

And the said defendants having appeared with their counsel, R. Robt. Robinson and L. C. Montgomery, and the said plaintiff having appeared by its counsel, Watkins and Holbrook and A. L. Booth, and the Court being fully advised in the premises now makes and enters its FINDINGS OF FACT.

1. That Shingle Creek is naturally a tributary of Provo River, and its drainage area of approximately thirteen square miles is all within and is part of the Provo River watershed. It has its rise in the summits of the Uintah Mountains, on the East of the divide between the Provo and Weber Rivers watersheds, it flows in a Southwesterly direction parallel to the divide for four miles, then approaches near the divide at six miles, then flows South for one mile to its confluence with the main channel of Provo River.

2. That all of the waters of Shingle Creek, now flow and always have flowed naturally into Provo River, and all of said waters now flow and always have flowed into Provo River except such quantity as may have been diverted by an artificial channel to the Beaver & Shingle Creek Irrigation Company, and that none of said diverted water has ever been tributary to Weber River.

3. That said waters of Shingle Creek, prior to the 20th day of April, 1934, and for more than seventy-five years, have commingled with the waters of Provo River; and that said waters have been applied to a useful and beneficial purpose by the parties to Cause No. 2888 Civil, and said waters have been distributed, ever since the filing of the decree in said Cause on May 2nd, 1921, to the said parties in the order and priority as set forth and defined in said decree, in Cause No. 2888 Civil.

4. That the rights of ownership and use of the waters of Provo River and its tributary Shingle Creek, as between the parties to this Cause, are settled and confirmed by the decree of this court in this Cause, as filed and entered on the 2nd day of May, 1921.

That said parties entered into the stipulation heretofore referred to by and through their respective counsel and officers as is heretofore set forth, and said stipulations are by this reference made a part of these Findings.

Now, THEREFORE, from said Findings the Court makes its CONCLUSIONS OF LAW, as follows, to-wit:-

1. An order of said Court should be made vacating, setting aside, and holding for naught the order and decree of this Court made and entered herein on April 19, 1934, and which was filed on the 20th day of April, 1934.