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MAR 05 2014

DEPARTMENT OF
WATER RESOURCES

MAR - 4 2014

By

Clerk

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

Deputy Clerk

In Re SRBA

Case No. 39576

) Subcase Nos. 02-00083 and 02-02033
)
) ORDER SETTING ASIDE PARTIAL
) DECREES
)
) ORDER OF AMENDED PARTIAL
) DECREES FOR IRRIGATION
) DELIVERY ENTITY USING DIGITAL
) BOUNDARY DESCRIPTION; I.C. §§ 42-
) 202B(2), 42-219(2), 42-1411(2)(h)
)
)
)

I.

FINDINGS AND CONCLUSIONS

Partial Decrees for the above-captioned water rights were issued on May 12, 2009. On January 11, 2013, Indian Cove Irrigation District filed a *Motion to Set Aside Partial Decree* in the above-captioned subcases. On that same date, the Court entered an *Order* referring the matter to the Special Master. On January 7, 2014, the Special Master issued a *Special Master's Report and Recommendation*, recommending that the *Motion to Set Aside Partial Decree* be granted, and that *Amended Partial Decrees* be issued with the elements set forth in the attached *Special Master Recommendation for Amended Partial Decrees*. No challenges were filed to the *Special Master's Report and Recommendation*, and the time for filing challenges has expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

The above-captioned water rights 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 right is located within an irrigation district organized pursuant to the laws

of the state of Idaho; or (3) the water right is 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.

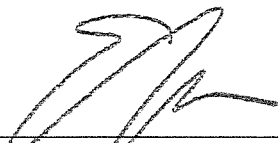
Effective July 1, 2002, the Idaho Legislature approved the use of a Geographic Information System (GIS) for describing the place of use (digital boundary) for water rights meeting the above-stated criteria. *See* I.C. §§ 42-219(2)(2003) and 42-1411(2)(h)(2003). The GIS mapping technology allows the geographic 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. IT IS ORDERED that the *Partial Decrees* previously entered for the above-captioned water rights are **hereby set aside**.
2. IT IS FURTHER ORDERED that the above-captioned water rights be **decreed** with the elements set forth in the attached *Amended Partial Decrees Pursuant to I.R.C.P. 54(b)*.
3. 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 Decrees*, and IDWR will retain the other original. The map depicting the place of use attached to the *Partial Decrees* is intended for illustrative purposes only.
4. 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) or its successor Uniform Resource Locator (URL).

Dated March 4, 2014



ERIC J. WILDMAN
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

AMENDED

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 02-00083

In Re SRBA)
)
Case No. 39576)
)

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

MAR - 4 2014

By

Clerk

Deputy Clerk

NAME AND ADDRESS: INDIAN COVE IRRIGATION DIST
27186 JOE BLACK RD
HAMMETT, ID 83627

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 8.97 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 03/15/1935

POINT OF DIVERSION: T06S R08E S06 LOT 4 (NWNW) Within Owyhee County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

Irrigation

03-15 TO 11-15

8.97 CFS

Stockwater

01-01 TO 12-31

0.02 CFS

PLACE OF USE:

1279 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.

Right Nos. 2-83 and 2-2033 are limited to the irrigation of 1275
acres within the digital boundary of the Indian Cove Irrigation
District in a single irrigation season.

Right Nos. 2-83, 2-2033 and 2-2097A are limited to the irrigation
of a combined total of 1279 acres in a single irrigation season.
Place of use is within the service area of Indian Cove

Irrigation District.

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

The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

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).

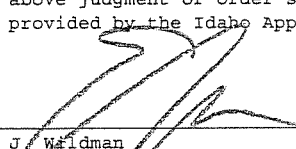
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DEPARTMENT OF
WATER RESOURCES

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.



Eric J. Wildman
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

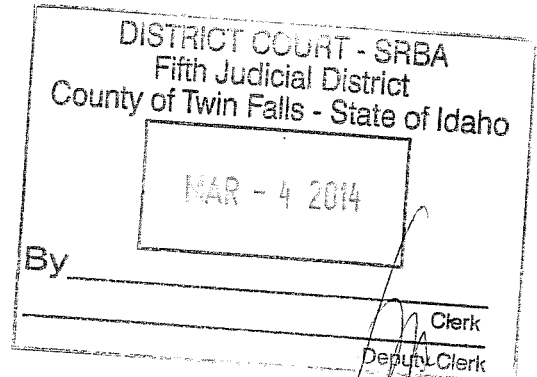
AMENDED

In Re SRBA)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Case No. 39576)

Water Right 02-02033



NAME AND ADDRESS: INDIAN COVE IRRIGATION DIST
27186 JOE BLACK RD
HAMMETT, ID 83627

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 25.50 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 11/14/1919

POINT OF DIVERSION: T06S R08E S06 LOT 4 (NWNW) Within Owyhee County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	25.50 CFS
Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:

1279 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.

Right Nos. 2-83, 2-2033 and 2-2097A are limited to the irrigation of a combined total of 1279 acres in a single irrigation season.

Right Nos. 2-83 and 2033 are limited to the irrigation of 1275 acres within the digital boundary of the Indian Cove Irrigation District in single irrigation season.

Place of use is within the service area of Indian Cove Irrigation District.

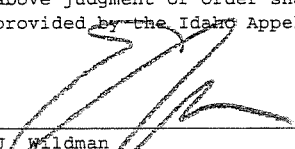
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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.



Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

Indian Cove Irrigation District Digital Boundary for 2-83, 2-2033 and 2-2097A



Legend

- Indian Cove Irrigation District Digital Boundary
- Township/Range
- Sections

0 1,625 3,250 6,500 Feet

Map prepared by: Carter Fritschle
Idaho Department of Water Resources
October 24, 2013 - 1987 Aerial Photo

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CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING
ASIDE PARTIAL DECREES / ORDER OF AMENDED PARTIAL DECREES was
mailed on March 04, 2014, with sufficient first-class postage
to the following:

RIVENDALE LLC

Represented by:

JOHN M MARSHALL

JOHN M MARSHALL LAW PLLC

575 W BANNOCK ST STE B

BOISE, ID 83702-5917

Phone: 208-991-2701

INDIAN COVE IRRIGATION DIST

Represented by:

SHELLEY M DAVIS

1010 W JEFFERSON ST STE 102

PO BOX 2139

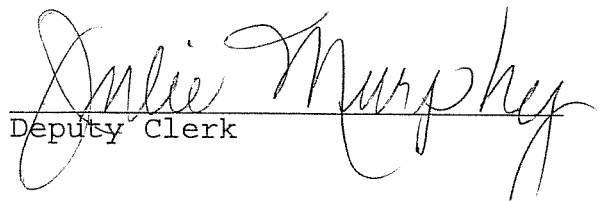
BOISE, ID 83701-2139

Phone: 208-336-0700

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

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 "Deputy Clerk" text.