

12/18/2006

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

RIGHT NUMBER: 22-7008
NAME AND ADDRESS: SPRING & LOWER N LEIGH CREEK WATER USERS
C/O DALE BRECKENRIDGE
494 N 500 W
TETONIA ID 83452
SOURCE: BADGER CREEK TRIBUTARY: TETON RIVER
QUANTITY: 36.100 CFS
13,081.000 AFY
PRIORITY DATE: 09/18/1963
POINT OF DIVERSION:

- T06N R44E S25 SWSWSE Rediversion Within TETON County
- T06N R44E S25 NESESE Rediversion Within TETON County
- T06N R44E S26 NENESE Rediversion Within TETON County
- T06N R44E S26 SWNESE Rediversion Within TETON County
- T06N R45E S12 SENENE Within TETON County
- T06N R45E S22 SWSESW Rediversion Within TETON County
- T06N R45E S22 NESE Rediversion Within TETON County
- T06N R45E S22 NWSE Rediversion Within TETON County
- T06N R45E S23 SENENW Injection Within TETON County
- T06N R45E S29 SWSWSW Rediversion Within TETON County
- T06N R45E S29 SWSWSW Rediversion Within TETON County
- T06N R45E S29 SWSESW Rediversion Within TETON County
- T06N R45E S30 SWSESW Rediversion Within TETON County
- T06N R45E S30 SWSWSE Rediversion Within TETON County
- T06N R45E S30 SWSWSE Rediversion Within TETON County
- T06N R45E S30 SWSWSE Rediversion Within TETON County
- T06N R45E S31 SENENE Rediversion Within TETON County
- T06N R45E S31 NWNW Rediversion Within TETON County
- T06N R45E S31 NWNWNW Lot 1 Rediversion Within TETON County
- T06N R45E S32 SWNWNW Rediversion Within TETON County
- T06N R45E S32 SENWNE Rediversion Within TETON County
- T06N R45E S32 SENWNE Rediversion Within TETON County
- T06N R45E S32 SENWNE Rediversion Within TETON County
- T06N R45E S32 SWNE Rediversion Within TETON County
- T06N R45E S32 SWSWNE Rediversion Within TETON County
- T06N R45E S32 NWNENW Rediversion Within TETON County
- T06N R45E S32 SENENW Rediversion Within TETON County
- T06N R45E S32 NESEENW Rediversion Within TETON County
- T06N R45E S33 NENE Rediversion Within TETON County
- T06N R45E S33 NWSWNE Rediversion Within TETON County
- T06N R45E S33 NESENE Rediversion Within TETON County
- T06N R45E S33 SENWNW Rediversion Within TETON County
- T06N R45E S33 NESWNW Rediversion Within TETON County
- T06N R45E S34 NWNENW Rediversion Within TETON County

PURPOSE AND PERIOD OF USE:		
	PURPOSE OF USE	QUANTITY
	IRRIGATION	36.100 CFS 13,081.00 AFY

12/18/2006

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

PLACE OF USE:

4550 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use is within the area served by Spring & Lower North Leigh Creek Water Users.

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 - License

Water is delivered through Haden Canal.

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

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



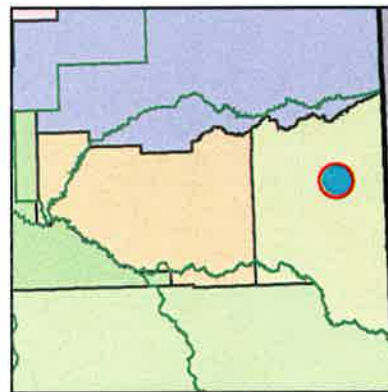
Spring & Lower N Leigh Creek Water Users

SRBA Recommendation: 22-7008

Service Area Boundary
GIS Place of Use Illustration

Legend

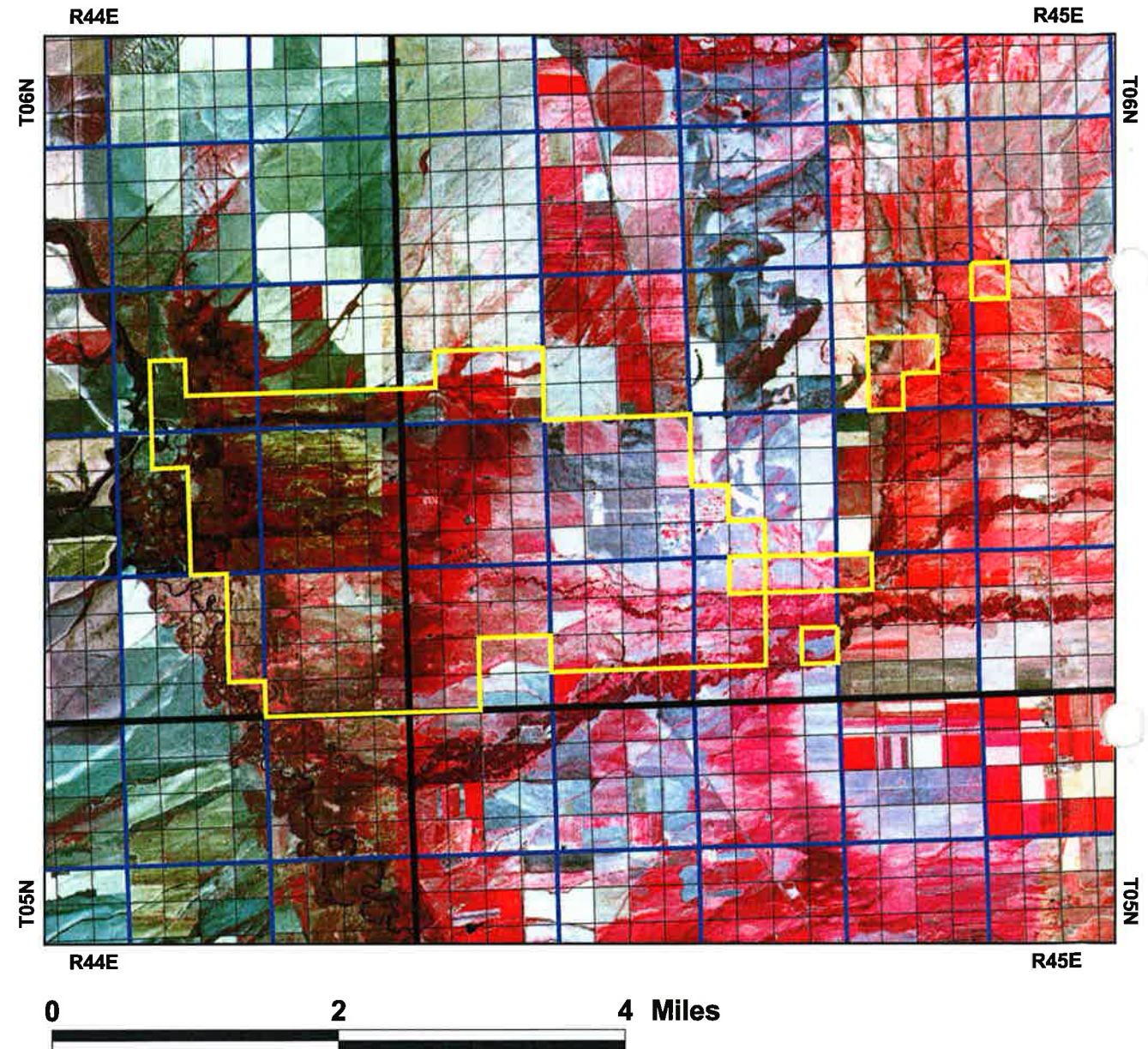
-  Service Area
-  Townships
-  PLS Sections
-  Quarter Quarters



Teton County
IDWR Basin 22



Prepared by K. Moore
On Tuesday, November 28, 2006
1987/88 Aerial Photography



11/27/2006

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: 22-7008

SPRING & LOWER N LEIGH CREEK WATER USERS
C/O DALE BRECKENRIDGE
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 6, 06 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

Water Right No(s). Hayden Canal injection point

GPS data - 2732157
1407880

GPS DATA:

Tag # NA Location: _____

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: _____

SN: _____

PUMP

Make: _____ Model: _____ Disch: _____

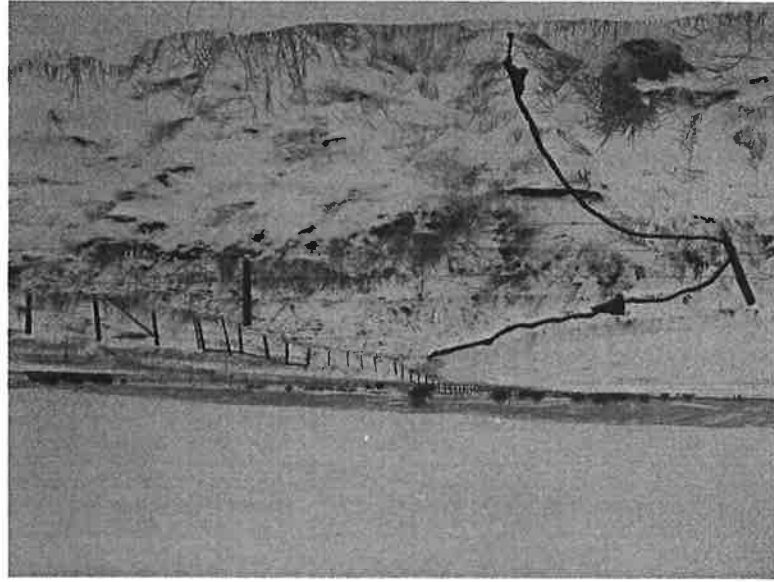
SN: _____

NOTES:

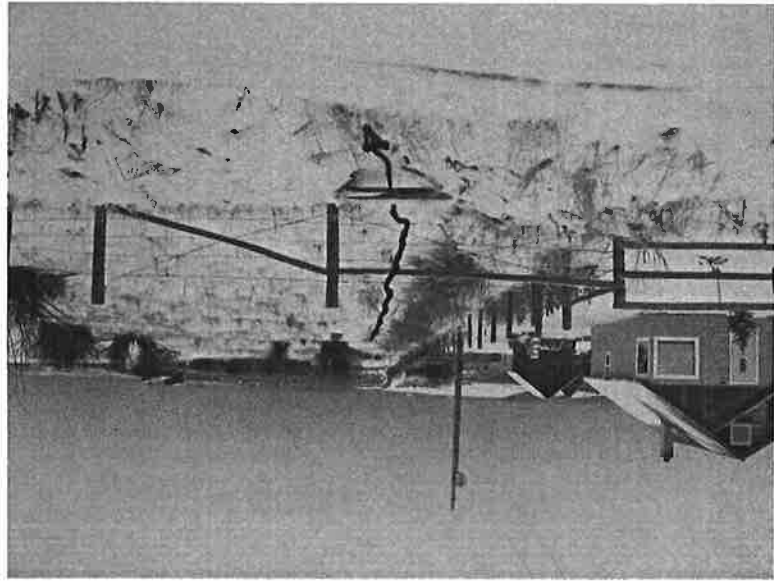
Hayden Canal dumps into a small creek which is a
split of Grouse Creek and then the creek rejoins
the main Grouse Creek about 1/4 mile to the west.

Field Exam Date: 12-12-06 Agent: J. W. Jones

Split of Grouse Creek
looking West



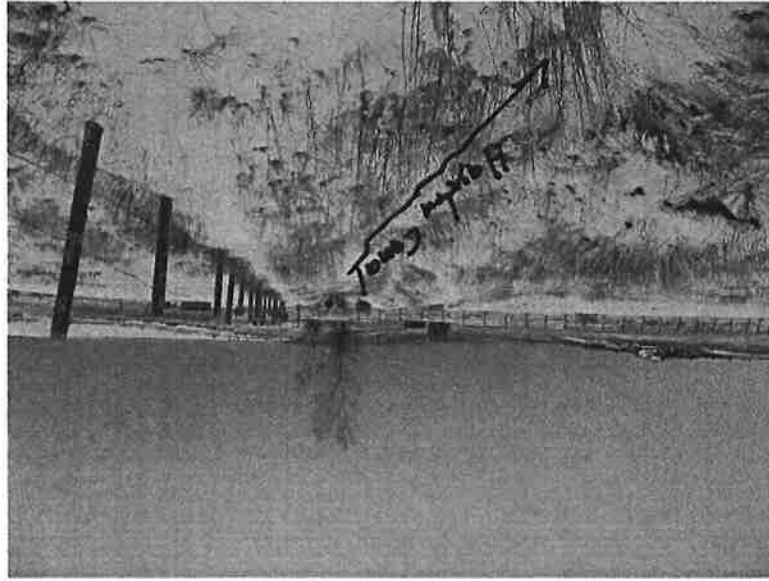
Split of Grouse Creek
looking East

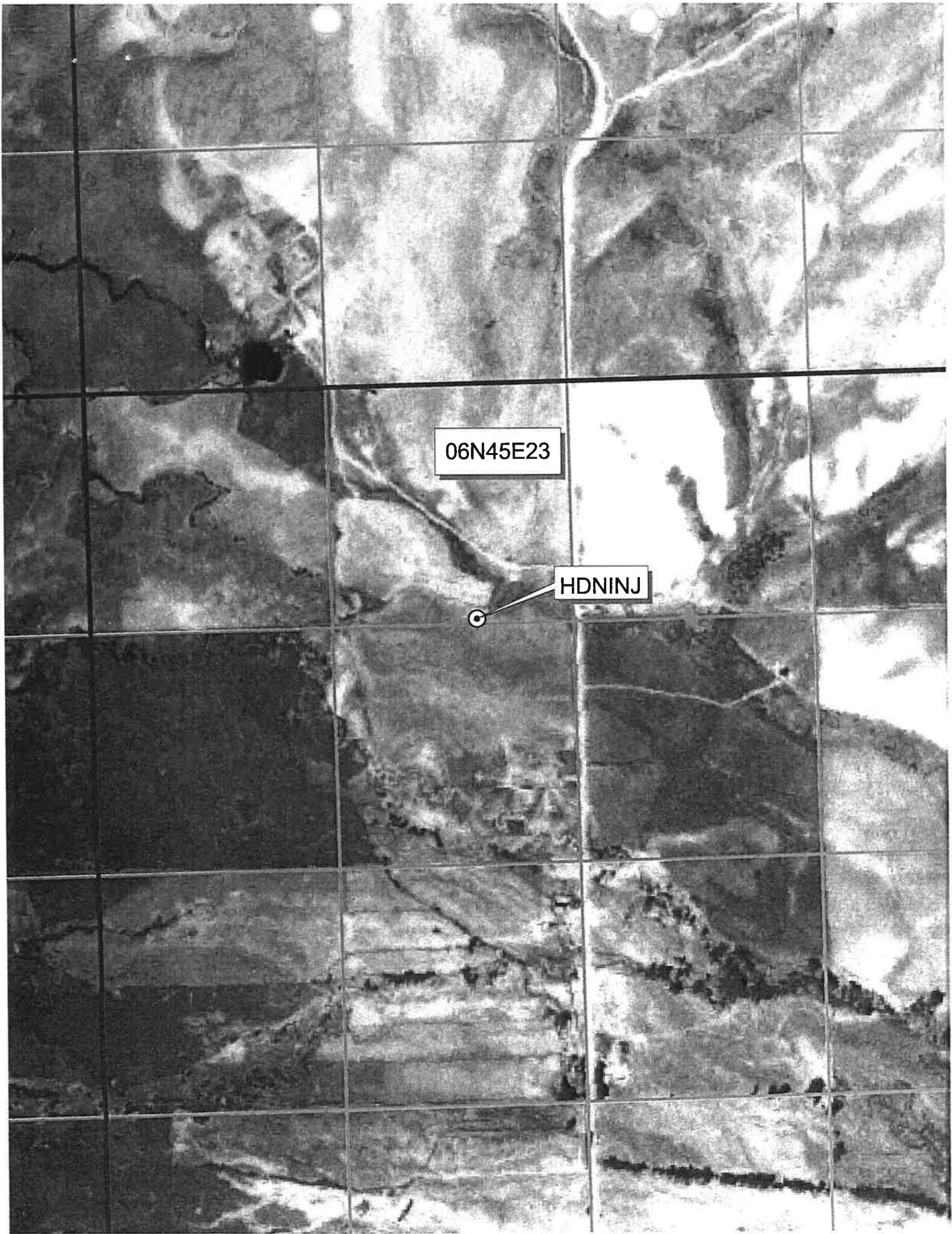


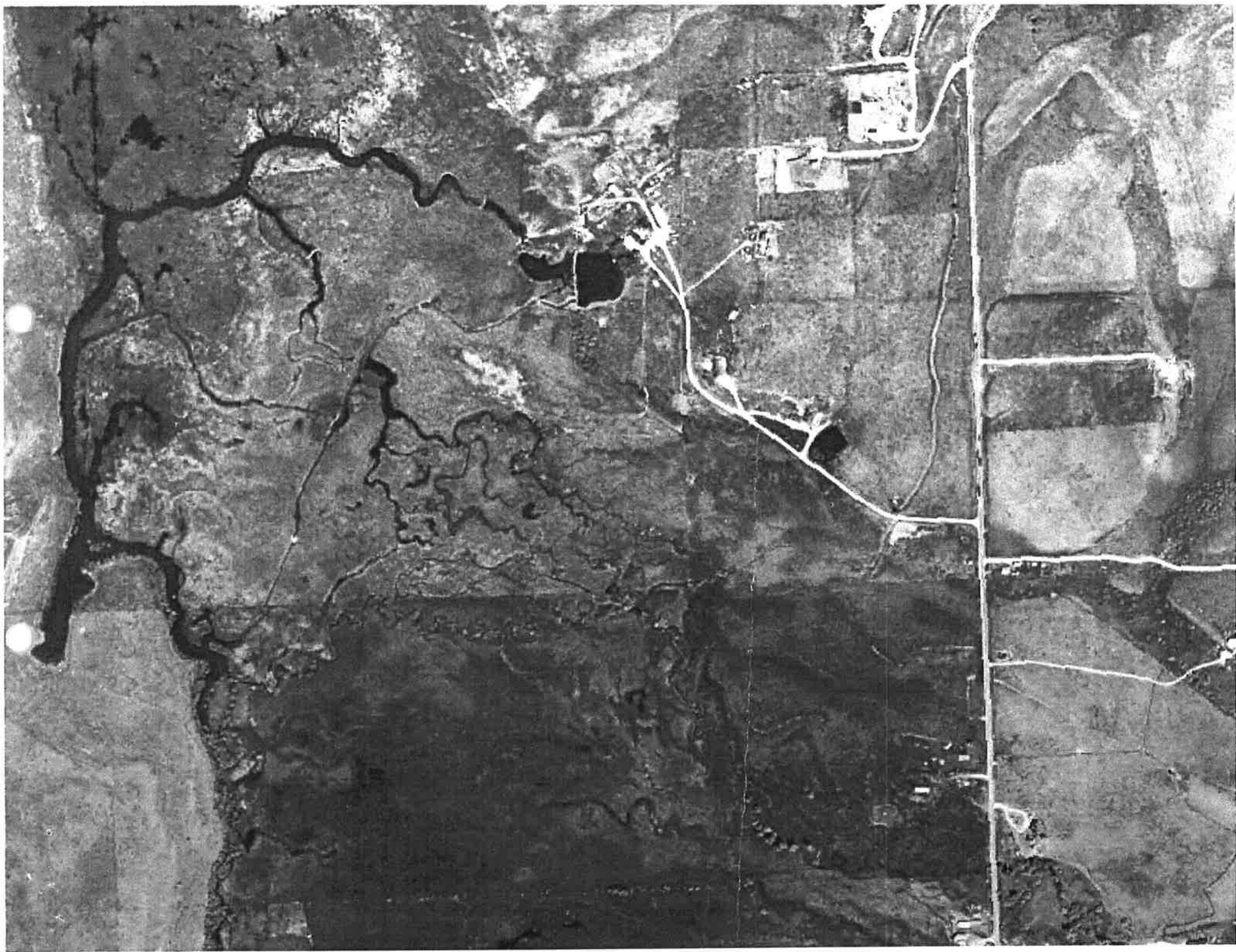
Direction pt. for Hayden Canal into
branch of Grouse Creek

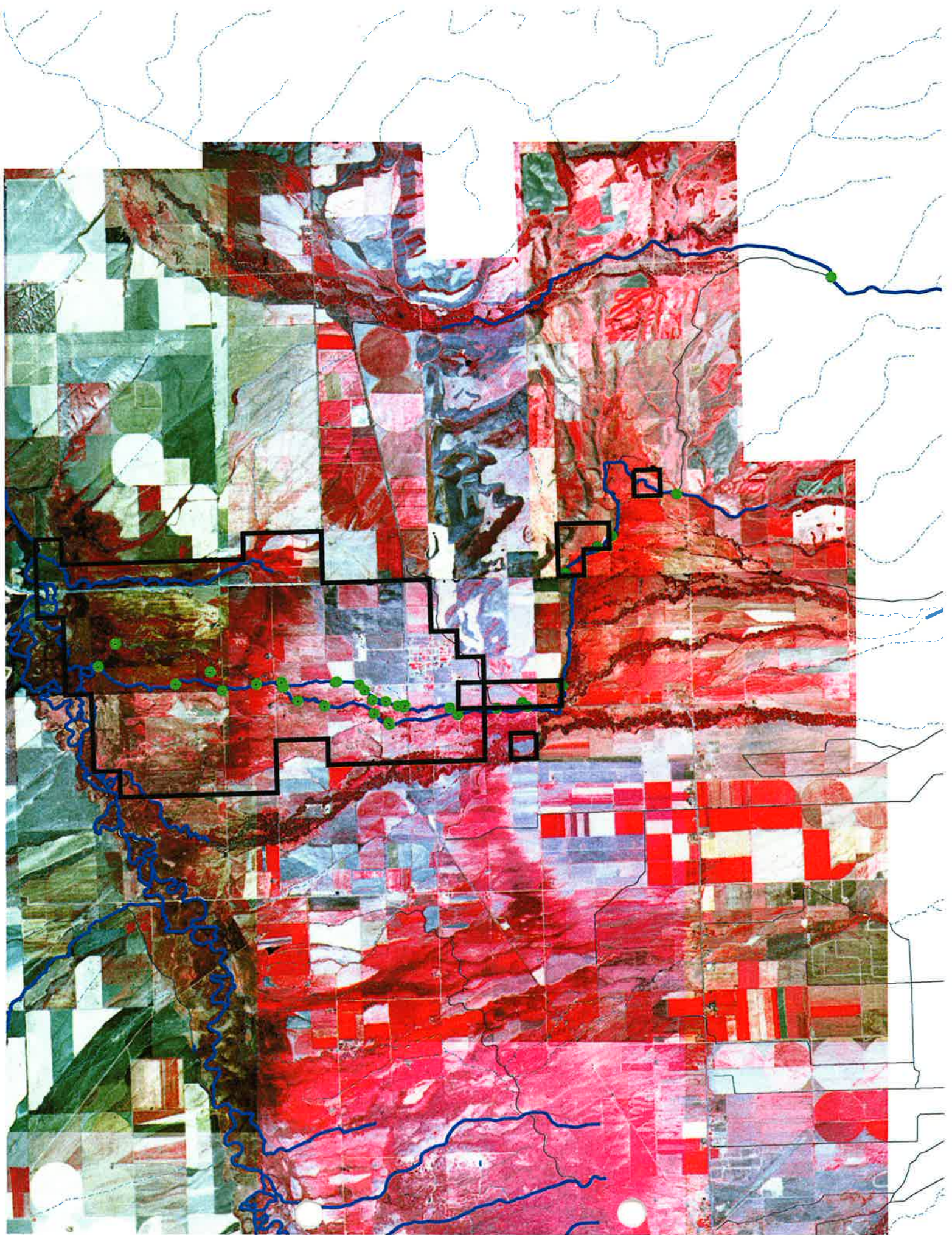


Hayden Canal, looking North









Claim no. _____

Claimant Contact Log

Date	Remarks	Agent initials
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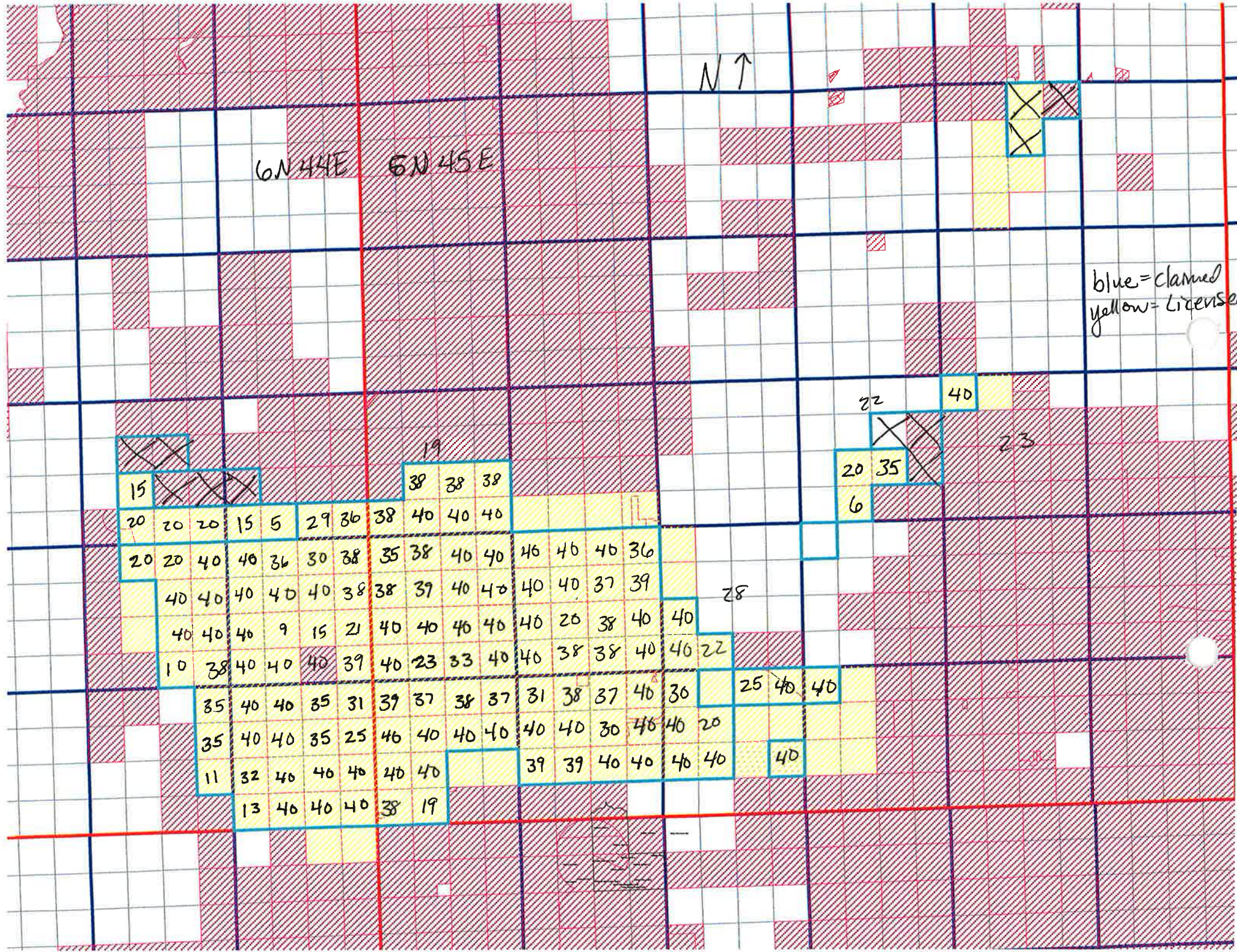
Recommending as large POU based on acres and @ they claimed. All acres are within the licensed POU except 40 ac. (05)

POD is Haden Canal. The actual diversion for Haden off Badger Crk is in NENE Sec 17 not NWNW Sec 12 as licenced. According to Tony Olmichek, the licenced POD is the point where Haden Canal redirects water back into the creek.

N ↑

6N 44E 6N 45E

blue = claimed
yellow = licensed



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 22-7008 Priority Sept. 18, 1963 Amount 36.10 cfs

THIS IS TO CERTIFY, that Spring Creek & Lower North Leigh Creek Water Users Assn. Inc.
of Rexburg, Idaho, has complied with the terms and conditions of Permit
No. 22-7008 issued pursuant to Application for Permit dated September 18, 1963,
and has submitted proof to the Department of Water Resources on April 2, 1973,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 46.60 cfs of water from Badger Creek,
tributary to Teton Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 15</u> to <u>Oct. 15</u>	at <u>36.10</u> cfs and	<u>13,081 acre feet or</u>
			<u>3.0 af per acre</u>
	from _____ to _____	cfs and	
	from _____ to _____	cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 36.10 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
13,081 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 12,
Twp. 6 N, Rge. 45 E, B.M. in the County of Teton

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
			See Land List Attachment																

Total number of acres irrigated 5,592

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 21 day of
March, 19 75.

Director

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder Spring Creek & Lower North Leigh Creek Water Users Assn., Inc.
Post office address c/o Mary Smith, Attorney, Rexburg, Idaho Phone _____
Person to contact Dale Breckenridge, Pres. (signed b/u affidavit) Phone _____
2. Source of water supply: Groundwater ☐ Surface water ☒ Badger Creek (early spring high water)
(name spring, stream, etc.)
Tributary to _____

3. Water will be used for the following purposes:

Amount 36.10 c.f.s. for Irrigation
AF/Annum (nature of use)

Period of Use: from April 15 to Oct. 15
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 22-7008
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 36.10 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

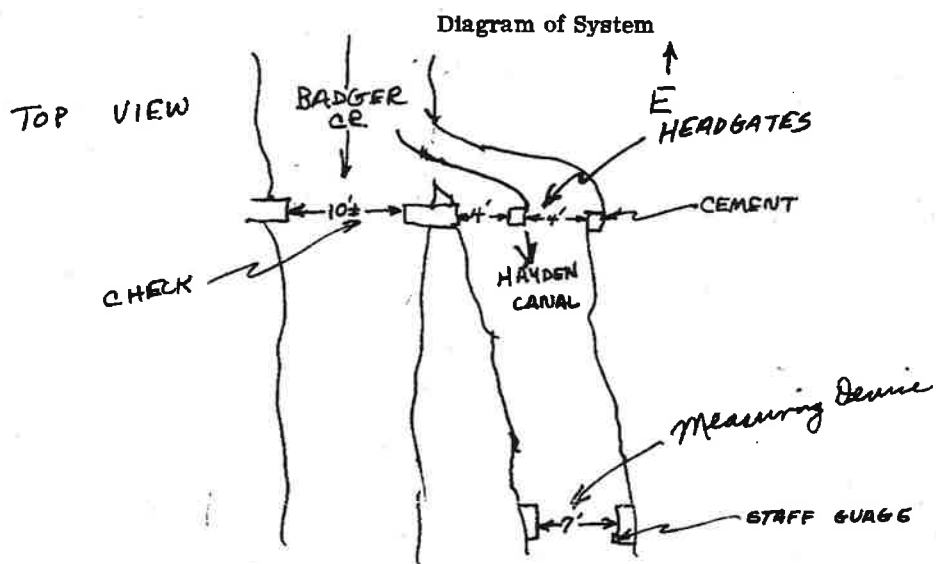
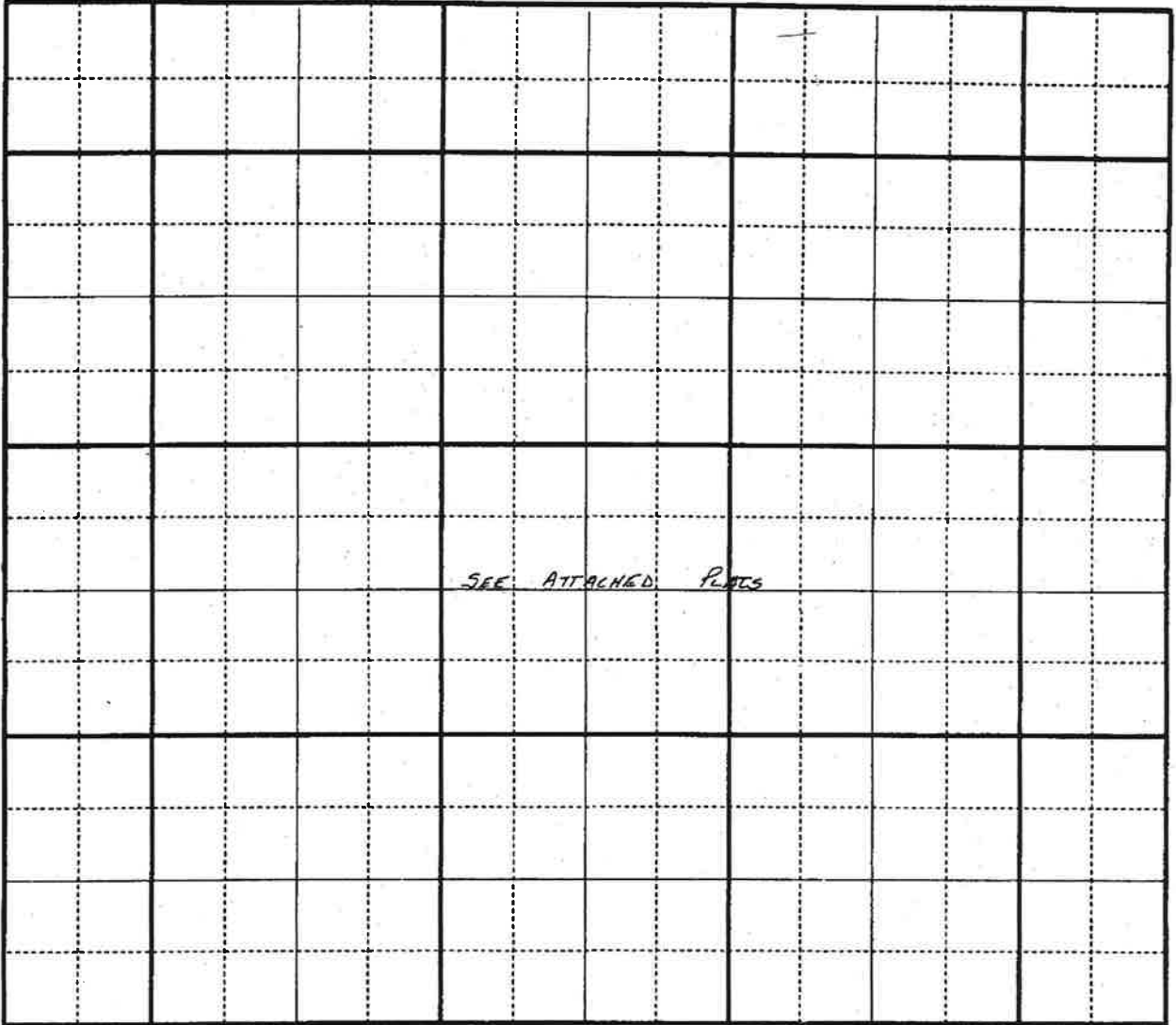
Township 6 N N/S, Range 45 E E/W, B.M., Section 12, Subdivision NW 1/4 NW 1/4, Teton County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County
Other Points of Diversions: _____

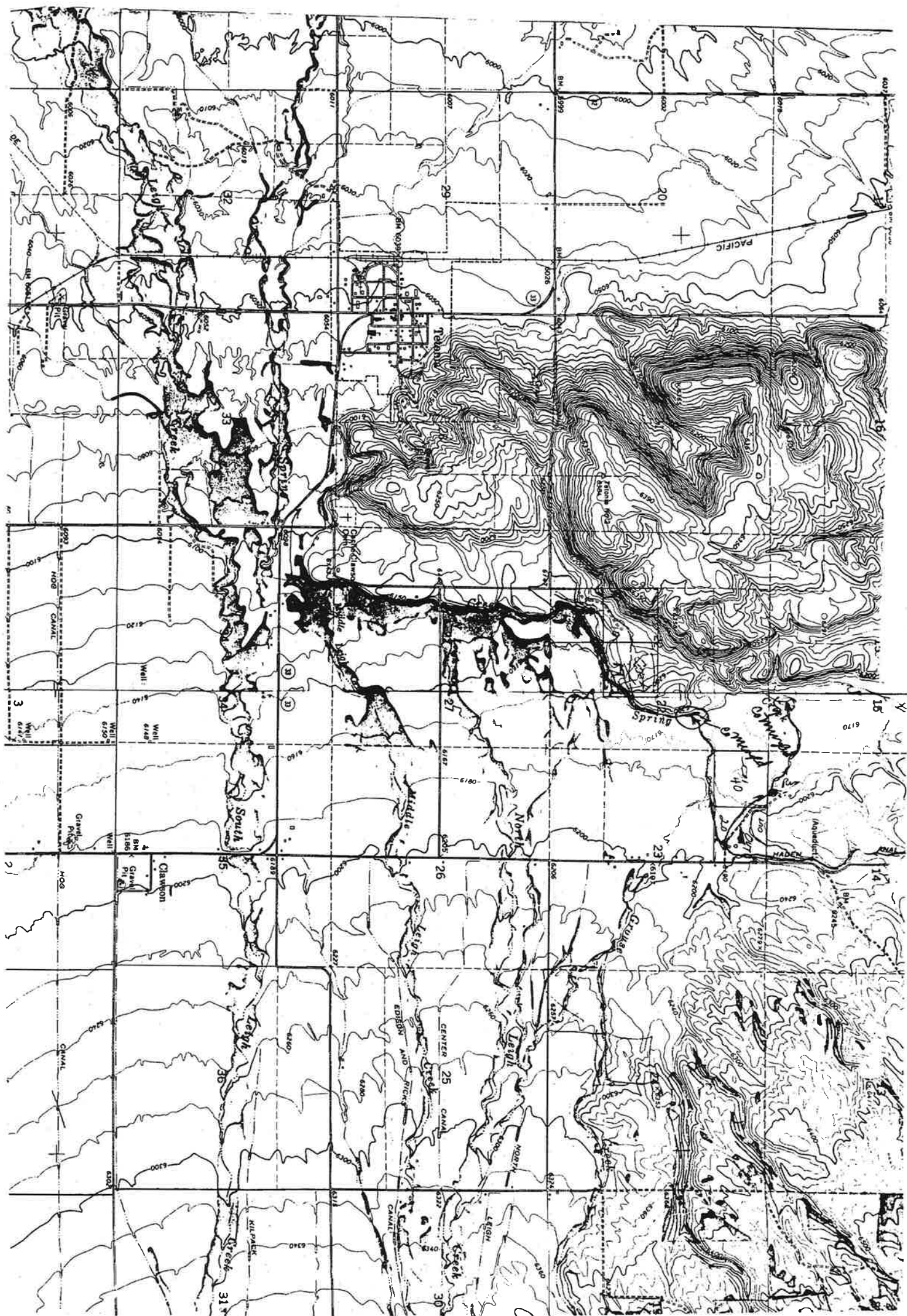
Description of diverting works: Concrete headgate on Badger Creek & concrete headgate on permit holder's canal, known as Hayden Canal.

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

Twp.	Range	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	
6 N	45 E	11	40	40					40	40				40		40			240
6	45	23					S 1/2	40											60
6	45	22									SE 1/4			40		S 1/2			70
6	45	34					40	40	40	40	40	40							240
6	45	33	40	40	40	40	40	40	40	40	40	40			40	40			480
6	45	28					W 1/2	W 1/2			40	40	40						160
6	45	29	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
6	45	20											40	40			40	S 1/2	140
6	45	32	40	40	40	40	40	40	40	40	N 1/2	N 1/2			N 1/2	40			420
6	45	31	40	40	40	40	40	40	40	40	40	40	N 1/2	N 1/2	40	40			520
6	45	30	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
6	45	19									40		40	40	40	40	40	40	280
5 6 N	44 E	1	40	40															80
6	44 E	36	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
6	44	25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
6	44	24											40	40			40	40	160
6	44	23									40			40			40	40	160
6	44	26	40	40	40	40	40			40	40				40	40	40	40	440
6	44	35	40			40									40				120





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: A22-07008
Date Received: 10/03/1988
Receipt No: E003819
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SPRING & LOWER N. LEIGH CK. WATER USERS 208-456-2652
Address: C/O DALE BRECKENRIDGE
TETONIA, ID 83452

2. Date of Priority: SEP 18, 1963

3. Source: BADGER CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	45E	12		NW	NW		TETON

5. Description of diverting works:
HEADGATE TO CANAL SYSTEM 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	36.100		

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

8. Total consumptive use is 9140.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	44E	23	NE	SW		IRR	15.0
			SE	SW		IRR	20.0
			SW	SE		IRR	20.0
			SE	SE		IRR	20.0
Section Acres						75.0	

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Date: 11/04/88

MICROFILMED
OCT 29 1992



10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	44E	24	SW		SW		IRR	15.0
			SE		SW		IRR	5.0
			SW		SE		IRR	29.0
			SE		SE		IRR	36.0
			Section Acres					85.0
		25	NE		NE		IRR	38.0
			NW		NE		IRR	30.0
			SW		NE		IRR	40.0
			SE		NE		IRR	38.0
			NE		NW		IRR	36.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	9.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	21.0
			NW		SE		IRR	15.0
			SW		SE		IRR	40.0
			SE		SE		IRR	39.0
			Section Acres					546.0
		26	NE		NE		IRR	40.0
			NW		NE		IRR	20.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	20.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	10.0
			SE		SE		IRR	38.0
			Section Acres					288.0
		35	NE		NE		IRR	35.0
			SE		NE		IRR	35.0
			NE		SE		IRR	11.0
			Section Acres					81.0
		36	NE		NE		IRR	31.0

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Date: 11/04/88

MICROFILMED
OCT 29 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres		
06N	44E	36	NW	NE		IRR	35.0		
			SW	NE		IRR	35.0		
			SE	NE		IRR	25.0		
			NE	NW		IRR	40.0		
			NW	NW		IRR	40.0		
			SW	NW		IRR	40.0		
			SE	NW		IRR	40.0		
			NE	SW		IRR	40.0		
			NW	SW		IRR	32.0		
			SW	SW		IRR	13.0		
			SE	SW		IRR	40.0		
			NE	SE		IRR	40.0		
			NW	SE		IRR	40.0		
			SW	SE		IRR	40.0		
			SE	SE		IRR	40.0		
			Section Acres						571.0
			45E	19	NE	SW		IRR	38.0
					SW	SW	4	IRR	38.0
					SE	SW		IRR	40.0
					NE	SE		IRR	38.0
NW	SE				IRR	38.0			
SW	SE				IRR	40.0			
SE	SE				IRR	40.0			
Section Acres						272.0			
22	NE	SW			IRR	20.0			
	SE	SW			IRR	6.0			
	NW	SE			IRR	35.0			
Section Acres						61.0			
23	NW	NW			IRR	40.0			
	Section Acres						40.0		
28	NW	SW		IRR	40.0				
	SW	SW		IRR	40.0				
	SE	SW		IRR	22.0				
Section Acres						102.0			
29	NE	NE		IRR	36.0				

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OCT 29 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	45E	29	NW		NE		IRR	40.0
			SW		NE		IRR	37.0
			SE		NE		IRR	39.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	20.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	38.0
			NE		SE		IRR	40.0
			NW		SE		IRR	38.0
			SW		SE		IRR	38.0
			SE		SE		IRR	40.0
								Section Acres 606.0
		30	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	38.0
			NW		NW	1	IRR	35.0
			SW		NW	2	IRR	38.0
			SE		NW		IRR	39.0
			NE		SW		IRR	40.0
			NW		SW	3	IRR	40.0
			SW		SW	4	IRR	40.0
			SE		SW		IRR	23.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	33.0
			SE		SE		IRR	40.0
								Section Acres 606.0
		31	NE		NE		IRR	37.0
			NW		NE		IRR	38.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	37.0
			NW		NW	1	IRR	39.0
			SW		NW	2	IRR	40.0
			SE		NW		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	45E	31	NE		SW		IRR	40.0
			NW		SW	3	IRR	40.0
			SW		SW	4	IRR	38.0
			SE		SW		IRR	19.0
Section Acres								448.0
		32	NE		NE		IRR	40.0
			NW		NE		IRR	37.0
			SW		NE		IRR	30.0
			SE		NE		IRR	40.0
			NE		NW		IRR	38.0
			NW		NW		IRR	31.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	39.0
			NW		SW		IRR	39.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
Section Acres								454.0
		33	NE		NE		IRR	40.0
			NW		NE		IRR	25.0
			NW		NW		IRR	30.0
			SW		NW		IRR	40.0
			SE		NW		IRR	20.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			NE		SE		IRR	40.0
Section Acres								275.0
		34	NW		NW		IRR	40.0
Section Acres								40.0
Total Acres								4550.0

11. Place of use in counties: TETON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
 SEVERAL PRIVATE RIGHTS FILED BY SHAREHOLDERS.

14. Remarks:

P/U OWNED BY SHAREHOLDERS.

15. Basis of Claim: LICENSE

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 Pres of
Spring Creek Home & High Cr. Water users assoc Title
Organization that I have signed the foregoing
document in the space below as Pres of
Spring Creek Home & High Cr. Water users Title
Organization and that the statements contained in the
foregoing document are true and correct.

Dale Breckenridge
Signature of Authorized Agent

Pres
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



A22-07008R45E

111°07'30"

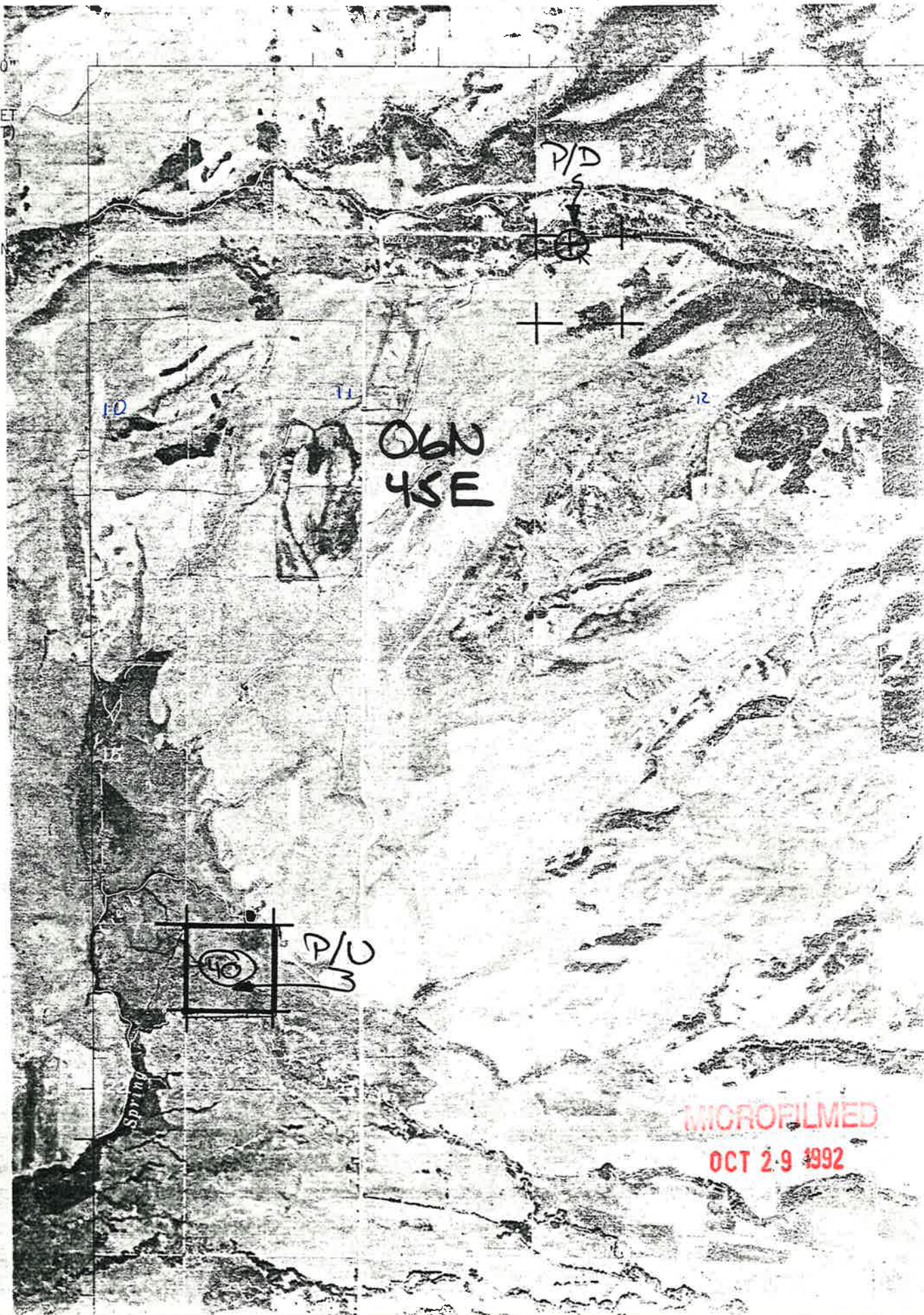
491000m.E.

230 000 FEET (WYO. 4 WEST)

43°52'30"

1 170 000 FEET
(WYO. 4 WEST)

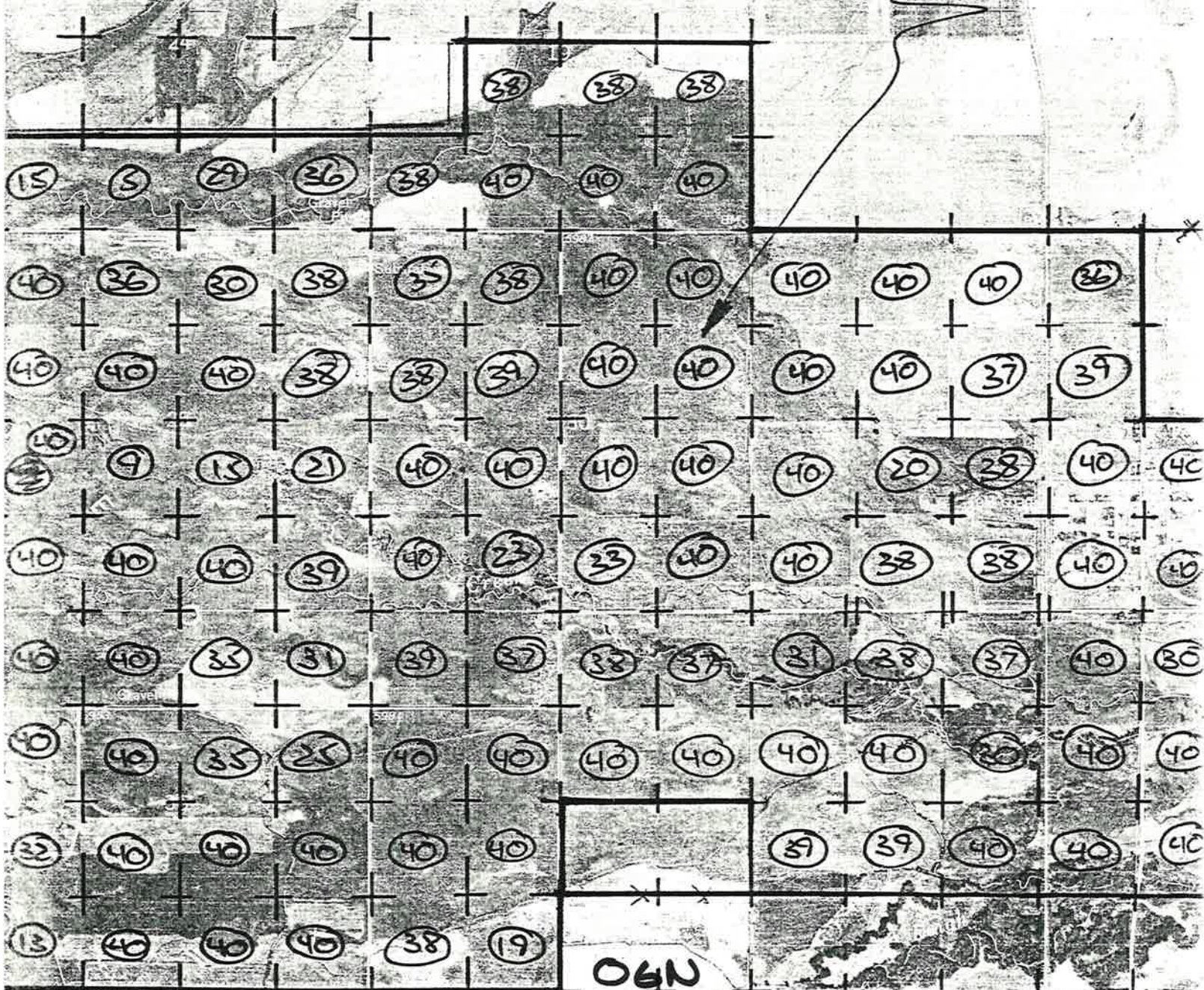
4857000m.



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PLACE OF USE



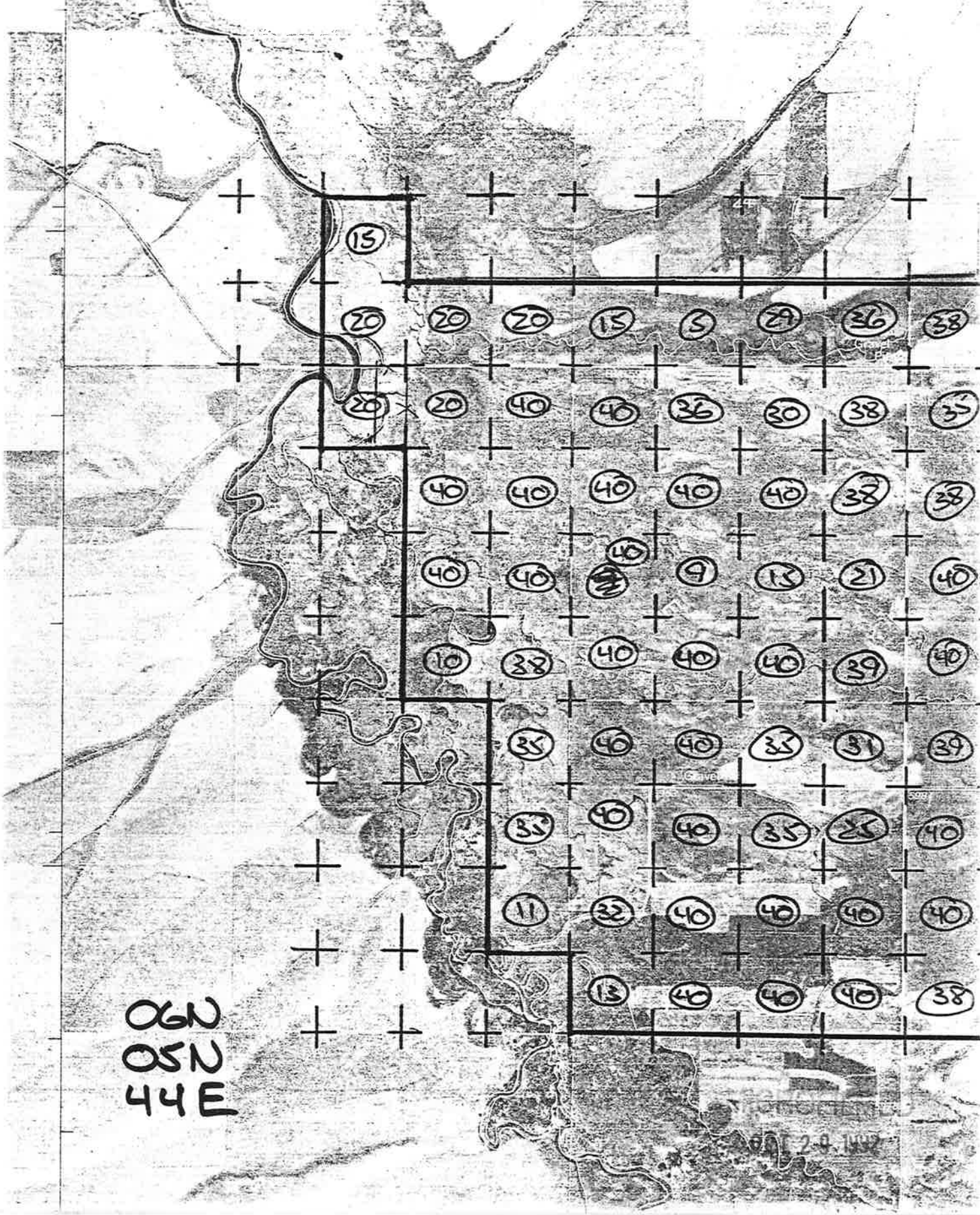
RU4E RU4E

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OSN

MICROFILMED

OCT 29 1992

A22-07008



06N
05N
44E

2-9-1942

A22-07008

USE OF USE

710
3

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(20)

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MICROFILMED
OCT 29 1992

45E
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290