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

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED
2007 DEC 12 AM 9 42

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 01-00035AF

NAME AND ADDRESS: NEW SWEDEN IRRIGATION DIST
2350 W 1700 S
IDAHO FALLS, ID 83402

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.30 CFS

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T02N R37E S12	NWNENW	Within Bonneville County
T04N R37E S35	NENE	Within Jefferson County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	1.30 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.
Place of use is within the boundary of New Sweden Irrigation District pursuant to Section 43-323, Idaho Code.
27920 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

SCANNED
DEC 14 2007

DISTRICT COURT - SRBA
TWIN FALLS COUNTY, IDAHO
FILED
2007 DEC 13 AM 8 58

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	**ORDER OF PARTIAL DECREES FOR IRRIGATION DELIVERY ENTITY USING DIGITAL BOUNDARY DESCRIPTION; I.C. §§ 42-202B(2), 42-219(2), 42-1411(2)(h)**
Case No. 39576	**Subcases: 01-00035AF, *et al.*** **(See list of 48 subcases attached)** **(New Sweden Irrigation District)**

I.
FINDINGS AND CONCLUSIONS

1. On October 31, 2007, a ***Special Master's Report and Recommendation*** was filed for the above water rights. No Challenges were filed to the ***Special Master's Report and Recommendation*** and the time for filing Challenges has now 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

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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.*

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 Decrees***, and IDWR will retain the other original. The map depicting the place of use attached to the ***Partial Decrees*** 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 December 13, 2007.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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EXHIBIT A - NEW SWEDEN IRRIGATION DIST

Subcase Nos:

01-00035AF
01-00035AL
01-00035AN
01-00035AP
01-00047M
01-00071D
01-00080D
01-00083AC
01-00109F
01-00115R
01-00116AM
01-00125D
01-00134A
01-00134B
01-00135B
01-00135C
01-00136D
01-00162G
01-00162J
01-00162K
01-00162L
01-00163J
01-00163K
01-00163L
01-00164G
01-00164J
01-00164K
01-00165G
01-00165J
01-00165K
01-00195N
01-00320
01-02009A
01-02009B
01-02074
01-10099
01-10104
01-10134
01-10155
01-10161
01-10162
01-10163
01-10182
01-10183
01-10207
01-10208
01-10493
01-10495

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(Subcase list: NEWSWEDEN)
12/12/07

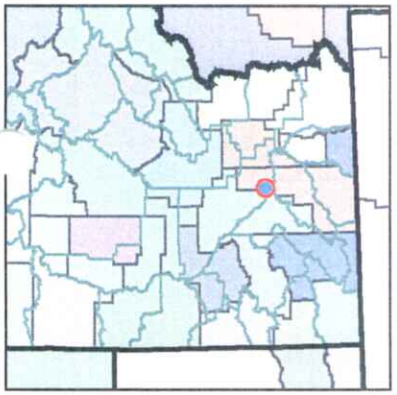
New Sweden Irrigation Dist

SRBA Recommendations: 1-35AF, 1-35AL, 1-35AN, 1-35AP, 1-47M, 1-71D, 1-80D, 1-83AC, 1-109F, 1-115R, 1-116AM, 1-125D, 1-134A, 1-134B, 1-135B, 1-135C, 1-136D, 1-162G, 1-162J, 1-162K, 1-162L, 1-163J, 1-163K, 1-163L, 1-164G, 1-164J, 1-164K, 1-165G, 1-165J, 1-165K, 1-195N, 1-320, 1-2009A, 1-2009B, 1-2074, 1-10099, 1-10104, 1-10134, 1-10155, 1-10161, 1-10162, 1-10163, 1-10182, 1-10183, 1-10207, 1-10208, 1-10493, 1-10495

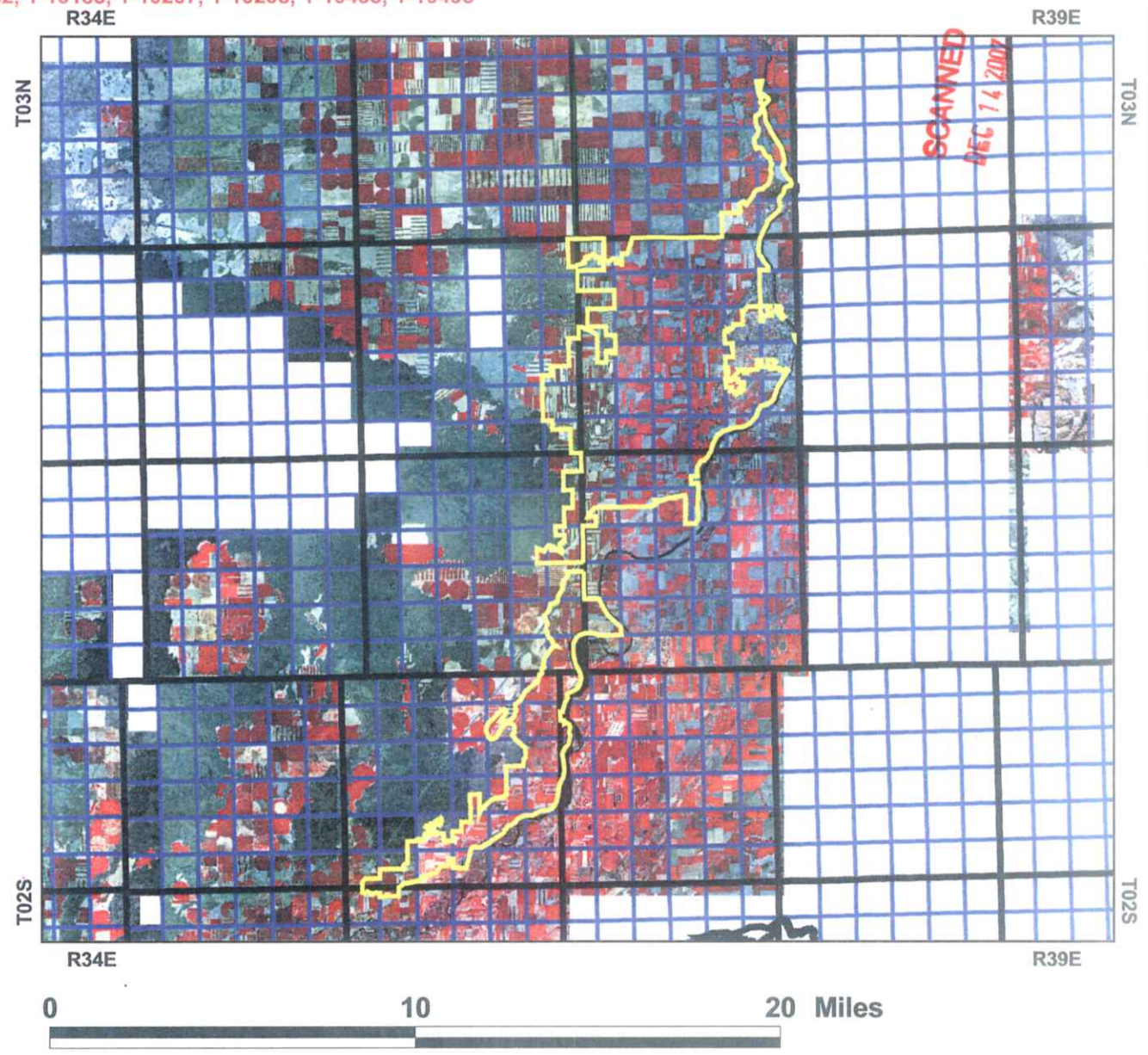
Service Area Boundary
GIS Place of Use Illustration

Legend

- Service Area
- Townships
- PLS Sections



Bingham, Bonneville Counties
IDWR Basin 1



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Prepared by D. Favreau
On Tuesday, September 11, 2007
1987/88 Aerial Photography

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES FOR IRRIGATION DELIVERY ENTITY USING DIGITAL BOUNDARY DESCRIPTION was mailed on December 13, 2007, with sufficien first-class postage to the following:

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

NEW SWEDEN IRRIGATION DIST
2350 W 1700 S
IDAHO FALLS, ID 83402
Phone: 208-523-0175

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Julie Murphy
Deputy Clerk