

#8-Morse Orders and Decrees

Thereafter, to-wit, from the date of the execution and delivery of said deeds to the present time, the Salt Lake Canal Company, the North Jordan Irrigation Company, the South Jordan Canal Company, the East Jordan Irrigation Company, and Salt Lake City, have controlled, maintained, and used said dam, that said Salt Lake County never at any time diverted or used for any purpose, any of the waters of the Jordan river, and never claimed or asserted any right to the use thereof from then to the construction of said dam, and the making and delivery of said deeds, and ever since said year 1893, the plaintiffs and said defendants last named, subject to the rights of the owners of the Mausley ditch, the Beckstead ditch, the Cooper ditch, the Galena ditch, the Gardener mill race, and the Bennion ditch, have used during the irrigation season of each and every year all of the waters flowing in the said Jordan river, for beneficiary purposes, and said use of said waters of said river has been open, notorious, peaceable, continuous, and adverse, as against said Salt Lake County, and all of the defendants in this action, except when their use thereof was interrupted by the defendant, Salt Lake City Water and Electrical Power Company in the year 1900, as set forth in Finding 23.

EIGHTH.

That in the year 1870, some of the persons who afterwards became stockholders in the Utah and Salt Lake Canal Company, constructed a canal, and diverted water for irrigation, domestic and culinary purposes, from the Jordan river at the old dam, which canal was from year to year extended, until in 1882, when it was completed to its present size and capacity, by the Utah and Salt Lake Canal Company, which was incorporated in 1880, and said canal has been used ever since in conducting the water to the lands of its stockholders, and the same has been used by them for domestic and irrigation purposes, including the watering of livestock, and during the winter season of each year, 10 cu. ft. of water per sec. in said canal has been used continuously for domestic and culinary purposes by the stockholders of said company. The capacity of said canal is 246 cub ft. of water per sec. of time, and about 10,000 acres of land have been, and are irrigated by water from said canal, and have been thereby redeemed from their natural barren condition.

NINTH.

That in the year 1873, the predecessors in title and interest of the United State Mining Co., under an arrangement with the owners thereof, enlarged the canal mentioned in Finding 3, purchased a right of way therefor, and extended the same to the total length of about 10 miles to