

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

Christian Mooseman, John Mooseman,)
 William R. Collings, M. P. Boren,)
 John Merkley, Abraham Harris and)
 F. A. Guy,)
 Plaintiffs.)
 vs.)
 The White Rocks Irrigation Company,)
 A corporation,)
 Defendants.)
 -----)

D E C R E E .

This cause came on regularly to be heard this 1st day of December, A.D. 1911, upon the complaint of the plaintiffs and the answer thereto of the defendant, and the evidence of the respective parties, T. W. O'Donnell., Esq., appearing as counsel for the plaintiffs and Peter Hanson, Esq., appearing as counsel for the corporation defendant herein.

The Court having heard and considered the evidence of the respective parties, the arguments of counsel and having examined the files and pleadings in said cause and the Court having also filed and entered herein, his Findings of fact and Conclusions of Law, and being now fully advised in the premises, it is now therefore Ordered, Adjudged and Decreed, in accordance therewith, that there be and there is hereby condemned to plaintiff's use, as a canal or water course to convey water to the lands of said plaintiffs from White Rocks River, a perpetual easement or right of way, upon, over and through the canal of defendant corporation, from the dam on said White Rocks River extending to the ditch or head-gate thereof of the plaintiffs which diverts said water from the canal of the defendant corporation, along the line thereof; said land over which said easement is sought to be obtained, and is hereby obtained, and which the plaintiffs seek to enlarge the canal thereon being as follows, to-wit:

1:- Beginning at a point North 51° 10' West 2660 feet from the North-west corner of the North-west quarter of Section 5, Tp. 1 North of Range 1 East of the Uintah Special Base and Meridian, and running thence South to a point 462 feet west of the South-east corner of the South-west quarter of the South-east quarter of Section 36, Tp. 2 N. R 1 E. U.S.M.

2:- Thence South-easterly to a point 26 feet East of the South-west corner of the North-east quarter of the North-east quarter of Sec. 5, Tp. 1 North Range 1 East, U.S.M.

3:- Thence South-westerly to a point 109 feet West of the South-east corner of the South-west quarter of the North-east quarter of Section 6, Tp. 1 N. R. 1 E. U.S.M.

4:- Thence Southerly to a point ten feet East of the South-west corner of the North-east quarter of the South-east quarter of Section 6, same township and Range:

5:- Thence to a point 604 feet west from the quarter corner of Sections 5, 6, 7, and 8, same township and Range:

6:- Thence Southerly to a point 172 feet west from the North-east corner of the South-east quarter of the North-east quarter of Section 7, same township and Range:

7:- Thence Southerly and Easterly to a point 835 feet west from the South-east corner of the South-west quarter of the North-west quarter of Section 8, township and range aforesaid:

8:- Thence Southerly to a point 215 feet West from the South-east corner of the North-west quarter of the South-west quarter of Section 8; thence to a station on the section line of Section 8 and the south-west quarter thereof:

9:- Thence South 45° East, 1300 feet; thence North $67^{\circ} 30'$ E. 236 feet; thence South $82^{\circ} 30'$ E. 132 feet; thence South $40^{\circ} 10'$ E. 264 feet.

10:- Thence South $25^{\circ} 39'$ East 264 feet; thence South $9^{\circ} 4'$ East 473 feet; thence South $17^{\circ} 2'$ E. 189 feet; thence South $30^{\circ} 38'$ E. 574 feet; thence South 60° E. 93 feet.

11:- Thence North $89^{\circ} 23'$ East 2069 feet; thence South $73^{\circ} 47'$ E. 541 feet; thence South $45^{\circ} 50'$ E. 444 feet; thence South $29^{\circ} 23'$ E. 187 feet;

12:- Thence South $35^{\circ} 15'$ E. 337 feet; thence South $77^{\circ} 45'$ E. 132 feet; thence North $81^{\circ} 30'$ E. 561 feet; thence North $76^{\circ} 40'$ E. 264 feet;

13:- Thence North $53^{\circ} 17'$ E. 218 feet; thence South $55^{\circ} 48'$ E. 675 feet; thence South $83^{\circ} 11'$ E. 251 feet; thence South $89^{\circ} 38'$ E. 516 feet;

14:- Thence North $64^{\circ} 56'$ E. 444 feet; thence South $81^{\circ} 10'$ E. 446 feet, .
at which point weirs, dams or suitable and sufficient diverting works shall be constructed for the diverting of the waters of the said plaintiffs from the canal of said defendant herein.

It is further ordered, adjudged and decreed that the said defendants take no damages from the plaintiffs herein, by reason of their use of defendants's right of way as condemned to their use as aforesaid, but that the said plaintiffs do have the right to run their water down the said defendant's canal or water course, upon paying all the expenses that may necessarily be incurred in the repairing and putting in better condition, the old river bed, from the dam down to the head of their ditch; that said plaintiffs be and they are required to pay 12/82nds of all the expenses connected with the other condemnation suit, to-wit, the sum of \$35.85, and from this time on, 12/82 nds of all the expenses required to keep the water in the canal, as far as the plaintiffs point of diversion, and for the repair of the ditch as far as plaintiff's diversion point on said canal. That any enlargement hereafter to be made in the said

joint canal, for the purpose of carrying the water of plaintiffs in addition to that already carried for defendant and owned by its stockholders, shall be made by and at the expense of the plaintiffs herein, and at a time when such enlargement or repair of defendant's canal will not interfere with the defendant's rights; that the said repair of the said old river bed and the said enlargement of defendant's canal be done under the direction of the said defendant corporation or a proper officer thereof, or duly authorized representative of said defendant corporation.

That judgment be and the same is hereby awarded in favor of the defendants and against the plaintiffs for the sum of \$35.85, being 12/82nds of \$245.00, said last named sum being the entire sum laid out and expended by defendant in obtaining the original right of way for its canal and its lands, as heretofore described and set forth. Defendant is hereby awarded judgment for the costs of court herein expended.

Dated at Vernal, Utah this 30th day of March, A. D. 1912.

J. E. BOOTH,

Judge.