



WATER-RIGHT DOCKET

Capitol Reef National Park

Docket No: 2

SULPHUR CREEK (SAND CREEK)

State Water Rights Documentation

02-18-1949: certificate of appropriation of water ; february 18, 1949

8-18-43 500

DUPLICATE

FORM P-51

CERTIFICATE OF APPROPRIATION OF WATER STATE OF UTAH

APPLICATION NO. 10193

CERTIFICATE NO. 3538

NAME AND ADDRESS OF APPROPRIATOR

CLARENCE L. MULDRED, TORREY, UTAH

SOURCE OF SUPPLY

SAND AND SULPHUR CREEKS

IN

JAYNE

COUNTY, UTAH:

COLORADO RIVER

DRAINAGE AREA

QUANTITY OF WATER

ONE (1.0) SECOND-FLOOT

PRIORITY OF RIGHT

AUGUST 8, 1927

PERIOD AND NATURE OF USE

FROM MARCH 15 TO OCTOBER 15 OF EACH YEAR FOR IRRIGATION PURPOSES

Whereas, It has been made to appear to the satisfaction of the undersigned that the appropriation of water has been perfected in accordance with the Laws of Utah; Therefore, He is known that I, ED. H. WATSON, the duly appointed, qualified and acting State Engineer, by authority of the Laws of Utah, do hereby certify that said appropriator is entitled to the use of water as herein set out, subject to prior rights, if any, for diversion and use as follows to wit:

The water appropriated is diverted from Sand and Sulphur Creeks at their confluence by means of a rock diversion dam situated on the N. 1/4 Sec. 10, T. 36 N., R. 10 E., S. 34 E. The water is diverted into an open ditch having dimensions of 2 ft. bottom width, 1'6" deep, and side slopes of 1:1 constructed in earth along the following traverse: S54°31'E 622.6 ft., S36°15'E 560.0 ft., S66°34'E 223.0 ft., N78°58'E 56.2 ft., S33°47'E 175.5 ft., S21°28'E 227.0 ft., S51°43'E 62.5 ft., S86°46'E 80.0 ft., S56°33'E 250.0 ft., S33°03'W 54.5 ft., S54°37'E 173.4 ft. where it is first used during the period hereinbefore mentioned to irrigate 7 tracts of land embraced within 8 1/2 Sec. 3, N. 1/4 Sec. 10, and N. 1/4 Sec. 11, aforesaid township and range, more definitely described as follows: Tract No. 2: Beg. N52°45'W 1723.0 ft. from SE Cor. said Sec. 3, thence on the following traverse: S65°32'E 628.9 ft., S28°35'E 257.2 ft., S3°57'E 297.8 ft., N73°32'W 398.2 ft., N13°5'E 94.4 ft., N58°39'W 259.5 ft., N26°15'W 212.1 ft., N46°54'E 55.5 ft., N14°06'W 113.2 ft., W 52.3 ft., N 156.5 ft. to beg. containing 6.75 acres. Tract No. 1: Beg. N52°45'W 1763.5 ft. from SE Cor. said Sec. 3 thence on the following traverse: S 268.8 ft., N52°27'W 503.1 ft., N12°20'W 133.6 ft., S79°02'E 258.9 ft., S54°56'E 212.7 ft. to beg. containing 2.08 acres. Tract No. 5: Beg. N65°10'W 1609.5 ft. from SE Cor. said Sec. 3, thence on the following traverse: S41°46'E 112.8 ft., S24°34'W 149.5 ft., N46°02'E 162.0 ft., N43°30'E 150.4 ft. to beg. containing 0.46 acres. Tract No. 6: Beg. N85°48'W 1261.2 ft. from SE Cor. said Sec. 3, thence on the following traverse: N15°30'E 119.6 ft., S87°59'E 199.2 ft., S43°21'E 77.2 ft., S11°43'E 350.7 ft., N62°58'W 379.3 ft., N8°20'W 134.6 ft. to beg. containing 2.16 acres. Tract No. 3: Beg. S75°05'W 514.0 ft. from NE Cor. Sec. 10, aforesaid township and range, thence on the following traverse: S60°50'E 520.6 ft., S34°15'E 133.7 ft., S20°31'W 93.2 ft., S87°45'E 160.2 ft., S16°02'W 73.2 ft., N63°04'W 695.6 ft., N22°45'W 143.9 ft., N6°19'W 215.3 ft. to beg.

containing 4.00 acres. Tract No. 7: Beg. S12°16'W 768.5 ft. from NE Cor. said Sec. 10, thence on the following traverse: S61°55'E 385.2 ft, S33°00'W 214.4 ft, N56°32'W 151.3 ft, N19°23'W 295.4 ft. to beg. containing 1.25 acres. Tract No. 4: Beg. S24°36'E 1052.4 ft. from NW Cor. Sec. 11, aforesaid township and range, thence on the following traverse: S53°20'E 363.5 ft, N80°06'E 328.1 ft, S81°09'E 253.1 ft, S 160.1 ft, W 586.7 ft, N62°31'W 268.5 ft, N10°47'E 242.2 ft. to beg. containing 4.00 acres. Total area irrigated in all seven tracts is 20.70 acres.

This certificate entitles the holder to use only sufficient water from all rights combined to constitute an economic duty without waste.

The works employed in this appropriation are to be operated and maintained in such manner and condition as will prevent waste of water.

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office this EIGHTEENTH day of FEBRUARY, 1949

Cert. No. 3538 Page No. 2 of 2 Pages.

STATE ENGINEER

C O P Y

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF UTAH
IN AND FOR THE COUNTY OF WAYNE

HANKSVILLE CANAL COMPANY, a Corporation,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
TORREY IRRIGATION COMPANY, A Corporation,	:	
CAINEVILLE IRRIGATION COMPANY, a Corpora-	:	<u>DECREE</u>
tion, EDMUND KING, JOSEPH HISKEY, DEZ	:	
HICKMAN, WILLIAM HICKMAN, CHARLES COOPER,	:	
DEWEY GIFFORD, CLARENCE MULFORD, WILLIAM	:	
CHESTNUT, MERIN SMITH, ALBERT CHESTNUT,	:	
M. V. OYLER, MARY ANN STEELE, Custodian of	:	
MICHAEL STEELE, GEORGE DUFEE, RICHFIELD	:	
COMMERCIAL & SAVINGS BANK, a Corporation,	:	
RUDOLPH COOK, ATHOL JENSEN, JAMES LANNING,	:	
ROYAL BRINKERHOFF, A. M. MYRUP, G. T. BEAN,	:	
EDGAR LARSEN, and DAN ADAMS,	:	
	:	
Defendants.	:	

In accordance with the foregoing Findings of Fact and Conclusions of Law, and on motion of all the attorneys for the respective parties who appear in this action, jointly made, it is hereby ORDERED, ADJUDGED, and DECREED:

I.

That all rights subject to pro rated distribution, and the parties entitled thereto, are divided into two Sections, namely, Section "A" and Section "B", and the parties to this action are the owners of the right to the use of the waters of Fremont River, and the tributaries, streams, and springs arising and flowing within its drainage basin within the respective sections heretofore specified, in quantities and at times as follows, to-wit:

SECTION "A".

That the primary rights of the parties hereto in Section "A" are as follows, to-wit:

Hanksville Canal Company -----	10 c.f.s.
Caineville Irrigation Company -----	12 c.f.s.
Joseph Hiskey-----	6 c.f.s.
Charles Cooper and William Hickman, jointly -----	3.5 c.f.s.
William Hickman -----	1.1 c.f.s.
Edmund King, H.C. Larson and Richfield Commercial & Savings Bank, jointly-----	5 c.f.s.
FRUITA RESIDENTS, namely: Clarence Mulford, Dewey Gifford, William Chestnut, Alma Chestnut, Merin Smith, M.V.Oyler and Dan Adams, a total of-----	8 c.f.s.
(According to their respective individual rights)	
Edgar Larsen -----	1.66 c.f.s.

Edmund King----- 40. c.f.s.
 (For power purposes for grist mill, 3.33 c.f.s. of
 which may be used for irrigation purposes of his said lands near the
 grist mill. The said 3.33 c.f.s. for irrigation purposes is classed
 as primary right.)

Mary Ann Steele, custodian of Michael Steele----- 1.50 c.f.s.
 Haskin Lyman----- 1 c.f.s.
 G.T.Bean (To be used on lands in Twp. 29 S.R. 8 E. S.L.M.)----- 3 c.f.s.

SECTION "B"

The second class rights to the use of waters of said River are as
 follows:

William Hickman and Dez Hickman, jointly----- 2.5 c.f.s.
 Torrey Irrigation Company----- 35 c.f.s.

II.

That each of the parties hereto and herein are hereby required to
 construct weirs of the design approved by the State Engineer of this State,
 under the direction and supervision of the commissioner to be appointed by
 this Court, and maintain the same in their respective canals and ditches
 for the purpose of accurately measuring the quantities of water decreed
 to them; and thereafter shall maintain and keep all dams, headgates,
 flumes, canals, and other means by which said waters are diverted, con-
 veyed, or used, together with said weirs, in a good state of repair, to the
 end that no unnecessary loss from seepage or leakage shall occur, and that
 the waters shall be economically applied to the uses for which they are
 awarded, and all waters diverted from said river and the streams, springs,
 and tributaries within its drainage basin, by any of the parties hereto,
 shall be measured at their respective weirs and by means thereof.

III.

That the title of the parties hereto to the right to the use of said
 waters, as herein decreed, is hereby quieted as against each and every other
 party to this action; and each and every party hereto, their successors and
 assigns, and their agents, servants, and employees, are hereby forever en-
 joined from in any manner or at all interfering one with the other in the
 full, free, and unrestricted use of the quantities of water decreed to
 them, and from in any manner or at all interfering with each others' canals,
 dams, or headgates, or from in any manner or at all interfering with the
 distribution of said water by the commissioner of this Court, or by his
 agents or assistants.

IV.

That the rights herein decreed are founded upon appropriations of water
 for beneficial uses, and the rights herein decreed are subject to the condi-
 tion that they are required and necessary for beneficial uses, and such
 rights are subject to the limitations and conditions that the same are used
 for beneficial purposes, economically and without waste.

V.

For the purpose of carrying this decree into effect, according to its true intent and meaning, a commissioner will be appointed by order of this Court made from time to time, to superintend and direct the measurement and division of the waters of the Fremont River and the Springs, streams, and tributaries within its drainage basin, according to the provisions of this decree, and to direct the construction and to supervise and inspect all means and appliances for the measurement thereof, and the diversion, conveyance, and use of the same, and to report from time to time to the Court relating to all waters and any violation of the provisions of this decree. Said commissioner to receive such compensation to be apportioned among the parties, as may be agreed upon, if practicable, if not, to be fixed from time to time as necessary by order of this court.

VI.

That the waters involved in this action are the waters that arise in and flow into the Fremont River or basin at a point designated as the Township line between Township 28 and 29, Range 3 East of the Salt Lake Meridian, and below said point, and does not apply to the rights that have heretofore been settled by the Court to all rights above that point.

VII.

It is further provided herein, that 2 c.f.s. of the water decreed to the Torrey Irrigation Company shall not be subject to pro rata distribution but shall be a right for culinary and domestic purposes for the use of the inhabitants of the town of Torrey, Wayne County, Utah.

VIII.

Unless otherwise limited by special provision, the primary rights herein decreed are absolute, unqualified rights during the period through which they extend, and rights in any class subsequent to primary rights are available only when all rights in preceding classes have been fully supplied.

IX.

That original jurisdiction of this cause and the subject matter thereof and of the parties thereto, is hereby retained for the purpose of making all necessary supplemental orders and decrees which may be required, to make effectual the rights decreed herein.

Dated this 15 day of July, A.D. 1935.

Nephi J. Bates
Judge.

STATE OF UTAH)
) SS
COUNTY OF WAYNE)

I, Elsie Eckersley, County Clerk and Ex-officio Clerk of the District Court in and for Wayne County, State of Utah, hereby certify that the foregoing is a full, true and correct copy of the original decree in the matter of Hanksville Canal Company, a corporation plaintiff vs Torrey Irrigation Company, et al, Defendants, as appears on file in my office.

Witness my hand and seal this 27th day of February, A.D. 1942.

(SEAL)

/s/ Elsie Eckersley
Clerk of the District Court

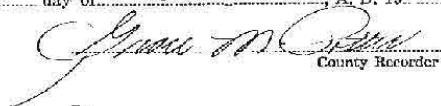
RECORDER'S CERTIFICATE

STATE OF UTAH, }
County of Wayne } ss.

I, Grace M. Potter, the duly elected, qualified and acting
County Recorder in and for the County of Wayne, State of Utah, do hereby certify that the
foregoing is a full, true and correct copy of the original Warranty Deed

as appears of record in my office in Book J of Deeds Page 239

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at
Loa, Wayne County, Utah, this 12th day of July, A. D. 19 66


County Recorder

By _____ Deputy Recorder

Filed for record at request of Clarence L. Mulford This April 1, 1957 2:38 PM
Recorded in Book 1 of Deeds Page 237 of Vol. 1 of Deeds
WARRANTY DEED

CLARENCE L. MULFORD, a single man, Grantor of Torrey, Wayne County, Utah,
hereby conveys and warrants to RULON JONES and REBECCA JONES, husband and
wife, as joint tenants and not as tenants in common, with full right of
survivorship, Grantees of Torrey, Utah, for the sum of ten dollars and
other valuable consideration, the following described tracts of land in Wayne
County, State of Utah, to-wit:



The Southwest quarter of the Southeast quarter of Section
three; the North half of the Northeast Quarter of Section
Ten, and the Northwest quarter of the Northwest quarter of
Section 11, in Township 29 South, Range 5 East S. L. M.,
together with all improvements thereon and the following
described water right: All water decreed on the Original
Certificate of Appropriation of Water, Application No. 10193,
Certificate No. 3538, as recorded in the Office of the County
Recorder of Wayne County, State of Utah, as Entry No. 17206,
recorded February 24, 1949 in Water Right Record Book A, page
201-202 of the Records of Wayne County, State of Utah.

WITNESS THE HAND of said Grantor, this first day of April A. D. 1957.

Signed in the presence of:

Clarence L. Mulford
Clarence L. Mulford

STATE OF UTAH)
) ss
County of Wayne)

On this first day of April A. D. 1957, personally appeared before me, a
Notary Public in and for the State of Utah, Clarence L. Mulford, a single man,
the signer of the above instrument, who duly acknowledged to me that he
executed the same.

Rebecca H. Ray
Notary Public

My commission expires
Jan. 1, 1959
Residence: Log, Utah

CARE

RECORDER'S CERTIFICATE

STATE OF UTAH, }
County of Wayne } ss.

I, Grace M. Potter, the duly elected, qualified and acting
County Recorder in and for the County of Wayne, State of Utah, do hereby certify that the
foregoing is a full, true and correct copy of the original Certificate of Appropriation
of Water, State of Utah Certificate No. 3538

as appears of record in my office in Book A of Water Rights Page 201-202

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at
Loa, Wayne County, Utah, this 12th day of July, A. D. 19 66


County Recorder

By _____
Deputy Recorder

ORIGINAL

APPLICATION NO. 10193 CERTIFICATE OF APPROPRIATION OF WATER, STATE OF UTAH

CERTIFICATE NO. 3538

NAME AND ADDRESS OF APPROPRIATOR Clarence L. Mulford, Torrey, Utah

SOURCE OF SUPPLY SAND AND SULPHUR CREEKS IN WAYNE COUNTY, UTAH:: COLORADO RIVER

DRAINAGE AREA.

QUANTITY OF WATER ONE (1.0) SECOND -FOOT PRIORITY OF RIGHT AUGUST 8, 1927

PERIOD AND NATURE OF USE FROM MARCH 15 to OCTOBER 15 OF EACH YEAR FOR IRRIGATION PURPOSES.

WHEREAS, It has been made to appear to the satisfaction of the undersigned that the appropriation of water has been perfected in accordance with the Laws of Utah; THEREFORE, Be it known that I, ED. H. WATSON, the duly appointed, qualified and acting State Engineer, by authority of the Laws of Utah, do hereby certify that said appropriator is entitled to

the use of water as herein set out, subject to prior rights, if any, for diversion and use as follows, to-wit: The water appropriated is diverted from Sand and Sulphur Creeks at their confluence by means of a rock diversion dam situated N49°45' W 4105.0 ft. from SE Cor. Sec. 3 T29S R5E SLB&M. The water is diverted into an open ditch having dimensions of 2 ft. bottom width, 1'6" deep, and side slopes of 1:1 constructed in earth along the following traverse: S54°31' E 622.6 ft, S36°15' E 560.0 ft, S66°34' E 223.0 ft, N 78°58' E 56.2 ft, S 33°47' E 175.5 ft, S 21°28' E 227.0 ft, S51°43' E 62.5 ft, S66°46' E 80.0 ft, S56°33' E 250.0 ft, S33°03' W 54.5 ft, S 54°37' E 173.4 ft, where it is first used during the period hereinbefore mentioned to irrigate 7 tracts of land embraced within S4SE4 Sec. 3, NE4NE4 Sec. 10, and NW4NW4 Sec. 11, aforesaid township and range, more definitely described as follows: Tract No. 2: Beg. N52°45' W 1723.0 ft, from SE Cor. said Sec. 3, thence on the following traverse: S66°32' E 628.9 ft, S28°35' E 267.2 ft, S3°57' E 297.8 ft, N73°32' W 388.2 ft, N13°50' E 94.4 ft, N66°39' W 259.5 ft, N 26°15' W 212.1 ft, N 46°54' E 55.5 ft, N 14°06' W 113.2 ft, W 52.3 ft, N 166.5 ft, to beg. containing 6.75 acres. Tract No. 1: Beg. N52°45' W 1763.5 ft, from SE Cor. said Sec. 3 thence on the following traverse: S 268.8 ft., N 52°27' W 503.1 ft, N12°20' W 133.6 ft, S79°02' E 258.9 ft, S54°05' E 212.7 ft. to beg. containing 2.08 acres. Tract No. 5: Beg. N65°10' W 1609.5 ft. from SE Cor. said Sec. 3, thence on the following traverse: S41°46' E 112.8 ft, S 24°34' W 149.5 ft, N46°02' W 162.0 ft, N43°30' E 150.4 ft. to beg. containing 0.46 acre. Tract No. 6: Beg. N85°48' W 1261.2 ft. from SE Cor. said Sec. 3, thence on the following traverse: N15°30' E 119.6 ft, S87°57' E 199.2 ft, S 43°21' E 77.2 ft, S11°43' E 360.7 ft, N62°58' W 379.3 ft, N8°20' W 134.6 ft. to beg. containing 2.16 acres. Tract No. 3: Beg. S75°05' W 514.0 ft. from NE Cor. Sec. 10, aforesaid township and range, thence on the following traverse: S60°50' E 620.6 ft, S34°15' E 133.7 ft, S20°38' W 93.2 ft, S57°45' E 160.2 ft, S16°02' W 73.2 ft, N63°04' W 695.4 ft, N22°45' W 143.9 ft, N6°19' W 215.3 ft to beg. containing 4.00 acres. Tract No. 7: Beg. S12°16' W 768.5 ft from NE Cor. said Sec. 10, thence on the following traverse: S61°55' E 385.2 ft. S33°00' W 214.4 ft. N 56°32' W 151.3 ft. N19°23' W 209.4 ft. to beg. containing 1.25 acres. Tract No. 4: Beg. S24°36' E 1052.4 ft. from NW Cor. Sec. 11, aforesaid township and range, thence on the following traverse: S53°20' E 363.5 ft, N80°06' E 328.1 ft, S 81°08 E 268.1 ft. S 160.1 ft. W 686.7 ft. N 62°31' W 268.5 ft, N10°47' E 242.2 ft. to beg. containing 4.00 acres. Total area irrigated in all seven tracts is 20.70 acres.

This certificate entitles the holder to use only sufficient water from all rights combined to constitute an economic duty without waste.

The works employed in this appropriation are to be operated and maintained in such manner and condition as will prevent waste of water.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office this EIGHTEENTH day of FEBRUARY, 1949.

Ed. H. Watson

(SEAL)

Cert. No. 3538. Page No. 2 of 2 Pages.

Filed for record
February 24, 1949 at 4:5 minutes past 1 o'clock P.M.

RECORDER'S CERTIFICATE

STATE OF UTAH, }
County of Wayne } ss.

I, Grace M. Potter, the duly elected, qualified and acting
County Recorder in and for the County of Wayne, State of Utah, do hereby certify that the
foregoing is a full, true and correct copy of the original Affidavit of Use of Water

as appears of record in my office in Book G of Deeds Page 393

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at
Loa, Wayne County, Utah, this 12th day of July, A. D. 19 66


County Recorder

By _____
Deputy Recorder

TO WHOM THIS MAY CONCERN.

I Aaron Holt the signer of this instrument here by certifies that I have used
Water for Irrigation purpose out of Sulphur or Sand creek as known name
Situating in Section 15, Twp 29 south range 6th East. In Wayne County State of
Utah. Continuously ever since the year of 1902, up untill the present date
by me and others who worked this land. and used this water to irrigate said
land described above.

STATE OF UTAH.)
) S S
COUNTY OF BERY.

Aaron E. Holt

On the Eight day of July A D 1929. Personally appeared before me
Aaron Holt the signer of the above instrument who duly acknowledged to me that
he executed the same.

R. H. Riley

A F F I D A V I T

15392

OF

USE OF WATER

STATE OF UTAH :
: ss.
COUNTY OF UTAH:

Aaron E. Holt being first suly sworn on his oath says: that he is a native born citizen of the United States of America and is sixty-seven (67) years of age; that his residence and post office address is Springville, Utah Clunty, State of Utah.

That from about the month of September 1900 until the month of May 1917 he resided upon and had possession of the property of Wayne County, State of Utah, described as follows to wit:

The Northeast quarter of the Southwest quarter, and the North half of the Southeast quarter of Section 15, Twenty-nine South of range 6 East of Salt Lake Base and Meridian.

That in the spring of 1902 he diverted the water from Sand Creek, a tributary of the Freemont River, for irrigation of portions of each and both of the tracts of land to the amount of about forty acres. That he irrigated the said lands during each and every irrigation season of the years from 1902 to 1916 inclusive.

That the place of diversion of said water from Sand Creek used by this affiant as aforesaid was located on the said Sand Creek at a point approximately thirty rods Southwesterly from the Northwest corner of the above described lands.

That during each and all of said years this affiant raised crops of wheat, oats, alfalfa, potatoes, corn, apples, peaches, apricots and chessied on the above described land.

That the amohnt of water so diverted varied in amount from one-quarter to one-and-one-half second feet during the irrigation season.

Aaron E. Holt

Subscribed and sworn to before me this 14th day of June, 1945.

SEAL

Alfred L. Booth
Notary Public
Residing at Provo City, Utah

My commission expires April 20, 1947.

Recorded June 16, 1945

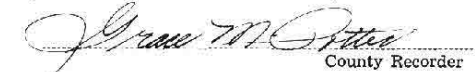
RECORDER'S CERTIFICATE

STATE OF UTAH, }
County of Wayne } ss.

I, Grace M. Potter, the duly elected, qualified and acting
County Recorder in and for the County of Wayne, State of Utah, do hereby certify that the
foregoing is a full, true and correct copy of the original Affidavit of Use of Water

as appears of record in my office in Book G of Deeds Page s. 393-394

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at
Loa, Wayne County, Utah, this 12th day of July, A. D. 19 66.


County Recorder

By _____
Deputy Recorder

AFFIDAVIT OF USE OF WATER

15394

STATE OF UTAH :
: ss.
COUNTY OF WAYNE:

Silas Tanner, being first duly sworn: Deposes and says that he is seventy-two (72) years of age; that he became a resident of Loa, Wayne County, Utah in 1887 and ever since said date has been and now is the resident of said town and county; that during said fifty-eight (58) years, that he has been a resident of said place he has engaged in farming and cattle raising in Waybe County; that he has been Attorney of said County for years 1904 to 1937 outside of two terms, and was State Senator from the 10th district from 1937 to 1940; that in 1897 and for many years thereafter he ran cattle in the Fruita area of said county; that since March 1888 he has been acquainted with the farms in Fruita and the water rights therefor; and that in the year 1940 he was Commissioner of the Fremont River.

That he knows of his own knowledge that in the spring of 1902 Aaron E. Holt diverted water from Sand Creek, a tributary of the Fremont River in Waybe County, at a point approximately thirty rods south westerly from the Northwest corner of the property in Wayne County, State of Utah, described as follows to wit:

The Northeast quarter of the Southwest quarter, and the North half of the Southeast quarter of Section 15, Twenty-nine South of Range 6 East of Salt Lake Base and Meridian.

And used the water so diverted to irrigate approximately forty acres being portions of each and both of the above described property. That the amount of water so diverted was all that was required for the growing of farm crops on said premises and is estimated to have been from one-quarter second foot to one-and-one-half second feet during the irrigation season; that said Aaron E. Holt and his successors in interest, R. A. Meeks, Orval Mott and Dear R. Brimhall diverted said water and used the same upon said premises during the irrigation season of each and every year from 1902 to 1940 and that he is informed and believes that they have used said water on said premises from 1940 to and including the end of the 1944 irrigation season.

Silas Tanner

Subscribed and sworn to before me this 15th day of June, 1945.

Jacob Coleman residing at Provo, Utah

Notary Public

My commission expires August 25, 1948.

(SEAL)

Recorded June 16, 1945

certified

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH.

CEREBRAL DIVISION

Time: MAY 16 1962

Wayne Christy
Civil No. 8-1041

UNITED STATES OF AMERICA,
Plaintiff,

vs.

284.31 ACRES OF LAND, MORE OR
LESS, IN THE COUNTY OF WAYNE,
STATE OF UTAH, RICHARD W.
SPRUE, ET AL., AND UNKNOWN
OWNERS,

Defendants.

STIPULATION

RE: TRACT NO. 8, DEAN R. BRIDGEMAN
AND LILA BECK BRIDGEMAN, HIS WIFE

It is hereby stipulated by and between the United States of America,
hereinafter referred to as "Plaintiff" and Defendants DEAN R. BRIDGEMAN and
LILA BECK BRIDGEMAN, his wife, hereinafter referred to as "Defendants",
as follows:

1. That on June 2, 1961, the United States of America filed in this
proceeding its Complaint and Declaration of Taking by which title was vested
in the United States to all of the lands described in Schedule "A" attached
hereto.

2. That pursuant to an order of the above entitled Court, the
United States entered into possession of the said land on June 27, 1961,
and since said date has retained full and exclusive possession of said lands;
that as of the date of entry of the United States, as aforesaid, each and
all of the Defendants own or claimed some interest in and to said lands, and
said Defendants claim to be the sole and only persons having any right, title
or interest thereto, and are, therefore, entitled to receive compensation in
this proceeding.

3. That Defendants stipulate and agree that the lands taken by the
United States in the proceeding are taken for a public purpose of the United
States, and Defendants waive any and all defenses they may have had to the
taking thereof by the Plaintiff.

4. That the fair and just compensation to be paid by the Plaintiff
for all right, title and interest of every kind of said Defendants taken by
Plaintiff in said lands is the sum of \$6,500.00, without interest.

5. That Plaintiff has heretofore deposited in the Registry of the Court the total sum of \$6,500.00, which amount Defendants have heretofore withdrawn.

6. Defendants hereby waive all notice, service of notice and any and all right to hearing or trial in this proceeding on the issue of just compensation, and waive any and all claim against the Plaintiff for interest, relocation expense or any other claim of damage arising from the taking of the said lands.

7. That judgment in accord with this Stipulation may be entered by the Court without further notice to the Defendants.

Dated this 10 day of May, 1962.

Address: 200 Federal Building
Salt Lake City, Utah

WILLIAM T. THURMAN
United States Attorney

By CRAIG T. VINCENT
CRAIG T. VINCENT
Assistant United States Attorney
Attorneys for Plaintiff

Address: Walker Bank Bldg.
Salt Lake City, Utah

A. M. FUGRO
A. M. FUGRO
Attorney for Defendants

UNITED STATES OF AMERICA } ss
DISTRICT OF UTAH
I, THE UNDERSIGNED, CLERK OF THE UNITED
STATES DISTRICT COURT FOR THE DISTRICT OF
UTAH, DO HEREBY CERTIFY THAT THE ABOVE AND
FOR SIGNED IS A TRUE AND CORRECT COPY OF AN ORIGINAL
DISCOUNT RECEIPT IN COMPLIANCE WITH COURT
ORDER BY MY HONORABLE THE CLERK OF SAID COURT
THIS 10 DAY OF May 1962
WAYNE CHRISTOFFERSON, CLERK
Wayne Christofferson DEPUTY

Filed for record Dec. 28, 1961 @ 10:00 A.M.
 Recorded in Book K Deeds Page 585-586
 Wayne County, Utah

67365

WARRANTY DEED



DEAN R. BRIMHALL and LILA ECCLES BRIMHALL, his wife, Grantors
 of Fruita, County of Wayne, State of Utah, hereby convey and warrant
 to THE UNITED STATES OF AMERICA, Grantee, for the sum of Twenty-
 Eight Thousand Five Hundred Dollars (\$28,500.00) the following de-
 scribed tracts of land in Wayne County, State of Utah:



The Northeast quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of
 Section 15, Township 29 South, Range 6 East, Salt Lake Meridian,
 except the North half of the North half of the Northeast
 quarter of the Southwest quarter (N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$), and excepting
 the land conveyed by Dean R. Brimhall and Lila Eccles Brimhall
 to the State Road Commission of Utah by that certain Warranty
 Deed, dated August 14, 1956, and recorded September 17, 1956
 in Book J of Deeds, page 138, Records of Wayne County, Utah,
 containing approximately thirty (30) acres, more or less.



Together with all buildings and improvements located thereon
 and together with twenty-eight hundredths (.28) of a cubic
 foot per second of water from the Fremont River. This .28
 c.f.s. being a portion of the water of the Fremont River con-
 veyed to the Seller by that certain deed from Clarence and
 Marie Mulford, et al., dated June 14, 1945 and recorded
 June 18, 1945 in Book G of Deeds, page 394, Records of Wayne
 County, Utah.



The Grantors also convey all of their right, title and interest
 in a 14" metal pipeline conducting water from the point of
 diversion on the Fremont River to the above described property.
 Together with rights of way or easements across Mulford and
 other properties for purpose of maintaining replacement or
 repair of said pipeline.

also



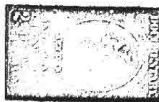
A portion of the Westerly part of the Northwest Quarter of
 the Southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section 15, Township
 29 South, Range 6 East, SLM, as follows:

Beginning at a point 660 feet South of the Northwest corner
 of the Northwest quarter of the Southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of
 Section 15, Township 29 South, Range 6 East, Salt Lake Meridian,
 the true point of beginning:

thence East 28 rods, thence South 40 rods, thence West 28 rods,
 thence North 40 rods to beginning. Containing 7.0 acres,
 more or less.

322

The conveyance of the aforementioned property is made sub-
 ject to a life estate reserved by the Grantors to Dean R. Brimhall



in the above described property and a right of use in the above described water rights, and the above described pipeline during his lifetime.



The said Grantor, Dean R. Brimhall, shall be entitled to a continuous flow of said water.



The United States shall maintain and operate said pipeline from its point of diversion to the above described property without cost to said Grantor. The United States shall also have the right to extend the pipeline or construct a ditch, flume or pipeline east of and generally parallel to the existing State Route No. 24 across the property covered by the said life estate.



WITNESS the hands of said Grantors this 19th day of December A. D., 1961.

Signed in the Presence of

W. M. F.

Dean R. Brimhall
Lila Eccles Brimhall

STATE OF UTAH }
COUNTY OF SALT }
LAKE } ss.

On the 19th day of December A. D., 1961, personally appeared before me, DEAN R. BRIMHALL and LILA ECCLES BRIMHALL, the signers of the within instrument, who duly acknowledged to me that they executed the same.



My Commission expires:
May 3, 1965

John S. Johnson
Notary Public

Residing at: Lehi, Utah

15395

DEEDRe-recorded
June 18/45

Clarence Mulford and Marie Mulford, his wife; Wm. Chestnut and Dicey Chestnut, his wife; Merin Smith and Cora Smith, his wife; M. V. Oyler and Elvira Oyler, his wife; and Dewey Gifford and Nellie Gifford, his wife, all of Fruita, Utah, Grantors, hereby convey and grant to Dean R. Brimhall, Grantee, for the sum of One Dollar and other valuable considerations

Forty-four hundredths (.44) of a second foot of water in the Fremont River, Deeded to the above grantors according to their respective individual rights.

Witness the hands of said Grantors this th 16 day of

June, 1945

Clarence Mulford
Clarence Mulford

Marie Mulford
Marie Mulford

Wm. Chestnut
Wm. Chestnut

Dicey Chestnut
Dicey Chestnut

Merin Smith
Merin Smith

Cora Smith
Cora Smith

M. V. Oyler
M. V. Oyler

Elvira Oyler
Elvira Oyler

Dewey Gifford
Dewey Gifford

Nellie Gifford
Nellie Gifford

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF UTAH
GENERAL DIVISION

United States of America,
Plaintiff

v.

284.51 acres of land, more or
less, in the County of Wayne,
State of Utah, Richard W.
Spray, et al.,

Defendants

Civil No. C-95-61

Filed in United States District
Court, District of Utah.

Time: JUN 2 1961

William C. Smith, Jr.
Clerk

In the matter of the acquisition
by the United States of America
of certain parcels of land situate,
lying and being in the County of
Wayne, State of Utah, for use in
connection with the Capitol Reef
National Monument of the National
Park Service of the Department of
the Interior.

DECLARATION OF TAKING

Pursuant to the authority delegated on February 17, 1959, by the
Secretary of the Interior under subparagraphs (5) and (7) of 220.2.2 Depart-
mental Manual of the Department of the Interior (24 F. R. 1548), to the
Solicitor of the Department of the Interior, I do hereby make and cause to
be filed this Declaration of Taking under and in accordance with the act
of Congress approved February 26, 1931 (46 Stat. 1421; 40 U.S.C., sec. 258a),
and acts supplementary thereto and amendatory thereof, and declare that:

FIRST: (a) The lands shown on the exhibits attached hereto
are taken pursuant to and under authority of the Department of the Interior
and Related Agencies Appropriation Act, 1961 (74 Stat. 164), which makes
funds available for such purposes.

(b) The lands described in the exhibits have been selected
by me for acquisition by the United States for use in connection with the
development of the Capitol Reef National Monument, administered by the
National Park Service of the Department of the Interior, and are required
for immediate use.

(c) In my opinion it is necessary, advantageous, and in the interest of the United States that said lands be acquired by judicial proceedings as authorized by the act of August 1, 1888 (25 Stat. 357; 40 U.S.C., sec. 257).

(d) The public use for which such lands are taken is as follows:

The lands are needed for road construction and for national monument purposes for the benefit and enjoyment by the visiting public.

SECOND: Pursuant to law, I have selected for acquisition for the purposes of the acts of Congress cited above certain lands and premises located in the County of Wayne, State of Utah, described in Exhibits I through V and shown on plats marked Exhibits "A" through "E", respectively, which are annexed hereto, in the attached pocket, and made a part hereof as follows:

<u>Tract No.</u>	<u>Description</u>	<u>Plat</u>
3	Exhibit I	"A"
8	Exhibit II	"B"
9	Exhibit III	"C"
10	Exhibit IV	"D"
7	Exhibit V	"E"

aggregating 284.31 acres of land, more or less.

Together with all and singular the water rights and other rights, tenements, hereditaments, and appurtenances therunto belonging or in any wise appertaining.

THIRD: The estate taken for such public use is the full fee simple title in and to the said lands, subject to existing roads and easements for sewer, gas and water pipe lines, and other public utilities, if any.

FOURTH: The total sum estimated by me as just compensation for the lands taken hereunder is One hundred thirty thousand, eight hundred fifty dollars (\$130,850), which sum I hereby deposit in the Registry of

payment of just compensation to the proper persons for such taking, and the proceedings in this cause are regular and proper in all respects;

2. The fee simple title in and to all of the lands and property involved herein, which are more fully and in detail described in the Declaration of Taking and in plaintiff's Complaint duly filed herein, and to which reference is made, be and is vested in the United States of America as of June 2, 1961;

3. Adjudication is, and has been, fully made as to the ascertainment and proper distribution of just compensation payable on account of the taking by plaintiff of all of the tracts of land and property involved in this action and said compensation constitutes and is just compensation; and

4. All matters involved in this action be and are finally determined.

Dated this 30 day of Nov, 1962.

15 / A. S. Sherman-Christensen
UNITED STATES DISTRICT JUDGE

certified

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,	)	Civil No. C-95-61
Plaintiff,	)	
vs.	)	J U D G M E N T
234.31 ACRES OF LAND, MORE OR	)	RE: TRACT NO. 8, DEAN R. BRIMBALL
LESS, IN THE COUNTY OF KANE,	)	AND LILA ECKLES BRIMBALL,
STATE OF UTAH, RICHARD W.	)	Filed in ^{FILED} United States District
SPRINGS, ET AL., AND UNKNOWN	)	Court, District of Utah.
Defendants.	)	Time: MAY 16 1962
		<i>Wayne Christensen</i>

The Stipulation of Plaintiff and Defendants Dean R. ^{Clerk} Brimball and Lila Eckles Brimball, his wife, through their respective counsel, having been filed herein, by which there is settled all issues as to just compensation to be paid for the taking of the lands and property described in Schedule "A" hereto attached, and the Court being fully advised in the premises finds that such Stipulation should be and is approved and it is, therefore,

ORDERED, ADJUDGED AND DECREED that the United States of America be and is vested with fee simple title in and to all of the lands and property described in said Schedule "A" attached hereto as of June 2, 1961; and it is further

ORDERED, ADJUDGED AND DECREED that the sum of \$6,500.00, inclusive of interest, is full and just compensation to be paid by the United States of America for the taking of said lands and property, and judgment be and is entered against the United States of America in the amount of \$6,500.00, inclusive of interest;

And it further appearing that by order previously entered on August 1, 1961 herein the sum of \$6,000.00 was distributed from the funds in this case, and that by order previously entered on December 29, 1961 herein the sum of \$500.00 was distributed from the funds in this case, and that there remain no funds on deposit in the Registry of the Court to the credit of said land, no further sum is due said Defendants.

UNITED STATES OF AMERICA, *FILED* this 15 day of May, 1962.

I, THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND FULL COPY OF AN ORIGINAL COPY ON FILE IN MY OFFICE AS SUCH CLERK.
WITNESSED BY ME AND THE SEAL OF SAID COURT
AT SALT LAKE CITY, UTAH
MAY 15 1962

15/A. Sherman Christensen

SCHEDULE "A"

TRACT NO. 8

Part of Section 15, Township 29 South, Range 6 East, SLM,
Wayne County, Utah, described as follows:

PARCEL NO. 1. The North half of the North half of the North-east quarter of the Southwest Quarter ($N\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$) of Section 15, Township 29 S., Range 6 E., Salt Lake Meridian, except the land conveyed by Dean R. Brimhall and Lila Eccles Brimhall to the State Road Commission of Utah by that certain warranty deed, dated August 14, 1956 and recorded September 17, 1956 in Book J of Deeds, Page 138, of records, Wayne County, Utah, and containing approximately 10 acres more or less.

PARCEL NO. 2. A portion of the Westerly part of the North-west quarter Southeast Quarter ($NW\frac{1}{4}SE\frac{1}{4}$) of Section 15, T. 29 S., R. 6 E., described as follows:

Beginning at the Northwest corner of the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}SE\frac{1}{4}$) the point of beginning; thence East 28 rods, thence South 40 rods, thence West 28 rods, thence North 40 rods to place of beginning containing 7.0 acres more or less; reserving to the husband, Dean R. Brimhall, a life estate in a portion of Parcel No. 2 described as follows: Beginning at a point 330 feet south of the Northwest corner of the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}SE\frac{1}{4}$) of Section 15, T. 29 S., R. 6 E., SLM; thence East to the center of Sulphur Creek, thence following the Center thread of Sulphur Creek in a general Southeasterly direction to a point on the South boundary line of Parcel No. 2, thence West to the Southwest corner of Parcel No. 2, thence North 330 feet to point of beginning.

Together with water rights described as follows:

Sixteen hundredths (.16) cubic feet per second (c.f.s.) of the water of the Fremont River comprising a part of the .44 c.f.s. conveyed to Seller by that certain deed from Clarence and Marie Mulford, et al. dated June 16, 1945 and recorded June 18, 1945 in Book G of Deeds, page 394, Records of Wayne County, Utah.

And together with all of the seller's interest in diligence water rights from Sand Creek also known as Sulphur Creek and more particularly described in that certain affidavit of Aaron E. Holt dated June 14, 1945, and recorded June 16, 1945 in Book G of Deeds, page 393, Wayne County Records.

DESCRIPTION - BRIMHALL PROPERTY

Capitol Reef National Monument

Ceded by

Dean R. Brimhall and Lila Eccles Brimhall, husband and wife

of

Wayne County Utah

Salt Lake Meridian, Wayne County, Utah

Township Twenty-nine (29) South, Range Six (6) East

Section 15, consisting of Parcels Nos. 1 and 2.

Detailed description as follows:

PARCEL NO. 1

The North half of the North half of the
Northeast quarter of the Southwest Quarter
(N²N²NE⁴SW⁴) of Section 15, Township 29 S.,
Range 6 E., Salt Lake Meridian, except the land
conveyed by Dean R. Brimhall and Lila Eccles
Brimhall to the State Road Commission of Utah
by that certain warranty deed, dated August 14,
1956 and recorded September 17, 1956 in Book J
of Deeds, Page 138, of records, Wayne County,
Utah, and containing approximately 10 acres more
or less.

PARCEL NO. 2

A portion of the Westerly part of the Northwest
quarter Southeast quarter (NW⁴SE⁴) of Section 15, T.
29 S., R. 6 E., described as follows:

EXHIBIT - II

Beginning at the Northwest corner of the Northwest quarter of the Southeast quarter (NW⁴SE⁴) the point of beginning; Thence East 28 rods, thence South 40 rods, thence West 28 rods, thence North 40 rods to place of beginning containing 7.0 acres more or less; reserving to the husband, Dean R. Brimhall, a life estate in a portion of Parcel No. 2 described as follows: Beginning at a point 330 feet south of the Northwest corner of the Northwest quarter of the Southeast quarter (NW⁴SE⁴) of Section 15, T. 29 S., R. 6 E., SLM: thence east to the center of Sulphur Creek, thence following the Center thread of Sulphur Creek in a general Southeasterly direction to a point on the south boundary line of Parcel No. 2, thence west to the Southwest corner of Parcel No. 2, thence North 330 feet to point of beginning.

Together with water rights described as follows:

Sixteen hundredths (.16) cubic feet per second (c.f.s.)
of the water of the Fremont River comprising a part of the .44 c.f.s. conveyed to Seller by that certain deed from Clarence and Marie Mulford, et al. dated June 16, 1945 and recorded June 18, 1945 in Book 8 of Deeds, page 394, Records of Wayne County, Utah.

And together with all of the seller's interest in
diligence water rights from Sand Creek also known
as Sulphur Creek and more particularly described in
that certain affidavit of Aaron E. Holt dated June 14,
1945, and recorded June 16, 1945 in Book Q of Deeds,
page 393, Wayne County Records.

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

United States of America,

Plaintiff

v.

284.31 acres of land, more or
less, in the County of Wayne,
State of Utah, Richard W.
Sprang, et al.,

Defendants

Civil No. C-95-61

In the matter of the acquisition
by the United States of America
of certain parcels of land situate,
lying and being in the County of
Wayne, State of Utah, for use in
connection with the Capitol Reef
National Monument of the National
Park Service of the Department of
the Interior.

DECLARATION OF TAKING

Pursuant to the authority delegated on February 17, 1959, by the
Secretary of the Interior under subparagraphs (6) and (7) of 210.2.2 Depart-
mental Manual of the Department of the Interior (24 F. R. 1548), to the
Solicitor of the Department of the Interior, I do hereby make and cause to
be filed this Declaration of Taking under and in accordance with the act
of Congress approved February 26, 1931 (46 Stat. 1421; 40 U.S.C., sec. 2580),
and acts supplementary thereto and amendatory thereof, and declare that:

FIRST: (a) The lands shown on the exhibits attached hereto
are taken pursuant to and under authority of the Department of the Interior
and Related Agencies Appropriation Act, 1961 (74 Stat. 104), which makes
funds available for such purposes.

(b) The lands described in the exhibits have been selected
by me for acquisition by the United States for use in connection with the
development of the Capitol Reef National Monument, administered by the
National Park Service of the Department of the Interior, and are required
for immediate use.

RECEIVED WITH MEMO OF H/2/12

(c) In my opinion it is necessary, advantageous, and in the interest of the United States that said lands be acquired by judicial proceedings as authorized by the act of August 1, 1888 (25 Stat. 357; 40 U.S.C., sec. 257).

(d) The public use for which such lands are taken is as follows:

The lands are needed for road construction and for national monument purposes for the benefit and enjoyment by the visiting public.

SECOND: Pursuant to law, I have selected for acquisition for the purposes of the acts of Congress cited above certain lands and premises located in the County of Wayne, State of Utah, described in Exhibits I through V and shown on plats marked Exhibits "A" through "E", respectively, which are annexed hereto, in the attached pocket, and made a part hereof as follows:

<u>Tract No.</u>	<u>Description</u>	<u>Plat</u>
3	Exhibit I	"A"
8	Exhibit II	"B"
9	Exhibit III	"C"
10	Exhibit IV	"D"
7	Exhibit V	"E"

aggregating 284.31 acres of land, more or less.

Together with all and singular the water rights and other rights, tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining.

THIRD: The estate taken for such public use is the full fee simple title in and to the said lands, subject to existing roads and easements for sewer, gas and water pipe lines, and other public utilities, if any.

FOURTH: The total sum estimated by me as just compensation for the lands taken hereunder is One hundred thirty thousand, eight hundred fifty dollars (\$130,850), which sum I hereby deposit in the Registry of

the Court for the use and benefit of the parties entitled thereto as follows:

Tract 3	Ostensible Owners: Sprang, Richard W. and Elizabeth (nee Lewis) the sum of \$77,500
Tract 8 (part)	Ostensible Owners: Brimhall, Dean R. and L. M. Brimhall the sum of \$6,500
Tract 9	Ostensible Owners: Krueger, Max L. and Aliene the sum of \$29,850
Tract 10	Ostensible Owner: Utah Wonderland Stages, Inc. the sum of \$5,000
Tract 7	Ostensible Owners: Smith, Merin and Cora the sum of \$12,000
Total sum - \$130,850.	

I am of the opinion that the ultimate award for said lands will probably be within the limits of allocations and allotments made and provided for the purpose of acquiring same.

IN WITNESS WHEREOF, I have signed this Declaration of Taking in the City of Washington, District of Columbia, this 23rd day of December, 1961.

/S/ FRANK J. BARRY

Solicitor of the Department
of the Interior of the
United States of America

CERTIFIED A TRUE COPY


Attorney Advisor
Branch of National Parks
Office of the Solicitor
Department of the Interior

DEED

Beatrice Adams, of _____, Grantor,
hereby conveys and grants to Dean R. Brimhall of Salt Lake
City, Utah, Grantee, for the sum of One Dollar and other
valuable considerations

Forty-four hundredths (.44) of a second foot of
water in the Fremont River, Deeded to the above
grantor and others according to their respective
individual rights.

Witness the hand of said Grantor this 16 day of

July, 1945

Beatrice Adams
Beatrice Adams

STATE OF Utah :
COUNTY OF Lincoln : SS.

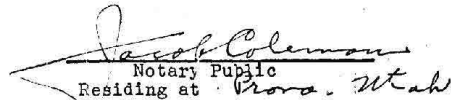
On the 16 day of July, 1945, personally
appeared before me Beatrice Adams, the signer of the above
instrument who duly acknowledged to me that she executed the
same.

Donathy Baker
Notary Public, Residing at
Ridgely, Utah

My Commission expires Apr. 18-1948

STATE OF UTAH :
: SS.
COUNTY OF WAYNE:

On the 16 day of June, 1945 personally
appeared before me Clarence Mulford, Marie Mulford, Wm.
Chestnut, Dicey Chestnut, Merin Smith, Cora Smith, M. V.
Oyler, Elvira Oyler, Dewey Gifford and Nellie Gifford, the
signers of the foregoing instrument, who duly acknowledged
to me that they executed the same.


Notary Public
Residing at Piava, Utah

My Commission expires Aug. 25, 1948

14972
39 acres
14 1/2
33 acres

WARRANTY DEED

Orval Mott and Laura Mott his wife,

Grantors, of Torrey, in the County of Wayne
State of Utah, hereby convey and warrant to Dean R. Brimhall 20 South 13 East 34

Grantee, of 20 South 13 East, Salt Lake City, Utah.

for the sum of Thirty five hundred 3500.00 DOLLARS

the following described tract of land in Wayne County, State of Utah, to-wit:

The Northeast quarter of the Southwest quarter of Section 15, Township 29 South Range 6 East, S. L. M. less the following easement to the United States:

A strip of land 100 feet wide, being 50 feet on each side of the following described line:

Beginning at a point 1571.15 feet east of the quarter corner of sections 15 and 16, township 29 South Range 6 East S. L. M. thence South 29 degrees, 21 minutes east, 141.05 feet; thence to the left on a 1487.43 foot radius, curve 298.89 feet, this point being South 78 degrees, 33 minutes East 1846.82 feet of the said quarter corner of sections 15 and 16 containing 0.96 acres.

Containing 39 acres more or less, together with all water rights as decreed by the court by Judge N. J. Bates, also the Sand Creek water as filed on by Aaron Holt in the State Engineers office.

Also Commencing at the Northeast corner of the Northeast quarter of the Southwest quarter of Section 15, Township 29 South, Range 6 East, S. L. M. thence East 28 rods; thence South 80 rods; thence West 28 rods; thence North 80 rods to beginning, Containing 14 acres more or less.



WITNESS THE HAND of said Grantor, 8, this 18 day of March, A. D. 19 43.

Signed in the presence of

Arthur Brimhall

Orval Mott
Laura Mott

STATE OF UTAH, }
 County of Wayne } ss.
 On the 18 day of March, A. D. 1943, personally appeared
 before me, a Notary Public in and for the State of Utah, Orval Mott and Laura Mott
his wife.
 the signers of the above instrument, who duly acknowledged to me that they executed the same.

 Notary Public
 My commission expires _____ Residence Loa, Utah.

No. 14972

WARRANTY DEED

Orval Mott and Laura Mott
 his wife
 Grantor

Dean F. Brimhall
 Grantee

Date March 18, 1943

Recorded at the request of
Dean R. Brimhall

June 23, 1943
 at 1 o'clock PM, in Book G
 of Deeds, Page 253

Arthur R. Brimhall
 Recorder Wayne County, Utah
 Deputy

Received by _____
 Recorded by _____
 Provided by _____

Witness { Grantor _____
 Grantee _____
 Absent _____
 Page _____
 Fee Paid _____
 Mail _____

NO. 101 NEW CENTURY BLANKS

Other Supporting Information



United States Department of the Interior

NATIONAL PARK SERVICE

Capitol Reef National Park
Torrey, Utah 84775

IN REPLY REFER TO:

WR # 2

L54

June 15, 1973

RE: Sulphur Creek (Sand Creek)
Diligence Claim

Mr. Kenward H. McKinney
Office of the State Engineer
Post Office Box 718
Price, Utah 84501

Dear Mr. McKinney:

Enclosed is the "Statement of Water User's Claim to Diligence Rights" which was received in this office today. I have signed for the National Park Service and the forms have been duly notarized. The statutory \$5.00 filing fee is included.

I wish to thank you for your consideration and assistance in this matter. Since your visit to the area, we have been receiving our water without interruption.

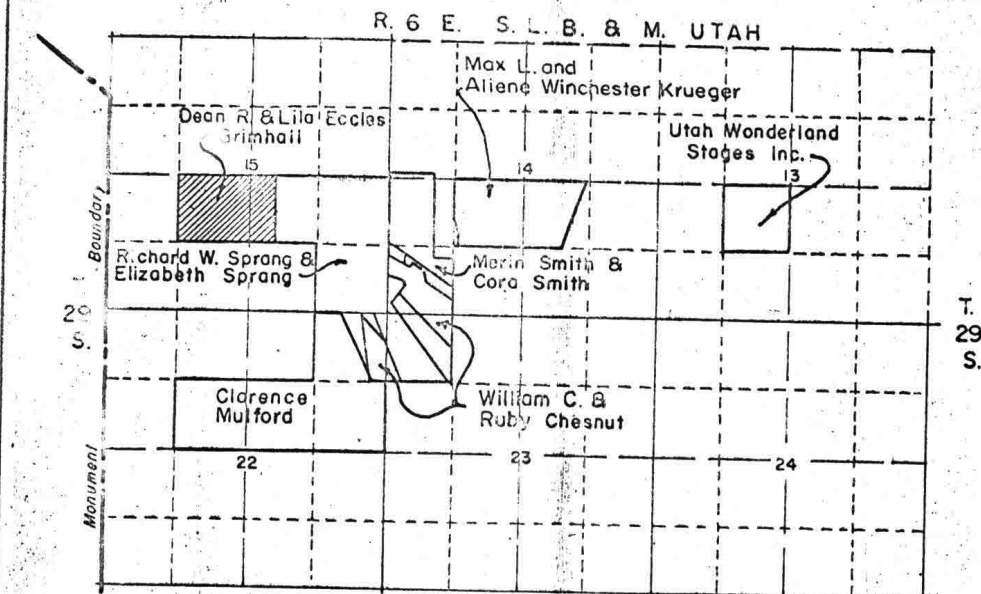
Sincerely,

SIGNED

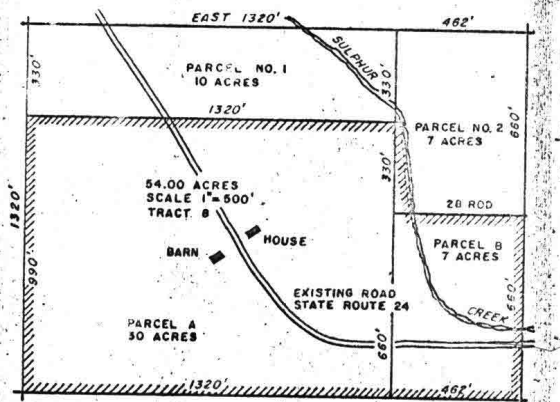
William F. Wallace
Superintendent

Enclosures

*File
Docket*

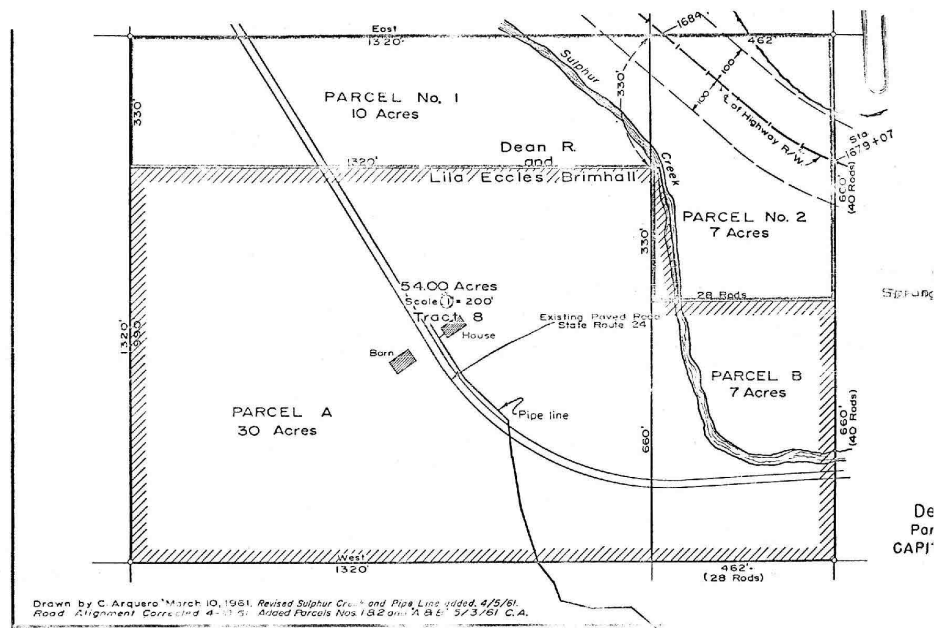


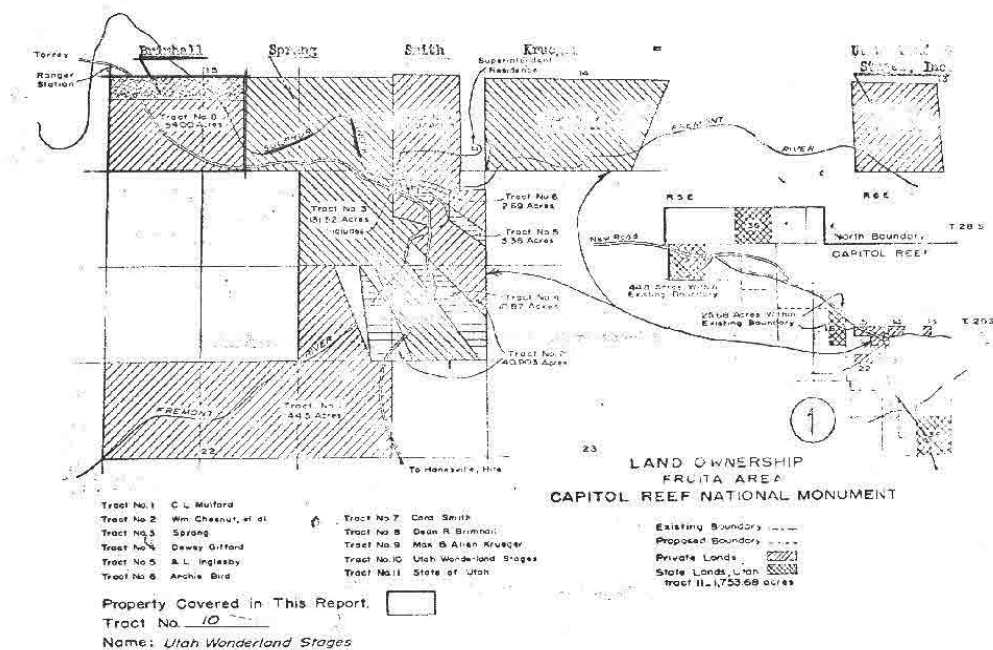
VICINITY MAP
Showing Private Land
SCALE 1" = 1/2 MILE.



PARCELS NOS. 1 & 2
ACQUIRED BY
CONDEMNATION.
PARCELS A & B
ACQUIRED BY
PURCHASE

TRACT NO. 8 - DEED NO. 10
17.00 Acres
BRIMHALL PROPERTY
Capitol Reef National Monument





Docket Information

Number of Documents in Docket 38

Documents Dated from 3/18/1943 to 6/15/1973

Docket Compiled: 2/2/2011