

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

PROVO RESERVOIR COMPANY, a :
corporation, :
Plaintiff, : No. 2888 Civil
-vs- : ANSWER TO PETITION
PROVO CITY, et-al., :
Defendants. :

Comes now A. L. Tanner and answering the petition herein
filed of Don York as secretary of the Smith Ditch Company, admits,
denies and alleges as follows:

Admits
1. That the said Don York, pursuant to an order of the
Court, made a new schedule with respect to irrigation turns on
the Smith Ditch, and denies that a reasonable fee for the said
services is the sum of \$10.00, and alleges that a reasonable fee
for said services so performed is not to exceed the sum of \$5.00
and further alleges that he has heretofore offered \$6.50 to the
said Don York, secretary of the said Smith Ditch Company for the
services so performed, and that the said Don York has refused to
accept the sum of \$6.50 for such services, and the undersigned
hereby offers to pay to the said Don York the said amount of
\$6.50 and hereby tenders into Court \$6.50 payable to the said
Don York.

2. That the undersigned A. L. Tanner offered to pay
the said amount before suit or any application was made to the
Court herein and *has* deposited the said \$6.50 in Court for the said
Don York together with this answer as provided by the Statute,
and the undersigned A. L. Tanner hereby consents and offers to
allow the said Don York as secretary of the said Smith Ditch
Company for the Smith Ditch Company, to take a judgment against
him for the amount of \$6.50, and consents that said amount of

of \$6.50 be applied in discharge of said judgment.

3. The undersigned hereby alleges that \$5.00 is a reasonable fee for the services performed by the said Don York.

WHEREFORE THIS AFFIANT PRAYS: That said Don York take nothing by his action herein other than the said \$6.50, if the said Don York as secretary of the said Smith Ditch Company shall accept the same, or that the said Don York consents to take judgment against the undersigned for the sum of \$6.50, or in the alternative that a judgment be rendered against the defendant for not to exceed the sum of \$5.00, and that this affiant, A. L. Tanner, have a judgment against the said Don York and the said Smith Ditch Company for his costs herein expended.

A. L. Tanner

STATE OF UTAH)
COUNTY OF UTAH) SS.

A. L. Tanner, being first duly sworn, deposes and says: That he is the affiant in the above entitled action; that he has read the above and foregoing Answer to Petition and knows the contents thereof, and that the same is true of his own knowledge except as to matters therein stated upon information and belief and as to such matters he believes it to be true.

A. L. Tanner

Subscribed and sworn to before me this 1st day of October, 1936.

A. Sherman Christensen
NOTARY PUBLIC
Residing at:



Commission Expires:
April 10, 1937

Received copy of the foregoing Answer to Petition,
this 2nd day of October, A. D. 1936.

Bushback & Pope
ATTORNEYS FOR PETITIONER