

IN THE DISTRICT COURT OF WEBER COUNTY, UTAH

WEBER BASIN WATER CONSERVANCY DISTRICT,

Plaintiff,

-vs-

ALICE DINSDALE KELLER, THEODORE DEVRIES, LAWRENCE N. NIELSEN, MARIE L. NIELSEN, et al.,

Defendants.

AMENDED
FINAL JUDGMENT OF
CONDEMNATION

Civil No. 31394
Department No. 1

LAWRENCE N. NIELSEN and MARIE L. NIELSEN,
Owners of Tracts 5T, 7T, 9T, 5, 7 and 9.

The above entitled cause, as it affects the land hereinafter described owned by Lawrence N. Nielsen and Marie L. Nielsen, his wife, having come on regularly for trial, E. J. Skeen appearing as attorney for the plaintiff, and the defendants, Lawrence N. Nielsen and Marie L. Nielsen, his wife, having consented to the entry of a judgment in their favor and against the plaintiff, in the amount of \$9,274.10, which sum consists of a principal amount of \$8,355.00 and interest since the making of the order of occupancy herein in the amount of \$919.10, and

IT APPEARING that the plaintiff has paid said sum to the defendants, and the defendants having receipted for said sum as full compensation for the taking of the lands and easements more fully hereinafter described, and

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

IT FURTHER APPEARING that the defendants above named have waived the making of findings of fact, conclusions of law, and a preliminary judgment of condemnation.

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

1. That the lands and easements hereinafter described are taken and condemned for the uses and purposes described and set forth in the complaint, namely for the construction, operation and maintenance of the Slaterville Diversion Works, the Layton Pump Intake Channel, and their appurtenances as a part of the Weber Basin Project.

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

3. That a copy of this Amended Final Judgment of Condemnation shall be filed in the office of the County Recorder in Weber County, Utah, and thereupon the temporary easements on, over or across, and the fee simple titles to, the lands hereinafter described shall vest in the plaintiff.

4. The following is a description of the temporary easements taken and condemned, and the lands taken in fee simple. Wherever the words "vendor" or "vendors" appear in the following description, it shall be understood to refer to the defendants, Lawrence N. Nielsen and Marie L. Nielsen, his wife, owners of the following described property, to-wit:

Temporary Easements

Tract No. 5T

A temporary easement during the construction of the Layton Pump Intake Channel and appurtenant structures, for construction purposes on, over or across the following described property:

A tract of land in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-four (24), Township Six (6) North, Range Two (2) West, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at Station 13/51.5, a point on the centerline of the Layton Intake Channel, also being a point on the South line of the Vendors' property, also being a point on the South line of said Section 24, from which point the South Quarter corner of said Section 24 bears West Nine Hundred Six and One-tenth (906.1) feet, and running thence West along the South line of the Vendors' property and the South line of said Section 24 One Hundred Forty and Six-tenths (140.6) feet; thence North 44°39' East One Hundred Sixty-one and Eight-tenths (161.8) feet to the Northerly line of the Vendors' property; thence following two courses along the Vendors' property line South 68°00' East One Hundred Eight and Four-tenths (108.4) feet to Station 12/46.7 a point on the centerline of the said Intake Channel, from which point the South Quarter corner of said Section 24 bears South 85°39' West Nine Hundred Eighty-two and Five-tenths (982.5) feet and thence continuing South 68°00' East One Hundred Ninety-nine (199.0) feet to a point on the South line of said Section 24, thence West along the Section line Two Hundred Fifty-eight and One-tenth (258.1) feet to the point of beginning, containing 0.5 of an acre, more or less, excepting herefrom 0.4 of an acre, more or less, described herein as Tract No. 5; the net area is 0.1 of an acre, more or less; also,

Tract No. 7T

A temporary easement during the construction of the Layton Pump Intake Channel and appurtenant structures, for construction purposes on, over or across the following described property:

A tract of land in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-five (25), Township Six (6) North, Range Two (2) West, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at Station 18⁺76.9, a point on the centerline of the Layton Intake Channel, also being a point on the Easterly line of the Vendors' property, from which point the North Quarter corner of said Section 25 bears North 55°51' West Six Hundred Fifty-five and Five-tenths (655.5) feet, and thence following two courses along the Vendors' property line South 6°30' West Three Hundred One and One-tenth (301.1) feet, thence West Two Hundred Sixty-one and Three-tenths (261.3) feet to Station 22⁺98.0 a point on the centerline of the said Intake Channel from which point the North Quarter corner of said Section 25 bears North 20°19' West Seven Hundred Eleven and Six-tenths (711.6) feet, and thence continuing West one Hundred Forty and Six-tenths (140.6) feet; thence North 44°39' East Six Hundred Forty-six and Six-tenths (646.6) feet to a point on the Easterly line of the Vendors' property; thence South 6°30' West along the Easterly line of the Vendors' property One Hundred Sixty-one and Nine-tenths (161.9) feet to the point of beginning, containing 2.1 acres, more or less, excepting herefrom 1.8 acres, more or less, described herein as Tract No. 7; the net area is 0.3 of an acre, more or less; also,

Tract No. 9T

A temporary easement during the construction of the Layton Pump Intake Channel and appurtenant structures, for construction purposes on, over or across the following described property: A tract of land in the East Half of the Northwest Quarter (SE⁺1/4) of Section Twenty-five (25), Township Six (6) North, Range Two (2) West, Salt Lake Base and Meridian, being more particularly described as follows;

Beginning at Station 26⁺61.6 a point on the centerline of the Layton Intake Channel, also being a point on the East line of the Vendors' property, from which point the North Quarter corner of said Section 25 bears North 0°31' East Nine Hundred Twenty-six (926.0) feet, and running thence South 0°31' West along the East line of the Vendors' property One Hundred Forty-three and Six-tenths (143.6) feet; thence South 44°39' West Two Hundred Seventeen and Nine-tenths (217.9) feet; thence South 42°45' West Forty-three and Three-tenths (43.3) feet; thence South 2°59' West Six Hundred Eighty-six and Nine-tenths (686.9) feet to a point in the center of Wilson Lane; thence North 89°30' West along the centerline of the said Wilson Lane One Hundred Sixty and Two-tenths (160.2) feet; thence North 2°59' East Four Hundred Twenty-seven and Seven-tenths (427.7) feet; thence North 87°01' West Three Hundred Forty-three and Three-tenths (343.3) feet to a point on the West line of the Vendors' property; thence North along the West line of the Vendors' property Five Hundred Seven (507.0) feet to the Northeast corner of the property so conveyed to Lizzie Butler; thence South 17°05' East Sixty-nine and Five-tenths (69.5) feet; thence South 0°29' East Two Hundred Fifty (250.0) feet; thence South 45°29' East One Hundred and Seven-tenths (100.7) feet; thence South 87°01' East Two Hundred Thirty and Four-tenths (230.4) feet; thence North 2°59' East One Hundred Forty-one and One-tenth (141.1) feet; thence along a regular curve to the right with a radius of 250.0 feet for an arc distance of One Hundred Eighty-one and Eight-tenths (181.8) feet; thence North 44°39' East Four Hundred Twenty-four and One-tenth (424.1) feet to a point on the East line of the Vendors' property; thence South 0°31' West along the East line of the Vendors' property One Hundred Forty-three and Six-tenths (143.6) feet to the point of beginning, containing 5.8 acres, more or less, excepting herefrom 5.2 acres, more or less, described herein as Tract No. 9; the net area is 0.6 of an acre, more or less; also,

Fee simple title to the property described as follows:

Tract No. 5

A tract of land in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-four (24), Township Six (6) North, Range Two (2) West, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at Station 13/51.5, a point on the centerline of the Layton Intake Channel also being a point on the South line of the Vendors' property, also being a point on the South line of said Section 24, from which point the South Quarter corner of said Section 24 bears West Nine Hundred Six and One-tenth (906.1) feet, and running thence West along the South line of the Vendors' property and the South line of said Section 24 One Hundred Five and Four-tenths (105.4) feet; thence North 44°39' East One Hundred Forty-seven and Five-tenths (147.5) feet to the Northerly line of the Vendors' property; thence following two courses along the Vendors' property line South 68°00' East Eighty-one and Three-tenths (81.3) feet to Station 12/46.7 a point on the centerline of the said Intake Channel, from which point the South Quarter corner of said Section 24 bears South 85°39' West Nine Hundred Eighty-two and Five-tenths (982.5) feet, and thence continuing South 68°00' East One Hundred Ninety-nine (199.0) feet to a point on the South line of said Section 24; thence West along the Section line Two Hundred Fifty-eight and One-tenth (258.1) feet to the point of beginning, containing 0.4 of an acre, more or less; also,

Tract No. 7

A tract of land in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-five (25), Township Six (6) North, Range Two (2) West, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at Station 18/76.9, a point on the centerline of the Layton Intake Channel, also being a point on the Easterly line of the Vendors' property, from which point the North Quarter corner of said Section 25 bears North 55°51' West Six Hundred Fifty-five and Five-tenths (655.5) feet, and thence following two courses along the Vendors' property line South 6°30' West Three Hundred One and One-tenth (301.1) feet; thence West Two Hundred Sixty-one and Three-tenths (261.3) feet to Station 22/98.0 a point on the centerline of the said Intake Channel from which point the North Quarter corner of said Section 25 bears North 20°19' West Seven Hundred Eleven and Six-tenths (711.6) feet and thence continuing West One Hundred Five and Four-tenths (105.4) feet; thence North 44°39' East Five Hundred Ninety (590.0) feet to a point on the Easterly line of the Vendors' property; thence South 6°30' West along the Easterly line of the Vendors' property One Hundred Twenty-one and Four-tenths (121.4) feet to the point of beginning, containing 1.8 acres, more or less; also,

Tract No. 9

A tract of land in the East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Twenty-five (25), Township Six (6) North, Range Two (2) West, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at Station 26/61.6 a point on the centerline of the Layton Intake Channel, also being a point on the East line of the Vendors' property, from which point the North Quarter corner of said Section 25 bears North 0°31' East Nine Hundred Twenty-six (926.0) feet, and running thence South 0°31' West along the East line of the Vendors' property One Hundred Seven and Seven-tenths (107.7) feet; thence South 44°39' West Two Hundred Forty-three and Seven-tenths (243.7) feet; thence South 13°08' West Fifty and Six-tenths (50.6)

feet; thence South 2°59' West Six Hundred Eighty-six and Nine-tenths (686.9) feet to a point in the center of Wilson Lane; thence North 89°30' West along the centerline of the said Wilson Lane One Hundred Sixty and Two-tenths (160.2) feet; thence North 2°59' East Four Hundred Twenty-seven and Seven-tenths (427.7) feet; thence North 87°01' West Three Hundred Forty-three and Three-tenths (343.3) feet to a point on the West line of the Vendors' property; thence North along the West line of the Vendors' property Five Hundred Seven (507.0) feet to the Northeast corner of the property so conveyed to Lizzie Butler; thence South 17°05' East Sixty-nine and Five-tenths (69.5) feet; thence South 0°29' East Two Hundred Fifty (250.0) feet; thence South 45°29' East One Hundred and Seven-tenths (100.7) feet; thence South 87°01' East Two Hundred Fifty-five and Four-tenths (255.4) feet; thence North 2°59' East One Hundred Forty-one and One-tenth (141.1) feet; thence along a regular curve to the right with a radius of 225.0 feet for an arc distance of One Hundred Sixty-three and Six-tenths (163.6) feet; thence North 44°39' East Three Hundred Ninety-eight and Three-tenths (398.3) feet to a point on the East line of the Vendors' property; thence South 0°31' West along the East line of the Vendors' property One Hundred Seven and One-tenth (107.1) feet to the point of beginning, containing 5.2 acres, more or less.

5. The temporary easements and rights-of-way described above shall include the right of use and occupancy by plaintiff, its successors and assigns, of the lands covered thereby during the period of original construction of the works upon the lands adjacent thereto, with ingress and egress thereto and therefrom. In any case, the plaintiff will (1) replace or repair with materials of like kind and equal quality any existing fences, ditches, pipelines, driveways or roadways, including appurtenances thereto, damaged by construction of the works as hereinabove described, (2) grade to reasonably even and regular surfaces, all fills, cuts and waste banks within the easement area and (3) take such steps as may be necessary to avoid interference with the delivery of irrigation water to the remaining lands of the said defendants.

6. This Amended Final Judgment of Condemnation supersedes the final judgment of condemnation dated March 26, 1958 and recorded as instrument 290977 in Book 574, page 587, records of the County Recorder of Weber County.

Dated this 11 day of August, 1958.

/s/ John F. Wahlgquist
JUDGE

FILED AUG 11 10:04 AM '58
Lawrence M. Malen County Clerk
By Barbara Barnes, 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.

AMENDED FINAL JUDGMENT OF CONDEMNATION

Civil No. 31394 Department No. 1

LAWRENCE N. NIELSEN and MARIE L. NIELSEN,
Owners of Tracts, 5T, 7T, 9T, 5, 7 and 9

WEBER BASIN WATER CONSERVANCY DISTRICT, Plaintiff

Vs.

ALICE DINSDALE KELLER, THEODORE DEVRIES, LAWRENCE N. NIELSEN,
and MARIE L NIELSEN, et al.,

Defendants

as appears on file. AND OF RECORD ----- in my office in Ogden City.

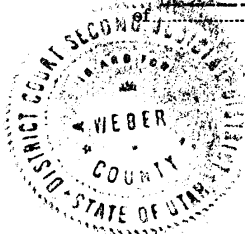
Witness my hand and Seal, this the ----- 11th ----- day
----- August -----, 1958

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STATE OF UTAH }
COUNTY OF WEBER }
FILED FOR
E. J. Skien
AUG 11 12 02 PM '58

IN BOOK 587 OF RECORD
PAGE 446
RUTH EAMES OLSEN
COUNTY RECORDER
Edith W. Kuler
FORM 51 587 957



LAWRENCE M. MALAN Clerk
Jerry E. Jensen
By Jerry E. Jensen, Deputy Clerk

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