

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

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PROVO RESERVOIR COMPANY,	)	
Plaintiff	)	
vs.	)	NO. 2888 CIVIL.
	)	
PROVO CITY, ET AL.,	)	DE M U R R E R.
Defendants,	)	

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Comes now the defendant Provo City, in the above entitled cause, and files its separate demurrer to the Petition of T. F. Wentz, Commissioner, for an Order on Construction of Control Gates, and as grounds for said demurrer alleges,-

1. That said Petition is ambiguous, uncertain and unintelligible in this,-

(a) That in Paragraph 4 of said Petition the petitioner alleges,- "That in the year 1904, two sets of timber gates were installed leading from the tailrace of the Olmstead plant to the said Provo river. <sup>And</sup> that said gates have been necessary for all the parties above named in paragraph 1." That it cannot be determined from the allegations of said paragraph for what purpose, if any at all, that such gates have been necessary for the defendant Provo City, or for any of the parties named in Paragraph 1.

(b) That it cannot be determined from said Petition the exact location of the gates mentioned in said petition, nor the size or dimension of said gates.

2. That said Petition does not state facts sufficient to warrant the Court in making any order charging the defendant Provo City with the payment of the costs of the installation of said gates, or any part or portion of the costs of the installation of said gates, or in making any order at all charg-

ing the defendant Provo City with any duty at all in the premises.

*Jacob Coleman*  
*A. S. Morgan*  
Attorneys for Provo City.

Due and legal service had by copy received of the above and foregoing  
Demurrer this 28 day of Sept, 1921, is hereby admitted.

*J. F. Wentz*

2888

IN DIST. COURT  
UTAH CO., UTAH.  
\* FILED \*

NOV 28 1921

*M. Hales* Clerk

*E. B. Dastrey* Deputy