

North of  
Wanship

# ENTRY NO. 01007149

11/14/2014 10:13:00 AM B: 2266 P: 0819  
Petition PAGE 1/4  
MARY ANN TRUSSELL, SUMMIT COUNTY RECORDER  
FEE 0.00 BY WEBER BASIN WATER CONSERVANCY DISTRICT

Account No. 8009

Contract D-4

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

Robert & Christine Burns Family Trust ("Petitioner") hereby applies to the Weber Basin Water Conservancy District, (herein "District"), for the allotment of the beneficial use of 1.0 acre-foot of untreated water annually, for irrigation and domestic purposes, on land situated in Summit County, Utah, legally described as follows:

Section 21, Township 1N, Range 5E, Acres 30.00

Tax I.D. No. (s): NS-227-J-1

### **E3/4 OF NW1/4 OF NW1/4 SEC 21 T1NR5E SLBM CONT 30.00 AC**

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 Directors, which amount initially shall be the sum of \$ 15.00 per acre-foot.
- b. To pay an additional amount annually to be fixed by the District's Board of Directors for operation, maintenance or other charges.
- c. To pay an annual amount, per acre foot, not to exceed \$5.00 annually as determined by the District to pay the District's special costs and expenses in administering this allotment.
- d. To pay an amount equal to the assessments imposed by the State Engineer for the distribution of the water replaced hereunder.

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

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 The use of the water allotted hereby shall be solely for the replacement of underground water diverted, withdrawn or to be diverted or withdrawn by means of a well or spring for irrigation and domestic purposes at a point located on the land hereinabove described, and for no other use or purpose.

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 Wanship 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.

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. Petitioner recognizes that in addition to the tax lien referred to in paragraph 1 above, the above-described land is presently encumbered by a lien created by District Contract No. 8009



ORDER ON PETITION

DUE NOTICE having been given and hearing had, IT IS ORDERED that the foregoing petition of Robert & Christine Burns Family Trust be granted and an allotment of 1.0 acre-foot 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 31 day of October, 2014.

WEBER BASIN WATER CONSERVANCY  
DISTRICT

By Kym O. Buttschardt  
Kym O. Buttschardt, Chair

ATTEST:

Tage I. Flint  
Tage I. Flint, Secretary

(SEAL)

