

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT,
IN AND FOR UTAH COUNTY, STATE OF UTAH.

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PROVO RESERVOIR COMPANY,
a corporation,

Plaintiff,

vs-

PROVO CITY, et al, WASATCH IRRIGATION
COMPANY, a corporation, and THOMAS
MOULTON, JOHN F. OHMILER, WADKIN
BRIRLEY, and T. F. WIENZ, COMMISS-
ioner.

Defendants.

No. 2888, Civil

O R D E R

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The above entitled Casue having on the 13th day of October, A.D. 1934, duly and regularly come on for hearing before the court, sitting without a jury, upon the petition of the defendants, and an order to show cause, having theretofore been issued by the court, ordering the plaintiff to appear before the court at the aforesaid time, and there to show cause if any it had, why the order made by the court in the above entitled action, on the 19th day of April, A. D. 1934, should not be vacated and set aside; and the plaintiff having appeared before the court pursuant to the order aforesaid by its counsel A. L. Booth and Watkins & Holbrook, and the defendants appearing by their counsel, J. Robt. Robinson and L. C. Montgomery, and the court having heretofore made and entered its FINDINGS OF FACT AND CONCLUSIONS OF LAW.

NOW, THEREFORE, pursuant to said Findings of Fact and Conclusions of Law, and said Stipulation set forth in said Findings of Fact, IT IS HEREBY ORDERED AND ADJUDGED, as follows:-

1. That the order heretofore made by the court in the above entitled cause on the Nineteenth day of April, A. D. 1934, be, and the same is hereby vacated, set aside, and held for naught.

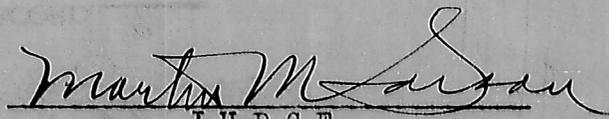
2. That each and all of the Findings of Fact and Conclusions of Law upon which said order was based, be and they are hereby vacated, set aside, and held for naught.

3. That Shingle Creek, which has been the subject matter of the proceedings heretofore had in this case, and the decree and order

which has been set aside by this stipulation, is a tributary of Provo River, and its drainage area of approximately thirteen square miles is all within and is part of the Provo River watershed. It has its rise in the summits of the Uintah Mountains, on the East of the divide between the Provo and Weber Rivers watersheds, it flows in a South-westerly direction parallel to the divide for four miles, then approaches near the divide at six miles, then flows south for one mile to its confluence with the main channel of Provo River; that all of the waters of Shingle Creek do now flow and always have flowed naturally into Provo River, and all of said waters now flow and always have flowed into Provo River, except such quantity as may have been diverted by an artificial channel to the Beaver and Shingle Creek Irrigation Company, and that none of said diverted water has ever been tributary to Weber River; that said waters of Shingle Creek, prior to the 20th day of April, 1934, and for more than seventy-five years prior thereto have commingled with the waters of Provo River, and said waters have been applied to a useful and beneficial purpose by the parties to Cause No. 2888 Civil, and said waters have been distributed ever since the filing of the decree in this cause, on May 2nd, 1921, to the parties thereto in the order and priority as set forth and defined in said decree.

Dated at Provo, Utah, this 31st day of December, A. D. 1934.

BY THE COURT:


JUDGE

2888

IN DIST. COURT
UTAH CO., UTAH
FILED

DEC 31 1934

Frank Salinger Clerk
Genevieve Kristensen Deputy

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