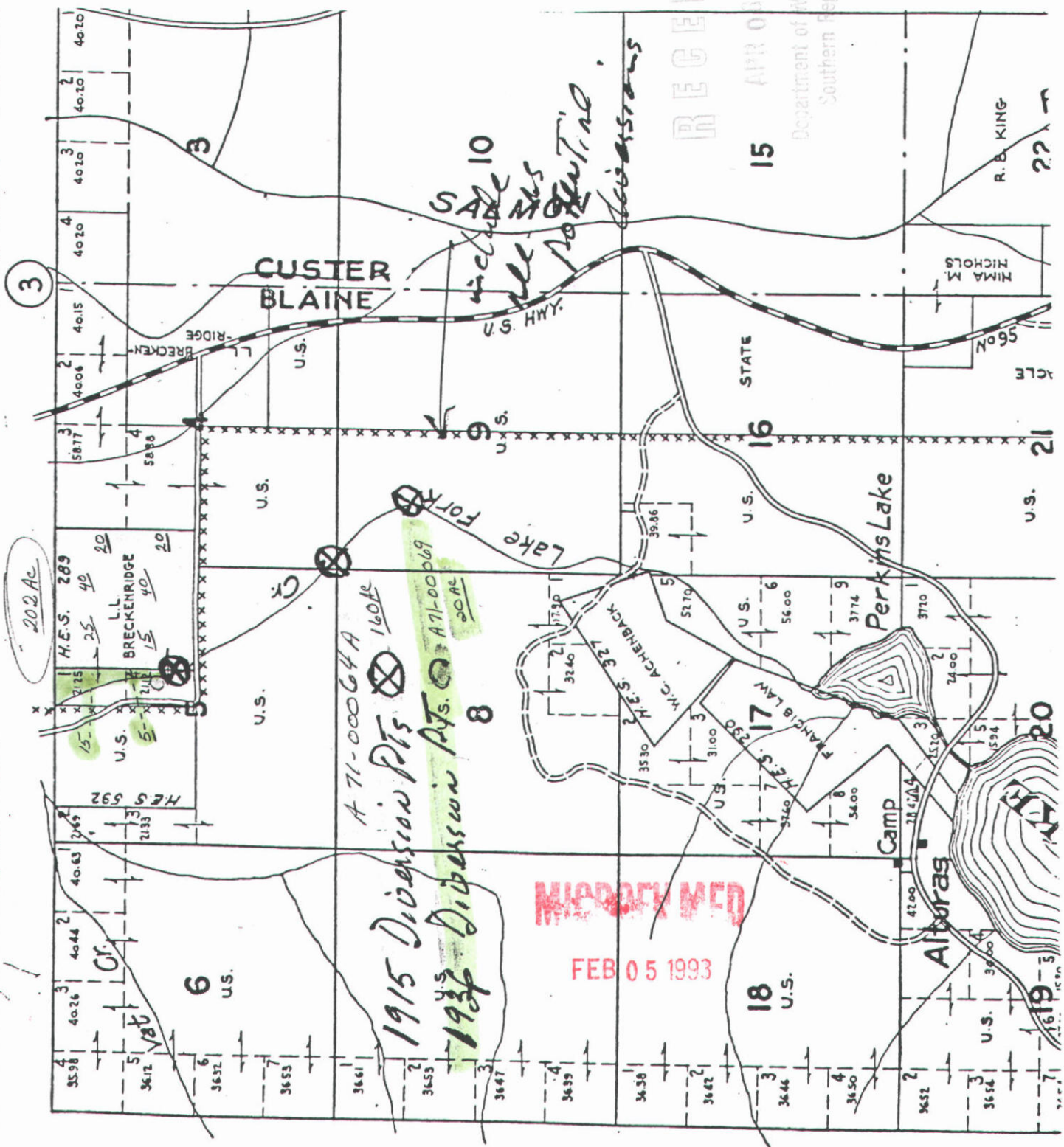


CHAS. F. METSKER
514 S. W. OAK STREET, PORTLAND, OREGON
111 SOUTH 10TH ST., TACOMA, WASHINGTON
1010 THIRD AVE., SEATTLE, WASHINGTON

**TOWNSHIP 7 & 8 N., R.
BLAINE COUNTY**



Application filed for time extension

NOTICE OF APPLICATION FOR
EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT
No. 71-00069, A71-00069

Notice is hereby given that
BRECKENRIDGE FAMILY LIMITED
PARTNERSHIP of Twin Falls, ID
has applied to the Department
of Water Resources for an
extension of time to avoid
forfeiture of a portion of a
water right No. 71-00069. The
right was obtained and is
evidenced by a decree granted
to L.L. Breckenridge Co. in
case of L.L. Breckenridge Co.
vs Morgan C. Williams, Et. Al.
dated 7/19/1948 in Fourth
District Court, County of
Blaine and is recorded as
follows:

Amount: 0.52 cfs
Priority: 7/1/1936
Source: Alturas Lake Creek
tributary to Salmon River

Point of Diversion : Lot 4
(SW1/4NE1/4), S5, T07N, R14E;
Blaine County.

Place of Use: Irrigation of
13 acres for unspecified period
of use within Lot 1
(NW1/4NE1/4), Lot 4
(SW1/4NE1/4), S5, T07N, R14E &
unspecified domestic use;
Blaine County.

The extension is requested to
avoid loss of the water right
due to owner's sensitivities of
diverting water away from
endangered sockeye salmon.

WATER RIGHT CLAIMED IN SNAKE
RIVER BASIN ADJUDICATION AND
RECORDED AS FOLLOWS:

Water Right No. A71-00069
Priority Date: 7/1/1936
Name: L.L. Breckenridge Co.
Basis of right: Decreed Right
No. 71-00069
Source: Alturas Lake Creek
tributary to Salmon River
Use: irrigation (0.52) cfs
from 4/1 to 11/1
Point(s) of Diversion: Lot 4
(SW1/4NW1/4), S5, T07N, R14E;
Blaine County.
Place of Use: 20 acres within
Lot 1 (NE1/4NE1/4), Lot 4
(SW1/4NE1/4), S5, T07N, R14E;
Blaine County.

Any protests against the
approval of the above proposed
request described above must be
filed with the Director, Dept.
of Water Resources, Southern
Region, 222 Shoshone Street
East, Twin Falls, ID 83301 on
or before November 16, 1992.

R. Keith Higginson, Director

Publish: Wood River Journal-
October 28 and November 4,
1992.

RECT

Sep 1, 2001

Water Right No. 71-00069STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

APPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHTRECEIVED
JUL 17 2001
Department of Water Resources
Southern Region

Section 42-222, Idaho Code, provides that a water right shall be lost and forfeited and the water right revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

1. Name of water right holder BRECKENRIDGE FAMILY LTD. PARTNERSHIP
2. Mailing address 20 KALIE BRECKENRIDGE, P.O. Box 685, PICARD, IDAHO 83348
3. The right was obtained or is evidenced by: SEE ATTACHED
 - a. Decree to _____ in Case of _____
 - vs. _____, Dated _____ in _____ (Name of Court)
 - Court, County of _____ Fully describe decree _____
- b. License No. _____ c. Claim No. _____
- d. SRBA No. _____
4. Source of water _____ tributary to _____
(Name of stream or source)
5. Date of priority of right _____
6. Description of Right:

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

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
7. Point of Diversion _____ ¼ _____ ¼ of Sec. _____ Twp. _____ Rge. _____ County _____
8. Lands irrigated or Place(s) of Use: SEE ATTACHED

TWP	RGE	SEC	NE				NW				SW				SE				Totals

MICROFILMED

JAN 24 2002

Total Acres _____

9. Give the last date when water was put to beneficial use SEPTEMBER, 1996
Length of extension of time requested 5 years, or until USE COMPLETE GROUND WATER IRRIGATION SYSTEM ^(Date)

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use NEED ADDITIONAL TIME TO COMPLETE GROUND WATER IRRIGATION SYSTEM; 1997 YR. FOREST SERVICE REMOVED DELIVERY DITCHES & IT TOOK TOWARD 1 YR. TO COMPLETE SURFACE TO GROUND WATER USE; 1998-2000 ESTATE SETTLEMENT & NEGOTIATIONS WITH U.S. FOREST SERVICE TO DIVISION OF CANYON AND PROPERTY LINES IN BREKENRIDGE FAMILY LTD. PARTNERSHIP

The information contained in this application is true to the best of my knowledge.

Kathi Buckenridge
(Signature of Applicant)

Subscribed and sworn to before me this 13th day of July, 192001

Kathi Peck

(Notary Public)

My commission expires 8/31/01 Residing at Carey, Idaho

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby approve said application subject to the following conditions or reasons:

The right holder shall resume beneficial use of water on or before September 1, 2006.

Signed this 18th day of October, 2001

L. Glen Saxton
for (DIRECTOR) L. GLEN SAXTON, Chief, Water Allocation Bureau

FOR DEPARTMENT USE ONLY

Date Received 7/23/01 \$100 FEE Receipted by MB Date 7/31/01 Receipt # SD 24207

Preliminary ☒ by JF Publication prepared by MB Pub. approved by MB Date 9/10/01

Published in The Wood River Journal Dates Published 8/22 & 8/29/01

Protests filed by None

Copies of protests forwarded by _____ Hearing held by _____ Date _____

Recommended for ☒ APPROVAL / DENIAL By Adm MICROFILMED

JAN 24 2002

*For transfer
File 5105
J.F.*

AMENDED CORPORATION WARRANTY DEED

FOR VALUE RECEIVED, L. L. BRECKENRIDGE CO., hereinafter called "Grantor," hereby grants, bargains, sells and conveys unto BRECKENRIDGE FAMILY LIMITED PARTNERSHIP, whose mailing address is 647 Pole Line Road, Twin Falls, Idaho, hereinafter called "Grantee," the following described premises, in Blaine County, Idaho, to wit:

Lots 1 and 4 of Section 5 and Homestead Entry Survey No. 289 in Sections 5 and 4 of Township 7 North, Range 14 East, Boise Meridian, Blaine County, State of Idaho, together with all improvements thereon and all water rights appurtenant thereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from encumbrances and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 27th day of January, 1992.

"GRANTOR"

L. L. BRECKENRIDGE CO.,

[Signature]
JOHN H. BRECKENRIDGE, President
BLAINE CO. REQUEST

ATTEST:

[Signature]
MIRIAM B. BRECKENRIDGE,
Secretary

OF Benoit, Alexander

1992 MAR -2 P 2:23

338495

MARY GREEN, CLERK
FEES \$ 6.00 MP

*Amended
Deed*

MICROFILMED

JAN 24 2002

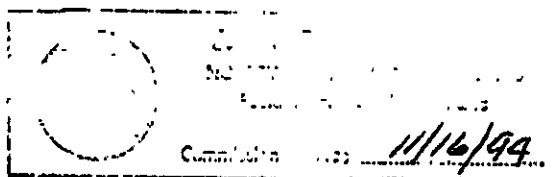
STATE OF IDAHO

County of Twin Falls

)
) ss.
)

On this 27 day of February, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared JOHN M. BRECKENRIDGE and MIRIAM B. BRECKENRIDGE, known to me to be the President and Secretary of L. L. BRECKENRIDGE CO., the corporation whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed the same on behalf of the corporation.

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



Robert J. Anderson
NOTARY PUBLIC
Residence: Twin Falls, Idaho
My Commission Expires: 11/16/94

(BRECKENRIDGE)

MICROFILMED
JAN 24 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5105
WATER RIGHT NO(S). 71-00064B/71-00069

This is to certify that: **BRECKENRIDGE FAMILY LTD PARTNERSHIP**
C/O KATIE BRECKENRIDGE
PO BOX 685
PICABO ID 83348

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 71-00064B :			
IRRIGATION	05/01 to 09/30	8.00 CFS	435.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	1.2 AF
Priority: 08/15/1915			
SUBTOTAL:		8.00 CFS	436.2 AF
Right No. 71-00069 :			
IRRIGATION	05/01 to 09/30	0.52 CFS	156.8 AF
Priority: 07/01/1936			
TOTAL:		* 8.52 CFS	* 436.2 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
ALTURAS LAKE CREEK	SALMON RIVER
** GROUNDWATER	

LOCATION OF POINT(S) OF DIVERSION:

	NWNE , Sec. 5, Township 07N, Range 14E
Lot 1(	NWNE), Sec. 5, Township 07N, Range 14E
	SWNE , Sec. 5, Township 07N, Range 14E
Lot 4(	SWNE), Sec. 5, Township 07N, Range 14E
	SENE , Sec. 5, Township 07N, Range 14E
BLAINE County	

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	14E	4	NWNW 10.5	SWNW 13.3		23.8
		5	NENE 29.5	NWNE 18.6	Lot 1(NWNE) 8.5	
			SWNE 13.7	Lot 4(SWNE) 13.4	SENE 37.5	121.2
Total number of acres irrigated:						*** 145.0

PLACE OF USE: STOCKWATER, same as IRRIGATION use

MICROFILMED

DEC 10 1997

TRANSFER NO. 5105
WATER RIGHT NO(S). 71-00064B/71-00069

CONDITIONS OF APPROVAL AND REMARKS

1. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 5. The total instantaneous diversion of water from all points of diversion under Transfer No. 5105 shall not exceed 8.52 cfs, nor total combined annual volume of 436.2 af at the field headgate.
6. This right when combined with all other rights shall provide no more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code. All wells must be completed in alluvium and not develop deep bedrock or hot water aquifers.
- ** 8. Diversion of groundwater is limited to those times water is available for diversion under this right and priority from the Alturas Lake Creek.
9. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
10. Diversion from Alturas Lake Creek shall cease and all pumps shall be removed from the creek upon completion of the wells and groundwater system.
11. The right holder shall accomplish the change authorized by this transfer within five (5) years of the date of this approval.
12. Any portion of Right Nos. 71-00064B and 71-00069 may be forfeited by five (5) years of non-use.
- *** 13. Right No. 71-00069 is limited to the irrigation of 13.0 acres in the place of use described above in a single irrigation season.
14. Right Nos. 71-00064B and 71-00069 when combined shall not exceed a total annual diversion volume of 435.0 af for the irrigation of 145.0 total acres.

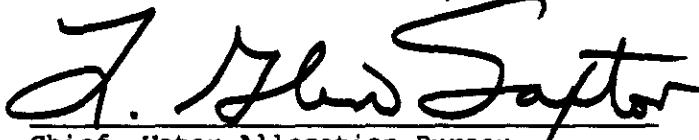
MICROFILMED
DEC 10 1937

TRANSFER NO. 5105
WATER RIGHT NO(S). 71-00064B/71-00069

CONDITIONS OF APPROVAL AND REMARKS

15. Three points of diversion are located within NWNE, S05, T07N, R14E; one well located in HES 289, and one well and pump from Alturas Lake Creek within Government Lot 1.
16. Two points of diversion are located within SWNE, S05, T07N, R14E; one well in Government Lot 4 and one pump from Alturas Lake Creek within HES 289.

Dated this 23rd day of October, 1997.


Chief, Water Allocation Bureau

DEC 10 1997

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR EXTENSION OF TIME TO)
AVOID FORFEITURE OF WATER)
RIGHT NOS. 71-00064 PART,)
AND 71-00069 IN THE NAME OF)
BRECKENRIDGE FAMILY LIMITED)
PARTNERSHIP)
_____)

**ORDER EXTENDING
RESUMPTION OF USE DATE**

This matter having come before the Idaho Department of Water Resources (department), the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On April 10, 1992, Breckenridge Family Limited Partnership (applicant) submitted two (2) Applications for Extension of Time to Avoid Forfeiture of Water Right Nos. 71-00064 (part) and 71-00069 (applications) to the department. The applications stated that the last use of the water was in 1990 and asked that the department extend the resumption of use date for five (5) years.

2. On December 31, 1992, the department approved the applications extending the resumption of use date to April 15, 1995.

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code provides in part as follows:

Upon proper showing before the director of the department of water resources of good and sufficient reason for nonapplication to beneficial use of such water for such term of five (5) years, the director of the department of water resources is hereby authorized to grant an extension of time extending the time for forfeiture of title for nonuse thereof, to such waters for a period of not to exceed five (5) additional years.

2. The director should extend the time for forfeiture of the title for nonuse of the rights to April 15, 1997.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the time in which the applicant is required to resume use of water for Water Right Nos. 71-00064 (part) and 71-00069 is extended to April 15, 1997.

IT IS FURTHER HEREBY ORDERED that approval of the applications does not preclude the review of the validity of the water rights in the ongoing Snake River Basin Adjudication.

Dated this 15th day of February, 1995.


L. GLEN SAXTON, Chief
Water Allocation Bureau

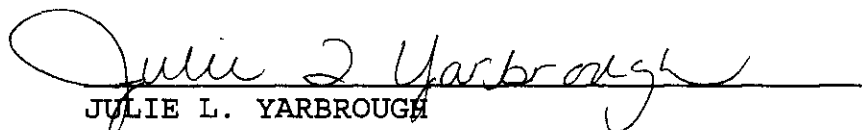
MICROFILMED

DEC 10 1987

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 16th day of February, 1995,
I mailed a true and correct copy, postage prepaid, of the foregoing
ORDER EXTENDING RESUMPTION OF USE DATE to the following:

John A. Rosholt
ROSHOLT ROBERTSON & TUCKER
P.O. Box 1906
Twin Falls, ID 83303-01906


JULIE L. YARBROUGH
Senior Secretary

RECEIVED

Water Right No. 71-00069

RECEIVED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APR 16 1997

APR 16 1997

Department of Water Resources
Southern Region Office

Application for Extension of Time to Avoid Forfeiture
of a Water Right

Department of Water Resources
Southern Region Office

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee of \$30.00 if the application involves 0.2 cfs or 20 acre feet or \$50.00 if in excess of these amounts.

1. Name of water right holder Breckenridge Family Limited Partnership
Post office address 647 Pole Line Road, Twin Falls, Idaho 83301

2. The right was obtained or is evidenced by:

a. Decree to L.L. Breckenridge Co. in Case of L.L. Breckenridge Co.
(Name) 7-19-48

vs. Williams, et al., Dated 6/15/48 in Fourth Judicial District
(Name of Court)

Court, County of Blaine. Fully describe decree

b. License No. _____ issued by the Department of Water Resources.

c. Claim No. 71-00069 on file with the Department of Water Resources.

3. Source of water Alturas Lake Creek tributary to Salmon River
(Name of stream or source)

4. Date of priority of right July 1, 1936

5. Amount of water a. 0.520 c.f.s. and/or
b. 60.0 acre feet/annum

6. Water is used for irrigation from 04/01 to 11/01
from _____ to _____
from _____ to _____
(Purpose) (Month-Day) (Month-Day)

7. Location of point of diversion is Lot 4 $\frac{1}{4}$ of Section 5
Township 07N, Range 14E, B.M., in Blaine County;
Additional points of diversion, if any

8. Lands irrigated or place of use:

Twp.	Rge.	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 $\frac{1}{4}$	
07N	14E	5		171 15	174 5					(SRBA Claim description)									20
07N	14E	5		171 X	174 X					(13 Ac. Decree description)									

MICROFILMED

FEB 05 1993

Total number of acres irrigated 20

9. Give last date when water was applied to beneficial use 1990
Length of extension of time requested 5 years until _____ (Date)

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use Owner has no plans to use for the next five years because of sensitivities of diverting water away from endangered sockeye salmon.

I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

BRECKENRIDGE FAMILY LIMITED PARTNERSHIP
By: [Signature]
General (Signature of Applicant)
Partner

Subscribed and sworn to before me this 3rd day of April, 19 92.

[Signature]
(Notary Public)

My commission expires 1993 Residing at Twin Falls

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE said application subject to the following conditions or reasons.

- 1. The applicant is required to resume use of this right on or before April 15, 1995.
- 2. Approval of this extension does not preclude the review of the validity of this right in the ongoing Snake River Basin Adjudication.

Witness my hand this 31st day of December, 19 92.

[Signature]
for (Director)

[Stamp]

FEB 05 1993

For Department Use Only

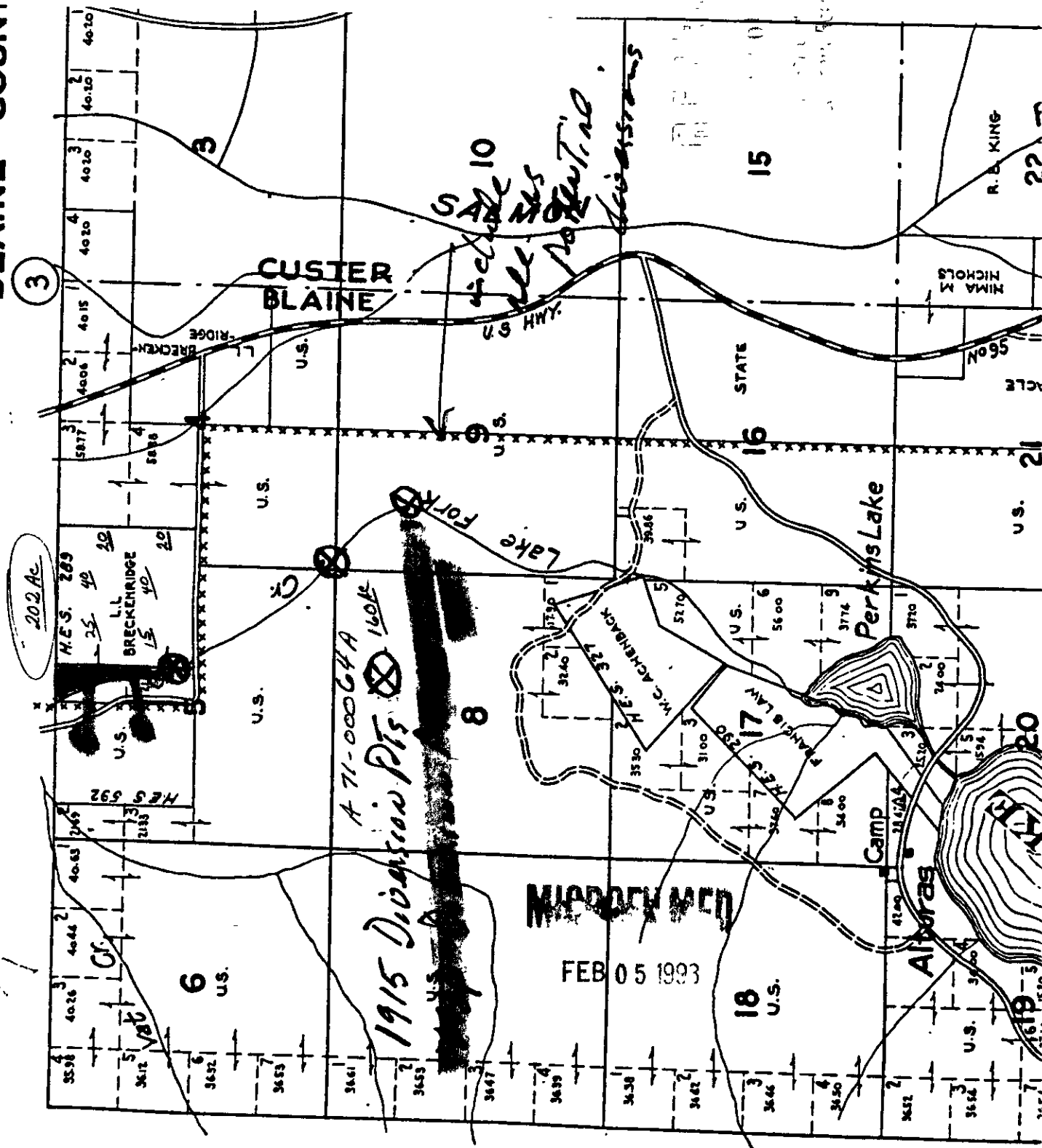
Received by pk Date 4-10-92 Time _____ Preliminary check by _____
Fee \$50⁰⁰ 5014383 Receipted by [Signature] Date 4-13-92 Publication prepared by mb
Published in Wood River Journal Dates 10/28 & 11/4/92
Publication approved by McBaldwin Date 11/17/92 Protests filed by: _____
Copies of protests forwarded by _____ Hearing held by _____ Date _____
Recommended for Approval // Denial by [Signature]

CHAS. F. METSKER
 314 S. W. OAK STREET, PORTLAND, OREGON
 111 SOUTH 10TH ST., TACOMA, WASHINGTON
 1910 THIRD AVE., SEATTLE, WASHINGTON

FOR SALE BY

CHAS. F. METSKER

514 S. W. OAK STREET, PORTLAND, OREGON
111 SOUTH 10TH ST., TACOMA, WASHINGTON
1010 THIRD AVE., SEATTLE, WASHINGTON



AFFIDAVIT of PUBLICATION

RECEIVED

NOV 10 1992

Department of Water Resources
Southern Region Office

State of Idaho,

County of Blaine

} ss.

On this 4th day of Nov., in the year 1992, before me a Notary Public of said State, personally appeared **DANIEL J. GORHAM**, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 28 day of Oct., 1992, and the date of the last publication was on the 4 day of Nov., 1992.

[Signature]

Subscribed and sworn to before me this 4th day of Nov., 1992.
(SEAL)

[Signature]

FEB 05 1993
NOTARY PUBLIC

#8450

WOOD RIVER JOURNAL
Hailey, Idaho

OK
MB
11/17/92

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice 99
Number of Insertions _____

Lines tabular at _____ 6¢ / Pica
99 Lines straight at 49.50 5¢ / Pica
99 Subsequent lines at 44.55 4¢ / Pica
TOTAL COST 99.05 5.00

COPY OF NOTICE
(Paste Here)

Application filed for
TITLE OF NOTICE
time extension

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

State of Idaho Dept. of
Water Resources - Twin Falls

Publication Rates
As of Jan., 1990
(Idaho Code,
Rev Statutes 1984)
7-8 pt./line straight 5/pica
7-8 pt./line tabular 6/pica
7-8 pt./line successive
insertion 4/pica

8450

**NOTICE OF APPLICATION FOR
EXTENSION OF TIME IN WHICH
FORFEITURE OF A WATER RIGHT
No. 71-00009, ATTORNEY**

Notice is hereby given that
Application for Extension of Time
in which Forfeiture of a Water Right
No. 71-00009, ATTORNEY
has been applied to the Board of
Water Commissioners for an
extension of time to avoid
forfeiture of a portion of a
water right No. 71-00009, ATTORNEY
right was obtained and is
evidenced by a decree entered
up to L.L. Brackley, et al.
vs. Morgan C. Williams, et al.
dated 7/10/1946 in the
District Court, County of
Blaine and is recorded as
follows:

Amount: 0.52 cfs
Priority: 7/1/1936
Source: Alturas Lake, State
Territory to Salmon River

Point of Diversion: Lake
(SAL/4NE1/4), SS, 1970, 1980
Blaine County.

Place of Use: Irrigation
13 acres for production
of use (SAL/4NE1/4),
(SAL/4NE1/4), SS, 1970, 1980
unclassified (SAL/4NE1/4),
Blaine County.

The extension is granted
and the loss of the water right
due to owner's neglect is
disregarded and the water
entitled to be used.

WATER RIGHT CLAIM
RECORD NO. 71-00009
RECORDED AS 71-00009

Water Right No. 71-00009
Priority Date: 7/1/1936
Name: L.L. Brackley, et al.
Basis of Right: Adverse
No. 71-00009, 132 D.
Source: Alturas
Territory to Salmon River
from 4/1 to 11/1
Priority of Diversion:
(SAL/4NE1/4), SS, 1970, 1980
Blaine County.
Place of Use: Irrigation
Lot 1 (SAL/4NE1/4), SS,
Blaine County.

Any protests or
objections to the
request described above
shall be filed with the
Board of Water Commissioners
within 30 days of the date
of this notice.
Blaine, Idaho, this 10th day
of October 1946.

R. Keith Haggard, Attorney
Publish: Wood River
October 20 and November 10, 1946.

Vol 6

71-C

71-0000

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

L. L. BRECKENRIDGE COMPANY, a
corporation,
Plaintiff,

-vs-

MORGAN C. WILLIAMS; TED WILLIAMS and
MRS. TED WILLIAMS, his wife; D. M.
WILLIAMS and CARRIE WILLIAMS, his wife;
HUGH BRADFORD and MRS. HUGH BRADFORD,
his wife; PAUL CLARK and NELLIE CLARK,
his wife; J. W. NEWMAN and RACHEL F.
NEWMAN, his wife; D. F. CLARK and NELLIE
B. CLARK, his wife; WALTER WADE; MARGARET
W. WEST; FRANK G. FISHER and ELECTA J.
FISHER, his wife; C. M. FOLEY and ESTHER
M. FOLEY, his wife; SANDY BROOKS, a
single man; ROBERT H. BRAILSFORD, WIL-
LIAM S. BRAILSFORD and FREDERICK M.
BRAILSFORD; ROY VADER and ONA VADER, his
wife,
Defendants.

DECREE

The above entitled action came on for hearing the 15th day of June,
1948, before Hon. D. H. Sutphen, Judge of the District Court of the Fourth Judi-
cial District of the State of Idaho, sitting in chambers at Gooding, Idaho.

The following parties appeared: plaintiff L. L. Breckenridge Company,
by R. P. Parry, J. R. Keenan and John H. Daly, of the firm of Parry, Keenan,
Robertson & Daly, its attorneys; defendants Roy Vader and Ona Vader, by J. L.
Eberle, B. S. Varian and R. W. N. Balleisen, of the firm of Richards & Hage,
their attorneys; defendants and cross-complainants Hugh Bradford and Mrs. Hugh
Bradford, his wife, by Everett B. Taylor, their attorney; defendants D. F. Clark
and Nellie B. Clark, by T. M. Robertson, their attorney; defendant Margaret W.
West by Harry Benoit, her attorney; and defendants Robert H. Brailsford, William
S. Brailsford and Frederick M. Brailsford, in person.

The following defendants, to-wit: Morgan C. Williams, Ted Williams, Mrs.
Ted Williams, D. M. Williams, Carrie Williams, Paul Clark, Nellie Clark, W.

FEB 05 1993

All in Township 7 North, Range 64 East, Boise Meridian.

in such ratio as plaintiff may elect from time to time during each irrigation season but not so as to exceed a diversion of the total quantity of water hereby awarded; said water right is designated as Lake Creek Water Right No. 5.

-14-

~~73. 11111~~ To plaintiff L. L. Breckenridge Company, a corporation, a water right of 26 miner's inches, or 0.52 cubic feet per second of time, continuous flow, of the waters of Lake Creek, with priority of July 1, 1936, for the irrigation of and domestic purposes on:

Thirteen (13) Acres of Lots One (1) and Four (4) of
Section Five (5), Township Seven (7) North, Range
Fourteen (14) East, Boise Meridian,

diverted at a point in Lot 4 of Section 5, Township 7 North, Range 14 East, Boise Meridian; that said water right is designated as Lake Creek Water Right No. 6.

IT IS ORDERED, ADJUDGED AND DECREED That the water decreed to the respective tracts of land of the respective parties to this action by this decree has been applied to and used upon the respective tracts of lands for the irrigation thereof from and since the respective dates of priority mentioned in this decree, and that the quantity of water decreed to the respective tracts of land described in this decree is necessary for the profitable and successful irrigation and reclamation of said respective tracts of land; that the waters and water rights herein decreed to any party are the total waters and water rights at this date diverted or appropriated or claimed by such party out of the streams hereinbefore named and that such party is barred from diverting or using or claiming under color of any former decree in favor of such party or his predecessors in interest any other or different of additional waters or water rights that are herein decreed to him.

And it is further ORDERED, ADJUDGED AND DECREED That the water rights as hereinbefore set forth are established, quieted and confirmed, and that all parties to this action, and all persons claiming under them, their attorneys, agents, servants and employees are hereby perpetually restrained, prohibited and enjoined from interfering with the rights awarded to the others as this decree provides.

And it is further ORDERED, ADJUDGED AND DECREED That the Court retain jurisdiction of this cause to correct typographical errors in descriptions, points of diversion or dates of priority, for the period of one year, and that at any time within

~~11111~~
FEB 05 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 18, 2001

BRECKENRIDGE FAMILY LTD PARTNERSHIP
C/O KATIE BRECKENRIDGE
PO BOX 685
PICABO ID 83348

RE: WATER RIGHT NO. 71-00064B & 71-00069

Dear Water Right Holder:

Enclosed is a copy of approved Application for Extension of Time to Avoid Forfeiture of a Water Right for the above referenced water right. Please note that resumption of beneficial use of water shall occur on or before **September 1, 2006**.

Please notify the Department as soon as you resume use of the water. If you have not notified the Department sixty (60) days prior to the resumption date, the Department will send a Resumption of Use Notice to you by certified mail.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the Department. Please contact any office of the Department for the proper form to file a change of ownership of the water right and/or a change in the address of the owner or if you have any questions concerning this matter.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED

NOV 24 2002

SEP 1 1964

FILE PROGRESS SUMMARY

APPLICANT: Breckenridge Family LTD, PTN WATER RIGHT NO. 71-00069

[illegible]

EXTENSION OF TIME TO AVOID FORFEITURE

ANALYSIS SHEET

1. INITIAL REVIEW BY: John Freitag
2. RIGHT NUMBER 71-00069 APPLICANT Buckowidge Family LTD, P_W
3. TYPE OF RIGHT: ☒ Decree ☐ License ☐ Claim
4. Is reason for request extension given on application?
Yes No (If No, return Application)

5. CHECK:

- (a) ☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period of Use
- (b) Description of Point(s) of Diversion
- (c) Description of Place of Use
- (d) Check for correct Signature, Notarization, Fee

6. OWNERSHIP OF RIGHT

Applicant's ownership confirmed by:

- (a) Copy of Tax Notice, Deed, or other
in file.
- (b) County Assessor records. Date Contacted

7. Is the right in a Watermaster District? Yes No Dist.
(If Yes, send copy to Watermaster)

FINAL REVIEW IN REGION by Asn

- (a) Is Application published correctly? Yes No
- (b) Protest Received? Yes No

RECOMMENDED ACTION

- ☒ Approve
 Deny

Conditions:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 16, 2001

KATIE BRECKENRIDGE
BRECKENRIDGE FAMILY LTD PARTNERSHIP
PO BOX 685
PICABO ID 83348

Re: Applications for Extension of Time To Avoid Forfeiture, No. 71-64B & 71-69

Dear Ms. Breckenridge:

The Department of Water Resources acknowledges receipt of your Applications for Extension of Time to Avoid Forfeiture as referenced above.

This office has scheduled advertising the applications in the Wood River Journal for 8/22 & 8/29/01..

The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Mary A. Baldwin
Administrative Assistant I

MICROFILMED

JAN 24 2002

INTER-DEPARTMENT MEMO

TO: Brockenridge Extension Request

SUBJECT: _____

FROM: APR

DATE: 7/17/01

Received the extension without fee
Called Kate (788-2329) and left
word on answering machine to send fee.

Hold for 5 days & then return if fee
not paid.

Fees received 7/23/01 - MB (Receipt # 5024207)

() For your information

() Response required

MICROFILMED

JAN 24 2002


signature

AFFIDAVIT of PUBLICATION

COPY OF NOTICE
(Paste Here)

State of Idaho, }
County of Blaine } ss.

Time extension on
TITLE OF NOTICE
water rights
PLAINTIFF ATTORNEY

2501
DEFENDANT

PLAINTIFF
Id. dept. of water resource
BILL TO

On this 29 day of August, in the year 2001, before me a Notary Public of said State, personally appeared _____, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145, that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement, that the date of the first publication of said advertisement was on the 22 day of August 2001 and the date of the last publication was on the 29 day of August 2001

Time extension on water rights

NOTICE OF APPLICATIONS FOR EXTENSION OF TIME TO AVOID FORFEITURE

Notice is hereby given that BRECKENRIDGE FAMILY LTD PARTNERSHIP, C/O KATIE BRECKENRIDGE, PO BOX 685, PICABO ID 83348 has applied to the Department of Water Resources for two Extensions of Time to Avoid Forfeiture within Blaine County as described below:

The extensions are requested to avoid loss of the water rights due to non-use due to removal of delivery ditches by the US Forest Service, related negotiations and estate settlement. The rights were modified in 1997 pursuant to Transfer 5105.

Water Right No. 71-64B
Priority Date: 08/15/1915
Use: irrigation (8.0 cfs) stockwater (0.020 cfs)

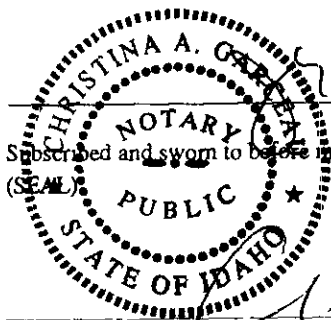
Water Right No. 71-69
Priority Date: 07/01/1936
Use: irrigation (0.52 cfs)

Conditions of Approval for Transfer No. 5105 stipulates that a combined diversion is limited to 435.0 afa diverted from three (3) points of diversion within NWNE S05 T07N R14E (Two wells and one pump from Alturas Lake Creek for irrigation of 145.0 total acres within parts of Sections 4 & 5, T07N, R14E.

Any protest against the proposed applications must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls ID 83301 together with a protest fee of \$25.00 on or before September 10, 2001. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Publish Wood River Journal—August 22 & 29, 2001



Subscribed and sworn to before me this 29 day of August 2001

29 August 2001

NOTARY PUBLIC

#12780

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 46
Number of Lines in Notice 11.5
Number of Insertions 2
Lines tabular at 7¢ / Pica
Lines straight at 1.43 6¢ / Pica
Subsequent lines at 5¢ / Pica
TOTAL COST 90.78

MICROFILMED

NOTICE OF APPLICATIONS FOR EXTENSION OF TIME TO AVOID FORFEITURE

Notice is hereby given that BRECKENRIDGE FAMILY LTD PARTNERSHIP, C/O KATIE BRECKENRIDGE, PO BOX 685; PICABO ID 83348 has applied to the Department of Water Resources for two Extensions of Time to Avoid Forfeiture within Blaine County as described below:

The extensions are requested to avoid loss of the water rights due to non-use due to removal of delivery ditches by the US Forest Service, related negotiations and estate settlement. The rights were modified in 1997 pursuant to Transfer 5105.

Water Right No. 71-64B

Priority Date: 08/15/1915

Use: irrigation (8.0 cfs) stockwater (0.020 cfs)

Water Right No. 71-69

Priority Date: 07/01/1936

Use: irrigation (0.52 cfs)

Conditions of Approval for Transfer No. 5105 stipulates that a combined diversion is limited to 435.0 afa diverted from three (3) points of diversion within NWNE S05 T07N R14E (Two wells and one pump from Alturas Lake Creek for irrigation of 145.0 total acres within parts of Sections 4 & 5, T07N, R14E.

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Karl J. Dreher, Director

Published in the Wood River Journal on 08/22 & 08/29/01.

MICROFILMED

JAN 24 2002

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301

Phone: 736-3033

Fax#: 736-3037

August 16, 2001

ATTN WAYNE-LEGALS
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Dear Wayne:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before September 10, 2001. Your cooperation is appreciated.

Sincerely

Mary A. Baldwin
Administrative Assistant

MICROFILMED
JAN 24 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 71-69

WATER RIGHT NUMBER: 71-69

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRECKENRIDGE FAMILY LIMITED PARTNERSHIP C/O KATIE BRECKENRIDGE PO BOX 685 PICABO, ID 83348

Priority Date: 07/01/1936

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01 to 9/30	0.520 CFS	156.80 AF
	<u>Total Diversion:</u>	0.520 CFS	156.80 AF

Location of Point(s) of DiversionPlace of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	14E	4						10.5	13.3										23.8
07N	14E	5	29.5	18.6	13.4	37.5													99.0
					L 4														

Total Acres: 145

Conditions of Approval:

1. C13 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 71: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 71 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
2. C18 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.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 71-00064A IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 436.2 AF.^^

MICROFILMED

inserted by JAN 24 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 71-89

2. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MAY 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER SEPTEMBER 30 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.^^
3. General PORTION OF PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 289.^^
4. Explanatory RIGHT NO. 71-00064A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.^^

Comments:

1. GIVENS 6/2/1992 OWNERSHIP CHANGE
Comment: CHANGE OF OWNERSHIP RECEIVED 4/6/92 ORIGINAL OWNER L. L. BRECKENRIDGE CO. NEW OWNER BRECKENRIDGE FAMILY LIMITED PARTNERSHIP. COPY OF LEGAL SUBMITTED WITH FORM. A71-00069 ALSO CHANGED ON THIS DATE.
2. TBACKLUN 2/27/1997 REMOVAL OF ATTORNEY
Comment: ATTORNEY OF RECORD WAS REMOVED VIA WRITTEN NOTICE BE KATIE BRECKENRIDGE.
3. AMERRITT 3/7/1998 COPIED FROM REMARKS
Comment: MAJORITY OF THE RANCH WAS SOLD IN 1980'S. 71-0064 WAS DECREED TO MORE THAN ABOVE LANDS. REMAINDER OF RIGHT WAS APPURTENANT TO LANDS IN SECTION 28, A MILE TO THE NORTH.
4. AJU10-DS 7/21/1998 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C13 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
5. DSHAFF 11/5/1998 REMARK
Comment: RECORD WAS MODIFIED TO ADD EXTENDED IRRIGATION SEASON REMARK.
6. AJU10-DS 6/19/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information.

Licensed Date:
Decreed Date: 3/16/1999
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

MICROFILMED

JAN 24 2002

MEMORANDUM

TO: FILE 71-00069

FROM: PAM SKAGGS

RE: TRANSFER # 5105

DATE: 8-16-97

=====

Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 71-00064.

100-100000
DEC 14 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

October 28, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BRECKENRIDGE FAMILY LTD PARTNERSHIP
C/O KATIE BRECKENRIDGE
PO BOX 685
PICABO ID 83348-0685

RE: Water Rights 71-00064B/71-00069 (Transfer 5105)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Rights for the above referenced water rights (Transfer 5105). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

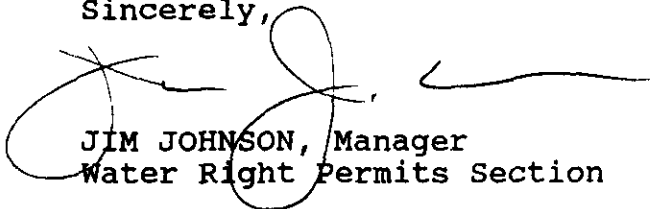
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosures

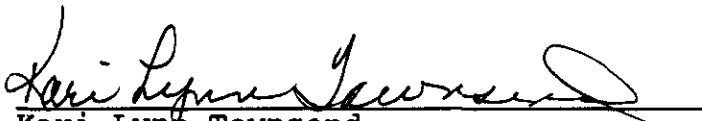
RECORDED
DEC 10 1997

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of October, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHTS 71-00064B/71-00069 (Transfer 5105)

BRECKENRIDGE FAMILY LTD PARTNERSHIP
C/O KATIE BRECKENRIDGE
PO BOX 685
PICABO ID 83348-0685


Kari Lynn Townsend
Secretary

DEC 10 1997

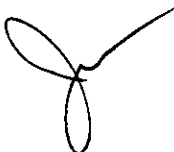
MEMORANDUM

TO: FILE NOS. 71-00064 & 71-00069

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 5105

DATE: October 22, 1997

JK 

=====

Transfer No. 5105 adds points of diversion, groundwater as a source, and changes the place and nature of use under all of Right No. 71-00069 and a portion of Right No. 71-00064, splitting the right into parts A and B.

The applicant has been working with the Forest Service, Department of Fish and Game and other pertinent agencies for the last few years to find an acceptable plan to change the water system on Busterback Ranch to reduce impact on fish in the surface source, Alturas Lake Creek, and continue irrigation in an acceptable manner.

Special requirements exist due to the location of the ranch in Sawtooth National Recreation Area and scenic easement requirements. With irrigation allowed only at night, a system has been designed to meet this time limitation using a high rate of diversion. Region calculations identified the minimum rate with an eight hour cycle while the system was designed to use the maximum rate available under these rights and will be able to accomplish the irrigation in six to seven hour cycles.

State office staff discussed the transfer proposal with the applicant prior to final recommendations reflected in the approval document. Domestic use has been dropped and stockwater use added with the similar diversion rate and annual diversion volume. Both uses are relatively non-consumptive and no expansion occurs through this change of use.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include drilling permit requirements, multiple points of diversion/measuring devices, future annual reporting, fish screens, surface to groundwater limitation, surface diversion will cease in future, permissible place of use, extended completion time, 5 year non-use forfeiture, combined limits, irrigation overlap and standard transfer conditions.

DEC 10 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 15, 1995

RE: Water Right Nos. 71-00064 & 71-00069 in the name of
Breckenridge Family Limited Partnership

Dear Interested Parties:

I have enclosed a copy of the **ORDER EXTENDING
RESUMPTION OF USE DATE.**

Please be advised that the date of resumption of
water to a beneficial use has been extended to April 15,
1997.

If you have any questions regarding the enclosed
order, please feel free to contact me at (208)327-7953.

Sincerely,

A handwritten signature in cursive script that reads "Julie L. Yarbrough".

JULIE L. YARBROUGH
Senior Secretary

Enclosure

RECEIVED

ROSHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
GARY L. QUIGLEY
JOHN K. SIMPSON
PATRICK D. MADIGAN
PAUL W. SAMUELSON
TIMOTHY J. STOVER
NORMAN M. SEMANKO
ERIK P. SMITH

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

February 13, 1995

RECEIVED

FEB 15 1995

Idaho Department of Water Resources
Attn: Glen Saxton
Idaho Department of Water Resources
1301 N. Orchard - Statehouse Mail
Boise, ID 83720

Department of Water Resources

Re: 71-00064, Part A71-00064A
71-00069
Breckenridge Family Ltd. Partnership

Dear Glen:

In 1992, we filed the enclosed "Applications for Extension of Time to Avoid Forfeiture of Water Right" for the above two rights. Somehow the approvals went to John Breckenridge and we didn't get a copy. Although this application asks for a period of five years, for some unknown reason, they were only approved for three.

We think it was an oversight and would ask that a supplemental order be issued extending the time to April 15, 1997.

The original purpose for the applications was to help facilitate salmon migrations through Alturas Lake Creek and the upper reaches of the Salmon River.

Please give early advice of your decision. The "form letter" received by Mr. Breckenridge mandates "diversion and use" by April 15, 1995. We are hoping the land is still under snow cover by then in Stanley Basin.

Regards,


JOHN A. ROSHOLT

JAR:le
02139502.JAR
Enclosures
cc: John H. Breckenridge

NOTED
DEC 18 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 8, 1995

RECEIVED

FEB 15 1995

Department of Water Resources

Breckenridge Family Ltd. Partnership
647 Pole Line Rd.
Twin Falls, ID 83301

NOTICE TO RESUME WATER USE

RE: Decreed Right Nos. 71-00064 & 71-00069

To Whom It May Concern:

One of the conditions of approval of the applications for Extension of Time to Avoid Forfeiture of a Water Right for the above referenced decrees, is that diversion and use of water be resumed on or before April 15, 1995. Enclosed is a form, when submitted, will notify the department that you have again established beneficial use to the extent indicated on the form.

Failure to resume the use of water for the above referenced decrees and to notify the department will be cause for the water to revert back to the state and again be available for appropriation.

Please fill out return the resumption forms within ninety (90) days of receipt of this letter, and address any correspondence directly to me.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED
DEC 10 1997

RECEIVED

Water Right No. 71-00069

RECEIVED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources Application for Extension of Time to Avoid Forfeiture of a Water Right
 Southern Region Office

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee of \$30.00 if the application involves 0.2 cfs or 20 acre feet or \$50.00 if in excess of these amounts.

- Name of water right holder Breckenridge Family Limited Partnership
 Post office address 647 Pole Line Road, Twin Falls, Idaho 83301
- The right was obtained or is evidenced by:
 - Decree to L.L. Breckenridge Co. in Case of L.L. Breckenridge Co.
 (Name) 7-11-78
 vs. Williams, et al. Dated 6/15/48 in Fourth Judicial District
 (Name of Court)
 Court, County of Blaine Fully describe decree _____
 - License No. _____ issued by the Department of Water Resources.
 - Claim No. 71-00069 on file with the Department of Water Resources.
- Source of water Alturas Lake Creek tributary to Salmon River
 (Name of stream or source)
- Date of priority of right July 1, 1936
- Amount of water a. 0.520 c.f.s. and/or
 b. 60.0 acre feet/annum
- Water is used for irrigation from 04/01 to 11/01
 from _____ to _____
 from _____ to _____
 (Purpose) (Month-Day) (Month-Day)
- Location of point of diversion is Lot 4 $\frac{1}{4}$ of Section 5
 Township 07N, Range 14E, B.M., in Blaine County;
 Additional points of diversion, if any _____
- Lands irrigated or place of use:

Twp.	Rge.	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 $\frac{1}{4}$	
07N	14E	5	17	17	17	17	(SRBA Claim description)												20
07N	14E	5	17	17	17	17	(13 ac. Decree description)												

Total number of acres irrigated 20

Length of extension of time requested 3 years, until _____ (Date)

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use. Owner has no plans to use for the next five years because of sensitivities of diverting water away from endangered sockeye salmon.

I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

BRECKENRIDGE FAMILY LIMITED PARTNERSHIP

By: [Signature]

General (Signature of Applicant)

Partner

Subscribed and sworn to before me this 3rd day of April, 19 92.

[Signature]
(Notary Public)

My commission expires 1993

Residing at Twin Falls

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE said application subject to the following conditions or reasons.

1. The applicant is required to resume use of this right on or before April 15, 1995

2. Approval of this extension does not preclude the review of the validity of this right in the ongoing Snake River Basin Adjudication.

Witness my hand this 31st day of December, 19 92.

[Signature]
for (Director)

For Department Use Only

Received by et Date 4-10-92 Time _____ Preliminary check by _____
 Fee \$ 50.00 50.00 Received by et Date 4-12-92 Publication prepared by me
 Published in Wood River Journal Dates 1922/92 + 11/4/92
 Publication approved by M. Bellman Date 11/7/92 Protests filed by: _____
 Copies of protests forwarded by _____ Hearing held by _____ Date _____
 Recommended for et Approval // Denial by et

1995 01 10 16:17

Water Right No. 71-00064 - Part

A71-00064A

B 15 0 11 W 11

STATE OF IDAHO

M R 10 1997

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern Region OfficeApplication for Extension of Time to Avoid Forfeiture
of a Water Right

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee of \$30.00 if the application involves 0.2 cfs or 20 acre feet or \$50.00 if in excess of these amounts.

- Name of water right holder Breckenridge Family Limited Partnership
Post office address 647 Pole Line Road, Twin Falls, Idaho 83301
- The right was obtained or is evidenced by:
 - Decree to L.L. Breckenridge Co. in Case of L.L. Breckenridge Co.
(Name)
vs. Williams, et al., Dated 7-19-48 in Fourth Judicial District
(Name of Court)
Court, County of Blaine. Fully describe decrees _____
 - License No. _____ issued by the Department of Water Resources.
 - Claim No. A71-00064A on file with the Department of Water Resources.
- Source of water Alpuras Lake Creek tributary to Salmon River
(Name of stream or source)
- Date of priority of right August 15, 1915
- Amount of water a. 8.0 c.f.s. and/or
b. 485.0 acre feet/annum
- Water is used for irrigation from 04/01 to 11/01
domestic from 01/01 to 12/31
(Purpose) (Month-Day) (Month-Day)
- Location of point of diversion is SW 1/4 SW 1/4 of Section 4
Township 07N, Range 14E, B.M., in Blaine County;
Additional points of diversion, if any T. 07 N. R. 14 E. S. 5 Lot 4, Blaine County
S. 9 NENW Blaine County
NWNW
SWNW
SENW
- 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	
07N	14E	04						20	20										40
		05	40	25	15	40													120
				D															

Total number of acres irrigated 160

Length of extension of time requested 5 years or until (Date)

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use Owner has no plans to use for the next five years because of sensitivities of diverting water away from endangered sockeye salmon.

I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

BRECKENRIDGE FAMILY LIMITED PARTNERSHIP

By: [Signature]
General (Signature of Applicant)
Partner

Subscribed and sworn to before me this 3rd day of April, 19 92

[Signature]
(Notary Public)

My commission expires 1993

Residing at Tim Falls

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE said application subject to the following conditions or reasons.

1. The applicant is required to resume use of this right on or before April 15, 1995.
2. Approval of this extension does not preclude the review of the validity of this right in the ongoing Snake River Basin Adjudication.

Witness my hand this 31st day of December, 19 92

[Signature]
for (Director)

For Department Use Only

Received by [Signature] Date 4-10-92 Time Preliminary check by
Fee \$50 3014282 Receipted by [Signature] Date 4-13-92 Publication prepared by [Signature]
Published in Wood River Journal Dates 10/28 & 11/4/92
Publication approved by [Signature] Date 11/17/92 Protests filed by:

Copies of protests forwarded by Hearing held by Date
Recommended for // Approval // Denial, by [Signature]



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 8, 1995

Breckenridge Family Ltd. Partnership
647 Pole Line Rd.
Twin Falls, ID 83301

NOTICE TO RESUME WATER USE

RE: Decreed Right Nos. 71-00064 & 71-00069

To Whom It May Concern:

One of the conditions of approval of the applications for Extension of Time to Avoid Forfeiture of a Water Right for the above referenced decrees, is that diversion and use of water be resumed on or before April 15, 1995. Enclosed is a form, when submitted, will notify the department that you have again established beneficial use to the extent indicated on the form.

Failure to resume the use of water for the above referenced decrees and to notify the department will be cause for the water to revert back to the state and again be available for appropriation.

Please fill out return the resumption forms within ninety (90) days of receipt of this letter, and address any correspondence directly to me.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Julie L. Yarbrough".

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED
DEC 10 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 31, 1992

Breckenridge Family Limited Partnership
647 Pole Line Road
Twin Falls, ID 83301

Re: Permit No. 71-00069

Dear Permit Holder:

Enclosed is a copy of your approved extension of time to avoid forfeiture of a water right.

Please note, you must resume beneficial use of the water to the extent authorized by the water right on or before April 15, 1995. Failure to do so may result in a loss of the water right.

The Department will notify you 60 days prior to that date and will ask that you submit a notice of resumption.

If you have any questions or if we can be of any further assistance, please feel free to contact the Department.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

Enclosure

RECEIVED
FEB 05 1993

EXTENSION OF TIME TO AVOID FORFEITURE

Breckenridge Family Ltd. Partnership

ANALYSIS SHEET

1. INITIAL REVIEW BY: MTS.
2. RIGHT NUMBER 71-00069 APPLICANT Breckenridge Family Ltd. Partnership
3. TYPE OF RIGHT: ☒ Decree ☐ License ☐ Claim
4. Is reason for request extension given on application?
☒ Yes ☐ No (If No, return Application)

5. CHECK:

- (a) ☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period of Use
- (b) ☒ Description of Point(s) of Diversion
- (c) ☒ Description of Place of Use
- (d) ☒ Check for correct Signature, Notarization, Fee

6. OWNERSHIP OF RIGHT

Applicant's ownership confirmed by:

- (a) ☐ Copy of Tax Notice, Deed, or other _____ in file.
- (b) ☒ County Assessor records. Date Contacted 4-15-92
788-5535 - Carol. HES 289 - Blaine Cnty.
7. Is the right in a Watermaster District? ☐ Yes ☒ No Dist. _____
 (If Yes, send copy to Watermaster)

FINAL REVIEW IN REGION by MT

- (a) Is Application published correctly? ☒ Yes ☐ No
- (b) Protest Received? ☐ Yes ☒ No

RECOMMENDED ACTION

- ☒ Approve
☐ Deny

Conditions: _____

NOTICE OF APPLICATION FOR
EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT
No. 71-00069, A71-00069

Notice is hereby given that BRECKENRIDGE FAMILY LIMITED PARTNERSHIP of Twin Falls, ID has applied to the Department of Water Resources for an extension of time to avoid forfeiture of a portion of a water right No. 71-00069. The right was obtained and is evidenced by a decree granted to L.L. Breckenridge Co. in case of L.L. Breckenridge Co. vs Morgan C. Williams, Et. Al. dated 7/19/1948 in Fourth District Court, County of Blaine and is recorded as follows:

Amount: 0.52 cfs
Priority: 7/1/1936
Source: Alturas Lake Creek
tributary to Salmon River

Point of Diversion : Lot 4
(SW1/4NE1/4), S5, T07N, R14E;
Blaine County.

Place of Use: Irrigation of
13 acres for unspecified period
of use within Lot 1
(NW1/4NE1/4), Lot 4
(SW1/4NE1/4), S5, T07N, R14E &
unspecified domestic use;
Blaine County.

The extension is requested to
avoid loss of the water right
due to owner's sensitivities of
diverting water away from
endangered sockeye salmon.

WATER RIGHT CLAIMED IN SNAKE
RIVER BASIN ADJUDICATION AND
RECORDED AS FOLLOWS:

Water Right No. A71-00069
Priority Date: 7/1/1936
Name: L.L. Breckenridge Co.
Basis of right: Decreed Right
No. 71-00069
Source: Alturas Lake Creek
tributary to Salmon River
Use: irrigation (0.52) cfs
from 4/1 to 11/1
Point(s) of Diversion: Lot 4
(SW1/4NW1/4), S5, T07N, R14E;
Blaine County.
Place of Use: 20 acres within
Lot 1 (NE1/4NE1/4), Lot 4
(SW1/4NE1/4), S5, T07N, R14E;
Blaine County.

Any protests against the
approval of the above proposed
request described above must be
filed with the Director, Dept.
of Water Resources, Southern
Region, 222 Shoshone Street
East, Twin Falls, ID 83301 on
or before November 16, 1992.

R. Keith Higginson, Director

Published in Wood River Journal
on 10/28 & 11/4/92

MICROFILMED

FEB 05 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

19-Oct-1992

R. KEITH HIGGINSON
Director

WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

SEP 05 1993

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT
No. 71-00069, A71-00069

Notice is hereby given that BRECKENRIDGE FAMILY LIMITED PARTNERSHIP of Twin Falls, ID has applied to the Department of Water Resources for an extension of time to avoid forfeiture of a portion of a water right No. 71-00069. The right was obtained and is evidenced by a decree granted to L.L. Breckenridge Co. in case of L.L. Breckenridge Co. vs Morgan C. Williams, Et. Al. dated 7/19/1948 in Fourth District Court, County of Blaine and is recorded as follows:

Amount: 0.52 cfs
Priority: 7/1/1936
Source: Alturas Lake Creek tributary to Salmon River

Point of Diversion : Lot 4 (SW1/4NE1/4), S5, T07N, R14E;
Blaine County.

Place of Use: Irrigation of 13 acres for unspecified period of use within Lot 1 (NW1/4NE1/4), Lot 4 (SW1/4NE1/4), S5, T07N, R14E & unspecified domestic use; Blaine County.

The extension is requested to avoid loss of the water right due to owner's sensitivities of diverting water away from endangered sockeye salmon.

WATER RIGHT CLAIMED IN SNAKE RIVER BASIN ADJUDICATION AND
RECORDED AS FOLLOWS:

Water Right No. A71-00069
Priority Date: 7/1/1936
Name: L.L. Breckenridge Co.
Basis of right: Decreed Right No. 71-00069
Source: Alturas Lake Creek tributary to Salmon River
Use: irrigation (0.52) cfs from 4/1 to 11/1
Point(s) of Diversion: Lot 4 (SW1/4NW1/4), S5, T07N, R14E;
Blaine County.
Place of Use: 20 acres within Lot 1 (NE1/4NE1/4), Lot 4 (SW1/4NE1/4), S5, T07N, R14E; Blaine County.

Any protests against the approval of the above proposed request described above must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 on or before November 16, 1992.

R. Keith Higginson, Director

Published in Wood River Journal on 10/28 & 11/4/92



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

16-Oct-1992

R. KEITH HIGGINSON
Director

JOHN ROSHOLT ESQUIRE
PO BOX 1906
TWIN FALLS ID 83303-1906

Re: Application for Extension of Time To Avoid Forfeiture,
No. 71-00069 (L.L. Breckenridge Co.)

Dear Mr. Rosholt:

The Department of Water Resources acknowledges receipt of the application for extension of time to avoid forfeiture on behalf of your client, L.L. Breckenridge Company as referenced above.

This office will be advertising the application in the Wood River Journal on 10/28 & 11/4/92. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Mel Schulte
Water Right Agent

RECEIVED

MS:MB

FEB 05 1993

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN O. FITZGERALD
D. BERNARD ZALEHA

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83702-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

April 3, 1992

Loren Holmes
Idaho Department of Water Resources
222 Shoshone Street E.
Twin Falls, Idaho 83301

RECEIVED

APR 14 1992

Department of Water Resources
Southwest Region Office

Re: Breckenridge Family Limited Partnership

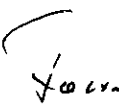
Dear Mr. Holmes:

Enclosed is a Change of Ownership Notice, two Applications for Extension of Time for Beneficial Use to Avoid Forfeiture, and a \$100 check.

Note the water under the Applications is the rest of the Busterback right.

Call with questions.

Respectfully submitted,


JOHN A. ROSHOLT

JAR:le
Enclosures

cc: J.H. Breckenridge

RECEIVED
FEB 05 1993

RECEIVED

APR 01 1992

Department of Water Resources

STATE
DEPT.
222 S
TWIN

USFS, BPA to complete Busterback purchases Friday

The U.S. Forest Service (USFS) and Bonneville Power Administration (BPA) will close their ends of the Busterback Ranch purchase Friday, according to SNRA deputy Terry Clark.

In January the Nature Conservancy agreed to buy the property from owner Dr. Lee Enright at his asking price of \$4.2 million. The Nature Conservancy would in turn sell 2,201 acres to the Forest Service for \$2.4 million and the water rights to BPA for \$800,000. The Conservancy would have a 60-day op-

tion to sell the remaining 80 acres and the ranch buildings to a private buyer.

The 60-day option ended March 24, but according to SNRA Ranger Carl Pence, the 80-acre sale will not complicate the deal for the 2,201 acres.

The Forest Service expects to begin a program of dry land grazing on the acreage. The change from irrigated to dry land grazing is expected to cut the number of cattle grazed on the property from more than 800 to 200 seasonally.

The Challis Messenger

35¢ PER COPY
THURSDAY, APRIL 2, 1992

CHALLIS, CUSTER COUNTY, IDAHO
VOLUME 111, NUMBER 67

200 shipments of spent radioactive fuel from Colorado Public Service Company's Fort St. Vrain reactor are earmarked for storage at the INEL.

Air quality restrictions were used in 1991 to hold up waste shipments, and the new bill would reinforce those air quality restrictions.

If the Senate echoes House support for the air quality bill, Idaho would be in stronger position to legally challenge shipments.

located on a relatively gentle slope—about 2:1.

Between wrapping and the sloping, Daverman said he hoped to halt erosion along the bank.

setback restrictions. The problem is "primarily administrative, or 'trend,' and is not necessarily the outcome," said Blanchard.

Idaho Mountain Express
4-1-92

Busterback Deal Should Close Friday

by Adam Peck

The Forest Service and the Bonneville Power Administration are expected to complete the purchase of the Busterback Ranch by Friday, ending a running battle over irrigation diversions on the Salmon River.

"It looks like it's going to happen, I haven't seen anything to indicate it's not," said Sawtooth National Recreation Area deputy ranger Terry Clark.

If the deal closes, the SNRA will take control of 2,201 acres of the 2,281-acre parcel. The remaining 80 acres, which include the ranch structures, are still up for sale.

The option closed on the sale Tuesday, March 24. The deal has to be signed within 10 days of closure.

The Nature Conservancy helped negotiate the deal, but the conservancy ended its involvement on March 24.

Busterback's owner and Forest Service officials both credit the Nature Conservancy with helping arrive at an agreement.

"It was four months of grueling back and forth mediation," said the conservancy's Idaho director, Guy

Bonnivier. "I didn't see anyone else willing to do that so we stepped in and played that role and brought those two sides together."

Bonnivier says the conservancy became involved out of concern over Busterback irrigation diversions that have emptied Salmon River and Alturas Lake Creek.

The diversions empty the two waterways during August and September, critical salmon migration periods.

If the Forest Service and the BPA close the \$3.2 million deal with Busterback owner Lee Enright by Friday, the irrigation diversions will be halted.

"There are no certainties, but I'm reasonably confident it will be done by Friday," Enright said.

The Forest Service is expected to put up \$2.4 million for the 2,201 acres and institute dry-land grazing on the property. The BPA is putting up the other \$800,000 for the water rights on the property, and is expected to turn those water rights over to the state.

Busterback Ranch has been closed this season because of the uncertainties over a possible sale.

By Adam Peck 4/1/92

(ies) the public would like funded with tax dollars Council President Mary Brown called "limited."

TELLURIDE

Telluride is seriously considering banning woodburning, according to the March 19 Telluride Times-Journal.

The County Planning Commission stopped short of recommending a ban on all solid-fuel burning devices in the Telluride region.

The planners decided to table the proposed ban on woodburners in the Telluride Region until April 8.

The county planners said they had sufficient facts.

Telluride has recently become worried about air quality. Environmental Protection Agency reports have shown Telluride's air to be worse than any other air in Colorado—including Denver's notorious winter haze.

EPA officials said the pollution level in the Telluride area was already high enough to cause reduced lung function in children.

ON PAGES B-4 TO B-11

FEB 05 1993



Sun Valley firefighters battled the fire at the Sammis home. (Photo by Chris Huskinson)

"It appears the fire may have begun on the third floor," Sun Valley Fire Chief Jeff Carnes said.

An adult family member in the house called the fire department after coming out of the shower and discovering the blaze.

"There were people who saw the smoke billowing as early as 5 p.m. But they figured with that much smoke the fire must have already been called in," Carnes said.

"That's why it got big," Carnes said.

Busterback Impasse Ends

□ The Forest Service and the Bonneville Power Administration closed a deal Tuesday ending irrigation practices that had emptied Salmon River and Alturas Lake Creek

by Adam Peck

One of the most divisive issues in the Sawtooth National Recreation Area's history appears to be coming to an end this week with the Forest Service and the Bonneville Power Administration purchasing the Busterback Ranch.

The Forest Service and the BPA are putting up \$3.2 million for 2,201 acres of the 2,281-acre dude ranch. All parties appeared set to sign off on the sale Tuesday, with negotiations continuing over the remaining 80 acres. The 80-acre parcel includes the Busterback Ranch buildings.

Regardless of the outcome on the 80-acre section, the apparent agreement ends a water-rights battle that is suspected of decimating salmon runs on the upper stretches of the Salmon River.

Irrigation diversions at the Busterback Ranch have virtually emptied stretches of the Salmon River and Alturas Lake Creek during critical migration periods in August and September.

The Forest Service has spent years in negotiation and legal action trying to wrest the Busterback irrigation water away from Busterback's owner, Dr. Lee Enright.

The Forest Service and its intermediaries weighed such solutions as

a sprinkler system and condemnation of the property, but an agreement was reached on Jan. 31 after months of intensive, closed door negotiations.

The Forest Service spent the past two months receiving permission to tap the Land and Water Conservation Fund for \$2.4 million. The BPA put up the remaining \$800,000 to arrive at the \$3.2 million sale price.

"It will be very nice to be beyond this issue," said SNRA Area Ranger Carl Pence. "We can concentrate on some other very important lands issues now."

"This thing has occupied my lands staff on the NRA, it's taken away from other tasks," Pence said.

Enright, owner of Busterback Ranch through Enright Enterprises, expressed similar relief that the water rights battle has effectively come to an end.

"It is (a relief)," Enright said. "I think it's a positive thing to have happen."

"It's taken a lot of my worry time," said Enright.

SALMON

Concern for migrating salmon is credited with moving the negotiations to a successful conclusion.

The Snake River sockeye salmon, which once spawned upstream of the

Busterback diversions, was declared an Endangered Species in November. Chinook salmon, which also have traditionally spawned in waters upstream of the Busterback diversions, are expected to receive Threatened Species listing in April.

"We'll have water in the streams this year, so Idaho Fish and Game are stocking Chinook salmon above the ranch," said Pence.

"We haven't seen any (salmon) going up there for quite a while," Pence said. "It has been very difficult for them to make that passage."

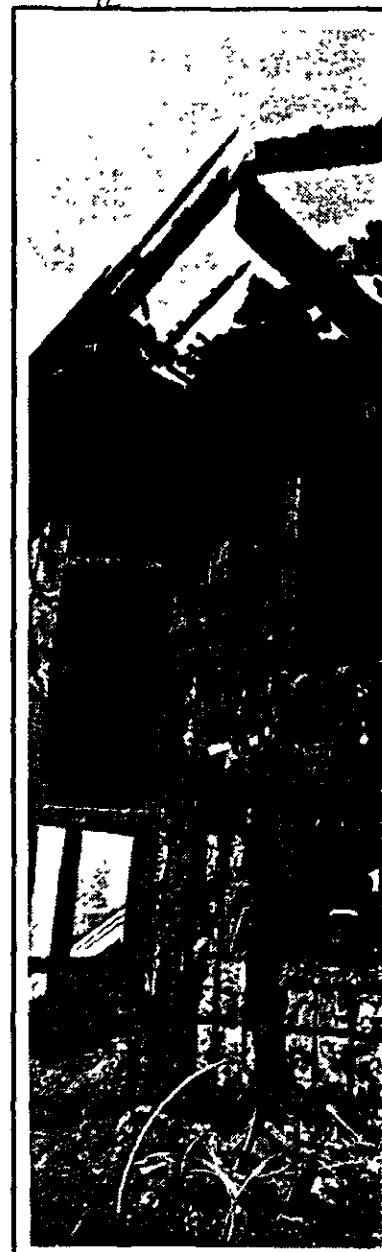
Pence said other irrigation diversions need to be addressed, but "they're not as major as this one."

Among the irrigation diversions that the SNRA is looking into are diversions at Beaver Creek and Pole Creek.

Pence also said that the sale of the 2,201 acres would not hinge on the outcome of the 80-acre sale.

"(The 80-acre sale) is not going to complicate the deal for 2,201 acres," Pence said. "It looks encouraging that they'll be able to sell that within a reasonable amount of time."

The Forest Service expects to begin a program of dry land grazing on the 2,201 acres. The change from irrigated to dry land grazing is expected to cut the number of cattle grazing the property from more than 800 to about 200 seasonally.



The Sammis home—after the fiery dr

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720-490) is published weekly on Wed-
nesdays, by Express Publishing Inc., 591
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WEATH

Scattered
but sun t

ON THE

Ablozing

Water Right Number - 71-00069 Prefix Translation: WATER RIGHT Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - - + Address - - - - - +

*** C - CURRENT OWNER ***
L.L. BRECKINRIDGE CO.
1 -
2 -
3 -
City- State- ID Zip-
Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
07/01/1936 17 SOUTHERN D - DECREE

+ - - Source - - - - - + + - - Tributary - - - - - +
ALTURAS LAKE CREEK SALMON RIVER

+ - - Point of Diversion - - - - - +
County

Stream Index (Blank if no Index Code)
07N 14E 5 SW NE 4 (13) BLAINE

+ - - Code Description Period From Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 0.520
43 - DOMESTIC

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - +
0.520

Trn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07N	14E	5	NW NE	1		01	IRRIGATION	(13) BLAINE
07N	14E	5	SW NE	4		01	IRRIGATION	(13) BLAINE

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -

+ - - AC. IRRIG. = 13
SOURCE GIVEN INCORRECTLY IN DECREE AS LAKE CREEK.

+ - - Old Water Right Numbers -
No Old Water Right Numbers found.

+ - - Conditions of Approval -
No Conditions of Approval found.

+ - - Decree Plaintiff - - - + + - - Decree Defendant - - - + + - - Decree Date - +
L. L. BRECKINRIDGE CO. MORGAN C. WILLIAMS ET AL 07/19/1948

WATER RIGHT

[illegible]

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	-
Exam to S.O. Date	- 00/00/0000	Verified Date	- 04/23/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 07/19/1948	Presumption Flag	-		-

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

AJ0723NP
(00-26)

Water Right Number - A71-00069		Prefix Translation: ADJUDICATION CLAIM		Old (D) Number -	
+ - - - - Last Name - - - +		+ - - - - First Name - - +		+ - - - - Address - - - - - +	
*** C - CURRENT OWNER ***					
L. L. BRECKENRIDGE CO.					
1 - RFD #6					
2 - P.O. BOX 9254					
3 -					
City- TWIN FALLS					
Phone - 208-733-7830					
State- ID Zip- 83301					
*** K - ALSO KNOWN AS ***					
BRECKENRIDGE					
1 -					
2 -					
3 -					
City- N/A					
Phone - 208-000-0000					
State- ID Zip- 00000					
*** A - ATTORNEY ***					
ROSHOLI					
JOHN A.					
1 - P.O. BOX 1906					
2 -					
3 -					
City- TWIN FALLS					
Phone - 208-000-0000					
State- ID Zip- 833031906					
+ - - Priority Date - - +		+ - - Region - - - +		+ - - Stage - - - +	
07/01/1936		17 SOUTHERN		D - DECREED	
+ - - Source - - - - - +		+ - - Tributary - - - - - +		+ - - Status - - - - - +	
ALTURAS LAKE CREEK		SALMON RIVER			
+ - - Point of Diversion - - - - - +					
Stream Index (Blank if no Index Code)					
Twn		Rng		Lot	
07N		14E		4	
				(13) BLAINE	
+ - - Description - - - - - +		+ - - Water Use - - - - - +		+ - - Diversion Rate - - - - - +	
Code		Period From		Period To	
01 - IRRIGATION		04/01		11/01	
				0.520	
+ - - Total Div. Rate - - +		+ - - Total Div. Volume - +		+ - - Total Consumptive Use - +	
0.520		0.520		60.0	
+ - - Total Div. Rate - - +		+ - - Total Div. Volume - +		+ - - Total Consumptive Use - +	
0.520		0.520		60.0	
+ - - Place of Use - - - - - +		+ - - Acres - - - - - +		+ - - County - - - - - +	
Twn		Rng		Sec	
07N		14E		5	
07N		14E		5	
		NE NE		1	
		SW NE		4	
				15.0	
				01	
				01	
				IRRIGATION	
				IRRIGATION	
				(13) BLAINE	
				(13) BLAINE	
+ - - Diversion Means - CHECK DAM IN ALTURAS LAKE CREEK		+ - - Total Acres: 20.0			
+ - - Non-Irrigation Use -					
+ - - Other Rights for Same Use - NONE					

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 3570
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 12/09/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- C003844	Federal/State Indicator	- S
Claims Tape Error Flag	-	POU Ownership Flag	- Y	Presumption Flag	- D
Fee Exempt Flag	-	Name Connector	- OR	Notice of Error Flag	-