

10/26/2011

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

RIGHT NUMBER: 22-10906

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: 16.000 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: 04/01/1898

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

16.000 CFS

PLACE OF USE:

331 ACRES TOTAL

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.

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.

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

10/26/2011

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

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.

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.

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

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 is former right no. 1-63.

Water is delivered through Teton Island Feeder Canal.

22-0178
 Bigler, Jesse
 22-0170

320 inches. May 1, 1893.

Moody Creek; to be reduced to 160 inches after June 20th in each year.

Bigler, Mark S.

Good Luck Canal Company and Pioneer Ditch Company.

Birch, Mary H.,
 Admx. Estate of
 Thomas Birch,
 deceased.

Pioneer Ditch Company.

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

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

01 0062

SEE ATTACHMENTS @ END OF
 THIS DECREE

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

444 inches. March 1, 1884. Pincock-Garner Ditch.

01 0063

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

800 inches. Apr. 1, 1898. Pincock-Garner Ditch.

01 0064 21 0023

Bishop, J. B.

300 inches. May 10, 1889. Sheridan Creek. Trans #176-545

01 0065 21 0024

Bishop, Jennie

300 inches. May 10, 1889. Sheridan Creek. Trans #179-545-542

01 0066 21 0025

Bishop Mary M.

150 inches. May 10, 1889. Sheridan Creek. Trans #178-545

01 0067 21 0026

Bishop R. L.

150 inches. May 10, 1889. Sheridan Creek. Trans #177-545-542

01 0068 21 0027

Bishop R. L.

150 inches. May 10, 1889. Sheridan Creek. #545-542

Bithell, Alice

(Dismissed.)

Bithell, Heber

The Sunny Dell Irrigation Canal Company.

0067 25-0156

Bitton W. S.

300 inches. June 1, 1890. Spring Creek, near Menan.

0076 22 0171

Black, Joseph A.

150 inches. June 1, 1898. South Leigh Creek.

Blackburn, Thomas

Trego Ditch Company.

01 0001

Blackfoot
 Irrigation
 Company.

4-0001

20,000 inches. July 10, 1889. Snake River. Trans #264-276, 1714, 268-274-283

01 0078 22 0172

Blair, Ed. F.

160 inches. June 1, 1896. Trail Creek.

01 0073 22 0173

Blair L. J.

120 inches. May 1, 1896. Spring Creek.

01 0074 22 0174

Bramires, 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

MICROFILMED

APR 27 2000

MAY 1 3 1996

Peterson, S. O. $E\frac{1}{2}$ of $SE\frac{1}{4}$ of Sec. 20, $N\frac{1}{2}$ of $NE\frac{1}{4}$, and
 $SE\frac{1}{4}$ of $NE\frac{1}{4}$ of Sec. 29, T. 8 N., R., 44
 E. B. M., containing 200 acres.

Phillips, L. A. $W\frac{1}{2}$ of $SE\frac{1}{4}$ and $E\frac{1}{2}$ of $SW\frac{1}{4}$ of Sec. 22, T.
 6 N., R., 45 E., B. M., containing 160
 acres.

Phillips, Thomas A. $S\frac{1}{2}$ of $SE\frac{1}{4}$ and $S\frac{1}{2}$ of $SW\frac{1}{4}$ of Sec. 9, T.
 6 N., R., 44 E., B. M., containing
 160 acres.

Phillips, Thomas H. $S\frac{1}{2}$ of Sec. 8, and $N\frac{1}{2}$ of Sec. 17, T. 6N.R
 45 E., B. M., (owned jointly with Robert
 Blamires and W. S. and C. Burton.)

Pierson, E. J. $N\frac{1}{2}$ of $SW\frac{1}{4}$ of Sec. 23, T. 1 N. R., 37 E., B.M.

Pincock-Ryington Ditch Company.

Bird, Martin L. (SEE ATTACHMENT $SE\frac{1}{4}$ of Sec. 25 T. 7 N., R., 40 E. B. M.,
 AT END OF THIS DECREE FOR
 EXPLANATION FOR CHANGE.) containing 160 acres.

Garner, Asa $N\frac{1}{2}$ of $NE\frac{1}{4}$ and $N\frac{1}{2}$ of $NW\frac{1}{4}$ of Sec. 35, T.
 7 N., R., 40 E., B. M., containing 160
 acres.

Garner,
 Frederick W. $S\frac{1}{2}$ of $NW\frac{1}{4}$, and $S\frac{1}{2}$ of $NE\frac{1}{4}$ of Sec. 35, T.
 7 N., R., 40 E., B. M., containing 160
 acres.

Pincock, George A. $NE\frac{1}{4}$ of Sec. 34, T. 7 N. R., 40 E., B. M.,
 containing 160 acres.

Pincock James, H. $NW\frac{1}{4}$ of Sec. 2, T. 6 N., R., 40 E., B. M.,
 containing 160 acres.

Pine Creek Canal Company.

Diamond X Live
 Stock Company $W\frac{1}{2}$ of Sec. 15, T. 2 N. R., 43 E., B. M.,
 containing 320 acres.

Dowd, Mrs D. F. $S\frac{1}{2}$ of $SE\frac{1}{4}$ of Sec. 5, $S\frac{1}{2}$ of $SW\frac{1}{4}$ of Sec.
 4, and $NE\frac{1}{4}$ of Sec. 8, T. 2 N., R., 43
 E. B. M., containing 320 acres.

MAY 14 1996
 APR 27 2000

Claim no. A22.10906

Claimant Contact Log

Date _____

Remarks

Agent initials

Copy of device in 22-10904

SCANNED

AUG 10 2007

Contacts Data Entry Form

Water Right No. A2210906

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	<u>Pinock Garner Ditch Assoc. 2 Geneva Bishop</u>					
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:

DACCORD Redburn Irrigation vs Teton Irrigation 16-12-1910
DACCORD TO MARTIN L BIRD, FID. GARNER & GEO. A
pinock 800" (16 CFS.) April 1
1898 pinock GARNER Ditch.
Right was Incorrectly numbered in Basin
01 Renumbered by Claim. To Basin 22.
Original. # 01-00063. OLD # Remark
THIS IS NOT A BASIN 22 RIGHT - SEE TX #5689,
24 APRIL 00. RENUMBER TO 01-00063.

FE pop/pop conveyance/system.

Reviewer: _____

Date: _____

SCANNED
AUG 10 2007

AUGUST 31, 1992

Ref. by
9-14

PINCOCK GARNER DITCH ASSO
C/O GEORGE BISHOFF, PRES
RT 1
SUGAR CITY ID 83448

RE: NOTICE OF CLAIM A22-10906

Dear Sirs:

While doing the initial comparison between computer generated Notices and hard copy Notices filed by claimants in Basin 22, it has come to our attention that a signed and notarized copy of your notice is not in our files.

Although a Notice of Claim to your water right has been data entered in our computer system, it is necessary that we have a signed and notarized Notice before we can process the Notice and make recommendations to the court. Since your name is the only one listed on the Notice, you are the one who must sign it.

I have enclosed for your convenience a typed Notice of Claim that must be signed in the presence of a Notary and returned to this department within 10 days (September 14, 1992). If the signed Notice is not returned by this date, this office will initiate procedures for refunding the filing fee paid in conjunction with the Notice of Claim form you submitted for the Snake River Basin Adjudication (SRBA).

The effect of this action will be to remove this Notice from the Department's records. Should you decide to refile this Notice once the refund has been issued, the new filing will be subject to a late fee of \$50.00

I will keep your Notice of Claim in my office until September 14, 1992. If we have not heard from you, the refund process will be initiated.

Jo

SCANNED
AUG 10 2007

RECORDED
NOV 06 1992

From: DWR03::FRITSCHLE 28-AUG-1992 16:56:51.16
To: DWR70::THOMPSON
CC: FRITSCHLE
Subj: A22-10906

Hi Jo,

Could you please check to see if the p.o.u. and/or p.o.d. is entered correctly for A22-10906. The p.o.d. is in Basin 22, but the p.o.u. is in Basin 31.

Thanks,

Carter

SCANNED
AUG 10 2007

INDEXED
NOV 06 1992

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 22-10906

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: 04/01/1898

Basis: Decreed

Status: Active

Source

Tributary

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	16 CFS	1158.5 AFA
Recharge for Irrigation	04/01	10/31	16 CFS	
Total Diversion			16 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 01-063 to 22-10906.

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. 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)

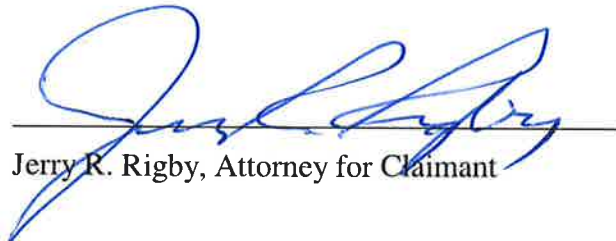
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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

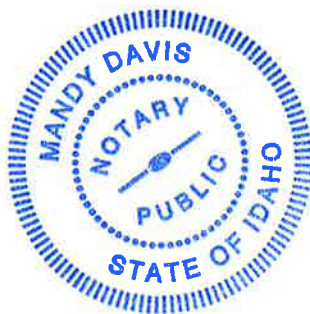
STATE OF IDAHO,)

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 Davis
Notary Public for Idaho

Residing at: St. Anthony

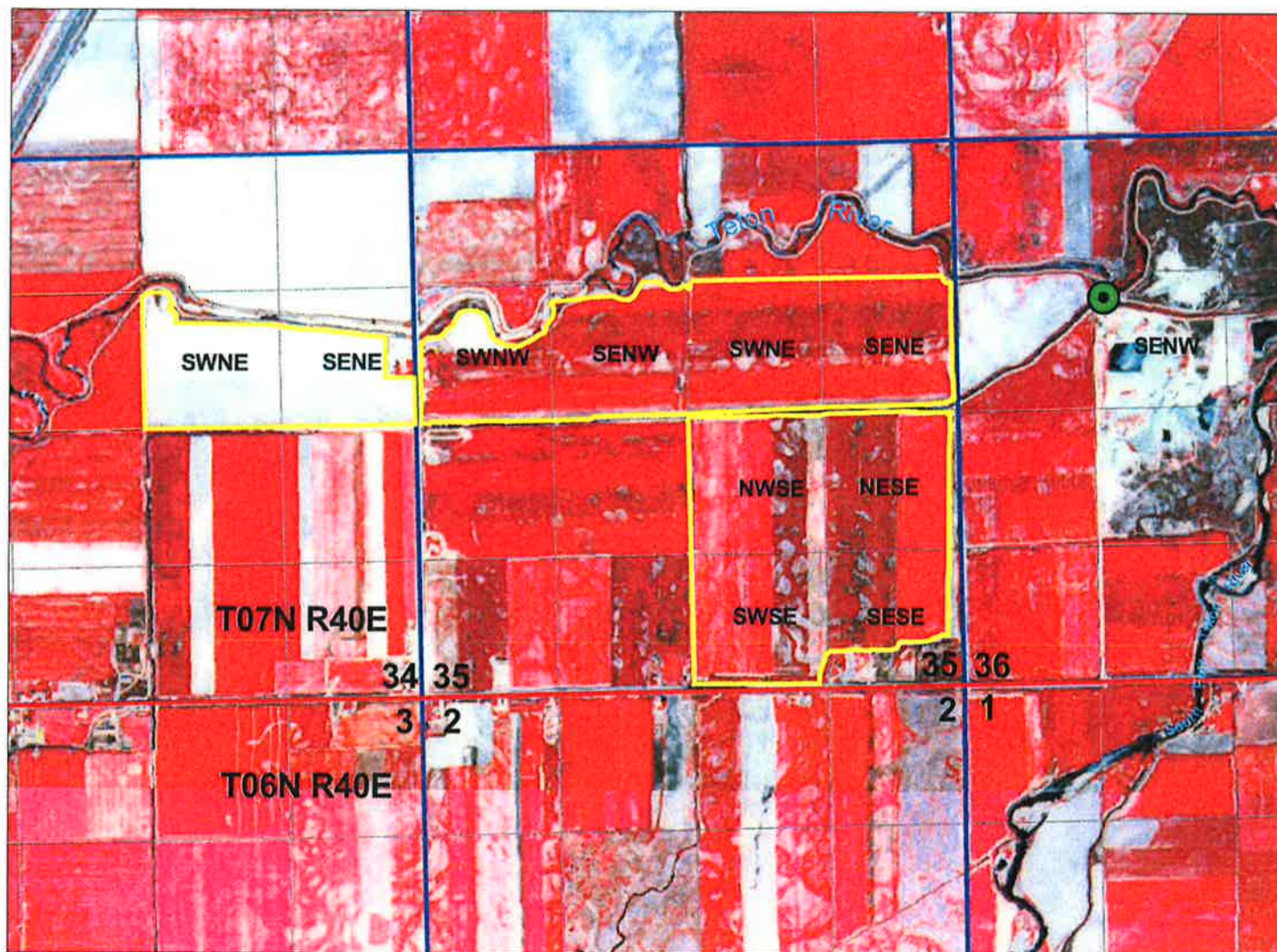
My Commission Expires: 6/24/2011



Department of Water Resources

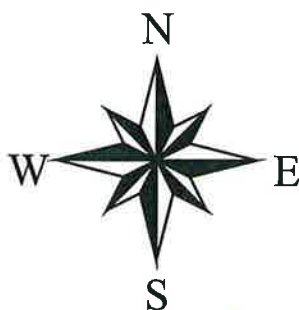
Eastern Region

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

RECEIVED

SEP 0 5 1992

Department of Water Resources
Eastern District Office

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: **A22-10906**
Date Received: 8/15/1988
Receipt No: E001286
Received By: _____

**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: APR 1, 1898

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	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	16.000		

7. Total Quantity Appropriated is:
16.000 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 of	Lot	Use	Acres
07N	40E	34	SW	NE		IRR	35.0
			SE	NE		IRR	25.0

SCANNED

AUG 10 2007

A22-10906

Page

1

Date: 08/31/92

NOV 0 6 1992

A2210906



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	60.0
		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:
01-0063,22-0207 & 22-0631

14. Remarks:
RIGHT INCORRECTLY NUMBERED IN BASIN 01. RENUMBERED BY CLAIM
TO BASIN 22. CLAIM REFLECTS CURRENT USE OF WATER.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRRIGATION CANAL ET.
Decree Plaintiff

TETON IRRIGATION CANAL, ET. A
vs 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
Title
Pincock Garner Ditch Association, that I have signed the foregoing
Organization
document in the space below as President of
Title
Pincock Garner Ditch Association and that the statements contained in the
Organization
foregoing document are true and correct.

George Beskeff
Signature of Authorized Agent
President,
Pincock Garner Ditch Association
Title and Organization

September 1, 1992
Date

State of Idaho)
County of Fremont) SS.

Subscribed and sworn (or affirmed) before me this 1 day
of September 19 92

Dale L. Swenson
Notary Public

Seal

Residing at St. Anthony, Idaho
My Commission Expires May 18, 1993

SCANNED
AUG 10 2007

A22-10906
(From 01-0063)

R40E

POINT OF DIVERSION

PLACE OF USE

82-000000
82-000000