

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

2-2

No. 2888 Civil

PROVO RESERVOIR COMPANY,  
a corporation,

Plaintiff,

vs.

PROVO CITY, ET AL,

Defendant.

NOTION TO MODIFY DECISION.

Comes now the defendant, George Schear, successor in interest of Alice Schear, and moves the Honourable Court above named to modify the decision herein as follows:-

1. That the Court strike from paragraph 43 of the Decision herein the name of George Schear, successor of Alice Schear, and that the Court add to said decision a paragraph to be known as 43 C, setting forth therein the rights of said defendant, George Schear, and that said paragraph 43C be made to read as follows:-

43C. That George Schear, successor of Alice Schear, is the owner of .166 second feet of primary or low water of Snake Creek, a tributary of Provo River, to be decreed to said George Schear, independent of the Midway Irrigation Company, defendant herein, to irrigate 10 acres of land in Section 22, T. 3 S. R. 4 East of the Salt Lake Meridian, and that in addition thereto said George Schear is the owner of and entitled to the use of .50 second feet of high or flood waters of said Snake Creek, to irrigate the above mentioned 10 acres, together with an additional 10 acres in the same section, and adjacent thereto during each and every year up to the first day of July, or until such time as the water commissioner shall give notice to discontinue the use of the said high waters.

This motion is based upon the files and records herein and for the reason that said defendant, George Shear, filed his separate answer and counter-claim praying that his said waters be distributed separate and apart from the Midway Irrigation Company, and there was no contest nor opposition whatever to said counter-claim and the prayer thereof.

Chase Hatch

Attorney for Defendants.

Due and legal service hereof is hereby accepted this 6th day of December, 1917.

Alfred L Booth

Of Counsel for Plaintiff.