

October 15th is as follows:

"Referring to the claim of S. M. Jorgensen, filed herein as to the use of the waters of Loss Creek, Dry Creek and Durphy Creek, in the Sevier River Water System, and to the objection or protest of the Loss Creek Irrigation Company, a corporation, thereto:

"It is hereby stipulated and agreed, by and between the Loss Creek Irrigation Company, a corporation, and the said S. M. Jorgensen, represented by their respective attorneys, that the rights to the use of the waters of Loss Creek, Dry Creek and Durphy Creek, by the said S. M. Jorgensen, shall be as provided for the defendants in the certain decree made and entered in the District Court of the Sixth Judicial District of the State of Utah in and for Sevier County, entitled, "Loss Creek Irrigation Company, a corporation, vs. William H. Rex, Isaac Jennings and Irene E. Jennings," which decree was made and entered in said action on the 6th day of March, 1908, and signed by the Honorable John F. Chidester, Judge. This, the said S. M. Jorgensen has acquired all the rights of the said defendants in said action in the use of said waters."

"That in addition to the use of said waters as provided in said decree, the said S. M. Jorgensen, is to have the use of the waters of said Dry Creek sufficient for the irrigation and cultivation of not to exceed thirty acres of land, located at the east of the certain canal through which the waters of Loss Creek are diverted to the reservoir of the Loss Creek Irrigation Company, and is also to have the use of the waters of Loss Creek taken from that Creek at the Old Durphy Ditch, sufficient for the irrigation and cultivation of eight acres of land located immediately West of Loss Creek and as now cultivated and irrigated.

"It is understood and agreed, that a certain acreage not to exceed 20 acres of the lands of the said S. M. Jorgensen, which are located at the North or lower end of the field lying between said mentioned canal and Loss Creek, which has become water-logged by reason of the use of the waters for irrigating surrounding lands and by reason of the transportation of water through said canal and that eighteen acres of said thirty acres which are to be watered out of the waters of Dry Creek as hereinabove set out, are substituted for the said lands of the said S. M. Jorgensen so water-logged. It being understood that 12 acres of said 30 acres of land to be watered by the waters of Dry Creek as aforesaid, and eight acres of land to be watered from the waters of Loss Creek, taken out at the Old Durphy Ditch, have been by said S. M. Jorgensen and his predecessors in interest so irrigated and cultivated for the past ten years continuously.

"It is therefore, STIPULATED and AGREED, as aforesaid and in way of compromise and settlement of said protest, that in the decree to be made and entered herein the