

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

WEBER BASIN WATER CONSERVANCY
DISTRICT,

Plaintiff,

-vs-

HAROLD L. WARD, GEORGE G.
CLAWSON and RUBY LOIS WESSMAN
CLAWSON, his wife, et al.,

Defendants.

FINAL JUDGMENT

OF CONDEMNATION

No. 32136
Department No. 1

GEORGE G. CLAWSON and RUBY LOIS
WESSMAN CLAWSON, his wife, Owners.

Tracts Nos. 48 and 56P.

The above entitled cause, as it affects the land hereinafter described owned by the defendants, George G. Clawson and Ruby Lois Wessman Clawson, having come on regularly fro trial before a jury on August 3, 4, and 5, 1959, E. J. Skeen appearing as attorney for the plaintiff, and Arthur Woolley appearing as attorney for the said defendants, and the jury having returned a verdict in favor of the said defendants and against the plaintiff in the amount of \$6,983.20, and

IT APPEARING that the plaintiff has paid to the said defendants the said sum of \$6,983.20 together with interest thereon at the rate of 6 per cent per annum from the date of the Order of Occupancy herein to-wit, December 21, 1956, and together with court costs, amounting in all to the sum of \$7,024.60, and the said defendants having receipted for the said sum as full compensation for the taking of land and easements hereinafter described, and

IT FURTHER APPEARING that said amount has been paid by the plaintiff to the said defendants, and said defendants have, in writing, waived the making of findings of fact, conclusions of law and preliminary judgment of condemnation, and

IT FURTHER APPEARING that this is not a case where a bond for the building of fences or otherwise need be given.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

1. That the lands hereinafter described are taken and condemned for the uses and purposes set forth in the plaintiff's complaint,

namely, for the construction, operation and maintenance of the Enlarged Pineview Dam and Reservoir and appurtenant works.

2. That the said use is a public use and the use is authorized by law.

3. That a copy of this Final Judgment of Condemnation be filed in the office of the County Recorder of Weber County, Utah, and thereupon the property described in this paragraph, and the title thereto, shall vest in the plaintiff in fee simple.

4. That the following is a description of the lands so ordered taken and condemned as hereinabove provided, to-wit:

Tract No. 48

A tract of land in the West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Seven (7), Township Six (6) North, Range Two (2) East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point on the West line of the Vendor's property, also being the West Quarter corner of said Section 7 and running thence North 88°51' East One Hundred Fifty and Seven-tenths (150.7) feet; thence South 7°39' East Eight Hundred Fifty-seven and Eight-tenths (857.8) feet; thence along a regular curve to the left with a radius of 523.7 feet for an arc distance of Seven Hundred Sixty-one and Three-tenths (761.3) feet; thence South 1°04' East Six and Three-tenths (6.3) feet; thence South 88°47' West three Hundred Thirty-four and Eight-tenths (334.8) feet to a point in the center of the County road right-of-way; thence South 6°45' East along the center of the said County road Two Hundred Forty-nine and Seven-tenths (249.7) feet; thence North 47°36' West Three Hundred Sixty-three (363.0) feet; thence South 88°47' West One Hundred Eighty-one and Five-tenths (181.5) feet; Thence North 47°36' West Sixty and Three-tenths (60.3) feet to a point on the West line of said Section 7; Thence North 0°21' East along the West line of said Section 7 Twelve Hundred Eighty-two and Seven-tenths (1282.7) feet to the point of beginning, containing 9.2 acres, more or less. Vendors in the foregoing description refers to George G. Clawson and Ruby Lois Wessman Clawson.

Together with all water rights appurtenant thereto, including, but not limited, to 5 shares of stock in the Crooked Creek Irrigation Company.

5. Upon the recording of this Final Judgment of Condemnation title to the easement hereinafter described shall vest in the plaintiff.

Tract No. 56P

A perpetual easement to flood, flow, seep, silt, submerge or otherwise affect with water from whatever source, together with the rights of ingress and egress, over the following described land:

A tract of land in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Seven (7), Township Six (6) North, Range Two (2) East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point on the East line of the Vendor's property, from which point the South Quarter corner of said Section 7 bears South 47°56' East Three Hundred Thirteen and Nine-tenths (313.9) feet, and running thence South 71°24' West Four Hundred Twenty-four (424.0) feet; thence North 3°00' West Eight Hundred (800.0) feet; thence South 65°16' East Five Hundred Twenty-two and Nine-tenths (522.9) feet; thence South 4°00' West Four Hundred Forty-six (446.0) feet to the point of beginning, containing 6.3 acres, more or less.

6. Subject to the right of the plaintiff, its successors and assigns, perpetually to flood, flow, seep, silt, submerge or otherwise affect with water from whatever source, and subject to the rights of ingress and egress, the defendants above named shall have the right to use the easement area, except that:

1. No permanent buildings or structures may be erected within the area covered by such perpetual easement.
2. Trees, crops or pasture may be planted only at the defendants' risk.
3. Removal of material, except crops, from such area, placement of materials on such area, and future easements to third parties over such area shall be subject to the approval of the plaintiff.

Subject to the rights and restrictions above mentioned, the defendants may continue to occupy and use the land in the easement area in any way they choose, including but not limited to the right to graze and water livestock thereon and to farm such land. The easement area cannot be fenced by the plaintiff.

Dated this 17 day of Sep, 1959.

/s/ John F Wahlquist

JUDGE

Filed Sep 18 11 43 AM '59
Lawrence M. Malan County Clerk
Filed by Marilyn McKay Deputy

STATE OF UTAH }
County of Weber } ss.

I, Lawrence M. Malan County Clerk and Ex-Officio Clerk of the
Second Judicial District Court of the State of Utah, in and for the County of Weber, do hereby cer-
tify that the foregoing is a full, true and correct copy of the original.

FINAL JUDGMENT OF CONDEMNATION

No. 32136 Department No. 1

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CLAWSON, his wife, Owners.

Tracts Nos. 48 and 56P.

WEBER BASIN WATER CONSERVANCY DISTRICT,
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RURY LOIS WESSMAN CLAWSON, his wife,
et al.,

Defendants.

as appears on file..... and of record..... in my office in Ogden City.

Witness my hand and Seal, this the..... 13th..... day

of..... September....., 19..59

321219

5.00

LAWRENCE M. MALAN

Clerk

By

Donna Adam

Deputy Clerk

STATE OF UTAH } ss
COUNTY OF WEBER }
E. J. Sheen
SEP 10 2 18 PM '59

BOOK 624 - RECORD
PAGE 40-43
RUTH EAMES OLSEN
COUNTY RECORDER

Box 116 FORM 31 3M 9-59

Filed
Recorded
Compared Page

522 Woodhouse Bldg
S.L.C.