

*Ernest E. Davis*  
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IN THE DISTRICT COURT IN AND FOR CARBON COUNTY, STATE OF UTAH

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ERNEST E. DAVIS,	)	
Plaintiff,	(	
vs.	)	Civil No. 7845
THOMAS CHRISTENSEN, et al.,	(	
Defendants.	)	

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ORAL STIPULATION ENTERED INTO BY THE PARTIES IN OPEN COURT, AUGUST 27, 1957

MR. CLYDE: For the remainder of the season without establishing any precedent as to what the rights of the parties are, the parties have agreed that the Plaintiff, Mr. Davis, and the Christensens, Tom Christensen if he is up there, the son if he isn't, will act as a committee of two to administer the water and the distribution will be made on the following basis, following acreage basis: Louis Mott twenty-seven acres; to Amber Keel fifty; to Mr. Housekeeper sixty-five; to the Christensens seventy-four; and to the Plaintiff Davis' one hundred and twenty.

In order to determine the quantity of water available for diversion at the time they set the headgates it will be based on divertible flow by adding together the sum total of the water in each ditch. And the headgate will be set so that each of them get the same percentage of the available water at the acreages as I have given in the record, administered by Mr. Davis and Mr. Christensen. As far as the use of the water is concerned so long as Mr. Davis gets his percentage of the whole, how the parties upstream use the remainder will be left to their own discretion. They may rotage on turns up above if they care to. But, as I told Mr. Skeen it will be three hundred and thirty-six acres, and Mr. Davis will get one hundred and twenty, three hundred thirty-six of the divertible flow. That will obtain from now through the 1st of November or until trial, whenever or whichever we get to first.

MR. CLYDE: Probably one other thing, we ought to state even though the quantity may exceed this one hundred and twenty, three hundred thirty-six, Mr. Davis can use as among these parties all that reaches his headgate if we are not using it, he can use it even though it exceeds his share. And also if he doesn't want it and is letting it bypass his dam, then by first notifying him that they propose to take it and seeing that he doesn't want to turn it back on, why the upper users can shut it off dry if he isn't using it.

MR. SKEEN: Provided that arrangement is cleared with the committee of two.

MR. SKEEN: Yes. It won't be done if he is bypassing the water and he may within a few hours want to turn it back on, and they won't shut it off without contacting him to see if he wants it. If they determine that he doesn't want it, instead of letting it run to waste the upstream people can use it.