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**In the District Court of the First Judicial  
District of the State of Utah In and  
for the County of Cache**

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**UTAH POWER & LIGHT COMPANY,**  
*Plaintiff*

*vs.*

**RICHMOND IRRIGATION COMPANY,**  
**et al.**

*Defendants,*

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**FINAL DECREE**

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Before **HON. JAMES N. KIMBALL,**  
**District Judge.**

*Filed February 21, 1922*

**W. H. CHUGG,**

*Clerk*

By **LILLIAN McCULLOCH,**  
*Deputy.*

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**In the District Court of the First Judicial  
District of the State of Utah In and  
In and For Cache County**

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UTAH POWER & LIGHT COMPANY, a Corporation, *Plaintiff*,

vs.

Richmond Irrigation Company, Coveville Irrigation Company, Webster Irrigation Company, Mountain Home Irrigation Company,  
Smithfield Irrigation Company, Smithfield North Bench Ditch Company, Smithfield West Bench Irrigation Company, William A. Miles, Samuel Nilson, Johnathan Smith, Claus Anderson, Loretta Nilson, Marriner Roskelly, Richard Roskelly, A. D. Blanchard, Wm. Andrew, Bert Morse, Daniel Corbett, Catherine Roskelly, Robert Read, David Weeks, Peter Hansen, William Pelkington,  
William Done, George Done, Joseph O. Smith, Joseph Smith, Jesse Mortensen, William Mather, Delbert Rice, L. E. Danielson, Gustav Peterson, John Gyllenskog, P. P. Bingham,  
Riverside Pump and Irrigation Company, Hammer Canal Company,  
William Coleman, Benjamin Coleman, John Coleman, Prime Coleman, Sylvester Coleman, Hyrum Coleman, Mary C. Coleman, Geo. A. Nelson,  
Joseph Forester, James Forester, John Pitcher, Henry Pitcher, John C. Cannell, James Meikle, James J. Meikle, Joseph Meikle,  
Geo. P. Toolson, William Winn,  
John Carlisle, Andrew Monk, Cyrus Clark, Jos. C. Jorgensen, John Matthews, Gottfred Beutler, Geo. L. Farrell, Freeborn Merrill, I. E. Noble, H. W. Noble, Howard Reese, A. V. Reese, C. A. Reese, W. G. Reese, T. H. Reese, A. J. Reese, R. O. Reese, M. M. Reese, Charles McCann, Joseph J. Richardson, James Roskelly, Mary E. Farrell, E. P. Erickson, Geo. R. Smith, Mary Chambers, Mell Chambers, Leah P. Olson, Lucius McCann, Samuel Hunt, R. L. Nelson, Annie M. Toombs, A. B. Chambers, Carrie E. Olson,  
Irving Plowman, T. H. Chambers, Maggie Griffiths, Maria Peterson, D. G. Weeks, Henry McCracken, F. J. Gordon, Elizabeth Smith, Samuel Nelson, Alma Reese,

S. A. Scrowther, Wm. Read, Catherine Woodruff, B. H. Aiken, Nephi Tarbet, V. W. Merrill, Minnie Nilson, Parley Pitcher, Wm. Pitcher, James S. Sheen, T. U. Cragun, Theo. Chambers Sr., Theo. Chambers Jr., J. A. Cragun, Calvin Cragun, Regenia Smith, Peter Nilson, Kerste Nilson, W. F. Winn, F. M. Winn, S. P. Nilson, Grace Chambers, A. W. Chambers, P. C. Chambers, Moses Richardson, Richard Richardson, Violet Peterson, Wm. Thornley, Isaac Read, J. W. Peterson, Ephraim Weeks, J. P. Toolson, O. M. Monk, A. J. Monk, Ether Tarbet, Joseph Baugh, Mrs. Jane Doe Partington, John C. Larson, Cliff Goodwin, John M. Berry, Jos. R. Hebaus, J. Z. Stewart, Henry Griffiths, Euphemia Griffiths, James Read, Wm. Noble,

Thomas Smart, Hyrum J. DeWitt, Joseph Kent, Thomas Irvine, Harry Worley, William Baugh, Oscar Johnson, Ezra Ricks, Hugh J. Dowdle, Joseph E. Cowley Jr., Frank Cowley, Ernest Cowley, F. A. Benson,  
Logan Cow Pasture Water Company,

Logan Land and Drainage Company, Ferdinand Zollinger, James J. Facer, Logan Hyde Park and Smithfield Canal Company, Logan and Northern Irrigation Company, Logan Hollow Canal Company, Providence-Logan Irrigation Company, Providence Pioneer Irrigation Company, Logan Northfield Irrigation Company, Logan Northwestfield Irrigation Company, Logan Island Irrigation Company, Seventh Ward Irrigation Company, Benson Irrigation Company, Logan River and Blacksmith Fork Irrigation Company, Hyde Park Irrigation Company, Southwest Field Irrigation Company; Thatcher Milling and Elevator Company, Logan City; Anderson & Sons Company; Central Milling and Elevator Company, Logan Stone and Monument Company; Anthon Anderson, Clara B. Smith, Grace Price, H. E. Hatch, Georgia T. Hatch, R. A. Hatch, Abbie B. Thatcher, Carrie B. Price, L. F. Smith, Lester Worley, George Worley, A. Walton, W. C. England, Ellen M. Peterson, Jesse Mayne, Roy Bullen, Brigham Parry, Anderson & Sons Company, a corporation, Bernard Parry, A. E. Anderson, Brigham Young College, a corporation, John Naf, E. N. Hammond, Alley T. Clayton, L. P. Watkins M. J. Watkins, W. W. Hall, W. E. Mitton, Thomas Howells, William Athay, Jane A. Thatcher, H. J. Hatch, James H. Allen Mrs. Asa Bullen, F. A. Hinckley, Abe Tyson, A. J. Hawkes, William Worley, C. H. Wakely, Harriet L. Benson, doing business as the Thatcher Irrigation Company, an unincorporated association, and John Dern, John C. Sharp, Elizabeth C. McCune, F.B.Stephens, Angus T. Wright, Anthony Wayne Ivins, Lorenzo N. Stohl, George T. Odell, J. W. Knight, A. G. Barber and Lois Hayball, as the Board of Trustees of Utah Agricultural College, Isaac P. Stewart, Mary J. Pedersen,

Hyrum Irrigating Company, Providence-Blacksmith Fork Irrigation Company, Millville Irrigation Company, College Irrigation Company, Spring Creek Irrigation Company, Blacksmith Fork Light and Power Company, South Cache Milling Company, Hyrum City, a municipal corporation; Charles L. Ames, Hansine Salverson, Norman H. Salverson, Jacob Janes, Lavina N. Peterson, Clayton Nielsen, Elva Nielsen, Lila Nielsen, Chas. L. Anderson, T. W. Peterson, Ernest Peterson, Ernest Peterson Jr., Algernon Peterson, Joseph Peterson, P. M. Poulsen, Ulrich Zbinden.

Paradise Irrigation & Reservoir Company, Wellsville East Field Irrigation and Canal Company, Wellsville City, a municipal corporation, Wellsville City Irrigation Company, Wellsville North Field Irrigation Company, Mendon South Canal (a corporation), Wellsville Hawbush Field Irrigation Manufacturing and Canal Company, Paradise Land and Livestock Company, Lindsay Land and Livestock Company (an Ogden Corporation), David McMurdie, Ed. J. Norman, A. O. Jackson, A. O. Jackson Jr., F. J. Law, Charles Shaw, Abraham Frederickson, Geo. W. Davis, Geo. Summers, Joseph E. Cowley, James Facer, John W. S. Brown, Wm. Bailey, Robert Maughan, Archibald Maughan, James Maughan, Charles N. Maughan, Heber L. Maughan, David Maughan, Guy Maughan, Wm. H. Maughan, Brigham Maughan, Christina Maughan, Elmer Maughan, Frank Maughan, John Brenchley, Daniel H. Maughan, Rachel Maughan, Peter Maughan, Wm. H. Darley, John A. Leishman, Joseph Hardman, Joseph T. Lofthouse; Israelson Land, Livestock and Produce Company; Jesse E. Smith, Ole N. Jensen, Joseph E. Smith, Thos. E. Williamson, Joseph R. Brown, Edward Walters, Ernest A. Forsberg, John T. James, John E. Miles, Joseph S. Howells, James H. Danielson, Charlton A. Goldsberry, O. H. Pulsipher, William Pulsipher, William Pulsipher Jr., Ole Olson, T. K. O Bray, G. S. O Bray, E. M. Bickmore, Hyrum Hall, Edward Gibbons, Hyrum Brown, H. P. Hansen, James L. Jensen, Robert Baxter, Annie K. Lauritzen, John F. Monson, William H. Jensen, Albert Miller, Roar Allen, Paul Johnson, Samson Knowles, Edward Knowles, Alfred Anderson, J. J. Hall, David Kerr, Thomas A. Kerr, Henry Haslam, John Hughes, Rebecca C. Hughes, Sarah A. G. Hughes, Wm. Lea, Willard Parker, Violet D. Parkinson, Henry C. Parker, James Anderson, J. M. Smith,

Mendon City, Mendon Central Irrigation Company, P. A. Sorenson, Mendon North Irrigation Company,

Spring Creek Water Company, Garr Springs Water Company,

Clarkston Irrigation Company, Newton Irrigation Company,

Utah-Idaho Sugar Company, Lewiston-Bear Lake Irrigation Company, Benson-Bear Lake Irrigation Company, The Amalgamated Sugar Company, Hill Irrigation

Company, Intermountain Sugar Company, Wood Irrigation Company, D. C. Van Dyke, A. J. Hill, Olaf Cronquist, W. R. Ballard, H. W. Ballard Jr., Alma Munk, Johnathan Smith, W. D. Goodwin, Milton Bullen, Charles G. Wood, Frank Wood, D. A. Skeen, Lester Wheeler, Lloyd Wheeler, A. M. Simonds, Ed. Lower, Albert Brough, Brown Wood, A. C. Simmons, J. Q. Adams,

*Defendants,*

## DECREE

BE IT REMEMBERED that on this day this cause comes on for further hearing by the Court, pursuant to adjournment, the parties appearing by their respective counsel. Additional proof is submitted by some of the parties, and thereupon, pursuant to stipulation of parties that judgment may be entered herein on the evidence and stipulations of parties submitted to the Court without the formality of making findings of fact or conclusions of law, such findings and conclusions being expressly waived by all of the parties whose appearance has been entered in the action either by oral consent in open court entered in the minutes or by written consent filed with the clerk, it is ordered, adjudged and decreed by the Court, as follows:

### I.

1. That the Bear River is an inter-state stream with a large number of tributaries in the States of Utah, Wyoming and Idaho, said river rising in the Wasatch mountains in northeastern Utah and flowing in a general northerly direction through the States of Utah and Wyoming to a point on the boundary line between the States of Idaho and Wyoming near the town of Border in the State of Wyoming, into the State of Idaho, thence in a general northwesterly direction around the north end of Bear Lake (including North and Mud Lake) located in Bear Lake County, Idaho, and Rich County, Utah, to a point near the town of Alexander in said state of Idaho, thence in a general southerly direction through the States of Idaho and Utah, emptying into Great Salt Lake in said latter state.

That there is hereby drawn within the jurisdiction of this court, for distribution for beneficial uses, under and pursuant to the terms of this decree, all that portion of Bear River, as above described, commencing at a point where said river crosses the Utah-Idaho state line in the Northwest quarter of Section 35, Township 15 North, Range 1 West, S. L. B. & M., thence in a general southerly direction to the Wheelon Power Plant of Utah Power & Light Company in Section 27, Township 13 North, Range 2 West, together with all intervening tributaries of the Bear River, which are decreed to constitute a single inter-dependent river system, to be administered under the terms of this decree. It is also the purpose of this decree, however, to adjudicate *in personam* the relative rights of the respective parties to this action in respect to the impounding and release of the flood water of said river above the said Utah-Idaho state line, and to the use of such water, either above or below the said state line in so far as such use may conflict with other uses of the water of Bear River or its tributaries, by any of the parties to this action.

2. Subject to the prior rights of the various defendants, as hereinafter decreed in the order of their respective priorities, the said plaintiff, the Utah Power

& Light Company, has the storage right hereinafter defined in paragraph 1 of the schedule of rights.

The quantity of water released from such storage and to which the plaintiff is entitled, flowing in Bear River at the Utah-Idaho State Line at any given time shall be determined as provided in the final decree of the District Court of the United States for the District of Idaho, Eastern Division, in Equity No. 203, wherein Utah Power & Light Company, the plaintiff herein, was plaintiff, and Last Chance Canal Company, Limited, et al, were defendants, a copy of which decree has been introduced in evidence in this cause; that is to say by deducting from the quantity of water being released from the Bear Lake Reservoir, consisting of Bear and Mud or North Lakes, at any given time,

(a) Such quantity of water as is being simultaneously taken from Bear River into such Reservoir,

(b) Compensation for the natural yield of Bear Lake area as defined in said decree, to be determined at measuring devices installed as provided therein as near as practical to the present bridge on the Montpelier-Ovid road, in the southwest quarter of Section 7, Township 13, South Range 44 East, Salt Lake Meridian, as follows:

From April 20th to July 1st of each year 50 cubic feet per second.

From July 1st to July 15th of each year 35 cubic feet per second.

From July 16th to Aug. 1st of each year 25 cubic feet per second.

From Aug. 1st to Sept. 15th of each year 15 cubic feet per second.

(c) Three and one-half per cent. of the quantity of such released stored waters, to allow for all transit losses between Bear Lake Reservoir and Utah-Idaho State line.

(d) Such amount of said released stored water as may be diverted between said reservoir and State line for consuming uses as distinguished from the non-consuming use of said waters by the plaintiff for power purposes.

In determining transit losses or otherwise calculating division of waters as between the natural flow of the river and released stored waters, a time lag of forty-eight hours shall be applied for the flow of released stored water from plaintiff's outlet control works at Bear Lake Reservoir to the Utah-Idaho State Line, and a proportionate time for the flow of water to or from any intervening point of diversion for a consuming use of any part of the water above the Utah-Idaho State Line.

After passing said state line such released stored waters may be conveyed through that part of the natural channel of said river covered by this decree, and shall be protected under the provisions hereof for such distribution as may be designated by the plaintiff or its successors-in-interest, to the same extent as though

kept and conveyed within an artificial channel. It shall be recognized by the officers charged with the administration of this decree that the plaintiff's right in said released stored water shall continue until abandonment by the plaintiff, and all parties to this suit, their heirs, executors, administrators, successors, successors-in-interest and assigns, and the agents, servants and attorneys of said parties, their heirs, executors, administrators, successors, successors in interest and assigns, are hereby perpetually enjoined and restrained from in any manner using or interfering with the use by the plaintiff of the said released stored waters, except with the consent and under the authority of the plaintiff, its successors and assigns.

Between the Utah-Idaho State line and the plaintiff's Wheelon Dam, situated in Section 23, Township 13 South, Range 2 West, S. L. M., an additional transit loss of one per cent shall be deducted from the volume of all such released stored water flowing past said State Line as may be delivered at said dam, allowing a time lag of twenty-four hours for the flow of the water, and proportionate deductions and calculations of time lag shall be made to cover transit losses of water diverted by or under the authority of the plaintiff between said points.

3. In addition to storage rights of plaintiff, herein decreed, the waters of Bear River and its tributaries between the points hereinbefore described, as drawn within the jurisdiction of this court for distribution under this decree, are hereby allotted and decreed for the various beneficial uses herein specified, without waste, to the plaintiff and defendants, respectively, and their successors in title and interest, in the amounts, for the purposes and in accordance with the priorities established and prescribed by the "Schedule of Rights" hereinafter defined.

The rights herein decreed and recognized are designated and classified as "Power Rights," "Irrigation Rights" and "Domestic Rights," respectively, and shall have the following characteristics:

"Power Rights" include the right to divert and use water for the generation of electric power and such rights of diversion and use are continuous throughout the year without limitation to time or season.

"Irrigation Rights" include the right to divert and use water for irrigation and agricultural purposes and as a part thereof for culinary, domestic and stock watering purposes throughout the irrigation season of each year, which is defined as that portion of each calendar year which commences on the 1st day of April and closes on the 30th day of September. The water allotted and decreed to the parties hereto for irrigation purposes shall be used upon the land upon which the same is now applied and used as described in the schedule, subject, however, to the rights of appropriators or shareholders in any appropriating company to change the place of diversion or use or manner of use, as provided by law.

Nothing herein contained shall be construed as limiting the right of the parties hereto by agreement between all parties in interest, to use the water herein decreed to those parties respectively, by rotation among themselves at such time and in such manner as they may determine, provided that in so doing they do not infringe upon the rights of other appropriators as herein described.

The several parties hereto are also hereby adjudged and decreed to have the right to divert and use so much of the water of said streams during the non-irrigation season, i. e., between the 1st day of October and the 31st day of the succeeding March as they may reasonably require for their domestic, culinary and stock watering uses. Nothing herein contained shall affect specific allotments made in the schedule of rights under appropriations for domestic, culinary or other specific beneficial purposes, which rights are to be recognized and administered specifically as decreed.

All rights herein decreed to the plaintiff and the several defendants are decreed for the beneficial uses specified, and none of the parties hereto, or their successors in interest, whether heirs, executors, administrators, successors or assigns, shall have the right to divert any of the waters of said Bear River, or any of its tributaries, except for beneficial use, and whenever any party or parties ceases to use the same for such beneficial purpose, such party or parties shall cease to divert, and shall have no right to divert the said waters, or any part thereof, during such period of non-use and each and every of the parties hereto, their servants, attorneys, employes and successors in interest, as aforesaid, are hereby enjoined and restrained from any and all interference with or diversion or use of said waters, except in the manner, and to the extent, and for the purposes, provided in this decree, whenever such interference, diversion or use would interfere with the diversion or use of the water awarded by this decree to any of the other parties to this action.

The parties hereto and their successors in interest shall install and maintain suitable and efficient headgates, controlling works, and measuring devices at their respective points of diversion, and all water herein allotted and decreed shall be measured at said points of diversion. Said works and devices shall be built and installed in accordance with plans and specifications to be approved by the state official charged with the duty of supervising the distribution of water, (subject to review by this court). All such devices shall be of such design as to accurately register the amount of water diverted, and in the case of ditches diverting fifty or more cubic feet per second, automatic measuring and registering devices shall be installed and maintained. All such headgates, control works and measuring devices and gauges shall at all times be subject to the inspection of either party, and to public officials or water masters having jurisdiction over the distribution and diversion of water, and no dam or other obstruction to the natural flow of the stream shall be

maintained so as to divert water from the channel of the stream, except through ditches, canals or other works provided with such headgates, control works and measuring devices, and each of the parties hereto shall be perpetually enjoined from diverting from the channel of the stream or its tributaries any water through any ditch, conduit or other devices not provided with such headgates, control works and measuring device; *provided*, that in case of diversions through pipes for power purposes, measuring devices may be dispensed with where the quantity of water diverted may be otherwise determined by calculations based on power output or current meter measurements

4. Subject to the power and duty of this Court to supervise and enforce the administration of this decree. from time to time as occasion may require, and to that end to appoint special commissioners, whenever necessary, so to do, for which jurisdiction is hereby expressly reserved, the State Engineer of Utah and his duly appointed deputies and assistants, or such other state officer as may be charged by law with the distribution of the water of said river system or such water commissioners as this court may hereafter appoint, shall administer this decree and distribute the water of said stream and its tributaries among the several appropriators thereof, in accordance with the provisions of this decree and the statutes of Utah and the costs and expenses of such administration shall be defrayed as provided by law or by subsequent order of this Court.

## II.

### ("Schedule of Rights")

c.f.s. is used throughout this schedule to designate a flow of one cubic foot of water per second of time.

ac. ft. is used throughout this schedule to designate a quantity of water sufficient to cover an area of one acre to a depth of one foot, or 43,560 cubic feet of water.

### MAIN RIVER DIVERSIONS.

1. Utah Power & Light Company—Storage rights.

The plaintiff, Utah Power & Light Company, is entitled to divert from the main channel of Bear River from the natural flow thereof, for storage purposes, the following amounts:

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
1911—March 1	3000 c.f.s.	Said water to be diverted from Bear River through what is known as the Rainbow and Dingle Inlet Canals, the headworks of which are located respectively in the North east quarter of Section 34, Township 13 South, Range 44 East, B.B.M. and the northwest quarter of Section 17, Township 14 South, Range 45 East, B. B. M. in Bear Lake Co., Ida., and to be carried into and stored in what is known as the Bear Lake Reservoir and withdrawn therefrom from time to time as needed or required by said Utah Power & Light Company, or its successors in interest, for the development of power or generating electric energy in any power plant which it may now have, or hereafter construct or acquire in or along Bear River, in the states of Idaho and Utah, and for irrigation purposes in what is generally known as Bear River Valley in said states.
1912—Sept. 11	2500 c.f.s.	
<i>From Bear Lake:</i>		Said water to be stored in what is known as Bear Lake Reservoir, and withdrawn therefrom from time to time, as provided in the immediately preceding paragraph.
1912—Sept. 1	300 c.f.s.	
<i>From Mud Lake:</i>		Said water to be diverted from the natural flow of Bear River (except as provided by contract heretofore entered into between the plaintiff and this defendant) at a point
1912—Sept. 1	200 c.f.s.	
2. <i>Lewiston-Bear Lake Irrigation Company:</i>		
1914—Dec. 11	100 c.f.s.	

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
		<p>North 80° 51' West 691.5 feet from the Southeast corner of Section 20, Township 16 South, Range 39 East B. B. &amp; M., by means of electrically driven pumps there installed and used for the irrigation of 10,000 acres of land in Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27 28 and 29, said township and range; Section 35 and 36, Township 15 North, Range 1 West, S. L. M.; Sections 1, 2, 3, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, Township 14 North, Range 1 West, S. L. M. Sections 31, 32, 33, Township 15 North, Range 1 East, S. L. M. Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, Township 14 North, Range 1 East; provided, however, that the priority of this appropriation is conditioned upon a compliance with the terms of the permit upon which said appropriation is based, to-wit: Permit No. 10883, issued by State Engineer of the State of Idaho. In the event the final certificate should not issue on said permit by the Commissioner of Reclamation of the State of Idaho as provided by the laws of said State, then the priority of said right shall date from July 29th, 1917, which is the date of the actual diversion and beneficial use of said quantity of water under said appropriation.</p>
<p>3. <i>The Amalgamated Sugar Company:</i> 1917—May 1</p>	<p>6.0 c.f.s.</p>	<p>Said water to be diverted from the natural flow of Bear River between Sept. 15th and March 15th of each ensuing year at a point in the Southwest quarter of the Northeast quarter of Section 3, Township 14 North, Range 1 West, S. L. M., by means of electrically driven pumps, and thence conveyed by a pipe to the Cornish Sugar Factory and there used in the manufacture of sugar, and thence returned to the channel of Bear River at a point in the Northwest quarter of the Southeast quarter of Section 3, said township and range.</p>
<p>4. <i>W. D. Goodwin:</i> 1894—May 1 1919—May 1</p>	<p>0.5 c.f.s. 1.5 c.f.s.</p>	<p>Said water to be diverted from the natural flow of Bear River by means of electrically driven pumps located at a point in the Southwest quarter of Section 15, Township</p>

POINT OF DIVERSION AND PLACE OF USE	DATE OF PRIORITY	AMOUNT IN SECOND FEET
		14 North, Range 1 West, S. L. M., for the irrigation of 140 acres of land in the Southwest quarter of Section 15, and the Northeast quarter of the Southeast quarter of Section 16, Township 14 North, Range 1 West, S. L. M.
5. <i>D. C. Van Dyke,</i> 6. <i>A. M. Simmonds,</i> 7. <i>A. C. Simmonds,</i> 8. <i>Ed. Lower,</i> 9. <i>Albert Brough,</i> 1918—May 1		To be diverted from the natural flow of Bear River by means of electrically driven pumps at a point in Section 22, Township 14 North, Range 1 West, S. L. M., for the irrigation of 200 acres of land in said Section 22.
	3.0 c.f.s.	
10 <i>Hill Irrigation Company:</i> 1920—May 15		Said water to be diverted from the natural flow of Bear River by means of electrically driven pumps at a point 1246 feet North and 706 feet West of the East quarter corner of Section 22, Township 14 North, Range 1 West, S. L. M., for the irrigation of 310 acres of land in Sections 22 and 23, said township and range.
	4.0 c.f.s.	
11. <i>Wood Irrigation Company:</i> 1920—June 12		Said water to be diverted from Bear River at a point in the Southeast quarter of Section 22, Township 14 North, Range 1 West, by means of an electrically operated pump, and used for the irrigation of 124 acres of land in the Southeast quarter of Section 22 and the Northeast quarter of Section 27, said township and range.
	2.0 c.f.s.	
12. <i>Lloyd Wheeler:</i> 13. <i>Lester Wheeler:</i> 1920—June 17		Said water to be diverted from a slough tributary and adjacent to Bear River at a point in the Southeast quarter of Section 15, Township 14 North, Range 1 West, by means of an electrically operated pump and used for the irrigation of 200 acres of land in the Southeast quarter of Section 15, and the Southwest quarter of Section 14, said township and range.
	2.5 c.f.s.	
14. <i>Smithfield West Bench Irrigation Company,</i> 1919—June 1		Said water to be diverted from the natural flow of Bear River by means of an electrically driven pump, at a point in Section 18, Township 13 North, Range 1 East, S. L. M., and used for the irrigation of 75 acres in Section 8, said Township and Range, and
	5 c.f.s.	

POINT OF DIVERSION AND PLACE OF USE	DATE OF PRIORITY	AMOUNT IN SECOND FEET	
15. <i>Milton Bullen:</i> 1917—July 5	4.88 c.f.s		for the supplemental irrigation of 630 acres of land in Sections 8, 17, 18 and 19, said Township and Range.
16. <i>Charles G. Wood:</i>	2.5 c.f.s		Said water to be diverted from the natural flow of Bear River by means of electrical-ly driven pumps at a point in the Southeast quarter of Section 36, Township 14, North, Range 1 West, S. L. M., and used for the irrigation of 243 acres of land located in the Southeast quarter of said Section 36, the Northeast quarter of Section 1, Town-ship 13 North, Range 1 West, the North-west quarter of Section 6, Township 13 North, Range 1 East, and the North half of Section 31, Township 14 North, Range 1 East.
17. <i>Frank Wood:</i>	2.5 c.f.s		Said water to be diverted from the natural flow of Bear River by means of electric-ally driven pumps at a point in the South-west quarter of Section 5, Township 13, North, Range 1 East, S. L. M., for the ir-rigation of 200 acres of land in Sections 6, 7 and 8, said township and range.
18. <i>Brown Wood:</i> 1920—June 1	2.5 c.f.s		
19. <i>The Amalgamated Sugar Company.</i> (a) 1917—Oct. 1	6.0 c.f.s.		Said water to be diverted from the natural flow of Bear River between Sept. 15 and April 1st of each ensuing year by means of electrically driven pumps at a point opposite the Smithfield Sugar Fac-tory in Section 19, Township 13 North, Range 1 East, S. L. M., and thence con-veyed by means of a pipe to the Smithfield factory and there used in the manufacture of sugar, and thence returned to the chan-nel of Bear River at a point in the South-east quarter of Section 19, Township 13 North, Range 1 East, S. L. M.
(b) 1870—May 1	1.5 c.f.s.		Said water to be diverted from Noble Spring situated on the following described tract of land: Beginning at a point 16.25 chains South and 35.8 rods West of the Northeast corner of the Southwest quarter of Section 29, Township 13 North, Range 1 East, S. L. M., thence West 9 rods; thence North 8 rods; thence East 118 feet, thence East by South 30 feet to a point 120 feet North of the place of beginning, thence

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
20. <i>Jonathan Smith:</i> 21. <i>Ether Tarbet:</i> 22. <i>Nephi Tarbet:</i> 1917—May 1	3.0 c.f.s	South 120 feet to said place of beginning, thence conveyed to Defendant's Smithfield Sugar factory and there used throughout the year for culinary, domestic and stock watering purposes and for a supplemental water supply for manufacturing purposes.
23. <i>H. W. Ballard Jr.,</i> 24. <i>A. J. Munk,</i> 25. <i>O. M. Munk,</i> 26. <i>Alma Munk,</i> 1917—May 1	4.0 c.f.s.	Said water to be diverted from the natural flow of Bear River by means of electrically driven pumps at a point in Section 1, Township 12 North, Range 1 West, S. L. M., and used for the irrigation of 300 acres of land in the Northeast quarter of the Southeast quarter of Section 21, the North half of the Southeast quarter and the North half of the Southwest quarter of Section 2, said township and range.
27. <i>Benson-Bear Lake Irrigation Co.</i> 1917—May 1	7.0 c.f.s.	Said water to be diverted from the natural flow of Bear River by means of electrically driven pumps at a point in Section 11, Township 12 North, Range 1 West, S. L. M., for the irrigation of 700 acres of land in the Southwest quarter of Section 11, Section 10, East half of Section 9, Southwest quarter of Section 3, and Northwest quarter of Section 4, said township and range.
28. <i>J. Q. Adams,</i> 1915—May 4	2 c.f.s.	To be diverted from the slough commonly known as Horse Shoe Bend Slough at a point 363 feet North and 274 feet West of the Southeast corner of Section 34, Township 13 North, Range 1 West, S. L. M., by means of an electrically driven pump there located and thence conveyed through pipes and ditches to 150 acres of land in the Northeast quarter of the Southwest quarter, the North half of the Southeast quarter and the Southeast quarter of the South-

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29. <i>D. A. Skeen:</i> 1919—May 3	100 c.f.s	<p>east quarter of Section 34, and the Southwest quarter of the Southwest quarter of Section 35, all in Township 13 North, Range 1 West, S. L. M., and there used for the irrigation of said lands.</p> <p>Said water to be diverted from the natural flow of Bear River by means of electrically driven pumps at a point South 45° East 1320 feet from the Southwest corner of Section 19, Township 13 North Range 1 West, S. L. M., for the irrigation of 9440 acres of land, and, or such additional land as such water is capable of irrigating, located in Sections 30, 31 and 32, Township 13 North, Range 1 West, Sections 4, 5, 6, 7, 8, 9, 15, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32 and 33, Township 12 North, Range 1 West, and Sections 4, 5, 8, 9, 16, 17, 20, 21, 28 and 34, in Township 11 North Range 1 West, S. L. M., provided, however, that the priority and amount of this appropriation is conditioned upon a compliance with the terms of the application upon which said appropriation is based, to-wit: Application File No. 8085, filed in the office of the State Engineer of the State of Utah and the same is subject to the provisions of the laws of Utah governing the issuance of water certificates by the State Engineer of the said State of Utah.</p>
30. <i>Intermountain Sugar Company:</i> 1920—Feb. 5	50 c.f.s.	<p>Said water to be diverted from the natural flow of Bear River by means of electrically driven pumps installed at a point 3676 feet West of a point 3343 feet North of the Southeast corner of Section 24, Township 13 North, Range 2 West and used for the irrigation of 3480 acres of land located in Sections 12, 13, 23 and 24, Township 13 North, Range 2 West, Sections 7, 8, 18, 19 and 20, in Township 13 North, Range 1 West, S. L. M.; provided, however, that the priority and amount of this appropriation is conditioned upon a compliance with the terms of the application upon which said appropriation is based, to-wit: Application, File No. 8443, filed in the office of the State Engineer of Utah and the same</p>

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is subject to the provisions of the laws of said state governing the issuance of water certificate by the State Engineer of the said State of Utah.

31. *W. R. Ballard:*  
1917—March 28

12 c.f.s.

Said water to be diverted from the natural flow of Bear River by means of electrically driven pumps at a point 2275 feet North of a point 2018 feet West from the Southeast corner of Section 24, Township 13 North, Range 2 West, and used for the irrigation of 880 acres of land in the East half of the Southeast quarter of Section 24, the Northeast quarter of the Northeast quarter of Section 25, Township 13 North, Range 2 West, and the West half of the Southeast quarter of Section 30, the Southwest quarter of the Southeast quarter of Section 19, the Northeast quarter and the East half of the Northwest quarter of Section 31, Township 13 North, Range 1 West, S. L. M., provided however, that the priority and amount of this appropriation is conditioned upon a compliance with the terms of the application upon which said appropriation is based, to-wit, application File No. 7193 filed in the office of the State Engineer of Utah, and the same is subject to the provisions of the laws of said state governing the issuance of water certificates by the State Engineer of the said State of Utah.

32. *Utah Power & Light Company:*  
*Wheelon Power Plant:*

1903—Dec. 1 270 c.f.s.

1906—Dec. 1 135 c.f.s.

1908—Dec. 1 135 c.f.s.

1912—Dec. 2 500 c.f.s.

*1040 c.f.s.*

Said water to be diverted by means of a dam in the channel of Bear River at a point which bears North 80° 33' West 2183 feet from the Northeast corner of Section 26, Township 13 North, Range 2 West, S. L. B. M., in Cache County, Utah, through either or both of two canals commonly known as the East Side Canal and the West Side Canal, to the Wheelon Power Plant, situate in the Southeast quarter of the Southwest quarter of Section 27, said township and range in Box Elder County, Utah, and there used for the generation of electric energy or power and returned to the channel of Bear River.

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<b>33. Utah-Idaho Sugar Company:</b>		
(a) 1889—March 1	333 c.f.s.	Said water to be diverted by means of a dam known as the "Wheelon Dam" in the channel of Bear River, located at a point North 80° 33' West, 2183 feet from the Southeast corner of Section 23, Township 13 North, Range 2 West, S. L. B. M., in Cache County, Utah, through what is generally known as the West Side Canal, and used for <u>irrigation</u> of 38, 230 acres of land in the following subdivisions, to-wit:  In Township 13 North, Range 2 West, S. L. B. M., Sections 31, 33 and 34;  In Township 13 North, Range 3 West, S. L. B. M., Sections 25, 26, 35 and 36;  In Township 12 North, Range 3 West, S. L. B. M., Sections 1, 2, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 33, 34, 35 and 36;  In Township 12 North, Range 2 West, S. L. B. M., Sections 4, 5, 6, 7, 18 and 19;  In Township 11 North, Range 2 West, S. L. B. M., Sections 6, 7 and 31;  In Township 11 North, Range 3 West, S. L. B. M., Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36;  In Township 11 North, Range 4 West, S. L. B. M., Sections 1, 2, 3, 10, 11, 12, 14, 15, 22, 27, 28, 29, 32, 33, 34 and 35;  In Township 10 North, Range 4 West, S. L. B. M., Sections 5, 8, 21 and 22;  In Township 10 North, Range 3 West, S. L. B. M., Sections 1, 2, 3, 4, 9, 11, 12, 13, 14, 23, 24, 25, 26, 28, 29, 32, 33, 34, 35 and 36;  In Township 10 North, Range 2 West, S. L. B. M., Sections 18, 19, 20 and 31;  In Township 9 North, Range 3 West, S. L. B. M. Sections 1, 2, 3, 4, 9, 10, 11, 15, 16, 21 and 22.
1901—May 14	133 c.f.s.	
1914—May 1	43 c.f.s.	
(b) 1904—June 1	95 c.f.s.	

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paragraph, through what is known as the East Side Canal, and used for irrigating 7,100 acres of land in the following described subdivisions, to-wit:

In Township 12 North, Range 2 East, S. L. B. M., Sections 8, 17, 19, 30, 31 and 32;

In Township 11 North, Range 2 West, S. L. B. M., Sections 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32 and 33;

In Township 10 North, Range 2 West, S. L. B. M., Sections 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 22, 28, 29, 30, 31, 32 and 33;

In Township 9 North, Range 2 West, S. L. B. M. Sections 4, 5, 9, 16, 17, 20 and 21;

(c) 1912—Dec. 2                      500 c.f.s

Said water to be diverted from the main channel of Bear River at Wheelon Dam described in the immediately preceding paragraph through what is known as the West Side Canal and used for the irrigation of 104,000 acres of land in Townships 11 and 12 North, Range 4 West, Townships 10, 11, 12, 13 North, Range 3 West, and Townships 9, 10, 11 12 and 13 North, Range 2 West, S. L. B. M. Provided, however, that the priority and amount of this appropriation is conditioned upon a compliance with the terms of the application upon which said appropriation is based, to-wit: Application, File No. 4939, filed in the office of the State Engineer of the State of Utah, and the same is subject to the provisions of the laws of said state governing the issuance of water certificates by the State Engineer of the said State of Utah.

Provided that the aggregate quantity of water diverted simultaneously under this decree, through the "East" and "West" Wheelon Canals, for power and/or irrigation purposes, shall not exceed 1414 cubic feet per second of time.

34. *Olaf Cronquist:*  
1918—May 1                              6 c.f.s

Said water to be diverted from the natural flow of Bear River by means of electrically driven pumps at a point in the South-

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west quarter of the Northwest quarter of Section 2, Township 12 North, Range 1 West, S. L. M., and used for the irrigation of 480 acres of land in Sections 2 and 3, Township 12 North, Range 1 West, and Section 35, Township 13 North, Range 1 West, S. L. M.

#### HIGH CREEK AND TRIBUTARIES

35. *Mountain Home Irrigation*

*Company:*

(a) 1860—May 1            20 c.f.s.

Said water to be diverted in the Northeast quarter of the Northeast quarter of Section 7, Township 14 North, Range 2 East, S. L. M., during all portions of the irrigation season of each year when the total flow of said High Creek equals or exceeds 151 c.f.s, and at all times when the flow of said stream falls below 151 c.f.s. said claimant shall be entitled to 4-10 of 2-11 of the total flow thereof, to be used for the irrigation of 1400 acres of land in Section 6, Township 14 North, Range 2 East, Section 31, Township 15 North, Range 2 East, Sections 1 and 12, Township 14 North, Range 1 East, and Section 36, Township 15 North, Range 1 East, S. L. B. & M., and Section 17, Township 16 South, Range 40 East, B. B. & M.

(b) 1860—May 1            1 c.f.s.

Said water to be diverted at the above designated point of diversion between October 1 and October 15 of each year for incidental late irrigation; provided however, this right shall be subject to the right of The Amalgamated Sugar Co. (based upon contract with prior appropriators) to divert water for manufacturing purposes as herein decreed.

36. *Webster Irrigation Company:*

(a) 1860—May 1            10 c.f.s

Said water to be diverted from High Creek at a point approximately 25.50 chains South and 35 feet West of the Northeast corner of Section 14, Township 14 North of Range 1 East of the Salt Lake Meridian, during all portions of the irrigation season of each year when the total flow of High Creek equals or exceeds 151 c.f.s. and at all times when the flow of said stream falls below 151 c.f.s. the said claimant shall be entitled to 1-24 of 9-11 of the total

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		flow thereof for the irrigation of 720 acres of land lying in Section 11 and 14, Township 14 North, Range 1 East, Salt Lake Meridian in Cache County, Utah.
(b) 1860—May 1	1 c.f.s.	Said water to be diverted from the above named stream and at the above designated point of diversion, only during the period from October 1 to October 15 of each year for incidental late irrigation; provided however this right shall be subject to the right of The Amalgamated Sugar Co. (based upon contract with prior appropriators) to divert water for manufacturing purposes as herein decreed.
37. <i>Coveville Irrigation Company:</i>		
(a) 1860—May 1,	15 c.f.s.	Said water to be diverted from High Creek at a point approximately 25.50 chains South and 35 feet West of the Northeast corner of Section 14, Township 14 North of Range 1, East of the Salt Lake Meridian, during all portions of the irrigation season when the total flow of High Creek equals or exceeds 151 c.f.s. and at all times when the flow of said stream falls below 151 c.f.s., said claimant shall be entitled to 6-10 of 2-11 of the total flow thereof for the irrigation of 820 acres of land lying in Sections 1, 11 and 2, Township 14 North of Range 1 East of Salt Lake Meridian in Cache County, Utah.
(b) 1860—May 1	1 c.f.s.	Said water to be diverted from the above named stream and at the above designated point of diversion, only during the period from October 1 to October 15 of each year for incidental late irrigation; provided however this right shall be subject to the right of The Amalgamated Sugar Co. (based upon contract with prior appropriators) to divert water for manufacturing purposes as herein decreed.
38. <i>Richmond Irrigation Company:</i>		
1860—May 1	100 c.f.s.	Said water to be diverted from the various streams and springs hereinafter named and through the diverting channels hereinafter described, during each irrigation season, provided, however, that at all times when the total flow of High Creek is less than 151 c.f.s. said company shall be entitled

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to divert and use 23-24 of 9-11 of the total flow thereof, and said water to be used for the irrigation of 10,000 acres of land situate and lying within the following described boundaries, to-wit: Beginning at the Southwest corner of Section 9, Township 13 South, Range 1 East, and running thence North to the North bank of Cub river, thence up and along the North bank of said river to its intersection with the North bank of High Creek, thence up and along the North bank of said Creek to its intersection with the east line of Section 7, Township 14 North, Range 2 East, thence South approximately 7 miles to the Southeast corner of Section 7, Township 13 North, Range 2 East, thence West approximately 5 miles to the place of beginning.

*Hy Bear Ditch—*

diverting from High Creek at a point 99 feet West of a point 746 feet North of the Southeast corner of Section 5, Township 14 North of Range 2 East of the Salt Lake Meridian;

*Upper High Creek Canal—*

diverting from High Creek at a point 235 feet West of a point 1132 feet South of the Northeast corner of Section 7, Township 14 North of Range 2 East of the Salt Lake Meridian;

*Lower High Creek Canal—*

diverting from High Creek at a point 1048 feet west of a point 1103 feet North of the East quarter corner of Section 14, Township 14 North of Range 1 East of the Salt Lake Meridian;

The remainder of the water to which said claimant is entitled is to be diverted from the following named streams and at the following designated points of diversion; provided that where there is more than one canal diverting from any one stream the diversion may be made through either or all of them as the convenience of the said claimant may dictate.

**CHERRY CREEK:**

*Upper Cherry Creek Canal—*

diverting from Cherry Creek at a point

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459 feet East of a point 2617 feet South of the Northwest corner of Section 30, Township 14 North of Range 2 East of the Salt Lake Meridian.

*Shepherd Ditch—*

diverting from Cherry Creek at approximately the same point as the Upper Cherry Creek Canal above described:

Diversion from Cherry Creek into Upper High Creek Canal at a point 870 feet West of a point 2253 feet North of the South quarter corner of Section 24, Township 14 North of Range 1 East of the Salt Lake Meridian, and also at a point 1044 feet West of the point 2064 feet north of the South quarter corner of said Section 24;

Diversion from Cherry Creek into Lower High Creek Canal at a point 20 feet West of a point 3246 feet North of the South quarter corner of Section 23, Township 14 North of Range 1 East of the Salt Lake Meridian;

Diversion from Cherry Creek at a point approximately the center of Section 29, Township 14 North of Range 2 East of the Salt Lake Meridian.

#### BIRCH CREEK

Diversion at a point 1829 feet West of a point 672 feet South of the North quarter corner of Section 30, Township 14 North, of Range 2 East of the Salt Lake Meridian.

*Birch Creek Ditch—*

Diverting from Birch Creek at a point 900 feet North of the North quarter corner of Section 25, Township 14 North, of Range 1 East of the Salt Lake Meridian;

Diversion from Birch Creek into Upper High Creek Canal at a point 1240 feet West of a point 1938 feet North of the South quarter corner of Section 24, Township 14 North of Range 1 East of the Salt Lake Meridian.

#### CITY CREEK:

Diversion from City Creek into Upper

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Cherry Creek Canal at a point 848 feet East of a point 2410 feet North of the Southwest corner of Section 36, Township 14 North of Range 1 East of the Salt Lake Meridian; also at a point 971 feet East of a point 1463 feet North of the Southwest corner of said Section 36;

Diversion from City Creek into Upper High Creek Canal at a point 1222 feet West of a point 676 feet North of the South quarter corner of the Northeast corner of Section 25, Township 14 North of Range 1 East of the Salt Lake Meridian;

Diversion from City Creek into Lower High Creek Canal at a point 376 feet South of a point 1131 feet East of the Northwest corner of Section 35, Township 14 North of Range 1 East of the Salt Lake Meridian;

*Trip Ditch—*

Diverting from City Creek at a point 376 feet North of a point 3758 feet East of the South quarter corner of Section 36, Township 14 North of Range 1 East of the Salt Lake Meridian;

*Stoddard Ditch—*

Diverting from City Creek at a point 247 feet North of a point 2343 feet East of the South quarter corner of Section 36, Township 14 North of Range 1 East of the Salt Lake Meridian.

#### MISCELLANEOUS SPRINGS:

*Cabin Spring—*

Situated near the Northeast corner of Section 12, Township 13 North of Range 1 East of the Salt Lake Meridian;

*Kerr Spring—*

Situated at a point 200 feet North of a point 500 feet West of the center of Section 2, Township 14 North of Range 1 East of the Salt Lake Meridian;

*Maple Hollow Spring—*

Located at a point 100 feet west of a point 200 feet South of the center of the Southeast quarter of Section 11, Township 13 North, of Range 1 East, of the Salt Lake Meridian;

*North Nebo Spring—*

Located at a point 957 feet East of a point

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		152 feet North of the West quarter corner of Section 6, Township 13 North of Range 2 East of the Salt Lake Meridian;
	<i>South Nebo Spring—</i>	Located at a point 753 feet East of a point 1310 feet South of the West quarter corner of Section 6, Township 13 North of Range 2 East of the Salt Lake Meridian;
	<i>Robinson Spring—</i>	Located at a point 7 feet East of a point 260 feet North of the Southwest corner of Section 26, Township 14 North, of Range 1 East of the Salt Lake Meridian;
	<i>Stewart Spring—</i>	Located at a point 886 feet West of a point 693 feet South of the North quarter corner of Section 26, Township 14 North of Range 1 East of the Salt Lake Meridian;
	<i>North Stoddard Spring—</i>	Located at a point 1256 feet East of a point 1146 feet South of the Northwest corner of Section 1, Township 13 North of Range 1 East of the Salt Lake Meridian;
	<i>South Stoddard Spring—</i>	Located at a point 875 feet East of a point 1783 feet South of the Northwest corner of Section 1, Township 13 North of Range 1 East of the Salt Lake Meridian.
1860—May 1	100 c.f.s.	Said water to be diverted from the above named streams; and at the above designated points of diversion for the supplemental irrigation of the above described land of defendant, Richmond Irr. Co., during that portion of the irrigation season of each year prior to the first day of July.
1860—May 1	7 c.f.s.	To be diverted from the above named streams and at the above designated points of diversion, only during the period from October 1st to October 15th of each year for incidental late irrigation; provided however this right shall be subject to the right of The Amalgamated Sugar Co. (based upon contract) to divert water for manufacturing purposes as herein decreed.
39. <i>The Amalgamated Sugar Company</i> (a) 1906—May 1	5.0 c.f.s.	Said water to be diverted from High Creek between Sept. 15 and June 15th of each ensuing year at a point in the Northeast

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quarter of Section 14, Township 14, North Range 1 East, and thence conveyed by means of a pipe line approximately 9800 feet in length to the Lewiston Sugar Factory located in the Northwest quarter of Section 10, Township 14 North Range 1 East, and there used in the manufacture of sugar, and thence returned to the channel of the Cub river at a point in the Northwest quarter of Section 10, Township 14 North, Range 1 East, Salt Lake Meridian.

(b) 1860—May 1

2 c.f.s.

Said water to be diverted from the Bowman Springs located on a tract of land beginning at a point 1410 feet North of the Southwest corner of Section 19, Township 14 North, Range 2 East, S. L. M., thence East 150 feet; thence South 290 feet; thence West 150 feet; thence North 290 feet to the place of beginning, and another tract beginning at a point 1320 feet North of the Southwest corner of Section 19, Township 14 North, Range 2 East, S. L. M., thence North 200 feet; thence West 200 feet; thence South 300 feet; thence East 200 feet; thence North 100 feet to the place of beginning; and another tract beginning at a point 170 feet South and 490 feet East from the Southwest corner of the Northeast quarter of Section 24, Township 14 North, Range 1 East, S. L. M., thence North 60 degrees East 500 feet; South 30 degrees East 150 feet, thence South 60 degrees West 500 feet, thence North 30 degrees West 150 feet to the place of beginning.

(c) 1860—May 1

1 c.f.s.

Said water to be diverted from Morrison Springs located on a tract of land situated as follows: Beginning at a point 0.4 chains North of a point 19.88 chains East of the Southwest corner of the Northwest quarter of Section 24, Township 14 North, Range 1 East; thence East 4.20 chains; thence North 1.32 chains; thence North 79° 9' West, 2.70 chains, thence West 1.56 chains; thence South 1.80 chains to the place of beginning.

Said water from Bowman and Morrison

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(d) 1906—May 1	7 c.f.s.	<p>Springs are conveyed to the Lewiston Sugar factory of the Defendant throughout the year and there used for culinary, domestic and stock watering purposes and for supplemental water supply for manufacturing purposes at said factory.</p> <p>Said water to be diverted from Cub River between Sept. 15th and June 15th of each ensuing year at a point in the Northwest quarter of Section 10, Township 14 North, Range 1 East, S. L. M., by means of an electrically driven pump, there installed and used at the Lewiston Sugar factory above described in the manufacture of sugar, and thence returned to the channel of Cub River at a point in said Section 10.</p>

#### RANSOM HOLLOW

40. <i>A. J. Hill</i> :	(a) 1916—Oct. 13	1.5 c.f.s.	<p>Said water to be diverted from Ransom Hollow by means of an electrically driven pump at a point 5242.3 feet East of a point 529.8 feet North of the Southwest corner of the Southeast quarter of Section 27, Township 14 North, Range 1 West, and used for the irrigation of 95 acres of land located in the South one-half of the Southwest quarter of Section 26, and the North half of the Southwest quarter of Section 27, said Township and Range.</p>
(b) 1916—Oct. 13	50 ac. ft.	<p>Said water to be stored and impounded in a Reservoir in the channel of said Ransom hollow and pumped therefrom by means of the above mentioned pump.</p>	

#### SMITHFIELD CREEK

41. <i>Smithfield Irrigation Company</i> : 1860—May 1	33.5 c.f.s.	<p>Said water to be diverted from Smithfield Creek at various points along its course and used for the irrigation of 2944 acres in Sections 3, 4 and 5, Township 12 North, Range 1 East, and Sections 32, 33, 34, 27, 28, 29, 20 and 21, Township 13 North, Range 1 East, Salt Lake Meridian.</p>
42. <i>Peter Hansen</i> , 43. <i>David Weeks</i> , 44. <i>Robert Read</i> ,		<p>Said water to be diverted from Birch Creek a tributary of said Smithfield Creek, at a point 80 rods Northeast of the center</p>

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1884—May 1	3.0 c.f.s.	of Section 25, Township 13 North, Range 1 East, and used for the irrigation of 210 acres in Sections 25, 26 and 35 said Township and Range. Said water shall be divided among said claimants in proportion to the acreage owned by each individual, viz., Peter Hansen 80 acres; David Weeks 30 acres; and Robert Read 100 acres.
45. <i>James Roskelly,</i> 46. <i>Marriner Roskelly,</i> 47. <i>Richard Roskelly,</i> 48. <i>A. D. Blanchard,</i> 49. <i>Daniel Corbett,</i> 50. <i>William Andrew,</i> 51. <i>Bert Morse,</i> 52. <i>Catherine Roskelly,</i> 1875—May 1	3.0 c.f.s.	Said water to be diverted from Birch Creek, a tributary of Smithfield Creek at a point in the Northwest quarter of the Northeast quarter of Section 26, Township 13 North, Range 1 East, and used for the irrigation of 196 acres in said Sections 26 and 35, said water to be divided among said claimants in proportion to the acreage owned by each individual viz., James Roskelly 35 acres; Marriner Roskelly 35 acres; Richard Roskelly 24 acres; A. D. Blanchard 35 acres; Daniel Corbett 17 acres; William Andrew 17 acres; Bert Morse 17 acres; Catherine Roskelly 16 acres.
53. <i>William Pelkington,</i> 1879—May 1	0.5 c.f.s.	Said water to be diverted from said Birch Creek, a tributary of said Smithfield Creek, in the Northeast quarter of Section 26, Township 13 North, Range 1 East, and used for the irrigation of 30 acres in the Northeast quarter of said Section 26.
54. <i>Samuel Nilsen,</i> 55. <i>Loretta Nilsen,</i> 1877—May 1	1.5 c.f.s.	Said water to be diverted from Smithfield Creek at a point 50 rods South and 10 rods West of the Northeast corner of Section 28, Township 13 North, Range 2 East, and used for the irrigation of 75 acres in the Southeast quarter of the Northeast quarter, and the Northwest quarter of the Southeast quarter, and the Northeast quarter of the Southwest quarter of Section 18 Township 13 North, Range 2 East, Salt Lake Meridian.
56. <i>W. A. Miles,</i> 1888—May 1	1.0 c.f.s.	Said water to be diverted from Smithfield Creek at a point in Section 24, Township 13 North, Range 2 East, and used for the irrigation of 50 acres of land in said Section 24.

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57. <i>Smithfield North Bench Ditch Company.</i> 1874—May 1	18.0 c.f.s.	Said water to be diverted from said Smithfield Creek in the Northeast quarter of Section 23, Township 13 North, Range 1 East, and used for the irrigation of 862 acres of land in Sections 15, 22 and 23, Township 13 North, Range 1 East, Salt Lake Meridian.

#### ANDERSON SPRING

58. <i>Mary Chambers,</i>	2.5 c.f.s.	Said water to be diverted from Anderson Spring, located in the Northeast quarter of Section 29, Township 13 North, Range 1 East, Salt Lake Meridian, and used for the irrigation of 141 acres of land in the Northwest quarter of Section 29, the North east quarter of Section 30, the Southeast quarter of Section 19, and the Southwest quarter of Section 20, Township 13 South, Range 1 East, Salt Lake Meridian. Said water to be divided among the said claimants in proportion to the acreage owned by each individual, viz., Mary Chambers 4½ acres; Mell Chambers 5½ acres; Leah P. Olson 7 acres; John Pitcher 45 acres; Henry Pitcher 20 acres; James Forrester 8 acres; Joseph Forrester 28 acres; Lucius McCann 8 acres; and Charles McCann 15 acres, and to be used by said parties in rotation on the basis of acreage.
59. <i>Mell Chambers,</i>		
60. <i>Leah P. Olson,</i>		
61. <i>John Pitcher,</i>		
62. <i>Henry Pitcher,</i>		
63. <i>James Forrester,</i>		
64. <i>Joseph Forrester,</i>		
65. <i>Lucius McCann,</i>	1864—May 1	
66. <i>Charles McCann, substituted for Wm. C. Claypool,</i>		

#### MACK AND STORY SPRINGS

67. <i>Charles McCann,</i>	2.5 c.f.s.	Said water to be diverted from Mack and Story Springs located in the Northwest quarter of Section 29, Township 13 North, Range 1 East, Salt Lake Meridian, and used for the irrigation of 120 acres of land in Sections 29 and 30, Township 13 North, Range 1 East, the said waters to be divided among said claimants in proportion to the acreage owned by each individual, viz., Charles McCann 15 acres; Joseph Forrester 2 acres; James Read 4 acres; William Noble 12 acres; Mary E. Farrell 34 acres; Jonathan Smith 10 acres; and Claus Anderson 43 acres, and to be used by said parties in rotation on the basis of acreage.
68. <i>Joseph Forrester,</i>		
69. <i>James Read,</i>		
70. <i>William Noble,</i>		
71. <i>Mary E. Farrell,</i>		
72. <i>Jonathan Smith,</i>		
73. <i>Claus Anderson,</i> 1864—May 1		

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CANNELL SPRINGS

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|---|--|------------|--|
| 74. <i>John C. Cannell,</i>             |  | 0.5 c.f.s. | Said water to be diverted from Cannell Springs located in the Northeast quarter of the Northwest quarter of Section 29, Township 13 North, Range 1 East, Salt Lake Meridian, and used for the irrigation of 31½ acres of land in the Northwest quarter of Section 29 and the Southwest quarter of Section 20, said Township and Range. Said water shall be divided among said claimants in proportion to the acreage owned by each individual, viz., John C. Cannell 19 acres; Carrie E. Olson 5½ acres; and James Meikle 7 acres, and to be used by said parties in rotation on the basis of acreage. |
| 75. <i>Carrie E. Olson,</i>             |  |            |  |
| 76. <i>James Meikle,</i><br>1864—May 1  |  |            |  |
| 77. <i>Leah P. Olson,</i>               |  | 0.5 c.f.s. | Said water to be diverted from Cannell Springs above described, and used for the irrigation of 18½ acres of land located in Sections 19 and 20, Township 13 North, Range 1 East.   |
| 78. <i>John Pitcher,</i>                |  |            |  |
| 79. <i>Henry Pitcher,</i><br>1865—May 1 |  |            |  |

TWO UNNAMED SPRINGS LOCATED IN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 13 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN.

- |   |            |   |
|---|------------|---|
| 80. <i>Lucius McCann,</i><br>1864—May 1 | 0.5 c.f.s. | Said water to be diverted from the above mentioned springs and used for the irrigation of 18 acres of land in the Northwest quarter of Section 29, said Township and Range. |
|---|------------|---|

SPRINGS WEST OF SMITHFIELD

- |  |                          |  |
|--|--------------------------|--|
| 81. <i>Smithfield West Bench Irrigation Company.</i><br>1880—May 1               | 8.0 c.f.s.               | Said water to be diverted from a hollow or gulch near the boundary line between Sections 9 and 16, Township 13 North, Range 1 East, and used for the irrigation of 630 acres of land in Sections 17 and 18, said Township and Range. |
| 82. <i>Smithfield West Bench Irrigation Company.</i><br>1880—May 1<br>1915—May 1 | 1.2 c.f.s.<br>1.2 c.f.s. | Said water to be diverted from the following drains:<br>(1) Flowing through Lots 8, 12, 13 and 14 and emptying in Lot 19 in Section 16, said Township and Range;<br>(2) Flowing through Lots 23, 24, 30 and                          |

PRIORITY DATE OF	SECOND FEET AMOUNT IN	POINT OF DIVERSION AND PLACE OF USE
83. <i>George Done,</i> 84. <i>Joseph Smith,</i> 85. <i>Joseph O. Smith,</i> 86. <i>William Done,</i> 87. <i>Jesse Mortensen,</i> 88. <i>Charles McCann,</i> 1865—May 1	3.0 c.f.s.	31, and emptying in Lot 32, in said Section 16; (3) Flowing through Lots 35, 47 and 36 and emptying in Lot 19 of said Section 16. Said water to be used for the supplemental irrigation of the 630 acres of land above described.  Said water to be diverted from Packhouse Spring, arising in the Southwest quarter of Section 16, Township 13 North, Range 1 East, and Joseph Smith Spring and Deep Spring, arising in the Southeast quarter of Section 17, said Township and Range, and used for the irrigation of 239 acres of land in the Southwest quarter and the Southeast quarter of Section 17, and the Southwest quarter of Section 16, said Township and Range. Said water to be divided among said claimants in proportion to the acreage owned by each individual, viz., George Done 47 acres; Joseph Smith 34 acres; Joseph O. Smith 59 acres; William Done 47 acres; Jesse Mortensen 47 acres; and Charles McCann 5 acres.
89. <i>William Coleman,</i> 90. <i>Benjamin Coleman,</i> 91. <i>John Coleman,</i> 92. <i>Prime Coleman,</i> 93. <i>Hyrum Coleman,</i> 94. <i>Mary C. Coleman,</i> 95. <i>Sylvester Coleman,</i> 96. <i>R. L. Nelson,</i> 97. <i>George A. Nelson,</i> 1862—May 1	1.5 c.f.s.	Said water to be diverted from Williams Spring and Nelson Spring arising in the Southeast quarter of Section 20, Township 13 North, Range 1 East, and used for the irrigation of 122 acres of land in the Southeast quarter of Section 19, and the Southwest quarter of Section 20, said Township and Range. Said water to be divided among the said claimants in the proportion to the acreage owned by each individual, viz., William Coleman 15 acres, from Williams Spring; Benjamin Coleman 17 acres from Williams Spring; John Coleman 20 acres from Williams Spring; Prime Coleman 15 acres from Williams Spring; Hyrum Coleman, 15 acres from Williams Spring; Mary C. Coleman, 7 acres from Nelson Spring; Sylvester Coleman, 14 acres from Nelson Spring; and R. L. Nelson 11 acres from Nelson Spring and George A. Nelson, 18 acres from Nelson Spring.
98. <i>William Mather,</i> 99. <i>Delbert Rice,</i> 100. <i>L. E. Danielson,</i>		Said water to be diverted from William Smith Spring, arising in the Northwest quarter of the Northeast quarter of Sec-

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
101. <i>Gustave Peterson,</i> 102. <i>John Gyllenskog,</i> 103. <i>P. P. Bingham,</i> 104. <i>E. P. Erickson,</i> 105. <i>George R. Smith,</i> 1862—May 1	1.68 c.f.s.	tion 20, Township 13 North, Range 1 East, and Olney Spring arising in the Northeast quarter of the Northwest quarter of said Section 20, below the confluence thereof, and used for the irrigation of 125 acres in the Northwest quarter of Section 20, said Township and Range. Said water shall be divided among the said claimants in proportion to the acreage owned by each individual, viz., William Mather 47 acres; Delbert Rice 20 acres L. E. Danielson 10 acres; Gustave Peterson 10 acres; John Gyllenskog 10 acres; P. P. Bingham 8 acres; E. P. Erickson 15 acres; George R. Smith 5 acres.
106. <i>James Meikle,</i> 107. <i>James J. Meikle,</i> 108. <i>Joseph Meikle,</i> 1878—May 1	1.1 c.f.s.	Said water to be diverted from three unnamed springs arising in the Southwest part of the Southwest quarter of Section 16, Township 13 North, Range 1 East, and used for the irrigation of 87 acres of land in the Southwest quarter of Section 16, and the Northeast quarter of Section 21, and the Northeast quarter of Section 20, said Township and Range, said water to be divided among said claimants in proportion to the acreage owned by each individual, viz., James Meikle 30 acres; James J. Meikle 17 acres; and Joseph Meikle 40 acres.
109. <i>Riverside Pump and Irrigation Company,</i> 1890—May 1	3.0 c.f.s.	Said water to be diverted from the stream arising from Unnamed Springs in the Southwest quarter of Section 29, Township 13 North Range 1 East, S. L. M., at a point 2145 feet East of a point 383 feet North of the Northwest quarter of Section 31, Township 13 North, Range 1 East, by means of an electrically operated pump for the irrigation of 200 acres of land in Section 1, Township 12 North, Range 1 West, Section 36, Township 13 North, Range 1 West, Sections 30 and 31, Township 13 North, Range 1 East, and there used for the irrigation of said lands. Said water may be diverted either at the point of diversion hereinabove described or at the present point of diversion of the Hammer Canal.
110. <i>Hammer Canal Company,</i> 1870—May 1	2.5 c.f.s.	Said water to be diverted from two springs in the Northeast quarter of the Southwest

DATE OF  
PRIORITY

AMOUNT IN  
SECOND FEET

POINT OF DIVERSION AND  
PLACE OF USE

quarter of Section 29, and three springs in the Northwest quarter of the Southeast quarter of said Section 29, Township 13 North, Range 1 East, for the irrigation of 124 acres of land in Sections 29, 30 and 31, said township and range.

#### CHAMBERS SPRINGS

111.	<i>Peter Hansen,</i>	Said water to be diverted from Chambers Springs, being three springs located near the northern part of the Northwest quarter of Section 4, Township 12 North, Range 1 East, and the Southern part of the Southwest quarter of Section 33, Township 13 North, Range 1 East, and used for the irrigation of 455 acres of land in Sections 4 and 5, Township 12 North, Range 1 East, said water to be divided among said claimants in proportion to the acreage owned by each individual, viz., Peter Hansen 20 acres; V. W. Merrill 20 acres, Minnie Nilson 11 acres, Thomas W. Cragun 7 acres, Theo. Chambers, Sr., 20 acres; Theo. Chambers, Jr., 6 acres; Calvin Cragun 9 acres; Regina Smith 7 acres; Peter Nilson 9 acres; Kerste Nilson 9 acres; W. F. Winn, and F. M. Winn 19 acres; J. J. Richardson 30 acres; S. P. Nilson 20 acres; George Chambers 20 acres; P. C. Chambers 13 acres; Richard Richardson 56 acres; Jos. W. Peterson 4 acres; J. P. Toolson 10 acres; F. J. Gordon, 10 acres; A. B. Chambers, 14 acres; A. W. Chambers, 8 acres; T. H. Chambers 15 acres; Ephraim Weeks 10 acres; Isaac Read 3 acres; Moses Richardson 10 acres; Moses Richardson 20 acres; J. A. Cragun 3 acres; J. A. Cragun 5 acres; Jas. B. Sheen 6 acres; Jas. B. Sheen 15 acres; William Pitcher 6 acres; William Pitcher 20 acres; Parley Pitcher 10 acres; Violet Peterson 5 acres; William Thornley 5 acres.
112.	<i>V. W. Merrill,</i>	
113.	<i>Minnie Nilson,</i>	
114.	<i>Thomas W. Cragun,</i>	
115.	<i>Theo. Chambers, Sr.</i>	
116.	<i>Theo. Chambers, Jr.</i>	
117.	<i>Calvin Cragun,</i>	
118.	<i>Reginia Smith,</i>	
119.	<i>Peter Nilson,</i>	
120.	<i>Kerste Nilson,</i>	
121.	<i>W. F. Winn,</i>	
122.	<i>F. M. Winn,</i>	
123.	<i>J. J. Richardson,</i>	
124.	<i>S. P. Nilson,</i>	
125.	<i>George Chambers,</i>	
126.	<i>P. C. Chambers,</i>	
127.	<i>Richard Richardson,</i>	
128.	<i>Jos. W. Peterson,</i>	
129.	<i>J. P. Toolson,</i>	
130.	<i>F. J. Gordon,</i>	
131.	<i>A. B. Chambers,</i>	
132.	<i>A. W. Chambers,</i>	
133.	<i>T. H. Chambers,</i>	
134.	<i>Ephraim Weeks,</i>	
135.	<i>Isaac Read,</i>	
136.	<i>Moses Richardson,</i>	
137.	<i>Moses Richardson,</i>	
138.	<i>J. A. Cragun,</i>	
139.	<i>J. A. Cragun,</i>	
140.	<i>Jas. B. Sheen,</i>	
141.	<i>Jas. B. Sheen,</i>	
142.	<i>William Pitcher,</i>	
143.	<i>William Pitcher,</i>	
144.	<i>Parley Pitcher,</i>	
145.	<i>Violet Peterson,</i>	
146.	<i>William Thornley,</i>	
	1861—May 1	

5.8 c.f.s.

#### HOPKINS SLOUGH

147. *Joseph J. Richardson,*  
148. *Charles McCann,*

Said water to be diverted from Hopkins Spring and Slough arising in the North-

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
149. <i>Irving Plowman,</i> 150. <i>Mary C. Coleman,</i> 151. <i>William Winn,</i> 152. <i>T. H. Chambers,</i> 153. <i>Maggie Griffiths,</i> 154. <i>Maria Peterson,</i> 155. <i>I. E. Noble,</i> 156. <i>D. J. Weeks,</i> 157. <i>Henry McCracken,</i> 158. <i>Jos. C. Jorgensen,</i> 159. <i>F. J. Gordon,</i> 160. <i>Elizabeth Smith,</i> 161. <i>Samuel Nilsen,</i> 162. <i>Samuel Hunt,</i> 163. <i>Alma Reese,</i> 1860—May 1	6 c.f.s.	east quarter of Section 32, Township 13 North, Range 1 East, and used for the irrigation of 487 acres of land in Sections 31 and 32, Township 13 North, Range 1 East, and Sections 4 and 5, Township 12 North, Range 1 East, said water to be divided among said claimants in proportion to the acreage owned by each individual, viz., Joseph J. Richardson 180 acres; Charles McCann 51 acres; Irving Plowman 3 acres; Mary C. Coleman 30 acres; William Winn 11 acres; T. H. Chambers 9 acres; Maggie Griffiths 11 acres; Maria Peterson 20 acres; I. E. Noble 20 acres; D. J. Weeks 30 acres; Henry McCracken 9 acres; Joseph C. Jorgensen 23 acres; F. J. Gordon 25 acres; Elizabeth Smith 11 acres; Samuel Nilsen 40 acres; Samuel Hunt 3 acres; and Alma Reese 11 acres;
164. <i>Henry Griffiths,</i> 165. <i>Euphemia Griffiths,</i> 1920—May 1	2 c.f.s.	Said water to be diverted from Hopkins Slough by means of an electrically driven pump at a point in the Northeast quarter of Section 12, Township 12 North, Range 1 West, Salt Lake Meridian, and used for the irrigation of 160 acres of land in the Northeast quarter of said Section 12.
166. <i>W. G. Reese,</i> 167. <i>Howard Reese,</i> 168. <i>Annie M. Toombs,</i> 169. <i>Andrew Munk,</i> 170. <i>Nephi Tarbet,</i> 171. <i>Joseph C. Jorgensen,</i> 172. <i>Cyrus Clark,</i> 173. <i>G. Beutler,</i> 174. <i>John Mathews,</i> 175. <i>T. H. Reese,</i> 176. <i>C. A. Reese,</i> 177. <i>M. M. Reese,</i> 178. <i>A. V. Reese,</i> 179. <i>R. O. Reese,</i> 180. <i>A. J. Reese,</i> 181. <i>G. L. Farrell,</i> 182. <i>John Carlisle,</i> 1874—May 1	8 c.f.s.	Said water to be diverted from Hopkins Spring and Slough and Noble Spring arising in the Northeast quarter of Section 32, Township 13 North, Range 1 East, and Merrill Spring arising in the Northwest quarter of said Section 32 and used for the irrigation of 635 acres of land in Sections 6 and 7, Township 12 North, Range 1 East, Section 1, Township 12 North, Range 1 West, and Section 31, Township 13 North, Range 1 West, said water to be divided among said claimants in proportion to the acreage owned by each individual, viz., W. G. Reese 40 acres; Howard Reese 66 acres; William Toombs 20 acres; Andrew Munk 60 acres; Nephi Tarbett 40 acres; Joseph C. Jorgensen 40 acres; Cyrus Clark 40 acres; G. Beutler 14 acres; John Mathews 20 acres; T. H. Reese 26 acres; C. A. Reese 26 acres; M. M. Reese 9 acres; A. V. Reese 9 acres; R. O. Reese 4 acres; A. J. Reese

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
183. <i>Freeborn S. Merrill,</i> 184. <i>George P. Toolson,</i> 185. <i>H. W. Noble,</i> 186. <i>I. E. Noble,</i> 187. <i>John Carlisle,</i> 188. <i>S. A. Scrowther,</i> 189. <i>William Read,</i> 190. <i>Howard Reese,</i> 191. <i>Catherine Woodruff,</i> 192. <i>B. H. Aiken,</i> 1860—May 1	3 c.f.s.	21 acres; G. L. Farrell 20 acres; and John Carlisle 100 acres.  Said water to be diverted from said Noble and Merrill Springs above described, and used for the irrigation of 240 acres of land in Sections 31 and 32, Township 13 North, Range 1 East. Said water shall be divided among said claimants in proportion to the acreage owned by each individual, viz., Freeborn S. Merrill 30 acres; George P. Toolson 25 acres; H. W. Noble 50 acres; I. E. Noble 31 acres; John Carlisle 30 acres; S. A. Scrowther 12 acres; William Read 5 acres; Howard Reese 10 acres; Catherine Woodruff 40 acres; B. H. Aiken 7 acres.
192a. <i>A. V. Reese,</i> 192b. <i>A. J. Reese,</i> 1880—May 1	3.0 c.f.s.	Said water to be diverted from Hopkins Slough (except as provided by contract heretofore entered into between the plaintiff and these defendants), through a canal commonly known and designated as West Bench Canal, or by means of an electrically driven pump situated in the South half of the Northeast quarter of Section 1, Township 12 North, Range 1 West, S. L. M. and used for the irrigation of 200 acres of land situated in the Northeast quarter of Section 1, said Township and Range and the Northwest quarter of Section 6, Township 12 North, Range 1 East, S. L. M.
192c. <i>A. J. Reese,</i> 1880—May 1	3.0 c.f.s.	Said water to be diverted from Hopkins Slough through a canal commonly known as West Bench Canal, or by means of an electrically driven pump situated near the center of the Southeast quarter of Section 1, Township 12 North, Range 1 West and used for the irrigation of 200 acres of land in the Southeast quarter of Section 1, Township 12 North, Range 1 West, and the Southwest quarter of Section 6, Township 12 North, Range 1 East.
<b>SWIFT SPRING AND SLOUGH</b>		
193. <i>Thomas Smart,</i> 194. <i>Hyrum J. DeWitt,</i> 195. <i>Joseph Kent,</i> 196. <i>Isaac P. Stewart,</i>		Said water to be diverted from Swift Spring and Slough, which arises from numerous springs and seeps in Sections 29 and 32, Township 12 North, Range 1 East,

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
197. <i>Thomas Irvine,</i>		Salt Lake Meridian, and used for the irrigation of 1608 acres of land in Sections 29, 32, 30 and 19, Township 12 North, Range 1 West, and Sections 23 and 24, Township 12 North, Range 1 West, Salt Lake Meridian, said water to be divided among said claimants in proportion to the acreage owned by each individual, viz., Thomas Smart 180 acres; Hyrum J. DeWitt 200 acres; Joseph Kent 60 acres; Isaac P. Stewart 53 acres; Thomas Irvine 125 acres; Harry Worley 120 acres; William Baugh and Joseph Baugh 47 acres; Oscar Johnson 90 acres; Ezra Ricks 40 acres; Hugh Dowdell 100 acres; Joseph E. Cowley, Jr. 54 acres; Frank Cowley and Ernest Cowley 106 acres, Joseph E. Cowley 10 acres; Mrs. Jane Doe Partington 10 acres; John C. Larsen 10 acres; Cliff Goodwin 40 acres; John M. Berry 35 acres; F. A. Benson 75 acres; Joseph R. Hebaus 175 acres; J. Z. Stewart 78 acres.
198. <i>Harry Worley,</i>		
199. <i>William Baugh,</i>		
200. <i>Joseph Baugh,</i>		
201. <i>Oscar Johnson,</i>		
202. <i>Ezra Ricks,</i>		
203. <i>Hugh Dowdell,</i>		
204. <i>Joseph E. Cowley, Jr.,</i>		
205. <i>Frank Cowley,</i>		
206. <i>Ernest Cowley,</i>		
207. <i>Joseph E. Cowley,</i>		
208. <i>Mrs. Jane Doe Partington,</i>		
209. <i>John C. Larsen,</i>		
210. <i>Cliff Goodwin,</i>		
211. <i>John M. Berry,</i>		
212. <i>F. A. Benson,</i>		
213. <i>Joseph R. Hebaus,</i>		
214. <i>J. Z. Stewart,</i>		
1860—May 1	20 c.f.s.	

#### LOGAN RIVER

215. <i>Mary J. Pedersen,</i>		Said water to be diverted from Logan River at a point 750 feet East and 1200 feet South of the Northwest corner of Section 28, Township 12 North, Range 2 East, and used for the irrigation of 17 acres of land in Sections 28 and 29, said township and range.
(a) 1895—May 1	1.0 c.f.s.	
(b) 1895—May 1	6.0 c.f.s.	Said water to be diverted from Logan River at the point of diversion described in paragraph (a) immediately above and used for power purposes and returned to the channel of the river at a point 200 feet East and 1500 feet South of the Northwest corner of Section 28, Township 12 North, Range 2 East, S. L. M.
216. <i>Logan, Hyde Park &amp; Smithfield Canal:</i>		Said water to be diverted from said Logan River throughout the irrigation season of each year through a canal diverting therefrom at a point 328 feet South and 702 feet West from the Northeast corner of Section 31, Township 12 North, Range 2 East, and used for the irrigation of 3600 acres of land in Sections 2, 11, 13, 14, 23, 24, 25, 26
(a) 1860—May 1	60 c.f.s.	

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
		27, 34 and 35, Township 12 North, Range 1 East, Sections 14, 15, 16, 21, 22, 23, 26, 27, 28, 33, 34, 35, Township 13 North, Range 1 East.
(b) 1860—May 1	16 c.f.s.	Said water to be diverted from said Logan River through the above described canal during that part of each irrigation season prior to August 1st of each year for the irrigation of 800 acres of land in the afore-said Sections.
(c) 1860—May 1	27.2 c.f.s.	Said water to be diverted from said Logan River through the said canal during that part of the irrigation season prior to July 15th of each year for the supplemental irrigation of the above mentioned land.
(d) 1860—May 1	20.0 c.f.s.	To be diverted from said Logan River through the said canal between October 1st and October 10th only inclusive of each year for the final irrigation of sugar beets.
217. <i>Thomas Smart,</i> 1900—May 1	4.0 c.f.s.	Said water to be diverted from said Logan River through the flume of Utah Power & Light Co. diverting therefrom at a point North 37° 20' West 465 feet from the South quarter corner of Section 29 Township 12 North, Range 2 East, and from said flume just above pressure box, and used for the irrigation of 300 acres of land in Section 35, Township 12 North, Range 1 East, S. L. M., and Section 2, Township 11 North, Range 1 East.
218. <i>Utah Agricultural College of the State of Utah:</i>		
(a) 1908—June 11	150 c.f.s.	Said water to be diverted from said Logan River at a point South 33° 29' East 1657 feet from the Northwest corner of Section 36, Township 12 North, Range 1 East, and used for the generation of electric power or energy in the power house located in the dam, and returned to Logan River at a point South 33° 29' East 1657 feet from the Northwest corner of said Section 36.
(b) 1919—Feb. 19	84 ac. ft.	Said water to be stored, impounded and withdrawn at will in the reservoir located immediately above and adjacent to the power house above mentioned and used for the generation of power thereat, so long as

DATE OF  
PRIORITY

AMOUNT IN  
SECOND FEET

POINT OF DIVERSION AND  
PLACE OF USE

the same shall not unreasonably fluctuate the water surface of said stream, provided that said use is subject to the terms of that certain agreement heretofore entered into by and between Utah Agricultural College and Logan River Water Users Association in words and figures following to-wit:

**AGREEMENT**

The Thatcher Milling and Elevator Company, a corporation, Hyde Park Irrigation Company, a corporation, Logan North Field Irrigation Company, a corporation, Logan Northwest Field Irrigation Company, a corporation, Benson Irrigation Company, a corporation, Logan Island Irrigation Company, a corporation, Providence-Logan Irrigation Company, a corporation, Providence Pioneer Irrigation Company, a corporation, Logan Hollow Canal Company, a corporation, Seventh Ward Irrigation Company, a corporation, Anderson and Sons Company, a corporation, Central Milling and Elevator Company, a corporation, Logan Stone and Monument Company, a corporation, William Affleck, and E. Sumner Hatch, (hereinafter referred to as the "Association"), parties of the first part hereto, and the Board of Trustees of the Agricultural College of Utah, (hereinafter referred to as the "Trustees") party of the second part hereto, agree as follows:

THAT WHEREAS, the State of Utah now owns, maintains and operates a certain dam, power plant and reservoir in Logan River, at or near the mouth of Logan Canyon, Cache County, Utah, which said reservoir occasioned the loss of waters to the first parties hereto through percolation and seepage and

WHEREAS, it was mutually agreed by the parties hereto that certain tests should be made to ascertain just what caused such seepage and loss of water, and if possible remove the same, and

WHEREAS, certain tests have been made and the results thereof clearly demonstrated that under certain conditions there is a loss of water, but that by adhering to the herein specified regulations as to depth of water maintained in said reservoir this loss can be avoided, and

WHEREAS, it is desired by the parties to this agreement that rules may be laid down for the future operation of said reservoir so that no hardships will be worked thereby on either of the parties hereto.

NOW THEREFORE, in consideration of the mutual covenants and agreement of the parties hereto to be kept and performed, it is agreed

1st. That the elevations, stations and points mentioned in this agreement are those used and arrived at through tests and experiments made pursuant to agreement heretofore made between the parties hereto by Messrs. W. D. Beers, State Engineer, Ray B. West, Engineer on the part of the Trustees, and Eugene Schaub, Engineer on the part of the Association, and submitted in report furnished to the parties hereto under date of February 13th, 1917, which said report is made a part of this agreement, and for the purposes of this agreement, are hereby accepted as standard, and that the necessary devices and property used in arriving at the decision embodied in said report shall remain in places now installed for the benefit of the parties hereto without expense to the second party.

2nd. That the Trustees be and they are hereby allowed to operate the power plant hereinbefore referred to and to maintain the water in the reservoir at an elevation of 105.63 feet at all times of the year, except during the irrigation season when the flow of Logan River measured at D D D, viz: D the river station below the Logan and Northern Canal and D the station on the Logan and Northern Canal is less than 205.56 cubic feet per second; that during this season the surface of the water in said reservoir shall be lowered to an elevation of 102.95 feet. The Trustees agree to lower the water when this stage is reached upon notification from the Logan River distribution agent.

3rd. That the Trustees be allowed to make up losses of the day by night conservations of water in the reservoir, subject, however, to all prior existing rights to said water.

4th. That the Trustees maintain the rheostat and motor operated waste gates at the dam in good workable order, so that fluctuation may be controlled as far as possible.

5th. That the Thatcher Milling and Elevator Company, a corporation, one of the members of the Association, or first party hereto, will maintain an automatic gauge, properly rated at the head of their canal all the year round and the State will maintain one on the reservoir at all times, and that copies of the two gauge records will be exchanged, and that in consideration of the full compliance with the terms of this agreement and the faithful adherence to the rules herein laid down, the said Trustees and the State of Utah are hereby released and held harmless from all claims and damages accruing through loss of water resulting from the use, operation and maintenance of the reservoir herein referred to.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate this 5th day of March, 1917.

LOGAN RIVER WATER USERS ASSOCIATION.

By D. H. THOMAS,  
W. E. NYMAN,  
JAMES McNEIL.

BOARD OF TRUSTEES OF THE AGRICULTURAL COLLEGE

By ANGUS T. WRIGHT,  
JOHN Q. ADAMS.

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
219. <i>Logan &amp; Northern Irrigation Co.</i> (a) 1860—May 1	68.1 c.f.s.	Said water to be diverted from said Logan River throughout the irrigation season of each year through a ditch diverting therefrom at a point 1525 feet South and 825 feet East from the Northeast corner of Section 35, Township 12 North, Range 1 East, and used for the irrigation of 3600 acres of land in Sections 3, 4, 10, 11, 14, 15, 22, 23, 26, 27, 34, 35, Township 12 North, Range 1 East, and Sections 9, 15, 16, 17, 20, 21, 22, 27, 28, 33, 34, Township 13 North, Range 1 East.
(b) 1860—May 1	7.9 c.f.s.	Said water to be diverted from said Logan River through the said canal during that part of each irrigation season prior to August 1st of each year for the irrigation of 400 acres of land in the above mentioned sections.
(c) 1860—May 1	27.2 c.f.s.	Said water to be diverted from said Logan River through the said canal during that part of the irrigation season prior to July 15th of each year for the supplemental irrigation of the above mentioned land.
(d) 1860—May 1	20.0 c.f.s.	Said water to be diverted from said Logan River through the said canal only between October 1st and October 10th inclusive of each year for the final irrigation of sugar beets.

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
220. <i>Providence-Logan Canal:</i>		
(a) 1860—May 1	9.6 c.f.s.	Said water to be diverted from said Logan River throughout the irrigation season of each year through a ditch diverting therefrom at a point 1400 feet South and 1168 feet West from the Northeast corner of Section 35, Township 12 North, Range 1 East, and used for the irrigation of 400 acres of land in Sections 34 and 35, Township 12 North, Range 1 East, Sections 2, 3 and 10, Township 11 North, Range 1 East.
(b) 1860—May 1	1.2 c.f.s.	Said water to be diverted from said Logan River through the aforesaid canal during that part of each irrigation season prior to August 1st of each year for the irrigation of 80 acres of land in the above mentioned sections.
(c) 1860—May 1	3.9 c.f.s.	Said water to be diverted from said Logan River through the said canal during that part of the irrigation season prior to July 15th of each year for the supplemental irrigation of the above mentioned land.
(d) 1860—May 1	3.0 c.f.s.	Said water to be diverted from said Logan River through the said canal only between October 1st and October 10th inclusive of each year for the final irrigation of sugar beets.
221. <i>Providence-Pioneer Canal:</i>		
(a) 1860—May 1	3.9 c.f.s.	Said water to be diverted from said Logan River throughout the irrigation season of each year through a ditch diverting therefrom at a point 1316 feet South and 2178 feet West from the Northeast corner of Section 3, Township 11 North, Range 1 East, and used for the irrigation of 255 acres of land in Sections 3, 4, 9 and 10, Township 11 North, Range 1 East.
(b) 1860—May 1	0.5 c.f.s.	Said water to be diverted from said Logan River during that part of each irrigation season prior to August 1st of each year through the aforesaid canal for the irrigation of 40 acres of land in the above mentioned sections.
(c) 1860—May 1	1.6 c.f.s.	Said water to be diverted from said Logan River through the said canal during that part of the irrigation season prior to July

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
		15th of each year for the supplemental irrigation of the land above mentioned.
(d) 1860—May 1	2.0 c.f.s.	Said water to be diverted from said Logan River through the said canal only between October 1st and October 10th inclusive of each year for the final irrigation of sugar beets.
222. <i>Hyde Park Irrigation Co. and Logan North Field Irrigation Co.</i>		
(a) 1860—May 1	38.5 c.f.s.	Said water to be diverted from said Logan River throughout the irrigation season of each year through a ditch diverting therefrom at a point 2146 feet North and 1263 feet East from the Northeast corner, Section 3, Township 11 North, Range 1 East, and used for the irrigation of 2800 acres of land in Sections 33, 34, 27, 28, 21, 22, 15, 16, 17, 5, 8, 9, 10, 3 and 4, Township 12 North, Range 1 East.
(b) 1860—May 1	2.1 c.f.s.	Said water to be diverted from said Logan River during that part of the irrigation season prior to August 1st of each year through the aforesaid canal for the irrigation of 100 acres of land in the above mentioned sections.
(c) 1860—May 1	4.8 c.f.s.	Said water to be diverted from said Logan River through the said canal during that part of the irrigation season prior to July 15th of each year for the supplemental irrigation of the above mentioned land.
(d) 1860—May 1	12.0 c.f.s.	Said water to be diverted from said Logan River through the said canal only between October 1st and October 10th inclusive of each year for the final irrigation of sugar beets.
223. <i>Logan Northwest Field Irrigation Co. and Benson Irrigation Co.</i>		
1860—May 1	48 c.f.s.	Said water to be diverted from said Logan River throughout the irrigation season of each year through a ditch diverting therefrom at a point 2146 feet North and 1263 feet East from the Northeast corner, Section 3, Township 11 North, Range 1 East, and used for the irrigation of 4800 acres of land in Sections 3, 4, 5, Township 11 North, Range 1 East, Sections 32, 33, 28, 29, 20, 21, 16, 17, 18, 7, 8, 5, 6, Township 12 North, Range 1 East, Section 3, 10, 11, 12, 13, 14, 15, 23, Township 12 North, Range 1 West.

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
224. <i>Logan Hollow Canal Co.</i>		
(a) 1860—May 1	1.7 c.f.s.	Said water to be diverted from said Logan River throughout the irrigation season of each year through a ditch diverting therefrom at a point 1384 feet South and 782 feet West from the Northeast corner Section 35, Township 12 North, Range 1 East, and used for the irrigation of 90 acres of land in Section 34, 35, Township 12 North, Range 1 East.
(b) 1860—May 1	0.2 c.f.s.	Said water to be diverted from said Logan River through the said canal during that part of each irrigation season prior to August 1st of each year for the supplemental irrigation of the above mentioned land.
(c) 1860—May 1	0.6 c.f.s.	Said water to be diverted from said Logan River through the said canal during that part of the irrigation season prior to July 15th of each year for the supplemental irrigation of the above mentioned land.
225. <i>Logan Island Irr. Company</i>		
(a) 1860—May 1	5.9 c.f.s.	Said water to be diverted from said Logan River through a ditch diverting therefrom at a point 2146 feet North and 1263 feet East from the Northeast corner, Section 3, Township 11 North, Range 1 East, and used for the irrigation of 356 acres of land in Sections 34 and 35, Township 12 North, Range 1 East, Sections 3 and 4, Township 11 North, Range 1 East.
(b) 1860—May 1	0.7 c.f.s.	Said water to be diverted from said Logan River through the said canal during that part of the irrigation season prior to August 1st of each year for the supplemental irrigation of the above mentioned land.
(c) 1860—May 1	2.3 c.f.s.	Said water to be diverted from said Logan River through the said canal during that part of the irrigation season of each year prior to July 15th for the supplemental irrigation of the above mentioned land.
(d) 1860—May 1	9.0 c.f.s.	Said water to be diverted from the tailrace of the Logan Stone & Monument Company at a point 4910 feet West and 2.8 feet North of the Northeast corner of Section 3, Township 11 North, Range 1 East, S. L. M., and used for the supplemental irrigation of the lands above described.

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
(e) 1860—May 1	1.2 c.f.s.	Said water to be diverted at the point last above described during that part of the irrigation season prior to August 1st of each year for the supplemental irrigation of the above mentioned lands.
(f) 1860—May 1	2.0 c.f.s.	Said water to be diverted at the point last above described during that part of the irrigation season prior to July 15th of each year for the supplemental irrigation of the above mentioned lands.
226. <i>Seventh Ward Irrigation Co.</i>		Said water to be diverted from said Logan River through a ditch diverting therefrom at a point 2146 feet North and 1263 feet East from the Northeast corner Township 11 North, Range 1 East, and used for the irrigation of 60 acres of land in Sections 3 and 4, Township 11 North, Range 1 East, Section 34, Township 12 North, Range 1 East.
(a) 1860—May 1	1.7 c.f.s.	
(b) 1860—May 1	0.3 c.f.s.	Said water to be diverted from said Logan River through the said canaal during that part of the irrigation season prior to July 15th of each year for the supplemental irrigation of the above mentioned land.
227. <i>Thatcher Irrigation Company</i> , an unincorporated association composed of Anthon Anderson, Clara B. Smith, Grace Price, H. E. Hatch, Georgia T. Hatch, R. A. Hatch, Abbie B. Thatcher, Carrie B. Price, L. F. Smith, Lester Worley, Geo. Worley, A. Walton, W. C. England, Ellen M. Peterson, Jesse Mayne, Roy Bullen, Brigham Parry, Anderson & Sons Company, a corporation, Bernard Parry, A. E. Anderson, Brigham Young College, a corporation, John Naf, E. N. Hammond, Alley T. Clayton, L. P. Watkins, W. W. Hall, W. E. Mitten, M. J. Watkins, Thomas Howells, William Athay, Jane A. Thatcher, H. J. Hatch, James H. Allen, Mrs. Asa Bullen, F. A. Hinckley, Abe Tyson, A. J. Hawkes, William Worley, C. H. Wakley and Harriet L. Benson.		
(a) 1860—May 1	0.6 c.f.s.	Said water to be diverted from said Logan River through a ditch diverting therefrom at a point 2146 feet North and 1263 feet East from the Northeast corner, Section 3, Township 11 North, Range 1 East, for the irrigation of 126 acres of land in Plat "B", Logan City Survey.
(b) 1860—May 1	0.2 c.f.s.	Said water to be diverted from said Logan River through the said ditch during that part of each irrigation season prior to July 15th of each year for the supplemental irrigation of the above mentioned land.

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
228. <i>Thatcher Milling &amp; Elevator Co.</i> 1860—May 1	87.0 c.f.s.	Said water to be diverted from said Logan River at a point 2146 feet North and 1263 feet East from the Northeast corner, Section 3, Township 11 North, Range 1 East and used for the generation of power at the Thatcher Mill and thence returned to Little Logan River at a point 148 feet South and 6250 feet West from the Northeast corner of Section 3, Township 11 North, Range 1 East.
229. <i>Anderson &amp; Sons Company,</i> 1860—May 1	18.3 c.f.s.	Said water to be diverted from said Logan River at a point 2146 feet North and 1263 feet East from the Northeast corner, Section 3, Township 11 North, Range 1 East, and used for the generation of power at the defendant's mill, thence returned to Little Logan River at a point 1950 feet South and 8247 feet West from the Northeast corner of Section 3.
230. <i>Central Milling &amp; Elevator Co.</i> 1860—May 1	22.6 c.f.s.	Said water to be diverted from said Logan River at a point 2146 feet North and 1263 feet East from the Northeast corner of Section 3, Township 11 North Range 1 East and used for the generation of power at the defendant's mill, thence returned to Thatcher Mill Race at a point 327 feet North and 4684 feet West of the Northeast corner Section 3, Township 11 North, Range 1 East.
231. <i>Logan Stone &amp; Monument Co.</i> (a) 1860—May 1	9.1 c.f.s.	Said water to be diverted from said Logan River at a point 2146 feet North and 1263 feet East from the Northeast corner, Section 3, Township 11 North Range 1 East, and used for the generation of power at the mill of the said defendant, and thence returned to Little Logan River at a point 2.8 feet North and 4910 feet West from the Northeast corner said Section 3.
(b) 1860—May 1	3.0 c.f.s.	Said water to be diverted from said Logan River through the last above described canal and used from Sept. 16th to June 30th of each succeeding year for manufacturing purposes at the mill of the said defendant, and thence returned to Little Logan River at the point of return last above described.

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
232. <i>Thatcher Milling &amp; Elevator Co. (substituted for H. Sumner Hatch.)</i> 1860—May 1	39.8 c.f.s.	Said water to be diverted from said Logan River at a point 2146 feet North and 1263 feet East from the Northeast corner of Section 3, Township 11 North, Range 1 East, and used for power purposes at the Deseret Mill, thence returned to Thatcher Millrace at a point 399 feet North and 4315 feet West from the Northeast corner of Section 3.
233. <i>Utah Power &amp; Light Co.</i> (a) 1860—May 1	20.66 c.f.s.	Said water to be diverted from said Logan River at a point 2146 feet North and 1263 feet East of the Northeast corner of Section 3, Township 11 North, Range 1 East, S. L. M., used for power purposes and returned to the channel of Little Logan River above the point of diversion of the Logan Southwest Field Canal.
(b) 1893—July 1 1900—May 31	100 c.f.s. 100 c.f.s.	Said water to be diverted from said Logan River at a point North 37° 20' West 465 feet from the quarter corner on the South boundary line of Section 28, Township 12 North, Range 2 East, S. L. M., used for the generation of electrical power at its Logan Power Plant, and thence returned to the channel of said Logan River at a point South 58° 25' East 274 feet from the quarter corner on the South boundary line of Section 25, Township 12 North, Range 1 East S. L. M.
(c) 1921—March 29	125 c.f.s.	Said water to be diverted from said Logan River at the point of diversion above described in paragraph (b), used for the generation of electrical power and energy at its Logan Power Plant, and returned to the channel of said Logan River at the point of return described in the above paragraph (b); provided, however, that the priority and amount of this appropriation is conditioned upon a compliance with the terms of the application upon which said appropriation is based, to-wit: Application File No. 8025, filed in the office of the State Engineer of the State of Utah, and the same is subject to the provisions of the law of said state governing the issuance of water certificates by the State Engineer of said State of Utah.

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
234. <i>Logan City</i> : 1860—May 1	10 c.f.s.	Said water to be diverted from Logan River at a point 725 feet North and 598 feet East from the quarter-corner on the South boundary line of Section 22, Township 12 North, Range 2 East, and used for domestic and municipal purposes within the city limits of Logan City, Cache County, Utah.

When the total flow of Logan River, which shall be the sum of the flow as measured at the gauging station on Logan River opposite Utah Power & Light Company's plant, plus the flow in said Power Company's tailrace, plus the quantity being simultaneously diverted by the Logan, Hyde Park & Smithfield Canal, Thomas Smart Canal and Logan City, shall be less than is required to satisfy the rights of Logan River appropriators hereinbefore specified, the water shall be prorated and distributed among these parties according to the following schedule "A" viz:



DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
235. <i>Southwest Field Irrigation Co.</i>		
(a) 1860—May 1	11 c.f.s.	Said water to be diverted from Logan River at a point 600 feet Southeasterly from the Southeast corner of Block 6, Plat 4, Park Addition, Logan City Survey, and used for the irrigation of 880 acres of land in the West half of Sections 4 and 5, Township 11 North, Range 1 East, S. L. M.
(b) 1865—May 1	1 c.f.s.	Said water to be diverted from North branch of Little Logan River, a part of Logan River at a point near what is known as the South Slough and used for the supplemental irrigation of the lands last above described.
236. <i>Logan Cow Pasture Water Co.</i>		
(a) 1860—May 1	2.5 c.f.s.	Said water to be diverted from springs situate in Section 31, Township 12 North, Range 1 East, S. L. M. and collected in a natural depression known as the Logan Fish and Game Reservoir, the same being a tributary of Logan river, and used for the irrigation of 200 acres of land located in Sections 25, 26, 27, 35, 34, 28, 22 and 23, Township 12 North, Range 1 East, S. L. M.
(b) 1864—May 1	3.8 c.f.s.	Said water to be diverted from the sources as set out in the preceding paragraph (a) hereof, and used for the irrigation of 300 acres of land in the above designated sections.
(c) 1884—May 1	1.2 c.f.s.	Said water to be diverted from the sources as set out in the preceding paragraph (a) hereof, and used for the irrigation of 100 acres of land in Sections hereinabove set out.
(d) 1888—May 1	15.0 c.f.s.	Said water to be diverted from the sources as set out in paragraph (a) hereof, and used for the irrigation of 1200 acres of land in the sections hereinabove set out.
(e) 1888—May 1	9.0 c.f.s.	Said water to be diverted from said Logan River at a point in Section 4, Township 11 North, Range 1 East, S. L. M. conveyed to said Logan Fish and Game Reservoir and thence distributed and used for the supplemental irrigation of the lands above described in paragraph a-b-c and d, but in no case shall the use of water on these lands

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
<i>Peterson Jr., Algernon Peterson:</i> 1870—May 1	3 c.f.s.	Creek, a tributary of Blacksmith Fork River at a point in Section 14, Township 10 North, Range 3 East, and used for the irrigation of 155 acres of land in said Section 14.
243. <i>Blacksmith Fork Light &amp; Power Company:</i> (a) 1906—Dec. 6	125 c.f.s.	Said water to be diverted from Blacksmith Fork River at a point South 81°15' East 13332 feet from the Southwest corner of the Southeast quarter of Section 2, Township 10 North, Range 1 East, conveyed to said defendant's power plant and there used throughout all seasons of the year for the generation of electrical power or energy and thence returned to the channel of said Blacksmith Fork River at a point South 77° 26' East 1266 feet from the Southwest corner of the Southeast quarter, of Section 2, Township 10 North Range 1 East.
(b) 1911—July 31	68 c.f.s.	Said water to be diverted from said river used for power purposes and returned to the channel of said Blacksmith Fork River, as set out in paragraph (a) hereof.
(c) 1916—March 17	20 c.f.s.	Said water to be diverted from Blacksmith Fork River at a point South 81° 15' East 13332 feet from the Southwest corner of the Southeast quarter of Section 2, Township 10 North, Range 1 East, and used for the irrigation of 2000 acres of land lying in the Southwest quarter of the Southwest quarter of Section 2, Sections 3 and 10, the West half of the Northwest quarter of the Northeast quarter of Section 11, all in Township 10 North, Range 1 East, S. L. M., the West half of Section 34, Township 11 North, Range 1 East.
(d) 1878—May 1	1 c.f.s.	Said water to be diverted from Blacksmith Fork River at a point in the Northwest quarter of the Northeast quarter of Section 11, Township 10 North, Range 1 East, or from the millrace of the Hyrum Electric Plant, and used for the irrigation of 25 acres of land in the Northwest quarter of the Northeast quarter of Section 11, and the Southwest quarter of the Southeast quarter of Section 2, Township 10 North, Range 1 East, S. L. M.

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
		exceed one second foot to each 80 acres thereof.
237. <i>Logan River &amp; Blacksmith Fork Irrigation Company:</i> 1877—May 1	34 c.f.s.	Said water to be diverted from Logan River at a point near the line between Sections 7 and 8, Township 11 North, Range 1 East and used for the irrigation of 2600 acres of land in Sections 6, 7 and 18, Township 11 North, Range 1 East, Sections 1, 2, 11, 12, 13, Township 11 North Range 1 West, and Sections 35 and 36, Township 12 North, Range 1 West, S. L. M.
238. <i>Isaac P. Stewart:</i> 1919—May 1	0.5 c.f.s.	Said water to be diverted from Logan River at a point in the North half of the Northeast quarter of Section 34, Township 12 North, Range 1 West, by means of an electrically driven pump, and used for the irrigation of 40 acres of land in the North half of the Northeast quarter of said Section 34.

#### SPRING CREEK, NEAR PROVIDENCE

239. <i>Spring Creek Water Company:</i> 1860—May 1	16 c.f.s.	Said water to be diverted from Spring Creek, a tributary of Blacksmith Fork River, at a point in the Southeast quarter of Section 9, Township 11 North, Range 1 East, and used for the irrigation of 960 acres of land in Sections 11, 14 and 15, said Township and Range.
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#### BLACKSMITH FORK RIVER

240. <i>P. M. Poulsen:</i> 1907—May 1	0.25 c.f.s.	Said water to be diverted from Blacksmith Fork River at a point in Section 8, Township 10 North, Range 2 East, and used for the irrigation of 8 acres of land in said Section 8.
241. <i>Chas. L. Anderson:</i> (a) 1888—May 1	0.5 c.f.s.	Said water to be diverted from Blacksmith Fork River at a point in Section 26, Township 10 North, Range 3 East, and used for the irrigation of 20 acres of land in said Section 26.
(b) 1908—May 1	0.25 c.f.s.	Said water to be diverted as last above described, and used for the irrigation of 10 acres of land in said Section 26.
242. <i>Ernest Peterson and Ernest</i>		Said water to be diverted from Curtis

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
244. <i>Norman Salverson:</i> 245. <i>Hansine Salverson:</i> 246. <i>Charles L. Ames:</i> 247. <i>Jacob Janes:</i> 248. <i>Ulrich Zbinden:</i> 1878—May 1	2.5 c.f.s.	Said water to be diverted from Blacksmith Fork River at a point in the Northwest quarter of the Northeast quarter of Section 11, Township 10 North, Range 1 East, or from the millrace leading to the Hyrum City power plant, located in the Southeast quarter of Section 2, said township and range, and used for the irrigation of 114 acres of land in Sections 2 and 3, Township 10 North, Range 1 East, Section 34, Township 11 North, Range 1 East S. L. M. Said water to be divided among said claimants in proportion to the acreage owned by each individual, viz: Norman Salverson and Hansine Salverson, 47 acres; Charles L. Ames, 19 acres; Jacob Janes, 33 acres; Ulrich Zbinden, 15 acres.
249. <i>Lavina N. Peterson (widow):</i> 250. <i>Clayton Neilson:</i> 251. <i>Elva Neilson:</i> 252. <i>Lila Neilson:</i> 1880—May 1	0.25 c.f.s.	Said water to be diverted from Blacksmith Fork River at a point in the Northwest quarter of Section 3, Township 10 North, Range 2 East, and used for the irrigation of 10 acres of land in the Southeast quarter of said Section 23.
253. <i>T. W. Peterson:</i> 1911—May 1	1 c.f.s.	Said water to be diverted from Rock Creek, a tributary of Blacksmith Fork River, at a point in Section 31, Township 10 North, Range 4 East, and used for the irrigation of 40 acres of land in said Section 31.
254. <i>Hyrum Irrigating Company:</i> (a) 1861—May 1	40 c.f.s.	Said water to be diverted from Blacksmith Fork River throughout the irrigation season of each year, at a point in the North half of the Northeast quarter of Section 3, Township 10 North, Range 1 East and used for the irrigation of 2400 acres of land in Sections 28, 29, 31, 32, 33 and 34, Township 11 North Range 1 East.
(b) 1861—May 1	10 c.f.s.	Said water to be diverted from said river through the above described canal during that part of each irrigation season prior to July 10th of each year for the supplemental irrigation of the above mentioned lands.
255. <i>Providence-Blacksmith Fork Irrigation Company and Millville Irrigation Company:</i> (a) 1861—May 1	40 c.f.s.	Said water to be diverted from said river throughout the irrigation season of each year at a point in the Northeast quarter of Section 27, Township 11 North, Range 1

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		East, and at a point in the Southeast quarter of Section 2, Township 10 North, Range 1 East and used for the irrigation of 1767 acres of land on the East side of the river in Sections 9, 15, 16, 22 and 27, Township 11 North, Range 1 East.
(b) 1861—May 1	10 c.f.s.	Said water to be diverted from said river through the above described canals during that part of each irrigation season prior to July 10th of each year for the supplemental irrigation of said lands.
256. <i>Millville Irrigation Company:</i>		
(a) 1861—May 1	40 c.f.s.	Said water to be diverted from said river throughout the irrigation season of each year at a point in the Southeast quarter of Section 34, Township 11 North, Range 1 East, and used for the irrigation of 2650 acres of land on the west side of said river in Sections 15, 16, 19, 20, 21, 22, 27, 28, 29, 30 and 34, said township and range, and Section 24, Township 11 North, Range 1 West, S. L. M.
(b) 1861—May 1	10 c.f.s.	Said water to be diverted from said river through the above described canal during that part of each irrigation season prior to July 10th of each year for the supplemental irrigation of the above mentioned lands.
257. <i>South Cache Milling Company:</i>		
1859—May 1	30 c.f.s.	Said water to be diverted from said river at a point in the Northwest quarter of Section 27, Township 11 North, Range 1 East, conveyed to the mill of said defendant, and there used for milling purposes and returned to the channel of said river in the Southwest quarter of Section 22, Township 11 North, Range 1 East S. L. M., provided that when the total flow of said river, i. e., the sum of the quantities of water being simultaneously diverted through all canals diverting therefrom for irrigation purposes is less than 110 second feet, this defendant may transfer and change this use to lands of its stockholders included within the lands herein enumerated as irrigated lands under the canals of the Hyrum Irrigation Company, Providence-Blacksmith Fork Irrigation Company and Millville Irrigation Company, diverting said water through the canals of the above mentioned

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
258. <i>Hyrum City:</i>		companies and using the same upon said stockholders' lands; provided that the total quantity of water applied to said lands shall not exceed one second foot to 60 acres, and none of said water shall hereafter be applied to any lands except those now belonging to said stockholders.
(a) 1899—May 1	133 c.f.s.	Said water to be diverted from the flow of Blacksmith Fork River through a canal diverting from the tailrace of the Hyrum plant of Blacksmith Fork Light & Power Company in the Northeast quarter of Section 11, Township 10 North, Range 1 East, conveyed to the power house of said defendant and used for the generation of electric power or energy, and returned to the channel of Blacksmith Fork River in the Southwest quarter of Section 2, said township and range.
(b) 1915—Dec. 18	1 c.f.s.	Said water to be diverted from a spring tributary to Blacksmith Fork River, located at a point 2130 feet South and 3756 feet West of the Northeast corner of Section 12, Township 10 North, Range 2 East, and used by Hyrum City for municipal purposes; provided that the right accorded said defendant herein shall be contingent upon the said defendant making proof of construction of works and appropriation under said application as required by law, so as to merge said application into a permit as provided by the laws of Utah.
(c) 1908—May 1	1.0 c.f.s.	Said waters to be diverted from Dry Hollow Spring at a point 1200 feet South and 500 feet west of the North quarter corner of Section 5, Township 11 North, Range 2 East, and used by and within Hyrum City for municipal purposes.
259. <i>College Irrigation Company:</i>		Said water to be diverted from Blacksmith Fork River and Berger Spring, a tributary thereof, at a point in the Northwest quarter of Section 27, Township 11 North, Range 1 East and used for the irrigation of 500 acres of land in Sections 8, 9, 13, 14, 17, 18, 19, 20 and 24, said township and range.
(a) 1879—May 1	6.3 c.f.s.	

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
(b) 1880—May 1	3.8 c.f.s.	Said water to be diverted from said Blacksmith Fork River through the last above described canal, and used for the irrigation of 300 acres of land located in the sections above described.
260. <i>Spring Creek Irrigation Co.:</i> 1879—May 1	22 c.f.s.	Said water to be diverted from Blacksmith Fork River in the Southeast quarter of Section 9, Township 11 North, Range 1 East and used for the irrigation of 1600 acres of land in the Northeast quarter of Section 24, the West half of the East half of Section 14, South half of Section 11, South half of Section 12, Section 13, Township 11 North, Range 1 West, and the Southeast quarter of Section 7, Southwest quarter of Section 8, Northwest quarter of Section 17, Northwest quarter of Section 19, and Section 18, Township 11 North, Range 1 East, S. L. M. Said water to be measured where said canal crosses the State Highway near the sugar factory.
260a. <i>The Amalgamated Sugar Co.</i> 1900—May 1	7 c.f.s.	Said water to be diverted from Blacksmith Fork River and Clear Creek Spring, through the canal of Spring Creek Irrigation Company, above described, throughout each year and used at said defendant's Logan Sugar factory in the manufacture of sugar beets, and thence returned to the channel of Blacksmith Fork River in Section 8, Township 11 North, Range 1 East, S. L. M.
261. <i>Garr Springs Water Company:</i> 1860—May 1	4.3 c.f.s.	Said water to be diverted through ditches diverting from Garr Springs in the South half of Section 23, Township 11 North, Range 1 East, and used for the irrigation of 300 acres of land in the East half of Section 22, West half of Section 23, North half of Section 26 and Section 27, Township 11 North, Range 1 East.

#### LITTLE BEAR RIVER

262. <i>Wellsville East Field Irrigation and Canal Company:</i> (a) 1860—April 1	30 c.f.s.	Said water to be diverted from Little Bear River at a point in the Northeast quarter of Section 7, Township 10 North, Range 1 East, S. L. M., and used throughout the irrigation season of each year for the irri-
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DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
		gation of 3075 acres of land in Section 6, Township 10 North, Range 1 East, Section 31, Township 11 North, Range 1 East, Sections 1 and 2, Township 10 North, Range 1 West, Sections 13, 14, 15, 22, 23, 24, 25, 26, 35 and 36, Township 11 North, Range 1 West.
(b) 1878—April 1	15 c.f.s.	Said water to be diverted from Little Bear River at the point of diversion described in paragraph (a) immediately above, and used for the irrigation of the lands therein described.
(c) 1860—May 1	10 c.f.s.	Said water to be diverted from Little Bear River at the point of diversion described in paragraph (a) immediately above, between the dates of October 1st and October 10th inclusive of each year and used for the irrigation of the lands therein described.
263. <i>Hyrum Irrigating Company:</i>		
(a) 1860—April 1	3 c.f.s.	Said water to be diverted from Little Bear River at a point in the Southeast quarter of Section 17, Township 10 North, Range 1 West, and used for the irrigation of 200 acres of land in Sections 8, 9, 16 and 17, said township and range.
(b) 1860—May 1	30 c.f.s.	Said water to be diverted from Little Bear River at a point in the Southeast quarter of Section 15, Township 9 North, Range 1 East, and from the East Fork of said Little Bear River at a point in the Southeast quarter of Section 10, Township 9 North, Range 1 East, throughout the irrigation season of each year, and used for the irrigation of 2820 acres of land in Sections 3, 4, 5, 6, 7, 8, 9, 10, Township 10 North, Range 1 East, and Sections 31, 32, 33 and 34, Township 11 North, Range 1 East.
(c) 1878—April 1	15 c.f.s.	Said water to be diverted from Little Bear River at the point described in paragraph (b) immediately above and used throughout the irrigation season of each year for the irrigation of the lands therein described.
(d) 1890—May 1	15 c.f.s.	Said water to be diverted from Little Bear River at the point of diversion described in paragraph (b) immediately above, be-

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
		tween the dates of April 1st and July 1st of each year and used for the irrigation of 1000 acres of land in Sections 9, 16, 21 and 28, Township 10 North, Range 1 East, S. L. M.
(e) 1860—May 1	10 c.f.s.	Said water to be diverted from Little Bear River at the point of diversion described in paragraph (b) immediately above, between the dates of October 1st and October 10th inclusive of each year and used for the irrigation of the lands therein described.
264. <i>Paradise Irrigation &amp; Reservoir Company:</i>		Said water to be diverted from the East Fork of Little Bear River at a point in the Southeast quarter of Section 11, Township 9 North, Range 1 East, and used throughout the irrigation season of each year for the irrigation of 2560 acres of land in Sections 3, 10 and 11, Township 9 North, Range 1 East and Sections 15, 21, 22, 27, 28, 33 and 34, Township 10 North, Range 1 East, S. L. M.
(a) 1860—April 1	38 c.f.s.	
(b) 1860—April 1	12 c.f.s.	Said water to be diverted from Little Bear River at the point of diversion described in paragraph (a) immediately above, between the dates of April 1 and July 10th of each year, and used for the supplemental irrigation of the lands therein described.
(c) 1890—May 1	10 c.f.s.	Said water to be diverted from Little Bear River, at the point of diversion described in paragraph (a) immediately above between April 1st and July 1st of each year and used for the supplemental irrigation of the lands therein described.
(d) 1860—May 1	10 c.f.s.	Said water to be diverted from Little Bear River at a point of diversion described in paragraph (a) immediately above between the dates of October 1st and October 10th inclusive of each year and used for the irrigation of lands therein described.
265. <i>Hyrum Brown:</i>		Said water to be diverted from Little Bear River, during four consecutive days and nights, during the irrigation season, from the Southeast Fork of Little Bear River at a point in the Southwest quarter of Section 25,
266. <i>J. W. S. Brown:</i>		
1877—May 1	2.0 c.f.s.	

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
		Township 9 North, Range 1 East, and used for the irrigation of 20 acres of land in the Northwest quarter of Section 26, said township and range.
267. <i>Albert Miller:</i> 1867—May 1	1 c.f.s.	Said water to be diverted from Little Bear River at a point in the Southeast quarter of Section 8, Township 10 North, Range 1 East, and used for the irrigation of 40 acres of land in said Section 8.
268. <i>Israelson Land, Livestock and Produce Company:</i> 1875—May 1	1 c.f.s.	Said water to be diverted from Little Bear River at a point near the Southwest quarter of the Northeast quarter of Section 7, Township 10 North, Range 1 East, and used for the irrigation of 40 acres of land in said Section 7.
269. <i>E. M. Bickmore:</i> 1864—May 1	0.5 c.f.s.	Said water to be diverted from certain Unnamed Springs tributaries of Little Bear River, in the Northwest quarter of Section 21, Township 10 North, Range 1 East, and used for the irrigation of 25 acres of land in the Northeast quarter of Section 20, said township and range.
270. <i>T. K. Obroy:</i> (a) 1864—May 1	0.25 c.f.s.	Said water to be diverted from unnamed springs, tributaries of Little Bear River, in the Southeast quarter of the Northwest quarter of Section 28, Township 10 North, Range 1 East, and used for the irrigation of 12 acres of land in the Southeast quarter of the Northeast quarter of said Section 28.
(b) 1864—May 1	0.33 c.f.s.	Said water to be diverted from unnamed springs, tributaries of Little Bear River, in the Northwest quarter of Section 28, Township 10 North, Range 1 East, and used for the irrigation of 18 acres of land in the Southeast quarter of the Northeast quarter of Section 29, Township 10 North, Range 1 East.
(c) 1880—May 1	250 gals. per day	Said water to be diverted from springs described in paragraph (a) immediately above, by means of an hydraulic ram, and used for culinary and domestic purposes at his residence.

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
271. <i>J. J. Hall:</i>		
272. <i>Alfred Anderson:</i> (a) 1875—May 1	0.33 c.f.s.	Said water to be diverted from Big Spring a tributary of Little Bear River in the Southeast quarter of Section 6, Township 9 North, Range 1 East and used for the irrigation of 15 acres of land in the South half of the Southwest quarter of Section 4, said township and range.
(b) 1875—May 1	0.5 c.f.s.	Said water to be diverted from unnamed springs, tributaries of Little Bear River in the Northeast quarter of Section 29, Township 9 North, Range 1 East, and used for the irrigation of 25 acres of land in the Northeast quarter of Section 8, said township and range.
273. <i>George S. Obray:</i> (a) 1870—May 1	1 c.f.s.	Said water to be diverted from unnamed springs, tributaries of Little Bear River, in the Northeast quarter of Section 29, and the Northwest quarter of Section 28, Township 10 North, Range 1 East, and used for the irrigation of 50 acres of land in said Section 28.
(b) 1887—May 1	0.33 c.f.s.	Said water to be diverted from Little Bear River in Section 29, Township 10 North, Range 1 East, and used for the irrigation of 20 acres of land in the Northeast quarter of said Section 29.
274. <i>Hyrum Hall Jr.</i> 1867—May 1	.5 c.f.s.	Said water to be diverted from unnamed springs, tributaries of Little Bear River, in the Southwest quarter of Section 21, Township 10 North, Range 1 East, and used for the irrigation of 30 acres of land in the Southwest quarter of said Section 21.
275. <i>James J. Facer:</i> 276. <i>Sampson Knowles:</i> 277. <i>Edward Knowles:</i>		Said water to be diverted from the East Fork of Little Bear River at a point in the Southeast quarter of Section 12, Township 9 North, Range 1 East, and used for the irrigation of 58 acres of land in the Southeast quarter of Section 11, and the North half of the Northeast quarter of Section 13, said township and range.
278. <i>F. J. Law:</i> 1879—May 1	1 c.f.s.	
279. <i>F. J. Law:</i> 1879—May 1	0.33 c.f.s.	Said water to be diverted from the East Fork of Little Bear River at a point in the Northwest quarter of Section 18, Town-

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
		ship 9 North, Range 2 East, and used for the irrigation of 20 acres of land in the Northeast quarter of Section 13, Township 9 North, Range 1 East.
280. <i>A. O. Jackson,</i> 281. <i>A. O. Jackson Jr.</i> 282. <i>George Summers,</i> 283. <i>George W. Davis,</i> 284. <i>James Facer,</i> 285. <i>Charles Shaw,</i> 286. <i>Abraham Frederickson,</i> 287. <i>F. J. Law,</i> 288. <i>Joseph E. Cowley,</i> 1878—May 1	4 c.f.s.	Said water to be diverted from the East Fork of Little Bear River through Jackson Ditch diverting therefrom at a point in the Northeast quarter of Section 13, Township 9 North, Range 1 East, and used for the irrigation of 280 acres of land in Sections 10, 11 and 12, said township and range. Said water is to be divided among said claimants in proportion to the acreage owned by each individual, viz: A. O. Jackson and A. O. Jackson Jr., 80 acres; George Summers, 80 acres; George W. Davis, 40 acres; James Facer, 58 acres; Charles Shaw, 5 acres; Abraham Frederickson, 2 acres; F. J. Law, 3 acres; Joseph E. Cowley, 12 acres.
289. <i>William Pulsipher,</i> 290. <i>William Pulsipher Jr.,</i> 291. <i>George W. Davis,</i> 292. <i>O. H. Pulsipher,</i> 293. <i>Paul Johnson,</i> 294. <i>Roar Allen,</i> 295. <i>Sampson Knowles,</i> 296. <i>Edward Knowles,</i> 1888—May 1	2.5 c.f.s.	Said water to be diverted from Pole Creek a tributary of Little Bear River at a point in Section 24, Township 9 North, Range 1 East, S. L. M., and used for the irrigation of 150 acres of land in Sections 11, 14, 24 and 25, said township and range. Said William Pulsipher and William Pulsipher Jr., to use the stream 1-6 of the time. Said Sampson Knowles and Edward Knowles to use the stream 1-6 of the time, and each of the other parties, each to use the stream 1-6 of the time.
297. <i>H. P. Hansen,</i> 298. <i>James L. Jensen,</i> 299. <i>Jesse E. Smith,</i> 300. <i>Annie K. Lauritzen,</i> 301. <i>Ole Jensen,</i> 302. <i>Robert Baxter,</i> 303. <i>Wm. H. Jensen,</i> 304. <i>John F. Monson,</i> 1860—April 1	2.4 c.f.s.	Said water to be diverted from Little Bear River in the Northwest quarter of the Southeast quarter of Section 8, Township 10 North, Range 1 East, S. L. M., and used for the irrigation of 78.1 acres of land in the North half of said Section 8, to be used by them for this purpose every alternate period of two weeks during the irrigation season. Said water to be divided among said claimants in proportion to the acreage owned by each individual, viz: H. P. Hansen, 12 acres; Jas. L. Jensen, 5 acres; Jesse E. Smith, 15 acres; Annie K. Lauritzen, 6.6 acres; Ole Jensen, 4.5 acres; Rob-

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
		ert Baxter, 11.5 acres; William H. Jensen, 6.5 acres; John F. Monson, 17 acres.
305. <i>Robert Baxter,</i> 1870—May 1	30 c.f.s.	Said water to be diverted from Little Bear River through the ditch last above described, used for power purposes and returned to the channel of Little Bear River in the Southwest quarter of the Northeast quarter of said Section 8.
306. <i>John P. James,</i> 307. <i>Joseph T. Lofthouse,</i> 308. <i>John E. Miles,</i> 309. <i>James H. Danielson, (substituted for Jacob Larsen)</i>		Said water to be diverted from Little Bear River at a point 30 rods East and 26 rods North of the Southwest corner of the North west quarter of Section 10, Township 9 North, Range 1 East, and used for the irrigation of 91 acres of land in Sections 3, 4 and 10, said township and range. Said water to be divided among said claimants in proportion to the acreage owned by each individual, viz: John P. James, 12 acres; Joseph T. Lofthouse, 20 acres; John E. Miles, 34 acres; James H. Danielson, 7 acres; Joseph S. Howells, 18 acres, or said water may be diverted in double quantity every alternate period of two weeks during the irrigation season.
310. <i>Joseph S. Howells, (substituted for Harry Shaw)</i> (a) 1860—April 1	1.25 c.f.s.	
(b) 1878—April 1	1.25 c.f.s.	
311. <i>Joseph T. Lofthouse,</i> 1860—April 1	0.33 c.f.s.	
		Said water to be diverted from unnamed springs, tributaries of Little Bear River, in the north half of Section 10, Township 9 North, Range 1 East, for the irrigation of 15 acres of land in said Section 10; provided that said Lofthouse may use a larger stream for a portion of the time so that the total quantity of water used will be equivalent to one-third second foot continuous flow.
312. <i>Joseph T. Lofthouse,</i> 313. <i>Ernest Forsberg,</i> 1860—May 1	0.5 c.f.s.	Said water to be diverted from West Canyon, a tributary of Little Bear River in Section 9, Township 9 North, Range 1 East, and used for the irrigation of 37 acres of land in Sections 9 and 10, Township 9 North, Range 1 East.
314. <i>Paradise Land &amp; Livestock Co.</i>		Said water to be diverted from Little Bear

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
315. <i>Edward J. Norman,</i> 316. <i>Charlton A. Goldsberry:</i> 317. <i>David McMurdie:</i> (a) 1864—May 1      2.0 c.f.s.	River between April 1st and July 10th of each year at a point in the West half of Section 33, Township 10 North, Range 1 East, and used for the irrigation of 87.5 acres of land in the West half of said Section 33, and the Southwest quarter of Section 28, said township and range. Said water to be divided among said claimants in proportion to the acreage owned by each individual, viz: Paradise Land & Livestock Co., 50 acres; Charlton A. Goldsberry, 18.75 acres; David McMurdie, 8.38 acres, Edward J. Norman, 9.38 acres.	
(b) 1864—May 1      2.0 c.f.s.	Said water to be diverted from Little Bear River each alternate week from July 10th to September 30th of each year at the point of diversion described in paragraph (a) immediately above, and used and apportioned by and among the parties as therein set out.	
318. <i>John T. James, (substituted for John P. James:</i> 319. <i>Edward Gibbons (Substituted for John A. McArthur.)</i> 320. <i>Joseph Howells:</i> 1860—April 1      1.25 c.f.s. 1878—April 1      0.75 c.f.s.	Said water to be diverted from unnamed springs, tributaries of Little Bear River, in Sections 10 and 3, Township 9 North, Range 1 East, and used for the irrigation of 120 acres of land in Sections 3 and 10, said township and range.	
321. <i>O. H. Pulsipher:</i> 322. <i>Ole Olsen:</i> 323. <i>Abraham Frederickson:</i> 1864—May 1      1.5 c.f.s.	Said water to be diverted from Little Bear River in Section 22, Township 7 North, Range 1 East, and used for the irrigation of 90 acres of land in Sections 15, 16 and 22, said township and range. Said water shall be divided among said claimants in proportion to the acreage owned by each individual, viz: Abraham Fredrickson, 30 acres; Ole Olsen, 30 acres; O. H. Pulsipher, 30 acres.	
324. <i>Lindsay Land &amp; Livestock Co.</i> 1890—May 1      1 c.f.s.	Said water to be diverted from Little Bear River in the Southwest quarter of the Southwest quarter of Section 23, Township 9 North, Range 1 East, and used for the irrigation of 40 acres of land in the Southwest quarter of said Section 23.	
325. <i>Paradise Land &amp; Livestock Co.</i>	Said water to be diverted from McMur-	

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
1860—April 1	1.5 c.f.s.	die Springs, a tributary of Little Bear River, in Section 33, Township 10 North, Range 1 East, and used for the irrigation of 60 acres of land in the Southwest quarter of Section 28, and the Northwest quarter of Section 33, said township and range.
326. <i>Wellsville City:</i> 1861—May 1	1 c.f.s.	Said water to be diverted from Brigham Spring, in New Canyon, tributary to Little Bear River, and used throughout each year for municipal purposes in Wellsville City.
327. <i>J. M. Smith:</i> 328. <i>James Jensen:</i> 329. <i>Joseph E. Smith:</i> 1875—May 1	1 c.f.s.	Said water to be diverted from Little Bear River in Section 6, Township 10 North, Range 1 East, S. L. M., and used for the irrigation of land in said Section 6 and Section 1, Township 10 North, Range 1 West, S. L. M.
330. <i>Mendon Central Irrigation Co.</i> 1860—May 1	4.5 c.f.s.	Said water to be diverted from each, either or all of the following springs, tributaries of Little Bear River: Central Spring, arising in the West half of the Southeast quarter of Section 8. Gitten Spring, arising in the Southeast quarter of Section 7. Two unnamed springs, arising in the North half of the Northeast quarter of Section 18. Maple Bench Spring, arising in the East half of Section 18. William Bird spring, arising in the Southeast quarter of the Northeast quarter of Section 18, all in Township 11 North, Range 1 West. Said water to be diverted at various points along the course of said springs and used for the irrigation of 82 city lots in the Town of Mendon and 207 acres of land in Sections 5, 6, 7, 8, 9 and 17, Township 11 North, Range 1 West, S. L. M.
331. <i>P. A. Sorenson:</i> 1860—May 1	0.5 c.f.s.	Said water to be diverted from springs or streams hereinabove enumerated under Mendon Central Irrigation Company, and used for the irrigation of one city lot and 21 acres of land in Sections 8 and 9, said township and range.

Said P. A. Sorenson and Mendon Central Irrigation Company may divert, with the above priorities, three (3) second feet of water from said streams between the dates of October 1st and October 15th for incidental late irrigation. For the purpose



DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
339. <i>Wellsville North Field Irrigation Company:</i> 1857—May 1                    3 c.f.s. 1865—May 1                    7.3 c.f.s.	ter of Section 15, said township and range, and used for the irrigation of 800 acres of land in the Northeast quarter, Northwest quarter, Section 22, Southeast quarter, East half of the Southwest quarter, West half of the Northeast quarter, East half of the Northwest quarter, Section 15, west half of the Southeast quarter, Southwest quarter, West half of the Northeast quarter, Section 10, Township 11 North, Range 1 West.	
340. <i>Wellsville City Irrigation Co.</i> 1857—May 1                    9.8 c.f.s.	Said water to be diverted from Hansen and Darley Springs, tributaries of Little Bear River, in Sections 34, Township 11 North, Range 1 West, and used for the irrigation of 700 acres of land in Sections 26, 27, 34 and 35, said township and range this being approximately one-half the flow of Darley Spring, and all of the flow of Hansen Spring.	
341. <i>Robert Maughan,</i> 342. <i>Thos. Williamson,</i> 343. <i>Archie Maughan,</i> 344. <i>Wm. Bailey,</i> 345. <i>Chas. N. Maughan,</i> 346. <i>Jas. Maughan,</i> 347. <i>Heber L. Maughan,</i> 348. <i>David Maughan,</i> 349. <i>Jos. R. Brown,</i> 350. <i>Edward Walters,</i> 1883—May 1                    1 c.f.s.	Said water to be diverted from East Spring and used for the irrigation of 65 acres of land in Section 2, Township 10 North, Range 1 West. Said water shall be divided among said claimants in proportion to the acreage owned by each individual, viz: Robert Maughan, 2 1-2 acres; Thomas Williamson, 2 acres; Archie Maughan, 8.8 acres; William A. Bailey, 2 acres; Chas. N. Maughan 10½ acres; Jas. N. Maughan, 8½ acres; Heber L. Maughan, 22 acres; David Maughan, 6 acres; Joseph R. Brown 2½ acres, Edward Walters, 1 acre. This being approximately 1-6 of the flow of said East Spring.	
351. <i>Guy Maughan,</i> 352. <i>Archie Maughan,</i> 353. <i>Robert Maughan,</i>	Said water to be diverted from Little Bear River in Section 1, Township 10 North, Range 1 West, S. L. M. from water arising	

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
1860—May 1	1.25 c.f.s.	below the dam of Wellsville East Field Irrigation and Canal Company, and used for the irrigation of 85 acres of land in Sections 1 and 2, said Township and Range. Said water shall be divided among said claimants in proportion to the acreage owned by each individual viz: Guy Maughan 35 acres; Archie Maughan 25 acres; Robert Maughan 25 acres.
354. <i>Guy Maughan,</i> 355. <i>James Maughan,</i> 356. <i>Archie Maughan,</i> 357. <i>William Bailey,</i> 358. <i>Wm. H. Maughan,</i> 359. <i>Heber L. Maughan,</i> 360. <i>Brigham Maughan,</i> 361. <i>Edward Walters,</i> 362. <i>Christina Maughan,</i> 363. <i>Elmer Maughan</i> 364. <i>Frank Maughan,</i> 365. <i>John Brenchley,</i> 366. <i>Daniel H. Maughan,</i> 367. <i>Rachel Maughan,</i> 368. <i>Peter Maughan,</i>	1.5 c.f.s.	Said water to be diverted from Second Hollow Spring rising in Section 11, Township 10 North, Range 1 West, a tributary of Little Bear River, through 3 ditches diverting from Second Hollow Creek and used for the irrigation of 77½ acres of land in Sections 1 and 2, said Township and Range. Said water shall be divided among said claimants in proportion to the acreage owned by each individual, viz. Guy Maughan 16½ acres; James Maughan 3 acres; Archie Maughan 1½ acres; William Bailey, 4 acres; Wm. H. Maughan 9½ acres; Heber L. Maughan 2½ acres; Brigham Maughan 5 acres; Edward Walters 5½ acres; Christina Maughan 2½ acres; Elmer Maughan 5 acres; Frank Maughan 3½ acres; John Brenchley, 8½ acres; Daniel H. Maughan 1 acre; Rachel Maughan, 5 acres; Peter Maughan 4½ acres.
369. <i>William H. Darley,</i> 370. <i>John A. Leishman,</i> 1917—Dec. 10	1 c.f.s.	Said water to be diverted from Gardner Creek, a tributary of Little Bear River, at a point 171 feet West and 1423 feet North of the Southeast corner of Section 21, Township 11 North, Range 1 West, S. L. M., by means of an electrically driven pump there located and used for the irrigation of 57 acres of land in the Northeast quarter and the Southeast quarter of Section 21, and the Southwest quarter of Section 22, said Township and Range.
371. <i>Mendon South Canal:</i> 1860—May 1	7 c.f.s.	Said water to be diverted from Gardner's Creek, a tributary of Little Bear River, at a point 1425 feet North and 171 feet West of the Southeast corner of Section 21, Township 11 North, Range 1 West, and used for the irrigation of 500 acres of land

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372. <i>Mendon City:</i> 1865—May 1	1 c.f.s.	in Sections 9, 10, 11, 14, 15, 16, 21 and 22, said township and range.  Said water to be diverted from Deep Canyon Stream, a tributary of Little Bear River, throughout the entire year, at a point in the Northeast quarter of Section 7, Township 11 North, Range 1 West, and used for municipal purposes within the city limits of Mendon.
373. <i>Mendon-North Irrigation Co.</i> 1860—May 1	8 c.f.s.	Said water to be diverted from Graveyard Stream, Deep Canyon Stream, Rocky Point Stream and Pond Stream in Section 7, Township 11 North, Range 1 West, and used for the irrigation of 550 acres of land in Sections 4, 5, 6, 7, 8 and 9, said township and range.
374. <i>Henry Haslam,</i> 375. <i>Wm. Lea,</i> 376. <i>Rebecca C. Hughes,</i> 377. <i>John Hughes, Administrator for the use and benefit of the heirs at law of Edward R. Hughes and Anne Hughes, (substituted for Edward R. Hughes and Anne Hughes.)</i>	3 c.f.s.	Said water to be diverted from Clayton Spring, arising in the Northeast quarter of the Northwest quarter of Section 29, Township 11 North, Range 1 West, and used for the irrigation of 177 acres of land in Sections 22 and 27, Township 11 North, Range 1 West. Said water shall be divided among said claimants in proportion to the acreage owned by each individual, viz: Henry Haslam, 68 acres; Wm. Lea, 20 acres; Rebecca C. Hughes, 12 acres; Edward R. Hughes, 17½ acres; Sarah Ann Hughes, 12 acres; Anne Hughes, 17½ acres; David A. Kerr, 15 acres; Thomas A. Kerr, 15 acres.
378. <i>Sarah Ann Hughes,</i> 379. <i>David A. Kerr,</i> 380. <i>Thos. A. Kerr,</i> 1864—May 1	3 c.f.s.	Said water to be diverted from Spring Creek, a tributary of Little Bear River, at a point 100 rods Southwest from the center of Section 2, Township 11 North, Range 1 West, and used for the irrigation of <sup>450</sup> acres of land in Sections 34 and 35, Township 12 North, Range 1 West, and Sections <u>2, 3</u> and 11, Township 11 North, Range 1 West.
381. <i>Logan Land &amp; Drainage Co.</i> 1880—May 1	15 c.f.s.	Said water to be diverted from Spring Creek, a tributary of Little Bear River, at a point 100 rods Southwest from the center of Section 2, Township 11 North, Range 1 West, and used for the irrigation of 330
382. <i>James J. Facer:</i> (a) 1880—May 1	5 c.f.s.	Said water to be diverted from Spring Creek, a tributary of Little Bear River, at a point 100 rods Southwest from the center of Section 2, Township 11 North, Range 1 West, and used for the irrigation of 330

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
		acres of land in Sections 3, 4 and 10, Township 11 North, Range 1 West.
(b) 1880—May 1	1.5 c.f.s.	Said water to be diverted and used for <u>100</u> acres of land in the sections described in paragraph (a) immediately above.
383. <i>Ferdinand Zollinger:</i>		
(a) 1880—May 1	1.5 c.f.s.	Said water to be diverted from Spring Creek, a tributary of Little Bear River, in the South half of Section 3, Township 11 North, Range 1 West, and used for the irrigation of <u>100</u> acres of land in the South half of Section 3, and the West half of Section 2, said township and range.
(b) 1880—May 1	2 c.f.s.	Said water to be diverted from said Spring Creek near its confluence with Little Bear River and used for the irrigation of <u>150</u> acres of land in the Northwest quarter of Section 10, Township 11 North, Range 1 West, and the Southwest quarter of Section 3, Township 11 North, Range 1 West.

#### CLARKSTON CREEK

384. <i>Clarkston Irrigation District:</i>		
(a) 1864—May 1	24 c.f.s.	Said water to be diverted from Clarkston Creek, a tributary of Bear River, through various ditches diverting therefrom where the same crosses the land hereinafter described, and used for the irrigation of 96 city lots or 120 acres of land, and 1000 acres of land in Sections 26, 27, 34, 35, 22, 23, 16, 17 and 15, all in Township 14 North, Range 2 West, S. L. M. Said water is to be used by the said district 15 days in each period of 20 days during the irrigation season of each year, and is to be used by the Newton Irrigation Company 5 days in each such period, as provided in the immediately succeeding paragraph.
385. <i>Newton Irrigation Company:</i>		
(a) 1869—May 1	24 c.f.s.	Said water to be diverted from Clarkston Creek, a tributary of Bear River, at the intake of its reservoir described in the immediately succeeding paragraph, and used for the irrigation of about 200 city lots and 3200 acres of land in Sections 31, and 32, Township 14 North, Range 2 West, and Sections 5, 6, 7, 8, 17, 18, 19, 20 and 21,

DATE OF  
PRIORITY

AMOUNT IN  
SECOND FEET

POINT OF DIVERSION AND  
PLACE OF USE

Township 13 North Range 2 West, S. L. M. Said water to be used by said company 5 days in each period of 20 days during the irrigation season of each year and is to be used by Clarkston Irrigation District 15 days in each such period as provided in the immediately preceding paragraph.

(b) 1873—May 1 2000 ac. ft.

Said water to be diverted from the flood waters of Clarkston Creek, a tributary of Bear River, and impounded in a reservoir situated in the channel of said creek in Sections 35 and 36, Township 14 North, Range 1 West, S. L. M., and released and used as desired by said Newton Irrigation Company for the irrigation of its lands described in paragraph (a) immediately above.

Provided, however, that notwithstanding this schedule of Rights, users of water under this decree shall at no time divert more water than can be beneficially used, and waste of water is hereby prohibited and enjoined.

### III.

The following parties to this suit, having been duly served with summons in this action and having either filed disclaimer or no answer, motion or other appearance or pleading herein, and their default having been regularly entered are adjudged and decreed to have no right, title, interest or claim in or to any of the waters of Bear River, or its tributaries, and said parties, their agents, servants, attorneys, successors in interest and assigns, are perpetually enjoined from diverting or using any of the waters of Bear River, or its tributaries except as they may hereafter initiate or acquire rights to the use of said waters:

Joseph Nelson, Samuel Nelson, Samuel Tout, Thomas Miles, Leroy Nelson, Joel Nelson, R. T. Merrill, Abraham Jorgensen, Wm. Affleck, Mariner S. Eccles, L. D. McBride, O. M. Wilson, Geo. H. Nichols, Claude Nichols, J. S. Goldsberry, Jas. McMurdie, Jos. White, Roy Baxter, I. J. Frampton, Nancy L. Goldsberry, C. W. Anderson, Abe Smith, W. H. Ballard, Marcus Rogers, W. H. Thain, W. A. Bowman, J. D. Skeen, Mendon South Pasture Company.

The following parties to this action, to-wit: John H. Peterson, Carl Rasmussen, Lee Nelson, Abraham Smith, Daniel Cash, Wickliff Ewing, Peterson Farm & Live-

stock Company, H. W. Ballard, John G. Ricks, Mrs. Lemuel Rogers, John Quayle, O. C. Blumell, Orson G. Salverson, Wm. B. Batt, Eugene Schaub, A. B. Wilson, Wm. Bartlett, Priscilla Olson, Nels Rasmussen, having regularly appeared herein by cross complaint or other pleading and having failed to submit proof in support of their claims, it is hereby ORDERED, ADJUDGED AND DECREED that said parties take nothing by their said cross complaint, and that they have no right, title, interest or claim in or to any of the waters of Bear River, or its tributaries, and said parties, their agents, servants, attorneys, successors in interest and assigns, are perpetually enjoined from diverting or using any of the waters of said Bear River or its tributaries, except as they may hereafter initiate or acquire rights to the use of said waters.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that A. M. Israelson has no right, title, interest or claim in or to any of the waters of Bear River or its tributaries, except as a stockholder of Israelson Land, Livestock & Produce Company; that Isaac Sorenson, Jeremiah Baker, Phineas Bird, Mormon Bird, DeLas Bird, Andrew Anderson, Jens Jensen, and George Lemons, have no right, title, interest or claim in or to any of the said waters, except as stockholders of Mendon Central Irrigation Company; that Roy H. Briggs and Riley E. Allred have no right, title or interest in or to the waters of Bear River except as stockholders of Wood Irrigation Company; and that said parties and each and every one of them, their agents, servants, attorneys, successors in interest and assigns, are perpetually enjoined from diverting or using any of the waters of Bear River or its tributaries, except as they may hereafter initiate or acquire rights to the use of said waters and except as they may be entitled to the use of water by reason of their interest in said Israelson Land, Livestock & Produce Company, and Mendon Central Irrigation Company, and Wood Irrigation Company.

It is further ordered and adjudged that the plaintiff do have and recover of and from each defendant in this action, having rights in and to the use of the waters of said river and its tributaries, as herein decreed, the sum of \$1.77 being his or her proportionate share of the costs and expenses incurred by the plaintiff for clerk's costs, service of summons and the printing of this decree, hereby taxed in the total sum of \$588.80. Further, that the cost of the reference of certain matters herein to a referee shall be assessed by subsequent order of the Court, among the parties whose rights were in issue in such reference.

The court hereby retains jurisdiction, however, at all times, and from time to time, to make all reasonable rules touching the manner of diverting, measuring and distributing the waters, and the devices to be installed and used for such purposes where it may be impracticable to fully comply with the terms of this decree, and to direct that the parties keep accurate and detailed records of the amounts

of water diverted, and to require reports to be filed from time to time of the amount so diverted, and generally to make such orders as may be found reasonably necessary to give effect to this decree, and to appoint commissioners or watermasters to make distribution in accordance with its terms, and to punish the parties hereto, their officers, agent and employes, and their grantees and successors in interest, for any violation of the provisions thereof.

Done in open court this 21st day of February, 1922.

JAMES N. KIMBALL, Judge.