

PETITION TO WEBER BASIN WATER CONSERVANCY DISTRICT  
FOR THE ALLOTMENT OF WATER

Janet Kerr Hoffmann (herein "Petitioner"), hereby applies to the Weber Basin Water Conservancy District, (herein "District"), for the allotment of the beneficial use of 1.0 acre-foot of untreated water annually, for irrigation and domestic purposes, on land situated in Weber County, Utah, legally described as follows:

Section 28, Township 7N, Range 1E, Acres 3 Tax  
Serial No (s) : ~~22-022-0055-0707~~ 22-022-0201 See

PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT WHICH IS NORTH 0D55' WEST 2473.42 FEET WEST 203.24 FEET SOUTH 34D07' WEST 217.50 FEET, SOUTH 2D40' WEST 309.78 FEET, SOUTH 19D50'30" WEST 289.24 FEET, SOUTH 49D04' WEST 45.00 FEET NORTH 52D27'13" WEST 630.00 FEET, SOUTH 45D12'40" WEST 70.0 FEET, AND SOUTH 35D25'25" WEST 9.40 FEET FROM THE SOUTH QUARTER CORNER OF SAID SECTION 28; RUNNING THENCE SOUTH 35D25'25" WEST 290.60 FEET; THENCE SOUTH 52D27'13" EAST 150.00 FEET; THENCE NORTH 35D25'25" EAST 290.60 FEET; THENCE NORTH 52D27'13" WEST 150.00 FEET TO THE POINT OF BEGINNING. CONTAINS 1.00 ACRE.

1. In consideration of such allotment and upon condition that this petition is granted by the District, Petitioner agrees as follows:

a. To pay for the right to use the allotted water an amount annually to be fixed from time to time by the District's Board of Directors, which amount initially shall be the sum of \$ 99.66 per acre-foot.

b. To pay an additional amount, per acre foot, annually to be fixed by the District's Board of Directors for operation, maintenance or other charges.

The amount so fixed shall be paid whether or not the Petitioner actually takes and uses the water allotted.

The amounts so fixed shall be a tax lien upon the above-described land and the Petitioner shall be bound by the provisions of the Water Conservancy Act of Utah and the rules and regulations of the District's Board of Directors. Nothing contained herein shall be construed to exempt the Petitioner from paying the taxes levied pursuant to Sections 17A-2-1426 and 17A-2-1427, Utah Code Annotated 1990, as amended.

2. The use of the water allotted hereby shall be solely for the replacement of underground water diverted, withdrawn or to be diverted or withdrawn by means of a well or spring for irrigation and domestic purposes at a point located on the land hereinabove described, and for no other use or purpose.

PLATED  VERIFIED  E# 1319675 BK1736 PG2243  
ENTERED  MICROFILME DOUG CROFTS, WEBER COUNTY RECORDER  
03-NOV-94 132 PM FEE \$.00 DEP MH  
REC FOR: WEBER.BASIN.WATER.CONSERV.DIST

3. Petitioner's use of the water hereby allotted as replacement water shall be subject to such rules and regulations as the Utah State Engineer may from time to time prescribe, including the obtainment of an exchange application.

4. Delivery of the water hereby allotted by the District shall be as directed by the Utah State Engineer or his representative at the outlet works of \_\_\_\_\_ reservoir.

5. The District shall have no obligation to provide works or facilities of any type to conduct the water hereby allotted from its point of delivery to its ultimate place of use.

6. In the event there is a shortage of water caused by drought, inaccuracies 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 arise against the District or any of its officers, agents, or employees for any damage, direct or indirect, arising therefrom to Petitioner and the payments to the District provided for herein shall not be abated or reduced because of any such shortage or damage. During periods of water shortage, allocations of treated and untreated water for municipal, domestic and industrial use shall have first priority.

7. The Petitioner shall construct, operate and maintain, without cost to the district, the well or spring and appurtenant facilities necessary to secure and accurately measure Petitioner's water supply. The metering or other measuring device installed by Petitioner shall be satisfactory to the Utah State Engineer. The District has no responsibility for the quality or quantity of water that Petitioner is able to secure through the source of Petitioner's well or spring.

8. The basis, the measure and the limit of the right of the Petitioner in the use of water shall rest perpetually in the beneficial application thereof, and the Petitioner agrees to put the water allotted Petitioner hereby to beneficial use in accordance with law.

9. The Petitioner agrees to fully comply 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.

10. The provisions of this Contract shall apply to and bind the successors and assigns of the parties hereto but as long as payments are required under Articles 1 (a) and (b) above neither this contract or any assignment or transfer of this contract or any part thereof or interest therein shall be valid until approved by the District's Board of Directors.

DATED this 18 day of Aug, 1994.

Janet Kerr Hoffmann

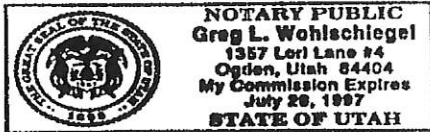
Petitioners and Owners of Land  
above-described

~~Gary Kerr Janet Kerr Hoffmann~~  
~~1626 Rushton P.O. Box 161 Edin~~  
~~Ogden, Utah 84401 Edin, Utah 84310~~

Address

STATE OF UTAH )  
COUNTY OF WEBER ) : ss.

On the 18th day of August, 1994, personally appeared before me JANET KERR HOFFMANN, the signer (s) of the above instrument, who duly acknowledged to me that he executed the same.



Greg L. Wohlschlegel  
NOTARY PUBLIC  
Residing at: 1357 LORI LANE - Ogden

My Commission Expires:  
7-28-97  
1092g3

ORDER ON PETITION

DUE NOTICE having been given and hearing had, IT IS ORDERED that the foregoing petition of Janet Kerr Hoffmann be granted and an allotment of 1.0 acre-feet of water is hereby made to the lands therein described, upon the terms, at the rates, and payable in the manner as in said petition set forth.

DATED this 23 day of September, 1994.

WEBER BASIN WATER CONSERVANCY  
DISTRICT

BY Charles F. Black, Jr.  
Chairman, Board of Directors  
Charles F. Black, Jr.

ATTEST:

Ivan W. Flint  
Secretary - Ivan W. Flint

