

IN THE DISTRICT COURT IN AND FOR UTAH COUNTY STATE OF UTAH.

#390

Spanish Fork City et., al,  
Plaintiff.

vs.

Spanish Fork East Bench Irriga-  
tion Company, et.al. (Floyd Gardner)  
Defendant.

*Specimen for file*  
Stipulation.

The order to show cause came on regularly for hearing before the court, as to the Defendant Floyd Gardner, on the 3rd day of July 1934, at Provo, Utah before the Hon. Abe K. Turner, Judge.

Grover A. Giles, Esq. appeared as attorney for the State Engineer.

Floyd Gardner appeared in person.

The following stipulation was entered into in open court:

"It is hereby stipulated and agreed by and between T. H. Humphreys, State Engineer of the State of Utah, petitioner in the above entitled action, and Floyd Gardner, defendant in said action and hearing,

That the temporary restraining order heretofore issued by the Court may be made permanent for the irrigation season of 1934, under the following conditions:

The defendant, Floyd Gardner, shall be allocated a sufficient amount of water for stock watering purposes only upon the condition that, at his own cost and expense, he constructs a channel for the purpose of carrying said water from the Knoll Ditch or channel through the corner of his property about a distance of approximately 150 feet

thence back to the main channel, the exact location of said diverting ditch to be determined upon by the Water Commissioner and the defendant Floyd Gardner;

Upon the condition that the water commissioner allows a sufficient amount of water to flow through said diverting ditch, above referred to, to take care of ~~whichever~~ defendant's stock watering requirements for the year 1934.

The defendant, Floyd Gardner, hereby agrees to strictly abide by the terms of said restraining order and not to molest or interfere in anyway, shape or form with said water commissioner or his deputy in the distribution of the waters of Spanish Fork River.

~~The foregoing stipulation shall not be construed~~  
to finally determine any of the rights which the said Floyd Gardner may claim in and to the waters of Spanish Fork River.

Dated this 3rd day of July, 1934.

I hereby certify that the foregoing stipulation was entered into in open court and taken down by me in short hand, being transcribed therefrom, on the date stated.

Official Court Reporter.