

furnished the permitted 750 gallons per minute, and by 1959 the flow therefrom had diminished to approximately 220 gallons per minute.

4. That on March 30, 1961 defendant Murray City Corporation filed its Change Application No. a-3887 to change the point of diversion, place and nature of use of water from the seven small Baker wells described in paragraph 3 to a new single 16-inch diameter well to be located between approximately 130 feet and 1,000 feet closer to the plaintiffs' wells than were the Baker wells and that defendant Murray City Corporation drilled its new well in May, 1961 pursuant to written permission obtained from the State Engineer on April 10, 1961, but prior to the approval of Change Application No. a-3887, test pumped its well in the same month, connected it into the Murray City municipal water line and has each year since pumped variable flows of water into its line for municipal use.

5. That Change Application No. a-3887 was advertised, was protested and was approved by the State Engineer, and this action was filed to review the Decision of the State Engineer pursuant to Section 73-3-14, Utah Code Annotated 1953.

6. That plaintiff Wayman's 3-inch well covered by Under-ground Water Claim No. 3369 ceased flowing on approximately May 25, 1961 and on May 29, 1961 he connected to the Murray City water system and thereafter used said water for his house use; that said plaintiff connected a portable pump to his well in July of 1961 and since that time has had sufficient water from his well with the use of the pump to water his garden; that during the month of November, 1964 said plaintiff's well flowed and had a pressure in excess of seven feet above the ground surface during which period the Murray City well was operated continuously; and that there is no evidence that said well was ever cleaned except that said well replaced a shallower well when it ceased to flow.

7. That plaintiffs Baileys' two shallow wells covered