

10/06/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 25-245
NAME AND ADDRESS: ROGER POOLE
3200 E 775 N
MENAN ID 83434

COREY POOLE
3028 E 775 N
MENAN ID 83434

KATHY POOLE
3200 E 775 N
MENAN ID 83434

SOURCE: EMIGRANT CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 1.500 CFS
PRIORITY DATE: 01/22/1916
POINT OF DIVERSION:

T05N R38E S19 SWSWSW Lot 4 Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.500 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 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	T05N R37E S27 Lot 7	SENE	16.0
T05N R37E S27	NENW	2.9	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	SENW	40.0
T05N R37E S27	NESW	10.8	T05N R37E S27 Lot 5	NESW	27.0
T05N R37E S27	NWSW	28.7	T05N R37E S27 Lot 5	NWSW	2.1
T05N R37E S27	SESW	6.5	T05N R37E S27	NESE	0.3
T05N R37E S28	NENE	2.0	T05N R37E S28 Lot 12	NENE	0.2
T05N R37E S28	SENE	10.0	T05N R37E S28	NESE	1.9

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:

Water Right 25-245

PROFILED
1
SCANNED
OCT 13 2004

10/06/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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: 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.

PROFILED
2

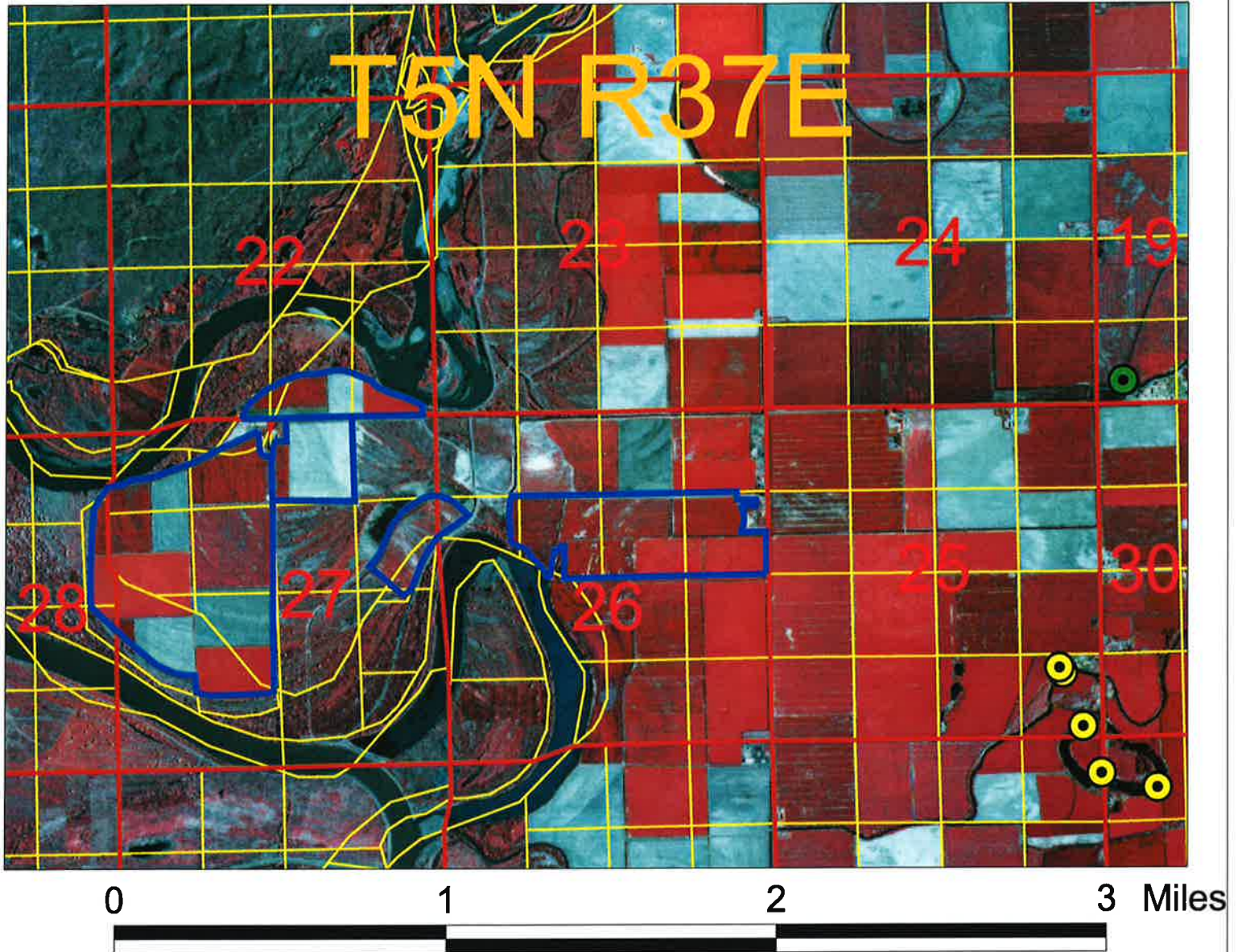
SCANNED

OCT 13 2004

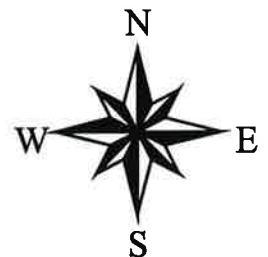


Department of Water Resources

Claim No.: 25-00245



PROFILED

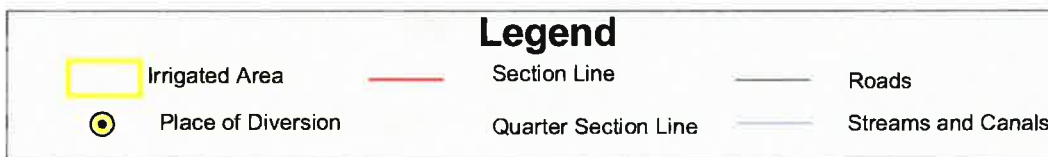
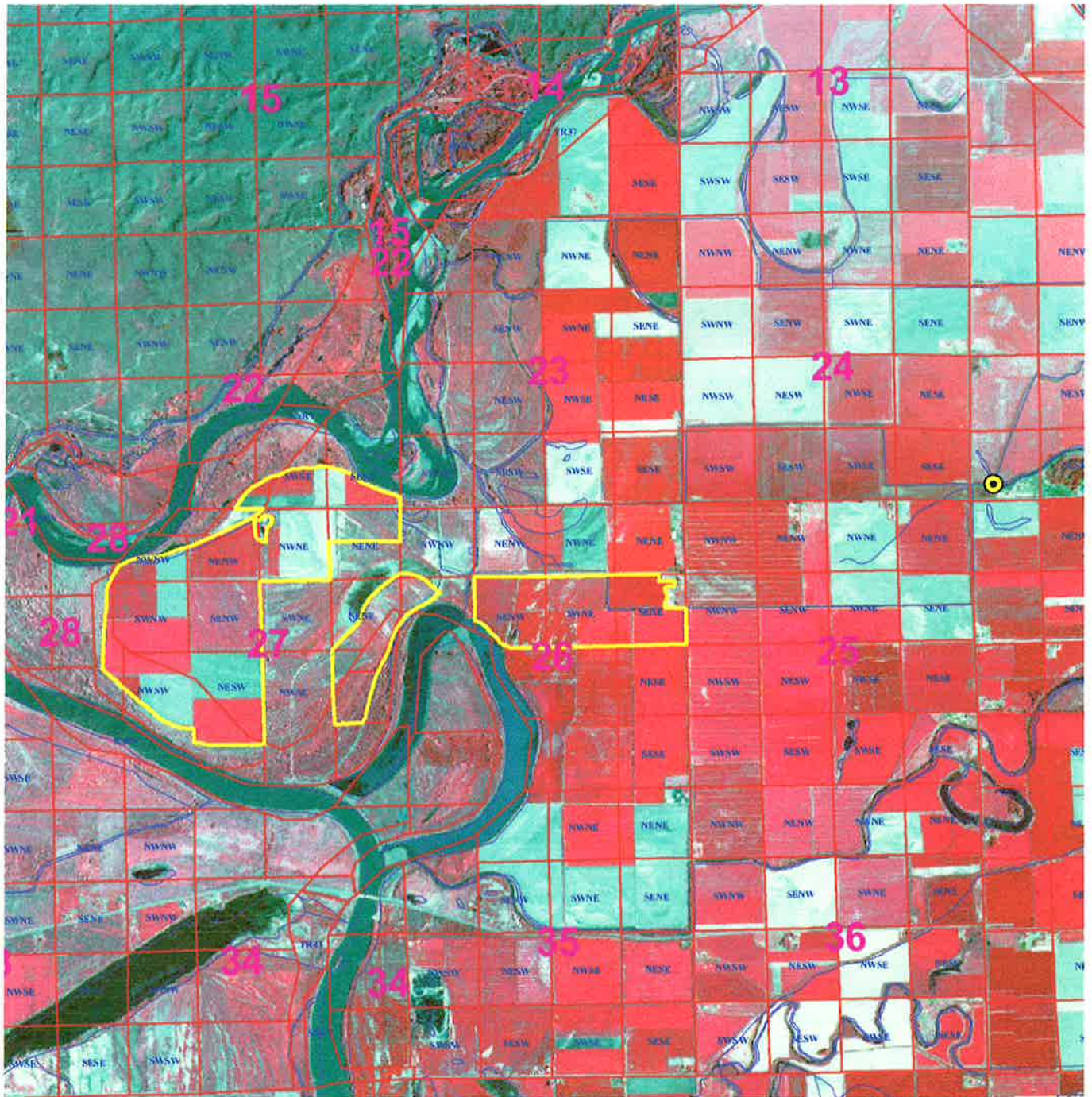


- Place of Use
- Point of diversion
- Sections
- QQ

GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: October 2004

Water Right Claim Number 25-00245
Township , 5N37E

01/03/2001



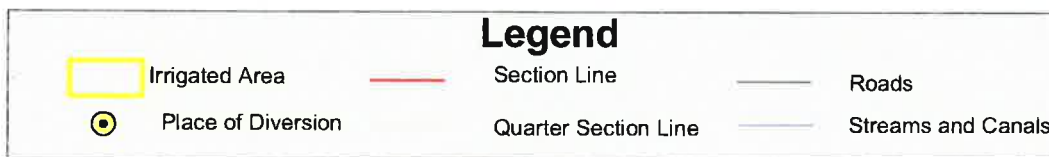
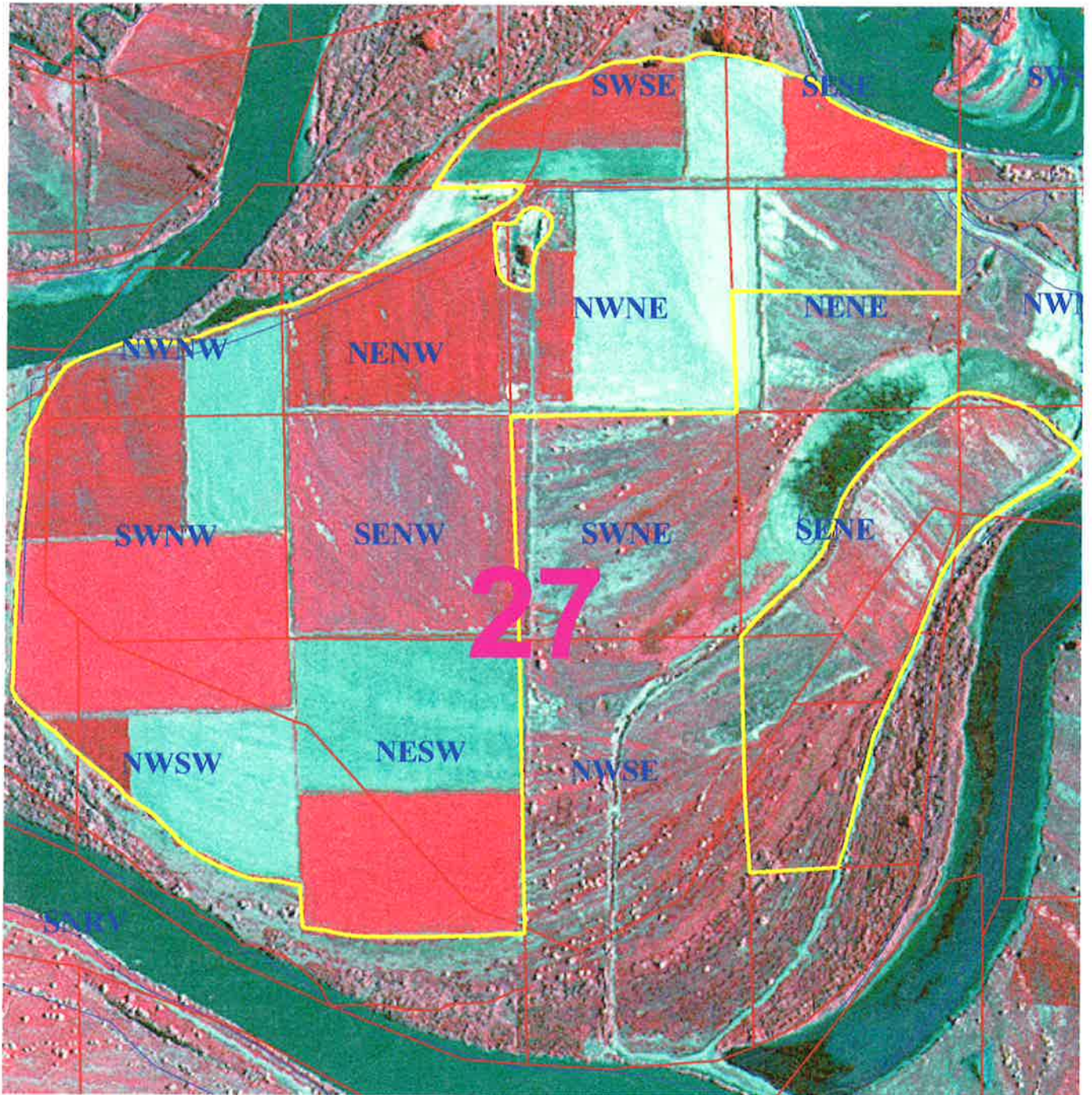
SPATIAL
DYNAMICS

SCANNED
OCT 13 2004

PROFILED

Water Right Claim Number 25-00245
Township , 5N37E

01/03/2001



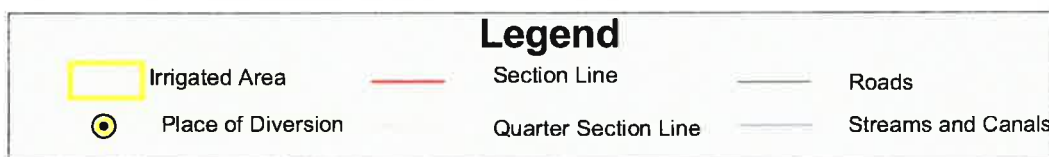
SPATIAL
DYNAMICS

SCANNED
OCT 13 2004

PROFILED

Water Right Claim Number 25-00245
Township , 5N37E

01/03/2001



1000 0 1000 2000 3000 Feet



SPATIAL
DYNAMICS

SCANNED

OCT 13 2004

PROFILED

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. 25-245
)
)
)
)
)
)

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 -- 25-245

SCANNED

SEP 28 2005

PR

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

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

RIGHT NUMBER: 25-245

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:
EMIGRANT CREEK

Tributary:
SNAKE RIVER

QUANTITY: 1.500 CFS

PRIORITY DATE: 01/22/1916

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	1.500 CFS

EMC

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
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 NESW 10.8~~

~~T05N R37E S27 NWCW 28.7~~

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

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 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~~

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.

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 425.3 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.

EMC

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Water is delivered through Bear Trap Canal.

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

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 FORI 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

8/25/2003

25-11218

25-11219

~~25-245~~

25-230F

25-246C

Met with Corey Poole. He said that the ground that is currently being irrigated with these water rights is the same ground that has historically been irrigated, to the best of his knowledge.

POU corrected by claimant. POU is the same for all of the above rights. Point of diversion is the same as 25-234 (Heard) for:
25-11218, 25-11219, and 25-245.

P/D
A0006133
E 657611
N 295452

Point of diversion for 25-230F and 25-246C is the head of the Bear Trap Canal.

SCANNED

OCT 13 2004

PROFILED

PROFILED

OCT 13 2004

SCANNED

See 25-11218 for additional remarks
to be added.

Reverend Mr. J. P. D. SN 37E.
Should be SN 38E 19 SW SW.

LESLIE W. POOLE
ABOUT 175 ACRES
P/D: SN 37E 19 SW SW
SOURCE: EMIGRANT CR
POU: SN 37E 26 S 1/2 NE 1/4, LOT 1, LOT 2
27 LOT 7

25-243	2.04 cfs	6/1/1888
25-244	1.56 cfs	6/1/1896
25-245	1.50 cfs	1/22/1916

DATE: 10/26/00
PAGE: 16

Audit: 11/17/88 VERNER 03/29/95 POST-STD

SCANNED

JUL 27 2001

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A25-00245
Date Received: 11-17-88
Receipt No: 6004150
Received By: SEV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name:	ROGER POOLE	208-754-4338
Address:	3200 E. 775 N. MENAN, ID	83434
OR		
Name:	KATHY POOLE	208-754-4338
Address:	3200 E. 775 N. MENAN, ID	83434
OR		
Name:	COREY POOLE	208-754-8512
Address:	3028E 776 N. MENAN, ID	83434

A2500245



2. Date of Priority: JAN 22, 1916

3. Source: EMIGRANT CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	38E	19	SW	SW	SW		JEFFERSON

5. Description of diverting works:
EMIGRANT CREEK FLOW IS COLLECTED INTO BEAR TRAP CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.500		

7. Total Quantity Appropriated is:
1.500 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 1077.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A25-00245

Page 1

Date: 11/17/88

MICROFILMED

NOV 10 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	37E	22	SE		SW	4	IRR	16.0
			SW		SE	3	IRR	18.0
			Section Acres					34.0
		26	SW		NE		IRR	38.0
			SE		NE		IRR	30.0
			SW		NW	1	IRR	4.0
			SE		NW	2	IRR	28.0
			Section Acres					100.0
		27	NE		NE		IRR	20.0
			NW		NE	1	IRR	38.0
			SE		NE	7	IRR	20.0
			NE		NW	2	IRR	23.0
			NW		NW	3	IRR	17.0
			SW		NW	4	IRR	38.0
			SE		NW		IRR	40.0
			NE		SW	5	IRR	40.0
			NW		SW	5	IRR	34.0
			SE		SW	5	IRR	6.0
			NE		SE		IRR	21.0
			Section Acres					297.0
			Total Acres					431.0

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
25-0230,0231,0234,0231,0243

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

HJALMAR ANDERSON ET AL
Decree Plaintiff

vs

LYNN CRANDAL W. M.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Roger W. Poole Date: 17 Nov 88

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 17 day
of November 19 88

[Signature]
Notary Public

Seal:

Residing at Idaho Falls, ID
My Commission Expires 22 Aug 1994