

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-455

NAME AND ADDRESS: PINCOCK BYINGTON DITCH CO
6245 E HWY 33
TETON ID 83451

SOURCE: TETON RIVER ✓

TRIBUTARY: HENRYS FORK ✓

QUANTITY: 7.120 CFS ✓

PRIORITY DATE: 03/01/1884 ✓

POINT OF
DIVERSION: T07N R40E S36 ~~NENWNE~~ 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	7.120 CFS ✓

PLACE OF USE: IRRIGATION in FREMONT County and MADISON County

T07N R40E S34	NENE	39.00	T07N R40E S34	NWNE	38.00
T07N R40E S34	SWNE	2.50	T07N R40E S34	SENE	7.70
T07N R40E S35	NENE	33.00	T07N R40E S35	NWNE	31.00
T07N R40E S35	NENW	28.00	T07N R40E S35	NWNW	39.00
T07N R40E S35	SWNW	3.70	T07N R40E S36	NWNW	35.00

256.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 256.9 acres in a single irrigation season. Combined Right Nos.: 22-454, 22-455, and 22-658.

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

Water is delivered through Pincock Byington Ditch.

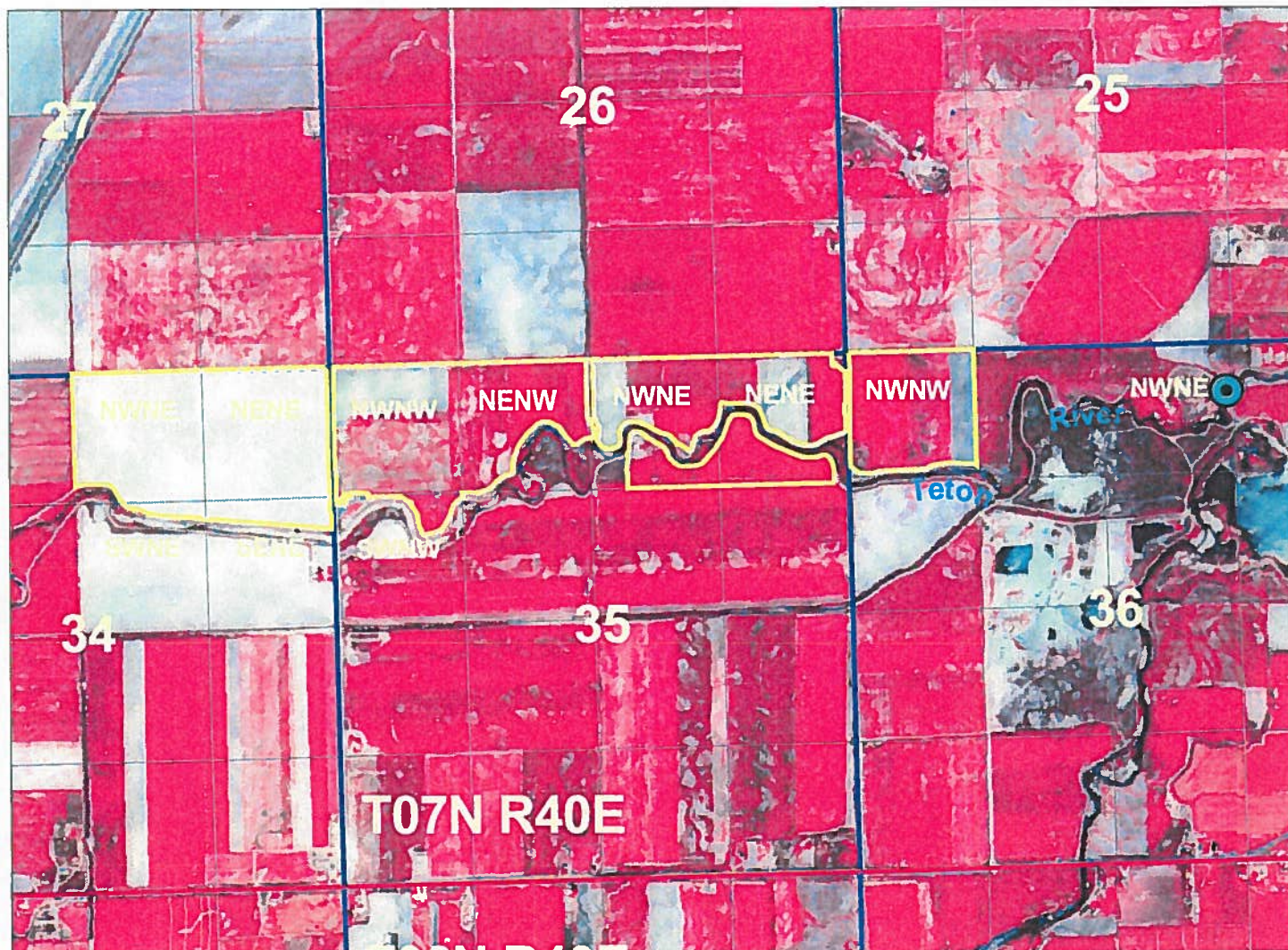
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Department of Water Resources

Eastern Region

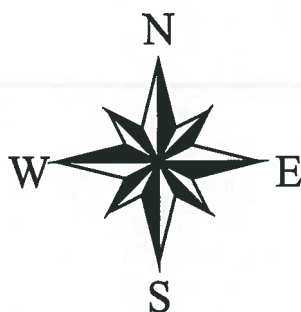


Claim No.: 22-454, 22-455, & 22-658



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: December 2005

SCANNED
AUG 08 2007

12/19/2005

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-455

PINCOCK BYINGTON DITCH CO

6245 E HWY 33

TETON ID 83451

Telephone Number: (208)458-4486

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: ~~no~~ changes need to be made.

DATE: 8 Dec 2006 SIGNATURE: Ray Crain
Please print your name: Ray Crain

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

SCANNED

AUG 08 2007

je

NOTES

12-19-05

Permissible POW 22-454, 22-455, and 22-658.

22-454 Rexburg decree 14 cfs Teton River

22-455 Rexburg decree 212 cfs Teton River

22-658 Aberdeen Springfield vs. Henry Eagle 38 cfs Teton River

Quantities claimed are decreed quantities. However Monthly diversion 1950-2000 shows that only up to 40 cfs has been diverted through the headgate. Therefore limiting combined use to 40 cfs.

Could not find 267 ac as claimed. Only 257 ac.

SCANNED

AUG 08 2007

#46

Phillips, Thomas H.

(See Robert Blamires.)

~~1 0605~~ 22 0453
~~1 0605~~ 22 0454
~~1 0605~~ 22 0455
Pine Creek
Canal Company
Pincock-Byington
Ditch Company
Pincock-Byington
Ditch Company

1100
1,000 inches. June 1, 1902. Pine Creek.
700 inches. April 1, 1898. Teton River.
356 inches. Mch 1, 1884. Teton River.

Pincock, George A.

(See Martin L. Bird &
Pincock-Byington
Ditch Company.)

~~1 0605~~ 22 0456
~~1 0605~~ 22 0457
Pioneer Ditch
Company
Pioneer Ditch
Company.

900 inches. Apr. 1, 1898. Teton River.
528 inches. May 1, 1883. Teton River.

Pitkin, Colton

Roxana Canal Company.

Podlatis, Mary

Parsons Ditch Company.

Poll, William

The Farmers' Friend Canal

~~1 0605~~ 22 0458
~~1 0605~~ 22 0459
Porter, John
Poulson, J. C.

75 inches. June 15, 1897. Trail Creek.
130 inches. June 1, 1898. North Leigh Creek.
40 inches. June 1, 1903. Trail Creek.

~~1 0605~~ 22 0460
~~1 0605~~ 35 0024
Powell, W. J.
Preston, W. A.

200 inches. Apr. 22, 1895. Boone Creek.
80 inches. June 1, 1899. Teton Creek.

~~1 0605~~ 22 0461
~~1 0605~~ 22 0462
Price, J. W.
Priestly, W. W.

60 inches. June 1, 1899. Badger Creek.
160 inches. June 1, 1901. Little Badger Creek.

~~1 0605~~ 22 0463
~~1 0605~~ 35 0025
Pugmire, G. Y.

200 inches. May 1, 1903. McFucker Springs.

~~1 0605~~ 21 0086
Quivey, Joseph Z.

320 inches. July 15, 1904. Targus Creek.

~~1 0605~~ 22 0464
~~1 0605~~ 22 0465
Rasmussen, George

30 inches. June 1, 1898. Badger Creek.

~~1 0605~~ 22 0466
~~1 0605~~ 22 0467
Rasmussen, George

30 inches. June 1, 1902. Badger Creek.

~~1 0605~~ 22 0468
Rasmussen, George

20 inches. June 1, 1898. Badger Creek.

40 inches. June 1, 1900. Badger Creek.

40 inches. June 1, 1902. Badger Creek.

Rasmussen, George

(See J. H. Riley.)

Raymond, S. V. & V. S.

Anderson Canal Company.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

22-454
~~22-455~~
21-658

Crai000

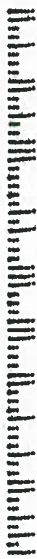
PINCOCK BYINGTON DITCH CO
C/O DEAN CRAIN
HC 60 BOX 1199
TETON ID 83451



1520 U.S. POSTAGE PB3523907
8996\$00.370 MAR 02 2004
0918 MAILED FROM ZIP CODE 83402

CHAI000 TO 834512004 1603 05 03/04/04
RETURN TO SENDER
CRAIN
2027 E 100 N
TETON ID 83451-5004
RETURN TO SENDER

83402/1700



SCANNED

AUG 08 2007

GPS
TAG



Pincock-Byington Canal, Looking S.E.

GPS File - PINCOCK, GPS TAG # - A0000285

GPS data - 2686085
1413222

C/O Ray Crain - Director
458-4486

SCANNED
AUG 08 2007

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 22-455

Date Received:
Receipt Nos:
Received By:

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

Name of Claimant PINCOCK BYINGTON DITCH CO
6245 E HWY 33
TETON, ID 83451
(208)458-4486

Priority Date: 03/01/1884
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	7.12 CFS	
Recharge for Irrigation	04/01	10/31	7.12 CFS	
Total Diversion			7.12 CFS	

Location of Point(s) of Diversion:

TETON RIVER NENWNE Sec. 36 Township 07N Range 40E FREMONT 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.

- 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
1. C18 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.

- Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho
2. C05 Code.

- The rights listed below are limited to the irrigation of a combined total of 256.9 acres in a
3. E56 single irrigation season. Combined Right Nos.: 22-454, 22-455, and 22-658.

4. F01 Water is delivered through Pincock Byington Ditch.

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)

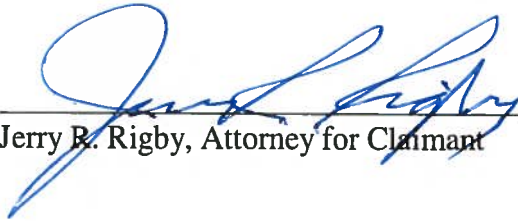
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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.



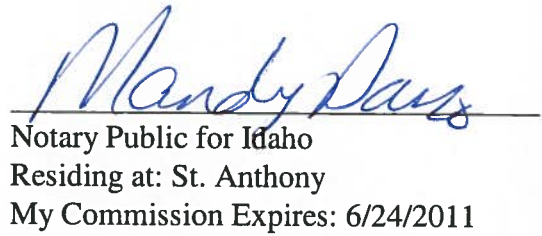
Jerry R. Rigby, Attorney for Claimant

STATE OF IDAHO,)

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.



Residing at: St. Anthony

My Commission Expires: 6/24/2011

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: A22-00455
Date Received: 7/29/1988
Receipt No: E000948
Received By: KCW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PINCOCK-BYINGTON DITCH CO. 208-458-4480
Address: C/O DEAN CRAIN
HC 60 BOX 1199
TETON CITY, ID 83451

2. Date of Priority: MAR 01, 1884

3. Source: TETON RIVER Trib. to: HENRYS FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	40E	36	NE	NW	NE		FREMONT

5. Description of diverting works:
HEADGATE TO PINCOCK-BYINGTON DITCH FOR FLOOD & SPRINKLER IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	11/01	7.120		

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

8. Total consumptive use is 667.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07N	40E	34	NE	NE		IRR	39.0
			NW	NE		IRR	39.0
			SW	NE		IRR	3.0

A22-00455

Page 1

Date: 07/29/88

SCANNED

MICROFILMED 0820

NOV 05 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	40E	34	SE	NE		IRR	8.0
						Section Acres	89.0
		35	NE	NE		IRR	34.0
			NW	NE		IRR	33.0
			NE	NW		IRR	28.0
			NW	NW		IRR	38.0
			SW	NW		IRR	8.0
						Section Acres	141.0
		36	NW	NW		IRR	37.0
						Section Acres	37.0
						Total Acres	267.0

11. Place of use in counties: MADISON, FREMONT

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

13. Other Water Rights Used:
A22-00454/00658

14. Remarks:
P/D PINCOCK BYINGTON CANAL
SOURCE AKA TETON RIVER, NORTH FORK

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

REXBURG IRRIGATION CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO. ET A
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 / wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of Peacock Byington, that I have signed the foregoing document in the space below as President of Peacock Byington and that the statements contained in the foregoing document are true and correct.

Dean Craig
Signature of Authorized Agent

President
Title and Organization

July 29, 1988
Date

State of Idaho)
County of Donnerville) SS.

Subscribed and sworn (or affirmed) before me this 29th day

of July 19 88

Colleen Wray
Notary Public

Seal

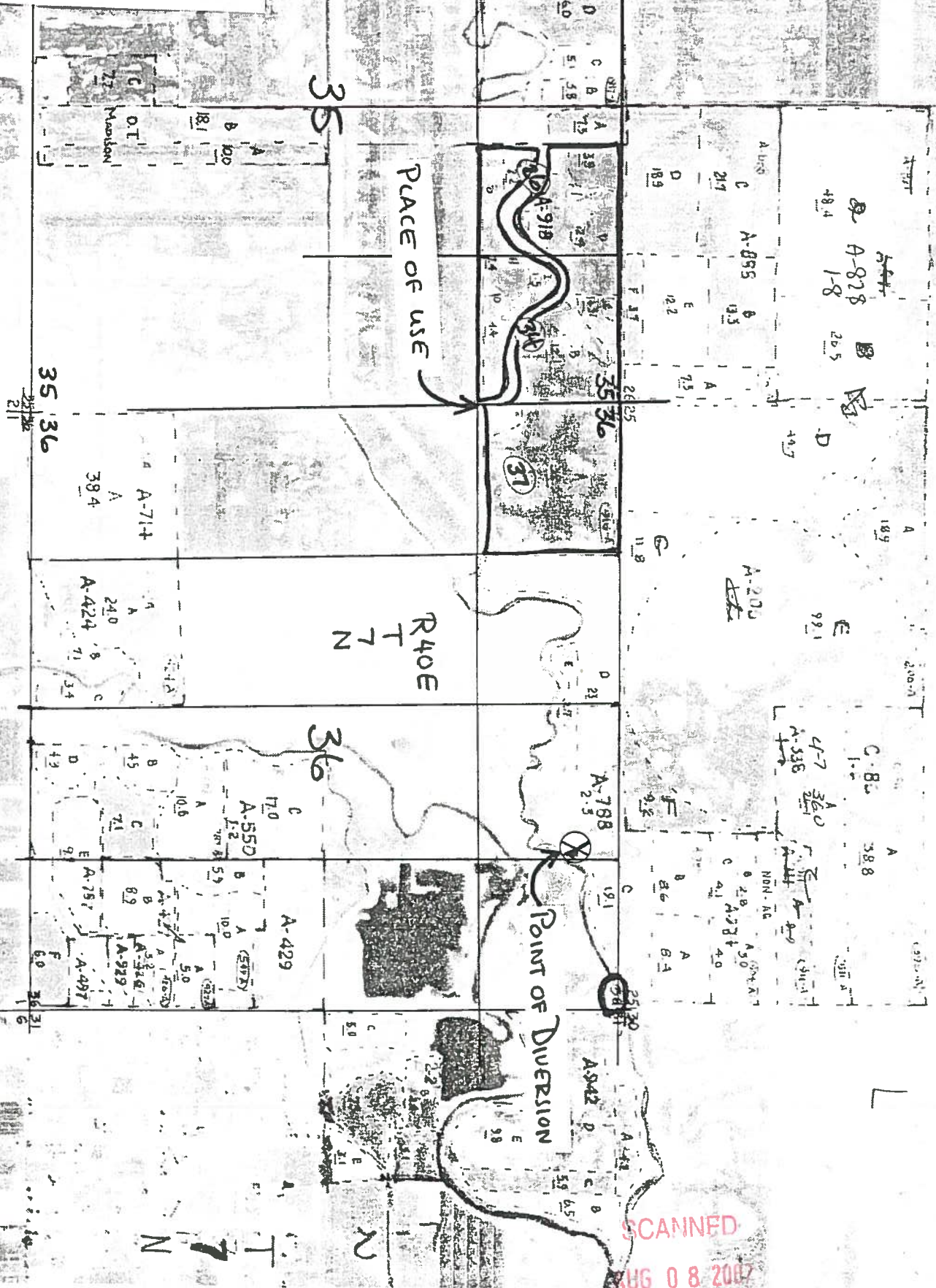
Residing at Idaho Falls
My Commission Expires 5/29/1991

NOT TO SCALE

A22-00455

NOV 05 1992

R-40-E



SCANNED
AUG 08 2001

A 22-00455

10 000 FE

441

442

42' 30"

444

445

R40E

446

R41E 40

luced by cal Survey
operation with the Soil Conservation Service

photograph prepared from 1:78 000-scale
1 photographs taken August 5, 1976

ction and 10,000-foot grid ticks: Idaho coordinate

R40E

T7N

PLACE OF USE

Point of Diversion

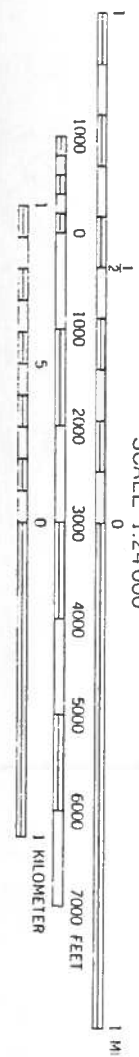
T7N
T6N

34

35

36

NOV 5 1992



12/01/2006

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

RIGHT NUMBER: 22-455

NAME AND ADDRESS: PINCOCK BYINGTON DITCH CO
6245 E HWY 33
TETON ID 83451

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 7.120 CFS

PRIORITY DATE: 03/01/1884

POINT OF DIVERSION:

T07N R40E S36 NENWNE 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	7.120 CFS

PLACE OF USE: IRRIGATION in FREMONT County and MADISON County

T07N R40E S34	NENE	39.00	T07N R40E S34	NWNE	38.00
T07N R40E S34	SWNE	2.50	T07N R40E S34	SENE	7.70
T07N R40E S35	NENE	33.00	T07N R40E S35	NWNE	31.00
T07N R40E S35	NENW	28.00	T07N R40E S35	NWNW	39.00
T07N R40E S35	SWNW	3.70	T07N R40E S36	NWNW	35.00

256.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 256.9 acres in a single irrigation season. Combined Right Nos.: 22-454, 22-455, and 22-658.

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

Water is delivered through Pincock Byington Ditch.

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

12/19/2005

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

RIGHT NUMBER: 22-455

NAME AND ADDRESS: PINCOCK BYINGTON DITCH CO
6245 E HWY 33
TETON ID 83451

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 7.120 CFS

The rights listed below are limited to a total combined diversion rate of 40 cfs. Combined Right Nos.: 22-454, 22-455, and 22-658.

PRIORITY DATE: 03/01/1884

POINT OF DIVERSION:
T07N R40E S36 NENWNE 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	7.120 CFS

PLACE OF USE: IRRIGATION Within MADISON County

T07N R40E S34	NENE	39.00	T07N R40E S34	NWNE	38.00
T07N R40E S34	SWNE	2.50	T07N R40E S34	SENE	7.70
T07N R40E S35	NENE	33.00	T07N R40E S35	NWNE	31.00
T07N R40E S35	NENE	28.00	T07N R40E S35	NWNW	39.00
T07N R40E S35	SWNW	3.70	T07N R40E S36	NWNW	35.00

256.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 256.9 acres in a single irrigation season. Combined Right Nos.: 22-454, 22-455, and 22-658.

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Pincock Byington Ditch.

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

Right Nos. 22-454, 22-455, and 22-658 are also diverted through point of diversion described above.