J-12

In the District Court of the Fourth Judicial District,

County of Utah, State of Utah.

Provo Reservoir Company, a corporation, Plaintiff, vs Provo City et al Defendants.	ANSWER OF JOHANNE C.J. ANDERSON.

Comes now Johanne C.J.Anderson, on of the defendants in the above entitled action and answering for herself and not the other defendants herein admits, denies and alleges as follows:

1. This defendant has no information or belief sufficient to enable her to otherwise answer and upon that ground denies paragraph 28,29 29a,29b,29c,29,d 29e,30,31,32,33,38,39 35,36 of said complaint.

2. This defendant admits paragraphs two to twenty-eight inclusive and admits paragraphs 34 and 37 of said complaint.

Further answering said complaint, as a defense thereto and as grounds for affirmative relief this defendant alleges as follows:

1. That this defendant is the owner in fee of ~~one hundred~~ Two Hundred and ~~ninety-five~~ ten acres of land in Wasatch county, State of Utah, and adjacent to said Provo River, which land was and still is barren and unproductive of agricultural crops without artificial irrigation, but when irrigated said land produces abundantly all kinds of crops.

2. That more than twenty-five years ago this defendant, her grantors and predecessors in interest, for the purpose of reclaiming said land from its then barren condition and rendering it productive and valuable, by means of dams and ditches diverted and appropriated large quantities of the theretofore unappropriated waters of the said Provo River and its tributaries to and upon said lands for irrigation and domestic purposes and uses, and thereby caused said land to produce vast quantities of agricultural crops and to become of great value; that at the time said water was appropriated ~~from~~ and diverted from said river by this defendant as aforesaid the same had not been appropriated by any other person or persons whomsoever.

3. That this defendant, her 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 and domestic purposes and also to use the same for culinary purposes, that the irrigation season commences about the first day of May and ends about the first day of November of each and every year.

4. That the quantity of water of said river and its tributaries to which this defendant is entitled and which has been and is necessarily used by the defendant, her grantors and predecessors in interest since the first appropriation thereof as above set forth is a volume of water flowing Two cubic feet per second of time.

5. That this defendant, her grantors and predecessors in interest have for more than twenty-five years used all of said water so originally appropriated as aforesaid, openly, peaceably, notoriously, uninterruptedly and adversely as against all the world, and particularly the plaintiff herein, and said use has been and is reasonably necessary for the purposes herein set forth.

6. That the plaintiff claims and asserts some right and interest in and to the use of said waters adverse to this defendant, and the plaintiff will unless restrained by decree of this court interfere with this defendant's use of said water.

Wherefore defendant prays judgment:
That this defendant be adjudged and decreed to be the owner of and entitled to the use of sufficient water to irrigate seventy acres of said land and that the plaintiff and all other parties to this action be forever restrained and enjoined from asserting any claim whatsoever of, in or to said water so decreed and from in any manner diverting or obstructing the same. Defendant prays for general relief and for her costs herein.

J. H. McDonald
Attorney for defendant

State of Utah
County of Utah

Johanne C. J. Anderson, being duly sworn, on oath deposes and says that she is the defendant above named, that she has heard read the foregoing answer and knows the contents thereof, that the same is true of her own knowledge, except as to matters therein set forth upon information and belief and as to those matters she verily believes the same to be true.

Johanne C. J. Anderson

Subscribed and sworn to before me this 26th day of July 1916.

J. H. McDonald
Notary Public

J. H. McDONALD NOTARY PUBLIC COMMISSION EXPIRES June 27, 1919. UTAH COUNTY UTAH

Commission expires
June 27, 1919.

#2858

Provo Reservoir Co.

vs

Provo City et al

Answer of Johnson & J. Anderson

IN DIST. COURT
UTAH CO., UTAH.
FILED
AUG 25 1916
E. L. [illegible] Clerk
[illegible] Deputy

Received a copy
August 1916.

atty for the plff