

#41-Horse Orders and Decrees

and Salt Lake City, and various other of the defendants herein pursuant to adjournment, came on for hearing before this court on the 29th day of May, 1906, at which time the parties herein appeared before said court, and the hearing upon the matters arising thereon came on to be heard and the hearing thereof continued to and including the 31st day of May 1906, each of the said parties appearing by their respective attorneys.

And the court, after having heard the proofs and allegations of all the parties, and the argument of counsel thereon, and it appearing to the court that the allegations of the petition of the said North Jordan Canal Co. are true as therein set forth; and that during the irrigation season of 1904 the said North Jordan Canal Co. entered into a contract with the Utah and Salt Lake Canal Co. by which it was agreed that the North Jordan Canal Co. would transfer during said season a portion of the water decreed to it by the final decree in this cause, and directed the said commissioner of this court, J. Fewson Smith, Jr., to deliver to said Utah & Salt Lake Canal Co. the waters so assigned, and that the said commissioner refused such distribution in pursuance of said contract, but on the contrary, claimed that the said North Jordan Canal Co. had no right to make such transfer, but that if the said North Jordan Canal Co. could not use all the water so decreed to it, that such portion of said water should be equally distributed among the other canal and irrigation companies and the city of Salt Lake.

And it further appearing that since the making of the final decree herein that the various canal and irrigation companies, together with Salt Lake City, had installed four pumps at the intake of the Jordan River, with which to pump water from the common reservoir belonging to them, to-wit, Utah Lake, and that the said pumps were installed at their joint and common expense and cost in equal proportions, and that since the installation of said four pumps the said canal and irrigation companies and Salt Lake City, other than the North Jordan Canal Co., had installed a fifth pump, and it has been in operation pumping water from said Utah Lake, and that such waters so pumped have been distributed among and to Salt Lake City and the canal and irrigation companies other than the North Jordan Canal Co.