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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.

SCANNED

FEB 14 2007

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 Westerborg, Peter Westerborg 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.

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| DATE OF<br>PRIORITY                      | AMOUNT IN<br>SECOND FEET |
|------------------------------------------|--------------------------|
| 336. <i>Hyrum Swensen:</i><br>1871—May 1 | 1.1 c.f.s.               |

13-0728

|                                                                            |            |
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| <del>11-0667</del> 13-0729<br>337. <i>Joseph Olerenshaw:</i><br>1900—May 1 | 0.1 c.f.s. |
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| <del>11-0667</del> 13-0730<br>338. <i>Benjamin Clegg:</i><br>1879—May 1<br>1885—May 1 | 2.9 c.f.s.<br>0.7 c.f.s. |
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13-0731

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| <del>11-0669</del> 13-0732<br>339. <i>Charles N. Ellis:</i><br>1882—May 1 | 0.7 c.f.s. |
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| <del>11-0670</del> 13-0733<br>340. <i>Thomas N. Ellis:</i><br>1882—May 1 | 2.2 c.f.s. |
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| <del>11-0671</del> 13-0734<br>341. <i>Esther N. Peterson:</i><br>(a) 1879—May 1 | 0.6 c.f.s. |
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# POINT OF DIVERSION AND PLACE OF USE

To be diverted from said North Fork through a ditch having its intake on the West side of the said North Fork near the Northwest corner of Section 17, Township 11 South, Range 41 East, B.M., for the irrigation of 55 acres of land in the North half of the Northeast quarter of Section 19, and the Southeast quarter of Section 18, said Township and Range.

To be diverted from said North Fork through a ditch having its intake therefrom near the Northwest corner of Section 17, Township 11 South, Range 41 East, B.M., for the irrigation of 5 acres in the Northeast quarter of the Southeast quarter of Section 18, said Township and Range.

To be diverted from said North Fork through a ditch having its intake therefrom in the Northwest quarter of Section 10, Township 11 South, Range 41 East, B.M., for irrigation of 180 acres in Lots 2, 3, and 4, and the South half of the Northeast quarter and the Northeast quarter of the Southeast quarter of Section 4, said Township and Range.

To be diverted from said North Fork through a ditch diverting therefrom in the Northwest quarter of Section 10, Township 11 South, Range 41 East, for the irrigation of 35 acres in the Southeast quarter of the Southwest quarter of Section 4, said Township and Range.

To be diverted from said North Fork by means of the last above described ditch for the irrigation of 110 acres in the North half of the Northwest quarter of Section 9, the Southwest quarter of the Southwest quarter of Section 4, the Southeast quarter of the Southeast quarter of Section 5, and the Northwest quarter of the Northwest quarter of Section 8, said Township and Range.

To be diverted from said North Fork through a ditch having its intake there-

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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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