

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

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PROVO RESERVOIR COMPANY,
Plaintiff and Respondent. :
vs. :
PROVO CITY, et al., :
Defendants. :
ESTHMA TANNER, :
Defendant and Respondent. :
--and-- :
THE UPPER EAST UNION IRRIGATION :
COMPANY, et al., :
Defendants and Appellants. :

AMENDMENT TO DECREE

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It appearing in the above entitled action, that while the appeal thereof was pending in the Supreme Court of the State of Utah, a stipulation was entered into by and between Ray & Rawlins, attorneys for appellants, A. G. Hatch and Jacob Evans, attorneys for plaintiff and respondent, Provo Reservoir Company, and Irvine & Thurman, attorneys for respondent, Esthma Tanner, that the decree heretofore made and entered herein in this court may be modified as in said stipulation particularly set forth, and the Remittitur from the Supreme Court of the State of Utah containing the said stipulation having been filed in this court, and the said stipulation containing the provision that the Supreme Court of the State of Utah may remand the case to the trial court with directions to amend the decree made and entered therein so as to conform to said stipulation:

IT IS THEREFORE HEREBY ORDERED, ADJUDGED AND DECREED, that the original decree in the above entitled cause be and the same is hereby modified, by adding thereto, the following paragraphs, to-wit:

1.

It is further ordered, adjudged and decreed, that whenever the quantity of Class "A" water, as hereinbefore awarded and decreed to the plaintiff and the several defendants, is insufficient to supply the full quantity of said

class, then, excepting the waters for domestic and municipal uses of Provo City as set out in subdivision (e) paragraph 4, and the waters of the Utah Power & Light Company as set out in paragraph 33 of the Decree entered herein on the 2nd day of May, A.D. 1921; the plaintiff and the several defendants entitled thereto shall have the water distributed to them pro rata in proportion to the quantities severally awarded to them in said decree in said class, for each of the irrigation periods mentioned therein.

II.

It is further ordered, adjudged and decreed, that the defendant The East River Bottom Water Company is hereby awarded, in addition to that quantity of water awarded to said East River Bottom Water Company in paragraph 10 of said decree, the following:

- A- One-fourth second foot of the seepage and spring water accumulating and arising and collected by drainage system on the lands of Esthma Tanner, as defined in paragraph 31 of said decree, and subject to the conditions therein, said one-fourth ($1/4$) second foot of water having been deeded by Esthma Tanner to The East River Bottom Water Company since the making of the original Decree herein.
- B- Three-fourths second foot of the waters of Provo River, as a successor to the Blue Cliff Canal Company, as defined in paragraph 35 of said Decree, and subject to the conditions therein, said three-fourths ($3/4$) second feet of water having been deeded by the Provo Reservoir Company, plaintiff herein, to the East River Bottom Water Company, since the entry of the original decree herein.

Dine in Chambers at Provo City, Utah, pursuant to said stipulation, this 10th day of November, A.D. 1922.

Elias Hansen
J U D G E.

2888

IN DIST. COURT
UTAH CO., UTAH.

* FILED *

NOV 11 1917

W. M. Halls, Clerk
E. B. Dastump, Deputy

[Faint handwritten notes or scribbles]

THIS IS CERTIFICATE OF THE COURT, DATED NOVEMBER 11, 1917, IN CASE NO. 2888, THAT THE ABOVE NAMED PARTY HAS BEEN ADJUDGED TO BE INSANE BY THE COURT.

AND THAT THE COURT HAS ORDERED THAT THE SAID PARTY BE COMMITTED TO THE ASYLUM FOR THE INSANE, AT CARLETON, UTAH, TO REMAIN THERE UNTIL SUCH TIME AS THE COURT SHALL ORDER OTHERWISE.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF OFFICE, AT CARLETON, UTAH, THIS 11TH DAY OF NOVEMBER, 1917.

W. M. Halls, Clerk
E. B. Dastump, Deputy