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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 14 2008	
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

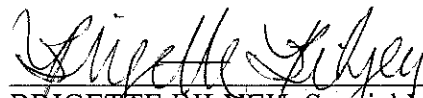
In Re SRBA	)	Subcase: 94-00019
	)	
Case No. 39576	)	WATER CLAIM NO. : A47-04177E
	)	
	)	ORDER DISMISSING WITHOUT
	)	PREJUDICE

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. The *Petition for Injunctive Relief* was filed in part because the *Director's Report* for Basin 47 had not yet been filed and no subcase had been assigned to the water claim. After the filing of the *Petition for Injunctive Relief*, the parties reached an agreement on the Interim Administration of water claim A47-04177E. The agreement was renewed for each irrigation season. The last agreement covered the 2007 irrigation season. ***Recommendation on Interim Administration for 2007*** (March 29, 2007)

The *Director's Report* for Basin 47 was issued in December 2006 and subcase 47-4177E was assigned to Special Master Terrance Dolan. After the *Director's Report* was filed, this Special Master noticed up a final hearing on subcase 94-00019. Subsequently, Mr. Smalley filed a *Motion to Consolidate* and Mr. Waldon filed a *Motion to Dismiss Subcase No. 94-00019* and a *Motion to Vacate and Reset Hearing on Petition for Injunctive Relief*. A hearing was held on January 2, 2008.

At the hearing, Mr. Smalley withdrew the *Motion to Consolidate* and Mr. Waldon withdrew the *Motion to Dismiss Subcase No. 94-00019* and the *Motion to Vacate and Reset Hearing on Petition for Injunctive Relief*. The parties agreed that all issues would be taken up in subcase 47-4177E. This Special Master finalized subcase 94-00019 by dismissing the subcase without prejudice. If issues of interim administration arise, it is anticipated that they may be re-filed in subcase 47-4177E. THEREFORE, IT IS ORDERED that subcase 94-00019 is **dismissed without prejudice**.

DATED: January 14, 2008.


BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DISMISSING WITHOUT PREJUDICE was mailed on January 14, 2008, with sufficient first-class postage to the following:

TIMOTHY SMALLEY

Represented by:
C THOMAS ARKOOSH
301 MAIN ST
PO BOX 32
GOODING, ID 83330
Phone: 208-934-8872

BRUCE L WALDON

Represented by:
SCOTT L CAMPBELL
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

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

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


Deputy Clerk