

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 Caleb Tanner and not waiving his motion heretofore interposed to quash the order to show cause heretofore herein issued, demurs to the petition filed herein for an order to show cause and as ground for said demurrer alleges:

1. That the 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 demurrant performed any of the acts complained of;
6. Whether this demurrant had any knowledge of the said decree or judgment alleged to have been violated;
7. What interest if any the petitioner has in the prosecution of this action;
8. What interest of the petitioners if any in affected by the alleged acts complained of;
9. Whether the said petitioner was in any manner or at all affected by the acts complained of;
- 10 Whether the said 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 this demurrant;
11. What detriment if any the said petitioner suffered by the alleged acts of this demurrant;
- 12 What parties if any referred to in the said petition take water from Spring Creek;
13. Whether all of the waters of Spring Creek or the Lake Bottom

Canal are used by petitioner as matter of right; or whether the same is all used by other parties;

14. Whether this demurrant had any knowledge or information as to the existence of the said judgment alleged to have been violated;

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

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

17. Whether demurrant used any of the waters at any time when the same were ticketed to the petitioner;

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

19. When the acts and conduct of demurrant complained of occurred;

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

21. What lands the said water was diverted upon;

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

23. What lands the said waters were diverted upon;

24. , Where said alleged diversions were made;

25. What injuries are occasioned if any by the acts of the demurrant, to the Lake Bottom Canal Co.;

26. What if any act was done by this defendant which affected the flow of said Spring Creek;

27. 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 Provo River Commissioner has turned water from the said Provo River to make up for the said parties their decreed rights;

Attorneys for Caleb Tanner.

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

A. B. Watkins
Attorneys

2888

IN DIST. COURT
UTAH CO., UTAH
NEW BRIDG

JUN 5 1934

Frank Salazar Clerk
Deputy

9