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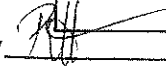
FEB 28 2008

DEPARTMENT OF
WATER RESOURCES

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

FEB 27 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) **Subcases 01-10457 and 01-10460**
) **(Poole)**
Case No. 39576)
) **SPECIAL MASTER REPORT**
)

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Reporting Area Basin 01, IDWR Part 2* on December 19, 2006. The Director recommended the claims to Corey Poole, 3028 East, 776 North, Menan, Idaho, 83434, and Kathy and Roger Poole, 775 North, 3200 East, Menan, Idaho, 83434, for 2.7 cfs and 12.02 cfs from the Snake River to irrigate 442.6 acres in Jefferson County from April 1 to October 31 with priority dates of October 11, 1901, and June 1, 1892, based on decrees.

The United States of America, Department of Interior, Bureau of Land Management filed *Objections* on April 18, 2007, objecting to place of use. On February 22, 2008, the Pooles and the United States, with IDWR's concurrence, filed *Standard Forms 5* agreeing to add the remark: "Place of use does not include federal public lands."

Conclusions of Law

The Pooles are entitled to partial decrees adjudicating water rights as described in the *SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 01-10457 and 01-10460*.

DATED February 27, 2008.



TERRENCE A. DOLAN

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 01-10460

NAME AND ADDRESS: COREY POOLE
3028 E 776 N
MENAN, ID 83434

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

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 12.02 CFS

PRIORITY DATE: 06/01/1892

POINT OF DIVERSION: T05N R38E S20 LOT 3 (SWNENW) Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	12.02 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
	NWNW 17.0	LOT 1 (SWNW) 6.9
	LOT 2 (SENW)35.0	LOT 5 (SENW) 0.2
	S27 LOT 1 (NWNW)38.0	SENE 5.2
	LOT 7 (SENE)16.0	NENW 2.9
	LOT 2 (NENW)26.0	LOT 3 (NWNW)17.0
	SWNW 3.0	LOT 4 (SWNW)38.0
	SENW 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	
	442.6 Acres Total	

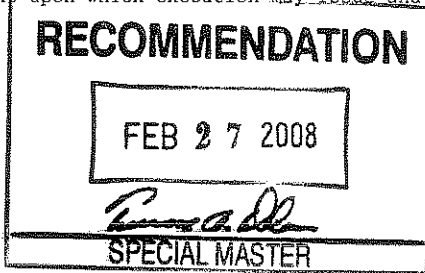
This right is limited to the irrigation of 269 acres within the place of use described above in a single irrigation season. Use of the rights listed below is limited to the irrigation of a combined total of 442.6 acres in a single irrigation season. Combined Right Nos.: 25-245, 25-11218, 25-11219, 1-10457, and 1-10460. Place of use does not include federal public lands.

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. 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

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 01-10457

NAME AND ADDRESS: COREY POOLE
3028 E 776 N
MENAN, ID 83434

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

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.70 CFS

PRIORITY DATE: 10/11/1901

POINT OF DIVERSION: T05N R38E S20 LOT 3 (SWNNW) Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.70 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
	NWNW 17.0	LOT 1 (SWNW) 6.9
	LOT 2 (SENW) 35.0	LOT 5 (SENW) 0.2
	S27 LOT 1 (NWNW) 38.0	SENE 5.2
	LOT 7 (SENE) 16.0	NENW 2.9
	LOT 2 (NENW) 26.0	LOT 3 (NWNW) 17.0
	LOT 4 (SWNW) 38.0	SWNW 3.0
	SENW 40.0	LOT 5 (NESW) 27.0
	NESW 11.0	LOT 5 (NWSW) 2.1
	NWSW 29.0	SESW 6.5
	NESE 0.3	
	S28 NENE 2.0	SENE 10.0
	NESE 1.9	
	442.6 Acres Total	

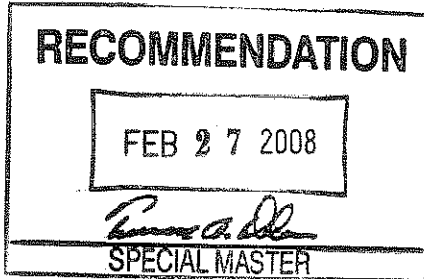
This right is limited to the irrigation of 135 acres within the
place of use described above in a single irrigation season.
Place of use does not include federal public lands.
combined total of 442.6 acres in a single irrigation season.
Combined Right Nos.: 25-245, 25-11218, 25-11219, 1-10457, and
1-10460.

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

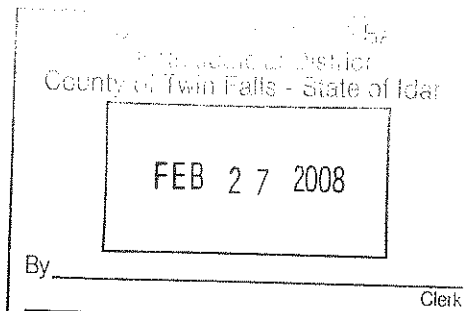
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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



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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 01-10457
01-10460

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 27, 2008, 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 776 N
MENAN, ID 83434
Phone: 208-754-8512

CERTIFICATE OF MAILING

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02/27/08

KATHY POOLE
ROGER POOLE
775 N 3200 E
MENAN, ID 83434
Phone: 208-754-4338



ROBBIN HALL
Deputy Clerk

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

FEB 27 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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

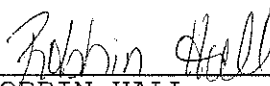
Water Right(s): 01-10457
01-10460

On February 27, 2008, Special Master TERRENCE A. DOLAN 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 27, 2008.



ROBBIN HALL
Deputy Clerk