

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

PROVO RESERVOIR COMPANY,
a corporation, Plaintiff,

VS

ORDER

PROVO CITY, et al. Defendants.

The petition of Caleb Tanner having come on duly and regularly for hearing before the Court on this 29th day of June, 1925, together with the order to show cause directed to J.W.Gillman, and said petition requesting of the Court an order directing T.F.Wentz as Commissioner, or in the alternative, directing J.W.Gillman as an agent of Provo Water Users Company, to divert from the main canal of of Provo Reservoir Company's Provo River Irrigation System and into the Iona Lateral, which said lateral heads in said canal at a point located near the center of section 12, T⁶ S⁶ South of Range 2 East , S.L.M. in Utah County, Utah, water to the extent of 20 and one third acres of primary water right, being an equivalent of approximately .2 of one second foot, and the Court being fully advised in the premises, and it appearing to the Court;

That said petitioner is the owner of 20 and one third acres of primary water right which water is now flowing in said main canal, and that said petitioner has leased said water for the irrigation season of 1925 as follows; to William Burr nine and one-third acres; to J.D.Gatenby six acres ; and to Willard Bishop five acres, the whole of such waters to be used in and through the said Iona Lateral; and it further appearing that J.W.Gillman, as the agent and employee of Provo Reservoir Water Users Company, is in charge of regulating the flow from said main canal into the said Iona Lateral of waters

used therein and that said J.W.Gillman was instructed by his said employer to make no diversion of the waters of said Caleb Tanner into the said Iona Lateral, and that said J.W.Gillman has refused to make such diversion ;

And it further appearing to the Court that the said 20 and one third acres of primary water right is of the water rights decreed herein and subject to the control of T.F.Wentz, Commissioner, upon order of the Court herein;

It is now therefor ORDERED:

That the said T.F.Wentz, Commissioner, forthwith upon receipt of a copy of this order, divert into the said Iona Lateral from the said main canal herein above referred to, 20 and one third acres of primary water right now owned by the said Caleb Tanner and being an equivalent of ^{approximately} .2 of one second foot, for the use and benefit of petitioners said lessees hereinabove named, and that such diversion be made and continued and maintained throughout the balance of the irrigation season of the year 1925; and the said J.W.Gillman, and any other agent of said Provo Reservoir Waters Users Company who may have or assume the duty of diverting waters from said main canal into the said Iona lateral, are hereby restrained from any and all acts and conduct tending in any manner to interfere with such diversion herein ordered, or with the actions of said T.F.Wentz Commissioner in the making of such diversion.

Dated Provo, Utah, June 29, 1925.

BY THE COURT,

Elias Hansen
JUDGE.

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