

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

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Provo Reservoir Company, a corporation  
Plaintiff

vs

Provo City, a Municipal corporation  
et al, Defendants  
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COURT'S DECISION

After testimony taken and argument heard the court took said cause under advisement, and having duly considered the same, now finds:

the Court  
1. That on the 2nd day of May 1921, entered its decree in said cause known as 2008 Civil, That in said decree the following award was made to plaintiff;

-----"As a Class "A" Water Right, certain springs tributary to Provo River, situate in Utah County State of Utah, to-wit:- As successor in interest to the rights of the Blue Cliff Canal Company, a corporation heretofore and now existing under the laws of the State of Utah to 50 Sec. feet from January 1st to December 31st of Each year, which said fifty second feet consists of the waters of "Maple" or commonly called "Yellow Jacket" Spring, Fony Steele Springs" excepting one half of the Joint Spring, and all other springs originally arising in or discharging their waters into Blue Cliff Canal, and sufficient water from Provo River, which when added to the spring water will aggregate the said fifty second feet".

The decree also provides;

"It is further provided, ordered adjudged and decreed that each and all of the parties to this action, and their successors and assigns, and they and each of their agents, servants and employees, and all persons acting for them or in their interests, are forever enjoined and restrained from, in any manner or at all, interfering, one with the other in the full free and unrestricted use of the quantity of the waters of said river awarded to them, and from in any manner or at all interfering with the distribution of such water by the commissioner to be appointed by the Court."

2. The springs herebefore named and the waters flowing therefrom are a part of the waters of Provo River and tributary thereto.

3. That Provo City is a Municipal corporation, and one of the parties to the said cause, and that the other defendants named in this proceeding are officers and agents of Provo City.

4. That the decree in said cause has never been revised, modified, or appealed from and that it is now in full force and effect.

5. That on the first day of February 1924, and at divers times since and prior thereto, the defendant, Provo City, and its said agents and officers agents servants and employees, in wilful disregard of the said decree and injunction, and in wilful contempt of the same, and wrongfully and in wilful disregard of the rights of

this plaintiff,diverted and conveyed a large portion of the waters of the afore said springs into pipe lines and carried them through said pipe lines into Provo City,and thereby deprived the plaintiff of the use of the waters so awarded to it.

6.That the plaintiff has at divers times since the beginning of the wrongful acts of the defendants as aforesaid protested to them against their diversion of said waters into their said pipe line and so depriving the plaintiff of the use thereof,but that notwithstanding the protests so made by the plaintiff,the defendants have continued in their said wrongful acts.

7.That after the entry of the said decree,plaintiff sold and transfered a large portion of the waters so decreed to it,but that at the time of the commencement of these proceedings,and ever since,and now,the plaintiff is the owner in its own right of the right to the use of an undivided 400/5483 part of the waters so decreed to it.

8.That because of the said wrongful acts of the defendants,plaintiff has been damaged in the sum of \$200.00.

The Court finds and adjudges that the defendants and each of them are guilty of contempt of Court;It is further ordered and adjudged that the defendants pay to plaintiff as reimbursement and indemnity for his damages so sustained,the sum of \$200.00,together with the costs hereby incurred.

Dated and signed this 18th day of October A.D.1927.

Walter J. Bates Acting Judge

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IN DIST. COURT  
UTAH CO., UTAH  
\* FILED \*

OCT 18 1927

E. P. Rustin Clerk

Frank Saltsford Deputy

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