

#43-Horse Orders and Decrees

and by virtue of the terms of the decree herein, each of said canal and irrigation companies and Salt Lake City have the right to sell and to transfer the waters so decreed to them, respectively, subject only to the limitations upon such rights of transfer as are provided by law; and that it is the duty of the commissioner appointed by this court to make such transfers effective when so directed.

It is further ordered and directed that the North Jordan Canal Co. have the right to join with the other canal and irrigation companies and Salt Lake City in the pump now installed by them other than the North Jordan Canal Co., by paying their equal one-fifth part of the expense of such installation, and that the said North Jordan Canal Co. have the right to join with the said canal and irrigation companies and Salt Lake City in the installation of any pumps by which water is taken from the common reservoir belonging to them, to-wit, Utah Lake, up to the amount decreed to it by the final decree herein, to-wit, an equal undivided one-fifth of the waters of the Jordan River; and at all times when the flow of said river shall not exceed 600 cu. ft. per sec. over and above the prior rights decreed by said decree to prior claims, upon paying their equal one-fifth share of such installation.

And it appearing to the court that the refusal of the said J. Fowson Smith, Jr., commissioner of this court, to distribute the waters so transferred by the said North Jordan Canal Co. and the said Utah & Salt Lake Canal Co. as hereinbefore set forth, was made in good faith and only because he was doubtful as to the legal rights of the parties, to-wit, the South Jordan Canal Co. and the East Jordan Irrigation Co.

Therefore, the court adjudges that such refusal was in good faith and without intention to deprive any of the parties of their legal rights, and only because he desired the direction of this court in the premises.

This order is made without prejudice to any rights of parties to this action, other than the four canal companies and Salt Lake City, and any party to this action shall have the right at any time to apply to the court for such order as may be necessary to prevent the rights awarded them under the decree in this action being injuriously affected by the carrying into effect of the provisions of this order.

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