01 JUN -3 PM 3:23
FILED
SRBA
D., 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** | ) | **ORDER OF PARTIAL DECREE** |
| | ) | |
| **Case No. 39576** | ) | **SUBCASES: See attached Exhibit A (65JENNARO2)** |
| | ) | |
| | ) | |
| | ) | |

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 3, 2004.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

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
65-17892
65-17893
65-17894
65-17895
65-17896
65-17897
65-17898
65-17899
65-17903
65-17909
65-17912
65-17913
65-17916
65-17918
65-17925
65-17926
65-17930
65-21736
65-21737
65-21738
65-22395
65-22398
65-22401
65-22404
65-22405
65-22406
65-22408
65-22410

(Subcase list: 65JENNARO2)
6/03/04

**CERTIFICATE OF MAILING**

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on June 03, 2004, with sufficient first-class postage to the following:

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

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

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

 Deputy Clerk

2004 JUN 03 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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 65-03069 |

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

SOURCE: LITTLE SQUAW CREEK TRIBUTARY: SQUAW CREEK

QUANTITY: 0.10 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-09539 & 65-10473 SHALL PROVIDE NO MORE THAN 3.5 ACRE FEET PER ACRE.^^^ USE OF THIS RIGHT WITH RIGHT NO. 65-22410 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .10 CFS.

PRIORITY DATE: 05/01/1896

POINT OF DIVERSION: T10N R01E S36 SESW Within Gem County

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|---|---|---|
| Irrigation | 04-01 TO 11-01 | 0.10 CFS |

PLACE OF USE: Irrigation Within Gem County
T09N R01E S01 LOT 3 (NENW) 5.0
5.0 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