

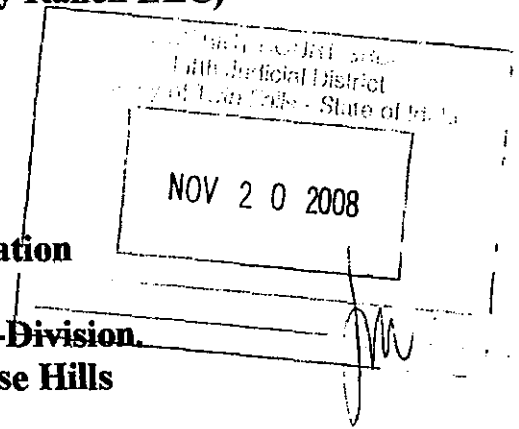
11-13-08

**DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
Sub-Cases 74-179C, 74-179D, 74-180B, 74-4006, 74-15520,
74-15521
(Stokes and Eagle Valley Ranch LLC)**

SRBA Case No. 39576

**To - Terrence A Dolan
Special Master Snake River Basin Adjudication**

**From -The residence of the Barracks Lane Sub-Division.
Formerly known as Lot # 1 of the Sunrise Hills
Sub-Division.**



**Subject-The objection to SBRA Case # 39676.
Failure to transfer water rights and the overuse of water.**

This objection centers around Earl Stokes and his failure to comply with Idaho statutes. On August 26th, 1986, Stokes sold Charles Freel Lot #1 of the Sunrise Hills Sub-Division. This constituted approximately forty acres. In doing so Stokes removed the water rights from Lot #1. The IDWR was established in 1987. All water users were notified to file all their transfers of water rights and water usage. At this time Stokes failed to comply with IDWR directives.

Although the state legislature gave water users a waiver under statutes 42-1425, and 42-1426, Stokes did not comply with the law. Not only did Stokes fail to transfer Lot # 1 water rights, he also failed to inform the IDWR as to where the water was to be used. In this case the water was excessively used on existing irrigated land leased by the Jolley Ranch. This is a clear violation of water usage as no permit was given by the IDWR for expanded water use.

A fraudulent situation appears to have occurred. When Stokes sold Lot#1 he failed to transfer the water rights. He then told the residents of the Barracks Lane Sub-Division that they did not have any water

rights. Over a 20 year period Stokes violated Sections 42-201 and 42-202 of the state water statutes. (Failure to transfer water rights and pay filing fees)

Stokes negated his responsibility to reserve these water rights during this period of time. Statutes are made to control the conduct of the public. If there are no consequences for violating state laws the statutes become ineffective. In this case the most appropriate outcome should be that Stoke's water rights to Lot # 1 be forfeited. The original water rights should stay with the land.

Sidney Cook

Sidney D Cook

Marlene Cook

Marlene Cook