Such stipulation was filed on January 24, 1949, and it is sufficient to submit the full cause upon the pleadings filed and the evidence adduced at the trial.

Later the case was reopened upon motion of the corporate defendants and the testimony of another witness was taken and the trial again closed and the cause submitted to the court for its decision.

The court now being fully advised in the premises finds the following facts from the evidence adduced at the trial:

I.

FINDINGS OF FACTS

1. That the above named defendants, except Ed Watson and Wayne Francis, are corporations duly organized and existing under the laws of the State of Utah; and that at the times complained of by the plaintiff in his complaint Ed Watson was the state engineer of the State of Utah and Wayne Francis was his deputy and was charged with the distribution to the persons entitled thereto of the waters of Spanish Fork River.

2. That the plaintiff is and at all times hereinafter mentioned since the year 1944, Apr. 17 has been the owner and in the possession and occupancy of the following described tracts of land in Utah county, state of Utah, and that at all times hereinafter mentioned he and his predecessors have been the owners of the said lands, to-wit:

> The southwest quarter of the southeast quarter of section 5; the northeast quarter of the northwest quarter, and the west half of the northeast quarter of section 8, all in Township 10 South, Range 4 East, Salt Lake Meridian.

3. That plaintiff is the owner of the right to the use of 35 acre feet or shares of the Strawberry Valley Project water and also of 20 shares of secondary water right in the waters of Thistle Creek and its tributaries for the irrigation of said lands. And that in addition to the water rights above