IN THE FIRST JUDICIAL DISTRICT COURT,

TERRITORY OF UTAH; UTAH COUNTY.

Spanish Fork City; Spanish Fork West Field Irrigation Company a Corporation; Spanish Fork South Irrigation Company, a Corporation; Salem Irrigation and Canal Company, a corporation------- &---------- Plaintiffs.

V. S.

Zachariah Hopper, Joseph Bramage, Alma Pace and Hiram Sterling, Defendants.

This cause having been heard upon the Complaint of the Plaintiffs and the Answer of the Defendants, above named, and the Court having heard the evidence offered by the respective parties and having considered the same, together with the arguments of Counsel and thereport of M.M. Kellogg, Esq., Commissioner, appointed upon the consent of the Counsel for the respective parties herein, by the Court to make measurements of the carrying capacity of the canals of the plaintiffs, herein,-which report was duly approved by the Court and filed with the Clerk, and the Court having made and filed its findings of fact and conclusions of law herein, on motion of Messers Geo. Sutherland, Thurman & King and A. SAXEY, Attorneys for Plaintiffs,-

Extra copy

It is ORDERED, ADJUDGED and DECREED, and the Court does hereby ORDER, ADJUDGE and DECREE that the Plaintiffs, Spanish Fork City and Spanish Fork West Field Irrigation Company are the owners by prior appropriation and the use of a quantity of water out of the waters of Spanish Fork River in Utah County, Utah Territory, which fills their Canal known as the Mill Race or City Race to its full carrying capacity as the same is at present conducted and measuring, at the head gate of their said canal, which is used by them jointly, eleven feetwide by twenty-seven inches deep under a pressure of three inches at the top, and that they are entitled to the free and full use of the same; that the plaintiff, Spanish Fork South Irrigation Company is the owner by prior appropriation and use, and entitled to the free and full use of a quantity of water out of the waters of said River, which fills its canal as the same is at present constructed to its full carrying capacity as measuring, at the head gate of its, said canal, eight feet and six inches wide by twenty-seven inches deep under a pressure of three inches at the top; is the owner by prior appropriation and use, and entitled to the free and full use of a quantity of water out of the waters of said River, which fills its canal as the same is at present constructed to its full carrying capacity and measuring, at the head gate of its canal, seven feet wide by twenty inches deep under a pressure of three inches at the top.

And it is FUTHER ORDERED, ADJUDGED and DECREED and the Court does hereby ORDER, ADJUDGE and DECREE, that the Defendants, and each of them, their and each of their, agents, servants and employees, be

and they are, perpetually enjoined and restrained from diverting, using, or in any manner interfering with or obstructing the said several quantities of water, or the said River so as to prevent, or in any other manner preventing the free, full and unobstructed flow to the said Plaintiffs and each of them, of the said several quantities of water of said River, to which they and each of them are entitled as hereinbefore ADJUDGED and DECREED.

And it is further ORDERED and ADJUDGED that the Plaintiffs have and recover from the Defendants, their costs taxed at $ 146.70

It is not intended by this Decree to adjudge or determine the rights of the Plaintiffs as among themselves, but only the rights of the Plaintiffs on the one side and the Defendants on the other.

Dated May 27 1890.

John W. Blackburn,

Judge.