



W2247357

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E# 2247357 PG 1 OF 3
ERNEST D ROWLEY, WEBER COUNTY RECORDER
08-MAR-07 306 PM FEE \$1.00 DEP SGC
REC FOR: WEBER BASIN WATER CONSERV DIST

PETITION TO WEBER BASIN WATER CONSERVANCY DISTRICT
FOR THE ALLOTMENT OF UNTREATED WATER FOR IRRIGATION PURPOSES
FOR USE BY INDIVIDUALS

Area: West Weber County

Theron J. & Faye H. Phillips Trustees, herein styled petitioner, elects to purchase and hereby applies to the Weber Basin Water Conservancy District, herein styled the District for the allotment of the beneficial use of 1.5 acre-feet of untreated water for the irrigation of 0.50 acres of land situated in Weber County, Utah as described below.

DESCRIPTION OF LAND:

SECTION 27 TOWNSHIP 6N RANGE 2W ACRES 0.50 ACRE-FEET 1.5

15-076-0008 N

PART OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT ON THE WEST LINE OF 2700 WEST STREET, SOUTH 33.10 FEET, AND SOUTH 77D4524" WEST 33.77 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION, RUNNING THENCE SOUTH ALONG THE WEST LINE OF SAID 2700 WEST STREET 295.74 FEET, THENCE SOUTH 74D0049" WEST 38.49 FEET, THENCE WEST 62.0 FEET, THENCE NORTH 80D2623" WEST 68.50 FEET, THENCE WEST 60.50 FEET, THENCE SOUTH 80D2657" WEST 88.53 FEET, THENCE SOUTH 82D3942" WEST 477.81 FEET, THENCE SOUTH 83D5920" WEST 501.61 FEET, THENCE NORTH 213.47 FEET TO A FENCE ON THE SOUTH BANK OF THE CANAL, THENCE ALONG SAID FENCE AS FOLLOWS: NORTH 89D1555" EAST 122.10 FEET, THENCE NORTH 86D2017" EAST 100.20 FEET, NORTH 84D1722" EAST 100.50 FEET, NORTH 83D4322" EAST 100.60 FEET, NORTH 79D1857" EAST 305.50 FEET, NORTH 77D4524" EAST 613.96 FEET TO THE POINT OF BEGINNING.

The water is located on the E 1/2 acre property.
The Petitioner agrees:

1. To pay for the right to use such water, whether or not petitioner actually takes and uses the same, and to pay a fair proportionate amount of the District's operation, maintenance, and replacement or other charges, in the total amount to be fixed from time to time by the Board of Directors of the District, which amount initially shall be \$ 182.00.
2. The amount so fixed 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 73-9-16 and 73-9-20 Utah Code Annotated, 1953, as amended.
3. The charge specified in paragraph (1) shall remain effective against the lands herein described, provided that the District may reallocate the water allotted pursuant to this petition, and the charge specified in paragraph (1), to parcels of said land in separate ownership in accordance with the rules and regulations of the District.
4. Periods of delivery: In no event shall the District be required to make deliveries of water hereunder other than during the irrigation seasons as determined by the District.
5. District water so allotted shall be delivered and or measured at a point or points designated by the District after consultation with petitioner or his representative. It shall not be the responsibility of the District to provide facilities to convey the water from such point or points to the place of use. The petitioner agrees to bear a pro rata share of all conveyance evaporation losses.
6. The District may use any water available to the District to the extent that it can be

delivered at points where it can be used, provided such water is of quality suitable for irrigation use.

7. In the event there is a shortage of District water caused by drought, inaccuracy 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 accrue against the District, or the United States, or any of their officers, agents of employees or either of them for any damage direct or indirect, arising therefrom and the payments to the District provided for herein shall not be reduced because of any such shortage or damage. During periods of water shortages, allocations of treated and untreated water to municipalities for municipal, domestic and industrial use shall have first priority. Deliveries of water allotted pursuant to this petition shall be reduced in the proportion that the number of acre-feet of such shortage, as determined by the District, bears to the total number of acre-feet allocated for irrigation use.

8. The Purchaser agrees that he will 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, 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.

9. The provisions of the Water Conservancy Act of Utah, and the rules and regulations of the Board of Directors of said District shall be binding upon the petitioner.

10. The provisions of this Contract shall apply to and bind the successors and assigns of the parties hereto.

11. "The reuse of water delivered pursuant to this contract shall not be allowed without permission of the district. The waste, seepage, or return flow from water delivered pursuant to this contract shall belong to the Weber Basin Water Conservancy District for the use and benefit of the Weber Basin Project."

Dated this 13 Day of Dec., 2006.

2700 West 2273 South
West Haven, Utah 84401

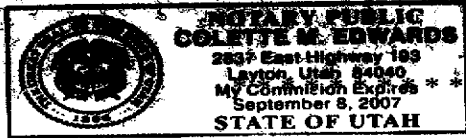
Theron & Faye Phillips
Faye W. Phillips
Petitioner and owners of lands above described.

STATE OF UTAH
County of

On the 13th Day of December, 2006, personally appeared before me Theron & Faye Phillips, who being by me duly sworn did say that they are the signers of the within instrument, who duly acknowledged to me that they executed the same.

Collette M Edwards Notary Public

Residing at _____ (SEAL)
My commission expires



ORDER ON PETITION

Due notice having been given and hearing had, it is ordered that the foregoing petition of Theron J. & Faye H. Phillips Trustees, be granted and an allotment of 1.5 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 in said petition set forth.

Dated this 26 Day of Jan, 2007

WEBER BASIN WATER
CONSERVANCY DISTRICT

By: Charlene M. McConkie
Charlene M. McConkie- Chairman

ATTEST:

Tage L. Flint
Tage L. Flint - Secretary

(SEAL)

