



GARY R. HERBERT
Governor
SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Water Rights

BRIAN C. STEED
Executive Director

TERESA WILHELMSEN
State Engineer/Division Director

ORDER OF THE STATE ENGINEER

For Exchange Application Number 35-13711 (E6035)

Exchange Application Number 35-13711 (E6035) in the name of Robert Marker was filed on June 12, 2020, to exchange 3.00 acre-feet of water as evidenced by Water Right Number 35-827 (A27608) owned by the U.S. Bureau of Reclamation and a contract (Number 56133 associated with Tax I.D. Number 22-354-0001) for its use with Weber Basin Water Conservancy District (WBWCD). The 3.00 acre-feet of water is to be released from Pineview Reservoir and, in lieu thereof, 3.00 acre-feet of water will be diverted from: (1) Well - South 214 feet and East 908 feet from the NW Corner of Section 29, T7N, R1E, SLB&M (6-inch well, 100-500 feet deep). The water is to be used for the irrigation of 0.8043 acre from April 1 to October 31; year-round, indoor, domestic requirements of 1.00 equivalent domestic unit (EDU); and year-round stockwatering of 4.9 equivalent livestock units (ELUs), in cattle, horses, or equivalent species. The water is to be used in all or portion(s) of Section 29, T7N, R1E, SLB&M.

Notice of the exchange application was published in the Standard Examiner on June 25 and July 2, 2020. No protests were received.

This Exchange Application seeks to replace a portion of Exchange Application Number 35-6715 (E1276) contract number 56034 for 9.0 acre-feet. A 3.0 acre-feet portion of the original contract supporting Exchange Application Number 35-6715 (E1276) in the name of the Nelson Children Trust has been transferred to the applicants. Administrative action will be handled in a separate Notice of Lapsing for Exchange Application Number 35-6715 (E1276), which will need to be replaced because the contract no longer reflects the amount of water described under the exchange.

It is the opinion of the State Engineer that this exchange application can be approved without adversely affecting existing rights. The applicant is 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 35-13711 (E6035) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) The basis for this exchange right is a contract between the applicant and WBWCD. 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.
- 2) Total diversion under this exchange application is limited to 3.00 acre-feet of water per year for the irrigation of 0.8043 acre (2.413 acre-feet) from April 1

to October 31; year-round, indoor, domestic requirements of 1.00 EDU (0.45 acre-foot); and year-round stockwatering of 4.9 ELUs (0.137 acre-foot).

- 3) The applicant shall maintain controlling works and a metering device as required by Section 73-5-4 of the Utah Code.
- 4) The water being exchanged shall be released from Pineview Reservoir into Ogden River as called for by the river commissioner.

The applicant is strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicant 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 Sections 73-3-10 and 73-3-12, Utah Code Annotated, 1953, as amended, must be diligently prosecuted to completion. The water must be put to beneficial use and proof must be filed on or before September 3, 2025, 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 applicant.

As noted, this approval is granted subject to prior rights. The applicant 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 Section 73-3-20 of the Utah Code, the applicant is 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 Section 73-3-16 of the Utah Code Annotated.

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.

Upon the submission of proof as required by Section 73-3-16, Utah Code, for this application, the applicant 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 exchange application.

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

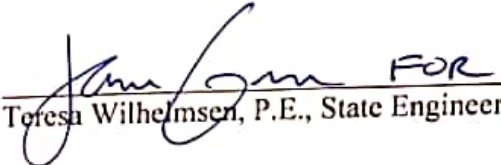
ORDER OF THE STATE ENGINEER
Exchange Application Number
35-13711 (E6035)
Page 3

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. The telephone number is 801-538-7240.

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63G-4-302, 63G-4-402, and 73-3-14 of the Utah Code 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 4 day of September, 2020.


Tofesa Wilhelmsen, P.E., State Engineer

ORDER OF THE STATE ENGINEER
Exchange Application Number
35-13711 (E6035)
Page 4

Mailed a copy of the foregoing Order this 4 day of September 2020 to:

Robert Marker
3972 North 550 West
Pleasant View UT 84414

Weber Basin Water Conservancy District
2837 East Highway 193
Layton UT 84040

Cole Panter, River Commissioner
PO Box 741
OGDEN UT 84402

Division of Water Rights
Distribution Section
c/o Susan Odekirk
OGDEN RIVER

BY: Doralee Cannon
Doralee Cannon, Applications/Records Secretary

DRILLER (START) CARD for EXCHANGE: E6035(35-13711)

IMPORTANT: THIS CARD MUST BE RECEIVED BY THE DIVISION OF WATER RIGHTS PRIOR TO THE BEGINNING OF WELL CONSTRUCTION. PROOF DUE/EXPIRATION DATE: September 30, 2025
START CARDS CAN BE SUBMITTED ONLINE WITH THE WATER RIGHT NUMBER OR NON-PRODUCTION WELL NUMBER AND THE PIN.
ONLINE SUBMISSION EXCHANGE: E6035 ONLINE SUBMISSION PIN: 489721
ONLINE SUBMISSION URL: <https://waterrights.utah.gov/startcard/>

OWNER/APPLICANT NAME: Robert Marker
MAILING ADDRESS: 3972 North 550 West, Pleasant View UT 84414,
PHONE NUMBER: _____
WELL LOCATION: S 214' E 908' from NW Cor, S29, T7N, R1E, SLB&M.
WELL UTM COORDINATES: Northing: 4574873 Easting: 427170
WELL ACTIVITY: NEW(X) REPLACE() REPAIR() DEEPEN()
PROPOSED START DATE: _____
PROJECTED COMPLETION DATE: _____
LICENSE #: _____ LICENSEE/COMPANY: _____

Licensee Signature Date

NOTICE TO APPLICANT: THIS CARD IS TO BE GIVEN TO A UTAH-LICENSED WATER WELL DRILLER FOR SUBMITTAL TO THE DIVISION OF WATER RIGHTS PRIOR TO WELL CONSTRUCTION
STATE OF UTAH DIVISION OF WATER RIGHTS Phone No. 801-538-7416 - FAX No. 801-538-7467

COMMENTS: _____

START CARDS MAY ALSO BE SUBMITTED BY PHONE*, FAX, OR EMAIL.
PHONE: 801-538-7416 - FAX: 801-538-7467 - EMAIL: waterrights_wells@utah.gov
*IF THE START CARD IS PHONED IN, THEN THE COMPLETED AND SIGNED START CARD MUST BE RETURNED TO THE DIVISION OF WATER RIGHTS BY FAX, EMAIL, OR MAIL.

APPLICANT CARD for EXCHANGE: E6035(35-13711)

IMPORTANT: THIS CARD MUST BE COMPLETED, SIGNED AND RETURNED BY THE WELL OWNER/APPLICANT AS SOON AS THE WELL IS DRILLED BY A LICENSED UTAH WATER WELL DRILLER. PROOF DUE/EXPIRATION DATE: September 30, 2025

OWNER/APPLICANT NAME: Robert Marker

MAILING ADDRESS: 3972 North 550 West, Pleasant View UT 84414.

PHONE NUMBER: _____

WELL LOCATION: S 214' E 908' from NW Cor. S29, T7N, R1E, SLB&M.

WELL UTM COORDINATES: Northing: 4574873 Easting: 427170

WELL ACTIVITY: NEW(X) REPLACE() REPAIR() DEEPEN()

WELL COMPLETION DATE: _____

NAME OF DRILLING COMPANY/LICENSEE: _____

Owner/Applicant Signature Date

NOTICE TO APPLICANT: COMPLETE AND RETURN THIS PORTION UPON FINAL WELL COMLETION.
DO NOT GIVE THIS CARD TO LICENSED WELL DRILLER - YOU MUST RETURN IT.
STATE OF UTAH DIVISION OF WATER RIGHTS Phone No. 801-538-7416 - FAX No. 801-538-7467

COMMENTS: _____

START/APPLICANT CARD INSTRUCTIONS: First, for each well, you must give a Driller (Start) Card to the licensed driller with whom you contract to construct the well. Second, it is your responsibility to sign and return this Applicant Card to this office immediately after completion of the well. CAUTION: There may be local health requirements for the actual siting of your well. Please check with the proper local authority before construction begins. See the enclosed sheet addressing construction information.