

RECEIVED

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	) Subcases
	) 74-179C (Eagle Valley Ranch LLC)
Case No. 39576	) 74-179D (Stokes)
	) 74-180B
	) 74-15890 (Stokes)
	) 74-15891 (Eagle Valley Ranch LLC)
	) 74-4006 (Stokes)
	) 74-15520 (Stokes)
	) 74-15521 (Eagle Valley Ranch LLC)
	)
	) 2 nd SPECIAL MASTER REPORT
	) AND RECOMMENDATION

Findings of Fact

On May 8, 2009, former-SRBA Presiding Judge John M. Melanson entered an *Order Setting Aside Partial Decrees and Order of Recommitment* setting aside *Partial Decrees* in subcases 74-179C, 74-179D, 74-180B, 74-4006, 74-15520 and 74-15521. On January 22, 2010, Boyd Stokes, chairman of Water District 74-C, and E. Dale Jolley wrote a letter to the Court stating that Boyd Stokes ranches with his father-in-law, Mr. Jolley, and their ranch (Jolley Ranch) is separate from the Dean Stokes Ranch. He also wrote that Mr. Jolley's ditch only carries water to the Jolley Ranch, not to several people who live in the subdivision "where Mr. Jolley's ditch is located." Then, the matter was set for trial to begin on May 21, 2010.

On January 29, 2010, IDWR filed an *Amended Director's Report* recommending claim 74-180B be disallowed because of a split (74-15890 and 74-15191), plus the followings:

Eagle Valley Ranch LLC
446 Bohannon Creek Road
Salmon, Idaho, 83467

74-179C
74-15520
74-15521
74-15891

Betty and Earl Stokes
19 N. Barracks Lane
Salmon, Idaho, 83467

74-179D
74-4006
74-15890

Vincent and Malinda Tracy filed their *Objection to IDWR Recommendations* on March 1, 2010. Earl and Boyd Stokes and Mr. Jolley responded by letter on March 12, 2010, stating they agree with IDWR's *Amended Director's Report*. Finally, on March 20, 2010, the Tracys, the Stokeses, Mr. Jolley and Eagle Valley Ranch LLC (by Mike Kossler) filed a *Memorandum Agreement Stipulating to Vacate Trial Setting* in which the Tracys withdrew their *Objection to the Amended Director's Report*.

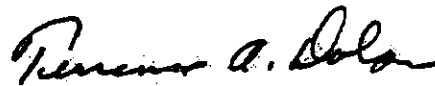
Conclusions of Law

1. Eagle Valley Ranch LLC and the Stokeses are entitled to partial decrees adjudicating water rights as described in the *Amended Director's Report* and the attached *Special Master Recommendations for Amended Partial Decrees for Water Rights 74-179C, 74-179D, 74-4006, 74-15520, 74-15521, 74-15890 and 74-15891*.
2. The claimants are **not** entitled to a water right for claim 74-180B because of the split.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 74-180B be **disallowed**.

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

AMENDED

In Re SRBA)
)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 74-00179C

NAME AND ADDRESS: EAGLE VALLEY RANCH LLC
446 BOHANNON CREEK RD
SALMON, ID 83467

SOURCE: BOHANNON CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 1.02 CFS

PRIORITY DATE: 06/01/1897

POINT OF DIVERSION: T21N R23E S28 SENE Within Lemhi County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.02 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
T21N R23E S20	SWSE 24.7	SESE 27.5
S21	NESW 1.0	NWSW 2.0
	SWSW 25.0	SESW 36.0
	NESE 20.0	NWSE 10.0
	SWSE 37.0	SESE 14.0
S28	NWNW 6.3	
S29	NENE 19.2	NWNE 36.0
	SENE 9.7	
268.4 Acres Total		

THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 268.4 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 74-179C, 74-15520, 74-15521 & 74-15891.

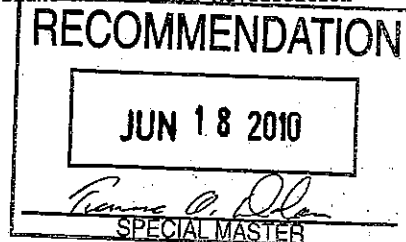
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 74-00179D

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

SOURCE: BOHANNON CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 2.00 CFS

PRIORITY DATE: 06/01/1897

POINT OF DIVERSION: T21N R23E S15 SESE Within Lemhi County
S28 SENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		03-15 TO 11-15	2.00 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
T21N R23E S29	SWNE 14.8 SENE 24.3 NESE 13.0 SESE 7.0	SNNW 3.0 NESW 13.0 NWSE 30.0
105.1 Acres Total		

The rights listed below are limited to the irrigation of a
combined total of 105.1 acres in a single irrigation season.
Combined Right Nos.: 74-179D, 74-4006 and 74-15890.

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

RECOMMENDATION

JUN 18 2010

Thomas A. Olson
SPECIAL MASTER

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

AMENDED

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 74-04006

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

SOURCE: LEMHI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 2.57 CFS

PRIORITY DATE: 04/01/1959

POINT OF DIVERSION: T21N R23E S29 SESESE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.57 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T21N R23E S29	
	SWNE 14.8	SWNW 3.0
	SENW 24.3	NESW 13.0
	NESE 13.0	NWSE 30.0
	SESE 7.0	

105.1 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 74-179C and 74-15890 ^{are} ~~IS~~ LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 105.1 ACRES IN A SINGLE
IRRIGATION SEASON.

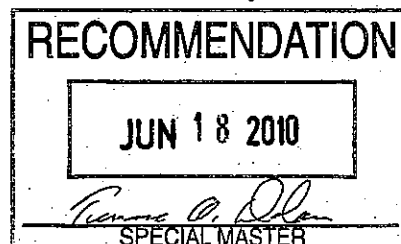
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 74-15520

NAME AND ADDRESS: EAGLE VALLEY RANCH LLC
446 BOHANNON CREEK RD
SALMON, ID 83467

SOURCE: BOHANNON CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.68 CFS

PRIORITY DATE: 03/09/1912

POINT OF DIVERSION: T21N R23E S22 NWNENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.68 CFS

PLACE OF USE:	Irrigation		Within Lemhi County
	T21N R23E S20	SWSE 24.7	SESE 27.5
	S21	NESW 1.0	NWSW 2.0
		SWSW 25.0	SESW 36.0
		NESE 20.0	NWSE 10.0
		SWSE 37.0	SESE 14.0
	S28	NWNW 6.3	
	S29	NENE 19.2	NWNE 36.0
		SENE 9.7	
	268.4 Acres Total		

THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 268.4 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 74-179C, 74-15520, 75-15521 & 74-15891.

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

RECOMMENDATION

JUN 18 2010

Thomas A. Olson
SPECIAL MASTER

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

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 74-15521

NAME AND ADDRESS: EAGLE VALLEY RANCH LLC
6 STEWART RD
SHORT HILLS, NJ 07078

SOURCE: BOHANNON CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 3.83 CFS

PRIORITY DATE: 03/09/1912

POINT OF DIVERSION: T21N R23E S22 NWNENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	3.83 CFS

PLACE OF USE:	Irrigation		Within Lemhi County
	T21N R23E S20	SWSE 24.7	SESE 27.5
	S21	NESW 1.0	NWSW 2.0
		SWSW 25.0	SESW 36.0
		NESE 20.0	NWSE 10.0
		SWSE 37.0	SESE 14.0
	S28	NWNW 6.3	
	S29	NENE 19.2	NWNE 36.0
		SENE 9.7	
	268.4 Acres Total		

The rights listed below are limited to the irrigation of a
combined total of 268.4 acres in a single irrigation season.
Combined Right Nos: 74-179C, 74-15520, 74-15521 and 74-15891.

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

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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

RECOMMENDATION

JUN 18 2010

Thomas A. Olson
SPECIAL MASTER

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

AMENDED

In Re SRBA)
)
Case No. 39576)

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

Water Right 74-15890

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

SOURCE: BOHANNON CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 1.00 CFS

PRIORITY DATE: 03/09/1912

POINT OF DIVERSION: T21N R23E S28 SENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.00 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T21N R23E S29	SWNE 14.8 SENE 7.0
		SNNW 3.0 NENW 13.0 NWSE 30.0
	105.1 Acres Total	

THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 105.1 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 74-179D, 74-4006 & 74-15890.

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

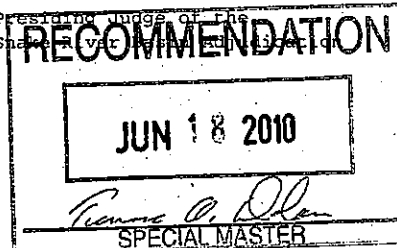
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(5).

RULE 54(b) CERTIFICATE

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Eric J. Wildman

Presiding Judge of the
Snake River Judicial District



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

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 74-15891

NAME AND ADDRESS: EAGLE VALLEY RANCH LLC
446 BOHANNON CREEK RD
SALMON, ID 83467

SOURCE: BOHANNON CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 1.60 CFS

PRIORITY DATE: 03/09/1912

POINT OF DIVERSION: T21N R23E S28 SENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.60 CFS

PLACE OF USE:	Irrigation		Within Lemhi County
	T21N R23E S20	SWSE 24.7	SESE 27.5
	S21	NESW 1.0	NWSW 2.0
		SWSW 25.0	SESW 36.0
		NESE 20.0	NWSE 10.0
		SWSE 37.0	SESE 14.0
	S28	NWNW 6.3	
	S29	NENE 19.2	NWNE 36.0
		SENE 9.7	
	268.4 Acres Total		

THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 268.4 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 74-179C, 74-15520, 74-15521 & 74-15891.

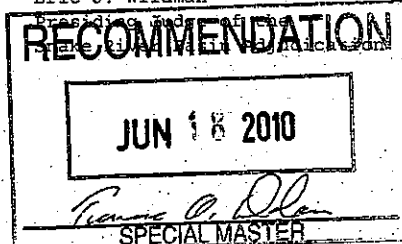
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

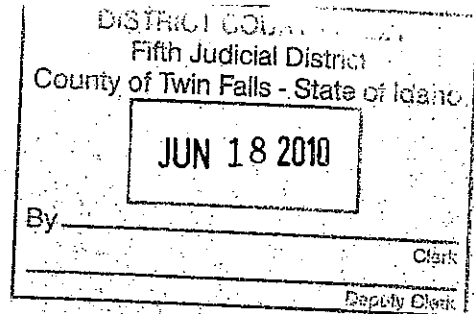
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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





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

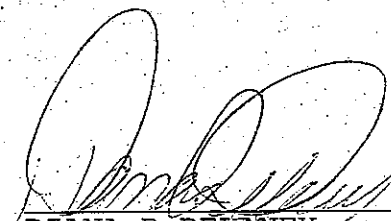
Water Right(s): 74-00179C
74-00179D 74-00180B 74-04006
74-15520 74-15521 74-15890
74-15891

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.

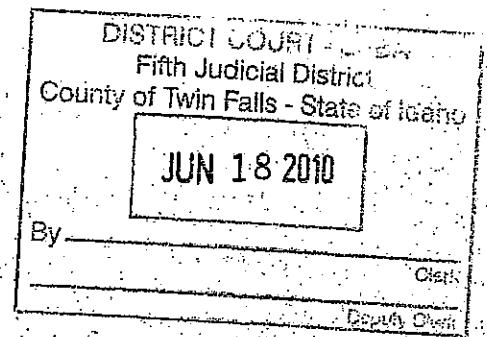
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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



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) : 74-00179C

74-00179D 74-00180B 74-04006

74-15520 74-15521 74-15890

74-15891

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

WATER DISTRICT 74-C
C/O BOYD STOKES
646 LEMHI RD
SALMON, ID 83467
Phone: 208-756-3923

BETTY W STOKES
EARL DEAN STOKES
19 N BARRACKS LN
SALMON, ID 83467

DANIEL & DEIDRE HYDE
25 W FOOTHILL RD
SALMON, ID 83467
Phone: 208-791-5832

CERTIFICATE OF MAILING

PAGE 1
06/18/10

VINCENT & MELINDA TRACY
3 PRAIRIE RD
SALMON, ID 83467

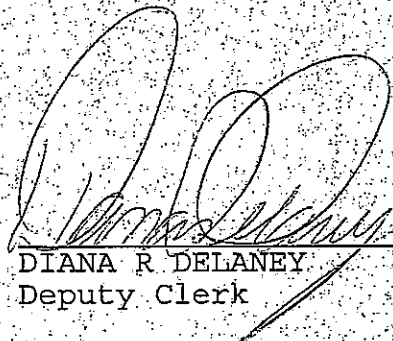
SIDNEY & MARLENE COOK
31 W FOOTHILL RD
SALMON, ID 83467

EAGLE VALLEY RANCH LLC
446 BOHANNON CREEK RD
SALMON, ID 83467

EAGLE VALLEY RANCH LLC
6 STEWART RD
SHORT HILLS, NJ 07078
Phone: 973-376-5036

MELVIN DOMKO
752 LEMHI RD
SALMON, ID 83467
Phone: 208-756-6968

MELVIN & JEAN DOMKO
752 LEMHI RD
SALMON, ID 83467-5146



DIANA R DELANEY
Deputy Clerk