

#20-Morse Orders and Decrees

structions in the impounding dam across the Jordan river on or about the 25th day of Oct. 1900, for the purpose of storing the waters of said Utah Lake for the purposes aforesaid.

TWENTY - SECOND.

That the Salt Lake City Water & Electrical Power Company, at the time when it made and filed its notices of appropriation, of the waters of the Jordan River, and located and constructed its power plant upon said river, had full knowledge and notice of the several rights of said Salt Lake City and the several canal and irrigation companies aforesaid, and of their several appropriations and right of storage, as aforesaid, and of the exercise of said right to store water in Utah Lake for many years prior thereto.

TWENTY - THIRD.

That on or about the 18th day of April, 1900, the said Salt Lake City Water & Electrical Power Co., by its agents, servants, and employees, entered upon the impounding dam hereinbefore mentioned in these Findings, and removed the planks therefrom and permitted the waters of Utah Lake, heretofore and then being stored and restrained, from flowing down the Jordan River, for the purposes of use by the defendants, Salt Lake City and the canal and irrigation companies, during the coming irrigating season, whereby said waters were lost for the purposes aforesaid, and thereupon the said power company commenced an action in the Fourth Judicial District Court of the State of Utah in and for the County of Utah, against the said city and canal and irrigation companies, and upon its verified complaint therein, procured to be issued out of and by said court, a restraining order prohibiting the said city and canal and irrigation companies from putting said planks back into said dam, and from attempting to store or impound one-sixth of the natural flow of the said river, and from in any way interfering with the use thereof by the said power company and requiring them to turn over said impounding dam, one-sixth of the natural flow, as aforesaid; and thereafter, on or about the 8th day of Aug. 1900, upon the said cause coming on for trial before said court, the said plaintiff, Salt Lake City Water & Electrical Power Co., dismissed said suit finally out of said court, thereby vacating the said restraining order; that thereafter, during the latter part of Oct. 1900, the receiver, Jos. Geoghegan, plaintiff in suits Nos. 3449 and 3459, commenced suits against said city and canal and irrigation companies, severally, in this court, and thereupon procured to be issued out of and by said court, temporary