

S-7

No. 2888.

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,)
 and Alma Jorgensen,)
 Defendants.)

SEPARATE ANSWER OF
 Alma Jorgensen.

Now comes Alma Jorgensen and for his separate answer, after leave of Court first had and obtained, alleges:

1st. That he and his predecessors in interest for more than fifty (50) years have been the owners in possession and entitled to the possession of twenty-five (25) acres of land in Section 2, Tp. 7 South, Range 2 East, Salt Lake Meridian, in Lakeview Precinct, Utah County, State of Utah.

2nd. That said lands, and the whole thereof, have been irrigated from the waters of Provo River through what is known as the Lake Bottom Canal, in connection with the waters belonging to the Utah and Idaho Sugar Company and through the same lateral ditches; that said lands are arid and unprofitable for cultivation without irrigation, but with irrigation are good agriculture lands and capable of producing abundant crops of general farm products.

3rd. That said right to use water of this defendant is a primary right and is used during the irrigation season to irrigate said twenty-five (25) acres of land, and that he and his said predecessors in interest have used sufficient water from said source to successfully raise crops 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 this defendant and make his said lands practically valueless. That the amount of water necessary, as aforesaid, is about _____ second feet.

4th. That said water is a portion of the waters of Provo River and conveyed through the Lake Bottom Canal from its head to the point of diversion of this defendant and the said Utah-Idaho Sugar Company, but is not a part of the waters claimed, owned or used by the said Lake Bottoms Canal Company.

WHEREFORE, this defendant prays for judgment against the said plaintiff and all other persons interested, that the title to said waters be quieted and this defendant, Alma Jorgensen, and that he be hence dismissed with his costs.

J. E. Booth
Atty for Defendant

STATE OF UTAH)
 (SS.
COUNTY OF UTAH)

Alma Jorgensen, being first duly sworn on his oath, says that he is one of the defendants in the above entitled action, and makes this, his separate answer; 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.

Alma Jorgensen



Subscribed and sworn to before me this 12th day of

September, 1916

COUNTY
UTAH.

J. E. Booth
Notary Public.

My Commission expires March 9, 1919.