

CONCLUSIONS OF LAW

1. That the plaintiff is entitled to the judgment of this Court awarding to said plaintiff, the Main Creek Irrigation Company, all of the normal flow of the Main Creek and its tributaries in Round Valley, Wasatch County, State of Utah, and to have its right thereto quieted against the defendant corporation, except as to four hundredths (.04) cubic feet of water per second, to which the defendant corporation is entitled from the tributary of said Main Creek, known as Warm Spring.

2. That the defendant is entitled to the decree of this Court awarding to it and quieting its title to four hundredths (.04) of a second foot from the tributary of Main Creek known as Warm Spring near the upper end of Round Valley, to be diverted into and through its pipe line, to be used by its inhabitants for culinary, domestic, and stock-watering purposes, in accordance with the rules and regulations of said corporation.

3. That the plaintiff is entitled to the decree of this Court declaring said alleged warranty deed from Main Creek Irrigation Company, grantor, to the Town of Wallsburg, grantee, dated October 15, 1934, and recorded in Book 18, of Deeds on Page 476, records of Wasatch County, State of Utah, to be null and void and of no effect, not in any way binding upon the Main Creek Irrigation Company.

4. That the plaintiff is further entitled to the judgment of this court awarding to itx costs of Court as follows:

Paid to clerk for filing fees	\$12.00
Sheriff's fees	<u>4.00</u>
Total	\$16.00

Done in open Court this sixth day of December, A. D. 1937.

BY THE COURT:

DALLAS H. YOUNG,

Judge.

JUDGMENT

This cause came on regularly to be heard on the sixth day of December, A. D. 1937, before the Court, Hon. Dallas H. Young, Judge, sitting without a jury, upon the complaint of the plaintiff, the answer of the defendant, and the reply of the plaintiff filed herein, and upon the stipulation of the parties submitted and filed in the cause.

The plaintiff appeared by its officers and by A. H. Christenson, of the firm of Christenson, Straw & Christenson, x its attorney, and the defendant appeared by its officers and by L. C. Montgomery, its attorney.

Said cause having been submitted to the Court upon the pleadings and upon the stipulation filed herein, and the Court having filed herein its findings of fact and conclusions of law, and in accordance therewith,

IT IS BY THE COURT HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. That the plaintiff corporation is the owner in trust for its stockholders of the right to the use of all of the normal flow of Main Creek and its tributaries located in Round Valley, Wasatch County, State of Utah, as against the defendant, Town of Wallsburg, except as to four hundredths (.04) of a second foot of the water of what is known as Warm Spring, located in the upper end of said Round Valley, and the right to the use of all of the said waters of Main Creek and its tributaries, except as herein stated, is hereby quieted and confirmed in said Main Creek Irrigation Company as against the Town of Wallsburg.