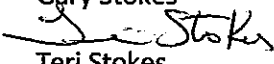


10/07/09

In reference to the SRBA Case No. 39576-subcase 47-4272 Special Master Report we are asking for a motion to amend. This waste water has been running through the property prior to the 1960's. And this is the only place this wastewater has run. We are asking for the amount that has been flowing through this property prior to the 1960's realizing that this is waste water and it varies throughout the irrigation season while sometimes there is no water in the ditch.

Thanks


Gary Stokes

Teri Stokes

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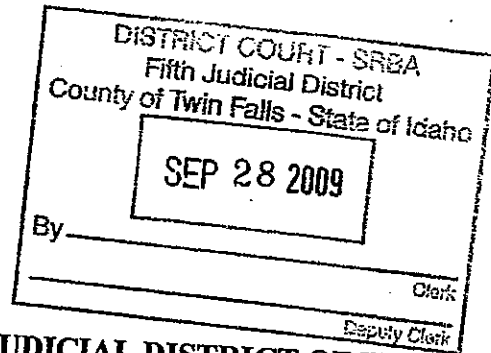
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) Subcase 47-4272
) (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 12, IDWR Basin 47* on February 2, 2007. The Director recommended the claim, 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 stating: "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 Stokeses bought the property by Trust Deed dated September 12, 2008.

On January 28, 2009, the Stokeses were granted leave to file a late objection. On April 21, 2009, they were granted leave to amend their claim to .46 cfs of waste water to irrigate 23 acres in Twin Falls County from March 15 to November 15 with a priority date of March 15, 1958, based on beneficial use.

IDWR filed an *Amended Director's Report, Subcase 47-4272* on June 22, 2009, recommending the claim for .17 cfs from an unnamed stream to irrigate 8.5 acres. No one objected to IDWR's amended recommendation.