

T5689 PINCOCK-GARNER DITCH ASSN

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>
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

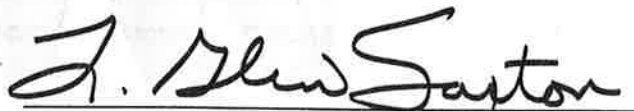
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	40E	34	SWNE 35	SENE 25		60
		35	SWNE 37	SENE 37	SWNW 22	
			SEnw 35	NESE 38	NWSE 37	
			SWSE 37	SESE 28		271
Total number of acres irrigated:						* 331 **

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.


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 _____ 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 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	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		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

TRANS NO. 5689

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

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	:	SUM
07N	40E	34	:	I		I		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. 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 _____

PART 2

TRANS NO. 5689

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 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	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 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	:	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:

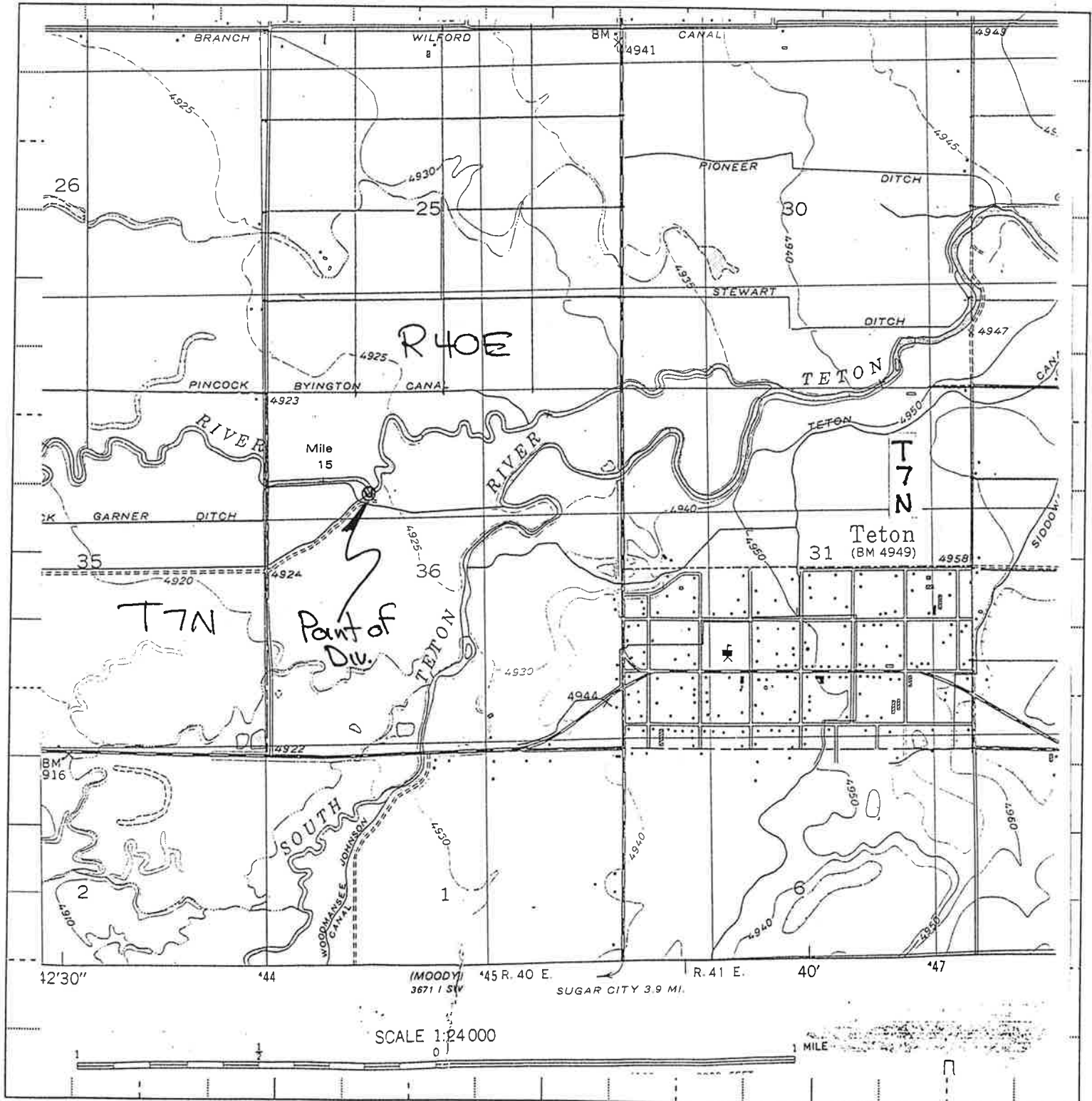
To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? no If yes, describe:

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 RESOURCESAPPLICATION 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)
President

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

Cassie Dawn Mackey
(Notary Public)

My commission expires 5-10-2000

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, Idaho 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 _____

