IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF UTAH, IN AND FOR UTAH COUNTY.

PROVO CITY, ET. AL. Plaintiffs, vs. PROVO BANCH CANAL & IRRIGATION COMPANY, ET.AL. Defendants.	No. 718 Civil.
PROVO CITY, ET.AL. Plaintiffs, Vs. TELLURIDE POWER COMPANY, ET. AL. Defendants.	No. 957 Civil.
PROVO RESERVOIR COMPANY, Plaintiff, Vs. PROVO CITY, ET. AL. Defendants.	No. 2888 Civil.

PETITION OF JAMES STEWART.

Comes now, James Stewart, and respectfully shows:-

1- That he is a party to the above entitled causes Nos. 718 Civil and 957 Civil, in the above entitled Court.

2- That he is not a party to the above entitled cause No. 2888 Civil in the above entitled Court.

3- That he is now and for more than twenty years last past has been the owner and holder of the following described property, situated in Utah County, State of Utah, to-wit:

Commencing 16.43 chains North, and 7.10 chains West of the South-east corner of Section 25, Township 6 South, Range 2 East, Salt Lake Base and Meridian; Thence N. 82 deg. W. 6.27 chains; thence N. 4 deg. 45' E. 13.00 chains; thence S. 82 deg. 15' E. 3.00 chains; thence S. 47 deg. 30' E. 4.00 chains; thence S. 7 deg. 30' E. 6.14 chains; thence S. 16 deg. 15' W. 5.00 chains to the place of beginning. Area 8.20 Acres.

4- That, as one of the Plaintiffs in said Causes Nos. 718 and 957 he was awarded the right to the use of sufficient waters

of Provo River to properly irrigate said described tract ofland, and that, he has each and every year since the entering of said Decrees used the same on said land, and the same is necessary and is beneficially used, and he is now the owner and holder of said water right, as particularly set out in said decree in the above entitled cause Nos. 718 and 957 Civil,

5- That, the above entitled Court in each of the above entitled causes retained anddoes retain original jurisdiction of the subject matter and all the parties, their successors and assigns for the purpose of from time to time making such further orders, rules and regulations as are necessary for the regulation control and distribution of said waters according to the terms of said decrees.

6- That in the year 1913 the above entitled Court appointed T. F. Wentz as the Commissioner provided for in said causes Nos. 718 and 957, and the above entitled Court from time to time appointed said T. F. Wentz as Commissioner in said Cause No.2888, and that said T. F. Wentz is now the duly appointed and acting Commissioner of this Court in each of said actions. And said Commissioner has for a number of years last past controlled and distributed to this petitioner the quantities of water per acre to the above describedland as that awarded in Cause No. 2888, to the adjoining lands.

7- That, the lands of this Petitioner, above described, lies under the City Creek Ditches set out in Paragraph -20- of said Decree in Cause No. 2888, and is adjacent to the lands of Jacob A. Baum, Lafe Baum, and S. S. CluffJr., and is of the same character and requires the same quantity of water per acre asthe lands of said Jacob A. Baum, Lafe Baum, and S. S. Cluff Jr.

And that, the quantity to which this defendant is entitled is as Class "A" water right under said decree is as follows:-

8120 acres.

From May 10th to June 20th, Duty 57, 0.144 second foot.
" June 20th to July 20th, " 63, 0.130 " "
" July 20th to May 10th, " 70, 0.117 " "

And that, the same is subject to the conditions, rules and regulations as set forth in said decree in said Cause No. 2888.

8- That, upon information and belief, said Petitioner states that none of the parties named in said Cause No. 2888, dispute or oppose the right and claim of this Petitioner asabove set forth. And that the administration of the Provo River will hereafter be carried on under the decree in said cause No. 2888.

9- That is is necessary that an order of this Court, or a supplemental Decree to Cause No. 2888, be made binding upon this Petitioner and the parties in said Cause No. 2888, and fixing and determining the quantity of water to which this Petitioner is entitled, and binding this Petitioner to the conditions and rules and regulations as set out in said Decree in Cause No. 2888.

10- That upon information and belief your petitioner states that the above matter is properly determinable by this Court, and that this Court is the only tribunal that has the power and juriddiction to make such determination, and that such determination is necessary in order that the Decrees of this Court may be properly carried out and enforced.

11- That the above entitled Court has ordered all of the parties having an interest in and to the waters of the Provo River in the Provo Division, to appear before said Court on the 27th day of February, 1922.

12- WHEREFORE, your Petitioner prays, that he be permitted to move the Court at said hearing on the 27th day of February 1922, or as soon thereafter as may be heard, for an order or a supplemental decree as above set forth, and that at such hearing such order be made in the premises as may to this Court seem just and proper.

Hatch & Porter
Attorneys for Petitioner.

STATE OFUTAH)
) ss.
County of Utah.)

Chase Hatch, being first duly sworn, deposes and says: That he is a member of the firm of HATCH & PORTER, the attorneys of the above named petitioner, James Stewart; that said James Stewart resides without, and iswithout, Utah County, State of Utah, The County where the above action is brought, and for that reason affiant verifies the foregoing petition; that affiant had read said petition and knows the contents thereof; that the same is true of best knowledge, information, and belief of affiant.

Chase Hatch

Subscribed and sworn to before me this 27th day of February, A. D. 1922.

J. W. Guy
Notary Public, Residing at
Provo, Utah.

J. W. GUY, NOTARY PUBLIC-STATE OF UTAH
COMMISSION EXPIRES
PROVO CITY

My Commission Expires:
June 17 1925

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