

Jordan, Blake

From: Joseph G. Ballstaedt [jgb@racinelaw.net]
Sent: Wednesday, September 07, 2016 4:02 PM
To: Jordan, Blake
Subject: RE: Clarification on 7 PODs for Harris/Eight Mile Application
Attachments: 20160907 SECOND Eight Mile Ranch supplement-POD-POU (clarifying 7 PODs t....pdf

Blake,

Thank you for catching that error. Here is the corrected page. Let me know if you need anything else.

Joe

Joseph G. Ballstaedt

Attorney



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From: Jordan, Blake [<mailto:Blake.Jordan@idwr.idaho.gov>]
Sent: Wednesday, September 07, 2016 1:24 PM
To: Joseph G. Ballstaedt <jgb@racinelaw.net>
Subject: RE: Clarification on 7 PODs for Harris/Eight Mile Application

Hi Joe,

I took a look at the amended Point of diversion page and discovered an item that needs to be corrected. The points of diversion for the springs all are in R43E instead of R42E. Can you correct this item and send me an amended page?

Thanks,
Blake

From: Joseph G. Ballstaedt [<mailto:jgb@racinelaw.net>]
Sent: Thursday, August 18, 2016 11:59 AM
To: Jordan, Blake
Cc: 'Chad Harris'; Randy Budge
Subject: Clarification on 7 PODs for Harris/Eight Mile Application

Blake,

I went ahead and prepared what I think you will need to finish the Eight Mile Transfer application. Attached is supplemental information to clarify the seven PODs that are used under water right no 11-323. Each year the springs change, but these points represent the major areas where the Eight Mile collects the water (the points of diversion). The seven points are also depicted in an attached map and are numbered 1 through 7. Also, the longitude and latitude coordinates of these points of diversions are:

1. 42.538025, -111.475612
2. 42.540666, -111.477891
3. 42.542198, -111.480696
4. 42.541695, -111.479371
5. 42.530155, -111.477435
6. 42.529756, -111.475751
7. 42.533757, -111.473140

These points of diversion are essentially rough collection points. Points of diversion 1-4 are on a big canal that comes off of the Bear River. Points of diversion 5-7 are on Pearl Creek. They are referenced in the attached decree but have not been included in the current information for 11-323.

Let me know if you have any questions and if you need anything else to process the application.

Joe

Joseph G. Ballstaedt
Attorney



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96-323
This is a duplicate copy
made of the original because
of the poor quality of orig. from wear & tear
~~Original can be found in this same file~~

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.

MAY 14 1996

In Equity No. 203

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

UTAH POWER & LIGHT COMPANY, a Corporation, *Plaintiff,*

vs.

The Last Chance Canal Company, Limited; The Tanner Canal Company, Limited; The Central Canal Company, The North Extension Canal Company, Limited; West Branch Canal Company, Limited; The Turner Canal Company, Limited; The East Branch Canal Company, The Bench Canal, and Budge Land & Live Stock Company, Limited, corporations; W. H. Larkins, Jas. Ellsmore, Geo. Hogan, Lewis S. Pond and Alex Harris as Trustees of the Gentile Valley Irrigation Company, Limited, late a corporation; The Thatcher Irrigation Company, Limited, a corporation; Nathan D. Thatcher, J. A. Folkman, Milton Robbins and Geo. M. Smith, as Trustees of Thatcher Canal & Power Company, Limited, late a corporation; Nelson Ditch Company, a corporation; A. J. Nielson, B. R. Meek, Henry McCuen, C. S. Burton and Eli Fosgreen, as Trustees of Riverdale-Preston Irrigation Company, late a corporation; The Riverdale Irrigating Company, Nielson-Meek Company and West Cache Irrigation Company, corporations; E. P. Johnson, Albert Johnson, Hyrum Johnson, Geo. D. Anderson, Joseph T. Pond, Frank W. Harris, A. C. Bosen, Hyrum J. Smith, John E. Hill, Melvin Green, Robert L. Smith, Charles Westerburg, Peter Westerburg and David P. Evans.

Horace Howard, Henry Rhinehart, Harvey W. Higley, James Monroe (or Munro), Nellie Simmons, John Baird, William Monroe (or Munro), Orrin Monroe (or Munro), Charles Monroe (or Munro), Charles Foster, Hyrum Foster, Mary Baird, John Woodall (or J. D. Woodall), George Ellis, Skinner Irrigation Company, a corporation; Heber Cranc, Fred Bartschi, Charles Bartschi, David Chugg, Phillip Chugg, Fred Stauffer, William Williams, Sr. (or William Morgan Williams), William Williams, Jr. (or William Mormon Williams), Oliver Williams, E. M. Lindsay, Georgetown Irrigation Company, a corporation, and Thomas Freeman.

MAY 14 1996

DATE OF
PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

(e) At a point 4 degrees East 1650 feet from the quarter section corner on the North boundary of said Section 31 (which last named ditch diverts the waters of a certain spring, a tributary of said Pearl Creek).

For the irrigation of 300 acres within the following legal subdivisions: The Northwest quarter of the Southwest quarter; the Northwest quarter; the Northwest quarter of the Northeast quarter of Section 31; the West half of the Southeast quarter; the Southwest quarter, and the South half of the Northwest quarter of Section 30, Township 10 South, Range 43 East, B. M., and the Northeast quarter of the Northeast quarter of Section 36; the East half of the Southeast quarter; and the Northeast quarter of Section 25, and the Southwest quarter of the Southeast quarter of Section 24, Township 10 South, Range 42 East, B. M.

TRAIL CREEK

11 0322

41. *Budge Land & Live Stock Company:*
1886—May 1

2.9 c.f.s.

To be diverted from said Trail Creek through a ditch diverting therefrom at a point North 70 degrees East 1710 feet from the Southwest corner of Section 14, Township 10 South, Range 42 East, B. M. Also through a ditch diverting therefrom at a point South 82 degrees East 620 feet from the Northwest corner of Section 24, said township and range. For the irrigation of 145 acres in the West half of the Southwest quarter of Section 13, the East half of the East half of Section 14, the Southeast quarter of the Southeast quarter of Section 11, said township and range.

UNNAMED SPRINGS

In Section 19, Township 10 South, Range 42 East, B.M.

11 0323

42. *Budge Land & Livestock Company:*
1885—May 1

4.4 c.f.s

To be diverted from said springs through seven (7) ditches diverting therefrom at the following points:

(a) At a point North 80 degrees 30 minutes East 3430 feet.

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AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

(b) At a point North 71 degrees 30 minutes East 3427 feet.

(c) At a point North 61 degrees 40 minutes East 3425 feet.

(d) At a point North 51 degrees 30 minutes East 3900 feet.

(e) At a point North 42 degrees 10 minutes East 4052 feet.

(f) At a point North 36 degrees East 4208 feet.

(g) At a point North 28 degrees East 4340 feet.

All from the Southwest corner of Section 19, Township 10 South, Range 43 East, B. M.

For the irrigation of 220 acres within the following legal subdivisions: The Northeast quarter of the Northwest quarter and the Northwest quarter of the Northeast quarter of Section 30; the Southwest quarter; the West half of the Southeast quarter; the South half of the Northwest quarter; the Southwest quarter of the Northeast quarter of Section 19, Township 10 South, Range 43 East, and that portion of the Northeast quarter of the Southeast quarter of Section 24, Township 10 South, Range 42 East, B. M., lying East of Bear River.

EIGHT MILE CREEK

Baird-Munro Ditch, diverts from said Eight-Mile Creek in the Southeast quarter of the Southeast quarter of Section 4, Township 10 South, Range 42 East, B. M. The following parties are entitled to divert through said ditch, with priorities and in the amounts hereinbelow set forth, to-wit:

11 0324 43. Mary A. Baird:
Trans # 2214 (a) 1884—May 1 0.9 c.f.s.

11 0325 (b) 1912—May 15 0.8 c.f.s.

For the irrigation of 45 acres of land in the West half of the Southwest quarter of Section 35, and the Southeast quarter of the Southeast quarter of Section 34, Township 9 South, Range 42 East.

For the irrigation of 40 acres of land in the West half of the Southwest quarter of Section 35, and the Southeast quarter of the

All the foregoing reservations of jurisdiction shall extend after the term at which this decree is entered, and during any subsequent term prior to January 1, 1924, at which time, or at such earlier time as the court may determine these matters, this decree shall be closed. In all other respects this decree shall be final.

The court further retains jurisdiction, however, at all times, and from time to time, to make all reasonable rules touching the manner of diverting, measuring and distributing the waters, and the devices to be installed and used for such purposes where it may be impracticable to fully comply with the terms of this decree, and to direct that the parties keep accurate and detailed records of the amounts of water diverted, and to require reports to be filed from time to time of the amount so diverted, and generally to make such orders as may be found reasonably necessary to give effect to the decree, and to appoint commissioners or water masters to make distribution in accordance with its terms, and to punish the parties hereto, their officers, agents and employes, and their grantees and successors in interest, for any violation of the provisions thereof.

Done in open court this 14th day of July, 1920.

FRANK S. DIETRICH,
Judge.

MICROFILMED

MAY 14 1996

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