In the District Court of the Fourth Judicial District,

I-4 County of ~~Wasatch~~ Utah, State of Utah.

Provo Reservoir Company,
a corporation,
Plaintiff,

vs

Provo City et al.
Defendants.

Now come Phillips L. Ford one of the defendants in the above entitled action and in answer to the complaint of the plaintiff on file herein, admits, denies and alleges, as follows:

1. Defendant has no information and belief sufficient to enable him to otherwise answer and upon that ground denies paragraph one of said complaint and this defendant denies paragraphs 28, 29, 29 (a), 29 (b), 29 (c), 29 (d), 29 (e), 30, 31, 33, 34, 35, 36, and 38 of said complaint. This defendant denies each and every allegation in the in the plaintiff's complaint contained not herein specifically admitted.

2. Defendant admits paragraphs two to twenty-eight inclusive, and admits paragraphs 32, 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 the defendant is the owner in fee of 150 acres of land in Wasatch county, State of Utah, and adjacent to the said Provo River, 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 this defendant, his grantors and predecessors in interest, for the purpose of reclaiming the 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 uses and purposes, and thereby caused said lands to produce vast quantities of agricultural crops and to become of great value; That at the time said water was 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, his 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 irrigation season commences about the 15th day of March and ends about the 1st 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, his grantors and predecessors in interest since the first appropriation thereof as above set forth is a volume of water flowing ___ cubic feet per _____.

5. That this defendant, his grantors and predecessors in interest have for more than 20 years used all of said waters so originally appropriated as aforesaid, openly, peacebly, notoriously uninterruptedly and adversly as against all the world, and particulary the plaintiff herein, and said use has been and is reasonably necessary for the purposes herein set forth.

6. That on the 6th day of May ~~xxxx~~ 1890, in the District Court of the Fourth Judicial District of the State of Utah, sitting in and for wasatch county, in an action wherein the Wasatch Irrigation Company and others were plaintiff and Edward Fulton and others were defendants, wherein the waters of said Provo River were involved, a decree was made and entered wherein this defendant and his predecessors in interest were decreed such amount of the waters of said river as was necessary to irrigate his said land up to about the first day of July in each year, during what is known as the high water period, and after the said high water was gone then this defendant and his predecessors were awarded by said decree _____ cubic feet of water per second and that said decree is now in full force and effect.

7. That the plaintiff claims and asserts some interest and right in and to the said waters and the use thereof adverse to this defendant; and the plaintiff has heretofore diverted said waters from this defendant without authority and in violation of the defendants rights, and the defendant is informed and believes and therefore alleges that the plaintiff thretens to and will, unless restrained by decree of this court continue such unlawful and wrongful diversion of the said waters to the great damage and injury of this defendant.

Wherefore defendant prays judgment:

1. That the plaintiff take nothing by its action herein.

2. That the defendant be adjudged and decreed to be the owner and entitled to the use of a volume and quantity of the waters of said river flowing cubic feet per second in his ditches without interruption, and that the defendant's title thereto be declared good and valid and that the same be quieted as against the plaintiff and that the plaintiff be forever restrained, and enjoined from asserting any claim whatsoever of, ~~xx~~ in or to said waters and from diverting and obstructing the same.

3. That the rights of the defendant as fixed and determined by the decree of this court of May 6th ~~)$100~~ 1899, be confirmed and that so much of the waters of said river be decreed to the defendant as is necessary to irrigate his lands and for domestic use.

4. Defendant prays for general relief.

5. Defendant prays for his costs herein expended.

J. H. McDonald
Attorney for the defendant.

State of Utah
County of Wasatch

Phillip L. Ford being duly sworn, on oath deposes and says that he is the defendant above named, that he has read the foregoing answer and knows the contents thereof, that the same is true of his own knowledge, except as to matters therein set forth upon information and belief and as to those matters he verily believes the same to be true.

Phillip Lewis Ford

Subscribed and sworn to before me this 1st day of Aug. 1911.

J. H. McDonald
Notary Public

Com. expires March 23, 1917.