

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

Provo Reservoir Co. a Corporation.

*K-3*  
 VS

Plaintiff. \*

Provo City et al.

Defendants. \*

ANSWER OF  
 S.S.Cluff Jr.  
 ✓ J.A.Baum.  
 ✓ Elmer Baum.  
 ✓ James Amicone. and  
 ✓ Lafe Baum.

\*\*\*\*\*  
 \*\*\*\*\*

The defendants S.S.Cluff Jr. J.A.Baum. Elmer Baum. James Amicone, and Lafe Baum, now come and in answer to the complaint of the plaintiff herein, admit, deny, and allege as follows.

I.

These defendants admit 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 them to answer any of the allegations in paragraphs No. 28, 29, 29(a) 29(b); 29(c); 29(d); 29(e); 30; 31; 32; 33; 34; 35; 36; 38; and 39 of the said complaint, on that ground denies each and every allegation of said paragraphs.

III.

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

Further answering said complaint these defendants allege.

1st. That they are the owners of Agricultural lands in the River Bottoms of Provo River, about two miles North of Provo City, Utah County, Utah, which said lands have been irrigated with the waters of Provo River ever since the settlement of this valley by the white man, and these defendants, their grantors and predecessors in interest have for more than thirty years passed used all of the water from said river that was necessary to properly irrigate and mature crops on said lands as follows.

S.S.Cluff Jr. at least Ten Acres.	<del>12</del>
J.A.Baum. at least Ten Acres.	10.
Elmer Baum, at least eight acres.	8.
James Amicone at least five acres.	5.
Lafe Baum at least seven and one half acres.	7-1/2
	<hr/>
	45-1/2 Acres.

2nd. That said lands are capable of producing abundantly large crops of various kinds of farm products, but in order to properly mature crops on said lands, it is necessary that they be thoroughly irrigated at least once in every eight days during the dry and summer season, and the amount of water necessary to give one acre of said lands- one good watering, is two second part of water running continuously for a period of three hours.

3rd. That the full and complete right to the use of the said water by these defendants, and their grantors and predecessors in interest, has been formerly adjudicated and decreed by that certain decree of this Court which was made and entered on the 29th day of January 1902 in case No. 718 Civil wherein Provo City et al were plaintiffs and West Union Canal Co. et al, defendants, and the said right to the use of said water was again confirmed by a decree of this Court made and entered on the 26th day of January 1907 in case No. 957 Civil wherein Provo City et al were plaintiffs and Telluride Power Co. et al were defendants.

4th. That the water for said lands is taken by these defendants partly through what is known as the Alfred Young Ditch, and partly from springs and from City Creek, and the said right to said waters which these defendants claim, comes through their grantors S.S. Cluff mentioned in said Decree in case No. 718 and George Baum mentioned in said decree as a resident of the River Bottoms, the said Alfred Young Ditch being one of the first and oldest ditches ever taken out of Provo River.

Wherefore these defendants pray that the plaintiff take nothing by its complaint herein, and that these defendants be decreed to be the owners and entitled to the use of the waters of Provo River in the amount and ~~at~~ at the rate of Two Second feet of water running continuously for a period of three hours every eight days for each acre of land owned by these defendants as herein stated.

*Defendants pray for their Costs*

*Harvey Cluff*  
*attorney at law*

State of Utah.

County of Utah. SS.

J.A. Baum being first duly sworn on his oath deposes and says that he is one of the defendants 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 those matters therein stated on information and belief, and as to those matters he believes it to be true.

*J. A. Baum*

Subscribed and sworn to before me this 24th day of June 1916.

*Harvey Cluff*  
Notary Public.

My Com. Expires Jan. 8th 1918.

