

10/26/2011

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

RIGHT NUMBER: 22-207A

NAME AND ADDRESS: PINCOCK GARNER DITCH ASSN
C/O WAYNE S WARD
3976 N 5000 E
SUGAR CITY ID 83448

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 1.600 CFS

This right when combined with all other rights shall provide no more than 3.5
afa per acre at the field headgate for irrigation of the place of use.

PRIORITY DATE: 05/15/1898

POINT OF DIVERSION:

T07N R40E S36 SENW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.600 CFS

PLACE OF USE:

331 ACRES TOTAL

Place of use is within the area served by Pincock Garner Ditch Association.

The rights listed below are limited to the irrigation of a combined total of 331
acres in a single irrigation season. Combined Right Nos.: 22-207A, 22-659,
22-10904, and 22-10906.

This right is limited to the irrigation of 40 acres within the place of use
described above in a single irrigation season.

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.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Failure of the right holder to comply with the conditions of transfer 5689 is cause for the Director to rescind approval of the transfer.

This right does not grant any right-of-way or easement across the land of another.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.

Water is delivered through Teton Island Feeder Canal.

The right holder shall accomplish the change authorized by transfer 5689 within one year of the date of the approval.

TRANSFER REVIEW SHEET

(10-99)

Transfer # 51689

Date Reviewed 04-22-2000

Right(s) 01-000162 (A22-10964) 22-00207
01-000163 (A22-10966) 22-00659

☒ WRQ/Split Summary ☒ No Activity SRBA Status ☒ P/D change to claims Run POU Comparison Report

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use
 F:Change Period of Use G:Other H:Change P/D & Add P/D
 I:Change P/D & P/U - To reflect SRBA Claims 331 Acres J:Add P/D & Change P/U

Proof of Ownership Big Feeder Teton Island Canal Board agrees to change.
SRBA Claims

Transfer ☒ All of Right ☐ Portion of Right

Resulting Split(s) NONE

Rt 22-00207 overclaimed - All by Pincock Garner under A22-00207
1/2 " DMB Investments } WM agrees all
Ownership to be resolved by SRBA to Pincock Garner

Check Transfer Against Recorded Right:

Standard Season 4-1 to 10-31 Standard Volume 3.5 / 2.5

(1) ☒ Priority (2) ☒ Use (3) ☐ Season/W61 (4) ☒ Rate (5) ☐ Volume
 Ditch Assoc.
 (6) ☐ Source (7) ☐ P/D (8) ☐ P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) ☒ Water District (12) ☒ Pertinent Conditions (13) ☒ Expansion
 WM Comment & temporary approval rec'd. Letter of 4-14-2000

(3) Standard Season 4-1 to 10-31
 (5) Standard Vol. - Combined Limit
 (6) Changes all except 22-00659 from original decree source of Teton R. S Fork
to Teton River like SRBA Claims. / Correction. by map determination
not decree
 (7) Change P/D - Teton Island Canal
 (8) 331 Acre common PP/U same as SRBA Claims

Transfer appears to change old decreed rts. to reflect current system
as claimed in SRBA.

Transfer Remarks PPU/22-00207 = 80 Acres W35/331 Acres 1158.5aba
W57

Conditions R04, R43, R59, T07, T08, T09

Database/Processing Notes

Standard ☒ Non-Standard ☐

T files all

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo
 Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

04-24-00

NOTES

1-23-06

WR 72-707 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, Iolan 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 Iolan 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 72-707 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.

KM

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COOK

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IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO IN AND FOR THE

COUNTY OF FREMONT

FLOYD GARDNER, LELAN ANDERSON,
WILLIAM D. HOLLIST, DEAN CRAIN
YOSHIMISA UGAKI, ALBERT BIRCH,
DAVID LEROY GARDNER, MARK CLARK,
and EVA B. CUTLER,

Plaintiffs,

-vs-

LYNN CRANDALL, Water Master, Water
District No. 36, of the State of Idaho.

Defendant.

CASE NUMBER 5254
DISTRICT COURT
NINTH JUDICIAL DISTRICT
County of Fremont, State of Idaho

FILED 6-4-1954

Jack A. Stone
CLERK

BY _____ DEPUTY CLERK

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND JUDGMENT

This cause came regularly on for hearing before the Court sitting without a jury at the Court Room in the Court House at St. Anthony, Fremont County, Idaho, Willard C. Burton, Attorney at Law, St. Anthony, Idaho, appeared for and on behalf of the plaintiffs and the defendant failed to appear either in person or by counsel, and it appeared that the defendant had been duly and regularly served with process herein, and that his default for failing to appear within the time allowed by law had been duly entered, it was ordered that said default entry be and the same is hereby confirmed.

It further appeared that notice had been given as required by law and by order of this court by publication in a newspaper, and that no one had appeared to enter any objections;

Competent evidence having been given in support of the complaint and it appearing therefrom that the allegations of the complaint are materially correct, and the Court being fully advised in the premises and in the law, makes its findings of fact and conclusions of law and judgment herein as follows, to wit:

I

That the plaintiffs, and each of them, are residents of the County of Fremont, State of Idaho;

II

That since on or about the 1st day of March, 1930, the defendant Lynn Crandall, has been and now is the duly elected, qualified and acting Watermaster of Water District No. 36 of the State of Idaho, which includes

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within its boundaries the county of Fremont.

III

That the Teton River is a tributary of the Snake River and flows through the south and east part of Fremont County and flows particularly through section 36, Township 7 North, Range 40 East Boise Meridian; that, in fact, near the boundary between Sections 30 and 31 of Township 7 North, Range 41 East Boise Meridian, and before it enters Section 36 of Township 7 North, Range 40 East Boise Meridian, the said river divides, and one fork thereof, commonly known as the North Fork crosses Section 36 in the north part thereof, and the other fork flows diagonally from the north-central part thereof to the south west corner; that the land described in the complaint on file herein and for which an adjudication of water rights is sought lies along the banks of said Forks of said river; that all said lands are arid in character and require artificial application of water, to make them agriculturally productive.

IV

That prior owners of the property, above mentioned, subject of this action, who settled said land in the first instance and appropriated water for the use thereof did so between the years 1895 and 1904, and that by December of 1903, all of said lands had been settled and water appropriated for the use thereof in amounts hereinafter indicated; that the use of said water since appropriation in the first instance, as aforementioned, in the respective amounts hereinafter mentioned has been continuous and for a beneficial purpose and uninterrupted;

(22-002013) That rights to the use of the waters of the Snake River and its tributaries were heretofore decreed in this Court in the action entitled Rexburg Irrigation Company, et al., plaintiffs vs. Teton Irrigation Canal Company, et al., defendants, and judgment was made and entered therein under date of December 10th, 1910, and appears of record in Book B of Judgments at page 449, records of Fremont County, Idaho. That H. J. Clark, owner in 1898 of property described as the South West Quarter of the South West Quarter of Section 36, Township 7 North, Range 40 E. B. M. had appropriated water for the use thereof prior to May 15 of 1898 and obtained an adjudication in the case above-mentioned of 160 inches of water for property described as the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 36, T. 7 N., R. 40 EBM and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said section, township and range; that the said H. J. Clark, did not in 1898, nor at any other time

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own any interest in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 36, T 7 N., R. 40 EBM so far as can be ascertained from the records, and in so far as the adjudication of water right concerned said property it was of no value, but he had acquired a right in and to the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said section and had appropriated water there-fore, and the adjudication of water right therefore in an amount of 80 inches should be confirmed and is binding on all parties.

VI

That owners of all other property subject to this action did nothing so far as can be ascertained to obtain record title to water appropriated for the use thereof, but that they had, by December 1, of 1903 appropriated water for the use thereof as hereinafter indicated; that they are entitled to an adjudication of record showing priority as of that date;

CONCLUSIONS OF LAW

From the foregoing findings of fact the Court concludes as a matter of law that Lelan Anderson, as successor in interest of H. J. Clark, in and to all that property described as the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 36, T 7 N., R. 40 EBM is entitled to priority of water right for the use the roof in an amount of 80 inches with priority date of May 15 1898, per decree already entered; that the other plaintiffs are entitled for their respective properties in amounts hereinafter shown to a priority date of December 1, 1903;

JUDGMENT

It is hereby ORDERED, ADJUDGED and DECREED that the plaintiffs be, and each of them is hereby, awarded priority right to the use of water of the Snake River and its tributary the Teton River, in amount and as of priority date hereinafter indicated for the purpose of irrigation and domestic use:

- 22-0644 0631 T. 2322
FLOYD GARDNER: 160 inches 3.12 Dec. 1, 1903
The NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 36, T 7 N., R. 40 EBM
(Lelan H. J. Clark)
- 22-0207 0632
LELAN ANDERSON: 80 inches 1.6 May 15, 1898
The SW $\frac{1}{4}$ SW $\frac{1}{4}$ SEC. 36, T 7 N., R. 40 EBM.
- 22-0645 0632
William D. HOLLIST: 106 inches 2.06 DEC. 1, 1903
That part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 36, T 7, N, R 40 EBM, which is north of the Teton River
- 22-0646 0633
YOSHIMISA UGAKI: 150 inches 3.0 Dec. 1, 1903
Commencing at the NE corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 36, T 7 N., R 40 EBM, running thence west 60 rods, thence south 53 1/3 rods, thence east 60 rods, thence south 26 2/3 rods, thence east 40 rods, thence north 20 rods, thence east 40 rods, thence north 20 rods, thence west 40 rods, thence north 11 rods, thence west 40 rods, thence north to the point of beginning.
ALSO: The west 1/2 of the west 10 acres of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 36 T 7 N., R 40 EBM
ALSO: The South 57 1/2 rods of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 36, T 7 N., R 40 EBM

Contacts Data Entry Form

Water Right No. 22-207

Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

Current Owner _____

Name connector: and _____, or _____, and/or _____

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

DECEDED UNDER ROXBURG TRNG. VS TETON TRNG. 1910 AS:
#167, TO H. J. Clark, May 15, 1898, 1160" OF TETON RIVER.

THIS RIGHT (22-207) WAS ORIGINALLY FILED ON BY PINCOCK-
GARNOR DITCH ASSOC IN AUG 1988; FILED ON THE ENTIRE RIGHT,
TRANSFER #5689 WAS FILED FOR Rts.: 01-00062, 01-00063,

22-00207 AND 22-00659 IN APRIL 2000.

22-207B WAS FILED IN AUG 1994 BY CARY BODDOS THEN
A % TO DHB FANUOST. WAS FILED DEC 1998. SEE ATTACHED LETTER
FROM T. OLENICHAR (WDOI) TO DALE SWANSON, FREMONT/MADISON
TRNG. DIST. DISCUSSING BODDOS' CLAIM TO 22-207B.

APPARENTLY, PINCOCK-GARNOR DITCH ASSN WAS DISSOLVED ABOUT
2000 ±. IT IS THIS DISCUSSION THAT IS THE BASIS FOR
THE RECOMMENDATION OF 22-207B. AS TO THE REMAINDER
OF 22-207, AND 01-00062, 01-00063, 22-00659 IT
IS NOT YET CLEAR OF THE OWNERSHIP IF PINCOCK-GARNOR
DITCH ASSN HAS BEEN DISSOLVED -

Reviewer: _____

Date: _____

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Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: May 15, 1898 Claimed Basis: DecreeRecommended Priority Date: 5/15/1898 Recommended Basis: Decree☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

MATCHES DECREE AND TX #5689

Reviewer: _____

Date: _____

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AUG 08 2007

A22-00207



RONALD CARLSON
WATERMASTER

(208) 525-7172
Fax (208) 525-7177

State of Idaho

Water District 1

900 N. Skyline Dr., Suite A
Idaho Falls, Idaho 83402-1718

IDWR DIRECTOR
KARL J. DREHER

COMMITTEE OF NINE

CHAIRMAN
Don Kramer

VICE CHAIRMAN
Dell Raybould

James Siddoway
Teton

Paul Berggren
Blackfoot

Dale Rockwood
Idaho Falls

DeWitt Moss
Jerome

Leonard Beck
Burley

Claude Storer
Idaho Falls

Don Hale
Blackfoot

July 6, 1996

Dale Swensen
Fremont-Madison Irrigation District
P.O. Box 15
St. Anthony, Idaho 83445

Dear Dale:

In response to your recent inquiry to Lyle Swank concerning the delivery of the May 15, 1898 water right of 1.6 cfs to the Gardner-Beddes diversion, I have completed the following research:

Rexburg Irrigation vs. Teton Irrigation decreed a May 15, 1898 water right of 3.2 cfs (22-0207) to H.J. Clark. This water right has always been delivered to the Pincock-Garner Canal by Water District #1. On April 6, 1954, *Gardner vs. Crandall* decreed that Lelan Anderson obtained the SWSW of Section 36, Twp. 7N, Rge. 40E, along with half of the H.J. Clark water right, however, the decree did not specify a change in point-of-diversion.

Previously you had sent correspondence, dated June 15, 1994, to Water District #1 requesting the addition of the May 15, 1898 (1.6 cfs) water right to the Gardner-Beddes Canal. However, there wasn't any Snake River Basin Adjudication (SRBA) Claim on file with the IDWR for the water right, except by the Pincock-Garner Canal (A22-00207). Therefore, there weren't any changes made to the Water District #1 delivery records.

Subsequently, Gary Beddes filed a SRBA claim for half (1.6 cfs) of the H.J. Clark water right on the SWSW of Section 36, Twp. 7N, Rge. 40E, as decreed in *Gardner vs. Crandall* (A22-00207B). Water District #1 was not notified of this adjudication filing, dated August 5, 1994.

Water District #1 has changed its delivery records for the 1996 irrigation season, moving half of the original H.J. Clark water right (22-0207) from the Pincock-Garner Canal to the Gardner-Beddes Canal as described in *Gardner vs. Crandall* and claimed in A22-00207B.

Sincerely,

Tony Olenichak
Deputy Watermaster

MICROFILMED

NOV 06 1996

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5689
WATER RIGHT NO(S). 01-00062/01-00063/22-00207/22-00659

This is to certify that: PINCOCK-GARNER DITCH ASSN
C/O WAYNE S WARD
3976 N 5000 E
SUGAR CITY ID 83448

PINCOCK-GAR(D)NOR
DITCH ASSN WAS
DISSOLVED 2/2000⁺

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. 01-00062 :			
IRRIGATION	04/01 to 10/31	8.88 CFS	1158.5 AF
Priority: 03/01/1884			
Right No. 01-00063 :			
IRRIGATION	04/01 to 10/31	16.00 CFS	1158.5 AF
Priority: 04/01/1898			
Right No. 22-00207 :			
IRRIGATION	04/01 to 10/31	3.20 CFS	280.0 AF
Priority: 05/15/1898			
Right No. 22-00659 :			
IRRIGATION	04/01 to 10/31	4.00 CFS	1158.5 AF
Priority: 04/01/1939			
TOTAL:		* 32.08 CFS	* 1158.5 AF

SOURCE

TETON RIVER

TRIBUTARY OF

HENRYS FORK

LOCATION OF POINT(S) OF DIVERSION:

SENW , Sec. 36, Township 07N, Range 40E
FREMONT 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	40E	34	SWNE 35	SENE 25		60
		35	SWNE 37	SENE 37	SWNW 22	
			SENW 35	NESE 38	NWSE 37	
			SWSE 37	SESE 28		271
Total number of acres irrigated:						* 331 **

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APR 27 2003

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TRANSFER NO. 5689
WATER RIGHT NO(S). 01-00062/01-00063/22-00207/22-00659

CONDITIONS OF APPROVAL AND REMARKS

- ✓ 1. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
- ✓ 2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
- ✓ 3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
- ✓ 4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- ✓ 5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- ~~6.~~ 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.
- ✓ ** 7. Right 22-00207 is limited to the irrigation of 80.0 acres in the place of use described above in a single irrigation season.
- ~~* 8.~~ Rights 01-00062, 01-00063, 22-00207 and 22-00659 when combined shall not exceed a total diversion rate of 32.08 cfs, a total annual maximum diversion volume of 1158.5 af at the field headgate, and the irrigation of 331.0 acres.
- ✓ 9. Approval of Transfer 5689 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this 24th day of April, 2000.

J. Glen Saxton
Chief, Water Allocation Bureau

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OFFICE OF STATE ENGINEER

REFILMED
INDEXED
27 2000
JUL 1 2000

01-041✓

~~01-0133~~ of Idaho Falls, 2,400 inches. Oct. 22, 1904. Snake River. (for Power and municipal Purposes)
48 cts

~~01-0134~~ 22 0203✓
City of Rexburg

1,650 inches. Apr. 1, 1898. Teton River.
(For municipal and power purposes) 33 cts

~~01-0135~~ 22 0204✓
City of Rexburg

1,350 inches. June 10, 1883. Teton River.
(For municipal and power purposes.) 27 cts

~~01-0136~~ 1 042✓
Clark & Edwards
Irrigating
Company,
Limited.

3,500 inches. Feb. 27, 1885. South Fork of Snake River.

~~01-0137~~ 22 0205 Trans. #2122
Clark & Houghton

~~01-0138~~ 22 0206 Trans. #2122
Clark & Houghton

~~01-0139~~ 22 0207✓
Clark, H. J.

160 inches. June 1, 1891. Teton River.

200 inches. Apr. 1., 1898 Teton River.

160 inches. May 15, 1898. Teton River.

Clark, J. P. L.

Good Luck Canal Com-
pany and Pioneer
Ditch Company.

~~01-0140~~ 22 0208✓
Clawson, B. W.

500 inches. Jan. 18, 1905. North Leigh or
Spring Creek.

~~01-0141~~ 22 0209✓
Clawson, Spencer

150 inches. Jan. 18, 1905. North Leigh or
Spring Creek.

~~01-0142~~ 22 0210✓
Clawson, Spencer,
Admx. Estate of

500 inches. Jan. 18, 1905. North Leigh or
Spring Creek.

Clay, S. C.

The Sunny Dell Irriga-
tion Canal Company.

Clay, Z. T.

The Sunny Dell Irriga-
tion Canal Company.

Clegg, William

The Farmers' Friend
Canal Company.

Cleverly, George F.

Enterprise Canal
Company.

Cleverly, Herbert

The Farmers' Friend
Canal Company.

Cleverly, Jesse
and Mary Ann

The Farmers' Friend
Canal Company.

Cleverly, John H.

The Farmers' Friend
Canal Company.

Cleverly, William

The Farmers' Friend
Canal Company.

~~01-0143~~ 22 0211✓
Cluff, Charles.

10 inches. June 1, 1897. Fox Creek.

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Wood, Samuel L..... \$7.20
 Woodmansee, Charles H..... 43.20
 Woodmansee-Johnston Ditch..... 90.00
 Woods, Frank..... 5.40
 Woods, William S..... 9.00
 Woodville Canal Company, The... 192.40
 Wright, G. G..... 168.95
 Wyoming & Darby Bench
 Canal Company, Limited..... 62.10
 Yeaman, M. E..... 5.40
 Yearsley, H. C..... 10.80
 Yearsley, John H..... 2.70
 Yellowstone Land &
 Cattle Company..... 18.00
 Yellowstone Power &
 Irrigation Company..... 225.00
 Young, Eva H., widow of
 Eugene H. Young, decd. 4.50
 Zimmerman, Zuel..... 8.55

And it is further ordered, that none of the parties hereto
 or their successors in interest, shall be entitled to the use of any
 water under the order of the Court herein until the respective
 amounts as above assessed to be paid to the Clerk of this Court.

Dated December 16th, 1910

J. M. Stevens

District Judge.

County of Idaho,

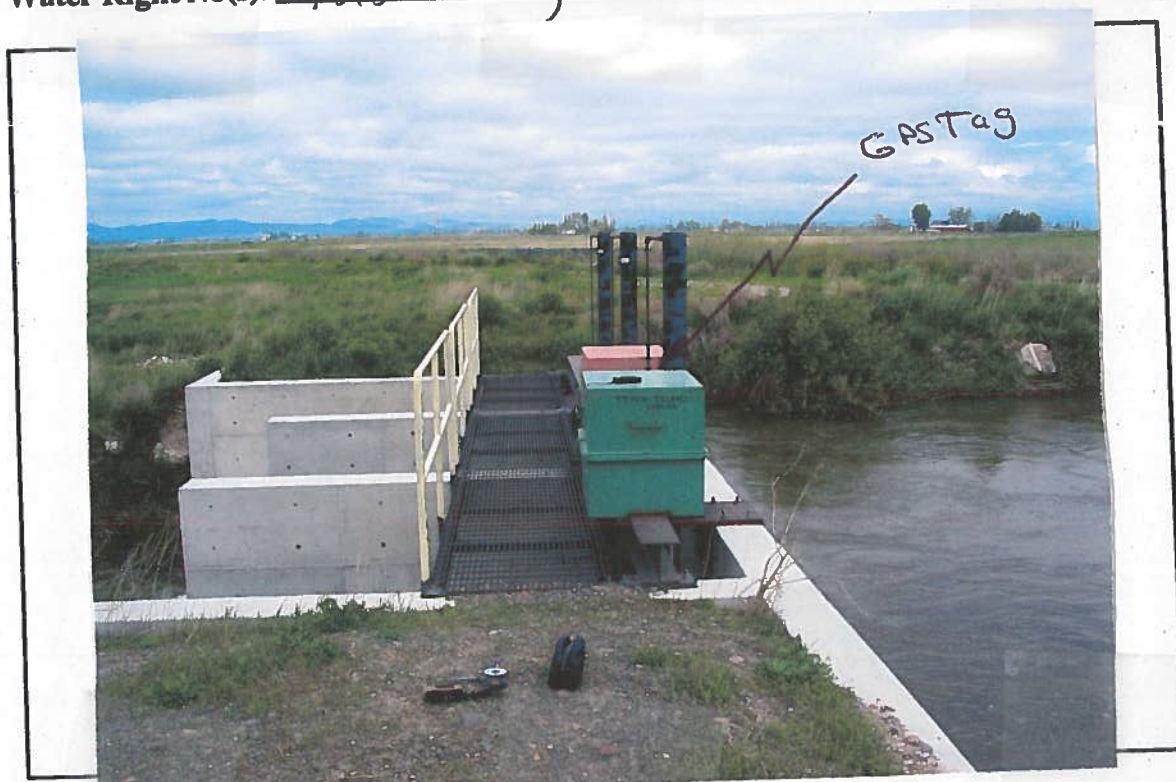
County of Fremont. SS

I, A. M. Carter, Clerk of the District Court of the Sixth
 Judicial District of Idaho, in and for Fremont County, do hereby
 certify the foregoing to be a full, true, and correct copy of the Decree
 in the case of Rexburg Irrigation Co., vs., Teton Irrigation Co., and
 the same appears on file in my office in the above entitled action.

In Witness Whereof, I have hereunto set my hand and affixed
 the seal of said Court, this 24th day of February, 1911

A. M. Carter
 Clerk

Water Right No(s). A22-207, -659 & -10904



GPS DATA:

Tag # A0000286 Location: on headgate frame GPS File # TETON I

Diversion Data:

(See Teton Island Fender Canal info) GPS data - 2685339
1412883

Source: Teton River Trib to: Henry's Fork

MOTOR

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

PUMP

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

NOTES:

Pinecock-Garnier Ditch Assoc. apparatus disbonded. Users get water
through the Teton Island Fender Canal & then the Wolf
Ditch. See Transfer # 5689. Info provided by Wayne
Ward & WDOI. Wayne Ward phone is 208-458-4216.

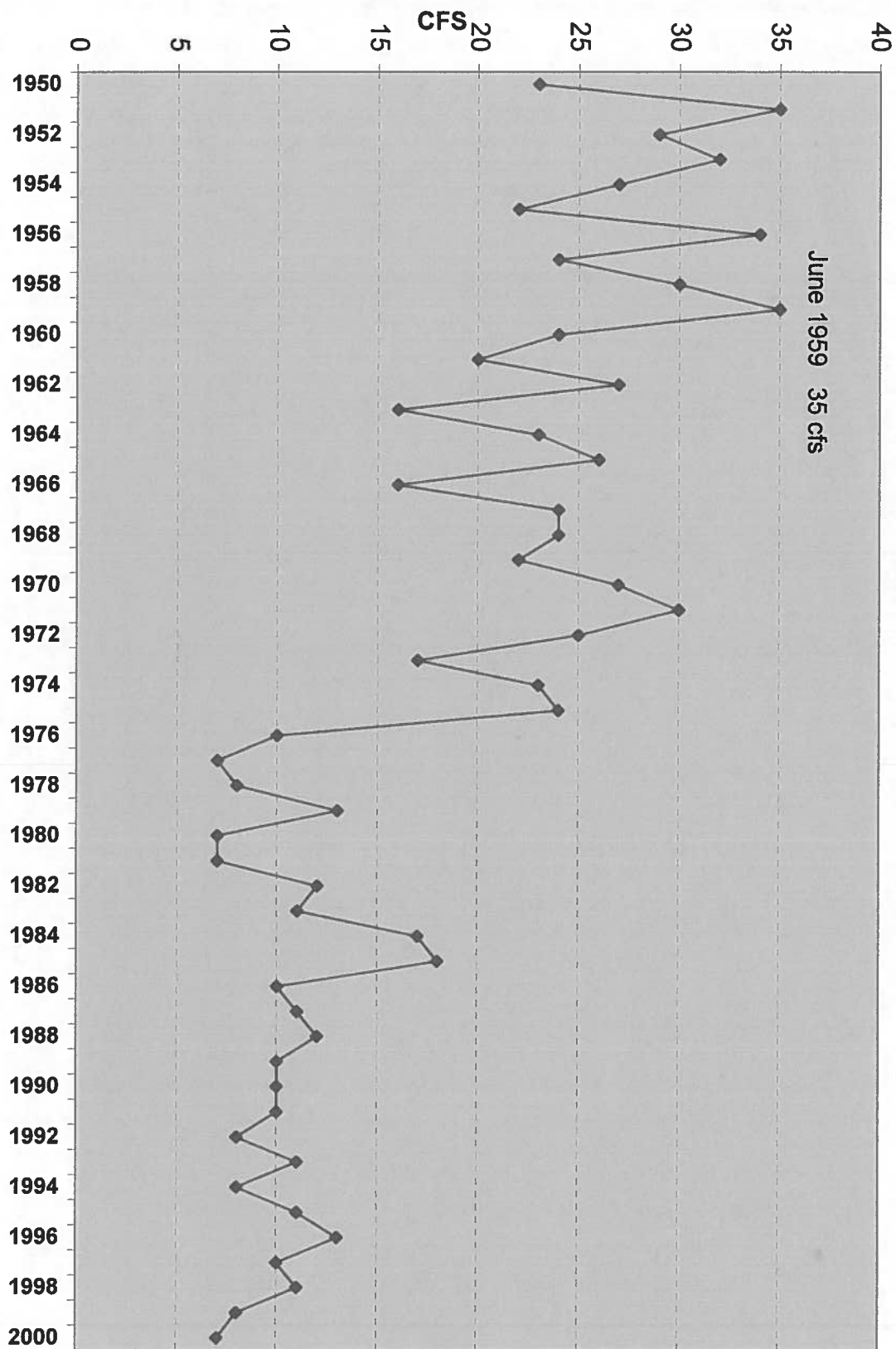
Field Exam Date: 7-12-05 Agent: D. W. Jones

SCANNED

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MAXIMUM MONTHLY DIVERSION 1950-2000
13055311 PINCOCK-GARNER CANAL

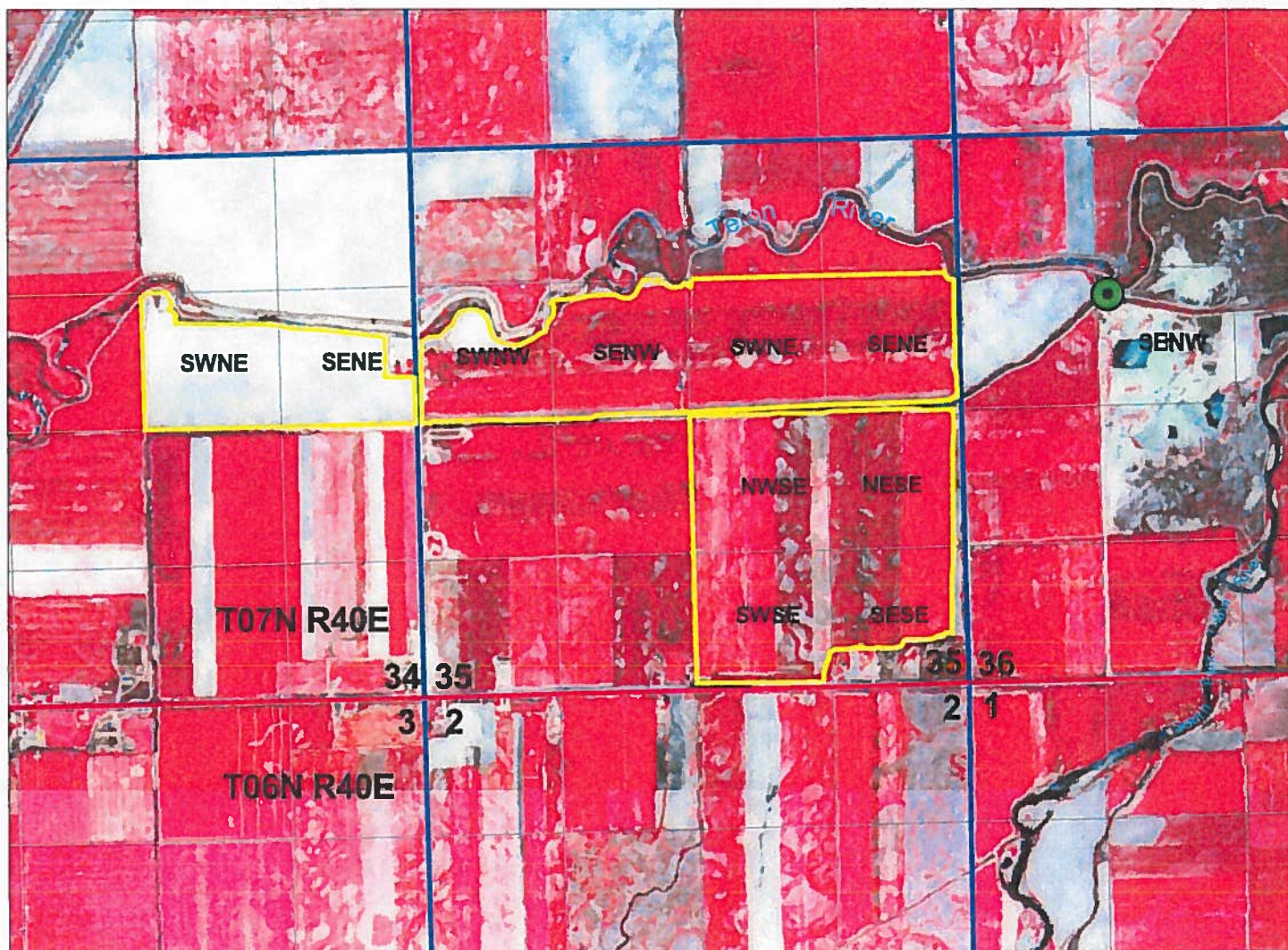




Department of Water Resources

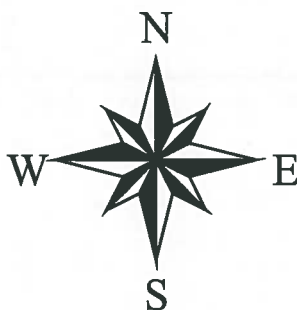
Eastern Region

Claim No.: 22-207, 22-659, &
22-10904, 22-10906



0 0.25 0.5 0.75 1 Miles

- Point of Diversion
- Place of Use
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: January 2006

SCANNED

AUG 08 2007



Pincock Garner Ditch Assn

SRBA Recommendations: 22-207A, 22-659, 22-10904, 22-10906

Service Area Boundary
GIS Place of Use Illustration

Legend

- Service Area
- Townships
- PLS Sections
- Quarter Quarters



Madison County
IDWR Basin 22



SCANNED
AUG 08 2007

Prepared by C. Moore
On Monday, September 11, 2006
1987/88 Aerial Photography

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 22-207A

Date Received:
Receipt Nos:
Received By:

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

Name of Claimant PINCOCK GARNER DITCH ASSN
C/O WAYNE S WARD
3976 N 5000 E
SUGAR CITY, ID 83448
(208)458-4216

Priority Date: 05/15/1898
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
TETON RIVER	HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.6 CFS	147 AFA
Recharge for Irrigation	04/01	10/31	1.6 CFS	
Total Diversion			1.6 CFS	

Location of Point(s) of Diversion:

TETON RIVER NWSNW Sec. 36 Township 07N Range 40E MADISON County

All Qualified Wells of the stockholders/electors as described in Remarks below.

Place(s) of use: Within the area served by this irrigation entity

Remarks: Diversion of this right for the purpose of recharge for irrigation is authorized for a maximum acreage equivalent to the authorized place of use for this right. This right includes an accomplished change in place of use pursuant to Section 42-1425, Idaho Code. § I.C. 42-1425 and/or I.C. 42-228. This right includes an accomplished change in point of diversion pursuant to Sections 42-1425 and/or 42-228, Idaho Code.

Qualified Wells are those owned by stockholders/electors within the authorized place of use and which are recovering ground water resulting from recharge for irrigation and/or water resulting from irrigation under this entity's irrigation works for use on lands within this irrigation entity's authorized place of use.

1. 135 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.

2. E56 The rights listed below are limited to the irrigation of a combined total of 331 acres in a single irrigation season. Combined Right Nos.: 22-207A, 22-659, 22-10904, and 22-10906.

3. This right is renumbered from former right 22-207.

4. B09 This right is subject to regulation by the watermaster of Water District No. 01.

5. K06 This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.

6. This right shares the point of diversion mentioned above with all rights associated with the headworks of Teton Island Feeder Canal.

7. 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.

The rights listed below are limited to a total combined annual diversion volume of 1158.5
8.E54 af. Combined Right Nos.: 22-207a, 22-207b, 22-659, 22-10904, and 10906.

Describe any other water rights used at the same place and for the same purposes as describe
above: Those water rights recommended as of the date of this amended claim.

Basis of Claim: Decreed

Signature(s)

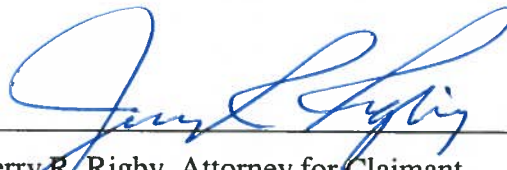
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form
entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do
_____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket
sheet.

Number of attachments: Previously submitted and on file with IDWR

For Individuals/Organizations:

I do solemnly swear or affirm under penalty of perjury that I am the attorney for the above
individual or organization, that I have signed the foregoing document in the space below as
attorney for the individual or organization and that the statements contained in the forgoing
document are true and correct.

DATED this 17th day of August, 2010.



Jerry R. Rigby, Attorney for Claimant

STATE OF IDAHO,)

ss.

County of Madison.)

On this 17th day of August, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry R. Rigby, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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



Mandy Davis

Notary Public for Idaho

Residing at: St. Anthony

My Commission Expires: 6/24/2011

09/12/2006

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

RIGHT NUMBER: 22-207A
NAME AND ADDRESS: PINCOCK GARNER DITCH ASSN
C/O WAYNE S WARD
3976 N 5000 E
SUGAR CITY ID 83448

SOURCE: TETON RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 1.600 CFS

The rights listed below are limited to a total combined diversion rate of 30.48 cfs and to a total combined annual diversion volume of 1158.5 AF.
Combined Right Nos.: 22-207A, 22-659, 22-10904, and 22-10906.

PRIORITY DATE: 05/15/1898

POINT OF DIVERSION:

T07N R40E S36 NWSNW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.600 CFS

PLACE OF USE:

331 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 331 acres in a single irrigation season. Combined Right Nos.: 22-207A, 22-659, 22-10904, and 22-10906.

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.

This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is subject to regulation by the watermaster of Water District No. 01.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is renumbered from former right 22-207.

This right shares the point of diversion mentioned above with all rights associated with the headworks of Teton Island Feeder Canal.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 22-207A

WATER RIGHT NUMBER: 22-207A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PINCOCK GARNER DITCH ASSN C/O WAYNE S WARD 3976 N 5000 E SUGAR CITY, ID 83448 (208) 458-4216

Original Owner	H J CLARK
----------------	-----------

, ID

Priority Date: 05/15/1898

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
TETON RIVER	HENRYS FORK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	3.200 CFS	
	<u>Total Diversion:</u>	3.200 CFS	

Location of Point(s) of Diversion

TETON RIVER	NW1/4SE1/4NW1/4	Sec. 36, Twp 07N, Rge 40E, B.M.
MADISON County		

Place 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	40E	34			35.0	25.0													60.0
07N	40E	35			37.0	37.0			22.0	35.0					38.0	37.0	37.0	28.0	271.0

Total Acres: 331

Conditions of Approval:

1. CLAIM REFLECTS CURRENT USE OF WATER RIGHT.
2. This right is renumbered from former right 22-207 .
3. This right was renumbered to right 22-207A.

Remarks:

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: A22-00207
Date Received: 8/15/1988
Receipt No: 6001286
Received By: ESW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PINCOCK GARNER DITCH ASSOCIATION 208-356-5254
Address: C/O GEORGE BISHOFF, PRES.
RT. 1
SUGAR CITY, ID 83448

2. Date of Priority: MAY 15, 1898

3. Source: TETON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	40E	36	NW	SE	NW		MADISON

5. Description of diverting works:
HEADWORKS OF PINCOCK GARNER DITCH TO DISTRIBUTION DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		

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

8. Total consumptive use is 827.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	40E	34	SW	NE		IRR	35.0
			SE	NE		IRR	25.0

Section Acres 60.0

A22-00207

Page 1

Date: 08/15/88

SCANNED

AUG 08 2007

MICROFILMED

NOV 04 1992



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	40E	35	SW	NE		IRR	37.0
			SE	NE		IRR	37.0
			SW	NW		IRR	22.0
			SE	NW		IRR	35.0
			NE	SE		IRR	38.0
			NW	SE		IRR	37.0
			SW	SE		IRR	37.0
			SE	SE		IRR	28.0
Section Acres						271.0	
Total Acres						331.0	

11. Place of use in counties: MADISON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
01-0062/0063/0344 & 22-0631

14. Remarks:
CLAIM REFLECTS CURRENT USE OF WATER RIGHT.

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

REXBURG IRR. CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO.
Decree Defendant

16. Signature(s)

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

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Pres of
Title

Pinecock Game Ditch Assoc., that I have signed the foregoing
Organization
document in the space below as Pres of
Title

Pinecock Game Ditch and that the statements contained in the
Organization
foregoing document are true and correct.

George Bishoff
Signature of Authorized Agent

Pres. Pinecock Game Ditch Assoc.
Title and Organization

8/15/88
Date

State of Idaho)
County of Bonner) ss.

Subscribed and sworn (or affirmed) before me this 15th day

of August 19 88

Deena Allen
Notary Public

Seal

Residing at Reidy
My Commission Expires 4-22-1994

4864

4863

55'

4862

4861

4860

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4859

A22-00207
NOV 04 1992

R40E

POINT OF DIVERSION

PLACE OF USE

