



IN THE SEVENTH JUDICIAL DISTRICT COURT IN AND FOR ~~EMERY COUNTY,~~

STATE OF UTAH.

Independent Canal and Reservoir Com-
pany, a corporation, S. M. Williams,
J. B. Broderick, Mrs. L. B. Liang,
E. B. Roadman, John Ralphs, Mrs. Kate
Stevens, Joseph S. Stephens, Jr.,
A. Conover, F. A. Kilpack, Jex Fugate,
Andrew Nelson, D. O. Morgan, Christian
Larsen, S. H. Barton, Ole Olsen, F. C.
Sorensen, Lewis Jacobsen, E. H. Jacob-
sen, Livy Olsen, J. F. Olsen,

Plaintiffs,

vs.

Emery County Land and Water Company,
a corporation, G. T. Olsen, Lewis Hal-
verson, H. R. Huntsman, George Hunts-
man, Emery Canal and Reservoir Com-
pany, a corporation, Gardena Land and
Water Company, a corporation, George
Martinson, Frank Miller and Alonzo Brin-
kerhoff,

Defendants.

Application for
Appointment

of a

Water Commissioner.

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Comes now the Emery Canal and Reservoir Company, a cor-
poration, and respectfully requests this Honorable Court to appoint
a water Commissioner for Muddy Creek in Emery County, State of
Utah, and in support of said application alleges:

1. That on the 16th. day of October, A. D. 1918, in
the above entitled Court and cause, the Honorable George Chris-
tensen, Judge, made and entered a Decree of this Court, in which
said Decree the waters of said Muddy Creek were distributed among
the users thereof as follows:

Emery Canal & Reservoir Company,	1,111 $\frac{1}{2}$ parts;
Emery County Land and Water Company,	74 $\frac{1}{2}$ parts;
G. T. Olsen;	25 parts;
R. Jacobsen,	12 parts;
George Martensen,	6 parts.

2. That in said Decree the Court provides as follows:

"IT IS FURTHER ORDERED, ADJUDGED AND DECREED
that a Commissioner of this Court may, and will
be, appointed at any time upon the application
of either or any of the parties to this action
and that the expenses shall be paid pro-rata ac-
cording to the rights of each of said parties
as herein decreed and that said compensation
shall be fixed by this Court from time to time
in such form as may be proper."

3. That said Decree is now on file in the Office of the
Clerk of this Court in and for Emery County, Utah, and is hereby

referred to and is expressly made a part of this Application.

4. That Petitioner, Emery Canal and Reservoir Company, has heretofore made application to George M. Bacon, State Engineer of the State of Utah, for the appointment of a water commissioner to distribute the waters of said Muddy Creek; that the said George M. Bacon has referred applicant to this Court and advised applicant to make an application to this Court for the appointment of a water commissioner.

5. That there is immediate and urgent need of the appointment of said water commissioner for the reason that it is very probable and almost certain that the parties diverting water from said Muddy Creek under said Decree of Court cannot divide the water between them and that if an attempt is made to divide the water between them by the parties to said Decree, great and serious injury might result to the persons attempting to distribute said water and that applicant hereby states that disturbance of the peace and assaults are likely to occur unless a Commissioner is appointed to distribute said waters.

6. That Wallace Case is a fit and competent person to distribute the waters of said Muddy Creek, he having been appointed by the State Engineer of the State of Utah to distribute said waters for the year 1927, and would distribute said waters in accordance with the orders and directions of said State Engineer and that applicant knows of no reason why the said Wallace Case should not be appointed said Commissioner and that it is to the best interest of all persons concerned that the said Wallace Case be appointed Commissioner to distribute the waters of said Muddy Creek.

WHEREFORE, applicant respectfully requests that this Court under and by virtue of the authority and right under said Decree and otherwise, appoint Wallace Case Commissioner of this Court to distribute the waters of said Muddy Creek in accordance with said Decree made in the above entitled Court and cause on the 16th. day of October, 1918, and that this Court at some future time fix the compensation of said Commissioner, and that each party bear its pro-rata share of the expenses of the distribution of the waters of said Muddy Creek by the Commissioner of this Court in proportion to the rights awarded under said Decree.

EMERY CANAL AND RESERVOIR COMPANY,
A CORPORATION,

By Isaac Allred
President.

State of Utah
County of Carbon, ss.

B. H. Hatten
Attorney.

Isaac Allred, being first duly sworn on oath, says: That he is the President of the Emery Canal and Reservoir Company, a corporation, and makes this verification in that capacity; that he has read the above and foregoing Application for Appointment of a Water Commissioner ~~xxx~~ and knows the contents thereof and that the same is true of his own knowledge.

Isaac Allred

Subscribed and sworn to before me this 30th. day of April, 1928.

My commission expires:
March 1, 1931.

B. H. Hatten
Notary Public, Price, Utah.