

IN THE DISTRICT COURT OF BEAVER COUNTY, UTAH.

THOMAS SMITH, PRESLEY WHORNHAM,  
GEORGE M. PATTERSON, ROY YARDLEY,  
JIM LOW, JOHN ASHWORTH, ALBERT  
L. SMITH, CECIL MUIR, A. F.  
WOODHOUSE, EARL T. SMITH, WARREN  
SMITH, POCH PARKINSON, J. ALBERT  
MUIR, OTTO L. SCHWAB, E. F.  
MACKERELL and THOMAS SMITH,

Plaintiffs,

vs

BEAVER CITY, a municipal corpora-  
tion, and WAYNE D. CRIDDLE, STATE  
ENGINEER OF THE STATE OF UTAH,

Defendants.

**D E C R E E**

CCivil No. \_\_\_\_\_

In this action the plaintiffs herein having filed their complaint, and the defendants herein having filed their respective answers; and the plaintiffs being represented by Messrs. Clyde, Mecham and Pratt, and the defendant State Engineer being represented by Dellin W. Jensen, Esq., and the defendant Beaver City being represented by Sam Cline, Esq.; and all parties hereto having entered into a written stipulation dated May 1st, 1964, providing for the settlement of said cause under the terms and provisions therein more specifically set forth, which written stipulation is on file in the records and files of this cause;

And the defendants herein having caused Change Application No. a-3898, on file in the office of the defendant State Engineer to be amended as in said stipulation provided, and the State Engineer having approved said change application as amended, and a copy thereof as approved by the defendant State Engineer having been filed in the records and files of this cause;

And in conformity with and pursuant to the said stipulation -  
IT IS HEREBY ORDERED, ADJUDGED and DECREED:

1. That the action of the defendant State engineer in approving

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ATTORNEYS AT LAW  
MILFORD UTAH

the said Change Application No. a-3898 as amended, be, and the same is hereby confirmed, and the defendant Beaver City is hereby permitted to make the change of place of use of 0.29 c.f.s. of water as therein set forth;

2. That Beaver City, a municipal corporation, has a proprietary interest in the said 0.29 c.f.s. of water;

3. That said written stipulation sets forth, and the said change application as amended also sets forth and describe the specific Beaver City lots from which the 0.29 c.f.s. of water mentioned therein is to be taken and the use thereof to be transferred; and that no part of the 16.2 c.f.s. decreed right awarded said Beaver City in the Civil Action in the District Court of Beaver County, State of Utah, entitled "W. L. Hardy, et al., vs Beaver County Irrigation Company, et al.", being Civil Case No. 625, shall hereafter be appurtenant to the said premises.

4. That each of the parties hereto shall stand the respective costs incurred by them in this action.

Dated this 1<sup>st</sup> day of May, 1964.

W. L. Hardy <sup>X</sup>  
Judge of the District Court.