

have, with the consent of their inhabitants and the persons entitled to the use of water from the water courses flowing to and within said cities, regulated, controlled and distributed said waters for domestic, culinary, agricultural and motor purposes.

III

That American Fork Creek is a natural stream of water rising in the mountains in the north eastern part of Utah County, State of Utah, which in its course flows through the corporate boundaries of plaintiff and empties into Utah Lake.

IV

That within the corporate limits of each of said cities, and adjacent thereto are several thousand acres of land, which in its natural state are barren and unproductive, but when watered by artificial irrigation yield abundant crops of agricultural products.

V

That there are now residing within the corporate limits of each of said cities about two thousand five hundred inhabitants, and a large portion of the territory embraced within the corporate limits of each of said cities is compactly and thickly settled, and is platted and laid off into lots and blocks intersected with streets and alleys, bordering upon which are residences, business houses and places occupied and used by the inhabitants of said city, and in order to maintain said cities and the farms, orchards, gardens and homes of their inhabitants water for agricultural, domestic, culinary and motor purposes is necessary.

VI

That more than forty years ago, the inhabitants of said American Fork City, plaintiff, for the purpose of appropriating a portion of the then unappropriated waters of said American Fork Creek, constructed from the natural channel thereof numerous canals, ditches and artificial water courses leading from the natural channel of said American Fork Creek into said plaintiff city, through and upon the lands and territory