IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT, STATE OF UTAH,

IN AND FOR UTAH COUNTY

- - - - -oOo - - - -

PROVO RESERVOIR COMPANY,	:	
Plaintiff,	:	
vs.	:	OBJECTIONS TO THE GRANTING OF THE PETITION OF CALEB TANNER
PROVO CITY, et al.,	:	
Defendants.	:	

- - - - oOo - - - -

The above named plaintiff, Provo Reservoir Company, now comes and objects to the granting of the petition of Caleb Tanner filed herein, wherein the said Caleb Tanner asks that the commissioner determine the volume of water saved by certain improvements and enlargement of the Provo Bench Canal and Irrigation Company's canal, and for grounds of objection states:

1. That it is impossible to determine the amount of losses by seepage and percolation which occurred before the said enlargement, for the reason that a large portion of the said water seeping and percolating from the Provo Bench Canal found its way into the ditches and canals of other users of water from the Provo River system, and therefore, entered into the total volume of water measured to and used by the various persons owning water rights in said Provo River system.

2. That if said petition is granted it will, in the opinion of this plaintiff, substantially affect the water rights of this plaintiff by requiring larger amounts of water to be turned down Provo River to the users of water diverting the same from Provo River below the intake of the canal of the plaintiff, and therefore, the amount of water which would otherwise be distributed to this plaintiff will be decreased in the same amount as the water which will have to be turned down to the said lower users of water to make up their defficiency caused by turning said water to Caleb Tanner.

3. That the duties of the commissioner appointed by this court did not include that of determining the private rights of any

vs. :

PROVO CITY, et al., :

Defendants. :

OBJECTIONS TO THE GRANTING OF THE PETITION OF CALEB TANNER

- - - - oOo - - - -

The above named plaintiff, Provo Reservoir Company, now comes and objects to the granting of the petition of Caleb Tanner filed herein, wherein the said Caleb Tanner asks that the commissioner determine the volume of water saved by certain improvements and enlargement of the Provo Bench Canal and Irrigation Company's canal, and for grounds of objection states:

1. That it is impossible to determine the amount of losses by seepage and percolation which occurred before the said enlargement, for the reason that a large portion of the said water seeping and percolating from the Provo Bench Canal found its way into the ditches and canals of other users of water from the Provo River system, and therefore, entered into the total volume of water measured to and used by the various persons owning water rights in said Provo River system.

2. That if said petition is granted it will, in the opinion of this plaintiff, substantially affect the water rights of this plaintiff by requiring larger amounts of water to be turned down Provo River to the users of water diverting the same from Provo River below the intake of the canal of the plaintiff, and therefore, the amount of water which would otherwise be distributed to this plaintiff will be decreased in the same amount as the water which will have to be turned down to the said lower users of water to make up their defficiency caused by turning said water to Caleb Tanner.

3. That the duties of the commissioner appointed by this court did not include that of determining the private rights of any particular individual and such would be required if the petition of said Caleb Tanner should be granted herein.

WHEREFORE, this plaintiff prays that the said petition of Caleb Tanner be not granted.

A. C. Hutch and Alfred L. Booth attys for Plaintiff