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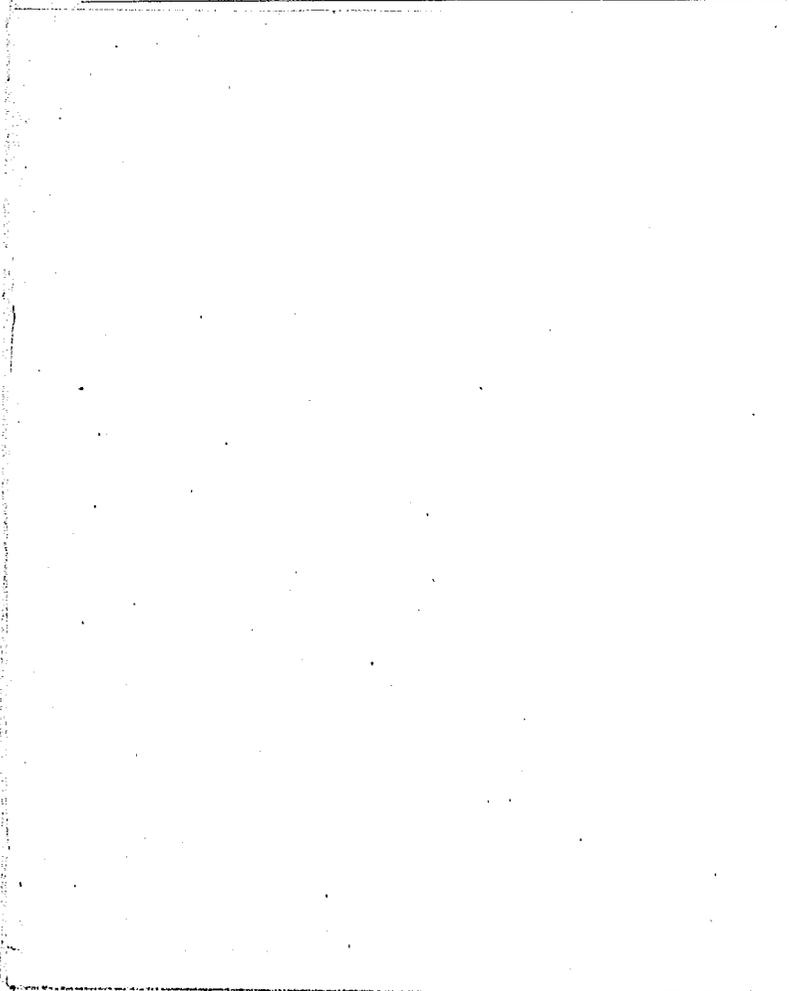
NOV 23 1921

DAVID A. CRAMER, SHORTHAND REPORTERS, WALKER BANK BLDG., SALT LAKE CITY

DAVID A. CRAMER, SHORTHAND REPORTERS, WALKER BANK BLDG., SALT LAKE CITY

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*Ex 112*  
*J. K. H.*

Provo, Utah Sept. 30, 1916.

Provo Pressed Brick Company,  
Provo, Utah.

Gentlemen:

Your verbal protest of this date regarding the amount of water turned to the Provo Reservoir Company at this time and your application for more water for power purposes, has been duly considered and you are advised as follows:

The application of the Provo Pressed Brick Company number 1221 of date Feb. 28, 1907 for 100 second feet of water was for power purposes.

And the application of the Provo Reservoir Company number 1828 of date April 16, 1908 for 150 second feet of water was for irrigation.

The application of the Provo Reservoir Company although later in point of time to your application, was for a higher use-irrigation, and under section 1288X27 must be satisfied before your application can participate.

Should the purpose of use of application number 1828 be changed from the higher use to the generating of power, as provided in section 1288X24, then your application number 1221 must be satisfied before number 1828 can participate. At the present time the uses of the water diverted by the Provo Reservoir Company are exclusively for irrigation, and are due to receive the consideration of this office, ---while priority of appropriation shall give the better rights as between those using water for the same purpose, the use for domestic purposes shall have preference over use for all other purposes, and use for agricultural purposes shall have preference over use for any other purpose except domestic use.\*\*\*\*

To my knowledge during the years 1913, 1914, 1915 and 1916 and during the years 1909 to 1913 as far as I know, the Provo Reservoir Company have been using water without regard to your application number 1221, and have not been restrained in this use. Section 1288x23 may also have some bearing on this matter, the writer cites these sections that are questions for determination and that are given consideration in this matter.

Under present conditions, I can see of no way wherein the Commissioner can make a distribution that will afford you any relief.

With the foregoing in view your protest for a reduction of volume of flow to the Provo Reservoir Company is refused, and your application for more water is denied.

You are further advised, that, you may appeal to the Court for an order in this matter. I have desired to satisfy all parties in the distribution of Provo River pending the trial of this case, but if you now ask for an order from the Court, I will be pleased to assist you by making a complete measurement of Provo River and give you all the information that we have that will enable you to present the conditions and facts to the Court properly.

Resp.

(signed)

T. F. Wentz

Commissioner.

Copy delivered to Provo Pressed Brick Company.

Copy to Provo Reservoir Company.