

ditches of the defendants where they divert waters from said river independent of the ditches of said plaintiff, or the lateral ditches of its stockholders; and that it is reasonable and just that the said defendants, using independent ditches, pay the cost of said weirs, and where said defendants take water through lateral ditches from plaintiff's canals, in common with plaintiff's stockholders, that they pay the same pro rata cost according to their rights to the use of water as plaintiff's stockholders.

XII.

That it is further necessary that this Court retain original jurisdiction of this cause for the purpose of determining the quantity of water to which the stockholders, living upon the different ditches under the control of plaintiff, are entitled to have turned in at head of said respective ditches, and until the further of this Court the waters of said river to which plaintiff is entitled shall be divided to the respective ditches at the head thereof, giving to each ditch at the head thereof the proportionate quantity to which the stockholders thereof are entitled without regard to loss by percolation, seepage or evaporation; and of, from time to time, making such orders as are necessary for the appointment of, and guidance of said Commissioner, and for the regulation, control and distribution of said waters according to the facts herein found, and for the purpose of compelling the construction of the weirs hereinbefore named, which shall be done under the supervision of the said Commissioner, and for the purpose of compelling the construction of such other improvements as may, from time to time, be necessary, and for the purpose of compelling the payment of such sums of money therefor as the respective parties should pay as aforesaid, or as hereafter may be found to be