

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

Provo Reservoir Company
a corporation, Plaintiff,

VS.

Provo City, et al; Esthma Tanner Demurrer,
and Caleb Tanner, George Tanner
as Agents, Servants and Employess
of Esthma Tanner.
Defendants.

Comes now Esthma Tanner, a defendant in the above entitled cause, and not waiving her motion to quash and set aside the order herein issued, demurs to the petition for an order to show cause as filed herein and as ground for demurrer alleges:

1. That said petition does not state facts sufficient to constitute a cause of action against this defendant;

2. That the said petition does not state facts sufficient to confer jurisdiction on the above entitled Court to grant the relief prayed for or any relief;

3. That the allegations of the said petition, if true, do not state facts sufficient to constitute a contempt of the 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 that it does not appear therein and cannot be determined therefrom,

5. Whether this defendant performed any of the acts complained of;

6. Whether this defendant authorized any of the acts complained of;

7. Whether this defendant had any knowledge or notice of the acts complained of;

8. What interest the said petitioner has in the prosecution of this action;

9. What interest of the petitioner if any is affected by the acts complained of;

10. Whether the said petitioner was in any manner or at all affected by the acts complained of;

11. Whether the petitioner has any interest in the Lake Bottom Canal and if so, whether any such interest was affected by the alleged acts and conduct of the defendants or either of them;

12. What detriment if any the petitioner suffered by any of the alleged acts of this defendant;

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

14. Whether all of the waters of Spring Creek are used as of right by the said petitioner or other parties;

15. Whether any acts of Caleb Tanner or George Tanner were authorized by this defendant.

16. What part of the waters of Spring Creek are used by the petitioner;

17. What part of the waters of Spring Creek are used by the parties whom petitioner assumes to represent;

18. Whether defendant used any of the waters of Spring Creek at any time when the same were ticketed to the petitioner;

19. Where the said acts and conduct complained of occurred;

20. When the said acts complained of occurred;

21. When the defendant took water "out of turn" as stated in said petition;

22. What lands the said waters are diverted upon;

23. What effect if any the alleged acts of the defendant in taking water out of turn has on the Lake Bottom Canal;

24. What injuries are occasioned by any act of this defendant to the users of water in the Lake Bottom Canal;

25. What if any unauthorized acts of the defendant affects the flow of Spring Creek;

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

Attorneys for Esthma Tanner.

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

A. G. Watkins

Attorneys for petitioner

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ON DIST. COUL.
UTAH CO. DIST.
RECEIVED

JUN 7 1934

Frank Saltsburg