

Provo, Utah, Feb. 9, 1921.

W.S. Willis,

Heber City, Utah.

Dear Sir:

In reply to your letter of the 4th inst, and the motions attached thereto, you are advised:-

The name Emma Kummer Bond appears in the Proposed Findings on last line of page 10; paragraph 28, page 19; last line of page 68; 22nd line page 11.

The name Emma Kumer Bond appears in the Proposed Decree on last line page 10; 22nd line on page 11; subdivision (bn) page 40; paragraph 60, page 47; paragraph 62, page 48; subdivision (bs) page 53.

The pleadings, subdivision (t), page 4, signed and acknowledged November 10th 1916, is as follows:

"(t) MIDWAY TOWN DITCH.

John Kumer estate, 6 acres situated in Sec. 2 T. 3 S. R. 4 E. S.L.M., irrigated through what is known as the Midway Town Ditch, owned by the Midway Irrigation Company, the water of which are distributed by said Midway Irrigation Company."

6.Ac."

The Heber Stipulation, subdivision 4, page 55; subdivision 8, page 56; subdivision 10, page 57, provides:

" That the Midway Irrigation Company and the parties whose waters the said company controls and distributes are entitled to, \*\*\*\*\* of land irrigated for three thousand five hundred and eighty-five acres, exclusive of the Island Ditch acres."

In view of the pleading and the stipulation, the name of Emma Kummer Bond and the rights thereto are properly included in the award with the Midway Irrigation Company as shown in the Proposed Findings and Decree. The name of Elizabeth Hamilton appears in your motion to modify the Decision, ( Not in files, probably presented to Judge Morse) and no substitution has been made to-date.

2. WSW.  
2-9-21.

Relative to the award to Alonzo A. Hicken; pleadings subdivision (ff) page 5, specify "10.89 Acres", the stipulation with the Plaintiff among other things specifies "Alonzo A. Hicken 10.89 acres.", therefore the number "10.98" in the Decision is a typographical error, and the quantity of 10.89 in Proposed Findings and Decree is proper.

Relative to William Bonner, the following is extract from your motion to amend pleadings:

" I move the Court, at this time, to be permitted to amend the second amended answer of Joseph Hatch et al., by\*\*\*\*\*

To change the word "five" following the name of William Bonner to "Six" so that the name will read William Bonner, six acres. \*\*\*\*\*"

The stipulation with plaintiff, exhibit 168, specifies, "William Bonner 6 acres"

In view of the foregoing, you are advised the award of six acres appears to be proper, and the quantity specified in your copy of decision is evidently a typographical error.

Subdivision (g), paragraph 97, page 64 of Proposed Decree, and subdivision (g) paragraph 135, page 81 of Proposed Findings should be amended to read:-

"(g)	Hyrum S. Winterton,			
	T. Fred Winterton, and	1st	35	.583
	Moroni Winterton,	17th		.292 "

Relative to the heirs of Mr. Hamilton, the correcting is before the Court, on a separate motion.

Relative to the individual rights under the Wasatch Canal, you are advised, I am not clear, as to the matter, at this time.

You are further advised the testimony covers the rights of the Timpanogus Irrigation Company on application number 944 A, and after reconsideration the general pleadings cover this matter.

Very Resp.

T  
\_\_\_\_\_  
Commissioner.