

FILED

APR 15 1998

*Paul B. Bentley*

Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
IN AND FOR THE COUNTY OF BEAVER, STATE OF UTAH

ROBERT L. MORGAN, State Engineer of Utah,	)	<b>JUDGMENT OF</b>
	)	<b>PERMANENT INJUNCTION</b>
	)	
Plaintiff,	)	
	)	
v.	)	
	)	CIVIL NO. 97-CV-174
MAX MAYER,	)	
	)	Judge J. Philip Eves
Defendant.	)	

Plaintiff Robert L. Morgan, State Engineer of Utah, commenced this action against defendant Max Mayer, 66 South 400 West, Milford, Utah, 84751, to enjoin defendant from irrigating more than 5.00 acres under Water User's Claim 71-1420 on certain lands near Milford in Beaver County, Utah. Appearing as attorneys were L. Ward Wagstaff for plaintiff and Terry L. Hutchinson for defendant.

Plaintiff filed a Motion for Summary Judgment on March 5, 1998. Defendant did not file a memorandum in opposition to the Motion for Summary Judgment. Oral argument was not requested.

After considering the moving documents, the Court finds that this is a proper case for issuance of a permanent injunction, and concludes that plaintiff is entitled to judgment as a matter of law for the relief requested in the complaint.

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ATTORNEY GENERAL

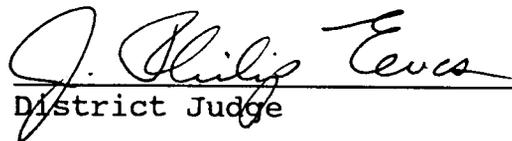
It is, therefore, ordered and decreed:

1. That plaintiff's motion for summary judgment is granted.

2. That defendant is hereby permanently enjoined from irrigating more than 5.00 acres under Water User's Claim 71-1420.

3. That pursuant to Rule 4-303 of the Utah Code of Judicial Administration, defendant is ordered to remit to plaintiff the amount of filing fees for this action, in the amount of \$120.00.

DATED this 15<sup>th</sup> day of April, 1998.

  
District Judge