

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

PROVO RESERVOIR COMPANY,  
a Corporation,

Plaintiff,

vs.

PROVO CITY, et al,

Defendants,

No. 2888 Civil

CONTEMPT PROCEEDING.

Copy of Excerpts of the Minutes of Meetings of the Stockholders of the Blue Cliff Canal Company, a Corporation, and copy of Excerpts of the Minutes of Meetings of the Board of Directors of the Blue Cliff Canal Company, a corporation, contained in the Minute Books of the Blue Cliff Canal Company, a corporation, which said Books have been Identified by the Official Court Reporter as Defendants' Exhibits <sup>and 5</sup> 4/ in the above entitled Cause and Proceeding.

DEFENDANTS' EXHIBIT 4.

Page 25.

"Nov. 8, 97

"Board met pursuant to adjournment, Present Booth, Rogers Green Grant & Wilson, Minits of Oct 1 read, approved. The Supt reported that three men had been hired during the last mounth and good results had been obtained. The water was down to the deer ledge."

Page 26.

"November 15, 1897

"Blue Cliffs board met on ditch. Booth, Rogers, Wilson, and Green spent the day in examining and making estimates. The opinion of the board is that \$2,000 will put the ditch in a condition to receive the water. The supt was instructed to commence at the top put some water in from the river and work down. Board adjourned to meet at P.G. Dec 1 at 5.20 P.M."

Page 26.

"Dec. 1. 97

"Board of Blue Cliffs canal Co met P.G. City Hall Present Booth Rogers Hayes & Cordner & Grant. Minutes of Nov 1 & Nov 15 read and approved. The President reported that the mouth of the canal was opened and water running in to the canal from the river.

There have been at work from three to seven men and the work has been mostly done on the upper end of the canal."

Page 27.

"March 8, 1898

"The Board did not meet Feb 1 and the President called a meeting for March 8 at 5.15 P.M. at the office of the sup. by written notice to each director the following members were present Booth Rogers Wilson Cordner Hayes Green & Grant. Director Hayes reported that 5 men have been at work on Green & Hayes lower contract and about 150 dollars worth of work done. On motion of director Grant the Sup

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Page 27,

was instruted to employ two men and put them to work at the head of the canal put the ditch in a condition to hold water and bring the water down with them."

Page 28.

"April 1 1898

"Board met pursuant to adjournment. Present Booth Rogers Cordner Wilson and green. The supt reported himself Director Cordner & Wilson have made a recent visit to the ditch water is running in from the river to nearly Carters."

Page 29.

"March 4, 1899

"Pursuant to a call of the President the Board of Directors of the Blue Cliffs Canal Co met at the North School House in Provo Bench Precinct at 11 oclock this day. There were present, President Booth, Vice President Wilson and directors Grant, Green, Cordner and Hayes.\*..... On Motion of W.H. Grant the following was unanimously adopted towit: The Board of Directors are hereby instructed to advertize for to complete the canal from its head to the top of Provo Bench with a safe carrying capacity of one thousand cubic feet per minute."

Page 34.

"March 27, 1899

"The Board of Directors of the Blue Cliffs Canal Company met pursuant to a call of the President the directors all having notice except W.H.Grant who is not at home as the board is informed. There were Present. President Booth Vice President Wilson and directors Rogers and Hayes. ....

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Page 36.

"The Board adjourned till april 15, 1899 at 1. P.M."

Page 38.

" That the water shall be brought down from Provo River as the work progresses;"

Page 48.

"May 30, 1900

"At the Call of the President the Board of Directors of the Blue Cliffs Canal Co. met at the office of the superintendant at Pleasant Grove, Utah this day. Present President Booth Vice President Wilson directors Rogers, Grant, Hayes & Green. The president stated the object of the meeting to be to learn the condition of the work. Wilson reported the water out of the ditch but that the ditch was in fair condition. The cut at Carter's needs attention."

Page 49.

"Oct. 10 1900

"Board met at the call of the President at Carys Place near the mouth of Provo Canon Present President Booth Vice President Wilson Directors Grant Rogers Hayes Green. Mr. H.E.Cary met with the Board. and after some talk as to a change of rout for canal The president was instructed to secure the service of engineers and survey the proposed rout. After examining ditch and ground the Board adjourned subject to call."

Page 53.

"North School house

"

Provo Bench Jan. 26, 1901

Page 53.

"Blue Cliff Canal Co. Stock holders meeting 1 P.M. a good attendance....."

Page 56.

"The Election of officers was herd and on counting the ballots the result was shown to be J.E. Booth J.P. Hayes Jos Cordner, W.H. Grant each receives 874 votes J Green 860 votes M.Downs 768 R.M. Rogers 761, Jos Showel 254 votes. The first 7 were declcd elected."

Page 57.

"Pleasant Grove Utah

March 2, 1901 5 P.M.

"Board met pursuant to adjourment. Present Booth Grant Hayes Rogers Downs, and Green. The President reported sone correspondance with the Telleride Power Co. concerning the danage done our ditch read their Letters The Co. reports that they have thourghtly repaired our canal and would not be responsible for further danage unless did by then. The supt. reports that he and Director Downs had visited the ditch and found that Telleride Co. had done as reported. It was decided to call for stockholders to go to work on cleaning out the ditch on Wednesday March 6th."

Page 64.

May 25, 1901

"Board met pursuant to adjournment Present Booth, Hayes, Rogers, Cordner, Grant, Downs, and Green Probably 400 cubic feet per minute fron the river and the water is being used

-- 5 --

by Grant Wilson Cordner and Crandle for Booth....."

Page 65.- "Cordner Reported that the slide above Carters from the work on the Power plant. The Pres. was instructed to put in a flume or shute across the ditch."

"June 29, 1901 5 P.M. Board met at Pleasant Grove There were present Pres. Booth Vice President Hayes Director Grant, Rogers and Green Supt. Reported a brake in the bend above Carters. which had been fixed."

Page 66.

"Pleasant Grove Jany 25, 1902

"Board met at office of R.M. Rogers at the call of the President. Present Booth Cordner Downs and Rogers.----" On motion of Rogers the Sec. was instructed to comply with the request on payments of propor charged there for are paid Director Downs reported on the condition of the ditch which is in a fair condition but will not carry much water in some places. Dr. Rogers offered the following resolutions here. W.J. Cordner was appointed supt for the year 1902 and his compensatibn fixed at 25 cents per hour tine extended in behalf of the Co."

Page 67.

"March 2, 1902.

"Board met pursuant to adjournment at Pleasant Grove. Present Booth, Cordner, Hayes, Downs, Rogers, Green and Grant.,.,.,.,. On motion of Green the supt. was instructed to complete the canal to the tunnel line and then report."

Page 68.

"Pleasant Grove May 31st. 1902

"Board met at 5 P.M. Present Booth Rogers Cordner,  
Hays, Downs....."Supt

Page 69. "Supt Cordner reported the ditch fair shape and a good stream of water therein. The Power plant people are doing some damage and have been notify to desist also reported tumbering a portion of the tunnell and cleaned out same so that it is now in good shape."

Page 69.

"June 28, 1902

"Board met at W.J.Cordners persuant to adjournment. Present Booth, Hayes, Rogers, Cordner & Downs. The supt reported a break a short distance above the tunnell, and also that it had been repaired."

Page 70.

"July 26, 1 1902

"Board met at W.J. Cordners. Present Booth Downs and Cordner. No quorum. In consequence of injunct. served from Dist Court The supt was instructed to turn off the water until next meeting and to see Power Plant people about it."

Page 73.

"Dec. 19. 1903.

"Board met at the office of the President in Provo pursuant to previous notice to all the directors. Present Booth Cordner, Downs, Green and Wilson. The president stated the

object of the meeting was to consider the report of a committee appointed by the president Corder and Downs, on the condition of the canal by reason of the erection of a flume by the power plant people. The report was as follows. The canal is very much damaged and will require a great deal of labor and material to get the canal in as good condition as it was before their work was done."

Page 78.

"March 12, 1904.

"Board met at the call of the President at his office in Provo. Present, Booth, Downs, Corder, Hayes, Grant, Green and Wilson. The president reported a proposition of the Telluride power Co to furnish this Company with water through their flume temporarily. On motion of Corder the proposition was accepted on the terms offered. The president was instructed to notify them of the acceptance and the terms."

Page 83.

"January 9, 1905

"The Stock Holders of the Blue Cliff Canal Co met at the court House in regular meeting and pursuant to notice... The Power plant People have destroyed and filled up quite a portion of our canal and for last year an arrangement was made with them whereby we received water from their pipes but this arrangement was made for one year only. Provo City in its proposed improvements to its water system

has also filled up and destroyed a considerable portion of the upper part of our canal and this without any understanding arrangement or consultation with the officers of this Company. I believe they intend to continue.

The law suit started more than a year ago is still pending. The principal reason perhaps of the long delay is that I am an interested party both personal and as an officer of the Company and am therefore disqualified to sit on the case and I have not succeeded in getting another judge to hear it unless I could exchange work with him I could not well do that as I desire to be present when the case is tried and am likely to be used as a witness. There is now some talk of an endeavor to come to an agreement with this Co and if that is done the difficulty may be settled."

Page 85.

"Jany 7, 1905.

"The election of officers was then had and J.E.Booth, W.H.Grant, W.J.Cordner, Robert Cordner Mark Downs, J.P. Hayes and C.E.Crandall<sup>all</sup> were elected Directors."

Page 87.

"Minutes of Directors meeting held Feb. 11 1905. Called to order by Pres. Booth, minutes of last meeting read and approved, Members present, J.E.Booth, W.J.Cordner, J.P.Hayes, W.H.Grant, M.Downs..... J.P.Hayes, off the committee to see Power Plant said that they would fix canal satisfactory to Board of Directors, the report was excepted thus

far. W.H. Grant was added to committee for the purpose of making arrangements for the completing of ditch on the original location."

Page 89.

"Minutes of meeting of Board of Directors of Blue Cliffs Canal Company held at courthouse Provo April 1 1905 called to order Pres Booth, roll was called showing five members present.. Pres. Booth gave report, pertaining to case stated that things looked very favorable for us, thus far he also said that he had the injunction removed and that he was in favor of getting the water in ditch as soon as possible."

Page 90.

"Minutes of meeting of Board of Directors of the Blue Cliffs Canal Company held at Court House Provo May 6, 1905. Called to order by Pres. J.E. Booth. Roll was called showing all members present.....

"Committee reported that the Power Company would furnish us our water out of pipes untill canal was placed in as good a condition as it was before damage was done."

Page 94.

"Minutes of Board of Directors of Blue Cliffs Canal Co held at court house Provo Jan. 12 1907 called to order by Pres. Booth, Roll was called, all members present..... It was moved and carried that Hyrum Hieselt be allowed to

put a flume in canal providing it is done to the acceptance of Supt. .... Moved & carried that committee that was to see City Council, take steps to have the canal in good condition & also force settlement for right of way."

Page 95.

"Minutes of Board of Directors of Blue Cliffs Canal Co. held Feb. 17, 1906 called to ~~order~~<sup>order</sup> by Pres. J.E.Booth, roll was called showing all members present. Committee that was appointed to meet city council gave a report of what they had done, report was accepted."

Page 96.

"Minutes of Board of Directors of Blue Cliffs Canal company held directly after stock holders meeting March 3, 1906. all members present. the following business was transacted. Bill for printing Notices on Postal cards \$2.25 was allowed, Moved & carried that a flume 6 ft wide be constructed, joining on to flume at overflow for a distance of about 75 feet."

Page 97.

"Minutes of annual stock holders meeting of Blue Cliffs Canal Co held Monday Jan 14 1907. Pres. Booth presiding. Pres. Booth reported what water had been given us at trial, 2 second ft of water after the river gets to 17000 ft before this time we get 1/17 of river."

Page 99.

June 22, 1907

"Minutes of meeting of Board of Directors of Blue Cliffs Canal Co. held at Court House Provo. Pres. Booth presiding. Minutes of last meeting were read and accepted. Treasure reported that he had paid all bills from Supt. J.P.Hayes moved that treasure pay off Company note for \$200<sup>00</sup>/<sub>100</sub> second by Robert Cordner, carried. Mr.Downs reported that two flumes, and some places in the ditch were sunken, & that no more water could be turned in the canal without repairing canal and flume. The supt. in charge was ordered to put canal in best possible condition, that it could be placed in for this season, & turn in what water it will carry."

Page 102.

"Minutes of meeting of Board of Directors of Blue Cliffs Canal Co. held April 15, 1908. Pres. Booth presiding, roll was called six members present..... J. W. Cordner presented contract for the buying of Steele Farm & Springs. The condition of sale are \$500.00 down & \$3500.00 on are before June 14 1908, Contract accepted." -

Page 103

"Minutes of Board of Directors of Blue Cliffs canal co. held at Timpanogos Ward Meeting house Sat May 2, 1908 Pres. Booth presiding. Minutes read & accepted, roll called six members present. Mr. Grant reported he had been & looked at springs & he would consider it a good investment to buy same, the following resolution, gotten up for stock holders to

accept or reject.

"Whereas the company are in need of more water than is awarded to it by the recent court decree, and whereas an opportunity is now offered to purchase the Steele land and springs for \$4000.00, Now therefore Resolved by stock holders in a duly called meeting, for the consideration of this question that the said purchase be ratified,..."

Page 105.

"Minutes of Board of Directors of B.C. Canal Co held June 6 1908 at Court house Provo called to order Pres. Booth, roll was called five members present minutes read & accepted Committee reported on Steele proposition stated that they had been & invested land & springs. Moved & carried purchase be made....."

Page 106. "Committee appointed to see city was instructed to write them in regards right of way & settlement of same."

Page 107.

"Minutes of meeting of Board of Directors of Blue Cliffs canal Co. Booth presiding. Present Booth, Hayes, Downs, Grandall, Present also Storey & Cummings, attorneys for Telluride Power Co. Asst Supt Downs reported that Mr. Nightengale stated that the Co. declined to do anything further towards getting water through our ditch (Two Cordners come in) appointment was made to meet the officers of Power Co for April 15, 1908 at 1.30 P.M.

The pres presented letter from M.McDougall of March 18,

1908 offering to settle with company for a remission of all Back assessments to be cancelled, on motion the president was authorized to write & make him an offer of 15% clear of assessment. The claims of Enquire Co for \$2.00 advertising meeting & one for Sect. supplies for \$3.75 presented & allowed and Cordner paid the Pres. was instructed to write company about flume & mude slide."

Page 107.

"Steele Place Aug 24, 1908. Board met at call of President. Present Booth, Hayes, W.J. Cordner, Mark Downs & C.E. Crandall. Booth took minutes Mr. Hiselt & Steele were present & the question of right of way for travel was discussed. It was agreed that this company & Mr. Hiselt shall bear equal parts of the expense of keeping up the bridge and that the use therefore shall be limited to foot passengers & light vehicles and that the road shall be free to patrons and people having business with either party & this right of way shall extend through the property of both parties, and the same was unamously by both parties. It was proposed that this Co. & Mr. Hiselt join together & clean out the east spring on the Company's grounds build a cement weir & bear equal part of the expense and then divide the water equally the whole year through & that Mr. Hiselt has the permanent right of way to take his half of water as high up the hill as he may desire. It was unamously agreed too."

DEFENDANTS' EXHIBIT 5.

Page 10.

"Provo Jan. 11th, 1909

"After Stockholders Meeting the new Board meet to organize. C. E. Crandall called the members to order. Roy Dixon was elected temporary chairman. H.R. Booth was then elected to act. as secretary till the secretary be elected.

J.E. Booth was elected president.

Roy Dixon vice president and Treasury

O.J. Poulson, secretary and

James Cordner superintendent.

There was also two comitees apointed one to see the Power Plant officials about some difference with them & the Co. the other to confer with the city on damages on pipe line.

The names of the first comitee James Cordner, C.E. Crandall and C.G. Johnson. The second comitee James Cordner and Roy Dixon.

The board adjourned and qualified."

Page 14.

"Provo Mar. 10th. 1909

"The board meet at 12 oclock at the court house. Members present Pres. Booth, Dixon, Crandall, R. Cordner Johnson & Poulson.

"Mayor Decker and Wilford Giles of the city meet with the board.

"Pres. Booth told them we wanted there pipe moved out of the ditch. Mr. Decker said if we could apoint a comitee to

meet with their committee on the ditdh Sat. Mar. 13 at 1 oclock, that they would be there.

"Mr. J.Cordner Crandall and Dixon was appointed that committee."

Page 15.

"Mar. 29th. 1909

"Board meet at the Steel Ranch at 2 P.M. members present Vice pres. Dixon James & Robert Cordner Crandall Johnson & Poulson. A letter from the Teluride Power Co was read stating that they would give \$800.00 in cash if we would move the landslide which they had washed down into our ditch. Robert Cordner moved that we refuse the offer seconded and carried. Mr. Johnson moved that we notify the Power Co. to commence work on slide at once, and that we expect the water in Apr. 10th. and if their slide is not out at that time we expect them to pay \$100.00 per day for holding our water back, seconded and carried.

"Mr. Dixon reported that he had meet with city and they offer to pay \$100.00 for damage done on ditch. Crandall moved we except their offer. put and carried."

Page 31.

"Provo Feb. 7th, 1910

"Directors meet at the Court house at 12 oclock. Members present Pres. Booth, Dixon, W.J.Cordner, Robert Cordner, Crandall and Poulson. Minutes of last meeting was read and

accepted Pres Booth said that Mr. Bagley and himself had prepared a deed of our real estate to the Provo Reservoir Co. and that they also had a deed from Provo Reservoir Co of 666-2/3 Acres of water in their Canal.

The deed was read and discussed for some time after which W.J. Cordner moved that we accept the deed with a few corrections and get a Warranty Deed in place of a quit claim deed and authorize the Pres. and Sect to make the transfer, seconded and carried."

Page 32.

"Provo Feb. 19th, 1910

"Directors meet at the Court house at 12 o'clock. Members present Pres. Booth, Dixon Robert Cordner Crandall and Poulson

"Minutes read and approved.

"Pres. Booth said that he had received a deed from the Provo Res. Co. and that he had signed it. Sect. signed it at the meeting, and affixed Co. seal to the same.

"Mr. Bagley read the deed to directors.

Mr. Dixon moved that we accept the deed as it now reads seconded by Mr. Crandall and carried."