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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.

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. Ellismore, 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.

DRAFT January 28, 2000

PACIFICORP'S BEAR RIVER BASIN WATER RIGHTS
IDAHO

Bear Lake Storage water rights are underlined

<u>RIGHT NO.</u>	<u>AMOUNT</u>	<u>PRIORITY DATE</u>	<u>STATUS</u>	<u>TYPE OF USE</u>	<u>PLACE OF USE</u>
11-00248	3000 cfs	03/01/1911	Decree	Irrigation / Power Storage / Other	Bear Lake
11-00249	2500 cfs	09/11/1912	Decree	Irrigation / Power Storage / Other	Bear Lake
11-00250	300 cfs	09/01/1912	Decree	Irrigation / Power Storage / Other	Bear Lake
11-00251	200 cfs	09/01/1912	Decree	Irrigation / Power Storage / Other	Bear Lake
11-04004	0.5 cfs / 97.5 cfs	03/01/1894	Decree	Irrigation	Bear Lake
11-04355	0.12 cfs	09/03/1918	Claim	Domestic/ Irrigation	Lifton Pump
11-00228	0.94 cfs	05/01/1890	Decree	Irrigation	
11-00242	0.5 cfs	05/01/1902	Decree	Irrigation	
11-04356	1.4 cfs	07/08/1933	Claim	Irrigation	Soda Springs Golf Course
11-01096	7.5 cfs	03/14/1889	Decree	Irrigation	Ovid Creek

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II

("Schedule of Rights.")

c.f.s. is used throughout this schedule to designate a flow of one cubic foot of water per second of time.

aa ft. is used throughout this schedule to designate a quantity of water sufficient to cover an area of one acre to a depth of one foot, or 43,560 cubic feet of water.

MAIN RIVER DIVERSIONS.

1. Utah Power & Light Company—Storage rights.

The plaintiff, Utah Power & Light Company, is entitled to divert from the main channel of Bear River, from the natural flow thereof, for storage purposes, the following amounts:

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
0248 1911—March 1	3000 c.f.s.	Said water to be diverted from Bear River through what is known as the Rainbow and Dingle Inlet Canals, the headworks of which are located respectively in the Northeast quarter of Section 34, Township 13 South, Range 44 East, B.B.M., and the Northwest quarter of Section 17, Township 14 South, Range 45 East, B.B.M. in Bear Lake County, Idaho, and to be carried into and stored in what is known as the Bear Lake Reservoir and withdrawn therefrom from time to time as needed or required by said Utah Power & Light Company, or its successors in interest, for the development of power or generating electric energy in any power plant which it may now have, or hereafter construct or acquire in or along Bear River, in the states of Idaho and Utah, and for irrigation purposes in what is generally known as Bear River Valley, in said states.
0249 1912—Sept. 11	2500 c.f.s.	
From Bear Lake: 0251 1912—Sept. 1	300 c.f.s.	Said water to be stored in what is known as Bear Lake Reservoir, and withdrawn therefrom from time to time, as provided in the immediately preceding paragraph.
From Mud Lake: 0251 1912—Sept. 1	200 c.f.s.	
2. E. P. Johnson, Albert Johnson and Hyrum L. Johnson: 1125 (a) 1889—July 30	4 c.f.s.	Said water to be diverted from the main channel of Bear River at a point 50 feet West from the first railroad bridge Northwest of Novene Station on the Oregon Short Line R. R., and to be used for the irrigation of 160 acres in the West half of the Northeast quarter and the Southwest quarter of Section 17, Township 14 South, Range 45 East, B.B.M. in Bear Lake County, Idaho.
1125 April 20 to July 1	1.6 c.f.s.	
1125 July 2 to October 1		

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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