

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF EXCHANGE)

APPL. NO. 1276 (35 Area))

MEMORANDUM DECISION

Exchange Application No. 1276 (35 Area) filed by Nelson Children Trust, c/o Lynn Nelson, 824 North Tremont Street, Tremonton, Utah seeks the right to exchange a maximum of 25.0 acre feet of water obtained by Appl. No. 27608, U.S. Bureau of Reclamation and contract with Weber Basin Water Conservancy District, which has storage rights in Pineview Reservoir. The 25.0 acre feet of water will be released from Pineview Reservoir into the Ogden River and, in lieu thereof, 25.0 acre feet of water will be diverted from an eight-inch diameter well, 100 to 300 feet deep, located the following points: (1) South 50 feet and East 1250 feet; (2) South 50 feet and East 1650 feet, both from the NW Corner of Section 29, T7N, R1E, SLB&M. The water will be used for the domestic purposes of 25 families and for the irrigation of 6.0 acres of land.

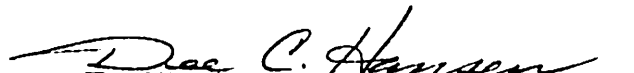
It appears that this exchange can be made provided certain precautions are taken.

It is, therefore, ordered and Exchange Appl. No. 1276 (35 Area) is hereby APPROVED subject to prior rights and the following conditions:

1. No more water may be diverted from the well each year than the applicant is entitled to under the contract with Weber Basin Water Conservancy District.
2. The applicant shall install a permanent totalizing water meter to measure the water obtained and the meter shall be available for inspection by the river commissioner at all reasonable times as may be required by the river commissioner in regulating this exchange.
3. The water being exchanged shall be released into the Ogden River as called for by the river commissioner.

This decision is subject to the provisions of Section 73-3-14, Utah Code Annotated, 1953, which provides for plenary review by the filing of a civil action in the appropriate district court within sixty days from the date hereof.

Dated this 25th day of August, 1978.


Dee C. Hansen, State Engineer

DCH:RAL:jj

cc: Weber Basin Water Conservancy District
cc: J. Floyd Barnett

ASSUMPTION OF CONTRACT BY SUCCESSOR OWNER

WHEREAS, under date of April 8, 1978, Mary L. Nelson, Trustee & Lynn H. Nelson, entered into a certain contract with the Weber Basin Water Conservancy District, for the purchase of 25.0 acre-feet of Weber Basin Project water for domestic and miscellaneous purposes, which contract was thereafter recorded in the office of the County Recorder of Weber County, Utah, Entry No. 750788, Book 1261, Page 301, and

WHEREAS, the undersigned have succeeded to the ownership of the lands described in said contract and are now the owners thereof,

NOW, THEREFORE, in consideration of the premises, the undersigned do hereby assume responsibility for and hereby agree and undertake to perform and discharge all of the terms and conditions of the said contract, the same as if they were the original purchasers thereunder.

Dated: November 28, 1979

Lynn H. Nelson
Mary L. Nelson, Trustee
Original Owners

Jammy N. Pettigrew
Gregory A. Nelson
Alfred T. Nelson
Successor Owners

Address: _____

Zip _____

STATE OF UTAH)
) : SS
COUNTY OF Davis)

On the 28th day of Dec., 1979, personally appeared before me the signer S of the above instrument, who duly acknowledged to me that They executed the same.

Ronald A. DeWalt
Notary Public

(SEAL)

My commission expires:

2.20, 1982