

IN THE COURT OF THE SEVENTH JUDICIAL DISTRICT, IN AND FOR  
 SAN JUAN COUNTY, STATE OF UTAH

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The Blue Mountain Irrigation  
 Company, a corporation, et al,  
 Plaintiffs

vs

F. J. Adams, et al,  
 Defendants

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ORDER.

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The petition of the Blue Mountain Irrigation Company, plaintiff herein, came on for hearing on the 23rd. day of April, A. D. 1924, Oscar W. McConkie, Esq., representing the petitioner, at which time it was shown to the satisfaction of the court that:

1.-The Blue Mountain Irrigation Company is a corporation owning water rights and entitled to the use of large quantities of water flowing eastward from the Blue Mountains in San Juan county, Utah, but that there are other companies and owners of certain waters flowing easterly from the said Blue Mountains, among all of which the Blue Mountain Irrigation Company being the largest and most extensive owner.

2.-The waters mentioned were reported upon by a certain engineer in times past and a certain report known as the Sheley Report was offered to the court and became the decree of the court on or about April 19, 1919, which was done by the judge of this court, which Report and Decree appears of record in the office of the court.

3.-That said decree provided that water commissioners should be appointed from time to time as necessity required and pursuant thereto certain water commissioners were appointed and acted by virtue of such appointments but that at this time there is no water commissioner duly qualified and appointed by the court or the State Engineer but that the interests of the water users, by reason of the divers interests and streams, require that a commissioner be appointed and authorized to divide the said waters among the many stock holders in said system or rather among the many owners of water in said system.

4.-The interested parties appear to desire that D. B. Perkins be appointed Commissioner and that A. B. Barton be appointed to act as deputy commissioner with authority to act in the absence of the said commissioner or under his instruction and accordingly petition was filed therefor on the 22nd. of March 1924, and the water users and owners were duly notified of the said petition and the hearing to be had thereon, to which no protest or contest or objection appears of record.

5.-The petition further prays that said persons be appointed; that the State Engineer be directed to appoint them, that their salary and expenses be paid by the water users; that the expense of the petition be paid by said water users; that water be with-held from all persons who have not paid their 1923 dues for distribution and the expense made necessary in the dividing the same and that said parties be placed under bonds in the sum of \$1000 and \$500 respectively for their faithful performance as commissioner and deputy-commissioner, and it appears to the court that the petition is a proper one and that the relief prayed for should be granted, and this being the courts mind after hearing and considering the evidence as offered and adduced, it is, therefore, hereby

ORDERED

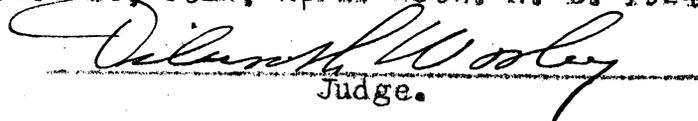
1.-That the State Engineer of the state of Utah be directed, and said State Engineer is hereby directed to appoint a suitable person to act as Water Commissioner and a suitable person to act as Deputy Water Commissioner, to measure and distribute the waters mentioned in the Sheley Report and decreed by the court, said deputy commissioner to act in the absence of, and under the direction of the said commissioner.

2.-That the salary and expense of said commissioner and deputy commissioner be born proportionately by the water users according to the water distributed to said users, provided the salary of said commissioner or deputy commissioner shall in no event exceed the sum of \$8.00 per day.

3.-That the expense of preparing, presenting and carrying through the court this petition shall be born proportionately by the water users as are the expense and salary of the commissioner paid, provided said expense shall not exceed the sum of \$50.00; all other expenses made necessary by reason hereof shall be born proportionately by the said water users.

4.-That D. B. Perkins be appointed Commissioner and A. B. Barton deputy Commissioner, and that the said Commissioner and Deputy Commissioner be and are hereby authorized and appointed and vested with full and complete authority to act as herein set out, said Commissioner and Deputy Commissioner to act until the State Engineer of the State of Utah shall appoint their successor or successors, and until said successors shall have fully qualified or until the further order of this court, provided said Commissioner and Deputy Commissioner shall first file a bond in the respective sums of \$1,000 and \$500, each conditioned for the faithful performance of the said Commissioner in the sum of said \$1000 and the Deputy Commissioner in the sum of \$500.

Dated at Monticello, Utah, April 25th; A. D. 1924.

  
Judge.