

10/26/2011

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

RIGHT NUMBER: 22-10904

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: 8.880 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: 03/01/1884

POINT OF DIVERSION:

T07N R40E S36 SENW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

8.880 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.

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

This right is former right no. 1-62.

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

Water is delivered through Teton Island Feeder Canal.

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

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.

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.

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

Contacts Data Entry Form

Water Right No. A2210904

Owner Type _____ Full Name _____ Address _____ City _____ State _____ Zip _____ Phone _____
Current Owner PINCOCK GARNER DITCH ASSOCIATION 7 George Bischoff
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:

DECREE REYBURN IRRIGATION VS TETON IRRIGATION 16-12-1910
DECREE TO MARTIN L. BIRD, F.W. GARNER &
GEORGE. A PINCOCK. 444" 8.88 CFS PRIORITY
DATE 1 MARCH 1884 FOR THE PINCOCK GARNER DITCH.
UNDER THE CLAIM # 01-00062 ← OLD # REMARK
NO SRBA CLAIM FILED FOR 01-00062.

Right Incorrectly Coded in Basin 01 CLAIM Renumbered
TO BASIN 22

Other Water Rights used 01-0063, A220207,
A22, 0631

THIS IS NOT A BASIN 22 RIGHT. SEE TR# 5689, 24 APRIL 2000.
RENUMBER TO 01-00062.

FE pop/pop, pop/pop, conveyance system

Reviewer: _____

Date: _____

SCANNED

AUG 10 2007

Birch, Mary H.,
Admx. Estate of
Samuel Stewart,
deceased; and
Birch, Mary H.,

(See Stewart, Samuel,
deceased, Mary H.
Birch, Admx.)

0062✓

Bird, Martin L.,
F. W. Garner &
Geo. A. Pincock

444 inches. March 1, 1884.

Pincock-Garner Ditch. ✓

0063✓

Bird, Martin L.,
F. W. Garner &
Geo. A. Pincock

800 inches. Apr. 1, 1898.

Pincock-Garner Ditch. —

~~0064~~ 21 0023✓

Bishop, J. B.

300 inches. May 10, 1889.

Sheridan Creek. Trans #176-545

~~0065~~ 21 0024✓

Bishop, Jennie

300 inches. May 10, 1889.

Sheridan Creek. Trans #177-545-50

~~0066~~ 21 0025✓

Bishop Mary M.

150 inches. May 10, 1889.

Sheridan Creek. Trans #178-545

~~0067~~ 21 0026✓

Bishop R. L.

150 inches. May 10, 1889.

Sheridan Creek. Trans #177-545-5

~~0068~~ 21 0027✓

Bishop T. J.

150 inches. May 10, 1889.

Sheridan Creek. " #545-592

Bithell, Alice

(Dismissed.)

Bithell, Heber

The Sunny Bell Irriga-
tion Canal Company. ✓

~~0069~~ 25-0256✓

Bliton, W. S.

300 inches. June 1, 1890.

Spring Creek, near Menan,

~~0070~~ 22 0171✓

Black, Joseph A.

150 inches. June 1, 1898.

South Leigh Creek.

Blackburn, Thomas

Trego Ditch Company. ✓

~~0001~~✓
Blackfoot
Irrigation
Company.

~~4-0094~~

20,000 inches. July 10, 1889. ✓

Snake River. Trans #264-271, 1714
268-274-273-

~~0071~~ 22 0172✓

Blair, Ed. F.

160 inches. June 1, 1896.

Trail Creek.

~~0072~~ 22 0173✓

Blair J. J.

120 inches. May 1, 1896.

Spring Creek.

~~0073~~ 22 0174✓

Blamires, Robert,

and C. J. Burton,

W. S. Burton, and

Thomas H. Phillips

640 inches. June 1, 1891.

Badger Creek, and
Springs on land
of T. A. Phillips.

TRANS # 1919

EXCERPT FROM:
RUBEN BARRIS vs TOTORO BARRIS, 1910

SCANNED

AUG 10 2007

Priority Date Data Entry Form

Claim Number: A2210904

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 1 MARCH 1884 Claimed Basis: DACKEDRecommended Priority Date: 1 MARCH 1884 Recommended Basis: DACKED☐ 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 Dacked

Reviewer: _____

Date: _____

SCANNED

AUG 10 2007

Point of Diversion and Source Data Entry Form

Claim Number: 12210904

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T 2N, R 40E, Sec. 36, NW, SE, NW. County: MADISON

Source: TETON RIVER Tributary: SNAKE RIVER, Henry's Fork

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

POD NOT SPECIFIED BY DECREE, TRIB. TO HENRY'S FORK

Transfers Changing POD _____

Reviewer: _____

Date: _____

SCANNED

AUG 10 2007

Place Of Use Data Entry Form

Claim Number: A2210904 Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
7N	40E	34	SWNE		Madison		35	Irrigation
"	"	"	SENE		"		25	"
"	"	35	SWNE		"		37	"
"	"	"	SENE		"		37	"
"	"	"	SWNW		"		22	"
"	"	"	SENW		"		35	"

Total Acres

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres

Document how the POU was verified:

SEE FOLLOWING PAGE TOO!Transfers Changing POU Reviewer: Date:

SCANNED
AUG 10 2007

Place Of Use Data Entry Form

Claim Number: 12210904☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
714	40E	35	NESE		Madison		38	Irrigation
11	11	11	NWSE		"		37	"
11	11	11	SWSE		"		37	"
11	11	11	SESE		"		28	"

Total Acres 381

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

POU NOT SUBMITTED BY DUE DATE

Transfers Changing POU _____

Reviewer: _____

Date: _____

SCANNED
AUG 10 2007

Period of Use and Quantity Data Entry Form

Claim Number: A 2210904☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<u>Irrigation</u>	<u>4/1</u>	<u>11/1</u>		

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<u>Truck</u>	<u>4/1</u>	<u>10/31</u>		

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

IDWR STD. 504. 4/1 - 10/31

Reviewer: _____

Date: _____

SCANNED
AUG 10 2007

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 27 2000

Department of Water Resources
Eastern Region

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

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>
<i>22-16904</i> Right No. 01-00062 : IRRIGATION Priority: 03/01/1884	04/01 to 10/31	8.88 CFS	1158.5 AF
<i>22-10906</i> Right No. 01-00063 : IRRIGATION Priority: 04/01/1898	04/01 to 10/31	16.00 CFS	1158.5 AF
Right No. 22-00207 : IRRIGATION Priority: 05/15/1898	04/01 to 10/31	3.20 CFS	280.0 AF
Right No. 22-00659 : IRRIGATION Priority: 04/01/1939	04/01 to 10/31	4.00 CFS	1158.5 AF
TOTAL:		* 32.08 CFS	* 1158.5 AF

SOURCE

TETON RIVER

TRIBUTARY OF

HENRYS FORK

LOCATION OF POINT(S) OF DIVERSION:

SENEW , 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	
			SENE 35	NESE 38	NWSE 37	
			SWSE 37	SESE 28		271

Total number of acres irrigated: * 331 **

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5689

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Pincock-Garner Ditch Assoc. Phone 458-4216Post Office address c/o Wayne S. Ward 3976 N. 5000 E. Sugar City, ID
83448

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes We want to change our point of
diversion to the headworks of the Teton Island Canal,
Feeder Canal

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>01-00062</u>	<u>3-01-1884</u>	<u>8.88 cfs</u>	<u>Irrigation</u>	<u>4/01</u> to <u>11/01</u>
<u>01-00063</u>	<u>4-01-1898</u>	<u>16.00 cfs</u>	<u>"</u>	to _____
<u>22-00207</u>	<u>5-15-1898</u>	<u>3.20 cfs</u>	<u>"</u>	to _____
<u>22-00659</u>	<u>4-01-1939</u>	<u>4.00</u>	<u>"</u>	to _____

2. Total amount of water being transferred 32.08 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Teton River tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SE	NW	36	7N	40E	Fremont	Teton Island Canal

5. 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	
7N	40E	34			35	25													60
		35			37	37			22	35					38	37	37	28	271

Total Acres 331

6. General Information:

a. Description of diversion system Headgate of Teton Island Canal
to redirection pumps to ditches.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
NA Yes NA No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or

contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N.A.

d. Remarks:

Since all the rights come from the Teton River (Basin 22), rt 01-00063 was
claimed as A22-10906 + rt 01-00062 claimed as A22-10904

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____

For the Director

PART 2

TRANS NO. 5689

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 01-00062

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	8.88 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
TETON RIVER, SOUTH FORK	TETON RIVER

Priority: 03/01/1884

LOCATION OF POINT(S) OF DIVERSION:SWNE , Sec. 36, Township 07N, Range 40E
FREMONT CountyPLACE OF USE:

IRRIGATION

				NE				NW				SW				SE																		
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
07N	40E	34	:	I		I																												
07N	40E	35	:			I								I												I				I				

CONDITIONS/REMARKS:

1. RT. CARRIED IN PINCOCK-GARNER DITCH.
2. SOURCE DETERMINED FROM USGS QUAD MAP.
3. P/D NOT GIVEN IN DECREE, SOURCE USGS QUAD MAP.
4. TRANSCRIBED VERSIONS OF THE DECREE INCORRECTLY DESCRIBE MARTIN L. BIRD'S PROPERTY AS THE SE1/4, S25, T07N, R40E. THE ACTUAL DECREE CORRECTLY DESCRIBES HIS PROPERTY AS THE SE1/4, S35, T07N, R40E. FREDRICK W. GARNER'S PROPERTY WAS DESCRIBED AS THE S1/2, NW1/4 & S1/2, NE1/4, S35, T07N, R40E. THE PROPERTY FOR GEORGE A. PINCOCK WAS DESCRIBED AS THE NE1/4, S34, T07N, R40E.
5. THE PINCOCK GARNER DITCH SERVICES ALL OF MARTIN BIRD'S PROPERTY. IT ALSO SERVICES PORTIONS OF THE PROPERTY LISTED FOR FREDRICK GARNER & GEORGE PINCOCK SITUATED SOUTH OF THE NORTH FORK, TETON RIVER.

Describe any other water rights used for the same purpose as described above:

Water Right No. 01-00062

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? no If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 01-00063

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	16.00 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
TETON RIVER, SOUTH FORK	TETON RIVER

Priority: 04/01/1898

<u>LOCATION OF POINT(S) OF DIVERSION:</u>	
	SWNE , Sec. 36, Township 07N, Range 40E FREMONT County

PLACE OF USE:

IRRIGATION

			NE				NW				SW				SE						
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE			
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
07N	40E	34	I		I		I		I												
07N	40E	35			I		I				I		I				I		I		

CONDITIONS/REMARKS:

1. RT. CARRIED IN PINCOCK-GARNER DITCH.
2. SOURCE DETERMINED FROM USGS QUAD MAP.
3. P/D NOT GIVEN IN DECREE, SOURCE USGS QUAD MAP.
4. TRANSCRIBED VERSIONS OF THE DECREE INCORRECTLY DESCRIBE MARTIN L. BIRD'S PROPERTY AS THE SE1/4, S25, T07N, R40E. THE ACTUAL DECREE CORRECTLY DESCRIBES HIS PROPERTY AS THE SE1/4, S35, T07N, R40E. FREDERICK W. GARNER'S PROPERTY WAS DESCRIBED AS S1/2, NW1/4 & S1/2, NE1/4, S35, T07N, R40E.
5. THE PROPERTY FOR GEORGE A. PINCOCK WAS DESCRIBED AS THE NE1/4 S34, T07N, R40E.
6. THE PINCOCK GARNER DITCH SERVICES ALL OF MARTIN BIRD'S PROPERTY. IT ALSO SERVICES PORTIONS OF THE PROPERTY LISTED FOR FREDERICK GARNER & GEORGE PINCOCK SITUATED SOUTH OF THE NORTH FORK, TETON RIVER.

Describe any other water rights used for the same purpose as described above:

Water Right No. 01-00063

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? no If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 22-00207

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	to	3.20 CFS	1.6 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
TETON RIVER, SOUTH FORK	HENRYS FORK

Priority: 05/15/1898

LOCATION OF POINT(S) OF DIVERSION:SWSE , Sec. 36, Township 07N, Range 40E
MADISON CountyPLACE OF USE:

IRRIGATION

				NE				NW				SW				SE																	
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SESW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE		
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
07N	40E	36	:																														

CONDITIONS/REMARKS:

1. P/D WD01 RECORDS.

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? no If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

PART 2

TRANS NO. 5689

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 22-00659

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	4.00 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
TETON RIVER	SNAKE RIVER

Priority: 04/01/1939

LOCATION OF POINT(S) OF DIVERSION:NE , Sec. 36, Township 07N, Range 40E
MADISON CountyPLACE OF USE:

IRRIGATION

				NE				NW				SW				SE																						
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
---	---	---	:	---	---	---	---	---	---	---	---	:	---	---	---	---	---	---	---	---	:	---	---	---	---	---	---	---	---	:	---	---	---	---	---	---	:	---
07N	40E	34	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	

CONDITIONS/REMARKS:

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? no If yes, describe:

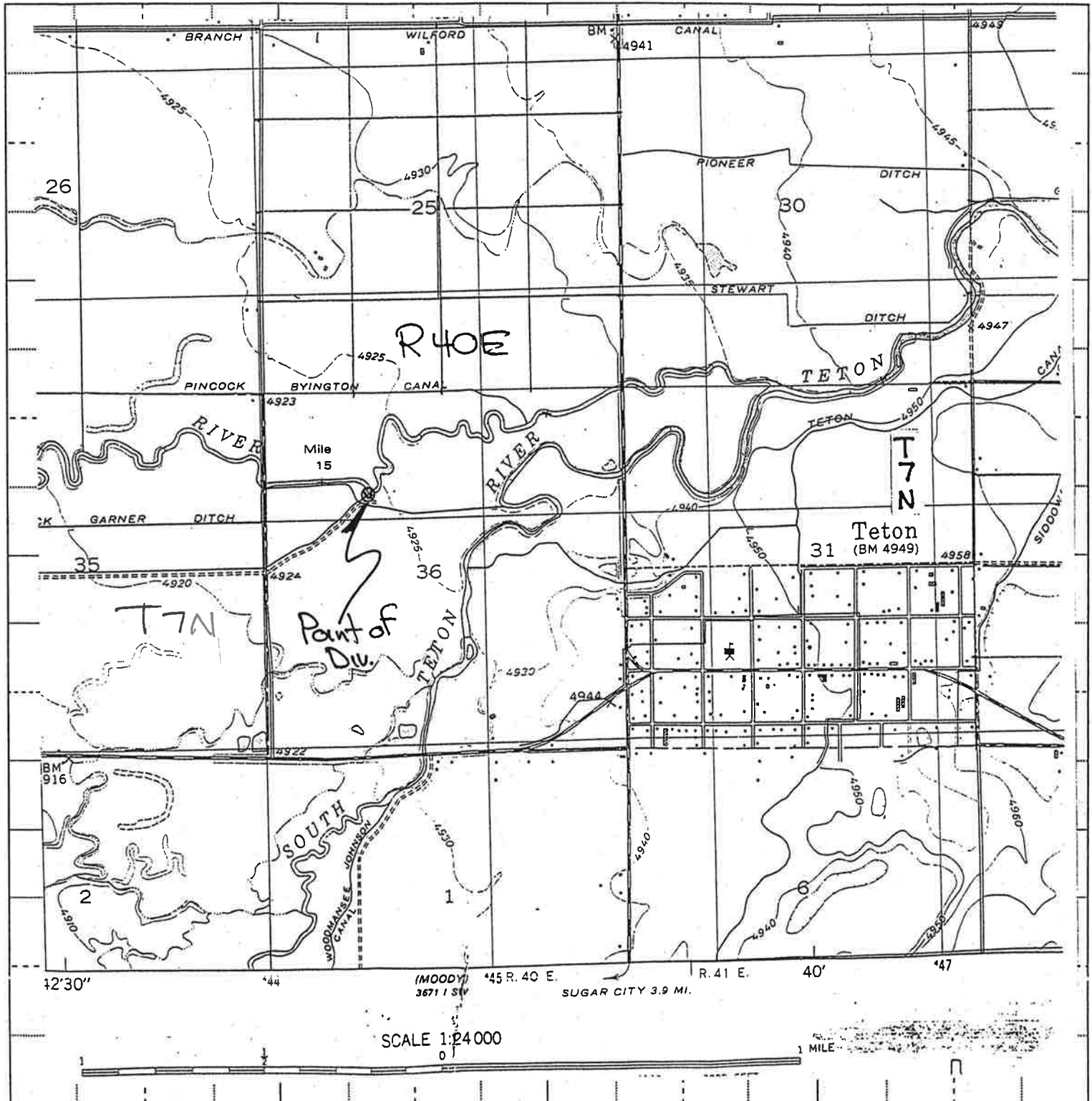
Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



Scale: 2 inches equal 1 mile. Draw plan in ink.

PART 3

B. CHANGES IN NATURE OF USE

1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Wayne S. Ward
(Signature of Applicant)

Subscribed and sworn to before me this 9th day of March, 2000.

Cassie Dawn Macker
(Notary Public)

My commission expires 5-10-2010

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and 1 attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee \$100.00

Receipted by JKC Date 3-9-00 E025658

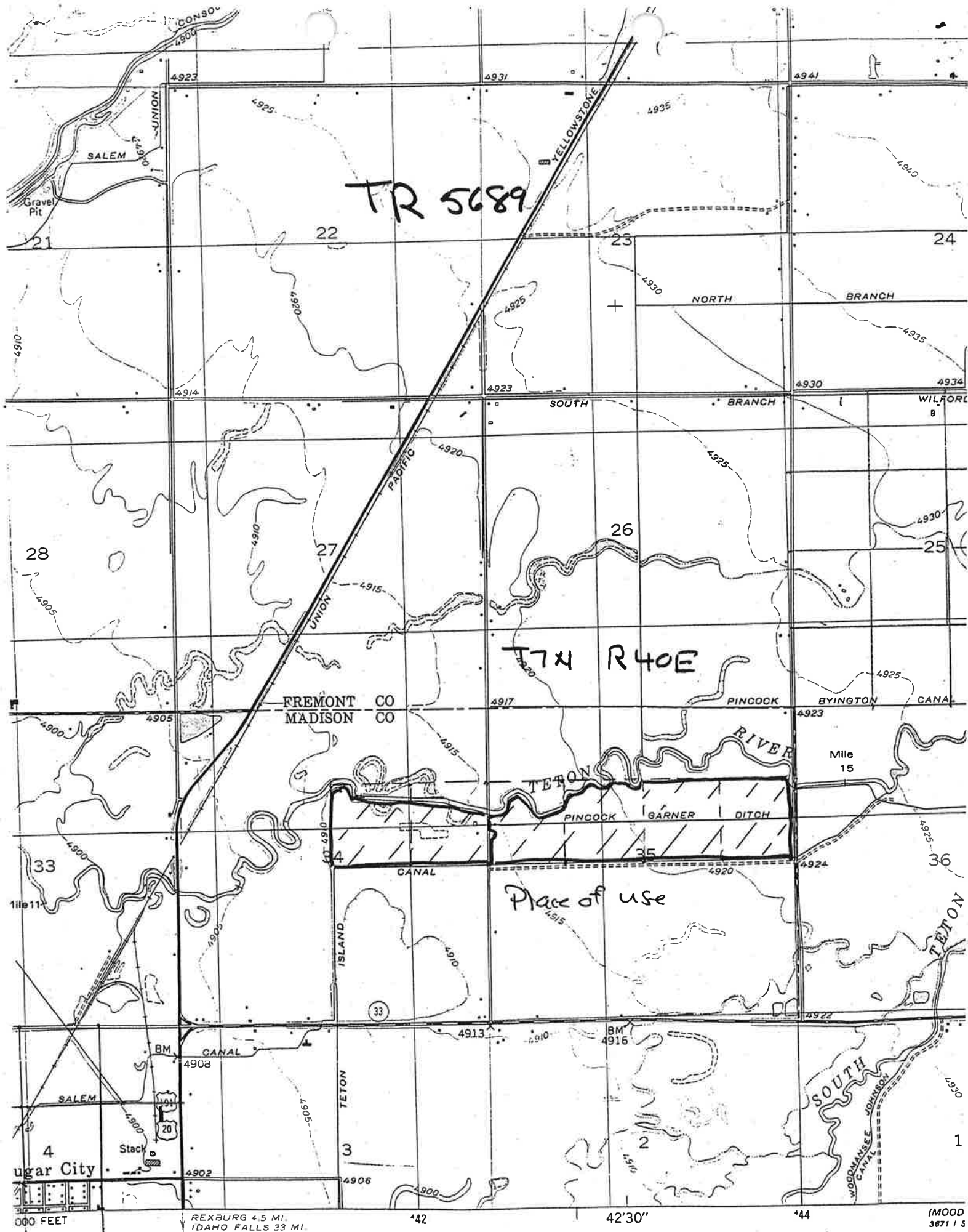
Published in Herald Chronicle, Post Register, Times Statesman, Lewiston Tribune Copies of protest forwarded by _____

Pub. Dates 3-22 & 3-29-2000 Times News Hearing held by _____ Date _____

Watermaster recommendations requested on 3-23 & 3-30-2000 Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____



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 22-10904

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: 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	8.88 CFS	
Recharge for Irrigation	04/01	10/31	8.88 CFS	
Total Diversion			8.88 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. 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.

3. Claim renumbered from 01-062 to 22-10904.

4. 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.

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

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

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

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)

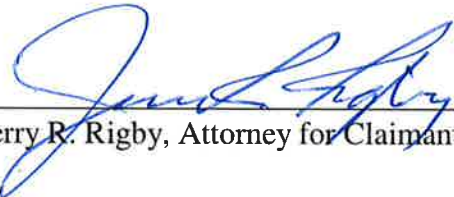
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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 Burns
Notary Public for Idaho
Residing at: St. Anthony
My Commission Expires: 6/24/2011

Notary Public for Idaho

Residing at: St. Anthony

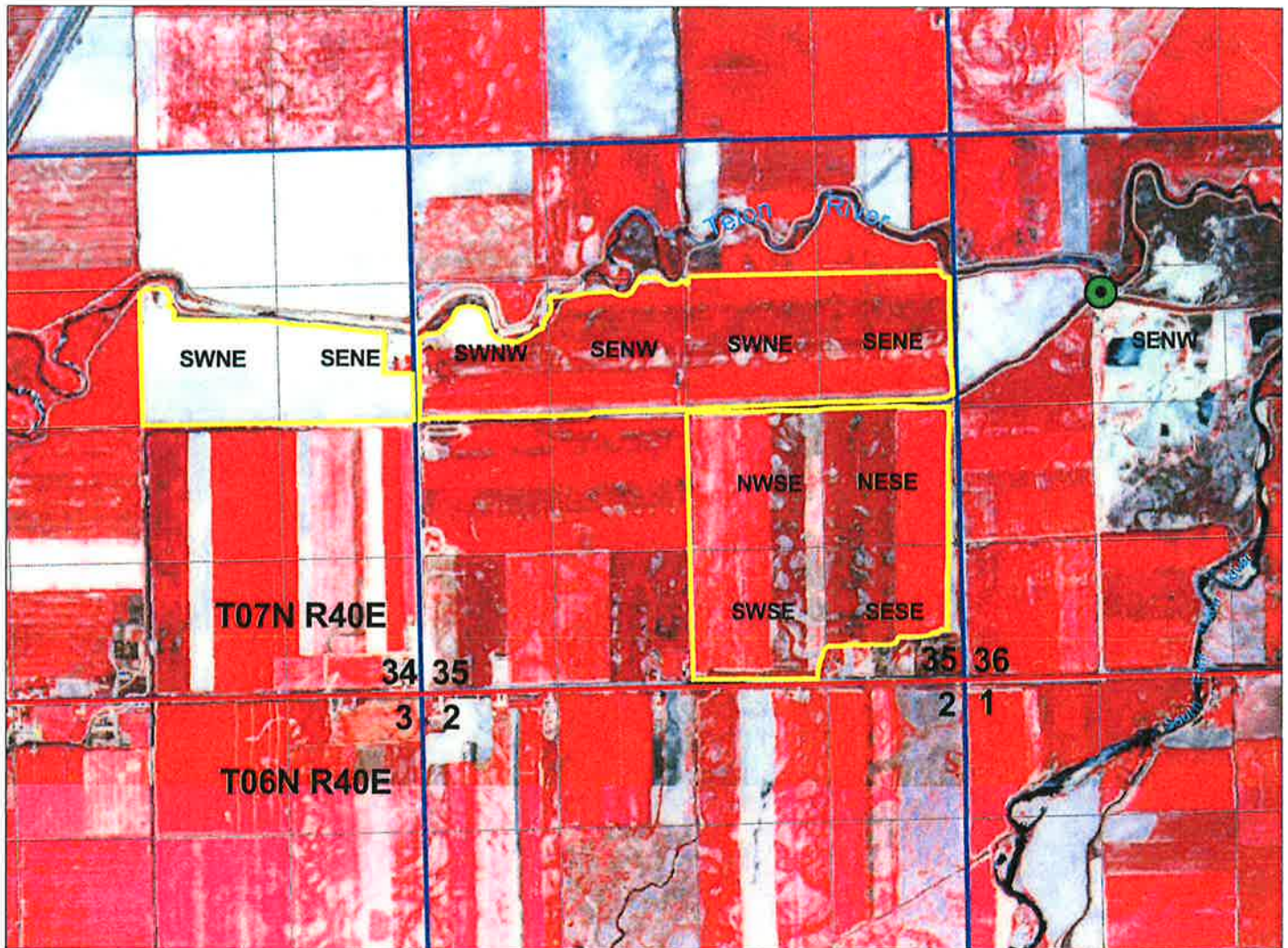
My Commission Expires: 6/24/2011

Department of Water Resources

Eastern Region

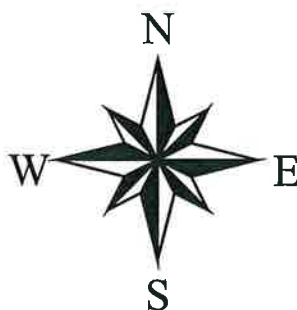


Claim No.: 22-207, 22-659, &
22-10904, 22-10906



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 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: A22-10904
Date Received: 8/15/1988
Receipt No: 6001286
Received By: SEL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: MAR 01, 1884

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 GARNER PINCOCK 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	8.880		

7. Total Quantity Appropriated is:
8.880 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

A22-10904

Page 1

Date: 08/15/88

SCANNED
AUG 10 2007

RECORDED
NOV 06 1992

A2210904



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? NO

13. Other Water Rights Used:
01-0063, 220207, 22-0631

14. Remarks:
RIGHT INCORRECTLY CODED IN BASIN 01. CLAIM RENUMBER TO BASIN
22. CLAIM REFLECTS CURRENT USE OF WATER UNDER RIGHT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRRIGATION CANAL

Decree Plaintiff

TETON IRRIGATION CANAL

Decree Defendant

vs

SCANNED
AUG 10 2007

NOV 06 1992

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: 1

For Organizations:

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

Pancoch Snake River Ditch Assoc., that I have signed the foregoing Organization document in the space below as _____ of Title

Pancoch Snake River Ditch Assoc. and that the statements contained in the Organization foregoing document are true and correct.

George Bushoff
Signature of Authorized Agent
Pres. Pancoch Snake River Ditch Assoc.
Title and Organization

8/15/88
Date

State of Idaho)
County of Benneville) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of August 19 88

Dana Green
Notary Public

Seal

Residing at Ridge
My Commission Expires 4-22-1994

4864

4863

35'

4862

4861

4860

000
FEET

4859

A22-10904
(RENO. FROM 01-0062)

R40E

POINT OF DIVERSION

PLACE OF USE

SCANNED
AUG 11 2011