

IN THE THIRD JUDICIAL DISTRICT COURT, IN AND FOR SALT LAKE COUNTY, STATE OF UTAH.

SALT LAKE CITY, a municipal corporation of the State of Utah, et al,

Plaintiffs

-vs-

TAMAR ANDERSON, et al

Defendants.

O R D E R

Case No. 57298

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This matter having come on regularly for hearing before the above entitled court on the 13th day of January, 1945, upon the petition of the state engineer for an order directing the state engineer to appoint water commissioners for the distribution of the waters of Utah Lake and Jordan River and their tributaries; and it appearing that due notice has been regularly given to all attorneys of record herein at least one week before the hearing as provided by law, and that a notice of said hearing has been published in one issue of a newspaper of general circulation in Salt Lake County, Utah County, Wasatch County and Juab County at least one week before said hearing as ordered by this court; and it appearing that no protest to the granting of said petition has been filed; and

That the petitioner, Ed. H. Watson, is the duly appointed, qualified and acting State Engineer of the State of Utah. That by an order of this court duly made and entered on September 1, 1944, the state engineer was directed to perform the duties imposed upon him by the provisions of Chapter 4, Title 100, Utah Code Annotated, 1943, as follows, to-wit:

- - - - - to the end that there may be a determination and adjudication of all of the rights to the use of the waters of Utah Lake in Utah County, Utah, and of the Jordan River in Utah and Salt Lake Counties, Utah, and their tributaries". That during the pendency of a statutory suit for general adjudication of water rights,

it is one of the duties of the state engineer to distribute water to the various water users entitled thereto, in accordance with such decrees as are in existence, until they are reversed, modified, vacated or otherwise legally set aside. That decrees have been made adjudicating water rights on many of the tributaries of the Utah Lake and Jordan River including Provo River, Spanish Fork River, Big Cottonwood Creek, Little Cottonwood Creek, Mill Creek and Parley's Creek. That for many years last past the state engineer has appointed commissioners to distribute the water of Utah Lake and Jordan River, but his duties have been confined to the distribution of water from the Lake and from the upper Jordan River. That the commissioner has not heretofore been given any authority to distribute the water of all the tributaries. That in some instances the tributaries have been under the supervision and control of other commissioners appointed by the state engineer. That some tributaries have been distributed by commissioners appointed by and under the supervision of the district courts and some tributaries have been under no public control but have been distributed by water masters appointed by and answerable to the water users themselves.

That the petitioner is about to make an investigation and surveys which will be required in the preparation of a report and proposed determination of water rights pursuant to the order of this court. That such investigation will include among other things a study of stream flow of all tributaries, the duty of water, practical operation of existing irrigation systems and return flow. That in making these studies and investigations, it will be necessary to gather much factual data, which data in part must be gathered by water commissioners whose duty it will be to adhere to proper methods of measurements and control and to make reports to the state engineer. That by reason of the foregoing, it is imperative that the state engineer be given full authority to appoint water commissioners to distribute all waters of the Utah Lake and Jordan River and their tributaries.

It is ordered that the state engineer pursuant to the procedure prescribed in Sec. 100-5-1, Utah Code Annotated, 1943, shall, wherever he deems it advisable appoint water commissioners who shall , pursuant to the various provisions of Title 100, Utah Code Annotated, 1943, distribute the waters of Utah Lake and Jordan River and their tributaries.

Done in open court this 9th day of February, 1945.

RAY VAN COTT JR.
JUDGE

ATTEST
ALVIN KEDDINGTON, CLERK (SEAL)
By Merrill Bennion, Deputy Clerk.

ENDORSED NO. 57298 Filed in the Clerk's Office Salt Lake County,
Utah Feb. 9, 1945 Alvin Keddington, Clerk 3rd Dist. Court
By Merrill Bennion, Deputy Clerk.