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Governor
DEIDRE M. HENDERSON
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 35-13772 (E6080)

Exchange Application Number 35-13772 (E6080) in the names of Brian and Susan Savitt was filed on October 26, 2020, to exchange 1.501 acre-feet of water as evidenced by Water Right Number and 35-827 (A27608) owned by the U.S. Bureau of Reclamation and a contract (Number 66110 associated with Tax I.D. Number 22-354-0002) for its use with Weber Basin Water Conservancy District. The 1.501 acre-feet of water is to be released from Pineview Reservoir and, in lieu thereof, 1.501 acre-feet of water will be diverted from: (1) Well - South 853 feet and East 1032 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 0.284 acre from April 1 to October 31; year-round, indoor, domestic requirements of 1.00 equivalent domestic unit (EDU); and year-round stockwatering of 7.107 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 November 27 and December 3, 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 1.501 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 has been 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 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 35-13772 (E6080) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) 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.
- 2) Total diversion under this exchange application is limited to 1.501 acre-feet of water per year for the irrigation of 0.284 acre (0.852 acre-foot) from April 1 to

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October 31; year-round, indoor, domestic requirements of 1.00 EDU (0.45 acre-foot); and year-round stockwatering of 7.107 ELUs (0.199 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 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 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 **February 28, 2026**, 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 Section 73-3-20 of the Utah Code, 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 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 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 exchange application.

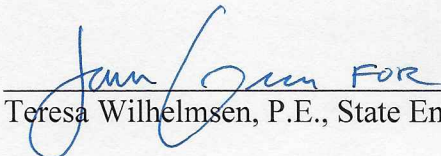
It is the applicants' responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change

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. 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 16 day of February, 2021.


Teresa Wilhelmsen, P.E., State Engineer

Mailed a copy of the foregoing Order this 16 day of February, 2021 to:

Brian and Susan Savitt
2745 Nordic Valley Way #932
Eden, UT 84310

Cole Panter, River Commissioner
PO Box 741
OGDEN, UT 84402

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

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

BY: 
Doralee Cannon, Applications/Records Secretary