

STIPULATION

In the matter of the proposed determination of water rights in Bear River, Rich County Drainage Area, in regards to Tufts Creek, Jebo Creek and the Meadowville Ditch.

Come now Joseph R. Weston by his attorney Edward W. Clyde, Harold Johnson as the Administrator of the Elsworth Johnson Estate and Harold Johnson and the Estate of Ole Mattson and Stanley Mattson, by and through their Attorney Paul Thatcher and Joseph N. Cook, Del C. Cook and O. K. Cook by and through their Attorney Walter G. Mann and stipulate and agree as follows:

That the time allotment in and to the above ditches shall be governed by the following rules:

- a. All Streams shall go on time simultaneously each year.
- b. In a normal year the time shall be June 1st midnight as more particularly set out in the schedule of use attached hereto and made a part hereof.
- c. On a dry year the time shall be May 18th midnight and to follow the same schedule as to use.
- d. A normal year as used herein shall be a year in which the combined flows of Jebo and Tufts Creek cannot be carried in the Tufts Creek original ditch (the capacity of which shall be determined in a manner as hereinafter set forth) at 8 a.m. on May 18th of each year. A Dry year as used herein shall be a year in which the combined flows of Jebo and Tufts Creek can be carried in the Tufts Creek original ditch, at 8 a.m. on May 18th of each year.
- e. That the right to the use of the water from all three ditches shall be determined, after time allotment begins, by the schedule of use attached hereto and made a part hereof.
- f. Wherever the names of J.M., Del C. and O.K. Cook appears in the schedule of water rights are owned 1/2 by J. N. Cook and each an undivided 1/4 interest each by the other two parties.
- g. That the Tufts Creek original ditch shall be measured by the State Engineer during the month of May, 1952, after notice given by him to all of the parties interested and after it has received a moderate cleaning, all parties not satisfied to have the right to employ their own engineer to check said results. The amounts so agreed upon and determined shall be the carrying capacity of said ditch. If said engineers do not agree in their findings that said matter shall thereupon be submitted to the court for final determination.

h. That the Meadowville ditch shall be measured at the same time and in the same manner as provided for Tufts Creek in paragraph g. above to determine its carrying capacity.

Dated at Randolph, Utah, this 12th day of March, A.D. 1952.

Edward W. Clyde

Paul Thatcher

Walter G. Mann

SCHEDULE OF USE

Date	Time	Pers n	Meadowville	Tufts	Jebo
June 1st	Midnight	Harold Johnson & Johnson Est.	None	8 hrs	None
June 2nd	8 a.m.	Harold Johnson	18½ hrs	18½ hrs	18½ hr
June 3rd	2:30 a.m.	Elsworth Johnson Est.	18 hrs	18 hrs	18 hr
June 3rd	8:30 pm	Stanley Mattson	31½ hrs	31½ hrs	23½ hr
June 4th	8 pm	J. N., Del C., & O.K. Cook	None	None	8 hr
June 5th	4 am	O. Mattson Estate	8 hrs	8 hrs	8 hrs
June 5th	12 noon	J.R. Weston	108 hrs	108 hrs	52 hr
June 7th	4 pm	J.N. Del C., & O.K. Cook	None	None	208 hrs
June 8th	12 pm	J. N. Cook J.N., Del C., & O.K. Cook	108 hrs		
June 14	12 noon	Elsworth Johnson Est.	44 hrs	none	none
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Same Schedule to repeat thereafter as long as water on time allotment but not to exceed June 30th of each year.