

#11-Morse Orders and Decrees

ELEVENTH.

That in the year 1878, at a point about 8 miles north of the old dam, a canal was constructed for the purpose of appropriating water from the Jordan river, for power purposes, for use in the Flouring Mill, known as Sandy Roller Mill, and the water was diverted and appropriated from said river, and conducted thru said canal, to furnish power for said mill.

The defendant, Am. Cooper Jr., is the present owner of said mill and mill race, and is the successor in interest and title of the parties who constructed said canal and appropriated said water, and he and his predecessors in title and interest have ever since conducted from the Jordan river thru said race, water for operating said mill, wherever the interests of their business required it, amounting to 23 cu. ft. per sec. of time, and said defendant, Am. Cooper Jr., and his predecessors in title and interest, have used said water for power purposes, and for the purpose of operating said mill continuously as aforesaid, and during all that time have been in the open, notorious, exclusive, and adverse possession of such right, and have appropriated and used sufficient of the said waters of said river up to 23 cu. ft. per sec. of time, as needed and required, and as the demands of the business of the mill require, and that 23 cu. ft. of water per sec. of time is required and necessary to operate said mill.

That ever since said race was constructed the following persons have taken water from the Jordan river thru said race to and upon their lands for the purpose of irrigating the same, to-wit:

John Neff.....70 acres

Annie E. Neff..80 acres

John T. Wilson.....18 acres

and the quantity of water required during the irrigation season for such purposes is as follows:

Upon the John Neff tract, 1.4 cu. ft. per sec. of time.

Upon the Annie E. Neff tract, 1.2 cu. ft. per sec. of time.

Upon the J.T. Wilson tract, .3 cu. ft. per sec. of time.

TWELFTH.

That in 1879, Salt Lake City commenced the construction of a canal, diverting water from the Jordan river, at a point where the water of the South Jordan Canal Company is diverted, and completed such canal to the city of Salt Lake, a distance of about twenty-nine miles, in 1882, and has ever since used it for conveying water to said city, for use by its inhabitants, for irrigation and municipal purposes. The capacity of this canal is 180 cu. ft. of water per sec. of time. In 1888, a portion of