

12/13/2006

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

RIGHT NUMBER: 22-381

NAME AND ADDRESS: BRECKENRIDGE BROS  
494 N 500 W  
TETONIA ID 83452

SOURCE: SOUTH LEIGH CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 3.200 CFS

PRIORITY DATE: 04/01/1897

POINT OF DIVERSION:

T05N R45E S6 SWNE Within TETON County

T05N R45E S6 SENW Within TETON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

3.200 CFS

PLACE OF USE: IRRIGATION in TETON County

|                          |       |                          |       |
|--------------------------|-------|--------------------------|-------|
| T05N R44E S01 Lot 1 NENE | 30.00 | T05N R44E S01 Lot 2 NWNE | 40.00 |
| T05N R44E S01 SWNE       | 11.00 | T05N R44E S01 SENE       | 29.00 |
| T05N R44E S01 Lot 3 NENW | 21.00 | T05N R44E S01 SENW       | 1.10  |
| T05N R45E S06 Lot 5 SWNW | 20.00 |                          |       |

152.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 152.1 acres in a single irrigation season. Combined Right Nos.: 22-381 and 22-382C.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Water is delivered through Breckenridge 1 and Breckenridge 2 Ditch.

Water Right No(s). A22-00381

GPS data - 272 6210  
140 3006

GPS # - 22381

GPSTag # - A0018298  
on tree

Breckenridge #1

GPS DATA:

Tag # A0018298 Location: on tree next to ditch

Diversion Data:

Source: S. Leigh Creek Trib to: \_\_\_\_\_

MOTOR

Make: NA Model: \_\_\_\_\_ Hp: \_\_\_\_\_  
SN: \_\_\_\_\_

PUMP

Make: NA Model: \_\_\_\_\_ Disch: \_\_\_\_\_  
SN: \_\_\_\_\_

NOTES:

I met with Dale Breckenridge on 12-12-06 on-site  
to look at a second point of diversion.

Field Exam Date: 12-12-06

Agent: D. W. Jones



A22-381, Ditch off S. Leigh running West

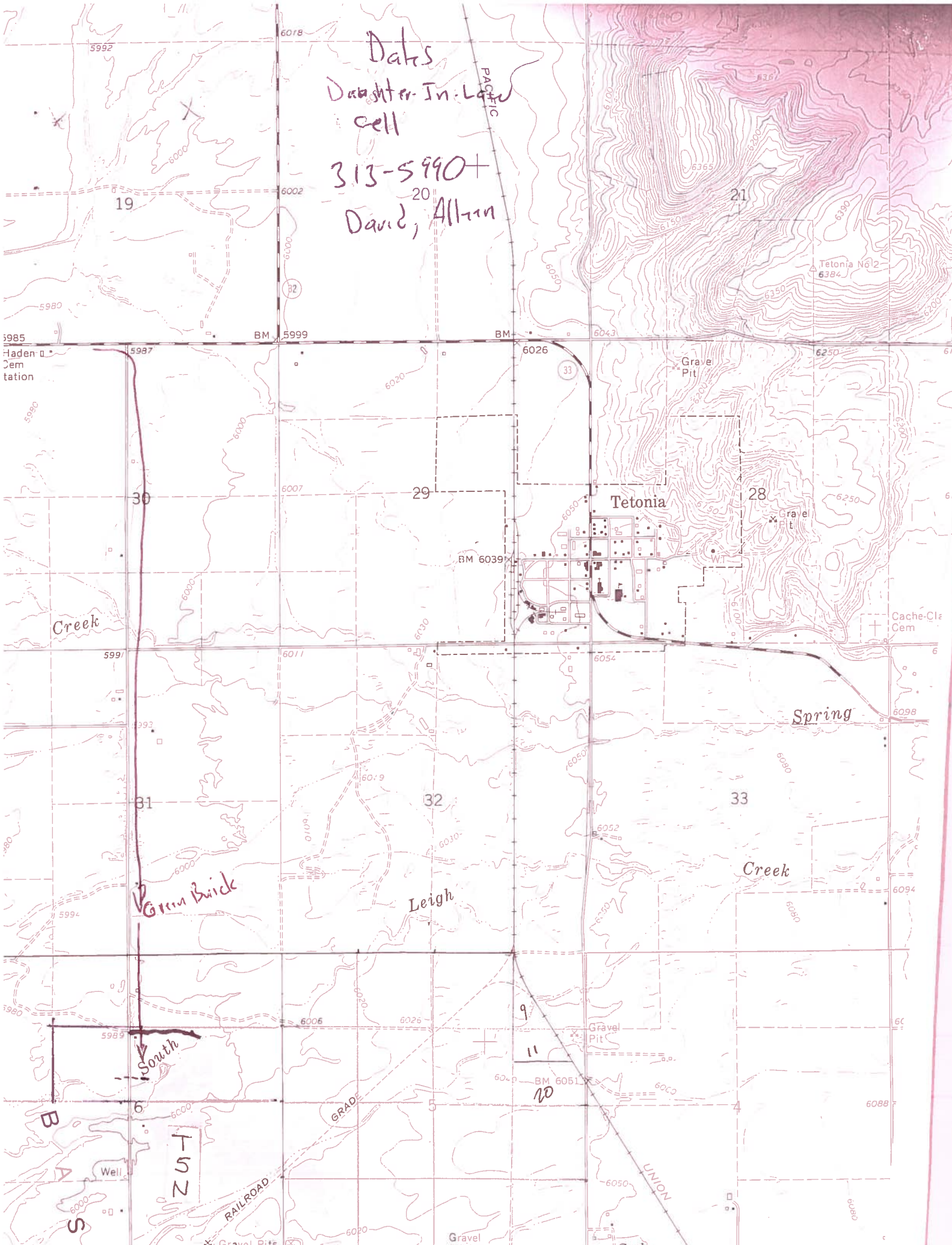


GPS Tag on tree next to diversion ditch

Daks  
Daughter-In-Law  
cell

313-5990+

David, Allan



05N45E6

22381





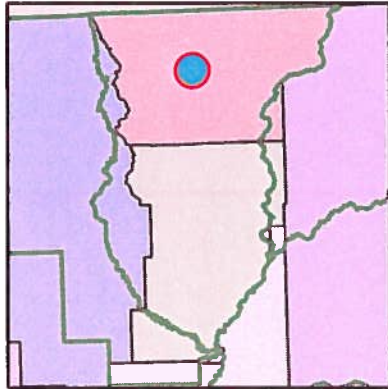
# Idaho Department of Water Resources

Adjudication Claim:

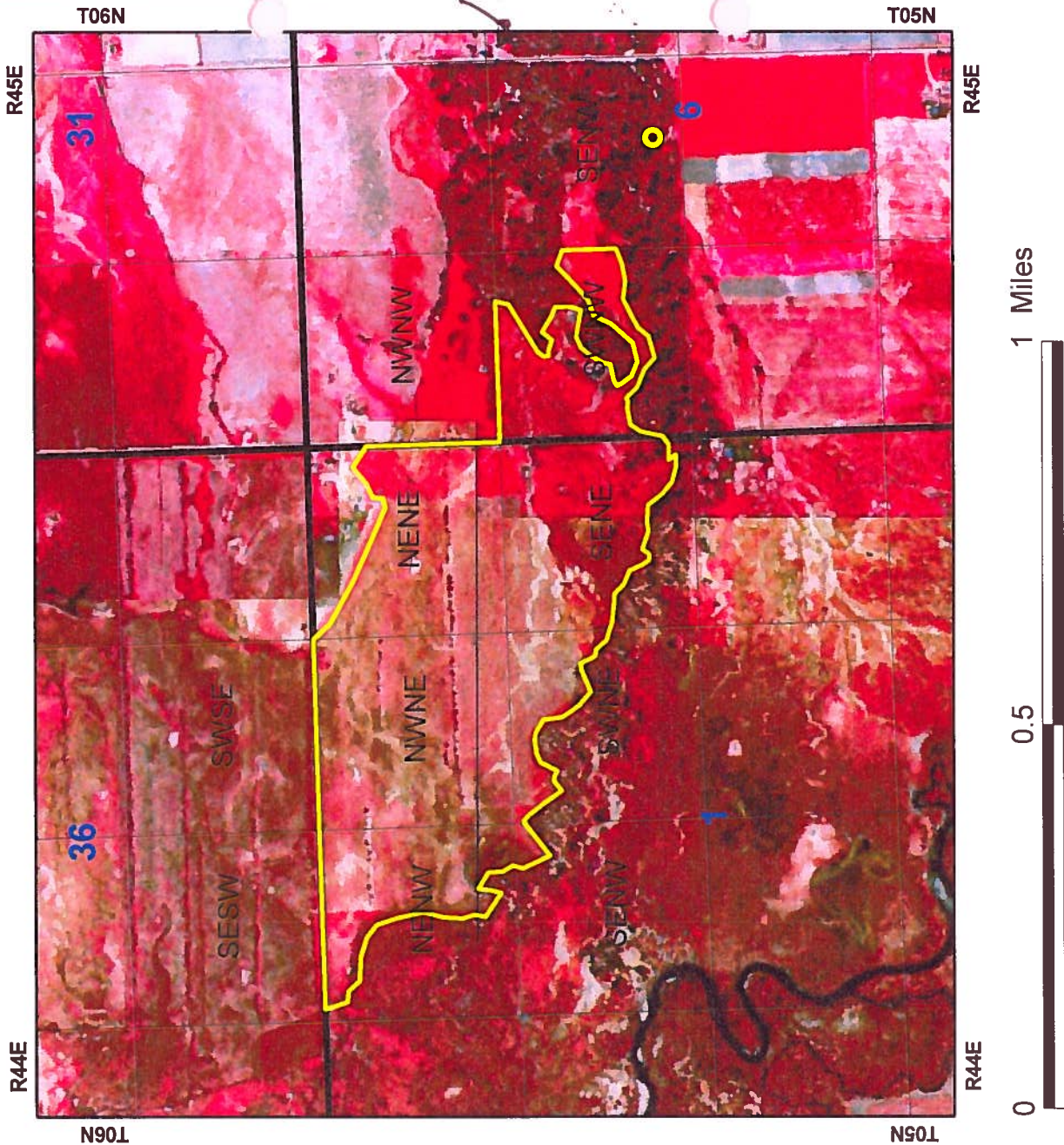
**22-381**  
**22-382C**

## Legend

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



Teton County  
IDWR Basin 22



Prepared by D. Carlson  
On Tuesday, September 5, 2006  
1987/88 Aerial Photography

11/26/2006

**NOTICE OF ERROR  
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:**

Water right number: 22-381

BRECKENRIDGE BROS

494 N 500 W

TETONIA ID 83452

Telephone Number: (208)456-2652

*382c*

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

*need to add a second point of diversion*

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: *Dec 6, 2006*

SIGNATURE:

*Dale L Breckenridge*

Please print your name:

*Dale L-Breckenridge*

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161



# Idaho Department of Water Resources

SRBA Recommendation:

**22-381**  
**22-382C**

(Irrigation)

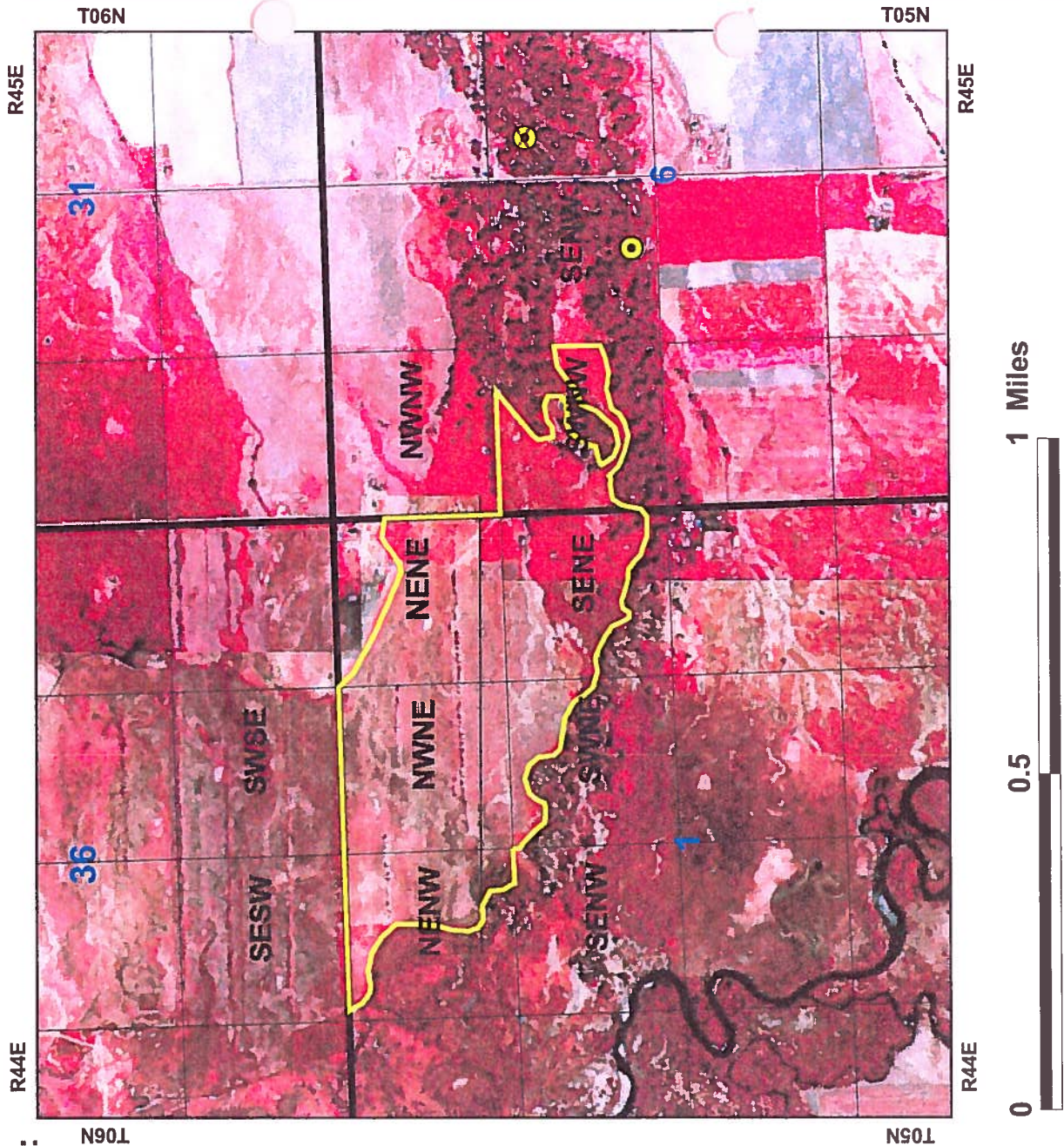
## Legend

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



Teton County  
IDWR Basin 22

Prepared by T. Galbraith  
On Friday, June 30, 2006  
1987/88 Aerial Photography



# Rexburg Decree

Lindholm, Alva

Enterprise Canal Company.

~~44-22-0381~~  
Lindsay, William

160 inches. Apr. 1, 1897. South Leigh Creek.

Lipsy, W. A.

Enterprise Canal Company.

~~44-25-0010 25-0254~~  
Linton, H. S.

240 inches. June 1, 1904. Spring Creek.

~~44-22-0382~~  
Little, Edwin S.

160 inches. Jan. 18, 1905. Leigh Creek.

LittleFreder

Canal Company

(See Finding No. 29)

3.2 ds

Hans' Homestead

Lindsay, William

3 E. R., 39 E., N. M., containing 120 acres.

SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , and SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 1, T. 5 N. R., 44 E., N. M., and Lot 5 of Sec. 6, T. 5 N., R., 45 E., N. M., containing 160 acres.

160 ac.

Linton, H. S.

SE $\frac{1}{4}$  of Sec. 25, T. 5 N., R., 37 E., N. M., containing 160 acres.

Little, Edwin, S.

Lots 1, 2, 3 and 4 of Sec. 1, T. 5 N. R., 44 E., N. M. containing 160.80 acres. Also, unsurveyed land, commencing at NE corner of NE $\frac{1}{4}$  of

Sec. 2, T. 5 N., R., 45 E., N. M., thence West 80 rods, thence South 33-1/3 rods, thence East 80 rods, thence North 33-1/3 rods, to beginning, containing 16 acres. Also, commencing at NE corner of NE $\frac{1}{4}$  of Sec. 2, T. 5 N., R., 45 E., N. M., thence North 80 rods, thence East 31-1/2 rods, thence South 80 rods, thence West 33-1/3 rods, to beginning. Also, commencing at SE corner of NE $\frac{1}{4}$  of said Sec. 2, thence North 100 rods, thence West 126-1/2 rods, thence South 100 rods, thence East 126-1/2 rods, to beginning. Also SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Sec. 35, T. 6 N. R., 45 E., N. M., containing 40 acres.

Little Freder  
Canal Company,  
Limited

Lands of stockholders of various corporations

02/09/05

- Shape includes Two Township / Range, shape is saved as 2200381 and 2200381X
- Claims C.F.S. would not be correct according to new shape acres. Decreed shows 160 Acres
- Shape completely overlaps w/ 22-382

22-12058

6N44E

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 07 2004

Department of Water Resources  
Eastern Region

**CHANGE IN ADDRESS**

This form can be used to notify the Department of a change in  
address of the owners of record for the listed water rights.

(Please print or type)

[ ] Water Right Number(s):

Breckenridge Bros

494 N 500 W

Tetonia ID 83452

[ ] Name(s):

[ ] Old Mailing Address:

[ ] New Mailing Address:

Dale L. Breckenridge

494 N 500 W

Tetonia ID 83452

Telephone Number:

(208) 456 - 2652

[ ] Signature(s) of Owner(s)

Dale L. Breckenridge

(Include your title if on behalf of company or organization)

Date:

April 7, 2004

Water Right No(s). \_\_\_\_\_

GPS DATA:

Tag # A0014203 Location: ON HEAD GATE MOUTH

Diversion Data:

Source: Se. Leigh Ck Trib to: Teton River

MOTOR

Make: \_\_\_\_\_ Model: \_\_\_\_\_ Hp: \_\_\_\_\_  
SN: \_\_\_\_\_

PUMP

Make: \_\_\_\_\_ Model: \_\_\_\_\_ Disch: \_\_\_\_\_  
SN: \_\_\_\_\_

NOTES:

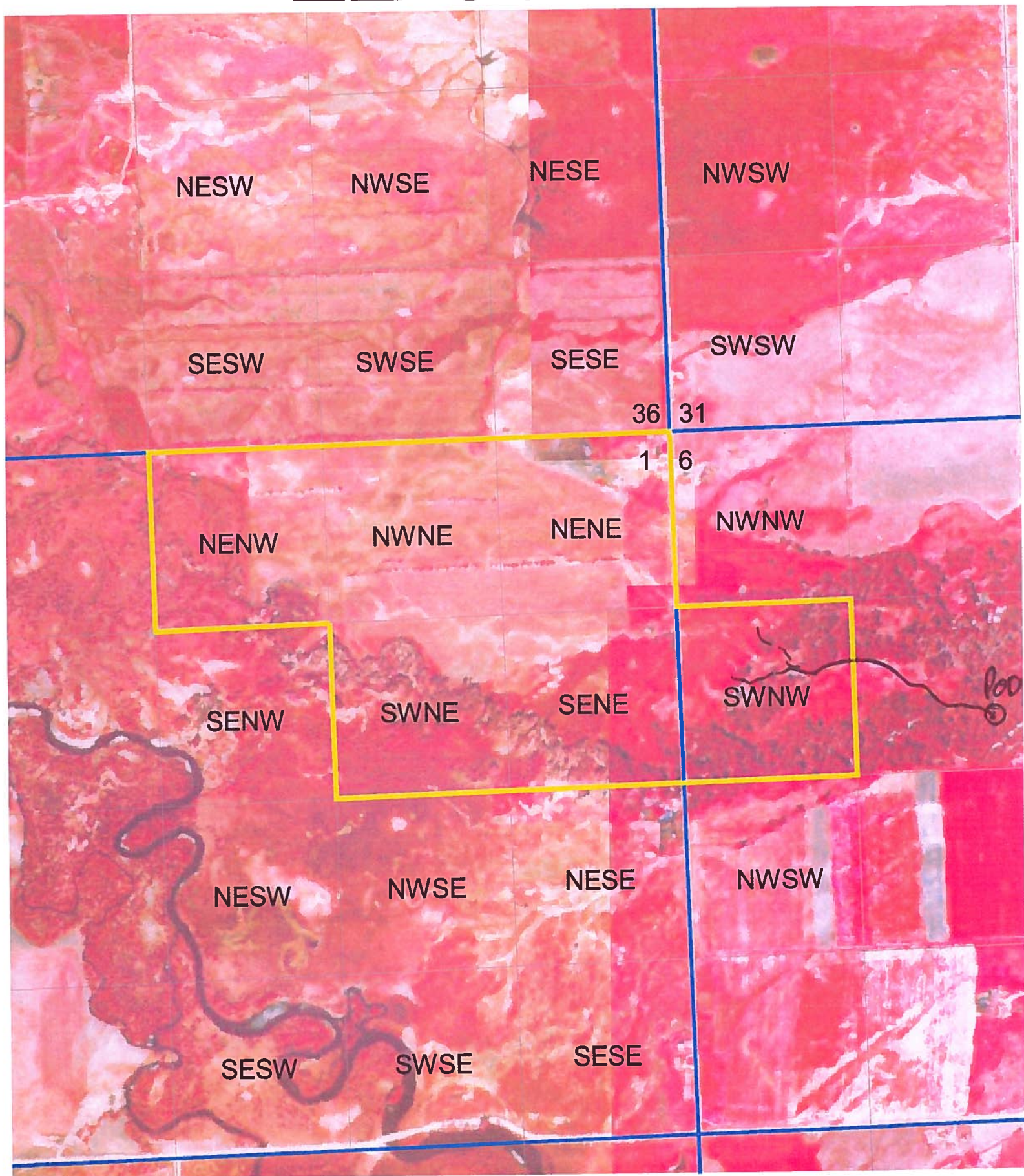
GATE DIVERSION OFF CK  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Field Exam Date: 6/29/04 Agent: ASR

|     |                                                                                                         |       |
|-----|---------------------------------------------------------------------------------------------------------|-------|
| 147 | Hatch, Mary E.; July 15, 1896; Trail Creek                                                              | 40    |
| 148 | Cherry, Thomas; July 30, 1896; Trail Creek                                                              | 80    |
| 149 | Sinclair, Jesse; Aug. 13, 1896; Trail Creek                                                             | 160   |
| 151 | Lindsay, William; Apr. 1, 1897; South Leigh Creek                                                       | 160   |
| 153 | Williams, Charles; May 16, 1897; South Leigh Creek                                                      | 60    |
| 154 | Parker, B. F.; June 1, 1897; Fox Creek                                                                  | 120   |
| 154 | Pendleton, Abraham; June 1, 1897; North Leigh Creek                                                     | 80    |
| 154 | Penfold, Algeroy; June 1, 1897; Fox Creek                                                               | 100   |
| 154 | Penfold, Farley; June 1, 1897; Fox Creek                                                                | 100   |
| 154 | Larsen, A. C.; June 1, 1897; Darby Creek                                                                | 20    |
| 154 | Thompson & Egbert; June 1, 1897; North Leigh Creek                                                      | 70    |
| 154 | Smith, D. G. S.; June 1, 1897; South Leigh Creek                                                        | 120   |
| 154 | Vail, W. C.; June 1, 1897; Fox Creek                                                                    | 120   |
| 154 | Vail, W. C.; June 1, 1897; Fox Creek                                                                    | 100   |
| 154 | Waterman, L. C.; June 1, 1897; South Leigh Creek                                                        | 120   |
| 154 | Hopkins, D. H.; June 1, 1897; South Leigh Creek                                                         | 60    |
| 154 | Wyoming & Darby Bench Canal Co., Ltd.; June 1, 1897; Darby Creek                                        | 1,380 |
| 154 | Zimmerman, Zuel; June 1, 1897; South Leigh Creek                                                        | 30    |
| 154 | Little, George A.; June 1, 1897; North Leigh Creek                                                      | 120   |
| 154 | Little, George E.; June 1, 1897; South Leigh Creek                                                      | 80    |
| 154 | Moffat, Andrew; June 1, 1897; South Leigh Creek and Swamps                                              | 140   |
| 154 | Perry, Jeremiah C.; June 1, 1897; North Leigh                                                           | 80    |
| 154 | Rouche, Jacob; June 1, 1897; North Leigh Creek                                                          | 90    |
| 154 | Henrie, John; June 1, 1897; North Leigh Creek                                                           | 150   |
| 154 | Henrie, Joseph O.; June 1, 1897; South Leigh Creek                                                      | 120   |
| 154 | Hill, Albert; June 1, 1897; Darby Creek                                                                 | 75    |
| 154 | Gale, Joseph; June 1, 1897; South Leigh and Swamps                                                      | 40    |
| 154 | Cluff, Charles; June 1, 1897; Fox Creek                                                                 | 10    |
| 154 | Davidson, J. H.; June 1, 1897; South Leigh Creek                                                        | 80    |
| 154 | Crandall, H. L.; June 1, 1897; Darby Creek                                                              | 20    |
| 154 | Cannon, Harry L.; June 1, 1897; Darby Creek                                                             | 100   |
| 154 | Bush, Geo. W.; June 1, 1897; Darby Creek                                                                | 20    |
| 154 | Bowles, William; June 1, 1897; Trail Creek                                                              | 160   |
| 154 | Edwards, Andrew; June 1, 1897; Trail Creek                                                              | 50    |
| 154 | Allen, Isaac T.; June 1, 1897; Cherry Creek; all of the water of Cherry Creek Springs                   | 50    |
| 155 | Guymann, Edward; June 10, 1897; South Leigh Creek                                                       | 120   |
| 156 | Porter, John; June 15, 1897; Trail Creek                                                                | 75    |
| 156 | Moffat, Mary; June 15, 1897; Leigh Creek                                                                | 80    |
| 156 | McCracken, John; June 15, 1897; South Leigh Creek                                                       | 160   |
| 156 | McCracken, James; June 15, 1897; South Leigh Creek                                                      | 156   |
| 156 | Van Leuven, William; June 15, 1897; South Leigh Creek                                                   | 160   |
| 157 | Henrie, James D.; June 20, 1897; Leigh Creek                                                            | 130   |
| 159 | Homer, Willard G.; June 24, 1897; South Leigh Creek                                                     | 160   |
| 162 | Jones, Joshua; Oct. 28, 1897; Trail Creek                                                               | 100   |
| 163 | Clark & Houghton; Apr. 1, 1898; Teton River                                                             | 200   |
| 163 | Good Luck Canal Co.; Apr. 1, 1898; Teton River                                                          | 1,300 |
| 163 | Hill Ditch Co.; Apr. 1, 1898; Teton River                                                               | 600   |
| 163 | Rowe, Reuben H., and Morris McCormick; Apr. 1, 1898; Teton River. (Trough McCormick & Rowe Ditch)       | 430   |
| 163 | Ricks, Wallace; Apr. 1, 1898; North Leigh Creek                                                         | 40    |
| 163 | Rexburg Irrigation Co.; Apr. 1, 1898; Teton River                                                       | 8,500 |
| 163 | Pioneer Ditch Co.; Apr. 1, 1898; Teton River                                                            | 900   |
| 163 | Pinecock Byington Ditch Co.; Apr. 1, 1898; Teton River                                                  | 700   |
| 163 | Windmill, Richard, and Richard Withers and Oscar B. Young; Apr. 1, 1898; Teton River. (Eckersell Canal) | 434   |
| 163 | Wilford Irrigation & Manufacturing Co.; Apr. 1, 1898;                                                   |       |

|     |                                                                                                                     |       |
|-----|---------------------------------------------------------------------------------------------------------------------|-------|
| 163 | Stewart, Samuel (deceased), Estate of, by Mary H. Birch, Adminx., and Mary H. Birch; Apr. 1, 1898; Teton River      | 6,608 |
| 163 | Walters, William; Apr. 1, 1898; Teton River. (Stewart & Walters Ditch.) (Joint appropriation with Mons H. Anderson) | 500   |
| 163 | Siddoway Irrigation and Manufacturing Co.; Apr. 1, 1898; Teton River                                                | 332   |
| 163 | Teton Island Canal Co.; Apr. 1, 1898; Teton River                                                                   | 766   |
| 163 | Bird, Martin L., F. W. Garner and George A. Pincock; Apr. 1, 1898; Pincock-Garner Ditch                             | 7,982 |
| 163 | Eames, John S.; Apr. 1, 1898; Teton River                                                                           | 800   |
| 163 | Nelson, David; Apr. 1, 1898; Teton River. (Through Nelson-Jacobs Ditch.)                                            | 50    |
| 163 | Mortensen, Christian; Apr. 1, 1898; Teton River. (Through the Nelson-Jacobs Ditch.)                                 | 434   |
| 163 | Woodmansee-Johnson Ditch; Apr. 1, 1898; Teton River                                                                 | 218   |
| 163 | City of Rexburg; Apr. 1, 1898; Teton River. (For power and municipal purposes.)                                     | 1,380 |
| 163 | Huskinson, William J.; Apr. 1, 1898; Teton River                                                                    | 1,650 |
| 164 | Nelson, Fritz E.; Apr. 15, 1898; Spring Creek                                                                       | 50    |
| 165 | Lamoreaux, Francis A., and Ann.; May 1, 1898; South Leigh Creek                                                     | 120   |
| 166 | Hendrickson, Frank; May 1, 1898; Badger Creek                                                                       | 25    |
| 167 | Clark, H. J.; May 15, 1898; Teton River                                                                             | 160   |
| 168 | Wait, F. A.; May 25, 1898; Leigh Creek                                                                              | 160   |
| 169 | Edwards, Andrew; June 1, 1898; Trail Creek                                                                          | 40    |
| 169 | Edwards, Andrew; June 1, 1898; Trail Creek                                                                          | 40    |
| 169 | Felt, Clara V.; June 1, 1898; Badger Creek                                                                          | 50    |
| 169 | Bruce, Daniel C.; June 1, 1898; Teton Creek                                                                         | 160   |
| 169 | Black, Joseph A.; June 1, 1898; South Leigh Creek                                                                   | 150   |
| 169 | Allen, Amos; June 1, 1898; Fox Creek                                                                                | 50    |
| 169 | Cherry, Thomas; June 1, 1898; Trail Creek                                                                           | 80    |
| 169 | Crandall, H. L.; June 1, 1898; Darby Creek                                                                          | 60    |
| 169 | Crandall, Ira; June 1, 1898; Darby Creek                                                                            | 20    |
| 169 | Davidson, J. H.; June 1, 1898; South Leigh Creek                                                                    | 80    |
| 169 | Cluff, Charles; June 1, 1898; Fox Creek                                                                             | 150   |
| 169 | Hamilton, Robert; June 1, 1898; Badger Creek                                                                        | 160   |
| 169 | Guymann, Edward; June 1, 1898; South Leigh Creek                                                                    | 40    |
| 169 | Fullmer, H. D.; June 1, 1898; North Leigh Creek                                                                     | 160   |
| 169 | Fullmer, Almond L.; June 1, 1898; North Leigh Creek                                                                 | 120   |
| 169 | Hendrickson, Alvira E.; June 1, 1898; South Leigh Creek                                                             | 60    |
| 169 | Hendrickson, Alfred; June 1, 1898; Badger Creek                                                                     | 40    |
| 169 | Hearst, H. T.; June 1, 1898; Leigh Creek                                                                            | 160   |
| 169 | Hanson, Alfred; June 1, 1898; North Leigh Creek                                                                     | 40    |
| 169 | Poulson, J. C.; June 1, 1898; North Leigh Creek                                                                     | 130   |
| 169 | Rammell, George; June 1, 1898; Badger Creek                                                                         | 20    |
| 169 | Merrill, Sam J.; June 1, 1898; Leigh Creek                                                                          | 160   |
| 169 | Ramell, C. H.; June 1, 1898; Badger Creek                                                                           | 30    |
| 169 | Little, George E.; June 1, 1898; North Leigh Creek                                                                  | 80    |
| 169 | Hopkins, Ezekiel; June 1, 1898; North Leigh Creek                                                                   | 80    |
| 169 | Hopkins, D. H.; June 1, 1898; South Leigh Creek                                                                     | 130   |
| 169 | Zimmerman, Zuel; June 1, 1898; Spring Creek                                                                         | 60    |
| 169 | Hoopier, John L.; June 1, 1898; Spring Creek                                                                        | 120   |
| 169 | Homer, Benjamin P.; June 1, 1898; Mahogany Creek                                                                    | 15    |
| 169 | Holden, E. H.; June 1, 1898; Darby Creek                                                                            | 160   |
| 169 | Hochstrasser, R. H.; June 1, 1898; Spring Creek                                                                     | 40    |
| 169 | Hochstrasser, N. W.; June 1, 1898; Spring Creek                                                                     | 50    |

# 22-381



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: A22-00381  
Date Received: 9/22/1988  
Receipt No: EC2856  
Received By: SPN

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: BRECKENRIDGE BROS. 208-456-2652  
Address: TETONIA, ID 83452

2. Date of Priority: APR 01, 1897

3. Source: SOUTH LEIGH CREEK Trib. to: TETON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 05N      | 45E   | 6       | SE     | NW     |     |     | TETON  |

5. Description of diverting works:  
HEADGATE TO DITCHES TO P/U

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 3.200  |      |        |

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

8. Total consumptive use is 342.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 05N      | 44E   | 1       | NE     | NE  |     | IRR | 40.0  |
|          |       |         | NW     | NE  |     | IRR | 40.0  |
|          |       |         | SW     | NE  |     | IRR | 10.0  |
|          |       |         | SE     | NE  |     | IRR | 30.0  |

A22-00381

Page 1

Date: 09/22/88

A2200381



MICROFILMED

NOV 04 1992

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 05N      | 44E   | 1       | NE     | NW  |     | IRR           | 21.0  |
|          |       |         |        |     |     | Section Acres | 141.0 |
|          | 45E   | 6       | SW     | NW  | 5   | IRR           | 30.0  |
|          |       |         |        |     |     | Section Acres | 30.0  |
|          |       |         |        |     |     | Total Acres   | 171.0 |

11. Place of use in counties: TETON

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

13. Other Water Rights Used:  
NONE

14. Remarks:  
EXPANDED TO INCLUDE NENE SEC1 T5N R44E(40 AC.), NWNE SEC1(40 AC.)  
AND NENW SEC1(21 AC.). SENW SEC1 T5N R44E(40 AC.) DELETED.

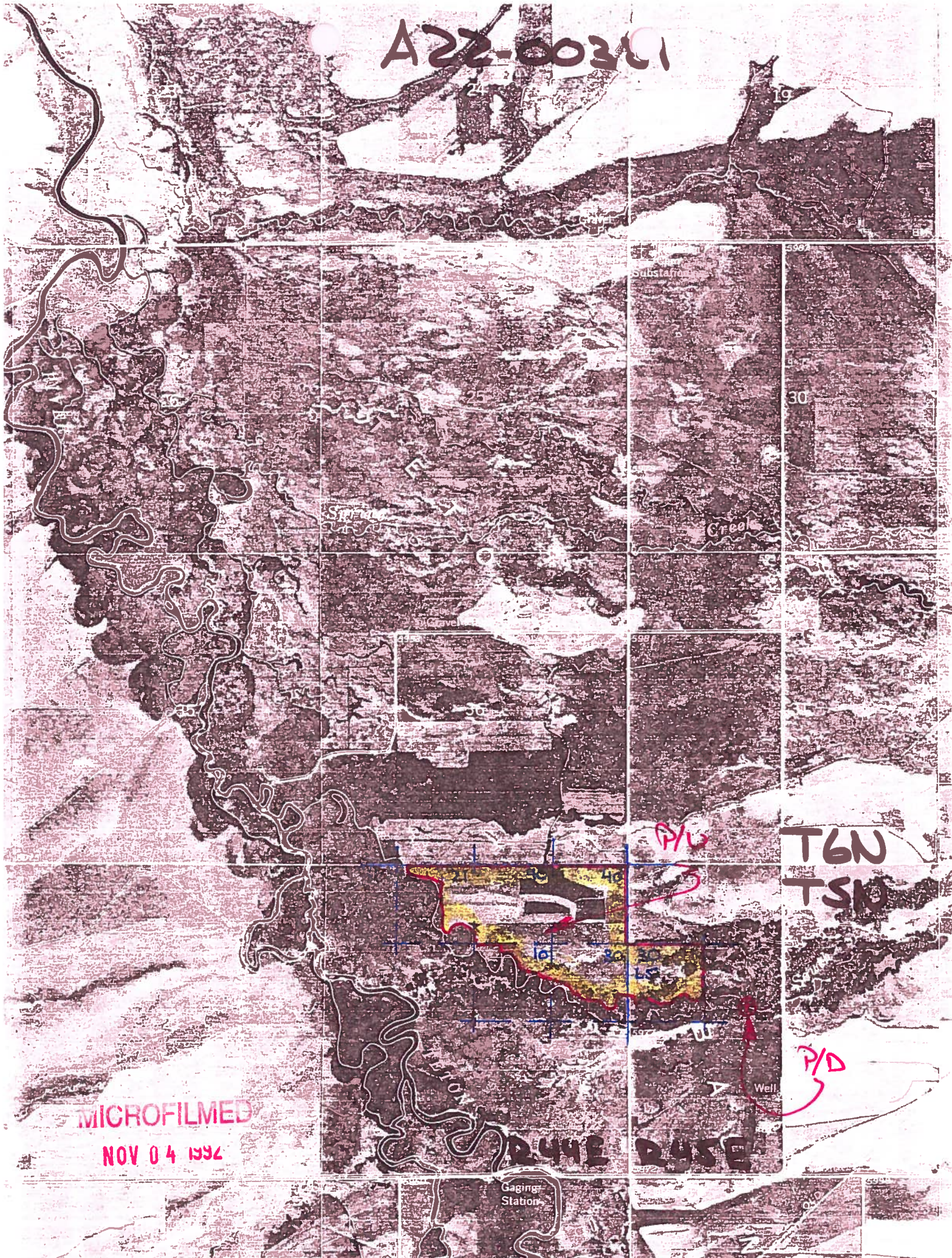
15. Basis of Claim: DECREED  
Case Number:  
Court :  
Decree date:

|                               |    |                             |
|-------------------------------|----|-----------------------------|
| <u>REXBURG IRR. CO. ET AL</u> |    | <u>TETON IRR. CANAL CO.</u> |
| Decree Plaintiff              | vs | Decree Defendant            |

(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.

NOV 04 1992

A22-00301



MICROFILMED

NOV 04 1992

Gaging  
Station

R44E

R45E

Well

T6N  
T510

P/D

P/D