

2004 JUN -2 PM 12: 04

FILED
TWIN FALLS CO., IDAHO

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

SUBCASES: 65-09538, 65-09539,
65-22407 and 65-22411

On April 9, 2004, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water rights are hereby **decreed** as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED June 2, 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 65-09538

2004 JUN -2 PM 12:04
DISTRICT COURT - SRBA
TWIN FALLS, IDAHO
FILED *M*

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 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:

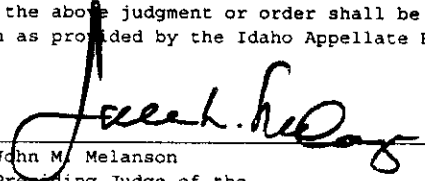
Basin 65 General Provisions No. 3, the Separate Streams
General Provision, does not apply to appropriations of water
after October 18, 1977.

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).

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

2001 JUN -2 PM 12:04

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-09539

IT-SRBA
TWIN FALLS, IDAHO
FILED *MM*

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

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
	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:

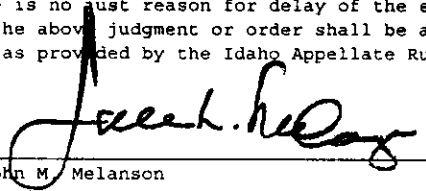
Basin 65 General Provisions No. 3, the Separate Streams
General Provision, does not apply to appropriations of water
after October 18, 1977.

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.

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 65-22407

2004 JUN -2 PM 12:04
TWIN FALLS, IDAHO
FILED *AM*

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
	S36	SESE
		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
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).

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 65-22411

2011 JUN -2 PM 12:04
FILED
TWIN FALLS, IDAHO

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

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.

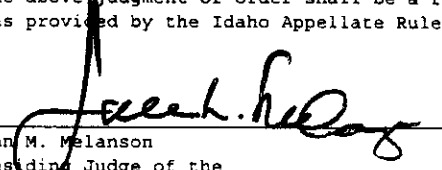
Basin 65 General Provisions No. 3, the Separate Streams
General Provision, does not apply to appropriations of water
after October 18, 1977.

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).

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREASE was mailed on June 01, 2004, with sufficient first-class postage to the following:

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

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

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

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

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line.