

#42--Horse Orders and Decrees

And it further appearing that the above mentioned five pumps are insufficient to furnish said city and the said four canal companies, including the North Jordan Co., with the quantity of water awarded to them under the decree, it is further ordered that said city and said canal companies, or such of them as desire to participate in the expense thereof, have the right to install a sixth pump and to operate the same. And by means thereof to pump water from Utah Lake to supply their necessities, not exceeding the amount awarded them, respectively, under said decree, when the gravity flow from said lake, is insufficient to supply them, respectively, with the amounts awarded under said decree.

And it further appearing that the North Jordan Canal Co. is now desirous of joining in said fifth pump upon condition that they should have the right to participate and have an equal share of the water so pumped from Utah Lake by said fifth pump, up to the amount awarded to it by final decree herein, to-wit, one-fifth of 600 cu. ft. per sec. Over and above the prior rights decreed by the final decree herein to prior claims. and should said North Jordan Co. desire to join said city and said other canal companies in their installation of said sixth pump, it shall have the right so to do. The expense of the installation of the said fifth pump having been already paid by said city and said canal companies, other than the North Jordan Co., upon participating in the benefits thereof the North Jordan shall pay to said city and said companies one-fifth of the cost of installation thereof, less reasonable depreciation on account of use, or a pro rata share of such cost, according to the rights of said parties under said decree, as they may agree and elect. And the cost of the installation of the sixth pump shall be paid by the parties installing the same, and should all of said parties not join in the installation they may at any time hereafter become owners therein and participate in the benefits thereof by the payment of one-fifth of the cost of the installation, less reasonable depreciation on account of use, or a pro rata share, according to their respective rights under said decree, as they may agree and elect.

It is further ordered by the court that the said sale and transfer of waters so made in 1904 by said North Jordan Canal Co. to the Utah & Salt Lake Canal Co. was a valid transfer, and the said North Jordan Canal Co. had the right to make such transfer and sale, and the said Utah & Salt Lake Canal Co. had the right to make purchase thereof from said North Jordan Canal Co; that it was the duty of the Commissioner to observe and obey the directions and instructions of the said North Jordan Canal Co., to turn the said waters to the said Utah & Salt Lake Canal Co., that under