

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79687

This is to certify that: LOUIS J LEGUINECHE AND
MICKEY R LEGUINECHE
1450 S 1750 E
GOODING, ID 83330

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-20799	WR/DECREED	2/11/1966	2.040 cfs	408.0 af	102.0	102.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

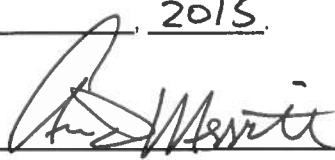
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-20799	NO	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-20799	37-20799	2.040 cfs	408.0 af	102.0	102.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.040 cfs	408.0 af	N/A	102.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 23rd day of March, 2015.


Southern Region Manager

WATER RIGHT NO. 37-20799

As Modified by Transfer No. 79687

In accordance with the approval of Transfer No. 79687, Water Right No. 37-20799 is now described as follows:

Right Holder: MICKEY R LEGUINECHE AND
LOUIS J LEGUINECHE
1450 S 1750 E
GOODING, ID 83330

Priority Date: 2/11/1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	2.040 cfs	408.0 af
			2.040 cfs	408.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNE Sec 11 Twp 05S Rge 14E GOODING County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	14E	11			38.0	36.0				28.0									102.0
Right Acre Limit:					102.0														
POU Total Acres:					102.0														

CONDITIONS OF APPROVAL

1. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
4. Use of this right is combined with water from Big Wood Canal Co.

WATER RIGHT NO. 37-20799

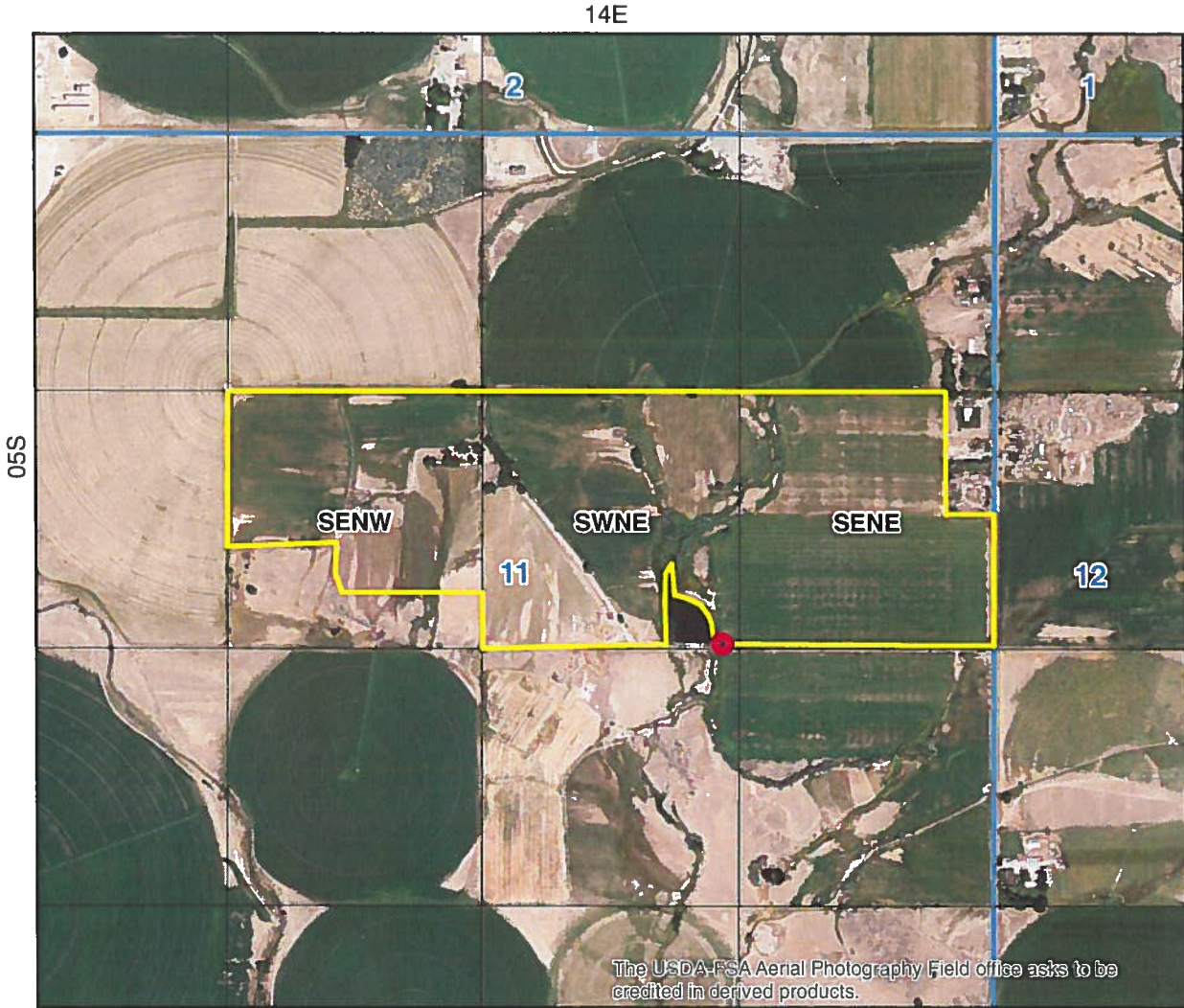
As Modified by Transfer No. 79687

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 9/24/2010.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. Prior to the diversion and use of water under Transfer approval 79687, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

State of Idaho
Department of Water Resources
Attachment To Transfer No. 79687
37-20799

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.1 0.2 0.4 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 24, 2015

MICKEY R LEGUINECHE
LOUIS J LEGUINECHE
1450 S 1750 E
GOODING ID 83330

Re: Transfer No: 79687
Water Right No(s): 37-20799

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is stylized with a large, sweeping initial "A" and a distinct "M".

Allen Merritt
Southern Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 79687
Water Right No(s): 37-20799

MICKEY R LEGUINECHE
LOUIS J LEGUINECHE
1450 S 1750 E
GOODING ID 83330

A handwritten signature in cursive script, reading "Denise Maline", written over a horizontal line.

Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 24, 2015

CINDY YENTER WATERMASTER
WATER DISTRICT # 130
650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

Hand-delivered

Re: **APPROVED Transfer No. 79687 (Louis & Mickey Leguineche)**

Dear Ms. Yenter:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer(s) within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in black ink that reads "Denise Maline". The signature is written in a cursive, flowing style.

Denise Maline
Administrative Assistant

Enclosure

MEMORANDUM

TO: Transfer # 79687 File

FROM: Benny Walker

DATE: March 19, 2015

SUBJECT: Filing Fee

The filing fee, \$660.00, for this transfer is based on the total amount of water being transferred. The transfer proposes changing the point of diversion for a ground water right of 2.04 cfs which equates to a \$660.00 fee.

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

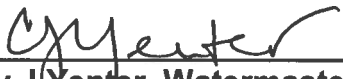
Application No: 79687
Water Right No: 37-20799
Applicant Name: Leguineche

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application
- b) ☒ I do not oppose approval of this application under the following terms:
standard measuring/reporting, WD130
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: March 18, 2015

Water District 130


Cindy J. Yenter, Watermaster

Affidavit of Publication
STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

RECEIVED
DEC 29 2014
DEPT OF WATER RESOURCES
SOUTHERN REGION

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twins Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 18th day of December, 2014 and ending with the issue dated 25th day of December, 2014

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.

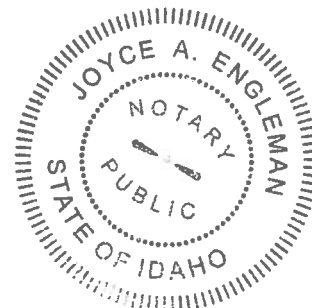
Ruby Aufderheide
Ruby Aufderheide, Legal Clerk

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 26th day of December, 2014, before me,
Joyce Engleman
a Notary Public, personally appeared Ruby Aufderheide,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Joyce Engleman
Notary Public for Idaho
Residing at Twin Falls, Idaho.

My commission expires: 6/28/19



✓ OK
SM 1/6/2015

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78846**

CROSS E LAND LLC, 358 S 2750 E, DECLO, ID 83323; has filed Application No. 78846 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10597A, 43-2574D, 43-2576D. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to add a point of diversion to water rights 43-2574D, 43-2576D and 43-10597A, total allowance for the water rights is 26.82 cfs and 6,072 af. No change will occur to the place of use. The new well will have a maximum capacity of 6 cfs and be located approximately 5.5 miles east and 11 miles north of the City of Malta. Published in Times News, Idaho Statesman, Post Register & Lewiston Tribune on December 18th & 25th, 2014.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79579**

BRUCE L BULCHER and KATHY J BULCHER, 3627 E 3300 N, HANSEN, ID 83334; has filed Application No. 79579 for changes to the following water rights within CASSIA, TWIN FALLS County(s): Right No(s). 47-2521. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes moving a 2.0 cfs ground water right for the irrigation of 146.5 acres at a proposed place of use (POU) on an existing farm, with water diverted from four existing wells. The proposed POU and the four wells are located approximately 4.7 to 6.0 miles south and 0.7 miles east to 0.9 miles west of Murtaugh. Current place of use is located approximately 1.1 to 1.6 miles south and 5.4 to 5.9 miles west of Murtaugh.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79580**

SHAUNNA CRANE and DANFORD L CRANE II, 3772 N 3600 E, KIMBERLY, ID 83341; has filed Application No. 79580 for changes to the following water rights within CASSIA, TWIN FALLS County(s): Right No(s). 45-10107, 45-2176, 45-2220, 45-2408. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes moving portions of four irrigation ground water rights for use in a new place of use on an existing farm located approximately 4.5 to 5.2 miles south and 2.0 to 2.6 miles east of Murtaugh. The portions to be moved are as follows: 8.7 acres (0.17 cfs) from water right 45-2176; 17.4 acres (0.20 cfs) from right 45-2220; 26.1 acres (0.14 cfs) from right 45-2408 and 6.4 acres (0.13 cfs) from right 45-10107. Total allowed diversion for the moved portions will be 0.52 cfs and 122 Af for the irrigation of 36.8 acres. Current place of use is located approximately 5.2 to 6.2 miles south and 0.0 to 0.9 miles east of Murtaugh.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79679**

SOUTHFIELD DAIRY, 3308 S 1600 E, WENDELL, ID 83355; has filed Application No. 79679 for changes to the following water rights within GOODING County(s): Right No(s). 36-7377F, 36-7547F. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes moving a 5.9 acre portion of two irrigation rights from a farm located approximately 5.5 to 6.0 mi. west and 1.5 to 2.0 mi. south of the center of Wendell to an existing CAFO located approximately 3.5 to 4.0 mi. west and 5.25 to 5.5 mi. south of the center of Wendell (intersection of Main St. and HWY 46). Transfer will allow for the diversion of up to 0.11 cfs and 23.6 AFA from an existing well for uses associated with the CAFO facility.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79680**

SOUTHFIELD DAIRY, 3308 S 1600 E, WENDELL, ID 83355; has filed Application No. 79680 for changes to the following water rights within GOODING County(s): Right No(s). 36-7377F, 36-7547F. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes converting a 17.1 acre portion of two irrigation rights from a farm located approximately 5.5 to 6.0 mi. west and 1.5 to 2.0 mi. south of the center of Wendell to an existing dairy operation located approximately 5.0 to 5.5 mi. west and 1.5 to 2.0 mi. south of the center of Wendell (intersection of Main and HWY 46). Transfer will allow for the diversion of up to 0.32 cfs and 68.4 AFA from three existing wells for uses associated with the dairy facility.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79686**

JCK FARMS LLC, 695 S 320 W, PROVO, UT 84601; has filed Application No. 79686 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13286, 43-13288, 43-13290. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to add a point of diversion (POD) to ground water irrigation rights 43-13286 (2.75 cfs), 43-13288 (3.68 cfs), and 43-13290 (1.04 cfs) which are currently diverted from 4 wells. The new well will be located 1.75 miles north and 0.25 miles east of the intersection of State Highways 77 and 81 in Malta.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79687**

MICKEY R LEGUINECHE and LOUIS J LEGUINECHE, 1450 S 1750 E, GOODING, ID 83330; has filed Application No. 79687 for changes to the following water rights within GOODING County(s): Right No(s). 37-20799. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change a groundwater point of diversion located approximately 4.8 miles north and 1.7 miles west of the center of the city of Gooding (7th and Main) to a new well to be drilled located approximately 4.5 miles north and 2.25 miles west of the center of the city of Gooding. The proposed new well will allow for the diversion of 2.04 cfs, 408.0 afa, for the irrigation of 102.0 acres.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. To see a full description of these rights and the proposed transfers, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before January 5, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on December 18th & 25th, 2014

✓ ok DM
1/6/2015