

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

Maeser Town, a municipal corporation of the State of Utah, hereinafter referred to as the Town, hereby applies to the Uintah Water Conservancy District, hereinafter referred to as the District, for the allotment of 200 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.	\$2,990
Years 11 - 20, incl.	\$3,460
Years 21 - 30, incl.	\$3,940
Years 31 - 40, incl.	\$4,430

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 Town. 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 Town 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 Town for such succeeding year. The District shall likewise notify the Town 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 Town.

5. Class B taxes shall be levied annually by the Board of Directors of the District upon property within the Town, 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 Town and shall be delivered and measured at a weir near the outlet works of Stanaker Dam, provided, however, it is understood that the Town will exchange such water for water at Ashley Springs. Measurement will be made of Ashley Springs water taken by the Town 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 Maeser Town to-wit, its Town Board, as evidenced by Ordinance No. 58-A, adopted by the Maeser Town Board of the Town on the 11 day of October, 1958, a copy of which is attached hereto.

Dated this 16 day of December, 1958.

/s/ Chas. Palmer
Chairman of Town Board

Attest: /s/ Ted Thacker
Town Clerk

ORDER ON PETITION

Due notice having been given and hearing had, it is ORDERED that the above petition be granted and an allotment of 200 acre-feet of project municipal water is hereby made upon the terms recited therein.

Dated and Entered this 16 day of December, 1958.

UINTAH WATER CONSERVANCY DISTRICT

By /s/ B. H. Stringham
President

ATTEST:

/s/ L. Y. Siddoway
Secretary

Approved by the United States
