Plaintiffs Exhibit 2
Case No. 2888 Civil.
Court Reporter.

W 2

Minutes of a Meeting of Parties interested in the waters of Provo River, held May 9, 1912, at 8:00 p.m., said meeting having been ~~adjourned~~ continued from the date of May 7 due to the Political Primaries being held on that date.

Jos. B. Keeler continued as chairman.

Grant C. Bagley being unable to be present, C. S. Jarvis was elected Secy.

Representatives present

Commissioner H. N. Goddard and Atty. A. B. Morgan representing Provo City

Morgan

Jas. A. Loveless, John S. Park, John H. Stratton and Chas. G. Johnson, Provo Bench Canal.

W. K. Farrer, Vice Pres. Little Dry Creek.

J. B. Walton, T. J. Foote, Fred Ferguson, Carl Peterson, Timpanogos Canal.

L. J. Mittel, West Union

Thomas Boardman, Pres. Upper East Union.

Fred Ferguson, East River Bottom

E. D. Clyde, Pres. Wasatch Ir. Co. and Director of North Field Canal.

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Joseph R. Murdock, Manager

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Provo, Utah,

J. R. Allen, J. H. Allen, and Howard Scott, J. T. Murdock
Pioneer Irrigation Co.,
West side of river, N. of Charleston

J. H. Allen, ~~and~~ J. R. Allen ~~and~~
individual interests at Allen Ranch.

John M. Ritchie, individual interests, N. of
Wallsburg Switch

Geo. R. Carlisle Pres. Charleston Ir. Co.
and John M. Ritchie, and Moroni Winterton
Co. representing Charleston Lower Canal.

Moroni Winterton representing private
interests, ~~above Midway~~.

Robt. Ross, Pres. of Midway Irrig. Co.

Pres. J. R. Murdock, A. J. Evans, J. B. Keeler,
Geo. H. Brimhall, E. D. Clyde, Provo Res. Co.

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3 Provo, Utah,

J. R. Murdock representing private interests N. of river, N. of Charleston-Midway Bridge

Major Cooper Anderson, representing Telluride Power Co.

Pres. J. R. Murdock of the Provo Reservoir Co., reviewed the situation for the benefit of those not present at previous meeting, showing the uncertainty of the water distribution under present conditions, and the need of a water commissioner to have jurisdiction in Summit, Wasatch, and Utah Counties along Provo River.

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4.

Reports received from representatives of companies that had held meetings or given due consideration to purpose of meeting of ~~since~~ Apr. 30th

Morgan

Atty. A. B. Morgan, speaking for Provo City and Timpanogos Canal Co., said that when the volume in the river exceeds, 30,000 minute feet, each canal, including Provo Res. Co. Canal, should take all ~~that they~~ desire.

After the volume falls to ~~[illegible]~~ 30,000 minute feet, and until it reaches 17,400 minute feet, the canals take their proportions under the Morse decree; provided that when the river recedes to such a point that all can be used beneficially upon the land under the old canals, that the Provo Reservoir Co. cease to store water, but let it flow freely down the river channel.

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The views expressed by Atty. Morgan were concurred in by ~~Mr.~~ Jas. A. Loveless of Provo Bench Canal.

Pres. Jos. R. Murdock of Provo Res. Co., reported that the basis of settlement in Wasatch County, with similar decrees to those of old canal companies in Utah County along Provo River, last year and again this year, accepted a duty of 68 acres per sec. ft., letting all in excess of that amount to be taken by new appropriators.

Referred to the fact that the decreed ~~[illegible]~~ water ~~[illegible]~~ for West Union canal is ~~satisfied with~~ sufficient for that company, and that they ask for no increase during the high water season; yet the ~~[illegible]~~ proposal made by

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Provo City, Timpanogos Canal Co., and Provo Bench Canal Co., of 30,000 minute feet for the old vested rights, would provide for a duty of 40 acres per sec. ft., which is ~~in excess of~~ far different from the duty of 60 or 70 acres of ~~[illegible]~~ land, as ordinarily provided under recent filings and settlements.

L. John Nuttall stated that the ~~[illegible]~~ basis of settlement for the West Union Canal Co., as referred to ~~by~~ Judge John E. Booth, is 65 second feet flow; said statement was concurred in by the Board of Directors since Apr. 30th; and the Board of Directors opposed a hydrographic survey and the appointment of a Water Com. for the whole [illegible]

J. R. Murdock stated that he was present when that basis of settlement was reached and ~~that~~ the duty of 60 acres per second foot was agreed upon.

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Thomas Boardman stated that when the distribution of the river water was made by the court, a mistake was made ~~in~~ ~~leaving out~~ by a representative of the Upper E. Union Canal Co., who omitted a large acreage at the south end of the tract supplied

(F)

Atty. A. B. Morgan stated that the concensus of opinion as he found it, by conferring among the companies and shareholders, was against a hydrographic survey, and against the appointment of a water commission by the state; but favored the harmonious working of the Water Commissioners of Summit, Wasatch, and Utah Counties in the distributing of Provo River water. All would favor a peaceable settlement, but regarded their ~~rights~~ canal capacities to be the measure of their rights to the use of high water.

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8 Provo, Utah.

~~May 10th 1913.~~

~~Mr. W. D. Goddard,~~

~~Dear~~

Desired to hear from Pres. Murdock as to what he regarded to be a proper distrib. of high water.

Com. Goddard reported 6000 min ft. of prior filings for Provo City; also about 9000 (?) minute feet ~~[illegible]~~ for culinary purposes included in the ~~[illegible]~~ rights of Provo City, which added to the primary second water would total ~~[illegible]~~ more than 30,000 minute feet, as claimed.

Pres. Murdock ~~stated that there is~~ no question as to the rights when all canals are full, nor when the 17,400 minute foot stage has been reached; but that it is only during the time of rising from about 30000 min. ft. to 17,400 minute feet, a period of about 10 days ordinarily, during which there is any question. He ~~[illegible]~~ suggested that a duty of 60 acres per second foot applies as a proper basis for working agreement for

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May 10th 1912.

~~Mr. W. DeCandland,~~

~~Dear~~

~~The~~ distributing the high water of Provo River during the period of reading from 30,000 to 17,400 minutes feet.

Jas. A. Lowe reported ~~that~~ Commissioner Thomas has jurisdiction to the Wright place, the limit of the decree of court, and ~~that~~ above the Midway Dam the Utah County Companies are not interested; therefore a state commission having wider jurisdiction than this is not desired. His experience as superintendent of ~~the~~ Provo Bench Canal distribution in years past, has proved ~~that~~ a minute foot per sec. on a duty of 60 acres per sec. ft. is satisfactory; but cannot at this time bind the whole company to such an arrangement. He verified the statement of J. R. Murdock ~~that~~ for reading from 30,000 to 17,400 minutes, the period does

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not ordinarily exceed 10 days.

Pres. Murdock stated that a 60 acre duty during the season between high and low water, would be satisfactory to Provo Res. Co.

J. B. Walton, for Timpanogos Canal Company, stated that he was authorized to object to conceding anything to Provo Res. Co. for one year; or for a hydrographic survey; they will make no concessions, looking to a redistribution of water of Provo River, but will resist any efforts toward a working agreement that amounts to a compromise of accrued and established rights.

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11.

J. R. Murdock asked the previous speaker, if he was a Director of Irr. Irrig. Co., and if they had discharged the Secretary because of alleged friendliness to Provo Res. Co.; both questions answered in the affirmative by Mr. Hatton, the last one emphatically; but Mr. J. J. Foote denied that this was the case, accdg. to his understanding. Mr. Murdock stated that the action of discharging the Secy. for that cause, if such was the case, was unwarranted, as no directions or help had been rendered by the former Secy. of Irr. Irrig. Co., ~~and no expense~~ to his knowledge.

Mr. E. D. Clyde reviewed the developing of new irrigation systems, and pointed out the crude methods yet in vogue among some of our companies for measuring and distributing water, which leads to misuse or wasteful use, ~~and to losing~~ and prevents the best development of our resources

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#

Atty. A. B. Morgan stated that the development trend toward a settlement without the hydrographic survey, and without a state water commissioner; the basis of agreement should take into acct. the ability or disability of various companies to permit a duty of 60 acres per sec. ft.

Mr. T. J. Foote regretted some remarks ~~that~~ made with reference to the dismissal of Timpanogos Canal Co. ex-secretary; one of the points of differences being that Mr. Jones had volunteered in a meeting of said company, that he would surrender his rights to water from Provo Res. Co. from Oct. to May. Stated that Tim. Company would fall in line and work in harmony with the other companies; no chance of lawsuits.

Mr. John B. Parks explained that during the early season, the 60 acre duty per sec. ft. of water would not suffice; ~~for~~ an attempt to limit the supply thus

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would result in the ~~crops~~ fields getting behind in water supply, so that during the low water season irrigators would be handicapped. After the hay crop had ~~been~~ matured, or assured, then the higher duty of water could be allowed.

Mr. E. D. Clyde explained that only during the 10 day period, between high and low water, should the 60 acre duty apply, in proportioning the water.

Mr. J. Wm. Knight spoke in favor of a working agreement for one year, and explained the change in methods of obtaining rights to unappropriated water. Stated that after all the rights here represented have been supplied during the high water season, there is yet some water for others to file on.

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14.

Jas. A. Loveless advocated the needs of a correct measuring device, especially at the Midway Dam.

C. S. Jarvis suggested that an enlarged section at the head of the Lower Midway Canal, or Island Ditch, and a rating flume for measuring the water back into the river below the Midway Lower Dam, might be found more effective than the present system of breaking the Midway Dam, and roughly measuring the flow in the rocky channel.

Charles J. Johnson referred to the fact that all of the water of Provo River seemed to be appropriated many years ago, and it appeared that no more development of irrigation projects could be expected; but at that time the improved methods, and more careful use, and the supplying of higher lands has made possible a larger development in irrigation projects. A mutual agreement

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that would be fair to all is much to be desired, ~~with the view~~ for the purpose of encouraging new development, and yet protecting older interests.

Atty. A. J. Evans advised in favor of a peaceable settlement among the ~~parties~~ in interest.

Explained that in Lehi District, after July 1st 500 acre duty is required; and yet it is one of the best but producing districts in the state. Quoted J. C. Whalon Engineer of Utah & Idaho Sugar Co, as authority for the statement that 125 acre-duty is sufficient generally for their land in Idaho and Northern Utah.

Reviewed the action of Salt Lake Canal Company in protesting the rights of Joe H. Gardner and A. J. Evans to pump water from Utah Lake. Recommended the appointment of a ~~State Commission, which~~ District Water Commissioner on Provo River, not necessitate the hydrographic survey.

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16.

W. K. Farrer stated that in 1898 which he was Provo City Watermaster the flow of 6800 min. ft. was the total at the mouth of Provo Canyon. By readjusting at Charleston and southward, the flow was increased ~~1100 min. ft.~~ to 7900 min. ft.

Favored appointment of water com. with authority along the river.

* Atty. A. B. Morgan suggested that the meeting adjourn for one week, and order that the various canal companies might authorize action looking toward a working agreement, but eliminating the hydrographic survey and district water commissioner; but looking toward the authorizing by the 4th District Court, of the County Water Commissioner to act as court commissioners also.

Pres. J. R. Murdock argued in favor of a State Com., in the interests of efficiency and fairness in the three counties along Provo River.

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17.

Geo. H. Brimhall showed the necessity for a state appointed water commissioner for the Provo River District.

Jos. B. Keeler expected not only a district water com., but also a hydrographic survey in time, after other surveys now under way or applied for, shall have been finished.

E. D. Clyde advocated the appointment of district water commissioner;

Also J. Wm. Knight, Lehi.

J. Wm. Knight moved that we undertake to adjust the use of water for the year 1912 as follows: Capacities of canals to be supplied until there is insufficient to supply all; then the 60 acre duty to obtain until the stage of the river reaches the decreed primary water rights; then in accordance with the court decree; ~~the water to be distributed by dis~~

Mr. J. R. Allen of Pioneer Irrig. Co., excused from voting, as he had not consulted with Board of Directors.

Substitute motion of J. B. Walton, providing for such com. to be nominated by Provo City and the various canal companies to operate from the Midway Dam to Utah Lake. Seconded by J. R. Murdock, and advocated by him as a start. Motion withdrawn.

That it be the sense of this meeting, the representative of the various canal companies and Provo City.

E. D. Clyde reported 65 for South Kaiser, 45 for Washington Canal, and 6 or 7 sec. ft. for Sunrise Canal; and 30 or 40 sec. ft. at Stewart Ranch, as the capacities.

Amendment to the motion by D. J. Evans that one district covering the whole of Provo River.

Gen. Carlisle stated that a 60 acre dirty was too high in some parts of Provo Valley.

Motion of J. Wm. Knight Aye 29
No. 0
about 10 not voting.

(18)

Substitute motion of J. B. Walton, providing for such com. to be nominated by Provo City and the various canal companies to operate from the Midway Dam to Utah Lake. Seconded by J. R. Murdock, and advocated by him as a start. Motion withdrawn

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Pres. J. R. Murdock argued in favor of a State Com., in the interests of efficiency and fairness in the three counties along Provo River.

J. R. Murdock moved that we endeavor to have an irrigation district organized, and a commissioner appointed. (Provo Res. Co. would accept one of 3 nominees of other interests.)

by the consent of the companies of Utah, Wasatch, and Summit Counties.

Moved that we adjourn until Thursday evening, May 16, at 7:30 p. m.

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E. D. Clyde reported 65 for South Kaiva, 45 for Washington Canal, and 6 or 7 sec. ft. for Sunrise Canal; and 30 or 40 sec. ft. at Stewart Ranch, as the capacities.

Amendment to the motion by [illegible] that one district covering the whole of Provo River.

Geo. Carlisle stated that a 60 acre duty was too high in some parts of Provo Valley.

Motion of J. Wm. Knight Aye 29
about 10 not voting. No. 0