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

WR 11-442

UTAH POWER & LIGHT COMPANY,

Plaintiff

vs.

THE LAST CHANCE CANAL COMPANY,
Limited, et. al.

Defendants.

In Equity

No. 203.

FINAL DECREE

Before HON. F. S. DIETRICH,
District Judge.

Filed July 14, 1920.

W. D. McREYNOLDS,

Clerk.

By PEARL ZANGER,

Deputy.

MAY 14 1936

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 1996

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
11 0440 135 Harry Horsley: 1898—June 1	1.8 c.f.s.	For the irrigation of 89.2 acres of land in the North half of the Southwest quarter, Section 11, and the Northwest quarter and the Northwest quarter of the Southeast quarter, Section 11, Township 9 South, Range 41 East.

Provided, that the above named parties diverting through the Anderson, Horsley ditch shall divert from Big Spring Creek only enough water to make up the quantity decreed to them after using the available supply of Little Spring Creek.

SODA CREEK

11 0441 136 T. H. Horsley, J. E. Lau, D. J. Lau, H. M. Lau: 1910—May 1	8.8 c.f.s.	To be impounded in Five Mile Meadows Reservoir and diverted and measured from said reservoir in the Southeast quarter of the Northwest quarter, Section 13, Township 8 South, Range 41 East, into Soda Creek, thence conveyed through the channel of said Soda Creek to the intake of the Lau Ditch, hereinafter described, thence conveyed in said Lau ditch for the irrigation of 440 acres of land in the Southwest quarter of the Southwest quarter of Section 31, Township 8 South, Range 42 East, the Northwest quarter, the West half of the Northeast quarter, the Southeast quarter and the East half of the Southwest quarter, Section 6, the West half of the Northwest quarter, Section 8, the Northeast quarter and the Southeast quarter of Section 9, and the Southeast quarter of Section 7, Township 9 South, Range 42 East, B.M. Said right is divided as follows: D. J. Lau, 100 acres; T. H. Horsley, 30 acres; J. T. Torgesen, 24 acres; Ellis Kackley, 40 acres; Landi C. Eastman, 30 acres J. E. Lau, 220 acres; Wm. Chester, 12 acres. For the purpose of this decree all waters arising in or naturally flowing into Five Mile Meadows shall be deemed to be part of Soda Creek.
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11 0442 137 John George Schmidt: 1898—June 1	3 c.f.s.	To be diverted from Five Mile Meadows, in the Northwest quarter of Section 13, Township 8 South, Range 41 East, for the irrigation of 160 acres in the Southwest quarter of Section 13 and the North half of the Northwest quarter of Section 24, Township 8 South, Range 41 East.
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DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
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Crane-Lallatin-Marriott Canal, diverting from Soda Creek in the Northwest quarter of the Southwest quarter of Section 24, Township 8 South, Range 41 East. The following parties are entitled to divert from said ditch with priorities and in the amounts hereinbelow set forth:

- | | | | |
|---------|---|-------------|--|
| 11 0443 | 138. <i>Chris Lallatin:</i>
1899—July 6 | 0.7 c.f.s. | For the irrigation of 35 acres in the West half of the Northeast quarter and the Southeast quarter of Section 25, said Township and Range. |
| 11 0444 | 139. <i>L. S. Marriott:</i>
1912—May 1 | 0.5 c.f.s. | For the irrigation of 25 acres in the West half of the Southeast quarter of Section 31, Township 8 South, Range 42 East. |
| 11 0445 | 140. <i>David Giles and Thomas L. Clark:</i>
1916—February 8 | 2.2 c.f.s. | For the irrigation of 108 acres in Lots 1 and 2, the Northeast quarter of the Northwest quarter and the Southeast quarter of the Northwest quarter, Section 31, Township 8 South, Range 42 East, and the Northeast quarter of the Southeast quarter of Section 36, Township 8 South, Range 41 East, B.M. |
| 11 0446 | 141. <i>Chris Lallatin:</i>
(a) 1897—June 1 | 0.5 c.f.s. | To be diverted from said Soda Creek through a ditch diverting therefrom in the Southwest quarter of the Northeast quarter of Section 25, Township 8 South, Range 41 East, B.M., for the irrigation of 25 acres of land in the West half of the Southeast quarter of said Section 25. |
| 11 0447 | (b) 1916—August 8 | 25.0 c.f.s. | To be diverted from said Soda Creek in the Northwest quarter of the Northeast quarter, Section 25, Township 8 South, Range 41 East, used for power purposes in conducting a certain slaughter house owned and operated by him, situate in the Southwest quarter of the Southeast quarter of said Section 25, and returned to the channel of Soda Creek in the Southwest quarter of the Southeast quarter of said Section 25. |
| 11 0448 | 142. <i>Ellis Kackley:</i>
1909—June 1 | 0.3 c.f.s. | To be diverted from said Soda Creek through a ditch diverting therefrom North of the Feeney ditch in the Northeast quarter of the Southeast quarter of Section 36, Township 8 South, Range 41 East, for the irrigation of 14 acres in the Northwest quarter of the Southwest quarter of Section 6, Township 9 South, Range 42 East. |

REPORT

MAY 14 1996

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.

MICROFILMED

MAY 1 4 1926

117

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

RECEIVED

NOV - 4 2003

RECEIVED

OCT 30 2003

Department of Water Resources
 Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
11-02003					
11-00442					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a **USDA Farm Service Agency AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) MARGARETA M. SCHMIDT - DECEASED
JOHN GEORGE SCHMIDT - DECEASED
4. New Owner/Claimant(s) PRESBYTERY OF KENDALL, INC / HILTON THOMPSON RANCH
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
c/o LARRY BULL
 New Mailing Address 5787 W. PORTNEUF RD
 City, State and ZIP Code POCATELLO, IDAHO 83204
 New Telephone Number (208) 775-4582
5. Date you acquired the property 27 December 1998

5. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. #

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Larry Buhl - Pres of Kendall

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by JC Date 10-30-03 Fee \$50-
 Received by JC Date 10-31-03 Receipt No. F 029321
 Processed by AJ Date _____ WR _____ Date _____

STATE OF IDAHO } ss. 151365
County of Caribou }

I hereby certify that this instrument was filed at the request
of Larry M. Bull
at 1:10 o'clock P m this 27th day of
December, 19 95 in my office and duly
recorded in Microfilm Records
Recorder: Edie Izatt
Ex-Officio Recorder Debra Hawley Deputy 900

DEED OF DISTRIBUTION
BY
TRUSTEE

THIS DEED is made by Larry M. Bull, as Trustee of the Hilda Thompson Revocable Trust, being a trust created under instrument dated June 25, 1986, Grantor, to the Presbytery of Kendall, Inc., an Idaho Corporation, Grantee, whose current address is 128 N. 100 E., Jerome, Idaho 83338.

WHEREAS, Grantor was named as successor Trustee of the Hilda Thompson Revocable Trust by Hilda Thompson, Grantor of said Trust and is now qualified and acting in said capacity; and

WHEREAS, the Grantee is determined to be the person entitled to distribution of the hereinafter-described real property, and Grantor is authorized to distribute the same to Grantee;

NOW, THEREFORE, Grantor conveys and releases to Grantee the real property described on the attached Exhibit "A", together with all tenements, hereditaments and appurtenances thereof belonging, but subject to easements and restrictions of record.

DATED this 27 day of December, 1995.

Larry M. Bull
Larry M. Bull, Trustee of the Hilda Thompson
Revocable Trust u/i/d June 25, 1986

RECEIVED

AUG 07 1998

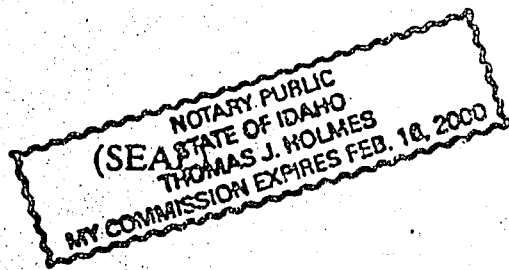
Department of Water Resources
Eastern Region

151365

STATE OF IDAHO)
 :SS
County of Bannock)

On this 27 day of December, 1995, before me, the undersigned, a Notary Public in and for said state, personally appeared Larry M. Bull, known or identified to me to be the Trustee of the Hilda Thompson Revocable Trust u/i/d June 25, 1986 whose name is subscribed to the within instrument as Trustee of said Trust, and acknowledged to me that he executed the same as such Trustee.

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



NOTARY PUBLIC - STATE OF IDAHO
My Commission Expires: _____

151365

Caribou County, Idaho:

Township 8 South, Range 41 East of the Boise Meridian:

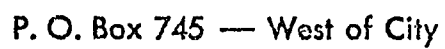
- ✓ Section 13: SW $\frac{1}{4}$.
- ✓ Section 14: SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$.
- Section 22: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{4}$ SE $\frac{1}{4}$.
- ✓ Section 23: All.
- ✓ Section 24: SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Exhibit "A"



SEE PAGE 17

Caribou County, Idaho

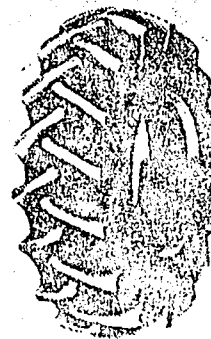


Phone 547-2526

Soda Springs, Idaho 83276

MICHELIN
FIRESTONE
TOYO
B. F. GOODRICH

ON THE FARM SERVICE



WR0749NP
No. 11-00442

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/10/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN GEORGE SCHMIDT	06/01/1898	IRRIGATION	04/20 09/30	3.000 CFS	
TOTAL DIVERSION:					3.000 CFS	

Water Source: SOVA CREEK

Tributary to: BEAR RIVER

Stage: DECREED

Point(s) of Diversion: T08S R41E S13

NW

CARIBOU County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
08S	41E	13	:					:					:	I	I	I	I	:					:	
08S	41E	24	:					:	I	I			:					:					:	

Pou County: CARIBOU

Remarks: GEN P/D, NW 1/4, SEC. 13. T. 8S, R.41E, 5 MILE MEADOWS.
P/U, AC IRR=160.

Dates:	App. Received:	Priority Date:	06/01/1898
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 11B Field Exam Fee:

WR0749NP
No: 11-02003

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/10/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARGARETA M. SCHMIDT SODA SPRINGS ID 832760000	11/18/1904	IRRIGATION DOMESTIC	00/00 00/00 00/00 00/00	0.700 CFS	
TOTAL DIVERSION:					0.700 CFS	

Water Source: SODA CREEK SPRING

Tributary to: BEAR RIVER

Stage: LICENSE

Point(s) of Diversion: T08S R41E S14

SESE

CARIBOU County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
08S	41E	14	:	:	:	:	:	:	:	:	:	:	:	:	:	:
08S	41E	23	:	:	:	:	:	:	:	:	:	:	:	:	:	:

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: CARIBOU

Remarks: GEN AC. IRR. UNKNOWN.

Dates:	App. Received:	Priority Date:	11/18/1904
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:	11/27/1905	

Misc: Water District Number: 11B Field Exam Fee:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 5, 2003

PRESBYTERY OF KENDALL INC
C/O LARRY BULL
5787 W PORTNEUF RD
POCATELLO ID 83204

RE: Change of Ownership for Water Rights 11-442 and 11-2003

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 this office if you have any questions regarding this matter.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

Cc: DON RAYERS
PO BOX 91
SODA SPRINGS ID 83276

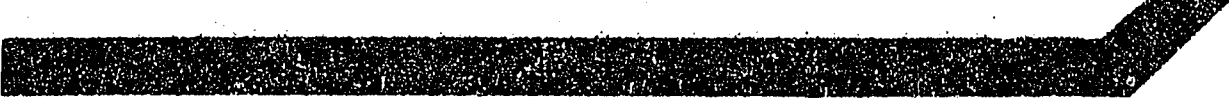


START OF

RETAKE

The images appearing between this point and the "End of Retake" are true copies of records, microphotographs of which are missing, or proved unsatisfactory on inspection of the original reel.

To preserve the integrity of the files, the above mentioned records were rephotographed.





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 5, 2003

PRESBYTERY OF KENDALL INC
C/O LARRY BULL
5787 W PORTNEUF RD
POCATELLO ID 83204

RE: Change of Ownership for Water Rights 11-442 and 11-2003

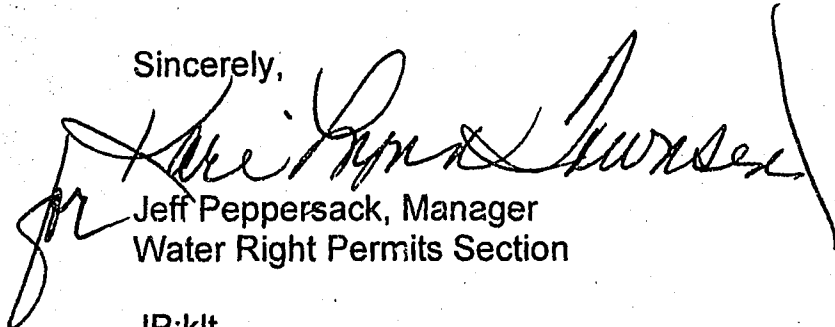
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Sincerely,



Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

Cc: DON RAYERS
PO BOX 91
SODA SPRINGS ID 83276

MICROFILMED

NOV 20 2003



**END
OF**

RETAKE