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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: 94-00019

) FOR WATER CLAIM NO. A47-04177E

) RECOMMENDATION ON INTERIM
) ADMINISTRATION FOR 2004 AND
) 2005

This is a companion case filed in the Snake River Basin Adjudication, and assigned number 94-00019 relating to water right claim no. A47-04177E. The case started with a *Petition for Injunctive Relief* filed by Timothy Smalley on August 31, 2001. The case was referred by presiding Judge Roger Burdick September 5, 2001. The *Summons* and *Petition* were served on Marjory Chessmore September 27, 2001. Chessmore filed an *Answer* October 17, 2001.

At the hearing held on July 14, 2004, the Idaho Department of Water Resources reported that this right will be reported in a *Director's Report* with the other claims in Basin 47. The *Director's Report* for that basin is now scheduled to be filed in 2005. The parties have previously agreed on interim administration for the 2002, 2003, and 2004 irrigation seasons. At the July 14, 2004 hearing, the parties presented a stipulation for the 2004 and 2005 irrigation seasons. See, *Stipulation* (July 14, 2004)

Based on the *Stipulation* signed by the parties, IT IS RECOMMENDED that neither Marjory Chessmore nor her successors or assigns shall divert water during the 2004 or 2005 growing season under the claim for A47-04177E. The *Stipulation* does not constitute an admission of any allegations made by Smalley in his *Petition for Injunctive Relief* or a waiver or relinquishment of Chessmore's right or entitlement to her claim to A47-04177E, if any.

DATED: July 21, 2004.


BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

JUL 22 2004

DEPARTMENT OF
WATER RESOURCES

CERTIFICATE OF MAILING

I certify that a true and correct copy of RECOMMENDATION ON INTERIM ADMINISTRATION FOR 2004 AND 2005 was mailed on July 21 2004, with sufficient first-class postage prepaid to the following:

Director of IDWR
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Deputy Clerk