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

Cause No. 2888.

Provo Reservoir Company, a corporation,

Plaintiff.

vs. Answer.

Provo City, a municipal Corporation, et. al.

Defendants.

Now comes the defendant, the Fort Field Irrigation Company, a corporation, and by stipulation of counsel and by leave of court, first had and obtained, answers the complaint of the plaintiff herein, and admits, denies and alleges, as follows:

First. This defendant admits the allegations in the complaint of the plaintiff contained in paragraphs numbered 1 to 27, both inclusive, and paragraph numbered 37.

Second. That this defendant has no knowledge, information or belief sufficient to enable it to answer any or either of the allegations in paragraphs numbered 28, 29, 29A, 29B, 29C, 29D, 29 E, 30, 31, 32, 33, 36 and 39 of plaintiff's complaint and therefore, denies each and every allegation of the said paragraphs.

Third. Further answering the complaint of the plaintiff and by way of counterclaim against the plaintiff, and as a cross complaint against each and all of the other defendants, this defendant alleges and shows to the court.

1. This defendant admits and alleges as a part of its counter-claim against the plaintiff and as a cross-complaint as to each and all of the other defendants herein, each and every allegation contained within paragraphs numbered 1 to 26, both numbers inclusive, of the plaintiff's complaint herein, the same as if here set forth in full.

2. That this defendant is a corporation duly organized and existing under and by virtue of the laws of the State of Utah, and by its charter and by full compliance with the laws of the State of Utah, it is authorized and empowered, among other things, to own, hold, use, control and distribute water to consumers for irrigation, domestic and other beneficial uses, particularly, for and in behalf of its

members and stockholders,and to persons using water for domestic,culinary and irrigation purposes,under its ditches and canals.

5. That in or about the year 1850,the predecessors in interest of this defendant at great expense,constructed a canal from Provo River,below the mouth of Provo Canyon,about one half mile west of Provo City,Utah,to the lands of its now respective stockholders,and members,and then appropriated of the then unappropriated water of said Provo river Seven second feet of water,by diverting the same into its said canal,and ever since said time its predecessors in interest and this defendant have used said water,controlled and distributed the same to and upon the lands of its stockholders and members for the purpose of irrigating the same,and for providing its stockholders and members with water for domestic and other beneficial uses.

4. That in making said appropriations of the water of said river as aforesaid,this defendant and its predecessors in interest fully complied with all requirements of the laws of the State of Utah,relative to the appropriation of water, and ever since said appropriation have continuously used the same for the beneficial purposes aforesaid,economically and without waste.

5. That the lands of the stockholders and members of this defendant are situated immediately west of the City of Provo,Utah County,State of Utah,and without water for irrigation,are barren,unproductive and of no practical value,but with water for irrigation,the same are rendered productive of all kinds of garden and agricultural crops,fruits and vegetables,and desirable for homes,and of great value,and that the use of the said water so appropriated,controlled,and distributed by this defendant to its stockholders and members for their lands and homes,is a necessary and beneficial use,and the same is now and ever since the appropriation thereof as aforesaid,,has been used beneficially,economically and without waste.

6. That the plaintiff and each of the other defendants to this action, as this defendant is informed and believes,and therefore alleges the fact to be asserts and set up some claim or interest,adverse to the ownership,right,title and interest of this defendant to the use of said water,as aforesaid,of said river ,and to the distribution and control thereof for and in behalf of its

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persons and stockholders as claimed by this defendant, but this defendant has not sufficient knowledge or information to enable it to set forth herein the character or nature of said claim or interest so asserted and set up, or any of them.

7. That this defendant further alleges that the several claims or interests asserted and set up by the plaintiff and each of the other defendants, are wrongful, without right, unfounded in fact or law, and are a cloud upon this defendants title and right to the use, possession and ownership, and the enjoyment of said water of said river for the purposes herein set forth.

8. WHEREFORE, this defendant prays that the plaintiff and each of the other defendants herein, may be required to set forth any and every adverse claim, interest or demand by them or and each of them in to the water of said Provo River and the right to the use thereof, so claimed by this defendant, to the fact that their several claims, demands and pretensions may be adjudicated, and declared null and void, as against this defendant, and that the title, ownership and interest thereto of this defendant in and to the water of said river, as claimed by it as herein set forth, may be quieted and confirmed as against the plaintiff and each and all of the other defendants herein, and that the interest, title and ownership of this defendant thereto as herein set forth may be adjudicated and decreed to be good and valid.

This defendant prays for such other and further relief in the premises, as to the court may seem just and equitable and for its costs in this behalf expended.

E. E. Corfman

Attorney for Fort Field Irrigation Company, a corporation.

County of Utah,

ss.

State of Utah.

H. W. Goddard, being first duly sworn on oath deposes and says: I am an officer of Fort Field Irrigation Company, a corporation, to wit: the President thereof; that I have read the above and foregoing answer, cross-complaint and cross-complaint and know the contents thereof; that the same is true of my own knowledge, except as to the matters therein stated on information and belief and as to those matters I believe them to be true.

H. W. Goddard

Subscribed and sworn to before me this 9th. day of January, A.D. 1916.

Jacob Coleman

Notary Public.

My commission expires June 18 - 1916

No 2888.

In the Fourth District Court
Utah County, Utah

Provo Reservoir Company
Plaintiff.

vs

Provo City, et al.

Answer, counter-claim
and cross-complaint.
J. Fork Field Irrigation Co.
Defendant

Due and legal service
hereby stipulated and
admitted May 9th 1916

[illegible]
Attorneys for Plaintiff.

IN DIST. COURT
UTAH CO., UTAH.
* FILED *
MAY 10 1916
[illegible] Clerk
[illegible] Deputy

E. E. Corfman atty
for Defendant.