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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 28 2009

By _____

Clerk

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) Subcase 47-4272
Case No. 39576) (Stokes)
)
) ORDER GRANTING MOTION
) TO FILE LATE OBJECTION AND
) SETTING STATUS CONFERENCE

On February 2, 2007, the Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Use, Reporting Area 12, IDWR Basin 47*. The Director recommended claim 47-4272, filed by Fred L. Fairchild, be disallowed: "No lawful appropriation shown."

On September 26, 2008, Gary and Teri Stokes, 296 South, 100 West, Jerome, Idaho, 83338, wrote to the SRBA Court and stated: "I am writing a letter to the court for permission for filing a late objection because we just bought the property." Attached to the letter was an *Objection* alleging: "Evidence is available that shows use by about 1969." The Stokes bought the property by Trust Deed dated September 12, 2008.

A hearing on the Stokes' motion to file a late objection was held by telephone on January 22, 2009. Gary D. Stokes appeared *pro se* and Nicholas B. Spencer appeared for IDWR. Mr. Spencer noted the beneficial use claim was recommended disallowed because there was no evidence submitted of priority. Nevertheless, he suggested the late objection be granted so the claimants could offer proof of priority.

THEREFORE, IT IS ORDERED that:

1. The Stokes' motion to file late objection is **granted**; and
2. A status conference will be held by telephone on **Thursday, April 16, 2009, 9:30 a.m.**

DATED January 28, 2009.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE OBJECTION AND SETTING STATUS CONFERENCE was mailed on January 28, 2009, with sufficient first-class postage to the following:

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

GARY & TERI STOKES
GARY D STOKES
TERI STOKES
296 S 100 W
JEROME, ID 83338