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DEC 30 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
DEC 29 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

) ORDER OF PARTIAL DECREES FOR
) IRRIGATION DELIVERY ENTITY
) USING DIGITAL BOUNDARY
) DESCRIPTION; I.C. §§ 42-202B(2), 42-
) 219(2), 42-1411(2)(h)
)
) Subcases: 21-00008 & 21-13009
) (Arcadia Reservoir & Canal Co. Ltd.)
)
)

I.
FINDINGS AND CONCLUSIONS

1. On October 5, 2009, a *Special Master's Report and Recommendation* was filed for the above water rights. 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 is 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 the above-captioned water rights are hereby **decreed** as set forth in the attached ***Partial Decrees 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 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.
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) or its successor Uniform Resource Locator (URL).

DATED

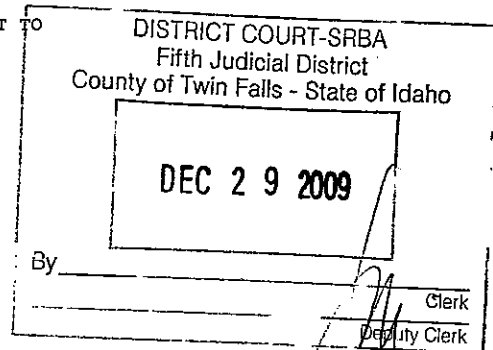
September 29, 2009.


JOHN M. MELANSON
Presiding Judge, pro tem
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 21-00008



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

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 (SWNNW) Within Fremont County
SESNNW (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.

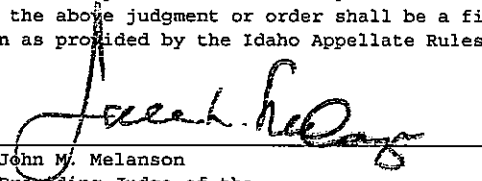
Place of use is within the area served by Arcadia Reservoir & Canal Co. Ltd.

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).

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

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 21-13009

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

DEC 29 2009

By

Clerk

Deputy Clerk

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

SOURCE: PINE CREEK TRIBUTARY: SAND CREEK
UPPER SAND CREEK TRIBUTARY: SINKS

QUANTITY: 4.00 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: 05/18/1890

POINT OF DIVERSION: T09N R41E S02 LOT 4 (SWNNW) Within Fremont County
NESW (Injection)
NESW
NESW (Rediversion)
S14 SENWSE (Rediversion)
SENWSE (Rediversion)
S24 SWSESW (Rediversion)
SWSESW (Rediversion)
R42E S32 NWSWNW (Injection)

The dam on Lower Arcadia Reservoir located in T09N R41E S2
NESW is a point of diversion for Pine Creek water, a point of
rediversion for Upper Sand Creek water and a point of injection
for both.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	4.00 CFS
	Stockwater Storage	01-01 TO 12-31	1182.00 AFY
	Stockwater from Storage	01-01 TO 12-31	1182.00 AFY

PLACE OF USE:

Place of use is within the area served by Arcadia Reservoir &
Canal Co. Ltd. as described in water right no. 21-00008.

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.

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

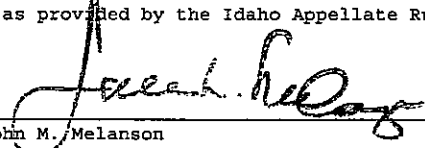
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

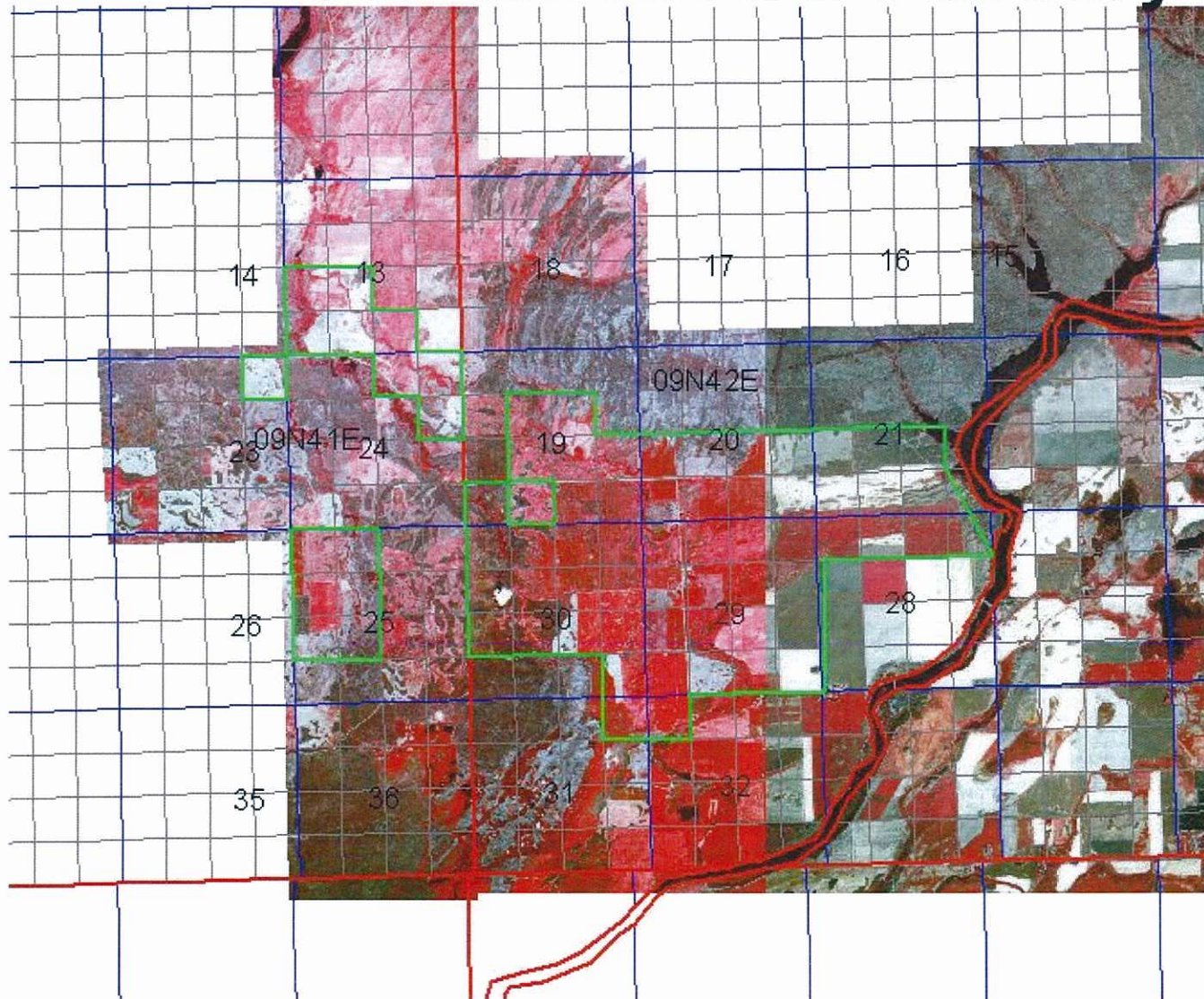
RULE 54(b) CERTIFICATE

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

Arcadia Reservoir & Canal Co Ltd Service Area Boundary



- Boundary
- Township/Range
- Sections

1 0 1 2 Miles



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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES FOR IRRIGATION DELIVERY ENTITY USING DIGITAL BOUNDARY DESCRIPTION was mailed on December 29, 2009, with sufficient first-class postage to the following:

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~~

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

