

# APPLICATION FOR EXCHANGE OF WATER

STATE OF UTAH

Rec. by \_\_\_\_\_

Fee Reqd \$ 150.00

Receipt # \_\_\_\_\_

For the purpose of obtaining permission to make an exchange of water in the State of Utah, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of Laws of Utah (Sec.73-3-20, Utah Code Annotated, 1953).

EXCHANGE: BASE: 35-7397 CONTRACT/STOCK#: 53029  
(X679NJANKO) COUNTY TAX ID: 23-030-0019

1. NAME: Judith Olson  
ADDRESS: PO Box 116  
Huntsville, UT 84317

2. Filed: Priority:

\*\*\*\*\* C U R R E N T R I G H T \*\*\*\*\*

3. RIGHT EVIDENCED BY:  
U.S. Bureau of Recl. & Contract with Weber Basin Water Conservancy District under 35-7397 (A10989)

4. FLOW: 1.0 acre-feet  
SOURCE: Pineview Reservoir  
COUNTY: Weber

5. POINT OF DIVERSION -- SURFACE:  
(1) N 1,699 ft. E 603 ft. from S $\frac{1}{4}$  corner, Section 16, T 6N, R 1E, SLBM  
Diverting Works: Pineview Reservoir  
Source: Ogden River

6. NATURE OF USE: OTHER: Irrigation, domestic, municipal, industrial, power & stockwatering. Supplementl.  
PERIOD OF USE: Jan 1 to Dec 31

\*\*\*\*\* P R O P O S E D E X C H A N G E \*\*\*\*\*

7. FLOW: 1.0 acre-feet PERIOD OF USE: Jan 1 to Dec 31  
SOURCE: Underground Water Well (existing)  
COUNTY: Weber COMMON DESCRIPTION: Evergreen Park Lots 332

8. POINT OF EXCHANGE -- UNDERGROUND:  
(1) S 1,770 ft. W 230 ft. from NE corner, Section 32, T 7N, R 3E, SLBM  
Diameter of Well: 6 ins. Depth of Well: 240 feet  
Comment: Drilled under 35-11691 (E4496)

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9. POINT(S) OF RELEASE:

FLOW: 1.0 acre-feet

PERIOD OF USE: Jan 1 to Dec 31

\*\*\*Location of Release Point(s) is the SAME as Point(s) of Diversion in CURRENT RIGHT above

10. WATER USE INFORMATION:

IRRIGATION: from Apr 1 to Oct 31. SOLE SUPPLY: 0.1833 acres

DOMESTIC: from Jan 1 to Dec 31. SOLE SUPPLY: 1.0000 families

PLACE OF USE: (which includes all or part of the following legal subdivisions:)

----- Northwest Quarter -----*----- Northeast Quarter -----*----- Southwest Quarter -----*----- Southeast Quarter -----																Section	
BS TOWN RANG SC	NW	NE	SW	SE *	NW	NE	SW	SE *	NW	NE	SW	SE *	NW	NE	SW	SE	Totals
SL 7N 3E 32				*			X	*				*				*	0.1833
																Group Total: 0.1833	

\*=====\*

EXPLANATORY

Applicant owns lots 331 and 332 in Evergreen Park Subdivision. Lot 331 currently has a home and water right (E4496). The well is located on Lot 332 and will be shared by both lots. This application is being filed to develop lot 332. The current parcel number, 23-030-0019, will be maintained with lot 331. The applicant is in the process of surveying and getting the lots subdivided. A new parcel number will be assigned to lot 332.  
 Contract Date: Apr 1, 2015

\*\*\*\*\*

If applicant is a corporation or other organization, signature must be the name of such corporation or organization by its proper officer, or in the name of the partnership by one of the partners, and the names of the other partners shall be listed. If there is more than one applicant, a power of attorney, authorizing one to act for all should accompany the application.

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The undersigned hereby acknowledges that even though he/she/they may have been assisted in the preparation of the above-numbered application through the courtesy of the employees of the Division of Water Rights, all responsibility for the accuracy of the information contained herein, including maps and other attached documents, at the time filing, rests with the applicant(s).

*Judith Olson*  
 \_\_\_\_\_  
 Judith Olson



GARY R. HERBERT  
*Governor*  
SPENCER J. COX  
*Lieutenant Governor*

# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
Division of Water Rights

MICHAEL R. STYLER  
*Executive Director*

KENT L. JONES  
*State Engineer/Division Director*

## ORDER OF THE STATE ENGINEER For Exchange Application Number 35-12975 (E5477)

Exchange Application Number 35-12975 (E5477) in the name of Judith Olson, was filed on April 15, 2015, to exchange 1.00 acre-foot (af) of water as evidenced by Water Right Numbers 35-7397 (A10989) and 35-827 (A27608) owned by the U.S. Bureau of Reclamation and a contract (Number 53029 associated with Tax I.D. Number 23-030-0019) for its use with Weber Basin Water Conservancy District. The 1.00 acre-foot of water is to be released from Pineview Reservoir and, in lieu thereof, 1.00 acre-foot of water will be diverted from a well located South 1770 feet and West 230 feet from the NE Corner of Section 32, T7N, R3E, SLB&M (existing 6-inch, 240 feet deep, constructed in 2005). The water is to be used for the irrigation of 0.1833 acre from April 1 to October 31; and year-round, indoor, domestic requirements of 1.00 equivalent domestic unit. The water is to be used in all or portion(s) of Section 32, T7N, R3E, SLB&M.

Notice of the exchange application was published in the Standard Examiner on May 7 and 14, 2015. 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 35-12975 (E5477) 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 1.00 acre-foot (af) of water per year for the irrigation of 0.1833 acre (0.55 af) from April 1 to October 31 and year-round, indoor, domestic requirements of 1.00 equivalent domestic unit (0.45 af).
3. Section 73-5-4 of the Utah Code provides that "...a person using water in this state, except as provided by Subsection (4), shall construct or install and maintain controlling works and a measuring device at: (a) each location where water is diverted from a source; and (b) any other location required by the State Engineer." In the event that the State Engineer or an authorized representative is required to

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administer and/or distribute your water right, you will be notified in writing. At that time, if you have not already installed an adequate measuring device, you will be required to do so by a specific deadline. Instruction will also be given concerning any monitoring of your water diversion. Failure to comply could result in an order to cease the use of water and/or the revocation of this approval.

4. 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.
5. 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.
6. 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 **June 30, 2020**, or a request for extension of time must be acceptably filed; otherwise the application will be lapsed.

When the work is complete, 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:

- 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.)
- The water use is for a quarter acre of irrigation or less.
- The water use is for the watering of ten head of livestock (or equivalent) or less.
- The water use does not include any uses in addition to the three listed above.

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.

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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.

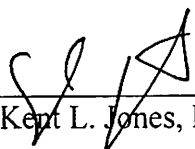
Failure on your part to comply with the requirements of the applicable statutes may result in the lapsing of this exchange application.

**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.**

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 an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Order. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal 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 17<sup>th</sup> day of June, 2015.

  
Kent L. Jones, P.E., State Engineer

BOB CLAYTON FOR

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Mailed a copy of the foregoing Order this 17<sup>th</sup> day of June, 2015 to:

Judith Olson  
PO Box 116  
Huntsville, UT 84317

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

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

BY: \_\_\_\_\_

  
Sonia R. Nava, Applications/Records Secretary

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JUDITH OLSON  
PO BOX 116  
HUNTSVILLE UT 84317

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