

ioned and qualified, personally appeared the within named G. O. Yorgie, whose name is subscribed to the foregoing Deed of Conveyance as grantor therein, personally known to me to be the identical person mentioned in, and who executed the same, and duly acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal, the day and year in this certificate first above written.

(SEAL)

H. B. Prout.  
Notary Public.

My commission Expires, Aug. 4th. 1896.

Recorded on the 11th of February 1916. At 11.35 A. M.

Alice D. Pitta, County Recorder.

RECEIVED

APR 18 1994

WATER RIGHTS  
SALT LAKE

In The District Court of The First Judicial District of Utah Territory

James Day, Albert Day, George Day and Frank Scottorn. Plaintiffs.

versus

Joseph H. Turner, David D. McKee, Samuel W. Carter, Samuel Bennett, David Jones and Edward Jones. Defendants.

This cause having come on regularly to be heard this 17th day of July 1895, and was tried by the Court sitting without a jury, upon the complaint of the plaintiff's and the answer and cross complaint of the defendants, and the court having heard the evidence of the respective parties and considered the same and the records and files in the cause, and being fully advised in the premises now hereby finds the following facts:- That there are certain waters in Millard County, Utah Territory consisting of Dames Canyon waters the same being commonly known as Five Mile canyon waters, situated about five miles North East of Fillmore City in said County. Also of the waters of what is known as North Canyon situated about Four miles North East of said Fillmore City, with all the tributaries and springs flowing into said North Canyon, the same being the Partridge and Quaking Asp Springs, Joe's Canyon Waters, The Lakes and Lake Springs, and North Canyon Springs and other small springs and tributaries of to said North Canyon.

That the plaintiffs and defendants are owners of large tracts of land which requires artificial irrigation.

That the plaintiffs and their grantors and predecessors in interest many years ago for the purpose of irrigating their lands did appropriate and use and ever since have and now do continue to appropriate and use of the theretofore unappropriated waters above described all of the above described waters, except the said waters of said Dames or Five Mile canyon and the waters of said Partridge or Quaking Asp Springs, which last said waters were ever since have been and now are appropriated and used by the defendants and their grantors and predecessors in interest for many years past for irrigation purposes.

That all of said waters so appropriated and used by plaintiffs were and are necessary for the irrigation of their lands; And all the waters of said Dames or Five Mile canyon and said Quaking Asp Springs so appropriated and used by the defendants were and are necessary for the irrigation of their lands.

That the plaintiffs are the owners and entitled to the use of the said waters so appropriated and used by them as above stated.

And the defendants are the owners and entitled to the use of the waters so appropriated and used by them as above stated.

That the defendants on or about the 1st day of May, 1895 took and diverted the

I hereby certify that the above record is a true xerox copy of the document recorded in the office of the MILLARD COUNTY RECORDER in Book X of Deeds Page 204-206 IN WITNESS WHEREOF, I hereunto set my hand and affix my official seal this 30th day of April, 1912.

Linda S. Carter  
LINDA S. CARTER, Millard County Recorder  
Fillmore, Utah 84631  
by Deanna Stevens Deputy

said waters so owned and appropriated by the defendants as above stated and threatened to continue so to do; That the diversion of said water from plaintiffs will cause them great and irreparable damage and injury.

As conclusions of Law from the foregoing facts the court now hereby finds and decides: That the plaintiffs are the owners and entitled to the use of all of said waters except the waters of said Dames Canyon called Five Mile Canyon; And said Partridge or Quaking Asp Springs; And are entitled to a decree of this Court restraining defendants and each of them from in any manner interfering with the same.

That the defendants are the owners and entitled to the use of all of the said waters of said Dames Canyon or Five Mile Canyon; And said Partridge Springs or Quaking Asp Springs; and are entitled to a decree of this Court restraining plaintiffs from interfering with the same. That each party pay his own witness fees and all other costs to be equally divided between the plaintiffs and Defendants.

William H. King.  
Judge.

DIVISION OF WATER RIGHTS

DECREE OF COURT

MAY 1 1992

RICHFIELD AREA

See 67-1047

This cause having been regularly called and tried by the Court and the findings of fact and conclusions of law thereon, and decision therein in writing having been duly rendered by the Court as above set forth, wherein Judgment is awarded in favor of the plaintiffs for certain of the waters mentioned in plaintiffs complaint and for the defendants for a certain of said waters. Now on motion of Joshua Greenwood James H. Melville and D. D. Houtz, Attorneys for Plaintiffs It is now therefore ordered Adjudged and Decreed, That the plaintiffs James Day, Albert Day, George Day and Frank Scottorn are the owners of the right and entitled to the use of all the waters of North Canyon Creek the same being a stream of water, situate about four miles North East of Fillmore City, in Millard County, Utah Territory, and all the tributaries springs, and sources of waters which waters are discharged into said North Canyon Creek including the waters of Joe's Canyon. The Lakes and Lake Springs, and all other waters from every source which flow into said North Canyon Creek, except what is known as Partridge or Quaking Asp Springs, and the stream of water known as Dames or Five Mile Canyon Creek the same being a stream of water flowing Northward and in a canyon North of the waters above described as belonging to and owned by the plaintiffs.

And that the defendants Joseph H. Turner, David McKee, Samuel W. Carter, Samuel Bennett, David Jones, and Edward Jones are the owners of the right and entitled to the use of all of the waters of said Quaking Asp or Partridge Springs, and all the waters of said Dames or Five Mile Canyon.

And it is further Ordered, Adjudged and decreed that the defendants and each of them, their agents servants and employees be perpetually enjoined and restrained from in any manner interfering with said waters so adjudged and decreed as above set forth as water of the plaintiffs and from in any manner interrupting or diverting the full and free flow thereof to plaintiffs: And that the plaintiffs and each of them, their servants agents and employees be perpetually enjoined and restrained from in any manner interfering with the waters adjudged and decreed as above set forth, to be the waters of the defendants and from in any manner interrupting or diverting the full and free flow thereof to the defendants. And it is further ordered adjudged and decreed that the permanent injunction of this court issue herein directed to both the plaintiffs and defendants restraining them from the acts in this decree forbidden.

It is further ordered and adjudged that the parties to this action each pay the costs of their own witnesses and that the other costs be paid One half by the

plaintiff and the other half by the defendants, that is to say that the Plaintiffs pay \$20.45 and the defendants pay \$20.45 And Judgment is hereby given for the same according.

Dated the 28th day of December 1895.

William H. King.  
Judge.

Filed January 3rd, 1896.  
Territory of Utah.  
County of Utah. SS

I Geo Havercamp Clerk of the First Judicial District Court of Utah Territory hereby certify that the above and foregoing is a true and literal exemplification of the original decree on file in my office aforesaid.

In Witness whereof I have hereunto affixed the seal of said Court at Provo City, Utah this Fourth day of January A. D. 1896.

(SEAL)

Geo Havercamp.  
Clerk.

Recorded February 21, 1916. At 11.20 A. M.  
Alice D. Pitts, County Recorder.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT IN AND FOR MILLARD COUNTY STATE OF UTAH.

In the Matter of the Estate of )  
Sarah J. Hales, )  
Deceased. )

DECREE OF DISTRIBUTION.

Albert Hales, executor of the last will and testament of Sarah J. Hales, Deceased, having rendered and filed in this court his final accounts as executor of said estate, and with his accounts filed petition for final distribution of the residue of said estate and said accounts and petition coming on regularly to be heard by this court, and the court having examined said accounts and evidence in support of the same, finds that said accounts are true and correct, and it appearing from the testimony introduced at the hearing of said petition that due and legal notice had been given of such hearing, as directed by the order of the court heretofore made and entered herein; that all claims against said estate are fully paid, and that all taxes due from said estate are paid, and that said estate is now in a condition to be closed.

That said deceased died estate, leaving a will setting forth all the property of said estate, and directing the way said property should be divided amongst the legatees; That the names of the heirs of said estate, and who take under the terms of the will are, as follows: Matilda Hales, Mary Ann Hales, George A. Hales, Horace F. Hales, Hugh Hales, Albert Hales, Lillie May Bennett, Elizabeth Crafts, Joseph William Hales, John Smith Hales, Sarah Jane Crosby, Jacob Leman Hales, Charles Henry Hales and Roy Hales.

It appearing to the Court that all the proceedings in said estate has been done legally, and that said estate is in a condition to be closed, and the property distributed according to the terms of the will.

Therefore, it is ordered, adjudged and decreed, that the final accounts of the executor, be and the same is hereby, settled, approved and allowed, and the property of the estate is hereby decreed in accordance with the terms of the will, and is ordered distributed as follows: to Matilda Hales, one half of the home, furniture and improvements, and one half of all lands, also twenty-one (21) shares of water stock in the Deseret Irrigation Company, also one hundred and fifty two head of sheep (152) and one half of all cattle and horses