

## I. FINDINGS OF FACT

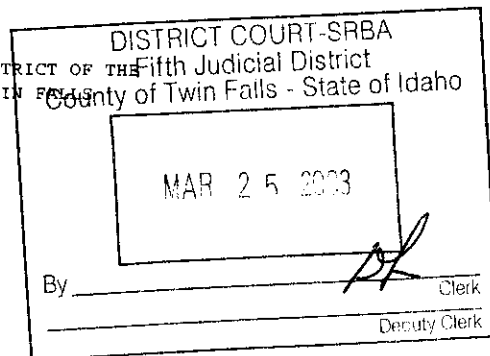
On January 16<sup>th</sup> and 17<sup>th</sup>, 2002, objection were filed by the Idaho Department of Lands and the United States of America, Department of Interior, respectively. The United States USDA Forest service filed a response on February 14, 2002. Subsequently, a *Standard Form 5* was filed on June 27, 2002. The United States USDA Forest Service did not sign the SF5 but filed a *Notice by the United States of Withdrawal of Response to Objection*. The *Notice* was treated as a *Motion* and is **granted**. The claimant, United States Department of Interior and IDWR are signatures to the *Standard Form 5*.

## II. CONCLUSIONS OF LAW

DATED March 25, 2003.

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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 )  
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  
C/O RHONDA JENNARO  
4712 AMANDA PL  
PLEASANTON, CA 94566

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 SWNW 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 |                     |

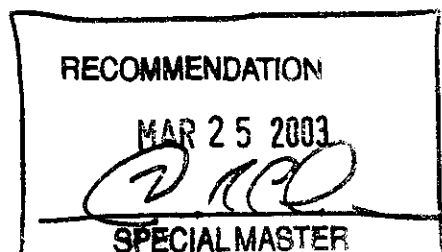
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

Roger Burdick  
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

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

In Re SRBA )  
Case No. 39576 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 65-22407

MAR 25 2003

By \_\_\_\_\_ Clerk  
Deputy Clerk

NAME AND ADDRESS: JERALD JENNARO  
JOSEPH JENNARO  
C/O RHONDA JENNARO  
4712 AMANDA PL  
PLEASANTON, CA 94566

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 | SESE              |
|               | S36           | NENE              |
|               |               | SWNE              |
|               |               | 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.

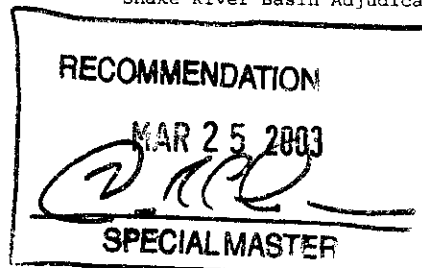
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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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.

Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
Water Right 65-22407 File Number: 00759



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

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

In Re SRBA )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 65-09539

MAR 25 2003

By \_\_\_\_\_ Clerk  
Deputy Clerk

NAME AND ADDRESS: JERALD JENNARO  
JOSEPH JENNARO  
C/O RHONDA JENNARO  
4712 AMANDA PL  
PLEASANTON, CA 94566

SOURCE: LITTLE SQUAW CREEK TRIBUTARY: SQUAW CREEK

QUANTITY: 231.00 AFY

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 AFY

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  
SENW 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:

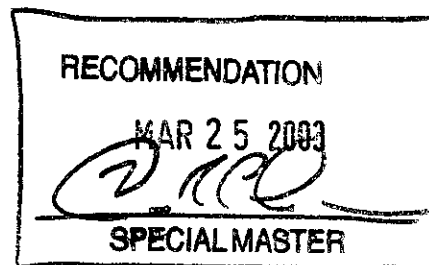
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
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ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
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---

Roger Burdick  
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

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

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 65-22411

MAR 25 2003

By \_\_\_\_\_ Clerk  
\_\_\_\_\_  
Deputy Clerk

NAME AND ADDRESS: JERALD JENNARO  
JOSEPH JENNARO  
C/O RHONDA JENNARO  
4712 AMANDA PL  
PLEASANTON, CA 94566

SOURCE: LITTLE SQUAW CREEK TRIBUTARY: SQUAW CREEK

QUANTITY: 2.70 AFY

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 AF.

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 AFY

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:

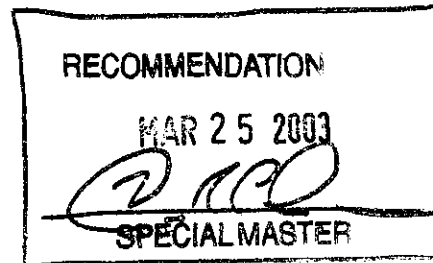
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

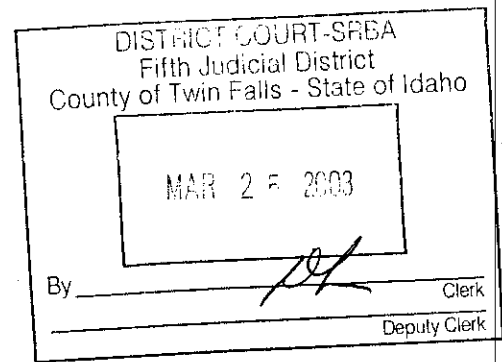
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\_\_\_\_\_  
Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication





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 )

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 March 25, 2003, 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  
03/25/03

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

C/O RHONDA JENNARO

4712 AMANDA PL

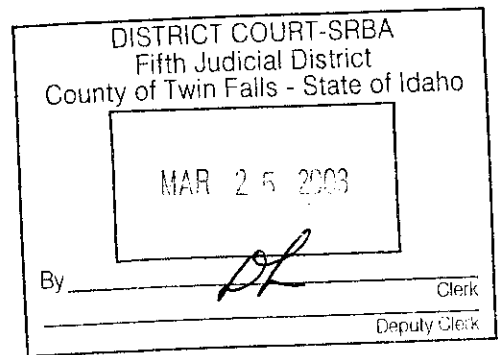
PLEASANTON, CA 94566

Phone: 925-484-0406



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DEBBIE LASH  
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 )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

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

On March 25, 2003, Special Master THOMAS R CUSHMAN 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 March 25, 2003.

  
DEBBIE LASH  
Deputy Clerk