

Court affixed, at the City of Oakland, this 29th day of
January, A.D. 1914.



John P. Cook, County Clerk
By W. W. Crane, Deputy Clerk
(Endorsed)
Filed Jan. 29, 1914
John Cook
County Clerk
By W. W. Crane
Deputy Clerk

Recorded February 7, 1914, at 9⁰⁰ A.M. Abstracted 21-53

Blanche Sewal,
County Recorder

21513

In the District Court of the Second Judicial
District in and for Alameda County, State of California
Charles E. Bruce, George M. Cannon,
Company, Robert Clough, Lyrum Peake,
John W. Walpole, Don P. Humeass,
Frank Smith, David W. Glover,
Garret R. Glover, Joseph E. Williams,
Bern Galliday, A. S. Cannon, A. W.
Taylor and Curtis Egbert,
Plaintiffs

Final Order of
Condemnation.

v.s.

William Wright and Caroline
Wright, his wife,
Defendants

This cause came on regularly for trial on the
28th day of January, A.D. 1914. John M. Cannon, Esq.,
and A. W. Cannon, Esq., appearing as counsel for the
plaintiffs and Stephen L. Richards, Esq., of the firm
of Richards, Hart and Van Dorn, appearing as counsel
for the defendants, and the plaintiffs and defend-
ants, by their counsel, having in open Court made and
entered into a stipulation whereby it was agreed that
the Court might make and enter its decree and judg-
ment herein as prayed for in plaintiffs' complaint, as
amended, condemning the right of way therein describ-
ed for the use of the plaintiffs and awarding to the
defendants the sum of Five Dollars as damages and
compensation for the said right of way and easement so
sought to be condemned upon certain conditions therein
specified, and the Court in accordance with said stipula-
tion, having heretofore made and filed its findings of
fact and conclusions of law in conformity therewith and

and having made and entered its judgment and decree hereon, whereby it is ordered, adjudged and decreed that the plaintiffs have the right to condemn the land described in the complaint, as amended, as a right of way and easement for the pipe line therein mentioned and in said decree particularly described and whereby it is further ordered and adjudged that the defendants have and recover from the plaintiffs the said sum of Fifty Dollars lawful money of the United States of America as compensation for the said easement and right of way, and as damages for the taking of the land comprised therein and for injuries that have or may accrue to the remainder of the defendant's land not comprised therein and not condemned, or otherwise, by reason of the construction, maintenance, operation and repair of the said pipe line; and further that upon the payment of the said sum of Fifty Dollars in the manner and within the time provided by law, a final order of condemnation may be made and entered hereon, which said stipulations, findings of fact, conclusions of law and decree and judgment are hereby referred to and made a part hereof and shall all be construed together in connection herewith.

And now on this 16th day of February, A.D. 1914, it having been proved to the satisfaction of the Court that the plaintiffs within the time and in the manner provided by law, to wit: on the 2nd day of February, A.D. 1914 have paid into this Court for the defendants the said sum of Fifty Dollars lawful money of the United States of America;

It is Ordered, Adjudged³ and Decreed that the defendants are the owners of all those certain lands and premises situate, lying and being in the County of Davis, State of Utah, described as follows to wit:

Commencing at the southeast corner of the north east quarter of the northeast quarter of Section Six (6), Township Two (2) North, Range One (1) East, Salt Lake Meridian, thence south 885 feet, thence west 1320 feet, thence north 885 feet, thence east 5320 feet to the place of beginning, and that no other persons have any right, title or interest therein.

It is further Ordered, Adjudged and Decreed that the plaintiffs have and they are hereby granted a perfect

ual right of way and easement for the construction, operation, maintenance and repair of the pipe line hereinafter described and of the right of way to be used in connection therewith upon, over, across and beneath that portion of the said lands of the defendants described as follows, to wit:

Sufficient space beneath the surface of the ground to contain said pipe line along the following course to wit: Commencing at a point 225.0 feet west of the northeast corner of Section Six (6), in Township Two (2) North, Range One (1) East of the Salt Lake Meridian, United States and running thence south 4 deg. 55 min. east 641.5 feet, thence south 8 deg. 05 min. east 67.9 feet, thence south 12 deg. 47 min. east 200.0 feet to the south line of the defendants' land hereinafter first described as shown by the map of the said pipe line which is attached to the complaint herein, also a right of way over the surface of the ground above said pipe line, parallel thereto and extending two feet on each side of the center line of said pipe line, along the entire course thereof, as the same crosses the said land of the defendants; said surface right of way being four feet in width and the center of the same being identical with a line drawn through the center of said pipe line along its entire course as aforesaid, to be used in connection with said pipe line in the operations and repair thereof.

And it is further Ordered, Adjudged and Decreed that the said pipe line shall consist of an eight inch Utah Fire Clay pipe and shall be laid beneath the surface of the ground along the course above described at depths varying from 22 inches at the point where the same crosses the south line of the land of the defendant hereinafter described to 28 inches beneath the surface of the ground at the point where the same crosses the north line of said land and more particularly as follows:

At a point on said pipe line about 100 feet north of said south line, at a depth of 22 inches, at a point about 440 feet north of said south line at a depth of 9 inches, at a point on said pipe line about 470 feet north of said south line, at a depth of 7 inches, at a point on said pipe line about 490 feet north of said south line at a depth of 16 inches, at a point on said pipe line about 600 feet north of said south line, at a depth of 11 inches, at

a point on said pipe line about 700 feet north of said south line at a depth of 22 inches; at a point on said pipe line 800 feet north of said south line at a depth of 22 inches; and said pipe line shall not at any time be maintained nearer the surface of the ground than as above set forth, but may be maintained at greater depths if the plaintiffs so desire.

It is further Ordered, Adjudged and Decreed that the use to which the said right of way and easement shall be applied and devoted in and shall be the conveyance of water through the pipe line constructed or to be constructed across and beneath the same for irrigation, for culinary purposes and such other uses as the plaintiffs may desire to make of the water so caused to flow through the same.

It is further Ordered, Adjudged and Decreed that the plaintiffs are and each of them is hereby released and discharged from all liability to the defendants or either of them for the taking and condemnation of said easement and right of way and the taking of the said land for the purposes thereof as well as any and all damages sustained by them; or either of them by cause of injuries that have resulted or may accrue to the remainder of their said land through which said right of way passes, hereinabove described either by the taking of the said right of way or by the construction, operation, maintenance or the repair of the said pipe line over, across and beneath the same.

Provided, however, that if the said defendant will save wherewith shall at any time within six months after the entry hereof pay to the plaintiffs such sums of money as shall be equal to what would be his proportion of the cost of construction of said pipe line, on the same basis as other owners have paid or are required to pay, from the point of the intake of the same to the north line of his land herein first above described, the plaintiffs will grant and there shall be granted by order of the court to him a right to a proportionate ownership in the said pipe line and to the use and enjoyment thereof, to the same extent and upon the same conditions, and with the same limitations, as if he had been an owner in the first instance in the construction of the same from the point of the in-

take thereof to his said north line.

By the Court
J. A. Howell,
Judge.

Dated this 16th day of February, A. D. 1914.

Consent is hereby given to entry of the foregoing
Richards, Hart & Van Dam,
Attys for Defendants.
United States of America.

State of Utah } ss.
County of Davis }

I, Lyrum A. Pack, County Clerk, of the County
of Davis, State of Utah, do hereby certify the foregoing is
a full true, and correct copy of a Final Order of
Condemnation in the case of Charles E. France, et al
vs. William Wright and Caroline Wright, his wife, with
the endorsements thereon, and that I have compared
the same with the original now remaining on file in
my office, that it is a correct transcript therefrom, and
of the whole of said original.

Witness my hand and official seal this 16th day
of February, A. D. 1914.



Lyrum A. Pack,
Clerk.

Recorded February 16, 1914, at 1:25 P. M. Abstracted by
Blanche Lewis
County Recorder.

21518

For the District Court in and for Davis County
State of Utah, Probate Division.

For the matter of the Estate of
of) Decree of Settlement of
John A. Brew, Deceased;) Final Account and
Final Distribution.

J. S. O'Brien, Administrator of the estate of
said decedent, having on the 4th day of March, 1914
rendered and filed herein a full account and report
of his administration of said estate, which account was
for final settlement and having with said account filed
a petition for final distribution of said estate, and said
account and petition coming on this day regularly to
be heard, proof having been made to the satisfaction of
the court that the Clerk had given notice of the hearing
of said petition in the manner and for the time