

#7-Morse Orders and Decrees

at a point about 2½ miles north from the old dam to irrigate the lands now owned by Louis H. Mousley, Nise E. Madsen, Johanna S. Matt, Caroline Jensen, James Madsen and Margret C. Madsen. In all, amounting to 87.3 acres, and water has been taken from it for that purpose each season since. The quantity of water required to irrigate said land is 2 cu. ft. per sec. of time.

SIXTH.

That in the year 1870, the defendant, the South Jordan Canal Company commenced the construction of a canal and the diversion and use by its stockholders, of waters for irrigation and domestic purposes from the Jordan river at a point about 2 miles north from the old dam, and during the year 1870, 1871, 1872, 1873, 1874 and 1875, the work upon said canal was diligently prosecuted, and the said canal completed in the said year 1875 to its present size and capacity, namely, 142 cu. ft. of water per sec. of time, and that during each and every year since said completion, the same has been used to convey water from said Jordan river to and upon the lands requiring irrigation, and owned by said defendant stockholders in severalty, for irrigation and domestic purposes, and by means of said canal and the waters of said Jordan river, diverted thereby, about 9000 acres of said lands have been irrigated and cultivated, and redeemed from their natural barren condition, and that all of said 142 cu. ft. of water per sec. is necessary to properly irrigate said land, that during the winter season of each and every year, 10 cub. ft. of water per sec. has been continuously used by said stockholders of said company for domestic and culinary purposes.

SEVENTH.

That in the year 1872, Salt Lake County constructed a dam in the Jordan river at a point in Sec. 26, Tp. 4 S., Range 1, West, for the purpose of facilitating the diversion of water from the Jordan river for irrigation and other beneficial uses, which dam is known by the name of, and is referred to herein, as the "Old Dam".

In April, 1883, Salt Lake County, by deeds duly authorized by the County Court of said County, and regularly executed and delivered, transferred to the Utah and Salt Lake Canal Company, and North Jordan Irrigation Company, and South Jordan Canal Company, and East Jordan Irrigation Company, and Salt Lake City, each a 1/6 interest in the said dam, which deeds also purported to convey a 1/6 interest in the waters of the Jordan river, flowing at that point to said Salt Lake City, and each of said canal companies and purported to reserve a 1/6 interest in said dam and said waters.