and maintained by the expenditure of energy or money, or both, all such expenditures shall be borne and met by respondents before they shall be permitted to continue to take the proportion of the water allotted to them from the lake? In other words, ought not the prior rights of appellants in taking the water from Utah Lake be protected to the full extent, and the subsequent appropriators be made to bear all the expenses, if any, in case appellants are affected in any way in diverting their proportion of water from said lake so that appellants may obtain their full share of water without any increase of expense which may arise out of any subsequent appropriation?

Practically we have already answered the first proposition and will add only that, in our judgment, our statutes which relate to the use of water for a beneficial purpose are to be liberally construed and applied, to the end that, when it is possible to apply to a beneficial use water which would otherwise be wasted where all prior rights can be preserved and protected, the right to appropriate such water should not be withheld. The doctrine is in strict harmony with and corollary to the doctrine announced by this court in Nash v. Clark, 27 Utah, 158, 75 Pac. 571, 1 L. R. A. (N.S.) 808, 101, Am. St. Rep. 953, where one water user, in order to make his appropriation available, was permitted, by condemnation proceedings, to acquire a right to the use of the ditches or means of diversion of a prior water user. It would seem that if it be once conceded that, in order to make his appropriation available, a subsequent claimant of water may by condemnation proceedings acquire an interest in or right to the use of the ditches, flumes, or other means of diversion belonging to a prior user, then the right to apply to a beneficial use water which cannot be so applied without in some way affecting prior rights, where such rights may nevertheless be protected and maintained, cannot well be questioned. Counsel for respondents, however, insist that the prior appropriator acquires no right in his means of diversion but obtains a prior right only to use the quantity of water appropriated and applied to a beneficial use by him. We cannot yield assent to this view. We think the original taker or appropriator from a stream or body of water also acquires the right to continue to use his method or means of diverting which he has installed. If this be not so, then prior appropriators, who have appropriated only in small quantities, and whose means of diversion from the stream are simple but sufficient for their purpose, could have their means made entirely ineffective by a subsequent appropriator of a large volume of water the diverting of which would so lower the stream that the water would no longer reach the point of diversion of the small appropriator. In this way it may well be that the cost to the small appropriator to make the water appropriated by him available for his purpose might under changed conditions be prohibitive if not ruinous. Upon the other hand, the cost of making the change might not be so great as to prevent the larger appropriator from supplying and paying for some means whereby the prior rights to the use of the water appropriated by the small user might be preserved, and the wants of the large appropriator could nevertheless be met and supplied. In this way, perhaps, very large quantities of water theretofore wasted, or used only to aid the original appropriator to obtain his larger supply, would be put to a useful and beneficial purpose with-