

means of the water so diverted has brought under irrigation 16,000 acres of land, but all of said lands have not been irrigated and cultivated every year; that during the non-irrigation season of each year said plaintiff has used, through said canal, such volume of waters flowing in said Jordan River as were necessary for the domestic and culinary purposes of its stockholders to the extent of 10 cubic feet per second.

V

That in the year 1882 and prior thereto, the plaintiff, North Jordan Irrigation Company constructed a canal in Salt Lake County, Utah, from said Jordan River down to and upon the lands of its stockholders and others, having a capacity to carry 120 cubic feet of water per second; and thereupon said plaintiff diverted and conveyed through said canal for the domestic and irrigation purposes of its stockholders, including the watering of livestock, during the irrigation season of each and every year, a portion of the flowing waters of said Jordan River, the volume so diverted varying one year with another according to the necessities of said plaintiff, and the volume of water flowing in said Jordan River, and by means of the water so diverted has brought under irrigation 8,000 acres of land, but all of said lands have not been irrigated and cultivated every year. That during the non-irrigation season of each year said plaintiff has used through said canal such volume of the waters flowing in said Jordan River as were necessary for the domestic and culinary purposes of its stockholders, to the extent of 10 cubic feet per second.

VI

That in the year 1882, and prior thereto, the plaintiff, East Jordan Irrigation Company constructed a canal in Salt Lake County, Utah, from said Jordan River at a point near the boundary line between Salt Lake County and Utah County, Utah, down to and upon the lands of its stockholders and others, having a capacity to carry 170 cubic feet of water per second, and thereupon the said plaintiff diverted and conveyed through said canal for the domestic and irrigation purposes of its stockholders, including the watering of livestock, during the irrigation season of each and every year, a portion of the flowing waters of said Jordan River, the volume so diverted varying one year with another according to the necessities of said plaintiff, and the volume of water flowing in said Jordan River, and by means of the water so diverted has brought under irrigation 16,000 acres of land, but all of said lands have not been irrigated and cultivated every year. That during the non-irrigation season of each year, said plaintiff has used through said canal such volume of the waters flowing in said Jordan River as were necessary for the domestic and culinary purposes of its stockholders, to the extent of 10 cubic feet per second.