

03/17/2005

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

RIGHT NUMBER: 37-4363

NAME AND ADDRESS: MICKEY R LEGUINECHE
1450 S 1750 E
GOODING ID 83330

LOUIS J LEGUINECHE
1450 S 1750 E
GOODING ID 83330

SOURCE: DOG CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/10/1915

POINT OF DIVERSION:

T05S R14E S11 NWSE Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

03/15 11/15

0.020 CFS

PLACE OF USE:

STOCKWATER Within GOODING County

T05S R14E S11

NWSE

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

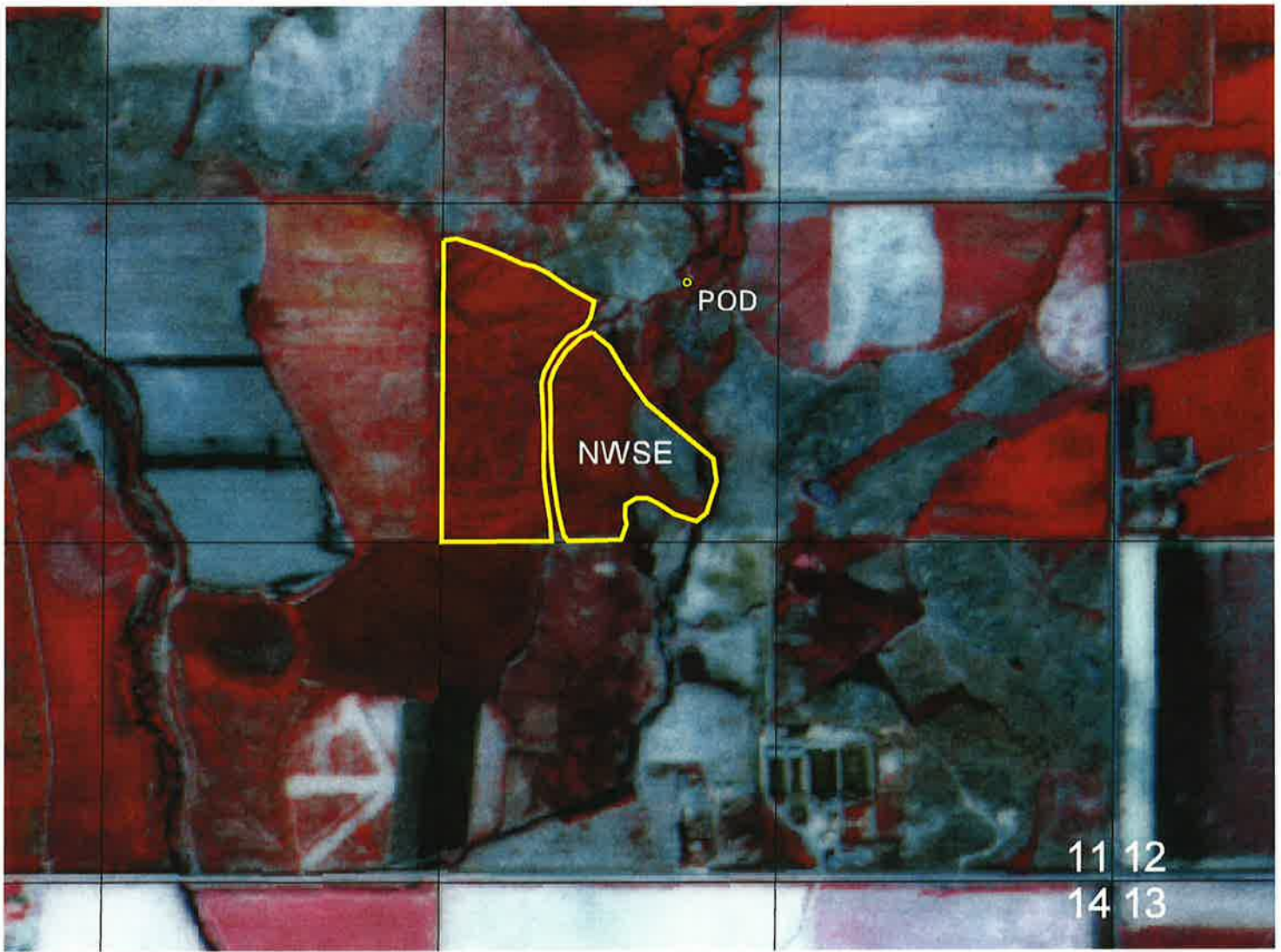
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

The source of this right is waste water originally diverted by the Big Wood Canal Co.

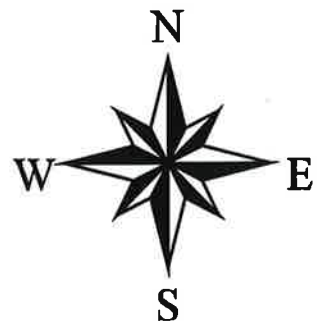
37-4363



700 0 700 1400 2100 Feet

T05S R14E S11

Map prepared by: Carter Fritschle
Date prepared: 01/23/03 - Revised 12-17-04
1987-1988 NAPP photography
Idaho Department of Water Resources



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-4363 V1

WATER RIGHT NUMBER: 37-4363 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MICKEY R LEGUINECHE 1450 S 1750 E GOODING, ID 83330 (208)934-4180
Current Owner	LOUIS J LEGUINECHE 1450 S 1750 E GOODING, ID 83330 (208)934-4180

Priority Date: 05/10/1915

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
DOG CREEK	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	03/15 to 11/15	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

DOG CREEK	NW1/4SE1/4	Sec. 11, Twp 05S, Rge 14E, B.M.
GOODING County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	14E	11														X			

Conditions of Approval:

1. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
2. C18 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.
3. ~~B02~~ The source of this right is waste water originally diverted by the Big Wood Canal Co. Dog Creek
4. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
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Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number: 37
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
POU	1/23/2003 4:29:04 PM	cfritsch			Active
POD	1/23/2003 4:29:21 PM	cfritsch			Active
Contacts	12/17/2004 10:56:22 AM	cfritsch			Active
POD	12/17/2004 10:57:10 AM	cfritsch			Active
Source	12/17/2004 11:02:30 AM	cfritsch			Active
Use	12/17/2004 11:03:48 AM	cfritsch			Active
Season	12/17/2004 11:04:55 AM	cfritsch			Active
Quantity	12/17/2004 11:08:41 AM	cfritsch			Active
Priority Date	3/17/2005 7:55:43 AM	cfritsch			Active
Summary			03/17/2005	cfritsch	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	1/23/2003 4:28:20 PM	cfritsch	Edited shape boundary

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POU	1/23/2003 4:29:09 PM	cfritsch	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - ASCS photo, NAPP and DOQ.
POD	1/23/2003 4:29:26 PM	cfritsch	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	1/23/2003 4:29:49 PM	cfritsch	Edited point location
POD	1/23/2003 4:30:05 PM	cfritsch	Edited PLS
Contacts	12/17/2004 10:56:22 AM	cfritsch	(No) 1. Do you want to schedule an appointment? Comment for 1: Field exam conducted by Lee Peterson 9-23-04.
POD	12/17/2004 10:57:10 AM	cfritsch	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	12/17/2004 10:59:26 AM	cfritsch	Edited point location
POD	12/17/2004 11:01:49 AM	cfritsch	Edited PLS
Source	12/17/2004 11:02:31 AM	cfritsch	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field exam conducted by Lee Peterson.

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Use	12/17/2004 11:03:49 AM	cfritsch	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field exam conducted by Lee Peterson.
Season	12/17/2004 11:04:55 AM	cfritsch	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	12/17/2004 11:08:42 AM	cfritsch	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Estimated by Lee Peterson. Recommendation limited to 0.02 cfs per acre for 17 acres and 0.02 cfs for stockwater.

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Priority Date	3/17/2005 7:55:43 AM	cfritsch	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (No) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 13. Has additional evidence of priority date been submitted? (Yes) 14. Can any portion of the claim be recommended as a valid water right? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Can recommend small stockwater use with documentation of priority date.
POU	3/17/2005 7:57:41 AM	cfritsch	Edited shape boundary
Summary	3/17/2005 8:04:33 AM	cfritsch	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 4. Is any portion of the claim be recommended? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

Contacts Data Entry Form

Claim Number 37-4363

14.00 \$ 4 N
west 2 1700 E Turn north
1/2 mi 1350 S
the west
thru gate

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	MICKEY R LEGUINECHE	RT 1 ^{old}	GOODING	ID	83330	(208)934-4180
Current Owner	LOUIE LEGUINECHE	RT 1 ^{dove} away with	GOODING	ID	83330	(208)934-4180

Date of Field Exam: 9-23-04 Time: 9:30 AAccompanied By: Loie Phone Number: 934-4363Relationship to Claimant: None

Directions to Property (If different from above) and/or update owner information:

4 mi N - 2 mile west 1/2 mi north of Gooding
1400 S - 1700 E 1350 S



Lee R. Peterson
234 S View Rd
Jerome, ID 83338-6448

Date: 9-23-04

Point of Diversion and Source Data Entry Form

Claim Number 37-4363

Claimed Point of Diversion and Source

T05S R14E S11 NWSE Within GOODING County Source: DOG CREEK BIG WOOD RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T05S R14E S11 NWSE Within GOODING County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

DOG Cr.Big wood

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>55</u>	<u>14E</u>	<u>11</u>			<u>Gooding</u>	<u>DOG Cr</u>

Other rights from this POD? NONE

Document how the POD and Source were verified:

Louie took me to CK structure on dog Cr.
to his ditch - GPSLouie Lequinche - Loui-1 2438174 1311647 ^{plate} A0013793 ^{photo} 1030324Reviewer: Date: 9-23-04

Place Of Use Data Entry Form

Claim Number 37-4363

Claimed Place Of Use

T05S R14E S11 NWSE 17.0

Total Acres 17

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T05S R14E S11 NWSE 17.0

Total Acres 17

OK by Louie

Recommended Place of Use

☐ See corrections to claimed POU above

Tw	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
55	14E	11			Gooding		17	Irrig - stock

Total Acres 17

Document how the POU was verified:

He showed me the land as yellow on color photo which he said is right & OK

Reviewer: 

Date: 7-23-04

Period of Use and Quantity Data Entry Form

Claim Number 37-4363

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/15	10/01	0.8	little
STOCKWATER	4/15	10/01	0.02	"

Overall Diversion Rate 0.8 Overall Diversion Volume

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/15	10/01	0.8	
STOCKWATER	4/15	10/01	0.02	

Overall Diversion Rate 0.8 Overall Diversion Volume

Recommended Period of Use and Diversion Rate

as per hour

Water Use	Start	End	Rate	Volume
<i>very seldom</i>	<i>undetermined</i>	<i>very soon in spring</i>		<i>little</i>

no mgs. device

Overall Diversion Rate *unknown* Overall Diversion Volume

Document how the Period of Use and/or Diversion Rate were verified:

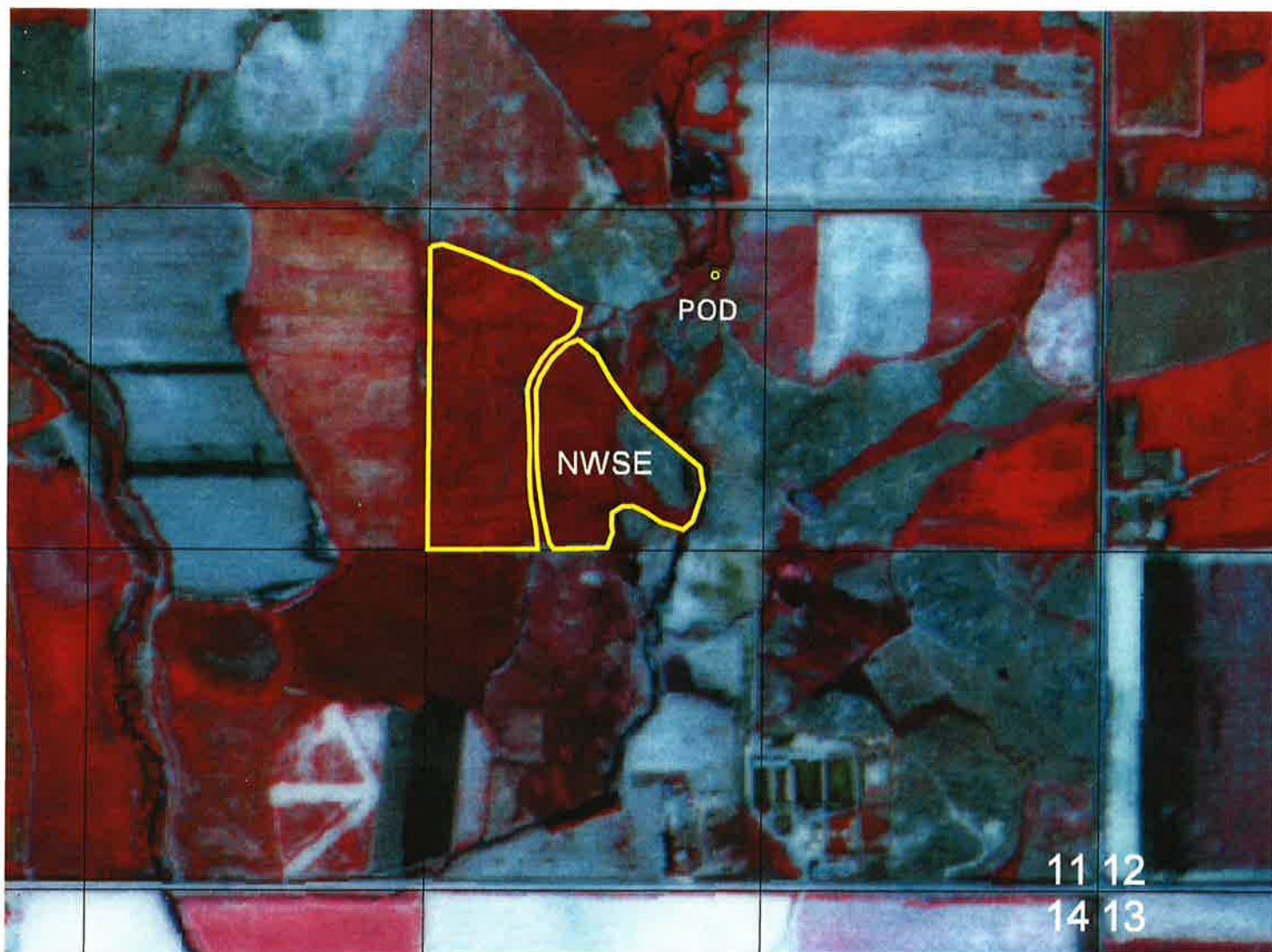
He advised me that dog cr the past 5 yrs has been dry almost all time - when years water was good there was almost no water getting to his place - by my site his 17 acres did not look like it had water on it for long time.

Reviewer: *PS*Date: *9-23-04*

17 ac.
OK

37-4363

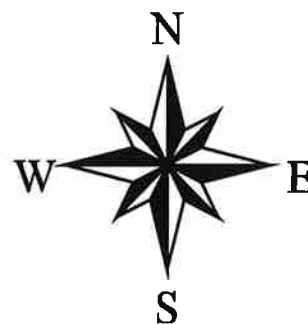
POD
OK



700 0 700 1400 2100 Feet

T05S R14E S11

Map prepared by: Carter Fritschle
Date prepared: 01/23/03
1987-1988 NAPP photography
Idaho Department of Water Resources



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: A37-04363
Date Received: 8/19/1988
Receipt No: S001581
Received By: EW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LOUIE LEGUINECHE 208-934-4180
Address: RT. 1
GOODING, ID 83330

AND/OR

Name: MICKEY R. LEGUINECHE 208-934-4180
Address: RT. 1
GOODING, ID 83330

2. Date of Priority: MAY 10, 1915

3. Source: DOG CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	14E	11	NW	SE			GOODING

5. Description of diverting works:
CHECK DAM, DITCH, GRAVITY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/01	0.800		
STOCKWATER	04/15	10/01	0.020		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	14E	11	NW	SE		IRR	17.0
						Section Acres	17.0
						Total Acres	17.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED
FEB 24 1993

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 / wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): Mickey Legumiche Date: 8-19-88
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 19th day

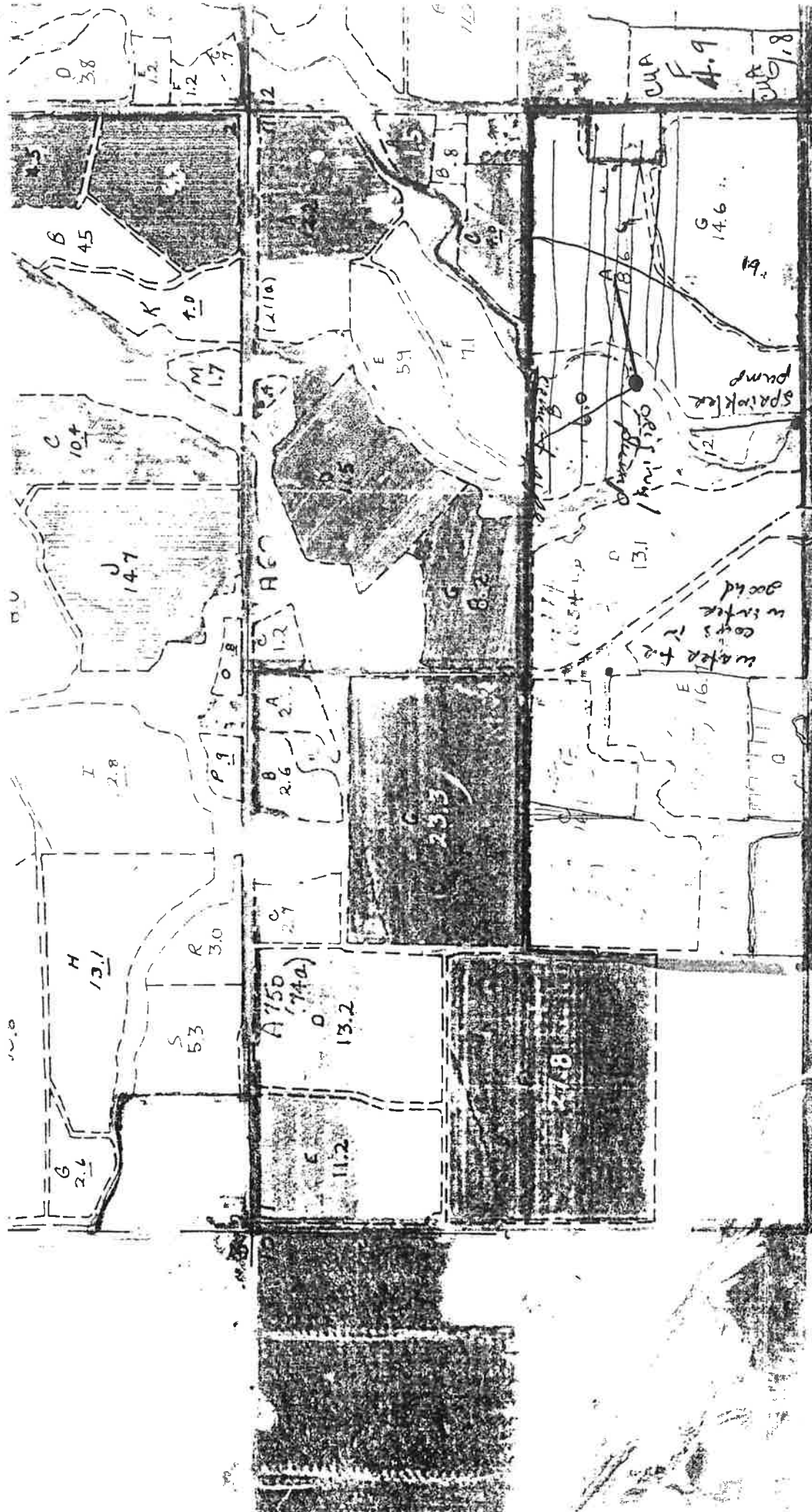
of August 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94



MICROFILMED
FEB 24 1993

LA 1005