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Account No. 42526

Contract D-1

PETITION TO WEBER BASIN WATER CONSERVANCY DISTRICT
FOR THE ALLOTMENT OF WATER

*** LOWE FAMILY ENTERPRISES, L.C. *** (herein "Petitioner"), hereby applies to the Weber Basin Water Conservancy District, (herein "District"), for the allotment of the beneficial use of 4.0 acre-feet of untreated water annually, for irrigation and domestic purposes, on land situated in Weber County, Utah, legally described as follows:

Section 6 Township 7N, Range 1E, Acres 321

Tax Serial No (s): 22-003-019/018/013/002/003/0020

SEE ATTACHED EXHIBIT "A"

1. In consideration of such allotment and upon condition that this petition is granted by the District, Petitioner agrees as follows:

a. To pay for the right to use the allotted water an amount annually to be fixed from time to time by the District's Board of Trustees, which amount initially shall be the sum of \$99.66 per acre-foot.

b. To pay an additional amount, per acre foot, annually to be fixed by the District's Board of Trustees for operation, maintenance or other charges.

The amount so fixed shall be paid whether or not the Petitioner actually takes and uses the water allotted.

The amounts so fixed shall be a tax lien upon the above-described land and the Petitioner shall be bound by the provisions of the Water Conservancy Act of Utah and the rules and regulations of the District's Board of Trustees. Nothing contained herein shall be construed to exempt the Petitioner from paying the taxes levied pursuant to Sections 17A-2-1426 and 17A-2-1427, Utah Code Annotated 1990, as amended.

2. The use of the water allotted hereby shall be solely for the replacement of underground water diverted, withdrawn or to be diverted or withdrawn by means of a well or spring for irrigation and domestic purposes at a point located on the land hereinabove described, and for no other use or purpose.

E# 1833644 BK2216 PG1738
DOUG CROFTS, WEBER COUNTY RECORDER
13-MAR-2002 1030 AM FEE \$.00 DEP JPM
REC FOR: WEBER.BASIN.WATER.CONSERV.DIST

3. Petitioner's use of the water hereby allotted as replacement water shall be subject to such rules and regulations as the Utah State Engineer may from time to time prescribe. The Petitioner shall not use the allotted water in any way without first receiving an approved exchange application from the Utah State Engineer. It is the responsibility of the Petitioner to obtain such approved exchange application.

4. Delivery of the water hereby allotted by the District shall be as directed by the Utah State Engineer or his representative at the outlet works of Pineview reservoir.

5. The District shall have no obligation to provide works or facilities of any type to conduct the water hereby allotted from its point of delivery to its ultimate place of use.

6. In the event there is a shortage of water caused by drought, inaccuracies in distribution not resulting from negligence, hostile diversion, prior or superior claims or other causes not within the control of the District, no liability shall arise against the District or any of its officers, agents, or employees for any damage, direct or indirect, arising therefrom to Petitioner and the payments to the District provided for herein shall not be abated or reduced because of any such shortage or damage. During periods of water shortage, allocations of treated and untreated water for municipal, domestic and industrial use shall have first priority.

7. The Petitioner shall construct, operate and maintain, without cost to the district, the well or spring and appurtenant facilities necessary to secure and accurately measure Petitioner's water supply. The metering or other measuring device installed by Petitioner shall be satisfactory to the Utah State Engineer. The District has no responsibility for the quality or quantity of water that Petitioner is able to secure through the source of Petitioner's well or spring.

8. The basis, the measure and the limit of the right of the Petitioner in the use of water shall rest perpetually in the beneficial application thereof, and the Petitioner agrees to put the water allotted Petitioner hereby to beneficial use in accordance with law. The Purchaser shall have no right to hold over or accumulate water from year to year, nor to sell or rent the water.

9. The Petitioner agrees to fully comply 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, ground water or water courses with respect to thermal pollution or the discharge of refuse, garbage, sewage effluent, industrial waste, oil, mine tailings, mineral salts, or other pollutants.


10. The provisions of this Contract shall apply to and bind the successors and assigns of the parties hereto but as long as payments are required under Articles 1 (a) and (b) above neither this contract or any assignment or transfer of this contract or any part thereof or interest therein shall be valid until approved by the District's Board of Trustees.

ORDER ON PETITION

DUE NOTICE having been given and hearing had, IT IS ORDERED that the foregoing petition of *** LOWE FAMILY ENTERPRISES, L.C. ***, be granted and an allotment of 4.0 acre-feet of water is hereby made to the lands therein described, upon the terms, at the rates, and payable in the manner as in said petition set forth.

DATED this 25 Day of January, 2002.

WEBER BASIN WATER
CONSERVANCY DISTRICT

BY 
Chairman, Board of Trustees
Norman J. Montgomery

ATTEST:


Tage I. Flint - Secretary



E# 1833644 BK2216 PG1741

DESCRIPTION OF PROPERTY SERIAL NUMBER 22 003 0003 TAXING UNIT

OWNER LOWE FAMILY ENTERPRISES L C 942 S 9275 E 36
HUNTSVILLE UT
84317

DESCRIPTION OF PROPERTY 1965 R/P ACRES; 22.92

ALL THAT PART OF THE SOUTH 70 RODS OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, U.S. SURVEY, WEBER COUNTY, UTAH, LYING EAST OF THE COUNTY ROAD.

EXCEPTING HOWEVER THE FOLLOWING DESCRIBED PROPERTY TITLE TO WHICH IS RESERVED TO GRANTORS TO-WIT: COMMENCING AT A POINT SOUTH 218.27 FEET AND EAST 152.49 FEET FROM THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, THENCE NORTH 54D42' EAST 226 FEET, THENCE SOUTH 38D10' EAST 2013 FEET, THENCE SOUTH 54D42' WEST 318.5 FEET, THENCE NORTH 35D18' WEST 2013 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THOMAS H SHUPE & WF (910-285).

COMMENTS

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E# 1833644 BK2216 PG1743

D.S.

DESCRIPTION OF PROPERTY SERIAL NUMBER 22 003 0015 TAXING UNIT

OWNER LOWE FAMILY ENTERPRISES L C 942 S 9275 E HUNTSVILLE UT 84317 36

DESCRIPTION OF PROPERTY ORIG ACRES; 0

COMMENCING AT A POINT SOUTH 218.27 FEET AND EAST 152.49 FEET AND NORTH 54D42' EAST 226 FEET, AND SOUTH 38D10' EAST 1933.9 FEET FROM THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, THENCE SOUTH 38D10' EAST 79.1 FEET, THENCE SOUTH 54D42' WEST 318.5 FEET, THENCE NORTH 35D18' WEST 79.1 FEET, THENCE NORTH 54D42' EAST 318.5 FEET TO THE POINT OF BEGINNING.

COMMENTS

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E# 1833644 BK2216 PG1744

D.S.

DESCRIPTION OF PROPERTY SERIAL NUMBER 22 003 0013 TAXING UNIT

OWNER LOWE FAMILY ENTERPRISES L C 942 S 9275 E 36
HUNTSVILLE UT
84317

DESCRIPTION OF PROPERTY 1963 R/P ACRES; 4.1

PART OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT 70 RODS NORTH OF THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER AND RUNNING THENCE NORTH 10 RODS, THENCE WEST TO THE CENTER OF THE COUNTY ROAD, THENCE SOUTHEASTERLY ALONG CENTER OF ROAD TO A POINT WEST OF BEGINNING, THENCE EAST TO BEGINNING.

EXCEPTING HOWEVER THE FOLLOWING DESCRIBED PROPERTY, TITLE TO WHICH IS RESERVED TO GRANTORS TO-WIT: COMMENCING AT A POINT SOUTH 218.27 FEET AND EAST 152.49 FEET FROM THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, THENCE NORTH 54D42' EAST 226 FEET, THENCE SOUTH 38D10' EAST 2013 FEET, THENCE SOUTH 54D42' WEST 318.5 FEET, THENCE NORTH 35D18' WEST 2013 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

COMMENTS

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E# 1833644 BK2216 PG1745

D.S.

DESCRIPTION OF PROPERTY SERIAL NUMBER 22 003 0018 TAXING UNIT

OWNER LOWE FAMILY ENTERPRISES L C 942 S 9275 E 36
HUNTSVILLE UT
84317

DESCRIPTION OF PROPERTY 1970 SEG ACRES; 9.64

PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT SOUTH 218.27 FEET, EAST 152.49 FEET, NORTH 54D42' EAST 226 FEET, AND SOUTH 38D10' EAST 95.1 FEET FROM THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER, AND RUNNING THENCE NORTH 10D16' EAST 207 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID QUARTER SECTION, THENCE EASTERLY ALONG SAID NORTH LINE 725 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID QUARTER SECTION, THENCE SOUTHERLY ALONG QUARTER QUARTER SECTION LINE 1135 FEET, MORE OR LESS, TO THE EASTERLY LINE OF THE RALPH H LOWE PROPERTY, THENCE NORTH 38D10' WEST 1120 FEET, MORE OR LESS, TO BEGINNING. CONTAINING 9.64 ACRES, M/L.

COMMENTS

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D.S.

DESCRIPTION OF PROPERTY SERIAL NUMBER 22 003 0020 TAXING UNIT

OWNER LOWE FAMILY ENTERPRISES L C 942 S 9275 E HUNTSVILLE UT 84317 36

DESCRIPTION OF PROPERTY 1970 SEG ACRES; 141.8

PART OF THE NORTHWEST QUARTER, AND PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT NORTH 89D09'30" EAST 921.48 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 6, AND RUNNING THENCE EASTERLY ALONG THE NORTH SECTION LINE 1718.52 FEET, MORE OR LESS, TO THE NORTH QUARTER CORNER OF SAID SECTION 6, THENCE SOUTHERLY ALONG THE QUARTER SECTION LINE 3815 FEET, MORE OR LESS, TO A POINT 80 RODS NORTH FROM THE SOUTH QUARTER CORNER OF SAID SECTION 6, THENCE WESTERLY PARALLEL TO THE SOUTH LINE OF SAID SECTION 6, 1168 FEET, MORE OR LESS, TO THE EASTERLY LINE OF THE RALPH H LOWE PROPERTY, THENCE NORTH 38D10' WEST 237 FEET, MORE OR LESS, TO THE QUARTER QUARTER SECTION LINE, THENCE NORTHERLY ALONG SAID LINE 1135 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER SOUTHWEST QUARTER OF SAID SECTION 6, THENCE WESTERLY ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER 725 FEET, MORE OR LESS, THENCE NORTH 10D16' EAST 88 FEET, MORE OR LESS, THENCE NORTH 14D57'30" EAST 598.82 FEET, THENCE NORTH 45D00'45" EAST 142.21 FEET, THENCE NORTH 19D58'30" EAST 546.05 FEET, THENCE NORTH 0D19'10" WEST 377.73 FEET, THENCE NORTH 0D34'45" WEST 971.0 FEET TO THE POINT OF BEGINNING. CONTAINING 141.76 ACRES, M/L NET.

COMMENTS

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1833644 BK2216 PG1747

D.S.