

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

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PROVO RESERVOIR COMPANY,
a corporation, : Civil Action #2888.
Plaintiff, :
 :
vs. : PETITION
 : OF
 : CALEB TANNER
PROVO CITY, et al., :
Defendants. :

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To the Honorable Judge of said Court:

the Petition of Caleb Tanner respectfully shows:

That by means of cementing and otherwise improving the channel of the Provo Bench Canal & Irrigation Company's canal, your petitioner has saved of the quantity of water heretofore flowing therein, and theretofore lost by seepage and percolation out of the channel of the canal, a substantial volume of water.

Before the work of cementing and improvement was begun, accurate determinations were made of the losses in the said canal by seepage and percolation with said canal in good condition of repair; said determinations being made by the present water commissioner of Provo River, T. F. Wentz, in conjunction with an engineer representing your petitioner.

That the said enlargement and improvement of the said Provo Bench canal were made pursuant to an agreement entered into between your petitioner and the said Provo Bench Canal & Irrigation Company, with the provision in said agreement that your petitioner should be entitled to any and all water which might be saved by so improving the said canal. That in order for your petitioner to receive the said water saved by said improvements, as aforesaid, it is necessary that the commissioner appointed by this court under the said decree, should receive instructions and an order from this court to determine the volume of the losses by seepage and percolation as they now exist, and to distribute the difference between ^{present} said/loss and the original loss to the uses of your petitioner.

That according to the best knowledge, information and belief of this petitioner, no injury will accrue to any person whomsoever by the granting of this petition.

WHEREFORE, petitioner prays that he be permitted to serve a copy of this petition on the attorneys for all the parties represented by attorneys, and on the defendants not represented by attorneys, in the above entitled cause, and that they appear and show cause before this court on the 27th day of February, A.D. 1922, at the hour of ten o'clock A. M. or as soon thereafter as the matter can be heard by the court, why the court should not order the commissioner to determine the volume of water saved, as aforesaid, and to order same distributed to your petitioner, and that such other and further order may be made as shall be proper in the premises.

Caleb Tanner
Petitioner.

STATE OF UTAH,)
) SS.
COUNTY OF UTAH.)

On this 15th day of December, A.D. 1921, personally appeared before, Caleb Tanner, the Petitioner named in the above entitled action, who duly acknowledged to me that he has read the same and knows the contents thereof; and that the same is true of his own knowledge, except as to matters therein stated on information and belief, and as to such matters he believes it to be true.

Walter Olsen
Notary Public.

Residing at Provo, Utah.

My Commission Expires:

March 5-1924

