

**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)

A. Subcase 25-11219
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Roger & Kathy Poole
Address: 3200 E 775 N; Menan, Idaho 83434

Name: Corey Poole
Address: 3028 E 775 N; Menan, Idaho 83434

Name:
Address: ;

Name:
Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: See attached.

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

(1) The United States of America, through the Bureau of Land Management, is the owner of the land upon which a portion of the use is claimed. The claimant's use includes a use of Federal land that is unauthorized. Claimant's water right should not include POUs describing federal public land. (2) Other POUs contain both private and public land. The description should be clarified such that it is clear only non-federal land is intended, such as by a remark under place of use, "The use of water under this right does not include a use on federal public land."

F.

VERIFICATION (Must be Completed)

State of Idaho

)

) ss.

County of ADA

)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

(Attorney signing in representative capacity)

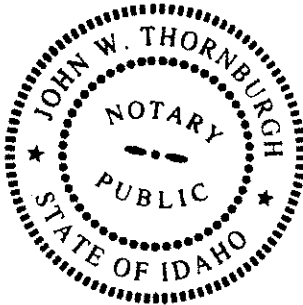
Subscribed and sworn to before me on: 6-21-05

John W. Thornburgh
John W. Thornburgh

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 5/16/2009



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on June 22, 2005, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

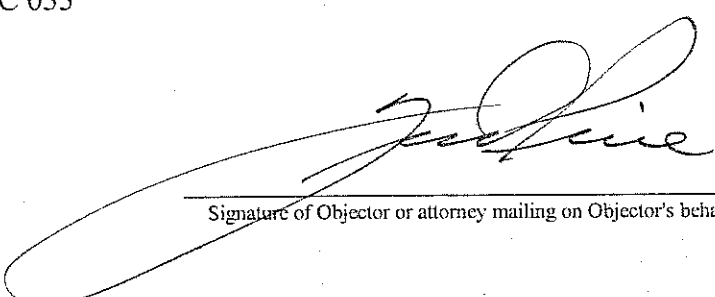
Name: Roger & Kathy Poole
Address: 3200 E 775 N; Menan, Idaho 83434
Name: Corey Poole
Address: 3028 E 775 N; Menan, Idaho 83434
Name:
Address: ;
Name:
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 25-11219

NAME AND ADDRESS: KATHY POOLE
3200 E 775 N
MENAN ID 83434

* Use of water under this right describes both public and private land (mixed ownership descriptions). Clarify legal descriptions so that it is clear that only private land is intended.

COREY POOLE
3028 E 775 N
MENAN ID 83434

**Claimant is not authorized to farm federal public land. Remove this POU from the claim.

ROGER POOLE
3200 E 775 N
MENAN ID 83434

SOURCE: EMIGRANT CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 4.340 CFS

PRIORITY DATE: 06/01/1896

In times of scarcity, this right shall be subordinate to all surface water rights diverted from the Snake River and its tributaries, with a priority date earlier than December 16, 1910, as adjudicated by the court in Rexburg Irrigation Company, et al. v. Teton Irrigation Canal Company, et al. (Sixth Judicial District, Fremont County, December 16, 1910), commonly known as the Rexburg Decree.

POINT OF
DIVERSION: T05N R38E S19 SWSWSW Lot 4 Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	4.340 CFS

PLACE OF USE:

IRRIGATION		Within JEFFERSON County	
T05N R37E S22	SESW 3.2	*Mixed ownership description	
T05N R37E S22	Lot 6 NESE 10.0		
T05N R37E S22	Lot 5 NWSE 18.0		
T05N R37E S22	SWSE 2.4	*Mixed ownership description	
T05N R37E S26	SWNE 40.0		
T05N R37E S26	SENE 34.0		
T05N R37E S26	Lot 1 SWNW 6.9		
T05N R37E S26	Lot 2 SENW 35.0		
T05N R37E S26	Lot 5 SENW 0.2		
T05N R37E S27	Lot 1 NWNW 38.0		
T05N R37E S27	SENE 5.2	*Mixed ownership description	
T05N R37E S27	Lot 7 SENE 16.0		
T05N R37E S27	NENW 2.9	*Mixed ownership description	
T05N R37E S27	Lot 2 NENW 26.0		
T05N R37E S27	Lot 3 NWNW 17.0		
T05N R37E S27	SWNW 3.0		

T05N	R37E	S27	Lot 4	SWNW	38.0	
T05N	R37E	S27		SENE	40.0	
T05N	R37E	S27		NESW	10.8	
T05N	R37E	S27	Lot 5	NESW	27.0	
T05N	R37E	S27		NWSW	28.7	*Mixed ownership description
T05N	R37E	S27	Lot 5	NWSW	2.1	
T05N	R37E	S27		SESW	6.5	*Mixed ownership description
T05N	R37E	S27		NESE	0.3	*Mixed ownership description
T05N	R37E	S28		NENE	2.0	*Mixed ownership description
T05N	R37E	S28	Lot 12	NENE	0.2	**Entirely BLM-unauthorized
T05N	R37E	S28		SENE	10.0	*Mixed ownership description
T05N	R37E	S28		NESE	1.9	*Mixed ownership description

425.3 ACRES TOTAL

Use of the rights listed below is limited to the irrigation of a combined total of 425.3 acres in a single irrigation season. Combined Right Nos.: 25-245, 25-11218, and 25-11219.

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. Section 42-1412(6), Idaho Code.

Rights have also been claimed to water from Basin 01 for the same purpose of use at the same place of use described above, which will be included in a Directors Report to be filed at a later date. Any water rights recommended in the Basin 01 report for the same purpose of use at the same place of use described above will contain combined use limitations for this right and the Basin 01 rights.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Use of this right is combined with water from Long Island Irrigation Co.

Water is delivered through Bear Trap Canal.

This right is a combination of old right nos. 25-232 and 25-244.

Use of water under this right describes both public and private land (see attached). Either describe places of use with further legal clarification or insert the following language under place of use:

"The use of water under this right does not include a use on federal public land."

25-11219

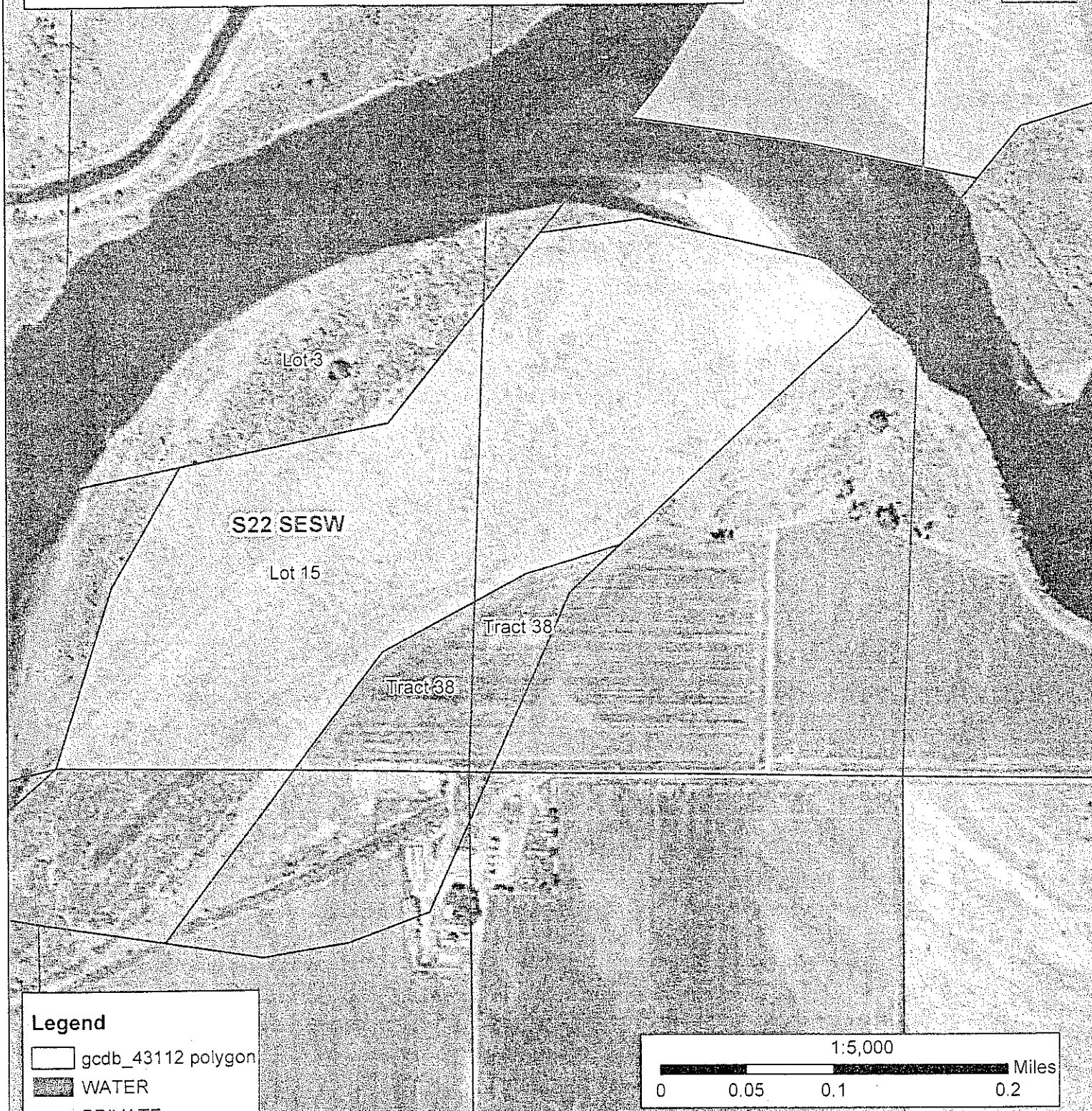
POOLE
COREY

B25 Irrigation and Other D.R. -FINAL
Objection Candidate -POU His

Land Ownership

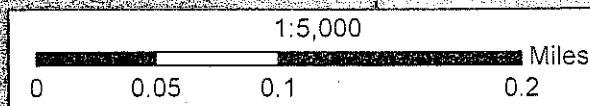
Twp	Rge	Sec	QQ	Qtr	Lot	Subcase	Mix	PVT	BLM	FS	BOR	OtherFed	State
05N	37E												
05N	37E												
05N	37E	22	SW	SE	25-11219		☒	☒	☒	☐	☐	☐	☐ Lot 5, Tract 38, or Lot 16 (L16=BLM)
05N	37E	22	SE	SW	25-11219		☒	☒	☒	☐	☐	☐	☐ Lot 3, Tract 38, or Lot 15 (L15=BLM)
05N	37E	27	SE	NE	25-11219		☒	☒	☒	☐	☐	☐	☐ Lot 7, Tract 41, or Lot 19 (L19=BLM)
05N	37E	27	NE	NW	25-11219		☒	☒	☒	☐	☐	☐	☐ Lot 2, Tract 39, or Lot 18 (L18=BLM)
05N	37E	27	NE	SE	25-11219		☒	☒	☒	☐	☐	☐	☐ Lot 6, Tract 41, or Lot 20 (L20=BLM)
05N	37E	27	NW	SW	25-11219		☒	☒	☒	☐	☐	☐	☐ Lot 5, Tract 42, or Lot 21 (L21=BLM)
05N	37E	27	SE	SW	25-11219		☒	☒	☒	☐	☐	☐	☐ Lot 9, Tract 42, or Lot 22 (L22=BLM)
05N	37E	28	NE	NE	25-11219		☒	☒	☒	☐	☐	☐	☐ Lot 5, Lot 12 or Tract 40 (L5/L12=BLM)
05N	37E	28	NE	NE	12 25-11219		☐	☐	☒	☐	☐	☐	☐
05N	37E	28	SE	NE	25-11219		☒	☒	☒	☐	☐	☐	☐ Lot 13 or Tract 40 (L13=BLM)
05N	37E	28	NE	SE	25-11219		☒	☒	☒	☐	☐	☐	☐ Lot 4, Tract 40, or Lot 14 (L14=BLM)

25-00245, 25-11218 & 25-11219 Roger, Corey & Kathy Poole
T05N R37E S22 SESW mixed ownership
Lot 3 & Tract 38 Private
Lot 15 BLM



Legend

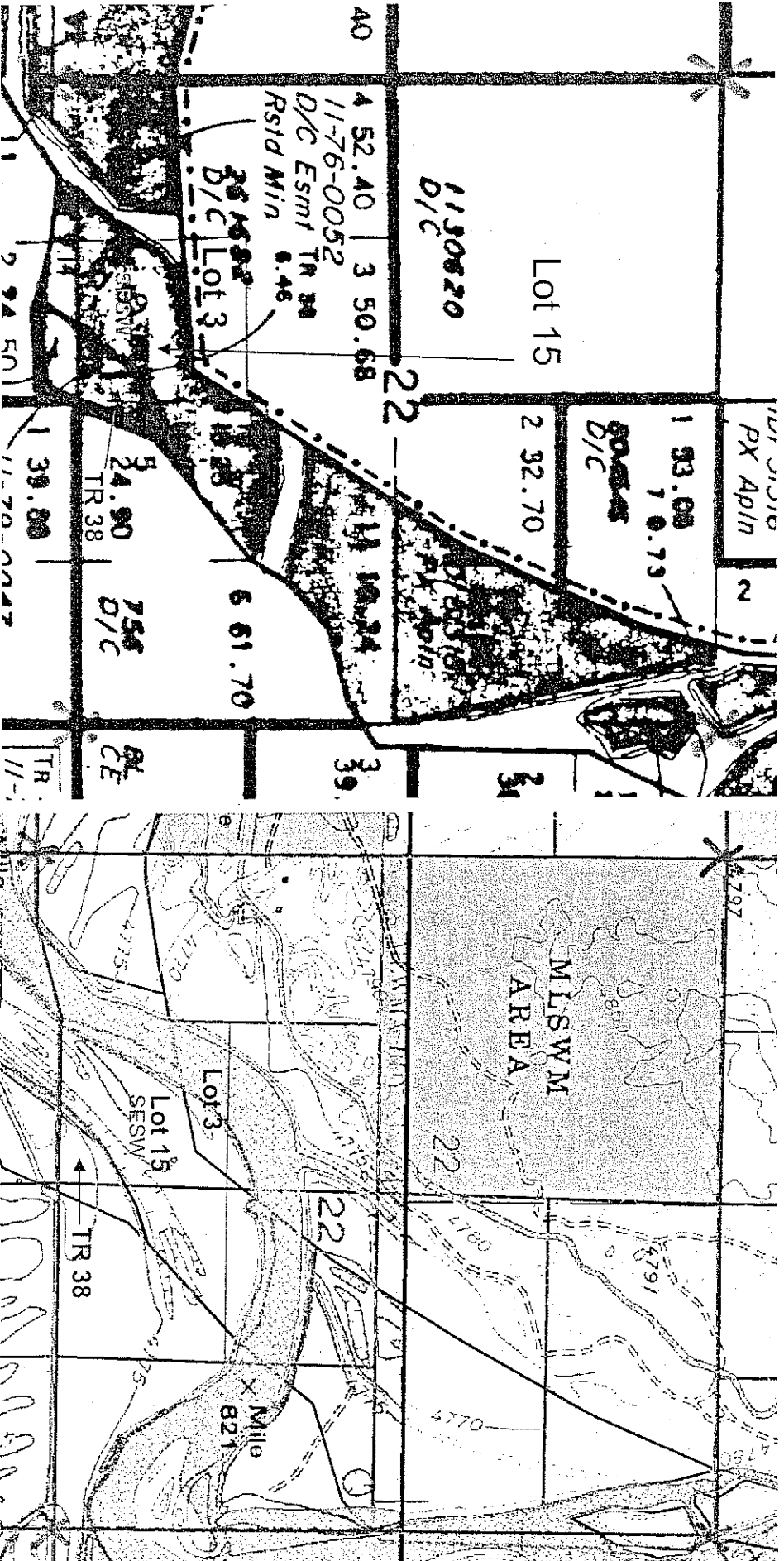
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-  WATER
-  PRIVATE
-  BLM
-  STATE
-  USFS
-  USFWS



DRAFT: PRODUCED BY THE BLM, IDAHO FALLS FIELD OFFICE.
Projection Universal Transverse Mercator
Zone 12, 1983 North American Datum
No warranty is made by the Bureau of Land Management
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for individual or aggregate use with other data.
Prepared by Wendy Velman on 05/02/2005 from digitized data.
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POU Hits

T05N R37E S22 SESW



05N	37E	22 SE	SW	25-00245	☒	☒	☒	Lot 3, Tract 38, or Lot 15 (L15=BLM)
05N	37E	22 SE	SW	25-11218	☒	☒	☒	Lot 3, Tract 38, or Lot 15 (L15=BLM)
05N	37E	22 SE	SW	25-11219	☒	☒	☒	Lot 3, Tract 38, or Lot 15 (L15=BLM)

25-00245, 25-11218 & 25-11219 Roger, Corey & Kathy Poole
T05N R37E S22 SWSE mixed ownership
Lot 5 & Tract 38 Private
Lot 16 BLM



Lot 16

S22 SWSE

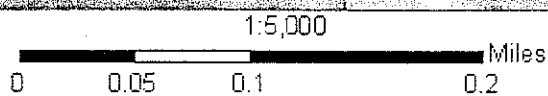
Tract 38

Lot 5

Tract 38

Legend

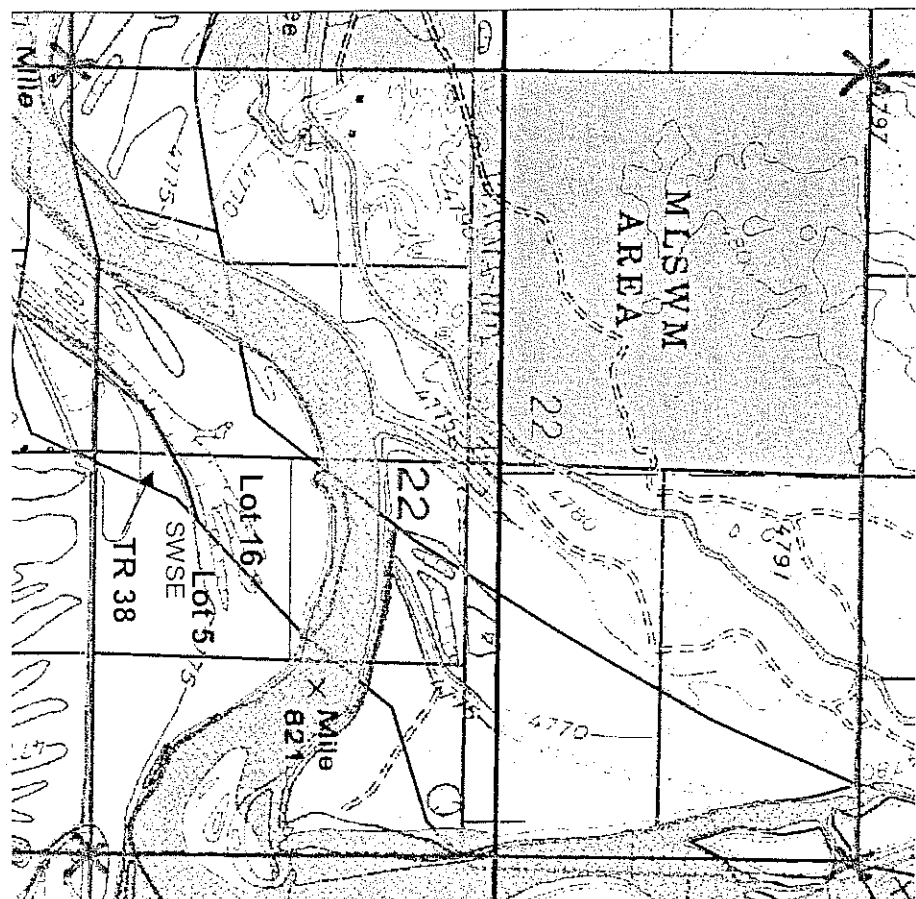
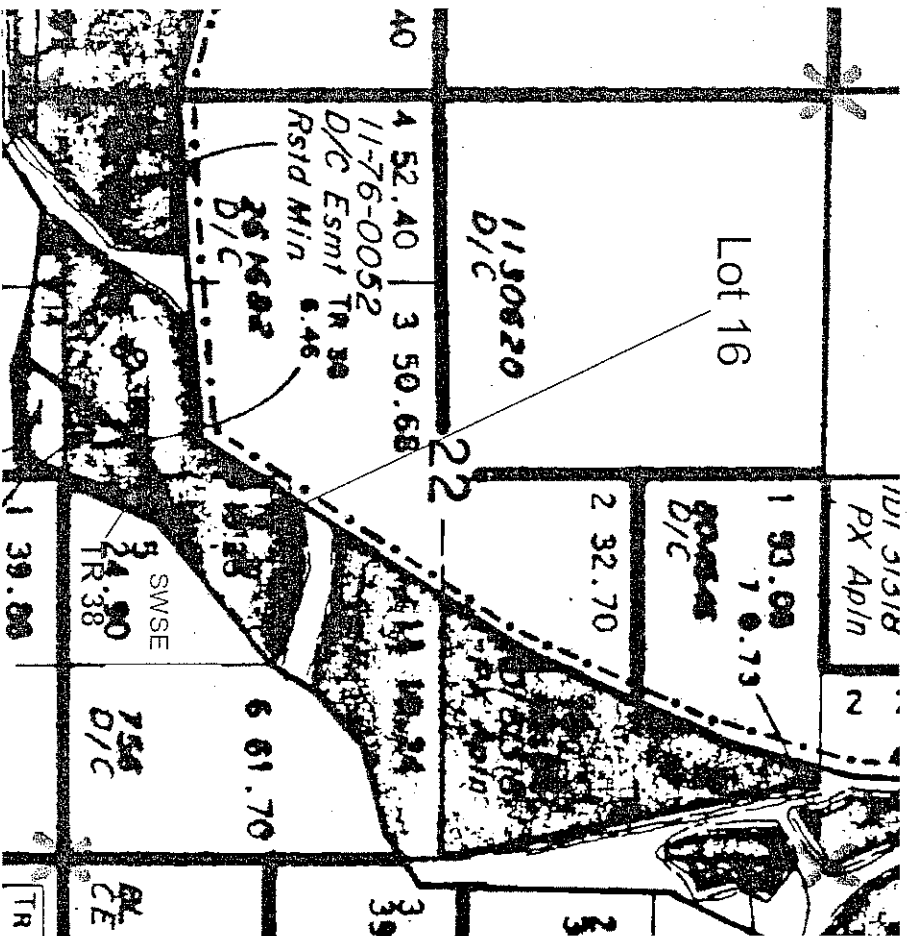
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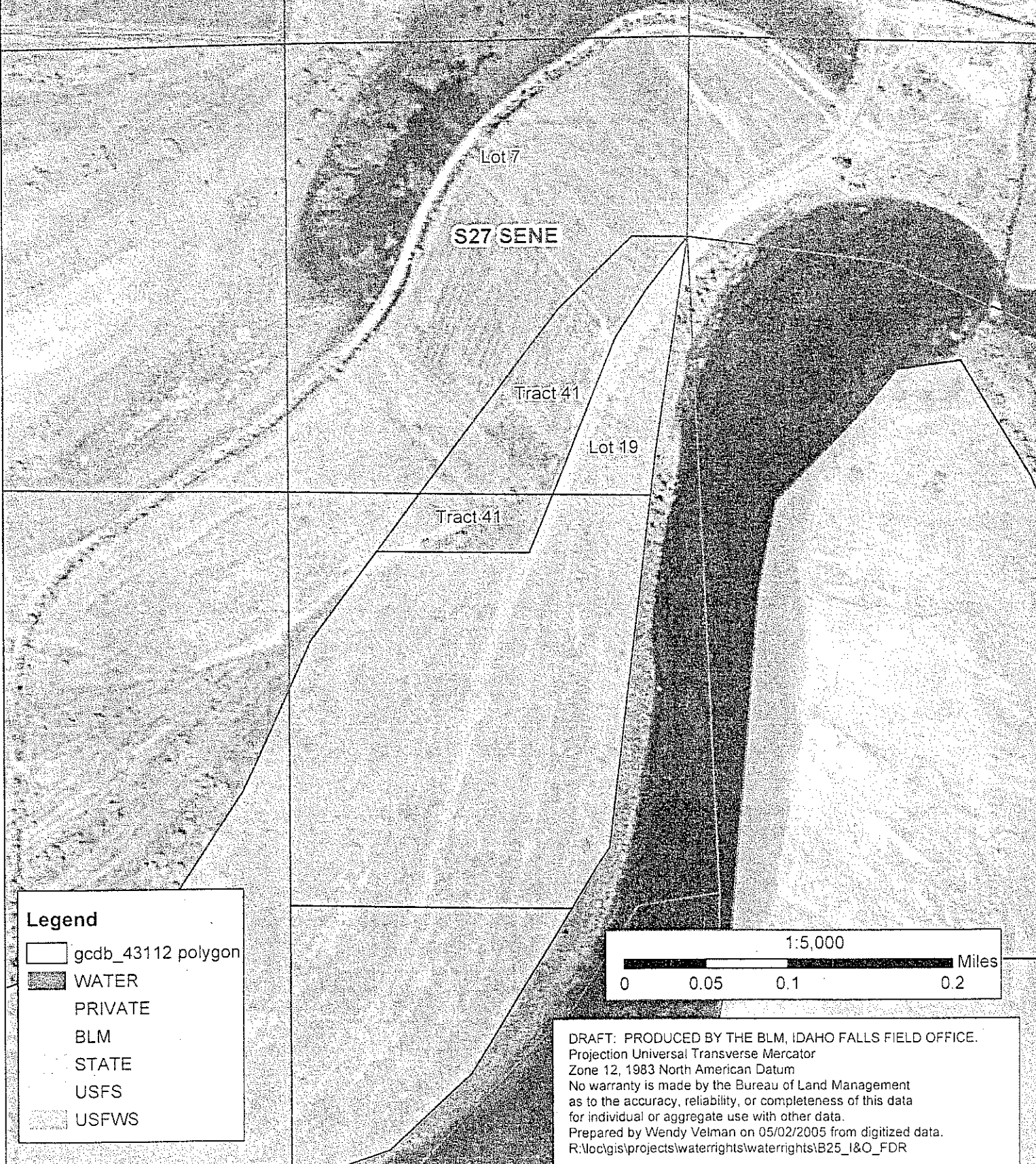
POU Hits

T05N R37E S22 SWSE



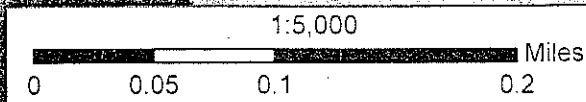
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05N	37E	22 SW	SE	25-11218	☒	☒	☒	Lot 5, Tract 39, or Lot 16 (L16=BLM)
05N	37E	22 SW	SE	25-11219	☒	☒	☒	Lot 5, Tract 39, or Lot 16 (L16=BLM)

25-00245, 25-11218 & 25-11219 Roger, Corey & Kathy Poole
T05N R37E S27 SENE mixed ownership
Lot 7 & Tract 41 Private
Lot 19 BLM



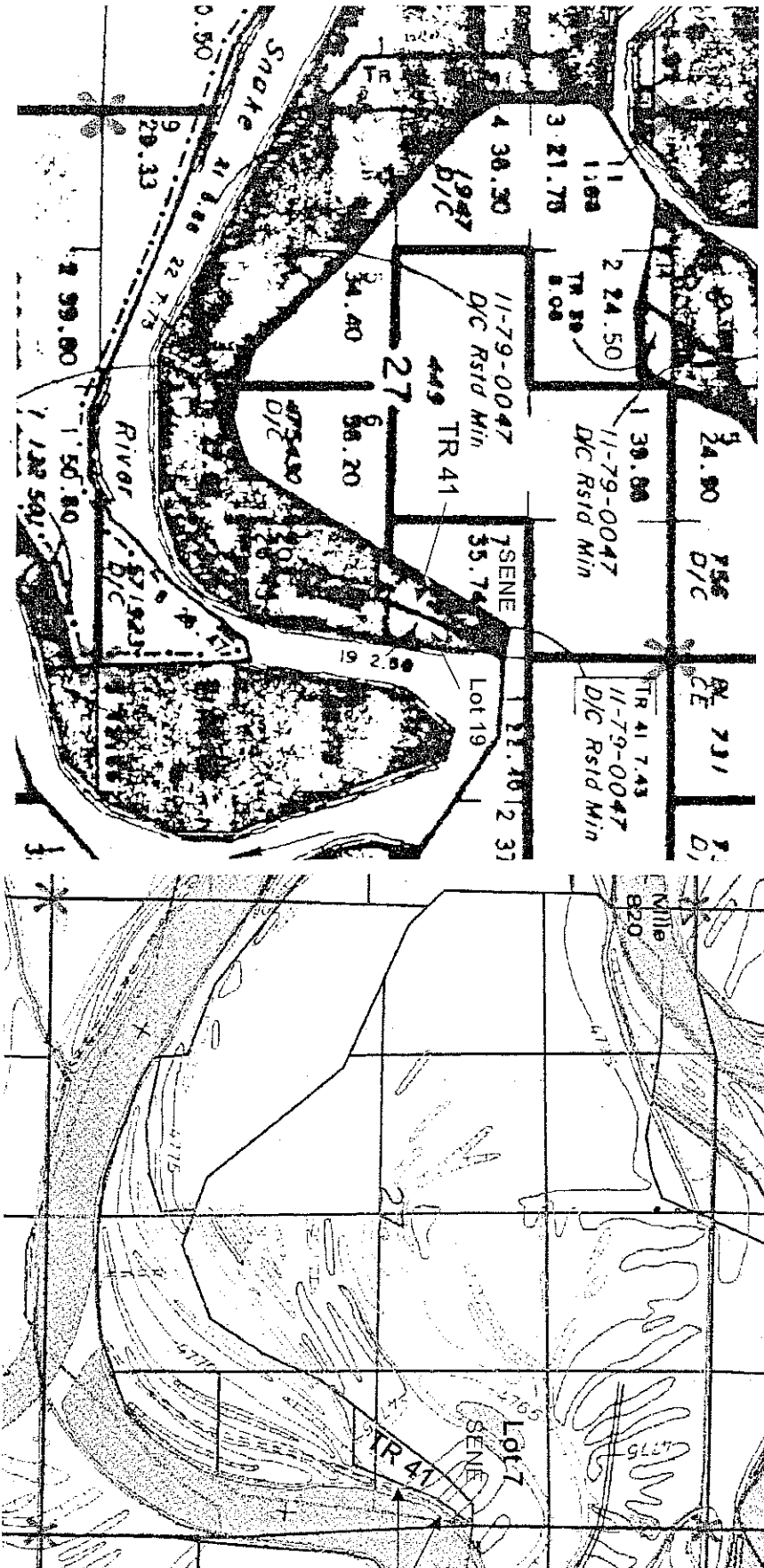
Legend

-  gcdb_43112 polygon
-  WATER
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-  USFS
-  USFWS



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T05N R37E S27 SENE



Lot 19

05N 37E	27 SE	NE	25-00245	☒	☒	☒	Lot 7, Tract 41, or Lot 19 (L19-BLM)
05N 37E	27 SE	NE	25-11218	☒	☒	☒	Lot 7, Tract 41, or Lot 19 (L19-BLM)
05N 37E	27 SE	NE	25-11219	☒	☒	☒	Lot 7, Tract 41, or Lot 19 (L19-BLM)

25-00245, 25-11218 & 25-11219 Roger, Corey & Kathy Poole
T05N R37E S27 NENW mixed ownership
Lot 2 & Tract 39 Private
Lot 18 BLM



Lot 18

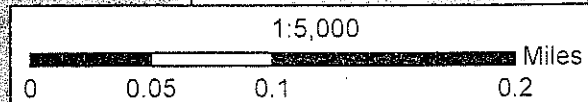
Tract 39

S27 NENW

Lot 2

Legend

-  gcdb_43112 polygon
-  WATER
-  PRIVATE
-  BLM
-  STATE
-  USFS



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25-00245, 25-11218 & 25-11219 Roger, Corey & Kathy Poole
 T05N R37E S27 NWSW mixed ownership
 Lot 5 & Tract 42 Private
 Lot 21 BLM



S27 NWSW

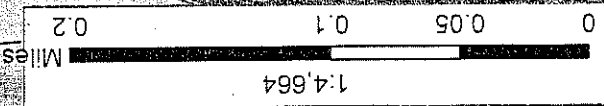
Tract 42

Lot 5

Lot 21

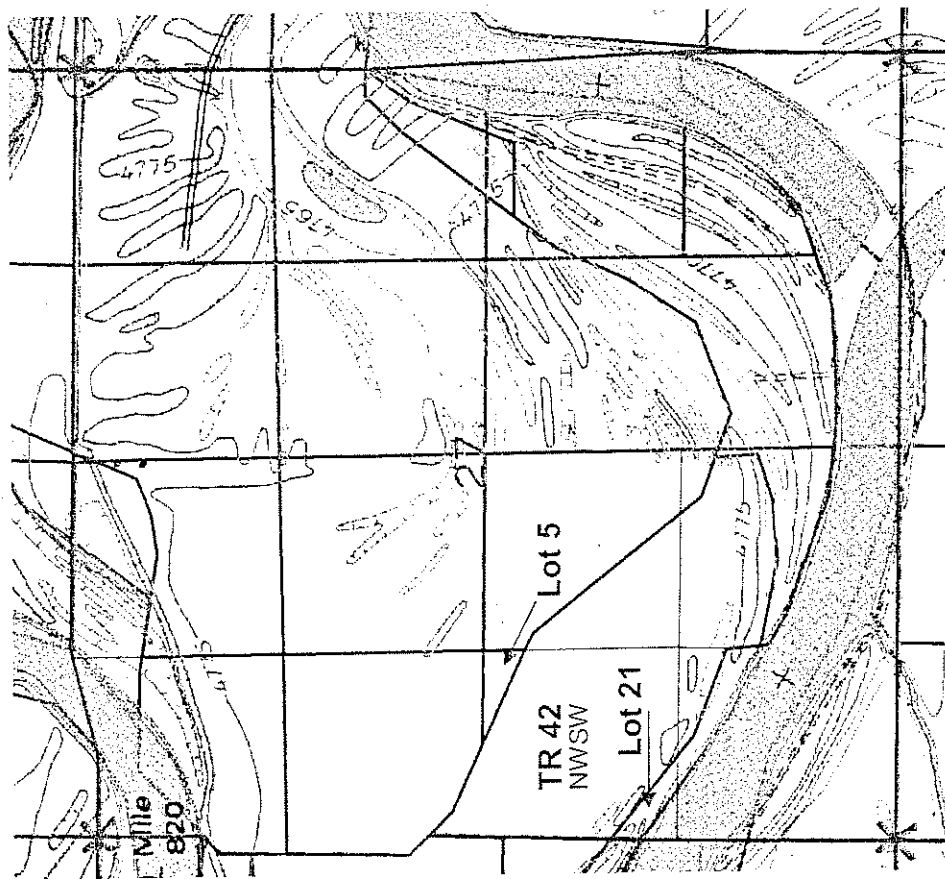
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- BLM
- STATE
- USFS
- USFWS



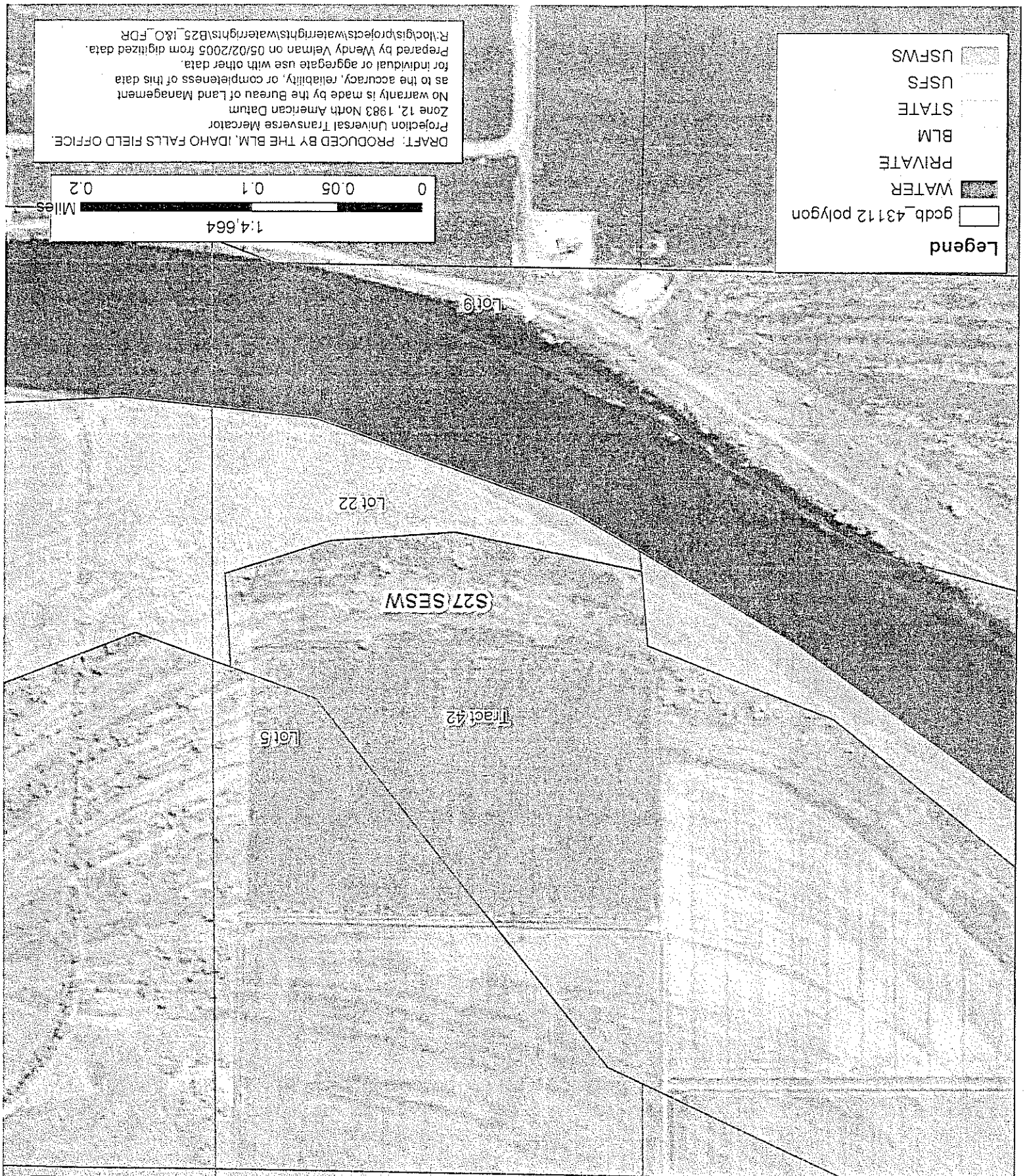
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T05N R37E S27 NWSW



Township	Range	Section	QQ	Quart	Gov	Subcase	Mix Own	PVT Own	BLM Own	Own Comment
05N	37E	27 NW		SW		25-00245	✓	✓	✓	Lot 5, Tract 42, or Lot 21 (L21=BLM)
05N	37E	27 NW		SW		25-11218	✓	✓	✓	Lot 5, Tract 42, or Lot 21 (L21=BLM)
05N	37E	27 NW		SW		25-11219	✓	✓	✓	Lot 5, Tract 42, or Lot 21 (L21=BLM)

25-00245, 25-11218 & 25-11219 Roger, Corey & Kathy Poole
 T05N R37E S27 SESW mixed ownership
 Lot 5, Lot 9 & Tract 42 Private
 Lot 22 BLM



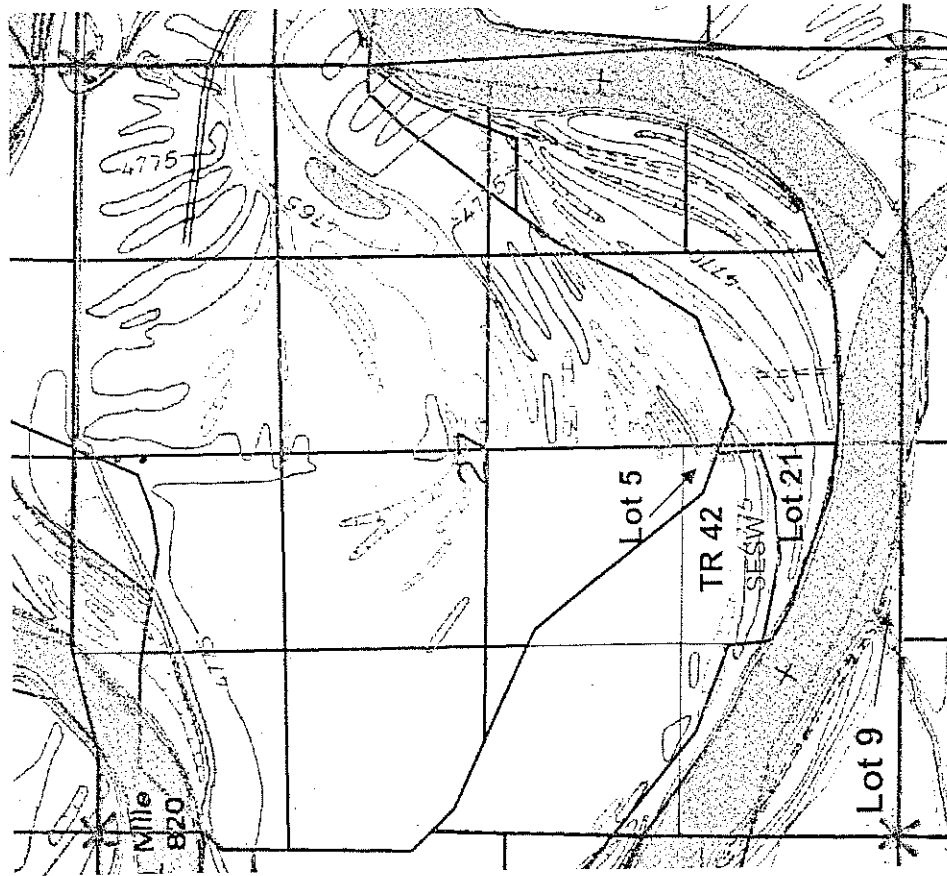
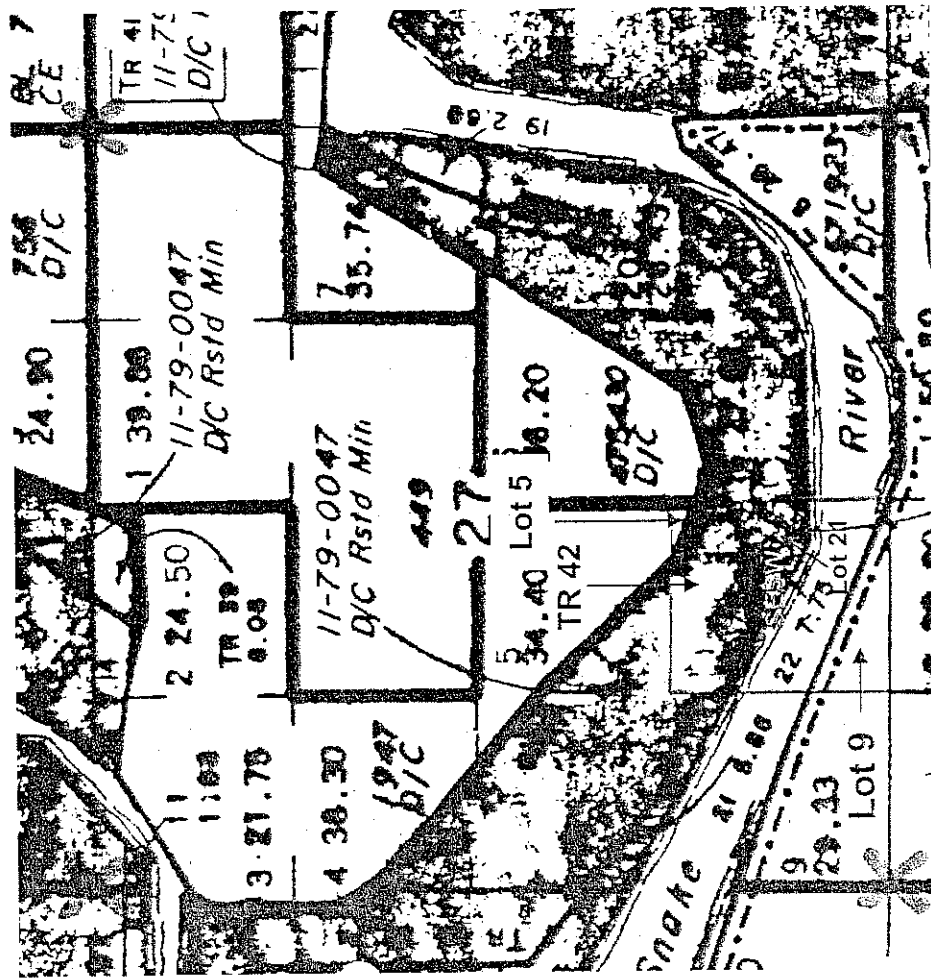
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 - USFS
 - USFWS

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POU Hits

T05N R37E S27 SESW



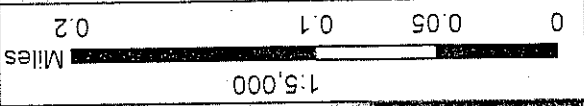
05N	37E	27 SE	SW	25-00245	✓	✓	✓	Lot 9, Tract 42, or Lot 22 (L22=BLM), Lot 5
05N	37E	27 SE	SW	25-11218	✓	✓	✓	Lot 9, Tract 42, or Lot 22 (L22=BLM), Lot 5
05N	37E	27 SE	SW	25-11219	✓	✓	✓	Lot 9, Tract 42, or Lot 22 (L22=BLM), Lot 5

25-00245, 25-11218 & 25-11219 Roger, Corey & Kathy Poole
 T05N R37E S27 NESE mixed ownership
 Lot 6 & Tract 41 Private
 Lot 20 BLM

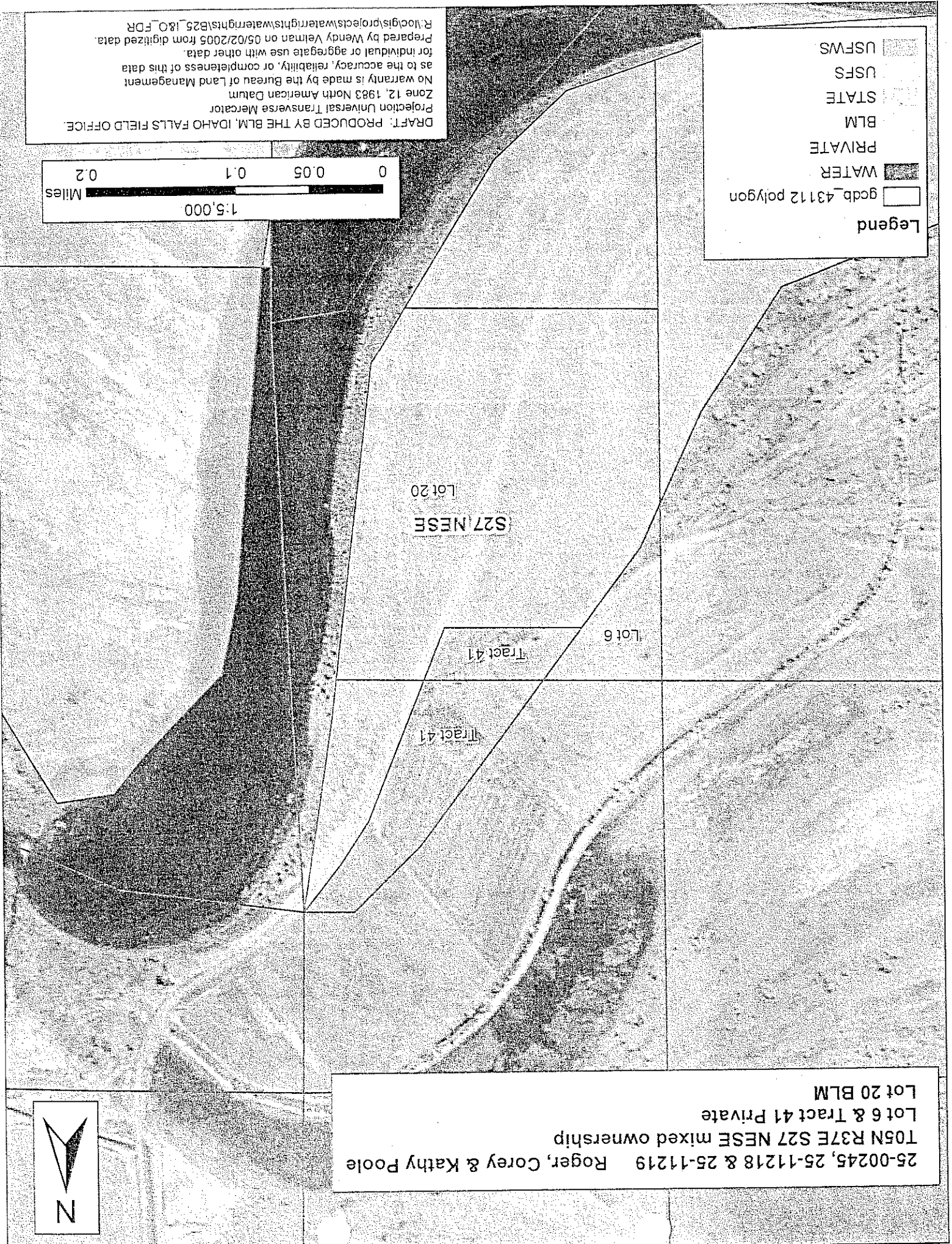


Legend

- gddb_43112 polygon
- WATER
- PRIVATE
- BLM
- STATE
- USFS
- USFWS

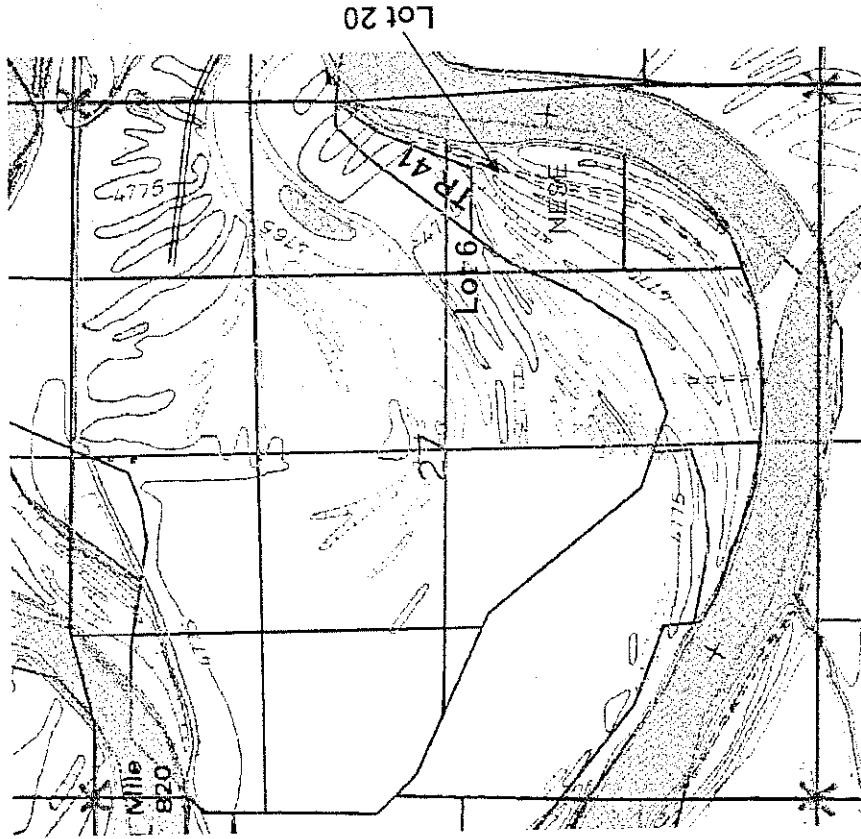
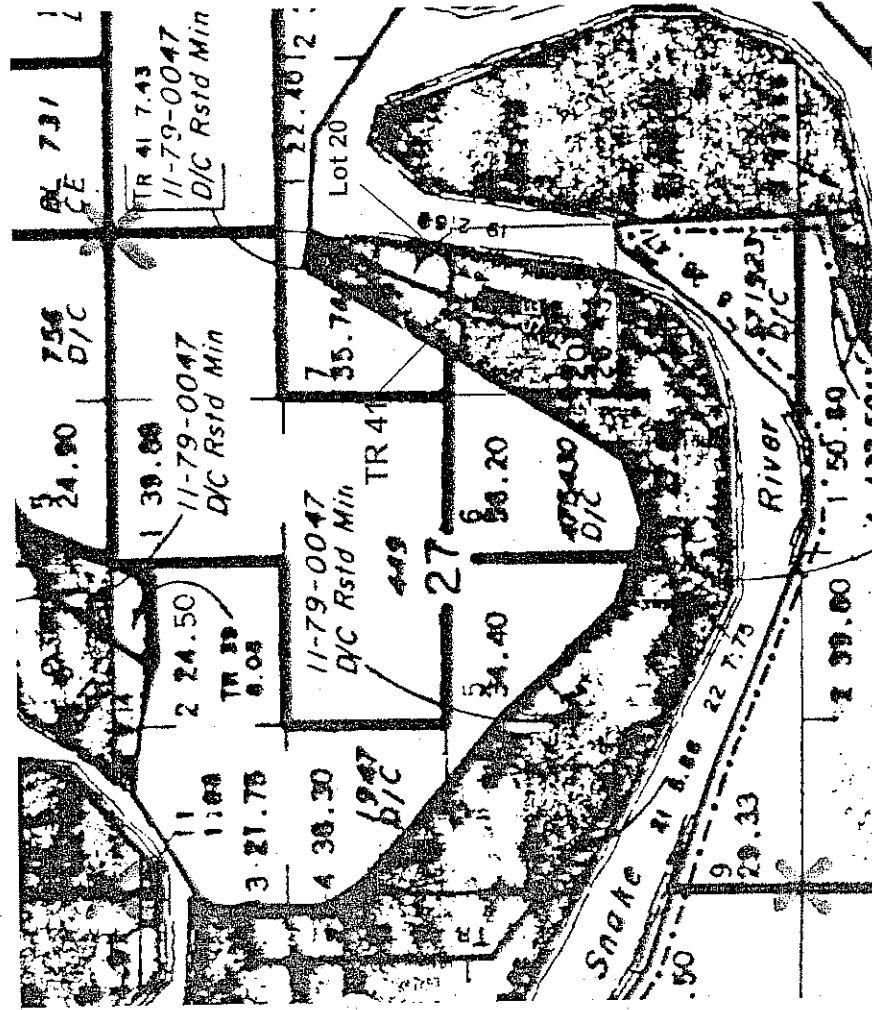


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 Projection Universal Transverse Mercator
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T05N R37E S27 NESE

POU Hits



05N 37E	27NE	SE	25-00245	☒	☒	Lot 6, Tract 41, or Lot 20 (L20=BLM)
05N 37E	27NE	SE	25-11218	☒	☒	Lot 6, Tract 41, or Lot 20 (L20=BLM)
05N 37E	27NE	SE	25-11219	☒	☒	Lot 6, Tract 41, or Lot 20 (L20=BLM)

25-00245, 25-11218 & 25-11219 Roger, Corey & Kathy Poole
 T05N R37E S28 NENE & NENE Lot 12 mixed ownership
 Tract 40 Private
 Lots 5 & 12 BLM
 Lot 12 appears to have approximately 0.21 acres of unauthorized
 agricultural use in the NE portion.



Legend

- gddb_43112 polygon
- WATER
- PRIVATE
- BLM
- STATE
- USFS
- USFWS
- Poole_S28

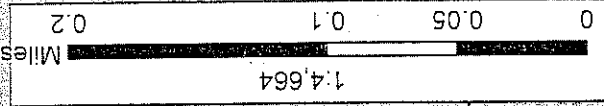
S28 NENE

Lot 12

Lot 5

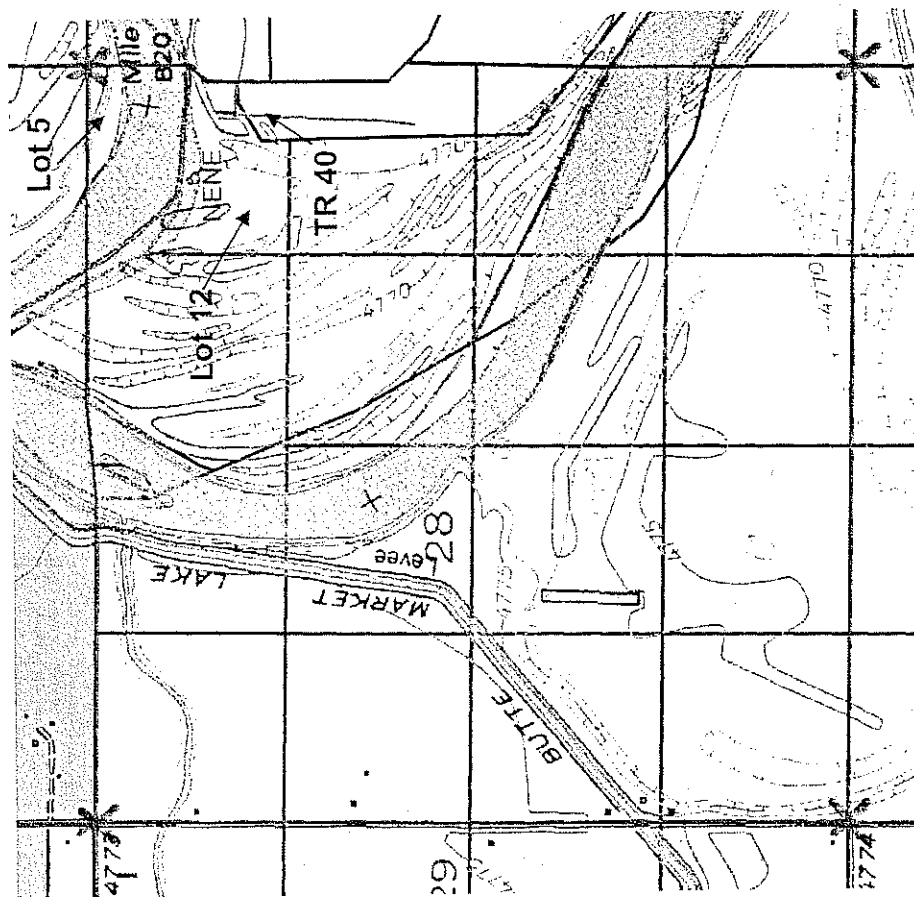
Tract 40

0.21 acres



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 for individual or aggregate use with other data.
 Prepared by Wendy Veitman on 05/02/2005 from digitized data.
 R:\voc\gis\projects\water\rights\water\rights\B25_I&O_FDR

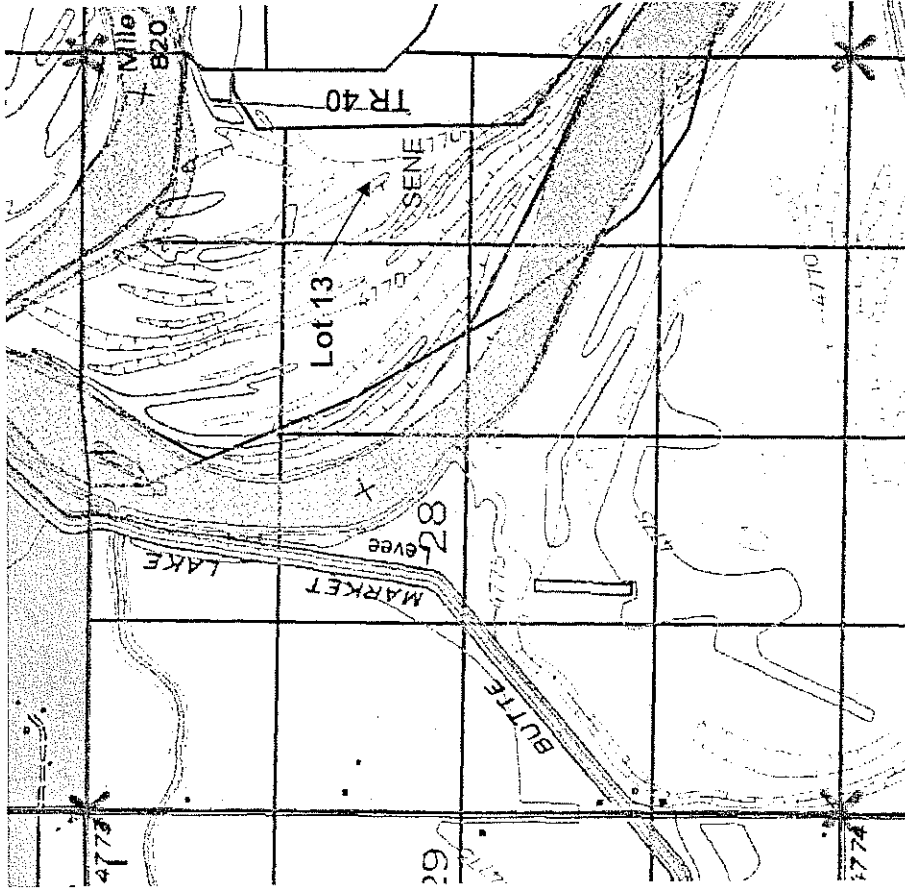
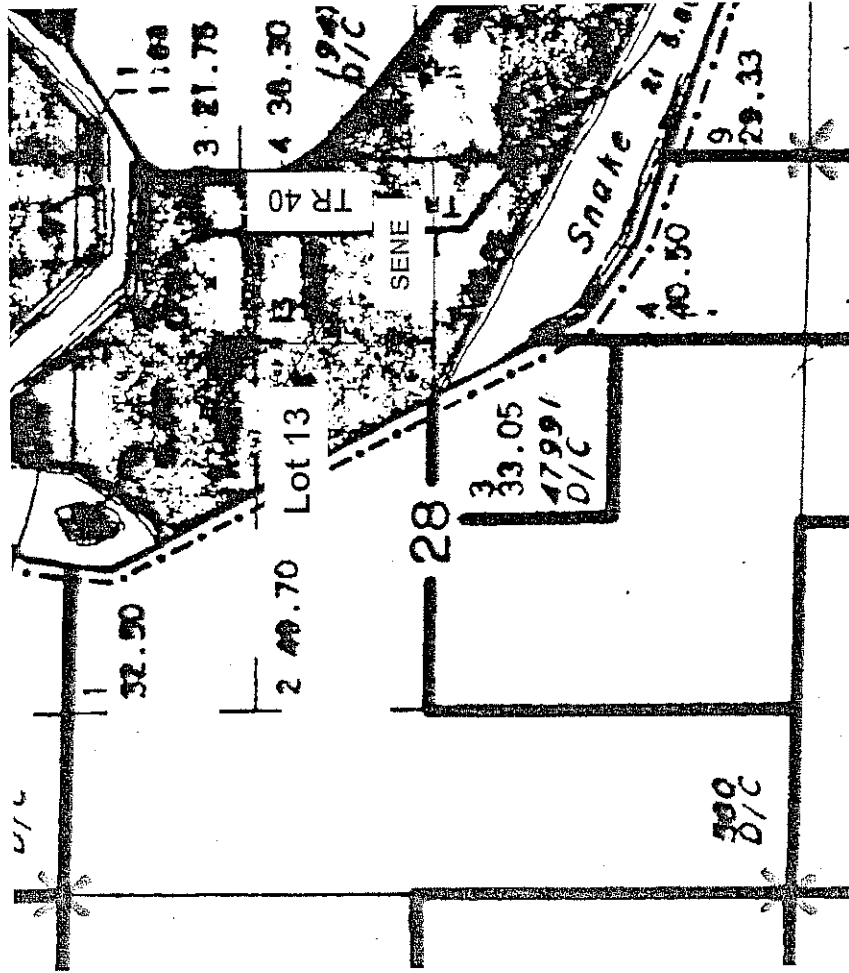
T05N R37E S28 NENE



05N	37E	28NE	NE	25-00245	☒	☒	☒	Lot 5, Lot 12 or Tract 40 (L5/L12=BLM)
05N	37E	28NE	NE	25-11218	☒	☒	☒	Lot 5, Lot 12 or Tract 40 (L5/L12=BLM)
05N	37E	28NE	NE	25-11219	☒	☒	☒	Lot 5, Lot 12 or Tract 40 (L5/L12=BLM)

POU Hits

T05N R37E S28 SENE



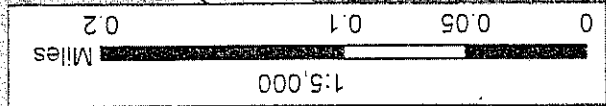
05N 37E	28 SE	NE	25-00245	✓	✓	✓	Lot 13 or Tract 40 (L13=BLM)
05N 37E	28 SE	NE	25-11218	✓	✓	✓	Lot 13 or Tract 40 (L13=BLM)
05N 37E	28 SE	NE	25-11219	✓	✓	✓	Lot 13 or Tract 40 (L13=BLM)

25-00245, 25-11218 & 25-11219 Roger, Corey & Kathy Poole
 T05N R37E S28 SENE mixed ownership
 Tract 40 Private
 Lot 13 BLM

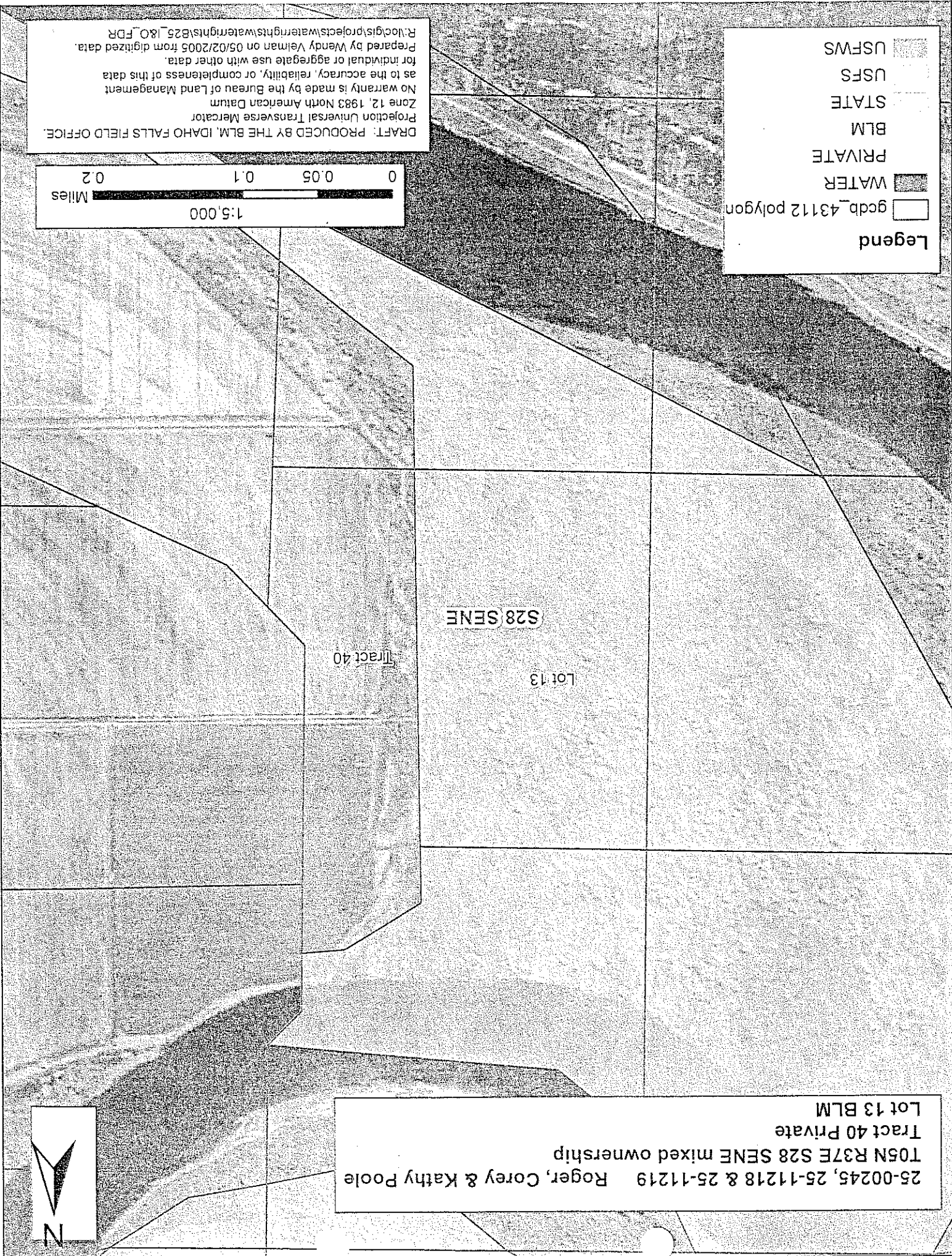


Legend

- gcdb_43112 polygon
- WATER
- PRIVATE
- BLM
- STATE
- USFS
- USFWS

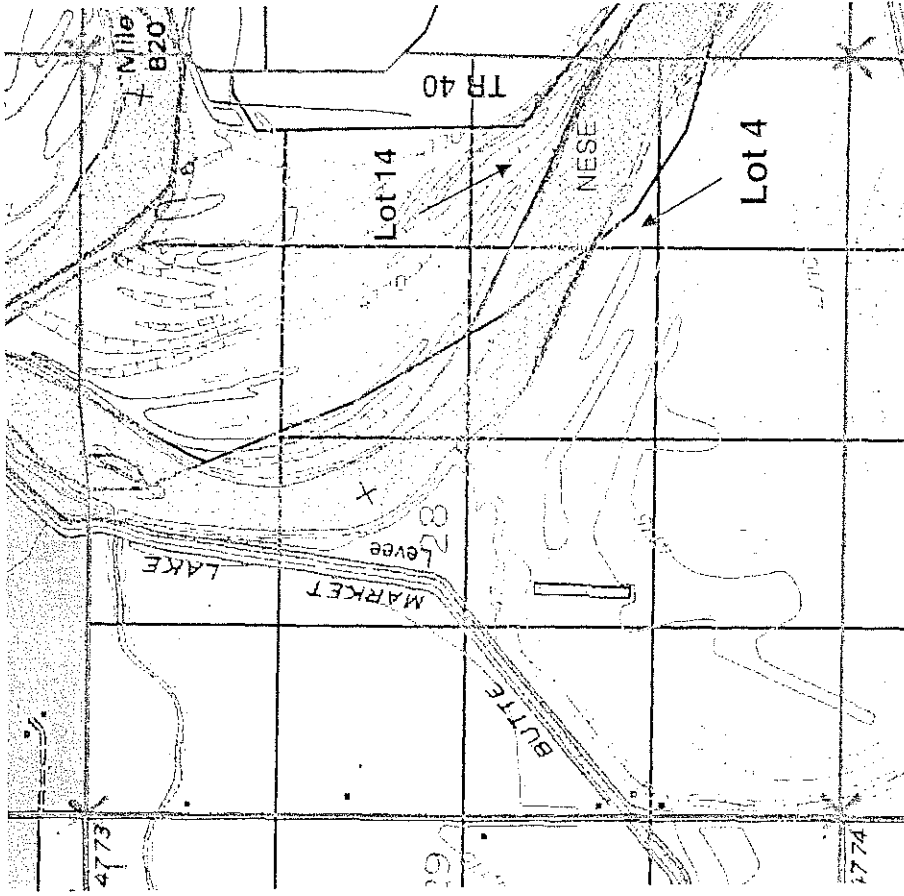
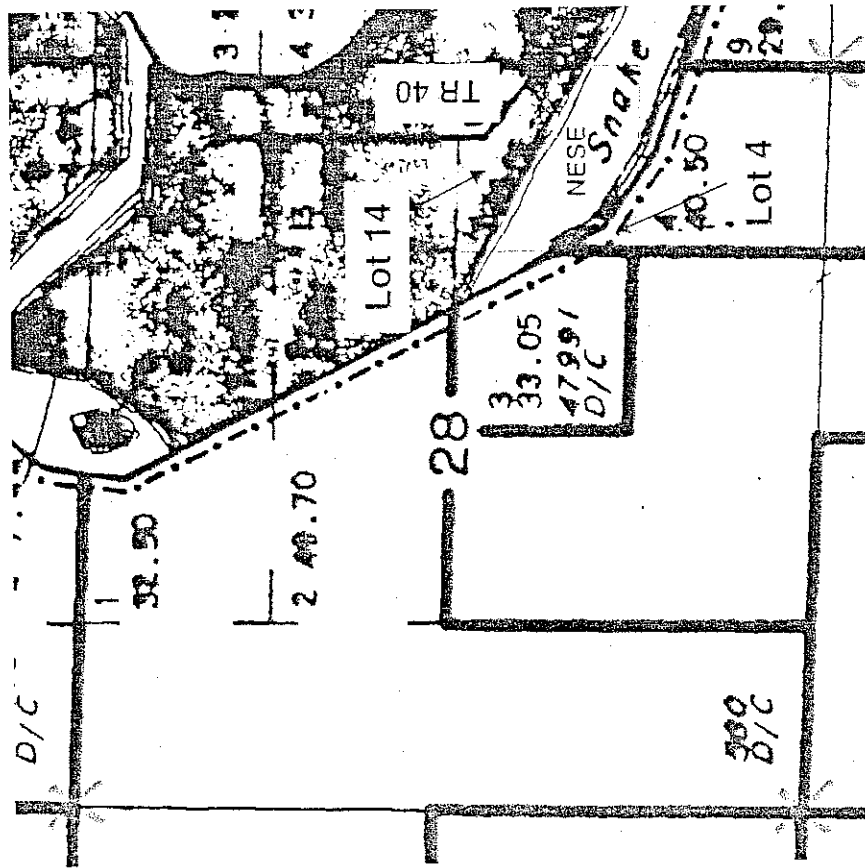


DRAFT: PRODUCED BY THE BLM, IDAHO FALLS FIELD OFFICE.
 Projection Universal Transverse Mercator
 Zone 12, 1983 North American Datum
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POU Hits

T05N R37E S28 NESE



Field Find	Township	Range	Section	OO	Quarter	Gov	Subcase	Mix Own	PVT Own	BLM Own	State Own	Own Comment
☒	05N	37E	28 NE	SE			25-00245	☒	☒	☒	☐	Lot 4, Tract 40, or Lot 14 (L14=BLM)
☒	05N	37E	28 NE	SE			25-11218	☒	☒	☒	☐	Lot 4, Tract 40, or Lot 14 (L14=BLM)
☒	05N	37E	28 NE	SE			25-11219	☒	☒	☒	☐	Lot 4, Tract 40, or Lot 14 (L14=BLM)