

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

Provo Reservoir Company,  
a corporation, Plaintiff,

VS.

Demurrer.

Provo City et al; Esthma Tanner,  
Caleb Tanner, George Tanner as  
Agents ~~and~~ servants of and Emp-  
loyees of Esthma Tanner,  
Defendants.

Comes now George Tanner and not waiving his motion to quash the order to show cause herein entered, demurs to the petition filed herein for the said order to show cause, and as ground for such demurrer alleges;

1. That said petition does not state facts sufficient to constitute a cause of action against this demurrant;
2. That the said petition does not state facts sufficient to confer jurisdiction on the above entitled Court to grant the relief prayed for in said petition or any relief;
3. That the allegations of the said petition if true do not state facts sufficient to constitute a contempt of any order of the above entitled Court;
4. That the court has no jurisdiction to grant the relief prayed for;

Defendant further demurs to the said petition and alleges that the same is indefinite and uncertain in this, that it does not appear therein and cannot be determined therefrom;

5. Whether this defendant is charged with having done any act complained of;

6. Whether this demurrant had any notice or knowledge of the decree which it is alleged he violated;

7. What interest, if any, the petitioner has in the prosecution of this action;

8. Whether the ~~demurr~~ petitioner is the party beneficially interested in the prosecution of this cause within the meaning of the laws of the state of Utah requiring litigation to be had in the name of the real party in interest;

9. What interest if any the petitioner has which would be affected by the acts complained of;

10. Whether the petitioner has any interest in the Lake Bottom Canal and if so whether any such interest was affected by any act of the demurrant;

11. What parties if any referred to in the said petition take water from Spring Creek;

12. Whether all of the waters of Spring Creek or the Lake Bottom Canal are used by the petitioner or others as a matter of right under the said judgment alleged to have been violated;

13. What part of the waters of Spring Creek if any are used by the petitioner;

14. What part of the waters of Spring Creek are used by the parties whom petitioner alleges he represents;

15. Whether demurrant took any of the said waters at any time when the same were ticketed to the petitioner;

16. Where the said acts and conduct alleged and complained of occurred;

17. When the said acts and conduct of the demurrant complained of occurred;

18. When the demurrant took water out of turn as alleged in the said petition;

19. What lands if any the said water was diverted upon.

20. What effect if any the alleged acts of the demurrant had on the Lake Bottom Canal Company;

21. What if any act of the demurrant affected the flow of Spring Creek;

22. Whether the petitioner has been deprived of any water or right by the acts of demurrant and if so how, when or where;

23. Demurrant further demurs to the said petition and alleges; that the same is ambiguous in that it alleges some detriment to certain parties therein referred to by the acts of demurrant and further alleges that the Commissioner of Provo River has turned water from Provo River to make up for the said parties their decreed rights;

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Attorneys for George Tanner

Received copy of foregoing  
this 5th day of June, 1934.

G. V. Watkins  
Attorneys

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IN DIST. COURT  
UTAH CO. UT  
CITY OF

JUN 5 1934

*Frank Salisbury*