

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

Area: NORTH DAVIS

CALVIN WATERS, 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 33.9 acre-feet of Weber Basin Project municipal untreated water for the irrigation of 16.1 acres of land situated in DAVIS County, Utah as described below. This petition supersedes and incorporates 17.188 acre-feet of water covered by that certain _____ and order recorded in Book _____, Page _____, records of _____ County, Utah.

DESCRIPTION OF LAND: SECTION 35 TOWNSHIP 5N RANGE 1W ACRES 16.1 ACRE-FEET 33.9

Beg at the NE cor of the SE 1/4 of the SE 1/4 of Sec 35, T5N, RW, S1B&M & run th S $0^{\circ}06'21''E$, alg the E ln of sd Sec 35, 659.30 ft to the NE cor of the S 1/2 of the SE 1/4, sd pt lying N $0^{\circ}06'21''W$, 659.30 ft fr the SE cor of sd Sec 35; th N $89^{\circ}58'59''W$ alg the N ln of sd S 1/2; 360.09 ft; th N $19^{\circ}47'21''W$ 293.86 ft; th N $20^{\circ}07'55''E$ 195.90 ft; th S $58^{\circ}54'34''W$ 226.57 ft to sd N ln of sd S 1/2 of the SE 1/4 of the SW 1/4, th N $89^{\circ}58'59''W$ alg sd N ln, 345.00 ft; th N $11^{\circ}19'59''W$ 213.94 ft; th N $18^{\circ}51'00''W$ 66.0 ft; th N $71^{\circ}09'00''E$ 165.73 ft; th N $20^{\circ}41'09''W$ 312.04 ft to the S ln of the Weber/Davis Canal; th alg sd S ln in the following 4 courses: (SEE ATTACHED)

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 District, which shall include the following items:

(a) \$9.66 per acre-foot, annually, for all water allotted hereunder.

(b) An amount hereby designated as distribution system charge of not to exceed \$21.50 annually for each delivery point provided for the land described above. In the event of the division of the said land into separate ownerships served from the same delivery point, the said charge of \$21.50 annually shall be made for each parcel in new ownership.

(c) A fair proportionate amount of operation, maintenance, and replacement charges as determined by the District.

2. The aggregate of the amounts 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 charges 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 charges 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.

5. District water so allotted shall be delivered and 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 waste seepage or return flow from water delivered pursuant to this petition shall belong to the District for the use and benefit of the Project. The District may substitute in lieu of stored water any other 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.

(over)

Platted Abstracted
On Margin Indexed
Compared Entered

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 or 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.

Dated this 31 day of Sept., 1983.

Chas. M. Miller

Petitioner and owners of lands above described

* * * * *

STATE OF ~~UTAH~~
County of ~~DAVIS~~

On the 22 day of Sept., 1983, personally appeared before me John T. Murphy, who being duly sworn did say that they are the signers of the within instrument, who acknowledged to me that they executed the same.

John T. Murphy
Notary PUBLIC
Residing at 210 Main Street
My commission expires Oct. 1984

ORDER ON PETITION

Chas. M. Miller

Due notice having been given and hearing had, it is ordered that the foregoing petition of John T. Murphy, be granted and an allotment of 33.2 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 30 day of Sept., 1983.

WEBER BASIN WATER CONSERVANCY DISTRICT

Benjamin C. Kitchell
Chairman of the Board

TEST: *John T. Murphy*
(SEAL)

Deer Run Est. (pty desc continued)

1. N 69D40'44"E 114.96 ft; 2. N 70D14'36"E 244.07 ft;
3. E, 68.40 ft; 4. N 70D14'36"E 467.73 ft; th leaving
said canal S 34D04'35"E 55.06 ft; th S 69D52'48"E
154.00 ft; th N 60D58'45"E, 557.29 ft; th 134.81 ft
alg the arc of a 318.17' radius curve to the right
whose long chord bears N 73D07'03"E 133.80 ft to the W
ln of US Highway 89, th S 4D00'00"W alg sd W line
66.98 ft; th 96.66 ft alg the arc of a 252.17' radius
curve to the left whose long chord bears S 71D57'36"W
96.07 ft; th S 60D58'45"W, 617.29 ft; th S 50D34'00"E
84.77 ft to the p.o.b. Containing 16.1 acres, more or
less.