

#4-Morse Orders and Decrees

SECOND.

That in the spring of 1850, Archibald Gardner, assisted by the farmers owning farms in the vicinity, constructed a canal, which has since been known as the Gardner mill race, and diverted water from the Jordan River at a point about 10 miles north of what is known as the old dam, for the purpose of furnishing power for the operation of a flouring mill, and for the irrigation of the farms adjacent to the canal.

The defendant herein, the West Jordan Milling and Mercantile Company, as the successors in title and interest of the said Archibald Gardner, and all the persons who diverted water for the use of said mill; that the said mill was constructed and put in operation, in the year 1850, and the said predecessors in interest of the said defendant, West Jordan Milling and Mercantile Company, and the said defendant last named, has operated said mill from that time to the present, and for that purpose, the said defendant, the West Jordan Milling and Mercantile Company, and its predecessors in interest, have diverted from the waters of said river, continuously, whenever the interests of their business required it, 30 cubic feet of water per sec., measured at entrance of the pen stock, and that said use has been open, notorious, exclusive, adverse, subject only to the limitation and restrictions mentioned and set out herein; that when said mill was constructed, and since that time, it has been operated with two water wheels, known as Leffer turbine wheels, one thereof being what is known as the 20 inch wheel, the other what is known as the 26½ inch wheel; that the said mill is situated about one and a half miles north, and down the river on said mill race from the place where said water is diverted from the river.

That there has been used from the Jordan river thru said canal, from the year 1850 to the present time, water sufficient to irrigate 323.22 acres of land, which land is owned at the present time as follows:

John A. Egbert	15 acres
Albine Beckstead	31 acres
Hyrum Beckstead	22 acres
John H. Bailey and Henry Winwoodey	70 acres
W.L. Egbert	19-75/100 acres
D.A. Egbert	15 acres
Solon Richardson	90 acres
Ludwig Christensen and J.S. Peterson	32-5/10 acres.

The quantity of water necessary to properly irrigate said land, is 5.5 cub. ft. per sec. of time.