

UTAH COUNTY DEED RECORD 273

Entry No 4503 Filed June 14 1930 at 9:53 A.M.

WARRANTY DEED

JOSEPH G.MCKELL AND REBECCA J.McKELL his wife Grantors of Spanish Fork, in the County of Utah, State of Utah, hereby convey and warrant to UTAH COUNTY, a Body Corporate and Politic Grantee of Provo,Utah for the sum of One Hundred sixty seven and No/100 Dollars the following described tract of land in Utah County,State of Utah, to-wit:

Beginning 22.00 chains East and 3.20 chains South from the Northwest corner of the Southwest quarter of Section 30 T 8 S R 3 E S.L.B.& M. and running thence S 81° 08' E 5.89 chains, thence S 47½° W 0.96' chains, thence N 81° 08' W 5.89 chains, thence N 47½°E. 0.96 chains to the place of beginning. Area 0.444 acres.

Also beginning 32.96 chains East and 4.92 chains South from the Northwest corner of the Southwest quarter of Section 30 T 8 S R 3 E S.L.B.& M. and running thence S 81° 08' E 4.90 chains, thence S 26° W 0.64 chains, thence N 81° 45' W 3.93 chains, thence N 41° 30' W.1.01 chains to the place of beginning. Area 0.28 acres.

WITNESS the hand_ of said Grantor_ this 28 day of May A.D.1930.

Signed in the presence of Joseph G.McKell
A.Tuttle 388 Rebecca J.McKell

STATE OF UTAH)
COUNTY OF UTAH) ss. On the 28 day of May A.D.1930, personally appeared before me, a Notary Public in and for the State of Utah, JOSEPH G.MCKELL AND REBECCA J.McKELL his wife the signers of the above instrument, who duly acknowledged to me that they executed the same.

My Commission expires Mar.21 1931 (NOTARY SEAL) Ammon Tuttle Notary Public
Residence Provo,Ut.

INEZ JESSEE COUNTY RECORDER #####

Entry No 4511 Filed June 14 1930 at 11:45 A.M.

IN THE DISTRICT COURT OF UTAH COUNTY, STATE OF UTAH

JOSEPH E.MOYLE AND MATILDA C.MOYLE, :
HIS WIFE, :
Plaintiffs, :
vs. : D E C R E E
LEHI CITY, A MUNICIPAL CORPORATION, AND :
ALPINE CITY, a Municipal Corporation, :
Defendants. :

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This cause came on regularly before the court to be heard at Provo City,Utah, the Hon. Nephi J.Bates presiding as judge in the trial of the action O.W.Moyle appearing as attorney for Plaintiffs. Abe W.Turner as attorney for defendant Lehi City and A.L.Booth as attorney for defendant Alpine City. Evidence was taken and the case submitted. The court duly made findings of fact and conclusions of law and ordered that a decree be entered in accordance therewith.

NOW THEREFORE, upon motion of Plaintiffs' attorney, in accordance with said findings and conclusions it is hereby ORDERED, ADJUDGED AND DECREED AS follows:

- 1. That defendants are municipal corporations in the State of Utah, and located in Utah County,Utah;
2. That Plaintiffs are the owners of, in possession and entitled to the exclusive use and possession except as hereinafter set forth, of the following real property located in Utah County,State of Utah, to-wit:

The South half of the Northeast quarter and the North half of the Southeast quarter of Sec.7, Township 4 South,Range 2 East Salt Lake Meridian.

3. That on the 9th day of May 1909 Plaintiffs and defendants entered into an agreement in writing with regard to said property and the right to develop water therein and to graze thereon, a copy of which contract is set forth in the findings of fact in this case and a copy of which is recorded in Book 263 of Miscellaneous,Page 352, of the records of the County Recorder of Utah County,State of Utah, That defendants, proceeding under said contract excavated trenches, tunnels, channels and drains, collected and developed water in said premises, placed pipes and a drainage system in said excavations and into the springs and water channels on the premises and connected said pipes and water system with pipes carrying the water to the citizens of defendant Lehi City, and also to the citizens of defendant Alpine City, carrying all of said water from said premises to the citizens of said cities, and afterwards covered said pipe line and water system on said property above described and filled in or covered all tunnels channels and excavations so that the premises could be and were used by Plaintiffs, their agents, servants and employees, for the grazing of livestock of all kinds. That afterwards, because of the filling up of some of said pipes on the premises or from other causes, the pipe line and water system so constructed by the defendants did not fully carry all of the water flowing upon or accumulated or drained from the premises, and the defendants dug up in places parts of their said pipe line and water system and from that time on the water was permitted for a number of years, up until the present time, to run across the surface of the ground or in uncovered channels, making the ground boggy in places, and the defendants collected or attempted to collect all of the water, whether upon the surface of the ground or underneath, and take the same into their pipe line and convey the same to, and the