

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

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PROVO RESERVOIR COMPANY, :  
a corporation, :  
Plaintiff, : No. 2888 Civil.

-vs-

PROVO CITY, et al, WASATCH : S T I P U L A T I O N.  
IRRIGATION COMPANY, a cor- :  
poration, and THOMAS MOULTON, :  
JOHN F. OHLWILER, WADKIN :  
BRIRLEY, and T. F. WENTZ, :  
Water Commissioner, :  
Defendants. :

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WHEREAS, on or about the seventeenth day of April,  
A. D. 1934, plaintiff herein filed a petition in the above  
entitled cause, and

WHEREAS, to said petition an answer was filed by  
the defendants, Wasatch Irrigation Company, a corporation,  
Thomas Moulton, John F. Ohlwiler, and Wadkin Brirley, and

WHEREAS, the defendants were ordered to appear before  
the court on the eighteenth day of April, A. D. 1934, and  
there to show cause, if any they had, why they, and each and  
all of them, should not be punished for contempt of the above  
entitled court for distributing waters of the Provo river to  
the defendants which were alleged to belong to the plaintiff, and

WHEREAS, upon motion of counsel for the plaintiff, the  
court, on April 19th, A. D. 1934, made an order and judgment  
as prayed for in said petition, and

WHEREAS, on or about the ninth day of October, A. D.  
1934, the above named defendants, together with other defendants  
in said cause, filed an affidavit and petition for an order to  
show cause citing the plaintiff to appear before the above  
entitled court on the thirteenth day of October, A. D. 1934,  
there to show cause, if any it had, why the order hereinabove

referred to, to-wit, the order dated April 19, 1934, in said cause, should not be vacated and set aside,

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED between the plaintiff, Provo Reservoir Company, a corporation, and the defendants in the above entitled cause, as follows:

1. That the order and judgment of the court, in the above entitled cause, dated April 19, 1934, and filed and entered in said cause on the 20th day of April, A. D. 1934, be vacated, set aside and held for naught, and that said order from henceforth shall have no force or effect whatsoever, without prejudice.

2. That the expense of maintainance of the waters of Shingle Creek to the Provo River, from year to year and each and every year, shall be paid for in the same manner as provided for the compensation of the Assistants to the Water Commissioner, in the decree in this cause, as filed and entered May 2, 1921.

3. That in case of litigation, to prosecute or defend, to maintain the waters of Shingle Creek, tributary to Provo river, and the right to the use thereof, as being vested, owned, and decreed to parties in said Cause No. 2888, that the expense thereof will be borne by each and all of the parties on the same basis as provided for the expenses of administration.

Dated this 13th day of October, A. D. 1934.

*A. L. Powell*  
*Watkins & Holbrook*  
Attorneys for Plaintiff.

*W. H. ...*  
*R. C. ...*  
Attorneys for Defendants.

# 2888

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

OCT 13 1934

Frank Halisbury  
Priscilla Carlsson