

2005 JAN 13 AM 11:30
DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED

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

Case No. 39576

) 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 Right(s): 29-11740
) (East Side Ditch Company)
)
)

I.
FINDINGS AND CONCLUSIONS

1. On November 15, 2004, a *Special Master's Report and Recommendation* was filed for the above water right(s). The *Special Master's Report and Recommendation* was issued without a digital CD or an attached color map. 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(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

1. Therefore, IT IS ORDERED that the above-captioned water right(s) is/are hereby **decreed** as set forth in the attached *Partial Decree 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. On January 10, 2005, IDWR submitted the digital boundary CD and color map as it was intended to be included with the *Standard Form 5* filed on October 28, 2004, and the *Special Master's Report and Recommendation* filed on November 15, 2004. 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 January 13, 2005.

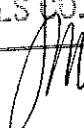

JOHN M. MELANSON

Presiding Judge

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 29-11740

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NAME AND ADDRESS: EAST SIDE DITCH CO
2299 S MARSH CREEK RD
MC CAMMON, ID 83250

SOURCE: MARSH CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 1.02 CFS

PRIORITY DATE: 02/27/1869

POINT OF DIVERSION: T08S R36E S15 NWNWSE Within Bannock County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.02 CFS

PLACE OF USE: Irrigation Within Bannock County
Same as Other use

53.9 ACRES TOTAL.

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.

USE OF THIS RIGHT WITH RIGHT NO. 29-13642 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL 61 ACRES IN A SINGLE IRRIGATION SEASON.

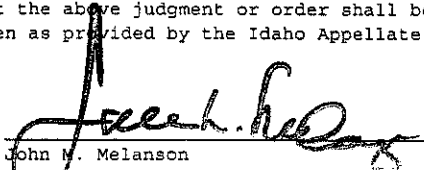
PLACE OF USE IS WITHIN THE AREA SERVED BY THE EAST SIDE DITCH COMPANY.

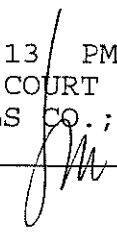
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

2005 JAN 13 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO.; IDAHO
FILED 

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 29-11740

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 29-11740 was mailed
on January 13, 2005, with sufficient first-class postage prepaid
to the following:

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

SHOSHONE-BANNOCK TRIBES
Represented by:
BRANDELLE WHITWORTH
TRIBAL COUNSEL OFFICE
PO BOX 306
FORT HALL, ID 83203
Phone: 208-478-3815

SHOSHONE-BANNOCK TRIBES
Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N ARTHUR
POCATELLO, ID 83202
Phone: 208-232-1922

Service Area Boundary

East Side Ditch

Claim No.: 29-11740

- Boundary
- Township/Range
- Sections



Map Department of the Interior
1875-1880
Original Survey
Date of Survey: September 1884



T08S R36E

10

SESW

NENW

SESW

SWNE

15

NWSE

