

§26-Morse Orders and Decrees

city shall continue to divert its water at its present point of diversion, and use the same at its present place of use, but the right of the said Salt Lake City Water & Electrical Power Company to use the city's said water will be effective only after said power company has established, by judgment of the court in an action at law, its right to make connections with its flume and the city's canal, and shall have paid to said city any sum which may be awarded to said city by such judgment by way of damages therefor, and in the event that the license hereinbefore referred to as having been granted by the said South Jordan Canal Company to the said power company, should at any time be revoked, then the right of said power company to use the waters of said South Jordan Canal Company shall only be effective when said power company shall have obtained a judgment in an action at law condemning and giving it the right to connect its flume with the canal of the said South Jordan Canal Company, and shall have paid to said South Jordan Canal Company any sum which may be awarded to it by said judgment.

In the use by the power company of the waters herein awarded to it, it will be required to deliver, after having used the same, the proper proportions thereof, into the river, the city canal, and the South Jordan Canal, as the same shall be reported to said company by the persons authorized to determine the quantities belonging to each respectively; and in delivering such water the power company will be required to maintain such uniformity of flow as will occasion no greater fluctuations than would occur if the water was taken into the said canals direct from the river.

Subject to the limitations aforesaid, the said power company is entitled to a decree of this court quieting its title and right to the use of all the waters flowing in said Jordan River, except that part of such waters, the right of use of which is in the East Jordan Canal Company and the Utah and Salt Lake Canal Company.

TENTH.

That all persons and corporations, parties to this suit, shall construct, or cause to be constructed, at their own cost, under the direction and supervision of a competent engineer, proper appliances for the accurate measurement of the waters awarded to them, respectively, and thereafter shall maintain and keep in place, all dams, headgates, flumes, canals, pen stocks, and other means by which the water is diverted, conveyed or used, in a good state of repair, together with the appliances for the measurement of the water, so that no unnecessary loss from seepage or leakage shall occur, and that the water shall be economically applied.