Provo, Utah, Feb.4,1921.

[illegible] .Soule,
Salt Lake City, Utah.

[illegible].C.Hatch,
Heber City, Utah.

Dear Sirs:-

RE: CORRECTIONS OF PROPOSED FINDINGS AND DECREE.

CASE NO. 2888.

I am enclosing herewith, marked Exhibit "A", a revision of pages 63,64,65,66, and 67 of Proposed Findings, and you are advised as follows:

The Heber stipulation, paragraph 1,(Page 55 of Proposed Findings) provides that, the first to tenth class rights, inclusive, of the Fulton Decree "*** be adopted as defining the rights of the parties to this action, named in said decree from first to tenth class rights, inclusive, ***"

Paragraph 16 of the Findings in the Fulton decree specifies the lands that are found to be entitled to a 60 acre duty, and paragraph 18 of said decree set out that all other lands are entitled to a 70 acre duty right.

The Heber stipulation paragraph 6, (Page 56 of Proposed Findings) provided that whenever the quantity of water exceeds that of the first to tenth class rights, inclusive, theretofore set out, "*** then the parties to said findings and decree refered to in paragraph 1 ***" thereof are entitled to sufficient of such excess to a quantity to raise those on the 70 acre duty to a 60 acre duty.

Mr. Thomas in submission of evidence relative to the upper river users, did not go into the matter of the 60 and 70 acre duty rights, he confined his efforts to the proving of the succession of rights from the parties in the Fulton decree. In concluding Mr. Thomas submitted a tabulation, exhibit 196, showing acreage and showing the quantities of water based upon a 60 acre duty, and which disregarded the provision for the eleventh class as set out in the Heber stipulation, above refered to. On the presentation of exhibit 196, Mr. Hatch interposed an objection and the Court ruled:

> "THE COURT: This may be recieved subject to your right to strike from it any item you find not in accordance with the evidence given, or that you are not willing to concede." (Page 3521-1 of transcript)

Unfortunately at the time of drawing the decision no transcript of the evidence had been made, and through an oversight or a clerical error, the eleventh class right to the parties owning the 70 acre duty lands was included in the first class rights as shown in exhibit 196.

The corrections as shown by exhibit "A" herewith should be made upon a motion to the Court, and I think such motion should be in the form I have drawn and attached hereto, that is the motion should also go to the corresponding corrections in the Proposed Decree.

Very Truly,

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Commissioner.