II.

That there is now and there has been continuously since Eighteen hundred and fifty one a settlement known as Herriman Fort, situate a little North East of the mouth of said Canyon in Township No. Three South Range No. Two West being in the South West corner of Great Salt Lake valley in the County of Salt Lake and Territory of Utah which said settlement consists of about fifty heads of families among whom are these Plaintiffs and of about two hundred and fifty persons among whom are the persons composing the families of these Plaintiffs. which said Settlement is on land that with irrigation is good and productive, but without it is not good nor productive. That the settlers, inhabitants of said Settlement or town, have farms gardens, dwellings and other conveniences which unitedly are sufficient to use the entire water flowing from said creek.

III.

That in the year (1851) Eighteen hundred and fifty one the settlers