

NOTES

1-23-06

WR 22-207 belongs to two parties: Pincock-Garner Ditch Assn and DHB Investments. Pincock-Garner claims to own the full right, however the Gardner Decree of 1954 clearly states that 80 m of this right belongs to the SWSW of Sec. 36, Lelan Anderson's property currently owned by DHB Investments. The decree insinuates that the original right of 3.2 cfs on the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 36 was in error in that H.J. Clark had no interest in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 36. The wording in the decree suggests two things: Either the original right is only worth $\frac{1}{2}$ of its value (80 m. and 40 ac.) or $\frac{1}{2}$ the right still belongs to the SWSW of Sec. 36 and the other $\frac{1}{2}$ is used somewhere else, maybe Pincock-Garner. Because it is unclear as to which situation is correct, making recommendations based on historical use and delivery in Water District records. Those records show that 1.6 cfs have been delivered to Lelan Anderson property through the Garner-Beddes ditch and 1.6 cfs have been delivered to the Pincock-Garner Ditch Assn, recently transferred to the Teton Island Feeder Canal for delivery (Tx 51089). Transfer was made in 2000 and moves 3.2 cfs of 22-207 to Teton Island Feeder Canal. However, after research, I have concluded that only half that amount was available to be transferred under Pincock-Garner Ditch Assn.

Pincock-Garner is not disbanded. Talked w/ Wayne Ward and he informed me that the rights are still owned by the Assn, but they transferred the POD to the Teton Island Feeder Canal for delivery through the Wolf Ditch. Transfer was necessary because of low water years. They lost too much water with previous methods. All members of Assn. receive water according to Tx 51089.

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