

APR 25 1924

IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF UTAH

Before the Honorable R. E. Caldwell, State Engineer
of the State of Utah.

Defendants Exhibit 20
Case No. 2885 Civil
F. H. Court Reporter.

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In the Matter of the Applica- : NO. 9458
tion of Provo City No. 9458 in the : PROTEST OF PROVO
Office of the State Engineer : RESERVOIR COMPANY

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Comes now the Provo Reservoir Company, a corporation,
the protestant above named, and by permission of the Honorable State
Engineer first had and obtained, files its protest to the granting
of application #9458, made by Provo City, a municipal corporation,
herein called the applicant, as follows:-

1. That Application #9458, made by applicant, attempts
to appropriate water which has already been decreed under the decree
entered in Civil Action #2888 of the Fourth Judicial District Court of Utah,
in and for Utah County.

Therefore said water is not under the jurisdiction
of the State Engineer, and cannot properly be subject to appropria-
tion by the applicant Provo City.

Protestant quotes from said decree pages 24 and 25.

"(d) Hyrum Heiselt. From January 1st to December 31st,
for the irrigation of two acres of land, Duty 60, 0.033 Second Feet
from Provo River, and to be used upon the lands now owned by him
and that lie along said river.

Also is the owner and entitled to the use of a spring
on his premises known as the "Heiselt House Spring", and a spring
on his premises known as the "Big Pipe Spring," and is the owner
and entitled to the use of one-half of the flow of what is known as
the "Joint Spring," situate on the "Steele Farm."

2. That application #9458 includes all the water of
the "Joint Spring," whereas one-half of the water in the "Joint
Spring" is definitely decreed to protestant in the foregoing mentioned
decree.

3. That the forementioned decree provides for using
all the water decreed to Hyrum Heiselt, including the spring described
in application #9458 on the premises of said Hyrum Heiselt. A portion
of this water so used will seep back into the bed of the Provo River,
and augment the river supply. Should this water be removed from the
said premises as contemplated in this application, it will tend to

reduce the Provo River supply to the detriment of this protestant.

WHEREFORE, in consideration of the foregoing mentioned facts set out, the protestant prays that Application #9458 be re-
not approved
jected and ~~contd~~ by the Honorable State Engineer.

PROVO RESERVOIR COMPANY.

BY

R. J. Murdock
SECRETARY.

STATE OF UTAH, :
: SS.
COUNTY OF UTAH, ;

R. J. Murdock, being first duly sworn, deposes and says: That he is the Secretary of the Provo Reservoir Company, a Utah corporation, the protestant under application #9458; that he has read the above and foregoing protest and knows the contents thereof; 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.

R. J. Murdock

Subscribed and sworn to before me this 24 day of

April, A. D. 1924.

J. E. Brockbank
NOTARY PUBLIC.

My Commission Expires April 28, 1924. Residing at Provo, Utah.

I, Geo. M. Bacon, duly appointed, qualified and acting State Engineer of the State of Utah, do hereby certify that the above is a true and correct copy of affidavit of protest of Provo Reservoir Company relative to application # 9458 as shown by the records of the State Engineer's Office.

GEO. M. BACON
State Engineer

By *Reed Jerman*
Principal Asst.



9458.

Duplicate

In Re-
Application of
Provo City

to
Appropriate Water
from

Big Pipe Spring, Heiselt
House Spring and Joint
Spring.

PROTEST
OF

PROVO RESERVOIR COMPANY

Filed in State Engineer's
Office. Apr. 25, 1924.