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JORDAN AND UTAH LAKE.

The most far-reaching decision yet rendered by the State Supreme court, and one of the most important ever made in Utah, is that given in the News of Wednesday evening, in the case of Salt Lake City et al vs J. H. Gallagher et al, involving questions as to the use of Utah Lake as a reservoir for irrigating a great portion of Salt Lake county. The opinion was written by Judge Bartch, and states the case with much clearness; its value in this regard is such that it should be carefully read by everyone interested in the irrigating canals from Jordan river, and in irrigation matters generally. So far as concerns the points touched upon therein, we do not care to elaborate; but there are some incidental matters connected with the case which are of deep interest, and which the decision necessarily is not an exposition of, yet are important for the public to understand.

In the numerous suits that are related to the whole case, there have been raised many complicated questions. It has been too the belief of the public mind to follow these, and now the decision disposes of them all in very simple form. But in reaching that conclusion a vast amount of research was necessary, both on the part of counsel in the case and of the court. For a complete presentation of the case so that the equities thereof could be reached, it was essential that a thorough understanding of the principles of hydraulics and prescription as applied to the issues should be involved; and for the masterly way in which this was done, we cannot refrain from complimenting Hon. F. S. Richards, of counsel for the plaintiffs, whose action in this particular manifested a comprehension of the subject that was far beyond the special interest in his immediate clients, and embraced its value and importance to the public generally.

Many years ago there was a dispute as to how much of a dam the canal companies could maintain in the Jordan river, as the outlet of Utah Lake, without infringing upon the rights of land owners around the lake. In 1866 there were five irrigating canals drawing water for lands in Salt Lake county; the Jordan and Salt Lake canal in this city and the Draper canal on the east side of the river, and three big canals west of the Jordan. In that year these canal companies entered into a contract with all the land owners around Utah Lake, as to the dam which might be maintained in the river and the use of the lake as a reservoir, and how high the water might be raised. When this compromise point was agreed upon, it was also agreed that there should be a lake commissioner, if five, who should determine just what needs might be placed in the dam to keep the level of the water up to a desired point for the use of the canals.

In 1881, disputes arose as to the high water mark, and many suits were brought against the canal companies for damages alleged to have been caused by keeping the water too high. The companies made numerous efforts to have these suits dismissed, but no satisfactory settlement could be reached. Finally, Salt Lake City and the canal companies brought suit against the land owners to determine just what rights the water could be maintained by, what damages dam might be raised in the Jordan to feed the Salt Lake canal, and to equate the flowing of water over the lands. The city attorneys and Hiram S. Roberts were engaged by the plaintiffs, while Parry Ogden and Zan Lake attorneys of defendants and money was engaged by the defendants and the suits have been closely contested ever since.

Previous to the commencement of any litigation the canal companies and Judge Zane, as their attorney, made a strong appeal to light and water to be equivalent of the battle was averted. This compromise was made in order to draw more water from the lake reservoir. The land owners around the lake argued the right of the canal companies to take the water for maintenance of the lands on the lake, and the canal companies were claimed to have taken more than they had a right to.

The litigation in the Jordan and general water in the Utah Lake county is a strange in this ending day to some previously when it is understood that 50,000 acres of land are under irrigation from the Jordan, and that more than 1,000 [illegible] are taken from the lake. While the use of the water for irrigation is of the greatest importance to the people, the question of how much water is from the lake is of the greatest importance to the people.

The decision of the court in the case of the lake water was rendered in the court of the county, and the court decided that the water should be taken from the lake, and that the water should be taken from the lake, and that the water should be taken from the lake, and