

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

Provo Reservoir Company,
Plaintiff,

No. 2388 Civil.

vs.

Petition for Amendment to Decision.

Provo City et al. Defendants.

Whereas proofs have heretofore been offered in open court in support of the rights of the Timpanogus Irrigation Company, a corporation of the State of Utah, with its principal place of business at Heber City, Wasatch County, State of Utah, to certain waters of Provo River and waters tributary thereto and also certain waters of Beaver and Shingle Creeks in Summit County, but in its decision the court, through some inadvertence failed to mention and define such rights.

Comes now Mr S. Willes, the present attorney for said Timpanogus Irrigation Company, and asks the court to amend Sections 25 and 27 of said decision by adding thereto the following findings, to wit:

Addition to Section 25 page 13 of said decision,

That the defendant Timpanogus Irrigation Company, under its application to the State Engineer of the State of Utah, No. 442 under date of August 22, 1905, for 8500 acre feet of water for storage in Wall Lake, Trial Lake and Washington Lake, is entitled to 14/28 of said water and water right, and is entitled to complete its appropriation and make proof to the State Engineer; and upon the completion of such final proof will be entitled to store said water and to release and commingle and recapture the same at the intake of its present canal and the intake of the canal of the Heber Light and Power Plant, near the Heber-Park City bridge across the Provo river and there divert the same for the purpose of irrigation.

Addition to Section 27 pages 13 and 14 of said decision.

That the defendant Timpanogus Irrigation Company, under its application number 942 to the State Engineer of the State of Utah, dated June 12, 1906, for 7500 acre feet of the waters from Beaver and Shingle Creeks tributaries of Weber river in Summit County, Utah, is the owner of and entitled to all of said waters and water rights and is entitled to complete its appropriation and make proof to the State Engineer; and upon making such final proof will be entitled to said water and water right and to commingle the said water with the water of Provo River and recapture and divert the same at the intake of its present canal and the intake of the canal of the Heber Light & Power Plant, near the bridge crossing the said Provo river on the Heber-Park City road and use the same for irrigation purposes.

and that when the court shall make its Findings, Conclusions and Decree in said action that its said Findings, Conclusions and Decree shall include the foregoing facts as an addendum to said sections 25 and 27 fixing and defining said rights. Respectfully submitted.

Attorney for Defendant Timpanogus
Irrigation Company.

*original & the whole has been filed
S. Willes
June 10, 1906*