find list of schedule to accompany this order in Randolph

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

In the Matter of the General Determination of Rights to the Use of ater of Bear River Drainage Area in Rich County, Utah	)	INTERLOCUTORY ORDER

The above entitled cause came on regularly for hearings before the Honorable Lewis Jones, Judge of the above entitled Court, at Randolph, Utah; the State Engineer appearing by and through J. Lambert Gibson, Deputy Attorney General, and J. Richard Bell, Assistant Attorney General; Deseret Livestock Company appearing by its attorney, Wilford M. Burton; Harland Anderson, Parley Holmgreu and William Johnson appearing by their attorney, Milton A. Oman; Joseph R. Weston, appearing by his attorney, Edward W. Clyde; Harold Johnson, the Estate of Ole Mattson, deceased, Stanley Mattson and the Estate of Ellsworth Johnson, deceased, appearing by their attorney, Paul Thatcher; Joseph N. Cook, Del C. Cook and O. K. Cook appearing by their attorney, Walter G. Mann; Elijah Willis appearing for himself; L. L. Cook appearing for himself; and Morton Kearl appearing for himself; Grant Lamborn appearing for himself and for the Laketown Irrigation Company; Joseph R. Weston appearing for himself, and Thomas G. Weston appearing for Laketown, Town, a Municipal Corporation; and evidence having been presented and received and the matter submitted and the Court being fully and truly advised in the premises, the Court now makes and enter the following changes in the Proposed Determination of Water Rights in Bear River Drainage Area in Rich County, Utah, and orders that said changes be incorporated in the Final Determination and Adjudication: NOW ON MOTION OF MR. PORTER, Dep. Atty. General of Utah, it is ordered as follows:

1. That the rights of the Randolph-Sage Creek Canal Company under claim No. 596 on page 20 of said Proposed Determination be corrected in that the following information, which was inadvertently omitted, be now supplied: Under the column "Flow S.F." the figure 202.77 be inserted; under the column "Duty Ac. Feet" the figure 3.0 be

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inserted; under the column "Yearly Diversion ac. Feet" the figure 25,412.64 be inserted.

2. That the water right under claim No. 695 on page 212 of said Proposed Determination be transferred from Frank J. Price to Glenn F. Price and Verla Price, his wife, said charge to reflect a transfer of said water right as shown by deed recorded in the office of the County Recorder of Rich County, Utah, in Book "B" of Water Records at pages 411 and 412.

3. That the stockwatering right of Elijah Willis and J. Cheney Willis under claim No. 829 on page 311, as said right concerns the yearly period of use, be changed to read January 1, to December 31, both inclusive.

4. That new claims in the name of Arle Westen designated as claim Nos. 1125 and 1126 be inserted on page 207 of said Proposed Determination and said claims shall read as set forth on the Schedule, which is attached hereto and made a part of this Order.

5. That new claims in the name of Thelma Buck designated as claim Nos. 1116 and 1117 be inserted on page 87 of said Proposed Determination and said claims shall read as set forth on the Schedule, which is attached hereto and made a part of this Order.

6. That new claims in the name of Deseret Livestock Company designated as claim Nos. 1118 and 1124 be inserted on page 82 of said Proposed Determination and said claims shall read as set forth on the Schedule, which is attached hereto and made a part of this Order.

7. That new claims in the name of Deseret Livestock Company designated as claim Nos. 1120, 1122 and 1123 be inserted on page 85 of said Proposed Determination and said claims shall read as set forth on the Schedule, which is attached hereto and made a part of this Order.

8. That new claims in the name of Deseret Livestock Company designated as claim Nos. 1119 and 1121 be inserted on page 327 of said Proposed Determination and said claim shall read as set forth on the Schedule, which is attached hereto and made a part of this Order.

9. That, following the entry of this interlocutory order, the Schedules referred to in paragraphs 4 to 8, inclusive, hereof be attached to and made a permanent part of the said Proposed Determination

as a supplement thereto.

√10. That, in connection with the claim of L. L. Cook designated as No. 523 on page 318 of said Proposed Decree, the following stockwatering rights be added thereto: Jan. 1 to April 14, both inclusive - stockwatering, May 1, 1872, for 80 cattle, 40 sheep, 4 horses - Flow 0.002 and supplemental to claim No. 158.

√11. That, in connection with claim No. 158 of the Swan Creek Canal Company on page 319 of said Proposed Determination, the following stockwatering rights be added thereto: April 15 to Dec. 31, both inclusive - stockwatering, Sept. 1882 for 1,000 cattle, 1,200 sheep, 75 horses - Flow - see remarks, supplemental to claim No. 523 - Remarks: Flow for this purpose is part of flow for irrigation.

12. That the rights of water users, J. N. Cook, Ethel M. Cook, Estate of D. S. Cook, Estate of Ellsworth Johnson, Harold Johnson, Estate of Ole Mattson, Stanley Mattson and Joseph R. Weston, designated by claim Nos. 201, 345, 679, 680, 743, 744, 745, 817 to 825, both inclusive, 827, 828, 831, to 879, both inclusive, 881 to 886, both inclusive, 889 to 892, both inclusive, 894 to 902, both inclusive and 1088, on pages 171, 172, 215, 219, 284 to 313, both inclusive, 328 and 329 of said Proposed Determination, be changed in accord with the stipulation of the parties and, in lieu of the beginning dates as set forth in said Proposed Determination, the dates shall be May 18 at midnight for a dry year or June 1 at midnight for a wet year. A dry year is hereby defined as a year in which at 8:00 A.M. on May 18 the combined flows of Tufts Creek and Jebo Creek at the head of the Tufts Creek ditch, is 4.90 sec. ft. or lower. A wet year is hereby defined as a year in which at 8:00 A.M. on May 18 the combined flows of Tufts Creek and Jebo Creek, at the head of the Tufts Creek ditch is over 4.90 sec. ft. That the Stipulation and Schedule of use now on file in the above entitled cause is hereby referred to and made a part of this Order and that said Proposed Determination be amended to refer to this Order and said Stipulation and Schedule of Use, which was dated and filed on March 12, 1952.

See Priority Schedule

13. That the stockwatering rights of Joseph R. Weston under claim No. 679 on page 290, claim No. 823 on page 308, claim No. 832 on page 312, claim No. 838 on page 302, claim No. 882 on page 293, claim No. 885 on page 288, and claim No. 889 on page 309, be changed in each instance to read 200 cattle in lieu of 75 cattle and 16 horses as now enumerated in the determination.

14. That the flow right of Laketown Town, a municipal corporation, in the Laketown Canyon Spring Area as shown by claim No. 826 on page 210 be changed from 0.50 sec. ft. to 0.25 sec. ft.; and that the objection filed by Laketown Irrigation Company to the total flow allowed in claims No. 287 and 288 on page 210 of said Proposed Determination be disallowed.

15. That the water right shown as claim No. 234 on page 205 of said Proposed Determination in the name of Rich County Land & Grazing Company be alloted and awarded to Grant Lamborn; and that the water rights shown as claim No. 216 on pages 255 and 256, as claim No. 217 on pages 257, 258 and 259, as claim No. 214 on pages 275, 276 and 277 and claim No. 215 on pages 277, 278 and 279 of said Proposed Determination in the name of Joseph Cheney be alloted and awarded to Grant Lamborn.

16. That on the first page of said Proposed Determination on the fourth line of paragraph 4 in the first column, the word "within" shall be changed to read "without".

17. That claim No. 780 on page 327, in the name of U.S. Forest Service, of said Proposed Determination, the said claim having been withdrawn, be stricken.

18. That, in connection with all claims of the Deseret Livestock Company in said Proposed Determination, the words "and Chapman Canal rights diverted in Wyoming" be stricken therefrom and that there be substituted therefor in said Proposed Determination the words "used separately or jointly on all or part of the land with Chapman Canal rights diverted in Wyoming."

Done in open Court this 11 day of March, 1953.

RECEIVED MAR 14 1953 STATE ENGINEER'S OFFICE

Lewis Jones.
DISTRICT JUDGE.

CLERK'S CERTIFICATE.

I, Adolph W. Larson, County Clerk and ex-officio Clerk of the First Judicial District Court of Utah, do hereby certify that the foregoing INTERLOCUTORY ORDER in the matter of the General Adjudiciation of Rights to the use of Water of Bear River Drainage Area in Rich County, Utah, is a full, true and correct copy of the original which appears on file in my office and of record in Book B. Judgment Record page 115.

Witness my hand and the seal of said Court this 12th day of March, A.D. 1953.

Adolph W. Larson
Clerk of Court.

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STATE ENGINEER'S
OFFICE