

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

- oOo -

PROVO RESERVOIR COMPANY,
a corporation,
Plaintiff,

-vs-

ORDER TO SHOW CAUSE.

PROVO CITY, et al, WASATCH
IRRIGATION COMPANY, a cor-
poration, and THOMAS MOULTON,
JOHN F. OHLWILER, WADKIN
BRIRELY, and T. F. WENTZ,
Commissioner,
Defendants.

2097

----- oOo -----

On reading the petition and affidavit on file herein of Thomas Moulton, W. J. Cordner, and Myron C. Newell, officers of the Wasatch Irrigation Company, Provo Bench Canal and Irrigation Company, and the Timpanogos Canal Company, respectively, ~~the~~ defendants herein, and it manifestly appearing to the court from said affidavit and petition, that on or about the nineteenth day of April, A. D. 1934, an order was signed, directing T. F. Wentz, as Commissioner in the above entitled cause, to distribute to the plaintiff certain waters of Shingle Creek, in Summit County, Utah; and it further appearing to the court that in said order, it was assumed that said Shingle Creek was a tributary of Weber river, when in truth and in fact, as more fully appears from the defendants' affidavit and petition, hereinabove referred to, that said Shingle Creek is a tributary of Provo river,

AND WHEREAS, it has been made to appear to the court, that the aforesaid Commissioner has, pursuant to said order, been distributing waters into the Weber river water shed which should have been distributed to the Provo river water shed, and that unless said order be vacated and set aside, said Commissioner will continue to distribute said waters to the users of water on the Weber river water shed, rather than to the users of water

#2047

Served this
Order to Show
Cause & copy of
Affidavit for
Order to Show
Cause

on
Prows Reservoir
Co.

By P. J. Murdock
Full Sec

at Prows Ut
this 2 day of Oct. 1934
E. G. Durnell Sheriff
~~Richard [unclear]~~

By John [unclear]
Deputy.

RECEIVED AT
SHERIFF'S OFFICE,
OCT 9 1934
AT _____ O'CLOCK _____ M.
E. G. DURNELL,
Utah County, Utah

of the Provo river water shed,

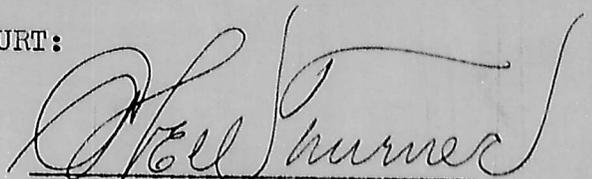
AND WHEREAS, it has been made to appear to the court by said affidavit and petition, hereinabove referred to, that unless said order be vacated and set aside, great and irreparable injury will be suffered by the aforesaid affiants, and by each and all of the defendants in said cause,

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the plaintiff, Provo Reservoir Company, a corporation, be and appear before this court on the 13th day of October, A. D. 1934, at the hour of 10 o'clock A. M. there to show cause, if any it has, why the order and judgment entered in said cause, dated April 19th, 1934, and filed April 20th, 1934, and which said order is specifically set forth in the affidavit and petition attached hereto and made a part hereof, should not be vacated and set aside.

Let a copy of this order, together with a copy of the affidavit and petition attached thereto and made a part hereof, be served upon the plaintiff, Provo Reservoir Company, a corporation, at least 3 days prior to the hearing upon said affidavit and petition.

Dated this 9th day of October, A. D. 1934.

BY THE COURT:


JUDGE

