

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
13-0699	323. James Swensen:		
0700	1877—May 1	1.2 c.f.s.	For the irrigation of 170 acres in Lot 3,
	1883—May 1	0.8 c.f.s.	the North half of Lot 4, the West half of
13-0701	1905—May 1	1.4 c.f.s.	the Southeast quarter of Section 18; the
			Northeast quarter of the Northwest quar-
			ter, and Lots 2 and 3 of Section 19, said
			Township and Range. Said water may
			also be diverted through the Mickelsen-
			Swensen Ditch, hereinbefore described, or
			by means of a ditch having its intake on
			the west side of Whisky Creek, opposite
			the point of said Mickelsen-Swensen ditch.
	324. Mary Swensen:		
11-0633	1905—May 1	1.2 c.f.s.	For the irrigation of 60 acres in the South
13-0702			half of Lot 4 of Section 18, and Lot 1 of
			Section 19, said Township and Range.
			Said water may also be diverted through
			the Mickelsen-Swensen Ditch, hereinbefore
			described.
13-0703	325. Lars Rasmussen:		
0704	1881—May 1	0.4 c.f.s.	For the irrigation of 45 acres in the North
	1905—May 1	0.5 c.f.s.	half of the Southeast quarter of Section
			24, Township 11 South, Range 40 East.
0705	326. Harold L. Bassett:		
	1881—May 1	0.6 c.f.s.	For the irrigation of 62 acres in the East
0706	1905—May 1	0.64 c.f.s.	half of the Northeast quarter of Section 24,
			Township 11 South, Range 40 East.
	Mendenhall Ditch, diverts on the East side of said Whiskey Creek, at a point		
	North 37 degrees 20 minutes West 1815 feet from the Southeast corner of Section 24,		
	Township 11 South, Range 40 East, B.M. The following parties are entitled to divert		
	through said ditch, with priority and in the amount hereinbelow set forth:		
0707	327. Thomas Bennett:		
	1877—May 1	0.4 c.f.s.	For the irrigation of 65 acres in the South
0708	1905—May 1	0.9 c.f.s.	half of the Southwest quarter of Section
			30, Township 11 South, Range 41 East.
0709	328. George C. Fowler:		
	1877—May 1	0.8 c.f.s.	For the irrigation of 110 acres in the
0710	1905—May 1	0.9 c.f.s.	North half of the Southwest quarter, the
0711	1905—June 1	0.5 c.f.s.	Southwest quarter of the Southwest quar-
			ter of Section 30, Township 11 South,
			Range 41 East, B.M., and the South half
			of the North half of the South half of the
			Southeast quarter of Section 25, Township
			11 South, Range 40 East.
0712	329. J. W. Gibbs:		
	1878—May 1	0.6 c.f.s.	For the irrigation of 75 acres in Lot 1, and
0713	1905—May 1	0.9 c.f.s.	the Southeast quarter of the Northwest
			quarter of Section 31, Township 11 South,
			Range 41 East.
0714	330. Michael Mickelsen:		
	1905—May 1	0.5 c.f.s.	For the irrigation of 50 acres in the South
			half of the Northeast quarter; Northwest

See
Supplemental Decree
dated 3-23-22
JH

MAY 14 1936

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5718
WATER RIGHT NO(S). 13-00705A/13-00706

This is to certify that: **MARTHA O BASSETT**
271 HWY 34
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>	<u>ANNUAL VOLUME</u>
Right No. 13-00705A : IRRIGATION Priority: 05/01/1881	04/20 to 09/30	0.58 CFS	217.0 AF
Right No. 13-00706 : IRRIGATION Priority: 05/01/1905	04/20 to 09/30	0.64 CFS	217.0 AF
TOTAL:		1.22 CFS	217.0 AF *

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
WHISKEY CREEK	BEAR RIVER

LOCATION OF POINT(S) OF DIVERSION: SESENE , Sec. 24, Township 11S, 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>
11S	40E	13	SESE 4.3			4.3
		24	NENE 28.2	SENE 29.5		57.7
Total number of acres irrigated:						62.0 *

CONDITIONS OF APPROVAL AND REMARKS

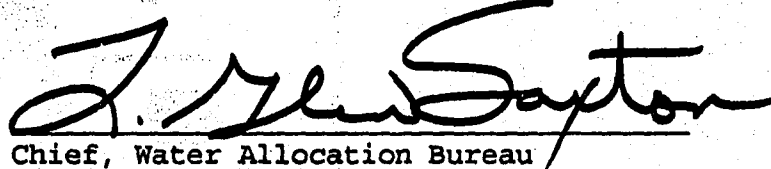
1. Use of water under this water right will be regulated by the watermaster of State Water District No. 13S.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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CONDITIONS OF APPROVAL AND REMARKS

3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- * 6. Rights 13-00705A and 13-00706 when combined shall not exceed a total annual maximum diversion volume of 217.0 af at the field headgate and the irrigation of 62.0 acres.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/20 and after 9/30 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Dated this 8th day of June, 2000.


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILE 13-00706

FROM: VAULT

RE: TRANSFER # 5718

DATE: 4/17/2000

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**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 13-00705