

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.

DATE OF
PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

13-0699 323. James Swensen:

1877—May 1 1.2 c.f.s.
1883—May 1 0.8 c.f.s.
1905—May 1 1.4 c.f.s.

For the irrigation of 170 acres in Lot 3, the North half of Lot 4, the West half of the Southeast quarter of Section 18; the Northeast quarter of the Northwest quarter, and Lots 2 and 3 of Section 19, said Township and Range. Said water may also be diverted through the Mickelsen-Swensen Ditch, hereinbefore described, or by means of a ditch having its intake on the west side of Whisky Creek, opposite the point of said Mickelsen-Swensen ditch.

11 0639 324. Mary Swensen:

1905—May 1 1.2 c.f.s.

For the irrigation of 60 acres in the South half of Lot 4 of Section 18, and Lot 1 of Section 19, said Township and Range. Said water may also be diverted through the Mickelsen-Swensen Ditch, hereinbefore described.

13-0703 325. Lars Rasmussen:

1881—May 1 0.4 c.f.s.
1905—May 1 0.5 c.f.s.

For the irrigation of 45 acres in the North half of the Southeast quarter of Section 24, Township 11 South, Range 40 East.

0704 326. Harold L. Bassett:

1881—May 1 0.6 c.f.s.
1905—May 1 0.64 c.f.s.

For the irrigation of 62 acres in the East half of the Northeast quarter of Section 24, Township 11 South, Range 40 East.

Mendenhall Ditch, diverts on the East side of said Whiskey Creek, at a point North 37 degrees 20 minutes West 1815 feet from the Southeast corner of Section 24, Township 11 South, Range 40 East, B.M. The following parties are entitled to divert through said ditch, with priority and in the amount hereinbelow set forth:

0707 327. Thomas Bennett:

1877—May 1 0.4 c.f.s.
1905—May 1 0.9 c.f.s.

For the irrigation of 65 acres in the South half of the Southwest quarter of Section 30, Township 11 South, Range 41 East.

0708 328. George C. Fowler:

1877—May 1 0.8 c.f.s.
1905—May 1 0.9 c.f.s.
1905—June 1 0.5 c.f.s.

For the irrigation of 110 acres in the North half of the Southwest quarter, the Southwest quarter of the Southwest quarter of Section 30, Township 11 South, Range 41 East, B.M., and the South half of the North half of the South half of the Southeast quarter of Section 25, Township 11 South, Range 40 East.

0712 329. J. W. Gibbs:

1878—May 1 0.6 c.f.s.
1905—May 1 0.9 c.f.s.

For the irrigation of 75 acres in Lot 1, and the Southeast quarter of the Northwest quarter of Section 31, Township 11 South, Range 41 East.

0713 330. Michael Mickelsen:

1905—May 1 0.5 c.f.s.

For the irrigation of 50 acres in the South half of the Northeast quarter; Northwest

See Supplemental Decree dated 3-23-22

MAY 14 1936

SCANNED

MAR 14 2006

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.

RECORDED

MAY 14 1926

117

SCANNED

MAR 14 2006