

Roy Water Conservancy Subdistrict

PETITION TO ROY WATER CONSERVANCY SUBDISTRICT FOR THE ALLOTMENT OF WATER

09-113-0015 /

Thomas, Delphia

(husband and wife) of Roy (City) Utah (State)
Petitioner deems to purchase and hereby applies to the Roy Water Conservancy Subdistrict, located within the Subdistrict, for the allotment of the beneficial use of 1.50 acre-feet of water annually for the irrigation of land situated in Weber County, Utah described as follows: (See attached description.)
Part of the Northeast quarter of section 23, Township 5 North, range 2 West, Salt Lake meridian, U.S. survey; beginning at a point on the North line of said quarter section, 990 feet West of the Northeast corner thereof, and running thence South 183 feet; Thence West 99 feet; Thence North 183 feet Thence East 99 feet to the place of beginning.
Excepting the North 2 rods thereof within right-of-way of County road.

The Petitioner Agrees:

1. To purchase and pay for the right to use such water, whether or not petitioner actually takes and uses the same at the price to be fixed annually by the Board of Directors of the Subdistrict which shall include the following items:
 - (a) An amount not to exceed \$6.50 annually per acre-foot for all water allotted.
 - (b) An amount not to exceed \$1.50 annually for each delivery point, provided for the land described above, in the event of the diversion of the said land into separate ownership served from the same delivery point, the total charge of \$1.50 annually shall be made for each parcel in new ownership.
 - (c) A fair proportionate amount of operation, maintenance and replacement charges sustained by the Subdistrict for its use, and a fair proportionate amount of the reduced operation, maintenance and replacement charges assessed against the Subdistrict by the Weber Basin Water Conservancy District and paid to the Class C petition and order between the Weber Basin Water Conservancy District and Subdistrict.
2. To pay a connection charge upon the granting of this petition the sum of \$ 750.00, which is not refundable.
3. The aggregate of the amounts so fixed in paragraphs 1 and 2 hereof shall be a tax then upon the above described lands and shall be paid in accordance with the provisions of the Water Conservancy Act of Utah and as the same may be amended. Nothing contained in this paragraph shall be construed to exempt the Petitioner from paying the taxes levied pursuant to Sections 79-19 and 20, Utah Code Annotated 1953, as amended.
4. The charges specified in paragraph 1 shall remain effective against the land herein described, provided that upon application to the Subdistrict, its Board of Directors may reallocate the water allotted pursuant to this petition and the charges specified in paragraph 1 to parcels of said land in separate ownership in accordance with rules and regulations of the Subdistrict's board.
5. Project water so allotted shall be delivered at a point or points designated by the Subdistrict after consultation with petitioner or his representative. It shall not be the responsibility of the Subdistrict to provide facilities to convey the water from such point or points to the place of use. The petitioner

VERIFIED
MICROFILMED

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DWC CMTS: WEBER COUNTY, UTAH
01-JUN-90 928 AM FEE \$00.00 REC'D
REC FOR: ROY WATER CONSV.

6. If for any reason, there is a shortage of project water available to petitioner, not caused by the negligence of the Subdistrict or not within the control of the Subdistrict, no liability shall accrue against the Subdistrict or the Weber Basin Water Conservancy District, or the United States or any of their officers, agents, or employees of either of them, for any damage, direct or indirect, arising therefrom and the payment to the Subdistrict provided for herein shall not be reduced because of any such shortage or damage. Deliveries of water allotted pursuant to this petition may be reduced or discontinued by the Subdistrict.

7. The petitioner agrees to comply fully with all applicable Federal laws, orders and regulations, and the laws of the State of Utah, all as administered by appropriate authorities, concerning the pollution of streams, reservoirs, groundwater, or water courses with respect to thermal pollution, or the discharge of refuse, garbage, sewage effluent, industrial waste, oil, lime, sludge, mineral salts, or other pollutants.

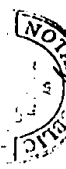
8. The provisions of the Water Conservancy Act of Utah, and the Rules and Regulations of the Board of Directors of the Subdistrict shall be binding upon the Petitioner, and the Petitioner shall be subject to the payment contract between the Weber Basin Water Conservancy District and the United States dated December 12, 1952, No. 1406-00-533 as amended and any contract that may be entered into by the Subdistrict for the repayment of costs incurred by it for the construction of a distribution system, pumping plant and equalizing reservoir.

Date this 29th day of August 19 89
Signed Delphia Thomas

Petitioner and Owner of Land above described.

STATE OF UTAH
County of Weber

On the 29th day of August, 19 89, personally appeared before me Delphia Thomas, a duly qualified notary public, who duly examined the foregoing petition of the petitioner, and the description of the land hereinabove described, and she acknowledged to me that she executed the same for the purposes and content herein stated, and that she is the owner of the land therein described.
Residing at the place of Roy, County of Weber, State of Utah



(SEAL)
My Commission Expires July 16, 1990

ORDER ON PETITION TO ROY WATER CONSERVANCY SUBDISTRICT

Whereupon having been given and hearing had, it is ordered that the foregoing petition of the petitioner be granted and that the petitioner be entitled to the use of 1.50 acre-feet of irrigation water in hereby made to the lands herein described, upon the terms, and payable in the manner as determined by the District's Board of Directors.
Dated this 13th day of December 19 89
By Delphia Thomas Board of Directors

ATTEST:
I hereby certify that the above is a true copy of Petition and Order entered by the Board of Directors of Roy Water Conservancy Subdistrict, on the 13th day of December, 19 89.
Joseph Diamond
Secretary