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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.

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. Ellmore, 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. Rosen, 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.

RAFT January 28, 2000

13-04333	0.04 cfs	06/01/1905	Claim	Domestic	Grace Hydro
13-04334	0.01 cfs	06/01/1905	Claim	Irrigation	Grace Hydro
RIGHT NO.	AMOUNT	PRIORITY DATE	STATUS	TYPE OF USE	PLACE OF USE
13-04335	0.06 cfs	05/01/1905	Claim	Irrigation	Grace Hydro
13-04336	0.25 cfs	05/01/1905	Claim	Domestic / Irrigation	Grace Hydro
13-00893	0.07 cfs	06/01/1913	Decree	Domestic	Oneida Hydro
13-00967	1000 cfs	06/17/1910	Decree	Power	Oneida Hydro
13-00968	1500 cfs	01/18/1911	Decree	Power	Oneida Hydro
13-04129	700 cfs	01/01/1910	License	Power	Oneida Hydro
13-04337	0.08 cfs	06/17/1910	Claim	Domestic	Oneida Hydro
13-04338	0.08 cfs	06/17/1910	Claim	Irrigation	Oneida Hydro
13-00962	1500 cfs	03/09/1916	Decree	Power	Cove Hydro
13-00963	4000 af	03/28/1916	Decree	Power	Cove Hydro
13-00976	270 cfs	12/01/1903	Decree	Power	Cutler Hydro

DATE OF
PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

ship 10 South, Range 40 East, B.B.M., to be stored therein, and withdrawn therefrom for use in connection with said Cove Plant, as authorized and provided for in Permit No. R-18, issued by the State Engineer of the State of Idaho.

~~1-0270~~ 13. Ethel H. Ellsmore:
1898—August 31

1.0 c.f.s.

To be diverted from the natural flow of Bear River through a ditch known as the "Harris" Ditch, diverting on the West side thereof, at a point about 80 rods South of the Cove dam in the Southwest quarter of Section 21, Township 10 South, Range 40 East, B.M. for the irrigation of 47 acres of land in the Northwest quarter of the Southwest quarter of Section 33, and the Northeast quarter of the Northeast quarter of Section 32, Township 10 South, Range 40 East, B.M.

~~1-0271~~ 14. Frank W. Harris:
1898—August 31

0.9 c.f.s.

To be diverted from the natural flow of Bear River, through the Harris ditch, last above described, for the irrigation of 43 acres of land in the Southeast quarter of the Southeast quarter of Section 29, the Northeast quarter of the Northeast quarter and the Northeast quarter of the Southeast quarter of Section 32; the Northwest quarter of the Northwest quarter and the Northwest quarter of the Southwest quarter of Section 32, Township 10 South, Range 40 East.

~~1-0272~~ 15. A. W. Harris.
1879—May 1

2.2 c.f.s.

To be diverted from the natural flow of Bear River, through the Harris ditch, last above described, for the irrigation of 110 acres of land in the East half of the Northeast quarter of Section 32, the West half of the Northwest quarter of Section 33, Township 10 South, Range 40 East, B.M.

~~1-0273~~ 16. Utah Power & Light Company:
Oneida Power Plant:
1910—June 17

1000 c.f.s.

Said water to be diverted by means of a dam in the channel of Bear River at a point North 74°08' West 7913 feet from the Northwest corner of Section 30, Township 13 South, Range 41 East, B.B.M., in Franklin County, Idaho, through a pipe line to the Oneida Power Plant, situate South 74°01' East 3173 feet from the Northwest corner of Section 26, Township

DATE OF
PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

~~11-11274~~ 13-0968

17. Utah Power & Light Company:
Oneida Power Plant:

1911-Jan. 18 1500 c.f.s.

~~11-11274~~ 13-0969

18. A. C. Bosen, Hyrum J. Smith,
Robert L. Smith and
Melvin Green:

1882-May 1 5.5 c.f.s.

13 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.

Said water to be diverted by the dam, through the pipes, and used at the said Oneida Plant, as last above described.

Said water to be diverted from Bear River through what is known as the Smith-Vanoy Ditch with point of diversion from Bear River in the Southeast quarter of Section 16, Township 14 South, Range 40 East, B.B.M., said water to be measured at point where Siphon No. 1 of Twin Lakes Canal Company crosses Bear River, and used for irrigating 300 acres of land to be divided as follows:

.3 of this amount to Hyrum J. Smith for the irrigation of lands in the North half of the Southwest quarter of Section 2, the Southwest quarter of the Southeast quarter of Section 20, and 23 acres in the Northwest quarter of the Southeast quarter of Section 29, Township 14 South, Range 40 East, B.B.M.

.5 to A. C. Bosen, for the irrigation of 107 acres in the Northeast quarter of the Northeast quarter and the Southeast quarter of the Northeast quarter and North half of the Southeast quarter, Section 21, and a few acres in the Southwest quarter of the Northeast quarter and the Northwest quarter of the Southwest quarter of Section 22, Township 14 South, Range 40 East, B.B.M.

.2 thereof to Robert L. Smith and Melvin Green jointly, to irrigate 31 acres of land in the Southeast quarter of Section 20, Township 14 South, Range 40 East, B.B.M.

Said water to be diverted from Bear River at a point about 25 rods South of the Northeast corner of Section 20, Township 14 South, Range 40 East, B.B.M., for the irrigation of approximately 400 acres of

19. Nelson Ditch Company:
~~11-0276~~ 1880-May 1

6.5 c.f.s.

13-0970

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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