

09/13/2006

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

RIGHT NUMBER: 22-441B

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

SOURCE: SOUTH LEIGH CREEK TRIBUTARY: TETON RIVER

QUANTITY: 0.240 CFS

The rights listed below are limited to a total combined diversion rate of 0.99 cfs. Combined Right Nos.: 22-171B, 22-441B, 22-2282

PRIORITY DATE: 06/01/1903

POINT OF DIVERSION:

T06N R45E S33 NWSWSE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.240 CFS

PLACE OF USE: IRRIGATION Within TETON County

T05N R45E S06 Lot 4 NWNW 19.00 T06N R45E S31 Lot 4 SWSW 19.00

38 ACRES TOTAL

38

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 22-2282, 22-441B, 22-171B

This right is limited to the irrigation of 19 acres within the place of use described above in a single irrigation season.

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 Black 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: 22-441B

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):

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

KMD
12/17



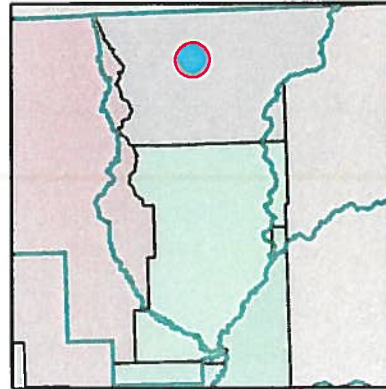
Idaho Department of Water Resources

Adjudication Claim:

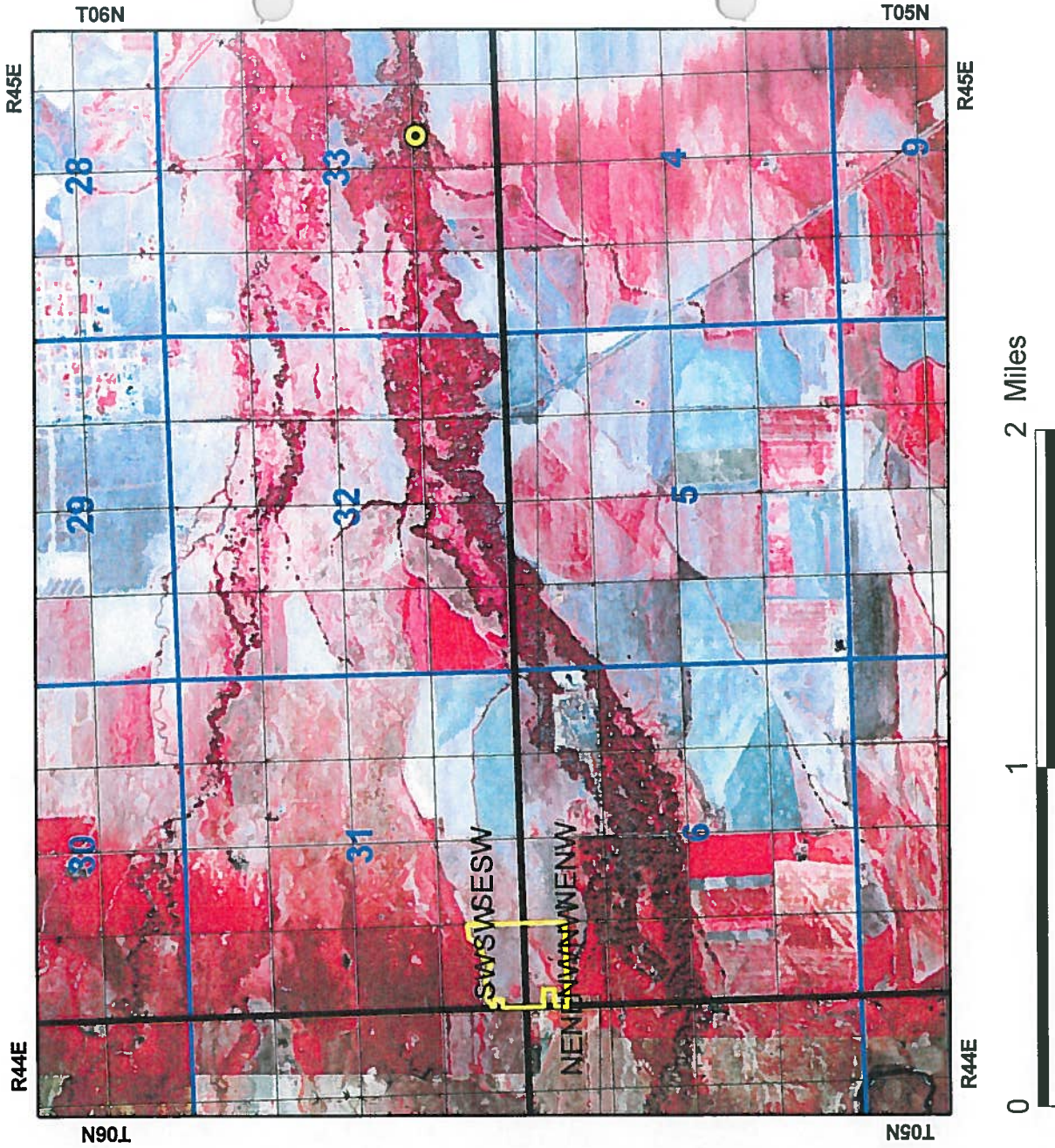
22-441B

Legend

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



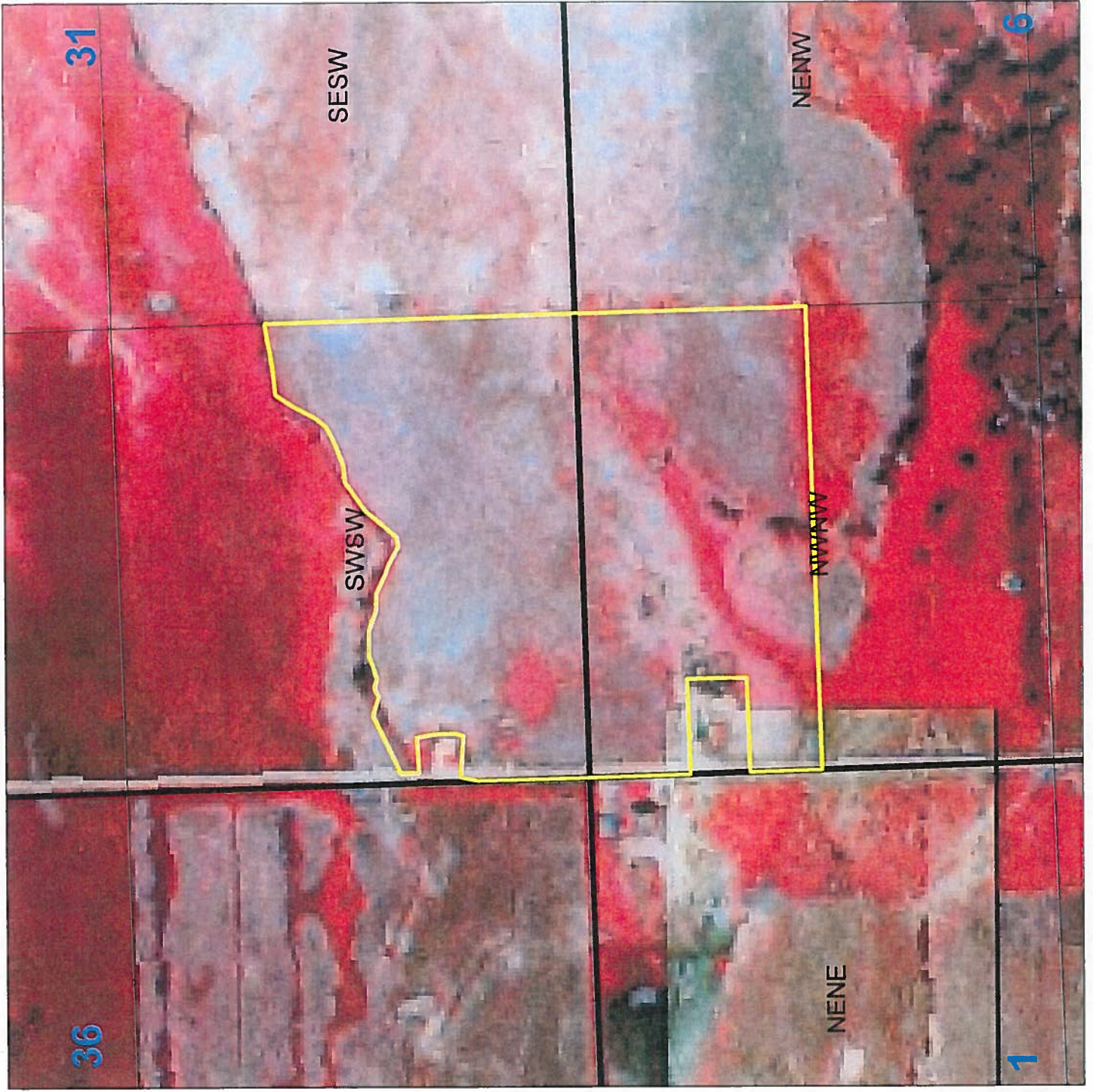
Teton County
IDWR Basin 22



0 1 2 Miles

Prepared by D. Carlson
On Thursday, August 31, 2006
1987/88 Aerial Photography

22-441B



Water Right No(s). _____

GPS DATA:

Tag # AGP 13851 Location: Black Canal.
Concrete left side

Diversion Data:

Source: Southleigh Trib to: Teton River

MOTOR

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

19AC

PUMP

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

24 CFS

NOTES:

Field Exam Date: _____ Agent: _____

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
12N	45E	33		NF SW	Teton	South Leigh	Teton River

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
12N	45E	33		NW SE	Teton	South Leigh	Teton River

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

POD is Black Canal off of South Leigh and is located in Recommended POD.

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: _____

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

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

* Claims PARTIAL OVERLAP w/ 22-2282 (GW 40)

Reviewer: _____

Date: _____

Pascoe, W. R.

S $\frac{1}{2}$ of NE $\frac{1}{4}$ and Lots 1 and 2 of Sec. 1, T.

4 N., R., 45 E., B. M.,

S $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 7, and S $\frac{1}{2}$ of NW $\frac{1}{4}$ of

Sec. 8, T. 3 N. R., 45 E., B. M.,

N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 7, T. 3 N. R., 45

E., B. M., containing 80 acres.

SW $\frac{1}{4}$ of Sec. 4, T. 3 N., R., 38 E. B. M.

containing 160 acres.

SE $\frac{1}{4}$ of Sec. 4, T. 2 N. R., 38 E., B. M.,

containing 160 acres.

NW $\frac{1}{4}$ of Sec. 9, and S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 3,

T. 2 N., R., 38 E. B. M., containing

240 acres.

N $\frac{1}{2}$ of SW $\frac{1}{4}$, SW $\frac{1}{4}$ of SE $\frac{1}{4}$, and Lot 1 of

Sec. 8, E $\frac{1}{2}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of

Sec. 8, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 5, T.

5 S., R., 32 E., B. M., containing

320 acres. Also, NE $\frac{1}{4}$ of Sec. 8, T.

5 S., R., 32 E. B. M., containing

160 acres.

SW $\frac{1}{4}$ of Sec. 31, T. 2 N., R., 38 E. B.,

M., containing 160 acres.

E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 31, T. 6 N., R., 45

E. B. M., and Lots 3 and 4 of Sec. 6

T. 5 N. R., 45 E., B. M.

W $\frac{1}{2}$ of NE $\frac{1}{4}$, and E $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 32, T.

6 N., R., 45 E., B. M., containing

160 acres.

W $\frac{1}{2}$ of SE $\frac{1}{4}$, and N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 26, T.

4 N. R., 45 E., B. M., containing

160 acres.

N $\frac{1}{2}$ of NE $\frac{1}{4}$, and SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 25,

T. 4 N., R., 45 E., B. M., containing

120 acres.

Paul, John

Paul, William H.

Payne, A. R.

Payne, H. D.

Payne, J. H.

Payne, S. L.

Peck, A. D.

Pehrson, Neils

Pendleton, Abraham

Penfold, Algeroy

Penfold, Farley

Sec. 31 80 ac.

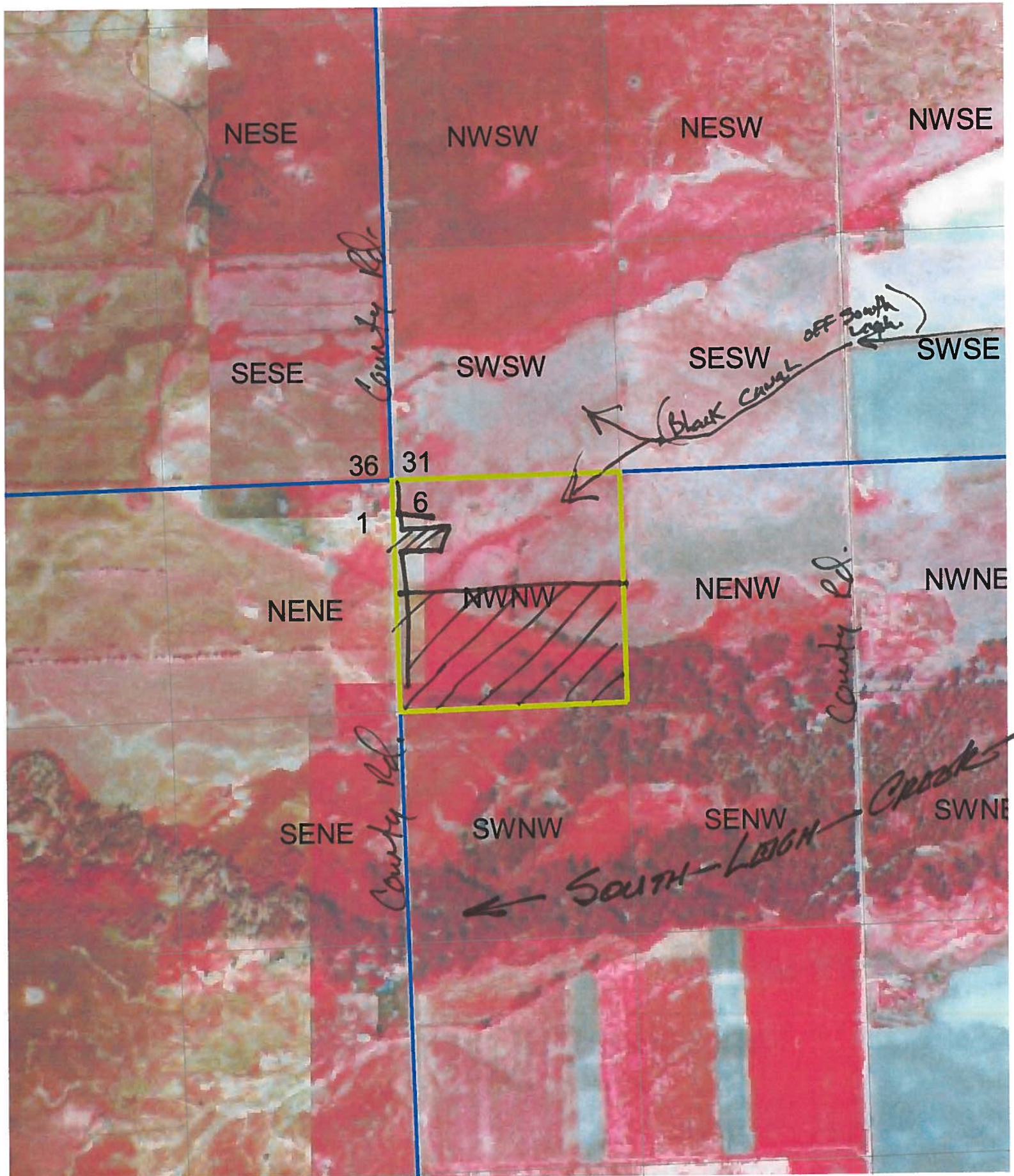
Sec. 6 = 80 ac.

≈ 160 ac.

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

22-441B

9-22-04
CA



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: **A22-00441B**
Date Received: 10/ 3/1988
Receipt No: E002856
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: BRECKENRIDGE BROS
Address: TETONIA ID 83452
208-456-2652
2. Date of Priority: JUN 1, 1903
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
06N 45E 33 NE SW 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 0.300
7. Total Quantity Appropriated is:
0.300 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 38.0 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	45E	6	NW	NW		IRR	19.0
Section Acres							19.0

MICROFILMED
NOV 06 1996

10. Place of Use: Continued

Total Acres 19.0

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:
 A22-02282

14. Remarks:
 THIS RIGHT IS FOR A PORTION OF EXISTING WR#22-00441. #22-00441
 HAS ALREADY BEEN CLAIMED BY TIBBITTS PRODUCE CORP.
 *THIS RIGHT ORIGINALLY NUMBERED A22-12066. RENUMBERED 5-17-96 GT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRR. CO. ET AL
Decree Plaintiff

TETON IRR. CANAL CO. ET AL
vs Decree Defendant

MICROFILMED
NOV 06 1996

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

RENUMBERED TO A22-00441B
Ident. Number: ~~A22-12066~~
Date Received: 10/03/1988
Receipt No: ~~FOOD RVS~~
Received By: ~~TDU~~

GT
5/17/96

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: JUN 01, 1903

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
06N	45E	33	NE SW		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	0.300	

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

8. Total consumptive use is 38.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	45E	6	NW NW		IRR	19.0
Section Acres						19.0
Total Acres						19.0

A22-12066

Page 1

Date: 10/03/88

MICROFILMED
NOV 06 1992



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:
A22-02282

14. Remarks:

THIS RIGHT IS FOR A PORTION OF EXISTING WR#22-00441. #22-00441
HAS ALREADY BEEN CLAIMED BY TIBBITTS PRODUCE CORP.

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. ET AL
Decree Defendant

MICROFILMED
NOV 06 1988

~~MICROFILMED~~
~~NOV 06 1988~~

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: \$2

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.

Dale T Breckenridge
Signature of Authorized Agent

Partner Breckenridge Bros
Title and Organization

Oct 3, 1988
Date

State of Idaho)
County of Bonneville) 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

MICROFILMED
NOV 06 1990

MICROFILMED
NOV 06 1992

A22-12086

1602
2602

1602
2602

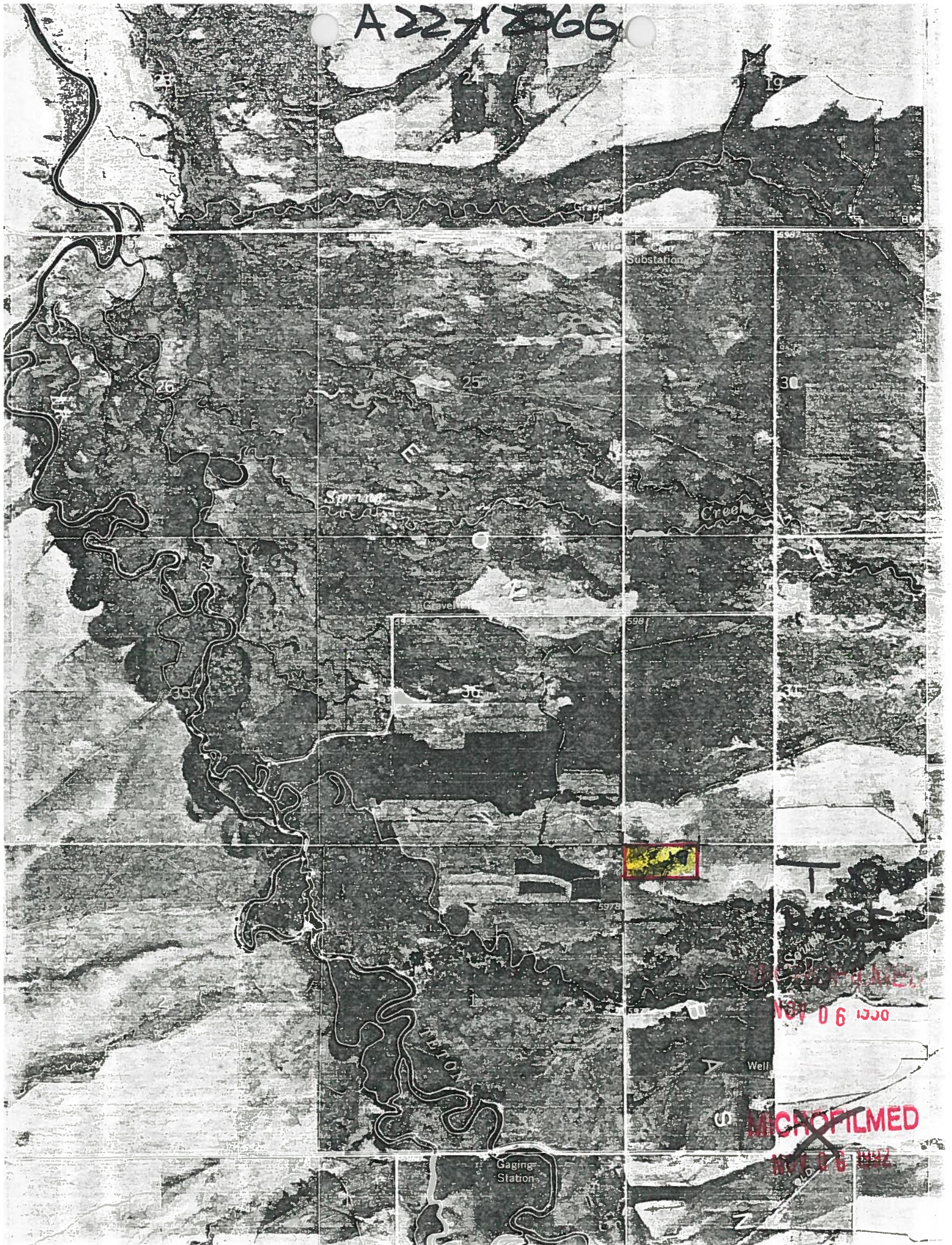
MICROFILMED

NOV 1982

NOV 1982



A 22-12066



NOV 06 1950

MICROFILMED
NOV 06 1950