

2008 JUN 12 PM 1:43

DISTRICT COURT - SRBA
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) Subcases 75-87C, 75-2099, 75-4366 and 75-
Case No. 39576) 4367
) (Stokes)
)
_____) **SPECIAL MASTER REPORT**

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 75* on January 11, 2007. The Director recommended the claims to Jean and Robert Stokes, 153 Diamond Creek Road, Salmon, Idaho, 83467, for .9 cfs from South Fork Wallace Creek, to irrigate 45 acres in Lemhi County from April 1 to November 1 with priority dates of June 1, 1912, based on a decree; 12 afy from Wallace Lake for year-'round irrigation storage and irrigation from storage to irrigate 27 acres in Lemhi County from April 1 to November 1 with a priority date of May 13, 1941, based on a license; 1.88 cfs of waste water to irrigate 94 acres in Lemhi County from April 1 to November 1 with a priority date of April 1, 1886; and .4 cfs from a spring for year-'round stockwater use and to irrigate 32 acres in Lemhi County from April 1 to November 1 with a priority date of June 1, 1912, based on beneficial use.

The United States of America, Department of Interior, Bureau of Land Management filed *Objections* on October 17, 2007, objecting to place of use. On May 23, 2008, the Stokes and the United States, with IDWR's concurrence, filed *Standard Forms 5* agreeing to add the remark: "Place of use does not include federal public lands."

Conclusions of Law

The Stokes are entitled to partial decrees adjudicating water rights as described in the *SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-87C, 75-2099, 75-4366 and 75-4367*.

DATED June 12, 2008.


TERRENCE A. DOLAN
Special Master
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 75-00087C

NAME AND ADDRESS: JEAN STOKES
ROBERT HEBER STOKES
153 DIAMOND CRK RD
SALMON, ID 83467

SOURCE: SOUTH FORK WALLACE CREEK TRIBUTARY: WALLACE CREEK

QUANTITY: 0.90 CFS

PRIORITY DATE: 06/01/1912

POINT OF DIVERSION: T22N R21E S10 SENW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.90 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T22N R22E S07 LOT 9 (NESW) 2.0	SESW 26.0
	LOT 11 (SWSE) 2.2	
	S18 LOT 5 (NWNE) 5.8	NENW 9.0
	45.0 Acres Total	

Place of use does not include federal public lands.

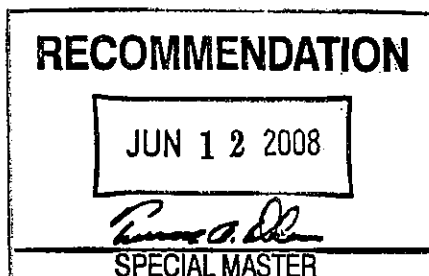
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

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 75-02099

NAME AND ADDRESS: JEAN STOKES
ROBERT HEBER STOKES
153 DIAMOND CRK RD
SALMON, ID 83467

SOURCE: WALLACE LAKE TRIBUTARY: WALLACE CREEK

QUANTITY: 12.00 AFY

This right when combined with all other rights shall provide no
more than .02 cfs per acre for irrigation of the lands below.

PRIORITY DATE: 05/13/1941

POINT OF DIVERSION: T22N R21E S08 SWSWSE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	12.00 AFY
	Irrigation from Storage	04-01 TO 11-01	12.00 AFY

PLACE OF USE:		
	Irrigation from Storage	Within Lemhi County
	T22N R22E S07 LOT 9 (NESW) 1.0	SESW 12.0
	LOT 11 (SWSE) 2.0	
	S18 LOT 5 (NWNE) 6.0	NENW 6.0
	27.0 Acres Total	

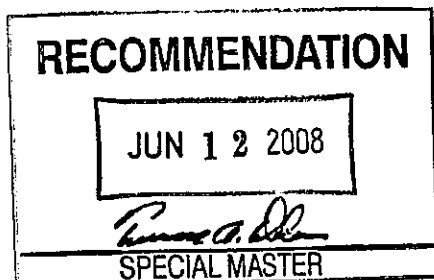
Place of use does not include federal public lands.

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

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DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
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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 75-04366

NAME AND ADDRESS: JEAN STOKES
ROBERT HEBER STOKES
153 DIAMOND CRK RD
SALMON, ID 83467

SOURCE: WASTE WATER TRIBUTARY: SALMON RIVER

QUANTITY: 1.88 CFS

Right Nos. 75-4366 and 75-4367 are limited to a total combined
diversion rate of 0.02 cfs/acre.

PRIORITY DATE: 04/01/1886

POINT OF DIVERSION: T22N R22E S18 LOT 5 (NWNE) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	1.88 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T22N R22E S07 LOT 9 (NESW) 5.0	SESW 28.0
	LOT 11 (SWSE) 20.0	
	S18 LOT 5 (NWNE) 31.0	NENW 10.0
	94.0 Acres Total	

Right Nos. 75-4366 and 75-4367 are limited to the irrigation of
a combined total of 94 acres in a single irrigation season.
Place of use does not include federal public lands.

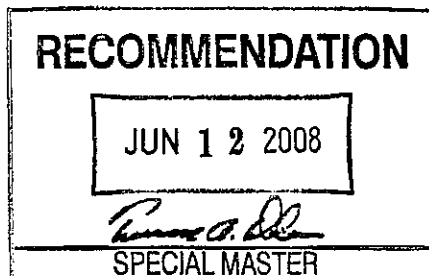
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right remains subject to the right of the original
appropriator, in good faith and in compliance with state laws
governing changes in use and/or expansion of water rights, to
cease wasting water, to change the place or manner of wasting
it, or to recapture it.

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
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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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-04367

NAME AND ADDRESS: JEAN STOKES
ROBERT HEBER STOKES
153 DIAMOND CRK RD
SALMON, ID 83467

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.40 CFS

Right Nos. 75-4366 and 75-4367 are limited to a total combined
diversion rate of 0.02 cfs/acre.
The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1912

POINT OF DIVERSION: T22N R22E S18 SWNENW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.40 CFS
	Stockwater	01-01 TO 12-31	0.03 CFS

PLACE OF USE:			
Irrigation			Within Lemhi County
	T22N R22E S07 LOT 9	(NESW) 0.5	SESW 17.0
	S18 LOT 5	(NWNE) 4.5	NENW 10.0
	32.0 Acres Total		
Stockwater			Within Lemhi County
	T22N R22E S07 LOT 9	(NESW)	

Right Nos. 75-4366 and 75-4367 are limited to the irrigation of
a combined total of 94 acres in a single irrigation season.
Place of use does not include federal public lands.

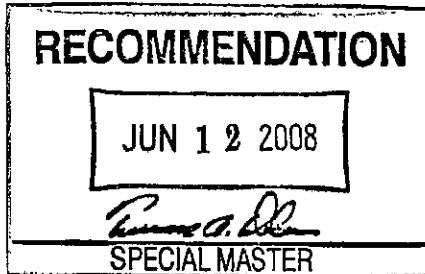
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for
stockwater use 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
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

2008 JUN 12 PM 1:44

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 75-00087C
75-02099 75-04366 75-04367

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 June 12, 2008, with sufficient first-class postage prepaid to the following:

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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

JEAN STOKES
ROBERT HEBER STOKES
153 DIAMOND CRK RD
SALMON, ID 83467
Phone: 208-756-3423

CERTIFICATE OF MAILING

Robbin Hall
ROBBIN HALL
Deputy Clerk

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06/12/08

DISTRICT COURT-SEDA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA)
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Case No. 39576)
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Water Right(s): 75-00087C
75-02099 75-04366 75-04367

ROBBIN HALL
Deputy Clerk