

12/13/2006

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

RIGHT NUMBER: 22-382C

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

SOURCE: SOUTH LEIGH CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 1.600 CFS

PRIORITY DATE: 01/18/1905

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

1.600 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.

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: 22-382C

BRECKENRIDGE BROS

494 N 500 W

TETONIA ID 83452

Telephone Number: (208)456-2652

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

add 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:

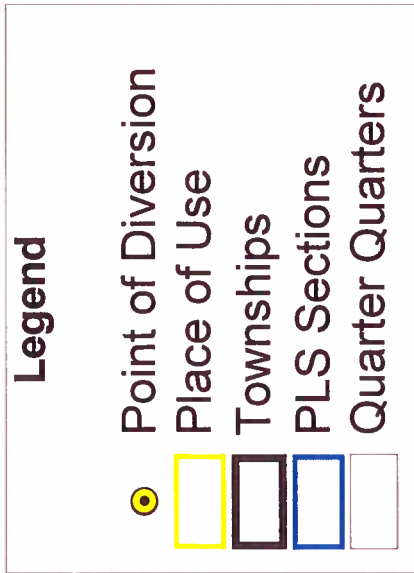
 I AGREE with this proposed recommendation: no changes need to be made.

DATE: Dec 7, 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



22-381



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



Idaho Department of Water Resources

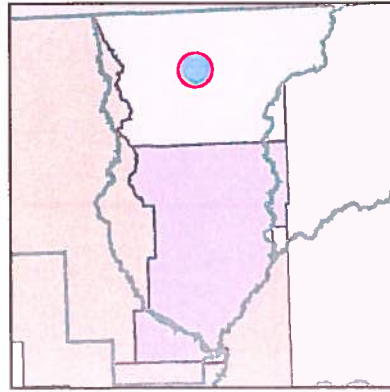
SRBA Recommendation:

22-381
22-382C

(Irrigation)

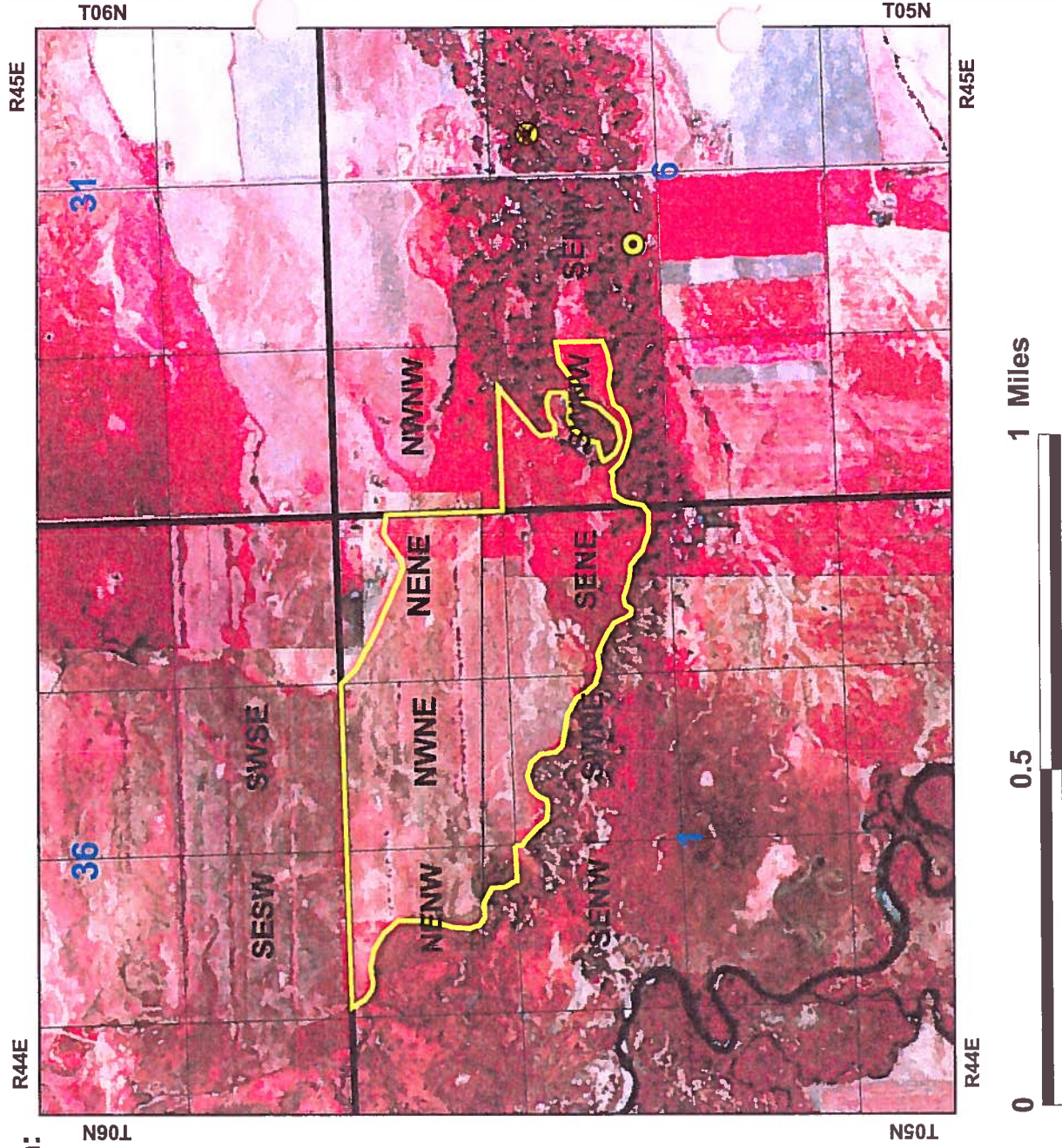
Legend

- 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



- 3-10-06
- For right # 22-382 the decree ~~about~~ describes about 312 acres.
151 acres in 5N45E Sec 2
and 160 acres in 5N44E S1. → #4751
 - Teton Pipeline filed a transfer on lands including that on sec 2 but only $\approx 1/2$ of the right belongs to that land. Teton pipeline gets 1.55 cts based on decreed cts/acre which is .01 cts/acre
 - Breckenridge gets 1.65 cts based on same information
- TG

- Not sure how many acres Teton West acquired of 22-382. Need to know that. Kent Foster only had a deed that showed 0, no acres.

- I believe there was an error in the transfer for Teton West Inc. Breckenridge still owns $1/2$ original PON and Q, therefore recommending it that way.

RECEIVED

119240

FEB 27 1995

TETON Co. Id.
Clerk RecorderQUITCLAIM DEED
FOR
WATER RIGHTSFiled _____
Indexed _____
Platted _____

AT THE REQUEST OF
First America
57 MINUTES PAST 2
DATE *February 27, 1995*
Lisa J. Briggs
CLERK OF RECORDS
BY *Wayne D. Briggs*
DEPUTY

THIS INDENTURE is made this 13th day of June, 1994, between TETON WEST CORPORATION, a Nevada Corporation, successor to TETON VALLEY RANCHES, INC., a/k/a TETON VALLEY RANCHES CORPORATION, and COMMUNICATIONS INVESTMENT CORPORATION, a Delaware Corporation, collectively referred to herein as the "GRANTOR" and TETON WEST IRRIGATION COMPANY, INC., an Idaho Corporation, whose principal place of business is near Driggs, Idaho, and whose mailing address is 2185 S. 3600 W., West Valley City, Utah 84119, the "GRANTEE",

WITNESSETH, that the GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE'S successors and assigns forever, all right, title and interest now owned or hereafter acquired by the GRANTOR in all the following described water rights or portions thereof in the County of Teton, State of Idaho, to-wit:

WATER RIGHT
I.D. NO. _____SOURCEAMOUNT IN CFSPRIORITY

22-00225	South Leigh Creek	1.6	06-01-1897
22-00226	South Leigh Creek	1.6	06-01-1898
22-00307	South Leigh Creek	2.0	05-15-1899
22-00308	South Leigh Creek	1.2	06-01-1901

COPY

22-00347	South Leigh Creek	.2	06-01-1901
22-00348	South Leigh Creek	.6	06-01-1902
22-00349	South Leigh Creek	.4	06-01-1903
22-00382	South Leigh Creek	1.6	01-18-1905
22-00582	South Leigh Creek	.6	05-15-1897
22-00583	South Leigh Creek	1.0	06-01-1899
22-00618	South Leigh Creek	.8	01-22-1916
22-02267	Groundwater	2.95	03-14-1966
22-07042	Groundwater	2.89	12-04-1971
22-07206	Groundwater	6.13	02-02-1977
22-07255	Groundwater	4.27	08-22-1077
22-07261	Groundwater	18.0	09-16-1977

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

TETON WEST CORPORATION

By: George C. Valtch
Its President

ATTEST: [Signature]
Assistant Secretary

2 - QUITCLAIM DEED

119240

TETON VALLEY RANCHES, INC.
a/k/a TETON VALLEY RANCHES CORPORATION

By: George C. Hatch
Its President

ATTEST: Diane G. Orr
Its: Assistant Secretary

COMMUNICATIONS INVESTMENT CORPORATION

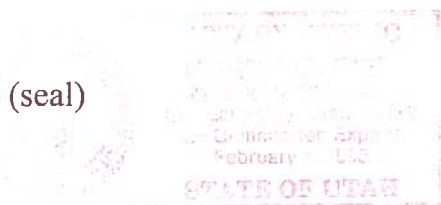
By: George C. Hatch
Its President

ATTEST: Diane G. Orr
Its: Assistant Secretary

STATE OF UTAH)
)ss.
County of Salt Lake)

On this 13th day of June, in the year 1994, before me, the undersigned, a notary public in and for said state, personally appeared George C. Hatch and Diane G. Orr, known or identified to me to be the President and Assistant Secretary, respectively, of Teton West Corporation, and the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Ramon Oliver
Notary Public for Utah
Residing at SLC, Utah
My Commission Expires: 2/1/95

STATE OF Utah)
County of Salt Lake)ss.

On this 17th day of June, in the year 1994, before me, the undersigned, a notary public in and for said state, personally appeared Deane S. Orr and Deane S. Orr, known or identified to me to be the President and President, respectively, of Teton Valley Ranches, Inc., a/k/a Teton Valley Ranches Corporation, and the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(seal)

Norma Oliver
Notary Public for Utah
Residing at S. F. C. Utah
My Commission Expires: 2/1/95

STATE OF Utah)
County of Salt Lake)ss.

On this 13th day of June, in the year 1994, before me, the undersigned, a notary public in and for said state, personally appeared Deane S. Orr and Deane S. Orr, known or identified to me to be the President and President, respectively, of Communications Investment Corporation, and the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(seal)

Norma Oliver
Notary Public for Utah
Residing at S. F. C. Utah
My Commission Expires: 2/1/95

MEMORANDUM

TO: FILE NOS. 22-00225/226/307/308/
347A/348A/349A/382/582A/583A/ & 618

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4751

DATE: January 16, 1997

=====

Transfer No. 4751 was filed to change the point of diversion and place of use under all of Right Nos. 22-00225/226/307/308/347A/348A/349A/582A & 583A and a portion of Right Nos. 22-00382 & 618, splitting each right into parts A & B.

This is the second transfer filed by Teton West Irrigation Company Inc. identifying a permissible place of use that contains a maximum of 1467 acres irrigated by all rights under Transfer Nos. 4750 and 4751. Transfer No. 4750 addressed the groundwater rights, while this transfer intends to update the surface decreed rights to reflect the current use.

The point of diversion is actually located in Wyoming and the water delivered down the Hog Canal to a private ditch. Although some claims were made on these rights in the SRBA, I have been advised by Don Shaff that, at this time, the claims will be recommended disallowed and not included in the adjudication because the point of diversion is outside the state.

These rights are considered high-water rights and available only early in the season during wet years and seldom continue for more than two to four weeks according to the applicant's attorney. The information about the historical use of these rights is sketchy and incomplete. The transfer approval is therefor based on the maximum acres authorized under these rights as decreed and proposed transferred.

The water is delivered through a ditch ending near a well allowing water to pond slightly at this low spot. The applicant's attorney stated that "pond" was stretching the definition, and that any surface water reaching this point appears to sink and apparently supplement the groundwater flows of the well nearby.

Season of use was adjusted to current department standards and combined limits determined from the decreed rights. Recommended conditions include watermaster control, measuring device & controlling works, irrigation overlap, right-of-way, permissible place of use, combined rights and standard transfer conditions.

JAN 22 1997

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS, P.A.
DALE W. STORER
MARIE T. TYLER
JOHN G. SIMMONS
ROBERT M. FOLLETT
FREDERICK J. HAHN, III

WEST ONE BANK BLDG.
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

September 22, 1995

RECEIVED
SEP 25 1995

Mr. Harold Jones
IDAHO DEPARTMENT OF
WATER RESOURCES
900 N. Skyline
Idaho Falls, Idaho 83402-1718

Department of Water Resources
Eastern District Office

Re: Teton West Irrigation Company - Water Rights Reconfiguration

Dear Harold:

As I indicated we would be doing, we are enclosing some materials with this letter to begin our review of what needs to be done and how to do it. Perhaps the best thing to do is to lay the entire matter out and ask for your thoughts and comments.

Sometime in the 60's and early 70's, George Hatch began to acquire farm land in the Teton Basin. Much of it was done through one or more of his companies. (Communications Investment Corporation, Teton Valley Ranches Corporation and Teton West Corporation).

By about 1970 Mr. Hatch had acquired a fairly large tract north of Driggs (near Clawson) of about 2,000 acres, consisting primarily of the E½ of S.2 and all of S.1 of T.5N., R.45E. and all of S.6 and S.5 of T.5N., R.46E. When most of that land was first acquired, the primary appurtenant water rights were portions of several decreed rights, none of which had priorities early enough to permit a serious farming operation. It appears there may have been one ground water right appurtenant at that time. Mr. Hatch then began an effort to develop ground water rights and over the next few years brought several hundred acres of this land under regular cultivation and irrigation by means of the ground water rights and sprinkler systems. The irrigation system ultimately consisted of eight wells and pumps with inter connected mainline to serve six center pivot sprinkler systems and several wheel lines and hand lines. Even the surface water under the decreed rights, whenever available, was

MICROFILMED

IAN 22 1997

Mr. Harold Jones
September 22, 1995
Page 2

introduced into the interconnected mainline and pressurized to the sprinklers with the ground water.

By 1993, Mr. Hatch's objectives for the continued use of this land had changed. A determination was made to divide the 2,000 or so acres into smaller parcels and sell them as "ranchettes". By the latter part of 1993, the question had arisen about what to do concerning the water rights.

As Mr. Hatch discussed the various concepts and goals with us, and we met with realtors, engineers, planners, prospective purchasers and others, a consensus developed that a corporation, (like a canal company) to hold the water rights and own the diversion and basic distribution system, should be formed. As parcels were sold, the purchasers were given stock in the new company which entitled them to a proportionate share of the company's water rights and conveyance rights and a convenient connection to the buried mainline for whatever individual system they might choose.

The corporation organized for this purpose is named Teton West Irrigation Company. Copies of its Articles and Bylaws are enclosed. Most of the stock has now been issued. Only a small amount of residential development, or development of the "ranchettes", has begun, although all the land has been divided and sold. There was a little bit of severing of water rights and minor pieces of the diversion and delivery system around the edges, but some 1,600 acres is included within the prospective service area of the company. A map is enclosed showing the intended service area of the corporation. It appears to include approximately 1,615 acres but there have actually been 1,421 shares of stock issued at the request of the individual stockholders and another 57 will probably be issued, bringing the total to 1,466. Each share of stock is intended to represent water for the irrigation of one acre of land and so it is apparent that the stockholders intend to irrigate up to 1,466 of the total of approximately 1,615 acres. There have been some minor modifications in the service area since the bylaws were adopted and they will need to be amended in some respects. A chart listing stockholders and potential stockholders, with their respective acreages owned and shares allocated is enclosed.

As you can imagine, the wells and distribution system were not originally located, and the water rights were not developed, with this current state of affairs in mind. Hence, each

MICROFILMED
JAN 22 1997

Mr. Harold Jones
September 22, 1995
Page 3

water right has its own place of use, not necessarily identical to any other. There are many overlaps and the rights are not at all configured as they would be in a typical canal company, where all water rights are equally appurtenant to every acre within the company service area.

It appears to us then that there are eleven surface water rights from South Leigh Creek (or portions of such rights), totalling 11.6cfs, and five ground water rights (or portions of such rights), totalling 25.18cfs, appurtenant of record to the approximately 1,578 acres within the service area. As you know, there has not been very much water available under the surface water rights, or for very much of the time, in recent years. The surface water rights, when available, are pretty much used only as a supplement to the ground water rights.

The company owns six wells and pumps and the mainline which connects them. It also owns the electrical panels and other structures and facilities for diversion and distribution of the ground water and surface water under the various rights.

In order to reorganize the water rights so that every share of stock is equal to every other share, and so that each acre has an undivided proportionate share of each water right, we think it is now important to attempt to reconfigure the water rights to accomplish that purpose. Before we proceed with the transfer or other proceeding, we have prepared some information for your review and comments with the hope that at least the applications can be prepared in a manner acceptable to IDWR. We cannot anticipate what might happen so far as the filing or prosecution of protests. You also mentioned the possibility of doing this through amended SRBA claims and of course we are very interested in that possible approach and would be anxious to receive your thoughts along those lines.

The water rights presently held by the company include those listed in the enclosed copy of the deed from the former Hatch companies. We have also prepared a chart showing the portion of each of the rights now held by the company and our calculations with respect to how much of each such right is appurtenant within the proposed service area and the total number of acres to which each such right and then the combination of all of the rights (considering overlaps) is appurtenant.

We should make one note regarding right number 22-07261. When the deed was prepared, this right was still a permit for 18.0cfs for 926 acres. After the deed was executed

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JAN 22 1997

Mr. Harold Jones
September 22, 1995
Page 4

and delivered, the license was issued, for 8.94cfs for 794 acres. Consequently the deed appears different in that respect than the chart.

We will look forward to hearing from you when you have had an opportunity to review the matter. Thanks for your assistance.

Very truly yours,



Kent W. Foster

Enclosure

G:\WPDATA\KWF\0852\JDWR0809 LTR.sjw

MICROFILMED
JAN 22 1997

Continuation of Abstract of Title to the Lands described in the Caption hereto

United States of America.

No.

Character of Instrument
Patent.

Date of Instrument
December 15, 1902.

Grantors

to

Date of Record
Sept. 24, 1909 at 10 A.M.

Book 40 of Patents Page 259

No. of Instrument 27749

Edwin S. Little.

Consideration, \$ -

Grantees Are Signatures Sealed? General Land
Office.

Names of Witnesses

Date of Acknowledgment

Before Whom Acknowledged?

Is Wife Separately Examined in Acknowledgment?

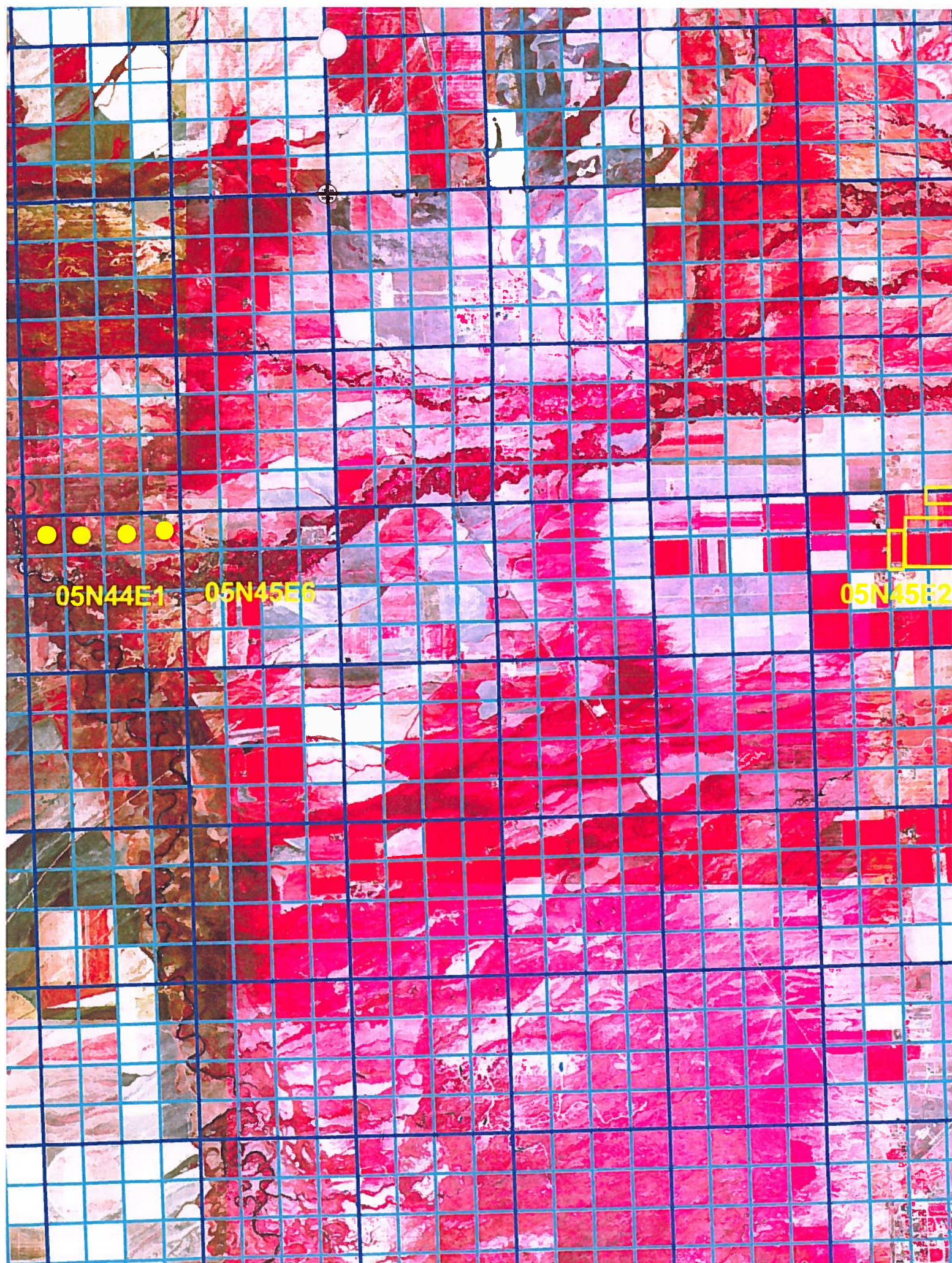
Granting Words

Covenant, if any

Description and Remarks:

Lots 1, 2, 3, and 4, Section 1, Township 5
North, Range 44 East of the Boise Meridian,
containinf 161.80 acres.

Madison Abstract Company, Rexburg, Idaho





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 26, 2006

BRECKENRIDGE BROS.
494 N 500 W
TETONIA ID 83452

Re: EVIDENCE WATER RIGHT OWNERSHIP , 22-382

Dear Breckenridge Bros.:

The Idaho Department of Water Resources is now reviewing water right claims filed in the Snake River Basin Adjudication (SRBA) in the Teton River drainage of Basin 22. You have filed water right claim A22-382 which is based on the historic water right 22-382 from Leigh Creek. Also, you have claimed the portion of the water right was moved to include a parcel of land different from the original decreed place of use. Please provide some evidence that you own the claimed portion of historic water right 22-382, what lands it came from, and the date of the accomplished change of the place of use. Evidence of your ownership may include a chain of title from the Recorder's office beginning from the original owner Edwin Little.

Your response to this request is required by February 28, 2006. I have enclosed a copy of the claim for your perusal.

Thank you for your timely attention and consideration in this matter. If you have questions please feel free to contact this office.

Respectfully submitted,

Kristin Moore
GIS Specialist
Adjudication Bureau

Cc; file
Enclosure: Claim Copy

~~1 0445~~ 01-099 Lenroot Canal Company, The	300 inches. June 1, 1889.	South Fork of Snake River.
~~1 0445~~ 1 100 Lenroot Canal Company, The	4,300 inches. June 1, 1899.	South Fork of Snake River.
~~1 0450~~ 1 101 Lenroot, Canal Company, The	5,500 inches. June 1, 1903.	South Fork of Snake River.
~~1 0445~~ 1 102 Letham, F. D.	140 inches. July 15, 1899.	Swamp. TRANS # 11959
~~1 0455~~ 1 103 Letham, F. D.	120 inches. July 15, 1900.	Swamp.
~~1 0455~~ 22 0380 Letham, John.	155 inches. June 1, 1896.	North Leigh Creek. Trans #
~~1 0461~~ 1 104 Liberty Park Irrigation Company, The	400 inches. June 1, 1885.	Bannock Jim Slough.
~~1 0461~~ 1 105 Liberty Park Irrigation Company, The	1,900 inches. June 1, 1886.	Bannock Jim Slough.
~~1 0461~~ 1 106 Liberty Park Irrigation Company, The	1,900 inches. June 1, 1887.	Bannock Jim Slough.
~~1 0461~~ 1 107 Liberty Park Irrigation Company, The	1,900 inches. June 1, 1888.	Bannock Jim Slough.
~~1 0461~~ 1 108 Liberty Park Irrigation Company, The	1,900 inches. June 1, 1889.	Bannock Jim Slough.
Lindholtz, Alma		Enterprise Canal Company.
~~1 0465~~ 22 0381 Lindsay, William	160 inches. Apr. 1, 1897.	South Leigh Creek.
Lipseey, W. A.		Enterprise Canal Company.
~~1 0465~~ 25 5018 25-0254 Liston, H. S.	240 inches. June 1, 1884.	Spring Creek.
~~1 0465~~ 22 0382 Little, Edwin S.	160 inches. Jan. 18, 1905.	Leigh Creek.
LittleFeeder Canal Company		(See Finding No. 29)
~~1 0465~~ 22 0383 Little, George A.	120 inches. June 1, 1897.	North Leigh Creek.
~~1 0465~~ 22 0384 Little, George E.	80 inches. June 1, 1897.	South Leigh Creek.
~~1 0470~~ 22 0385 Little, George E.	80 inches. June 1, 1898.	North Leigh Creek.
~~1 0471~~ 22 0386 Little, Zina W.	120 inches. Apr. 1, 1889.	South Leigh Creek.
~~1 0471~~ 21 0072 Lloyd, Thomas W.	150 inches. June 1, 1896.	Fall River.

Rexburg Decree

Lindholm, Alms	Enterprise Canal Company.
~~22 0381~~	
Lindsay, William	160 inches. Apr. 1, 1897. South Leigh Creek.
Lipsy, W. A.	Enterprise Canal Company.
~~25 0154~~	
Linton, H. S.	240 inches. June 1, 1904. Spring Creek.
~~22 0382~~	
Little, Edwin S.	160 inches. Jan. 18, 1905. Leigh Creek.
LittleFreder	
Canal Company	(See Finding No. 20)

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

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

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

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

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

Little Freder
Canal Company,
Limited

Lands of stockholders of various corporations

Tx 4751 split right into $\left\{ \begin{array}{l} A \quad ? \text{ ac. } 1-6 \text{ ds} \\ B \quad ? \text{ ac. } 1-6 \text{ ds} \end{array} \right.$

Transfer 1 units 382B to 312 ac., which is the full

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 2
(ATTACH ONE COPY FOR EACH RIGHT)

Part of Tx Appl. for

Tx 4751

~~TX 4751~~

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 22-00382 ✓ Decreed to Edwin S. Little
in case of Rexburg Irr. Co. et al vs. Teton Irr. Co. et al
dated December 16, 1910 in Sixth District Court county of Fremont
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☒ Warranty Deed☐ Other _____

3. Source of Water Leigh Creek and South Leigh Creek tributary to Teton River

4. Date of priority Jan. 18, 1905
June 1, 1905

5. Water is used for the following purpose:

amount 3.2cfs for Irrigation purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right 3.20 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	32	6N	46E	Teton	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	45E	1	A	A			A	A											
			L-1	L-2	L-3	L-4	L-5	L-6											
5N	45E	2	A	A	A	A													
6N	45E	35																A	

Total Acres _____

Page No. 25 of 36

Transfer No. _____

9. Describe any other water rights used for the same purpose as described above 22-00225; 22-00226; 22-02267;
22-07255

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 _____

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 1.6cfs for Irrigation purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	32	6N	46E	Teton	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	45E	1	A	A			A	A											
			L-1	L-2			L-3	L-4											
		2	A	A	A	A													

Total Acres _____

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

1. amount 1.6cfs for Irrigation 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
		NE	SE	32	6N	46E	Teton	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	45E	35																A	

Total Acres _____

Water Right No(s). _____

GPS DATA:

Tag # A0014203 Location: ON HEAD GATE Mouth

Diversion Data:

Source: South Leigh Ck Trib to: Teton River

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

DON'T GET Leigh Ck - Only So. Leigh Ck

Field Exam Date: _____ Agent: _____

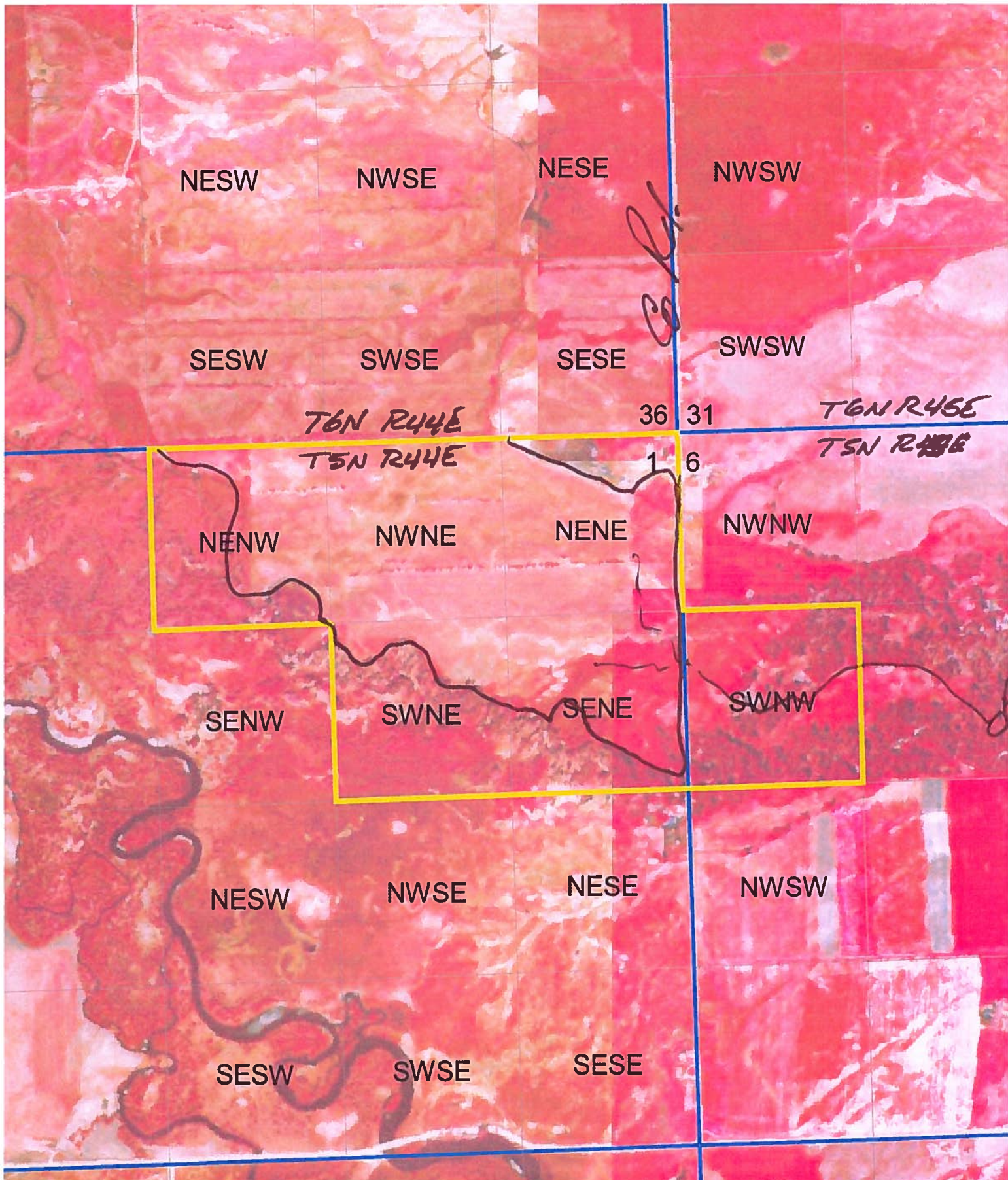
Breckenridge diversion off Spring Creek: 6/29/2004 10:52:06 AM

Glade Burnside



Neibster, James W., and Charles H. Woodmansee; May 23, 1903; Moody Creek	300
For reservoir purposes between the first day of September of each year until the first day of May of the following year	100
Gregory, H. J.; June 1, 1903; North Leigh Creek	40
Powell, W. J.; June 1, 1903; Frail Creek	4,200
Siddoway-Briggs Co.; June 1, 1903; Teton River. For power purposes	100
Buxton, Stillman; June 1, 1903; Sloughs from Twin Creeks	40
Gilbert, Albert; June 1, 1902; Horse Shoe Creek	20
Nickelson, Peter; June 1, 1903; Swamps	50
Thompson & Egbert; June 1, 1903; North Leigh Creek	40
Jarman, Arthur; June 1, 1903; South Leigh Creek	100
Pherson, Neils; June 1, 1903; South Leigh Creek	280
Kunz, Samuel, Jr.; July 31, 1903; Pine Creek (permit) Central Teton Canal Co.; Oct. 31, 1903; Teton Creek	1,680
Pack Saddle Reservoir Co.; Jan. 15, 1904; North Fork Pack Saddle Creek	1,250
Wallace, H. A.; Jan. 18, 1904; North Leigh Creek or Spring Creek	40
Hansen, E. P.; May 1, 1904; Game Creek	50
Moffat, John P.; June 1, 1904; Swamps	70
Withrick, Caroline; June 1, 1904; Paradise Springs. The undivided one-fourth of Paradise Springs	100
Miller, J. J.; June 1, 1904; Paradise Springs	60
Sinclair, Sarah S.; June 1, 1904; Pole Creek and Pine Creek	40
Ricks, Wallace; June 1, 1904; North Leigh Creek	80
Phillips, L. A.; June 1, 1904; Badger Creek	110
Sautter, John G.; June 1, 1904; North Leigh Creek	60
Coyle, M. H.; June 15, 1904; Coyle Spring	640
Felt, J. G.; Jan. 18, 1905; Badger Creek	590
Felt, G. F.; Jan. 18, 1905; Badger Creek	480
Felt, Clara V.; Jan. 18, 1905; Badger Creek	500
Felt, Albert; Jan. 18, 1905; Badger Creek	150
Clawson, Spencer, adminr. Estate of; Jan. 18, 1905; North Leigh or Spring Creek	500
Clawson, B. W.; Jan. 18, 1905; North Leigh or Spring Creek	2,500
Spencer, Clawson & Co. (a corporation); Jan. 18, 1905; North Leigh Creek or Spring Creek	200
Rogers, Orson T.; Jan. 18, 1905; Badger Creek	160
Little, Edwin S.; Jan. 18, 1905; Leigh Creek	180
Taylor, Joseph E.; Jan. 18, 1905; North Leigh or Spring Creek	100
Garrett, Mary G.; Jan. 18, 1905; North Leigh or Spring Creek	100
Soulcey, C. V.; June 1, 1906; Darby Creek	80
Crandall, H. L.; no date; waters of Crandall Springs	15
Stahn, Emil A.; no date; Juanita Springs	40
Andrews, L. W.; no date; waters of Springs on place. Pack Saddle Reservoir Co.; no date; South Fork of Pack Saddle Creek	900

22-382



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 22-382C
Date Received: 6/5/2006
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

BRECKENRIDGE BROS Phone: (208)456-2652
494 N 500 W
TETONIA ID USA 83452

2. Date of Priority: 01/18/1905

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	Type
05N	45E	6	SE NW	TETON	

5. Description of diverting works:

HEADGATE TO DITCHES TO POU

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	3.2	

7. Total Quantity Appropriated is:
3.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
05N	44E	1	NE	NE	1	IRRIGATION	40
			NW	NE	2	IRRIGATION	40
			SW	NE		IRRIGATION	10
			SE	NE		IRRIGATION	30

			NE	NW	3	IRRIGATION	21
						Section Acres	141
05N	45E	6	SW	NW		IRRIGATION	30
						Section Acres	30
						Total Acres	171

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:
22-381

14. Remarks:

This right is based on water right 22-382A.

Renumbered from 22-382.

15. Basis of Claim: Decreed

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: A22-00382

Date Received: 10/03/1988

Receipt No: E002856

Received By: 

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: BRECKENRIDGE BROS.

208-456-2652

Address:

TETONIA, ID

83452

2. Date of Priority: JAN 18, 1905

3. Source: SOUTH LEIGH CREEK
LEIGH CREEK

Trib. to: TETON RIVER
TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	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 of	Lot	Use	Acres
05N	44E	1	NE	NE	1	IRR	40.0
			NW	NE	2	IRR	40.0
			SW	NE		IRR	10.0

A22-00382

Page 1

Date: 11/04/88

MICROFILMED
NOV 04 1992

A2200382



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	44E	1	SE	NE		IRR	30.0
			NE	NW	3	IRR	21.0
						Section Acres	141.0
	45E	6	SW	NW		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:
A22-00381

14. Remarks:
THIS RIGHT HAD P/U RECORDED AS R45E AND P/D RECORDED AS R46E.
THIS IS PROBABLY IN ERROR.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRR. CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Partner of
Title
Breckenridge Bros, that I have signed the foregoing
Organization
document in the space below as Partner of
Title
Breckenridge Bros and that the statements contained in the
Organization
foregoing document are true and correct.
Dale H. Breckenridge
Signature of Authorized Agent
Partner
Title and Organization
Nov 4, 1988
Date

State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 4 day
of Nov 19 88

[Signature]
Notary Public



Residing at Idaho Falls
My Commission Expires 8-12-94

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: A22-00382

Date Received: 10/03/1988

Receipt No: ~~E002850~~ E002856

Received By: APM

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: JAN 18, 1905

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	45E	6	SW	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	1	IRR	40.0
			NW	NE	2	IRR	40.0
			SW	NE		IRR	10.0

A22-00382

Page 1

Date: 10/03/88

MICROFILMED

NOV 04 1988

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	44E	1	SE	NE		IRR	30.0
			NE	NW	3	IRR	21.0
					Section Acres		141.0
	45E	6	SW	NW		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:
A22-00381

14. Remarks:
THIS RIGHT HAD P/U RECORDED AS R45E AND P/D RECORDED AS R46E.
THIS IS PROBABLY IN ERROR.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRR. CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Partner of Breckenridge Bros., that I have signed the foregoing document in the space below as Partner of Breckenridge Bros. and that the statements contained in the foregoing document are true and correct.

Isabella Breckenridge
Signature of Authorized Agent
Partner Breckenridge Bros
Title and Organization
Oct. 3, 1988
Date

State of Idaho)
County of Bannock) SS.

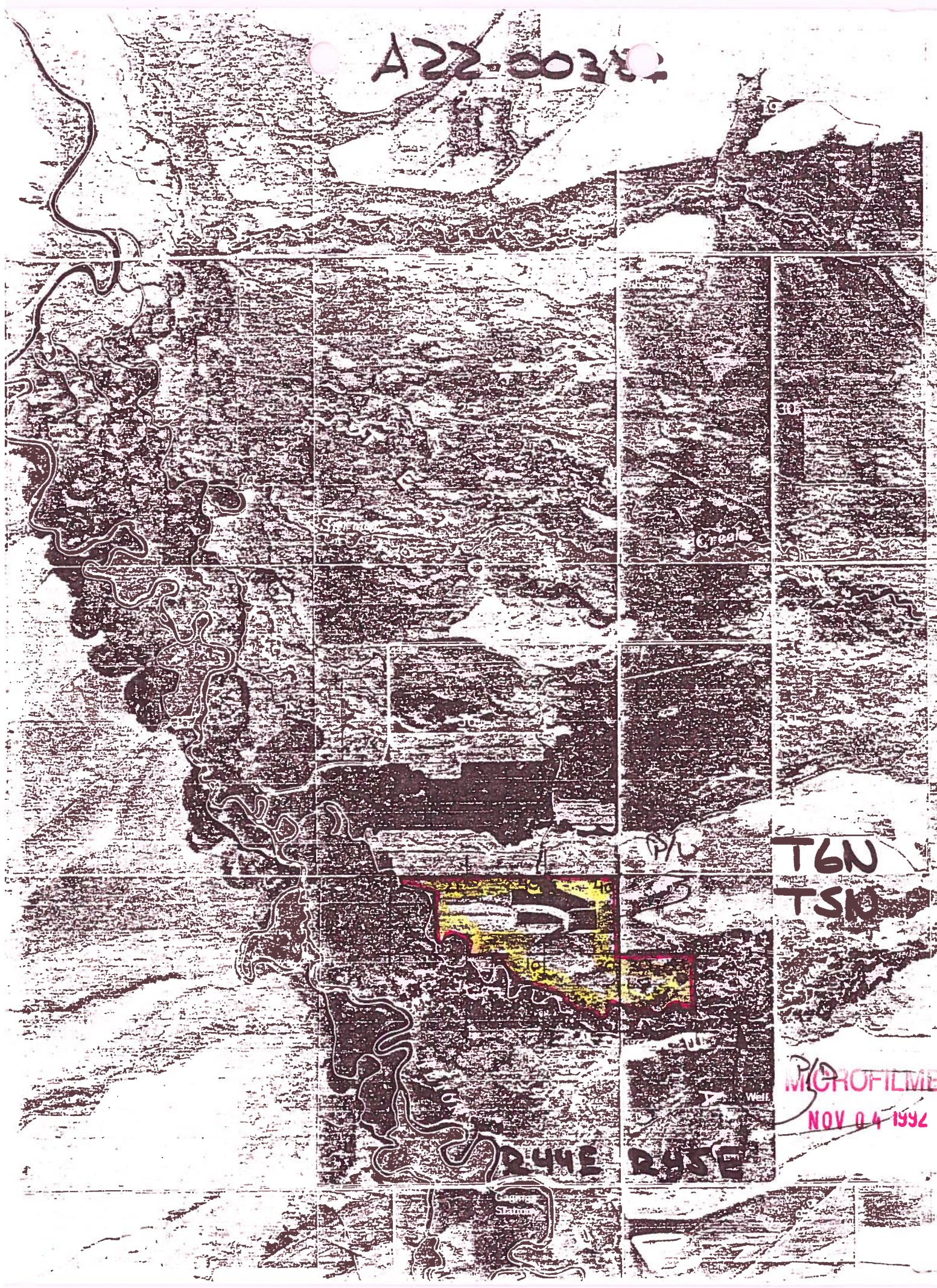
Subscribed and sworn (or affirmed) before me this 3 day
of Oct 19 88

[Signature]
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 9-12-94

A22-00312



T6N
T5N

P/O
MICROFILME
NOV 04 1992

Gaging
Station

R44E

R45E

Well