In the District Court of the Fourth Judicial District,

County of Utah, State of Utah.

J-14

Provo Reservoir Company, a corporation, Plaintiff, vs Provo City, et al. Defendants.	AMENDED DISCLAIMER.

Come now James Boney, Evan Williams, James F. Clyde, Mary E. Davis, Elizabeth West, F.J. Pulham, Leslie Symes, Wallace Baum, M.H. Greer, Andrew Forsythe, Roy D. Brown, Wilmerth Brown, Eliza Brown, A.F. Snyder, Mary A. Brown, Steven Jones, Charles N. Davies, Fred Davies, David Johnson, J. Joseph Johnson, Ashted Taylor, R.D. Partridge, Olive Smith, Joseph Brown, George Taylor, Jr. Joseph Williams, A.W. Taylor, J.E. Smith, E.V. Vincent, defendants in said action, and appearing for themselves and not for the other defendants herein, disclaim any and all right to the use of the waters of Provo River, except as hereinafter set forth, as follows:

1. That these defendants are the owners in severalty of about three hundred acres of land, located on the Provo River bottom, north of Provo City, Utah county, Utah, and more than six miles south of the plaintiff's point of diversion, which land was and still is barren and unproductive of agricultural crops without artificial irrigation, but when irrigated said lands produce abundantly all kinds of agricultural crops.

2. That more than thirty years ago these defendants, their grantors and precedessors in interest, for the purpose of reclaiming said lands from their then barren condition and rendering said lands productive and valuable, by means of dams and ditches diverted and appropriated of the waters of certain springs, sufficient to irrigate said lands, which springs are located near said lands and far below the plaintiff's point of diversion; that the water from said springs was theretofore unappropriated and these defendants, their grantors and precedessors in interest applied said water to said lands for irrigation and also used the same for domestic purposes, and thereby caused said lands to produce vast quantities of agricultural crops and to become of great value.

3. That these defendants, their grantors and predecessors in interest have continued from year to year during the irrigation season of each and every year from the time of the first diversion of said waters to use and apply the same upon the aforesaid lands for irrigation purposes and also to use the same for domestic and culinary purposes; that the use of said water has been reasonable and necessary.

4. That the quantity of water and manner of use to which these defendants, their grantors and predecessors in interest are entitled is set forth and decreed in what is commonly known as the "Morse Decree" which was made and entered in this court on the 29th day of January A.D.1902, in the case of Provo City and others plaintiff vs The West Union Canal Company and others defendants, which was an action involving the same water and water rights as is involved in this cause, and these defendants disclaim all right, title and interest to the use of the waters of said river or its tributaries except as set forth in said decree, but these defendants do claim such water as is set forth and decreed to them and their grantors and predecessors in interest in said decree, which decree is hereby referred to and made a part of this disclaimer.

5. That said decree designates certain of the defendants therein as "The residents of the River Bottoms, jointly and undivided and names some who use water on the west side of said river and decrees to them 0875 or 0879 of the waters of said river, according to the volume of water flowing therein, in case the springs said springs from which said defendants were and are supplied should fail, and these defendants or their grantors and predecessors in interest were and are among the persons so designated.

Therefore these defendants ask that they be dismissed from this action and that they have judgmnet for their costs herein, and that their rights under said Morse decree be confirmed.

J.H. McDonald
Attorney for these defendants

State of Utah
County of Utah

J.F. Clyde being duly sworn on oath deposes and says that he is one of the defendants above named, that he has read the foregoing disclaimer and knows the contents thereof and that the same is true of his own knowledge.

J. F. Clyde

Subscribed and sworn to before me this 29th day of April 1918.

J.H. McDonald
NOTARY PUBLIC
COMMISSION EXPIRES
UTAH COUNTY, UTAH

2888

Provo Reservoir Co
vs
Provo City et al

Amended disclaimer

IN DIST. COURT
UTAH CO., UTAH,
FILED
MAY 20 1916
E. T. Palfreyman Clerk.
Elias A. Gee Deputy.

Received a copy May 24
1916.
Jacob Evans
Atty for Plsf.