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STIPULATION

" In this cause it is hereby mutually agreed and stipulated by and between the defendant Provo City, a municipal corporation, and the defendant E.J.Ward & Sons Company a corporation; Provo Ice & Cold Storage Company, a corporation: Knight Woolen Mills Company, a corporation; Upton Hoover, William Hoover, Webster Hoover and Frank Hoover, copardners; and Smoot Investment Company, a corporation; that the waters heretofore distributed by the several water commissioners under the Morse decree and therefore to Provo City are owned by Provo City by rights of appropriation and decrees of court, and that the other defendants above mentioned usimg water for power purposes have the right to the use of said waters under grants from Provo City in the proportion now and heretofore distributed by the several watermasters of Provo City to what is commonly known as the Factory Race; and that the exchange of water heretofore made by Provo City as between the said users of water for power and irrigation has been made by Provo City for the mutual benefit of its said water users, and by mutual arrangements therefor".

" This is a stipulation entered into by counsel for Provo City and for the parties hereto named".

(Page 1881 of Volume IV, Case # 2888 Fourth dist Court of Utah.)

" 16.50 second feet, during the irrigation season of each and every year. Which water has heretofore been used for irrigation purposes by said City and for the generation of power by the Provo Ice & Cold Storage company a corporation, E.J.Ward & Sons Company a corporation, Knight Woolen Mills a corporation, Smoot Investment Company a corporation, and Upton Hoover, W.E.Hoover, Webster Hoover and Frank Hoover as pardners doing business under the name of Excelsior Roller Mills. And the said use for power purposes has been under locesse and grant from said Provo City and at such times and in such manner as has been made by mutual arrangements therefor".

(c) of Paragraph -3- of Decree in case # 2888.