

In the District Court of the Fourth Judicial District of the State
of Utah in and for Utah County.

Provo Reservoir Company,

Plaintiff,

vs.

Provo City and others,

Defendants.

Civil Action No. 2888.
Supplemental Decision.

This case having heretofore come on for further hearing,
upon the motion of the Utah Power and Light Company, and the motion
of Provo City, for modifications of the decision heretofore ren-
dered, and evidence having been introduced and arguments of counsel
heard, and the Court being fully advised in the premises, now orders
that the decision heretofore rendered and announced, be modified
as follows:

Paragraph 18 of said decision is changed as follows:

18. That the Utah Power & Light Company, as the suc-
cessor in interest to the rights of the Telluride Power Company,
and the Telluride Power & Transmission Company, has the right to
divert from Provo River by its dam built across said river in
Section 34 Township 5 South Range 3 East, Salt Lake Base and Meri-
dian, the same to be carried through the flume and pipe line ex-
tending from said dam to its power generating station situated in
the northeast quarter of Section 7 Township 6 South Range 2 East,
Salt Lake Base and Meridian at or near the mouth of Provo Canyon
in Utah County, Utah, 229 second feet of water, to be used for the
generating of power. The said defendant, the Utah Power and
Light Company, in order to divert and use said quantity of water,
has the right and is entitled to divert and use all of the flow
of said river at said dam and diversion works as now located,
except the storage water, tunnel water, and transferred water
rights that have the right to pass said dam, at any stage of flow
at or below the quantity above specified, and in making such
diversion of said waters, the said defendant has the right to re-

construct or improve said dam or to build a new dam at the present location of said dam.

The said defendant Utah Power & Light Company has appropriated and is entitled to use in addition thereto through its flume for the generation of power the waters of Lost Creek, not exceeding 6.41 second feet, also the waters of Bridal Veil Falls, not exceeding 4.11 second feet; and

The said defendant Utah Power & Light Company has the right to the use for irrigation and domestic purposes the waters of Johnson or North Guardquarter Springs, not exceeding .8 second feet.

That all of such waters so awarded to and used by the said defendant Utah Power & Light Company for the generation of power, must be so used as to not substantially interfere with the natural flow of such water and thus cause substantial fluctuations in the flow thereof, and said defendant must utilize and use such waters without substantial diminution in quantity or any deterioration in quality.

That section 4 of said decision be modified by awarding to Provo City for town lot irrigation, water for 499.91 acres, at a duty from May 10th to June 20th, of 50 acres; from June 20th to July 20th, 50 acres; from July 20th to September 1st, 50 acres; September 1st to October 1st, 70 acres; October 1st to May 10th, 70 acres.

In all other respects, said motions are denied.

Dated this 1st day of April, 1920.



Judge Pro Tem.

2888 Civil

Supplemental
decision

IN THE COURT
OF THE STATE

APR 5 1920

L. J. Epperson Clerk
Leah Smart Deputy

Record &
Page 199