

2004 JUN -3 PM 3: 23

FILED
TWIN FALLS, IDAHO
OT-SRBA
JUL 1 2004

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: 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.

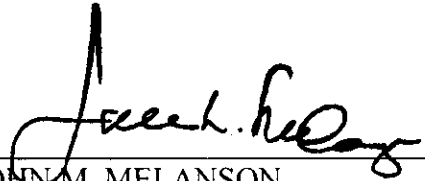

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-10473

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

SOURCE: LITTLE SQUAW CREEK TRIBUTARY: SQUAW CREEK

QUANTITY: 70.00 AFY

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-02945 & 65-09539
SHALL PROVIDE NO MORE THAN 3.5 AF PER ACRE.^^^
USE OF THIS RIGHT WITH RIGHT NO. 65-22406 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 70.0 AF.

PRIORITY DATE: 04/01/1970

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

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation from Storage 04-01 TO 11-01 70.00 AFY

PLACE OF USE: Irrigation from Storage Within Gem County
T09N R01E S01 LOT 3 (NENW) 8.0
T10N R01E S35 NESE 4.0 SESE 29.0
S36 NENE 3.0 NWNE 2.0
SWNE 37.0 SENE 9.0
SENW 21.0 NESW 22.0
NWSW 10.0 SWSW 6.0
SESW 3.0 NWSE 12.0
166.0 Acres Total

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

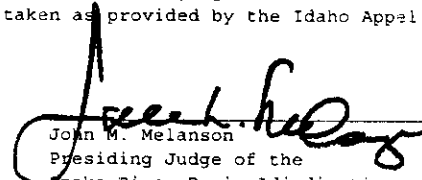
Basin 65 General Provisions No. 3, the Separate Streams
General Provision, does not apply to appropriations of water
after October 18, 1977.

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.


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