

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

Provo Reservoir Company,)	
)	CIVIL <u>2898.</u>
Plaintiff,)	
vs.)	
Provo City, et al,)	MOTION.
Defendants,)	

The defendant, First Ward Pasture Company, moves the Court to re-open the case and to permit said defendant to introduce competent, material and relevant testimony which will show:-

1.-- That the land owned by First Ward Pasture Company and known as "First Ward Pasture" is similar in all material respects regarding requirements of water for irrigation, to the land known as Provo City "Farm Acres", and to the land irrigated under the Provo Bench Canal.

2.-- That for the past 65 years the First Ward Pasture has been and now is a tract of land upon which is grown grasses for the purpose of pasturage to supply a pasture for the inhabitants of Provo; that said land has been used exclusively as a pasture, and that 363 head of cattle are pastured therein yearly from the month of April to the month of October

3.-- That land cultivated for purposes of pasturage requires a materially larger amount of water for irrigation than land cultivated for ordinary crops.

4.-- That the 147 acres on the West side of the First Ward Pasture, irrigated by the water from Provo River, cannot be properly irrigated from May 10th to June 20th of any normal year with 2.75 second feet of water, or its equivalent; that said land cannot be properly irrigated from the period from June 20th to July 20th of any normal year with 2.23 second feet of water, or its equivalent; and that said land cannot be properly irrigated during the period from July 20th to October 1st of any normal year with 1.96 second feet of water, or its equivalent.

Attorneys for 725
First Ward Pasture Company.