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JUN 21 2010
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 18 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 74-843
	)	(Stokes)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

Findings of Fact

On July 9, 2007, former-SRBA Presiding Judge John M. Melanson entered a *Partial Decree* in subcase 74-843 adjudicating to Betty and Earl Stokes 3.25 cfs from the Lemhi River to irrigate 109 acres in Lemhi County from March 15 to November 15 with a priority date of June 1, 1884. In a related subcase, on April 21, 2010, the Stokeses filed an *Objection* in subcase 74-14691 objecting to that claim being decreed disallowed on April 13, 2010, alleging the 10.8 acres claimed in that subcase have been irrigated continuously for at least the last 77 years. On May 3, 2010, Mr. Stokes wrote a letter to the SRBA Court and attached a letter from E. Dale Jolly confirming that the land was irrigated since before 1956.

A hearing on the Stokes' *Objection* in subcase 74-14691, in the nature of a motion to set aside, was held on May 13, 2010. After review of the facts, the Stokeses agreed with IDWR that the *Partial Decree* in subcase 74-843 should be set aside to include that acreage as an accomplished transfer without increasing the acreage or quantity. That done, the Stokeses moved to set aside the *Partial Decree* in subcase 74-843. In the meantime, the Stokes' *Objection* in subcase 74-14691 would be put on hold in hopes that the matter will be resolved by amendment of the *Partial Decree* in subcase 74-843.

On June 16, 2010, IDWR filed a proposed amended partial decree in subcase 74-843 describing how it agrees the water right should be decreed with the accomplished transfer acreage included. The Stokeses agree with the proposed amendment.

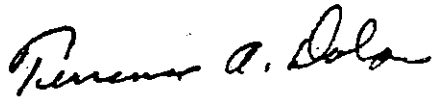
Conclusions of Law

The Stokeses have shown good cause to have the *Partial Decree* in subcase 74-843 set aside and amended.

Recommendation

THEREFORE, IT IS RECOMMENDED that the *Partial Decree* in subcase 74-843 be set aside and amended as described in the attached proposed amended partial decree.

DATED June 18, 2010.



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)
)
Case No. 39576)
)

AMENDED
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 74-00843

NAME AND ADDRESS: BETTY W STOKES
EARL DEAN STOKES
19 N BARRACKS LN
SALMON, ID 83467

SOURCE: LEMHI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 3.25 CFS

PRIORITY DATE: 06/01/1884

POINT OF DIVERSION: T21N R23E S32 NENE Within Lemhi County
S33 NWNW

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 3.25 CFS

PLACE OF USE: Irrigation Within Lemhi County
T21N R23E S29 SWNW 0.9 NESW 15.0
NWSW 32.0 SWSW 15.0
SESW 22.0 SWSE 21.0
S30 NESE 1.8 SESE 0.6
108.3 Acres Total

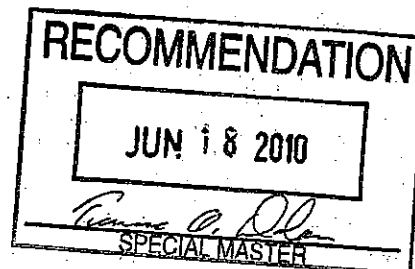
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication



DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 18 2010	
By _____	Clark
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)
)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

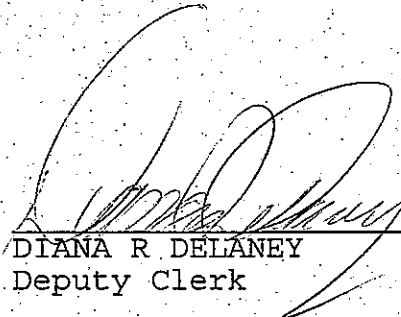
Water Right(s): 74-00843

On June 18, 2010, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED June 18, 2010.



DIANA R. DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUN 18 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)

Case No. 39576)

CERTIFICATE OF MAILING

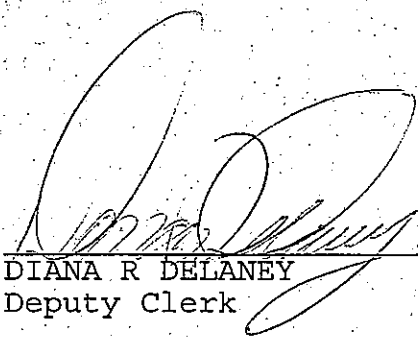
Water Right(s): 74-00843

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 18, 2010, with sufficient first-class postage prepaid to the following:

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

BETTY W STOKES
EARL DEAN STOKES
19 N BARRACKS LN
SALMON, ID 83467
Phone: 208-756-2460



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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06/18/10