

BRETT L. TOLMAN, United States Attorney (# 8821)
JOHN K. MANGUM, Assistant United States Attorney (# 2072)
JARED C. BENNETT, Assistant United States Attorney (#9097)
185 South State Street #300
Salt Lake City, Utah 84111
Telephone: (801) 524-5682

Attorneys for Plaintiff United States

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH - CENTRAL DIVISION

UNITED STATES OF AMERICA,)
) Case No. 2:99-cv-145 TS
)
 Plaintiff & Counterclaim Defendant,)
) **AMENDED JUDGMENT**
 vs.)
)
 BRUCE LEE DUNN; HELEN C. DUNN;) Judge Ted Stewart
 STEPHEN C. JACOBSEN; CHARLYNN J.)
 DALEBOUT; PAUL A. MANCINA JR., as)
 Personal Representative of the Estate of)
 FRANCES MANCINA; HELEN L. WATTS;)
 JOHN A. WATTS (aka JOHN ANDY WATTS)
 or JOHN ANDREW WATTS); HILDA M.)
 MADSEN HAMMOND; GLADYS P.)
 BUTLER; LAZY CP "P" LIMITED)
 PARTNERSHIP; TIMOTHY ALLEN HURST,)
 trustee of the TIMOTHY ALLEN HURST)
 TRUST; David R. Gunderson and Gayle L.)
 Hunting as Co-Trustees of the LEOAN M.)
 GUNDERSON FAMILY TRUST; ALICE M.)
 PANNIER; JOHN R. WOOLSEY; LILLIE E.)
 WOOLSEY; RICHARD DUNN; and JOHN)
 DOES 1-10 including but not limited to Joanne)
 Hafen Granger, as Trustee of the Johannah M.)
 Hafen Family Trust; and Robert G. Hammond,)
)
 Defendants & Counterclaimants.)

This is an action to quiet title to certain land defined below in various adjoining parcels of

property located in Carbon County, Utah (the "Subject Property"). The Subject Property lies partly under and adjoins the south side of the east arm of Scofield Reservoir. The Subject Property also includes the land under the dam which impounds the reservoir water, and some land immediately downstream from the present dam. The Subject Property is all contiguously-located within the South ½ of Section 10 and within the West ½ of the Southwest quarter of the Southwest quarter of Section 11, T. 12 S., R. 7 E., Salt Lake Base & Meridian. More particularly, the Subject Property consists of the following lands in Carbon County, Utah, located in Township 12 South, Range 7 East, Salt Lake Base and Meridian: 1) in Section 10, all of the following: SW ¼; S ½ of SE ¼; and S ½ of NE ¼ of SE ¼; and 2) in Section 11: W ½ of SW ¼ of SW ¼; and 3) excluding from both of said sections 10 and 11: ribbons of land conveyed to a) the State of Utah for State Highway 96; and b) the Denver and Rio Grande Western Railroad Company and its successors for the railroad track and accompanying railroad right of way. Except for such highway and railroad ribbons of land, the Subject Property includes but is not limited to the land parcels heretofore designated by Carbon County on its plat maps as shorthand tax parcel numbers 2A-80, 2A-80-1, 2A-80-2, 2A-80-3, 2A-80-4, 2A-80-5, 2A-80-6, 2A-80-7, 2A-80-8, 2A-80-9, 2A-80-10, 2A-80-11, 2A-83, 2A-83-1, and 2A-84, all in section 10, and the 20-acre west half of parcel 2A-151 in section 11.

Pursuant to the judicial determinations granting partial summary judgment to the United States in the order of this Court dated January 4, 2006 and filed the next day (doc. 145), and the opinion issued March 4, 2009, on appeal of this action by the Court of Appeals for the Tenth Circuit in *United States v. Dunn*, 557 F.3d 1165 (10th Cir. 2009) and the mandate that followed from that court, this Court now ORDERS, ADJUDGES, and DECREES:

1. Fee simple absolute title to the Subject Property is quieted exclusively in the United

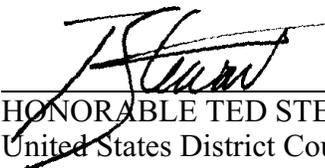
States of America.

2. The “use-right” provisions of the September 21, 1927 deed from E. B. Jorgensen & Gertrude S. Jorgensen, his wife, to Neil M. Madsen and Andrew C. Madsen (recorded November 2, 1927) do not apply to the Subject Property.

3. None of the Defendants/Counterclaimants named in the case caption above, nor anyone claiming through any of those named Defendants/Counterclaimants as an alleged successor in interest to any of said Defendants/Counterclaimants, has any lawful right, title, or interest in the Subject Property.

4. This Amended Judgment supercedes and replaces all prior rulings of this Court, including but not limited to the two rulings entered in July and August of 2007 (doc. 220 & 223), that are inconsistent with this Amended Judgment or the March 4, 2009 opinion of the Tenth Circuit Court of Appeals in this action noted above.

DATED this 29th day of June, 2009.



HONORABLE TED STEWART
United States District Court, District of Utah

Approved as to form by counsel for Defendants:

Brent R. Armstrong

Steven R. Paul

E. Jay Sheen