

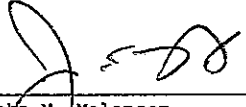
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U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535
DEC 3 1959

2008 DEC 3 PM 1 59

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DEC 05 2008

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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DEPARTMENT OF
WATER RESOURCES

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
Fifth Judicial District
Case No. 39576
County of Twin Falls - State of Idaho

DEC - 3 2008

By

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
) (Garden Water Co. Ltd.)

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 rights. The recommendations 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 recommendations was/were filed and the time period for filing objections has now expired.
2. 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.
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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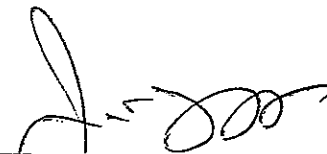
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through the aid of computer technology. In incorporating a digital boundary into a partial decree, the electronic or digital data is what is actually decreed as opposed to the visually displayed map ultimately generated from the data. The data is stored 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 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).

Dated Sept 10, 2008.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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EXHIBIT A - GARDEN WATER CO LTD

Subcase Nos:

22-13309
22-13310
22-13311
22-13312
22-13313
22-13314
22-13315
22-13316
22-13317
22-13318
22-13319
22-13320
22-13321
22-13322
22-13323
22-13324
22-13325

(Subcase list: B22-GWCLTD)
2/05/08

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Garden Water Co Ltd

SRBA Recommendations: 22-13309, 22-13310, 22-13311, 22-13312, 22-13313, 22-13314, 22-13315, 22-13316, 22-13317, 22-13318, 22-13319, 22-13320, 22-13321, 22-13322, 22-13323, 22-13324, 22-13325

R46E

T05N

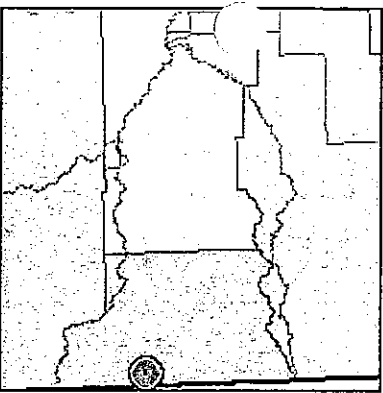
T13N (WY)
R18W (WY)

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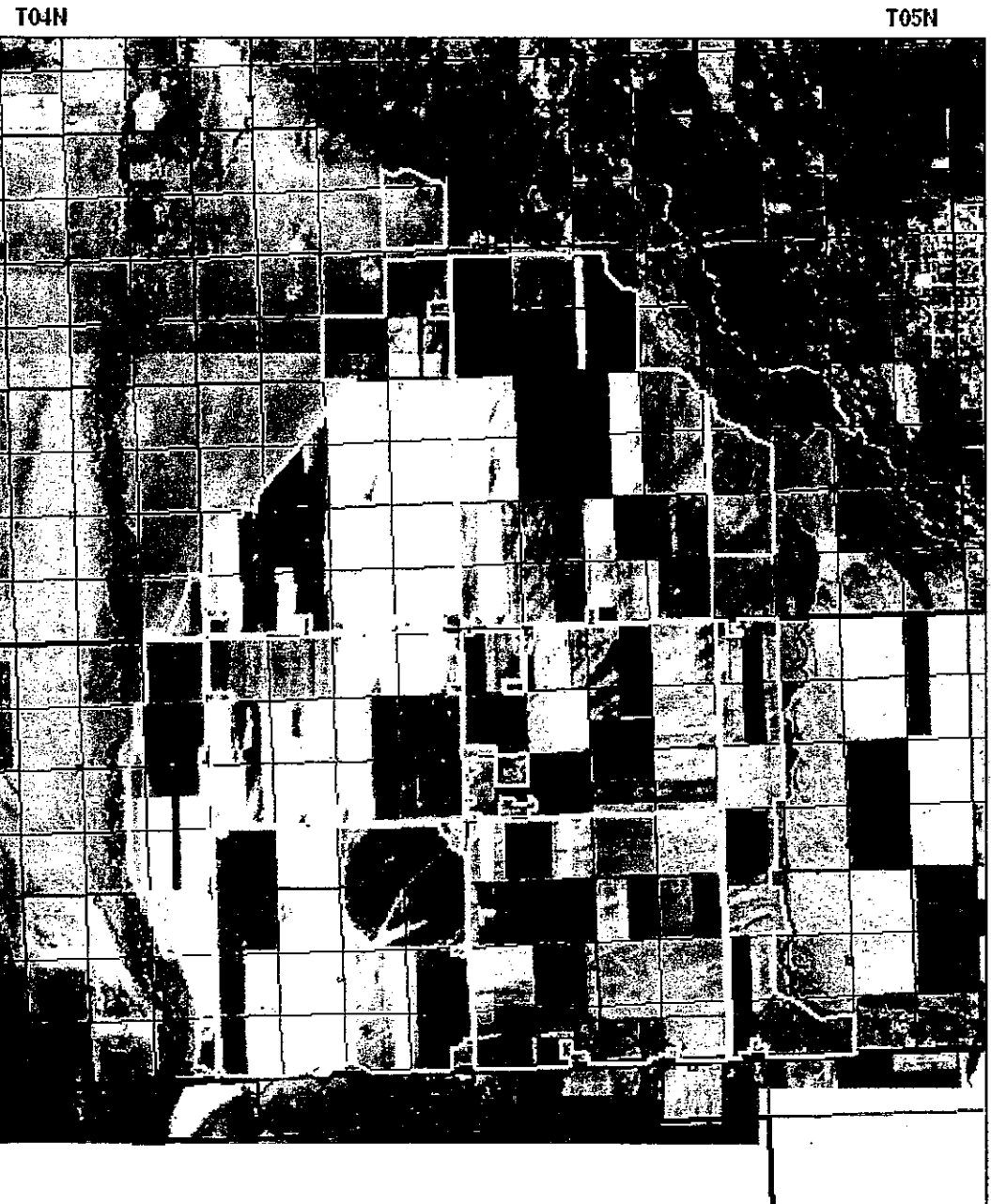
Service Area Boundary
GIS Place of Use Illustration

Legend

- Service Area
- Townships
- PLS Sections
- Quarter Quarters



Teton County
ID WR Basin 22



R46E

T04N

0 1 2 Miles



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:

GARDEN WATER CO LTD
C/O BOYD BOWLES PRESIDENT
261 E 200 S
DRIGGS, ID 83422
Phone: 208-313-2146

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

ORDER

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Deputy Clerk

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