

A-6

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

PROVO RESERVOIR COMPANY,)
 A Corporation,)
 Plaintiff,)
 Vs)
 Provo City, Lincoln School District,)
 Charles Madsen, Edwin A. Madsen, W.W.)
 Ercanbrack and Caroline K. Madsen,)
 Defendants.)

SEPARATE ANSWER OF
Charles Madsen, et al.

Now come Charles Madsen, Edwin A. Madsen, W. W. Ercanbrack and
Caroline K. Madsen, and make answer to the complaints of the
plaintiff herein, and alleges:

1st. That W. W. Ercanbrack is the successor in interest to
D. H. Madsen, Brigham Madsen Estate, and Mattie E. Madsen.

2nd. That the said defendants herein named, and their prede-
cessors in interest, are now and have been for more than fifty (50)
years last past, the owners, entitled to possession and in possession
of One Hundred Thirty-five (135) acres of land in Section 3, Tp. 7
South, Range 2 East of the Salt Lake Meridian, in Lakeview Precinct,
Utah County, State of Utah.

3rd. That the said lands, and the whole thereof, for more than
fifty (50) years last past, have been irrigated from waters of cer-
tain springs near what is known as the Cary farm in said Precinct,
arising below the Lake Bottoms Company's Canal; that said lands are
arid and unprofitable for cultivation without irrigation, but with
irrigation are good agriculture lands and capable of producing abun-
dant crops of general farm products.

4th. That the said waters are conveyed by the means of ditches
from said springs, and that these defendants have used the whole of
the said waters during the irrigation season which have been suffi-
cient for the successful raising of crops each and every year for
more than fifty (50) years without interruption or interference by
anybody whatsoever, and that to be deprived of said water would
work irreparable injury to these defendants and make their said
lands practically valueless. That the amount of said water used

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and necessary to use, as aforesaid, is about _____ second feet. That so far as these defendants are informed and believe no other persons have any interest to the use of the waters of said springs, herein referred to.

WHEREFORE, these defendants pray this honorable court for judgment against the said plaintiff and all other persons claiming or to claim any interest therein, and that the title to the use of said waters be quieted in these defendants, and that they hence be dismissed with their costs.

J. E. Booth
Attorney Defendants Name(s)

STATE OF UTAH)
) (SS.
COUNTY OF UTAH)

_____, being first duly sworn on his oath, says that he is one of the defendants in the above entitled action; that he has read the foregoing Answer and knows the contents thereof, and that the same is true of his own knowledge, except as to matters therein stated on his information and belief, and as to those matters he believes it to be true.

Charles Madsen

Subscribed and sworn to before me this 12th day of December,



J. E. Booth
Notary Public.