IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF UTAH

IN AND FOR CARBON COUNTY.

Spring Canyon Coal Company, a Corporation, Plaintiff.	)	DECREE.
vs.	)	
A. Eleganti, Defendant.	)	

This cause came on regularly for hearing before the court, sitting without a jury, Honorable A. H. Christenson, Judge, presiding, on the 9th day of December A. D. 1914, at Price, Utah, Elmer E. Corfman and L. O. Hoffmann, Esqs. appearing as attorneys for the plaintiff and C. S. Price and S. R. Thurman, Esqs. appearing as attorneys for the defendant. The court heard the testimony offered by the plaintiff. Whereupon, the said parties, plaintiff and defendant, by their respective counsel being authorized therein, entered into and made the following stipulation, to-wit:

The plaintiff be awarded all of said waters, except the waters of what is known as the Crystal Spring--the waters of which said Crystal Spring are to be awarded by said decree to said defendant.

It is further stipulated and agreed by the parties hereto, that in addition to the waters of said Crystal Spring, the defendant is to be awarded the use of all the waters described in the pleadings, flowing down to and from defendant's lands, on the first day of the week, commonly called Sunday, commencing at six o'clock A. M. of said day and continuing until six o'clock A. M. of the next succeeding day; provided that nothing in this stipulation shall prevent the plaintiff from using the waters of what is known as the Gravel Springs on said first day of the week, for any purposes it may deem necessary, except for the purpose of irrigating the lands situate below the lands of the said defendant, described in his counter-claim.

It is further stipulated and agreed that the said Crystal Spring is located in the bottom of Spring Canyon Wash, a distance of about 160 feet south and about 600 feet west of the north quarter corner of section twenty-two, township thirteen south of range nine east, in the northeast quarter of the northwest quarter of section twenty-two of said township and range.

That the said Gravel Spring, above referred to, is situate in the bottom of Spring Canyon Wash about 400 feet southwest of the north quarter corner of section Seventeen, same township and range, being located in the northeast quarter of the northwest quarter of said section seventeen, and the same township and range.

It is further stipulated and agreed by and between the parties hereto that any other springs or source of water now existing or known to exist, tributary to said creek, situate

upon the lands of the defendant described in his counter-claim, including what is known as the Sheya Springs, are a part of the waters covered by the pleadings in this cause.

It is further stipulated and agreed that any waters which the plaintiff or its predecessors in interest, may have developed or may develop in the future by its mining operations, shall be and is hereby declared to be the exclusive property of the plaintiff.

It is further stipulated by and between the parties hereto that the findings of fact and conclusions of law, are hereby waived and the court is hereby authorized to make and enter a decree in accordance with this stipulation.

Whereupon, the court being fully advised in the premises, the findings of fact and conclusions of law having been waived by said stipulation, it is therefore ordered adjudged and decreed that:

The plaintiff is awarded all of said waters, Spring Canyon Wash, except the waters of what is known as the Crystal Spring--the waters of which said Crystal Spring are awarded by said decree to the said defendant.

It is further by the court, ordered adjudged and decreed, that in addition to the waters of the said Crystal Spring, the defendant is awarded the use of all of the waters described in the pleadings flowing down to and from defendant's lands on the first day of the week, commonly called Sunday, commencing at six o'clock A. M. of said day and continuing until six o'clock A. M. of the next succeeding day; provided that nothing in this stipulation shall prevent the plaintiff from

using the waters of what is known as the Gravel Springs on said first day of the week for any purposes it may deem necessary, except for the purpose of irrigating the lands situate below the lands of the said defendant, described in his counter-claim.

That said Crystal Spring is located in the bottom of Spring Canyon Wash, a distance of about 160 feet south and about 600 feet west of the north quarter corner of section 22, township 13 south of range 9 East, in the northeast quarter of the northwest quarter of section 22, of said township and range.

That the said Gravel Spring, above referred to, is situate in the bottom of Spring Canyon Wash about 400 feet southwest of the north quarter corner of section 17, same township and range, being located in the northeast quarter of the northwest quarter of said section 17, and the same township and range.

It is further ordered that any other springs or sources of water now existing or known to exist, tributary to said creek, situate upon the lands of defendant described in his counter-claim, including what is known as the Sheya Springs, are a part of the waters covered by the pleadings in this cause.

It is further ordered that any waters which the plaintiff, or its predecessors in interest, may have developed or may develop in the future by its mining operations shall be and is hereby declared to be the exclusive property of the plaintiff.

It is further ordered adjudged and decreed that neither of said parties is entitled to costs as against the other in this case.

Dated December 10, 1914.

A H. Christenson,
Judge.