

And as CONCLUSIONS OF LAW from the foregoing facts the court finds:

1. That certain persons and corporations, not parties to this action, are the owners of the right to the use of one hundred seventy-six and two hundred sixty-five thousandths (176.265) cubic feet of water per second during the irrigation season of each and every year, and of four (4) cubic feet of water per second during the non-irrigation season of each and every year of the waters of the Jordan River, the names of said parties and the extent of their respective rights to the use of said quantity of water and the manner and place of their use of the same being hereinbefore set forth in paragraph 12 of the Findings of Fact herein, and said rights are prior to the rights of the plaintiffs and defendant in this action.

2. That as against the persons and parties owning lands bordering upon Utah Lake, plaintiffs are jointly the owners of the right to raise the waters of said Lake to the elevation known as "Compromise Point" only, and as against the defendant in this action, plaintiffs are jointly the owners of one hundred eighty-five thousand (185,000) acre feet of water, to be taken and drawn from Utah Lake for irrigation, municipal, culinary and domestic purposes during the irrigation season of each and every year, to be taken and drawn through the Jordan River in such varying quantities at different times in each year as the necessities of the varying irrigation seasons require, the same being equivalent to a flow of approximately five hundred fifteen (515) cubic feet of water per second, continuously for 180 days; and the plaintiffs, other than Salt Lake City, are the owners of the right to the use of a continuous flow during the non-irrigation season of forty (40) cubic feet of water per second for domestic and culinary purposes.

3. That at the time of the application of the defendant to the State Engineer of the State of Utah to store, during the non-irrigation season of each and every year for its use for irrigation purposes during the succeeding irrigation season, eighty-five hundred (8500) acre feet of the waters tributary to the north fork of the Provo River, tributary to Utah Lake, there was unappropriated water flowing and being in the tributaries of the north fork of the Provo River hereinbefore described in paragraph 2 of the Findings herein, in excess of eighty-five hundred (8500) acre feet.

4. That the defendant is the owner of the right to store the waters of Washington Lake system, Wall Lake system and Tryal Lake system, tributaries to the north fork of the Provo River, during the non-irrigation season of each and every year, to the quantity of eighty-five hundred (8500) acre feet, and subject to the prior rights of the persons and corporations not parties to this action, hereinbefore referred to in paragraph 1 of these Findings, and subject to the rights of the plaintiffs to the use of One hundred eighty-five thousand (185,000) acre feet of the waters flowing, and to be taken, from Utah Lake, as hereinbefore set forth in paragraph 2. Defendant is the owner of the right to release the said eighty-five hundred (8500) acre feet of stored waters, and turn the same down the natural channel to the Provo River at such times and in such quantities during the succeeding irrigation season as may be necessary for the proper irrigation of lands in Wasatch and Utah Counties, Utah.

5. That this court should retain jurisdiction of this action, the subject matter thereof, and of the parties thereto, for the purpose of making such orders as may from time to time be necessary to carry into effect the terms and conditions of the decree to be entered herein.

Dated July 13, 1908.

J. E. BOOTH,

Judge.