

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE BEAR RIVER BASIN WATER SYSTEM

RECEIVED

MAR 24 2025

CIVIL CASE NUMBER: 79576

Claim ID: 13-956

Date Received: 3/24/25

Receipt No: P001954

Claim Fee: 50.00 By: MB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW
IDWR/Preston

Please type or print clearly

1. Name of claimant(s) Last Chance Canal Company Phone (208) 681-8008
Mailing address PO Box 93, Grace, Idaho Zip 83241
Street or Box City State
Email address (optional) mathews6@live.com
2. Date of priority: (Only one per claim) December 31, 1909 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (☒) (a) Bear River
which is tributary to (b) Great Salt Lake
4. a. Location of point of diversion is: Township 09S, Range 41E, Section 30,
SW 1/4 of SE 1/4, Govt. Lot _____, BM, County of Caribou
Parcel no. No parcel number available
Additional points of diversion, if any: NENE of Section 1, Township 10S, Range 40E, Caribou County
If available, GPS Coordinates _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.
Upstream point of diversion at Last Chance dam equipped with two automated radial arm
gates. Downstream point of diversion at Grace power plant dam equipped with one radial
arm gate and one slide gate.

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Irrigation purposes from 04/20 to 09/30 amount 25.6 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 25.6 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) _____

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Parcel no(s). Unknown

Total number of acres irrigated 29,000 acres
within the 69,421
acre service area

10. In which county(ies) are lands listed above as place of use located? Caribou

11. Do you own the property listed above as place of use? Yes () No (✓)

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

11-262, 13-955, 13-991C, 13-992C, and enlargement claim or None ()

13. Remarks (Include an explanation of the priority date selected):

This claim is based on decreed water right no. 13-956

Irrigated land within the place of use is owned by shareholders of the Company.

Attachments:

1. IDWR Water Right Report 13-956

2. IDWR Map 13-956

3. Map of Last Chance Service Area and PODs

Name of claimant(s) Last Chance Canal Company

Claim ID _____

14. Basis of claim (Check one) Beneficial Use () Posted Notice () License () Permit () Decree (☒)

Court Eastern Division Decree Date July 14, 1920 Plaintiff v Defendant Utah Power & Light Company v. The Last Chance Canal Company,
If applicable provide IDWR Water Right Number 13-956

15. Signature(s)

- (a) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System Adjudication."
(b) I/We do () do not (☒) wish to receive and pay a small annual fee for monthly copies of the docket sheet

Number of attachments 3

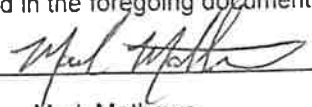
For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

President _____ of Last Chance Canal Company
Agent's title (Please print) Name of organization (Please print)

and that the statements contained in the foregoing document are true and correct

Signature of Authorized Agent  Date 3-21-25

Printed Name of Authorized Agent Mark Mathews

16. Notice of Appearance

Notice is hereby given that I, (please print) Thomas J. Budge, Attorney, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature  Date 3/21/2025

Address PO Box 1391, Pocatello, Idaho 83204-1391, tj@racineolson.com

Name of claimant(s) Last Chance Canal Company

Claim ID _____

HOW YOU WILL RECEIVE NOTICES IN THE BEAR RIVER BASIN WATER SYSTEM ADJUDICATION

All documents filed in the Bear River Basin Water System Adjudication, other than notices of claim, are filed with the court. Notices of claim to water rights filed in the Bear River Basin Water System Adjudication are filed with the Idaho Department of Water Resources (IDWR). Copies of all documents filed in the Bear River Basin Water System Adjudication will not be mailed to all parties (claimants) in the adjudication. Any document filed with the court will be mailed only to those parties who may be directly affected by it.

A monthly docket sheet is prepared by the court, which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Bear River Basin Water System Adjudication. Copies of a monthly docket sheet may be obtained from any of the offices of IDWR; a small fee may be charged to cover the cost of mailing and/or copying. If you wish to receive an annual subscription of the docket sheet printed each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee by the court to cover the cost of copying and mailing. The docket sheet is also available on the court's web site at:

<http://www.srba.idaho.gov/BRBA20.HTM>

Copies of any document listed on the docket sheet may be obtained from any of the IDWR offices or the court and a small fee may be charged to cover the cost of mailing and/or copying the document.

Copies of all notices of claim filed with IDWR will be available for inspection at all IDWR offices. You may also obtain copies of the notices of claim filed by other claimants, but you may be charged for the cost of copying and mailing. A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.

After the notices of claim have been reviewed, the director will prepare and file a Director's report with the court that will contain the Director's recommendations as to each water right claimed under state law and a copy of each federal reserved water right claimed. A Director's report will be prepared for all claims filed in the Bear River Basin Water System Adjudication. When this report is filed with the court, you will be mailed a notice informing you that the report has been filed. The notice will be sent to the most recent address shown by IDWR's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way another claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection.

It is very important that you inform IDWR in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

If you are acquiring property with water rights within the boundaries of the Bear River Basin Water System Adjudication in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of IDWR whether a notice of claim has been filed. If you fail to file a required notice of claim for a water right, that water right may be determined to no longer exist.

If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with IDWR. You may contact IDWR regional offices or the IDWR web site <http://www.idwr.idaho.gov/> for change of ownership forms. The notice of change in ownership form must be accompanied by evidence of the ownership of the property. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

Close

Water Right Report : 13-956(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	LAST CHANCE CANAL CO LTD	C/O MARK MATHEWS 670 MINGO RD	GRACE	ID	83241-5334
Original Owner	BENCH CANAL CO			ZZ	
Security Interest	IDAHO WATER RESOURCE BOARD	PO BOX 83720	BOISE	ID	83720-0098

Water Right Status

Priority Date : 12/31/1909
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
BEAR RIVER		GREAT SALT LAKE	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
BEAR RIVER	09S	41E	30	0		SW	SE	CARIBOU	
BEAR RIVER	10S	40E	1	0		NE	NE	CARIBOU	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/20	9/30	25.60 CFS	
TOTAL			25.60 CFS	

Places of Use

Printable View

Paged View

Place of Use Legal Description : IRRIGATION (CARIBOU county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
08S	39E	21					
08S	39E	22					
08S	39E	26					
08S	39E	27					
08S	39E	28					
08S	39E	34					
08S	39E	35					
09S	39E	2					
09S	39E	3					
09S	39E	4					
09S	39E	9					
09S	39E	10					
09S	39E	13					
09S	39E	14					
09S	39E	15					
09S	39E	16					
09S	39E	21					
09S	39E	22					
09S	39E	23					
09S	39E	24					
09S	39E	25					

Township Range Section Lot QQQ QQ Q Acres

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

Last Chance Canal Company

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
10S	41E	6					
10S	41E	7					
10S	41E	8					
10S	41E	17					
10S	41E	18					
10S	41E	19					
10S	41E	20					
10S	41E	28					
10S	41E	29					
10S	41E	30					
10S	41E	31					
10S	41E	32					
10S	41E	33					
11S	40E	1					
11S	40E	2					
11S	40E	3					
11S	40E	4					
11S	40E	9					
11S	40E	10					
11S	40E	11					
11S	40E	12					
11S	40E	13					
11S	40E	14					
11S	40E	15					
11S	40E	24					
11S	41E	4					
11S	41E	5					
11S	41E	6					
11S	41E	7					
11S	41E	8					
11S	41E	9					
11S	41E	18					

Irrigation Totals

Total Acres Acre Limit

Conditions

Code Conditions

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.

- 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.
- R43 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.
- 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.
- R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- 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.

Dates

Licensed Date :
Decreed Date : 7/14/1920
Permit Proof Due Date :
Permit Proof Made Date :

Other Information

State or Federal :
Water District Number : 11
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0

Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:
IDAHO DEPARTMENT OF WATER RESOURCES

Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

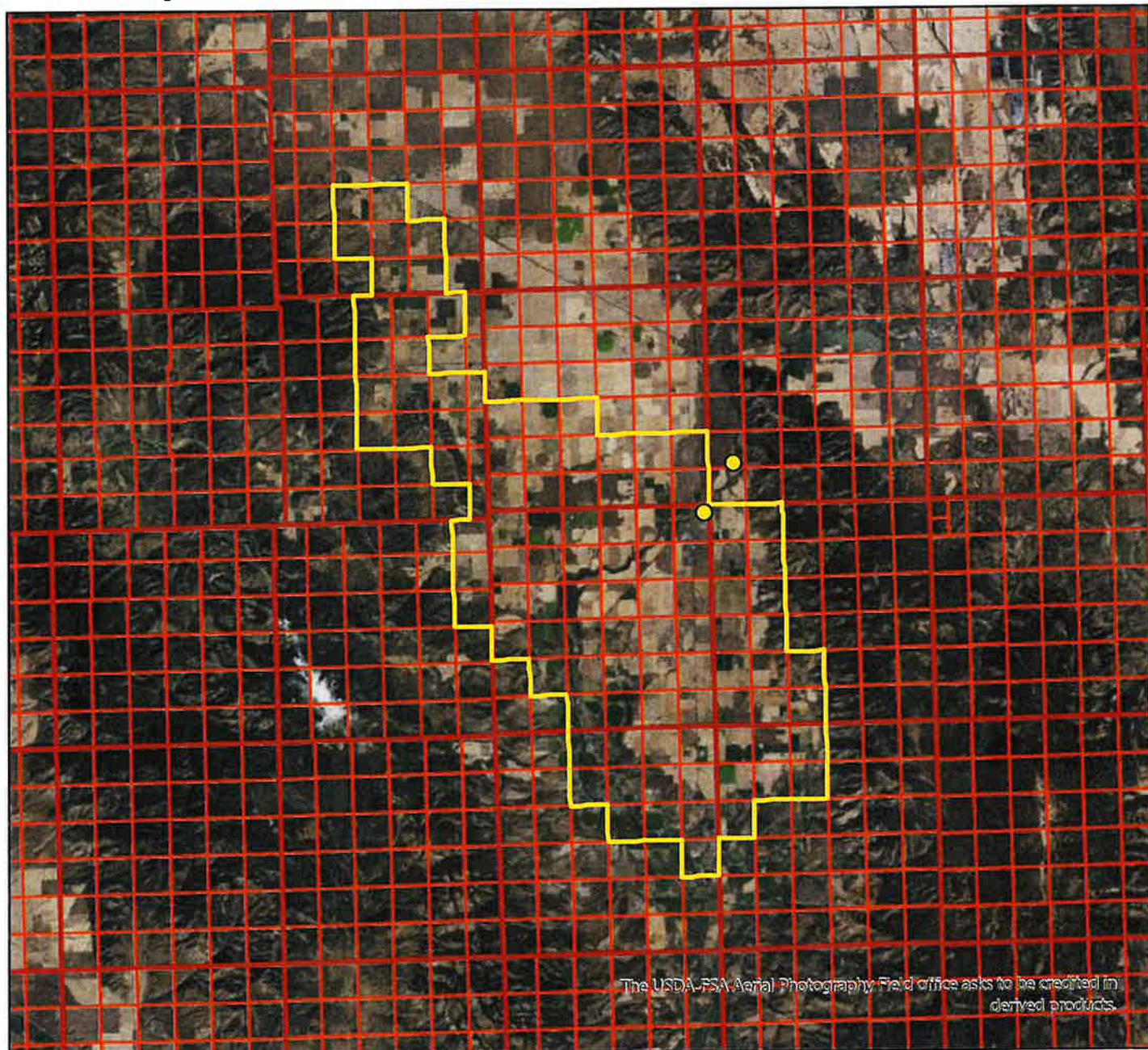
11/6/2023

State of Idaho
Department of Water Resources
Water Right

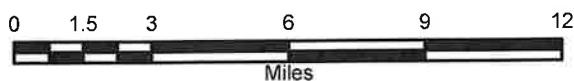
13-956

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 11/6/2023



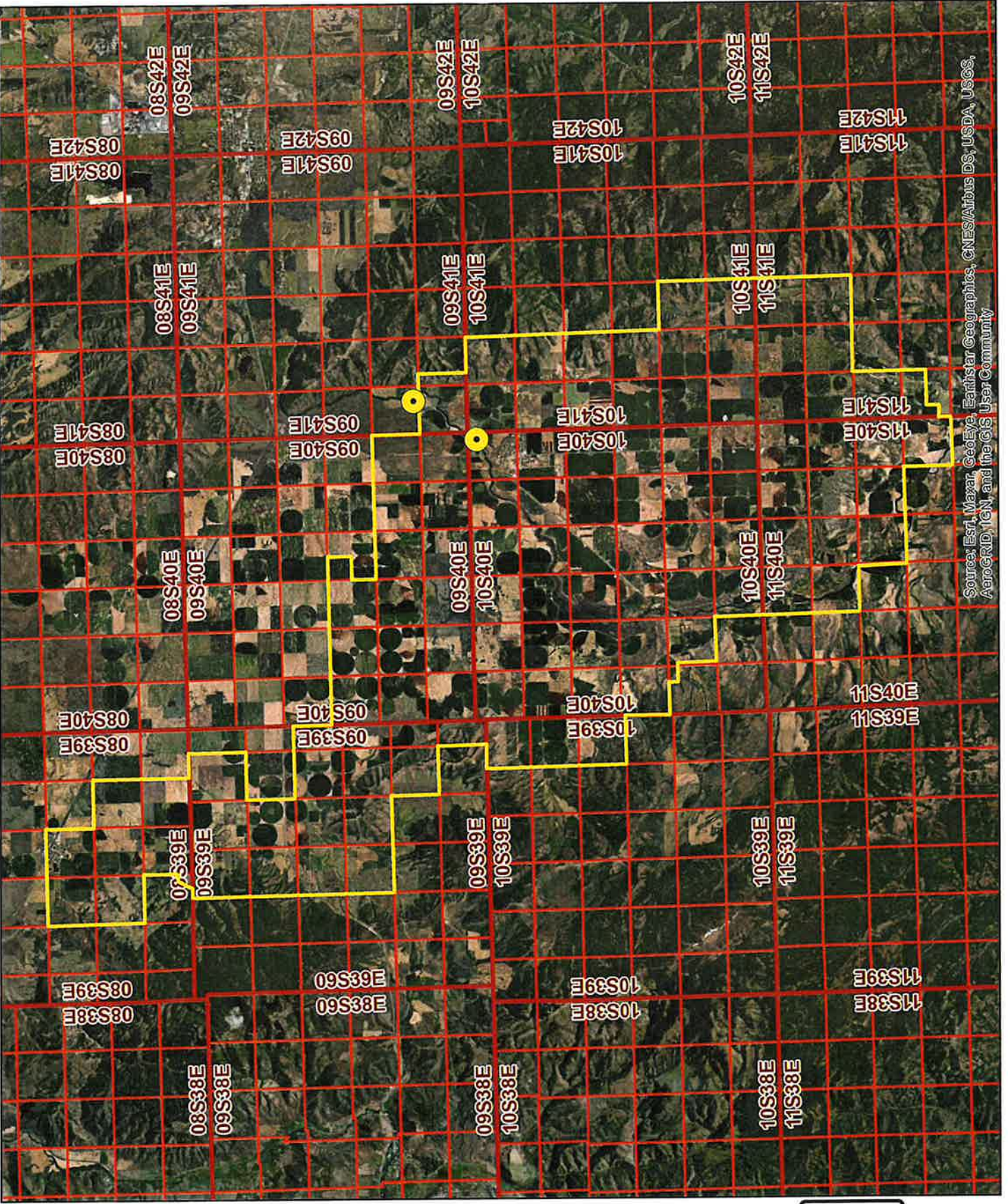
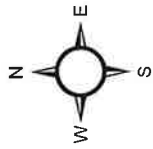
Last Chance Canal Company

Legend

- PLS Sections
- Townships
- Place of Use Boundary
- Point of Diversion



Last Chance Canal Company - Service Area



Legend

Irrigation POD

LCCC Service Area

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



RECEIVED

MAR 24 2025

IDWR/Preston

March 21, 2025

Idaho Dept. of Water Resources
325 East 600 South, Ste 300
Preston, Idaho 83263-4921
marion.beck@idwr.idaho.gov

Sent via Email & U.S. Mail

**Re: Last Chance Canal Company
Notices of Claims to Water Rights
Bear River Basin Adjudication**

To whom it may concern:

Enclosed for filing please find the originals of six Notices of Claims to Water Rights filed on behalf of Last Chance Canal Company, together with a check in the amount of \$37,588 for the filing fees, broken down as follows:

Claim 11-262: \$50 flat fee + \$1.00 per acre x 29,160 acres (irrigation) = \$29,210.00

Claim 13-955: \$50 flat fee (irrigation of same irrigated acres) = \$50.00

Claim 13-956: \$50 flat fee (irrigation of same irrigated acres) = \$50.00

Claim 13-991C: \$50 flat fee (irrigation of same irrigated acres) + \$100.00 per cfs x 50 cfs (stockwater) + no charge for groundwater recharge = \$5,050.00

Claim 13-992C: \$50 flat fee + (irrigation of same irrigated acres) = \$50.00

Claim (Enlargement): \$50 flat fee + \$1.00 per acre x 3,128 acres (irrigation) = \$3,178.00

Total: \$37,588.00

Please file the originals and email the claim numbers assigned to tessa@racineolson. Thank you for your assistance. Please contact us if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads 'Tessa Sparrow'.

TESSA SPARROW
Paralegal

Enclosure

c: Last Chance Canal Company