

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

Ditch No. 8, known as the McGregor Ditch, diverting on the South side of said Bridge Creek, at a point about one mile above the mouth thereof. The following parties are entitled to divert through said Ditch No. 8, with priorities and in the amounts hereinbelow set forth:

~~11-0778~~ 433. Ralph Perry:
1871-April 1 0.4 c.f.s. For the irrigation of 20 acres in the South half of the Northeast quarter and the North half of the North half of the Southeast quarter of Section 30, and the North half of the Northwest quarter of the Southwest quarter of Section 29, Township 12 South, Range 40 East.
13-0851

~~11-0778~~ 434. J. D. McGregor:
1871-April 1 0.6 c.f.s. For the irrigation of 30 acres in the West half of the Southeast quarter and the West half of the Southwest quarter, and the South half of the Northwest quarter of Section 30, Township 12 South, Range 41 East.
0852

~~14-0731~~ 435. Henry Perry:
1871-April 1 0.2 c.f.s. For the irrigation of 10 acres of his land hereinbefore described under Ditch No. 4.
0853

~~11-0732~~ 436. A. B. Gray:
1871-April 1 0.2 c.f.s. For the irrigation of 10 acres of his land hereinbefore described under Ditch No. 4.
0854

Ditch No. 9, known as the Williams and Foreman Ditch, diverting from the South side of said Bridge Creek about three-quarters of a mile above the mouth of said creek. The following parties are entitled to divert through said Ditch No. 9, with priorities and in the amounts hereinbelow set forth:

~~11-0733~~ 437. George D. Collins:
1875-April 1 0.6 c.f.s. For the irrigation of 30 acres in the Northwest quarter of Section 30, Township 12 South, Range 41 East.
0855

~~11-0733~~ 438. Emma Collins and Estate of J. W. Collins, deceased:
1875-April 1 1.3 c.f.s. For the irrigation of 65 acres in the North half of the Northwest quarter of Section 30, Township 12 South, Range 41 East.
0856

~~11-0733~~ 439. J. D. McGregor:
1875-April 1 1.2 c.f.s. For the irrigation of 60 acres of his land hereinbefore described under Ditch No. 8.
0857

Ditch No. 10, known as the John T. Williams Ditch, diverting from the North side of said Bridge Creek just West of the County Road in Section 19, Township 12 South, Range 41 East. The following parties are entitled to divert through said Ditch No. 10, with priorities and in the amounts hereinbelow set forth:

~~11-0733~~ 440. John T. Williams:
1872-April 1 4.0 c.f.s. For the irrigation of 200 acres of land in the West half of the Southwest quarter of
0858

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 14 1966

117

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70361

This is to certify that: CRAIG L MC GREGOR
 6883 E 13800 N
 THATCHER ID 83283
 (208)427-6668

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
13-851	WR/Decreed	04/01/1871	0.4 cfs	N/A			BRIDGE CREEK, WILLIAMS CREEK
13-853	WR/Decreed	04/01/1871	0.2 cfs	N/A			BRIDGE CREEK, WILLIAMS CREEK

Purpose of Transfer (Changes Proposed)

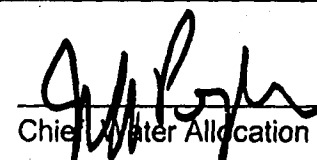
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
13-851	YES	YES	NO	NO	NO	NO
13-853	NO	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
13-851	13-7627	0.16 cfs	28 af	8.0	18.0	13-7626	0.24 cfs	N/A	N/A	12.0
13-853	13-853	0.2 cfs	35 af	10.0	18.0		N/A	N/A		N/A
COMBINED TOTALS		0.36 cfs	63 af		18		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 19 day of June, 20 03

For 
 Chief Water Allocation Bureau

WATER RIGHT NO. 13-853
As Modified by Transfer No. 70361

In accordance with the approval of Transfer No. 70361, Water Right No. 13-853 is now described as follows.

Right Holder: CRAIG L MC GREGOR And
DRUE ANN MC GREGOR
6883 E 13800 N
THATCHER ID 83283

Priority Date: April 01, 1871

Source: WILLIAMS CREEK

Tributary: BEAR RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/20 to 09/30		0.20 CFS	35.0 AF
			0.20 CFS	35.0 AF

LOCATION OF POINT(S) OF DIVERSION:

WILLIAMS CREEK NENENE Sec. 28 Twp 12S Rge 41E FRANKLIN County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S 41E-30									1.0						17.0		18.0

Total Acres: 18

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 11.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Right 13-7627 is also diverted through the point of diversion described above.
7. This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19 day of June, 20 03

[Signature]
for Chief, Water Allocation Bureau

WATER RIGHT NO. 13-7626
As Modified by Transfer No. 70361

In accordance with the approval of Transfer No. 70361, Water Right No. 13-7626 is now described as follows.

Right Holder: RALPH PERRY
ID

Priority Date: April 01, 1871

Source: WILLIAMS CREEK

Tributary: BEAR RIVER

BENEFICIAL USE
IRRIGATION

From **To**
04/20 to 09/30

Diversion Rate
0.24 CFS
0.24 CFS

Volume

LOCATION OF POINT(S) OF DIVERSION:

WILLIAMS CREEK NESWSE Sec. 19 Twp 12S Rge 41E FRANKLIN County

PLACE OF USE: IRRIGATION

[illegible]

Total Acres: 12

CONDITIONS OF APPROVAL

1. Source also known as Bridge Creek.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19 day of June, 2003

For  Chief, Water Allocation Bureau

WATER RIGHT NO. 13-7627
As Modified by Transfer No. 70361

In accordance with the approval of Transfer No. 70361, Water Right No. 13-7627 is now described as follows.

Right Holder: CRAIG L MC GREGOR And
DRUE ANN MC GREGOR
6883 E 13800 N
THATCHER ID 83283

Priority Date: April 01, 1871

Source: WILLIAMS CREEK

Tributary: BEAR RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/20 to 09/30		0.16 CFS	28.0 AF
			0.16 CFS	28.0 AF

LOCATION OF POINT(S) OF DIVERSION:

WILLIAMS CREEK NENENE Sec. 28 Twp 12S Rge 41E FRANKLIN County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S 41E 30									1.0								18.0

Total Acres: 18

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 11.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Right 13-853 is also diverted through the point of diversion described above.
7. This right is limited to the irrigation of 8 acres within the place of use described above in a single irrigation season.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19 day of June, 20 03


Cheryl Water Allocation Bureau

MEMORANDUM

TO: FILE 13-853
FROM: VAULT
RE: TRANSFER # 70361
DATE: 6.19.03

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

FILE # 13-851