



State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights
JOEL FERRY
Executive Director
TERESA WILHELMSSEN
State Engineer/Division Director

ORDER OF THE STATE ENGINEER
For Exchange Application Number 35-14591 (E6683)

Exchange Application Number 35-14591 (E6683) in the names of Kyle and Aubree Douglas was filed on February 19, 2025, to exchange 0.65 acre-foot of water as evidenced by Water Right Number 35-827 (A27608) owned by the U.S. Bureau of Reclamation and a contract (Number 14071 associated with Tax I.D. Number 22-007-0112) for its use with Weber Basin Water Conservancy District. The 0.65 acre-foot of water is to be released from Pineview Reservoir and, in lieu thereof, 0.65 acre-foot of water will be diverted from the following point(s):

- (1) Well - South 294 ft West 911 ft from the N $\frac{1}{4}$ Corner of Section 17, T7N, R1E, SLB&M (existing 8-inch well, 205 feet deep, drilled in 2025)

The water is to be used for the following purpose(s):

Irrigation - Sole Supply: 0.0667 acre, Group Total: 0.0667 acre, from April 1 to October 31
Domestic - Sole Supply: 1.0 equivalent domestic unit, Group Total: 1.0 equivalent domestic unit, from January 1 to December 31

The water is to be used in all or portion(s) of:

Section 17, T7N, R1E, SLB&M

Notice of the exchange application was published in the Standard Examiner on March 6 and 13, 2025. No protests were received.

It is the opinion of the State Engineer that this exchange application can be approved without adversely affecting existing rights. The applicants are put on notice that diligence must be shown in pursuing the development of this application, which can be demonstrated by the completion of the project as proposed in the exchange application.

It is, therefore, **ORDERED** and Exchange Application Number 35-14591 (E6683) is hereby **APPROVED** subject to prior rights and with the following condition(s):

- (1) The applicants shall construct or install and maintain controlling works and a measuring device as required by Utah Code § 73-5-4.
- (2) The basis for this exchange right is a contract between the applicants and Weber Basin Water Conservancy District. This contract must be maintained for this exchange to remain valid. No water may be withdrawn under this application if a contract is not in effect.

- (3) Total diversion under this exchange application is limited to 0.65 acre-foot of water per year for the uses described above.
- (4) The water being exchanged shall be released from Pineview Reservoir into Ogden River as called for by the river commissioner.

The applicants are strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicants to determine the applicability of and acquisition of such permits. Once all other permits have been acquired, this is your authority to develop the water under the above referenced application which under Utah Code §§ 73-3-10 and 73-3-12, must be diligently prosecuted to completion. The water must be put to beneficial use and proof must be filed on or before May 31, 2032, or a request for extension of time must be acceptably filed; otherwise, the application will be lapsed. This approval is limited to the rights to divert and beneficially use water and does not grant any rights of access to, or use of land or facilities not owned by the applicants.

As noted, this approval is granted subject to prior rights. The applicants shall be liable to mitigate or provide compensation for any impairment of or interference with prior rights as such may be stipulated among parties or decreed by a court of competent jurisdiction.

Under the authority of Utah Code § 73-3-20, the applicants are required to submit a proof of diversion and beneficial use of water upon 60 days notification by the State Engineer. The proof shall be in the same form and contain the same elements as required for appropriation or permanent change of water under Utah Code § 73-3-16.

Proof of beneficial use is evidence to the State Engineer that the water has been fully placed to its intended beneficial use. By law, it must be prepared by a registered engineer or land surveyor, who will certify to the location, uses and extent of your water right. An Affidavit of Beneficial Use may be submitted by an applicant without hiring a proof professional if it qualifies under statute. An affidavit qualifies if all of the following criteria are met:

- (1) The water right is associated with a residence, either full- or part-time. (NOTE: Any irrigation or stock use on the affidavit must be associated with the residence.)
- (2) The water use is for a quarter acre of irrigation or less.
- (3) The water use is for the watering of ten head of livestock (or equivalent) or less.
- (4) The water use does not include any uses in addition to the three listed above.

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Upon the submission of proof as required by Utah Code § 73-3-16 for this application, the applicants must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights which may be approved to be diverted from those sources.

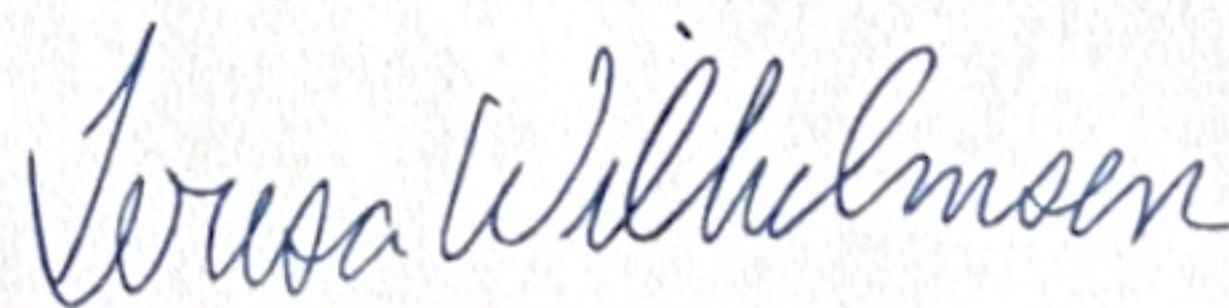
Failure on your part to comply with the requirements of the applicable statutes may result in the lapsing of this application to appropriate.

It is the applicant's responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership. Additionally, if ownership of this water right or the property with which it is associated changes, the records of the Division of Water Rights should be updated. For assistance in updating title to the water right please contact the Division at the phone number below.

Your contact with this office, should you need it, is with the Weber River/Western Regional Office in Salt Lake City. The telephone number is (801) 538-7240.

This Order is subject to the provisions of Utah Admin. Code R655-6-17 of the Division of Water Rights and to Utah Code §§ 63G-4-302, 63G-4-402, and 73-3-14 which provide for filing either a Request for Reconsideration with the State Engineer or for judicial review with the appropriate District Court. A Request for Reconsideration must be filed in writing with the State Engineer within 20 days of the date of this Order. The written request shall be filed in-person, by mail, or electronically. If the request is filed electronically it shall be submitted to: waterrights@utah.gov, which is the authorized general email for the Division. However, a Request for Reconsideration is not a prerequisite to filing for judicial review. A petition for judicial review must be filed within 30 days after the date of this Order or, if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 1st day of May, 2025.



Teresa Wilhelmsen, P.E., State Engineer