

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

Provo Reservoir Company, a
Corporation, Plaintiff,

-vs-

Provo City, Provo Bench &
Irrigation Company and
Thomas Foote et al,
Defendant,

SEPARATE ANSWER OF

THOMAS J. FOOTE.

Now comes Thomas J. Foote and voluntarily submits himself to the jurisdiction of this Court in this case as a defendant herein and alleges:

FIRST. That he was not named as a defendant in the complaint of the plaintiff in this case;

SECOND. That he is the owner in possession and entitled to the possession of certain 11 acres of land in Section 25, Township 6, South of Range 2 East, ^{part of the meadow} in what is usually styled as the East River Bottoms in Utah County, Utah;

THIRD. That in connection with said lands he has acquired, by original appropriation and use, a water right ^{necessary use of} to the said lands ^{for irrigation} which water rises in certain springs a short distance north of the said 11 acres of land and is sufficient to irrigate said lands in the season of low water;

FOURTH. That more than 11 years ago this defendant made said appropriation and has continued without interruption or interference to use sufficient water to irrigate said lands and the said use has been adverse under a claim of ownership as against all the world and particularly the said plaintiffs;

FIFTH. That by stipulation agreed to between said plaintiff and this defendant, this defendant shall be entitled to a decree quieting his title to the use of water for the said 11 acres of land in the same ratio per acre as shall be found in this suit to be the just proportion of waters of Provo River which shall be awarded to the East River Bottoms Water Company and the said defendant hereby agrees to accept ~~of~~ the same and the use of

