

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

Provo Reservoir Company,
A Corporation, Plaintiff

A-13

vs.

Provo City, Lincoln School District,
The Provo Bench Canal and Irrigation
Company, The West Union Canal Company,
Branch Young Estate, Hetty Y. Goodwin,
Ida Y. Littley, Rudolph Riard, Daniel
D. McBride, Lewis W. Nuttle and David
S. Park, et al, Defendants.

Now come Branch Young Estate, Hetty Y. Goodwin, Ida Y. Littley,
Rudolph Riard, Daniel D. McBride, Lewis W. Nuttle, and David S. Park,
some of the defendants herein, in the above entitled action and make
their answer to the said plaintiff's complaint for them selves alone
and not for any one or more of the other defendants, and admit, deny,
and allege as follows, towit;

I

Admit the allegations in paragraphs from 1 to 29 inclusive.

II

As to the allegations in paragraphs from 29 (A) to 29 (C) inclusive,
these defendants have not sufficient knowledge or information to
form a belief and therefore deny it.

III

Admit paragraph 29 (D).

IV

As to the statements contained in paragraph 29 (E) to paragraph 33
inclusive, these defendants have no sufficient knowledge to form a
belief and therefore deny it.

V

The defendants admit paragraphs 34 and 35.

VI

As to paragraph 36, these defendants allege, that they have not
sufficient knowledge of information to form a belief except as here
in after set forth and therefore deny it.

VII

As to allegations in paragraphs 38 and 39, defendants allege that they have no sufficient knowledge or information on which to form a belief except as hereinafter set forth and therefore deny it.

VIII

That the said defendants, Branch Young Estate, Hetty Y. Goodwin, Ida Y. Littley, Rudolph Riard, Daniel D. McBride, Lewis W. Nuttle, and David S. Park, for a further and affirmative defence allege:

That on the 5th day of February, A.D. 1902, in a case then pending in the District Court of the Fourth Judicial District of the State of Utah, in and for Utah County, wherein Provo City, et al, were ~~XXXXXX~~ ~~XXXX~~ plaintiffs, and the West Union Canal Company, Et al, were Defendants, a certain decree was rendered, commonly known as the "Morse Decree" which decree adjudicated the several water rights of the parties to the said action, among others, those of these defendants and awarded to them a certain amount of water at different stages of the amount of water in Provo River, which decree is hereby referred to and as far as applicable to the plaintiff and these defendants, is made a part of this answer.

LX

That these defendants named in paragraph eight and their grantors and predecessors in interest are referred to in said "Morse Decree" under the claims of "Residents of the River Bottoms, jointly and undivided" and as such claim water sufficient to irrigate the number of acres of land of these defendants as follows, to-wit:

Branch Young Estate	37 1/2	acres
Hetty Y. Goodwin	5	acres
Ida Y. Littley	5	acres
Rudolph Riard	45	acres
All irrigated from the Upper Ditch.		
Rudolph Riard and Daniel D. McBride, jointly	38 1/2	acres
Lewis W. Nuttle	30	acres
David S. Park	80	acres
All irrigated from the Lower Ditch.		

X

That by mutual agreement and stipulation by and between the said plaintiff and these defendants, these defendants are accorded the rights awarded to them by said decree, subject however, only to the terms of a decree of this Court made and entered on the 26th day of

J
January, 1907, and commonly known as the "Chidester Decree", wherein the said decree changes in any manner the rights of these defendants as given to them by the said "Morse Decree" and which "Chidester Decree" is hereby referred to in so far as it affects the rights of this plaintiff and these defendants, it is hereby made a part of this answer.

WHEREFORE, the above named defendants pray judgment that they may be granted and have the rights to the use of the water awarded to them by the said "Morse Decree" and particularly as follows, to-wit:

That when the water of said Provo River at and near the mouth of Provo Canyon, exceeds 15000 cubic feet of water per minute that these defendants be awarded their portion of the said water awarded to them by said "Morse Decree" to the amount of .0875 in connection with the other residents of the River Bottoms, jointly and undivided.

That when the volume of water in Provo River near and below the mouth of Provo Canyon, in Utah County, becomes reduced in quantity, at said point, to a volume not exceeding 15000 cubic feet per minute and until the same becomes reduced in quantity, at said point, to a volume not exceeding 12000 cubic feet of water per minute, these defendants shall be entitled to the following proportions thereof, to-wit:

.0875, in connection with the other residents of the river Bottoms, jointly and undivided.

That when the water of said Provo River at and near the mouth of Provo Canyon, does not exceed 12000 cubic feet per minute that these defendants be awarded their portion of the said water awarded to them by the said "Morse Decree" to the amount of .0879, in connection with the other residents of the River Bottoms, jointly and undivided. And that the defendants recover costs.

J. E. Booth
Att. for defendants
Morse

State of Utah
County of Utah

David S. Park one of the above named defendants, being first duly sworn on his oath says: 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 those matters stated on information and belief and as to those matters he believes it to be true.

Subscribed and sworn to before me this 8 day of June, 1914.

My commission expires April 15th, 1915

David S. Park

James B. Coleman
Notary Public

