

Meadowville  
Interloc. Order  
March 24, 1998

IN THE FIRST JUDICIAL DISTRICT COURT, IN AND FOR RICH COUNTY,  
STATE OF UTAH

IN THE MATTER OF THE GENERAL :  
DETERMINATION OF ALL THE RIGHTS : FINAL FINDINGS OF FACT AND  
TO THE USE OF WATER, BOTH SURFACE : CONCLUSIONS OF LAW.  
AND UNDERGROUND, WITHIN THE :  
DRAINAGE AREA OF THE BEAR RIVER :  
IN UTAH, RICH COUNTY DIVISION. :

The above entitled cause came on regularly for hearing before the Court at Randolph, Utah; the State Engineer appearing by Robert B. Porter, Assistant Attorney General; Joseph R. Weston, John E. Weston and Frank E. Weston appearing by Edward W. Clyde; J. N. Cook, Oris K. Cook and Lew D. Cook appearing by Milton A. Oman; Harold Johnson and Farrell Johnson appearing by Paul Thatcher; Del Clarence Cook appearing by George D. Preston; and Stanley Mattson, the Estate of Ola Mattson, deceased, Elijah C. Willis, Joseph C. Willis were duly notified but failed to appear; and evidence having been presented and received and the matter submitted, the Court, being fully and truly advised in the premises, now makes and enters its Findings of Fact and Conclusions of Law, as follows:

FINDINGS OF FACT

1. That each of the parties hereto is the owner of rights to the use of water as are set out in the interlocutory decree of this Court entered on March 12, 1956. 1953?

2. That in Rich County, near Laketown, there is a stream known as Meadowville Creek; that the main tributaries of Meadowville Creek are North Creek, Jebo Creek, Tufts Creek and Judd Kimball Spring Stream; that said tributaries combined make up the primary flow of Meadowville Creek; and that the rights decreed to the parties are from Meadowville Creek and its said tributaries.

3. That during periods when there is insufficient water in Meadowville Creek and its tributaries to fill the rights therefrom

in full, then the water available in Meadowville Creek and its tributaries should, under the interlocutory decree heretofore entered by this Court, be distributed to the various parties in accordance with their rights as decreed.

4. That, wherever in the said interlocutory decree dated March 12, 1956, a point of diversion is described as being from a particular tributary of Meadowville Creek, as above specified, the naming of the tributary does not grant to the user therefrom any superior right or prior right to the use of the water from said tributary, but the entire system composed of Meadowville Creek and its above named tributaries is one water source, and all water rights granted by said interlocutory decree shall have equal priorities.

5. That the State Engineer should re-examine the said interlocutory decree of March 12, 1956, and should work out a schedule for water use and for distribution in accord with the foregoing Findings of Fact,

From the foregoing Findings of Fact, the Court concludes as a matter of law, as follows:

1. That North Creek, Little Cheney Spring Stream, Jebo Creek, Tuft Creek and Judd Kimball Spring Stream are tributaries of Meadowville Creek.

2. That the priority of all of the parties for irrigation purposes from said Meadowville Creek is declared to be equal and should be set as of the year 1863.

3. That the State Engineer should embody the foregoing in an interlocutory decree and should prepare a schedule for distribution of the waters of Meadowville Creek for 1958 and thereafter as may be ordered *by the court*

Dated this 24 day of March, 1958.

/S/ Lewis Jones  
DISTRICT JUDGE