

to the date of its passage had been in the peaceable, uninterrupted and continuous use of the water for seven years past. The law, it should be observed, does not create or confer water rights. It merely recognizes and acknowledges the existence of those rights under certain conditions. Water Commissioners have no power whatever to confer water rights. They can but determine their existence under the conditions laid down in the law, and certify thereto.

"It is necessary that water shall be divided by inch measurement, and must applicants to the Commissioners for certain portions of water ask for so many cubic inches. No, it is not necessary. In some cases it would be entirely impracticable. For instance, a certain company or association of persons has a vested right to one-third of a natural source of supply. If that source is of uniform flow the third might be determined by so many cubic inches. But when the stream is fluctuating in volume, a definite quantity in cubic inches cannot be applied for nor distributed. The law says it may be so measured, but also that it may be measured 'by fractional parts,' as, one-half, one-third, one-fourth and so on, of the whole source of supply, or by such fractional parts with a limitation as to periods of time when it may be used. Each company or person should know (and establish his right to) what portion of a natural source of supply has accrued to it or him by usage or other accretion, and apply for that portion to the Water Commissioners, who have the duty of making the division and distribute it 'according to the nature and extent of recorded rights.'

"What about the rights of cities to the control of the waters?" Some municipalities have chartered rights in relation to the control of certain streams or other natural sources of supply. We presume that they are valid. Having been conferred by the same legislative authority which has created the office of Water Commissioner, we should judge that the municipal rights conferred by charter are equally good in law with those powers bestowed by law on the Water Commissioners. Those municipalities which, having chartered rights to the control of natural sources of supply, speaking on general principles, will have to obtain their portions of streams as other corporations under the new law. This, however, may not apply in every case; each must be determined according to rights that have vested and accreted, and the customs and usages of each locality must be taken into consideration, as they are recognized by Act of Congress; and therefore it would be impracticable to lay down in a newspaper article a simple rule applicable to all.

There is one thing that should be clearly understood by every one. That is, a right to the use of water under the law only extends to 'the reasonable necessity for such use thereof.' Water rights are different from land rights or personal property rights. We understand that the Judge to whom we have alluded in this article, stated from the bench that a man's right to water was the same as his right to his horse. That he might make a hole in the ground, if he could, and pour his portion of the water into it or do just what he liked with it. The Judge confessed that he had not studied the law closely. He might have spared himself from such a confession to those who have studied it. No man has an absolute right to so much water for irrigation. His right only amounts to the use of it, and that but to 'the reasonable necessity for such use thereof.' (See Act on 'Water Rights,' Laws of Utah, 1889, p. 37). Water is too precious in this arid region to be wasted, or for powers to be given to one person in relation to it, detrimental to others with similar rights.

The various Irrigating Companies organized under the laws of the Territory are not affected by the new statute. Their powers remain. Their laws hold good. The new law confirms rather than abrogates them. (See '16, 162.) A judicial decision to the contrary should be appealed from until justice is obtained. There are no more important industrial organizations in the country than the Irrigation Companies, which have been organized for the purpose of diverting the unappropriated waters of our creeks and rivers upon the parched and desert soil, thus turning the wilderness into a fruitful field and making wealth for the district and the nation. Courts should throw around them the protection of the law as against factious litigants, desirous of shirking well understood obligations and of crippling the very companies from which they have obtained their chances of making a living. It will be found on fair investigation that those companies have a legal existence and legal rights which cannot be ruled away by the opinion of a Judge, who by his own admission, has not fully studied the law concerning them.

We view the subject of water rights as one of the vital questions of the times in this Territory, and hope that out of the beginning that has been made for the settlement of claims to the use of water, a full and satisfactory law or series of laws may yet be framed, which will be so definite and complete as to make it possible to set all water disputes at rest for ever. A consummation devoutly to be wished."

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#### THE VISIONS FROM THIS CITY.

The visions from this city and the surrounding settlements were hospitably entertained by the Saints of American Fork, making a reception, where so many good things were combined, and so long and pleasantly remembered.

#### CASH.

CASH PAID FOR CLEAR. ALL WOOD. 11 1/2, delivered at Salt Lake.

#### \$50 REWARD.

I GOT LAST NIGHT, A POCKET BOOK, with Seven Dollars and Fifty Cents in it. The above reward will be given to anyone returning it to this office.

#### UTAH EASTERN RAILROAD COMPANY.

TRUSTEES OFFICE, 120, FIRST SOUTH STREET, 4 doors East of First City Depot.

At Sunset. At early dawn, the firing of guns and the raising of the national banner announced the approach of the day of jubilee. At 9.30 the assembly was called to order and the exercises commenced by the choir of the two settlements, as well as by members of the two schools. Questions and answers, chapters and five of Jacques Catechism, by two classes of Brigham City S.S., and questions and answers from "Motto catechism cards," on "Wisdom," and "The Kingdom of God," by two classes of Sunset S.S., were especially praiseworthy in their rendition. Songs, dialogues, orations, appropriate for the occasion, were spiritedly and cheerfully rendered all calculated to impress upon the mind, the importance of the great latter-day work. During the afternoon and evening, dancing and innocent games were freely engaged in thus happily closing a Sunday School celebration which will long be remembered with pleasure and thanksgiving.

Respectfully,  
L. M. SAVAGE, Secy.

MINERSVILLE, Beaver Co.,  
August 3, 1880.

#### Editors Deseret News.

The general health of the people here is good. Our crops of grain