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DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED  
Department of Water Resources  
2004 APR 9 PM 2 48

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     | ) | SPECIAL MASTER'S REPORT     |
|                | ) |                             |
| Case No. 39576 | ) | FINDINGS OF FACT AND        |
|                | ) | CONCLUSIONS OF LAW          |
|                | ) |                             |
|                | ) | FOR WATER RIGHTS: EXHIBIT A |
|                | ) | (Subcase List - 65JENNARO2) |

**I. FINDINGS OF FACT**

A notice of claim was filed for the above listed water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On June 9, 2000, the United States of America, Bureau of Reclamation filed a *Motion to File Late Objections* in multiple subcases. The Motion was granted on July 28, 2000. The objections were filed to "General Provisions Basin 65 Irrigation & Other Part II (3) Separate Streams Administration." A Show Cause Hearing was set for January 28, 2004. The claimant did not appear at hearing. The United States Bureau of Reclamation Motioned, on record, to add General Provision separate streams language to the "other provisions necessary." The Motion was granted on record.

**II. CONCLUSIONS OF LAW**

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights listed on attached Exhibit A be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED April 9, 2004.

  
THOMAS R. CUSHMAN  
Special Master  
Snake River Basin Adjudication

EXHIBIT A (SUBCASE LIST - 65JENNARO2)

Subcase Nos:

65-00273  
65-02945  
65-02948  
65-03026  
65-03027  
65-03061  
65-03062  
65-03063  
65-03064  
65-03065  
65-03069  
65-10473  
65-17888  
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65-21737  
65-21738  
65-22395  
65-22398  
65-22401  
65-22404  
65-22405  
65-22406  
65-22408  
65-22410

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 )  
 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 65-00273  
(SEE ATTACHED EXHIBIT A)

On April 09, 2004, Special Master JOHN M MELANSON  
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)  
pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party  
to the adjudication including parties to the subcase, may file a Motion  
to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate  
in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION  
shall constitute a waiver of the right to challenge it before the  
Presiding Judge.

DATED April 09, 2004.

  
\_\_\_\_\_  
JULIE MURPHY  
Deputy Clerk

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 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 65-00273  
(SEE ATTACHED EXHIBIT A)

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on April 09, 2004, with sufficient first-class postage prepaid to the following:

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

UNITED STATES OF AMERICA  
Represented by:  
DAVID W GEHLERT  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATURAL RESOURCE  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

JERALD JENNARO  
JOSEPH JENNARO  
2385 GAMAY COMMON  
LIVERMORE, CA 94550  
Phone: 925-484-0406

CERTIFICATE OF MAILING

  
JULIE MURPHY  
Deputy Clerk

PAGE 1

04/09/04

Exhibit A

Subcase Nos:

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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 65-22398

NAME AND ADDRESS: JERALD JENNARO  
JOSEPH JENNARO  
2385 GAMAY COMMON  
LIVERMORE, CA 94550

SOURCE: LITTLE SQUAW CREEK TRIBUTARY: SQUAW CREEK

QUANTITY: 0.02 CFS

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER  
DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT  
WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.  
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.  
USE OF THIS RIGHT WITH RIGHT NO. 65-3063 IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 1.74 CFS.

PRIORITY DATE: 06/01/1879

POINT OF DIVERSION: T10N R02E S31 LOT 2 (SWNW ) Within Gem County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

|               |               |                              |
|---------------|---------------|------------------------------|
| PLACE OF USE: | Stockwater    | Within Gem County            |
|               | T10N R01E S36 | SWNE<br>SENE<br>SENW<br>NESW |

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

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

Basin 65 General Provisions No. 3, the Separate Streams  
General Provision, does not apply to appropriations of water  
after October 18, 1977.

This water right shall be administered as being from a  
SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISION NO. 3.  
If the holder of this right seeks to change the right pursuant  
to Idaho Code Section 42-222 or successor statute, nothing in  
this general provision shall preclude any other person or entity  
from demonstrating that such change in use would cause injury to  
its water right or from receiving any relief provided by law in  
the event of injury.

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).

RECOMMENDATION

APR 9 2004

SPECIAL MASTER

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.

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