

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE	DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
4. <i>Eph. T. Williams:</i> 1895—March 21	2.4 c.f.s.	Said water to be diverted from Bear River in the Northwest quarter of Section 34, Township 9 South, Range 42 East, B.B.M., and to be used for the irrigation of 120 acres in Sections 33 and 34, Township 9 South, Range 42 East, B.B.M.			east corner of Section 1, Township 10 South, Range 40 East, B.B.M., to be used for the supplemental irrigation of lands under the Last Chance system, hereinabove described under No. 5, provided, however, that the priority and amount of this appropriation is conditioned upon a compliance with the terms of the permit upon which said appropriations are based, to-wit: Permits No. 5308 and No. 5771 respectively, issued by the State Engineer of the State of Idaho, and the same are subject to the provisions of the laws of the State of Idaho governing the issuance of water licenses by the Commissioner of Reclamation of the said State of Idaho.
5. <i>Last Chance Canal Company, Ltd.:</i> 1897—March 1 1901—May 14	200 c.f.s. 240 c.f.s.	Said water to be diverted from the natural flow of Bear River, through a canal diverting therefrom at a point 70°35' East, 4060 feet from the Northeast corner of Section 36, Township 9 South, Range 40 East, B.B.M., to be used for the irrigation of 29,000 acres of land under the canals of the Tanner Canal Company, Ltd., The Central Canal Company, The North Extension Canal Company, Ltd., The West Branch Canal Company, Turner Canal Company, Ltd., The East Branch Canal Company, and The Bench Canal Company, in the following subdivisions, to-wit: In Township 8 South, Range 39 East, B.B.M., Sections 5, 7, 8, 9, 16, 17, 21, 22, 26, 27, 28, 34 and 35; In Township 9 South, Range 39 East, B.B.M., Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26 and 36; In Township 9 South, Range 40 East, B.B.M., Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36; In Township 10 South, Range 40 East, B.B.M., Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, 34, 35 and 36; In Township 11 South, Range 40 East, B.B.M., Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24; In Township 10 South, Range 41 East, B.B.M., Sections 6, 7, 17, 18, 19, 20, 29, 30, 31, 32 and 33; In Township 11 South, Range 41 East, B.B.M., Sections 4, 5, 6, 7, 8, 18 and 19.	7. <i>Tanner Canal Company, Limited:</i> 1910—July 29	54 c.f.s.	Said water to be diverted from the natural flow of Bear River through the canal commonly known as the Tanner "B" Canal, diverting from said river at a point South 64°13' West, 2182.24 feet from the North-east corner of Section 1, Township 10 South, Range 40 East, B.B.M., to be used for the supplemental irrigation of lands under the Last Chance Canal system, hereinabove described under No. 5, provided, however, that the priority and amount of this appropriation is conditioned upon a compliance with the terms of the permit upon which said appropriation is based, to-wit: Permit No. 6631, issued by the State Engineer of the State of Idaho, and the same is subject to the provision of the laws of the State of Idaho governing the issuance of water licenses by the Commissioner of Reclamation of the said State of Idaho.
6. <i>The Bench Canal:</i> (a) 1909—Aug. 9 (b) 1909—Dec. 31	138.16 c.f.s. 25.6 c.f.s.	Said water to be diverted from the natural flow of Bear River through the canal commonly known as the Bench "B" Canal, diverting from said River at a point South 46°58' West 1268.97 feet from the North	8. <i>Utah Power & Light Company:</i> <i>Grace Power Plant:</i> 1905—Dec. 28 1908—July 6	500 c.f.s. 500 c.f.s.	Said water to be diverted by means of a dam situate in the Northeast quarter of Section 1, Township 10 South, Range 40 East, B.B.M., and conducted through two wood stave pipe lines to the Grace Power house of the plaintiff, situated in the Southwest quarter of Section 21, Township 10 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

NOTICE OF CLAIM TO A
WATER RIGHT
No. 11-4035

NOTICE IS HEREBY GIVEN, that Last Chance Canal Co., Inc., Grace, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 19,043 acre feet per annum of water from Bear River with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 9S, R. 41E, B.M., Caribou County;

The water is claimed to be used from April 1 to October 31 with a priority of April 1, 1919; the place of use is the land served by the following canal companies: Tanner Canal Co., Ltd., The Central Canal Co., The North Extension Canal Co., Ltd., The West Branch Canal Co., Turner Canal Co., Ltd., The East Branch Canal Co., and The Bench Canal Co.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401.

de R. KEITH HIGGINSON,
Director.

Published in the Caribou County Sun, Soda Springs, Idaho on March 8 and March 15, 1973.

March 2, 1973

Re: Claim No. 11-4035 - Last Chance Canal Co., Inc.

Caribou County Sun
Box 815
Soda Springs, ID 83276

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA
Enc: Legal notice

Bill submitted 3-23-73 by BA

11 4035

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT

AMENDED

A MENDED

RECEIVED
DEC 30 1996

Section 42-243, Idaho Code, authorizes the filing of a claim to a water right established by diversion and application of water to beneficial use for domestic uses as defined in Section 42-111, Idaho Code. **The filing of this claim does not confirm the water right claimed.**

Notice is hereby given that LAST CHANCE CANAL COMP. LTD c/o DeAnn Manghan, Sec.
(Name of Claimant)
913 S. Main Grace, ID 83241 Telephone No: (208) 425-3651
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) April 1, 1919
A claim is not acceptable on a surface water source with a priority later than May 20, 1971.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Bear River tributary to Great Salt Lake

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)

(Domestic, Stock, Etc.)

(Both dates inclusive)
(Mo., Day) (Mo., Day)

Quantity	19,043 af	Use	Irrigation	Period of Use From	4-1	to	10-31
Quantity		Use		Period of Use From		to	
Quantity		Use		Period of Use From		to	

4. 19,043 af TOTAL QUANTITY USED.
(cfs, af)

5. A) Location of point of diversion is ¼ of SW ¼ of SE ¼, Govt. Lot
Sec. 30 Township 9S Range 41E B.M. Caribou County; additional points of diversion
if any:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Diversion dam to canal system

6. A) Describe place of use within each 40-acre tract in the appropriate box using the following symbols in the appropriate tract. D - domestic, S - stockwater, X - other *See Exhibit A*

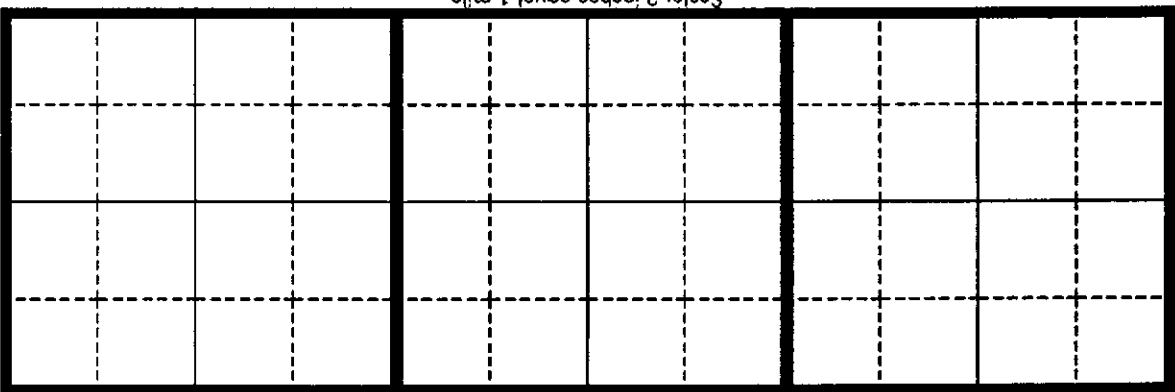
[illegible]

B) Fully describe the use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

7.

Remarks: Upon review the Canal Company has found that 25 sections of the original decree were never watered & have been deleted from the land list. Also 7 sections were added in that always have been irrigated.



Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system. Attach an aerial photograph of the place of use if available.

State of Idaho

County of Caribou
ss.)
)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

By: Paul C. Budger, Attorney/Agent
East China Canal Co., Ltd.
Claimant's Signature (and title if claim is for an organization)

13th day of December, 1996

Notary Public
Residing at Bozeman, Idaho



FOR DEPARTMENT USE ONLY

Received by _____
Prelim. check by _____
\$100.00 receipted by _____
Receipt # _____
Exceptions filed by _____
Date _____
Date _____
Published in _____
Dates _____

13-4076

Identification No. 11 4035
Claim No. _____
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Last Chance Canal Company, Inc.
post office address c/o Kenneth Tarbet, President, Grace, Idaho 83241

2. The point of diversion is in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 30 Township 9S
Range 41E * B.M. located on Bear River

*See Remarks (name of source)
tributary to _____ in Caribou County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

April 1, 1919 amount: _____ c.f.s. or 19,043 acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or 19,043 acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Irrigation period of use from April 1 to October 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of rock crib dam fronted
with lumber; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

~~11 4035~~
13-4076

_____, if so, give dates and explain

width of bottom of ditch is _____feet; depth of water is _____feet; grade of ditch per 1000

feet is _____ feet; material through which ditch passes is _____;

maximum length of pipe line to first place of use is _____feet; diameter of pipe line is _____inches;

_____ type of pipe _____; grade of pipe per 1000 feet is _____.

Note: This is the full Last Chance system.

Basically there is a dirt and gravel canal system with two steel flumes

and one rock tunnel.

d. If water is stored: name of reservoir _____

total capacity of reservoir is _____acre feet; active capacity of reservoir is _____acre feet;

_____ year construction commenced _____; year completed _____; date first used _____

period of storage is from _____ to _____; is reservoir drained each year _____;

is reservoir on or off stream

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe

location of reservoir by 40-acre subdivisions

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and

describe

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated.

Explain any significant increase in area irrigated since first use, give dates and acreages if known—

b. Do you get water through a ditch owned by several users? NO If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served NONE name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities NONE

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
This is water supplemental to other established water rights and is released from Bear Lake through Utah Power and Light Company diversion under provisions of Dietrich Decree.

List of annual amounts used is attached.

Prior water rights are: 657.76 cfs. See copy attached of items 5, 6, and 7 of Dietrich Decree.

The point of diversion more specifically is North 70° 35' East 4060' from SW Corner of Sec. 30, Twp. 9S, Rge. 41E, B.M. (Last Chance Dam).

The Decreed point of diversion is 70° 35' East 4060' from NE Corner of Sec. 36, Twp. 9S, Rge. 40E, B.M.

State of Idaho

County of Caribou

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this

26th

day of

February

1973

W. Kenneth Tarbet
Claimant

Wallace J. Santa
Notary Public

Residing at

Soda Springs

My commission expires

8-28-73

For Department Use Only

Received by bjs Date 2/20/73

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by D Date 2/20/73

Fee received by bjs Date 2/20/73 Fee \$ 10

Approved for publication by _____

Published in

Caribou Co. Sun

Dates 3-8-73

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.

2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.

3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	May 18, 1871	amount:	0.8 c.f.s. or	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	acre feet
	Total claimed:		1.2 c.f.s. or	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
6, 7, & 8. Describe any other uses of water.

9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing a claim to a Water Right is \$10.00. Your claim and fee may be submitted to one of the following offices:

Northern District
Idaho Dept. of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, Idaho 83814

Southern District
Idaho Dept. of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Eastern District
Idaho Dept. of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Western District
Idaho Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

RECEIVED
JUN 11 1901
Department of Water Administration

Identification No. 11 4035
Claim No. _____
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Last Chance Canal Company, Inc.

post office address c/o Kenneth Tarbet, President, Grace, Idaho 83241

**See Remarks* 2. The point of diversion is Sw SE 20 9S 41E 70° 35' East 4060 feet from the NE corner of Section 36, T. 9 S,

Range 40 E. B.M. located on Bear River

(name of source)

tributary to _____ in Caribou County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:
April 1, 1919 amount: _____ c.f.s. or 19,043 acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Irrigation period of use from April to October (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of rock crib dam
fronted with lumber; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____
_____;

_____, if so, give dates and explain

width of bottom of ditch is _____feet; depth of water is _____feet; grade of ditch per 1000

maximum length of pipe line to first place of use is _____feet; diameter of pipe line is _____inches;

Please explain any changes or increase in size of conveying system since water was first appropriated, giving

Basically there is a dirt and gravel canal system with two steel flumes and one

total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;

period of storage is from _____ to _____; is reservoir drained each year _____;

location of reservoir by 40-acre subdivisions

Age Group	Percentage
18-24	10%
25-34	15%
35-44	20%
45-54	25%
55-64	30%
65-74	35%
75-84	40%
85+	45%

describe

Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known.

Explain any significant increase in area irrigated since first use, give dates and acreages if known.

4035 11

b. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch
_____. The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served None
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities None

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
This is water supplemental to other established water rights and is released
from Bear Lake through Utah Power and Light Company diversion under provisions
of Dietrich Decree.

List of annual amounts used is attached.

Prior water rights are: 657.76 cfs.. See copy attached of items 5, 6, and 7
of Dietrich Decree.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with
all attached information and certifies that all statements are true and accurate to the best of his knowledge.

February 15 1973
(Date)

State of Idaho

County of Caribou } ss.

Last Chance Canal Company, Inc.
W. Kenneth Tarbet
(Signature of Claimant) Kenneth Tarbet, President

On this 15th day of February 19 73, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Wallace M. Transtrum
Wallace M. Transtrum
Notary Public residing at Soda Springs, Idaho

My commission expires 8-28-73

For Department Use Only

Received by <u>lp</u> Date <u>2-20-73</u> ¹⁹⁷³	Exception filed by: _____	Forwarded to _____	Date _____
Prelim. check by _____ Date <u>2-20-73</u>	# 9939	claimant by: _____	_____
Fee received by <u>lp</u> Date <u>2-20-73</u> Fee \$ <u>10⁰⁰</u>	_____	_____	_____
Approved for publication by _____	_____	<u>11 4035</u>	_____
Published in _____ Dates _____	_____	_____	_____

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	May 18, 1871	amount:	0.8 c.f.s. or	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	acre feet
	Total claimed:		1.2 c.f.s. or	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:
use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to it for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

SCHEDULE OF BEAR LAKE STORAGE WATER DIVERTED
BY LAST CHANCE CANAL COMPANY FROM BEAR RIVER SUPPLEMENTAL
TO THEIR EXISTING DECREED WATER RIGHTS

<u>Year</u>	<u>Acre Feet</u>	<u>Year</u>	<u>Acre Feet</u>
1919	6348.1	1946	7257.62
1920	5223	1947	7382.58
1921	No record	1948	8345.55
1922	No record	1949	3088.3
1923	87	1950	No record
1924	1128	1951	394.7
1925	No record	1952	440.34
1926	2205	1953	6964
1927	No record	1954	21597
1928	333.23	1955	17600
1929	178.5	1956	8494
1930	599	1957	3098
1931	13173	1958	13891
1932	No record	1959	19296
1933	3254.9	1960	32961
1934	49043	1961	42973
1935	12771.0	1962	2539
1936	10304.13	1963	9221
1937	2717.40	1964	4382
1938	3882	1965	286
1939	6924	1966	25132
1940	22941	1967	91

<u>Year</u>	<u>Acre Feet</u>
1941	3151
1942	16563
1943	1000
1944	15530
1945	854.88

<u>Year</u>	<u>Acre Feet</u>
1968	2848
1969	2853
1970	3690
1971	488
1972	

Affidavit of Publication

County of Caribou } ss.
State of Idaho }

V. E. Lansberry

being first duly sworn on his
oath, states:

NOTICE OF CLAIM TO A WATER RIGHT No. 11-4035

NOTICE IS HEREBY GIVEN,
that Last Chance Canal Co., Inc.,
Grace, Idaho, has filed a claim
to a water right established by
diversion and application to
beneficial use of 19,043 acre
feet per annum of water from
Bear River with point of diver-
sion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30,
T. 9S, R. 41E, B.M., Caribou
County;

The water is claimed to be
used from April 1 to October 31
with a priority of April 1, 1919;
the place of use is the land
served by the following canal
companies: Tanner Canal Co.,
Ltd., The Central Canal Co.,
The North Extension Canal Co.,
Ltd., The West Branch Canal
Co., Turner Canal Co., Ltd., The
East Branch Canal Co., and The
Bench Canal Co.

Any exception to this claim
of water right may be filed with
the Idaho Department of Water
Administration, 240 South Hol-
mes, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON,
Director.

Published in the Caribou
County Sun, Soda Springs, Idaho
on March 8 and March 15, 1973.

That he is publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County, that said
newspaper has been pub-
lished in said County uninterr-
ruptedly and continuously for
over seventy-eight consecutive
weeks, prior to the first publi-
cation of the annexed notice or
advertisement;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for two successive weekly
issues thereof, the date of the
first publication being the

8th day of
March, 19 73

The date of the last publication
being the 15th day of
March, 19 73

V E Lansberry
Subscribed and sworn to be-

fore me this 21st day
of March, 19 73

Elaine S. Johnson
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the
1st day of November

1974

11 4035

INITIAL _____ DATE 12-18-96
Distributed for Staffing _____
Submitted for Advertising _____

State of Idaho
Department of Water Resources

RECEIVED
DEC 30 1996

Amended

CLAIM ANALYSIS SHEET

Amended

Department of Water Resources

INITIAL REVIEW BY: HWJ

Right Number 13-04076 Applicant ~~#2~~ Last Chance Canal

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.
- ☒ W.D. 11 - Pete Peterson

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received.
 - ☐ Claim published correctly.
 - ☐ Exceptions processed.
- } No advertising recommended

By _____ Date _____

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By CJ Date 12/30/96

LAST CHANCE CANAL COMPANY, LTD.

PLACE OF USE

The place of use of all water rights of Last Chance Canal Company, Ltd. is for the irrigation of approximately 29,000 acres of land in Caribou County, Idaho, served under the lateral canals of the Tanner Canal Company, Ltd., the North Extension Canal Company, Ltd., the West Branch Canal Company, Turner Canal Company, Ltd., the East Branch Canal Company, the Bench Canal Company, Niter Canal Company, First West Lateral Canal Company, Brown Ditch Company, and their respective private ditch associations within the following subdivisions, to-wit:

In Township 8 South, Range 39 East, B.M.,
Sections 21, 22, 26, 27, 28, 34 and 35;

In Township 9 South, Range 39 East, B.M.,
Sections 2, 3, 4, 9, 10, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26 and 36;

In Township 9 South, Range 40 East, B.M.,
Sections 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36;

In Township 10 South, Range 39 East, B.M.,
Sections 1, 12, 13

In Township 10 South, Range 40 East, B.M.,
Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,
23, 24, 25, 26, 27, 28, 29, 33, 34, 35 and 36;

In Township 10 South, Range 41 East, B.M.,
Sections 5, 6, 7, 8, 17, 18, 19, 20, 28, 29, 30, 31, 32 and 33;

In Township 11 South, Range 40 East, B.M.,
Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14 and 24;

In Township 11 South, Range 41 East, B.M.,
Sections 4, 5, 6, 7, 8, 9 and 18.

RECEIVED

DEC 30 1996

LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE

Department of Water Resources

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER**
JAMES P. PRICE***
LISA M. CHRISTON****
BRENT R. KING

CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101

FAX (208) 232-6109

December 16, 1996

ASSOCIATED WITH
McGRATH, MAROTZ
& SMITH
414 SHOUP
P. O. BOX 50731
IDAHO FALLS, ID 83405
TEL (208) 524-0731
FAX (208) 529-4166

STEPHEN J. McGRATH
SCOTT W. MAROTZ
BRYAN D. SMITH
†ALSO ADMITTED IN CA

*ALSO MEMBER IL & WY BARS
**ALSO MEMBER MO BAR
***ALSO MEMBER CO BAR
****ALSO MEMBER IL BAR

Harold Jones
Eastern Region
Idaho Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402

RECEIVED

DEC 17 1996

Department of Water Resources
Eastern District Office

Re: Last Chance Canal Company, Ltd. - Amended Claim No. 13-04076

Dear Harold:

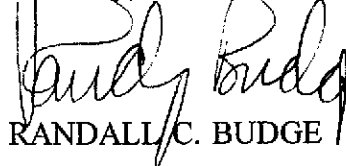
Enclosed please find Amended Claim to Water Right No. 13-04076 which pertains to Last Chance's claim to storage water in Bear Lake obtained pursuant to contract with Utah Power-PacifiCorp. You will note I have signed the amendment as attorney and agent for the company pursuant to authorization and direction of company president, Mark Gibbs.

Kindly file the same as a part of the Department's records pertaining to this claim.

We appreciate your efforts in expediting the Transfer Application pertaining to the place of use. It is important that the company have this transfer approved prior to the irrigation season to be consistent with recent amendment to the company By Laws and avoid potential misunderstandings by the shareholders as to the authorized place of use.

Feel free to give me a call if you have any questions.

Sincerely,


RANDALL C. BUDGE

RCB:rr

Enclosure

cc: Last Chance Canal Company Board of Directors

June 12, 1978

Transtrum & Budge, Chartered
Attorneys at Law
240 So. Main, Suite A
P. O. Box 833
Soda Springs, ID 83276

Gentlemen:

In response to your letter of June 7, I am enclosing a certified copy of Claim #11-4035.

The fee for this copy is \$1.75, made payable to the Department of Water Resources.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Roberta Garrett
Records Supervisor

Enclosure

file
PR 6/15/78
dept. # 11662

Transtrum & Budge, Chartered

A Professional Corporation

Attorneys at Law

WALLACE M. TRANSTRUM
RANDALL C. BUDGE

A. BRUCE LARSON

240 So. Main - Suite A - Telephone 208-547-3944
P.O. Box 833 - Soda Springs, Idaho 83276

June 7, 1978

RECEIVED

JUN 9 1978

Idaho Dept. of Water Resources
373 West Franklin
Boise, Idaho 83201

Department of Water Resources

Dear Sirs:

As attorneys for Last Chance Canal Company of Grace, Idaho would you kindly provide us with a certified copy of Claim #11-4035 with attachments filed by them with your Department on February 20, 1973. Your prompt attention would be appreciated as Last Chance is presently involved in litigation which may require the use of this claim for evidentiary purposes.

Thank you for your time and cooperation in this regard. Please remit any charges to this office and we will promptly pay the same.

Randy Budge
Randall C. Budge

RCB/mb

March 23, 1973

Re: Claim to a Water Right No. 11-4035

Mr. Kenneth Tarbet, President
Last Chance Canal Company, Inc.
Grace, Idaho 83241

Dear Mr. Tarbet:

The Department of Water Administration has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA
Enc: Copy of claim

cc: Wallace M. Transtrum

11 4035

March 13, 1973

Re: Claim to a Water Right No. 11-4035 - Last Chance Canal Co., Inc.

Dr. Evan Kackley
2323 Ellis St.
Boise, ID 83702

Dear Dr. Kackley:

Pursuant to a telephone call made to this office by Mr. Russell Bosch, we are enclosing a copy of the above referenced claim, along with all correspondence contained in the file.

Please be advised that there is a \$2.25 copy fee for these copies, which you may remit to this office at your earliest convenience.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA

Enc: copies

11 4035

**NOTICE OF CLAIM TO A
WATER RIGHT
No. 11-4035**

NOTICE IS HEREBY GIVEN, that Last Chance Canal Co., Inc., Grace, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 19,043 acre feet per annum of water from Bear River with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 9S, R. 41E, B.M., Caribou County;

The water is claimed to be used from April 1 to October 31 with a priority of April 1, 1919; the place of use is the land served by the following canal companies: Tanner Canal Co., Ltd., The Central Canal Co., The North Extension Canal Co., Ltd., The West Branch Canal Co., Turner Canal Co., Ltd., The East Branch Canal Co., and The Bench Canal Co.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON,
Director.

Published in the Caribou County Sun, Soda Springs, Idaho on March 8 and March 15, 1973,

March 2, 1973

Re: Claim No. 11-4035 - Last Chance Canal Co., Inc.

Caribou County Sun
Box 815
Soda Springs, ID 83276

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

NORMAN C. YOUNG
District Engineer

Bill submitted _____ by _____

NCY:BA
Enc: Legal notice

11 4035

NOTICE OF CLAIM TO A WATER RIGHT

NO. 11-4035

Notice is hereby given that Last Chance, Canal Co., Inc., Grace, Idaho,

has filed a claim to a water right established by diversion and application
to beneficial use of 19,043 ~~XXXXXXXXXXXXXXXXXXXX~~ cubic feet per second acre feet per annum
of water from Bear River

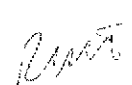
with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 9S, R. 41E, B.M.,
Caribou County;

The water is claimed to be used from April 1 to October 31

with a priority of April 1, 1919;

the place of use is ~~within the~~ the land served by the following canal companies:
Tanner Canal Co., Ltd., The Central Canal Co., The North Extension Canal Co.,
Ltd., The West Branch Canal Co., Turner Canal Co., Ltd., The East Branch Canal
Co., and The Bench Canal Co.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho,
83401.


R. KEITH HIGGINSON

Director

Published in the Caribou County Sun, Soda Springs, Idaho

on March 8 and March 15, 1973.

LAW OFFICES
WALLACE M. TRANSTRUM
ATTORNEY AT LAW
PHONE 547-3944

35 WEST CENTER
SODA SPRINGS, IDAHO 83276

February 26, 1973

Department of Water Administration
240 South Holmes Avenue
Idaho Falls, Idaho 83401

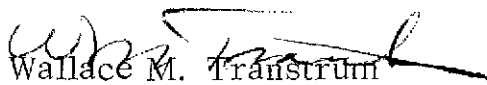
Dear Mr. Turnipseed:

Re: Last Chance Canal Co.

We are returning a re-executed Claim to Water Right by Last Chance Canal Co.

Thank you for your cooperation and assistance in this matter.

Very truly yours,


Wallace M. Transtrum

WMT/jlr

Enc.

11 4045

February 22, 1973

Mr. Wallace M. Transtrum
Attorney-at-Law
35 West Center
Soda Springs, ID 83276

Dear Mr. Transtrum:

Attached is departmental receipt No. 9939 in the amount of \$10 for the claim to a water right which was received in this office under the above date for the Last Chance Canal Company, Inc.

We have taken the liberty of retyping the claim, as we felt it needed a few changes. The decreed legal description of the point of diversion is incorrect (see Remarks).

If you agree with the contents of the retyped claim, please sign, have it notarized, and return it to this office so we may begin processing.

Very truly yours,

RICHARD M. TURNIPSEED
Water Resource Administrator

RMT:ba

Enc: retyped claim

Attachment

11 4035

LAW OFFICES

WALLACE M. TRANSTRUM

ATTORNEY AT LAW

PHONE 547-3944

35 WEST CENTER

SODA SPRINGS, IDAHO 83276

February 16, 1973

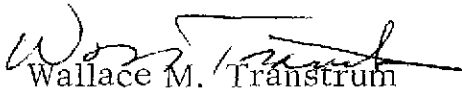
State of Idaho
Department of Water Administration
Statehouse- Annex 2
Boise, Idaho 83707

Dear Mr. Higginson:

Enclosed is an original Claim of Water Right by Last Chance Canal Company with attachments as concerning irrigated land, prior water rights and the schedule of water used under the claim and my check No. 2805 in the amount of \$10.00 as and for filing fee.

Thank you for your help.

Very truly yours,


Wallace M. Transtrum

WMT/jlr

Enc.