

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

JUL 24 2006

By _____ Clerk
_____ Deputy Clerk

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

RECEIVED

JUL 25 2006

In Re SRBA

Case No. 39576

**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)**

**For Water Rights: 72-10480, 72-10481 and 72-
10482 (Gini Ditch Co. Inc.)**

DEPARTMENT OF
WATER RESOURCES

I.

FINDINGS AND CONCLUSIONS

1. A ***Partial Decree*** was issued for water right 72-10481 on February 12, 2002. The issuance of the ***Partial Decree*** predated legislative authorization of the use of digital boundaries for describing the place of use element for certain types of water rights. ***Partial Decrees*** were issued for water rights 72-10480 and 72-10482 on August 5, 2004, using subsequently approved digital boundary descriptions. On April 24, 2006, the Court received correspondence, revised maps and data from the Idaho Department of Water Resources regarding certain errors in the digital boundary description for the Gini Ditch Company, Inc., and notifying the Court that the ***Partial Decree*** issued for water right 72-10481 did not use a digital boundary description. On May 23, 2006, the Court issued a *Notice of Court's Intent to Issue Amended Partial Decree and Notice of Hearing Thereon* to correct the error in the digital boundary description for the place of use element as well as modify the place of use element for water right 72-10481 to also include a digital boundary description so that all water rights held by the Gini Ditch Company are

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For Water Rights: 72-10480, 72-10481 and 72-10482 (Gini Ditch Co. Inc.)**

uniformly described. A hearing was held on the matter July 18, 2006. No objections were filed nor did any party appear in opposition to the Court's intended action.

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 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 DECREES

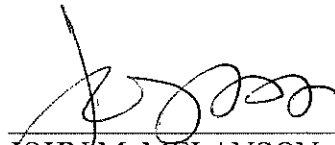
1. Therefore, IT IS ORDERED that pursuant to I.R.C.P. 60(a) the ***Partial Decrees*** previously issued for water right(s) **72-10480, 72-10481 and 72-10482** is/are hereby **amended and decreed** as set forth in the attached ***Amended Partial Decree Pursuant to I.R.C.P. 54(b)*** and the CD-Rom labeled ***Amended Digital Boundary for Gini Ditch Company Inc 72-10480, 72-10481, & 72-10482*** dated April 14, 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 **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) For Water Rights: 72-10480, 72-10481 and 72-10482 (Gini Ditch Co. Inc.)**

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 July 24, 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)
For Water Rights: 72-10480, 72-10481 and 72-10482 (Gini Ditch Co. Inc.)**

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 72-10480

NAME AND ADDRESS: GINI DITCH COMPANY INC
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 120.00 CFS

PRIORITY DATE: 07/27/1901

POINT OF DIVERSION: T13N R19E S16 LOT 6 (SWSWSE) Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	120.00 CFS

PLACE OF USE:

Place of use within the boundary of the service area of the
Gini Ditch Company.

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) (2003) and authorized pursuant to I.C. Section 42-1411
(2) (h) (2003). 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.

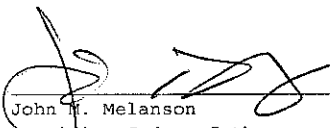
This boundary is also described in the Affidavit Identifying
Location of Real Property, instrument no. 0223257, filed with the
Custer County Recorder on August 8, 2001. The service area is
within T13N and T14N, R19E, Custer County, Idaho. Total
irrigated acres: 2440 acres.

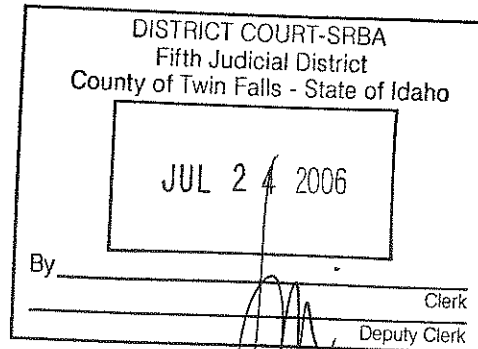
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 72-10481

NAME AND ADDRESS: GINI DITCH COMPANY INC
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 67.00 CFS

PRIORITY DATE: 04/15/1938

POINT OF DIVERSION: T13N R19E S16 LOT 6 (SWSWSE) Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	67.00 CFS

PLACE OF USE: Irrigation Within Custer County
T13N R19E S16 SWSW

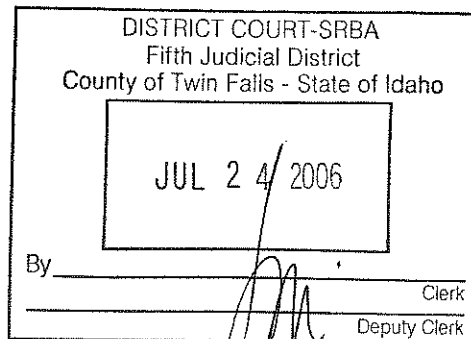
Place of use within the boundary of the service area of the Gini Ditch Company.

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)(2003) and authorized pursuant to I.C. Section 42-1411(2)(h)(2003). 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.

This boundary is also described in the Affidavit Identifying Location of Real Property, instrument no. 0223257, filed with the Custer County Recorder on August 8, 2001. The service area is within T13N and T14N, R19E, Custer County, Idaho. Total irrigated acres: 2440 acres.

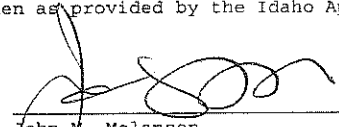
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.



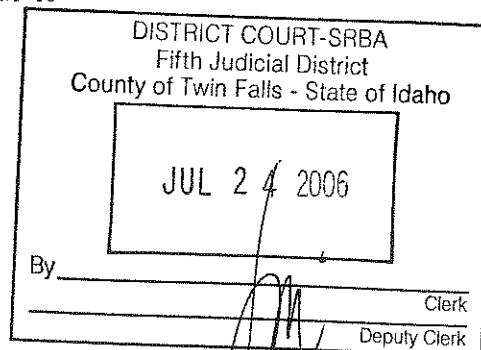
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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 72-10482



NAME AND ADDRESS: GINI DITCH COMPANY INC
HOLDEN KIDWELL MAHN & CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 25.30 CFS

PRIORITY DATE: 04/01/1950

POINT OF DIVERSION: T13N R19E S16 LOT 6 (SWSWE) Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	25.30 CFS

PLACE OF USE:

Place of use within the boundary of the service area of the
Gini Ditch Company.

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)(2003) and authorized pursuant to I.C. Section 42-1411
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irrigated acres: 2440 acres.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
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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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREES FOR IRRIGATION DELIVERY USING DIGITAL BOUNDARY DESCRIPTION was mailed on July 24, 2006, with sufficient first-class postage to the following:

GINI DITCH COMPANY INC

Represented by:
KENT W FOSTER
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

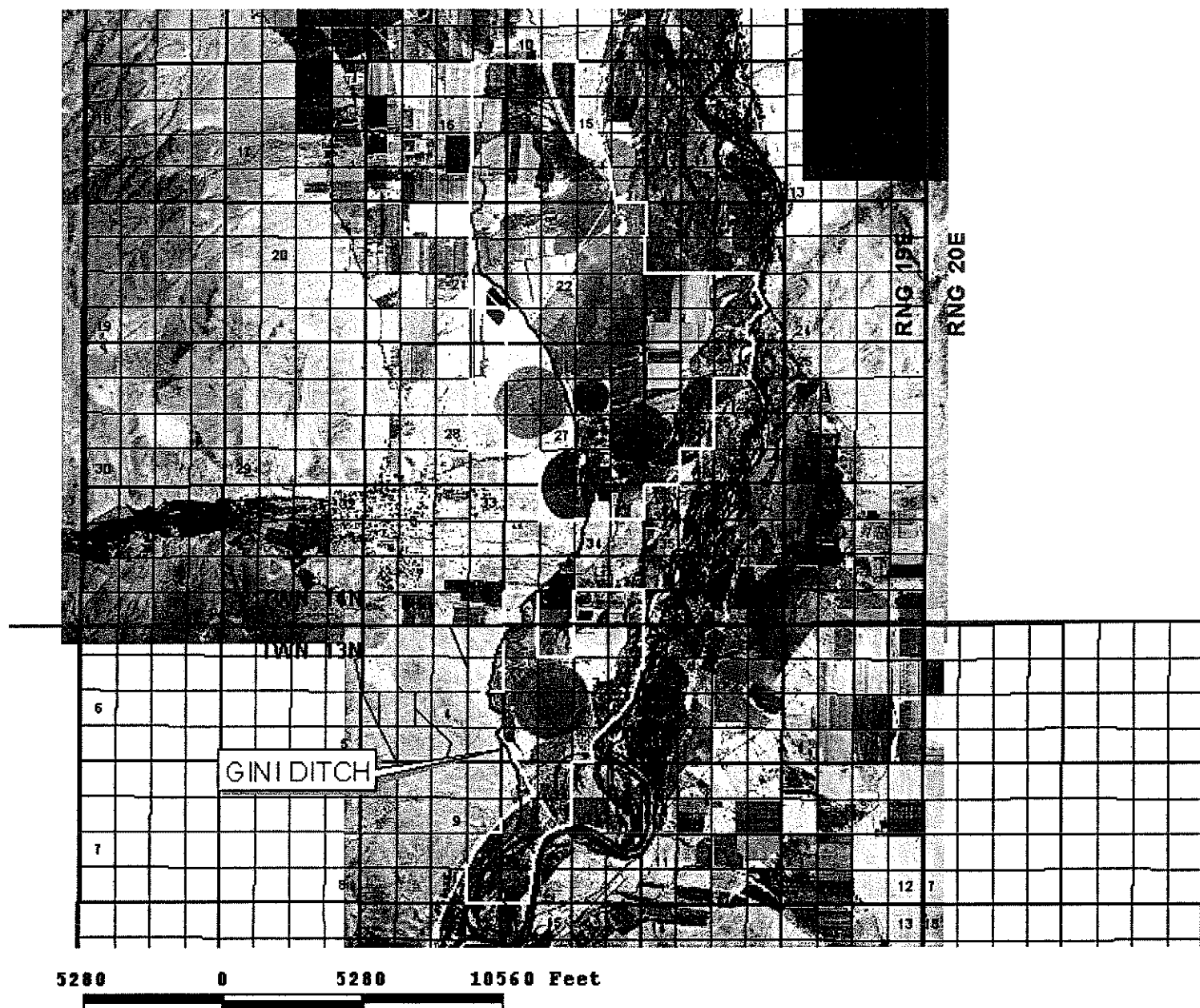
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".

IDAHO DEPARTMENT OF WATER RESOURCES

72-10480, 72-10481, 72-10482

GINI DITCH BOUNDARY



RECOMMENDED PLACE OF USE BOUNDARY

TWN: 13N & 14N

⊙ RECOMMENDED POINT OF DIVERSION

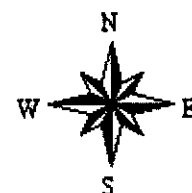
RNG: 19E

□ SECTION LINES

□ QUARTER-QUARTER LINES

∕ STREAMS & DITCH CHANNELS

∕ TOWNSHIP-RANGE LINES



GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY
BY STEVE CLELLAND

DATE: JULY 17, 2001
REVISED