

2003 JUL 17 PM 2:15

**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): 29-10663, 29-10664,**
) **29-10665, 29-12058 and 29-13493**
) **(Marsh Center Irrigation Co.)**

I.

FINDINGS AND CONCLUSIONS

1. On July 11, 2003, the Idaho Department of Water Resources (IDWR) filed its *Director's Report, Part I, For Irrigation and Other Uses, Reporting Area 9, Basin 29*, which included recommendation(s) for the above-captioned water right(s). The recommendation(s) included description(s) for the place of use element using a "digital boundary" as defined by I.C. § 42-202(B)(2)(2003). No objections to the recommendation(s) was/were filed and the time period for filing objections 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.*

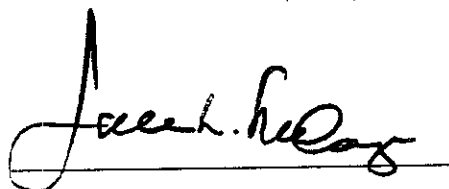
II. ORDER

1. Therefore, IT IS ORDERED that water right(s) **29-10663, 29-10664, 29-10665, 29-12058 and 29-13493** 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. 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 March 16, 2004



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 29-10663

2004 MAR 17 PM 2:15

NAME AND ADDRESS: MARSH CENTER IRRIGATION CO
C/O WM EGAN 1
451 W HAWKINS RD
ARIMO, ID 83214

SOURCE: HAWKINS CREEK TRIBUTARY: MARSH CREEK

QUANTITY: 0.33 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 56.0 CFS. COMBINED RIGHT NOS.:
29-13493, 29-13494, 29-10663, 29-10664, 29-10665, 29-12058.

PRIORITY DATE: 04/01/1891

POINT OF DIVERSION: T10S R36E S31 NWNWSW Within Bannock County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.33 CFS

PLACE OF USE:

Place of use is within the area served by the Marsh Center
Irrigation Company.

Use of this right with the rights listed below is limited to
the irrigation of a combined total of 3220.2 acres in a single
irrigation season. Combined right nos.: 29-13493, 29-13494,
29-10663, 29-10664, 29-10665, 29-12058.

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.

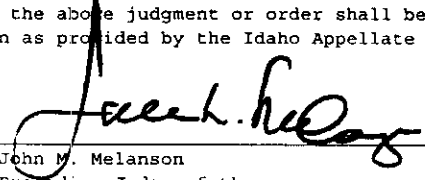
This right is limited to the irrigation of 16.5 acres within the
place of use described above in a single irrigation season.

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 29-10664

FILED MAR 17 PM 2:15

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NAME AND ADDRESS: MARSH CENTER IRRIGATION CO
C/O WM EGAN 1
451 W HAWKINS RD
ARIMO, ID 83214

SOURCE: HAWKINS CREEK TRIBUTARY: MARSH CREEK

QUANTITY: 0.33 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 56.0 CFS. COMBINED RIGHT NOS.:
29-13493, 29-13494, 29-10663, 29-10664, 29-10665, 29-12058.

PRIORITY DATE: 06/10/1891

POINT OF DIVERSION: T10S R35E S35 NWNESE Within Bannock County
NWNESE (Injection)
R36E S31 NWNWSW (Rediversion)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	238.90 AFY
	Irrigation from Storage	04-01 TO 10-31	238.90 AFY

PLACE OF USE:

Use of the rights listed below is limited to the irrigation of
a combined total of 3220.2 acres in a single irrigation season.
Combine right nos.: 29-13493, 29-13494, 29-10663, 29-10664,
29-10665, 29-12058.

Place of use is within the area served by the Marsh Center
Irrigation 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.

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.

A handwritten signature in black ink, appearing to read "John M. Melanson", is written over a horizontal line.

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 29-10665

2004 MAR 17 PM 2:15

NAME AND ADDRESS: MARSH CENTER IRRIGATION CO
C/O WM EGAN 1
451 W HAWKINS RD
ARIMO, ID 83214

SOURCE: HAWKINS CREEK TRIBUTARY: MARSH CREEK

QUANTITY: 641.10 AFY

STORAGE CAPACITY 880.0 AF.

PRIORITY DATE: 04/01/1944

POINT OF DIVERSION: T10S R35E S35 NWNES Within Bannock County
NWNES (Injection)
R36E S31 NWNWS (Rediversion)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation from Storage	04-01 TO 10-31	641.10 AFY

PLACE OF USE:

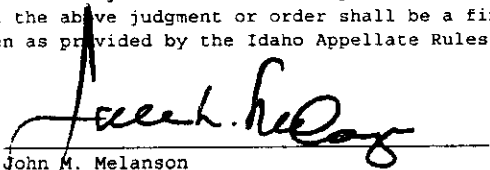
Place of use is within the area served by the Marsh Center Irrigation Company.
The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) (2003) and authorized pursuant to I.C. Section 42-1411 (2)(h) (2003). The data comprising 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.

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 29-12058

2004 MAR 17 PM 2:15

FILED
TWIN FALLS, IDAHO
MAR 17 2004

NAME AND ADDRESS: MARSH CENTER IRRIGATION CO
C/O WM EGAN 1
451 W HAWKINS RD
ARIMO, ID 83214

SOURCE: HAWKINS CREEK TRIBUTARY: MARSH CREEK

QUANTITY: 2.00 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 12/19/1891

POINT OF DIVERSION: T10S R35E S35 NWNESW Within Bannock County
NWNESW (Injection)
R36E S31 NWNWSW (Rediversion)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.00 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:

Use of this right with the rights listed below is limited to the
irrigation of a combined total of 3220.2 acres in a single
irrigation season. Combined right nos.: 29-12058, 29-13493,
29-13494, 29-10663, 29-10664, 29-10665.

Place of use is within the area served by the Marsh Center
Irrigation 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 right is limited to the irrigation of 100 acres within the
place of use described above in a single irrigation season.

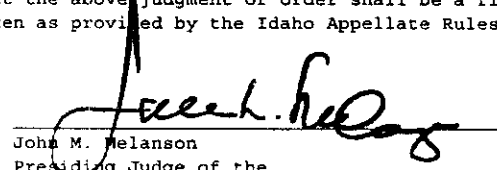
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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

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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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 29-13493

2004 MAR 17 PM 2:16
MAR 17 2004
TWIN FALLS, IDAHO

NAME AND ADDRESS: MARSH CENTER IRRIGATION CO
C/O WM EGAN 1
451 W HAWKINS RD
ARIMO, ID 83214

SOURCE: HAWKINS CREEK TRIBUTARY: MARSH CREEK

QUANTITY: 10.00 CFS

PRIORITY DATE: 05/01/1870

POINT OF DIVERSION: T10S R36E S31 NWNWSW Within Bannock County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	10.00 CFS

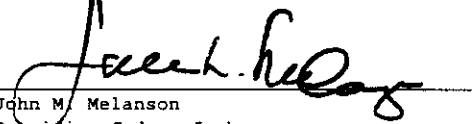
PLACE OF USE:	Irrigation		Within Bannock County
	T10S R35E S23	SWNW	NESW
		NWSW	
	R36E S21	NESW	SESW
	S25	NWSW	SWSW
		SESW	
	S26	NESW	NWSW
		SWSW	SESW
		NESE	NWSE
		SWSE	SESE
	S28	SWNE	NENW
		SENW	NESE
		NWSE	SWSE
	S32	SWNE	SWNW
	S33	NWNE	SWNE
		NENW	NWNW
		SWNW	SENW
		NESW	NWSW
		SWSW	SESW
		NESE	NWSE
		SWSE	SESE
	S34	SWNW	SENW
		NESW	NWSW
		SWSW	SESW
		NESE	NWSE
		SWSE	SESE
	S35	NWNE	SWNE
		NENW	NWNW
		SWNW	NWSW
	S36	NENE	NWNE
		SWNE	SENE
		NENW	NWNW
		SWNW	SENW
		NESW	SESW
		NESE	NWSE
		SWSE	
	R37E S31 LOT 2	(NWNW)	LOT 1 (NWNW)
	LOT 4	(SWNW)	LOT 3 (SWNW)
	LOT 6	(NWSW)	
	T11S R36E S03 LOT 1	(NENE)	LOT 2 (NWNE)
		SWNE	SENE

LOT 3	(NENM)	SENM	NESM	SWSM	NESE	SWSE	S04 LOT 1	(NENE)	SWNE	SENE	NMSM	SESM	NWSE	SESE	SWSE	S05	LOT 7	(SESE)	(NENE)	SWNE	NENM	SENM	NMNE	S09	NENE	SWNE	NMNM	NESM	SWSE	NMNM	S10
LOT 4	(NMNM)	SENM	NMSM	SESM	NWSE	SWSE	LOT 2	(NMNE)	SENE	SENE	NMSM	SESM	NWSE	SESE	SWSE		LOT 2	(SENE)	SENE	SENM	NMNE	SENM	NMNE	S09	NENE	SWNE	NMNM	NESM	SWSE	NMNM	

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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.

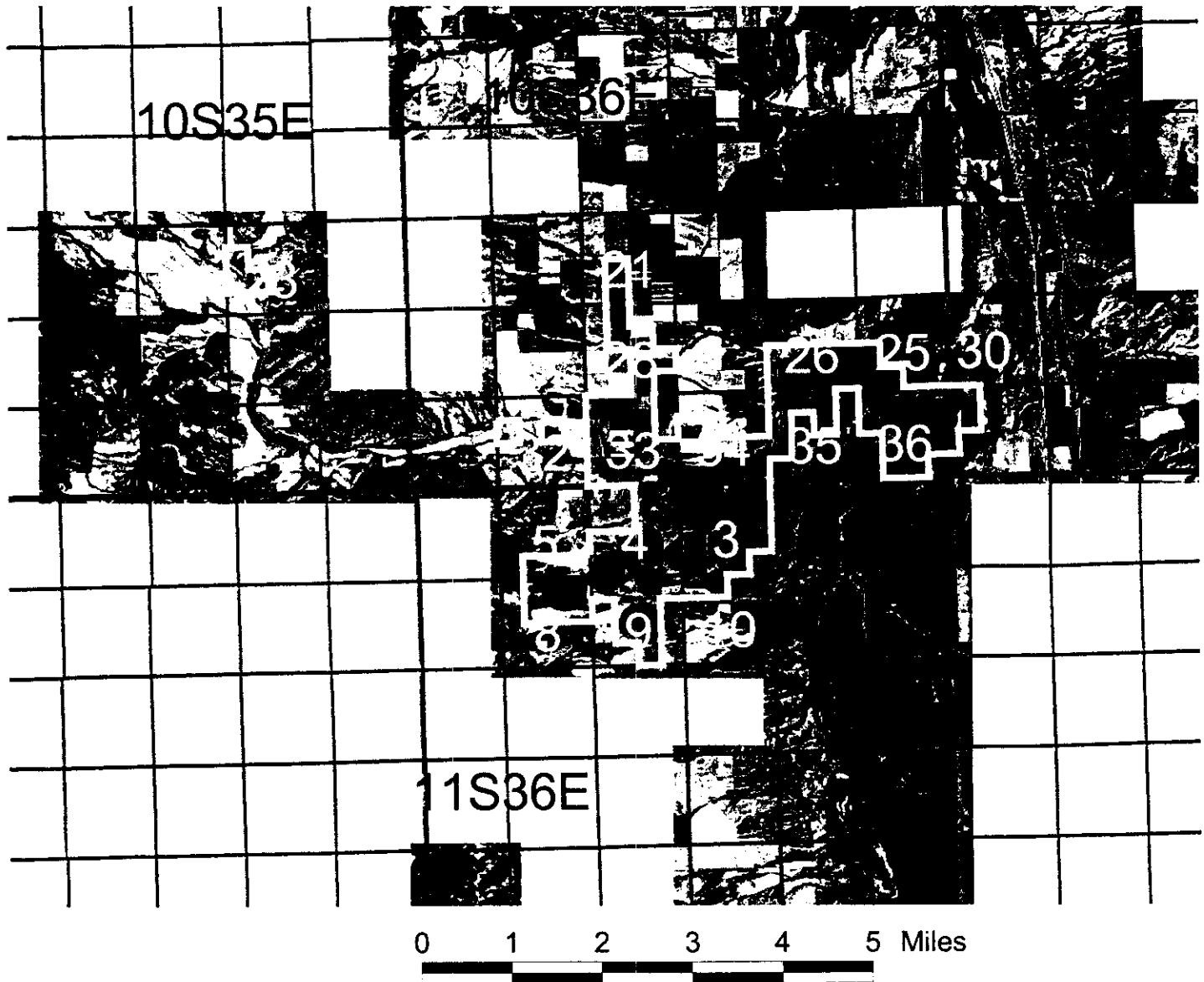


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

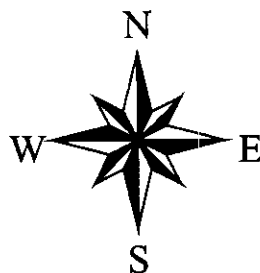


Department of Water Resources

Marsh Center Irrigation Co



- Large place of use.shp
- Townships
 - Sections



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepare by: E. Carlsen
Date: July 2003

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 March 17, 2004, with sufficient first-class postage to the following:

MARSH CENTER IRRIGATION CO
C/O WM EGAN 1
451 W HAWKINS RD
ARIMO, ID 83214
Phone: 208-254-3607

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