

**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 No. 25-11219
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STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):

OBJECTOR(s):

Corey Poole Date

Larry A. Brown Date
Attorney for BLM

Kathy Poole Date

Roger Poole Date

STANDARD FORM 5 – 25-11219

IDWR Concurrence:

Ernest Carlsen 9/7/05
Ernest Carlsen Date
IDWR Adjudication Supervisor

Chris M. Bromley 9/7/05
Chris M. Bromley Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on _____, 2005, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1 Original to:

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

2. Copies to all parties in subcase:

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENTAL & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, IDAHO 83724

COREY POOLE
3028 E 776 N
MENAN, IDAHO 83434

KATHY POOLE & ROGER POOLE
775 N 3200 E
MENAN, IDAHO 83434

IDWR REPOSITORY
P.O. BOX 83720
BOISE, IDAHO 83720

Signature of person or attorney mailing the form

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

RIGHT NUMBER: 25-11219

NAME AND ADDRESS:

COREY POOLE
3028 E 776 N
MENAN ID 83434

KATHY POOLE
775 N 3200 E
MENAN ID 83434

ROGER POOLE
775 N 3200 E
MENAN ID 83434

SOURCE: Source: Tributary:
EMIGRANT CREEK 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 Lot 4 SWSWSW 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

~~T05N R37E S22 Lot 6 NESE 10.0~~
~~T05N R37E S22 Lot 5 NWSE 18.0~~

T05N R37E S22 SWSE 2.4
T05N R37E S22 Lot 5 SWSE 18.0
T05N R37E S22 Lot 6 SESE 10.0
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 NWNE 38.0
T05N R37E S27 SENE 5.2 (Tract 41)
T05N R37E S27 Lot 7 SENE 16.0
T05N R37E S27 NENW 2.9 (Tract 39)
T05N R37E S27 Lot 2 NENW 26.0
T05N R37E S27 Lot 3 NWNW 17.0
T05N R37E S27 SWNW 3.0 (Tract 42)
T05N R37E S27 Lot 4 SWNW 38.0

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

T05N R37E S27 SENW 40.0

T05N R37E S27 NESW 11.0 (Tract 42)

T05N R37E S27 Lot 5 NESW 27.0

T05N R37E S27 NWSW 29.0 (Tract 42)

T05N R37E S27 Lot 5 NWSW 2.1

T05N R37E S27 SESW 6.5 (Tract 42)

T05N R37E S27 NESE 0.3

T05N R37E S28 NENE 2.0 (Tract 40)

~~T05N R37E S27 NESW 10.8~~

~~T05N R37E S27 NWSW 28.7~~

~~T05N R37E S28 Lot 12 NENE 0.2~~

T05N R37E S28 SENE 10.0 (Tract 40)

T05N R37E S28 NESE 1.9 (Tract 40)

425.6 ACRES TOTAL

~~425.3 ACRES TOTAL~~

Place of use does not include federal public lands

Use of the rights listed below is limited to the irrigation of a combined total of 425.6 acres in a single irrigation season. Combined Right Nos.: 25-245, 25-11218, and 25-11219.

~~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

Use of this right is combined with water from Long Island Irrigation Co. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

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

Water is delivered through Bear Trap Canal.

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