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

Provo Reservoir Company,
a corporation,

Plaintiff,

vs

Provo City, et-al

Defendants

2888 Civil

CLERK'S CERTIFICATE

I, Wallace M. Hales, County Clerk, and Ex-Officio Clerk of the District Court of the Fourth Judicial District of the State of Utah, in and for Utah County, do hereby certify that the foregoing is the original: Complaint, 3 copies of complaint, Original Summons, Notice of Overruling Demurrer, Motion for Order to Amend Complaint Reply to counterclaim of Deft Joseph Hatch et al, Reply to counterclaim of Sunrise Irrigation Co., Reply to Counterclaim of Charleston Irrigation Company, Reply to answer and counterclaim of Provo Bench Canal & Irrigation Co., Reply to amended answer of Wilford Van Wagenen, Reply to answer of Utah Power & Light Co., Reply to answer and cross complaint of Ruth Hatch et al, Notice of Overruling of Demurrer to Minns Lark et al, Notice of Overruling of Demurrer to Timothy Murphy et al, Stipulation as to time to plead, Provo City et-al, Stipulation as to time to plead, First Ward Pasture Co., et-al, Alias Summons and officers return upon Jack Bates, et-al, Alias Summons and Officers return upon Ruth Hatch et al, Service upon J. R. Allen, Officers returns upon, Wildwood Resort Co., et-al, Provo Ice & Cold Storage et al, East River Bottom Water Co, et-al, Provo City et-al, N. H. Greer et-al, Geo T. Peay Sr. et-al Elizabeth A. Farrer et-al, D. L. Vincent et-al, Charles Giles et-al, Clara M. Stubbs et-al, John W. Hoover et-al, J. C. Ivie et-al, Caroline

H. Madsen et-al, Knight Woolen Mills et-al, Sege Irrigation Co., et-al,
 Verinus Carter et-al, David H. Madsen et-al,^{and} Frederick J. Pulham et-al,
 Separate answer of Nephi Huber et al, and Copy, Separate answer of George
 Schear, Separate answer of Edwin D. Hatch et al, Answer of Joseph Hatch
 et-al, Answer of Betsy Olson and Anton Olson, Answer of Ruth Hatch et-al,
 Answer of Thomas Lowery and Samuel Lowery, General appearance of Ruth Hatch
 et al, Motion to substitute defts- Joseph Hatch et-al, Motion to substitute
 defendants -Edwin D. Hatch et-al, Motion to substitute deft's -Betsy Olson,
 Amended Answer of John Buhler et-al, Answer and Complaint in intervention,
 Midway Waterworks Company, copy of Answer and complaint in intervention
 of Midway Waterworks Company, and affidavit of C. J. Wahlquist, General
 appearance, nels J. Johnson and separate answer and counterclaim of Nels
 J. Johnson, Answer of Jack Bates, Answer of Sunrise Irrigation Co.,
 Answer of J. C. Whiting, Separate Demurrer of J. C. Whiting, Appearance
 of Sunrise Irrigation Co., and Stipulation, Amendment to answer of Jos.
 Hatch et-al, Stipulation of Interpleadings, Joint Answer of Joseph Hatch,
 et al, Answer of Charleston Irrigation Company, Stipulation of Extension of
 time to answer, Notice of appearance of Geo. Nelson et-al, Answer of Joseph
 R. Murdock, Second amended answer of Joseph Hatch et-al, Motion to amend
 second amended answer of Joseph Hatch et-al, Answer of South Kamas Irrigation
 Co. et-al, Answer of South Kamas Irrigation Co., et-al, Amendment to answer
 of South Kamas Irrig. Co., etal, Demurrer of Samuel Gines Jr. et-al, Demurrer
 of South Kamas Irrigation Co., etal, General Appearance of R. w. Barnes et-al,
 Notice of Lyman Gines et-al, Petition of Ernest A. White et-al for additional
 water for cullinary purposes, List of names, acreage and quantity of water,
 James Prescott et-al, Demurrer of L. L. Donnan, Answer, Counterclaim and
 Cross complaint of L. L. Donnon, Answer of H. C. Best, Answer and counterclaim
 of Stewart Ranch, Stipulation for time to plead of H. C. Best, Stipulation
 for time to plead of Stewart Ranch, Voluntary appearance of Stewart ranch,
 Answer and affirmative relief of Julia M. Davis, Answer in re John Buttry's
 water rights, Answer of Midway Irrigation Company et al, Answer of Wilford
 Van Wagonen, Answer of John Buehler et-al, Motion of Midway Irrigation Co.,
 Answer of John A. Johnston, Answer of Levi M. North, Answer of Joseph Morris,
 Answer of Phillip L. Ford, Answer of Heber City et-al, Answer of George B.
 Jordan, Answer of Thomas Winterton, Answer of Mary Davis, Answer of Isaac
 R. Baum, Answer of Levi M. North, Answer of Henry V. Smith et-al, Answer of
 Johanna C. J. Anderson, Disclaimer of James Bonny et-al, Amedded Disclaimer

of James Bonny et-al, Appearance of North Field Irrigation Co., Appearance of Arthur Tanner et-al, Demurrer of E. L. Dodder et-al, Demurrer of I. R. Baum et-al, Demurrer of Heber City, et-al, Answer of South Fork Trout Co., et-al, Answer, Counterclaim and Cross complaint of Provo Pressed Brick Co., Answer of S. S. Cluff Jr., et-al, Answer of B. B. Richmond, Stipulation, Upper East Union Irr. Co. et-al, Answer, Cross complaint and counterclaim of Sego Irrigation Company, Affidavit and answer of Caleb Tanner, Stipulation Caleb Tanner and plaintiff, answer of A. L. Tanner and Esthma Tanner, Answer of Timpanogas Irrigation Co. et-al, Answer of Wasatch Irrigation Co et-al, Stipulation between plaintiff and Caleb Tanner, Entry of Appearance of Zion's Sav. Bnk & Trust Co. et-al, Demurrer of Utah Idaho Sugar Co., and Zion's Sav Bank & Trust Co, Stipulation, Zion's Savings Bank & Trust Co. and Plaintiff, Stipulation, Zion's Savings Bnk & Trust Co. and plaintiff, Cross complaint and answer of Utah Idaho Sugar Company, Answer, Counterclaim and Cross complaint of Upper East Union Irrigation Co., Answer, Cross complaint and counterclaim of Timpanogas Canal Company, Stipulation, Timpanogas Canal Co. and plaintiff, Answer of Provo Bench Canal & Irrigation Co., Answer of Provo Bench Canal & Irrigation Co., to counterclaim and cross complaint of Provo City, Answer, Counterclaim and Cross complaint of Little Dry Creek Irrigation Company, Demurrer, of Knight Woolen Mills, Answer Counterclaim and Corsss Complaint of E.J.Ward & Sons Co., Answer Counterclaim and cross complaint of First Ward Pasture Co., Answer Counterclaim and Cross complaint of Spring Dell Resort Co., Answer Counterclaim and Cross Complaint of Knight Woolen Mills, Answer, Counterclaim and Cross complaint of Upton Hoover et-al, Answer Counterclaim and Cross complaint of Provo Ice & Cold Storage Company, Answer of Fort Field Irrigation Company, Demurrer of Provo City, et-al, Answer Counterclaim and Cross complaint of Provo City, Amended answer Counterclaim and Cross complaint of Provo City, Waiver of issuance and service of summons of Fort Field Irrigation Company, Entry of Appearance of Utah Power & Light Co., Answer Counterclaim and Cross complaint of Utah Power & Light Co., Amendment to answer, of Utah Power & Light Co., Stipulation for time to plead, Answer of Pioneer Irrigation Company et-al, Demurrer of Pioneer Irrigation Co., et-al, Answer of Wilford D. Wright, Answer of Reed J. Knudsen et-al, Answer of East River Bottoms Water Co., Answer of Thomas J. Foote, Answer of West Union Canal Co., Answer of Samuel Reiske, Answer of Chas Madsen et-al, Answer of Alma Jorgesen, Stipulation of West Union Canal Co. et-al with plaintiff as to time of taking

defaults, Answer of Lake Bottom Canal Company, Stipulation of Reed J. Knudsen et-al with plaintiff as to time of taking defaults, Answer of John D. Dixon, Answer of John D. Dixon, Answer of Branch Young Estate et-al, Answer of James L. Meldrum et-al, Answer of John W. Carter et-al, Answer of Wildwood Resort Co., Answer of Albert Jacobsen, Demurrer to amended answer and counterclaim of Timpanogas Canal Co., Petition to be allowed to offer additional testimony of East River Bottom Water Company, Separate answer of Reed Knudsen, Answer of John W. Hoover, Miscellaneous papers of Mrs. Johanna C.J. Anderson, Default of W. R. Allen et-al, Default of J. R. Allen et-al, Notice of Default to J. E. Booth, Precipe for default of W. R. Allen et-al, Precipe for default for J. R. Allen et-al, Plaintiff's exhibits Nos. 1 to 6 inclusive, being minutes of water meetings, and marked D.H.R. reporter, Minutes and two copies of meeting held June 1912., Stipulation between plaintiff and Utah Power & Light Company regarding Blue Cliff right, Stipulation between plaintiff and Wildwood Resort Co., Stipulation between plaintiff and Andrew Knudsen, Stipulation of parties regarding waters of Ontario Drain Tunnel, Stipulation regarding rights in Wasatch & Summit counties, referred to in case as the Heber Stipulation (Stenographer's Transcript), Stipulation between plaintiff and parties in Wasatch County, Stipulation between plaintiff and parties in Wasatch County, Stipulation between plaintiff and parties near Charleston, Stipulation between plaintiff and Hyrum S. Winterton et-al, Stipulation between plaintiff and Provo Bench Canal & Irrigation Company, Stipulation appointing Judge Pro Tempore, Consent for Judge Morse to try case, Stipulation between plaintiff and John W. Hoover, Transcript of Stipulation entered into May 23, 1914, Stipulation regarding holding court at Heber City, Stipulation between plaintiff and A. L. Tanner et-al, Stipulation between plaintiff and James M. Bonny et al, regarding areas of land along Spring Creek, Utah County, Stipulation between plaintiff and West Union Canal Co. et-al, Stipulation between plaintiff and West Union Canal Co., Stipulation between plaintiff and Lake Bottom Canal Co., Order requiring commissioners to file reports, Order regarding the qualifications of presiding judge, Order regarding counterclaims and cross complaints, Order regarding payment of claims, Order setting time for hearing, Order regarding payment for services, Order extending time to reply, Order regarding the appointment of commissioner and the distribution of water, (Stenographer's Transcript), Order appointing commissioner and stipulation for 1915, Order appointing commissioner and stipulation for 1917, Order

making L. L. Donnan a party, Order to appear and show cause why court should not appoint a commissioner, Notice to parties to appear, Order regarding salary of commissioner, Order regarding deputy water commissioner, Order regarding deputy water commissioner, Order and instructions to commissioner, Order appointing commissioner, Order Granting leave to file answer, order setting time for making appointment of commissioner, Order requiring East River Bottoms water Co., to construct dams and Weirs and sheriffs return, Order appointing Jacob Evans as member of committee to draft decree, Order authorizing a substitution of Blue Print for Exhibit #303., Decision, Motion to modify decision, of Geo. Schear, Motion to modify decision by Jos. Hatch et-al, Motion to modify decision of John M. Huber, Motion to modify decision of Nephi Huber et-al, Motion to modify Decision, of First Ward Pasture Co et-al, Motion to modify Decision of Utah Power & Light Company, Notice of motion to modify decision, Modification of decision regarding rights of John D. Dixon, Supplemental Decision, Utah Power & Light Co., and copy, Supplemental Decision, Plaintiff and Provo pressed Brick Co., Stipulation regarding change of decision, Upper East Union Canal Co. and East River Bottoms Water Co., Order relative to change of point of diversion of Charleston Irrigation Company, Order relative to distribution of waters of Upper East Union Irr. Co et-al, Letter of Gov. Spry to Judge Morse, Affidavit of R. J. Murdock regarding qualifications of Presiding Judge, Decision on issue raised as to disqualifications of presiding judge, Affidavit of H.J.W.Goddard regarding qualifications of presiding judge, Oath of Office of Frank Demming, Oath of office of Geo. Taylor, Oath of office of T.F.Wentz, Oath of office of Frank Wentz, Oath of office of T. F. Wentz, Oath of office of T.F.Wentz, Letter from Caleb Tanner to E. A. Wedgewood, attached to part of transcript, Letter of J. H. McDonald to E.A.Wedgewood, Letter Chas J. Wahlquist to E. A. Wedgewood, Letter E.A.Wedgewood to J. H. McDonald, Letter J. H. McDonald to E.A.Wedgewood, Letter Jacob Coleman to Wedgewood, Letter Henry Shields to Wedgewood, Letter Morgan & Huffaker to Wedgewood, Letter Wm S. Willes to Wedgewood, Letter John E. Booth to Committee, Letter Joel Nibley to Wedgewood Letter T. F. wentz to Wedgewood, duplicate copy of letter T. F. wentz to Wedgewood, Petition of T. F. Wentz, Statement of Services of Frank W. Demming, Statement of services of T. F. Wentz, Statement of services of T. F. Wentz, Subpoena to J. Armistead, Proof of publication in the Park Record, Proof of publication in Provo Post, Petition of T. F. Wentz,

Bill for cost of publication in Provo Post, Letter T.F.Wentz to Wedgewood, Letter T. F. Wentz to Wedgewood, Quit Claim Deed to Blue Cliff Canal Co. , Extension of time and assignment Appl. #2077, Reinstatement, extension of time and assignment Appl. #1929., Extension of time, Appl. #3995, Proposed Findings of facts and conclusions of law, Proposed Decree, Order setting time for hearing of motions on proposed findings and decree, Motions to amend by plaintiff, Provo City, Provo City, Utah Power & Light Co., Timpanogas Canal Co et-al, David S. Park, M. B. Cutler, Daniel B. McBride, Washington Irrigation Co et-al, ^{and} Isaac R. Baum et-al, Appearance of Chase Hatch as counsel for West Union Canal Company, Motion to modify by West Union Canal Company, Motion to modify by Nephi Huber et-al, Amended motion to modify by Nephi Huber et-al, Motion to modify by Joseph Hatch et-al, Objection and Motion by Wasatch Irr. Co. et-al, Objection and Motion to modify by Sage Brush Irrigation Company, Objections to Findings of fact and decree by John C. Whiting, Objections to Findings etc by Midway Irr. Co, Motion to modify by Midway Irr. Co et-al, Motion to modify by Elizabeth Kummer Hamilton et-al, Amendment to deft. Timpanogus Irrigation Company's answer, Supplemental Brief, by Elizabeth Kummer Hamilton et-al, Motion to modify by Timpanogus Irrigation Company, Motion to modify, James A. Hamilton et-al , Motion to modify by Stewart Ranch, Motion to modify by Upper East Union Irr. Co., Paper signed by Mrs. Johanne C. Juul Andersen, self defendant, Paper signed Mrs Johanne C. Juul Andersen, Appearance of I. E. Brockbank as counsel for defendants Charleston Irrigation Co. et-al, Motion to amend by John D. Dixon, Motion to amend by A. L. Tanner et-al, Motion to amend by Charleston Irr. Co., Correspondence relative to amendments to proposed findings and decree, Service of Order of Jan 15, 1921 and Proposed findings & decree, Notices of entry of findings & Decree to Provo City etal, Wasatch Irr Co et-al, Betsy Olson et-al, Provo Reservoir Co., Provo Pressed Brick et-al, Branch Young et-al, South Kamas Irr Co et-al, Caleb Tanner et-al, U.P.&L. Co, Harold C. Best et-al, Pioneer Irr Co. et-al, Wilford Van Wagenen et-al, Wildwood Resort Co., Thos J. Foote et-al, John W. Hoover, Heber City et-al, Provo Bench Can. & Irr. Co., Knight Woolen Mills, Midway Irr. Co et-al, Provo Ice & Cold Storage, E.J.Ward & Sons Co., Spring Dell Resort Co., Upton Hoover et-al, John E. Berg, L. L. Donnono Edwin A. Madsen, Zions Sav. Bnk & Trust Co., J. H. Stockman, and Edwin A. Madsen, Recommendation of Assistants to commissioner, Approval of employment of assts. to commissioner, Affidavit of B. H. Jolley,

Bill for cost of publication in Provo Post, Letter T.F.Wentz to Wedgewood, Letter T. F. Wentz to Wedgewood, Quit Claim Deed to Blue Cliff Canal Co. , Extension of time and assignment Appl. #2077, Reinstatement, extension of time and assignment Appl. #1929., Extension of time, Appl. #3995, Proposed Findings of facts and conclusions of law, Proposed Decree, Order setting time for hearing of motions on proposed findings and decree, Motions to amend by plaintiff, Provo City, Provo City, Utah Power & Light Co., Timpanogas Canal Co et-al, David S. Park, M. B. Cutler, Daniel B. McBride, Washington Irrigation Co et-al, ^{and} Isaac R. Baum et-al, Appearance of Chase Hatch as counsel for West Union Canal Company, Motion to modify by West Union Canal Company, Motion to modify by Nephi Huber et-al, Amended motion to modify by Nephi Huber et-al, Motion to modify by Joseph Hatch et-al, Objection and Motion by Wasatch Irr. Co. et-al, Objection and Motion to modify by Sage Brush Irrigation Company, Objections to Findings of fact and decree by John C. Whiting, Objections to Findings etc by Midway Irr. Co, Motion to modify by Midway Irr. Co et-al, Motion to modify by Elizabeth Kummer Hamilton et-al, Amendment to deft. Timpanogus Irrigation Company's answer, Supplemental Brief, by Elizabeth Kummer Hamilton et-al, Motion to modify by Timpanogus Irrigation Company, Motion to modify, James A. Hamilton et-al , Motion to modify by Stewart Ranch, Motion to modify by Upper East Union Irr. Co., Paper signed by Mrs. Johanne C. Juul Andersen, self defendant, Paper signed Mrs Johanne C. Juul Andersen, Appearance of I. E. Brockbank as counsel for defendants Charleston Irrigation Co. et-al, Motion to amend by John D. Dixon, Motion to amend by A. L. Tanner et-al, Motion to amend by Charleston Irr. Co., Correspondence relative to amendments to proposed findings and decree, Service of Order of Jan 15, 1921 and Proposed findings & decree, Notices of entry of findings & Decree to Provo City etal, Wasatch Irr Co et-al, Betsy Olson et-al, Provo Reservoir Co., Provo Pressed Brick et-al, Branch Young et-al, South Kamas Irr Co et-al, Caleb Tanner et-al, U.P.&L. Co, Harold C. Best et-al, Pioneer Irr Co. et-al, Wilford Van Wagenen et-al, Wildwood Resort Co., Thos J. Foote et-al, John W. Hoover, Heber City et-al, Provo Bench Can. & Irr. Co., Knight Woolen Mills, Midway Irr. Co et-al, Provo Ice & Cold Storage, E.J.Ward & Sons Co., Spring Dell Resort Co., Upton Hoover et-al, John E. Berg, L. L. Donnono Edwin A. Madsen, Zions Sav. Bnk & Trust Co., J. H. Stockman, and Edwin A. Madsen, Recommendation of Assistants to commissioner, Approval of employment of assts. to commissioner, Affidavit of B. H. Jolley,

Motion of B. H. Jolley, Order for hearing on motion of B. H. Jolley, Affidavit of Mailing notices, Supplemental Decree as to Frederick J. Pulham, as moved by B.H.Jolley, Receipt of Transcript, by Ray & Rawlins, Order Extending time to Settle Bill of Exceptions, Order extending time to settle bill of exceptions, Bill of exceptions, Waiver of Undertaking on appeal, Notice of Appeal, Findings of fact and conclusions of law and decree, Judgment Roll Certificate, Copies of Court Minutes, Commissioners Report 1916 Filed Nov 6, 1916, Commissioners Report 1919, filed Jan 27, 1921, Commissioners report 1917 filed Dec 31, 1917, Commissioners report 1914 filed Feb 13, 1915, Commissioners report 1914 filed Feb 25, 1915., Commissioners report 1915, Filed Nov 11, 1915, Commissioners report 1918 filed Feb 28, 1919, Book of Photographs filed Nov 11, 1915, Transcript of testimony consisting of twelve volumes filed Sept 26, 1921, and exhibits , and that they constitute the transcript on appeal, and are transmitted to the Supreme Court of the State of Utah pursuant to such appeal and the order of this court.

I further certify that no bond or undertaking on appeal has been filed in my office, and that a written waiver of Undertaking on appeal has been filed **herein**,

IN WITNESS WHEREOF, I have hereunto set my hand and seal

at Provo Utah, this 25th day of November A. D. 1921.

WALLACE M. HALES, CLERK

By *C. Byron Dastrop*
Deputy Clerk

