

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 22-00308

FILED  
2008 DEC 3 20 9 44

NAME AND ADDRESS: TETON WEST IRRIGATION CO INC  
C/O LAUREN SOMPAYRAC  
PO BOX 132  
DRIGGS, ID 83422

SOURCE: SOUTH LEIGH CREEK TRIBUTARY: TETON RIVER

QUANTITY: 1.20 CFS

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

PRIORITY DATE: 06/01/1901

POINT OF DIVERSION: T06N R46E S32 LOT 3 (NENWSE) Within Teton County

The point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 5, Lt 4 (SENWNWN), 6PM. The point of diversion shown above is where the conveyance system enters Idaho.

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE  
Irrigation

PERIOD OF USE  
04-15 TO 10-15

QUANTITY  
1.20 CFS

PLACE OF USE:

The rights listed below are limited to the irrigation of a combined total of 1467 acres in a single irrigation season. Combined Right Nos.: 22-225, 22-226, 22-307A, 22-308, 22-347A, 22-348A, 22-349A, 22-382A, 22-582A, 22-583A, 22-618, 22-7042, 22-7206, 22-7261A

22-13395, 22-13389. The rights listed below are limited to the irrigation of a combined total of 672 acres in a single irrigation season. Combined Right Nos.: 22-225, 22-226, 22-307A, 22-308, 22-347A, 22-348A, 22-349A, 22-382A, 22-582A, 22-583A. The rights listed below are limited to the irrigation of a combined total of 240 acres in a single irrigation season. Combined Right Nos.: 22-307A

22-308, 22-347A, 22-348A, 22-349A, 22-582A, 22-583A.

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. 22-307A and 22-308 are limited to the irrigation of a combined total of 160 acres in a single irrigation season.

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

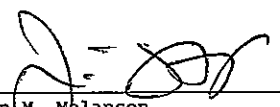
This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of

OTHER PROVISIONS (continued)

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

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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     | DISTRICT COURT-SRBA                   |
| Case No. 39576 | Fifth Judicial District               |
|                | County of Twin Falls - State of Idaho |
|                | DEC 3 - 2008                          |
| By _____       | Clerk                                 |
|                | Deputy Clerk                          |

**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 Rights: See Attached Exhibit A  
(Teton West Irrigation Co. Inc.)**

**I.**

**FINDINGS AND CONCLUSIONS**

1. On December 22, 2006, the Idaho Department of Water Resources (IDWR) filed its *Director's Report, Basin 22, Part II, Reporting Area 17, for Irrigation and Other Uses*, which included recommendation(s) for the above-captioned water right(s). The recommendation(s) included descriptions for the place of use element using a "digital boundary" as defined by I.C. § 42-202(B)(2)(2003). No objections to the recommendation(s) was/were filed and the time period for filing objections 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 right(s) is/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

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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 right(s) is/are hereby **decreed** as set forth in the attached *Partial Decree(s) 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(s)* and IDWR will retain the other original. The map depicting the place of use attached to the *Partial Decree(s)* 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 Dec 11/11 3, 2008.

  
\_\_\_\_\_  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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EXHIBIT A - TETON WEST IRRIGATION CO INC

Subcase Nos:

22-00225  
22-00226  
22-00307A  
22-00308  
22-00347A  
22-00348A  
22-00349A  
22-00382A  
22-00582A  
22-00583A  
22-00618  
22-07042  
22-07206  
22-07261A  
22-13389  
22-13395

(Subcase list: TETONWEST )  
2/11/08

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# Teton West Irrigation Co Inc

SRBA Recommendations: 22-225, 22-226, 22-307A, 22-308, 22-347A, 22-348A, 22-349A, 22-382A, 22-582A, 22-583A, 22-618, 22-7042, 22-7206, 22-7261A, 22-13389, 22-13395

Service Area Boundary  
GIS Place of Use Illustration

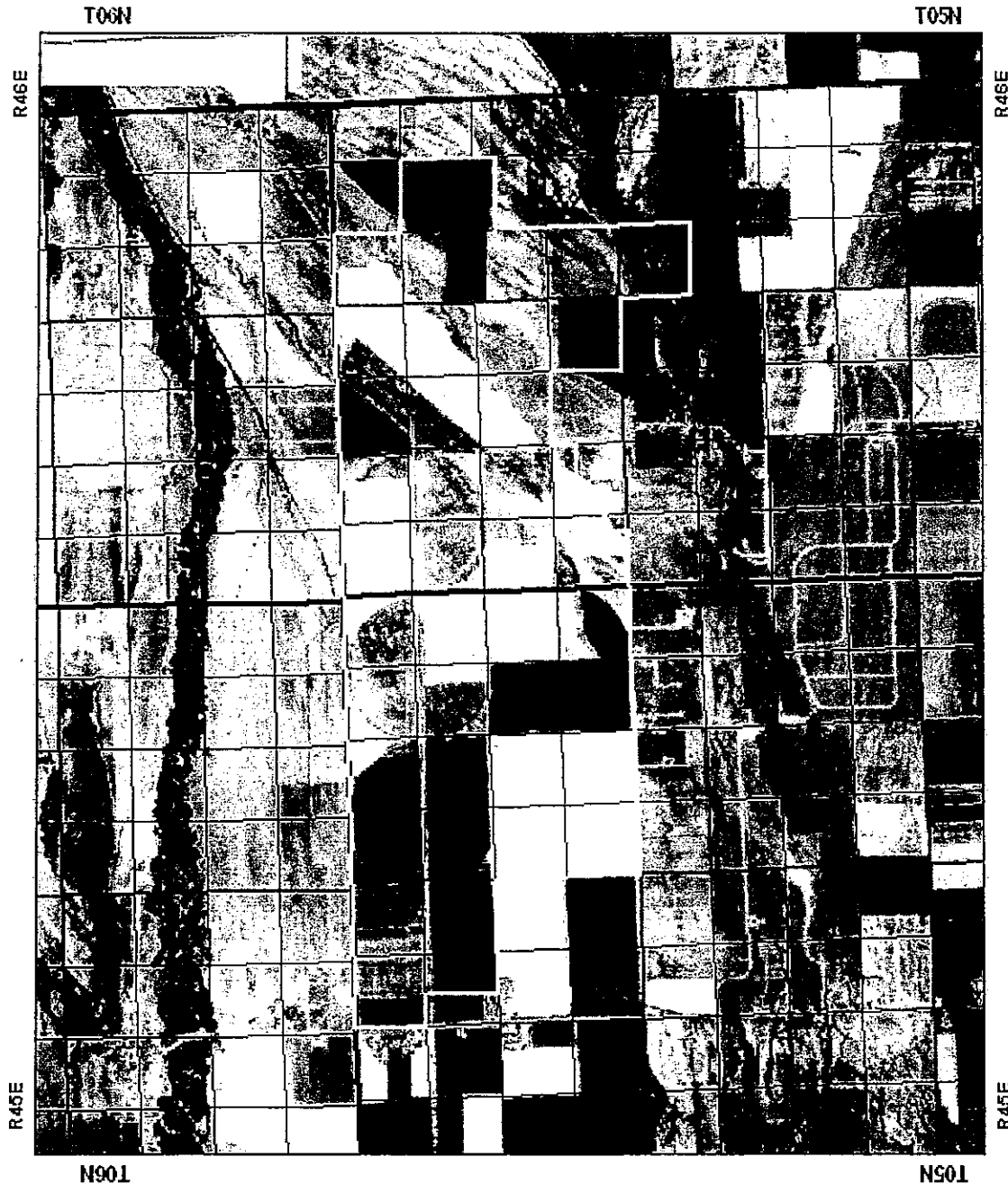
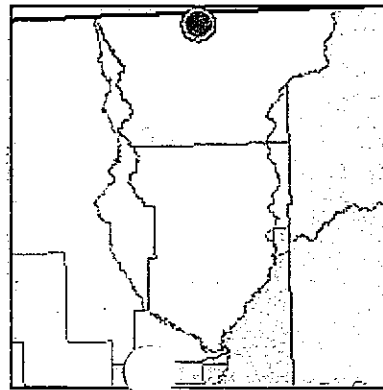
Legend

Service Area

Townships

PLS Sections

Quarter Quarters



Teton County  
WR Basin 22

DEC 0

Prepared by T. Galbraith  
On Saturday, December 16, 2006  
1987-88 Aerial Photography

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 December 03, 2008, with sufficient first-class postage to the following:

TETON WEST IRRIGATION CO INC  
C/O LAUREN SOMPAYRAC  
PO BOX 132  
DRIGGS, ID 83422  
Phone: 208-456-3060

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

ORDER

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Deputy Clerk

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