

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT, IN AND FOR
UTAH COUNTY, STATE OF UTAH.

a-7 (7)

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PROVO RESERVOIR COMPANY,
A corporation,

Plaintiff,

Civil 2888.

-vs-

MOTION FOR ORDER TO
AMEND THE COMPLAINT

PROVO CITY, et al.,

Defendants.

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Now comes the Plaintiff in the above entitled cause and moves the court for an order permitting it to amend its complaint to conform to the proof, as follows:

That paragraphs 29-A and 29-D of the complaint be stricken therefrom and that the following be substituted for paragraph 29-A, to-wit:

That as heretofore stated in Paragraph 27 hereof, the flow of said Provo River varies in volume season by season and at different times in the same season, but plaintiff alleges upon information and belief, which information is derived from records of the flow of said river for many years past, that the normal flow from said river during the low water period of each irrigation season, is not less than substantially 305 cubic feet per second.

That plaintiff is the owner by acquisition by purchase from prior appropriators thereof, of the right to the use of the following quantities of the flowing waters of said river, to-wit:

Two second feet from six o'clock P. M. to six o'clock A. M. each and every night, and from six o'clock A. M. to six o'clock P. M. each and every Sunday.

Also, all of the spring water collected and flowing in the bed of the Blue Cliff Canal in Provo Canyon.

Also, all of the water flowing from what is known as Pony Steel Springs, situate on the right-hand side of the Provo River in Provo Canyon near the residence of Hyrum Heiselt.

Also, forty-six cubic feet per second of the flowing waters of said river during its normal flow; which said right is a Primary Right.

Ab Hatch, E. A. Wood
Jacob Evans, A. J. Evans
a L. Booth

Attorneys for Plaintiff.