

10/06/2004

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

RIGHT NUMBER: 25-11218

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

KATHY POOLE
3200 E 775 N
MENAN ID 83434

ROGER POOLE
3200 E 775 N
MENAN ID 83434

SOURCE: EMIGRANT CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 5.660 CFS

PRIORITY DATE: 06/01/1888

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 SWSWS 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	5.660 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.

Water Right 25-11218

SCANNED
1
NOV 01 2004
PROFILED

10/04/2004

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

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: 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. 25-231 and 25-243.

Water Right 25-11218

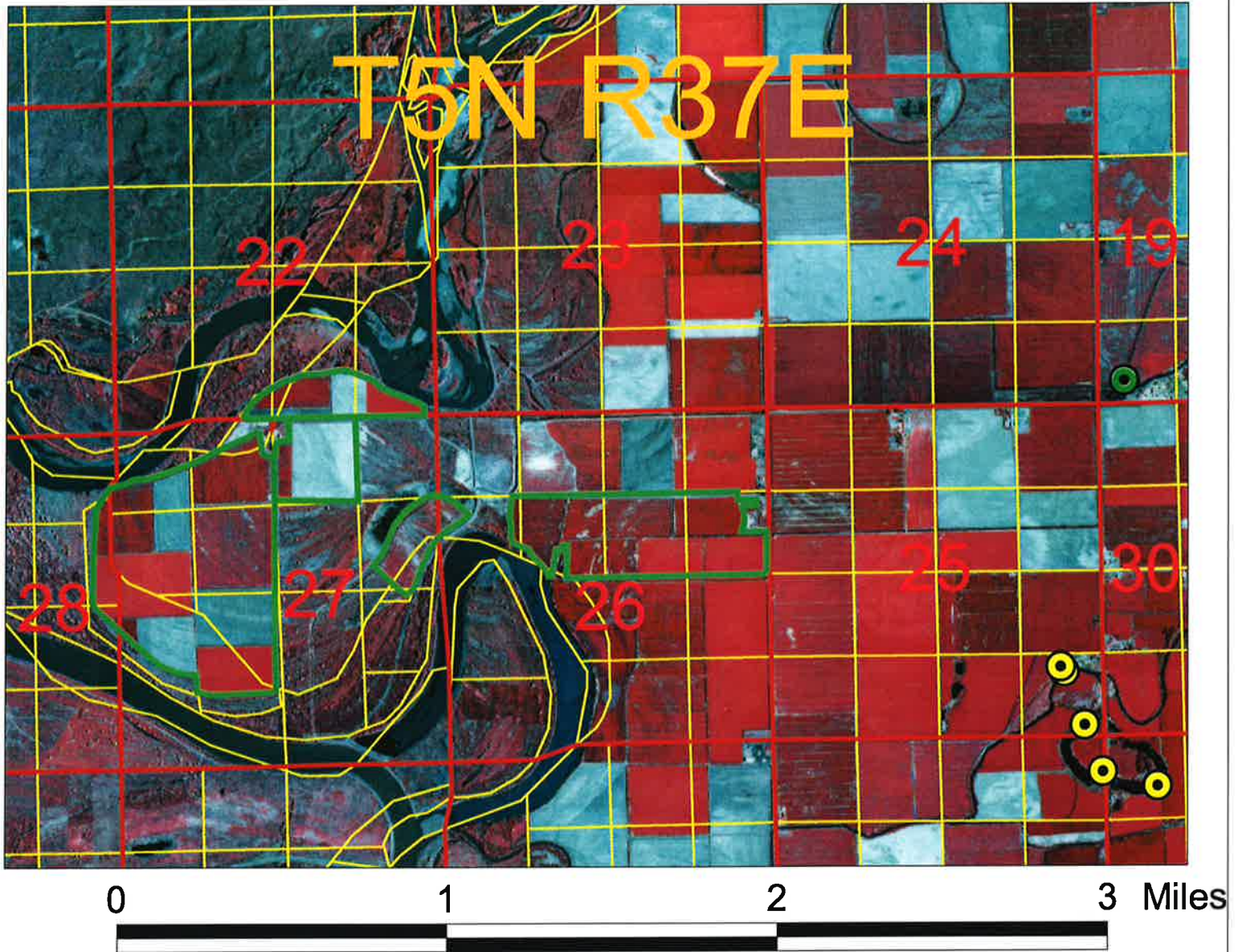
SCANNED
2
NOV 01 2004

PROFILED

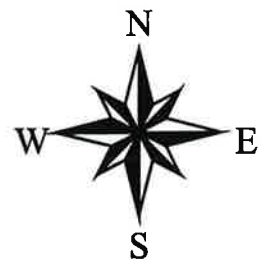


Department of Water Resources

Claim No.: 25-11218



PROFILED

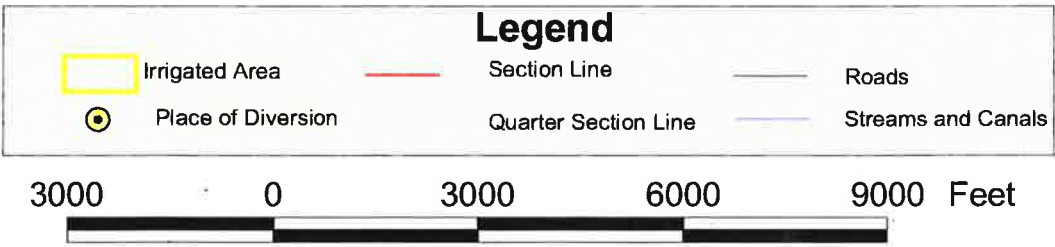
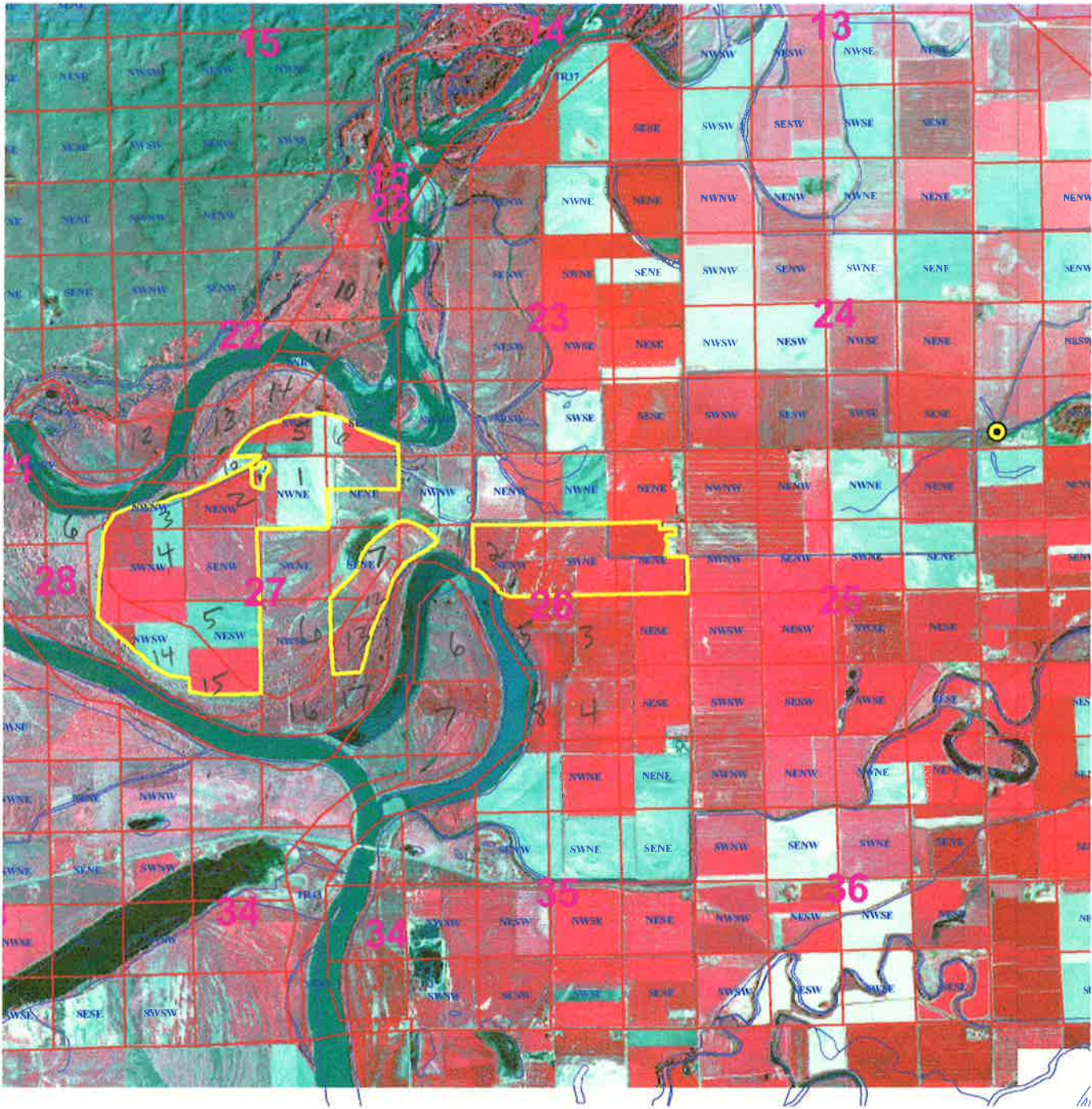


-  Place of Use
-  Point of diversion
-  Sections
-  QQ

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

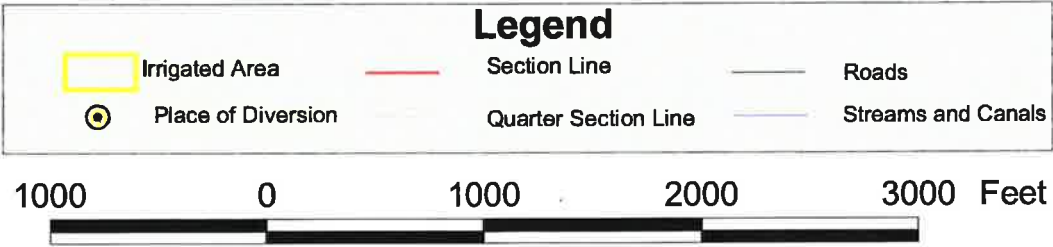
Water Right Claim Number 25-11218
Township , 5N37E

01/04/2001



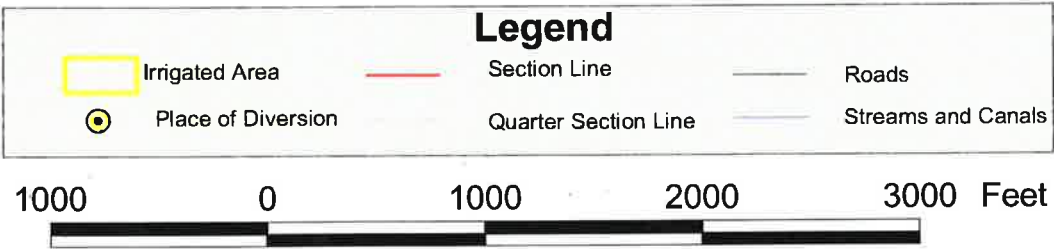
Water Right Claim Number 25-11218
Township , 5N37E

01/04/2001



Water Right Claim Number 25-11218
Township , 5N37E

01/04/2001



AJ5809NP
No. A25-11218

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/26/00
PAGE: 126

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROGER POOLE	06/01/1888	IRRIGATION	04-01 11-01	5.660 CFS	
C	KATHY POOLE					
	3200 E 775 N					
	MENAN ID 83434			TOTAL DIVERSION:	5.660 CFS	
	(208) 754-4338			CONSUMPTIVE USE:		1077.50 AFA
C	COREY POOLE					
	3028E 776 N					
	MENAN ID 83434					
	(208) 754-8512					

Water Source: EMIGRANT CREEK

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion:

T05N R38E S19

SWSWSW

JEFFERSON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE									
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:		
05N	37E	22	:					:					:					:					:	34.0	
05N	37E	26	:			38	30	:			01-04	02-28	:				04-16	:				03-18	:	100.0	
05N	37E	27	:	20	01-38		07-20	:	02-23	03-17	04-38	40	:	05-40	05-34		05-06	:	21				:	297.0	
																							TOTAL ACRES		431.0

POU County: JEFFERSON

Non-Irrigation Uses: NONE

Other Rights: 25-0230,0234,0232,0244,0245,0243

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A25-00234 A25-00235 A25-00236 A25-00237 A25-00238 A25-00239 A25-00240 A25-00241 A25-00242 A25-00245
A25-10726 A25-11219

Other Water Rights Listing Overlapping Place(s) of Use:

A01-00109G A01-00110E A01-00111E A01-00112E A01-00113E A01-00114C A01-00115S A01-00317 A01-00354 A25-00230F
A25-00234 A25-00235 A25-00236 A25-00245 A25-00246C A25-00261B A25-11219

Remarks: GEN THIS CLAIM COMBINES DECREED RIGHTS 25-00231 & 25-00243 WITH
SAME PRIORITIES.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag: D

**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. 25-11218
)
)
)
)
)
)
)

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 – 25-11218

PROFILED

**SCANNED
SEP 28 2005**

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: 25-11218

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: 5.660 CFS

PRIORITY DATE: 06/01/1888

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

ENC

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/01 10/31	5.660 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
T05N R37E S27 SENW 40.0

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

<u>T05N R37E S27 NESW 11.0 (Tract 42)</u>	~~T05N R37E S27 NESW 10.8~~
T05N R37E S27 Lot 5 NESW 27.0	
<u>T05N R37E S27 NWSW 29.0 (Tract 42)</u>	~~T05N R37E S27 NWSW 28.7~~
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~~

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:

EMC

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.

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

Water is delivered through Bear Trap Canal.

This right is a combination of old right nos. 25-231 and 25-243.

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 & NAIL' 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

8/25/2003

~~25-11218~~

25-11219

25-245

25-230F

25-246C

met with Corey Fole. He said that the ground that is currently being regraded with these water rights is the same ground that has historically been regraded to the best of his knowledge.

You connected by claimant. You in the name for all of the above rights. Point of diversion is the same as 25-234 (Hear) for:
25-11218, 25-11219, and 25-245.

A0006133

E 657611

N 295452

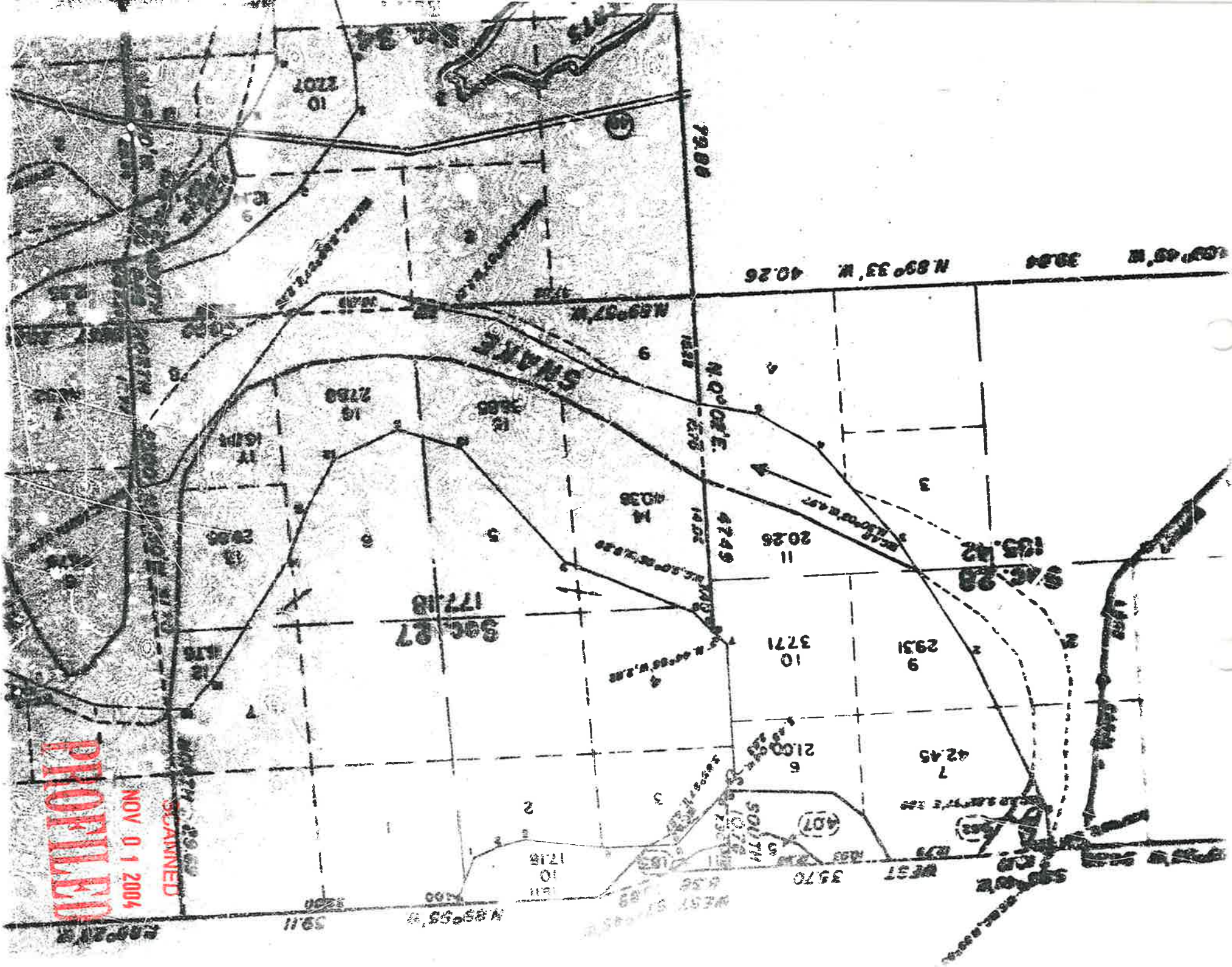
P/D

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

SCANNED

NOV 01 2004

PROFILED

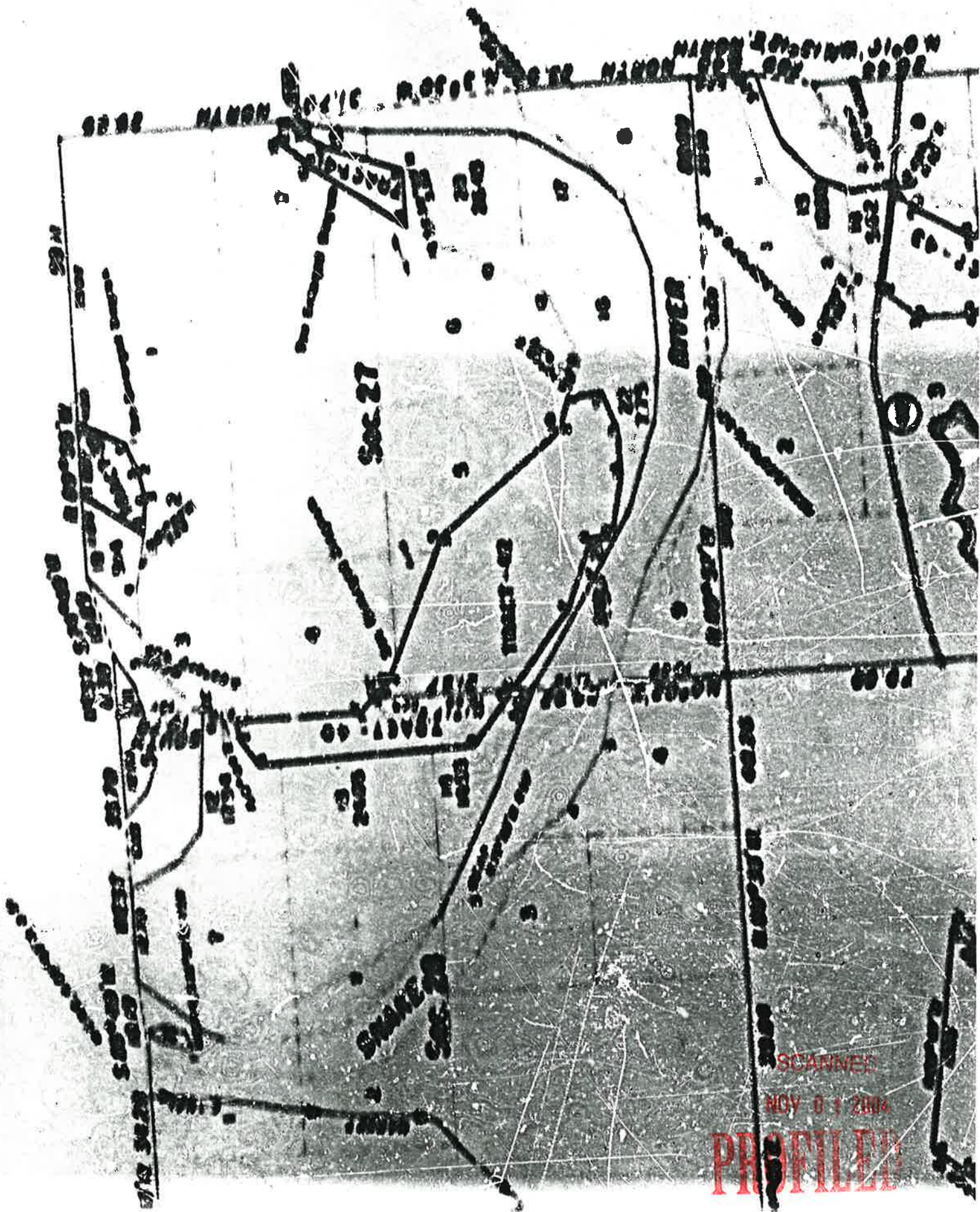


PROFILED

NOV 01 2004

SCANNED





SCANNED
NOV 01 2004
PROFILED

PROFILES

NOV 01 2004

SCANNED

Recommendation: should contain another
remark limiting transfer of POU
to within area described in decree.
explaining that in times of scarcity,
priority date is one day after most
junior priority in Poydras Decree.

Decree mistakenly lists P/D as SN 37E,
should be SN 38E 19 SWSW.

HJALMAR ANDERSON
IN EXCESS OF 200 ACRES
P/D: SN 37E 19 SWSW
SOURCE: EMIGRANT CREEK
POU: SN 37E 22 LOTS 5+6
28 E 1/2 of E 1/2, E of river
27 LOTS 2, 3, 4, + 5

25-231	3.62 CFS	JUNE 1, 1888
25-232	2.78 CFS	JUNE 1, 1896
25-233	2.66 CFS	JAN 22, 1916

25-243

2.04 CFS

6/1/1888

25-244

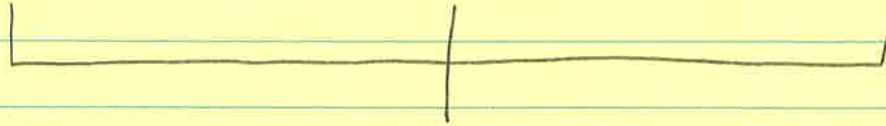
1.56 CFS

6/1/1896

25-245

1.50 CFS

1/22/1916



LESLIE W. POOLE

ABOUT 175 ACRES

P/D: 5N 37E 19 SWSW

SOURCE: EMIGRANT CR

PO4: 5N 37E 26 S 1/2 of NE 1/4, LOT 1, LOT 2
27 LOT 7

Decree mistakenly lists P/D as 5N 37E.
Should be 5N 38E 19 SWSW.

See 25-11218 for additional remarks
to be added.

SCANNED

NOV 01 2004

PROFILED

SCANNED

AUG 01 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: A25-11218
Date Received: 11-17-88
Receipt No: E004150
Received By: EGV

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

A2511218



2. Date of Priority: JUN 01, 1888

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:
WATER FROM EMIGRANT CREEK SPILLS 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	5.660		

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

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

9. Non-irrigation uses:
NONE

A25-11218

Page 1

Date: 11/17/88

MICROFILMED

NOV 11 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:
25-0230,0234,0232,0244,0245,0243

14. Remarks:
THIS CLAIM COMBINES DECREED RIGHTS 25-00231 & 25-00243 WITH
SAME PRIORITIES.

15. Basis of Claim: DECREED
Water Right Number: 250231
Case Number:
Court :
Decree date: 11/01/1955

HJALMAR ANDERSON ET AL

Decree Plaintiff

A25-11218

Page

vs
2

LYNN CRANDALL, W. M.

Decree Defendant

Date: 11/17/88

MICROFILMED

NOV 11 1992

(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.

[illegible]