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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB - 8 2010	
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 (Stokes)
	)	
Case No. 39576	)	ORDER DENYING MOTION TO ALTER OR
	)	AMEND
_____	)	

A *Special Master Report and Recommendation* was entered on September 28, 2009, recommending that Gary and Teri Stokes be decreed .17 cfs from an unnamed stream to irrigate 8.5 acres with a priority date of March 15, 1964. The Stokeses wrote a letter to the SRBA Court on October 9, 2009, seeking to amend the *Recommendation*: "We are asking for the amount that has been flowing through this property prior to the 1960's realizing that it is waste water and it varies throughout the irrigation season while sometimes there is no water in the ditch."

A hearing on the Stokes' motion to alter or amend was held on February 4, 2010. Gary Stokes appeared *pro se* and Nicholas B. Spencer appeared for IDWR, along with Water Rights Supervisor Doug Jones. IDWR opposed any change in its recommendation because there was no evidence of additional irrigation based on available aerial photography and because the Stokeses are barred from offering new evidence not presented in earlier proceedings. Mr. Jones also explained the current moratorium on new appropriations in the area which concerned the Stokeses. The Stokeses failed to show good cause to amend the *Recommendation*.

THEREFORE, IT IS ORDERED that the Stokes' motion to alter or amend is **denied**.

DATED February 8, 2010.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DENYING MOTION TO ALTER OR AMEND was mailed on February 08, 2010, 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