09-178-0016

PETITION TO ROY WATER CONSERVANCY SUBDISTRICT FOR THE ALLOTMENT OF WATER

Cummings, George G. & Laura

(husband and wife) of Roy (City), Utah (State), herein styled 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 2.23 acre-feet of water annually for the irrigation of land situated in Weber County, Utah, described as follows: (See attached description.)

All of lot 45, Wheatridge Estates in Weber County, Utah.

721939
No Fee
FILED AND RECORDED FOR
Roy Water
1977 DEC 15 AM 8 19
RUTH ... JEN
WEBER COUNTY RECORDER
DEPUTY
Indexed
Filed
Abstracted
Planted
Photocopied
Microfilmed

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 Subdistrict which shall include the following items:
(a) An amount not to exceed $6.50 annually per acre-foot for all water allotted.
(b) An amount not to exceed $31.50 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 $31.50 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 it's 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.

Money collected pursuant to subparagraphs (a) and (b) above shall be used first to apply on the Subdistrict's obligation to the United States under Contract No. 14-06-400-8720, dated September 16, 1971; second, to apply to the Subdistrict's obligation under said Class C Petition and order between the Weber Basin Water Conservancy District and the Subdistrict; and third, to meet other obligations of the Subdistrict.

2. To pay a connection charge upon the granting of this petition as follows:

(a) $75.00 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 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 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 allotted 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 subdistrict 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 drouth, 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 shortage, as determined by the Subdistrict, bears to the total number of acre-feet allocated for irrigation use within the Subdistrict.

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, groundwater, 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, 1952, No. 14-06-400-3 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 15 day of Aug

Signed: George G. Cummings
Petitioner and Owner of Land above described.

STATE OF UTAH,)
) ss Weber
County of)

On the 15 day of Aug, 1977 personally appeared before me George G. & Laura Cummings, who being by me duly sworn did say that he (they) is (are) the signer(s) of the within instrument, who duly acknowledged to me that he (they) executed the same.

Notary Public
Residing at Roy
County of Weber State of Utah

(SEAL)
My Commission Expires: 7-05-78

ORDER ON PETITION TO ROY WATER CONSERVANCY SUBDISTRICT

Due notice having been given and hearing had, it is ordered that the foregoing petition of George G. & Laura Cummings be granted and an allotment of 2.23 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 12th day of Oct, 1977

By
Chairman, Board of Directors

ATTEST:

I hereby certify that the above is a true copy of Petition and Order entered thereon by the Board of Directors of Roy Water Conservancy Subdistrict, on the 12th day of Oct, 1977

(Seal)

Secretary

BOOK 1215 PAGE 150