

E# 2717603 PG 1 OF 12
LEANN H KILTS, WEBER COUNTY RECORDER
12-JAN-15 432 PM FEE \$32.00 DEP TOT
REC FOR: PENROD GROUP

**DEED OF RIGHT OF WAY AND
APPURTENANT PRESCRIPTIVE DITCH EASEMENT FOR IRRIGATION**



W2717603

TO WHOM IT MAY CONCERN:

By the filing of this Notice, The Rafter P LLC and/or The Penrod Group LLC, and/or Casey K. Penrod, Kathryn M. Penrod, and Cinch K. Penrod, as joint tenants, and/or Kathryn S. Penrod, as Trustee of the Kathryn S. Penrod Living Trust, a revocable trust, dated December 14, 2005, publish **NOTICE OF RIGHT OF WAY AND PRESCRIPTIVE DITCH EASEMENT FOR IRRIGATION ("Easement")** for the conveyance of water to real property owned by them as holder(s) of the Dominant Estate of this Prescriptive Easement, appurtenant to the following described real property:

ALL OF THE FOLLOWING DESCRIBED PROPERTY LYING NORTH OF THE NORTH LINE OF THE SOUTHERN PACIFIC RAILROAD (ALSO KNOWN AS CENTRAL PACIFIC RAILROAD COMPANY) TRACT: PART OF THE NORTHEAST QUARTER AND PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 NORTH, RANGE 3 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT 31.5 RODS EAST FROM THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; RUNNING THENCE SOUTH 240 RODS; THENCE EAST 94.81 RODS; THENCE NORTH 2,027 FEET; THENCE WEST 732.25 FEET; THENCE NORTH 1,454.5 FEET; THENCE WEST 478.5 FEET; THENCE NORTH 479 FEET TO THE NORTH LINE OF SAID SECTION; THENCE WEST TO THE PLACE OF BEGINNING. RESERVING FROM ABOVE THE RIGHT OF WAY OF THE SOUTHERN PACIFIC RAILROAD COMPANY AND 0.40 ACRE IN COUNTY ROAD,

known as Weber County Parcel # 10-044-0073. The Rafter P Ranch and/or The Penrod Group LLC and/or Casey K. Penrod, Kathryn M. Penrod, and Cinch K. Penrod, as joint tenants, and/or Kathryn S. Penrod, Trustee of the Kathryn S. Penrod Living Trust, a revocable living trust, dated December 14, 2005, hereby give Notice of Right of Way as the holder(s) of the Dominant Estate of this Prescriptive Easement for the conveyance and receipt of irrigation water, appurtenant to the above described property. The Appurtenant Prescriptive Easement has been created as an operation of law based on the Easement Holder's(s') and Holder's(s') Predecessor's open, and notorious use of the irrigation ditches identified below for a continuous period exceeding twenty years, such use being adverse to the interests of the servient estate holders herein identified. Based on historical use, this Easement includes unlimited use for irrigation and unlimited access for purposes of evaluating the condition of said Easement. The servient estate holder(s) shall bear the cost of repairing and maintaining said Easement in suitable condition to maximize water flow and minimize water loss, including maintaining the historical physical attributes, shoring banks, plugging holes, and removing any impediments to the water flow, such as those from weeds, moss, other flora and any obstructions in the ditch canal. This Easement includes

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the entirety of the irrigation ditches used to convey water to Holder's property. To facilitate identification of the affected ditches described herein, the irrigation system used to deliver Holder's water has been broken in to Segments, identified by Segments Nos. A through N, more specifically described below and traversing Sections 12, 13, 14, 23, and 24, Township Six (6) North, Range Three (3) West, Salt Lake Base and Meridian, County of Weber, State of Utah, as shown Exhibits 1 through 6, attached herewith.

Segment A (Pink)

A parcel of property in the Southeast Quarter of Section 14, Township Six (6) North, Range Three (3) West, Salt Lake Base and Meridian, County of Weber, State of Utah. Said parcel containing an irrigation ditch, beginning at a point on the North Line of said Southeast Quarter, approximately (838) feet west of the East boundary of said Section 14; running thence south, heading 180.05 degrees, approximately 1,305 feet to a point approximately 15 feet north of the South Line of NE $\frac{1}{4}$ of said Southeast Quarter of Section 14, and containing approximately .8988 percent of an acre. Segment A traverses two servient estates, identified as the following land parcels: 1.) Weber County Parcel ("WCP") #10-036-00054, currently owned by the Gary F. Meibos & Ann F. Meibos Trust, and 2) WCP #10-036-0043, currently held by the Meibos Family Partnership. See Exhibits 1 and 2.

Segment A

Length: 1305 Feet

Width: 30 Feet

Acreage: .8988 Acre

Latitude: 41°15'19.47"N

Longitude: 112° 8'41.09"W

Range: 576m

Heading: 180.05

Tilt: 29.000000°

Imagery Date: Jun 04, 2013 4:29 pm

Segment B (Light Green)

A parcel of property in the Southeast Quarter of Section 14, and the Southwest Quarter of Section 13, Township Six (6) North, Range Three (3) West, Salt Lake Base and Meridian, County of Weber, State of Utah, containing an irrigation ditch and beginning at a point approximately one thousand three hundred five (1,305) feet south of the North Line of said Southeast Quarter of Section 14 and eight hundred thirty-eight (838) feet west of the East Line of said Section 14; running thence east, heading 91 degrees, approximately 838 feet to the East Line of Section 14; thence continuing to run east an additional sixty-one (61) feet to a point on the South Line of the NW $\frac{1}{4}$ of said Southwest Quarter of Section 13, said point being approximately sixty-one (61) feet East of the West Line of Section 13, and containing .6189 acres. The irrigation ditch is bordered on the North by three actual and/or potentially servient estates, and is also bordered on the South by three actual

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and/or potentially servient estates. The servient estates are identified by Weber County parcel numbers, as follows. The parcels on the North side of the ditch are: 1) WCP #10-036-0043, held in the name of the Meibos Family Partnership, 2) WCP #10-035-0006, held in the names of Jerry K. and Janet Allen, and 3) WCP #10-035-0033, held in the name of Shane T. and Jaime Hemming. The affected parcels on the South side of the ditch are: 1) WCP #10-036-0009, held in the name of West Warren Partnership LLC, 2) WCP #10-036-0007, held in the name of Paul D. Sherman, and 3) WCP #10-035-0015, held in the name of Myrtle Knight, Trustee, $\frac{1}{2}$ et. al. See Exhibits 1 and 2.

Segment B

Length: 898.68
 Width: 30 Feet
 Acreage: .6189
 Latitude: 41°15'11.84"N
 Longitude: 112° 8'33.77"W
 Range: 328m
 Heading: 91.000000°
 Tilt: 18.000000°
 Imagery Date: June 04, 2013

Segment C (Purple)

A parcel of property in the Southwest Quarter of Section 13, Township Six (6) North, Range Three (3) West, Salt Lake Base and Meridian, County of Weber, State of Utah, containing an irrigation ditch, and beginning at a point on the South Line of the NW $\frac{1}{4}$ of said Southwest Quarter of Section 13 and approximately sixty-one (61) feet east of the West Line of Section 13; running thence approximately three hundred twenty nine (328.56) feet southeasterly, at 140.44 degrees, to a point in the SW $\frac{1}{4}$ of said Southwest Quarter of said Section 13, said point being approximately one thousand five hundred and seven (1,573) feet south of the North Line of said Southwest Quarter of Section 13, and approximately two hundred sixty-seven (267) feet East of the West Line of Section 13, and containing approximately .2263 acres. The Segment C irrigation ditch traverses two actual and/or potential servient estates, identified as land parcels: 1) WCP #10-035-0033, held in the names of Shane T. and Jaime Hemming, and 2) WCP #10-035-0015, held in the name of Myrtle Knight, Trustee, $\frac{1}{2}$, et. al. See Exhibits 1 and 2.

Segment C

Length: 328.56 Feet
 Width: 30 Feet
 Acreage: .2263 Acre
 Latitude: 41°15'2.54"N
 Longitude: 112° 8'28.70"W
 Range: 585m
 Heading: 140.44

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Tilt: 26.000000°
Imagery Date: June 4, 2013

Segment D (Yellow)

A parcel of property in the Southwest Quarter of Section 13, Township Six (6) North, Range Three (3) West, Salt Lake Base and Meridian, County of Weber, State of Utah, said parcel containing an irrigation ditch, and beginning at a point approximately one thousand five hundred and seven (1,573) feet south of the North Line of the Southwest Quarter of Section 13 and approximately two hundred sixty-seven (267) feet east of the West Line of Section 13; running thence southeasterly, heading 163 degrees, 1,100.56 feet, to a point approximately sixty (60) feet north of the South Line of Section 13 and six hundred eight (608) feet east of the West Line of said Section 13, and containing approximately .7580 acres. The Segment D irrigation ditch traverses two servient estates: 1) WCP #10-035-0015, held in the name of Myrtle Knight, Trustee, 1/2, *et al*, and 2) WCP #10-035-0014, held in the name of Myrtle Knight, Trustee, 1/2, *et. al*. See Exhibits 1, 2 and 3.

Segment D

Length: 1100.65 Feet
Width: 30 Feet
Acreage: .7580 Acre
Latitude: 41°15'6.01"N
Longitude: 112° 8'27.31"W
Range: 280m
Heading: 163.000000°
Tilt: 30.000000°
Imagery Date: June 04, 2013

Segment E (Green)

A parcel of property in the Southwest Quarter of Section 13, Township Six (6) North, Range Three (3) West, Salt Lake Base and Meridian, County of Weber, State of Utah, containing an irrigation ditch, and beginning at a point approximately 60 feet north of the South Line of Section 13 and 608 feet East of the West Line of Section 13; running thence west, heading 270 degrees, 290 feet to a point that is approximately 318 feet East of the West Line of Section 13 and approximately 60 feet North of the South Line of Section 13; said parcel containing approximately .1997 acres. The Segment E irrigation ditch traverses one servient estate, identified as WCP #10-035-0014, held in the name of Myrtle Knight, Trustee, 1/2, *et. al*. See Exhibits 1 and 3.

Segment E

Length: 290 Feet
Width: 30 Feet
Acreage: .1997 Acres
Latitude: 41°15'9.32"N
Longitude: 112° 8'19.35"W

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Range: 1531m
 Heading: -90.000000°
 Tilt: 23°
 Imagery Date: June 04, 2013

Segment F (Red)

A parcel of property in the Southwest Quarter of Section 13, and the Northwest Quarter Section 24, Township Six (6) North, Range Three (3) West, Salt Lake Base and Meridian, County of Weber, State of Utah, containing an irrigation ditch and banks approximately thirty (30) feet wide, beginning at a point approximately 318 feet east of the West Line of Section 13 and approximately 60 feet North of the South Line of Section 13; running thence South, heading 180 degrees, approximately 710 feet, with the first approximately 80 feet running underground under the street known as 900 South, to a point in the NW ¼ of said Northwest Quarter of Section 24, said point being approximately 650 feet south of the North Line of Section 24 and 275 feet east of the West Line of Section 24, and containing approximately .4890 acres. The Segment F irrigation ditch crosses four actual and /or possible servient estates, identified as: 1) WCP #10-035-0014, held in the name of Myrtle Knight, Trustee, 1/2, *et. al.*, 2) WCP #10-045-0037, held in the names of Dale E. and Inez Penrod, Trustees, 3) WCP #10-045-0039, held in the name of Blaine and Ilene Wade Family Trust, and WCP #10-045-0041, held in the names of Dale E. and Inez Penrod, Trustees. See Exhibits 1, 3 and 4.

Segment F

Length: 710 Feet
 Width: 30 Feet
 Acreage: .4890 acres
 Latitude: 41°14'55.91"N
 Longitude: 112° 8'22.92"W
 Range: 477m
 Heading: 180.000000°
 Tilt: 26.000000°
 Inage Date: June 04, 2014

Segment G (Gold)

A parcel of property in the Northwest Quarter of Section 24, Township Six (6) North, Range Three (3) West, Salt Lake Base and Meridian, County of Weber, State of Utah, containing an irrigation ditch and banks approximately thirty (30) feet wide, beginning at a point approximately 55 feet south of the North Line of Section 24 and 318 feet east of the West Line of Section 24; running thence east, heading 91 degrees, 437 feet to a point that is approximately 755 feet east of the West Line of Section 24 and approximately 55 feet south of the North Line of Section 24, said ditch running parallel with and south of the road known as 900 South, and containing approximately .3010 acres. The Segment G irrigation ditch traverses two actual and/or possible

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servient estates, identified as WCP #10-045-0039, held in the name of Blaine and Ilene Wade Family Trust, and WCP #10-045-0037, held in the names of Dale E. and Inez Penrod, Trustees. See Exhibits 1 and 3.

Segment G (Gold)

Length: 437 feet
 Width: 30 Feet
 Acreage: .3010 Acres
 Latitude: 41°14'55.88"N
 Longitude: 112° 8'22.85"W
 Range: 631m
 Heading: 91.000000°
 Tilt: 27.000000°
 Imagery Date: June 04, 2013

Segment H (Blue)

A parcel of property in the Northwest Quarter of Section 24, and the Northeast Quarter of Section 23, Township Six (6) North, Range Three (3) West, Salt Lake Base and Meridian, County of Weber, State of Utah, containing an irrigation ditch with banks approximately thirty (30) feet wide, beginning at a point approximately 650 feet south of the North Line of Section 24 and 275 feet west of the East Line of Section 24; running thence west, heading 270 degrees, approximately 512 feet to a point approximately 237 feet west of the East Line of Section 23 and 652 feet south of the North Line of Section 23, and containing approximately .3526 acre. The Segment H irrigation ditch crosses four actual and /or possible servient estates, identified as follows: 1) WCP # 10-45-0041, held in the names of Dale E. and Inez Penrod, Trustees, 2) WCP #10-045-0045, held in the name of Dale E. and Inez Penrod, Trustees, 3) WCP #10-044-0003, held in the name of County of Weber, and 6) WCP #10-044-0001, held in the names of Dale E. and Inez Penrod, Trustees. See Exhibits 1 and 4.

Segment H (Blue)

Length: 512 Feet
 Width: 30 Feet
 Acreage: .3526 Acres
 Latitude: 41°14'55.88"N
 Longitude: 112° 8'22.85"W
 Range: 631m
 Heading: 270.000000°
 Tilt: 27.000000°
 Imagery Date: June 04, 2013

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Segment I (Dark Green)

A parcel of property in the Northeast Quarter of Section 23, Township Six (6) North, Range Three (3) West, Salt Lake Base and Meridian, County of Weber, State of Utah, containing an irrigation ditch approximately thirty (30) feet wide, beginning at a point approximately 237 feet west of the East Line of Section 23 and 652 feet south of the North Line of Section 23; running thence southwest, 225.07 degrees, approximately 485 feet to a point approximately 555.89 feet west of the East Line of Section 23 and approximately 1,005 feet south of the North Line of Section 23, more or less, and containing approximately .3340 acre. The Segment I irrigation ditch traverses three actual and/or servient estates, identified as: 1) WCP #10-044-0001, held in the names of Dale E and Inez Penrod, Trustees, and 2) WCP #10-044-0074, held in the name of the Federal Home Loan Mortgage Corporation, and 3) WCP #10-044-0006, held in the name of Linda K. Barrow. See Exhibits 1 and 4.

Segment I (Dark Green)

Length: 485 Feet
 Width: 30 Feet
 Acreage: .3340 Acres
 Latitude: 41°14'55.88"N
 Longitude: 112° 8'22.85"W
 Range: 631m
 Heading: 223.000000°
 Tilt: 27.000000°
 Imagery Date: June 04, 2013

Segment J (Light Blue)

A parcel of property in the NE ¼ of Section 23, Township Six (6) North, Range Three (3) West, Salt Lake Base and Meridian, County of Weber, State of Utah, containing an irrigation ditch and banks approximately thirty (30) feet wide, beginning approximately 555.89 feet West of the East Line of Section 23 and approximately 1,005 feet south of the North Line of Section 23; running thence south, heading approximately 180 degrees, 932 feet to a point 617 feet south of the North Line of the SE ¼ of said Northeast Quarter of Section 23 and approximately 555.89 feet west of the East Line of said Section 23, more or less, and containing approximately .3209 acre. The southern boundary of this parcel lays approximately 55 north of the Center Line and is parallel with the Center Line of the UPRR ROW. The Segment J irrigation ditch traverses three actual and/or probable servient estates, identified as: 1) WCP #10-044-0001, held in the names of Dale E. and Inez Penrod, Trustees, 2) WCP #10-044-0074, held in the name of the Federal Home Loan Mortgage Corporation, and 3) WCP #10-044-0006, held in the name of Linda K. Barrow. See Exhibits 1, 4 and 5.

Segment J (Light Blue)

Length: 932 Feet
 Width: 30 Feet
 Acreage: .6419 Acres
 Latitude: 41°15'9.90"N

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Longitude: 112° 8'39.16"W
Range: 947m
Heading: 180.000000°
Tilt: 28.000000°
Imagery Date: June 04, 2013

Segment K (Orange)

A parcel of property in the Northeast Quarter of Section 23, Township Six (6) North, Range Three (3) West, containing an irrigation ditch and banks approximately thirty (30) feet wide, beginning at a point 555.89 feet west of the East Line of Section 23 and 55 feet north of the Center Line of the Central Pacific Railroad Company Right of Way; running thence west, heading approximately 270 degrees, approximately 769.89 feet to the western border of Weber County Parcel #10-044-0073, more or less, and containing approximately .5302 acre. The Segment K irrigation ditch traverses one actual or probable servient estate, identified as: 1) WCP #10-044-0006, held in the name of Linda K. Barrow. See Exhibits 1 and 5.

Segment K

Length: 769.89 Feet
Width: 30 Feet
Acreage: .5302 Acres
Latitude: 41°14'57.96"N
Longitude: 112° 8'36.61"W
Range: 985m
Heading: 270.000000°
Tilt: 26.000000°
Imagery Date: June 04, 2013

SEGMENT L (Dark Purple)

A parcel of property in the Northeast Quarter of Section 23, Township Six (6) North, Range Three (3) West, Salt Lake Base and Meridian, County of Weber, State of Utah, containing an irrigation ditch and banks approximately thirty (30) feet wide, beginning at a point in said Northeast Quarter of Section 24, said point being approximately 650 feet south of the North Line of Section 23 and 30 feet west of the East Line of Section 23; running thence south, heading 180.556 degrees, 1,496.45 feet to a point in the SE ¼ of said Northeast Quarter of Section 23, said point being approximately 2,146 feet south of the North Line of Section 23 and 50 feet west of the East Line of Section 23, more or less, and containing 1.0306 acres. The Segment L irrigation ditch traverses four actual or probable servient estate, identified as: 1) WCP #10-045-0041, held in the name of Dale E. and Inez Penrod, Trustees; 2) WCP #10-044-0003, held in the name of County of Weber; 3) WCP #10-045-0045, held in the name of Dale E. and Inez Penrod, Trustees; and 4) WCP #10-044-0001, held in the names of Dale E. and Inez Penrod, Trustees. The Segment L irrigation ditch also traverses two parcel claimed by the

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purported Grantee with deeds which are invalid due to the lack of a proper Grantor and which have been improperly recorded by Weber County, which are identified as: 1) WCP #10-044-0084, recorded in the name of Reese Station, LLC; and 2) WCP #10-044-0082, recorded in the name of Reese Station, LLC. See Exhibits 1, 4 and 5.

Segment L (Dark Purple)

Length: 1,496.45 Feet
 Width: 30 Feet
 Acreage: 1.0306 Acres
 Latitude: 41°14'43.24"N
 Longitude: 112° 8'33.02"W
 Range: 368m
 Heading: 180.56000000°
 Tilt: 30.000000°
 Imagery Date: June 04, 2013

Segment M (Peach)

A parcel of property in the East Half of Section 23, Township Six (6) North, Range Three (3) West, Salt Lake Base and Meridian, County of Weber, State of Utah, containing an irrigation ditch and banks approximately thirty (30) feet wide, beginning at a point approximately 2,146 feet south of the North Line of Section 23 and 50 feet west of the East Line of Section 23; running thence west, heading approximately -91.00000 degrees, for approximately six hundred eleven (611), to a point in the East ½ of said Section 23, said point being approximately 2,146 feet south of the North line of Section 23, and six hundred sixty-one feet east of the West Line of said Section 23, more or less, and containing approximately .4208 acre. The Segment M irrigation ditch traverses three actual or probable servient estate, identified as: 1) WCP #10-045-0041, held in the name of Dale E. and Inez Penrod, Trustees; 2) WCP #10-045-0045, held in the name of Dale E. and Inez Penrod, Trustees; and 3) WCP #10-044-0001, held in the names of Dale E. and Inez Penrod, Trustees. The Segment M irrigation ditch also traverses one parcel claimed by the purported Grantee with a deed which is invalid due to the lack of a proper Grantor and which has been improperly recorded by Weber County, which is identified as: 1) WCP #10-044-0084, recorded in the name of Reese Station, LLC. See Exhibits 1 and 5.

Segment M (Peach)

Length: 611 Feet
 Width: 30 Feet
 Acreage: .4208 Acre
 Latitude: 41°14'42.94"N
 Longitude: 112° 8'37.30"W
 Range: 597m
 Heading: -90.000000°

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Tilt: 35.000000°
Imagery Date: June 04, 2013

Segment N (Dark Rose)

A parcel of property in the East ½ of Section 23, and the West ½ of Section 24, Township Six (6) North, Range Three (3) West, Salt Lake Base and Meridian, County of Weber, State of Utah, containing an irrigation ditch and banks approximately thirty (30) feet wide, beginning at a point approximately 2,146 feet south of the North Line of Section 23 and 50 feet west of the East Line of Section 23; running thence east, heading approximately 91.00000 degrees, for approximately fifty feet to the East Line of Section 23; thence continuing to run east, heading approximately -91 degrees, for approximately an additional seven hundred thirty-three (733) feet to a point in the West ½ of Section 24, said point being approximately 2,146 feet south of the North Line of Section 24 and 733 feet east of the West Line of Section 24, more or less, and containing approximately .5393 acre. The Segment N irrigation ditch traverses three actual or probable servient estate, identified as: 1) WCP #10-045-0041, held in the name of Dale E. and Inez Penrod, Trustees; 2) WCP #10-045-0045, held in the name of Dale E. and Inez Penrod, Trustees; and 3) WCP #10-044-0001, held in the names of Dale E. and Inez Penrod, Trustees. The Segment N irrigation ditch also traverses one parcel claimed by a purported Grantee with a deed which is invalid due to the lack of a proper Grantor and which has been improperly recorded by Weber County, which is identified as: 1) WCP #10-044-0084, recorded in the name of Reese Station, LLC. See Exhibits 1, 5 and 6.

Segment N (Dark Rose)

Length: 783 Feet
Width: 30 Feet
Acreage: .5393 Acre
Latitude: 41°14'50.10"N
Longitude: 112° 8'31.84"W
Range: 1677m
Heading: 90.000000°
Tilt: 35.000000°
Imagery Date: June 04, 2013

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SIGNED AND DELIVERED THIS 12th day of January, 2015

George Kelly Penrod
G. Kelly Penrod, Authorized Member

1-12-15
Date

State of Utah)
County of Davis DAVIS)

On the 12th day of January, 2015, personally appeared before me, George Kelly Penrod, the signer of the above instrument, who duly acknowledged to me that she executed the same.

Witness my hand and official seal this 12th day of January, 2015.

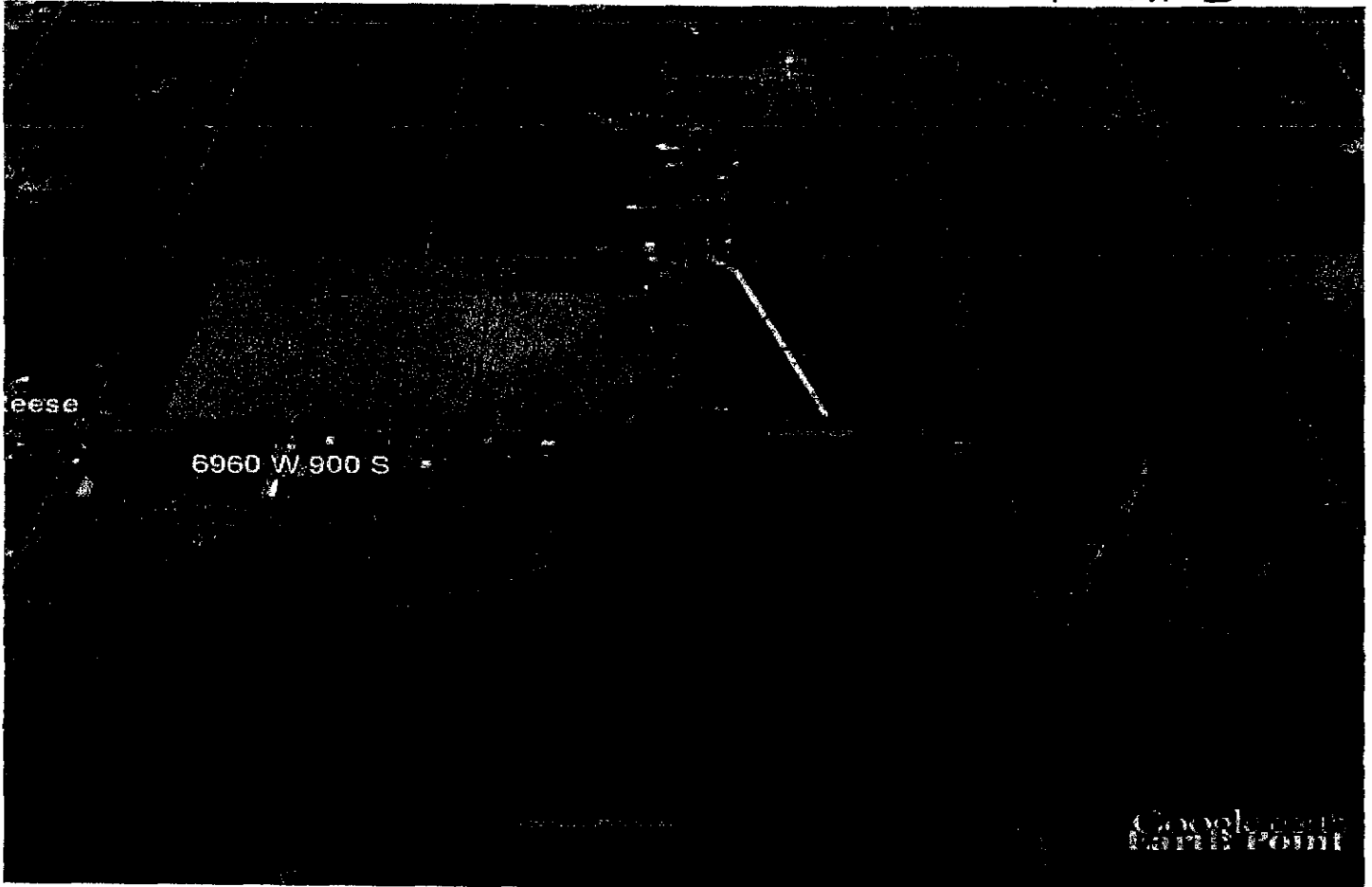
My Commission Expires: 02/03/2016

Layton, Utah
Notary Public Residing In

Michael A. Torres
Notary Public



Exhibit 1



Google earth

feet
meters

