



SPENCER J. COX  
Governor  
DEIDRE M. HENDERSON  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

### Division of Water Rights

BRIAN C. STEED  
Executive Director

TERESA WILHELMSSEN  
State Engineer/Division Director

## ORDER OF THE STATE ENGINEER

### For Exchange Application Number 35-14111 (E6340)

Exchange Application Number 35-14111 (E6340) in the name of Harmony Ranch Eden Holdings LLC was filed on March 10, 2022, to exchange 4.00 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 30523 associated with Tax I.D. Number 22-023-0150) for its use with Weber Basin Water Conservancy District. The 4.00 acre-feet of water is to be released from Pineview Reservoir and, in lieu thereof, 4.00 acre-feet of water will be diverted from a well to be located South 10 feet and East 660 feet from the W<sup>1</sup>/<sub>4</sub> Corner of Section 29, T7N, R1E, SLB&M (6-inch well, 150-400 feet deep). The water is to be used for the year-round, indoor, domestic requirements of 1.00 equivalent domestic unit; and year-round commercial purposes (associated with a sustainable living farm). 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 March 31 and April 7, 2022. 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 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 35-14111 (E6340) 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 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 No water may be withdrawn under this application if a contract is not in effect.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 4.00 acre-feet of water per year for the year-round, indoor, domestic requirements of 1.00 equivalent domestic unit (0.45 acre-foot); and year-round commercial purposes (associated with a sustainable living farm) 3.55 acre-feet.
- 3) The water being exchanged shall be released from Pineview Reservoir into Ogden River as called for by the river commissioner.

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-14111 (E6340)

Page 2

- 4) The applicant shall construct or install and maintain controlling works and a measuring device as required by Section 73-5-4 of Utah Code.

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 **June 30, 2029**, 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 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.**

ORDER OF THE STATE ENGINEER

Exchange Application Number


35-14111 (E6340)

Page 3

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](mailto: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 7 day of June, 2022.

  
Teresa Wilhelmsen, P.E., State Engineer  
By: Blake W. Bingham, Deputy

Mailed a copy of the foregoing Order this 7 day of June, 2022 to:

Harmony Ranch Eden Holdings LLC  
PO Box 521  
Eden UT 84310

Kent Wilkerson, River Commissioner  
5833 Cascade Drive  
Mountain Green UT 84050

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  
Doralee Cannon, Applications/Records Secretary