

PETITION TO ROY WATER CONSERVANCY SUBDISTRICT FOR THE ALLOTMENT OF WATER

UTAH POWER & LIGHT COMPANY by Frank M. Davis

(City) (State) husband and wife of herein signed Petitioner elects to purchase and hereby applies to the Roy Water Conservancy Subdistrict, herein styled the Subdistrict, for the allotment of the beneficial use of 1.5027 acre-feet of water annually for the irrigation of land situated in Weber County, Utah, described as follows: (See attached description.)

Part of NW 1/4 Sec. 22, T. 5 N., R. 2 W., S. 1 M., U.S. Survey, Beg. on N. line of Said Sec. 60 Rods W. of NE, Corner Th. S. 40 Rods To R.R. R. of W., Th. W. 70 Ft., Th. N. 40 Rods Th. E. 70 Ft. To Beg. Cont. 1.06 Ac.

Noted 7060021 Roy Water Lisa Kumpfer

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 time it is used annually by the Board or Directors of the Subdistrict which shall include the following items: (a) Amount not to exceed \$6,000 annually per acre-foot for all water allotted. (b) An amount 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 estimated by the Subdistrict for its use, and a fair proportionate amount of the estimated operation, maintenance and replacement charges assessed against the Subdistrict by the Weber Basin Water Conservancy District pursuant to the Class C petition and order between the Weber Basin Water Conservancy District and the Subdistrict.

- 2. To pay a connection charge upon the granting of this petition as follows: (a) \$53.00 per connection if paid in full on or before September 30, 1972. (b) \$85.00 per connection if paid in full between the dates of October 1, 1972 and January 31, 1973. (c) \$100.00 per connection if paid in full between the dates of February 1, 1973 and June 30, 1973. (d) If the connection charge in sub-paragraphs (a), (b) or (c) above is not paid within the time so stated then the connection fee will be such as is determined by the Subdistrict's Board. (e) There shall be no refunds.

3. The aggregate of the amounts so fixed in paragraphs 1 and 2 hereof shall be a 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 73-19 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 allotment 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 sub-district 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 agrees to bear a pro rata share of all conveyance and evaporation losses from Weber Basin Water Conservancy District storage reservoirs to the point or points of delivery.

6. In the event there is a shortage of project 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 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 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 shall be reduced in the proportion that the number of acre-feet of such storage, as determined by the Subdistrict, bears to the total number of acre-feet allocated for irrigation use within the sub-district.

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, groundwaters, 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.

8. The provisions of the Water Conservancy Act of Utah, and the Rules and Regulations of the Board of Directors of said Subdistrict shall be binding upon the Petitioner and this petition shall be subject to the repayment contract between the Weber Basin Water Conservancy District and the United States dated December 12, 1962, No. 1446-1063 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 5th day of May, 1977

Signed: Frank M. Davis

Petitioner and Owner of Lands above described.

STATE OF UTAH, County of Weber

On the 5th day of May, 1977, personally appeared before me Frank M. Davis, who being by me duly sworn did say that he (they), is (are) the signer(s) of the within instrument, who only person(s) who (they) executed the same. My duty public duty expires Feb. 7, 1980

Residing at Salt Lake City, State of Utah

(SEAL) My Commission Expires: Feb. 7, 1980

ORDER ON PETITION TO ROY WATER CONSERVANCY SUBDISTRICT

Due notice having been given and hearing had, it is ordered that the foregoing petition of Frank M. Davis, 3-6-72, acre-feet of irrigation water is hereby made to be granted and an allotment of 1.5027 acre-feet of irrigation water is hereby made to the lands therein described, upon the terms, at the rates, and payable in the manner as determined by the district's Board of Directors.

Dated this 22 day of June, 1977

By: Frank M. Davis, Chairman, 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 22 day of June, 1977

Lisa Kumpfer, Secretary