

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

RIGHT NUMBER: 22-658

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

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 18.880 CFS

PRIORITY DATE: 04/01/1939

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	18.880 CFS
PLACE OF USE:	<u>IRRIGATION in FREMONT County and MADISON County</u>		
	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:

The remainder of this right was forfeited for non-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 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

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

Water is delivered through Pincock Byington Ditch.

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 10 2007

Aberdeen Springfield vs. Henry Eagle

All in Fremont County, Idaho.

UU. PINCOCK-BYINGTON CANAL CO.

~~1 0313~~

22-0658

That Pincock-Byington Canal Co. shall have the right to divert and use 38.0 cubic feet of water per second at the following point of diversion and upon the following described lands;

Point of Diversion

Northeast Quarter of Section 36, Township 7 North, Range 40 E.B.M.

Lands to Which Appurtenant

Section 35, Township 7 North, Range 40 E.B.M., Madison County, Idaho; and Section 36, Township 7 North, Range 40 E.B.M., Fremont County, Idaho.

VV. PINCOCK-GARNER DITCH COMPANY

~~1 0314~~

22-0659

That Pincock-Garner Ditch Company shall have the right to divert and use 4.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Northeast Quarter of Section 36, Township 7 North, Range 40 E.B.M., Madison County, Idaho.

Lands to Which Appurtenant

Section 34, Township 7, N. Range 40 E.B.M., Madison County, Idaho.

WW. D. F. RICHARDS

1 0315

That D. F. Richards shall have the right to divert and use 10.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Section 36, Township 15, North, Range 43 E.B.M.

Lands to Which Appurtenant

$N\frac{1}{2}$ of the $SE\frac{1}{4}$ and $E\frac{1}{2}$ of $SW\frac{1}{4}$, Section 1, Township 14 North, Range 43 E.B.M., Fremont County, Idaho.

$E\frac{1}{2}$ East of old Highway in Section 2, Township 14 North Range 43 E.B.M., Fremont County, Idaho.

SCANNED

AUG 10 2007

MAY 13 1996

Devised w/
April 1, 1939
Priority date

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
22-465
~~22-658~~

Crai 000

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

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

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

83402/1700

|||||

SCANNED
AUG 10 2007

GPS
TAG



Pincock - Byington Canal, Looking S.E.

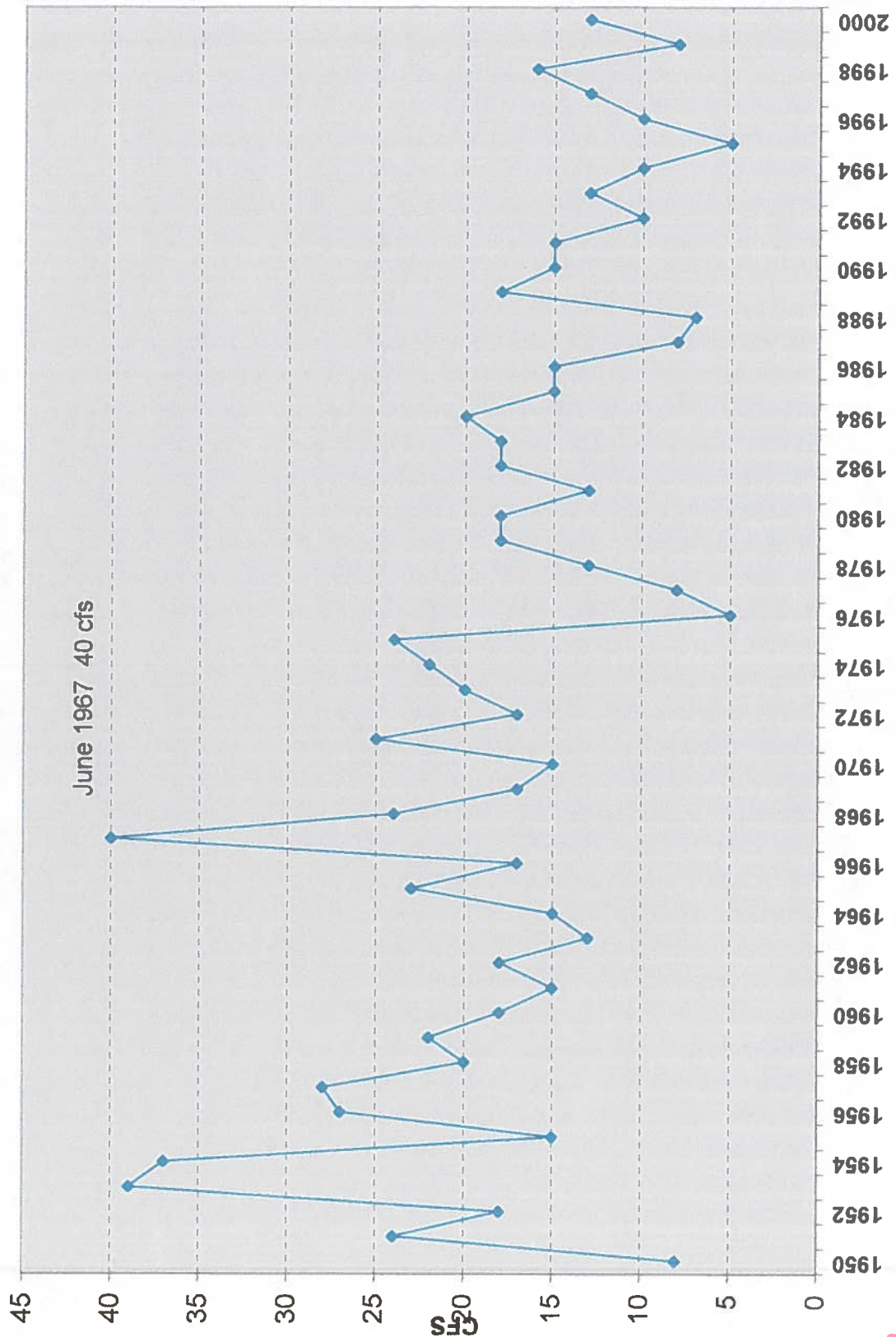
GPS File - PINCOK, GPS TAG # - AG000285

GPS data - 2686085
1413222

C/O Ray Crain - Director
458-4486

SCANNED
AUG 10 2007

MAXIMUM MONTHLY DIVERSION 1950-2000
13055205 PINCOCK-BYINGTON CANAL



SCANNED

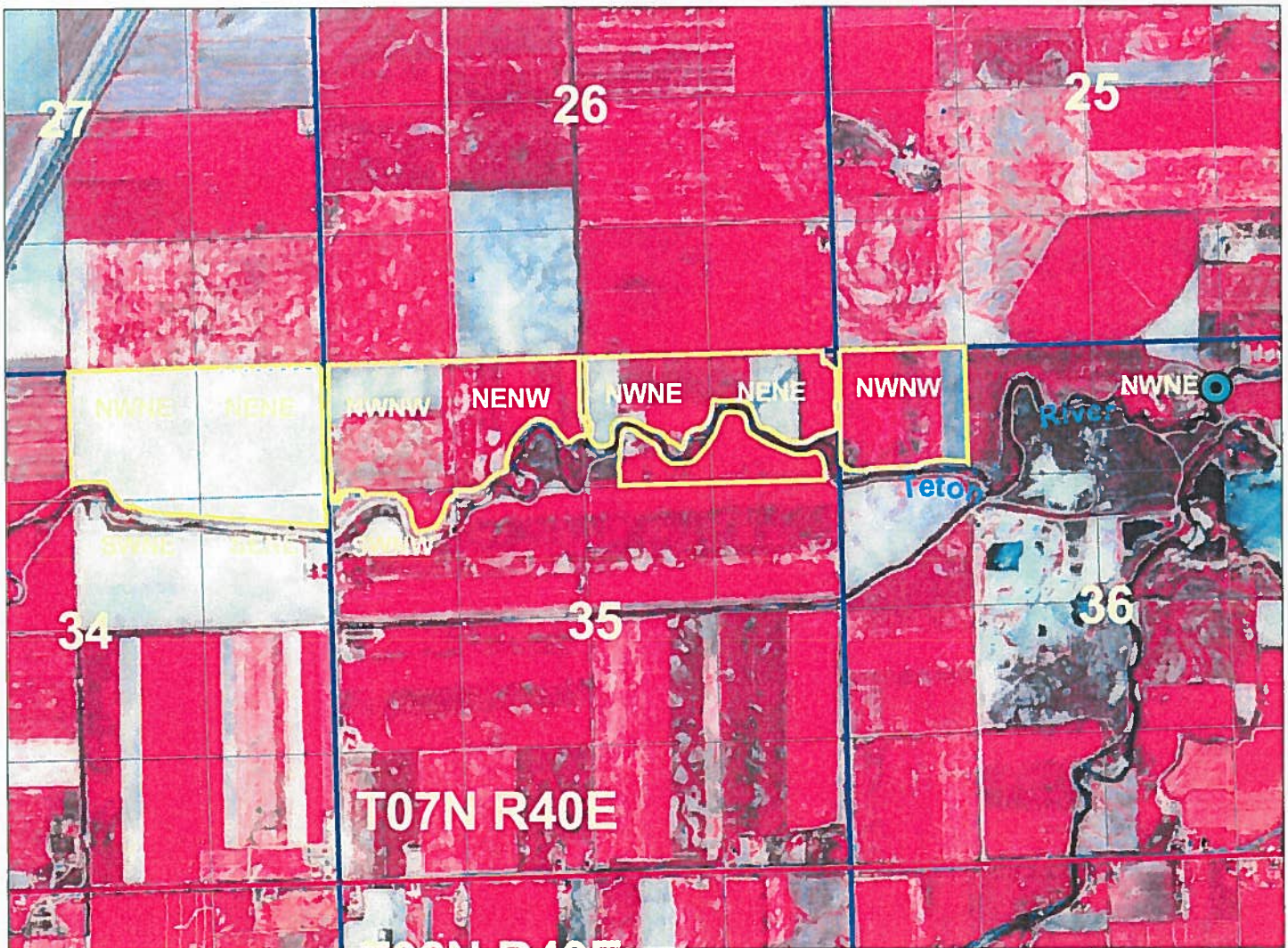
AUG 10 2007

Department of Water Resources

Eastern Region

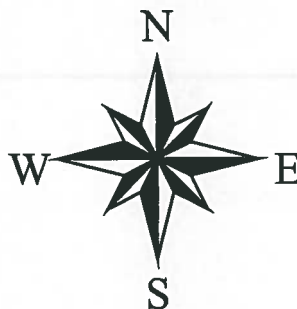


Claim No.: 22-454, 22-455, & 22-658



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 10 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 22-658

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: 04/01/1939
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	18.88 CFS	
Recharge for Irrigation	04/01	10/31	18.88 CFS	
Total Diversion			18.88 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.

1. 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.
C18
2. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
C05
3. 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.
E56
4. Water is delivered through Pincock Byington Ditch.
F01
5. The remainder of this right was forfeited for non-use.
P31

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)

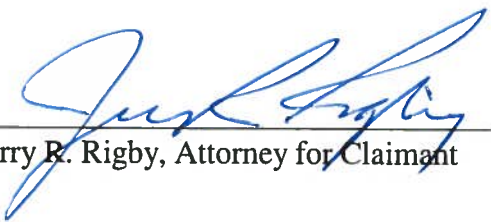
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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 foregoing document are true and correct.

DATED this 17th day of August, 2010.

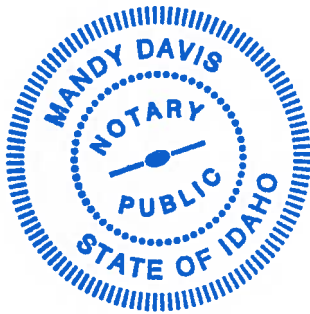


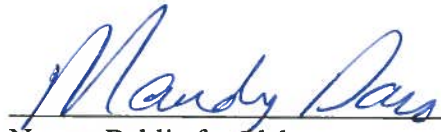
Jerry R. Rigby, Attorney for Claimant

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.





Notary Public for Idaho
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: A22-00658
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: APR 01, 1939

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 PINCOCK-BYINGTON DITCH FOR FLOOD & SPRINKLER IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	11/01	38.000		

7. Total Quantity Appropriated is:
38.000 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

A22-00658

Page 1

Date: 07/29/88

SCANNED

AUG 10 2007

MICROFILMED

OCT 28 1992

A2200658



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:
A22-00455/00454

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

15. Basis of Claim: DECREED
Case Number: 6117
Court : 7
Decree date: 3/12/1969

ABERDEEN-SPRINGFIELD CANAL CO
Decree Plaintiff

vs HENRY EAGLE
Decree Defendant

(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.

For Organizations:

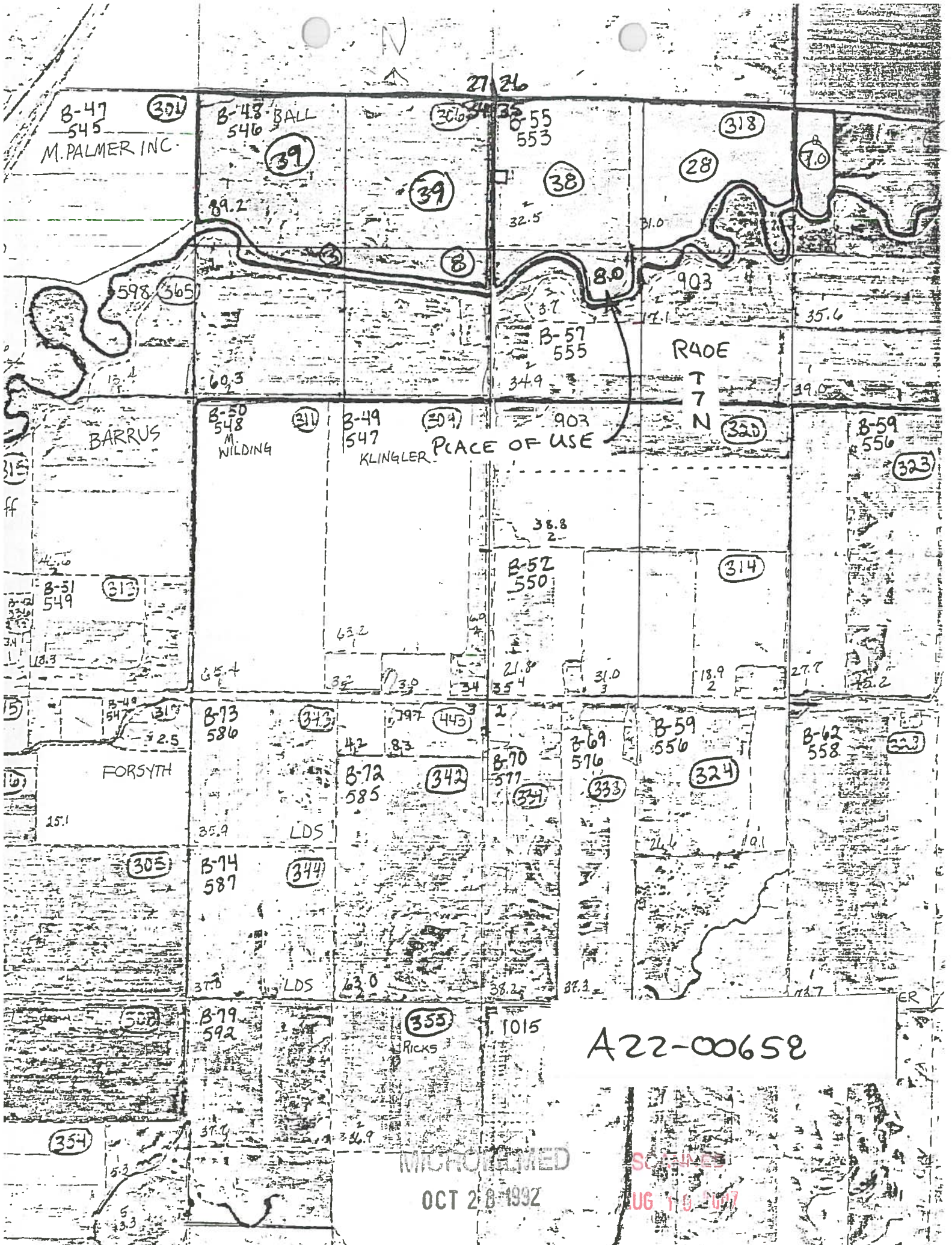
D. Sam Crow
Signature of Authorized Agent

July 29, 1988
Date

of July 19 88

e this 29th day
Callen Wray
Notary Public

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



MICROFILMED
OCT 28 1992

A22-00658

UG 10 1997

used by
 operation with the Soil Conservation Service
 photograph prepared from 1:78 000-scale
 photographs taken August 5, 1976
 and 10,000-foot grid ticks: Idaho coordinate

10 000 FE

A22-00 658 OCT 28

441

442

42' 30"

444

R40E

R41E 40'

R40E

T7N

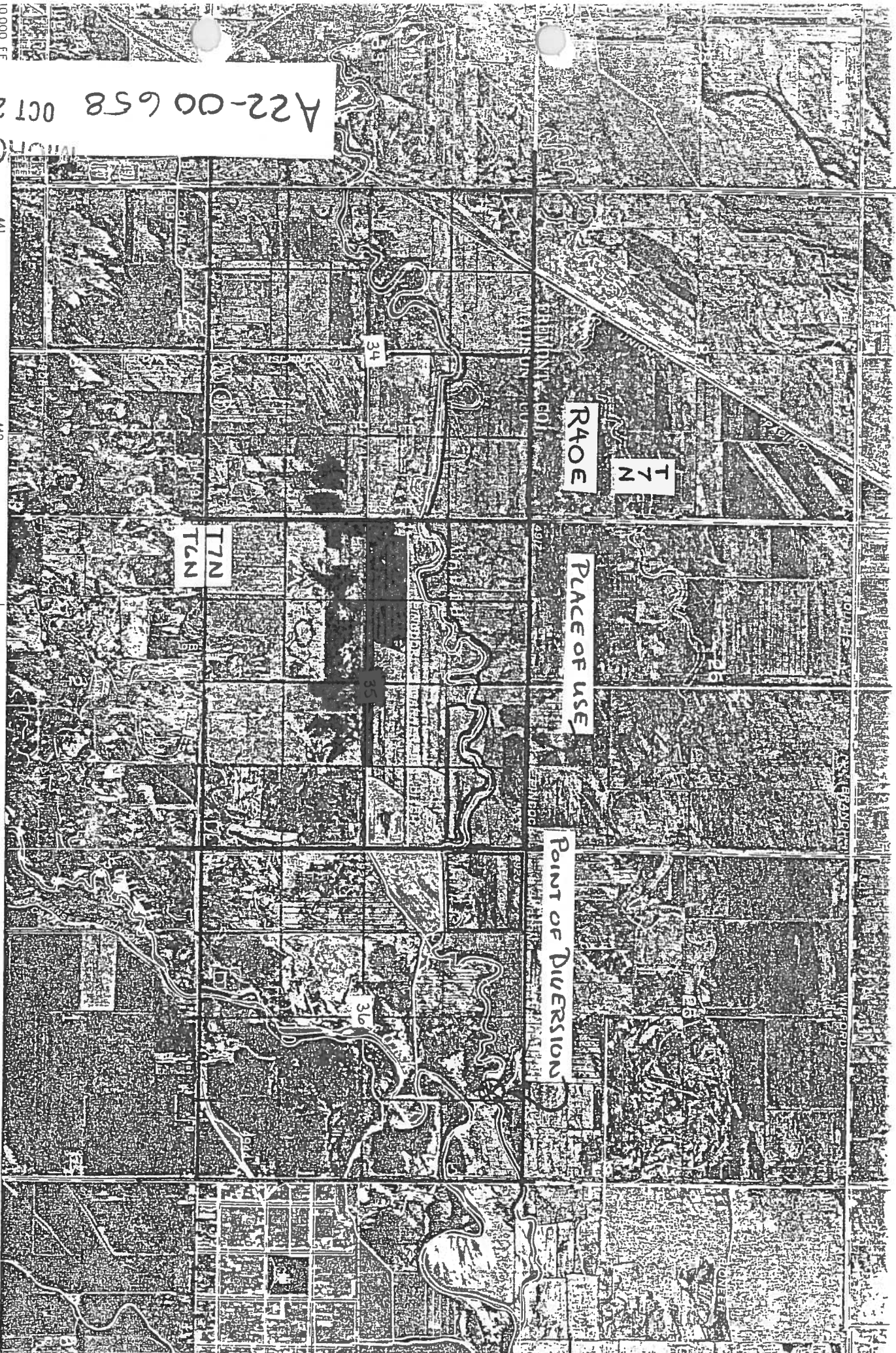
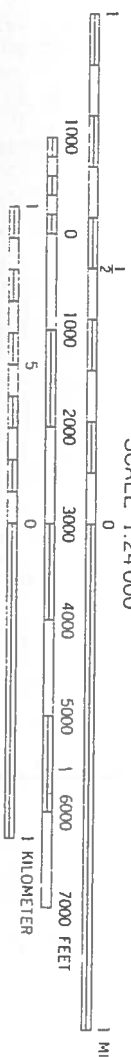
PLACE OF USE

T7N
T6N

Point of Diversion

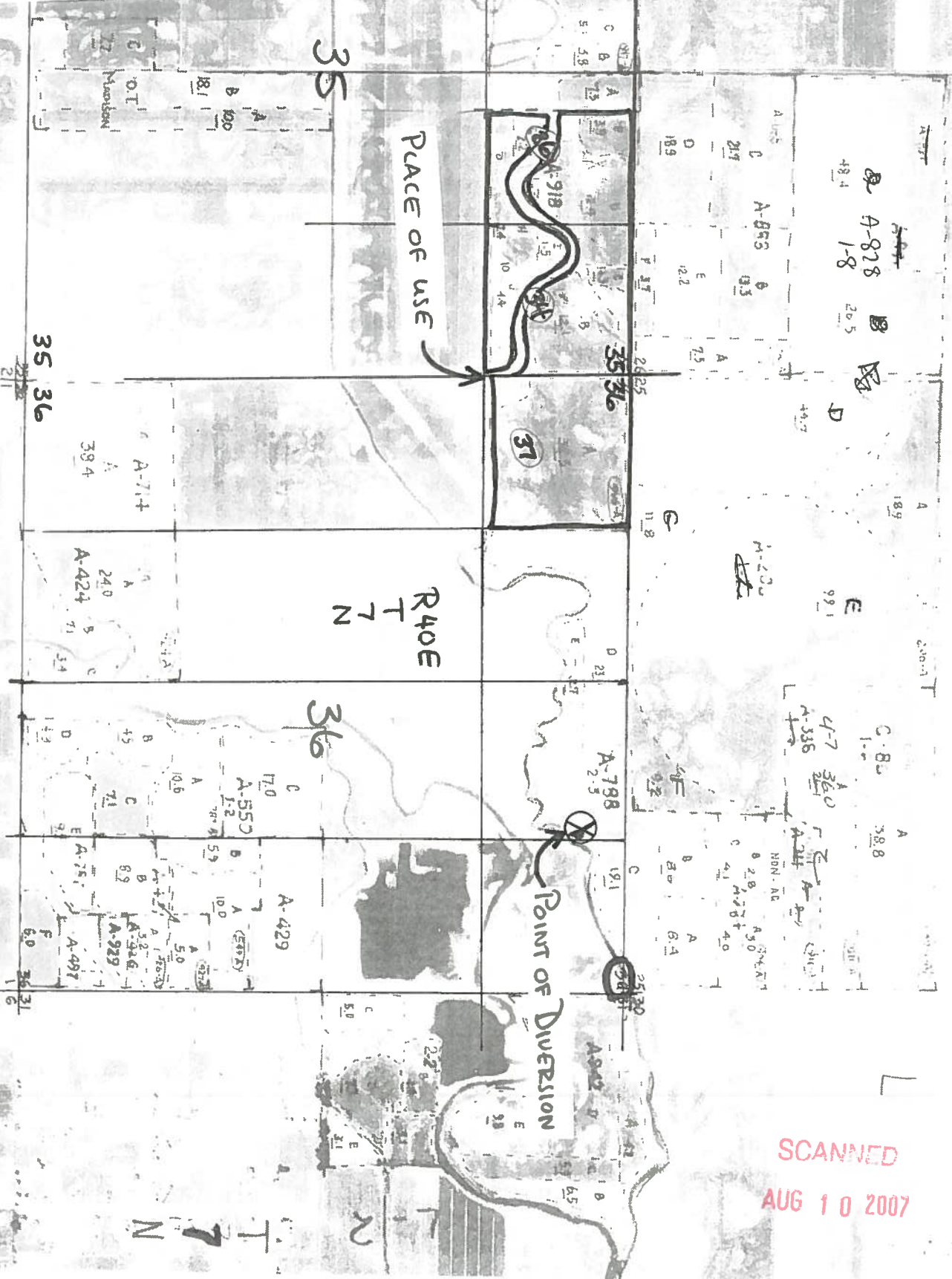
34

36



NOT TO SCALE
MICROFILMED
OCT 28 1992

A22-0065B



This map appears in error
incomplete
Land list
R-40-E

SCANNED
AUG 10 2007