

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

PROVO RESERVOIR COMPANY,) No. 2888 Civil
A Corporation,) Contempt Proceeding
Plaintiff,)
vs.) Copy of Testimony of IRWIN JACOBS
PROVO CITY, et al,) given in behalf of Plaintiff
Defendants,) Provo Reservoir Company, a corpor-
ation, in above entitled Cause
June 9, 1916, P.M., Found in Vol. I.
of Official Transcript of the
Evidence given in said Cause,
Pages 312-315 Both Inclusive

Q MR. JACOBS, do you have any knowledge of the Maple Spring
in Provo Canyon, where it is located? What is
known as the Maple Spring?

A I know of no spring under that name.

Q Do you know of a spring that was formerly flowing into
the Blue Cliff Canal that is now diverted into
the City water pipe?

A Yes.

Q Where is that spring located?

A It is located about three-quarters of a mile up the
canyon from the Heiselt place.

Q And with relation to the Blue Cliff Canal, is it on the
mountain side above or below that canal?

A It was above.

Q So that it would find its way down to the canal?

A Yes.

Q Do you know whether or not that was distributed to the
Provo Reservoir Company, as a part of its water
at any time?

A Yes.

Q When was it?

A During 1912.

Q And after that what was done with it, if you know?

A I don't know of anything.

Q In 1913, '14 and '15, have you any knowledge of it?

A I think during 1913 --

MR. RAY: We object, your honor please, what the witness thinks; if he doesn't know what was done with it.

Q Well, during 1913 it was distributed to the Provo Reservoir in connection with this water, during part of the season, I don't know whether it was distributed all season or not.

Q Who made the distribution in 1912?

A Mr. Farrar.

Q Who in 1913 made such distribution of it as you have knowledge of?

A Mr. Wentz and also Mr. Farrar.

Q Are you acquainted with the other springs that are in that vicinity?

A Yes.

Q What are known as the Pony Steele Springs? and Blue Cliff Springs?

A Yes

Q Have you at any time made a measurement or an estimate of the quantity of water flowing from the several springs, Pony Steele Springs and Blue Cliff springs excluding the Maple Springs?

A I have.

Q What quantity of water did you find the aggregate to be?

A The aggregate of the Blue Cliff and Pony Steele together?

Q Yes

MR. RAY: Is the Blue Cliff Springs the one you refer to as the Maple Springs, Judge?

MR. A.C.HATCH: No, as I understand the facts to be, there are several small springs that found their way into the Blue Cliff Canal and have been distributed to the Provo Reservoir Company as a part of the original appropriation of water.

MR. THOMAS: For information, Judge, part of the Blue Cliff claim?

MR. A.C.HATCH: Yes

MR. THOMAS: Included in what was appropriated as the Blue Cliff right?

MR. A.C.HATCH: Yes, exclusive of its rights as awarded to it from the Provo River proper.

MR. THOMAS: You misunderstood my question. I asked if they were included in that, that is, in addition to what was included in the Blue Cliff right.

MR. A.C.HATCH: The Provo River water.

MR. RAY: I understand that is simply the contention of counsel. Counsel is not asserting that as a fact. That is one of the things the court will have to determine.

MR. A.C.HATCH: That is why we are offering this proof. It is what we claim.

MR. THOMAS: I understand, thank you.

A The four springs or five springs measured by me totaled .44
second feet. There were two --

Q Now, will you give the quantity of each, naming it?

A I have them listed according to numbers, No.1 --

MR. COLEMAN: Which is No. 1?

A Beginning at the southwest point, that is at the point on the Blue Cliff Canal at the southwestern extremity of the spring area. No.1 .088 second feet; No.2, .064 second feet; No.3, .073 second feet. No.4 --

Q The Pony Steele Springs give that separate.

A The first three are what are known as the Pony Steele Springs.

Q That is the three you have given?

A Yes, the fourth one is --

Q What is the aggregate of those three?

A .225 second feet.

Q What is the fourth one?

A The fourth one is a spring which has been held jointly by the Blue Cliff and Heiselt.

Q Hyrum Heiselt?

A Yes, one half each. Counting one half of that spring which totals .183 the Blue Cliff right would be .091.

Q MR. COLEMAN: What is the name of that spring?

A I never heard any name.

Q Now, the other springs, where are they located?

A The other springs are the Blue Cliff springs.

Q Where are they located?

A Located from a half to three-quarters of a mile up the canyon from Heiselt's place.

Q What is the quantity of water?

A There is only one spring that we were able to measure. That discharged that .098 second feet. Two other small springs so scattered it was impossible to measure them, and the upper spring of what is known as the Blue Cliff spring was in the city pipe line and it was impossible to measure that.