

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

FILED  
2008 DEC 3 PM 1 58

In Re SRBA )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 22-13309

NAME AND ADDRESS: GARDEN WATER CO LTD  
C/O BOYD BOWLES PRESIDENT  
261 E 200 S  
DRIGGS, ID 83422

SOURCE: DARBY CREEK TRIBUTARY: TETON RIVER

QUANTITY: 9.00 CFS

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION: T04N R46E S08 LOT 1 (NENWNE) Within Teton County  
LOT 3 (NENWSW)  
LOT 4 (SESWSW)

The points of diversion for this water right are in Wyoming,  
T43N

R118W, Sec. 20 SWSWNW, NENESW, NWNESE, 6PM. The recommended  
points of diversion shown above are where the conveyance systems  
enter Idaho.

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-15 TO 10-31 | 9.00 CFS |

PLACE OF USE:

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 4223.3 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 22-13309 THROUGH  
22-13325.

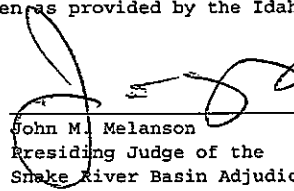
This right is limited to the irrigation of 450.0 acres within  
the place of use described above in a single irrigation season.  
The boundary encompassing the place of use for this water right  
is described with a digital boundary as defined by I.C. Section  
42-202B(2) and authorized pursuant to I.C. 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.



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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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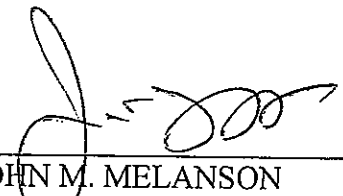
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through the aid of computer technology. In incorporating a digital boundary into a partial decree, the electronic or digital data is what is actually decreed as opposed to the visually displayed map ultimately generated from the data. The data is stored 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](http://www.idwr.state.id.us)) or its successor Uniform Resource Locator (URL).

Dated 8/20/2008 3, 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

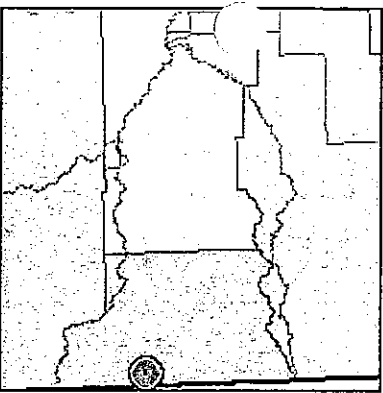
T13N (WY)  
R18W (WY)

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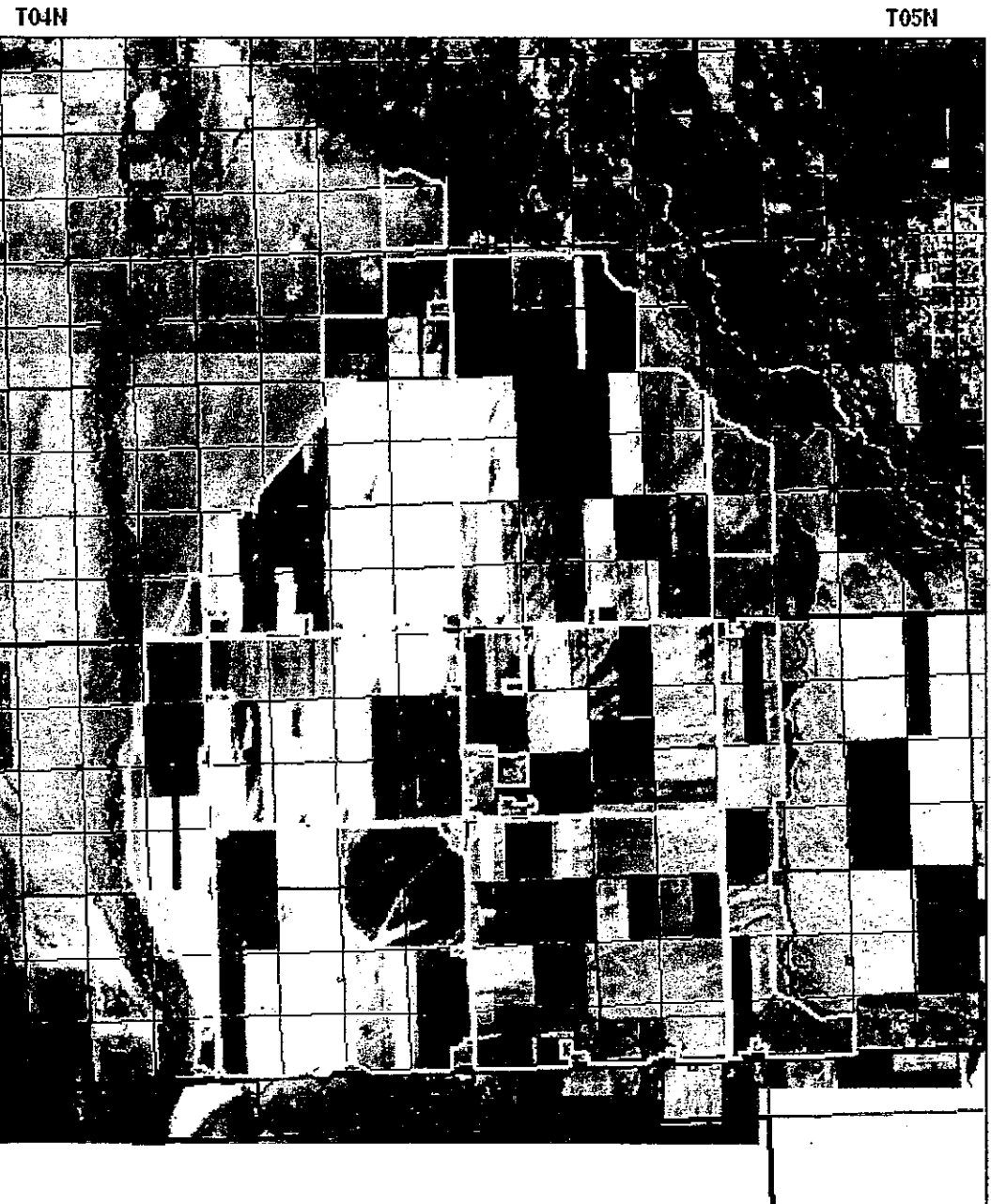
Service Area Boundary  
GIS Place of Use Illustration

## Legend

- Service Area
- Townships
- PLS Sections
- Quarter Quarters



Teton County  
ID WR Basin 22



R46E

T04N



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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