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JUL 31 2009

DEPARTMENT OF
WATER RESOURCES

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

JUL 30 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)
)
) ORDER VACATING STATUS
) CONFERENCE
)
)
) For water rights: 67-02385 & 67-07878

I.

FINDINGS AND CONCLUSIONS

1. On December 22, 2006, the Idaho Department of Water Resources (IDWR) filed its *Director's Report for Basin 67, Irrigation and Other Uses, Part I, Reporting Area 19*, which included recommendations for the above-captioned water rights. Water right no. 67-7878 was recommended with a digital boundary. On January 15, 2009, IDWR filed an *Amended Director's Report*, indicating that water right no. 67-02385 also contained a digital boundary. No objections were filed, and the time for filing objections has now expired.
2. The *Director's Report* for the above-captioned water rights also included the following condition:

This right is conditioned upon completion of the appropriation in accordance with the statutory procedure for appropriation of water rights. This right remains subject to all conditions set forth in the permit upon which the right is based, and will be subject to all conditions set forth in the license issued by IDWR upon completion of the statutory appropriation process.

In order to avoid any potential inconsistencies between the *Partial Decree* and a subsequently issued license, the practice of the Court has been to temporarily withhold the issuance of the *Partial Decree* until after the license is issued. A license has now been issued for each of the above-captioned water rights. No objections were filed, and the time for filing objections has now expired

3. 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 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.

4. 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.

5. On May 20, 2009, this Court issued a *Notice Setting Status Conference on Licensure Proceedings* in the above-captioned subcases. However, because licenses have been issued for each of the above-captioned rights, a hearing is no longer necessary.

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 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) or its successor Uniform Resource Locator (URL).
4. IT IS FURTHER HEREBY ORDERED that the status conference set for Tuesday September 15, 2009 at 1:30 p.m. is **vacated**.

DATED July 30, 2009



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication



Little Weiser Irrigation Dist

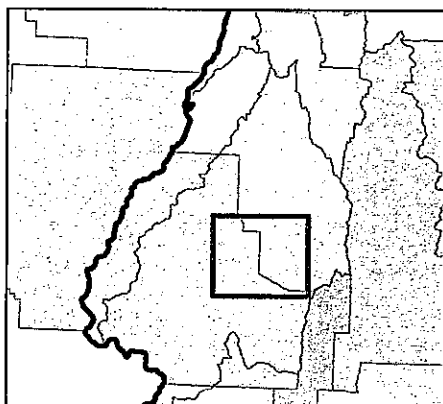
Adjudication Recommendations: 67-2385, 67-7878

Irrigation From Storage Service Area Boundary
GIS Place of Use Illustration

Legend

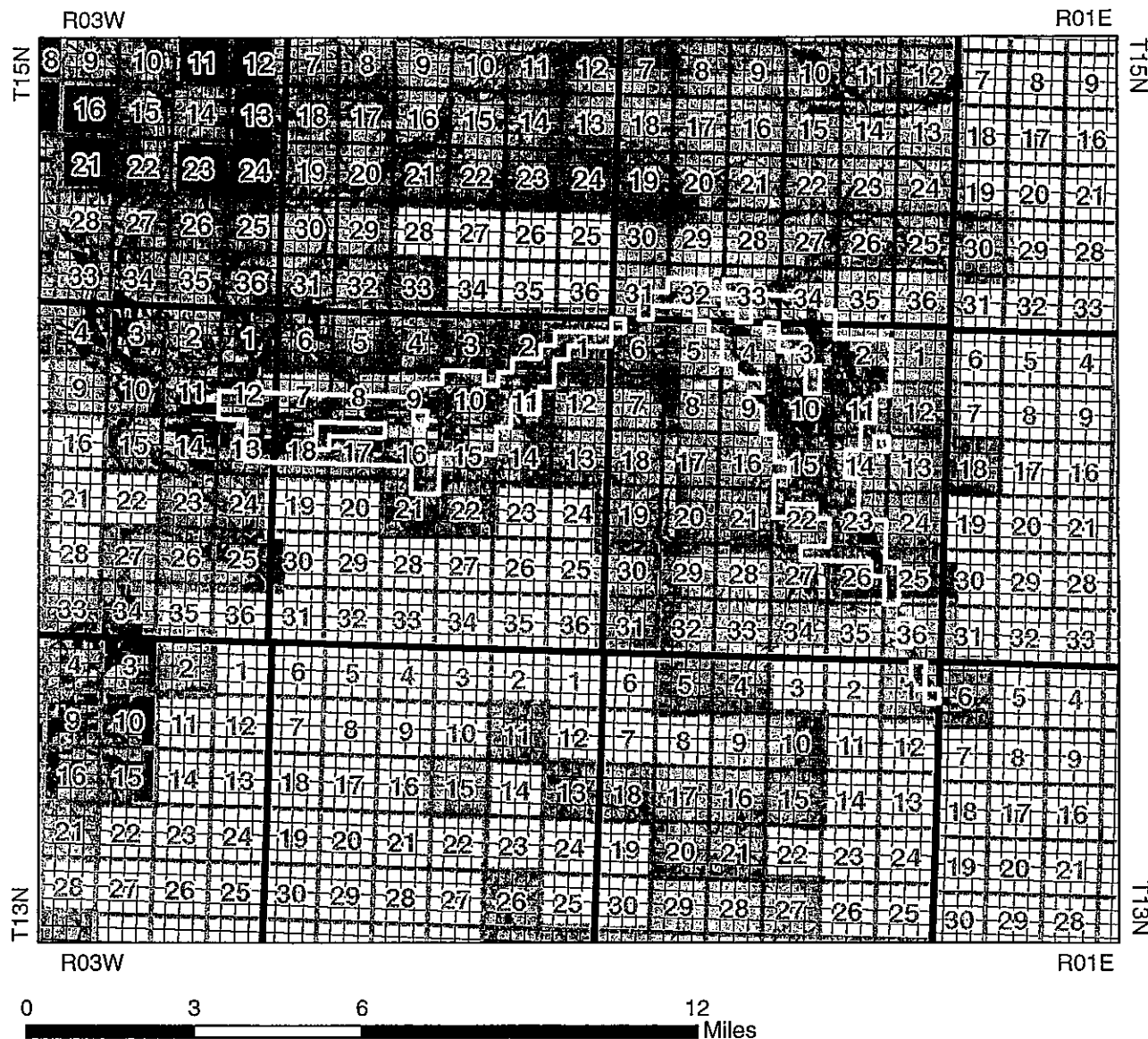
Service Area

- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Adams, Washington Counties
IDWR Basin 67

Prepared by Danielle Favreau
On June 24, 2009
1987/88 Aerial Photography





Idaho Department of Water Resources

Adjudication Recommendation

67-7878

(IRRIGATION STORAGE)

Legend

Place of Use



State Outline



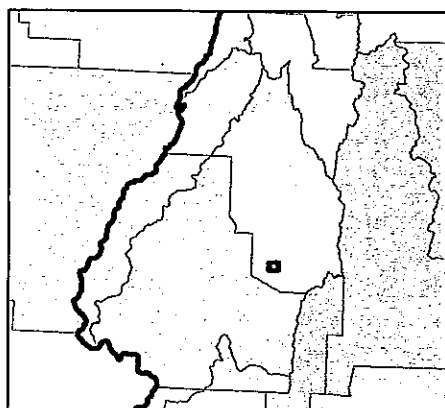
Townships



PLS Sections

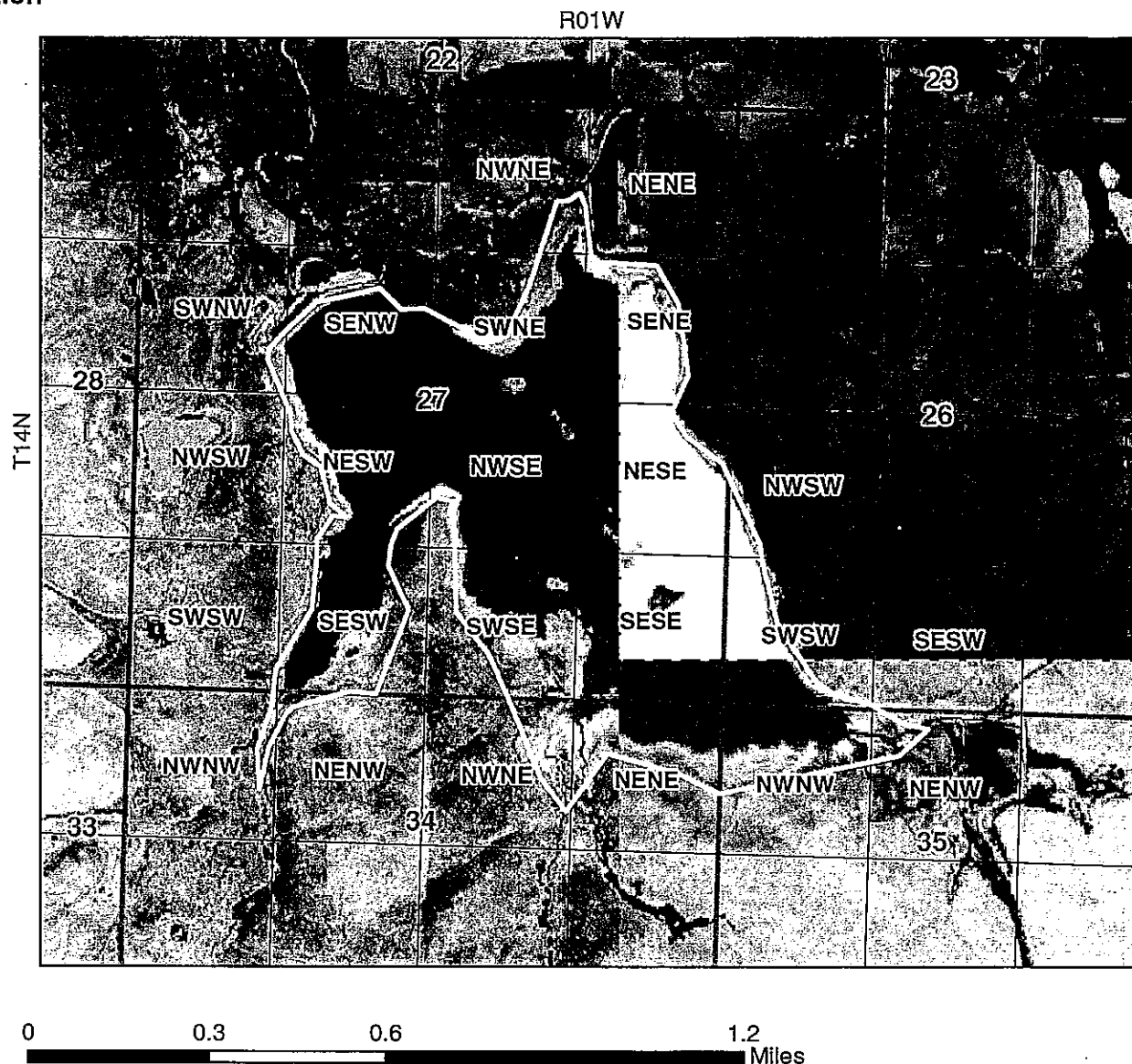


Quarter Quarters



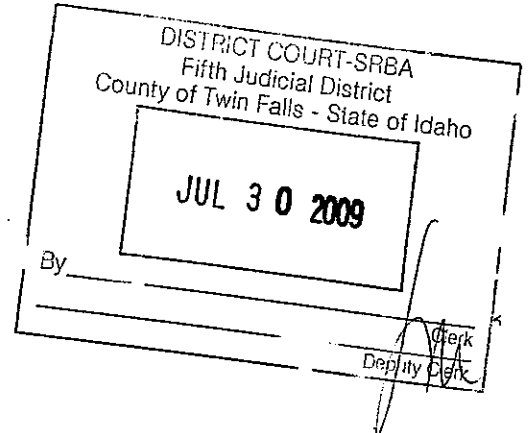
Adams County
IDWR Basin 67

Prepared by Danielle Favreau
On June 24, 2009
1987/88 Aerial Photography



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 67-02385



NAME AND ADDRESS: LITTLE WEISER IRRIGATION DIST
C/O J WAYNE BURKHARDT
2410 LITTLE WEISER RD
INDIAN VALLEY, ID 83632

SOURCE: LITTLE WEISER RIVER TRIBUTARY: WEISER RIVER

QUANTITY: 7800.00 AFY

PRIORITY DATE: 12/31/1934

POINT OF DIVERSION: T14N R01W S36 SENW Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	7800.00 AFY
	Irrigation from Storage	03-15 TO 11-15	7800.00 AFY

PLACE OF USE:

6041.5 ACRES TOTAL

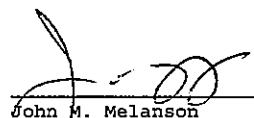
The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk 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.

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 67-07878

NAME AND ADDRESS: LITTLE WEISER IRRIGATION DIST
C/O J WAYNE BURKHARDT
2410 LITTLE WEISER RD
INDIAN VALLEY, ID 83632

SOURCE: LITTLE WEISER RIVER TRIBUTARY: WEISER RIVER

QUANTITY: 40.00 CFS
870.00 AFY

PRIORITY DATE: 10/17/1991

POINT OF DIVERSION: T14N R01W S36 SENW Within Adams County

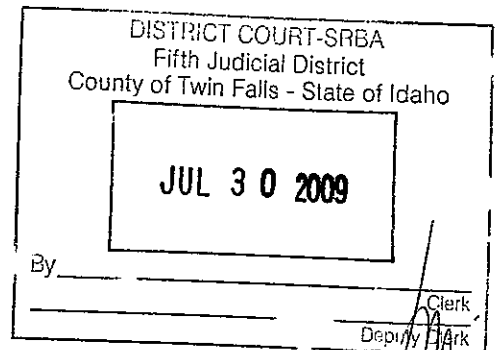
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	870.00 AFY
	Irrigation from Storage	03-15 TO 10-31	870.00 AFY
	Diversion to Storage	04-15 TO 05-30	40.00 CFS

PLACE OF USE:

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. Rights 67-7878 and 67-2385 when combined shall not exceed the irrigation of 6041.5 acres. Place of use for irrigation from storage is within the boundary of the Little Weiser Irrigation District pursuant to Section 43-323, Idaho Code. This right is limited to the irrigation of 6041.5 acres within the place of use described above in a single irrigation season.
6041.5 ACRES TOTAL

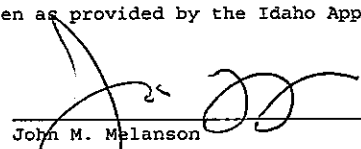
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.



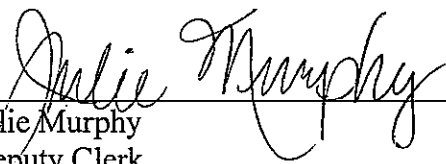
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I hereby certify that true and correct copies of the **ORDER OF PARTIAL DECREES FOR IRRIGATION DELIVERY ENTITY USING DIGITAL BOUNDARY DESCRIPTION; I.C. §§ 42-202B(2), 42-219(2), 42-1411(2)(h) and ORDER VACATING STATUS CONFERENCE** were mailed on July 30, 2009, by first-class mail to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Little Weiser Irrigation District
c/o J. Wayne Burkhardt
2410 Little Weiser Rd.
Indian Valley, ID 83632



Julie Murphy
Deputy Clerk