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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.

SCANNED

FEB 14 2007

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 Crane, 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

land in the North half of the Southwest quarter and the West half of the Southeast quarter of Section 10, Township 11 South, Range 40 East, B.M.

WHISKEY CREEK.

Bitten-Oleranshaw Ditch, diverts from said Whiskey Creek at a point South 21 degrees West 300 feet from the Northeast corner of Section 18, Township 11 South, Range 41 East, B.M. The following parties are entitled to divert through this ditch, with priority and in the amounts hereinbelow set forth:

314. L. K. Bitten:
~~11 0627~~ 1886—May 1

0.3 c.f.s.

For the irrigation of 15 acres in the North half of Northeast quarter of Section 18, said Township and Range. Said water may also be diverted through the Swensen-Olerenshaw Ditch diverting from said Whiskey Creek at a point South 84 degrees West 1750 feet from the Northeast corner of said Section 18.

13-0687

315. Joseph Olerenshaw:
~~11 0624~~ 1876—May 1
~~11 0625~~ 1905—May 1

0.14 c.f.s.
0.54 c.f.s.

For the irrigation of 34 acres in the Southeast quarter of the Northeast quarter, and the Northeast quarter of the Southeast quarter of Section 18, said Township and Range. Said water may also be diverted through a ditch diverting on the East side of Whiskey Creek near the Southeast corner of the Southeast quarter of Section 7, said Township and Range.

13-0688

Mickelsen-Swensen Ditch, diverts on the East side of said Whiskey Creek at a point South 89 degrees West 2500 feet from the East quarter corner of Section 18, Township 11 South, Range 41 East, B. M. The following parties are entitled to divert through the said ditch, with priority and in the amount hereinbelow set forth:

316. Peter Anderson:
~~11 0627~~ 1893—May 1

0.5 c.f.s.

For the irrigation of 25 acres in the Southeast quarter of the Northwest quarter of Section 30, said Township and Range. Provided, however, that said water shall be diverted from the said creek as follows, and not otherwise, during the early spring or freshet season, and conducted through said ditch to a reservoir situated upon the above described lands of Peter Anderson, and said reservoir may be refilled by the diversion of said water a second time during each irrigation season when claimants to prior rights on said Whiskey Creek are harvesting their first crop of alfalfa.

13-0689

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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.

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