

PETITION TO UTAH WATER CONSERVANCY DISTRICT FOR ALLOTMENT OF
WATER FOR MUNICIPAL USE

Vernal City, a municipal corporation of the State of Utah, hereinafter referred to as the City, hereby applies to the Utah Water Conservancy District, hereinafter referred to as the District, for the allotment of 750 acre-feet of water annually from the Vernal Unit of the Central Utah Project, which Unit is hereinafter referred to as the Project, for municipal use for a period of 40 years, upon the following terms and conditions:

1. Payment to the District for water so allotted shall be made in an annual amount to consist of the total of the following items:

a. Amounts to apply on the District's obligations under its payment contract No. 14-05-400-778 between the United States and the District, hereinafter referred to as the Government-District Contract, as follows:

Years 1 -10, incl. \$11,200

Years 11 - 20, incl. \$12,900

Years 21 - 30, incl. \$14,770

Years 31 - 40, incl. \$16,630

b. A fair proportionate amount of the estimated operating and maintenance charges and reserve fund charges for each year of the 40-year payment period. Such fair proportionate amount shall be determined each year by the Board of Directors of the District and the determination shall be final and conclusive. However, if deemed necessary by said Board, revised estimates of such charges during any year may be made. If such estimates are more or less than the actual cost thereof, then appropriate adjustment will be made in the annual amount for the year following the year for which the estimate was made.

2. The first payment of the amounts specified in paragraph 1 hereof shall be made on or before December 1 of the year preceding the first calendar year in which project water is made available for use by the City. Subsequent payments shall be made on or before December 1 of each year thereafter for a period of 40 years from said date.

3. The District shall notify the City on or before August 1 of the year preceding the year to which the notice of charges in paragraph 1 is applicable, which notice shall contain a statement of the amounts payable by the City for such succeeding year. The District shall likewise notify the City of any revised estimate made pursuant to paragraph 1 b, which notice shall specify the time for payment thereof.

4. The annual amounts specified in paragraph 1 shall be paid whether or not all or any part of the water allotted as hereinabove provided is called for or used by the City.

5. Class B taxes shall be levied annually by the Board of Directors of the District upon property within the City, as provided by Section 73-9-17, Utah Code annotated, 1953, as amended, at rates sufficient to produce the annual amount specified in paragraph 1, less any amount paid or undertaken to be paid from water revenues or from any other source. In making such annual levies the Board of Directors of the District shall take into account the deficiencies and defaults of prior years and shall make ample provision for the payment thereof.

6. Water allotted herein shall be made available to the City and shall be delivered and measured at a weir near the outlet works of Stanaker Dam, provided, however, it is understood that the City will exchange such water for water at Ashley Springs. Measurement will be

mads of Ashley Springs water taken by the City under the above-mentioned exchange and the District will release an equivalent quantity of water from Stapakar Reservoir. It shall not be the responsibility of the District to provide facilities to convey water from points of delivery to the places of use, except that facilities to be constructed under the Government-District contract may be used for delivery of stored water. No responsibility is assumed by the District for purification of the water so delivered.

7. In the event there is a shortage of project water caused by drouth, inaccuracy 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 accrue against the District, or the United States, or any of their officers, agents or employees, or either of them for any damage, direct or indirect, arising therefrom and the payment to the District provided for herein shall not be reduced because of any such shortage or damage. During periods of water shortage allocations of municipal water shall have first priority. If there should ever be any shortage of municipal water, deliveries of water allotted pursuant to this petition shall be reduced in the proportion that the number of acre-feet of such shortage as determined by the District bears to the total number of acre-feet allocated for municipal use.

8. Any allotment of water made pursuant to this petition shall be subject to the Water Conservancy Act of Utah, Title 73, Chapter 9, Utah Code Annotated, 1953, as amended, the rules and regulations of the Board of Directors of the District, and the repayment contracts

heretofore or hereinafter executed between the United States and the District.

This petition is made pursuant to a directive of the legislative body of Vernal City, to-wit, its City Council, as evidenced by Ordinance No. 6-58 adopted by the Vernal City Council of the City on the 1st day of October 1958, a copy of which is attached hereto.

Dated this 16th day of December, 1958.

F. H. Hulse
Mayor

Attest: *Bern M. Hodgkinson*
City Recorder

ORDER OF PETITION

Due notice having been given and hearing had, it is ORDERED that the above petition be granted and an allotment of 750 acre-feet of project municipal water is hereby made upon the terms recited therein.

L.S. 17 *L.S. 61*
Dated and Entered this *17* day of *May* 19*59*

UTAH WATER CONSERVANCY DISTRICT

[Signature]
President

ATTEST:
[Signature]
Secretary

Approved by the United States:
[Signature]
ACTING REGIONAL DIRECTOR

CERTIFICATE

STATE OF UTAH)
COUNTY OF UTAH) ss.

I, Billie M. Edgemoor, do hereby certify that I
am the duly qualified and acting City Recorder of Vernal City Corporation,
Utah County, State of Utah.

I further certify that on the 9th day of October, 1958,
certified copy of Ordinance No. 6-58 entitled:

AN ORDINANCE

Authorizing the Mayor and the City Recorder of Vernal City
Corporation to petition the Utah Water Conservancy District
for an allotment of water and declaring an emergency.

was published in The Vernal Express, a newspaper published within the
municipality..

Attached hereto is a true and correct copy of the ordinance as
published, together with the affidavit of publication by the publisher or
his agent.

IN WITNESS WHEREOF, I have hereunto affixed my signature and affixed
the seal of said Vernal City Corporation, Utah, this 9th day of
October, 1958.

City Recorder.

(SEAL)

AN ORDINANCE

Authorizing the Mayor and the City Recorder of Vernal City Corporation to petition the Uintah Water Conservancy District for an allotment of water and declaring an emergency.

BE IT ORDAINED BY THE CITY COUNCIL OF VERNAL CITY CORPORATION:

Section 1. The public convenience and necessity require that the Vernal City Corporation petition the Uintah Water Conservancy District for the allotment of 750 acre-feet of water annually from the Vernal Unit of the Central Utah Project for municipal use, and the Mayor and the City Recorder are hereby authorized to execute and file the following petition:

PETITION TO UINTAH WATER CONSERVANCY DISTRICT FOR ALLOTMENT OF
WATER FOR MUNICIPAL USE

Vernal City, a municipal corporation of the State of Utah, hereinafter referred to as the City, hereby applies to the Uintah Water Conservancy District, hereinafter referred to as the District, for the allotment of 750 acre-feet of water annually from the Vernal Unit of the Central Utah Project, which Unit is hereinafter referred to as the Project, for municipal use for a period of 40 years, upon the following terms and conditions:

1. Payment to the District for water so allotted shall be made in an annual amount to consist of the total of the following items:

a. Amounts to apply on the District's obligations under its repayment contract No. 14-06-400-778 between the United States and the District, hereinafter referred to as the Government-District Contract, as follows:

Years 1 - 10, incl.	\$11,200
Years 11 - 20, incl.	\$12,900
Years 21 - 30, incl.	\$14,770
Years 31 - 40, incl.	\$16,630

b. A fair proportionate amount of the estimated operating and maintenance charges and reserve fund charges for each year of the 40-year payment period. Such fair proportionate amount shall be determined each year by the Board of Directors of the District and the determination shall be final and conclusive. However, if deemed necessary by said Board, revised estimates of such charges during any year may be made. If such estimates are more or less than the actual cost thereof, then appropriate adjustment will be made in the annual amount for the year following the year for which the estimate was made.

2. The first payment of the amounts specified in paragraph 1 hereof shall be made on or before December 1 of the year preceding the first calendar year in which project water is made available for use by the City. Subsequent payments shall be made on or before December 1 of each year thereafter for a period of 40 years from said date.

3. The District shall notify the City on or before August 1 of the year preceding the year to which the notice of charges in paragraph 1 is applicable, which notice shall contain a statement of the amounts payable by the City for such succeeding year. The District shall likewise notify the City of any revised estimate made pursuant to paragraph 1 b, which notice shall specify the time for payment thereof.

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5. Class B taxes shall be levied annually by the Board of Directors of the District upon property within the City, as provided by Section 73-9-17, Utah Code Annotated, 1953, as amended, at rates sufficient to produce the annual amount specified in paragraph 1, less any amount paid or undertaken to be paid from water revenues or from any other source. In making such annual levies the Board of Directors of the District shall take into account the deficiencies and defaults of prior years and shall make ample provision for the payment thereof.

6. Water allotted herein shall be made available to the City and shall be delivered and measured at a weir near the outlet works of Stanaker Dam, provided, however, it is understood that the City will exchange such water for water at Ashley Springs. Measurement will be made of Ashley Springs water taken by the City under the above-mentioned exchange and the District will release an equivalent quantity of water from Stanaker Reservoir. It shall not be the responsibility of the District to provide facilities to convey water from points of delivery to the places of use, except that facilities to be constructed under the Government-District contract may be used for delivery of stored water. No responsibility is assumed by the District for purification of the water so delivered.

7. In the event there is a shortage of project water caused by drouth, inaccuracy 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 accrue against the District, or the United States, or any of their officers, agents or employees, or either of them for any damage, direct or indirect, arising therefrom and the payment to the District provided for herein shall not be reduced because of any such shortage or damage. During periods of water shortage allocations of municipal water shall have first priority. If there should ever be any shortage of municipal water, deliveries of water allotted pursuant to this petition shall be reduced in the proportion that the number of acre-feet of such shortage as determined by the District bears to the total number of acre-feet allocated for municipal use.

8. Any allotment of water made pursuant to this petition shall be subject to the Water Conservancy Act of Utah, Title 73, Chapter 9, Utah Code Annotated, 1953, as amended, the rules and regulations of the Board of Directors of the District, and the repayment contracts heretofore or hereinafter executed between the United States and the District.

This petition is made pursuant to a directive of the legislative body of Vernal City, to-wit, its City Council, as evidenced by Ordinance No. 658, adopted by the Vernal City Council of the City on the 10 day of October, 1958, a copy of which is attached hereto.

Dated this 10 day of October, 1958.

Mayor

Attest: _____
City Recorder

Section 2. An emergency is hereby declared, and it is necessary for the peace, health and safety of the inhabitants of Vernal City Corporation that this ordinance shall take effect immediately upon its passage,

approval and publication as provided by law.

Passed by _____ vote of the members of the City Council
of Vernal City Corporation, Utah, this _____ day of _____,
19__.

Mayor

Attest:

City Recorder

(T.M.)

CERTIFICATE

STATE OF UTAH)
)
COUNTY OF UTAH))

I, L. V. Sidloway, the duly chosen, qualified, and acting
Secretary of the Vintah Water Conservancy District, do hereby
certify that the foregoing is a full, true, and correct copy of
the original Ordinance adopted by Vernal City Corporation, Utah,
as the same is on file in the offices of the Vintah Water Conservancy
District in Vernal, Utah.

Witness my hand and seal this 17th day of _____, 1961.

L. V. Sidloway

Secretary
Vintah Water Conservancy District

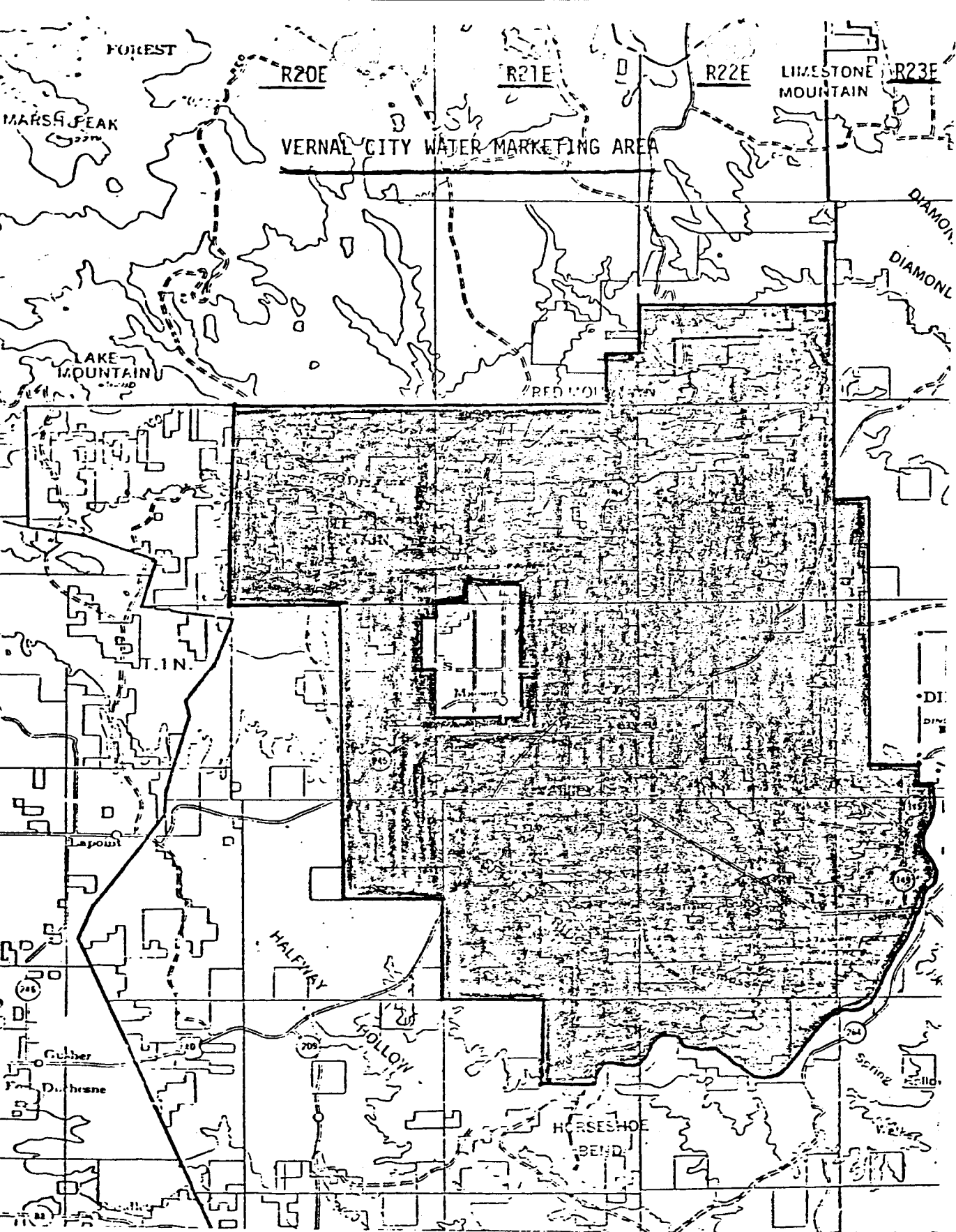
RESOLUTION

IT IS RESOLVED that the President and Secretary of the Uintah Water Conservancy District, be, and they are hereby, authorized to execute the Order on Petition of Vernal City, a municipal corporation of the State of Utah, dated October 1, 1958, ordering the allotment of 750 acre feet of project municipal water to said Vernal City, upon the terms recited in the said petition, the same having been duly approved by the Board of Directors of the Uintah Water Conservancy District. Motion to approve the above Resolution was made by Director, Ireland Sowards and seconded by Director, Curtis Dudley and approved by unanimous vote.

I hereby certify that at a meeting held on the 17th day of May, 1961, the above resolution was duly adopted by the unanimous vote of all directors of the Uintah Water Conservancy District.

[Signature]
SECRETARY

(32-1)



SOLUTION

AND IT IS RESOLVED that the President and Secretary of the Uintah Water Conservancy District, be, and they are hereby, authorized to execute the Order on Petition of Vernal City, a municipal corporation of the State of Utah, dated October 1, 1958, ordering the allotment of 750 acre feet of project municipal water to said Vernal City, upon the terms recited in the said petition, the same having been duly approved by the Board of Directors of the Uintah Water Conservancy District.

Motion to approve the above Resolution was made by Director, Ireland Sowards and seconded by Director, Curtis Dudley and approved by unanimous vote.

I hereby certify that at a meeting held on the 17th day of May, 1961, the above resolution was duly adopted by the unanimous vote of all directors of the Union Water Conservancy District.

5027

(52-L)