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DEPARTMENT OF  
WATER RESOURCES

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

MAR 12 2009

By \_\_\_\_\_

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: 22-13327  
) (Grand Teton Pipeline Assn.)

I.

FINDINGS AND CONCLUSIONS

1. On December 22, 2006, the Idaho Department of Water Resources (IDWR) filed its *Director's Report for Basin 22, Part II, Reporting Area 17, for Irrigation and Other Uses*, which included recommendations for the above water right. No objections were filed. The recommendation included descriptions for the Place of Use element using a "digital boundary" as defined by I.C. § 42-202(B)(2)(2003). On December 8, 2008, the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding* and *Amended Director's Report* notifying the Court of a transfer of the above-captioned water right. No objections were filed to the *Amended Director's Report* and the time period for filing objections has 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.*

4. The above-captioned water right was recommended with one of the Purposes of Use being Aesthetic, Recreation, or Wildlife (“ARW”). This right was withheld from decree because of pending objections in the SRBA regarding the ARW Purpose of Use. The objections involving the ARW Purpose of Use were ultimately designated as Basin-Wide Issue 14. On February 25, 2009, the Court approved an amended decree resolving Basin-Wide Issue 14. Therefore, the Court finds it is now appropriate to issue the *Partial Decree* for the above-captioned right.

## II. ORDER

1. Therefore, IT IS ORDERED that the above-captioned water right is 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).

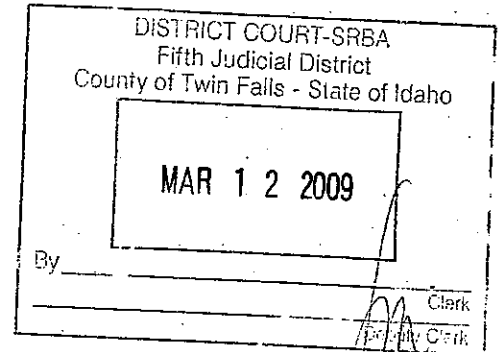
DATED March 12, 2009.

  
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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 )  
Case No. 39576 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 22-13327



NAME AND ADDRESS: GRAND TETON PIPELINE ASSN  
JEFF HASTINGS PRES  
PO BOX 163  
DRIGGS ID, ID 83422

SOURCE: TETON CREEK TRIBUTARY: TETON RIVER

QUANTITY: 17.23 CFS  
25.40 APY

The quantity of water diverted under this water right shall be from the portion awarded to Idaho and deducted there from as set forth in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941).

The two ponds established by the storage of water under this right shall not exceed a total capacity of 21 acre feet or a total surface area of 2.5 acres.

This right authorizes the diversion of an annual total of 25.4 af to be used for the initial filling of the reservoir, and for the replacement of losses caused by evaporation from the reservoir.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 05/01/1892

POINT OF DIVERSION: T05N R46E S17 LOT 1 (NENWNE) Within Teton County

The point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 23 NWSWSE, 6PM (projected).

The point of diversion shown above is where the conveyance system enters Idaho.

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE       | PERIOD OF USE  | QUANTITY  |
|----------------------|----------------|-----------|
| Irrigation           | 04-15 TO 10-31 | 17.08 CFS |
| Diversion to Storage | 04-15 TO 10-31 | 0.15 CFS  |
|                      |                | 25.40 APY |
| Recreation Storage   | 01-01 TO 12-31 | 25.40 APY |
| Wildlife Storage     | 01-01 TO 12-31 | 25.40 APY |

|               |                    |                     |
|---------------|--------------------|---------------------|
| PLACE OF USE: | Wildlife Storage   | Within Teton County |
|               | T05N R46E S07 NWSE |                     |
|               | Recreation Storage | Within Teton County |
|               | T05N R46E S07 NWSE |                     |

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 Grand Teton Pipeline

PLACE OF USE (continued)

Association.

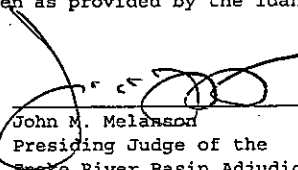
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.

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 FOR IRRIGATION DELIVERY ENTITY USING DIGITAL BOUNDARY DESCRIPTION was mailed on March 12, 2009, with sufficient first-class postage to the following:

GRAND TETON PIPELINE ASSN  
JEFF HASTINGS PRES  
PO BOX 163  
DRIGGS ID, ID 83422  
Phone: 208-709-4888

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

ORDER

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Deputy Clerk

  
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