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Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED Mc

2004 APR 12 PM 2 49

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 - 65JENNARO1)

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." An objection was also filed by the Idaho Department of Lands on January 16, 2002. On June 28, 2002, a *Standard Form 5* was filed. All parties and IDWR are signatures to the *Standard Form's 5*.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*. 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 - 65JENNARO1)

Subcase Nos:

65-09538
65-09539
65-22407
65-22411

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

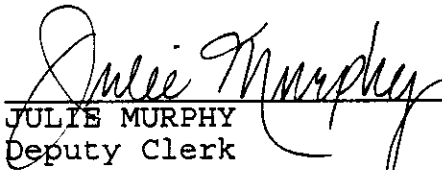
Water Right(s): 65-09538
65-09539 65-22407 65-22411

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): 65-09538
65-09539 65-22407 65-22411

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

IDAHO DEPARTMENT OF LANDS

Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

UNITED STATES OF AMERICA

Represented by:
DAVID NEGRI
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1
04/09/04

UNITED STATES OF AMERICA

Represented by:

DAVID W GEHLERT

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATRUAL RESOURCE

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

JERALD JENNARO

JOSEPH JENNARO

2385 GAMAY COMMON

LIVERMORE, CA 94550

Phone: 925-484-0406


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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-09538

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

SOURCE: LITTLE SQUAW CREEK TRIBUTARY: SQUAW CREEK

QUANTITY: 1.38 CFS

THIS RIGHT WHEN COMBINED WITH THE RIGHTS BELOW SHALL PROVIDE NO
MORE THAN 3.5 ACRE FEET PER ACRE; RIGHT NOS: 65-09539, 65-10473
AND 65-02945.*** THIS RIGHT WHEN COMBINED WITH RIGHT NOS.
65-03065, 65-03062, & 65-03063 SHALL PROVIDE NO MORE THAN .02
CFS PER ACRE.***

USE OF THIS RIGHT WITH RIGHT NO. 65-22407 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.38 CFS.

PRIORITY DATE: 06/01/1927

POINT OF DIVERSION: T10N R02E S31 SSW Within Gem County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	1.38 CFS

PLACE OF USE:	Irrigation	Within Gem County
	T10N R01E S35	NESE 4.0 SESE 8.0
	S36	NENE 3.0 NWNE 2.0
		SWNE 13.0 NWSW 30.0
		SWSW 9.0

69.0 Acres Total

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

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.

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 65-09539

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

SOURCE: LITTLE SQUAW CREEK TRIBUTARY: SQUAW CREEK

QUANTITY: 231.00 APY

USE OF THIS RIGHT WITH RIGHT NO. 65-22411 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 231 AF.
THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-02945 & 65-10473
SHALL PROVIDE NO MORE THAN 3.5 AF PER ACRE.***

PRIORITY DATE: 11/01/1953

POINT OF DIVERSION: T10N R01E S36 SENE (Rediversion) Within Gem County
R02E S31 LOT 2 (SWNW) (Rediversion)
T11N R03E S31 NENE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation from Storage	04-01 TO 11-01	231.00 APY

PLACE OF USE:	Irrigation from Storage	Within Gem County
	T09N R01E S01 LOT 3 (NENW) 5.0	
	S02 LOT 1 (NENE) 4.0	
	T10N R01E S35 NESE 4.0	SESE 29.0
	S36 NENE 3.0	NWNE 2.0
	SWNE 37.0	SENE 22.0
	SENE 23.0	NESW 20.0
	NWSW 30.0	SWSW 9.0
	SESW 9.0	NWSE 14.0
	211.0 Acres Total	

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

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.

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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).

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APR 9 2004


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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-22407

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

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.

USE OF THIS RIGHT WITH RIGHT NO. 65-9538 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.38 CFS.

PRIORITY DATE: 06/01/1927

POINT OF DIVERSION: T10N R02E S31 SWNW Within Gem County

PURPOSE AND 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 S35	NESE	SESE
	S36	NENE	NWNE
		SWNE	NWSW
		SWSW	

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
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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-22411

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

SOURCE: LITTLE SQUAW CREEK TRIBUTARY: SQUAW CREEK

QUANTITY: 2.70 APY

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

USE OF THIS RIGHT WITH RIGHT NO. 65-9539 IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 231 AP.

PRIORITY DATE: 11/01/1953

POINT OF DIVERSION: T10N R01E S36 SENE (Rediversion) Within Gem County
R02E S31 LOT 2 (SWNW) (Rediversion)
T11N R03E S31 NENE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater from Storage	01-01 TO 12-31	2.70 APY

PLACE OF USE:	Stockwater from Storage	Within Gem County
	T09N R01E S01 LOT 3 (NENW)	
	S02 LOT 1 (NENE)	
	T10N R01E S35 NESE	SESE
	S36 NENE	NWNE
	SWNE	SENE
	SENW	NESW
	NWSW	SWSW
	SESW	NWSE

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

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