

Law Offices  
**HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.**

KENT W. FOSTER  
ROBERT E. FARNAM  
WILLIAM D. FALER  
CHARLES A. HOMER  
GARY L. MEIKLE  
DONALD L. HARRIS  
DALE W. STORER  
MARIE T. TYLER  
ROBERT M. FOLLETT  
FREDERICK J. HAHN, III  
KARL R. DECKER  
THEL W. CASPER\*  
SHAN B. PERRY  
AMELIA A. SHEETS  
DeANNE CASPERSON\*\*

1000 RIVERWALK DRIVE, SUITE 200  
P.O. BOX 50130  
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620  
FACSIMILE (208) 523-9518  
E-MAIL [KFOSTER@HOLDENLEGAL.COM](mailto:KFOSTER@HOLDENLEGAL.COM)

Arthur W. Holden  
(1877-1967)  
Robert B. Holden  
(1911-1971)  
Terry L. Crapo  
(1939-1982)  
William S. Holden  
(1907-1988)

**RECEIVED**  
**AUG 16 2004**  
Department of Water Resources  
OF Counsel  
Fred J. Hahn

\*Also Licensed in Utah and Arizona  
\*\*Also Licensed in Missouri & Kansas

August 12, 2004

Steve Clelland  
Idaho Department of Water Resources  
1301 N. Orchard St.  
Boise, ID 83706

*Box 46  
72-10481*

Re: Gini Ditch Company - Order of Partial Decree

Dear Steve:

Pursuant to our telephone conversation, we are enclosing a copy of the Order of Partial Decree for Irrigation Delivery Entity Using Digital Boundary Description which came to us from the SRBA Court. As you can see, it dealt only with two (2) of the company's water rights, 72-10480 and 72-10482 and I think in fact it should have included 72-10481 as well. The major problem however is that it attaches the wrong map.

We have also enclosed a copy of the most recent map that you and Dr. Boge worked on to correct these errors which appears to be dated March 26, 2001.

When you have had an opportunity to review this and to discuss it with Nick Spencer or someone please let us know how you think we ought to proceed to get the Partial Decree corrected to include all three water rights and to get the right map attached.

Thank you for your kind assistance.

Yours very truly,



Kent W. Foster

Enclosures

RECEIVED

AUG 16 2004

Department of Water Resources

2004 AUG -5 PM 1:12

2004 AUG -5 PM 1:12  
TWIN FALLS CO. IDAHO  
FILED

COPY

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

- ) ORDER OF PARTIAL DECREE FOR
- ) IRRIGATION DELIVERY ENTITY
- ) USING DIGITAL BOUNDARY
- ) DESCRIPTION; I.C. §§ 42-202B(2), 42-
- ) 219(2), 42-1411(2)(h)
- )
- ) For Water Right(s): 72-10480 &
- ) 72-10482 (Gini Ditch Company)
- )
- )

I.  
FINDINGS AND CONCLUSIONS

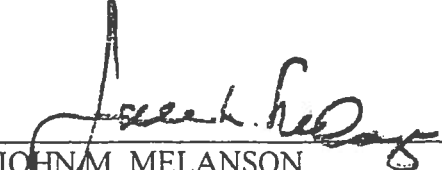
1. On June 11, 2004, a *Special Master's Report and Recommendation* was filed for the above water right(s). No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.
2. The above-captioned water right(s) is/are for an irrigation purpose of use and satisfy one of the following statutory 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.
3. Effective July 1, 2002, the Idaho Legislature approved the use of a Geographic Information System (GIS) for describing the place of use (digital boundary) for water rights meeting the above-stated criteria. See I.C. §§ 42-219(2)(2003) and 42-1411(2)(h)(2003). The GIS mapping technology allows the geographic area encompassing the place of use for a

water right to be particularly identified and visually displayed in a map overlay format through the aid of computer technology. 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 Court finds that the GIS mapping technology maintained by IDWR complies with the standards for spatial accuracy set forth in I.C. § 42-202B (2)(2003). *See Notice of Filing Affidavit Of Michael Ciscell Re: Digital Boundary, filed October 17, 2003.*

**II.  
ORDER**

1. Therefore, IT IS ORDERED that water right(s) 72-10480 & 72-10482 is/are hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.
2. IT IS FURTHER HEREBY ORDERED that the data comprising the digital boundary shall be stored on a CD-ROM medium, which shall be issued in duplicate original. The SRBA District Court will retain one original together with the original *Partial Decree*, and IDWR will retain the other original. The map depicting the place of use attached to the *Partial Decree* is intended for illustrative purposes only.
3. IT IS FURTHER HEREBY ORDERED that 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 shall also be stored in a digital format and kept on file and maintained by IDWR. IDWR shall 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).

DATED August 5, 2004.

  
\_\_\_\_\_  
JOHN M. MELANSON  
Presiding Judge  
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

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

2004 AUG -5 PM 1:12  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED *[Signature]*

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.

*[Signature]*  
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

In Re SRBA )

Case No. 39576 )

PARTIAL DECREE PURSUANT TO

I.R.C.P. 54(b) FOR

Water Right 72-10482

AUG -5 PM 1:12  
FILED  
TWIN FALLS CO. IDAHO

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  
Irrigation

PERIOD OF USE  
04-01 TO 10-31

QUANTITY  
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

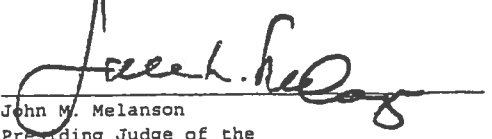
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 291 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) (2003) and authorized pursuant to I.C. Section 42-1411 (2) (h) (2003). The data comprising the digital boundary are 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.

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on August 05, 2004, with sufficient first-class postage to the following:

GINI DITCH COMPANY INC

Represented by:

KENT W FOSTER

PO BOX 50130

IDAHO FALLS, ID 83405

Phone: 208-523-0620

DIRECTOR OF IDWR

PO BOX 83720

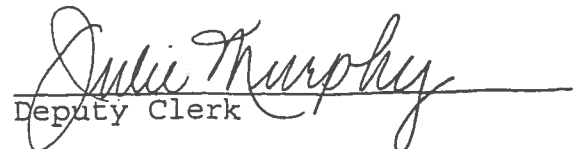
BOISE, ID 83720-0098

ORDER

Page 1 8/05/04

FILE COPY FOR 00481

Deputy Clerk

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".

Gini Ditch Company Inc

Boundary

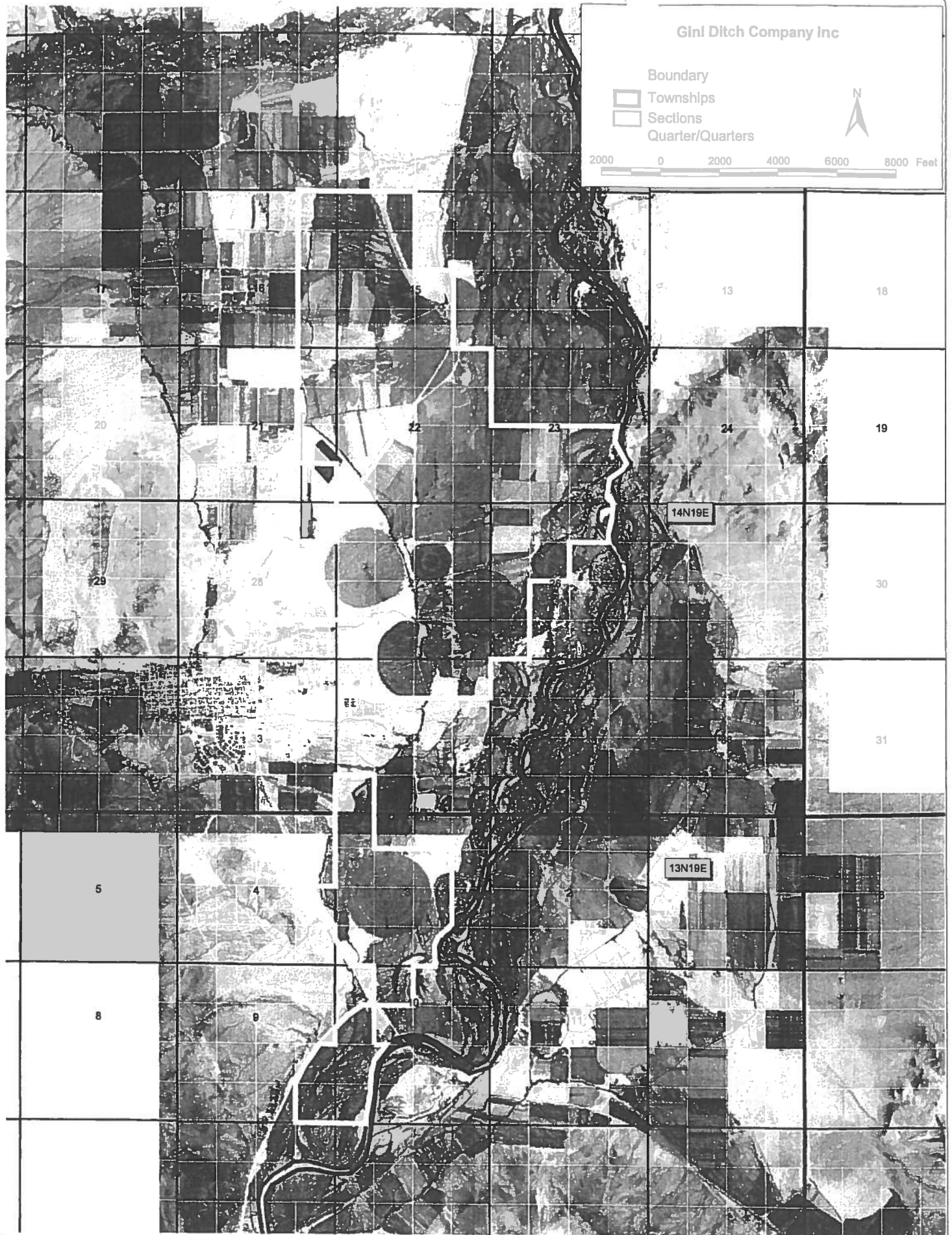
Townships

Sections

Quarter/Quarters

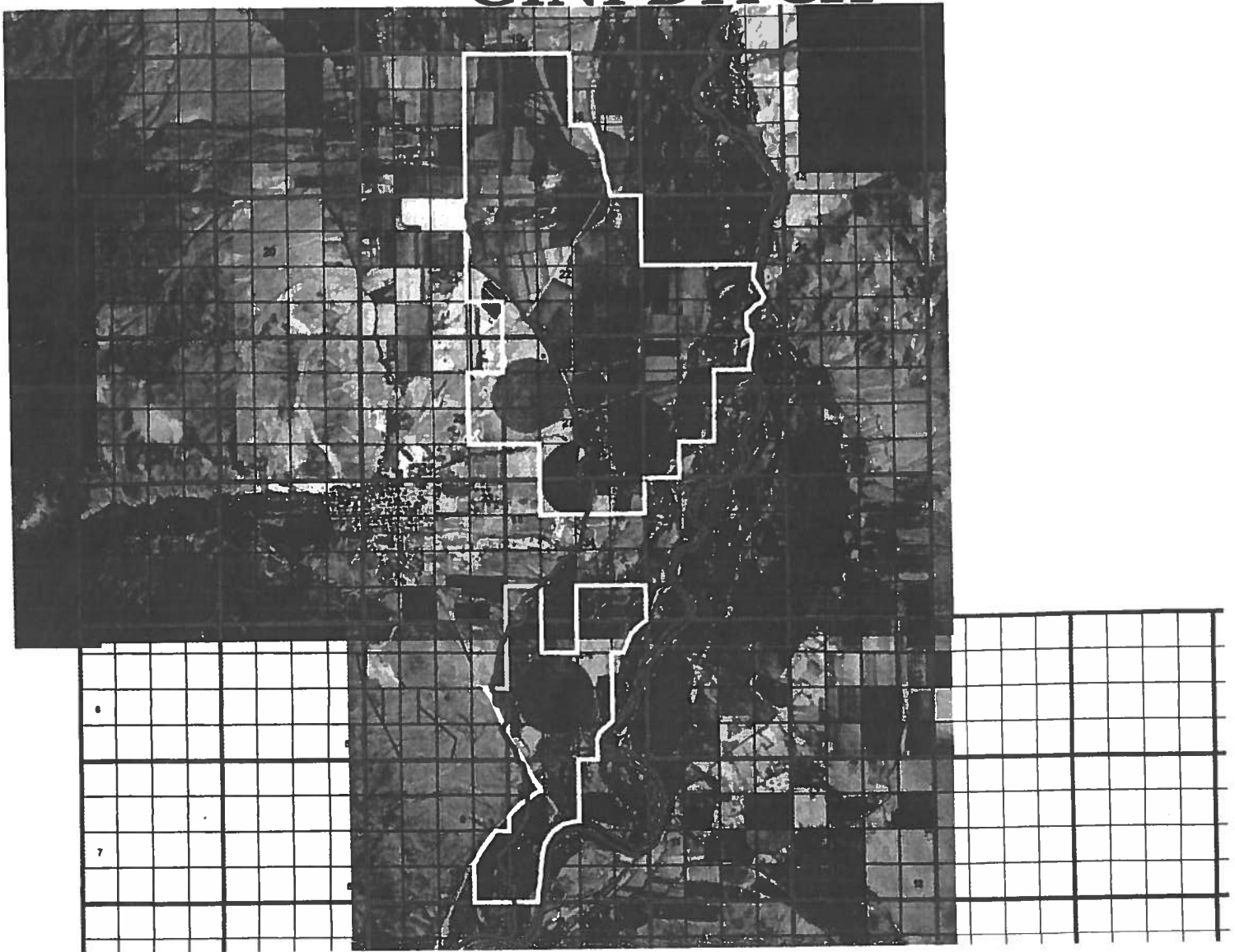


2000 0 2000 4000 6000 8000 Feet



**IDAHO DEPARTMENT OF WATER RESOURCES**  
**72-10480 72-10481 72-10482**

**GINI DITCH**



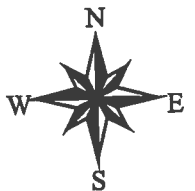
5280 0 5280 10560 15840 Feet

**RECOMMENDED PLACE OF USE**

- **RECOMMENDED POINT OF DIVERSION**
- **SECTION LINES**
- **QUARTER-QUARTER LINES**
- ∨ **STREAMS & DITCH CHANNELS**

**TWN: 13N & 14N**

**RNG: 19E**



**GIS PLACE OF USE PRESENTATION**  
**USFS AERIAL PHOTOGRAPHY**  
**BY STEVE CLELLAND**

**DATE: MARCH 26, 2001**