 21-13009 are limited to a total combined  
diversion rate of 6.7 cfs and to a total combined annual  
diversion volume of 1182 AF.

PRIORITY DATE: 05/15/1890

POINT OF DIVERSION: T09N R41E S02 LOT 4 (SWNWNW) Within Fremont County  
SESWNW (Injection)  
NESW (Rediversion)  
S14 SENWSE (Rediversion)  
S24 SWSESW (Rediversion)

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY    |
|----------------------------|----------------|----------------|-------------|
| Irrigation                 |                | 04-01 TO 10-31 | 6.70 CFS    |
| Irrigation Storage         |                | 01-01 TO 12-31 | 1182.00 AFY |
| Irrigation from Storage    |                | 04-01 TO 10-31 | 1182.00 AFY |

PLACE OF USE: 2893.9 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 Arcadia Reservoir &  
Canal Co. Ltd.

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

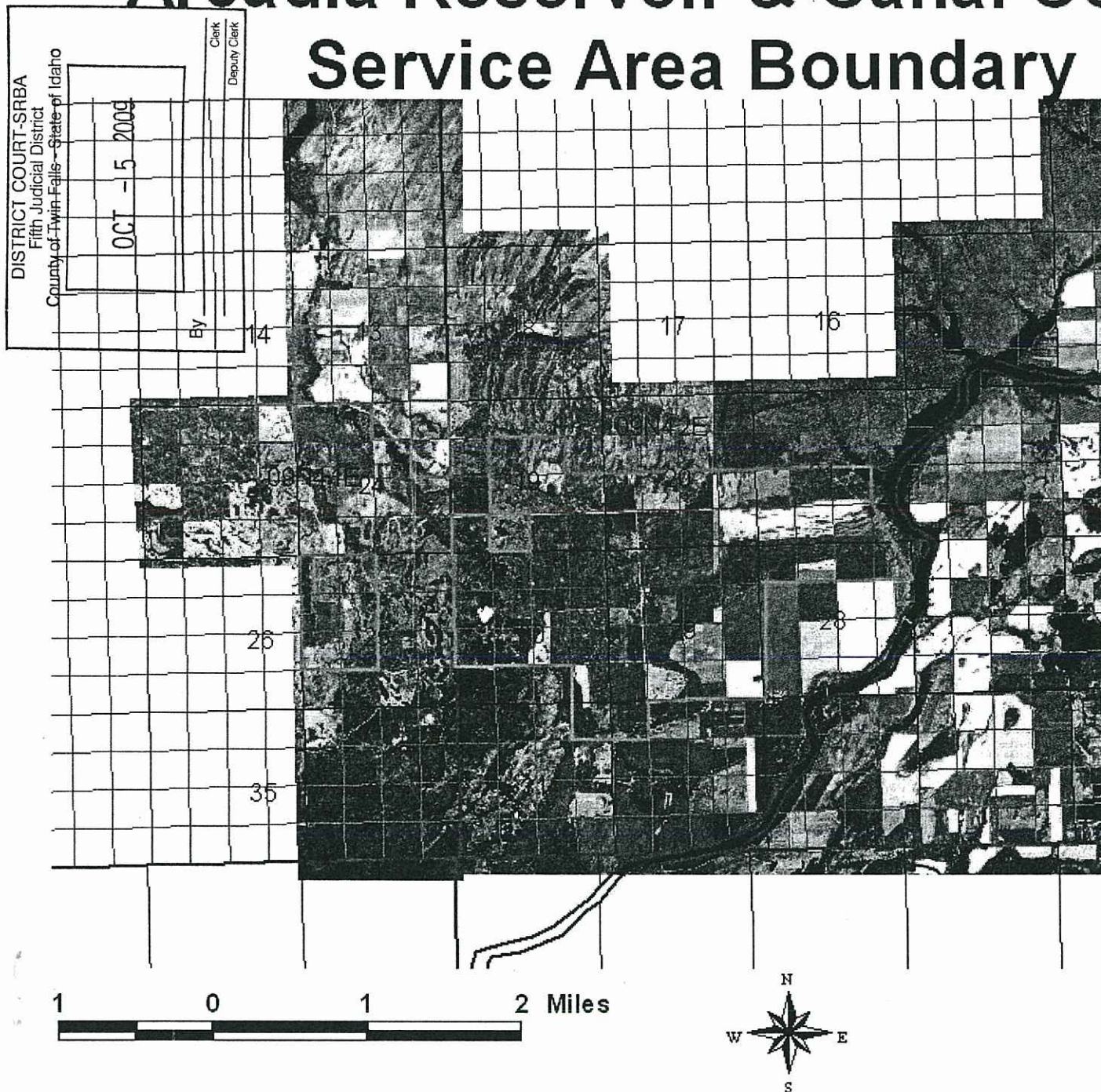
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RECOMMENDATION

OCT 05 2009

*Bigelow Delaney*  
SPECIAL MASTER

# Arcadia Reservoir & Canal Co Ltd Service Area Boundary



- Boundary
- Township/Range
- Sections

1987-88 NAPP Photography  
Date Prepared: 1-14-06  
Drawn by: D. Shaff  
IDWR

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s) : 21-00008

On October 05, 2009, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED October 05, 2009.

  
\_\_\_\_\_  
JANET CONNELL  
Deputy Clerk

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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

)  
)  
)  
)

CERTIFICATE OF MAILING

Case No. 39576

Water Right(s): 21-00008

CERTIFICATE OF MAILING

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 October 05, 2009, with sufficient first-class postage prepaid to the following:

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

ARCADIA RESERVOIR & CANAL  
CO LTD C/O GEORGE NEDROW  
1361 N 3125 E  
ASHTON, ID 83420  
Phone: 208-351-0251

ARCADIA RESERVOIR & CANAL  
CO LTD  
C/O GEORGE NEDROW  
1361 N 3125 E  
ASHTON, ID 83420  
Phone: 208-351-0251

CERTIFICATE OF MAILING

 PAGE 1  
JANET CONNELL 10/05/09  
Deputy Clerk