

2006 FEB 7 PM 2 46

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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	
	)	FOR WATER RIGHT: 25-11219

I. FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

An *Objection* was filed by the United States Bureau of Land Management on June 22, 2005. The *Objection* was resolved on September 23, 2005 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: February 7, 2006.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 25-11219

2006 FEB 7 PM 2 47

NAME AND ADDRESS: COREY POOLE
3028 E 775 N
MENAN, ID 83434

KATHY POOLE
ROGER POOLE
3200 E 775 N
MENAN, ID 83434

SOURCE: EMIGRANT CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 4.34 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 TO 10-31 4.34 CFS

PLACE OF USE: Irrigation Within Jefferson County

T05N R37E S22	SESW 3.2	SWSE 2.4
LOT 5	(SWSE) 18.0	LOT 6 (SESE) 10.0
S26	SWNE 40.0	SENE 34.0
LOT 1	(SNNW) 6.9	LOT 2 (SENN) 35.0
LOT 5	(SENN) 0.2	
S27 LOT 1	(NWN) 38.0	SENE 5.2
LOT 7	(SENE) 16.0	NENW 2.9
LOT 2	(NENW) 26.0	LOT 3 (NWNW) 17.0
	SNNW 3.0	LOT 4 (SNNW) 38.0
	SENN 40.0	NESW 11.0
LOT 5	(NESW) 27.0	NWSW 29.0
LOT 5	(NWSW) 2.1	SESW 6.5
	NESE 0.3	
S28	NENE 2.0	SENE 10.0
	NESE 1.9	

425.6 Acres Total

TRACT 39 IS WITHIN T05N R37E S27 NENW
TRACT 40 IS WITHIN T05N R37E S28 NENE
TRACT 40 IS WITHIN T05N R37E S28 SENE
TRACT 40 IS WITHIN T05N R37E S28 NESE
TRACT 41 IS WITHIN T05N R37E S27 SENE
TRACT 42 IS WITHIN T05N R37E S27 SNNW
TRACT 42 IS WITHIN T05N R37E S27 NESW
TRACT 42 IS WITHIN T05N R37E S27 NWSW
TRACT 42 IS WITHIN T05N R37E S27 SESW
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 425.6 ACRES IN A SINGLE IRRIGATION

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

SEASON. COMBINED RIGHT NOS.: 25-245, 25-11218, AND 25-11219.
PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LAND

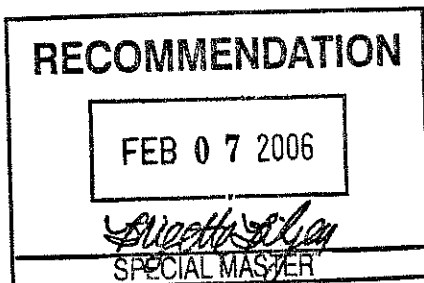
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2006 FEB 7 PM 2 47

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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

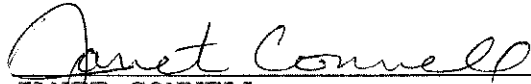
Water Right(s): 25-11219

On February 07, 2006, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED February 07, 2006.


JANET CONNELL
Deputy Clerk

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2006 FEB 7 PM 2 47

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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 25-11219

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on February 07, 2006, with sufficient first-class postage prepaid to the following:

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

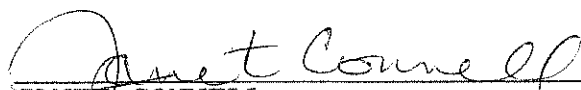
UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

COREY POOLE
3028 E 775 N
MENAN, ID 83434
Phone: 208-754-8512

CERTIFICATE OF MAILING

PAGE 1
02/07/06

KATHY POOLE
ROGER POOLE
3200 E 775 N
MENAN, ID 83434
Phone: 208-754-2338


JANET CONNELL
Deputy Clerk