

1373307

Recorded MAY 21 1954 at 11:27 am.  
Request of Brighton & North Point Irr. Co  
Fee Paid. Hazel Taggart Chase,  
Recorder, Salt Lake County, Utah  
\$ 6.00 By M. C. Jaggard Deputy  
Book 2087 Page 373 Ret. 7430 Cheyenne st

IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR  
SALT LAKE COUNTY, STATE OF UTAH

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THE BRIGHTON & NORTH POINT :  
IRRIGATION COMPANY, :

Plaintiff, :

-vs- :

ZINA L. IRVING, MARY DOMICHEL, :  
ALBERT DOMICHEL, WILLIAM :  
DOMICHEL, and FRANK DOMINCHEL, :  
MIKE SOTER, JOHN KYRIMES, TAGA :  
TSOUROS, JOHN HAMMER and :  
FLORENCE HAMMER, his wife, JOHN :  
SKOG, LOUISE SKOG, JOHN CIET, :  
ANGELENA C. REN, GIOVANI CIET, :  
UNIVERSAL C.I.T. CREDIT CORPORA- :  
TION, ELLIOT BARTON, IVY BARTON, :  
DELORA M. PIESKE, MARLOWE PIESKE, :  
MARALAND PIESKE, CONNIE PIESKE, :  
his wife, :

D E C R E E

Civil No. 91,744

Defendants. :  
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The above entitled matter having come on regularly for hearing this date and the default of certain defendants having been made, and other defendants having appeared by stipulation, and the Universal C.I.T. Credit Corporation having been dismissed as a party in interest, and the Court having been fully advised of the law and the premises and having made, entered and filed its Findings of Fact and Conclusions of Law; NOW, THEREFORE,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. That plaintiff is engaged in the business of conveying and distributing irrigation waters within Salt Lake County.
2. That the defendants and each of them are owners of separate tracts of land within Salt Lake County being part of which was formerly known as the Feramorz Little farm, more particularly described as:

the Southeast quarter of Section 22; all of Lots 7 and 8 of Section 23; Lot one, the North half of the Southeast quarter and the Northeast quarter of Section 27; and all of Lots 2 and 3 of Section 26; all in Township 1 South, Range 1 West, Salt Lake Meridian.

3. That on June 9, 1894 in a proceeding before the Third Judicial District Court in and for Utah Territory, Salt Lake County, in case No. 10866 entitled, The Brighton & North

Point Canal Co., plaintiff, vs. Charles J. Hubbard, et al, defendants, the Court made and entered Findings of Fact, Conclusions of Law and a Decree finally adjudicating the water rights of defendants' predecessors in title, holding as follows:

"that said defendants are entitled to a quantity of water continuously flowing, equal to 36 inches in width by 6 inches in depth, through a wooden box set in level and not less than 4 feet in length, and said defendants may take said water out at not more than 6 different places along where the canal and ditch passes through said Little farm."

4. That the plaintiff has constructed and maintains a canal and ditch which traverses the above described Little farm, coursing through it waters from the Jordan River to farming properties to the North and West of the Little farm, which said canal and ditch is substantially the same one referred to in said Decree.

5. That the parties defendant and their predecessors in interest for several years last past have established head gates and pipes in the banks of the canal referred to above for the purpose of removing water to irrigate farming lands owned by them within the limits of the Feramorz Little farm.

6. That the defendants assert a right to use said water under the terms of the Decree entered on June 9, 1894 afore stated as grantees of the original parties to said Decree.

7. That the management of the canal requires that the parties taking water from said canal should do so in turns and in accordance with reasonable regulations so as to provide for an orderly use of the water flowing through said canal.

8. That there are other lands contained within the Little farm not owned, occupied, or cultivated by these defendants which may have been cultivated in the past or may in the future be cultivated and in need of irrigation water.

9. That at the present time there are 17 openings for diversion of water from the canal within the boundary of the Little farm described above and it is reasonable and proper that a schedule be established in conjunction with the other water users upon said canal for designation of the times when water may be taken through each of the openings referred to above but

no new openings will be added.

10. That it is improper for more than one of said openings to be utilized at any time for the taking of water from the said canal for irrigation of lands within the Little farm.

11. That the defendants are entitled to take said water without any cost or expense whatever to them except for the maintenance of the diversion works actually employed by them for taking the water from the said canal, but said diversion works will be forthwith placed in, and thereafter maintained in a reasonably proper condition at the sole expense of the defendant or defendants.

12. That no head gate, pipe, or other diversion work established for removing water from said canal shall hereafter exceed in size the maximum dimension authorized by the said Decree of June 9, 1894, to-wit: an opening equal to 36 inches in width by 6 inches in depth, through a wooden box or its equivalent set level and not less than 4 feet in length.

13. It is further ordered that the defendants and their successors in interest shall abide by a reasonable schedule of terms to be established by the plaintiff irrigation company in conjunction with other water users upon said canal, which shall designate the times when water may be taken by the defendants, respectively, through the various openings in said canal referred to above, and that the defendants may take water only one at a time.

Dated, this 20 day of April, A. D. 1954.

RAY VAN COTT JR.  
DISTRICT JUDGE

Attest: Alvin Keddington, Clerk  
By Chas. R. Liston, Deputy Clerk  
(SEAL)

Endorsed No. 91744 Filed APR 20 1954

STATE OF UTAH  
COUNTY OF SALT LAKE

ss.

I, Alvin Keddington, Clerk in and for the County of Salt Lake and Ex-Officio Clerk of the District Court of the Third Judicial District in and for Salt Lake County, State of Utah, do hereby certify that the foregoing is a full, true and correct copy of the original. DECREE

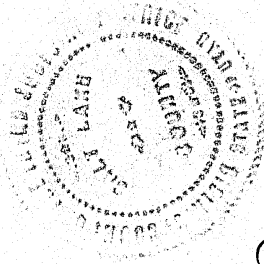
The Brighton & North Point  
Irrigation Company,

vs.

No. 91744

Zina L. Irving, et al.

as appears of record in my office.



IN WITNESS WHEREOF, I have hereunto set my hand  
and affixed my official seal, this 21st

day of May, A. D. 1954

ALVIN KEDDINGTON Clerk  
By Jacob Weiler Deputy Clerk