

1961

# Spanish Fork West Field Irrigation Co. et al v. United States et al : Reply Brief for the Appellants

Utah Supreme Court

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# In the Supreme Court of the State of Utah

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SPANISH FORK WEST FIELD IRRIGATION COMPANY, A  
CORPORATION, ET AL., PLAINTIFFS AND RESPONDENTS

v.

THE UNITED STATES, A NATION, ET AL., DEFENDANTS  
AND APPELLANTS

---

APPEAL FROM THE FOURTH JUDICIAL DISTRICT COURT OF  
THE STATE OF UTAH IN AND FOR UTAH COUNTY

---

REPLY BRIEF FOR THE APPELLANTS

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Clk., Supreme Court, Utah  
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## ARGUMENT

Only one response is, we believe, required to the brief of the respondents seeking to support the decree entered by the Court after remand. In relying upon *Dalton v. Stout*, 87 U. 39, 48 P.2d 425 (1935), and cases there cited (Br. 5), respondents ignore the fact that the former decree in this case was reversed. Moreover, as examination of the record, and particularly a comparison of the original decree with the amended decree, will show, the matters of which we now complain were not in the original decree.

Although respondents claim that the amended decree will prevent a wasting of water, they make no attempt to show the existence of any threat of defendants to waste water and hence any justification for the portions of the conclusions of law and decree to which we object.

### CONCLUSION

For the foregoing reasons it is submitted that paragraphs 13 through 16 should be stricken from the decree and paragraph 13 should be stricken from the conclusions of law.

Respectfully submitted.

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JANUARY 1961.