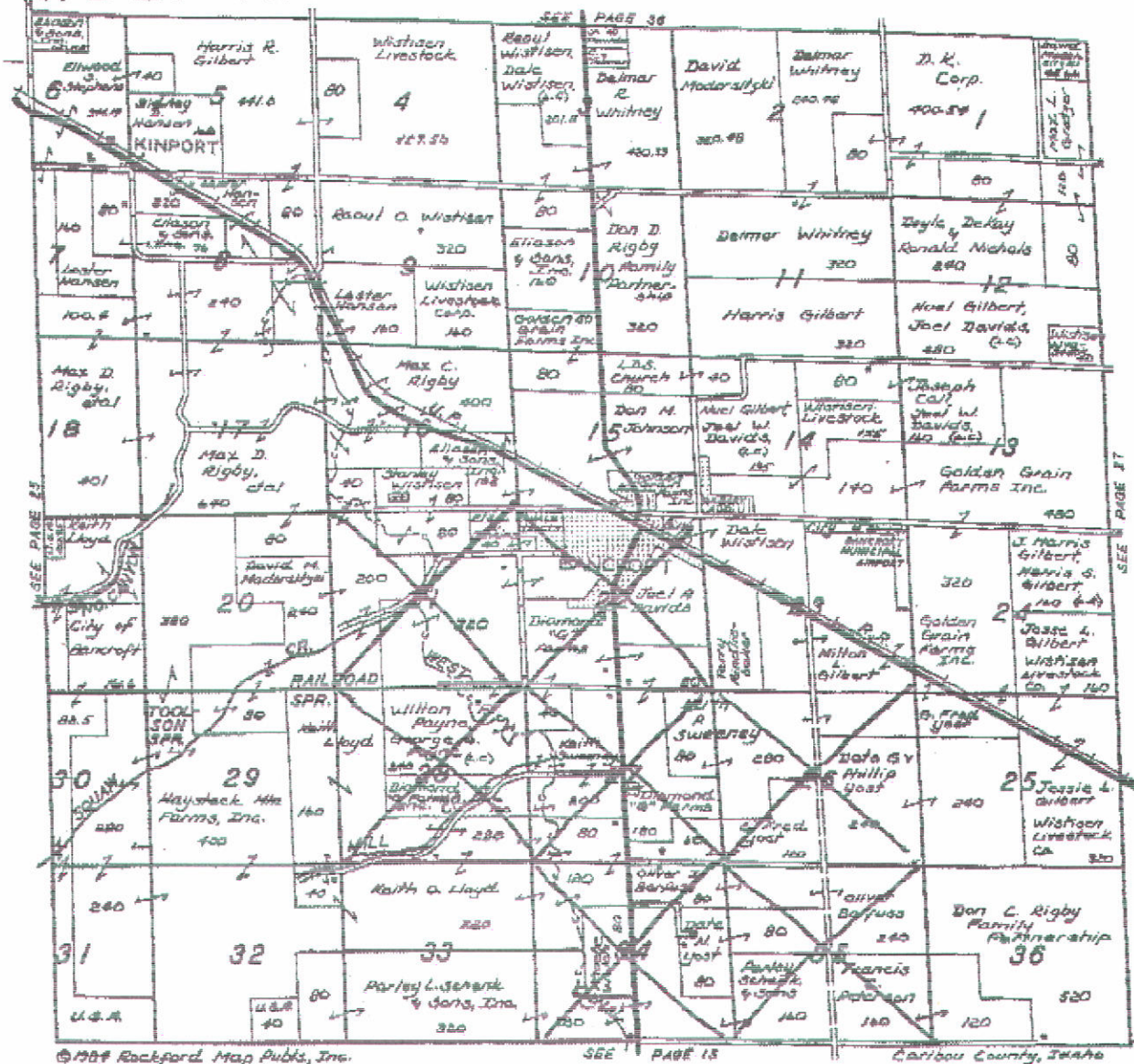
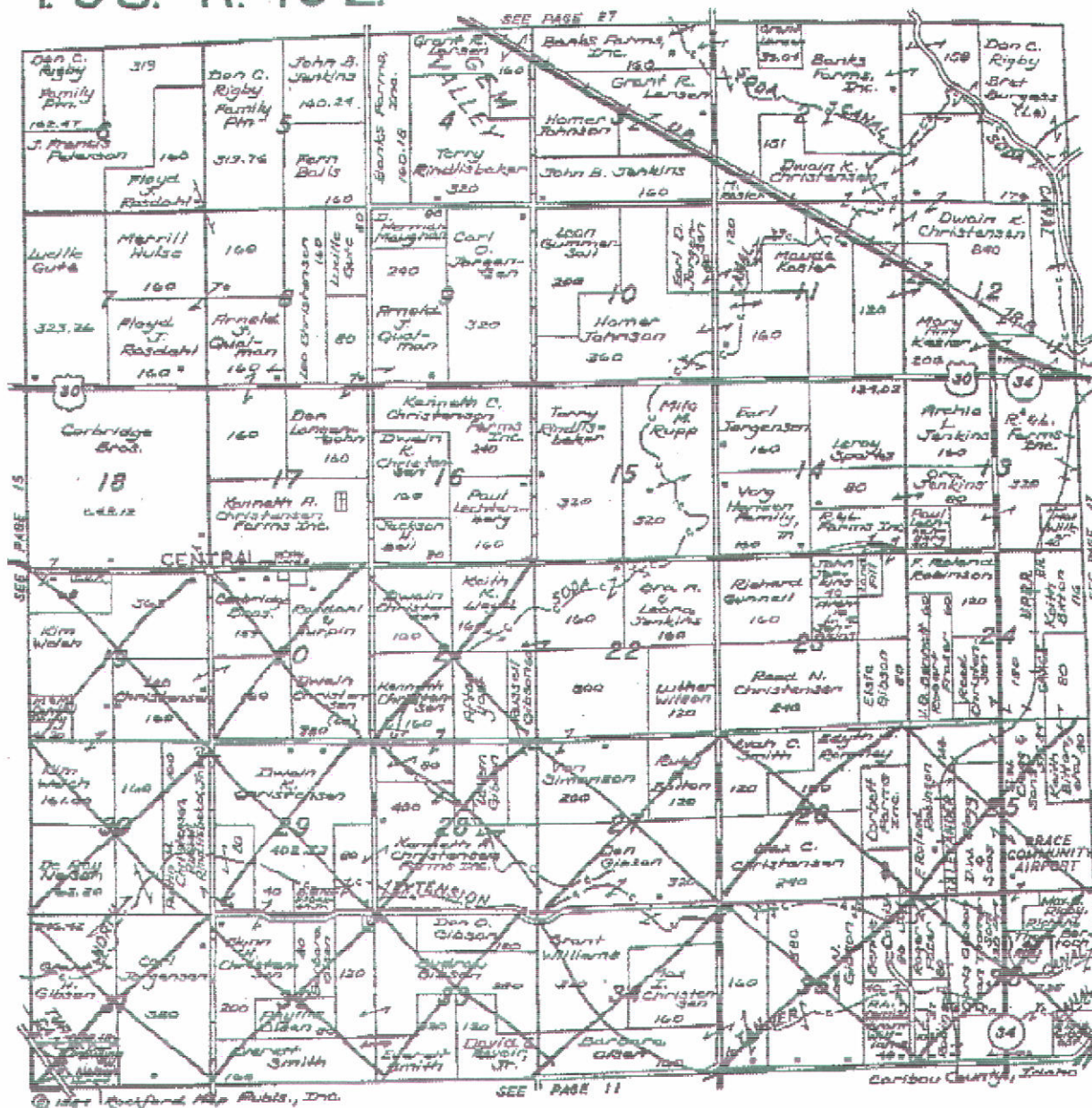


T.8S.-R.39E.

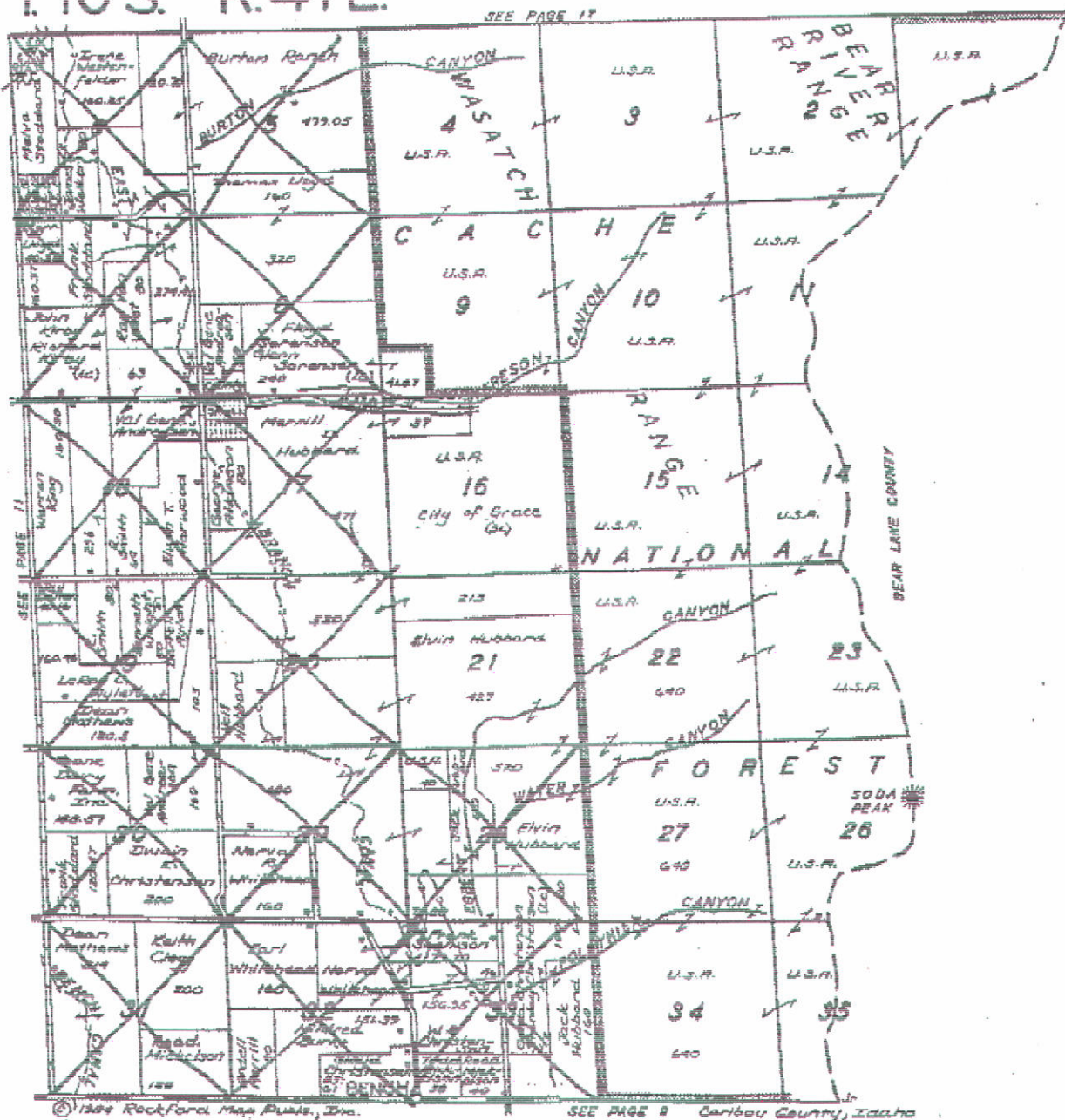


16

T9S.-R.40E.



2 TIOS-R.41E.



FRANKLIN COUNTY, IDAHO

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February 5, 1997

To: Harold Jones, Idaho Dept of Water Resources
From: Cheryl Williss, Fish and Wildlife Service
Subject: Application for Transfer No. 4987,
Last Chance Canal Company

The Fish and Wildlife Service filed a protest to this application, dated January 29, 1997, based on the notice in the Department's Weekly Water Rights Listing, received in this office on January 21 and January 27, 1997. In each, the listing showed that the period of use on Water Right No. 11-00262 was 04/01 to 10/31. Since the Dietrich decree recognized a use period of April 1 through September 30, the Service believed the transfer would result in an expansion of the water rights and the associated consumptive use.

We have now received copies of letters from the Canal Company's attorney, Randall Budge, explaining that the correct irrigation period ends on September 30. Therefore, the Service wishes to withdraw its protest. Because the protest was based on incorrect information published by the Department, we believe that the protest fee of \$25 should be refunded.

FAXED TO HAROLD JONES, IDAHO DEPARTMENT OF WATER RESOURCES 208/525-7177

Request sent to Dave.

twf

2-5-97

MICROFILMED

JUN 23 1997

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NUMBER INDEX

DATE: 06/11/97
PAGE: 1

WATER RIGHT
NUMBER

NAME

CFS

11-00262

LAST CHANCE CANAL COMPANY LTD

54.00

MICROFILMED
JUN 23 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT

AMENDED

TRANSFER NO. 4987
WATER RIGHT NO(S). 11-00262/13-00991C/13-00992C
13-00955/13-00956

This is to certify that: **LAST CHANCE CANAL COMPANY LTD**
C/O DEANN MAUGHAN
913 S MAIN
GRACE ID 83241

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
Right No. 11-00262 :		
IRRIGATION	04/20 to 09/30	54.00 CFS
Priority: 07/29/1910		
Right No. 13-00991C :		
IRRIGATION	04/20 to 09/30	200.00 CFS
Priority: 03/01/1897		
Right No. 13-00992C :		
IRRIGATION	04/20 to 09/30	240.00 CFS
Priority: 05/14/1901		
Right No. 13-00955 :		
IRRIGATION	04/20 to 09/30	138.16 CFS
Priority: 08/09/1909		
Right No. 13-00956 :		
IRRIGATION	04/20 to 09/30	25.60 CFS
Priority: 12/31/1909		
TOTAL:		657.76 CF

SOURCE

BEAR RIVER

TRIBUTARY OF

GREAT SALT LAKE

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 30, Township 09S, Range 41E
NENE , Sec. 1, Township 10S, Range 40E
CARIBOU County

MICROFILMED

DEC 08 1997

TRANSFER NO. 4987
WATER RIGHT NO(S). 11-00262/13-00991C/13-00992C
13-00955/13-00956

PLACE OF USE: IRRIGATION

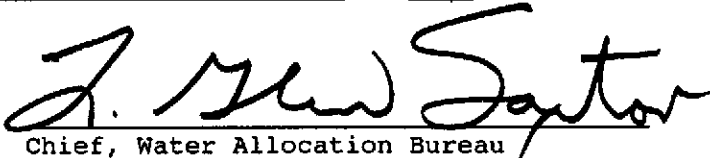
TWN RGE SEC

08S 39E	21, 22, 26, 27, 28, 34, 35
09S 39E	2, 3, 4, 9, 10, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 36
40E	19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
10S 39E	1, 12, 13
40E	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, 36
41E	5, 6, 7, 8, 17, 18, 19, 20, 28, 29, 30, 31, 32, 33
11S 40E	1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 24
41E	4, 5, 6, 7, 8, 9, 18

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by this Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4987 shall not exceed 657.76 cfs.
8. Right Nos. 11-00262, 13-00991C, 13-00992C, 13-00955 and 13-00956 shall not exceed the total combined irrigation of 29,000 acres in the place of use described above in a single irrigation season.

Dated this 18th day of November, 1997.


 Chief, Water Allocation Bureau

MICROFILMED
 DEC 9 8 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4987
WATER RIGHT NO(S). 11-00262/13-00991C/13-00992C
13-00955/13-00956

This is to certify that: **LAST CHANCE CANAL COMPANY LTD**
C/O DEANN MAUGHAN
913 S MAIN
GRACE ID 83241

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
Right No. 11-00262 :		
IRRIGATION	04/20 to 09/30	54.00 CFS
Priority: 07/29/1910		
Right No. 13-00991C :		
IRRIGATION	04/20 to 09/30	200.00 CFS
Priority: 03/01/1897		
Right No. 13-00992C :		
IRRIGATION	04/20 to 09/30	240.00 CFS
Priority: 05/14/1901		
Right No. 13-00955 :		
IRRIGATION	04/20 to 09/30	138.16 CFS
Priority: 08/09/1909		
Right No. 13-00956 :		
IRRIGATION	04/20 to 09/30	25.60 CFS
Priority: 12/31/1909		
TOTAL:		657.76 CFS

SOURCE

BEAR RIVER

TRIBUTARY OF

GREAT SALT LAKE

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 30, Township 09S, Range 41E
NENE , Sec. 1, Township 10S, Range 40E
CARIBOU County

MICROFILMED

TRANSFER NO. 4987
WATER RIGHT NO(S). 11-00262/13-00991C/13-00992C
13-00955/13-00956

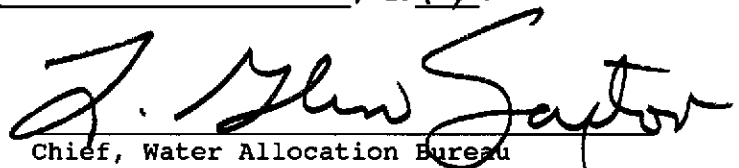
PLACE OF USE: IRRIGATION
TWN RGE SEC

08S 39E 21, 22, 26, 27, 28, 34, 35
09S 39E 2, 3, 4, 9, 10, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 36
40E 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
10S 39E 1, 12, 13
40E 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, 36
41E 5, 6, 7, 8, 17, 18, 19, 20, 28, 29, 30, 31, 32, 33
11S 40E 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 24
41E 4, 5, 6, 7, 8, 9, 18

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4987 shall not exceed 657.76 cfs.
8. Right Nos. 11-00262, 13-00991C, 13-00992C, 13-00955 and 13-00956 shall not exceed the total combined irrigation of 29,000 acres in the place of use described above in a single irrigation season.

Dated this 10th day of June, 1997.


Chief, Water Allocation Bureau

MICROFILMED
JUN 23 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 13 1996

Transfer No. 4987APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant Last Chance Canal Company, Ltd. Phone 208-425-3651Post Office address c/o DeAnn Maughan, Sec., 913 S. Main, Grace, ID 83241

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Correct legal description errors.

2. Describe the reason for the proposed changes Correct errors in legal description of land within which 29,000 acre place of use is authorized under the Dietrich Decree, by deleting 22 sections not irrigated and adding 4 sections omitted that have always been irrigated

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Number
Dietrich Decree					
No. 5(a)	3/1/1887	200	Irrigation	4/20 to 9/30	13-00991C
No. 5(b)	5/14/1901	240	Irrigation	4/20 to 9/30	13-00992C
No. 6(a)	8/9/1909	138.16	Irrigation	4/20 to 9/30	13-00955
No. 6(b)	12/31/1909	25.6	Irrigation	4/20 to 9/30	13-00956
No. 7	7/29/1910	54	Irrigation	4/20 to 9/30	13-00262

2. Total amount of water being transferred - cubic feet per second and/or - acre-feet per annum.3. Source of water Bear River tributary to -

4. Point(s) of Diversion: See Dietrich Decree Right No. 5, 6, 7 (pp.16.17). (Exhibits A and B attached)

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	30	9S.	41E	Caribou	Last Chance Canal Diversion
		NE NW	NE NW	1	10S	40E	Caribou	Bench "B" Canal Diversion

5. Lands irrigated or place of use: See "Place of Use", Exhibit A attached. * Modified per exhibit A-1 4-14-97.

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S	39E	*																	
9S	39E	*																	
9S	40E	*																	
10S	39E	*																	
10S	40E	*																	
10S	41E	*																	
11S	40E	*																	
11S	41E	*																	

Total acres 29,000

PART 1

6. General Information:

- a. Description of diversion system Existing rock crib dam in Bear River and headgate/ canal systems of Last Chance Canal Company, Ltd., Bench "B" Canal and Turner "B" Canal.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? n/a Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
None. No change in irrigated land which remains 29,000 acres historically irrigated by Last Chance Canal system. Purpose is to correct legal description errors in Dietrich Decree to clarify and more accurately identify perimeter boundary and area within which the 29,000 acre place of
- d. Remarks: use is located, by deleting 25 sections ^{never} ~~never~~ irrigated and adding 7 sections always irrigated. As a result, the 29,000 acre place of use will be within an area of *66,614 acres, rather than 78,134 acres described in the Decree.
LAST CHANCE CANAL took over Bench Canal in the early 1900's.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

MICROFILMED

JUL 23 1987

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 13-00991C

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/20 to 09/30	200.00 CFS
IRRIGATION	04/20 to 09/30	200.00 CFS
	Totals	200.00 CFS

SOURCE

BEAR RIVER

TRIBUTARY OF

GREAT SALT LAKE

Priority: 03/01/1897

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 30, Township 09S, Range 41E
 NENE , Sec. 1, Township 10S, Range 40E
 SWSE , Sec. 2, Township 10S, Range 40E
 CARIBOU County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
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MICROFILMED
 JUN 23 1987

Water Right No. 13-00991C

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
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RECORDED
JUN 28 1967

Water Right No. 13-00991C

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
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MICROFILMED
JUN 23 1987

Water Right No. 13-00991C

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
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MICROFILMED
AUG 23 1957

Water Right No. 13-00991C

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
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MICROFILMED

JUN 23 1987

Water Right No. 13-00991C

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
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CONDITIONS/REMARKS:

1. TRANS. 2395.
2. P/D HEADWORKS OF THE LAST CHANCE CANAL
P/U WITHIN THE LAST CHANCE CANAL CO., LTD.
3. P/U AC IRR=29,000.

RECORDED

JUN 13 1957

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 13-00992C

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/20 to 09/30	240.00 CFS
IRRIGATION	04/20 to 09/30	240.00 CFS
Totals		240.00 CFS

SOURCE

BEAR RIVER

TRIBUTARY OF

GREAT SALT LAKE

Priority: 05/14/1901

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 30, Township 09S, Range 41E
 NENE , Sec. 1, Township 10S, Range 40E
 SWSE , Sec. 2, Township 10S, Range 40E
 CARIBOU County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
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RECORDED
 JUN 23 1987

Water Right No. 13-00992C

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
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NOT RECORDED
JUL 23 1987

Water Right No. 13-00992C

PLACE OF USE: IRRIGATION

<u>TWN</u> <u>RGE</u> <u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
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PLACE OF USE: IRRIGATION

<u>TWN</u> <u>RGE</u> <u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S 39E 5				
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MICROFILMED
JUL 29 1957

Water Right No. 13-00992C

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
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		27				
		28				
		34				
		35				
09S	39E	1				
		2				
		3				
		4				
		9				
		10				
		11				
		12				
		13				
		14				
		15				
		16				
		21				
		22				
		23				
		24				
		25				
		26				
		36				
40E		4				
		5				
		6				
		7				
		8				
		9				
		16				
		17				
		18				
		19				
		20				
		21				
		25				
		26				
		27				
		28				
		29				
		30				
		31				
		32				
		33				
		34				
		35				

RECEIVED
JUN 23 1967

Water Right No. 13-00992C

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
		36				
10S	40E	1				
		2				
		3				
		4				
		5				
		6				
		7				
		8				
		10				
		11				
		12				
		13				
		14				
		15				
		16				
		17				
		18				
		19				
		20				
		21				
		22				
		24				
		25				
		26				
		27				
		28				
		29				
		33				
		34				
		35				
		36				
41E		6				
		7				
		17				
		18				
		19				
		20				
		29				
		30				
		31				
		32				
		33				
11S	40E	1				
		2				
		3				
		4				
		9				
		10				
		11				
		12				

WATER RIGHT
JUN 13 1997

Water Right No. 13-00992C

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
		13				
		14				
		15				
		16				
		22				
		23				
		24				
41E		4				
		5				
		6				
		7				
		8				
		18				
		19				

CONDITIONS/REMARKS:

1. TRANS. 2395.
2. P/D HEADWORKS OF THE LAST CHANCE CANAL
P/U WITHIN THE LAST CHANCE CANAL CO., LTD.
3. P/U AC IRR=29,000

1400000000

JUN 23 1967

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 13-00955

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/20 to 09/30	138.16 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BEAR RIVER	GREAT SALT LAKE

Priority: 08/09/1909

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 1, Township 10S, Range 40E
CARIBOU County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10S	40E	1	SENE 4	NESW 20	SWSW 40	
			SESW 40	NWSE 40	SWSE 40	
			SESE 40			224
		9	SWSE 30	SESE 40		70
		10	SWSW 40	SESW 40	SWSE 40	
			SESE 15			135
		11	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NESW 30	NWSW 40	
			SWSW 30	SESW 30	NESE 40	
			NWSE 40	SWSE 20		390
		12	SWNE 40	SENE 40	NENW 40	
			NWNW 40	SWNW 30	SENE 30	
			NESW 40	SESW 35	NESE 40	
			NWSE 40	SWSE 40	SESE 40	455
		13	NENE 40	NWNE 40	SENE 40	
			NENW 20	NESW 35	SESW 25	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			360
		14	NWNW 35	SWNW 40	NESW 40	
			NWSW 40			155
		15	NENE 30	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 10	
			SENE 40			240
		16	NESW 40	NWSW 40	SWSW 40	
			SESW 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		320
		21	NESE 40			40
		22	NWNE 40	SWNE 30	NENW 40	
			NWNW 40	SWNW 30	NESW 15	
			NWSW 40	SWSW 40	NESE 15	

MICROFILMED
JUL 23 1987

Water Right No. 13-00955

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
		SESE	20			310
23		SWNE	40	NENW	40	
		SWNW	40	SENE	40	
		NWSW	30			260
24		NENE	40	NWNE	40	
		NWNW	30	NESW	25	
		SWSW	40	SWSE	5	240
25		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENE	40	
		NWSW	40	SWSW	40	
		NESE	40	NWSE	40	
		SESE	40			640
26		SWNE	40	SENE	40	
		SWNW	40	SWSW	15	
		NWSE	30	SWSE	40	280
27		NWNE	15	NWNW	40	
		NESW	20	NWSW	20	
		SESW	35	SWSE	15	225
28		NENE	30	SENE	20	50
34		NENW	30	NWNW	30	
		SENE	30	NESW	40	
		SWSW	25	SESW	40	
		SESE	20			305
35		SENE	40	NENW	40	
		SWNW	40	SENE	40	
		NWSW	40	SWSW	35	
		SESE	40			395
36		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENE	40	
		NWSW	40	SWSW	40	
		NESE	40	NWSE	40	
		SESE	40			610
41E	7	NWSW	40	SWSW	40	80
	18	NENW	40	SENE	40	80
	30	NWSW	40	SWSW	40	80
	31	NENW	40	NWNW	40	
		NWSW	30	SWSW	20	155
11S 40E	1	NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	NESW	40	
		SWSW	40	SESW	40	
		NWSE	40	SWSE	40	
		SESE	35			595
2		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENE	40	
		NESE	40	SESE	40	430
3		NENE	40	NWNE	40	
		NENW	40	NWNW	40	
		NWSW	40			270

JUN 27 1987

Water Right No. 13-00955

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
		10	SESW 20	SESE 20		40
		11	NENE 25	NWNE 25	SENE 30	100
			NESE 20			
		12	NENE 35	NWNE 40	SWNE 40	
			SENE 30	NENW 30	NWNW 40	
			SWNW 15	SENW 10	NESW 25	
			SWSW 40	SESW 40	NESE 25	
			NWSE 30	SWSE 20		420
		13	NWNE 20	SWNE 25	NESW 20	
			SESW 35	NWSE 30	SWSE 40	170
		14	NESW 20	NWSW 20	NWSE 20	60
		15	NENE 25	NWNE 20	SWNE 40	
			SWNW 35	SENW 40	NESW 40	
			NWSW 40	NWSE 25		265
		16	SENE 30	NESE 15		45
		24	SENW 40			40
41E	6		NWSW 40			40
	7		SWNW 35	SENW 35	NESW 35	
			NWSW 35			140
	18		NWSW 20			20

Total number of acres irrigated: 8734

CONDITIONS/REMARKS:

1. P.D.BENCH "B" CANAL, P/U ACRES IRRIGATED 29,000
SEE ALSO LICENSE #13-2028/2031

RECORDED
JUN 23 1997

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 13-00956

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/20 to 09/30	25.60 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BEAR RIVER	GREAT SALT LAKE

Priority: 12/31/1909

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 1, Township 10S, Range 40E
CARIBOU County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10S 40E 1	SENE 4	NESW 20	SWSW 40	
	SESW 40	NWSE 40	SWSE 40	
	SESE 40			224
9	SWSE 30	SESE 40		70
10	SWSW 40	SESW 40	SWSE 40	
	SESE 15			135
11	NENE 40	NWNE 40	SWNE 40	
	SENE 40	NESW 30	NWSW 40	
	SWSW 30	SESW 30	NESE 40	
	NWSE 40	SWSE 20		390
12	SWNE 40	SENE 40	NENW 40	
	NWNW 40	SWNW 30	SENW 30	
	NESW 40	SESW 35	NESE 40	
	NWSE 40	SWSE 40	SESE 40	455
13	NENE 40	NWNE 40	SENE 40	
	NENW 20	NESW 35	SESW 25	
	NESE 40	NWSE 40	SWSE 40	
	SESE 40			360
14	NWNW 35	SWNW 40	NESW 40	
	NWSW 40			155
15	NENE 30	NWNE 40	SWNE 40	
	SENE 40	NENW 40	NWNW 10	
	SENW 40			240
16	NESW 40	NWSW 40	SWSW 40	
	SESW 40	NESE 40	NWSE 40	
	SWSE 40	SESE 40		320
21	NESE 40			40
22	NWNE 40	SWNE 30	NENW 40	
	NWNW 40	SWNW 30	NESW 15	
	NWSW 40	SWSW 40	NESE 15	

JUL 23 1997

Water Right No. 13-00956

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
		SESE	20			310
23		SWNE	40	NENW	40	
		SWNW	40	SENE	40	
		NWSW	30			260
24		NENE	40	NWNE	40	
		NWNW	30	NESW	25	
		SWSW	40	SWSE	5	240
25		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENE	40	
		NWSW	40	NESW	40	
		NESE	40	SWSW	40	
		SESE	40	NWSE	40	640
26		SWNE	40	SENE	40	
		SWNW	40	SWSW	15	
		NWSE	30	SWSE	40	280
27		NWNE	15	NWNW	40	
		NESW	20	NWSW	20	
		SESW	35	SWSE	15	225
28		NENE	30	SENE	20	50
34		NENW	30	NWNW	30	
		SENE	30	NESW	40	
		SWSW	25	SESW	40	
		SESE	20			305
35		SENE	40	NWNW	40	
		SENE	40	NESW	40	
		SWSW	35	SESW	40	355
36		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENE	40	
		NWSW	40	SWSW	40	
		NESE	40	NWSE	40	
		SESE	40			610
41E	7	NWSW	40	SWSW	40	80
	18	NENW	40	SENE	40	80
	30	NWSW	40	SWSW	40	80
	31	NENW	40	NWNW	40	
		NWSW	30	SWSW	20	155
11S 40E	1	NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENE	40	
		NWSW	40	NESW	40	
		NESE	40	SWSW	40	
		SESE	35	NWSE	40	635
2		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENE	40	
		NESE	40	SESE	40	430
3		NENE	40	NWNE	40	
		NENW	40	NWNW	40	
		NWSW	40			270

JUN 23 1957

Water Right No. 13-00956

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
		10	SESE 20			20
		11	NENE 25	NWNE 25	SENE 30	
			NESE 20			100
		12	NENE 35	NWNE 40	SWNE 40	
			SENE 30	NENW 30	NWNW 40	
			SWNW 15	SENE 10	NESW 25	
			SWSW 40	SESW 40	NESE 25	
			NWSE 30	SWSE 20		420
		13	NWNE 20	SWNE 25	NESW 20	
			SESW 35	NWSE 30	SWSE 40	170
		14	NESW 20	NWSW 20	NWSE 20	60
		15	NENE 25	NWNE 20	SWNE 40	
			SWNW 35	SENE 40	NESW 40	
			NWSW 40	NWSE 25		265
		16	SENE 30	NESE 15		45
		24	SENE 40			40
41E	6		NWSW 40			40
	7		SWNW 35	SENE 35	NWSW 35	105
	18		NWSW 20			20

Total number of acres irrigated: 8679

CONDITIONS/REMARKS:

1. P/D BENCH "B" CANAL.
2. P/D BENCH "B" CANAL.

16000-41E-10

JUN 23 1992

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 11-00262

STAGE: DECREEED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/31	54.00 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BEAR RIVER	GREAT SALT LAKE

Priority: 07/29/1910

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 30, Township 09S, Range 41E
CARIBOU County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. TRANS. 2463.
2. P/U WITHIN THE LANDS OF LAST CHANCE CANAL CO.

RECORDED

JUL 28 1997

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.

See Exhibit A-1

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

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

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

CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391
TELEPHONE (208) 232-6101
FAX (208) 232-6109

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

April 14, 1997

RECEIVED

Department of Water Resources
Eastern Region

Ron Carlsen, Manager, Eastern Region
Idaho Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718

Re: Last Chance Canal - Transfer Application No. 4987

Dear Ron:

This will confirm the settlement of the Gem Valley Farms/Neibaur Protest at the prehearing conference conducted at the Pocatello Airport April 9, 1997. Enclosed please find a revised description of the place of use of Last Chance's decreed water rights. Sections 19 and 20 in Township 9 South, Range 40 East and Section 15 in Township 11 South, Range 40 East, have been added to the previous description. Accordingly, those sections will not be deleted from the decreed place of use.

Please consider the Transfer Application amended accordingly. Based upon this amendment the Protest of Gem Valley Farms/Neibaurs is withdrawn. By copy of this letter and the enclosure, we are advising their attorney, William Forsberg, who will confirm the withdrawal of their protest by letter.

Please approve the Transfer Application as amended without further notice or hearing. The 29,000 acre place of use is now within an area of 67,894 acres, rather than the area of 66,614 acres indicated in Part 1, Paragraph 6(d) of the Application. If you have any questions, give me a call. Thank you for your assistance.

Sincerely,

RANDALL C. BUDGE

RCB:rr

Enclosures

cc: William Forsberg

Exhibit A-1

Modified per Exhibit A-1

Ron Carlsen
Eastern Division Manager
April 14, 1997
Page 2

P.S. TO HAROLD JONES:

At the prehearing conference before Ron Carlsen April 9, he noted in the file a description of the Water Right No. 13-00955 as recorded. In looking that over, it appeared that the place of use was broken down into 40-acre and smaller parcels, purportedly based upon some prior transfer. As we are unaware of any prior transfers and the Dietrich Decree lists the place of use in full sections, would you please take a look at this and give me a call with an explanation. Thank you.

Sincerely,



RANDALL C. BUDGE

RCB:rr

APR 15 1997

APR 15 1997

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 19, 20, 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, 15 and 24;

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

Abel R.C.U.

PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use Amount Hours/days/year Period of Use
 (cfs/ac-ft) _____ to _____
 _____ to _____
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Rudolf C. Budge, Attorney For Applicant.
 (Signature of Applicant)

Subscribed and sworn to before me this 11th day of November, 1996.

Natalie Sheffer
 (Notary Public)

My commission expires 1/29/97

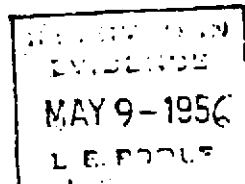
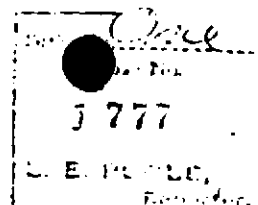
FOR DEPARTMENT USE ONLY

Transfer contains 22 pages and 3 attachments
 Received by HW NOV. 13, 1996 Date Nov. 13, 1996
 Prelim. check by _____ Fee \$100 E020996
 Receipted by HW Date _____
 Published in Caribou County Sun & Statewide
 Pub. dates January 16 & 23, 1997
 Watermaster recommendation requested on January 10, 1997
Waterdist 11 rec'd. _____ by ADC
 Copy of transfer sent to lien holder _____

Exhibit A - Description of POU
 Exhibit B - Revised Dietrich Decree
 Exhibit C - Original Dietrich Decree
 Protest filed by _____
 Copies of protest forwarded by _____
 Hearing held by _____ Date _____
 Recommended for ☒ approval ☐ denial

10280-1000

JUN 26 1997



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.

MICROFILMED
JUN 23 1937

EXHIBIT "B"

(Revised)

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
4. Eph. T. Williams: 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.
5. Last Chance Canal Company, Ltd.: 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:

Summary:

Deleted (25) sections = (16,000) Ac.

Added 7 sections = 4,480

Net = (18 sections) = (11,520)

In Township 8 South, Range 39 East, B.M., Sections ~~5, 7, 8, 9, 16, 17, 21, 22, 26, 27~~ 23, 34 and 35.

In Township 9 South, Range 39 East, 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.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;

Add: 10 S., R 39 E.; Sec. 1, 12, 13

unchanged

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, 30, 31, 32, 33, 34, 35~~ and 36;

In Township 11 South, Range 40 East, B.M., Sections ~~1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24~~;

Add: 5, 8, 28

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

Add: 9

In Township 11 South, Range 41 East, B.M., Sections ~~4, 5, 6, 7, 8, 18 and 19~~;

6. The Bench Canal:
(a) 1909—Aug. 9 138.16 c.f.s.
(b) 1909—Dec. 31 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-

DATE OF
PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

7. *Tanner Canal Company, Limited:*
1910—July 29 5½ c.f.s.

8. *Utah Power & Light Company:*
Grace Power Plant:
1905—Dec. 28 500 c.f.s.
1908—July 6 500 c.f.s.

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.

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 Northeast 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.

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.

RECORDED
JUN 23 1937

FILE
3-777
L. E. POOLE,
Recorder.

RECEIVED IN
EVIDENCE
MAY 9-1956
L. E. POOLE

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.

EXHIBIT "C"
JUL 23 1920

(original)

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.
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.M., Sections 5, 7, 8, 9, 16, 17, 21, 22, 26, 27, 28, 34 and 35; In Township 9 South, Range 39 East, 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.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. 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.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.M., Sections 6, 7, 17, 18, 19, 20, 29, 30, 31, 32 and 33; In Township 11 South, Range 41 East, B.M., Sections 4, 5, 6, 7, 8, 18 and 19.
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-

16-7-1900

JUN 23 1907

DATE OF
PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

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.

7. *Tanner Canal Company, Limited:*
1910—July 29 5½ 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 Northeast 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.

8. *Utah Power & Light Company:*
Grace Power Plant:
1905—Dec. 28 500 c.f.s.
1908—July 6 500 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.

JUL 27 1917

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 4987 IN THE NAME OF)
LAST CHANCE CANAL COMPANY, LTD.)

**ORDER
AUTHORIZING DISCOVERY**

On January 29, 1997, Gem Valley Farms (protestant) by and through its attorney, William Forsberg, by motion requested the department to issue an order Authorizing Discovery pursuant to IDAPA Rules 37.01.01521-531 (Rules of Procedure 521 through Rule 531). The applicant did not respond to the motion.

The Director of the department of Water Resources (Director) hereby authorizes the parties to engage in discovery commencing with the date of this order. The parties shall complete discovery five days prior to the date of the hearing in this matter which has been tentatively scheduled on April 24, 1997. Discovery shall be conducted pursuant to IDAPA 37.01.01520-532 (Rules of Procedure 520 through 532). The parties are directed to answer or otherwise respond to discovery in accordance with the department's Rules of Procedure and the Idaho Rules of Civil Procedure, as appropriate.

In accordance with Rule 520, the scope of discovery shall be governed by Rule 26(b) of the Idaho Rules of Civil Procedure, unless otherwise provided by statute, rule or order of the Director.

DATED this 17th day of March, 1997.



L. GLEN SAXTON
Hearing Officer

MICROFILMED
JUN 23 1997

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 18th day of March, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing ORDER AUTHORIZING DISCOVERY to the following:

William Forsberg
Attorney At law
127 E. Main
Rexburg, ID 83440

Randall Budge
RACINE OLSEN NYE
COOPER & BUDGE
P.O. Box 1391
Pocatello, ID 83204


JULIE L. YARBROUGH
Senior Secretary

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
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	Tanner Canal Co.	54		11-0262
2463	Last Chance Canal Co.	54		11-0262

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Last Chance Canal Co. Phone 208-547-2186
Post office address Grace, Idaho, in care of Randall C. Budge, Attorney at Law,
Soda Springs, Idaho

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree to Tanner Canal Co., Ltd.
(Name)
in case of Utah Power and Light Co. vs Last Chance Canal Co., et al
Eastern Division of
dated 7-14-20 in U.S. District Court county of Bear Lake
(Name of court)
- b. License No. issued by the Idaho Department of Water Resources
- c. Claim No. on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
Acquired by Warranty Deed dated May 12, 1919, a copy of which is attached.
3. Source of water Bear River tributary to Great Salt Lake
4. Date of priority July 29, 1910
5. Water is used for the following purposes:
amount 54 cfs for irrigation purposes from Apr. 1 to Oct. 31
amount for purposes from to
amount for purposes from to
(month/day - both dates inclusive)
6. Total amount of water under right: a. 54 cubic feet per second
&/or
b. acre feet per annum
7. Location of original point of diversion is see below 1/4 of 1/4 of Section
Township Range, B.M., in County
Additional points of diversion, if any at a point South 64°13" West, 2,182.24 feet
from the Northeast corner of Section 1, Township 10 South, Range 40 East., B.M.
Caribou County, Idaho.
8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
			As set forth on page 17 of the Dietrich Decree attached, these waters are used for the supplemental irrigation of lands under the Last Chance Canal system, the legal description of which is set forth fully as a part of the water rights decreed to the Last Chance Canal Co., as set forth on page 16 of the Dietrich Decree, a copy of which is attached.																

Total number of acres to be irrigated 29,000

requested changed, omit part B)

- b. _____
acre feet per annum

- Range _____, B.M., _____

Additional points

3. Place of use: No change in place of use. Same as (8) above.

[illegible]

1. Change in point of diversion

- | b. Point(s) of diversion | | SW | 1/4 | SE | 1/4, Section | 30 | Township | 9 S. |
|--------------------------|--|----|-----|----|--------------|----|----------|------|
|--------------------------|--|----|-----|----|--------------|----|----------|------|

Additional points

- diversion has been discontinued. The waters are presently diver

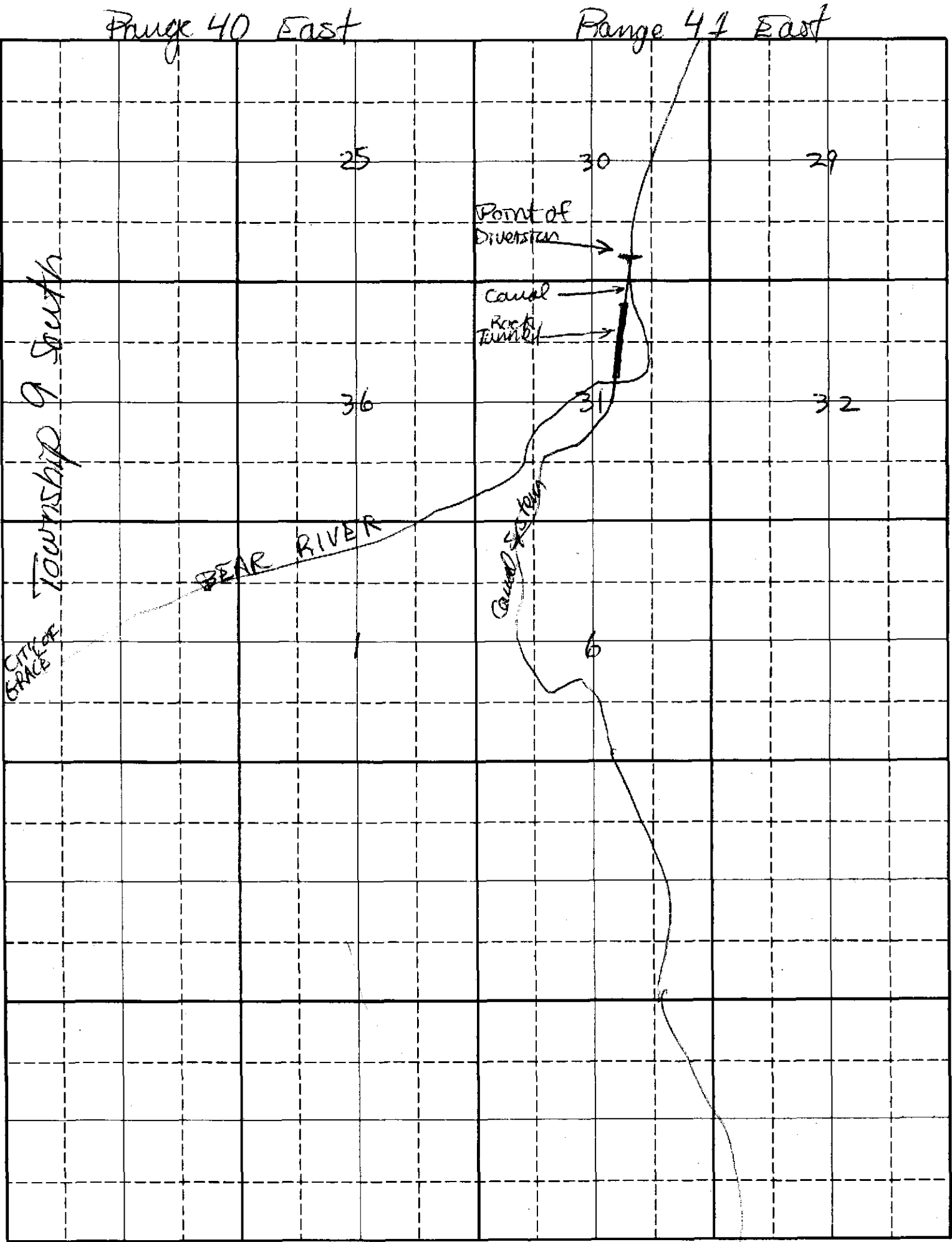
at the location described above along with other decreed water r

- a. Describe the lands or place of use to which the right will be transferred:

[illegible]

Total number of acres to be irrigated

b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

LAST CHANCE CANAL CO.
By: *John W. Gilbert*
President (Signature of applicant)

Subscribed and sworn to before me this 27th day of MAY, 1980.

Donald C. Budge
(Notary public)

My commission expires 10-15-80

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 11-0262

and said application is hereby approved, subject to the following limitations and conditions:

(1) A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works. (2) Use of water under this right is subject to control by the watermaster of State Water District # 11, Bear River.

Witness my hand this 16th day of September, 1980.

Norman C. Young
NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by cc Date 6/12/80
Prelim. check by cc Fee 30.00 35.00
Received by cc Date 6/13/80 # 14873
Copies of protest forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by Jim RT

Watermaster recommendation requested on _____
Pub. dates 6/26 & 7/3/80
Published in Caribou County Sun
rec'd. 6/23/80 7/22/80

Affidavit of Publication

PUBLIC NOTICE

First Time
Published

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 11-0262

Notice is hereby given that Last Chance Canal Company, Grace, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters of Bear River. The right sought to be changed is evidenced by decree to Tanner Canal Co., Ltd. in case of Utah Power and Light Co. vs. Last Chance Canal Co., et al. dated 7-14-1920 in Eastern Division of U.S. District Court, County of Bear Lake and is recorded as follows:

AMOUNT: 54 cfs

PRIORITY: July 29, 1910

DECREED POINT OF DIVERSION: At a point South 64°13' West, 2,182.24 feet from the Northeast corner of Section 1, Twp. 10S, Rge. 40E, B.M., Caribou County.

The water is used for irrigation purposes from April 1 to October 31 as set forth in the Dietrich Decree, these waters are used for the supplemental irrigation of lands under the Last Chance Canal system, the legal description of which is set forth fully as a part of the water rights decreed to the Last Chance Canal Co.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SW 1/4 SE 1/4, Section 30, Twp. 9S, Rge. 41E, B.M., Caribou County.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before July 14, 1980.

C. STEPHEN ALLRED
Director

Published in the Caribou County Sun June 26 and July 3, 1980.

County of Caribou } ss.
State of Idaho }

Mark Steele

being first duly sworn on his oath, states:

That he is Publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

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

for 2 successive weekly issues thereof, the date of the first publication being the

26th day of

June, 19 80

The date of the last publication

being the 3rd day of

July, 19 80

Subscribed and sworn to be-

fore me this 10th day

of July, 19 80

Clayton Lule
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the

1st day of March

19 84

RECEIVED

JUL 16 1980

Department of Water Resources
Eastern District Office

DATE OF PRIORITY	AMOUNT IN SECOND FEET
4. Eph. T. Williams: 1895—March 21	2.4 c.f.s.

POINT OF DIVERSION AND PLACE OF USE

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.

(5) Last Chance Canal Company, Ltd.:
11-025 1897—March 1 200 c.f.s.
11-025 1901—May 14 230 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, 4050 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 control of the Turner 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 Branch Canal Company, in the following subdivisions, to-wit:

In Township 8 South, Range 39 East, 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.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.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. 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, 30, 31, 32, 33, 34, 35 and 36;

In Township 11 South, Range 40 East, 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.M., Sections 6, 7, 17, 18, 19, 20, 29, 30, 31, 32 and 33;

In Township 11 South, Range 41 East, B.M., Sections 4, 5, 6, 7, 8, 18 and 19.

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 48°57' West 120.97 feet from the North-

(6) The Bench Canal:
11-0260 (a) 1909—Aug. 9 159.26 c.f.s.
11-0261 (b) 1909—Dec. 31 20.6 c.f.s.

DATE OF
PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

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.

Last Chance
(7) *Tanner Canal Company, Limited:*
11-02 to 2 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, diverging 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.

8. *Utah Power & Light Company:*
Grace Power Plant:
1905—Dec. 28 500 c.f.s.
1903—July 6 500 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.

WARRANTY DEED
.....

THIS INDENTURE, Made this 12 day of May, 1919, by and between The Tanner Canal Company, a corporation, organized and existing under and by virtue of the laws of the State of Idaho, party of the first part, and The Last Chance Canal Company, Limited, a corporation, organized and existing under and by virtue of the laws of the State of Idaho, party of the second part, WITNESSETH:-

That the said party of the first part, for and in consideration of 1119 shares of the capital stock of the said Last Chance Canal Company, Limited, to it in hand delivered by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents, Grant, Bargain, Sell and Convey and Confirm unto the said party of the second part, and to its successors and assigns forever, free and clear of all encumbrances of every kind and nature, the following described property, real and personal, rights and franchises, of the said Tanner Canal Company, situate in Bannock County, State of Idaho, to-wit:

That certain canal and irrigation ditch known as and called the Tanner B Canal, having its headworks and point of diversion on Bear River at a point South 64 degrees 13 minutes West 2182.24 feet from the northeast corner of section 1 T. 10 South, Range 40 E. B. M., and extending thence in a general westerly direction a distance of approximately 6000 feet, to the point that said Tanner B Canal joins and empties into the Tanner Canal in section 35 T. 9 South, Range 40 E. B. M., together with all rights, rights of way, structures, appliances, excavations, and all water rights appertaining to and belonging to said Tanner B Canal, including all water rights of said canal in and to the original water filing of said Last Chance Canal Company, Limited, and also including all rights under water permit No. 6631, for 54 cubic feet per second of the waters of said Bear River, issued by the State Engineer of the State of Idaho;

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or otherwise appertaining, and the rents, issues and profits thereof.

To have and to Hold, all and singular, the said

MICROFILMED

promises, together with the appurtenances and privileges thereunto incident, unto the said party of the second part, and to its successors and assigns forever. And the said party of the first part, and its successors and assigns, the said premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against the said party of the first part, and its successors and assigns, and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

In witness whereof, The said party of the first part has caused these presents to be executed and to be signed by its Secretary, and its corporate seal to be affixed hereto, the day and year in this instrument first above written.

CORPORATE
S E A L.

TANNER CANAL COMPANY:

By

F. M. Cooper
Its Secretary.

STATE OF IDAHO)
) SS
COUNTY OF BANNOCK)

On this 12 day of May, 1919, before me, a Notary Public in and for the above county and state, personally appeared F. M. Cooper, known to me to be the Secretary of the corporation that executed the within and foregoing instrument, and acknowledged to me that such corporation executed the same.

In witness whereof I have hereto set my hand and affixed my official seal, the day and year in this certificate first above written.

NOTARIAL
S E A L.

John Albop
Notary Public
Res: P _____, Idaho.

WARRANTY DEED

THIS INDENTURE, Made this 12 day of May, 1919, by and between the Bench Canal Company, a corporation, organized and existing under and by virtue of the laws of the State of Idaho, party of the first part, and The Last Chance Canal Company, Limited, a corporation, organized and existing under and by virtue of the laws of the State of Idaho, party of the second part, WITNESSETH:-

That the said party of the first part, for and in consideration of 3381 shares of the capital stock of the said Last Chance Canal Company, Limited, to it in hand delivered by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents, Grant, Bargain, Sell and Convey and Confirm unto the said party of the second part, and to its successors and assigns forever, free and clear of all encumbrances of every kind and nature, the following described property, real and personal, rights and franchises, of the said Bench Canal Company, situate in Bannock County, State of Idaho, to-wit:

That certain canal and irrigation ditch known as and called the Bench B Canal, having its headworks and point of diversion at a point on Bear River S. 48 degrees 58 minutes W. 1268.97 feet from the northeast corner of section 1 T. 10 South, Range 40 E. B. M., and extending thence in a southeasterly direction approximately 5000 feet to the confluence or juncture of said Bench B Canal with the main canal of the Bench Canal Company, said point being in section 1 T. 10 South, Range 40 E. B. M., together with all rights, rights of way, structures, appliances, excavations and all water rights appertaining to and belonging to said Bench B Canal, including all water rights of said canal in and to the original water filing of said Last Chance Canal Company, and also including all rights under water permit No. 6771, for 25.6 cubic feet per second of the waters of Bear River, issued by the State Engineer of the State of Idaho,

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or otherwise appertaining, and the rents, issues and profits thereof.

To have and to hold, all and singular, the said

promises, together with the appurtenances and privileges thereunto incident, unto the said party of the second part, and to its successors and assigns forever. And the said party of the first part, and its successors and assigns, the said premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against the said party of the first part, and its successors and assigns, and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

In witness whereof, the said party of the first part has caused these presents to be executed and to be signed by its Secretary, and its corporate seal to be affixed hereto, the day and year in this instrument first above written.

BURCH CANAL COMPANY:

CORPORATE
S E A L.

By Fred C. Olsen
Its Secretary.

COUNTY OF BAIROCK :
: Ss
STATE OF IDAHO :

On this 12 day of May, 1919, before me, a Notary Public in and for the above county and state, personally appeared Fred C. Olsen, known to me to be the Secretary of the corporation that executed the within and foregoing instrument, and acknowledged to me that such corporation executed the same.

In witness whereof I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

NOTARIAL
S E A L.

John A. Allen
Notary Public
Res: Idaho.

WARRANTY DEED
.....

THIS INDENTURE, Made this 11 day of May, 1919, by and between The Tanner Canal Company, a corporation, organized and existing under and by virtue of the laws of the State of Idaho, party of the first part, and The East Chance Canal Company, Limited, a corporation, organized and existing under and by virtue of the laws of the State of Idaho, party of the second part, WITNESSETH:-

That the said party of the first part, for and in consideration of 1112 shares of the capital stock of the said East Chance Canal Company, Limited, to it in hand delivered by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents, Grant, Bargain, Sell and Convey and Confirm unto the said party of the second part, and to its successors and assigns forever, free and clear of all encumbrances of every kind and nature, the following described property, real and personal, rights and franchises, of the said Tanner Canal Company, situate in Bannock County, State of Idaho, to-wit:

That certain canal and irrigation ditch known as and called the Tanner B Canal, having its headworks and point of diversion on Bear River at a point South 64 degrees 13 minutes West 2182.24 feet from the northeast corner of section 1 T. 10 South, Range 40 E. B. M., and extending thence in a general westerly direction a distance of approximately 6000 feet, to the point that said Tanner B Canal joins and empties into the Tanner Canal in section 36 T. 9 South, Range 40 E. B. M., together with all rights, rights of way, structures, appliances, excavations, and all water rights appertaining to and belonging to said Tanner B Canal, including all water rights of said canal in and to the original water filing of said East Chance Canal Company, Limited, and also including all rights under water permit No. 6631, for 54 cubic feet per second of the waters of said Bear River, issued by the State Engineer of the State of Idaho;

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or otherwise appertaining, and the rents, issues and profits thereof.

To have and to Hold, all and singular, the said

promises, together with the appurtenances and privileges thereunto incident, unto the said party of the second part, and to its successors and assigns forever. And the said party of the first part, and its successors and assigns, the said premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against the said party of the first part, and its successors and assigns, and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

In witness whereof, the said party of the first part has caused these presents to be executed and to be signed by its Secretary, and its corporate seal to be affixed hereto, the day and year in this instrument first above written.

CORPORATE
S E A L.

TAMMOR CANAL COMPANY:

By

[Signature]
Its Secretary.

STATE OF IDAHO)
COUNTY OF BANNOCK) SS

On this 12 day of May, 1919, before me, a Notary Public in and for the above county and state, personally appeared B. M. Keegan, known to me to be the Secretary of the corporation that executed the within and foregoing instrument, and acknowledged to me that such corporation executed the same.

In witness whereof I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

NOTARIAL
S E A L.

[Signature]
Notary Public
Res: P, Idaho.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS, ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET

OMNIFAX

TO: PAM SKAGGS FROM: A.W. Jones

DOCUMENT DESCRIPTION: Last Chance Maps

TOTAL NUMBER OF PAGES (Including this page): 12

*
* BILLING ADDRESS: _____
*
*
*
* NO. OF PAGES _____ COST/PAGE _____ TOTAL CHARGE _____
*

Copy to WR File 11-00262
Last Chance Canal Co PDU Maps.

03-09-2001

CS

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED**

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROOHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN

***ALSO MEMBER I. & WY BARS

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

TELEPHONE (208) 232-4101
FACSIMILE (208) 242-6103

ERIC S. HUNN
DAVID E. ALEXANDER**
LISA M. CHRISTON***
RICHARD A. HEARN, M.D.****
ERIC L. OLSEN
WARREN W. DOWDLE
LANE V. ERICKSON

***ALSO MEMBER NO BAR
***ALSO MEMBER I. & WY BARS
***ALSO MEMBER D.C. BAR

SENDER'S E-MAIL ADDRESS: randy-b@racinefaw.net

March 9, 2001

FAX: 525-7177

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

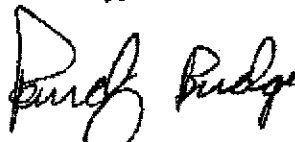
Re: *Last Chance - Monsanto, Panter Transfers*

Dear Harold:

Per your request to complete the approval of the above referenced pending transfers to Last Chance Canal Co I have prepared and enclose a map of the Last Chance place of use. It was prepared based on the place of use for all of the Company's water rights designated in Transfer No 4987, copy of which is enclosed.

Your efforts to expedite the final approval of these transfers is appreciated. Thank you for your assistance. Please contact me if I can be of further assistance.

Sincerely,


RANDALL C. BUDGE

RCB:rr
Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT

AMENDED

TRANSFER NO. 4987
WATER RIGHT NO(S). 11-00262/13-00991C/13-00992C
13-00955/13-00956

This is to certify that: LAST CHANCE CANAL COMPANY LTD
C/O DEANNE HAUGHAN
913 S MAIN
GRACE ID 83241

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
Right No. 11-00262 : IRRIGATION Priority: 07/29/1910	04/20 to 09/30	54.00 CFS
Right No. 13-00991C : IRRIGATION Priority: 03/01/1897	04/20 to 09/30	200.00 CFS
Right No. 13-00992C : IRRIGATION Priority: 05/14/1901	04/20 to 09/30	240.00 CFS
Right No. 13-00955 : IRRIGATION Priority: 08/09/1909	04/20 to 09/30	138.16 CFS
Right No. 13-00956 : IRRIGATION Priority: 12/31/1909	04/20 to 09/30	25.60 CFS
TOTAL:		657.76 CF

SOURCE

BEAR RIVER

TRIBUTARY OF

GREAT SALT LAKE

LOCATION OF POINT(S) OF DIVERSION:

SWSR , Sec. 30, Township 09S, Range 41E
NENE , Sec. 1, Township 10S, Range 40E
CARIBOU County

PAGE 2

TRANSFER NO. 4987
WATER RIGHT NO(S). 11-00262/13-00991C/13-00992C
13-00955/13-00956

PLACE OF USE: IRRIGATION

TWN RGE SEC

08S 39E 21, 22, 26, 27, 28, 34, 35
09S 39E 2, 3, 4, 9, 10, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 36
40E 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
10S 39E 1, 12, 13
40E 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, 36
41E 5, 6, 7, 8, 17, 18, 19, 20, 28, 29, 30, 31, 32, 33
11S 40E 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 24
41E 4, 5, 6, 7, 8, 9, 18

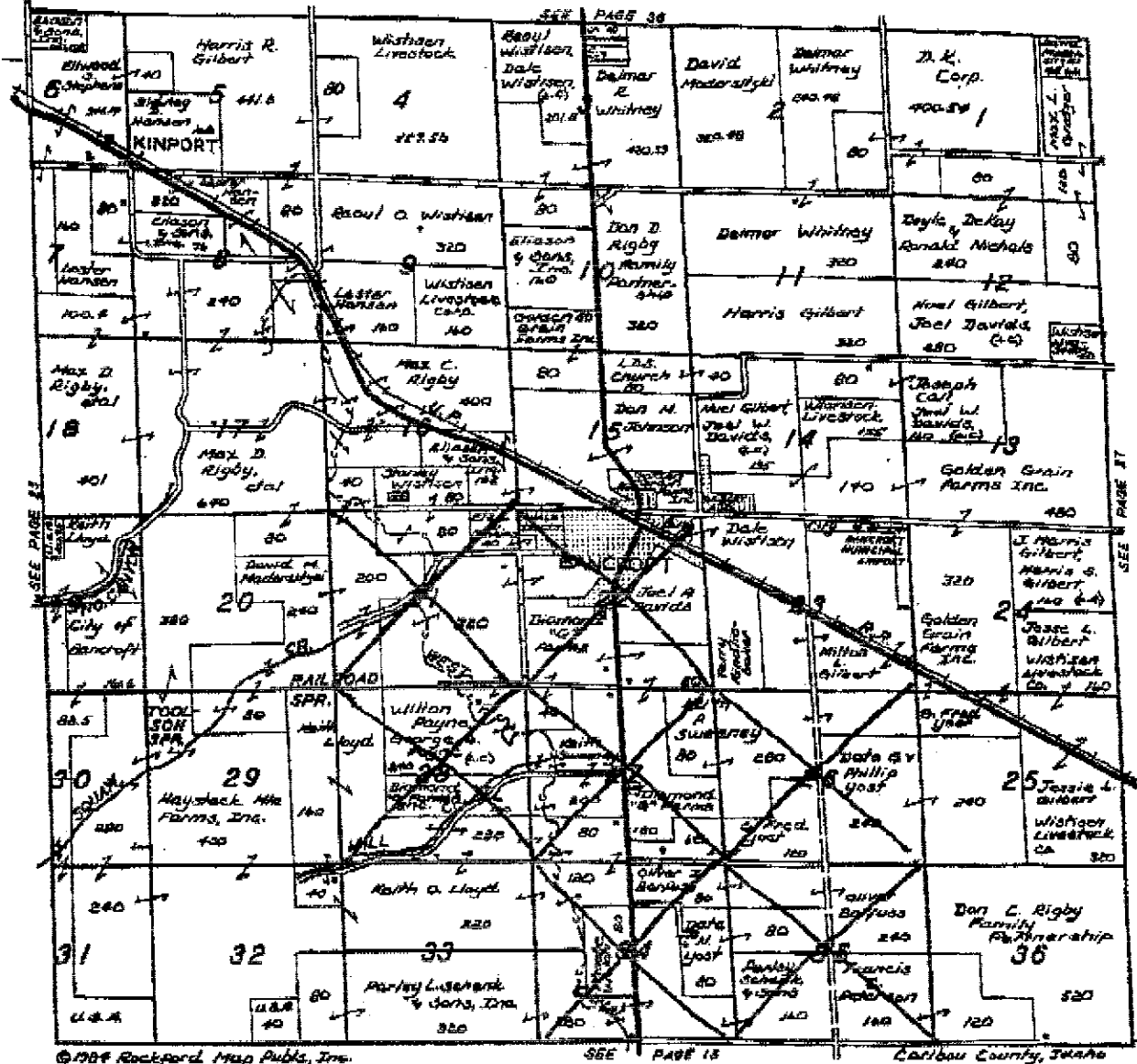
CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by this Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 3.5 acf per acre for irrigation of the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4987 shall not exceed 657.76 cfs.
8. Right Nos. 11-00262, 13-00991C, 13-00992C, 13-00955 and 13-00956 shall not exceed the total combined irrigation of 29,000 acres in the place of use described above in a single irrigation season.

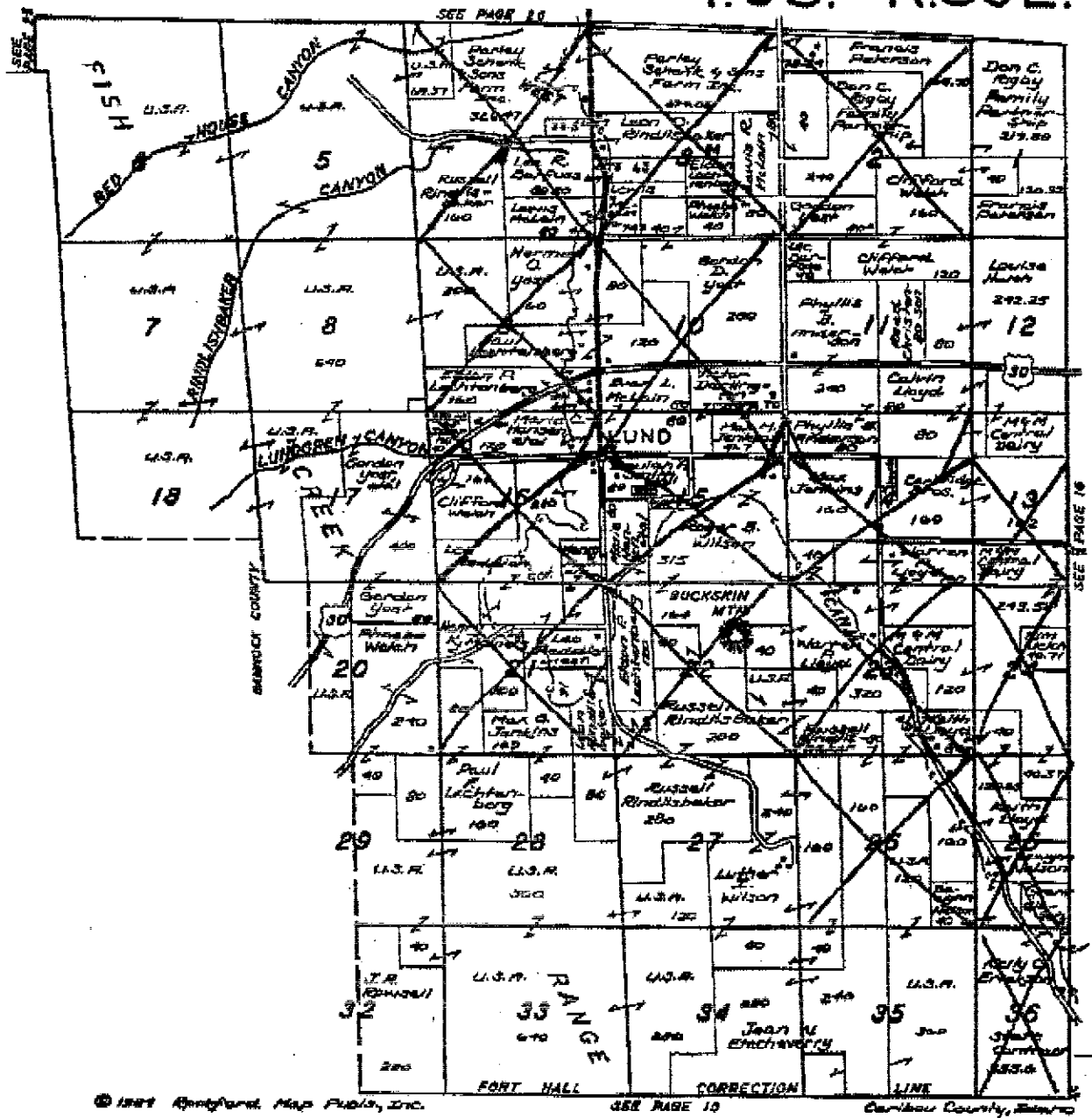
Dated this 18th day of November, 1997.


Chief, Water Allocation Bureau

T.8S.-R.39E.

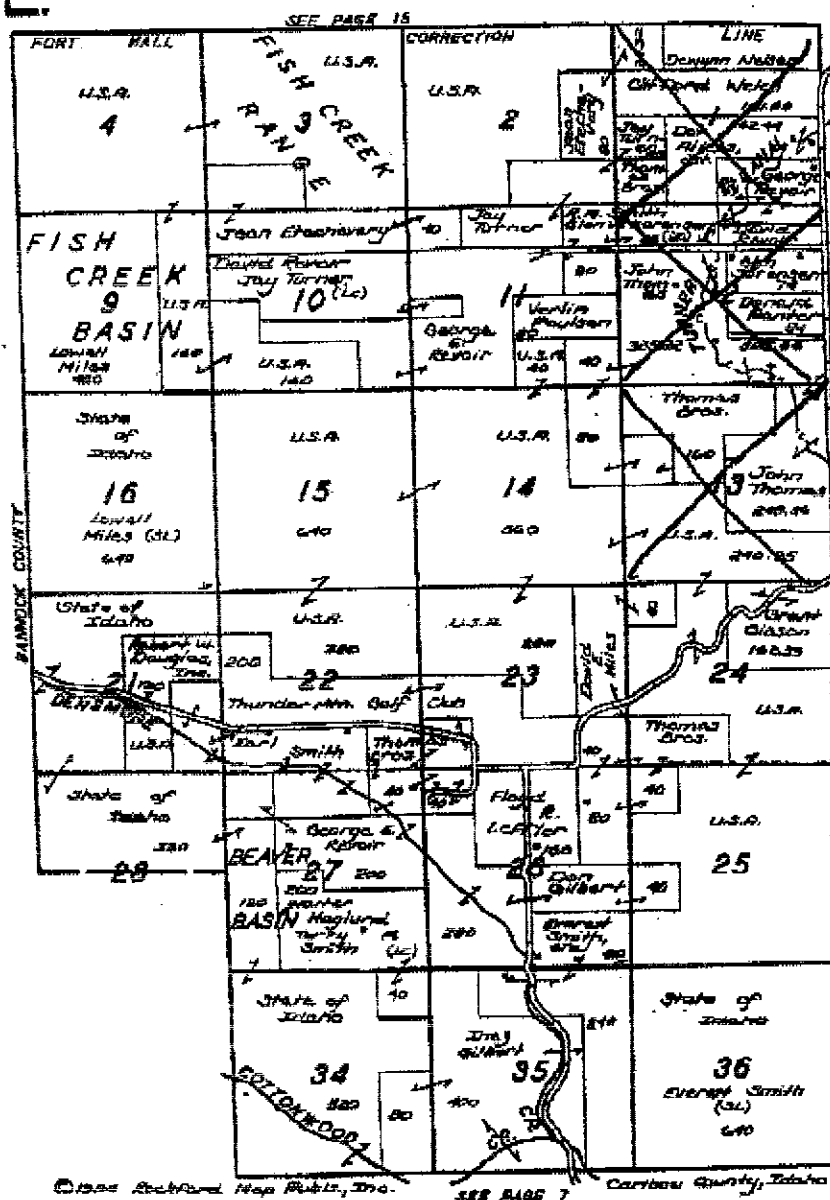


T.9S.-R.39E. 15



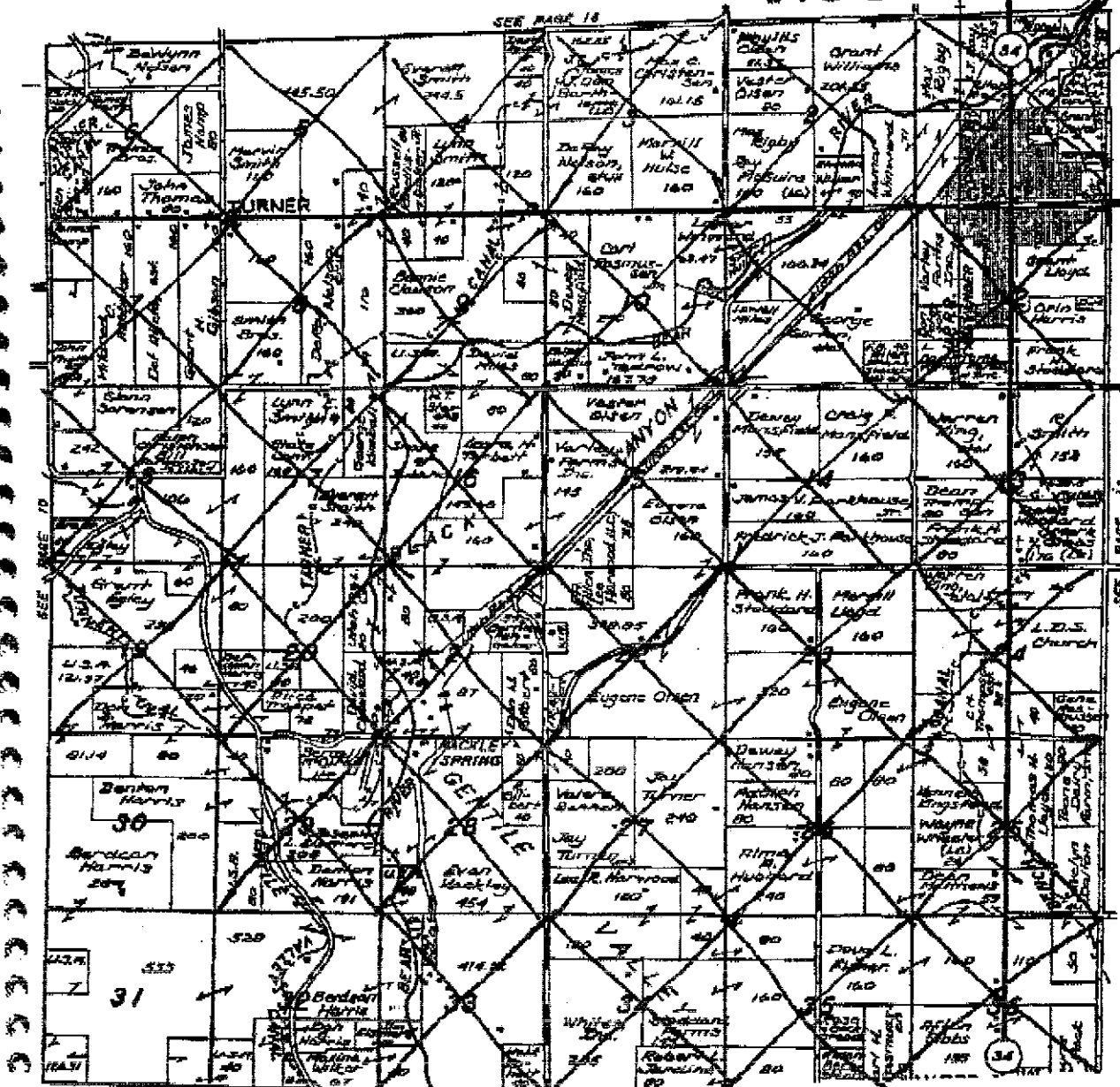
10

T.10 S. - R.39 E.



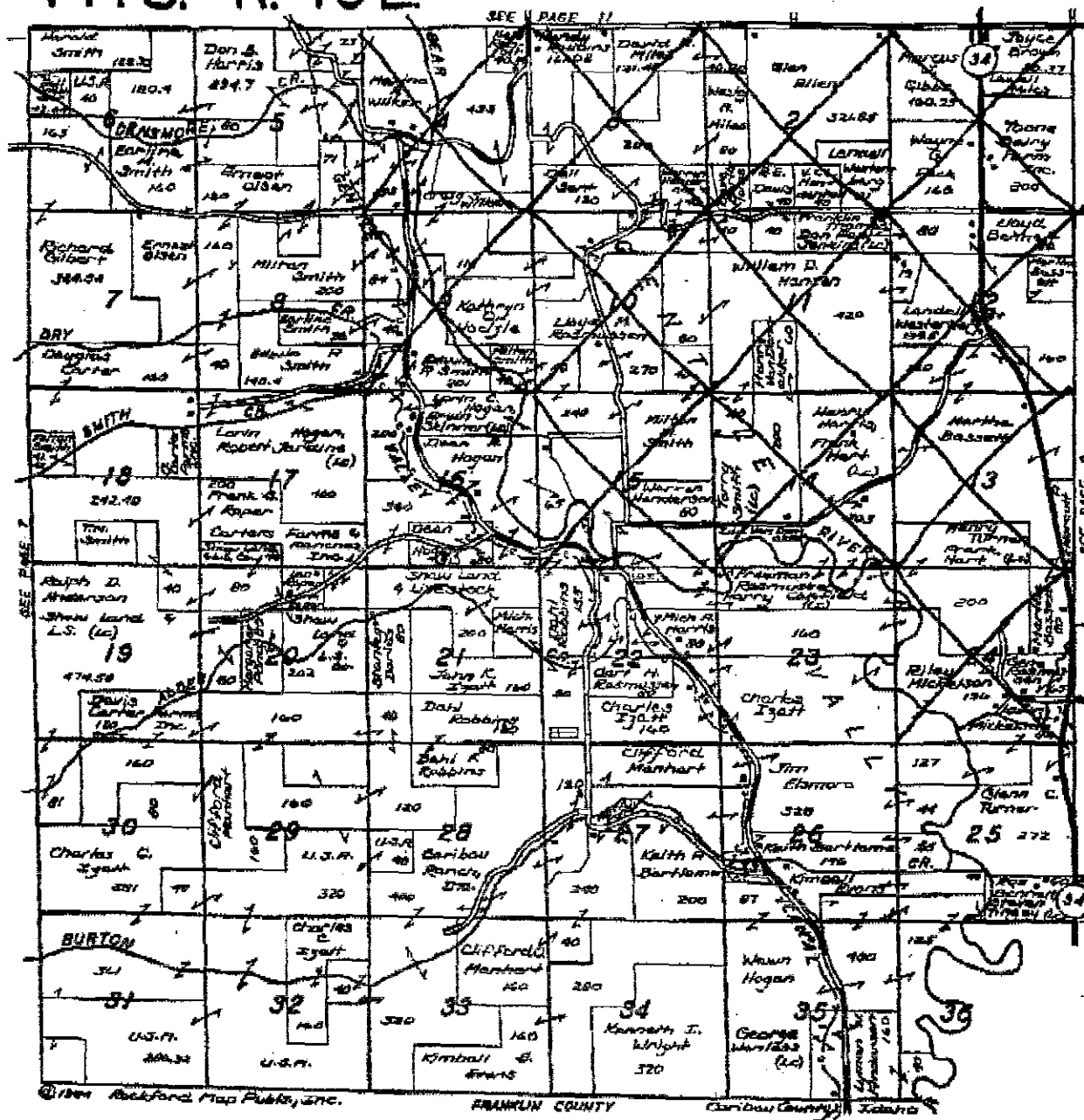
T10S-R.40E

11



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10 T I I S.-R. 40 E.

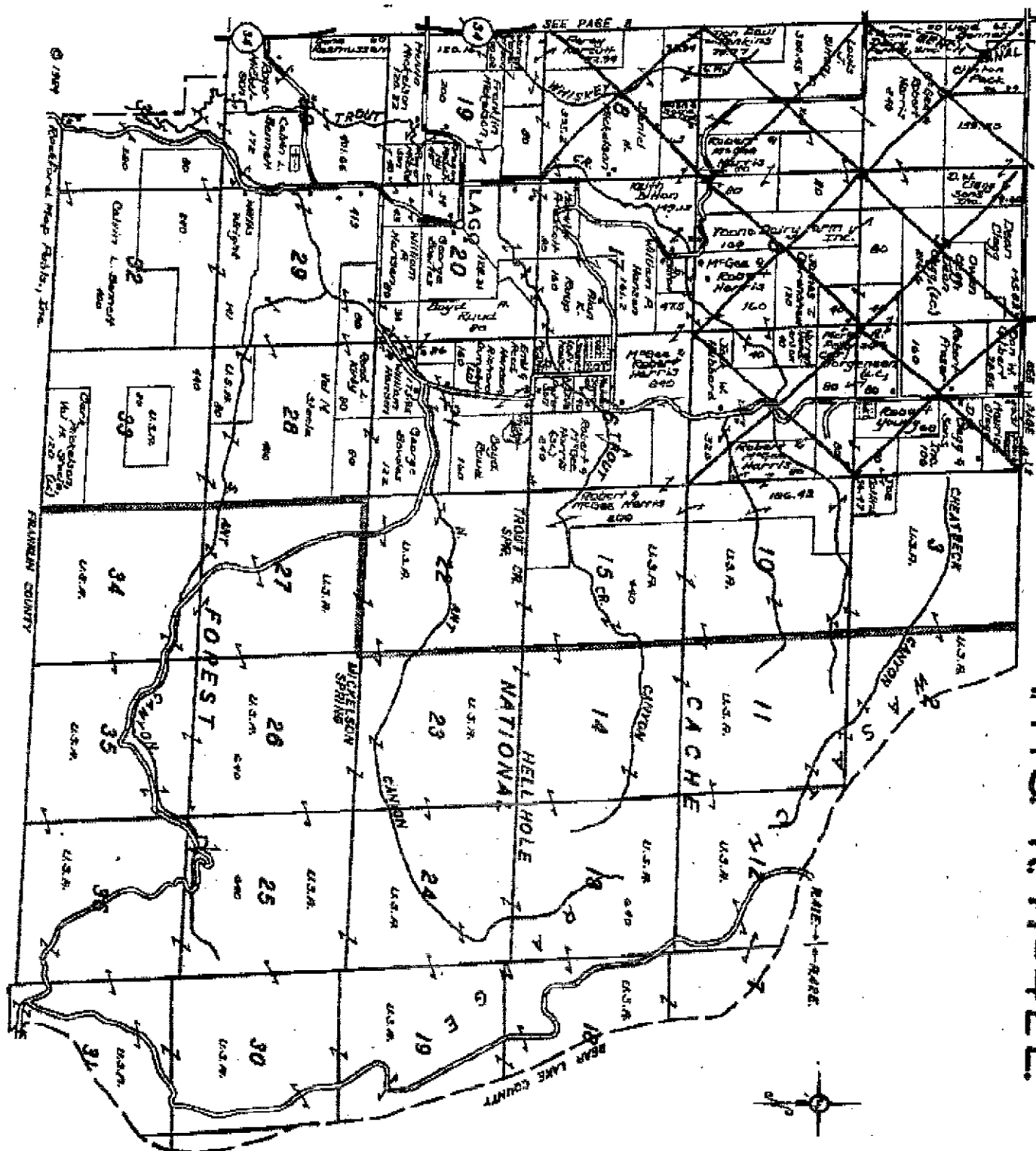


MAR-09-2001 11:40

RACINE, OLSON, NYE, BUDGE&B

208 232 6109

PAGE
11



T11S-R41-42E.

TOTAL P.11



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 20, 1997

PETE PETERSON
2483 RIVERDALE RD
PRESTON ID 83263

RE: TRANSFER OF WATER RIGHTS 11-00262/13-00991C/13-00992C
13-00955/13-00956

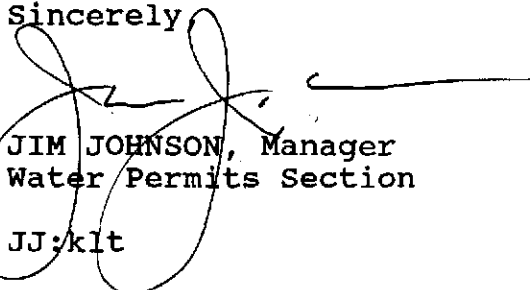
Dear Pete:

Enclosed is a copy of the recently approved amended Transfer of Water Rights for the above referenced water rights (Transfer 4987) in the name of Last Chance Canal Company Ltd.

Also enclosed is a copy of the reviewers notes.

If you have any questions, please call me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Permits Section

JJ:klt

Enclosures

MICROFILMED
DEC 08 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

November 19, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LAST CHANCE CANAL COMPANY LTD
C/O DEANN MAUGHAN
913 S MAIN
GRACE ID 83241

RE: Water Rights 11-00262/13-00991C/13-00992C/13-00955
13-00956 (Transfer 4987)

Dear Water Right Holder(s):

Enclosed is a copy of your approved **amended** Transfer of Water Right for the above referenced water right (Transfer 4987). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

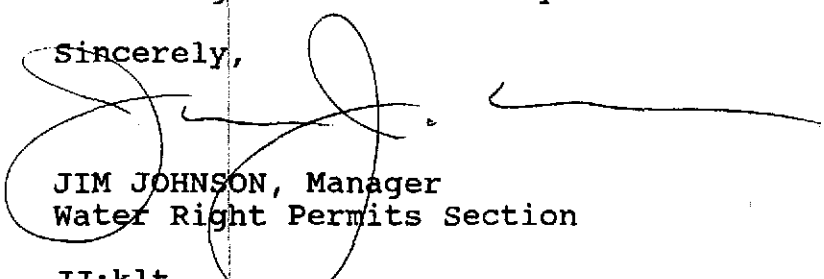
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

MICROFILMED

DEC 08 1997

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of November, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing **AMENDED TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHT 11-00262/13-00991C/13-00992C/13-00955/13-00956
(Transfer 4987)

LAST CHANCE CANAL COMPANY LTD
C/O DEANN MAUGHAN
913 S MAIN
GRACE ID 83241


Kari Lynn Townsend
Secretary

MICROFILMED

DEC 9 8 1997

MEMORANDUM

TO: FILES 11-00262, 13-00955, 13-00956, 13-00991C & 13-00992C

FROM: PAM SKAGGS²⁸/STATE OFFICE

SUBJECT: AMENDED TRANSFER 4987

DATE: November 18, 1997

=====

Transfer 4987 was approved on 06-10-97 and sent to the applicant Last Chance Canal Company LTD. On 11-06-97 a letter regarding this transfer approval was received from attorney Randall C. Budge who had been acting as the agent for the applicant through the transfer process. He had received a copy of the transfer approval from Last Chance Canal Company and noted a discrepancy in the place of use description.

The transfer application place of use description was amended by letter received on 04-15-97 in order to resolve a protest. This change was inadvertently not made to the transfer approval. An Amended Transfer approval has been prepared to include the additional sections and the database updated under each water right. The amended approval will be sent out to both the applicant and Mr. Budge.

MICROFILMED

DEC 9 8 1997

DATE: 11/18/97
PAGE: 1

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/18/97
PAGE: 2

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Place of use Legal Description for: IRRIGATION

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11S 41E 18 :	:	:	:	:

Pou County: CARIBOU

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 11.
- R43 - The right holder shall maintain a measuring device and lockable
- controlling works of a type approved by this Department in a
- manner that will provide the watermaster suitable control of the
- diversion.
- R25 - This right when combined with all other rights shall provide no
- more than 3.5 afa per acre for irrigation of the lands above.
- T04 - Approval of this transfer in no way grants any right-of-way or
- easement for use of a delivery system owned by person(s) other
- than the right owner.
- T07 - The right holder shall accomplish the change authorized by this
- transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this
- transfer is cause for the Director to rescind approval of the
- transfer.

WR0749NP
No. 11-00262

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/18/97
PAGE: 4

Remarks: The total instantaneous diversion of water from all points of diversion under Transfer No. 4987 shall not exceed 657.76 cfs. Right Nos. 11-00262, 13-00991C, 13-00992C, 13-00955 and 13-00956 shall not exceed the total combined irrigation of 29,000 acres in the place of use described above in a single irrigation season.

Dates: App. Received: Priority Date: 07/29/1910
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 11 Field Exam Fee:

Comments: Date: 06/09/1997 User-ID: PSKAGGS Subject: TRANSFER NO. 4987
Transfer No. 4987 changes the place of use under Right Nos.
11-00262, 13-00991C/00992C/00955 & 00956.

Date: 11/18/1997 User-ID: PSKAGGS Subject: PLACE OF USE CORRECTION
Correction of P/U per Transfer 4987.
Include T09S, R40E, S19 & 20 and T11S, R40E, S15.

Audit: 02/28/86 05/21/88 CONVERT 12/31/96 RBODELL 12/31/96 RBODELL
06/09/97 PSKAGGS 11/17/97 PSKAGGS 11/18/97 PSKAGGS 11/18/97 PSKAGGS

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
RICHARD A. HEARN, M.D.*****
ERIC L. OLSEN

*ALSO MEMBER IL & WY BARS
**ALSO MEMBER MO BAR
***ALSO MEMBER CO BAR
****ALSO MEMBER IL BAR
*****ALSO MEMBER D.C. BAR

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

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

TELEPHONE (208) 232-6101
FAX (208) 232-6109

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

November 4, 1997

RECEIVED

NOV 08 1997

Department of Water Resources

RECEIVED

NOV 06 1997

Department of Water Resources

Jim Johnson, Manager
Water Right Permits Section
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Water Right Nos. 11-00262/13-00991C/13-00992C/13-00955/13-00956
(Transfer No. 4987)

Dear Jim:

Our client Last Chance provided me with a copy of your June 11, 1997 letter and the enclosed Preliminary Order Approving the Captioned Transfer No. 4987. There are errors in the legal description of the place of use. Sections 19 and 20 of T. 9 S., R. 40 E., and Section 15 of T. 11 S., R. 40 E., appear to have been inadvertently omitted.

Enclosed please find copies of my letter of April 14, 1997 to Ron Carlsen with attached Place of Use, and Withdrawal of Protest from Protestant Gem Valley Farms/Neibaur. Apparently these amendments did not come to your attention. Please correct the place of use accordingly.

I apologize that this was not discovered and brought to your attention earlier. However, apparently the Department sent your letter and the proposed Order directly to Last Chance who assumed it was also sent to me as I have been handling this matter for them from the outset.

Sincerely,


RANDALL C. BUDGE

RCB:rr
Enclosures
cc: Ron Carlsen

MICROFILMED

NOV 08 1997

1 William Forsberg
2 Attorney at Law
3 127 East Main
4 Rexburg, Idaho 83440

5 Telephone: (208) 356-7474
6 FAX: (208) 624-7670

7 Attorney for Protestant

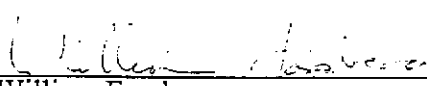
8
9 BEFORE THE DEPARTMENT OF WATER RESOURCES
10 OF THE STATE OF IDAHO

11 IN THE MATTER OF THE APPLICATION
12 FOR TRANSFER NO. 4987 IN THE NAME
13 LAST CHANCE CANAL COMPANY, LTD.

WITHDRAWAL OF PROTEST

14 COMES NOW the protestant by and through its attorney of record and withdraws it protest to
15 the application as amended by applicant's attorney's letter dated April 14, 1997.

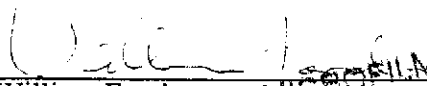
16 Dated 16th day of April, 1997.

17
18
19 
20 William Forsberg

21 CERTIFICATE OF SERVICE

22 I hereby certify that a copy of the foregoing Withdrawal of Protest, was served upon the
23 following by mailing the same on this 16th day of April, 1997, with the necessary postage affixed thereto.

24
25 Randall Budge, Esq.
26 Racine, Olsen, Nye, Cooper & Budge
27 P.O. Box 1391
28 Pocatello, ID 83204


William Forsberg

RECEIVED
DEC 08 1997

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

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

TELEPHONE (208) 232-6101
FAX (208) 232-6109

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

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODSELL*
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

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

April 14, 1997

Ron Carlsen, Manager, Eastern Region
Idaho Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718

Re: Last Chance Canal - Transfer Application No. 4987

Dear Ron:

This will confirm the settlement of the Gem Valley Farms/Neibaur Protest at the prehearing conference conducted at the Pocatello Airport April 9, 1997. Enclosed please find a revised description of the place of use of Last Chance's decreed water rights. Sections 19 and 20 in Township 9 South, Range 40 East and Section 15 in Township 11 South, Range 40 East, have been added to the previous description. Accordingly, those sections will not be deleted from the decreed place of use.

Please consider the Transfer Application amended accordingly. Based upon this amendment the Protest of Gem Valley Farms/Neibaurs is withdrawn. By copy of this letter and the enclosure, we are advising their attorney, William Forsberg, who will confirm the withdrawal of their protest by letter.

Please approve the Transfer Application as amended without further notice or hearing. The 29,000 acre place of use is now within an area of 67,894 acres, rather than the area of 66,614 acres indicated in Part I, Paragraph 6(d) of the Application. If you have any questions, give me a call. Thank you for your assistance.

Sincerely,


RANDALL C. BUDGE

RCB:rr

Enclosures

cc: William Forsberg

MICROFILMED
DEC 08 1997

Ron Carlsen
Eastern Division Manager
April 14, 1997
Page 2

P.S. TO HAROLD JONES:

At the prehearing conference before Ron Carlsen April 9, he noted in the file a description of the Water Right No. 13-00955 as recorded. In looking that over, it appeared that the place of use was broken down into 40-acre and smaller parcels, purportedly based upon some prior transfer. As we are unaware of any prior transfers and the Dietrich Decree lists the place of use in full sections, would you please take a look at this and give me a call with an explanation. Thank you.

Sincerely,


RANDALL C. BUDGE

RCB:rr

MICROFILMED
DEC 08 1997

Revised
4/11/97

Revised

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 19, 20, 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,
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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, 15 and 24;

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

67,394 x c.

MICROFILMED

DEC 08 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

June 11, 1997

PHILIP E. BATT
GOVERNOR

LAST CHANCE CANAL COMPANY LTD
C/O DEANN MAUGHAN
913 S MAIN
GRACE ID 83241

KARL J. DREHER
DIRECTOR

RE: Water Right Nos. 11-00262/13-00991C/13-00992C/13-00955/
13-00956 (Transfer No. 4987)

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Rights for the above referenced water rights (Transfer No. 4987). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying **transfer approval** should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

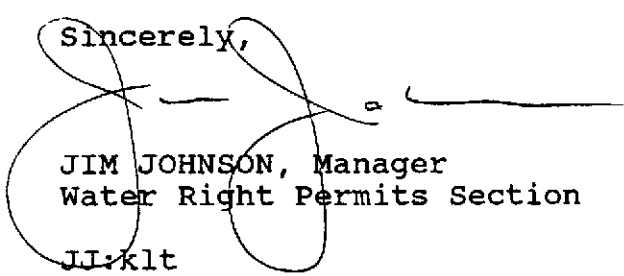
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can acontact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosures

RECORDED

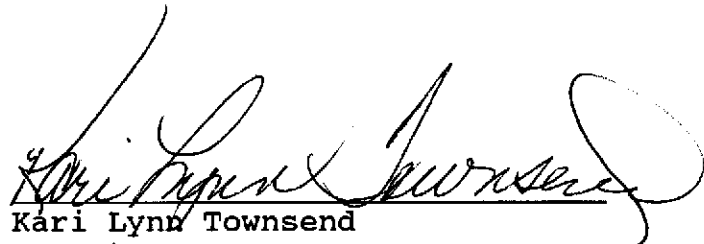
JUN 11 1997

CERTIFICATE OF MAILING

I hereby certify that on the 11th day of June, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHT NO. 11-00262/13-00991C/13-00992C/13-00955/13-00956
(Transfer No. 4987)

LAST CHANCE CANAL COMPANY LTD
C/O DEANN MAUGHAN
913 S MAIN
GRACE ID 83241


Kari Lynn Townsend
Secretary

REC-50710/12.0

JUN 23 1997

MEMORANDUM

TO: FILE NOS. 11-00262, 13-00991C, 13-00992C, 13-00955 & 13-00956

FROM: PAM SKAGGS/STATE OFFICE o/c

SUBJECT: TRANSFER NO. 4987 Jim

DATE: June 10, 1997

=====

Transfer No. 4987 changes the place of use to more accurately describe current and historic use under Right Nos. 11-00262, 13-00991C, 13-00992C, 13-00955 and 13-00956.

No watermaster comment was found in the transfer file; however, the region review sheet noted that comment sheet had been sent. I telephoned the watermaster of Water District 11, Pete Peterson, on 06-09-97 to discuss this transfer. He was familiar with the application and had no problems with approving the transfer.

Recommended conditions include watermaster control, measuring device, irrigation overlap, right-of-way, combined rights & permissible place of use limits, and standard transfer conditions.

UNCLASSIFIED
JUN 23 1997

TRANSFER REVIEW SHEET
(06-97)

Transfer # 4987

Date Reviewed 06-04-97

38

Right(s) 11-00262 13-00955 _____
13-00991C 13-00956 _____
13-00992C _____

WRQ11 Print Split Summary _____ Run POU Comparison Report

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use
F:Change Period of Use G:Other H:Change P/D & Add P/D
I:Change P/D & P/U J:Add P/D & Change P/U

Proof of Ownership Deed to Last Chance Canal

Transfer ✓ All of Right _____ Portion of Right
Resulting Split(s) None

Check Transfer Against Recorded Right

Season/Vol. B/3.5

(1) ✓ Priority (2) ✓ Use (3) _____ Season (4) ✓ Rate (5) _____ Volume
(6) ✓ Source (7) _____ P/D (8) _____ P/U (9) ✓ Proof/Owner (10) NO Map
(11) 11 * Water District (12) NO Pertinent Conditions (13) NO Expansion

3 Season of use - Per Deed

5 Standard Vol/Acre limit = 3.5 ac

7 Add P/Ds

8 Change P/U

Historical Use Clarified.

* Spoke with Pete Petersen 6-9-97 regarding this transfer as WM of WD#11.
He has no problem with this transfer & recommends approval.

Gum Valley Farms 1-29-97 - Withdrawn 4-17-97

US Fish & Wildlife protest 2-3-97 - Season of use - Withdrawn 2-5-97

Combined Rts.
Transfer Remarks P2/U 29,000 irr. acres. w/ B4

Conditions R04, R43, R25, T04, T07, T08, T11
WM an.

Database/Processing Notes Standard ✓ Non-Standard _____

T files all

Pccommon File Test.txt 38
File Deleted 6-10-97

Transfer Memo Complete ✓
Database Updated 6-10-97 38

S	Water	Name	O	Priority	STG/		Use	S
E	Right No.	Last, First	W	Date	STS	Source	Desc	Y
L			N					S
-	11-00262	LAST CHANCE CANAL	CO	07/29/1910	D/	BEAR RIVER	IRR	WR
-	T11-00262	LAST CHANCE CANAL	CO	07/29/1910	D/	BEAR RIVER	IRR	WR

SD-0611-2 Basin: 13 Starting Water Right: 00991

S	Water	Name	O	Priority	STG/		Use	S
E	Right No.	Last, First	W	Date	STS	Source	Desc	Y
L			N					S
-	13-00991			00/00/0000	/Z			WR
-	13-00991A			00/00/0000	/Z			WR
-	13-00991B			00/00/0000	/Z			WR
-	13-00991C	LAST CHANCE CANAL CO	C	03/01/1897	D/	BEAR RIVER	IRR	WR
-							IRR	
-	T13-00991C	LAST CHANCE CANAL CO	C	03/01/1897	D/	BEAR RIVER	IRR	WR

SD-0611-2 Basin: 13 Starting Water Right: 00992

S			O				S
E	Water	Name	W	Priority	STG/		Y
L	Right No.	Last, First	N	Date	STS	Source	S
-	-----	-----	-	-----	---	-----	---
	13-00992			00/00/0000	/Z		WR

T#4987

Water Right No.	Name	Priority	STG/STS	Source	Use Desc	WR
13-00992A		00/00/0000	/Z			WR
13-00992B		00/00/0000	/Z			WR
13-00992C	LAST CHANCE CANAL CO C	05/14/1901	D/	BEAR RIVER	IRR	WR
					IRR	
T13-00992C	LAST CHANCE CANAL CO C	05/14/1901	D/	BEAR RIVER	IRR	WR

END OF DATA...ENTER MENU OPTION AND/OR PRESS ENTER TO CONTINUE
 (Enter=Continue) (GOLD7=This Query) (GOLD8=Cancel) (Menu _____)
 Natural 2.1/7V OVR LIB=PRODLIBS Last key was ENTR

SD-0611-2 Basin: 13 Starting Water Right: 00955

Water Right No.	Name	Priority	STG/STS	Source	Use Desc	WR
13-00955	BENCH CANAL	C 08/09/1909	D/	BEAR RIVER	IRR	WR
T13-00955	LAST CHANCE CANAL CO C	08/09/1909	D/	BEAR RIVER	IRR	WR

END OF DATA...ENTER MENU OPTION AND/OR PRESS ENTER TO CONTINUE
 (Enter=Continue) (GOLD7=This Query) (GOLD8=Cancel) (Menu _____)
 Natural 2.1/7V OVR LIB=PRODLIBS Last key was ENTR

SD-0611-2 Basin: 13 Starting Water Right: 00956

Water Right No.	Name	Priority	STG/STS	Source	Use Desc	WR
13-00956	BENCH CANAL	C 12/31/1909	D/	BEAR RIVER	IRR	WR
T13-00956	LAST CHANCE CANAL CO C	12/31/1909	D/	BEAR RIVER	IRR	WR

INTER-DEPARTMENT MEMO

TO: Tv. 4987

SUBJECT: _____

FROM: H.W. JONESDATE: 4-28-97

As a resolution of the protest Sect. 19 & 20 T 9S R40E and Sect. 15 T11S R40E were reinstated on the permissible place of use land list. The total irrigated acre remains 29,000 acres. Roy & I didn't feel a re-ad was necessary since the above sections were part of the original land list.

☒ For your information☐ Response required

H.W. Jones
signature

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

T# 4987

INITIAL REVIEW BY: EN

1. Right number 11-00262, 13009910 Applicant LAST CHANCE CANAL
13-009920, 13-00955
2. Type of right: ☒ Decree ☐ License ☒ Claim
3. Purpose of transfer: ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion. > NEEDS MORE "P. 2"s
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer). N/A
 - f. ☐ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments N/A
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) N/A
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 11 - DEER DETENTION

RECEIVED

MAY 0 1 1997

Department of Water Resources

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on January 10, 1997 Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No NOP 2-3-97
3. Protest received? ☐ Yes ☐ No

RECEIVED

MAY 0 1 1997

Department of Water Resources

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* under control of WM of WD 11

4. By SDC Date 4/26/97
Copy Ad: Tr 50 1-10-97



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 21, 1997

LAST CHANCE CANAL COMPANY LTD
C/O DEANN MAUGHAN
913 S MAIN
GRACE, ID 83241

RE: Withdrawal of protest on Application for Transfer
No. 4987

Dear Applicant:

This Department has received a withdrawal of protest from WILLIAM FORSBERG.
If you have any questions, please call our office.

Sincerely,

HAROLD JONES
Water Rights Supervisor

HWJ/rb



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

April 21, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM FORSBERG
127 E MAIN
REXBURG ID 83440

RE: Withdrawal of protest on Transfer No. 4987

Dear Protestants:

This Department has received your withdrawal of protest against the transfer of Last Chance Canal Company.

If you have any questions, please call our office.

Sincerely,

HAROLD JONES
Water Rights Supervisor

HWJ/rb

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET
OMNIFAX

TO: Glen Sexton FROM: H.W. Jones

DOCUMENT DESCRIPTION: Withdrawal of Protest for Tr 4987. Letter
from applicant attorney in 3rd paragraph that ~~is not needed~~
stated a hearing is not needed

TOTAL NUMBER OF PAGES (Including this page): 6

*
* BILLING ADDRESS: _____
*
*
*
* NO. OF PAGES _____ COST/PAGE _____ TOTAL CHARGE _____
*

1 1000000000

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

CHARTERED

CENTER PLAZA-CORNER FIRST & CENTER

POST OFFICE BOX 1391

POCATELLO, IDAHO 83204-1391

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

April 14, 1997

RECEIVED
APR 15 1997

Department of Water Resources
Eastern Region

Ron Carlsen, Manager, Eastern Region
Idaho Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718

Re: Last Chance Canal - Transfer Application No. 4987

Dear Ron:

This will confirm the settlement of the Gem Valley Farms/Neibaur Protest at the prehearing conference conducted at the Pocatello Airport April 9, 1997. Enclosed please find a revised description of the place of use of Last Chance's decreed water rights. Sections 19 and 20 in Township 9 South, Range 40 East and Section 15 in Township 11 South, Range 40 East, have been added to the previous description. Accordingly, those sections will not be deleted from the decreed place of use.

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Please approve the Transfer Application as amended without further notice or hearing.^{*} The 29,000 acre place of use is now within an area of 67,894 acres, rather than the area of 66,614 acres indicated in Part 1, Paragraph 6(d) of the Application. If you have any questions, give me a call. Thank you for your assistance.

Sincerely,

Randy Budge
RANDALL C. BUDGE

RCB:rr

Enclosures

cc: William Forsberg

Ron Carlsen
Eastern Division Manager
April 14, 1997
Page 2

P.S. TO HAROLD JONES:

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RANDALL C. BUDGE

RCB:rr

LAST CHANCE CANAL COMPANY, LTD.**PLACE OF USE**

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1 William Forsberg
2 Attorney at Law
3 127 East Main
4 Rexburg, Idaho 83440

5 Telephone: (208) 356-7474

6 FAX: (208) 624-7670

7 Attorney for Protestant

RECEIVED

APR 17 1997

Department of Water Resources
Eastern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

11 IN THE MATTER OF THE APPLICATION
12 FOR TRANSFER NO. 4987 IN THE NAME
13 LAST CHANCE CANAL COMPANY, LTD.

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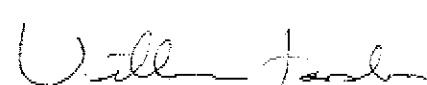
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23 following by mailing the same on this 16th day of April, 1997, with the necessary postage affixed thereto.

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25 Randall Budge, Esq.
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27 P.O. Box 1391
28 Pocatello, ID 83204


William Forsberg

Withdrawal of Protest

Page 1

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APR 17 1997

Department of Water Resources
Eastern Region

William Forsberg, Attorney at Law

April 16, 1997

Ron Carlson
Idaho Department of Water Resources
900 Skyline Drive
Idaho Falls, ID 83402-1718

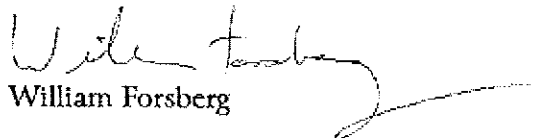
Subject: *Gem Valley Farms Protest of Last Chance Canal Co., Ltd. Application
for Transfer No. 4987*

Dear Ron:

Enclosed is a Withdrawal of Protest in accordance with the agreement reached by the parties at our meeting this past Friday. Please file it with the case file in this matter.

Thank you again for your assistance with the resolution of the protest.

Sincerely yours,



William Forsberg

Enclosure

pc: Chad Neibaur
Randall C. Budge

1 William Forsberg
2 Attorney at Law
3 127 East Main
4 Rexburg, Idaho 83440

Telephone: (208) 356-7474
FAX: (208) 624-7670

5 Attorney for Protestant

6
7
8
9 BEFORE THE DEPARTMENT OF WATER RESOURCES
10 OF THE STATE OF IDAHO

11 IN THE MATTER OF THE APPLICATION
12 FOR TRANSFER NO. 4987 IN THE NAME
13 LAST CHANCE CANAL COMPANY, LTD.

WITHDRAWAL OF PROTEST

14 COMES NOW the protestant by and through its attorney of record and withdraws it protest to
15 the application as amended by applicant's attorney's letter dated April 14, 1997.

16 Dated 16th day of April, 1997.

17
18
19 
20 William Forsberg

21 CERTIFICATE OF SERVICE

22 I hereby certify that a copy of the foregoing Withdrawal of Protest, was served upon the
23 following by mailing the same on this 16th day of April, 1997, with the necessary postage affixed thereto.

24
25 Randall Budge, Esq.
26 Racine, Olsen, Nye, Cooper & Budge
27 P.O. Box 1391
28 Pocatello, ID 83204


William Forsberg

RECEIVED

Department of Water Resources
Patricia Bagley

William Forsberg, Attorney at Law

April 16, 1997

Ron Carlson
Idaho Department of Water Resources
900 Skyline Drive
Idaho Falls, ID 83402-1718

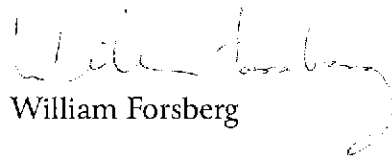
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Sincerely yours,



William Forsberg

Enclosure

pc: Chad Neibaur
Randall C. Budge

RECEIVED

MAR 28 1997

Department of Water Resources

File

William Forsberg, Attorney at Law

March 25, 1997

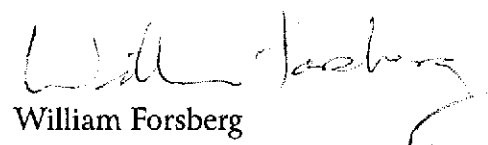
L. Glen Saxton
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Subject: *Gem Valley Farms Protest of Last Chance Canal Co., Ltd. Application
for Transfer No. 4987*

Dear Mr. Saxton:

Enclosed is Protestant's First Request for Interrogatories, Request for Production of Documents and Things and Request for Admissions. Please file it with the case file in this matter.

Sincerely yours,


William Forsberg

Enclosure

MICROFILMED

JUN 23 1997

MAR 28 1997

Department of Water Resources

1 William Forsberg
 2 Attorney at Law
 3 127 East Main
 4 Rexburg, Idaho 83440

5 Telephone: (208) 356-7474
 6 FAX: (208) 624-7670

7 Attorney for Protestant

8
 9 BEFORE THE DEPARTMENT OF WATER RESOURCES
 10 OF THE STATE OF IDAHO

11 IN THE MATTER OF THE APPLICATION
 12 FOR TRANSFER NO. 4987 IN THE NAME
 13 LAST CHANCE CANAL COMPANY, LTD.

PROTESTANT'S FIRST REQUEST
 FOR INTERROGATORIES AND
 REQUEST FOR PRODUCTION
 OF DOCUMENTS AND REQUEST
 FOR ADMISSIONS

14 TO: Applicant, Last Chance Canal Company, Ltd. and Randall Budge, Esq., its
 15 attorney:

16 INSTRUCTIONS AND DEFINITIONS

17 NOTE A: The following terms, words and phrases shall have the following meanings
 18 in this discovery pleading:

19 A. 1. The term "you" and "your" refers to applicant, and all agents, employees, representatives
 20 (including insurers), investigators, consultants and attorneys of defendant.

21 A.2. The term "document" shall mean any kind of written, printed, typed, graphic or
 22 photographic matter of any kind or nature, however produced or reproduced, and all mechanical and
 23 electronic sound recordings and written transcripts thereof, however produced or reproduced, whether
 24 in your control or not, and including, without limitation, originals, all file copies, all other copies no
 25 matter how or by whom prepared, and all drafts of such documents whether used or not.

26 A.3. The term "identify", when used with respect to a document or the description or
 27 identification of a document, shall be deemed to request the nature and substance of the document with
 28

**Protestant's First Request for Interrogatories, Request for Production of Documents and Things
 and Request for Admissions - Page 1**

1 sufficient particularity to enable the same to be precisely identified, the date, if any, which the document
2 bears, the names of all persons authorizing the document, and the name and address of the custodian(s)
3 of the original or, if none, a legible copy of the document.

4 A.4. The term "identify", when used with respect to a person, shall be deemed to request the
5 person's full name; the person's last known business address (if a natural person); the person's last known
6 residence; and the person's business and residence telephone number.

7 A.5. The term "identify", when used with respect to oral communications, shall be deemed to
8 request, whether said communication was in person or by telephone, an identification (as provided in
9 definition A.4) of each person who participated in or heard any part of said communication, and the
10 substance of what was said by each person who participated in said communication.

11 NOTE B:

12 B.1. These interrogatories and requests are continuing; in character, so as to require you to file
13 supplementary answers in a seasonable manner if you obtain further or different information before trial.

14 B.2. Where knowledge or information in possession of a party is requested, such request includes
15 information and knowledge either in your possession, under your control, within your dominion, or
16 available to you, regardless of whether this information is in your personal possession or is possessed
17 by your agents, attorneys, servants, employees, independent contractors, representatives, insurers or
18 others with whom you have a relationship and from whom you are capable of deriving information.
19 documents or material.

20 B.3. Each interrogatory shall be accorded a separate answer and each subpart of an interrogatory
21 shall be accorded a separate answer.

22 NOTE C: If you withhold any documents by reason of a claim of privilege or other reason, please
23 identify each such document, indicating its date, general subject matter (without disclosing the contents),
24 persons to whom distributed and basis upon which the privilege is claimed.

25 NOTE D: These requests are deemed to be continuing so as to require supplemental responses
26 If you or your attorney, agents, employees or representatives obtain further documentation or requested
27 information between the time these responses are served and the time of trial.

1 **INTERROGATORIES**

2 YOU ARE HEREBY REQUIRED to answer under oath the following interrogatories within (15)
3 days in accordance with Rule 33 of the **Idaho Rules of Civil Procedure**.

4 In answering these interrogatories, furnish all information available to you, including information
5 in the possession of your attorneys (and investigators, experts, etc., retained by you and/or your
6 attorneys) not merely information known of your own personal knowledge.

7 If you cannot answer the following interrogatories in full, after exercising due diligence to secure
8 the information to do so, so state, and answer to the extent possible, specifying your inability to answer
9 the remainder, and stating whatever information and knowledge you have concerning the unanswered
10 portion.

11 INTERROGATORY NO. 1: State the names, addresses and telephone numbers of each and
12 every witness which you plan to call to testify at the hearing of this action and the facts to which each
13 such witness will testify.

14 INTERROGATORY NO. 2: State the names, addresses of all persons not heretofore disclosed,
15 who have knowledge of any relevant facts relating to the case.

16 INTERROGATORY NO. 3: Give the name, address and telephone number of each expert
17 witness you expect to call for the hearing, tell what opinions will be rendered, the basis for each opinion,
18 the qualifications of each expert to render such opinion and name each expert who has made a written
19 report and the date of each report.

20 INTERROGATORY NO. 4: Provide a detailed list of any and all exhibits, whether documents,
21 photographs or otherwise, which you intend to present in this matter, and a summary of why you believe
22 they are relevant, and the facts you think they tend to establish. State the name and address of the person
23 having custody of said exhibits.

24 INTERROGATORY NO. 5: State and explain each of your contentions and/or beliefs and
25 reasons, along with the facts supporting such contentions, beliefs and reasons, as to why you desire to
26 change the place of use of your water right(s) as proposed in your Notice of Application, dated January
27 16, 1997.

1 INTERROGATORY NO. 6: State and explain the process you used to determine which land
2 should be included in the place of use and which land should be excluded as a place of use for your
3 water right(s). With regards to the process, please identify the person(s) who made the determination,
4 what criteria were used in making the determination, over what period of time the determination was
5 made and what records of the determination process were made.

6 INTERROGATORY NO. 7: State and explain each of your contentions and/or beliefs and
7 reasons, along with the facts supporting such contentions, beliefs and reasons, as to why you assert that
8 the place of use of your water right(s) should be changed to exclude Sections 18, 19 and 20 of Township
9 9 South, Range 40 East Boise Meridian.

10 INTERROGATORY NO. 8: If your application for change of the place of use is based upon the
11 historic use of water from your water right(s), as to each parcel of land to be included as a place of use
12 under the application, please state with specificity the evidence of use that was considered, the name(s)
13 of the person(s) submitting the evidence, whether such evidence was written or otherwise and whether
14 the evidence of use of water on a part of a Section was sufficient to include the entire Section in the
15 place of use.

16 INTERROGATORY NO. 9: If your application for change of the place of use is based upon the
17 historic use of water from your water right(s), as to each parcel of land previously included in your
18 decree as a place of use but excluded after the change of place of use under the application, please state
19 with specificity what investigation into historic use on said parcel(s) was made by applicant, whether
20 evidence of use was submitted or solicited, the evidence of use that was considered, the name(s) of the
21 person(s) submitting the evidence and whether such evidence was written or otherwise.

22 INTERROGATORY NO. 10: With regards to Sections 1, 12 and 13, Township 10 South, Range
23 39 East Boise Meridian, Sections 5, 8 and 28, Township 10 South, Range 41 East Boise Meridian,
24 Sections 9, Township 11 South, Range 41 East Boise Meridian, please identify the evidence of use,
25 including the date(s) of use and legal basis for using your water outside the decreed place of use. If it
26 is your contention that all or any of said land described in this interrogatory is within your decreed place
27 of use please identify the decree or other documents which evidences this.

1 INTERROGATORY NO. 11: With regards to Section 26, Township 8 South, Range 39 East,
2 Boise Meridian, Idaho, Section 2, Township 9 South, Range 39 East, Boise Meridian, Idaho and Section
3 21, Township 9 South, Range 40 East, Boise Meridian, Idaho what process was used to include them
4 in the changed place of use? Identify the evidence of use considered. Identify the person(s) making the
5 determination on these three Sections of land if different from the person(s) identified in Interrogatory
6 6, above.

7 **REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS**

8 YOU ARE HEREBY REQUESTED to produce and permit plaintiff through his attorney to
9 inspect and copy the documents and other things specified below at the office of defendants' counsel
10 on or before March 17, 1997 in accordance with Rules 34(a) & (b) of the **Idaho Rules of Civil**
11 **Procedure**, or, alternatively by providing defendant's counsel with true and accurate photocopies of the
12 requested documents on or before April 10, 1997. In the event you elect to comply with this request by
13 permitting inspection and copying at your counsel's office you must give adequate notice in writing of
14 your intent to allow inspection and copying at your counsel's office to plaintiff's counsel.

15 REQUEST FOR PRODUCTION NO. 1: Please produce any and all records of applicant in any
16 way related to its water rights and the administration of the use of its water rights.

17 REQUEST FOR PRODUCTION NO. 2: Please produce any and all documents and things used
18 in the preparation of your application in this matter.

19 REQUEST FOR PRODUCTION NO. 3: Please produce all documents and other things referred
20 to in your answers to the above requests for interrogatories.

21 REQUEST FOR PRODUCTION NO. 4: Please produce all documents you intend to introduce
22 at the hearing of this matter.

23 REQUEST FOR PRODUCTION NO. 5: Please produce the reports of all experts you
24 reasonably expect to call at the hearing of this matter.

25 REQUEST FOR PRODUCTION NO. 6: Please produce any and all documents and things of any
26 nature which have information relevant to any of the claims in this action.

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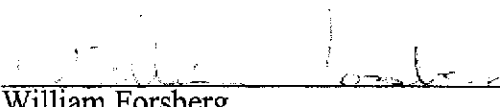
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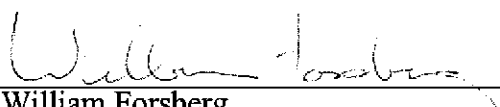
1 Respectfully submitted this 25th day of March, 1997.

4
5 
6 William Forsberg

7 CERTIFICATE OF SERVICE

8 I hereby certify that a copy of the foregoing Protestant's First Request for Interrogatories,
9 Request for Production of Documents and Things and Request for Admissions, was served upon the
10 following by mailing the same on this 25th day of March, 1997, with the necessary postage affixed
11 thereto.

12 Randall Budge, Esq.
13 Racine, Olsen, Nye, Cooper & Budge
14 P.O. Box 1391
15 Pocatello, ID 83204

16 
17 William Forsberg



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 18, 1997

RE: In the Matter of Application for Transfer No. 4987
in the name of Last Chance Canal Company, LTD.

Dear Interested Parties:

I have enclosed a copy of the **ORDER AUTHORIZING DISCOVERY** issued in connection with the above referenced application for transfer. The department hereby authorizes the parties to engage in discovery commencing with the date of this order.

Please review the order and contact me directly at (208)327-7953 if you have any questions.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Region

~~Howard Jones~~

Harold

March 19, 1997
Harold

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 4987 IN THE NAME OF)
LAST CHANCE CANAL COMPANY, LTD.)

ORDER
AUTHORIZING DISCOVERY

On January 29, 1997, Gem Valley Farms (protestant) by and through its attorney, William Forsberg, by motion requested the department to issue an order Authorizing Discovery pursuant to IDAPA Rules 37.01.01521-531 (Rules of Procedure 521 through Rule 531). The applicant did not respond to the motion.

The Director of the department of Water Resources (Director) hereby authorizes the parties to engage in discovery commencing with the date of this order. The parties shall complete discovery five days prior to the date of the hearing in this matter which has been tentatively scheduled on April 24, 1997. Discovery shall be conducted pursuant to IDAPA 37.01.01520-532 (Rules of Procedure 520 through 532). The parties are directed to answer or otherwise respond to discovery in accordance with the department's Rules of Procedure and the Idaho Rules of Civil Procedure, as appropriate.

In accordance with Rule 520, the scope of discovery shall be governed by Rule 26(b) of the Idaho Rules of Civil Procedure, unless otherwise provided by statute, rule or order of the Director.

DATED this 17th day of March, 1997.



L. GLEN SAXTON
Hearing Officer

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 18th day of March, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing **ORDER AUTHORIZING DISCOVERY** to the following:

William Forsberg
Attorney At law
127 E. Main
Rexburg, ID 83440

Randall Budge
RACINE OLSEN NYE
COOPER & BUDGE
P.O. Box 1391
Pocatello, ID 83204



JULIE L. YARBROUGH
Senior Secretary

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER #4987 IN THE NAME OF)
LAST CHANCE CANAL COMPANY)

On November 13, 1996, application for transfer #4987 was filed in the name of Last Chance Canal Company.

On January 29, 1997, the application was protested by Gem Valley Farms through their attorney William Forsberg.

The Department has scheduled the matter for a prehearing conference at 9:30 a.m. on April 11, 1997, at the Pocatello Airport, Pocatello, ID, in accordance with the provisions of the adopted Rules of Procedure of the Department of Water Resources.

Agenda items for this prehearing conference will include:

1. Identify spokesman and/or counsel representing the protestant.
2. Review of the application.
3. Identify issues of protest.
4. Designate target date for conducting administrative hearing if resolution is not possible during the prehearing conference.

The conference will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the Department within ten (10) days prior to the conference.

APR 11 1997
Pocatello, ID

If the pre-hearing conference does not produce a settlement of the issues, a hearing is scheduled for April 24, 1997, at 9:00 a.m. at the same Pocatello Airport facility. Glen Saxton of the Department of Water Resources will be the hearing officer.

Dated this 19th day of March, 1997.

A handwritten signature in cursive script, appearing to read "Ronald D. Carlson".

Ronald D Carlson
Regional Manager

I hereby certify that on the 19th day of March, 1997, I mailed a true and correct copy, postage prepaid, of this document to the applicants (s) and protestant (s) listed below:



RITA BODELL
Secretary

Certified

LAST CHANCE CANAL
C/O DEANN MAUGHAN
913 S MAIN
GRACE ID 83241

RANDALL BUDGE, ATTORNEY
PO BOX 1391
POCATELLO ID 83204-1391

WILLIAM FORSBERG, ATTORNEY
127 E MAIN
REXBURG ID 83440

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

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

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

CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391
TELEPHONE (208) 232-6101
FAX (208) 232-6109

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

March 5, 1997

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

Re: Last Chance Canal Company, Ltd. - Transfer No. 4987

Dear Harold:

Enclosed you will find our check in the amount of \$100 for filing of Last Chance Canal's Transfer Application. Thank you for your assistance.

Sincerely,


RANDALL C. BUDGE

RCB:rr

Receipt # E022996

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

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
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TEL (208) 524-0731
FAX (208) 529-4166

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

February 26, 1997

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

Re: Last Chance Canal Company, Ltd. - Transfer No. 4987

Dear Harold:

Last Chance forwarded me your letter of February 8 regarding the protests to the captioned transfer application. I would appreciate it if you would direct all communications to me as the company attorney.

My understanding is that the protest of the U.S. Fish and Wildlife Service has been or is in the process of being withdrawn. I have contacted attorney Bill Forsberg who is representing the other protestants, the Neibaurs. While some discussions are in progress and we are expecting to receive a proposal shortly from the Neibaurs, I am not certain the issues they raise can be settled short of a hearing. Accordingly, we would request that the Department schedule a hearing at the earliest available date.

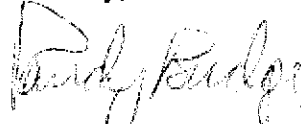
Regarding the protestants' motion to compel discovery, a hearing and order on that appears unnecessary as Last Chance will cooperate on discovery. I have so advised Mr. Forsberg and we have tentatively reached an understanding to have the parties mutually cooperate with whatever reasonable discovery requests the other party may desire.

Harold W. Jones
February 26, 1997
Page 2

If you would like to hold a status and scheduling conference by telephone conference call, please arrange the same or advise of available dates and I would be happy to do so.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Randall C. Budge". The signature is written in a cursive, flowing style.

RANDALL C. BUDGE

RCB:rr

cc: Last Chance Canal Company Board of Directors
Bills Forsberg

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

WILLIAM FORSBERG
127 E MAIN
REXBURG ID 83440

JUN 23 1997
 RECEIVED

4a. Article Number

1425

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

3-20-97

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

[Signature]

U STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

RECEIVED

INDEXED
FILMED

JUN 23 1937



February 24, 1997

CHERYL C WILLISS
USDI FISH & WILDLIFE SERVICE
PO BOX 25486
DENVER FEDERAL CENTER
DENVER CO 80225-0486

RE: Application for Transfer No. 4987 LAST CHANCE CANAL CO.

Dear Protestant:

This letter acknowledges receipt of the withdrawal of protest by your Department against the above referenced application.

If you have any questions, please feel free to contact this office.

Very truly yours,


Harold W. Jones
Water Right Supervisor

HWJ/rb

MICROFILMED

JUN 23 1997

February 24, 1997

DEANN MAUGHAN
LAST CHANCE CANAL CO LTD
913 S MAIN
GRACE ID 83241

RE: Application for Transfer No. 4987

Dear Applicant:

This letter is to advise you that the protest filed by the Cheryl Williss of USDI Fish & Wildlife Service against approval of the above referenced application for transfer has been withdrawn.

If you have any questions, please feel free to contact this office.

Very truly yours,


Harold W. Jones
Water Right Supervisor

HWJ/rb

RECORDED

JUL 23 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

February 18, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DEANN MAUGHAN SEC
LAST CHANCE CANAL CO LTD
913 S MAIN
GRACE ID 83241

RE: Application for Transfer No. 4987

Dear Applicant:

Enclosed are copies of protests filed against the issuance of the above referenced application. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Idaho Code § 42-203):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,

Harold W. Jones
HAROLD W. JONES
Water Rights Supervisor
HWJ:rb

RECEIVED
JUN 23 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 18, 1997

CHERYL C WILLISS
CHIEF DIVISION OF WATER RESOURCES
USDI FISH & WILDLIFE SERVICE
PO BOX 25486
DENVER FEDERAL CENTER
DENVER CO 80225-0486

RE: Application for Transfer No. T4987 LAST CHANCE CANAL CO. LTD

Dear Protestant:

Your protest against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in their approving or denying the application (Idaho Code § 42-203) the following are the principle items the Department can consider in either approving or denying the applications for (Idaho Code § 42-203):

1. Will the proposed use reduce the quantity of water under existing rights?

2. Is the proposed water supply insufficient for the purpose intended?

3. Is the application made in good faith or for delay or speculative purposes?

4. Has the applicant sufficient financial resources with which to complete the project?

UNRECORDED

JUN 23 1997

Page 2

5. Will the proposed use under this permit conflict with the local public interest?

6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

The protestant must be prepared to present proof of allegations involving one or more of the six items.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question.

If this office can be of further assistance, please contact us.

Sincerely,


HAROLD W. JONES
Water Rights Supervisor

HWJ:rb
pc: IDWR - State Office

WRC/PLASD

JUN 23 1977



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 18, 1997

WILLIAM FORSBERG
ATTORNEY AT LAW
127 EAST MAIN
REXBURG ID 83440

RE: Application for Transfer No. T4987 LAST CHANCE CANAL CO. LTD

Dear Protestant:

Your protest on behalf of Gem Valley Farms against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in their approving or denying the application (Idaho Code § 42-203) the following are the principle items the Department can consider in either approving or denying the applications for (Idaho Code § 42-203):

1. Will the proposed use reduce the quantity of water under existing rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

MICROFILMED
JUN 23 1997

Page 2

5. Will the proposed use under this permit conflict with the local public interest?

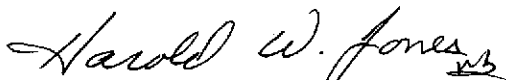
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

The protestant must be prepared to present proof of allegations involving one or more of the six items.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question.

If this office can be of further assistance, please contact us.

Sincerely,


HAROLD W. JONES
Water Rights Supervisor

HWJ:rb

pc: IDWR - State Office

RECEIVED
JUN 28 1972

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

RANDALL BUDGE
 PO BOX 1391
 POCATELLO ID 83204-1391

MICROFILMED

5. Received By: (Print Name)

HUN 2 3 1997

6. Signature: (Addressee or Agent)

X

Bill Olson

4a. Article Number

1424

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

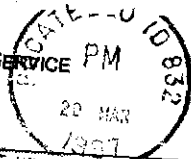
7. Date of Delivery

Bill Olson 3/20/97

8. Addressee's Address (Only if requested and fee is paid)

Fb

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.

IDAHO FALLS, IDAHO 83402

JUN 23 1967



SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

DEANN MAUGHAN

LAST CHANCE CANCELLED

913 S MAIN

GRACE ID 83241

JUN 23 1997

4a. Article Number

1423

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

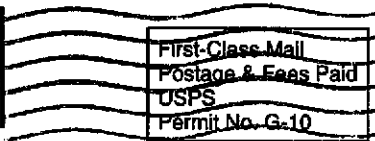
3-20-97

5. Received By: (Print Name)**8. Addressee's Address (Only if requested and fee is paid)****6. Signature: (Addressee or Agent)**

X

Melia Maughan

UNITED STATES POSTAL SERVICE



• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE

900 N. SKYLINE DR.

IDAHO FALLS, IDAHO 83402

RECEIVED
JUN 23 1967



SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

GORDON STEVENS

RT 1

SALMON ID 83467

MICROFILMED

4a. Article Number

1422

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

3-18-97

5. Received By: (Print Name)

Gordon Stephenson

6. Signature: (Addressee or Agent)

Gordon Stephenson

X

8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

RECEIVED

MAR 20 1987

DEPT. OF WATER RESOURCES
Eastern Region

JUN 13 1987

Affidavit of Publication

PUBLIC NOTICE

First Time Published

FEB 11 1997

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 4987

Notice is hereby given that the Last Chance Canal Company, Ltd., c/o DeAnn Maughan, Sec., 913 South Main, Grace, ID 83241, has applied to the Department of Water Resources to change place of use of the waters of the Bear River tributary to the Great Salt Lake. The rights sought to be changed are evidenced by decrees and recorded as follows:

No.: 13-00991C
Source: Bear River
Amount: 200.00 cfs
Priority: 03/01/1897
No.: 13-00992C
Source: Bear River
Amount: 240.00 cfs
Priority: 05/14/1901

Point(s) of Diversion: SWSE
Sec. 30 T09S R41E; NENE Sec. 1
SWSE Sec. 2 T10S, R40E, B.M.
Caribou County.

The water is used for irrigation from 04/20 to 09/30 within Sec. 5, 7, 8, 9, 16, 17, 21, 22, 26, 27, 28, 34 & 35 T08S R39E; Sec. 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, & 36 T09S R39E; Sec. 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 & 36 T09S R40E; Sec. 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 & 36 T10S R40E; Sec. 6, 7, 17, 18, 19, 20, 29, 30, 31, 32, 33 T10S R41E; Sec. 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23 & 24 T11S R40E; Sec. 4, 5, 6, 7, 8, 18 & 19 T11S R41E, B.M.

No.: 13-00955
Source: Bear River
Amount: 138.16 cfs
Priority: 08/09/1909
No.: 13-00956
Source: Bear River
Amount: 25.60 cfs
Priority: 12/31/1909

Point(s) of Diversion: NENE
Sec. 01 T10S R40E, B.M. Caribou County.

The water is used for irrigation from 04/20 to 09/30 within Sec. 1, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, 36, T10S, R40E; Sec. 7, 18, 30 & 31 T10S, R41E, Sec. 1, 2, 3, 10, 11, 12, 13, 14, 15, 16 & 24 T11S, R40E; Sec. 6, 7, & 18 T11S, R41E, B.M.

No.: 11-00262

Source: Bear River
Amount: 54.00 cfs
Priority: 07/29/1910

Point(s) of Diversion: SWSE
Sec. 30 T09S, R41E, B.M. Caribou County

The water is used for irrigation from 04/01 to 10/31 within the lands of Last Chance Canal Co.

TO BE CHANGED AS FOLLOWS:

The water has been historically diverted from Sec. 21, 22, 26, 27, 28, 34 & 35 T08S, R39E; Sec. 2, 3, 4, 9, 10, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26 & 36 T09S, R39E; Sec. 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 & 36 T09S, R40E; Sec. 1, 12, 13 T10S, R39E; Sec. 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 & 36 T10S, R40E; Sec. 5, 6, 7, 8, 17, 18, 19, 20, 28, 29, 30, 31, 32 & 33 T10S, R41E; Sec. 1, 2, 3, 4, 9, 10, 11, 12, 13, 14 & 24 T11S, R40E; Sec. 4, 5, 6, 7, 8, 9, & 18 T11S, R41E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Drive, Idaho Falls, ID 83402, together with a protest fee of \$25 on or before February 3, 1997. The protestant must also send a copy of

County of Caribou }
State of Idaho } ss.

Mark Steele

being first duly sworn on his oath, states:

That he is Publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

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

for 2 successive weekly issues thereof, the date of the first publication being the

16th day of
January, 1997

The date of the last publication

being the 23rd day of
January, 1997

On this 3rd day of February

in the year of 1997 before

me, a Notary Public, personally appeared

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for Idaho
Residing at Soda Springs, Idaho
My commission expires:

March 11, 2000

Department of Water Resources
Eastern District Office

**NOTICE OF PROPOSED
CHANGE OF A WATER
RIGHT
NO. 4987**

Notice is hereby given that the Last Chance Canal Company, Ltd., c/o DeAnn Maughan, Sec., 913 South Main, Grace, ID 83241, has applied to the Department of Water Resources to change place of use of the waters of the Bear River tributary to the Great Salt Lake. The rights sought to be changed are evidenced by decrees and recorded as follows:

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Source: Bear River
Amount: 200.00 cfs
Priority: 03/01/1897
No.: 13-00992C
Source: Bear River
Amount: 240.00 cfs
Priority: 05/14/1901

Point(s) of Diversion: SWSE Sec. 30 T09S R41E; NENE Sec. 1 SWSE Sec. 2 T10S, R40E, B.M. Caribou County.

The water is used for irrigation from 04/20 to 09/30 within Sec. 5, 7, 8, 9, 16, 17, 21, 22, 26, 27, 28, 34 & 35 T08S R39E; Sec. 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, & 36 T09S R39E; Sec. 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 & 36 T09S R40E; Sec. 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 & 36 T10S R40E; Sec. 6, 7, 17, 18, 19, 20, 29, 30, 31, 32, 33 T10S R41E; Sec. 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23 & 24 T11S R40E; Sec. 4, 5, 6, 7, 8, 18 & 19 T11S R41E, B.M.

No.: 13-00955
Source: Bear River
Amount: 138.16 cfs
Priority: 08/09/1909
No.: 13-00956
Source: Bear River
Amount: 25.60 cfs
Priority: 12/31/1909

Point(s) of Diversion: NENE Sec. 01 T10S R40E, B.M. Caribou County.

The water is used for irrigation from 04/20 to 09/30 within Sec. 1, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, 36, T10S, R40E; Sec. 7, 18, 30 & 31 T10S, R41E, Sec. 1, 2, 3, 10, 11, 12, 13, 14, 15, 16 & 24 T11S, R40E; Sec. 6, 7, & 18 T11S, R41E, B.M.

No.: 11-00262
Source: Bear River
Amount: 54.00 cfs
Priority: 07/29/1910

Point(s) of Diversion: SWSE Sec. 30 T09S, R41E, B.M. Caribou County

The water is used for irrigation from 04/01 to 10/31 within the lands of Last Chance Canal Co.

**TO BE CHANGED AS
FOLLOWS:**

The water has been historically diverted from Sec. 21, 22, 26, 27, 28, 34 & 35 T08S, R39E; Sec. 2, 3, 4, 9, 10, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26 & 36 T09S, R39E; Sec. 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 & 36 T09S, R40E; Sec. 1, 12, 13 T10S, R39E; Sec. 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 & 36 T10S, R40E; Sec. 5, 6, 7, 8, 17, 18, 19, 20, 28, 29, 30, 31, 32 & 33 T10S, R41E; Sec. 1, 2, 3, 4, 9, 10, 11, 12, 13, 14 & 24 T11S, R40E; Sec. 4, 5, 6, 7, 8, 9, & 18 T11S, R41E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Drive, Idaho Falls, ID 83402, together with a protest fee of \$25 on or before February 3, 1997. The protestant must also send a copy of the protest to the applicant.

(s) KARL J. DREHER
Director

Published on Jan. 16 and 23, 1997 in the Caribou County Sun.

County of Caribou } ss.
State of Idaho }

Mark Steele

being first duly sworn on his oath, states:

That he is Publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

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

for 2 successive weekly issues thereof, the date of the first publication being the

16th day of January, 1997

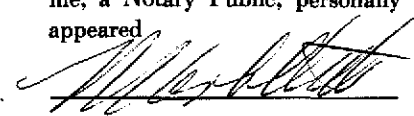
The date of the last publication being the 23rd day of

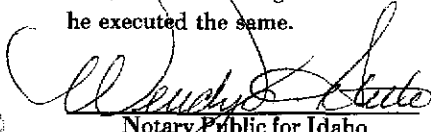
January, 1997

On this 3rd day of February

in the year of 1997 before

me, a Notary Public, personally appeared


known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.


Notary Public for Idaho
Residing at Soda Springs, Idaho
My commission expires:
March 11, 2000

UNRECORDED
JUN 23 1997



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

RECEIVED

FEB 03 1997

IN REPLY REFER TO:

BA WIR

WR UT

Mail Stop 60189

MAILING ADDRESS:

Post Office Box 25486

Denver Federal Center

Denver, Colorado 80225-0486

STREET LOCATION:

134 Union Blvd.

Lakewood, Colorado 80228-1807

Department of Water Resources
Eastern District Office

JAN 29 1997

Idaho Department of Water Resources
Eastern Region
900 North Skyline Drive
Idaho Falls, Idaho 83402

Dear Sir or Madam:

The Fish and Wildlife Service protests Application to Change Water Right No. 4987, filed by Last Chance Canal Co., on the basis that the applicant claims the right to use Water Right No. 11-00262 from April 1 to October 31, although the decree issued by Judge Dietrich in Utah Power & Light Company vs. The Last Chance Canal Company, Limited, et. al., defines the irrigation season as ending September 30.

It is the position of the Service that approval of this application has the potential to adversely affect the water rights held by the United States of America for the Bear River Migratory Bird Refuge unless conditioned to prevent diversion after September 30 of natural flows in the Bear River.

Enclosed is a Money Order in the amount of \$25 to cover the required protest fee.

If you have questions or require further information, please contact me at (303) 236-5321 extension 223.

Sincerely,

Cheryl C. Williss
Chief, Division of Water Resources

Enclosure

cc: Last Chance Canal Company, Ltd.
c/o DeAnn Maughan, Sec.
913 S. Main
Grace, Idaho 83241

MAILED

JUN 23 1997

February 5, 1997

To: Hine J Jones, Idaho Dept of Water Resources
From: Cheryl Willis, Fish and Wildlife Service
Subject: Application for Transfer No. 4987,
Last Chance Canal Company

The Fish and Wildlife Service filed a protest to this application, dated January 29, 1997, based on the notice in the Department's Weekly Water Rights Listing, received in this office on January 21 and January 27, 1997. In each, the listing showed that the period of use on Water Right No. 11-00262 was April 1 to 10/31. Since the Dietrich decree recognized a use period of April 1 through September 30, the Service believed the transfer would result in an extension of the water rights and the associated consumptive use.

The Service received copies of letters from the Canal Company's attorney explaining that the correct irrigation period was on April 1 through September 30. Therefore, the Service wishes to withdraw its protest. Because the protest was based on incorrect information published by the Department, we request that the protest fee of \$15 should be refunded.

THOMAS J. JONES, IDAHO DEPARTMENT OF WATER RESOURCES 208/525-7177

Request sent to Dave.

twf
2-5-97

MICROFILMED

JUN 23 1997

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707-0040

LEGAL ADVERTISING INVOICE

Amount Due
\$153.00

Account Number/Trans. #	Identification		
100564	Notice Of Proposed Change Of A Water Right No. 4987		
Ordered By	P.O. Number	Rate	Run Dates
Rita Bodell		TT	January 16, 23, 1997
Rita Bodell IDAHO DEPARTMENT OF WATER RESOURCES 900 N Skyline Dr Idaho Falls ID 83402 1718		Estimated inches	Real inches
		\$ Affidavits	Legal Number
		1	6714

LINDA PORTER, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip

insertion(s) beginning with the issue of
 January 16, 1997
 and ending with the issue of
 January 23, 1997

Linda Porter

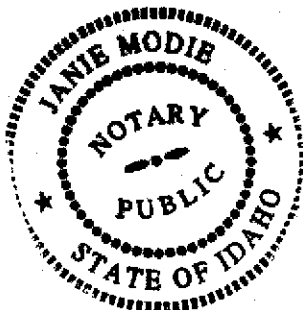
RECEIVED

JAN 30 1997

Department of Water Resources
 Eastern Region

STATE OF IDAHO)
) ss.
 COUNTY OF ADA)

On this 23rd day of January in the year of 1997, before me, a Notary Public, personally appeared LINDA PORTER known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



MICROFILMED
 JUN 23 1997

Janie Modie
 Notary Public for Idaho
 Residing at: Boise, Idaho
 My commission expires: 5/97

LEGAL NOTICE
NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 4987

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No.: 13-00992C	Source: Bear River
Amount: 240.00 cfs	Priority: 05/14/1901
Point(s) of Diversion: SWSE SEC 30 T09S R41E; NENE SEC 1 SWSE SEC 2 T10S R40E, B.M. Caribou County	

The water is used for irrigation from 04/20 to 09/30 within SEC 5, 7, 8, 9, 16, 17, 21, 22, 26, 27, 28, 34 & 35 T08S R39E; SEC 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, & 36 T09S R39E; SEC 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 & 36 T09S R40E; SEC 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, & 36 T10S R40E; SEC 6, 7, 17, 18, 19, 20, 29, 30, 31, 32, 33 T10S R41E; SEC 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, & 24 T11S R40E; SEC 4, 5, 6, 7, 8, 18 & 19 T11S R41E, B.M.

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Amount: 138.16 cfs	Priority: 08/09/1909
No.: 13-00956	Source: Bear River
Amount: 25.60 cfs	Priority: 12/31/1909
Point(s) of Diversion: NENE SEC 01 T10S R40E, B.M. Caribou County	

The water is used for irrigation from 04/20 to 09/30 within SEC 1, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, 36, T10S, R40E; SEC 7, 18, 30, & 31 T10S, R41E; SEC 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, & 24 T11S, R40E; SEC 6, 7, & 18 T11S, R41E, B.M.

No.: 11-00262	Source: Bear River
Amount: 54.00 cfs	Priority: 07/29/1910
Point(s) of Diversion: SWSE SEC 30 T09S R41E, B.M. Caribou County	

The water is used for irrigation from 04/01 to 10/31 within the lands of Last Chance Canal Co.

TO BE CHANGED AS FOLLOWS:

The water has been historically diverted from SEC 21, 22, 26, 27, 28, 34 and 35 T08S R39E; SEC 2, 3, 4, 9, 10, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, and 36 T09S R39E; SEC 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, & 36 T09S R40E; SEC 1, 12, 13 T10S R39E; SEC 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 T10S R40E; SEC 5, 6, 7, 8, 17, 18, 19, 20, 28, 29, 30, 31, 32, & 33 T10S R41E; SEC 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, & 24 T11S R40E; SEC 4, 5, 6, 7, 8, 9 & 18 T11S R41E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of \$25 on or before February 3, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Pub. January 16 & 23, 1997.

6714

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JAN 20 1997

Department of Water Resources
Eastern Region

William Forsberg
Attorney at Law
127 East Main
Rexburg, Idaho 83440

Telephone: (208) 356-7474
FAX: (208) 624-7670

Attorney for Protestant

RECEIVED

JAN 29 1997

Department of Water Resources
Boise District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION
FOR CHANGE OF WATER RIGHT
NO. 4987 (WATER RIGHT NOS. 13-00991C,
13-00992C, 13-00955, 13-00956 and 11-00262)

PROTEST AND MOTION TO
COMPEL DISCOVERY

COMES NOW Gem Valley Farms, an Idaho General Partnership, herein after, "protestant," by and through its attorney of record, William Forsberg and **protests** the change of water right proposed by Last Chance Canal Company, hereinafter, the "applicant," in its Application for Change of Water Right, No. 4987. In support of its protest, protestant alleges and represents as follows:

Standing

1. Protestant is an partnership engaged in farming whose partners include Mitchel C. Neibaur, Chad Neibaur and Clyde A. Neibaur.

2. Protestant owns and leases land in Sections 18, 19 and 20, Township 9 South, Range 40 East, Boise Meridian together with shares of applicant's canal stock intended to irrigate said owned and leased land, all of which land is included in the land which the applicant proposes to change the place of use for its water right.

Notice Defective

3. Although the first paragraph of applicant's Notice of Proposed Change of a Water Right No. 4987 states it has applied for a change in the place of use of its water right, the notice does not appear to propose any change in the place of use of its water right, only the place of diversion.

JUN 23 1997

1 4. In so far as applicant's intent is to change its place of use of it's water right, the published
2 notice has failed to give the public adequate notice of such change as required by Idaho Code §§ 42-108,
3 42-222 and 42-203A.

4 **Injury to Protestant's Water Rights**

5 5. Any change in the place of use of the applicant's water right which excludes Sections 18, 19
6 and 20, Township 9 South, Range 40 East, Boise Meridian from the place of use for such water will have
7 the effect of rendering the shares of Last Chance Canal Company stock held by protestant, representing
8 the right to irrigate land protestant farms in the above sections, useless in that protestant will no longer
9 have the ability to irrigate its land as it has done in the past and intends to in the future in violation of
10 Idaho Code §§ 42-108 and 42-203A(5).

11 **Conservation of Water Resources**

12 6. Any change in the place of use of the applicant's water right which excludes Sections 18, 19
13 and 20, Township 9 South, Range 40 East, Boise Meridian from the place of use for such water is not
14 consistent with the conservation of water resources in the state of Idaho as contemplated in Idaho Code
15 § 42-203A(5) in that it would remove irrigation water from developed farm ground with underground
16 mainline and center pivot irrigation systems in place requiring protestant to seek other irrigation water
17 requiring the drilling of wells or water conveyance from other new or existing water sources.

18 **Local Public Interest**

19 7. Any change in place of use of the applicant's water right which excludes Sections 18, 19 and
20 20, Township 9 South, Range 40 East, Boise Meridian from the place of use for such water is not in the
21 local public interest as defined in Idaho Code § 42-203A(5) in that it would remove irrigation water
22 supplied by the applicant from developed farm ground irrigated by protestant with underground mainline
23 and center pivot irrigation systems in place requiring protestant to seek other irrigation water requiring
24 the drilling of wells or water conveyance from other new or existing water sources.

25 8. Any change in place of use of the applicant's water right which excludes Sections 18, 19 and
26 20, Township 9 South, Range 40 East, Boise Meridian from the place of use for such water would
27 damage the value of the land. It is prime farm land. Some of the land in the applicant's decreed place of
28 use is marginal or waste ground and perhaps should be eliminated from the place of use but these sections

RECORDED
AUG 23 1957

1 are some of the better ground in the area and should continue as farm land which can be irrigated from
2 applicant's system.

3 9. In so far as the change of place of the use of the water takes water from the laterals in which
4 it has traditionally flowed, such change in place of use will damage the integrity of the existing laterals
5 causing greater inefficiencies in the delivery of water through them.

6 10. In so far as the change of place of the use of the water takes water from the laterals in which
7 it has traditionally flowed, such change in place of use will adversely effect the recharge of the aquifer
8 in the area in which the traditional flow is reduced.

9 11. The land which protestant owns or leases in the above sections which are subject to losing
10 the right to irrigate from the applicant's canal system, have at one time or another been irrigated by some
11 type of water source (e.g. ground water, Last Chance Canal, Farmers Canal). Progress in modernization
12 caused one type of water delivery system (i.e. canal water or ground water) to be used more efficiently
13 than another on a particular piece of land. Flexibility in the irrigation water supplies to the overlap area
14 of these systems needs to be maintained as this land is at the end of water delivery systems and over time
15 one system might prove more efficient than another.

16 **Application not Made in Good Faith**

17 12. In so far as the application proposes to change the place of use of the applicant's water right
18 to exclude Sections 18, 19 and 20, Township 9 South, Range 40 East, Boise Meridian from the place of
19 use for such water, such application is made in bad faith in violation of Idaho Code § 42-203A(5) in that
20 it would remove irrigation water supplied by the applicant to protestant from developed farm ground
21 irrigated by protestant as recently as 1996 with underground mainline and center pivot irrigation systems
22 requiring protestant to seek other irrigation water requiring the drilling of wells or water conveyance from
23 other new or existing water sources.

24 13. That applicant knows or should reasonably know that protestant has developed and irrigated
25 land in sections applicant has proposed for elimination as places of use and that elimination of that land
26 from places of use for its water right will impose a severe economic hardship on protestant.

27 14. that applicant has no other valid reason other than to harm protestant to eliminate the land
28 the land farmed by protestant from the land upon which water from its water right can be used.

RECORDED

JUN 23 1997

1 15. It appears that at the same time applicant proposes to eliminate protestant's land as a place
2 of use for water from its water right, applicant is proposing to include land not previously a part of its
3 decreed place of use to which it has knowingly and intentionally supplied water to over the past years in
4 violation of the decree of water right, its bylaws and state law.

5 **Motion to Compel Discovery**

6 16. Protestant hereby moves, pursuant to Procedure Rule 521 of the for an order compelling
7 discovery.

8 17. Discovery is necessary to adequately prepare for the hearing of this matter.

9 18. Protestant requests that the Hearing Officer set a hearing on its Motion to Compel Discovery.

10 **WHEREFORE**, protestant prays for orders and relief as follows:

11 **Order**

12 1. That a hearing be set on protestant's Motion to Compel Discovery.

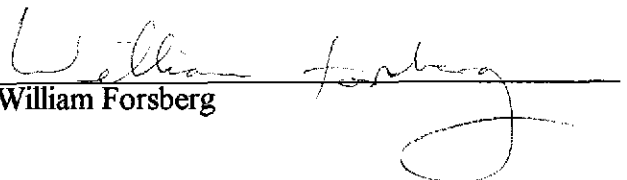
13 **Relief**

14 2. That the Notice of Proposed Change of a Water Right, No. 4987 be corrected and republished
15 to give the public and this protestant required notice of the proposed action.

16 3. That applicant's Application for Change in the Place of Use of Water Rights be denied.

17 4. For such further and other relief as the Idaho State Department of Water Resources may deem
18 just and necessary in the premises.

19 Respectfully submitted this 29th day of January, 1997.
20
21

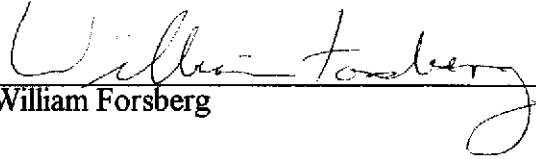
22 
23 William Forsberg
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JUN 23 1997

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Protest and Motion to Compel Discovery, was served upon the following by mailing the same on this 29th day of January, 1997, with the necessary postage affixed thereto.

Last Chance Canal Company
C/O De Ann Maughn
916 South Main
Grace, ID 85241


William Forsberg

RECORDED
JUN 23 1997

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
NO. 4987**

Notice is hereby given that the Last Chance Company, Ltd., c/o DeAnn Maughan, Sec., 913 E. Main, Grace, ID 83241, has applied to the Department of Water Resources to change place of use of the waters of the Bear River tributary to the Great Salt Lake. The rights sought to be changed are evidenced by decrees and recorded as follows:

No.: 13-00991C Source: Bear River
Amount: 200.00 cfs Priority: 03/01/1897
No.: 13-00992C Source: Bear River
Amount: 240.00 cfs Priority: 05/14/1901
Point(s) of Diversion: SWSE SEC 30 T09S R41E; NENE SEC 1 SWSE SEC 2 T10S R40E, B.M. Caribou County

The water is used for irrigation from 04/20 to 09/30 within SEC 5, 7, 8, 9, 16, 17, 21, 22, 26, 27, 28, 34 & 35 T08S R39E; SEC 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26 & 36 T09S R39E; SEC 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 & 36 T09S R40E; SEC 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 & 36 T10S R40E; SEC 6, 7, 17, 18, 19, 20, 29, 30, 31, 32, 33 T10S R41E; SEC 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23 & 24 T11S R40E; SEC 4, 5, 6, 7, 8, 18 & 19 T11S R41E, B.M.

No.: 13-00955 Source: Bear River
Amount: 138.16 cfs Priority: 08/09/1909
No.: 13-00956 Source: Bear River
Amount: 25.60 cfs Priority: 12/31/1909
Point(s) of Diversion: NENE SEC 01 T10S R40E, B.M. Caribou County SEC 1, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, 36, T10S, R40E; SEC 7, 18, 30 & 31 T10S, R41E; SEC 1, 2, 3, 10, 11, 12, 13, 14, 15, 16 & 24 T11S, R40E; SEC 6, 7 & 18 T11S, R41E, B.M.

No.: 11-00262 Source: Bear River
Amount: 54.00 cfs Priority: 07/29/1910
Point(s) of Diversion: SWSE SEC 30 T09S R41E, B.M. Caribou County

The water is used for irrigation from 04/01 to 10/31 within the lands of Last Chance Canal Co.

TO BE CHANGED AS FOLLOWS:

The water has been historically diverted from SEC 21, 22, 26, 27, 28, 34 and 35 T08S R39E; SEC 2, 3, 4, 9, 10, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26 and 36 T09S R39E; SEC 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 & 36 T09S R40E; SEC 1, 12, 13 T10SR39E; SEC 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 T10S R40E; SEC 5, 6, 7, 8, 17, 18, 19, 20, 28, 29, 30, 31, 32 & 33 T10S R41E; SEC 1, 2, 3, 4, 9, 10, 11, 12, 13, 14 & 24 T11S R40E; SEC 4, 5, 6, 7, 8, 9 & 18 T11S R41E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Drive, Idaho Falls, ID 83402, together with a protest fee of \$25 on or before February 3, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

PUBLISH: January 16 and 23, 1997

it of Publication

IDAHO
OF TWIN FALLS } SS.

No 28973

Emily McKnight being first duly sworn upon oath, depose

I am principle clerk of the TIMES-NEWS, published daily, at Idaho, and do solemnly swear that a copy of the notice of advertisement, as per ached, was published in the regular and entire issue of said newspaper, and not in any thereof, for two consecutive days,

g with the issue dated January 16, 19 97,

with the issue dated January 23, 19 97.

d I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho s, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except of which newspapers prior to consolidation had been published under said names in said city and county and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since ation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said an daily publication under said name in said city and county continuously and uninterruptedly.

d I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be kly, will be published; and that at the head of the editorial column of said combined newspapers, and in each Thursday is announced as the day on which said legal notices will be published.

IAHO
TWIN FALLS

24th day of Jan. in the year of 1997, before me,

ic, personally appeared Emily McKnight,
ntified to me to be the person whose name subscribed to the within instrument, and being by me first duly ad that the statements therein are true, and acknowledged to me that he executed the same.

Shirley R. Feltman
Notary Public for Idaho

Residing at Twin Falls, Idaho. 5/19/2000
My commission expires:

Affidavit of Publication

STATE OF IDAHO }
COUNTY OF TWIN FALLS } SS.

No 28978

I, Emily McKnight being first duly sworn upon oath, depose
and say that I am principle clerk of the TIMES-NEWS, published daily, at
Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per
clipping attached, was published in the regular and entire issue of said newspaper, and not in any
supplement thereof, for two consecutive days,
commencing with the issue dated January 16, 19 97,
and ending with the issue dated January 23, 19 97.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho
Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except
Monday, both of which newspapers prior to consolidation had been published under said names in said city and county
continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since
such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said
newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated
as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be
published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each
issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 24th day of Jan. in the year of 1997, before me,
a Notary Public, personally appeared Emily McKnight,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly
sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Shirley R. Feltman
Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires:

5/19/2000

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 01/23/97

INVOICE NO. 133675

Account No. 446600

Description 133675NOTICEOFAPROPOSE

Times 2

Lines 50

**LEGAL ADVERTISING
INVOICE**

Tab. Lines _____

JAN 27 1997

SOLD TO: IDAHO DEPT. OF WATER RESOURCES
900 N. SKYLINE
IDAHO FALL ID 83402

\$ 150.00

Department of Water Resources
Eastern District Office

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

NOTICE OF A PROPOSED CHANGE OF A WATER RIGHT
NO. 4987

Notice is hereby given that the Last Chance canal Company, Ltd., c/o DeAnn Maughan, Sec., 913 S. Main, Grace, ID 83241, has applied to the Department of Water Resources to change place of use of the waters of the Bear River tributary to the Great Salt Lake. The rights sought to be changed are evidenced by decrees and recorded as follows:

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The water is used for irrigation from 04/20 to 09/30 within SEC 5, 7, 8, 9, 16, 17, 21, 22, 26, 27, 28, 34 & 35 T08S R39E; SEC 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, & 36 T09S R39E; SEC 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 & 36 T09S R40E; SEC 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 & 36 T10S R40E; SEC 6, 7, 17, 18, 19, 20, 29, 30, 31, 32, 33 T10S R41E; SEC 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, & 24 T11S R40E; SEC 4, 5, 6, 7, 8, 18 & 19 T11S R41E, B.M.

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Amount: 138.16 cfs Priority: 08/09/1909
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Amount: 25.60 cfs Priority: 12/31/1909
Point(s) of Diversion: NENE SEC 01 T10S R40E, B.M. Caribou County

The water is used for irrigation from 04/20 to 09/30 within SEC 1, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, 36, T10S R40E; SEC 7, 18, 30, & 31 T10S R41E; SEC 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, & 24 T11S R40E; SEC 6, 7, & 18 T11S R41E, B.M.

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Amount: 54.00 cfs Priority: 07/29/1910
Point(s) of Diversion: SWSE SEC 30 T09S R41E, B.M. Caribou County
The water is used for irrigation from 10/4/01 to 10/31 within the lands of Last Chance Canal Co.

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KARL J. DREHER, Director

Published in THE LEWISTON MORNING TRIBUNE on January 16 & 23, 1997.

133675 AFFIDAVIT OF PUBLICATION

OF IDAHO, ss.
of Nez Perce

_____ wis _____, being duly sworn, deposes and says, I am a Clerk of the Tribune Publishing Company, a corporation and existing under and by virtue of the laws of the Idaho, publishers of the LEWISTON MORNING TRIBUNE, per of general circulation published at Lewiston, Nez Perce County, at the said Lewiston Morning Tribune is an established newspaper been published regularly and issued regularly at least once a day for 21 consecutive years next immediately preceding the first of this notice, and has been so published uninterrupted for and that the 133675NOTICEOFA attached hereto and which is made his affidavit was published in the said Lewiston Morning Tribune, ne(s). Publication being on 01/16, or once a ~~WEEK~~ consecutive ~~WEEKS~~, the first publication thereof being on 1/97, and the last publication thereof being on 1/97, and said 133675NOTICEOFA was so published in the entire issue of said newspaper and was not in a supplement and was so published in every issue and number of the said during the period and times of publication as set forth above.

_____ SUBED AND SWORN BEFORE ME THIS THE _____

1997

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires _____

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

Date 01/23/97

INVOICE NO. 133675

Account No. 446600

Description 133675NOTICEOFAPROPOSE

Times 2

Lines 50

Tab. Lines

JAN 27 1997

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IDAHO FALL ID 83402

\$ 150.00 Department of Water Resources
Eastern District Office

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Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

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Amount: 54.00 cfs Priority: 07/29/19
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The water is used for irrigation from 10/4/01 to 10/31 Chance Canal Co.

TO BE CHANGED AS FOLLOWS

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KARL J. DREHER, Director

Published in THE LEWISTON MORNING TRIBUNE on

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 133675NOTICEOFA attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 01/16, or once a WEEK for 2 consecutive WEEKS, the first publication thereof being on the 01/16/97, and the last publication thereof being on the 01/23/97, and said 133675NOTICEOFA was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

day of _____ 1997

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires _____



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 10, 1997

PETE PETERSON
WATER DIST 11
2483 RIVERDALE
PRESTON ID 83263

RE: Application for Transfer No. 4987

Dear Mr. Rosenkrance:

Please find enclosed a copy of the above referenced application for transfer. Please review the application and submit any comments you may have to our Department as soon as possible.

If we may be of further assistance, please feel free to contact us.

Thank you for your cooperation in this matter.

Respectfully submitted,


Harold W. Jones
Water Right Supervisor

HWJ/rb
enc.

MICROFILMED
JUN 23 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

January 10, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ID STATESMAN
PO BOX 40
BOISE ID 83707

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before FEBRUARY 3, 1997.

Yours truly,

Rita Bodell
Secretary

Enc.

*Typed & confirmed
1-10-97
10:43 am*

MICROFILMED
JUN 23 1997

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 4987

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Amount: 200.00 cfs Priority: 03/01/1897
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Amount: 240.00 cfs Priority: 05/14/1901
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The water is used for irrigation from 04/20 to 09/30 within SEC 5, 7, 8, 9, 16, 17, 21, 22, 26, 27, 28, 34 & 35 T08S R39E; SEC 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, & 36 T09S R39E; SEC 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 & 36 T09S R40E; SEC 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, & 36 T10S R40E; SEC 6, 7, 17, 18, 19, 20, 29, 30, 31, 32, 33 T10S R41E; SEC 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, & 24 T11S R40E; SEC 4, 5, 6, 7, 8, 18 & 19 T11S R41E, B.M.

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Amount: 138.16 cfs Priority: 08/09/1909
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Amount: 25.60 cfs Priority: 12/31/1909
Point(s) of Diversion: NENE SEC 01 T10S R40E, B.M. Caribou County

The water is used for irrigation from 04/20 to 09/30 within SEC 1, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, 36, T10S, R40E; SEC 7, 18, 30, & 31 T10S, R41E; SEC 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, & 24 T11S, R40E; SEC 6, 7, & 18 T11S, R41E, B.M.

No.: 11-00262 Source: Bear River
Amount: 54.00 cfs Priority: 07/29/1910
Point(s) of Diversion: SWSE SEC 30 T09S R41E, B.M. Caribou County
The water is used for irrigation from 04/01 to 10/31 within the lands of Last Chance Canal Co.

TO BE CHANGED AS FOLLOWS:

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MICROFILMED
JUN 23 1987

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of \$25 on or before February 3, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER

Director

Published in THE IDAHO STATEWMAN on January 16 & 23, 1997.

RECORDED
JUL 23 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

January 10, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LEWISTON MORNING TRIBUNE
PO BOX 957
LEWISTON ID 83501

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before FEBRUARY 3, 1997.

Yours truly,

Rita Bodell
Rita Bodell
Secretary

Enc.

*Typed & Confirmed
1-10-97
10:34 am*

RECEIVED
JAN 23 1997

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 4987

Notice is hereby given that the Last Chance Canal Company, Ltd., c/o DeAnn Maughan, Sec., 913 S. Main, Grace, ID 83241, has applied to the Department of Water Resources to change place of use of the waters of the Bear River tributary to the Great Salt Lake. The rights sought to be changed are evidenced by decrees and recorded as follows:

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The water is used for irrigation from 04/20 to 09/30 within SEC 5, 7, 8, 9, 16, 17, 21, 22, 26, 27, 28, 34 & 35 T08S R39E; SEC 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, & 36 T09S R39E; SEC 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 & 36 T09S R40E; SEC 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, & 36 T10S R40E; SEC 6, 7, 17, 18, 19, 20, 29, 30, 31, 32, 33 T10S R41E; SEC 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, & 24 T11S R40E; SEC 4, 5, 6, 7, 8, 18 & 19 T11S R41E, B.M.

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Amount: 25.60 cfs Priority: 12/31/1909
Point(s) of Diversion: NENE SEC 01 T10S R40E, B.M. Caribou County

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No.: 11-00262 Source: Bear River
Amount: 54.00 cfs Priority: 07/29/1910
Point(s) of Diversion: SWSE SEC 30 T09S R41E, B.M. Caribou County
The water is used for irrigation from 04/01 to 10/31 within the lands of Last Chance Canal Co.

TO BE CHANGED AS FOLLOWS: to

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RECORDED
JUN 23 1967

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of \$25 on or before February 3, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER

Director

Published in THE LEWISTON MORNING TRIBUNE on January 16 & 23, 1997.

RECEIVED
JAN 23 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

January 10, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

TIMES NEWS
PO BOX 548
TWIN FALLS ID 83303

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before FEBRUARY 3, 1997.

Yours truly,

Rita Bodell
Rita Bodell
Secretary

Enc.

*Typed & Confirmed
1-10-97
10:31 am*

*RECEIVED
JAN 28 1997*

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 4987

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RECORDED
JUN 23 1997

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KARL J. DREHER

Director

Published in THE TIMES NEWS on January 16 & 23, 1997.

APPROVED
JAN 23 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

January 10, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CARIBOU COUNTY SUN
PO BOX 815
SODA SPRINGS ID 83276

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before FEBRUARY 3, 1997.

Yours truly,

Rita Bodell
Rita Bodell
Secretary

Enc.

Typed & Confirmed
1-10-97
10:25 am

100-21000
100-21000

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44-23-607

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KARL J. DREHER

Director

Published in THE CARIBOU COUNTY SUN on January 16 & 23, 1997.

RECEIVED
JUL 23 1997

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

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

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

CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391
TELEPHONE (208) 232-6101
FAX (208) 232-6109

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

November 11, 1996

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

RECEIVED

NOV 13 1996

Department of Water Resources
Eastern District Office

Re: Last Chance Canal Company, Ltd. - Transfer Application

Dear Harold:

I have prepared and enclose on behalf of Last Chance Canal Company, Ltd., an Application for Transfer of Water Right, together with attached exhibits A, B, and C. I was uncertain how the Department would calculate the filing fees. If you would kindly review and advise, I will remit a check for the amount.

The purpose of the Application is simply to correct the legal description in the Dietrich Decree to more accurately identify the perimeter boundary of the Company's system and area within which the 29,000 acre decreed place of use is located. From a recent review of the Dietrich Decree, it was discovered that 25 sections are identified which have never been irrigated and 7 sections are omitted which have always historically been irrigated.

As a result of the approval of this Application, there would be no change in the 29,000 acre place of use, but the area within which it is located would be reduced by 18 sections or 11,520 acres. The new description of the place of use is contained in Exhibit A, the changes are identified in Exhibit B, and the original decreed description set forth in Exhibit C.

I would appreciate it if you would review this application and contact me if you have any questions or feel any changes are appropriate.

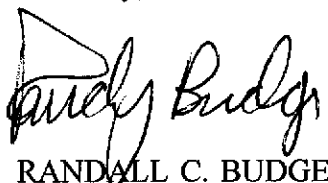
It would be greatly appreciated if the Department's processing, publication, and approval of this Application could be expedited. As you may recall, the Company encountered difficulties last irrigation season when a shareholder sought to lease their water rights for use outside the historic

Harold Jones
Page 2
November 11, 1996

place of delivery and use. A subsequent comparison of the legal description contained in the Decree with the actual place of use identified the discrepancies. At the Company's annual shareholder meeting November 4, 1996, a By Law Amendment was approved restricting delivery and use to the place of use identified in Exhibit A. It is important that this change be approved by the Department prior to the upcoming irrigation season.

Thank you for your cooperation and assistance.

Sincerely,



RANDALL C. BUDGE

RCB:rr

Enclosure

cc: Last Chance Canal Company Board of Directors

RECEIVED
NOV 13 1996

September 24, 1980

Last Chance Canal Co.
% Randall C. Budge
Grace, Idaho 83241

Dear Mr. Budge,

RE: Transfer of Water Right No. 11-0262

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 2463). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:mr

Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: Steve McGinnis

1. Right number 182033 01-0262 Applicant Last Chance

2. Type of right: ☒ Decree ☐ License ☐ Claim

3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Other _____

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☒ All of right.

b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. ☒ Check description of point(s) of diversion.

d. ☒ Check description of place of use.

e. ☒ Check map (shows p.d. and p.u. after transfer).

f. ☒ Check for correct signature, notarization, and fee.

g. ☒ Check proof of ownership of right &/or land from which water is transferred.

h. ☒ Check for expansion in use of right. Comments _____

i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) _____

j. ☐ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? Dist 11 Bear R.

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 6/23 Received on 7-22-1980

2. Is transfer published correctly? ☒ Yes ☐ No

3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve ① a measuring device of a type approved by the Dept.

2. ☐ Deny shall be permanently installed and maintained as part of the

3. Conditions* diverting works. **MICROFILMED**
② Use of water under this transfer is subject to control
by the watermaster of State Water District 11, Bear River.

4. By Ernest Carlson Date 7-25-80.

Jim 8/4/80 use condition 01 05 (11 Bear River)
* All uses within Watermaster Districts require special conditions.

RECEIVED

JUL 22 1980

Department of Water Resources
Eastern District Office

Identification No. _____

Transfer No. 11-0262

APPLICATION FOR TRANSFER OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Russell D. Stoker, watermaster of Bear River,
of Water District No. 11, County of Caribou, State of Idaho,
whose address is 279 E 3rd N, Soda Springs, Idaho 83276,
have read the attached copy of the application for transfer of water right for
Last Chance Canal Co., and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse Application for Transfer and recommend that the State
Reclamation Engineer approve the Transfer subject to the following conditions:

None

OR

B. I do not endorse approval of this Application for Transfer as requested
for the following reasons: _____

Dated at Soda Springs, Idaho, this 19th day of July, 1980.

Russell D. Stoker
(Signature)

MICROFILMED

June 23, 1980

RE: Application for Transfer of Water Right No. 11-0262

Russell D. Stoker
Watermaster
379 E. 3rd North
Soda Springs, ID 83276

Dear Mr. Stoker:

Please find enclosed a copy of the above referenced application and a watermaster recommendation form. Please review the application and complete the form, returning it to this office on or before July 14, 1980.

Thankyou fof your cooperation in this matter.

Sincerely,

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw
Enclosures

RECEIVED
JUL 1 1980

June 23, 1980

RE: Application for Transfer of Water Right No. 11-0262

Randall Budge
Attorney at Law
P. O. Box 608
Soda Springs, ID 83276

Dear Mr. Budge:

Attached herewith is Departmental Receipt No. 14872 in the amount of \$35.00 for the above referenced application for transfer in the name of Last Chance Camm Company.

Sincerely,

KAY WALKER
Secretary

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 11-0262

Notice is hereby given that Last Chance Canal Company, Grace, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters of Bear River. The right sought to be changed is evidenced by decree to Tanner Canal Co., Ltd. in case of Utah Power and Light Co. vs. Last Chance Canal Co., et al. dated 7/14/1920 in Eastern Division of U.S. District Court, County of Bear Lake and is recorded as follows:

AMOUNT: 54 cfs PRIORITY: July 29, 1910

DECREED POINT OF DIVERSION: At a point South $64^{\circ}13'$ West, 2,182.24 feet from the Northeast corner of Section 1, Twp. 10S, Rge. 40E, B.M., Caribou County.

The water is used for irrigation purposes from April 1 to October 31 as set forth in the Dietrich Decree, these waters are used for the supplemental irrigation of lands under the Last Chance Canal system, the legal description of which is set forth fully as a part of the water rights decreed to the Last Chance Canal Co.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Twp. 9S, Rge. 41E, B.M., Caribou County.

Any protests against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before July 14, 1980.

C. STEPHEN ALLRED

Director

Published in the Caribou County Sun 6/26 and 7/03/1980.

MICROFILMED

RECEIVED JUN 11 1980



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER DISTRICT NO. 1

John V. Evans
Governor

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 522-5404

C. Stephen Allred
Director

June 10, 1980

Randall C. Budge
240 S. Main
Soda Springs, Idaho 83276

Dear Mr. Budge:

Enclosed is the application for transfer form that you submitted to this office along with your check No. 92-352/791 for \$30.00. Please note on the enclosed fee schedule that the statutory filing fee is \$35.00.

If you have any questions please feel free to contact this office.

Sincerely,

Steve McCormick

STEVE McCORMICK
Water Resource Analyst

SM:tj

Enclosure

RECEIVED

JUN 12 1980

Department of Water Resources
Eastern District Office

MICROFILMED