

2005 DEC 20 PM 4 12

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: 94-00019

Case No. 39576

FOR WATER CLAIM NO. : A47-04177E

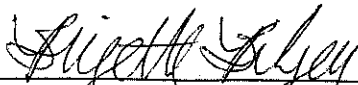
RECOMMENDATION ON INTERIM
ADMINISTRATION FOR 2006

This is a companion case filed in the Snake River Basin Adjudication, and assigned number 94-00019. The companion case originated with a *Petition for Injunctive Relief* filed in 2001. Since the filing of the *Petition for Injunctive Relief*, the parties have reached an agreement on the Interim Administration of water claim A47-04177E. The agreement has been renewed for each irrigation season. The last agreement covered the 2004 and 2005 irrigation seasons. *See, Stipulation* (July 14, 2004) and *Recommendation on Interim Administration for 2004 and 2005* (July 21, 2004)

A hearing was held on December 14, 2005. The Idaho Department of Water Resources reported that the *Director's Report* for basin 47 is scheduled to be filed in 2006. Therefore subcases will likely not be resolved until after the 2006 irrigation season. Consequently, the use of this claim during the 2006 irrigation season needs to be resolved. At the December 14, 2005 hearing, the parties agreed to extend the terms of the *Stipulation* for the 2006 irrigation season.

THEREFORE, based on the oral agreement of the parties, IT IS RECOMMENDED that neither Marjory Chessmore, Bruce L. Waldon, nor their successors or assigns shall divert water during the 2006 growing season under the claim for A47-04177E. The agreement does not constitute an admission of any allegations made by Smalley in his *Petition for Injunctive Relief* or a waiver or relinquishment of either Chessmore's or Waldon's right or entitlement to their claim to A47-04177E, if any.

DATED: December 20, 2005.


BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the RECOMMENDATION ON INTERIM ADMINISTRATION FOR 2006 was mailed on December 20, 2005, with sufficient first-class postage to the following:

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PETITION FOR INJUNCTIVE RELIEF
F/B TIMOTHY & MELISSA SMALLEY
AGAINST BRUCE L WALDON

DIRECTOR OF IDWR
PO BOX 83720
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Deputy Clerk