

In Equity No. 203

**In the District Court of the United States
for the District of Idaho, Eastern Division**

UTAH POWER & LIGHT COMPANY, a Corporation, *Plaintiff*,

vs.

The Last Chance Canal Company, Limited; The Tanner Canal Company, Limited; The Central Canal Company, The North Extension Canal Company, Limited; West Branch Canal Company, Limited; The Turner Canal Company, Limited; The East Branch Canal Company, The Bench Canal, and Budge Land & Live Stock Company, Limited, corporations; W. H. Larkins, Jas. Ellsmore, Geo. Hogan, Lewis S. Pond and Alex Harris as Trustees of the Gentile Valley Irrigation Company, Limited, late a corporation; The Thatcher Irrigation Company, Limited, a corporation; Nathan D. Thatcher, J. A. Folkman, Milton Robbins and Geo. M. Smith, as Trustees of Thatcher Canal & Power Company, Limited, late a corporation; Nelson Ditch Company, a corporation; A. J. Nielson, B. R. Meek, Henry McCuen, C. S. Burton and Eli Fosgreen, as Trustees of Riverdale-Preston Irrigation Company, late a corporation; The Riverdale Irrigating Company, Nielson-Meek Company and West Cache Irrigation Company, corporations; E. P. Johnson, Albert Johnson, Hyrum Johnson, Geo. D. Anderson, Joseph T. Pond, Frank W. Harris, A. C. Bosen, Hyrum J. Smith, John E. Hill, Melvin Green, Robert L. Smith, Charles Westerburg, Peter Westerburg and David P. Evans.

Horace Howard, Henry Rhinehart, Harvey W. Higley, James Monroe (or Munro), Nellie Simmons, John Baird, William Monroe (or Munro), Orrin Monroe (or Munro), Charles Monroe (or Munro), Charles Foster, Hyrum Foster, Mary Baird, John Woodall (or J. D. Woodall), George Ellis, Skinner Irrigation Company, a corporation; Heber Crane, Fred Bartschi, Charles Bartschi, David Chugg, Phillip Chugg, Fred Stauffer, William Williams, Sr. (or William Morgan Williams), William Williams, Jr. (or William Mormon Williams), Oliver Williams, E. M. Lindsay, Georgetown Irrigation Company, a corporation, and Thomas Freeman.

MAY 14 1936

DATE OF
PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

11 0290

GEORGETOWN CREEK.

26. *Georgetown Irrigation Company:*
1881—May 1 70 c.f.s.

To be diverted from Georgetown Creek by means of ditches diverting therefrom as follows:

Paine Ditch—North 72°19' East 7957.3 ft.
Hayes Ditch—North 73°32' East 5301.3 feet.

Smart Ditch—North 75°03' East 4673.0 feet.

Mill Ditch—North 84°06' East 1932.9 feet.
South Ditch—North 82°32' East 2106.6 feet.

Armitage Ditch—South 57°43' West 1296.7 feet.

Stoddard Ditch—South 61°52' West 2554.6 feet.

Church Ditch—South 61°46' West 3510.9 feet.

Hoff Ditch—South 62°20' West 3976.0 feet.

All from the corner common to Sections 5, 6, 7 and 8, Township 11 South, Range 44 East, B.M., also at a point on the left hand fork of said Georgetown Creek, which bears North 46°41' East 4467.3 feet from the above mentioned Section corner where the said Paine Ditch intersects said left hand fork, and to be used for the irrigation of 3,500 acres of land situated in Sections 5, 6, 7, 8, 18 and 19, Township 11 South, Range 44 East, B.B.M., and Sections 1, 11, 12, 13, 14 and 24, Township 11 South, Range 43 East, B.B.M.

NOUNAN CREEK.

11 0291

27. *Fred Stauffer:*
(a) 1876—May 1

1.8 c.f.s.

To be diverted from Stauffer, later known as Nounan Creek, through three small ditches diverting therefrom in Sections 33 and 34, Township 11 South, Range 43 East, B.B.M.

25

MAY 14 1996

5

All the foregoing reservations of jurisdiction shall extend after the term at which this decree is entered, and during any subsequent term prior to January 1, 1924, at which time, or at such earlier time as the court may determine these matters, this decree shall be closed. In all other respects this decree shall be final.

The court further retains jurisdiction, however, at all times, and from time to time, to make all reasonable rules touching the manner of diverting, measuring and distributing the waters, and the devices to be installed and used for such purposes where it may be impracticable to fully comply with the terms of this decree, and to direct that the parties keep accurate and detailed records of the amounts of water diverted, and to require reports to be filed from time to time of the amount so diverted, and generally to make such orders as may be found reasonably necessary to give effect to the decree, and to appoint commissioners or water masters to make distribution in accordance with its terms, and to punish the parties hereto, their officers, agents and employes, and their grantees and successors in interest, for any violation of the provisions thereof.

Done in open court this 14th day of July, 1920.

FRANK S. DIETRICH,
Judge.

RECORDED

MAY 1 1926

117

FILE #19990735

WARRANTY DEED

For Value Received,

LOUI CERRI, as Trustee of THE LOUI AND ELAINE CERRI FAMILY TRUST,
Of 25 JULIE COURT, WINNEMUCIA, State of NV., 89445,

THE GRANTOR(S),

do hereby, grant, bargain, sell, and convey unto

BUSHMAN FARM & LIVESTOCK CO., A UTAH LIMITED PARTNERSHIP,
Of 680 West Main, LEHI, County of UTAH, State of UT., 84043,

THE GRANTEE(S),

For the sum of ten dollars and other good and valuable consideration, the following described tract of land in the County of
BEAR LAKE, State of Idaho:

See Attached Exhibit "A"

To have and to hold the said premises, with their appurtenances unto the said Grantee(s), its heirs and assigns forever.
The said Grantor(s) hereby covenant to and with the said Grantee(s) that he is the owner(s) in fee simple of said premises;
that they are free from all incumbrances, and that he will warrant and defend the same from all lawful claims whatsoever.

DATED THIS 29TH DAY OF NOVEMBER, 1999.

Loui Cerri
LOUI CERRI, TRUSTEE

STATE OF NEVADA, COUNTY OF HUMBOLDT

On this 29th day of NOVEMBER, 1999, before me a Notary Public in
and for the State, personally appeared

LOUI CERRI,

known to me to be the person(s) whose name(s) is subscribed to the
within instrument as trustee of the LOUI AND ELAINE CERRI
FAMILY TRUST, and acknowledged to me that he executed the
same as such trustee.

IN WITNESS WHEREOF, I hereunto set my hand and seal the day
and year in the certificate first above written.

Alicia Prokasky
Notary Public
Residing at: 8 E. HASKELL; WINNEMUCIA, NV
My Commission Expires: Oct. 8, 2001



99 DEC 1 PM 2 57
DEPUTY
FEE
16.00

BEAR LAKE COUNTY RECORDER
JOHN P. CROON

174393

MAIL TAX NOTICE TO: BUSHMAN FARM & LIVESTOCK CO.
680 West Main, LEHI, UT 84043

174393

EXHIBIT A

TOWNSHIP 11 SOUTH, RANGE 43 EAST OF THE BOISE MERIDIAN:

Section 32: E $\frac{1}{2}$ SE $\frac{1}{4}$.

Section 33: S $\frac{1}{4}$.

Section 34: SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$.

TOWNSHIP 12 SOUTH, RANGE 43 EAST OF THE BOISE MERIDIAN:

Section 3: Lots 2, 3 & 4; SW $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$.

Section 4: NE $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$; Lots 1, 2, 3 & 4.

Section 5: SE $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; Lot 1.

L.C.

KB

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To be diverted from Georgetown Creek by
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feet.
NE SE - 5 Smart Ditch—North 75°03' East 4673.0
feet.
SE SW - 5 Mill Ditch—North 84°06' East 1932.9 feet.
SE SW - 5 South Ditch—North 82°32' East 2106.6
feet.
NE NE - 7 Armitage Ditch—South 57°43' West
1296.7 feet.
NW NE - 7 Stoddard Ditch—South 61°52' West 2554.6
feet.
SE NW - 7 Church Ditch—South 61°46' West 3510.9
feet.
SE NW - 7 Hoff Ditch—South 62°20' West 3976.0
feet.

All from the corner common to Sections
5, 6, 7 and 8, Township 11 South, Range
44 East, B.M., also at a point on the left
hand fork of said Georgetown Creek,
which bears North 46°41' East 4467.3 feet
from the above mentioned Section corner
where the said Paine Ditch intersects said
left hand fork, and to be used for the irri-
gation of 3,500 acres of land situated in
Sections 5, 6, 7, 8, 18 and 19, Township 11
South, Range 44 East, B.B.M., and Sec-
tions 1, 11, 12, 13, 14 and 24, Township
11 South, Range 43 East, B.B.M.

NOUNAN CREEK.

11 0291

27. Fred Stauffer:
(a) 1876—May 1

1.8 c.f.s.

To be diverted from Stauffer, later known
as Nounan Creek, through three small
ditches diverting therefrom in Sections 33
and 34, Township 11 South, Range 43 East,
B.B.M.

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
11 0292 (b) 1876—May 1 <i>Cessi</i>	1.1 c.f.s.	To be diverted from Spring Creek, a tributary of Nounan Creek, through various ditches having their intakes at points on the same stream where the same crosses the land of this cross complainant, as hereinbelow described: Said water from Stauffer Creek and Spring Creek to be used for the irrigation of 145 acres of land in the Southeast quarter of the Northwest quarter, the Southwest quarter of the Northeast quarter, and West half of the Southeast quarter, Section 34, Township 11 South, Range 43 East, B.B.M.
11 0293 (c) 1881—May 1 <i>Cessi</i>	1.4 c.f.s.	To be diverted from Stauffer Creek through a ditch having its intake therefrom 27 rods South and 25 rods West of the Northeast corner of the Northwest quarter of the Southwest quarter, said Section 34.
11 0294 (d) 1881—May 1 <i>Cessi</i>	.2 c.f.s.	To be diverted from Liberty Lookout Creek, later known as Nounan Creek, through a ditch diverting therefrom where the same passes over the lands hereinbelow described: The water claimed in paragraphs (c) and (d) above to be used for the irrigation of 80 acres of land, being the North half of the Southwest quarter of said Section 34.
11 0295 (e) 1893—May 1 <i>Cessi</i>	.4 c.f.s.	To be diverted from said Liberty Lookout Creek through a ditch having its intake therefrom 85 rods West and 60 rods South of the Southeast corner of the Southwest quarter of said Section 33, said Township and Range, for the irrigation of 20 acres of land in the Southwest quarter of the Southeast quarter, said Section 33.
11 0296 (f) 1898—May 1 <i>Cessi</i>	2.6 c.f.s.	To be diverted from Stauffer Creek through several ditches having their intake from said creek on the lands hereinbelow described, for the irrigation of 130 acres of land situated in the East half of the Southwest quarter and the North half of the Southeast quarter, said Section 33.

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
11 0297 (g) 1898—May 1 <i>Cessi</i>	4 c.f.s.	To be diverted from Middle Fork, later known as Nounan Creek, through a ditch diverting therefrom 40 rods North and 20 rods East of the Southwest corner of the Northwest quarter of the Southwest quarter, said Section 34.
11 0298 (h) 1898—May 1 <i>Cessi</i>	0.7 c.f.s.	To be diverted from Spring Creek, hereinabove described, through a ditch having its intake at the Spring. The water decreed in paragraphs (g) and (h) to be used for the irrigation of 55 acres in the South half of the Southwest quarter, Section 34, Township 11 South, Range 43 East, and Lots 2 and 3 of Section 3, Township 12 South, Range 43 East, B.B.M.
11 0299 (i) 1900—May 1 <i>Cessi</i>	1.6 c.f.s.	To be diverted from Stauffer Creek, later known as Nounan Creek, through ditches diverting therefrom in Sections 32 and 33, said Township and Range, for the irrigation of 80 acres; in the East half of the Southeast quarter, Section 32, and the West half of the Southwest quarter, Section 33, Township 11 South, Range 43 East, B.B.M.
11 0300 28. Oliver Williams: 1876—May 1 <i>Allen</i>	3.0 c.f.s.	To be diverted from Stauffer Creek, later known as Nounan Creek, through four ditches diverting therefrom in Sections 34 and 27, Township 11 South, Range 43 East, for the irrigation of 150 acres of land in the North half of the Northeast quarter, the Northeast quarter of the Northwest quarter of Sec. 34 and the southwest quarter of the southeast quarter of Section 27, Township 11 South, Range 43 East, B.B.M.
11 0301 29. Edgar M. Lindsay: (a) 1877—May 1 <i>Hannings</i>	1.6 c.f.s.	To be diverted from Spring Creek, a tributary of Nounan Creek, through ditches diverting therefrom in Sections 34 and 35, Township 11 South, Range 43 East, for the irrigation of 80 acres of land in the East half of the Southeast quarter, the Southeast quarter of the Northeast quarter, Section 34, the West half of the Southwest quarter and the West half of the Northwest quarter of Section 35, said Township and Range.

RECEIVED

DEC 22 1999

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) 11-0296, 11-0297, 11-0298, 11-0299
11-0291, 11-0292, 11-0293, 11-0294, 11-0295,
Adjudication Claim Number(s) _____

2. The following REQUIRED information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Loui Cerri

25 Julie Ct., Winnemucca, NV 89445

4. New Owner/Claimant(s) Bushman Farm and Livestock Co.

Name connector (Check one): [] AND, [] OR, [] AND/OR

New Mailing Address 680 W. Main

City, State and ZIP Code Lehi, UT 84043

New Telephone Number (801) 768 - 8730

5. Date you acquired the property 12/1/99

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) [Signature] Date 12/1/99

Bushman Farm & Livestock Co. Date _____

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 28, 2000

BUSHMAN FARM & LIVESTOCK CO
680 W MAIN
LEHI UT 84043

RE: Change of Ownership for Water Rights 11-00291 thru 11-00299

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Jeff Peppersack
for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures