

ORDER OF THE STATE ENGINEER
Exchange Application Number
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OVB INVESTMENTS LLC
6028 SOUTH RIDGELINE DR SUITE 203
OGDEN UT 84405



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 WILHELMESEN
State Engineer/Division Director

ORDER OF THE STATE ENGINEER

For Exchange Application Number 35-13964 (E6229)

Exchange Application Number 35-13964 (E6229) in the name of OVB Investments LLC was filed on July 14, 2021, to exchange 1.00 acre-foot of water, as evidenced by Water Right Number 35-827 (A27608) owned by the U.S. Bureau of Reclamation and a contract (Number 52010 associated with Tax I.D. Number 21-013-0001 and others) 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 to be located North 272 feet and West 238 feet from the S $\frac{1}{4}$ Corner of Section 11, T6N, R2E, SLB&M (6-inch well, 100-500 feet deep). 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 11, T6N, R2E, SLB&M.

Notice of the exchange application was published in the Standard Examiner on August 5 and 12, 2021. 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 35-13964 (E6229) 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 No water may be withdrawn under this application if a contract is not in effect.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 of water, per year for the irrigation of 0.1833 acre (0.55 acre-foot) from April 1 to October 31; and year-round, indoor, domestic requirements of 1.00 equivalent domestic unit (0.45 acre-foot).
- 3) The water being exchanged shall be released from Pineview Reservoir into Ogden River as called for by the river commissioner.
- 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.

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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 **November 30, 2028**, 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.

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.

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.

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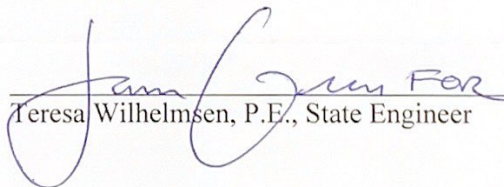
Failure on your part to comply with the requirements of the applicable statutes may result in the lapsing of this exchange application.

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.

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 19 day of November, 2021.


Teresa Wilhelmsen, P.E., State Engineer

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Mailed a copy of the foregoing Order this 19 day of November, 2021 to:

OVB Investments LLC
6028 South Ridgeline Dr, Suite 203
Ogden UT 84405

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

Cole Panter, River Commissioner
PO Box 741
OGDEN UT 84402

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

BY:


Doralee Cannon, Applications/Records Secretary

APPLICANT CARD for Exchange Application: E6229(35-13964)

IMPORTANT: THIS CARD MUST BE COMPLETED, SIGNED AND RETURNED BY THE WELL OWNER/APPLICANT AS SOON AS THE WELL IS DRILLED BY A LICENSED UTAH WELL DRILLER. PROOF DUE/EXPIRATION DATE: November 30, 2028

OWNER/APPLICANT: OVB Investments LLC

MAILING ADDRESS: 6028 South Ridgeline Dr, Suite 203, Ogden, UT 84405

PHONE NUMBER: 801-648-8229

WELL LOCATION: N 272' W 238' from S4 Cor, S11, T 6N , R 2E, SLB&M

WELL UTM COORDINATES: Easting: 441989 Northing: 4568410

WELL ACTIVITY: NEW(**X**) REPLACE() REPAIR() DEEPEN()

WELL COMPLETION DATE: _____

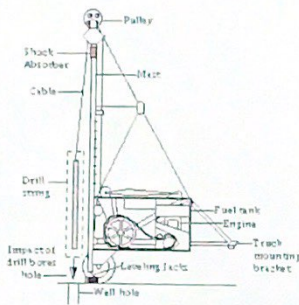
NAME OF DRILLING COMPANY/LICENSEE: _____

Owner/Applicant Signature Date

NOTICE TO APPLICANT: COMPLETE AND RETURN THIS PORTION UPON FINAL WELL COMPLETION.
DO NOT GIVE THIS CARD TO LICENSED WELL DRILLER. - YOU MUST RETURN IT.
STATE OF UTAH DIVISION OF WATER RIGHTS Phone No. 801-538-7416 - FAX No. 801-538-7467

COMMENTS: _____

START/APPLICANT CARD INSTRUCTIONS: First, for each well, you must give a Driller (Start) Card to licensed driller with whom you contract to construct your well. Second, it is your responsibility to sign and return this Applicant Card to this office immediately after completion of the well.
CAUTION: There may be local health requirements for the actual siting of your well. Please check with the proper local authority before construction begins. See enclosed sheet addressing construction information.



UTAH WATER WELL CONSTRUCTION REQUIREMENTS



In order to protect you, the well owner, and the precious groundwater resources in Utah, Well Drillers must construct wells in accordance to minimum construction standards promulgated under the Administrative Rules for Water Well Drillers (R655-4 of the Utah Administrative Code). This flyer is designed to inform you, as a potentially new well owner, of the major minimum construction standards that your well driller must follow. Please also check to see if other Federal, State, and local well drilling requirements apply before drilling. The Well Drilling Rules, list of licensed drillers, and other water well information can be viewed at the Division of Water Rights website at waterrights.utah.gov/wellinfo. Well drilling questions can be directed to the Well Drilling Section of the Division of Water Rights at 801-538-7416. An abridged list of the major construction standards are as follows:

- Well Drillers must be licensed through the State Engineer's Office to drill wells in the State of Utah (Check web page or call office for current list)
- The Well Driller must submit the Driller Start Card (provided by the well owner) to the State Engineer's Office before starting to drill
- The driller will check to see if the drill location matches the approved point of diversion on your permit. If the drill location differs from the approved location, the driller will notify you and note the difference on the official driller's report submitted to the State Engineer's Office, and it will be your responsibility and liability to either move the drill location to the approved spot or file a change application to move the approved location to the drill location.
- The Well Driller must submit an Official Well Driller's Report (Well Log) to the State Engineer's Office within 30 days of well completion (when the rig is moved offsite)
- If a well is replaced under an approved replacement permit, the well owner is required by law to have the driller abandon the existing (old) well before leaving the site
- Well casing must extend at least 18-inches above ground when completed
- Steel casing must meet common industry standards, be in new or like new condition, free of pits or breaks, and meet specific wall thickness requirements depending on the depth of the well and diameter of the casing (See Table 1 of the Rules for wall thickness requirements)
- The driller must have the permission of the well owner before installing PVC screen or casing
- PVC casing/screen must meet ASTM F480 standards and have a wall thickness that at least equals SDR 17 or Schedule 80
- PVC casing exposed at the ground surface must be covered and protected at the wellhead to a depth of at least 2.5 feet with steel casing or an equivalent covering
- Casing joints must be structurally strong and water tight
- Steel casing joints can be screw-coupled or welded. The weld must consist of at least 2 passes and be as thick as the casing itself
- The well casing must be capped at the surface with a sanitary weatherproof seal or a completely welded cap

- To protect your well against surface contamination, the driller must install a continuous 2-inch thick surface seal between the outermost casing and the borehole wall to a depth of at least 30 feet. The well will not be approved if this is not completed properly
- The seal must also extend 5 feet into bedrock or a clay unit overlying the water production zone
- Approved sealing materials include neat cement, sand cement grout, high solids bentonite grout, and unhydrated bentonite. Drilling mud, drill cuttings, and puddling clay cannot be used for the surface seal
- Grouts must be placed from the bottom up when below 30 feet or when placed in water
- The driller is required to seal off all flow around the casing from a flowing artesian well. The driller must also seal off the flow from the casing using an appropriate cap and valve
- If the driller encounters zones of contaminated or poor quality water, the driller must seal it off so it does not degrade the good quality water zones or impact the quality of the well
- If the drilling method requires that the borehole be oversized in order to install well casing, the borehole shall be at least 4-inches in diameter larger than the casing to facilitate gravel pack and seal placement
- If an oversized borehole is drilled in an unconsolidated unconfined aquifer, the surface seal shall be placed from static water level to ground surface
- If gravel pack or filter material is used, it shall be clean, well rounded, chemically inert, and uniform. The driller must disinfect the material prior to placement in the well
- Materials or chemicals used during the drilling process shall be safe and not contaminate, plug, or damage the well or aquifers encountered
- If drilling mud is used, the driller shall construct an adequate containment system so as to prevent surface or subsurface contamination
- The driller's rig, tools, and equipment that penetrates the ground or comes into contact with groundwater shall be clean and free of contaminants prior to beginning construction
- Any water utilized in the drilling process must come from a municipal or potable source or be disinfected onsite by the driller
- Prior to leaving the site at well completion, the driller must disinfect the well to eliminate any residual organic or bacteriological contamination
- Every well must be equipped with an access port for the purpose of water level or pressure head measurement
- During drilling, the driller must not leave the well casing or borehole open and unattended in order to reduce the risk of contamination or injury
- The well driller should develop the well to clean the well water and restore the flow of groundwater to the well back to normal. The driller should also obtain a static water level measurement and determine the usable pumping yield of the well
- For a public supply well, the well owner and driller must also comply with additional rules and requirements promulgated by the Utah Division of Drinking Water (801-536-4200)