

MEMORANDUM

Date: 10/13/06
From: Julie Murphy, SRBA Deputy Clerk
To: IDWR
Subject: 23-11221 Amended Partial Decree (Digital Boundary)

It is customary when issuing a digital boundary *Partial Decree* to forward a CD to IDWR with the *Partial Decree*, however, on July 3, 2006, the Court received only one updated color map and one updated digital boundary CD for the above-captioned subcase and we are keeping both of those items for the Court's record.

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.

II. ORDER AMENDING PARTIAL DECREE

1. Therefore, IT IS ORDERED that pursuant to I.R.C.P. 60(a) the *Partial Decree* previously issued for water right **23-11221** is hereby **amended and decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)* and the CD-Rom labeled *Digital Boundary for Sunnydell Irrigation District, 23-11221* dated July, 3, 2006, on file with the Court.

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

**ORDER OF AMENDED PARTIAL DECREES FOR IRRIGATION DELIVERY ENTITY USING
DIGITAL BOUNDARY DESCRIPTION; I.C. §§ 42-202B(2), 42-219(2), 42-1411(2)(h); I.R.C.P. 60(a)**

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 October 11, 2006.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

**ORDER OF AMENDED PARTIAL DECREES FOR IRRIGATION DELIVERY ENTITY USING
DIGITAL BOUNDARY DESCRIPTION; I.C. §§ 42-202B(2), 42-219(2), 42-1411(2)(h); I.R.C.P. 60(a)**

C:\Documents and Settings\mtaylor\Desktop\Taylor.Amended Partial Decree Order on Notice of Intent for Digital Boundary.doc

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

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 23-11221

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

OCT 13 2006

NAME AND ADDRESS: SUNNYDELL IRRIGATION DIST
C/O STANLEY SUTTON SEC
578 E 7000 S
REXBURG, ID 83440

SOURCE: UNNAMED STREAM TRIBUTARY: SOUTH FORK SNAKE RIVER

By _____ Clerk

Deputy Clerk

QUANTITY: 2.80 CFS

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION: T04N R40E S25 SWSNW Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.80 CFS

PLACE OF USE:

3383.1 ACRES TOTAL

PLACE OF USE IS WITHIN THE BOUNDARY OF SUNNYDELL IRRIGATION
DISTRICT PURSUANT TO SECTION 43-323, IDAHO CODE.

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 HEREBIN 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 DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

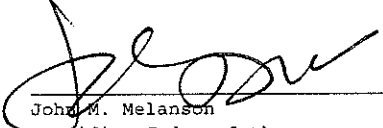
USE OF THIS RIGHT WITH RIGHT NO. 22-13269 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 140.0 ACRES WITHIN THE PLACE OF
USE SHOWN.

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

Sunnydell Irrigation District Service Area Boundary

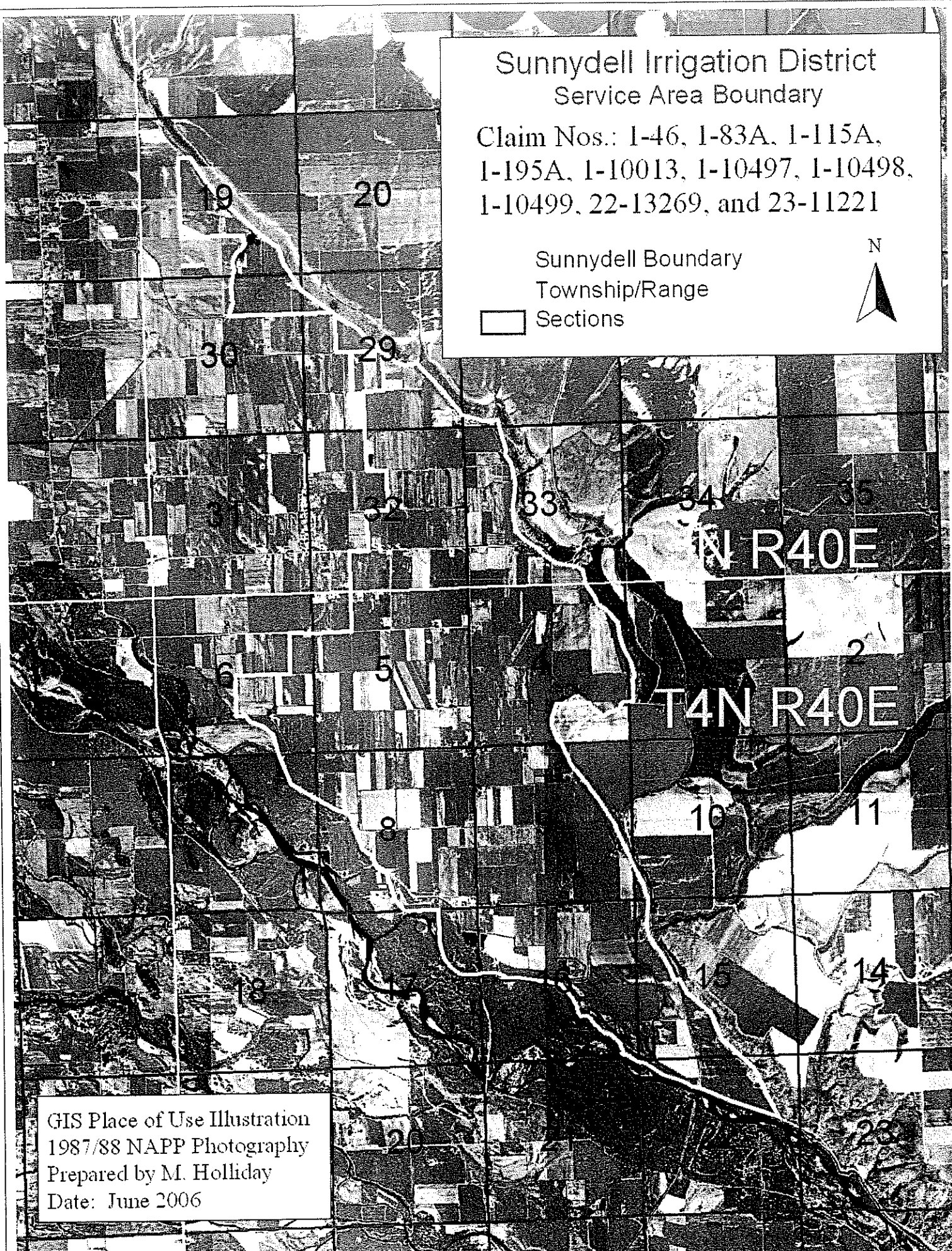
Claim Nos.: 1-46, 1-83A, 1-115A,
1-195A, 1-10013, 1-10497, 1-10498,
1-10499, 22-13269, and 23-11221

Sunnydell Boundary

Township/Range

Sections

N



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: June 2006

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREE FOR IRRIGATION DELIVERY ENTITY USING DIGITAL BOUNDARY DESCRIPTION was mailed on October 13, 2006, with sufficient first-class postage to the following:

USDI BLM

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

SUNNYDELL IRRIGATION DIST
C/O STANLEY SUTTON SEC
578 E 7000 S
REXBURG, ID 83440
Phone: 208-356-3562

SUNNEYDELL IRRIGATION DISTRICT
GARY R HILL
9298 S 600 E
REXBURG, ID 83440
Phone: 208-356-5138

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