

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

Provo Reservoir Co. a Corporation.
Plaintiff. *

A-H

vs

* Answer and claim of
* B.B. Richmond.

Provo City et al.
Defendants. *

Comes now the defendant B.B. Richmond and in answer to the complaint of the plaintiff, admits, denies, and alleges as follows.

I.

Admits the allegations of paragraphs Nos. 1 to 27 both inclusive, and paragraph 37 of the said complaint.

II

Not having any knowledge, information, or belief sufficient to enable ~~him~~ to answer any of the allegations in paragraphs Nos. 28, 29, 29(a), 29(b), 29(c), 29(d), 29(e), 30, 31, 32, 33, 34, 35, 36, and 39 of said complaint, on that ground denies each and every allegation of said paragraphs.

III

Denies generally and specifically each and every other allegation in said complaint not herein admitted or denied.

Further answering said complaint defendant alleges.

1st. That at the time of the commencement of this action he was the owner thirty five acres of agricultural lands in the River Bottoms of Provo River, about three and one half miles North of Provo City, in Utah County, Utah, which said lands have been irrigated with the waters of Provo River for more than forty years, and this defendant, his grantors and predecessors in interest more than forty years ago, appropriated ~~from~~ ^{of} the waters of said Provo River for the purpose of irrigating the said lands, a stream of water two and one half second foot in size for a period of seventy two hours every eight days during the irrigation season of each and every year.

2nd. That the said lands are barren and unproductive without artificial irrigation, being of a gravel and sand formation, but by artificial irrigation sufficient, the said lands can and do produce large quantities of all kinds of crops, ^{such as} vegetables, grain, hay, fruit etc, and because of the character of the said lands, they require a great deal more water to produce crops, than would lands of a clay formation,

3rd. That the said lands ~~are~~ are immediately adjacent to what is known as City Creek, and the ~~scapes~~ water from said lands, immediately finds its way back into said creek, and the waters for the irrigation of said lands

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are diverted out of said City Creek partly through defendants own private ditch and partly through what is known as ditch No. 4. and this defendant more than forty years ago, by his grantors and predecessors in interest, appropriated, and ever since said time has used a stream of water out of the waters of said Provo River, two and one half second feet in size for a period of seventy two hours every eight days during the irrigation season of each and every year, and said amount of water is absolutely necessary to properly produce and mature the various kinds of crops raised on said lands.

4th. That since the commencement of this action, this defendant has sold his said land and water right to William C. Cluff and one Mrs. Alice Rambaugh. the former owning now seventeen acres of the said land which he waters from defendants own private ditch, and said Mrs. Rambaugh is the owner of sixteen acres of said land which are watered from ditch No. 4. above mentioned. Wherefore defendant prays that in so far as he is concerned, the plaintiff take nothing by its complaint herein, but that defendants right to the use of the waters of said Provo River as herein set out be quieted and decreed to defendant, the full amount herein claimed.

Defendant prays for his costs herein.

Harry Cluff
Attorney for defendant.

State of Utah.

County of Utah. SS.

B.B. Richmond being first duly sworn on oath deposes and says, that he is the defendant mentioned in the foregoing answer, that he has read the same and knows the contents thereof and that the same is true of his own knowledge, except as to those matters therein stated on information and belief, and as to those matters he believes it to be true.

B B Richmond

Subscribed and sworn to before me this 8th day of Dec. 1916.

Harry Cluff
Notary Public.

My Comm. Expires Jan. 8th 1918.



2888
Puro Reservoir Co

vs
Puro City et al

Answer of
B.P. Richmond

IN DIST. COURT
UTAH CO., UTAH,
* FILED *

DEC 9 1916
J. W. Hayward Clerk.
Ed. M. G. Deputy.

Service of copy acknowledged
Dec. 9, 1916.

Hatch, Evans, Evans,
M. DeWalt
City of Pelt