

EASEMENT TO USE DISTRIBUTION SYSTEM

ASH CREEK IRRIGATION COMPANY, a corporation of the County of Washington, State of Utah, GRANTOR, for the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged and for the consideration of an agreement dated June 12, 1987, with the State of Utah, acting through the BOARD OF WATER RESOURCES, GRANTEE, for the reconstruction of Ash Creek Dam spillway and outlet works, does hereby grant and assign to the State of Utah, acting through the BOARD OF WATER RESOURCES, an easement to use the existing water distribution system of canals, ditches, pipelines and all appurtenant works and facilities of the ASH CREEK IRRIGATION COMPANY in the following sections:

- 9. The water involved has been or was to have been used for the following purposes in the following described legal subdivisions: (If used for irrigation, state sole or supplemental supply, and describe other supplemental rights.)

Irrigation Parts of Sec. 36, T39S, R13W, Secs. 1, 2, 11, 22, 23, 27, 34, and T40S, R13W, Secs. 2, 3, 5, 6, 7, 8, 10, 11, 12, 14, 15, 16, 17, and 18, T41S, R13W; Sec. 6, 12, 13, 14, and 23, T41S, R14W; all in SLB&M.

Total acres to be irrigated 3800 plus culinary water for 5,000 people

See exhibit A over

WITNESS, the hand of the GRANTOR, this 12 day of June, 1987.

ASH CREEK IRRIGATION COMPANY

ATTEST:

Wayne H. Hinton Secretary

Dewey Hardcastle President

STATE OF UTAH)
: ss.
County of Washington)

On the 12 day of June, 1987, personally appeared before me Dewey Hardcastle and Wayne H. Hinton who being by me duly sworn, did say that they are the President and Secretary, respectively, of the ASH CREEK IRRIGATION COMPANY, and that the said instrument was signed in behalf of said corporation by authority of a resolution of its stockholders, and said Dewey Hardcastle and Wayne H. Hinton acknowledged to me that said corporation executed the same.

Vera H. Rogers Notary Public

My Commission Expires: May 29, 1987

Notary Public Seal: VERA H. ROGERS, Notary Public, State of Utah. Recording stamp: 1987 SEP 17 PM 12:04, 320911, WASHINGTON COUNTY RECORDER.

The flow of water from Toquerville Springs, in excess of existing rights to the use of water therefrom, will be diverted at the location described in Paragraph (14) or rediverted, distributed and used as a supplemental supply as follows:

1. From Toquerville Springs and Ash Creek into the Wallace Highline Canal at a point N 17° 43'E, 2088 feet from S½ corner Sec. 35, T40S, R13W, SLB&M conveyed a distance of 8,271 feet and used to irrigate 80.7 acres of land in SW¼ SW¼ Sec. 11; NW¼ NW¼ Sec. 14; and NE¼ Sec. 15; T41S, R13W, SLB&M.
2. From Toquerville Springs at a point N 17° 43'E, 2088 feet from S½ corner Sec. 35, T40S, R13W, SLB&M, and used for domestic and municipal purposes in the Town of Toquerville.
3. From Toquerville Springs as described in diversion (2) and used for domestic and municipal purposes in the Town of La Verkin.
4. From Toquerville Springs as described in diversion (2) and used for domestic and municipal purposes in the Town of Hurricane.
5. From Toquerville Springs into the Spring Ditch as described in diversion (2) and used to irrigate 5 acres of land in Sec. 35, T40S, R13W, and 20.8 acres of land in Sec. 2, T41S, R13W, SLB&M.
6. From Ash Creek into Westfield Ditch at a point N 2150 feet and E 550 feet of the S½ corner Sec. 35, T41S, R13W, SLB&M, and used to irrigate 14.3 acres of land in Sec. 35, T40S, R13W; 33.8 acres in Sec. 2 and 9.9 acres in Sec. 3, T41S, R13W, SLB&M.

Exhibit
A

320911

Signature of Applicant

EXPLANATORY

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7. From Ash Creek into East Field Ditch at a point N 1125 feet and E 50 feet from S½ Corner Sec. 35, T 41S, R 13W, SLB&M, and used to irrigate 194.0 acres of land in Secs. 2, 11, and 14, T 41S, R 13W, SLB&M.
8. From Ash Creek at a point N 1125 feet from NW corner Sec. 2, T 41S, R 13W, SLB&M, and used to irrigate 36.7 acres of land in Sec. 14, T 41S, R 13W, SLB&M.
9. From Ash Creek into the Wallace and Webb Ditch at a point N 69°W, 1320 feet from N¼ corner Sec. 23, T 41S, R 13W, and used to irrigate 21½ acres in Sec. 23, T 41S, R 13W, SLB&M.
10. From Ash Creek into the Dypaix Ditch and used to irrigate 160 acres in Sec. 23, T 41S, R 13W, SLB&M.