

E 3008175 B 6722 P 703-707A  
RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
03/15/2017 02:23 PM  
FEE \$0.00 Pgs: 6  
DEP RT REC'D FOR HAIGHTS CREEK IRR  
IGATION CO

**When Recorded, Please Return To:**  
Rodney Hill  
HAIGHTS CREEK IRRIGATION COMPANY  
820 East 200 North  
Kaysville, Utah 84037

Above Space for Recorder's Use Only

## NOTICE OF PRESCRIPTIVE EASEMENT

HAIGHTS CREEK IRRIGATION COMPANY, a Utah nonprofit mutual water company (the "Company"), whose mailing address is 820 East 200 North, Kaysville, Utah 84037, pursuant to and in conformance with the provisions of §57-13a-103, Utah Code Annotated, 1953, as amended (the "Statute"), hereby gives notice that it, being a water user as defined in the Statute, has duly established a perpetual prescriptive easement and right of way, including rights of ingress and egress, over, under, across and through the land described herein, by virtue of the continuous, open, notorious and adverse use thereof by the Company for a period exceeding 20 years. The described land has been utilized by the Company for the construction, placement, ownership, operation, maintenance, repair and replacement of an underground water pipeline and related facilities (the "Water Facilities"), utilized by the Company for the transportation, distribution and delivery of water to its shareholders and others under water rights recognized under state law, in conformance with the authority of the Statute, including, without limitation, the right, as necessary or convenient for the full and complete use, occupation and enjoyment of said easement to cut and remove structures, timber, trees, brush, overhanging branches and other obstructions which may injure or interfere with the Company's full use, occupation and enjoyment of said easement; the right to go upon so much of said land as is reasonably necessary to construct, operate, maintain, repair and replace the Water Facilities; and the right to place dirt and materials and use equipment upon the land adjacent to said easement, as necessary for the purposes for which said easement has been established.

The land burdened by the prescriptive easement set forth herein is located solely in Davis County, State of Utah, and is more particularly described in EXHIBIT "A" attached hereto and incorporated by reference herein.

An aerial photo map depicting the location of the centerline of the above-described prescriptive easement is attached as EXHIBIT "B" hereto and incorporated by reference herein.

DATED this 15 day of March, 2017.

**HAIGHTS CREEK IRRIGATION COMPANY**

By: *Norman O. Whitaker*  
President

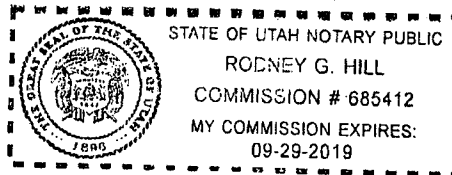
STATE OF UTAH )

:ss.

County of Davis )

On the 15<sup>th</sup> day of March, 2017, personally appeared before me NORMAN O. WHITAKER known to me, or proved to me on the basis of satisfactory evidence, to be the person who executed the within instrument as President of Hights Creek Irrigation Company, who duly acknowledged to me that said company executed the same.

*Rodney G. Hill*  
NOTARY PUBLIC



**EXHIBIT "A"**

**LEGAL DESCRIPTION OF THE PRESCRIPTIVE EASEMENT**

Attachment A

A parcel of land 15 feet each side of the described centerline of the existing pipe located in the NW1/4 of Section 1, T.3N., R.1W., S.L.B.&M. thence as follows:

07-084-0024  
07-118-0001  
07-080-0039

Beginning at a point being S.89°39'48"E. 1002.12 feet and S.00°20'12"W. 1382.28 feet from the Northwest Corner of said Section 1; and running thence: S.83°56'00"W. 301.03 feet; thence S.79°33'10"W. 107.72 feet more or less to a point being S.22°14'34"E. 1555.22 feet from the Northwest Corner of said Section 25.

Also:

07-095-0080  
07-080-2080, 0089, 0006

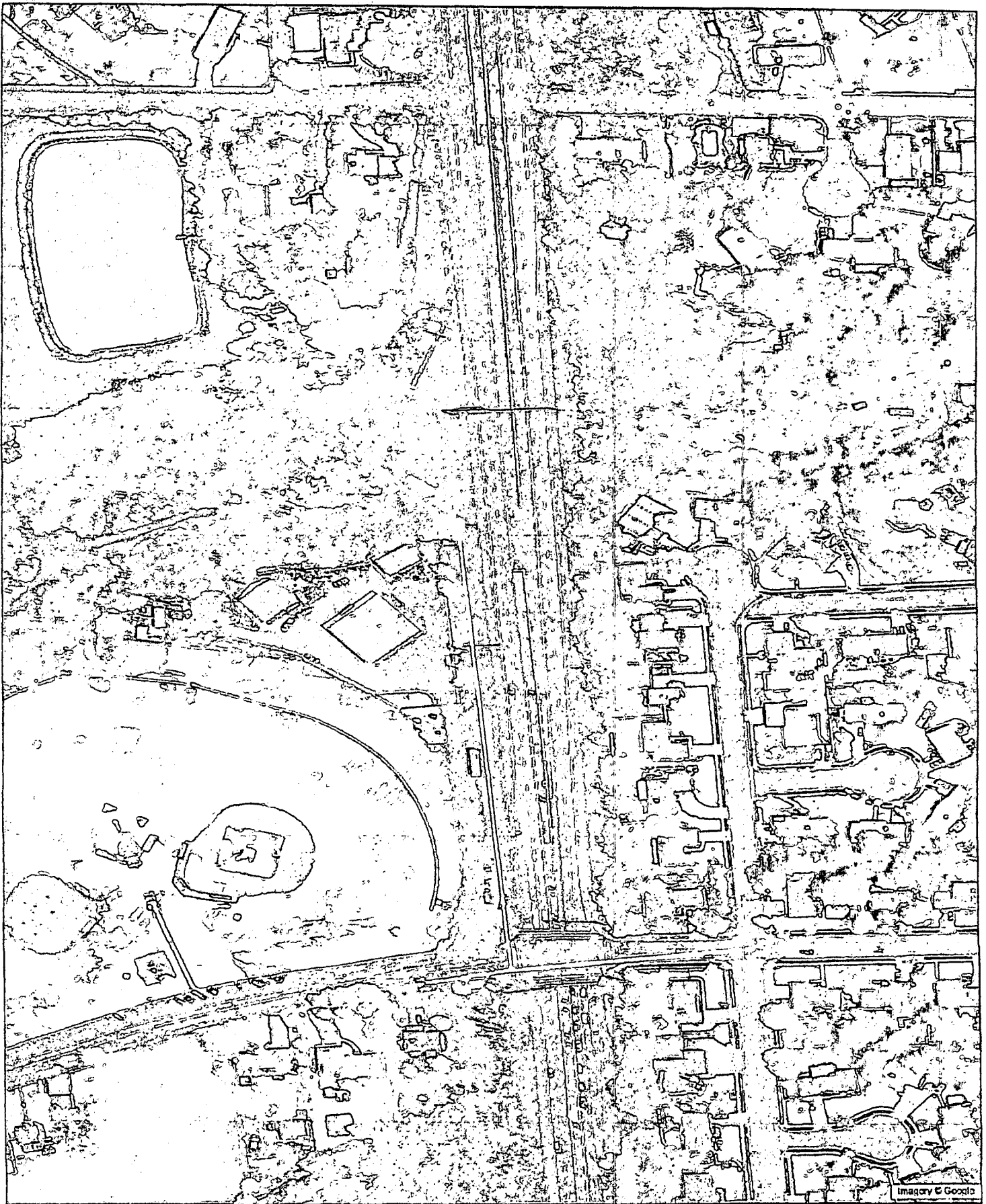
Beginning at a point being S.89°39'48"E. 702.97 feet and S.00°20'12"W. 1415.85 feet from the Northwest Corner of said Section 1; and running thence: N.04°47'18"W. 705.00 feet; thence Northwesterly to the Green Road reservoir.

Basis of Bearing S.89°39'48"E. 2639.71 feet from the Northwest Corner of said Section 1 to the North Quarter Corner of said Section 1.

The location of the centerline of the pipes was determined by the location of valves and blue stakes provided by Hights Creek Irrigation.

**EXHIBIT "B"**

**PLAT SHOWING THE CENTER LINE DESCRIPTION OF THE PRESCRIPTIVE EASEMENT**



Imagery © Google



3008175  
BK 6722 PG 707-A



0 200 400  
Feet

J-U-B ENGINEERS, INC.