

X-8
IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF UTAH, SITTING IN
AND FOR UTAH COUNTY.

Provo Reservoir Company, No. 2888 Civil.
a corporation, Plaintiff,

vs.

Provo City, et al. Defendants.

STIPULATION BETWEEN THE PLAINTIFF
AND THE FOLLOWING NAMED DEFENDANTS.

This stipulation made and entered into between the plaintiff, Provo Reservoir Company, and the following named defendants, to wit:

John M. Richie, Henry F. Watson and George H. Edwards, WITNESSETH:

I.

That whereas the rights of the said defendants to the use of the water of what is known as the Daybell Springs arising on lands formerly owned by George Daybell, George W. Daybell, Fred Daybell and Robert Daybell, doing business as George Daybell and Sons situated in Section 22, Township 4 South of Range 4 East Salt Lake Meridian, tributary to the Provo river, has never been determined, adjusted and adjudicated by decree of court, and the said parties defendant having heretofore been summoned into court in the above entitled action and having appeared and filed herein their answer and having submitted to the jurisdiction of the court, and

II

Whereas the above entitled action has been brought to determine the rights of said parties to the use of said water, and

III

Whereas the parties defendant above named are desirous of stipulating and agreeing upon a settlement by stipulation to their said rights and for the purpose of having said rights determined and decreed by court, and for the purpose of avoiding the costs and expenses of proving said rights in open court, now therefore,

IV.

It is hereby stipulated by and between the said defendants and the plaintiff that the acres owned by said defendants and the amount and source of water used and to which the said parties are entitled to have decreed to them is as follows, to wit:

DAYBELL SPRINGS.

George H. Edwards Successor to the rights of George Daybell & Sons, 28
acres, George H. Edwards, in his own right 60
acres, total 88
acres, of which 23 acres are irrigated from what is known as the
upper ditch and 65 acres of which are irrigated from what is known
as the lower ditch:
John M. Richie, 60 acres, 30 acres of which are irrigated through the
upper ditch and 30 acres of which are irrigated through the lower ditch;

Henry F. Watson, 60 acres, irrigated through the Upper Ditch.

V.

That the total acreage irrigated from said springs is as follows:

UPPER DITCH.			
George H. Edwards, through the Upper Ditch,	23	acres	
John M. Richie, through the Upper Ditch,	30	"	
Henry F. Watson, through the Upper Ditch,	<u>60</u>	"	
Total			<u>113</u> acres.
LOWER DITCH.			
George H. Edwards, through the Lower Ditch	65	acres	
John M. Richie, through the Lower Ditch	<u>30</u>	"	
Total			<u>95</u> acres
Total acreage irrigated through both ditches			<u>208</u> acres.

VI.

That it is hereby stipulated and agreed that said defendants are entitled to 3/2 second feet of water from said springs for the irrigation of said lands for and during the irrigation season of each and every year from the 1st day of April, to the 1st day of Nov.; that this stipulation when signed by the plaintiff or some person authorized to sign for said plaintiff and by the defendants herein named, that the same shall be filed with the court in the above entitled action and when final decree is entered herein said defendants shall have decreed to them 3/2 second feet of water flowing from said springs for the irrigation of said lands according to the acreage and from the source afore said during the irrigation season as above specified and agreed.

In witness whereof we and each of us have hereunto set our hands, this 29 day of August, A.D. 1916, at Heber City, Utah.

Signed in the presence of
William Daybell
Wm S. Willes

Provo Reservoir Company,
 By A. J. Evans
attor. for
John M. Ritchie plaintiff
Henry F. Watson
Geo. H. Edwards

#2888

Stipulation

Provo Res. Co.
a corporation

vs
Provo City et al

IN DIST. COURT
UTAH CO., UTAH

* FILED *

NOV 17 1916

E. J. Callahan Clerk

Vittor Alger Deputy