

ROY WATER CONSERVANCY SUBDISTRICT

Petition to Roy Water Conservancy Subdistrict
For the Allotment of Water

09-073-0001

ES 1302848 BK1724 PG274
DOUG CROFTS, WEBER COUNTY RECORDER
21-JUL-94 855 AM FEE \$0.00 DEP MH
REC FOR: ROY.WATER.CONSERV.SUBDISTRICT

CARL NEWEY, and
HELEN BRAEGGER

Owners of:

5215 S. 3500 W., Roy City, Weber County, Utah,

the following described real property, to-wit: legal description as follows:
(or as attached)

09-073-0001 PART OF THE SE. QUARTER OF SECTION 16, T. 5 N., R. 2 W., S.L.M., U.S. SURVEY; DESCRIBED AS FOLLOWS: BEGINNING AT THE NE. CORNER OF SAID SEC. RUNNING TH. W. 1851.31 FEET TO THE E. LINE OF THE LAYTON CANAL, TH. ALONG SAID CANAL S. 24° 26' W. 686.1 FEET, MORE OR LESS, TO THE N. LINE OF WESTGLEN SUB. NO. 3, TH. S. 89° 52' 11" E. 637.63 FEET, TH. N. 7° E. 151.12 FEET, TH. E. 1160.69 FEET, TH. N. 150 FEET, TH. E. 323.4 FEET TO SEC. LINE, TH. N. 365 FEET, MORE OR LESS, TO BEGINNING. EXCEPT THAT PART IN 3500 W. ST. (A PART OF THIS PROPERTY)

09-073-0042 PART OF THE SEC. QUARTER OF SECTION 16, T. 5 N., R. 2 W., S.L.M., U.S. SURVEY; BEGINNING AT A POINT ON THE SECTION LINE AND IN THE CENTER LINE OF 3500 W. STREET, S. 510 FEET FROM THE NE. CORNER OF SAID SE. QUARTER, RUNNING TH. S. 150 FEET; TH. SOUTH 89° 50' W. PARALLEL TO THE N. LINE OF SAID QUARTER SEC. 1504 FEET ALONG OLD FENCE LINE; TH. N. 7° E. 151.12 FEET, TH. N. 89° 50' E. 1485.6 FEET TO THE POINT OF BEGINNING. SUBJECT TO ROAD RIGHT-OF-WAY OVER THE E. 33 FEET THEREOF. (A PART THIS PROPERTY)

hereby Petition ROY WATER CONSERVANCY SUBDISTRICT for the purchase and allotment of the beneficial use of 45.00 acre feet of irrigation water annually for the irrigation of the above described real property and no other.

The Petitioners Agree:

1. To purchase and pay for the right to use such water, whether Petitioners actually take and use the same or not, at the price to be fixed annually by the Subdistrict.

2. To pay a non-refundable connection charge upon the granting of the Petition in the sum of \$ 1000.00.

3. The aggregate of the amounts so fixed in paragraph 1 hereof shall be a tax lien 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 73-9-19 and 20. Utah Code Annotated 1953, as amended.

4. The Subdistrict shall have the right to reallocate the water allotted herein to parcels of said land in separate ownership in accordance with its rules and regulations.

5. Water so allotted shall be delivered at a point or points designated by the Subdistrict after consultation with Petitioners or their 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.

6. If for any reason, there is a shortage of project waters available to Petitioners, no liability shall accrue against the Subdistrict, or any of their officers, agents, or employees, for any damage, direct or indirect, arising therefrom and the payments 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 as determined by the Subdistrict.

7. The Petitioners agree to comply fully with all applicable rules, Regulations, and the Laws of the United States, and all City ordinances and the Laws of the State of Utah.

8. Cross connection of Subdistrict water lines with culinary water lines is prohibited.

9. The provisions of the Water Conservancy Act of Utah, and the Rules and Regulations of the Subdistrict shall be binding upon the Petitioner.

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10. The water allocated, will not be used on any other property than the property herein described, subject to severe penalty.

Dated this 15 February 1994.

Signed *Carl Newey*
Petitioner/Owner of Lands above described.

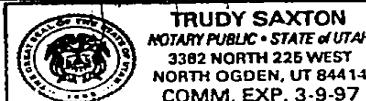
Carl Newey
Petitioner/Owner of Lands above described.

STATE OF UTAH)
County of Weber)ss

The foregoing instrument was acknowledged before me this 15 February 1994, by CARL NEWY ; and HELEN BRAEGGER Owners.

Judy Paxton

Notary Public



ORDER ON PETITION TO ROY WATER CONSERVANCY SUBDISTRICT

Due notice having been given and hearing had, it is ordered that the foregoing Petition of CARL NEWY; and HELEN BRAEGGER be granted and an allotment of 45.00 acre-feet of irrigation water is hereby made to the lands therein described, upon the terms, at the rate, and payable in the manner as determined by the Subdistrict.

Dated this 8 June 1994.

Roy Water Conservancy Subdistrict

by: *Carl K. Field*
Chairman of the Board

ATTEST:

I hereby Certify that the above is a true and correct copy of the Petition and Order entered thereon by the Roy Water Conservancy Subdistrict, on the 8 June 1994.

Les Roberts
Clerk

(seal)