

be awarded to said city by such judgment, by way of damages therefor, and provided further that in the event, the license hereinbefore referred to as having been granted by the said South Jordan Canal Company to the said Power Company to take and 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 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.

X.

That the Salt Lake City Water and Electrical Power Company shall, at all times, deliver into the Jordan River and into the South Jordan Canal, so long as the license to use waters of the South Jordan Canal Company shall remain unrevoked, and into the Salt Lake City's canal after it shall have established its right to connect its flume with said City's canal, all the waters, the use of which is awarded to it by this decree, in proper proportions thereof, respectively, as the same shall be determined and reported by the persons authorized to determine the quantities to go into the river and into the said canals, respectively, and in delivering such water, the said Salt Lake City Water and Electrical Power Company shall maintain such uniformity of flow as will occasion no greater fluctuations thereof than would occur if the water was taken direct from the river by the said South Jordan Canal Company and Salt Lake City, into their own canals, or suffered to flow directly down the channel thereof from the dam to the claimants and appropriators below.

XI.

That all persons and corporations, parties to this suit, shall, respectively, construct, or cause to be constructed, at their own cost and under the direction or supervision of the commissioner appointed by the court, 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, penstocks and other means by which said water is diverted, conveyed or used, in a good state of repair, together with appliances for the measurement of such water, to the end that no unnecessary loss from seepage or leakage shall occur, and that the water shall be economically applied to the uses for which it is awarded.

XII.

That all the rights, declared and decreed herein, are founded upon appropriation of water, necessary for beneficial uses, and that all such rights hereby decreed and provided for in this decree, are subject in the exercise of such rights,