

Hooper Irrigation Canal

SECTION 20, T.5N., R.2W., S.L.B.&M.

Reeve & Associates, Inc. - Solutions You Can Build On

NOTICE OF PRESCRIPTIVE EASEMENT

NOTICE IS HEREBY PROVIDED THAT HOOPER IRRIGATION CLAIMS A PRESCRIPTIVE PERPETUAL RIGHT-OF-WAY EASEMENT FOR THE USAGE AND MAINTENANCE OF THE IRRIGATION PIPELINES AND DITCHES (HEREINAFTER THE "IRRIGATION SYSTEM") AND ITS ANCILLARY UTILITIES, INCLUDING BUT NOT LIMITED TO INSTALLATION, MAINTENANCE AND REPAIR OF SAID UTILITIES, AS NEEDED, OVER, ACROSS AND/OR UNDER THE PROPERTY HEREIN DESCRIBED.

A. WHEREAS, HOOPER IRRIGATION COMPANY HAS CONSTRUCTED, OPERATED, MAINTAINED, AND OTHERWISE UTILIZED THE IRRIGATION SYSTEM IN ITS PRESENT LOCATION SINCE 1866.
B. WHEREAS, THE IRRIGATION SYSTEM RUNS OVER, ACROSS AND/OR UNDER PROPERTIES WHICH ARE PRIVATELY AND INDIVIDUALLY OWNED AND THE OWNERS OF SAID PROPERTIES ARE ENCROACHING UPON THE IRRIGATION SYSTEM AND THE EASEMENT NECESSARY TO MAINTAIN THE SAME.
C. WHEREAS, IT IS NECESSARY FOR THE PROPER FUNCTION OF THE IRRIGATION SYSTEM AND THE SAFETY OF THE GENERAL PUBLIC TO SECURE THIS EASEMENT FOR THE OPERATION, MAINTENANCE AND PERIODIC UPGRADE OF THE IRRIGATION SYSTEM,
D. WHEREAS, HOOPER IRRIGATION COMPANY DESIRES TO PROVIDE GENERAL PUBLIC NOTICE TO THOSE PROPERTIES WHICH THE IRRIGATION SYSTEM AND ACCOMPANYING PRESCRIPTIVE EASEMENT PASS OVER, ACROSS AND/OR UNDER, AND WHEREAS, IN AN EFFORT TO MORE PARTICULARLY DESCRIBE THE PRESCRIPTIVE EASEMENT HOOPER IRRIGATION COMPANY HAS CAUSED A LICENSED UTAH LAND SURVEYOR TO IDENTIFY THE LOCATION OF THE IRRIGATION SYSTEM, ACKNOWLEDGING THAT THIS DOES NOT INCLUDE A PRECISE DESCRIPTION OF ALL IRRIGATION SYSTEMS, HOOPER IRRIGATION COMPANY CLAIMS A PRESCRIPTIVE EASEMENT OVER THOSE PORTIONS WHICH ARE NOT DESCRIBED IN THE SURVEYS PREPARED.

NOW THEREFORE, HOOPER IRRIGATION HEREBY PROVIDES NOTICE OF ITS CLAIM OF PRESCRIPTIVE EASEMENT AND ASSERTS ALL RIGHTS ASSOCIATED THEREWITH FOR THE MAINTENANCE, OPERATION, AND PERIODIC UPGRADE OF THE IRRIGATION SYSTEM, OVER, ACROSS AND UNDER THE PARCELS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

DESCRIPTION OF EASEMENT

1. THE PRESCRIPTIVE EASEMENT SHALL INCLUDE ALL PARCELS AND LAND DESCRIBED IN EXHIBIT "A" ATTACHED HERETO.
2. THE PRESCRIPTIVE EASEMENT SHALL INCLUDE EACH AND EVERY LOCATION OVER, ACROSS, AND/OR UNDER WHICH ANY PORTION OF THE IRRIGATION SYSTEM PASSES REGARDLESS OF WHETHER SUCH IS DESCRIBED IN EXHIBIT "A". OWNERS OF PROPERTY AFFECTED BY THE PRESCRIPTIVE EASEMENT SHALL NOT CONSTRUCT OR PLACE IMPROVEMENTS INCLUDING BUT NOT LIMITED TO FENCES, ROADS, SIDEWALKS, PASSAGEWAYS, UTILITY LINES, LANDSCAPING FEATURES, OR ANY OTHER IMPROVEMENT, WHICH INTERFERES WITH HOOPER IRRIGATION COMPANY'S ABILITY TO UTILIZE THE PRESCRIPTIVE EASEMENT. HOOPER IRRIGATION COMPANY SHALL NOT BE RESPONSIBLE FOR DAMAGE CAUSED TO SUCH IMPROVEMENTS WHICH ARE IMPINGING UPON THE PRESCRIPTIVE EASEMENT.

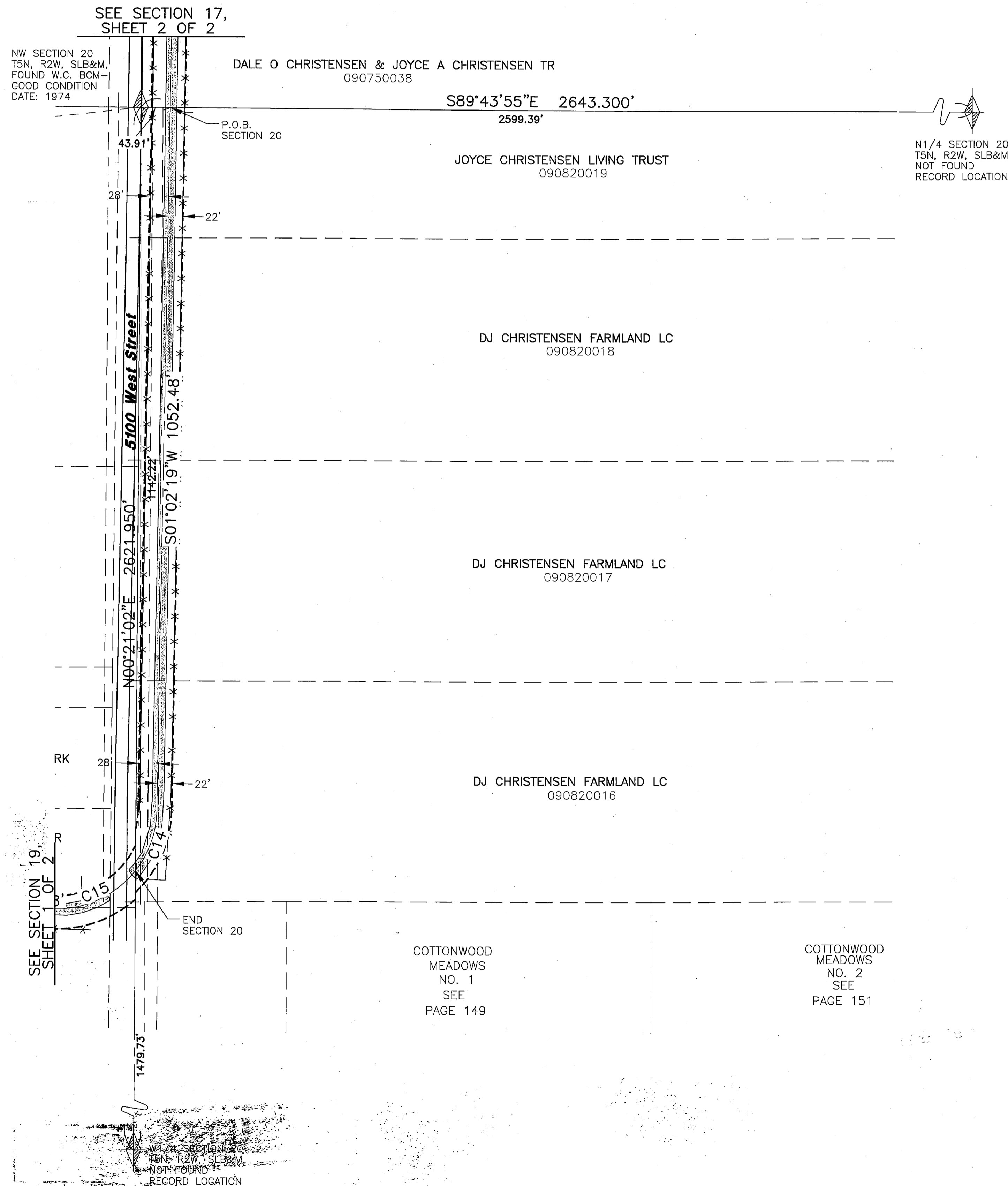
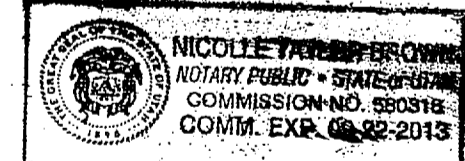
DATED THIS 23 DAY OF Oct, 2009

HOOPER IRRIGATION COMPANY
BY: Theo A. Cox
ITS: President

STATE OF UTAH)
:SS.
COUNTY OF WEBER)

ON THE 23 DAY OF October, 2009, PERSONALLY APPEARED BEFORE ME Theo A. Cox WHO DID SAY THAT HE/SHE IS THE President OF Hooper Irrigation Co. THAT THE WITHIN AND FOREGOING INSTRUMENT WAS SIGNED IN BEHALF OF Hooper Irrigation Co. AND Theo A. Cox DULY ACKNOWLEDGED TO ME THAT SAID CORPORATION EXECUTED THE SAME.

Nicolie Taylor Brown
NOTARY PUBLIC



NW SEC 20

A RIGHT OF WAY IN THE NW QUARTER OF SECTION 20, TOWNSHIP 5 NORTH, RANGE 2 WEST, FOR CONSTRUCTION AND MAINTENANCE FOR A CANAL AND APPURTENANT STRUCTURES WHICH LIES 22' LEFT AND 28' RIGHT PARALLEL TO THE FOLLOWING DESCRIBED CENTER LINE WITH THE SIDES EXTENDED OR SHORTENED TO MEET THE SECTION LINES INTERSECTED.

BEGINNING AT A POINT WHICH LIES S89°43'55"E 43.91 FEET FROM THE NW CORNER OF SECTION 20, THENCE S01°02'19"W 1052.48 FEET; THENCE ALONG A CURVE TO THE RIGHT WITH AN ARC LENGTH OF 96.84', WHOSE RADIUS IS 150.00', WHOSE CHORD BEARS S19°32'02"W, 95.17'; TO THE WEST LINE OF SAID SECTION TO A POINT WHICH IS S00°21'02"W 1142.22 FEET FROM THE NW CORNER OF SECTION 20

#	RADIUS	DELTA	LENGTH	TANGENT	CHORD DIR	CHD LTH
C14	150.00'	36°59'26"	96.84'	50.18'	S19°32'02"W	95.17'
C15	150.00'	54°05'35"	141.61'	76.58'	S65°04'32"W	136.41'

Affected Properties

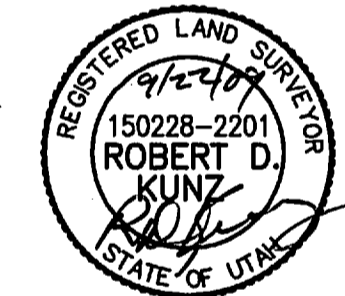
TAX ID#
090820016
090820017
090820018
090820019

Surveyor's Certificate

I, ROBERT D. KUNZ, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; AND THAT I HAVE COMPLETED A SURVEY OF THE CENTER LINE OF THE HOOPER IRRIGATION COMPANY CANAL SHOWN ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS ON THIS PLAT. I FURTHER CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW. NO SURVEY WAS MADE OF ANY OTHER PROPERTIES ABUTTING THIS CENTER LINE. SUCH PROPERTIES ARE SHOWN FOR REFERENCE ONLY.

SIGNED THIS 22nd DAY OF September 2009

150228-2201
UTAH LICENSE NUMBER



Robert D. Kunz
ROBERT D. KUNZ

Basis of Bearing

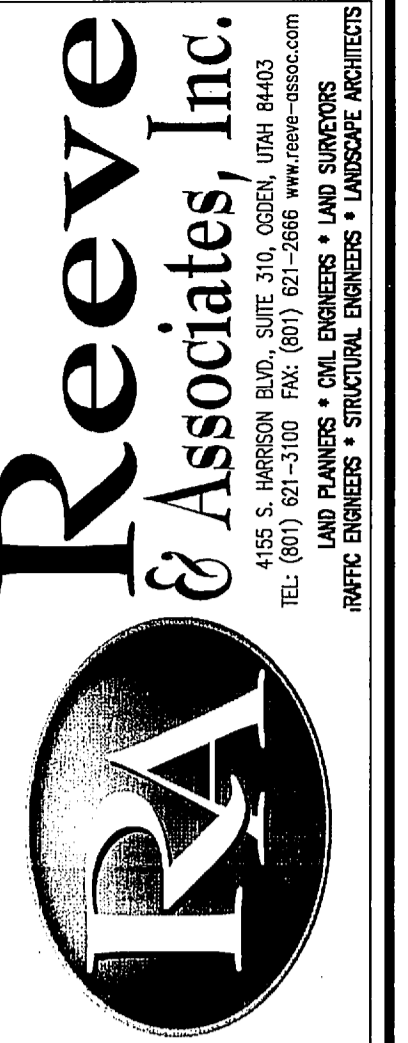
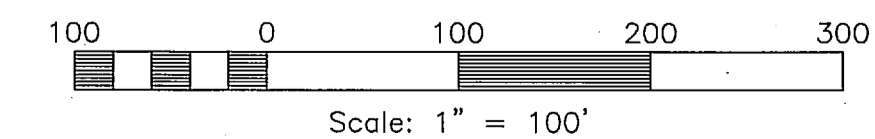
WEBER COUNTY STATE PLANE GRID SYSTEM
W1/4 COR SECTION 17 TO THE SW CORNER SECTION 17 T.5N., R.2W., S.L.B.&M.
RECORDED AS S01°02'19"W

NARRATIVE

THE HOOPER CANAL CENTER LINE, EXISTING FENCE LINES, AND SECTION CORNERS WERE LOCATED BY A FIELD SURVEY. PROPERTY LINES SHOWN ARE FROM WEBER COUNTY TAX MAPS AND ARE SHOWN FOR REFERENCE ONLY.

Legend

- = SECTION CORNER
- = CANAL CENTERLINE
- - - = CANAL RIGHT-OF-WAY
- - - = ADJOINING PROPERTY
- - - = EASEMENTS
- - - = SECTION TIE LINE
- x—x— = EXISTING FENCE LINE



REVISIONS	DESCRIPTION

HOOPER CANAL RIGHT OF WAY
WEBER COUNTY, UTAH
Section 20, T.5N., R.2W., S.L.B.&M.

2451593

Project Info.

Surveyor: R. KUNZ
Drafted: N. ANDERSON
Begin Date: 9 JAN 2009
Name: HOOPER IRRIGATION COMPANY
Scale: 1"=100'
Checked:
Number: 5758-01

Sheet 1 of 1