

AFFIDAVIT REGARDING THE HISTORY OF
WATER USE ON SPRING HOLLOW CREEK

00073191 BkH0129 Pg00284-00289

STATE OF UTAH)
COUNTY OF MORGAN) : ss.

DEBBIE WEAVER, MORGAN COUNTY RECORDER
1997 JUL 10 14:46 PM FEE \$21.00 BY BDN
REQUEST: BILL YORK

Wanda Croft Skeen, Bonita S. Croft, Cenious T. Waldron, and
Elton L. Wood, being first duly sworn upon oath, depose and say
that:

1. The undersigned individuals have personal knowledge
regarding historic water use in connection with the property
presently owned by William York located at approximately
2329 West Spring Hollow Road as described on the attached
Warranty Deed and hereinafter referred to as the "Subject
Property."

2. The Subject Property was once a part of a larger ten-
acre tract in the southeast one-quarter southwest one-quarter of
Section 4, Township 4 North, Range 2 East, Salt Lake Base &
Meridian, which was previously owned by W. L. Croft. This ten
acres received water from Spring Hollow Creek under a water right
number 179 awarded to W. L. Croft in the Weber River Decree
entered by the Second Judicial District Court of the State of
Utah in and for Weber County on June 2, 1937.

3. W. L. Croft and subsequent owners farmed and irrigated
the Subject Property continuously from the date of the decree to
the date of this affidavit using a pro rata portion of the
original ten-acre water right awarded in the Weber River Decree.
The source of the water for the Subject Property from the date of

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION

the decree has been Spring Hollow Creek. Neither W. L. Croft nor any of the subsequent owners of the Subject Property has ever changed the use of the water to other lands.

4. In July of 1964 the Subject Property was conveyed to Wanda Croft Skeen and Blaine Skeen. Wanda and Blaine Skeen later installed a buried pipeline to deliver their pro rata share of award number 179. The pipeline originates at a headgate located several hundred yards up Spring Hollow Creek on a parcel of ground currently owned by the Wayne H. Croft and Bonita S. Croft Trust. The Subject Property has been irrigated continuously through the use of the pipeline since the time of its construction using a gravity-fed sprinkler system.

5. The ten-acre water right confirmed in the Weber River Decree has been distributed and administered among four Croft families on a 30-hour turns basis for the last several decades.

6. The Subject Property was sold to Evan G. and Renelda O. Witbeck in May 1992 with the appurtenant Spring Hollow Creek water rights and an interest in the pressurized pipeline system. Continuously since the Witbecks acquired the Subject Property and the appurtenant water rights, the water master in charge of administering the Spring Hollow Creek water rights has allocated a seven and one-half hour turn from Spring Hollow Creek to the owners of the Subject Property.

Further affiants sayeth not.

Dated: June 3, 1997


Wanda Croft Skeen

STATE OF UTAH)
Box Elder : ss.
COUNTY OF MORGAN)

SUBSCRIBED AND SWORN TO before me this 3rd day of
June, 1997.



Dated: 10 July 97

Patricia H. Hendricks
Notary Public

Bonita S. Croft
Bonita S. Croft

STATE OF UTAH)
: ss.
COUNTY OF MORGAN)

SUBSCRIBED AND SWORN TO before me this 10 day of
July, 1997.

Walter Jon
Notary Public Witness

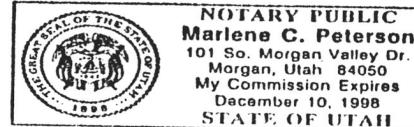
Dated: 2 May 1997

Cenious T. Waldron
Cenious T. Waldron

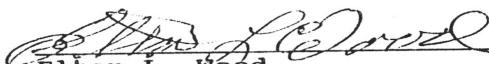
STATE OF UTAH)
: ss.
COUNTY OF MORGAN)

SUBSCRIBED AND SWORN TO before me this 2nd day of
June, 1997.

Marlene C. Peterson
Notary Public

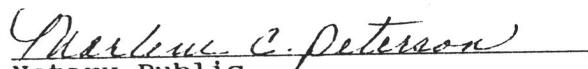


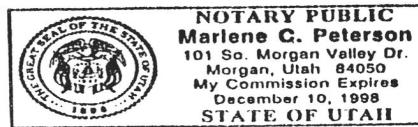
Dated: 6/2/97


Elton L. Wood

STATE OF UTAH)
COUNTY OF MORGAN) ss.

SUBSCRIBED AND SWORN TO before me this 2nd day of
June, 1997.


Marlene C. Peterson
Notary Public



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GRANTEE'S ADDRESS
2375 West Spring Hollow Road
Morgan, Utah 84050

Courtesy Recording

WARRANTY DEED

EVAN G. WITBECK and RENELDA O. WITBECK

grantor

of Morgan

County of Morgan

State of Utah, hereby

CONVEY and WARRANT to

JILL YORK, TRUSTEE OF THE JILL YORK FAMILY PROTECTION TRUST

of Morgan

County Morgan

State of Utah

for the sum of TEN DOLLARS AND NO/100***** DOLLARS

the following described tract of land in

Morgan

County

State of Utah, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

TOGETHER WITH THAT FLOWING WELL APPLICATION NO. 36249
ALSO TOGETHER WITH WATER RIGHTS OF 15 HOURS SPRING HOLLOW DITCH

SUBJECT TO EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD, AND TAXES FOR
THE YEAR 1996 AND THEREAFTER.

WITNESS the hand of said grantor, this 10th day of August A. D. 19 95

Signed in the presence of

Evan G. Witbeck
EVAN G. WITBECK
Renelda O. Witbeck
RENELDA O. WITBECK
00048499 BkM0114 Pg00008-0001
MORGAN COUNTY UTAH 84050
1995 AUG 10 16:28 PM FEE \$13.00 BY I
REQUEST: YORK JILL

STATE OF UTAH
COUNTY OF Morgan

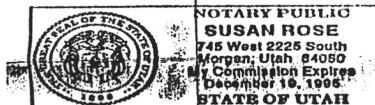
{ SS.

On the 10th day of August A. D. 19 95 personally
appeared before me EVAN G. WITBECK and RENELDA O. WITBECK

the signers of the within instrument who duly acknowledged
to me that they executed the same.

Notary Public *Susan Rose*
Morgan, Utah
Residing at _____

My Commission Expires: 12/19/95
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ASSOCIATED TITLE COMPANY

Order No. _____

SALT LAKE 363-0909

BOUNTIFUL 298-2400

OREM 224-4133

PARK CITY 532-6428

EXHIBIT "A"

A tract of land situate in the Southeast Quarter of the Southwest Quarter of Section 4, and the Northeast Quarter of the Northwest Quarter of Section 9, Township 4 North, Range 2 East, Salt Lake Base and Meridian, U.S. Survey, Morgan County, Utah, being more particularly described as follows:

Commencing at the Southwest corner of said Section 4; thence North $89^{\circ}48'58''$ East 1311.463 feet along the Section line to the one-sixteenth corner; thence North $89^{\circ}48'58''$ East 143.302 feet; thence South $00^{\circ}12'27''$ East 20.550 feet to the true point of beginning; thence North $00^{\circ}12'27''$ West 232.670 feet to a point on the Southerly line of Spring Hollow Road; thence 84.083 feet along said Southerly line of Spring Hollow Road, a curve to the left, having a radius of 2190.342 feet, a delta angle of $02^{\circ}11'58''$, and a long chord bearing North $74^{\circ}47'14''$ East 84.077 feet; thence North $73^{\circ}41'16''$ East 478.820 feet along said Southerly line of Spring Hollow Road; thence South $16^{\circ}18'44''$ East 408.399 feet; thence North $89^{\circ}41'53''$ West 486.795 feet along a fence line; thence North $89^{\circ}56'51''$ West 167.746 feet to the point of beginning.

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