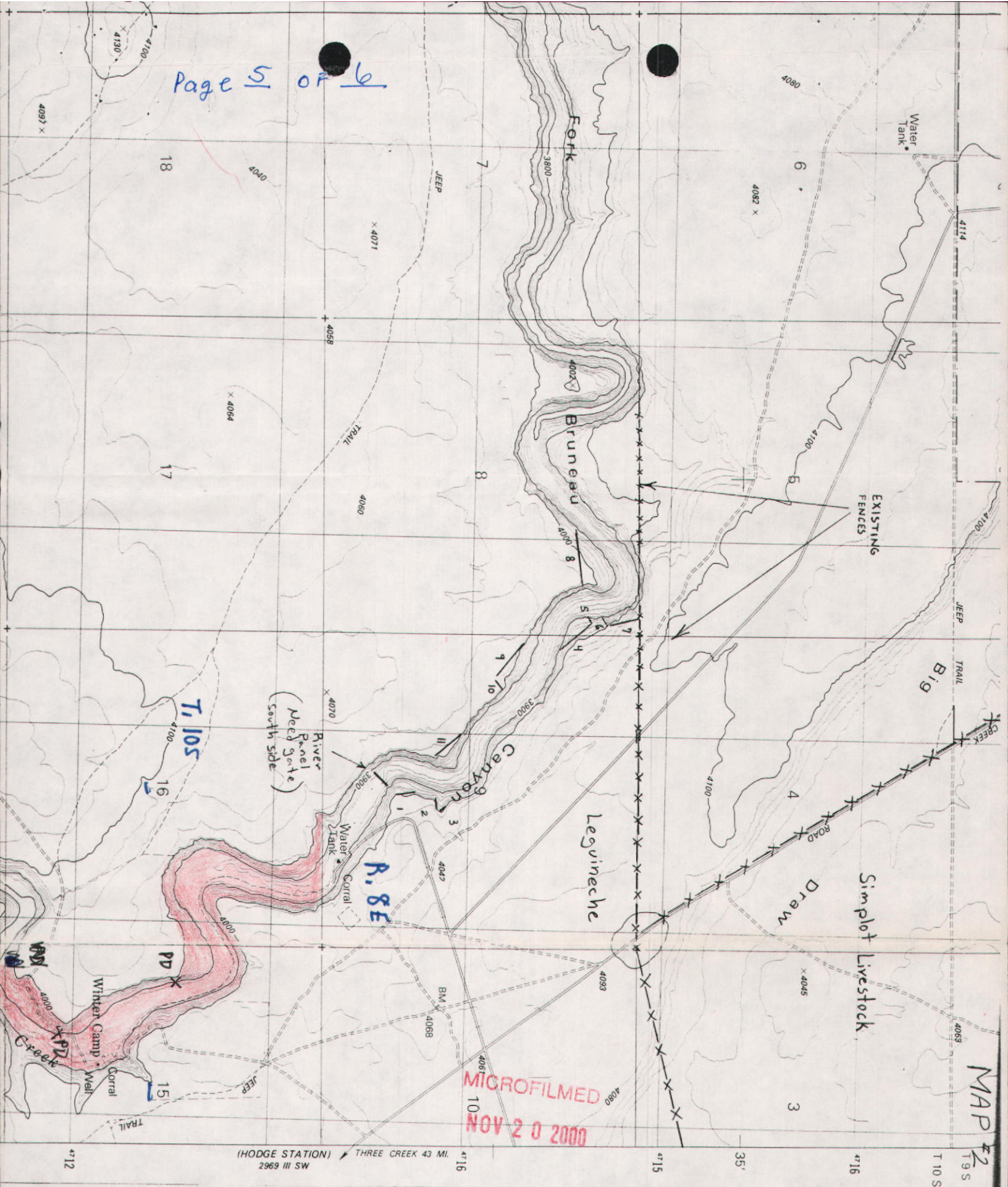


Page 5 of 6



MAP #2

T 10 S

T 10 S

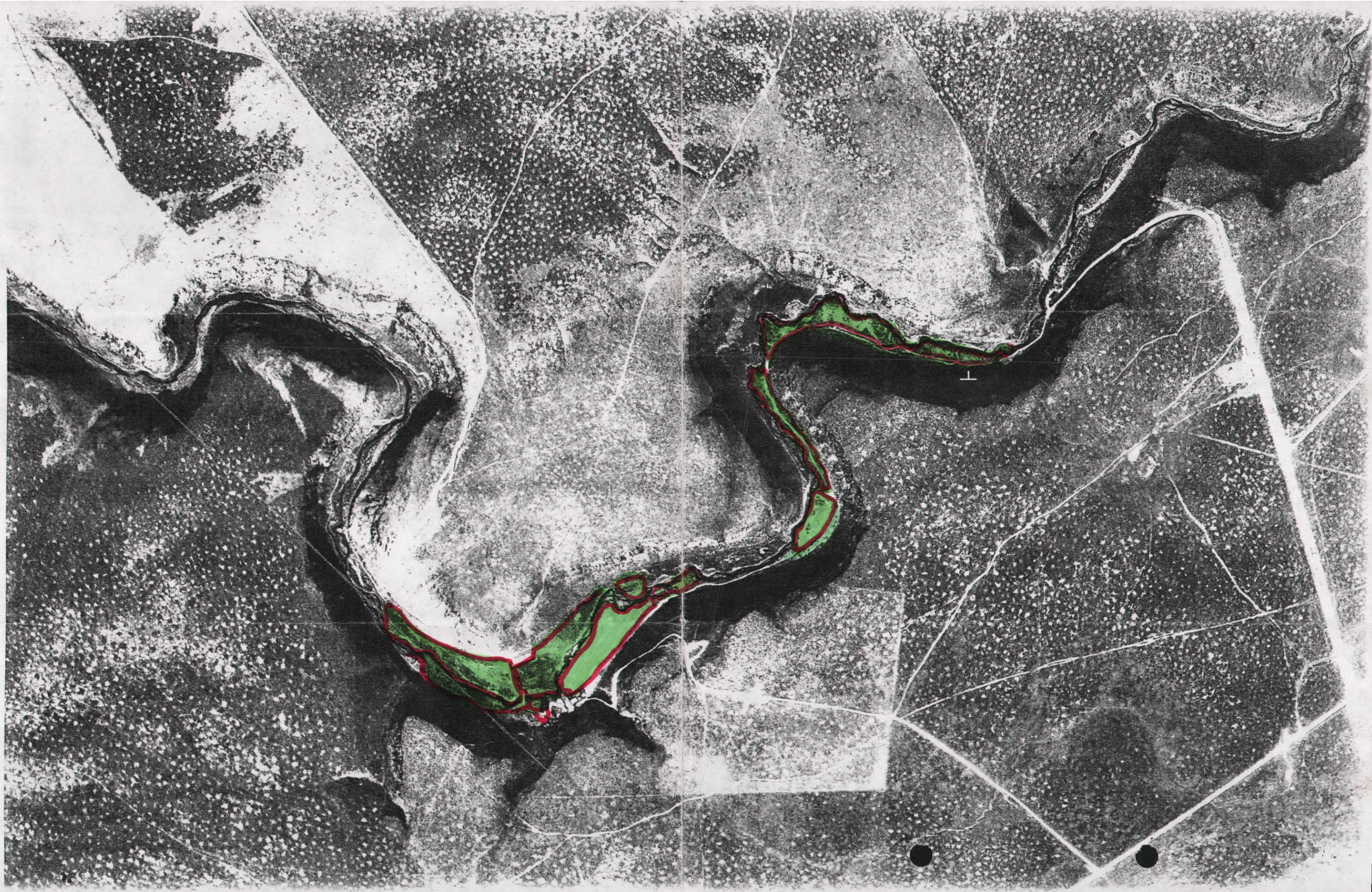
- 1 90 yds
- 2 40 yds
- 3 28 yds
- 4 380 yds
- 5 35 yds
- 6 40 yds
- 7 390 yds
- 8 240 yds
- 9 260 yds
- 10 50 yds
- 11 50 yds
- 12 45 yds

Cable 130 ft
North panel 90
South panel 90

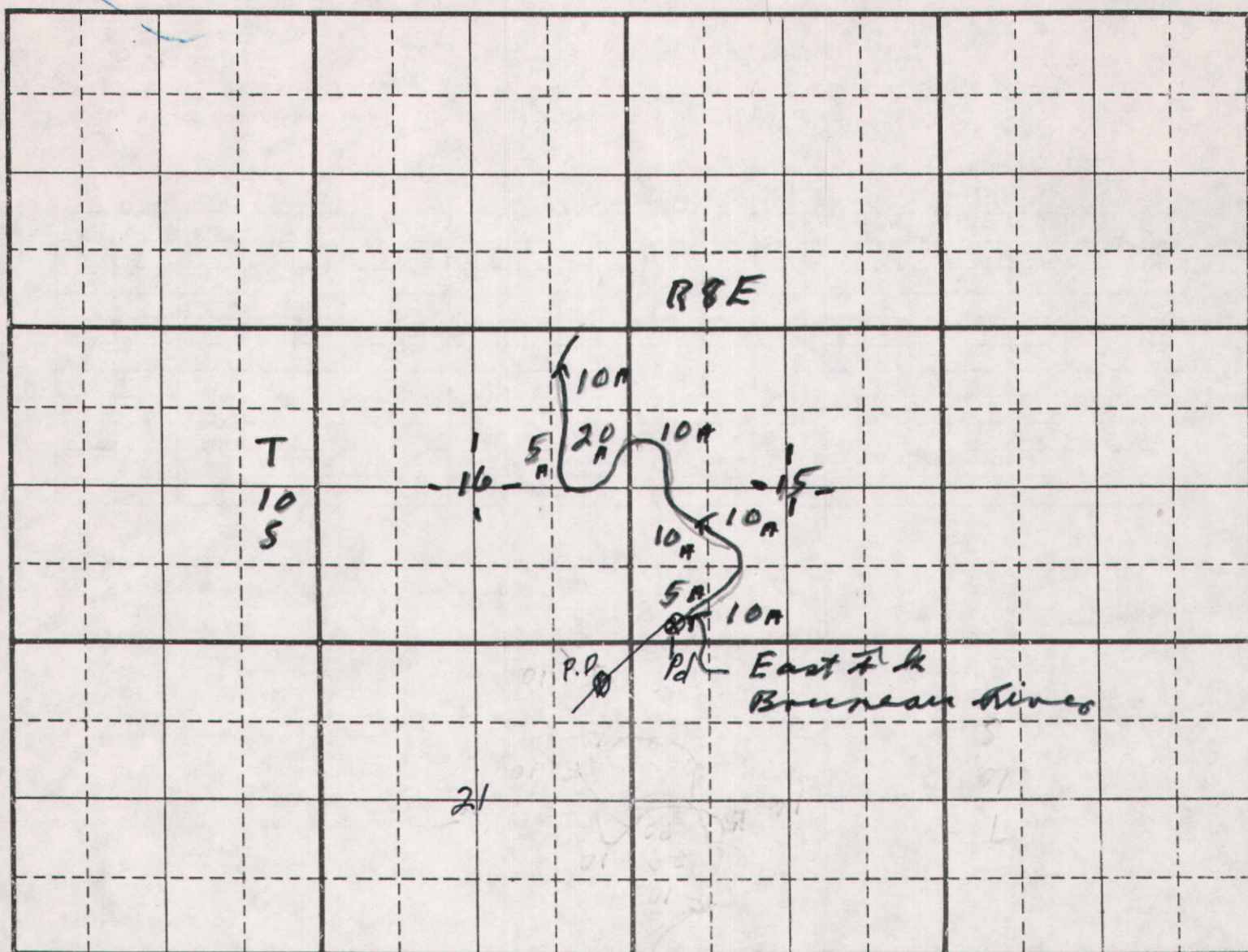
* red flags

Aerial photos

9-23-24
10-22-24



(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 29 day of November, 1982.

Joe Leguineche
(Claimant)

Nancy M. Hathway
Notary Public
Residing at Boise

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by gkn Date 11/29/82 Exception filed by: _____ Date _____
Prelim. check by GLS Date 11/30/82
\$30.00 fee received by gkn Date 11/29/82 # 23034
Published in Oakley Nugget
Dates 12/30 & 1/6/83

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

FEB 28 2000

WATER RESOURCES
WESTERN REGION

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

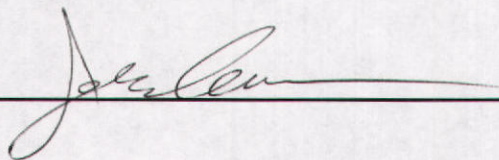
4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in Two (2)

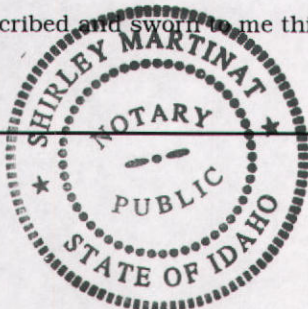
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

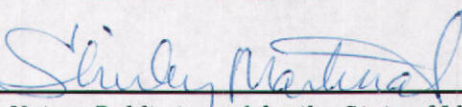
February 2 and 9, 2000

Signed



Subscribed and sworn to me this 9th day of February A.D., 2000




Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires 04/22/2002

MICROFILMED

NOV 20 2000

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS, TRANSFER NO. 5644

Notice is given that JOE LINGUINECHE of 2099 E. 1400 S. Gooding, ID 83330 has applied to the Department of Water Resources to change water right 51-04050 to satisfy Snake River Basin Adjudication (SRBA) objections pursuant to I.C. § 42-222 in T10S R8E, Owyhee County described as:

STATUTORY CLAIM 51-04050, priority 03/01/1925, 1.50 cfs, East Fork Bruneau River diverted in SWNW S15 and NWNW S21 for irrigation of 80-acres in SWNW and SW S15 and NE S16.

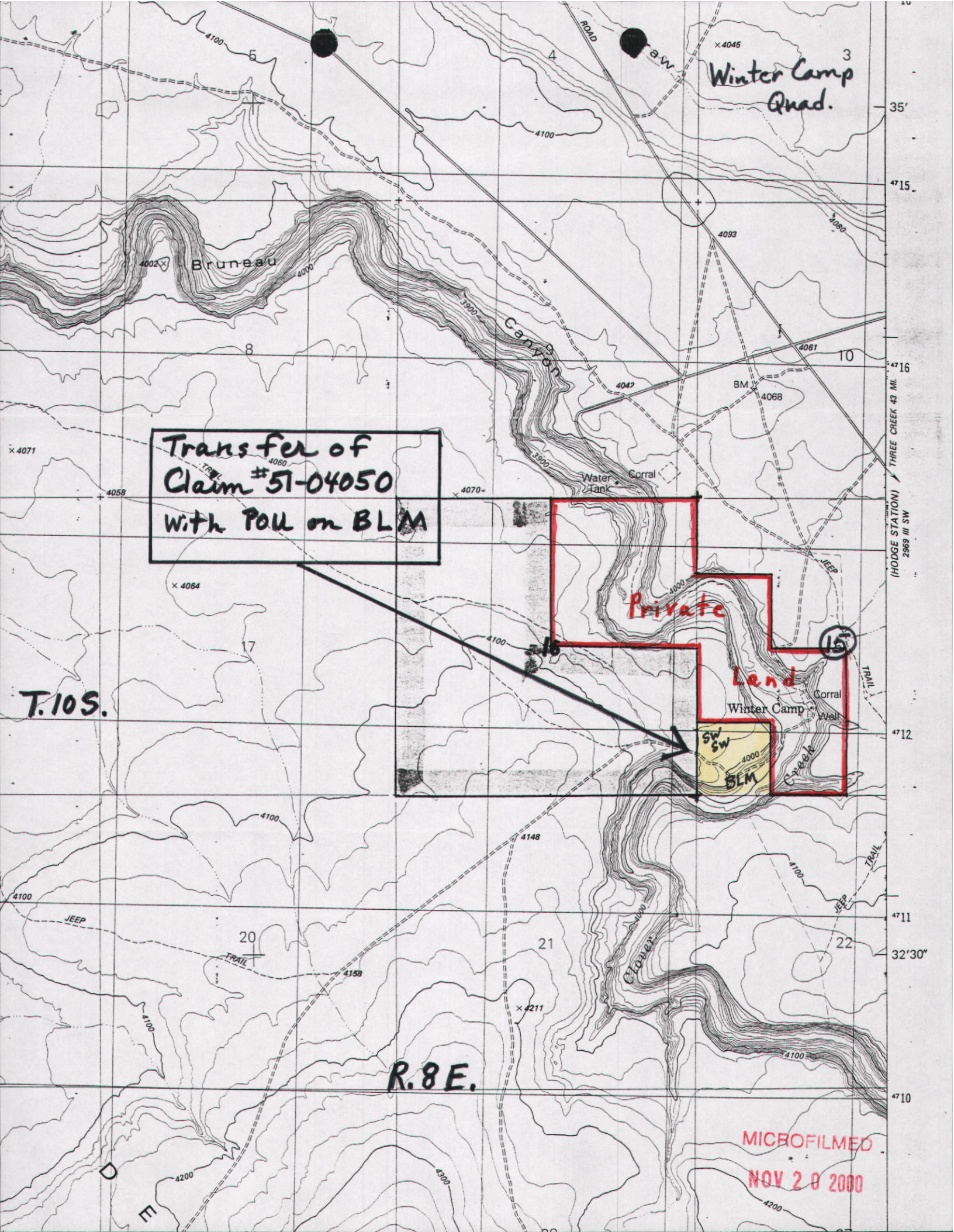
PROPOSED CHANGE

Modify right to .55 cfs from Clover Creek (source name clarified per topo map) diverted in SWNW and SESW S15 and used in SWNW and SW S15 and NE S16, 27.2 acres. Stockwater will also be added as an accomplished transfer at .05 cfs, with a maximum diversion rate of .59cfs for both uses. Place of use for stockwater will be the same as irrigation use. This will satisfy SRBA objection to move one diversion point from public land to private land and change statutory claim to reflect SRBA recommendation.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 for each application on or before February 22, 2000. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

2/2&9/00



Winter Camp Quad.

Transfer of
Claim #51-04050
With POU on BLM

Private

Land

Winter Camp

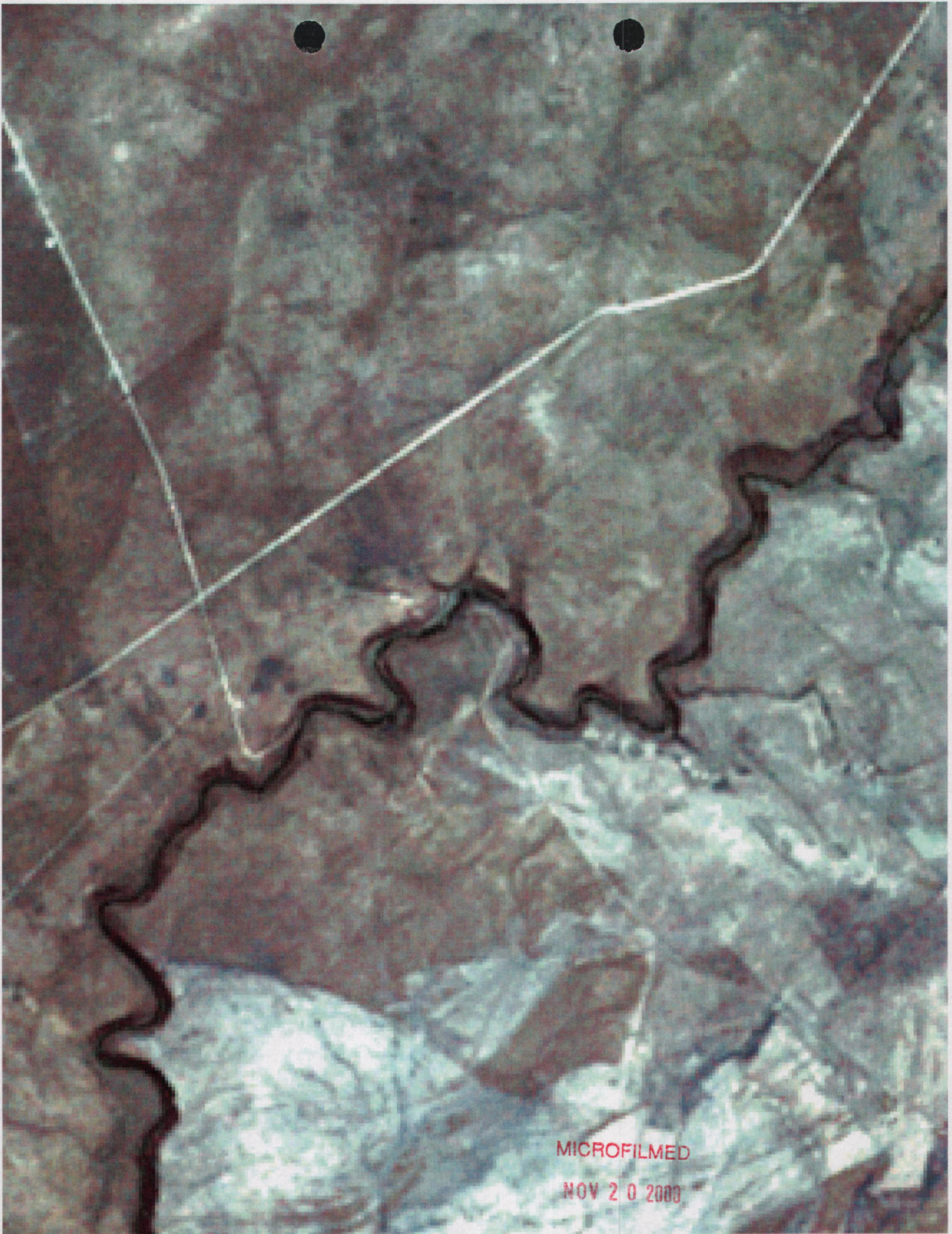
SW SW

BLM

T.10S.

R.8E.

MICROFILMED
NOV 20 2000



MICROFILMED

NOV 20 2000



MICROFILMED
NOV 20 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5644
WATER RIGHT NO. 51-04050

This is to certify that: **JOE LEGUINECHE**
2099 E 1400 S
GOODING ID 83330

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.54 CFS	95.2 AF
STOCKWATER	01/01 to 12/31	0.05 CFS	2.7 AF
	Totals	0.59 CFS	97.9 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
CLOVER CREEK	BRUNEAU RIVER

Priority: 04/01/1925

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 15, Township 10S, Range 08E
SESW , Sec. 15, Township 10S, Range 08E
OWYHEE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10S	08E	15	SWNW 3.5	NESW 5.1	NWSW 3	
			SESW 9			20.6
		16	NENE 3.5	SWNE 0.4	SENE 2.7	6.6
						27.2

Total number of acres irrigated:

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

MICROFILMED

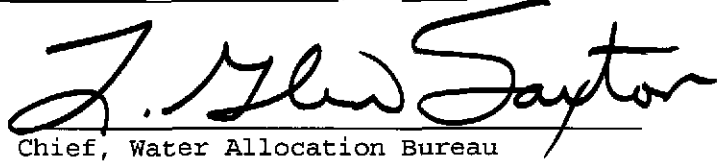
NOV 20 2000

TRANSFER NO. 5644
WATER RIGHT NO. 51-04050

CONDITIONS OF APPROVAL AND REMARKS

4. All water rights within Basin 51 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
5. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
6. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Dated this 9th day of March, 2000.


Chief, Water Allocation Bureau

MICROFILMED

NOV 20 2000

Transfer No. 5644

NOV 23 1999

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Northern Region

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

MAR 3 - 2000

RECEIVED

NOV 26 1999

WATER RESOURCES
WESTERN REGION

Name of applicant Joe Leguineche Phone 934-5563

Post Office address 2079 E 1400 S, Gooding, ID 83330 **RECEIVED**

1. PURPOSE OF TRANSFER

MAR 3 2000

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____ Department of Water Resources
2. Describe the reason for the proposed changes Change one point of diversion from Federal land to private land to satisfy objection to SRBA claim

3. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
51-04050	4-1-1925	0.59 cfs	Irrigation	4-1 to 10-31
			Stockwater	1-1 to 12-31

2. Total amount of water being transferred 0.59 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Clover Creek tributary to Bruneau River

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use: ~~No Change~~

Twp	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
see ATTACHMENT A MICROFILMED NOV 20 1967																			

PART 1

6. General Information

a. Description of diversion system Two diversions on Clover Creek for gravity irrigation.
Stock drink from stream.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or N/A contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A

d. Remarks

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No _____

And said application is hereby _____, subject to the following limitations and conditions

Witness my hand this _____ day of _____, 19 _____

MICROFILMED

APR 28 1965

WR5809NP
No. 51-04050

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/06/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOE LEGUINECHE RT. 1 GOODING ID 83330	03/01/1925	IRRIGATION	03/15 11/15	1.500 CFS	
					TOTAL DIVERSION:	1.500 CFS

Water Source: BRUNEAU RIVER, EAST FORK

Tributary to: BRUNEAU RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T10S R08E S15
S21

SWSW
NENE

OWYHEE County
OWYHEE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	
10S	08E	15					10		10	10	05	10				45.0
10S	08E	16	10		05	20										35.0
															TOTAL ACRES	80.0

Pou County: OWYHEE

Dates:	App. Received:	Priority Date:	03/01/1925
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: Field Exam Fee:

Audit: 01/13/86 04/30/88 CONVERT

MICROFILMED

NOV 20 2006

10 To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

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JAN 10 2000

WATER RESOURCES
WESTERN REGION

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2 Point(s) of Diversion

Lot	1/4	1/4	1/4	Sec	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local name for diversion

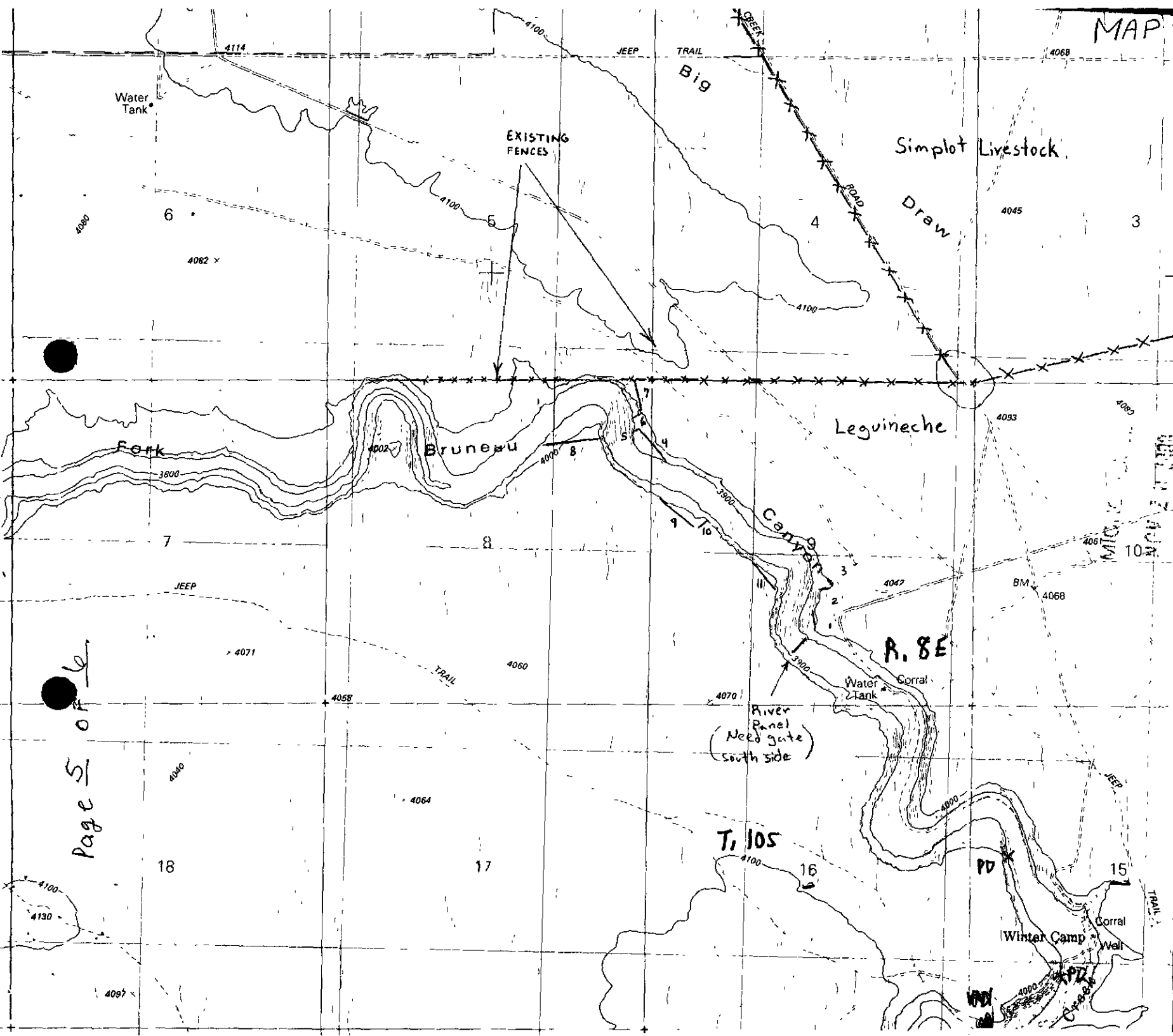
3 Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

MICROFILMED

MAY 20 2000

Total acres _____



- 1 90 yds
- 2 40 yds
- 3 28 yds
- 4 380 yds
- 5 35 yds
- 6 40 yds
- 7 390 yds
- 8 240 yds
- 9 260 yds
- 10 50 yds
- 11 50 yds rep
- 12 45 yds river

Cable 130 ft
North panel 60
South Panel 90

* red flags

Aerial Photos
9-23-24
10-22-24

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Joe Guineche
(Signature of Applicant)

Subscribed and sworn to before me this 23rd day of November, 19 99.

J. Stanton
(Notary Public)

My commission expires 10-25-2000

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by *J. Stanton* Date 11-23-99 Protest filed by

Prelim. check by *DAN* Fee \$100, 5022681

Receipted by *gs* Date 11-23-99

Published in *Owyhee Avalanche* Copies of protest forwarded by

Pub. dates 2-2-99-00 OK 3-1-00 LM Hearing held by Date

Watermaster recommendation requested on Recommended for ☐ approval ☐ denial

 rec'd. by

Copy of transfer sent to lien holder

MICROFILMED

NOV 24 1999

Confirmation sheet of actual place of use.

RECEIVED

JAN 10 2000

WATER RESOURCES
WESTERN REGION

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	08E	15							S 3.5 AC		S 5.1 AC	S 3.0 AC		S 9.0 AC					20.6 ACRES
10S	08E	16	S 3.5 AC		S 0.4 AC	S 2.7 AC													6.6 ACRES
																			TOTAL 27.2 ACRES

Please Note: The above acres were taken from the Snake River Basin Adjudication recommendation for adjudication claim A51-04050.

BE IT KNOWN That the undersigned hereby has corrected the legal description to clarify the application for transfer filed by Joe Linguineche for water right 65-04050.

Signature Joe Linguineche Title OWNER
Date 1/4/2000

If signature not by applicant please indicate below relationship to owner.

ATTACHMENT A
51-04050



Memorandum

To: File 51-04050

From: Kay Walker

Date: March 7, 2000

Re: Ownership of place of use

.....

I contacted the Owyhee County Assessor's office this morning to determine that the applicant owns the property described as the place of use under this transfer. The Assessor's office stated the lands are owned by the Estate of Joe Leguineche, c/o Violet Leguineche. I recommend we approve the application for transfer.

MICROFILMED

MAR 23 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that JOE LEGUINECHE
(Name of Claimant)

Rt. 1, Gooding, ID 83330
(Mailing Address)

Telephone No. 734-5563
(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority (When was the water first applied to a beneficial use) 3/1/1925

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
East Fork Bruneau River tributary to Bruneau River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>1.5</u>	Use	<u>irrigation</u>	Period of Use From <u>3/15</u>	To <u>11/15</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 1.5 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion. (Location of point where water is diverted from its source)
SW ¼ SW ¼, Sec 15 Twp. 10S Rge 8E B M., County of Owyhee
Additional points of diversion
NENE, Sec. 21, T. 10S, R. 8E

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
Diversion dams, gravity ditches to place of use; one portable pump

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10S	8E	15							10		10	10	5	10					45
		16	10		5	20													35

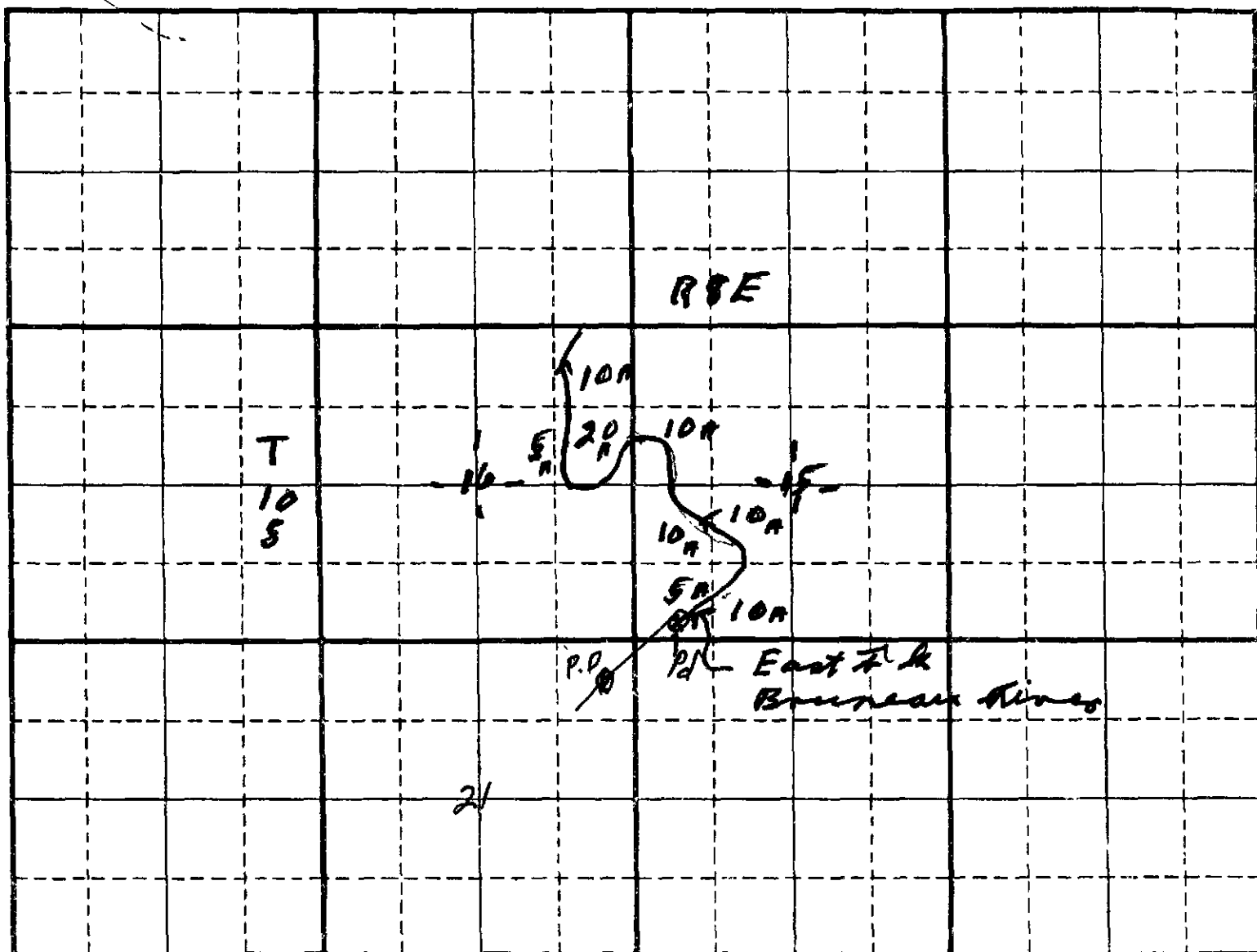
No. of acres 80

B) If water is used for other than irrigation, fully describe that use, being as specific as possible

NOTE Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks _____



Scale 2 inches equal 1 mile

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 29 day of November, 1982

Joe Yeguineche
(Claimant)

Nancy M. Hathway
Notary Public
Residing at Boise

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by gkn Date 11/29/82 Exception filed by _____ Date _____
Prelim. check by GLS Date 11/30/82
\$30.00 fee received by gkn Date 11/29/82 # 23034
Published in Oakham Nugget
Dates 12/30 & 1/10/83

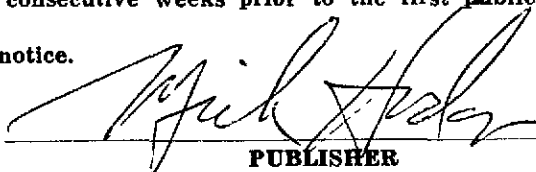
PROOF OF PUBLICATION

STATE OF IDAHO, County of Owyhee, s.s.

I, MICK HODGES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by MICK HODGES, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

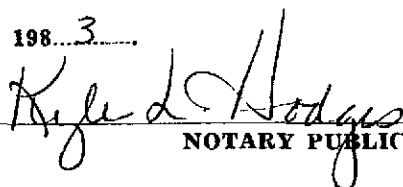
That the annexed notice was published in said newspaper once a week and every week for 2 consecutive weeks, the first publication being on the 29 day of December 1982, and the last publication being on the 5 day of January, 1983;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy - eight consecutive weeks prior to the first publication of the attached notice.


PUBLISHER

Subscribed and sworn to before me this 5 day of

January, 1983.


NOTARY PUBLIC

My commission expires 3-86

(SEAL)

RECEIVED

JAN 7 1983

Department of Water Resources
Western Regional Office

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

51-4048

COLYER CATTLE CO.
P.O. BOX 277, BRUNEAU,
ID 83604

Source: GROUNDWATER
Priority Date: 01/01/1912
Diversion Pt: NENW Sec 09 T
07S R 06E
Use: IRRIGATION (0.10 CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.04) CFS
In: SWNE NENW SENW Sec
09 T 07S R 06E SESW Sec 04 T
07S R 06E FOR 70 ACRES

51-4049

COLYER CATTLE CO.
P.O. BOX 277, BRUNEAU,
ID 83604

Source: GROUNDWATER
Priority Date: 04/01/1925
Diversion Pt: NENW Sec 09 T
07S R 06E SESW SWSE Sec 04
T 07S R 06E
Use: IRRIGATION (1.40 CFS)
STOCKWATER (0.04 CFS)
DOMESTIC (0.04 CFS)
In: SWNE NENW SENW Sec
09 T 07S R 06E SESW Sec 04 T
07S R 06E FOR 70 ACRES

51-4050

LEGUINECHE, JOE
RT. 1, GOODING, ID 83330
Source: BRUNEAU RIVER,
EAST FORK trib. to BRU-
NEAU RIVER

Priority Date: 03/01/1925
Diversion Pt: SWSW Sec 15 T
10S R 08E NENE Sec 21 T 10S
R 08E
Use: IRRIGATION (1.50 CFS)
In: SWNW NESW NWSW
SWSW SESW Sec 15 T 10S R
08E NENE SWNE SENE Sec
16 T 10S R 08E FOR 80 ACRES
ACRES

55-4084

PANZERI, WILLIAM & OR
PEARL
P.O. BOX 149, MARSING, ID
83639

Source: LOUSE CREEK trib.
to JORDAN CREEK
Priority Date: 07/25/1891
Diversion Pt: LOT 04 (NWN
W) Sec 06 T 06S R 04W
Use: IRRIGATION (1.40 CFS)
In: NWNW SWNW Sec 06 T
06S R 04W NENE SENE Sec 01
T 06S R 05W FOR 14 ACRES

Exceptions to a claim may be
filed with the Director, Dept.
of Water Resources, Western
Region, Statehouse, Boise,
Idaho 83720.

A KENNETH DUNN,
DIRECTOR

Published in the Owyhee
Nugget, Marsing, Owyhee
County, Idaho 12/29 & 01/05
1983.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

March 9, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOE LEGUINECHE
2099 E 1400 S
GOODING ID 83330

RE: Water Right 51-04050 (Transfer 5644)

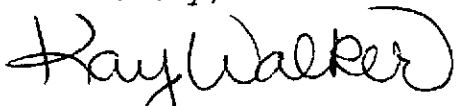
Dear Mr. Leguineche:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5644). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

for 
Jeff Reppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

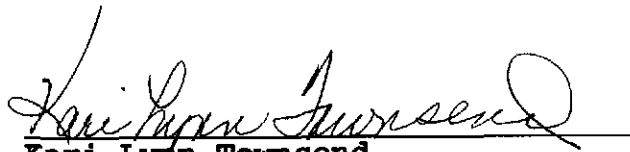
85 04 2 1 2, 000

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of **March, 2000** I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 51-04050 (Transfer 5644)

**JOE LEGUINECHE
2099 E 1400 S
GOODING ID 83330**


**Kari Lynn Townsend
Secretary**

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NOV 20 2006

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the order. 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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 issuance 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.

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NOV 20 2000

TRANSFER REVIEW SHEET

(10-99)

Transfer # 5644Date Reviewed 3/7/2000Right(s) 51-64050 Based on SRBA rec.

☒ WRQ/Split Summary ☒ ^{at issue} SRBA Status ☒ Run POU Comparison Report

B:Change P/D C:Add P/D

D:Change P/U

E:Change Nature of Use

F:Change Period of Use

G:Other

H:Change P/D & Add P/D

I:Change P/D & P/U

J:Add P/D & Change P/U

Proof of Ownership

I contacted Currier Co. assessors office & they confirmed ownership by applicant.

Transfer ☒ All of Right

____ Portion of Right

Resulting Split(s) _____

see memo below application.

Check Transfer Against Recorded Right:

Standard Season 3/15 to 11/15Standard Volume CU 2.5/3.5 FHR(1) ☒ Priority (2) ☒ Use (3) ☒ Season/W61 (4) ☒ Rate (5) ☒ Volume-over →(6) ☒ Source (7) ☒ P/D (8) ☒ P/U (9) ☒ Proof/Owner (10) ☒ Map(11) NO Water District (12) ☒ Pertinent Conditions (13) NO Expansion

*2.) Stockwater = 200 hd range cattle = 0.05 cfs/2.7 AFA
per app. processing memo #3
Stockwater, US2 added in SRBA process as
an accomplished transfer.

*3.) Reason of use on SRBA recommendation 10
4/1 to 10/31 - Rec. new season as shown
on map. Per Ken Shiff this will not affect
SRBA process.

Transfer Remarks SRBA remarks (N25, N18, portion of C14)Conditions R63, T07, T08

Database/Processing Notes

Standard ET

copy to X prefix

"T" Files Update Complete fu Approval Form fu Transfer Memo —Database Updated Following Approval fu Memo/Form Files Deleted —

3-9-2000

$$V_1 = 0.54 \text{ cfs} \times 1.9835 \times 246 \text{ days} = 263.5 \text{ AFA}$$

$$V_2 = 27.2 \text{ acres} \times 3.5 = 95.2 \text{ AFA} \leftarrow \text{use}$$

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
51-04050	LEGUINECHE, JOE	C	03/01/1925	S/	BRUNEAU RIVER, EAS	IRR	WR
T51-04050			04/01/1925	J/	CLOVER CREEK	IRR STOCK	WR
51-04050	LEGUINECHE, JOE	C	04/01/1925	J/	CLOVER CREEK	IRR STOCK	AJ
A51-04050	LEGUINECHE, JOE	C	03/01/1925	S/	BRUNEAU RIVER, EAS	IRR STOCK	AJ

SRBA

SUBCASE SUMMARY REPORT 51-04050

[Return to SRBA Home Page](#)

SRBA
03-07-2000

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 51-04050 FILE#: 00183
CLAIMANT: LEGUINECHE, JOE
STATUS: AT ISSUE
WATER SOURCE: CLOVER CREEK, BRUNEAU RIVER
ISSUES: POINT(S) OF DIVERSION DESCRIPTION

**** PARTIES INVOLVED ****

JOE LEGUINECHE	C PRO SE
USDI BLM	O ATTY: US DEPARTMENT OF JUSTICE

**** ROA ENTRIES ****

03-31-1999	OBJ 01 F/B USDI BLM	RB	08-02-1999 0001
05-03-1999	NTC OF FILING ORIGINAL CLAIMS IN BASIN 51		
	IRRIGATION AND OTHER		
10-06-1999	NOTICE SETTING INITIAL HEARING	1S	11-23-1999 0145
11-23-1999	HEARING HELD-NO RECORDING	1H	11-23-1999 0145
02-09-2000	NOTICE OF ADMINISTRATIVE PROCEEDING	AZ	02-02-2001

[Return to SRBA Home Page](#)

2000 2 2 5PM
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SRBA

DIRECTORS REPORT 51-04050

Return to SRBA Home Page

IWT072

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

Right Number: 51-04050

Name and Address: JOE LEGUINECHE
2150 E 1375 S
GOODING, ID 83330

Source: CLOVER CREEK Tributary: BRUNEAU RIVER

Quantity: .59 CFS

Priority Date: 04-01-1925

Diversion Point: T10S R08E S15 SWNW Within Owyhee County
S22 NWNW

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-01 TO 10-31	.54 CFS
	Stockwater	01-01 TO 12-31	.05 CFS

Place of Use:	Irrigation	Within Owyhee County
T10S R08E S15	SWNW 3.5	NESW 5.1
	NWSW 3	SESW 9
S16	NENE 3.5	SWNE 0.4
	SENE 2.7	

27.2 Acres Total

Stockwater
Same as Other Use

Other Provisions Necessary for Definition / Administration of this Water Right:

APR 23 2000
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Explanatory Material: Basis of Claim - Beneficial Use

STOCKWATER, 200 RANGE CATTLE

[Return to SRBA Home Page](#)

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1984 JUN 29 1985

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
T5104050	T10S R08E S15 CLOVER CREEK																	
	:							03		:	05	03		09	:			: 20
5104050	BRUNEAU RI :							10		:	10	10	05	10	:			: 45
*5104050	CLOVER CRE :							03		:	05	03		09	:			: 20
A5104050	BRUNEAU RI :							10		:	10	10	05	10	:			: 45
T5104050	T10S R08E S16 CLOVER CREEK																	
	:	03		0	02	:				:					:			: 5
5104050	BRUNEAU RI :	10		05	20	:				:					:			: 35
*5104050	CLOVER CRE :	03		0	02	:				:					:			: 5
A5104050	BRUNEAU RI :	10		05	20	:				:					:			: 35

MAR 2 2000

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

APPLICANT Joe LeguinechTRANSFER NO. 5644INITIAL ALLOCATION REVIEW BY DAVDATE 12-6-19991. Right number(s) 51-040502. Type of right ☐ Decree ☐ License ☒ Statutory Claim
☐ SRBA Beneficial Use Claim3. Purpose of transfer ☒ Change P/D ☐ Add P/D ☐ Change P/U
☐ Change N/U ☐ Change Period ☐ Split Right
☒ Other: Change Statutory Claim to Report
SRBA Recommendation4. Check Existing Right:
☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

5. Check Proposed Right for amount of land &/or water transferred:

- a. ☒ Analysis memo (always - unless justify why not needed)
- b. ☒ All of right
- c. ☐ Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)
- d. ☒ Description of point(s) of diversion
- e. ☒ Description of place of use
- f. ☒ Map showing P/D & P/U after transfer
- g. ☒ Correct notarized signature and \$100 fee
- h. ☒ Proof of ownership of right &/or land from which water is transferred
- i. NO Expansion in use of right: check rate of flow, diversion volume and consumptive use volume. Discuss in memo.
- j. ☒ Surface water source: IDFG letter; notify Water Planning Bureau if protected river or minimum flow reach.

k. X Overlapping rights: check current & proposed scenarios:

Current NO Significant overlap

Proposed NO Significant overlap

l. X SRBA claim(s) Chain has been recommended and objected TO. This Transfer TO settle SRBA objection BY BLM

m. yes

Comment letters

If yes

Yes

No

Water District #

Other, see #2 below for name and address

X IDFG Letter

X Bureau of Land Management

PUBLICATION REVIEW

1. Legal Notice electronically sent to DWR03::VAULT? Yes

2. COMMENT LETTERS

Watermaster recommendation requested on _____, Received on _____

Other comments letters:

See attached information

3. Transfer published correctly? Yes No

4. Affidavit of publication received? Yes No

5. Protests received? Yes No; Acknowledgement sent? Yes

6. Data entry of application completed? Yes

RECOMMENDED ACTION

1. ✓ Approve See attached memo

2. Deny due to _____

3. Conditions (special conditions in Water Districts) See limited POU on Attachment A of the app for transfer. Addresses BLM concerns.

4. By Garys Date 2/28/2000

FILE FORWARDING

1. Copies made for Region file (see attached supplemental page)? Yes pan

2. File forwarded to S.O.: by dt date 3-2-00

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED
FEB 28 2000

I, Joe E. Aman, being first duly sworn, depose and say:

WATER RESOURCES
WESTERN REGION

1 That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4 That said notice of which a printed copy. taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in Two (2)

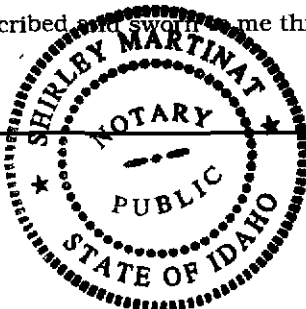
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

February 2 and 9, 2000

Signed



Subscribed and sworn to me this 9th day of February A.D., 2000



Shirley Martin
Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires 04/22/2002

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NOV 20 2000

NOTICE OF
PROPOSED
CHANGE

WATER RIGHTS,
TRANSFER NO.

5644

Notice is given that JOE LINGUINECHE of 2099 E. 1400 S. Gooding, ID 83330 has applied to the Department of Water Resources to change water right 51-04050 to satisfy Snake River Basin Adjudication (SRBA) objections pursuant to I.C. § 42-222 in T10S R8E, Owyhee County described as:

STATUTORY CLAIM 51-04050, priority 03/01/1925, 1.50 cfs, East Fork Bruneau River diverted in SWNW S15 and NWNW S21 for irrigation of 80-acres in SWNW and SW S15 and NE S16.

PROPOSED CHANGE

Modify right to .55 cfs from Clover Creek (source name clarified per topo map) diverted in SWNW and SESE S15 and used in SWNW and SW S15 and NE S16, 27.2 acres. Stockwater will also be added as an accomplished transfer at .05 cfs, with a maximum diversion rate of .59cfs for both uses. Place of use for stockwater will be the same as irrigation use. This will satisfy SRBA objection to move one diversion point from public land to private land and change statutory claim to reflect SRBA recommendation.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 for each application on or before February 22, 2000. The protestant must also send a copy of the protest to the applicant.

Karl J. Barker, Director





United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Lower Snake River District
Jarbidge Field Office
2620 Kimberly Road
Twin Falls, Idaho 83301-7975

RECEIVED

FEB 22 2000

WATER RESOURCES
WESTERN REGION

In Reply Refer To:

7250

Gary Spackman
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

February 17, 2000

Re: Application for Transfer of Water Right No. 5644, in name of Joe Liguineche.

Dear Mr. Spackman:

The referenced application reflects the proposed resolution of our objection to SRBA water right claim 51-04050, agreed to in a settlement conference by the claimant, to move one diversion point (POD) from public land to private land; however, the water right profile report included as page three of the referenced application contains a place of use (POU) in the SWSW of Section 15, T10S, R08E. This 40 acre parcel was not originally included as a POU on statutory claim 51-04050. The parcel is public land administered by the Bureau of Land Management (BLM) and is not authorized for irrigation use (see enclosed map). We believe that the inclusion of this POU is an oversight that can be administratively corrected by the IDWR.

We object to the inclusion of the POU, known as the SWSW of Section 15, T10S, R08E, as part of Water Right 51-04050, and respectfully request that this POU be removed from Application for Transfer Number 5644.

We appreciate the opportunity to review all claims affecting public lands in Idaho. If you have questions regarding any of the issues discussed in this letter, please contact John Ash of this office at the above address or by calling (208) 736- 2350.

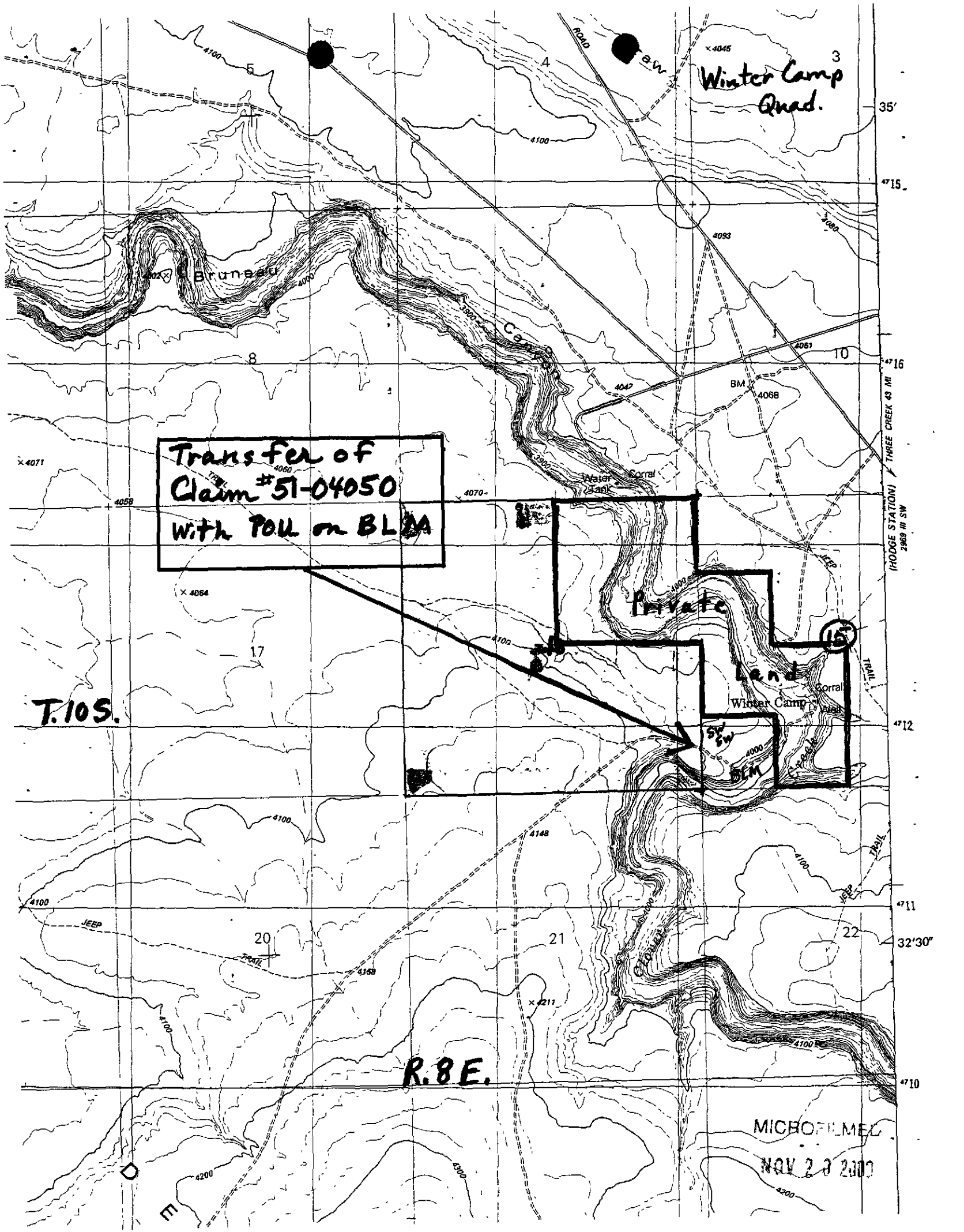
Sincerely,

Eddie Guerrero
Jarbidge Field Office Manager

Encl.

MICROFILMED

MAY 20 2000





State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

January 31, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SCOTT GRUNDER
STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Permit Nos. 65-13902 in the Name of Lois E. Evans, 65-13901 in the Name of Douglas Brock and Application for Transfer No. ~~5644~~ in the Name of Joe Liguineche

Dear Sir:

Enclosed are copies of the above-referenced applications that the proposed use is from surface water. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by February 22, 2000.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman
Gary Spackman

GS:st

Encl.

The IDFG does not anticipate any significant adverse effects to fish or wildlife habitats as a result of approving these water rights.
John [Signature]
2-8-2000
IDFG

MICROFILMED

2000 2 1 1000



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

January 31, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SCOTT GRUNDER
STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Permit Nos. 65-13902 in the Name of Lois E. Evans, 65-13901 in the Name of Douglas Brock and Application for Transfer No. 5644 in the Name of Joe Liguineche

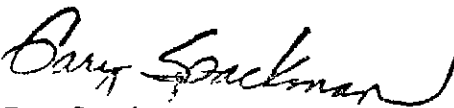
Dear Sir:

Enclosed are copies of the above-referenced applications that the proposed use is from surface water. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by February 22, 2000.

If you have any questions regarding the application, please contact this office.

Sincerely,


Gary Spackman

GS:st

Encl.

MICROFILMED
NOV 20 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

February 4, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BOB MALLIS
BLM
3948 DEVELOPMENT AVE
BOISE ID 83705

Re: Application for Transfer of Permit Nos. 51-04050 in the Name of Joe Liguineche and 51-07013 in the Name of Bruneau Cattle Co.

Dear Sir:

Enclosed are copies of the above-referenced applications for transfer. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by February 22, 2000.

If you have any questions regarding the application, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:st

Encl.

MICROFILMED

NOV 7 1999

MEMORANDUM

TO: FILE

FROM: DANIEL A. NELSON

DAN

DATE: 2/7/2000

RE: JOE LIGUINECHE TRANSFER, RIGHT 51-04050

The transfer proposes to modify original statutory claim to reflect Snake River Basin Adjudication (SRBA) recommendation and to move a diversion point from the NWNW S22 to SESW S15 T10S R8E. This will move this point of diversion from public land to private land.

DOCUMENTS AND APPLICATION PREPARATION

The application consists of 6 pages and 2 attachments. Note the location of the following application items:

Attach. A – Place of use table signed by applicant.

Attach. B – Latest CSFA Aerial Photo

The application was prepared Mr. Liguineche with assistance from Jim Stanton, Idaho Dept. of Water Resources (IDWR).

Other information used in this review includes SRBA adjudication claim profile report, IDWR recommendation report, SRBA Bureau of Land Management (BLM) objection, Owyhee County patent, 2-1998 IDWR aerial photos, and a place of use comparison report.

CURRENT RECORDS & PROPOSED CHANGE

This transfer was filed on a statutory claim in the applicant's name (see page 3). The applicant claimed this right in the SRBA exactly like the original statutory claim (see attached recommendation report). The original claims were for 80 acres of irrigation in S15 and S16 and were diverted from the East Fork of the Bruneau River in S15 and S21 all in T 10S R8E. However, Their claims were reviewed and Linda Werener performed a field examination of 10/26/1993. Ms. Werner recommended that the total acres for these rights were limited to 27.2 acres and the diversion rate was lowered to .59cfs. Ms. Werener also changed source to Clover Creek Tributary to the Bruneau River. Stockwater for .05 cfs was also added to the recommendation as an accomplished transfer (see attached profile report).

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614 2 0 2000

The recommendation was submitted to the SRBA Court and BLM objected to the SRBA recommendation stating that the point of diversion located in S21 was on BLM property (see attached BLM objection). This transfer was filed to change the point of diversion to private property to satisfy the BLM objection.

VERIFICATION & OTHER ANALYSIS

The applicant filed both the statutory claim and the adjudication claim for this right. The adjudication claim file also had a government patent that put this property into private ownership. The patent is in the name of John E. Wilkens and was signed on 9/13/1919 (see-attached patent). The adjudication claim has gone before the SRBA Courts and BLM objected to claim stating that the point of diversion in section 21 was on public lands. There was no dispute in the courts that Mr. Leguineche owned the property in sections 15 and 16. Therefore, Mr. Leguineche's ownership of the property should not be in question.

The SRBA only recommended 27.2 acres of irrigation instead of the 80 acres originally claimed by the applicant. The applicant is requesting that only the lands in the SRBA recommendation be included in this application. A 1998 satellite photo of the place of use does suggest that this land is still being irrigated (see attached 2 aerial photos). It is difficult to determine the total number of acres being irrigated due to the resolution of the 1998 satellite photo. However, the place of use is located in a canyon and the only irrigated lands in the area. The satellite photo does show that the area where the lands were irrigated did have water on them in 1998. Therefore, forfeiture is not an issue in this transfer, because the applicant is not requesting the full 80 acres from the original statutory claim.

This is the only water right from irrigation in this area. There is a stockwater claim, but it should not affect this transfer. The final thing to consider is the stockwater added to the adjudication claim. I feel that this should be recognized as a portion of this water right as recommended by the SRBA.

RECOMENDATIONS

I recommend that this transfer be approved and that the statutory claim be changed to reflect the SRBA recommendation of this right except for the location of the point of diversions. The points of diversions for this water right should be changed to the SWNW and SESW S15 T 10S R8E to satisfy the BLM objection to their adjudication. A stockwater component should be added to the statutory claim to reflect the SRBA recommendation. The diversion rate for the stockwater portion should be recorded as .05 cfs and limited to 13,000 gallons per day.

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NOV 20 2007

 RIGHTS FROM: SOURCE: CLOVER CREEK TRIBUTARY: BRUNEAU RIVER

RIGHT NUMBER: 51-04050

NAME & ADDRESS: JOE LEGUINECHE
 2150 E 1375 S
 GOODING ID 83330

SOURCE: CLOVER CREEK TRIBUTARY: BRUNEAU RIVER

QUANTITY: 0.59 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
 SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1925

POINT OF DIVERSION: T10S R08E S15 SWNW Within Owyhee County
 S22 NWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		04-01 10-31	0.54 CFS
STOCKWATER		01-01 12-31	0.05 CFS

PLACE OF USE:	IRRIGATION	Within Owyhee County			
	T10S R08E S15	SWNW 3.5	NESW 5.1	NWSW 3	SESW 9
	S16	NENE 3.5	SWNE 0.4	SENE 2.7	
	27.2 ACRES TOTAL				

Place of use for STOCKWATER is same as IRRIGATION

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
 STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
 USE.

RIGHTS FROM: SOURCE: CLOVER CREEK TRIBUTARY: BRUNEAU RIVER

RIGHT NUMBER: 51-04050 (CONT)

OTHER PROVISIONS: (CONT)

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 51 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 51:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 51 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 51 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
STOCKWATER, 200 RANGE CATTLE

RECEIVED

APR 01 1999

Department of Water Resources

RECEIVED

APR 06 1999

WATER RESOURCES
WESTERN REGION

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

A. Subcase 51-04050

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown 208 387-0835; R. Lee Leininger, 202 305-0242; Paul F. Holleman, 202 305-0494
United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Joe Leguineche

Address: 2150 E 1375 S Gooding, ID 83330

Name:

Address:

Name:

Address:

Name:

Address:

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APR 21 1999

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

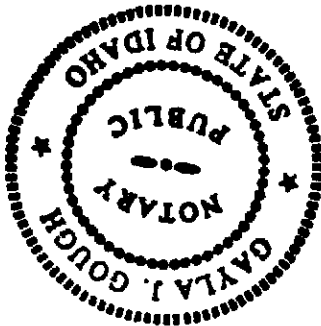
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Lawrence C. Burn
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 31, 1999



GAYLA J. GOUGH
G. J. Gough
Notary Public for Idaho
Residing at: Boise KUNA
My Commission Expires: 11-17-2004

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AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-20-1998
PAGE: A-26

RIGHTS FROM: SOURCE: CLOVER CREEK TRIBUTARY: BRUNEAU RIVER

RIGHT NUMBER: 51-04050

POD ON BLM

NAME & ADDRESS: JOE LEQUINECHE
2150 E 1375 S
GOODING ID 83330

SOURCE: CLOVER CREEK

TRIBUTARY: BRUNEAU RIVER

QUANTITY: 0.59 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1925

POINT OF DIVERSION: T10S R08E S15
S22

SWNW

NWNW

BLM.

Within OWYHEE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
IRRIGATION
STOCKWATER

PERIOD OF USE

04-01 10-31
01-01 12-31

QUANTITY

0.54 CFS
0.05 CFS

PLACE OF USE:

IRRIGATION
T10S R08E S15
S16
27.2 ACRES TOTAL

Within OWYHEE County

SWNW 3.5
NENE 3.5NESW 5.1
SWNE 0.4NWSW 3
SENE 2.7

SESW 9

Place of use for STOCKWATER is same as IRRIGATION

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.POD ON BLM DOES NOT
DELIVER WATER TO CLAIMED
POOLS. THERE IS NO FUNCTIONING
DIVERSION ON BLM.

NO POD CLAIMED

NOV 20 2009

CERTIFICATE OF SERVICE

I certify that on the 31 day of March, 1999 I mailed or served a true and correct original and copies of the foregoing **STANDARD FORM 1 OBJECTION**, including all attachments, postage prepaid and addressed as follows:

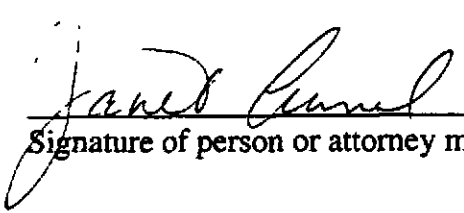
Clerk of the District Court
Snake River Basin Adjudication - *hand*
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Chief, Natural Resources Division
Office of the Attorney General *mail*
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

U.S. Department of Justice
Environment and Natural Resources Div. *hand*
550 West Fort Street, MSC 033
Boise, ID 83724

IDWR Document Depository
P.O. Box 83720 *mail*
Boise, ID 83720-0098

Joe Leguineche
2150 East 1375 South *mail*
Gooding, ID 83330



Signature of person or attorney mailing this form

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NOV 20 1999

2d

OWYHEE COUNTY ABSTRACT CO.
BONDED
ABSTRACTERS
MURPHY, IDAHO

United States,
Grantor,
to
John E. Wilkins, Grantee.

Dated: Sept. 3rd, 1919.

Recorded: May 2nd, 1927 at 9:20

A.M. in Book 9 of Patents, Page 144.

Owyhee County records.

Boise 018915

Recorded: Patent Number 704371.

Description---The SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE SW $\frac{1}{4}$, SE SW $\frac{1}{4}$ of section 15 and the NW $\frac{1}{4}$ of section 16 in Township 10 South of Range 8 East of the Boise Meridian, Idaho.

Covenants---Subject to the usual water right reservations, and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

COPY

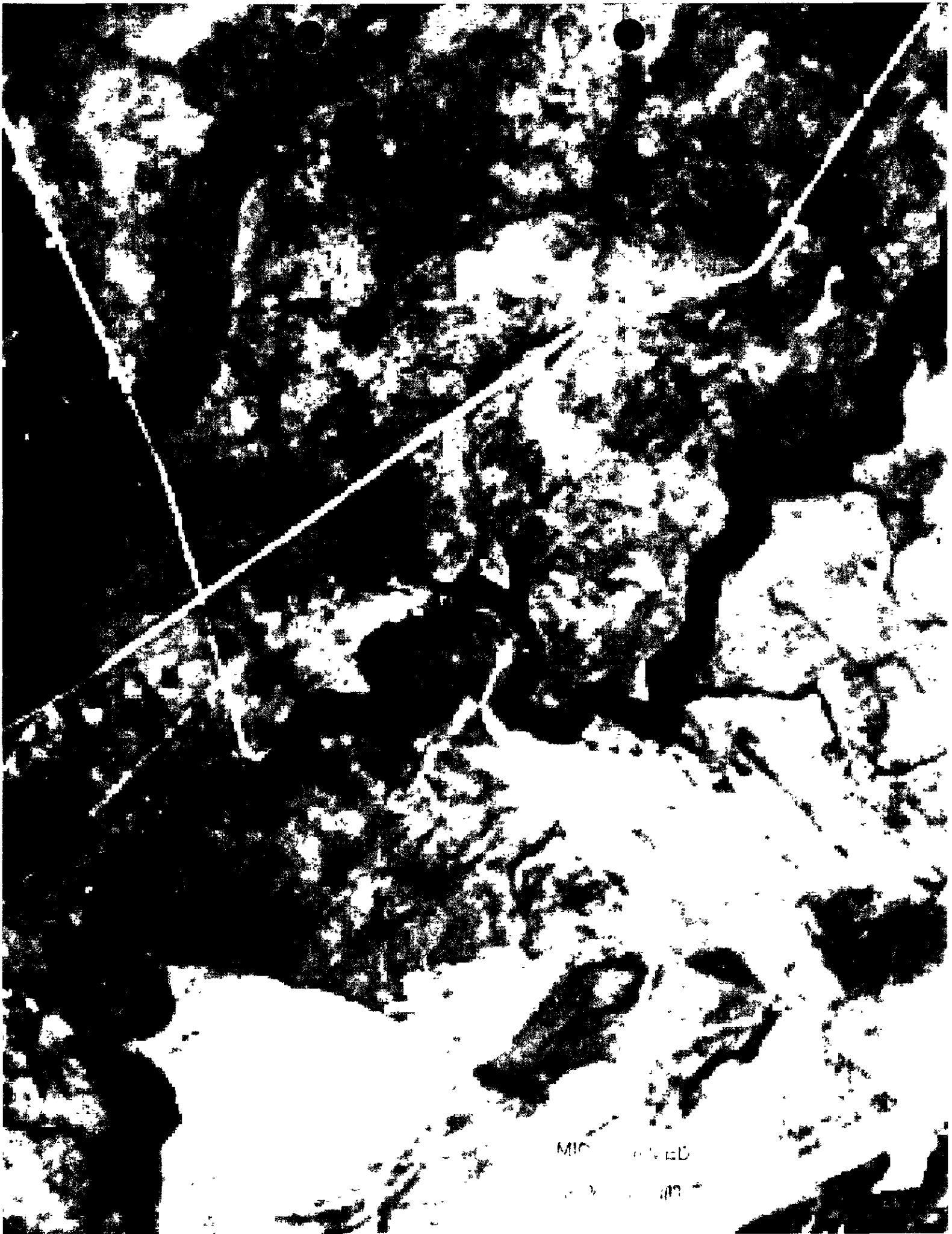
COPIED FROM
SRBA CLAIM REVIEW
FILE.

DAN

1-19-2000

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1967

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NOV

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

		NE								NW								SW								SE								
		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		
WR-NUMBER	SOURCE	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM		

5104050	T10S R08E S15 BRUNEAU RIVER, EAST FORK																																	
	:											10		:	10	10	05	10	:													45		
NO MATCHES FOR THIS POU IN AJ-POU-TEMP																																		
*5104050	CLOVER CRE :										03		:	05	03			09	:													20		
A5104050	BRUNEAU RI :										10		:	10	10	05	10	:														45		
*5112187	CLOVER CRE :												:			S		:																

5104050	T10S R08E S16 BRUNEAU RIVER, EAST FORK																																	
	:	10				05	20	:																								35		
NO MATCHES FOR THIS POU IN AJ-POU-TEMP																																		
*5104050	CLOVER CRE :	03				0	02	:					:																			5		
A5104050	BRUNEAU RI :	10				05	20	:					:																			35		

The ONLY
OVERLAPPING
RIGHT is a
STOCKWATER RIGHT
AND NOT
SIGNIFICANT
TO THE TRANSFER



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

12/8/99

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOE LEGUINECHE
2099 E 1400 S
GOODING, ID 83330

RE: APPLICATION FOR TRANSFER FOR WATER RIGHT 51-04050

Dear Mr. Linguinche,

We received your application for transfer on 11/26/1999. In order to continue processing this application we will need the following information:

- 1.) You neglected to mark question 10 on part 2 of the application form. I have enclosed a copy of this page of the transfer and have highlighted the question at the top of the page. Please mark your answer for this question and return it to my office. The remainder of this page is not appurtenant to your application.
- 2.) You will also need to supply proof of irrigation within the last 5 years (after 1994). Supplying a copy of an aerial photo from the local Farm Service Agency (FSA) would be adequate. The FSA has slides for the past few years for which you can obtain a photo copy to show that your land was irrigated in that year. You will need to let us know what year the copy was made from. If you can not provide an aerial photo after 1994, you may supply the most recent aerial photo available accompanied by affidavits from uninterested parties stating that the property has been irrigated in the last 5 years.

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- 3.) On page 1 of Part 1 of the transfer you wrote no change on the place of use table. This would be sufficient if both the original statutory claim and the Snake River Basin Adjudication (SRBA) recommendation were the same. Unfortunately the two documents do not have the same acre amounts and in the Notice of Error Reply received from you by our office on 8/24/1998 did not have the space marked that you agreed with the SRBA recommendation. Therefore, you will need to list the acres that you want to include with this transfer. I have attached a place of use table with the acres described like that of the SRBA recommendation. Please make any corrections necessary and sign the form where indicated and return to our office.

In order to process all of the applications in our office as efficiently as possible, we are required by Idaho Code § 42-204 to ask that this information be sent to our office within 30 days or we are to void the application for permit. **Therefore, if we do not receive the above information by 1/10/2000 will be forced to void your applications for permit.** If your transfer is voided you will be able to re-file this transfer at a latter date.

Respectfully,



Daniel A. Nelson
Sr. Water Right Agent

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NOV 20 2000

**NOTICE OF PROPOSED CHANGE OF WATER
RIGHTS, TRANSFER NO. 5644**

Notice is given that **JOE LIGUINECHE** of 2099 E. 1400 S. Gooding, ID 83330 has applied to the Department of Water Resources to change water right 51-04050 to satisfy Snake River Basin Adjudication (SRBA) objections pursuant to I.C. § 42-222 in T10S R8E, Owyhee County described as:

STATUTORY CLAIM 51-04050, priority 03/01/1925, 1.50 cfs, East Fork Bruneau River diverted in SWNW S15 and NWNW S21 for irrigation of 80-acres in SWNW and SW S15 and NE S16.

PROPOSED CHANGE

Modify right to .55 cfs from Clover Creek (source name clarified per topo map) diverted in SWNW and SESW S15 and used in SWNW and SW S15 and NE S16, 27.2 acres. Stockwater will also be added as an accomplished transfer at .05 cfs, with a maximum diversion rate of .59cfs for both uses. Place of use for stockwater will be the same as irrigation use. This will satisfy SRBA objection to move one diversion point from public land to private land and change statutory claim to reflect SRBA recommendation.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 for each application on or before February 22, 2000. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Owyhee Avalanche on February 2 and 9, 2000.

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NOV 20 2000

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

Water Rights: 51-04050

NOTICE OF ADMINISTRATIVE
PROCEEDING

IDWR has received an application for an Administrative Proceeding for the above water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

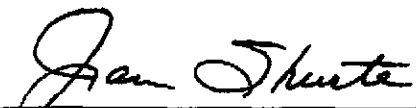
☒ I.C. § 42-222 transfer

☒ point of diversion ☐ place of use

☐ period of use ☐ nature of use

IDWR projects the Administrative Proceeding shall be completed not later than: February 2, 2001

Dated 2-2-2000



Signature of IDWR Representative

MAILED 11 11

NOV 20 2000

INSTRUCTIONS FOR MAILING

Mail this form to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

CERTIFICATE OF MAILING

I certify that on February 2, 2000, I mailed the original and copies of this form to the following persons, 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 ID 83303-2707

2. One copy to:

Claimant or attorney of record:

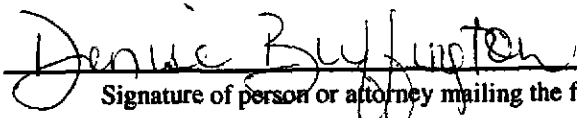
Joe Leguineche
2099 E 1400 S
Gooding ID 83330

3. One copy to:

Each party in the subcase, or attorney of record:

United States of America Acting Through
USDI Bureau of Land Management
1387 Vinnell Way
Boise ID 83709-1657

R Lee Leininger
550 W Fort St, MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

NOV 20 2000

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: 6h5

Right Number E1-4050 Applicant Lequeneche

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. 1/7/83
- ☒ Claim published correctly. See page 1000
12/30 & 1/6/83 30/33024
- ☐ Exceptions processed.

By DBS Date 1/24/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By KW Date 1/26/83

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RECEIVED
JAN 26 1983

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

JANUARY 19, 1983

JOE LEGUINECHE
RT. 1
GOODING

ID 83330

RE: Claim No. 51-4050

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

Enclosure

51-4050.

LEGUINECHE, JOE

RT. 1, GOODING, ID 83330

Source: BRUNEAU RIVER, EAST FORK trib. to BRUNEAU RIVER

Priority Date: 03/01/1925

Diversion Pt: SWSW Sec 15 T 10S R 08E NENE Sec 21 T 10S R 08E

Use: IRRIGATION (1.50 CFS)

In: SWNW NESW NWSW SWSW SESW Sec 15 T 10S R 08E NENE SWNE SENE
Sec 16 T 10S R 08E FOR 80 ACRES

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1977