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

D-5

Provo Reservoir Company,  
a corporation,  
vs. Plaintiff,  
vs.  
Provo City, x x x x and  
Jack Bates, et al.



No. 2888 civil.  
Separate Answer of  
Jack Bates,  
one of the Defendants.

Comes now the defendant, by leave of Court first had and obtained, and files his answer to plaintiff's complaint filed herein, and in its, denies, and alleges as follows:

1. Defendant admits all of paragraphs 1 to 28 inclusive, and also admits paragraph 37.

2. Defendant has not sufficient information from which to form a belief as to the matters alleged in paragraphs 29 to 36 inclusive, nor as to paragraphs 38 and 39, and therefore denies the same generally for want of such information or belief.

Further answering the allegations in plaintiff's complaint the defendant alleges:

I. That more than thirty years ago this defendant entered upon the banks of Provo River, in Wasatch county, Utah, and began diverting water therefrom for irrigating ~~xxxxxxx~~ defendant's land situated in section 36, Township South, Range East, Salt Lake Meridian, and has continued uninterruptedly to so divert and use water from said river until the present time, during the irrigation season of each and every year;

II. That this defendant was a party to, and the rights of this defendant to the use of the waters of Provo River for the irrigation of his lands was adjudicated by the District Court of Wasatch County in the case of Wasatch Irrigation Company vs. Edward Fulton, et al. and that by sections one, three, and five of the Decree of Court entered in said action this defendant was awarded, and he is now the owner, of a First Class water right for Fifteen Acres of land, a Third Class water right for an additional Fifteen Acres of land, and a Fifth Class water right for an additional Twenty-five Acres of land.

III. That defendant has continuously used water for the irrigation of his lands according to said decree in producing crops of vegetables

grain, hay, and pasture on his lands. That said use has been beneficial and without waste, and that water on a basis of one second foot to sixty acres is actually necessary for the proper growth of his said crops;

Wherefore defendant asks that plaintiff take nothing from this defendant by his complaint, that the rights of this defendant to the use of water from Provo River for the irrigation of his lands as heretofore adjudicated and awarded to him by said decree be confirmed by decree in this action, and that defendant have his costs.

Chas. J. Wahlquist  
Attorney for defendant Jack Bates.

State of Utah, )  
(ss.  
County of Wasatch.)

Chas. J. Wahlquist, being first duly sworn on his oath says: that he is attorney for Jack Bates, the defendant named in the foregoing answer and cross-complaint. That he has conversed with said Jack Bates concerning the facts stated in said answer, and learned of the facts from said Jack Bates, that he has read the foregoing complaint and knows the contents thereof and that the allegations therein are true to the best of his knowledge and belief, that he makes this verification for the reason that he has been unable to ascertain whether said Jack Bates is now within Wasatch county or not, and because he fully advised that said Jack Bates is not in the county where said action is brought.

Chas. J. Wahlquist

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

W. B. Hatch  
Notary Public.



Commission expires

Oct. 27, 1916.

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James  
Jack & Co.

1st DIST. COURT  
UTAH CO., UTAH  
\* FILED \*  
DEC 26 1916  
Clerk  
Deputy