

Defendants.

I
Grand Jury

Comes now Hazel Cannon, successor in interest of Whittaker Brothers (J. C. Whittaker and Arthur Whittaker) and hereby objects to the proposed finding of the court with respect to the South Fork of Sevier River, Piute County, Third-Class rights as set forth on page 27 of the proposed findings, which fails to include 2.08 c.f.s. and 1.39 c.f.s. from May 1 to Oct. 15 of each year, as fixed by the proposed determination of the State Engineer, Claim No. 78, and respectfully presents to the court the following facts in connection therewith upon which the said objector bases and claims her rights herein:

I.

The objector herein is the owner of and in possession of 48.7 acres of land embraced in Sec. 4, T. 31 S., R. 4 W. S.L.M.

II.

That this objector's immediate predecessors in interest are, J. C. Whittaker and Arthur Whittaker, and that this objector succeeded to their respective interests and therefore is a real party in interest to the proposed findings made by the Court, of the rights of the use of water of the Sevier River and its contributors.

III.

The lands hereinabove described are sterile and unproductive without artificial irrigation, but with artificial irrigation, the said lands are productive and produce large and valuable crops.

IV.

That for more than 40 years, this objector and her predecessors in interest have applied upon said lands sufficient water from the South Fork

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of the Sevier River to irrigate said lands,

V.

That by the proposed determination of the State Engineer, Whittaker Brothers and Mrs. Thomas Dobson were entitled under subdivision (a) to 2.08 c.f.s. and 1.39 c.f.s. from May 1 to Oct 15 of each year, for the irrigation of 83.2 acres of land to be prorated to the owners of the right to use thereof for periods of time in proportion as their respective acreage bears to the whole acreage.

VI.

That this objector is entitled to the use of 2.08 c.f.s and 1.39 c.f.s. from ~~APR~~ 1 to Oct 15 of each year to irrigate the land herein described, prorated as above set forth with the rights of Mrs. Thomas Dobson, and that all of said land, with economical use, has required and will require said amount of water, and has had used upon it said amount of water, each and every year for more than 40 years last past and has been used continuously since 1880, the date of priority of such right.

VII.

That on pages 27 and 28 of the proposed findings of the court, the rights of certain individuals to the said South Fork of Sevier River, Piute County, are set forth and determined, but the rights of the said Whittaker Brothers or Hazel Cannon, as successor to said Whittaker Brothers, and Mrs. Thomas Dobson to the 2.08 c.f.s. and 1.39 c.f.s. from ~~APR~~ 1 to Oct. 15 of each year, were not included therein.

VIII.

That the proposed findings would deprive the objector herein of used and established rights to the said 2.08 c.f.s. and 1.39 c.f.s. from ~~APR~~ 1 to Oct. 15 of each year.

WHEREFORE, this objector prays that her objections may be considered in this matter, and that evidence be presented in support of the rights of this objector, and that a decree may be entered by this court, adopting the proposed determination of the State Engineer with respect to the 2.08 c.f.s and 1.39 c.f. *same except that the period of use begin APR. 1 instead of MAY 1.* and that Hazel Cannon, your objector herein be decreed said water in accordance

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STATE OF UTAH)
 : ss.
COUNTY OF SEVIER)

^WHAZEL CANNON, being first duly sworn deposes and says: that she is the objector named in the foregoing objections; that she has read and knows the contents of the same and that the same is true of her own knowledge, except as to matters upon information and belief and as to those matters, she believed it to be true.

Hazel W. Cannon

Subscribed and sworn to before me this 28th day of January, A. D. 1936.

Sonathy Baker
Notary Public.

Residence, Richfield, Utah.
Com. Expires April 18, 1937.