

T4987 LAST CHANCE CANAL CO

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

****AMENDED****

TRANSFER OF WATER RIGHT

****AMENDED****

TRANSFER NO. 4987
WATER RIGHT NO(S). 11-00262/13-00991C/13-00992C
13-00955/13-00956

This is to certify that: **LAST CHANCE CANAL COMPANY LTD**
C/O DEANN MAUGHAN
913 S MAIN
GRACE ID 83241

RECEIVED

NOV 24 1997

Department of Water Resources
Eastern Region

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>
Right No. 11-00262 :		
IRRIGATION	04/20 to 09/30	54.00 CFS
Priority: 07/29/1910		
Right No. 13-00991C :		
IRRIGATION	04/20 to 09/30	200.00 CFS
Priority: 03/01/1897		
Right No. 13-00992C :		
IRRIGATION	04/20 to 09/30	240.00 CFS
Priority: 05/14/1901		
Right No. 13-00955 :		
IRRIGATION	04/20 to 09/30	138.16 CFS
Priority: 08/09/1909		
Right No. 13-00956 :		
IRRIGATION	04/20 to 09/30	25.60 CFS
Priority: 12/31/1909		
TOTAL:		657.76 CF

SOURCE

BEAR RIVER

TRIBUTARY OF

GREAT SALT LAKE

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 30, Township 09S, Range 41E
NENE , Sec. 1, Township 10S, Range 40E
CARIBOU County

TRANSFER NO. 4987
 WATER RIGHT NO(S). 11-00262/13-00991C/13-00992C
 13-00955/13-00956

PLACE OF USE: IRRIGATIONTWN RGE SEC

08S 39E 21, 22, 26, 27, 28, 34, 35
 09S 39E 2, 3, 4, 9, 10, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 36
 40E 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
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 11S 40E 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 24
 41E 4, 5, 6, 7, 8, 9, 18

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by this 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 for irrigation of the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4987 shall not exceed 657.76 cfs.
8. Right Nos. 11-00262, 13-00991C, 13-00992C, 13-00955 and 13-00956 shall not exceed the total combined irrigation of 29,000 acres in the place of use described above in a single irrigation season.

Dated this 18th day of November, 1997.


 Chief, Water Allocation Bureau

MEMORANDUM

TO: FILES 11-00262, 13-00955, 13-00956, 13-00991C & 13-00992C

FROM: PAM SKAGGS²⁸/STATE OFFICE

SUBJECT: AMENDED TRANSFER 4987

DATE: November 18, 1997

=====

Transfer 4987 was approved on 06-10-97 and sent to the applicant Last Chance Canal Company LTD. On 11-06-97 a letter regarding this transfer approval was received from attorney Randall C. Budge who had been acting as the agent for the applicant through the transfer process. He had received a copy of the transfer approval from Last Chance Canal Company and noted a discrepancy in the place of use description.

The transfer application place of use description was amended by letter received on 04-15-97 in order to resolve a protest. This change was inadvertently not made to the transfer approval. An Amended Transfer approval has been prepared to include the additional sections and the database updated under each water right. The amended approval will be sent out to both the applicant and Mr. Budge.

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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WATER RIGHT NO(S). 11-00262/13-00991C/13-00992C
13-00955/13-00956

Department of Water Resources
Eastern Region

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C/O DEANN MAUGHAN
913 S MAIN
GRACE ID 83241

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IRRIGATION	04/20 to 09/30	240.00 CFS
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IRRIGATION	04/20 to 09/30	138.16 CFS
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IRRIGATION	04/20 to 09/30	25.60 CFS
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TOTAL:		657.76 CFS

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BEAR RIVER

TRIBUTARY OF

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LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 30, Township 09S, Range 41E
NENE , Sec. 1, Township 10S, Range 40E
CARIBOU County

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WATER RIGHT NO(S). 11-00262/13-00991C/13-00992C
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TWN RGE SEC

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2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works 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 for the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4987 shall not exceed 657.76 cfs.
8. Right Nos. 11-00262, 13-00991C, 13-00992C, 13-00955 and 13-00956 shall not exceed the total combined irrigation of 29,000 acres in the place of use described above in a single irrigation season.

Dated this 10th day of June, 1997.


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILE NOS. 11-00262, 13-00991C, 13-00992C, 13-00955 & 13-00956
FROM: PAM SKAGGS^{PS}/STATE OFFICE ^{OK}
SUBJECT: TRANSFER NO. 4987 ^{J.W.}
DATE: June 10, 1997

=====

Transfer No. 4987 changes the place of use to more accurately describe current and historic use under Right Nos. 11-00262, 13-00991C, 13-00992C, 13-00955 and 13-00956.

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Recommended conditions include watermaster control, measuring device, irrigation overlap, right-of-way, combined rights & permissible place of use limits, and standard transfer conditions.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4987
WATER RIGHT NO(S). 11-00262/13-00991C/13-00992C
13-00955/13-00956

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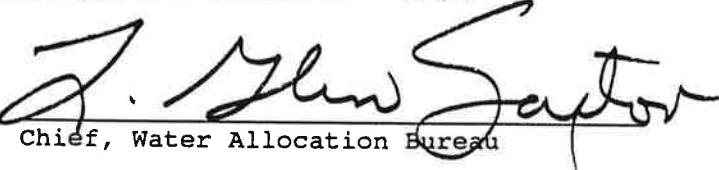
PLACE OF USE: IRRIGATION
TWN RGE SEC

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Chief, Water Allocation Bureau

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TO: FILE NOS. 11-00262, 13-00991C, 13-00992C, 13-00955 & 13-00956

FROM: PAM SKAGGS/^{SP}STATE OFFICE o/c

SUBJECT: TRANSFER NO. 4987 Jim

DATE: June 10, 1997

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Eastern

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TRIBUTARY OF

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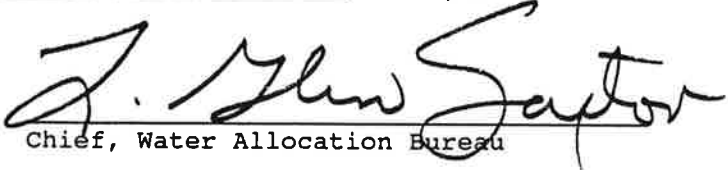
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DATE: June 10, 1997

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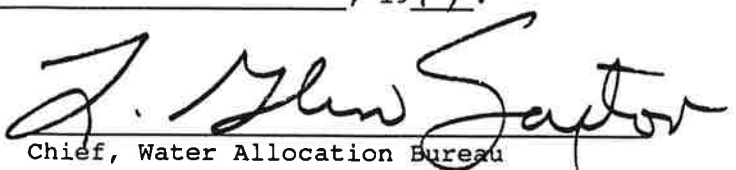
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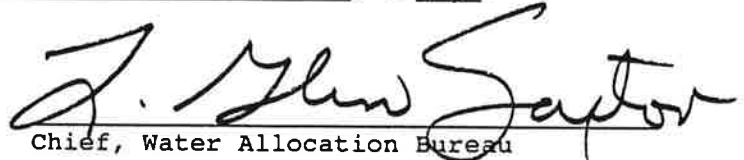
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41E	4, 5, 6, 7, 8, 9, 18

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works 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 for the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4987 shall not exceed 657.76 cfs.
8. Right Nos. 11-00262, 13-00991C, 13-00992C, 13-00955 and 13-00956 shall not exceed the total combined irrigation of 29,000 acres in the place of use described above in a single irrigation season.

Dated this 10th day of June, 1997.


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILE NOS. 11-00262, 13-00991C, 13-00992C, 13-00955 & 13-00956

FROM: PAM SKAGGS^{PS}/STATE OFFICE o/c

SUBJECT: TRANSFER NO. 4987 Jim

DATE: June 10, 1997

=====

Transfer No. 4987 changes the place of use to more accurately describe current and historic use under Right Nos. 11-00262, 13-00991C, 13-00992C, 13-00955 and 13-00956.

No watermaster comment was found in the transfer file; however, the region review sheet noted that comment sheet had been sent. I telephoned the watermaster of Water District 11, Pete Peterson, on 06-09-97 to discuss this transfer. He was familiar with the application and had no problems with approving the transfer.

Recommended conditions include watermaster control, measuring device, irrigation overlap, right-of-way, combined rights & permissible place of use limits, and standard transfer conditions.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESNOV 13 1996 Transfer No. 4987APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

COPY

Name of applicant Last Chance Canal Company, Ltd. Phone 208-425-3651Post Office address c/o DeAnn Maughan, Sec., 913 S. Main, Grace, ID 83241

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 Correct legal description errors.
2. Describe the reason for the proposed changes Correct errors in legal description of land within which 29,000 acre place of use is authorized under the Dietrich Decree, by deleting 22 sections not irrigated and adding 4 sections omitted that have always been irrigated

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 | Number |
|-----------------|------------|--------------------|---------------|---------------|----------|
| Dietrich Decree | | | | | |
| No. 5(a) | 3/1/1887 | 200 | Irrigation | 4/20 to 9/30 | 13-00991 |
| No. 5(b) | 5/14/1901 | 240 | Irrigation | 4/20 to 9/30 | 13-00992 |
| No. 6(a) | 8/9/1909 | 138.16 | Irrigation | 4/20 to 9/30 | 13-00955 |
| No. 6(b) | 12/31/1909 | 25.6 | Irrigation | 4/20 to 9/30 | 13-00956 |
| No. 7 | 7/29/1910 | 54 | Irrigation | 4/20 to 9/30 | 13-00262 |
2. Total amount of water being transferred - cubic feet per second and/or - acre-feet per annum.
3. Source of water Bear River tributary to -
4. Point(s) of Diversion: See Dietrich Decree Right No. 5, 6, 7 (pp.16.17). (Exhibits A and B attached)

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	30	9S.	41E	Caribou	Last Chance Canal Diversion
		NE NW	NE NW	1	10S	40E	Caribou	Bench "B" Canal Diversion

5. Lands irrigated or place of use: See "Place of Use", Exhibit A attached.

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
8S	39E	*																	
9S	39E	*																	
9S	40E	*																	
10S	39E	*																	
10S	40E	*																	
10S	41E	*																	
11S	40E	*																	
11S	41E	*																	

Total acres 29,000

PART 1

6. General Information:

- a. Description of diversion system Existing rock crib dam in Bear River and headgate/ canal systems of Last Chance Canal Company, Ltd., Bench "B" Canal and Turner "B" Canal.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? n/a 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:
None. No change in irrigated land which remains 29,000 acres historically irrigated by Last Chance Canal system. Purpose is to correct legal description errors in Dietrich Decree to clarify and more accurately identify perimeter boundary and area within which the 29,000 acre place of
- d. Remarks: use is located, by deleting 25 sections ^{never} ~~never~~ irrigated and adding 7 sections always irrigated. As a result, the 29,000 acre place of use will be within an area of 66,614 acres, rather than 78,134 acres described in the Decree.
LAST CHANCE CANAL took over Bench Canal in the early 1900's.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 _____.

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 13-00991C

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/20 to 09/30	200.00 CFS
IRRIGATION	04/20 to 09/30	200.00 CFS
Totals		200.00 CFS

SOURCE

BEAR RIVER

TRIBUTARY OF

GREAT SALT LAKE

Priority: 03/01/1897

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 30, Township 09S, Range 41E
 NENE , Sec. 1, Township 10S, Range 40E
 SWSE , Sec. 2, Township 10S, Range 40E
 CARIBOU 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>
08S	39E	5				
		7				
		8				
		9				
		16				
		17				
		21				
		22				
		26				
		27				
		28				
		34				
		35				
09S	39E	1				
		2				
		3				
		4				
		9				
		10				
		11				
		12				
		13				
		14				
		15				
		16				

Water Right No. 13-00991C

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>
		21				
		22				
		23				
		24				
		25				
		26				
		36				
40E		4				
		5				
		6				
		7				
		8				
		9				
		16				
		17				
		18				
		19				
		20				
		21				
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		28				
		29				
		30				
		31				
		32				
		33				
		34				
		35				
		36				
10S	40E	1				
		2				
		3				
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		19				
		20				

Water Right No. 13-00991C

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>
		21				
		22				
		23				
		24				
		25				
		26				
		27				
		28				
		29				
		33				
		34				
		35				
		36				
41E		6				
		7				
		17				
		18				
		19				
		20				
		29				
		30				
		31				
		32				
		33				
11S	40E	1				
		2				
		3				
		4				
		9				
		10				
		11				
		12				
		13				
		14				
		15				
		16				
		22				
		23				
		24				
41E		4				
		5				
		6				
		7				
		8				
		18				
		19				

Water Right No. 13-00991C

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>
08S	39E	5				
		7				
		8				
		9				
		16				
		17				
		21				
		22				
		26				
		27				
		28				
		34				
		35				
09S	39E	1				
		2				
		3				
		4				
		9				
		10				
		11				
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		14				
		15				
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		24				
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		26				
		36				
40E		4				
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		29				
		30				
		31				

Water Right No. 13-00991C

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>
		32				
		33				
		34				
		35				
		36				
10S	40E	1				
		2				
		3				
		4				
		5				
		6				
		7				
		8				
		9				
		10				
		11				
		12				
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		26				
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		29				
		33				
		34				
		35				
		36				
41E		6				
		7				
		17				
		18				
		19				
		20				
		29				
		30				
		31				
		32				
		33				
11S	40E	1				
		2				

Water Right No. 13-00991C

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>
		3				
		4				
		9				
		10				
		11				
		12				
		13				
		14				
		15				
		16				
		22				
		23				
		24				
41E		4				
		5				
		6				
		7				
		8				
		18				
		19				

CONDITIONS/REMARKS:

1. TRANS. 2395.
2. P/D HEADWORKS OF THE LAST CHANCE CANAL
P/U WITHIN THE LAST CHANCE CANAL CO., LTD.
3. P/U AC IRR=29,000.

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 13-00992C

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/20 to 09/30	240.00 CFS
IRRIGATION	04/20 to 09/30	240.00 CFS
Totals		240.00 CFS

SOURCE

BEAR RIVER

TRIBUTARY OF

GREAT SALT LAKE

Priority: 05/14/1901

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 30, Township 09S, Range 41E
 NENE , Sec. 1, Township 10S, Range 40E
 SWSE , Sec. 2, Township 10S, Range 40E
 CARIBOU 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>
08S	39E	5				
		7				
		8				
		9				
		16				
		17				
		21				
		22				
		26				
		27				
		28				
		34				
		35				
09S	39E	1				
		2				
		3				
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		14				
		15				
		16				

Water Right No. 13-00992C

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>
		21				
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		25				
		26				
		36				
40E		4				
		5				
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		33				
		34				
		35				
		36				
10S	40E	1				
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		20				
		21				

Water Right No. 13-00992C

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>
		22				
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		33				
		34				
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11S	40E	1				
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		3				
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41E		4				
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		19				

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>
08S	39E	5				
		7				
		8				
		9				

Water Right No. 13-00992C

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>
		16				
		17				
		21				
		22				
		26				
		27				
		28				
		34				
		35				
09S	39E	1				
		2				
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		4				
		9				
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		34				
		35				

Water Right No. 13-00992C

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>
		36				
10S	40E	1				
		2				
		3				
		4				
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		6				
		7				
		8				
		10				
		11				
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		33				
		34				
		35				
		36				
41E		6				
		7				
		17				
		18				
		19				
		20				
		29				
		30				
		31				
		32				
		33				
11S	40E	1				
		2				
		3				
		4				
		9				
		10				
		11				
		12				

Water Right No. 13-00992C

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>
		13				
		14				
		15				
		16				
		22				
		23				
		24				
41E		4				
		5				
		6				
		7				
		8				
		18				
		19				

CONDITIONS/REMARKS:

1. TRANS. 2395.
2. P/D HEADWORKS OF THE LAST CHANCE CANAL
P/U WITHIN THE LAST CHANCE CANAL CO., LTD.
3. P/U AC IRR=29,000

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 13-00955

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/20 to 09/30	138.16 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BEAR RIVER	GREAT SALT LAKE

Priority: 08/09/1909

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 1, Township 10S, Range 40E
CARIBOU 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>
10S	40E	1	SENE 4	NESW 20	SWSW 40	
			SESW 40	NWSE 40	SWSE 40	
			SESE 40			224
		9	SWSE 30	SESE 40		70
		10	SWSW 40	SESW 40	SWSE 40	
			SESE 15			135
		11	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NESW 30	NWSW 40	
			SWSW 30	SESW 30	NESE 40	
			NWSE 40	SWSE 20		390
		12	SWNE 40	SENE 40	NENW 40	
			NWNW 40	SWNW 30	SENE 30	
			NESW 40	SESW 35	NESE 40	
			NWSE 40	SWSE 40	SESE 40	455
		13	NENE 40	NWNE 40	SENE 40	
			NENW 20	NESW 35	SESW 25	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			360
		14	NWNW 35	SWNW 40	NESW 40	
			NWSW 40			155
		15	NENE 30	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 10	
			SENE 40			240
		16	NESW 40	NWSW 40	SWSW 40	
			SESW 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		320
		21	NESE 40			40
		22	NWNE 40	SWNE 30	NENW 40	
			NWNW 40	SWNW 30	NESW 15	
			NWSW 40	SWSW 40	NESE 15	

Water Right No. 13-00955

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>
		SESE	20			310
23		SWNE	40	NENW	40	
		SWNW	40	SENW	40	
		NWSW	30			260
24		NENE	40	NWNE	40	
		NWNW	30	NESW	25	
		SWSW	40	SWSE	5	240
25		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENW	40	
		NWSW	40	SWSW	40	
		NESE	40	NWSE	40	
		SESE	40			640
26		SWNE	40	SENE	40	
		SWNW	40	SWSW	15	
		NWSE	30	SWSE	40	280
27		NWNE	15	NWNW	40	
		NESW	20	NWSW	20	
		SESW	35	SWSE	15	225
28		NENE	30	SENE	20	50
34		NENW	30	NWNW	30	
		SENW	30	NESW	40	
		SWSW	25	SESW	40	
		SESE	20			305
35		SENE	40	NENW	40	
		SWNW	40	SENW	40	
		NWSW	40	SWSW	35	
		SESE	40			395
36		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENW	40	
		NWSW	40	SWSW	40	
		NESE	40	NWSE	40	
		SESE	40			610
41E	7	NWSW	40	SWSW	40	80
	18	NENW	40	SENW	40	80
	30	NWSW	40	SWSW	40	80
	31	NENW	40	NWNW	40	
		NWSW	30	SWSW	20	155
11S 40E	1	NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	NESW	40	
		SWSW	40	SESW	40	
		NWSE	40	SWSE	40	
		SESE	35			595
	2	NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENW	40	
		NESE	40	SESE	40	430
	3	NENE	40	NWNE	40	
		NENW	40	NWNW	40	
		NWSW	40			270

Water Right No. 13-00955

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>
		10	SESW 20	SESE 20		40
		11	NENE 25	NWNE 25	SENE 30	100
			NESE 20			
		12	NENE 35	NWNE 40	SWNE 40	
			SENE 30	NENW 30	NWNW 40	
			SWNW 15	SENE 10	NESW 25	
			SWSW 40	SESW 40	NESE 25	
			NWSE 30	SWSE 20		420
		13	NWNE 20	SWNE 25	NESW 20	
			SESW 35	NWSE 30	SWSE 40	170
		14	NESW 20	NWSW 20	NWSE 20	60
		15	NENE 25	NWNE 20	SWNE 40	
			SWNW 35	SENE 40	NESW 40	
			NWSW 40	NWSE 25		265
		16	SENE 30	NESE 15		45
		24	SENE 40			40
41E	6		NWSW 40			40
	7		SWNW 35	SENE 35	NESW 35	
			NWSW 35			140
	18		NWSW 20			20

Total number of acres irrigated: 8734

CONDITIONS/REMARKS:

1. P.D.BENCH "B" CANAL, P/U ACRES IRRIGATED 29,000
SEE ALSO LICENSE #13-2028/2031

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 13-00956

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/20 to 09/30	25.60 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BEAR RIVER	GREAT SALT LAKE

Priority: 12/31/1909

LOCATION OF POINT(S) OF DIVERSION:NENE , Sec. 1, Township 10S, Range 40E
CARIBOU CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10S	40E	1	SENE 4	NESW 20	SWSW 40	
			SESW 40	NWSE 40	SWSE 40	
			SESE 40			224
	9		SWSE 30	SESE 40		70
	10		SWSW 40	SESW 40	SWSE 40	
			SESE 15			135
	11		NENE 40	NWNE 40	SWNE 40	
			SENE 40	NESW 30	NWSW 40	
			SWSW 30	SESW 30	NESE 40	
			NWSE 40	SWSE 20		390
	12		SWNE 40	SENE 40	NENW 40	
			NWNW 40	SWNW 30	SENW 30	
			NESW 40	SESW 35	NESE 40	
			NWSE 40	SWSE 40	SESE 40	455
	13		NENE 40	NWNE 40	SENE 40	
			NENW 20	NESW 35	SESW 25	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			360
	14		NWNW 35	SWNW 40	NESW 40	
			NWSW 40			155
	15		NENE 30	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 10	
			SENW 40			240
	16		NESW 40	NWSW 40	SWSW 40	
			SESW 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		320
	21		NESE 40			40
	22		NWNE 40	SWNE 30	NENW 40	
			NWNW 40	SWNW 30	NESW 15	
			NWSW 40	SWSW 40	NESE 15	

Water Right No. 13-00956

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>
			SESE 20			310
23			SWNE 40	NENW 40	NWNW 40	
			SWNW 40	SESW 40	NESW 30	
			NWSW 30			260
24			NENE 40	NWNE 40	NENW 40	
			NWNW 30	NESW 25	NWSW 20	
			SWSW 40	SWSE 5		240
25			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SESW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
26			SWNE 40	SENE 40	NWNW 10	
			SWNW 40	SWSW 15	NESE 25	
			NWSE 30	SWSE 40	SESE 40	280
27			NWNE 15	NWNW 40	SWNW 40	
			NESW 20	NWSW 20	SWSW 40	
			SESW 35	SWSE 15		225
28			NENE 30	SENE 20		50
34			NENW 30	NWNW 30	SWNW 30	
			SESW 30	NESW 40	NWSW 35	
			SWSW 25	SESW 40	NESE 25	
			SESE 20			305
35			SENE 40	NWNW 40	SWNW 40	
			SESW 40	NESW 40	NWSW 40	
			SWSW 35	SESW 40	SESE 40	355
36			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 30	
			SWNW 40	SESW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 20	
			SESE 40			610
41E	7		NWSW 40	SWSW 40		80
	18		NENW 40	SESW 40		80
	30		NWSW 40	SWSW 40		80
	31		NENW 40	NWNW 40	SWNW 25	
			NWSW 30	SWSW 20		155
11S	40E	1	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SESW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 35			635
2			NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SESW 40	NWSW 30	
			NESE 40	SESE 40		430
3			NENE 40	NWNE 40	SWNE 30	
			NENW 40	NWNW 40	SWNW 40	
			NWSW 40			270

Water Right No. 13-00956

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>
		10	SESE 20					20
		11	NENE 25	NWNE 25		SENE 30		100
			NESE 20					
		12	NENE 35	NWNE 40		SWNE 40		
			SENE 30	NENW 30		NWNW 40		
			SWNW 15	SENW 10		NESW 25		
			SWSW 40	SESW 40		NESE 25		
			NWSE 30	SWSE 20				420
		13	NWNE 20	SWNE 25		NESW 20		
			SESW 35	NWSE 30		SWSE 40		170
		14	NESW 20	NWSW 20		NWSE 20		60
		15	NENE 25	NWNE 20		SWNE 40		
			SWNW 35	SENW 40		NESW 40		
			NWSW 40	NWSE 25				265
		16	SENE 30	NESE 15				45
		24	SENW 40					40
41E	6		NWSW 40					40
	7		SWNW 35	SENW 35		NWSW 35		105
	18		NWSW 20					20

Total number of acres irrigated: 8679

CONDITIONS/REMARKS:

1. P/D BENCH "B" CANAL.
2. P/D BENCH "B" CANAL.

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 11-00262

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/31	54.00 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BEAR RIVER	GREAT SALT LAKE

Priority: 07/29/1910

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 30, Township 09S, Range 41E
CARIBOU County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. TRANS. 2463.
2. P/U WITHIN THE LANDS OF LAST CHANCE CANAL CO.

PART 3**B. CHANGES IN NATURE OF USE**

1.	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<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.

Russell C. Budge, Attorney For Applicant.
(Signature of Applicant)

Subscribed and sworn to before me this 11th day of November, 19 96.

Natalie Sheffer
(Notary Public)

My commission expires 1/29/97

FOR DEPARTMENT USE ONLY

Transfer contains <u>22</u> pages and <u>3</u> attachments	Exhibit A - Description of POU
Received by _____ Date _____	Exhibit B - Revised Dietrich Decree
Prelim. check by _____ Fee _____	Exhibit C - Original Dietrich Decree
Receipted by _____ Date _____	Protest filed by _____
Published in _____	Copies of protest forwarded by _____
Pub. dates _____	Hearing held by _____ Date _____
Watermaster recommendation requested on _____	Recommended for ☐ approval ☐ denial
_____ rec'd. _____	by _____
Copy of transfer sent to lien holder _____	

LAST CHANCE CANAL COMPANY, LTD.

PLACE OF USE

The place of use of all water rights of Last Chance Canal Company, Ltd. is for the irrigation of approximately 29,000 acres of land in Caribou County, Idaho, served under the lateral canals of the Tanner Canal Company, Ltd., the North Extension Canal Company, Ltd., the West Branch Canal Company, Turner Canal Company, Ltd., the East Branch Canal Company, the Bench Canal Company, Niter Canal Company, First West Lateral Canal Company, Brown Ditch Company, and their respective private ditch associations within the following subdivisions, to-wit:

In Township 8 South, Range 39 East, B.M.,
Sections 21, 22, 26, 27, 28, 34 and 35;

In Township 9 South, Range 39 East, B.M.,
Sections 2, 3, 4, 9, 10, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26 and 36;

In Township 9 South, Range 40 East, B.M.,
Sections 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36;

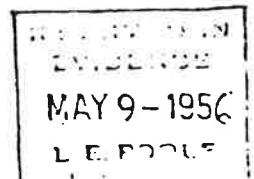
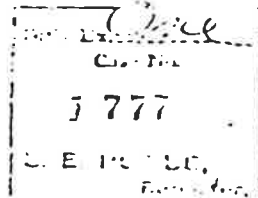
In Township 10 South, Range 39 East, B.M.,
Sections 1, 12, 13

In Township 10 South, Range 40 East, B.M.,
Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,
23, 24, 25, 26, 27, 28, 29, 33, 34, 35 and 36;

In Township 10 South, Range 41 East, B.M.,
Sections 5, 6, 7, 8, 17, 18, 19, 20, 28, 29, 30, 31, 32 and 33;

In Township 11 South, Range 40 East, B.M.,
Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14 and 24;

In Township 11 South, Range 41 East, B.M.,
Sections 4, 5, 6, 7, 8, 9 and 18.



In the District Court of the United States for the
District of Idaho, Eastern Division.

UTAH POWER & LIGHT COMPANY,

Plaintiff

vs.

THE LAST CHANCE CANAL COMPANY,
Limited, et. al.

Defendants.

In Equity

No. 203.

FINAL DECREE

Before HON. F. S. DIETRICH,
District Judge.

Filed July 14, 1920.

W. D. McREYNOLDS,
Clerk.

By PEARL ZANGER,
Deputy.

EXHIBIT "B"

(Revised)

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
4. <i>Eph. T. Williams</i> ; 1895—March 21	2.4 c.f.s.	Said water to be diverted from Bear River in the Northwest quarter of Section 34, Township 9 South, Range 42 East, B.B.M., and to be used for the irrigation of 120 acres in Sections 33 and 34, Township 9 South, Range 42 East, B.B.M.
5. <i>Last Chance Canal Company, Ltd.</i> ; 1897—March 1 1901—May 14	200 c.f.s. 240 c.f.s.	Said water to be diverted from the natural flow of Bear River, through a canal diverting therefrom at a point 70°35' East, 4060 feet from the Northeast corner of Section 36, Township 9 South, Range 40 East, B.B.M., to be used for the irrigation of 29,000 acres of land under the canals of the Tanner Canal Company, Ltd., The Central Canal Company, The North Extension Canal Company, Ltd., The West Branch Canal Company, Turner Canal Company, Ltd., The East Branch Canal Company, and The Bench Canal Company, in the following subdivisions, to-wit:

Summary:

Deleted (25) sections = (16,000) Ac.

Added 7 sections = 4,480

Net = (18 sections) = (11,520)

Add: 10 S., R 39 E., Sec. 1, 12, 13

unchanged

Add: 5, 8, 28

Add: 9

6. *The Bench Canal*:
 (a) 1909—Aug. 9 138.16 c.f.s.
 (b) 1909—Dec. 31 25.6 c.f.s.

Said water to be diverted from the natural flow of Bear River through the canal commonly known as the Bench "B" Canal, diverting from said River at a point South 46°58' West 1268.97 feet from the North-

In Township 8 South, Range 39 East, B.M., Sections ~~5, 7, 8, 9, 16, 17, 21, 22, 26, 27, 28, 34 and 35~~,

In Township 9 South, Range 39 East, B.M., Sections ~~1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26 and 36~~,

In Township 9 South, Range 40 East, B.M., Sections ~~4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36~~;

In Township 10 South, Range 40 East, B.M., Sections ~~1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34~~;

In Township 11 South, Range 40 East, B.M., Sections ~~1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24~~,

In Township 10 South, Range 41 East, B.M., Sections ~~6, 7, 17, 18, 19, 20, 29, 30, 31, 32 and 33~~,

In Township 11 South, Range 41 East, B.M., Sections ~~4, 5, 6, 7, 8, 13 and 19~~.

DATE OF
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7. *Tanner Canal Company, Limited:*
1910—July 29

5½ c.f.s.

east corner of Section 1, Township 10 South, Range 40 East, B.B.M., to be used for the supplemental irrigation of lands under the Last Chance system, hereinabove described under No. 5, provided, however, that the priority and amount of this appropriation is conditioned upon a compliance with the terms of the permit upon which said appropriations are based, to-wit: Permits No. 5308 and No. 5771 respectively, issued by the State Engineer of the State of Idaho, and the same are subject to the provisions of the laws of the State of Idaho governing the issuance of water licenses by the Commissioner of Reclamation of the said State of Idaho.

Said water to be diverted from the natural flow of Bear River through the canal commonly known as the Tanner "B" Canal, diverting from said river at a point South 64°13' West, 2182.24 feet from the Northeast corner of Section 1, Township 10 South, Range 40 East, B.B.M., to be used for the supplemental irrigation of lands under the Last Chance Canal system, hereinabove described under No. 5, provided, however, that the priority and amount of this appropriation is conditioned upon a compliance with the terms of the permit upon which said appropriation is based, to-wit: Permit No. 6631, issued by the State Engineer of the State of Idaho, and the same is subject to the provision of the laws of the State of Idaho governing the issuance of water licenses by the Commissioner of Reclamation of the said State of Idaho.

- S. *Utah Power & Light Company:*
Grace Power Plant:

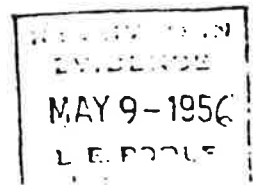
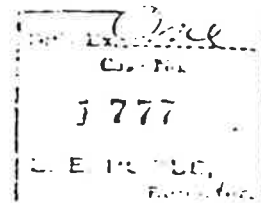
1905—Dec. 28

500 c.f.s.

1908—July 6

500 c.f.s.

Said water to be diverted by means of a dam situate in the Northeast quarter of Section 1, Township 10 South, Range 40 East, B.B.M., and conducted through two wood stave pipe lines to the Grace Power house of the plaintiff, situated in the Southwest quarter of Section 21, Township 10 South, Range 40 East, B.B.M., and there used for the generation of electric power or energy, and returned to the channel of Bear River.



In the District Court of the United States for the
District of Idaho, Eastern Division.

UTAH POWER & LIGHT COMPANY,

Plaintiff

vs.

THE LAST CHANCE CANAL COMPANY,
Limited, et. al.

Defendants.

In Equity

No. 203.

FINAL DECREE

Before HON. F. S. DIETRICH,
District Judge.

Filed July 14, 1929.

W. D. McREYNOLDS,
Clerk.

By PEARL ZANGER,
Deputy.

EXHIBIT "C"

(original)

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
4. <i>Eph. T. Williams:</i> 1895—March 21	2.4 c.f.s.	Said water to be diverted from Bear River in the Northwest quarter of Section 34, Township 9 South, Range 42 East, B.B.M., and to be used for the irrigation of 120 acres in Sections 33 and 34, Township 9 South, Range 42 East, B.B.M.
5. <i>Last Chance Canal Company, Ltd.:</i> 1897—March 1 1901—May 14	200 c.f.s. 240 c.f.s.	Said water to be diverted from the natural flow of Bear River, through a canal diverting therefrom at a point 70°35' East, 4060 feet from the Northeast corner of Section 36, Township 9 South, Range 40 East, B. B.M., to be used for the irrigation of 29,000 acres of land under the canals of the Tanner Canal Company, Ltd., The Central Canal Company, The North Extension Canal Company, Ltd., The West Branch Canal Company, Turner Canal Company, Ltd., The East Branch Canal Company, and The Bench Canal Company, in the following subdivisions, to-wit: In Township 8 South, Range 39 East, B.M., Sections 5, 7, 8, 9, 16, 17, 21, 22, 26, 27, 28, 34 and 35; In Township 9 South, Range 39 East, B.M., Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26 and 36; In Township 9 South, Range 40 East, B.M., Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36; In Township 10 South, Range 40 East, B. M., Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, 34, 35 and 36; In Township 11 South, Range 40 East, B.M., Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24; In Township 10 South, Range 41 East, B.M., Sections 6, 7, 17, 18, 19, 20, 29, 30, 31, 32 and 33; In Township 11 South, Range 41 East, B.M., Sections 4, 5, 6, 7, 8, 18 and 19.
6. <i>The Bench Canal:</i> (a) 1909—Aug. 9 (b) 1909—Dec. 31	138.16 c.f.s. 25.6 c.f.s.	Said water to be diverted from the natural flow of Bear River through the canal commonly known as the Bench "B" Canal, diverting from said River at a point South 46°58' West 1268.97 feet from the North-

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AMOUNT IN
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POINT OF DIVERSION AND
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7. *Tanner Canal Company, Limited:*
1910—July 29 5½ c.f.s.

8. *Utah Power & Light Company:*
Grace Power Plant:
1905—Dec. 28 500 c.f.s.
1908—July 6 500 c.f.s.

east corner of Section 1, Township 10 South, Range 40 East, B.B.M., to be used for the supplemental irrigation of lands under the Last Chance system, hereinabove described under No. 5, provided, however, that the priority and amount of this appropriation is conditioned upon a compliance with the terms of the permit upon which said appropriations are based, to-wit: Permits No. 5308 and No. 5771 respectively, issued by the State Engineer of the State of Idaho, and the same are subject to the provisions of the laws of the State of Idaho governing the issuance of water licenses by the Commissioner of Reclamation of the said State of Idaho.

Said water to be diverted from the natural flow of Bear River through the canal commonly known as the Tanner "B" Canal, diverting from said river at a point South 64°13' West, 2182.24 feet from the Northeast corner of Section 1, Township 10 South, Range 40 East, B.B.M., to be used for the supplemental irrigation of lands under the Last Chance Canal system, hereinabove described under No. 5, provided, however, that the priority and amount of this appropriation is conditioned upon a compliance with the terms of the permit upon which said appropriation is based, to-wit: Permit No. 6631, issued by the State Engineer of the State of Idaho, and the same is subject to the provision of the laws of the State of Idaho governing the issuance of water licenses by the Commissioner of Reclamation of the said State of Idaho.

Said water to be diverted by means of a dam situate in the Northeast quarter of Section 1, Township 10 South, Range 40 East, B.B.M., and conducted through two wood stave pipe lines to the Grace Power house of the plaintiff, situated in the Southwest quarter of Section 21, Township 10 South, Range 40 East, B.B.M., and there used for the generation of electric power or energy, and returned to the channel of Bear River.

LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FAX (208) 232-6109

November 11, 1996

LOUIS F. RACINE, JR.
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W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODSELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER**
JAMES P. PRICE***
LISA M. CHRISTON****
BRENT R. KING

*ALSO MEMBER IL & WY BARS
**ALSO MEMBER MO BAR
***ALSO MEMBER CO BAR
****ALSO MEMBER IL BAR

ASSOCIATED WITH
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& SMITH
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TEL (208) 524-0731
FAX (208) 529-4166

STEPHEN J. McGRATH
SCOTT W. MAROTZ
BRYAN D. SMITH†
†ALSO ADMITTED IN CA

Harold Jones
Eastern Region
Idaho Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402

RECEIVED

NOV 13 1996

Department of Water Resources
Eastern District Office

Re: Last Chance Canal Company, Ltd. - Transfer Application

Dear Harold:

I have prepared and enclose on behalf of Last Chance Canal Company, Ltd., an Application for Transfer of Water Right, together with attached exhibits A, B, and C. I was uncertain how the Department would calculate the filing fees. If you would kindly review and advise, I will remit a check for the amount.

The purpose of the Application is simply to correct the legal description in the Dietrich Decree to more accurately identify the perimeter boundary of the Company's system and area within which the 29,000 acre decreed place of use is located. From a recent review of the Dietrich Decree, it was discovered that 25 sections are identified which have never been irrigated and 7 sections are omitted which have always historically been irrigated.

As a result of the approval of this Application, there would be no change in the 29,000 acre place of use, but the area within which it is located would be reduced by 18 sections or 11,520 acres. The new description of the place of use is contained in Exhibit A, the changes are identified in Exhibit B, and the original decreed description set forth in Exhibit C.

I would appreciate it if you would review this application and contact me if you have any questions or feel any changes are appropriate.

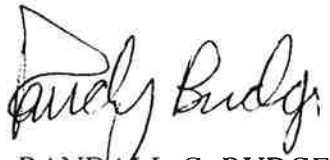
It would be greatly appreciated if the Department's processing, publication, and approval of this Application could be expedited. As you may recall, the Company encountered difficulties last irrigation season when a shareholder sought to lease their water rights for use outside the historic

Harold Jones
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place of delivery and use. A subsequent comparison of the legal description contained in the Decree with the actual place of use identified the discrepancies. At the Company's annual shareholder meeting November 4, 1996, a By Law Amendment was approved restricting delivery and use to the place of use identified in Exhibit A. It is important that this change be approved by the Department prior to the upcoming irrigation season.

Thank you for your cooperation and assistance.

Sincerely,



RANDALL C. BUDGE

RCB:rr

Enclosure

cc: Last Chance Canal Company Board of Directors

