

JOSEPH NOVAK
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IN THE DISTRICT COURT OF SALT LAKE COUNTY, STATE OF UTAH

LOUIS WAYMAN; MARK BAILEY	:	
and MILDRED BAILEY, his wife;	:	
EDWARD HOBBS; W. J. NORTON	:	
and CLEONE NORTON, his wife;	:	MOTION TO ENTER AMENDED
FRANK LaROCCO and CAROL	:	FINDINGS OF FACT AND
LaROCCO, his wife,	:	CONCLUSIONS OF LAW AND
	:	AMENDED DECREE
Plaintiffs,	:	
	:	
vs.	:	Civil No. 137,776
	:	
MURRAY CITY CORPORATION, a	:	
municipal corporation of the	:	
State of Utah; and WAYNE D.	:	
CRIDDLE, State Engineer of the	:	
State of Utah (HUBERT C.	:	
LAMBERT, successor to Wayne	:	
D. Criddle as State Engineer),	:	
	:	
Defendants	:	

Defendant Murray City Corporation moves the above entitled Court to file and enter the Amended Findings Of Fact And Conclusions Of Law and Amended Decree attached hereto, and as grounds for this Motion respectfully represents to the Court as follows:

1. That on or about the 20th day of October, 1967 the Honorable Aldon J. Anderson, then District Judge, signed and entered Findings Of Fact, Conclusions Of Law and Decree in the above entitled case.
2. That thereupon defendant Murray City Corporation filed its Motion To Alter And Amend Findings Of Fact, Conclusions Of Law and Judgment and Motion To Reopen Judgment.
3. That on or about the 13th day of February, 1968 plaintiffs and defendant Murray City Corporation entered into a written Stipulation, filed herein, fixing the maximum quantities of water necessary to supply the reasonable beneficial use requirements of the plaintiffs for their culinary uses in their homes and for watering their lawns, shrubs and garden plots on their respective premises.
4. That pursuant to said Stipulation the Honorable Aldon

J. Anderson, then District Judge, signed and entered herein an Amendment To Findings Of Fact on or about the 13th day of February, 1968 embodying the terms of the foregoing Stipulation.

5. That on the 14th day of February, 1968 the Honorable Aldon J. Anderson, then District Judge, signed and entered an Order herein that, except as to the Finding Of Fact designated as paragraph "2a". theretofore made and entered herein, the Motions of the defendant Murray City Corporation to alter and amend the Findings Of Fact, Conclusions Of Law and Judgment and Motion to reopen Judgment and Motion for new trial were thereby denied.

6. Thereafter defendant Murray City Corporation and defendant Hubert C. Lambert as State Engineer of the State of Utah appealed to the Utah Supreme Court from the Decree made and entered herein on the 20th day of October, 1967 and from the Order made and entered herein on the 14th day of February, 1968 denying the respective Motions of defendant Murray City Corporation.

7. That on the 16th day of September, 1969 the Utah Supreme Court filed its Opinion herein, as reported in 23 Utah 2d 97, 458 P.2d 861, and remanded this case for further proceedings and settlement of the rights of the parties in conformity with the principle set forth in its Opinion, and thereupon this case was accordingly remanded to the above entitled Court.

8. That since the filing of the remittitur herein the parties have attempted to settle their differences, which negotiations have been unsuccessful, and it is now necessary that this Court settle the rights of the parties in conformity with the remand and said Opinion of the Utah Supreme Court.

9. That the rights of the parties can be settled on the basis of the record before this Court and the attached Amended Findings Of Fact, Conclusions Of Law and Amended Decree fairly settle the rights of the parties in conformity with the said Opinion of the Utah Supreme Court and as supported by the record now before this Court.

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NOTICE OF HEARING

TO THE ABOVE NAMED PLAINTIFFS AND TO THEIR ATTORNEY, E. J. SKEEN:

Please take notice that the undersigned will bring the above Motion on for hearing before the above entitled Court at its courtroom in the Courts Building, 240 East 400 South, Salt Lake City, Utah on the _____ day of August, 1972 at _____ o'clock A. M., or as soon thereafter as counsel can be heard.

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