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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
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DEPT REC'D FOR WEBER BASIN WATER
CONSERVANCY

Area: West Farmington
Petitioner: Davis County

08-076-0113, 0114

2012-55

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

Davis County, 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 2.9 acre-feet of Weber Basin Project municipal untreated water for the irrigation of 23.515 acres of land situated in Davis County, Utah as described below. This petition supersedes and incorporates ---- acre-feet of water covered by that certain ----- and order recorded in Book -----, Page -----, records of ----- County, Utah.

DESCRIPTION OF LAND: SECTION 24, TOWNSHIP 3N, RANGE 1W, ACRES 23.515, ACRE-FEET 2.9.

08-076-0097, DAVIS COUNTY, 2.9 AF

BEGN 140.0 FT & N 89°40' W 127.0 FT & N 47°09'10" E 172.43 FT ALG THE CENTER OF NORTH COTTONWOOD CREEK FR THE NE COR OF THE SW 1/4 OF SEC 24-T3N-R1W, SLM, (BASIS OF BEARING IS S 89°52'28" W BETWEEN THE CENTER OF SEC 24 & THE W 1/4 COR OF SEC 24) & RUN TH N 65°30' E 18.17 FT ALG THE CENTER OF SD CREEK TO THE W'LY LN OF 650 WEST STR; TH N 0°07'40" W 416.05 FT ALG THE W LN OF 650 WEST STR TO THE S LN OF CLARK LANE; TH W 12.37 FT ALG THE S LN OF CLARK LANE TO THE NE COR OF PPTY NOW OWNED BY DAVIS COUNTY; TH S 0°21' W 266.9 FT TO THE POB. ALSO: BEG AT A PT N 283.04 FT & N 89°40' W 383.48 FT FR THE NE COR OF THE SW 1/4 OF SEC 24-T3N-R1W, SLM, (BASIS OF BEARING IS S 89°52'28" W BETWEEN THE CENTER OF SEC 24 & THE W 1/4 COR OF SEC 24) & RUN TH N 45° W 162.06 FT; TH W 796.80 FT, M/L, TH S 214.08 FT; TH W 364.40 FT; TH N 5°47'10" W 215.18 FT; TH W 285.48 FT; TH S 0°30' W 805.1 FT; TH N 88°35" E 1245.60 FT, TH N 44°58'34" W 333.67 FT, TH N 45°01'26" E 63.50 FT, TH S 44°58'34" E 123.70 FT, TH N 45°01'26" E 129.32 FT, S 44°58'34" E 11.55 FT, TH N 45°01'26" E 80.45 FT, TH N 45°15'18" W 27.00 FT, TH N 45°01'26" E 18.12 FT, TH N 44°58'34" W 4.00 FT, TH N 45°01'26" E 61.93 FT; TH N 69°10' E 32.29 FT; TH S 44°05'58" E 17.80 FT, TH N 45°01'26" E 329.59 FT TO THE S'LY LN OF CLARK LANE; TH S 45°00' E 75.25 FT TO A PT OF A 450.00 FT RAD CURVE TO THE LEFT; TH 216.45 FT (LC BEARS S 58°46'46" E 214.37 FT), TH N 50°30'50" E 33.11 FT ALG THE CENTER OF NORTH COTTONWOOD CREEK TO THE POB. CONT 23.515 ACRES (NOTE, THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

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) \$245.32 per acre-foot of water purchased, a portion thereof to apply to the extent required on the District's obligation under the Government-District Contract and the remainder to apply to the District's general operation and maintenance expenses, and other special expenses and costs incurred in operating, maintaining, repairing and replacing the separate facilities of the District used or required in servicing this Contract, hereinafter referred to as "OM&R". Such fair amounts shall be determined each year by the Board of Trustees of the District and any such determination shall be final and conclusive and binding on all parties.
 - (b) An amount hereby designated as distribution system charge of not to exceed \$21.50 annually for each delivery point provided forth 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.
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. Water delivered under this petition shall be restricted to a maximum of _____ gallons per minute.
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.
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 of regulations of the Board of Directors of said District shall be binding upon the petitioner.
10. 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 United States or the Weber Basin Water Conservancy District for the use and benefit of the Weber Basin Project.

Dated this 21st day of February, 2012.

F. Bret Millburn

Petitioner and Owner of Lands Above Described

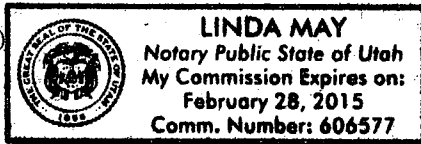
STATE OF UTAH)
)ss.
County of Davis)

P Bret Millburn

On this 21st day of February, 2012, personally appeared before me John Petroff Jr., known to me to be the Chairman of the Board of Commissioners in Davis County and signer of the above instrument, who duly acknowledged to me that he executed the same for the purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)



Linda May

Notary Public

ATTEST:

[Signature]

on Behalf of

Steve S. Rawlings
Davis County Clerk/Auditor

Steve Rawlings

ORDER ON PETITION

Due notice having been given and hearing had, it is ordered that the foregoing petition of Davis County, be granted and an allotment of 2.9 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.

Date this 27th day of April, 2012.

WEBER BASIN WATER CONSERVANCY DISTRICT

BY: *Eric B. Storey*
Eric B. Storey, Chair

ATTEST: *Tage I. Flint*
Tage I. Flint, PE General Manager/CEO

, Secretary

(SEAL)

