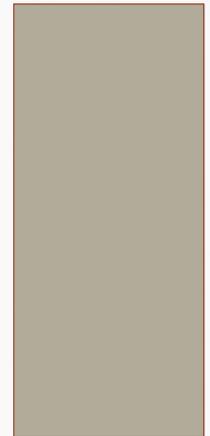


HIDDEN HAVEN SUBDIVISION

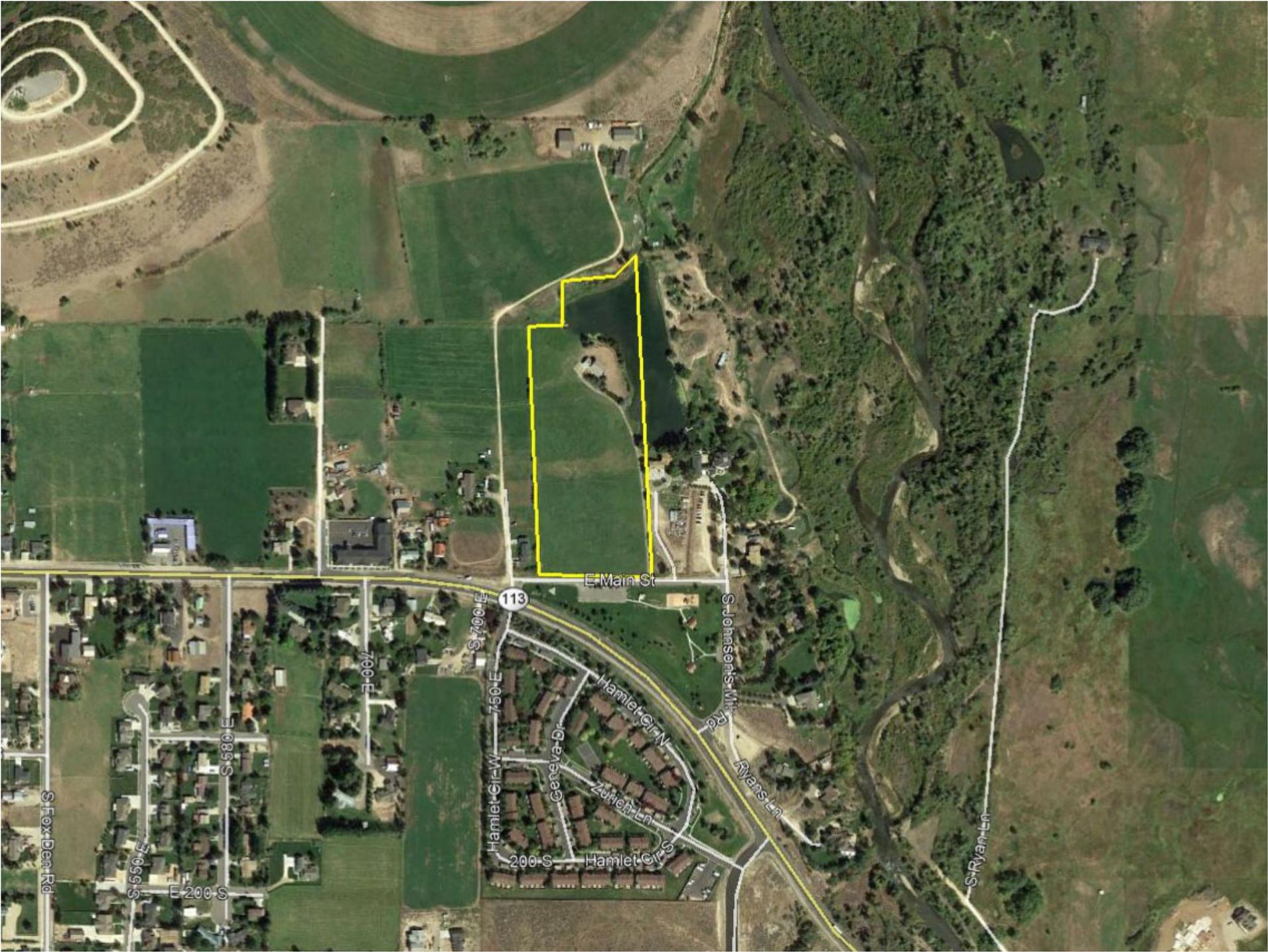
PRELIMINARY



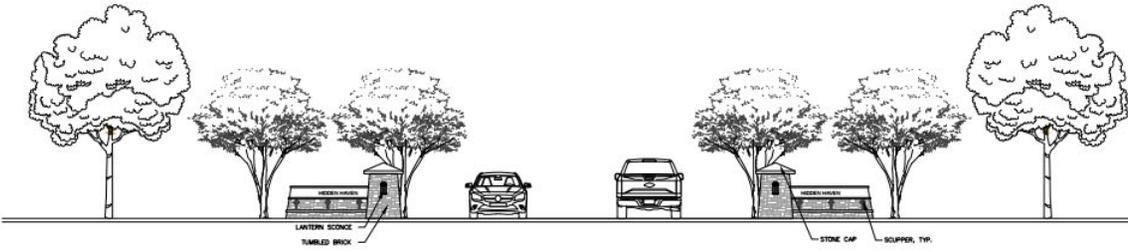
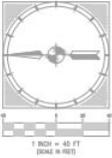
LAND USE SUMMARY

- R-1-15 zone
- 10.03 acres
- 16 lots
- 2.51 acres of open space
 - Allows frontage and acreage to reduce by 10%
- Frontage on a new cul-de-sac to be built in the subdivision
- The lots will connect to the Midway Sanitation District sewer, Midway City's culinary water line, and Midway Irrigation Company's secondary water line

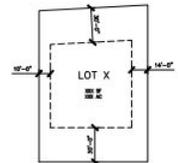








POSSIBLE ENTRY



FRONT SETBACK- ALL BUILDINGS AND STRUCTURES SHALL BE SET BACK AT LEAST 30 FEET FROM THE FRONT LOT LINE OR PROJECTED STREET RIGHT-OF-WAY.

SIDE SETBACKS- ALL DWELLINGS SHALL BE SET BACK FROM THE SIDE PROPERTY LINE A DISTANCE OF AT LEAST 10 FEET, AND THE TOTAL DISTANCE OF THE 2 SIDE SETBACKS SHALL BE AT LEAST 24 FEET. THE MINIMUM SIDE SETBACK FOR ACCESSORY BUILDINGS SHALL BE THE SAME AS FOR MAIN BUILDINGS, EXCEPT THAT A 5-FOOT SIDE SETBACK SHALL BE REQUIRED FOR ACCESSORY BUILDINGS WHICH ARE LOCATED MORE THAN 100 FEET FROM THE FRONT LOT LINE AND AT LEAST 10 FEET TO THE REAR OF ANY DWELLING. ON CORNER LOTS, THE SIDE SETBACK FROM ANY STREET SHALL NOT BE LESS THAN 30 FEET FOR BOTH MAIN AND ACCESSORY BUILDINGS.

REAR SETBACKS- FOR INTERIOR LOTS, ALL DWELLINGS AND OTHER MAIN BUILDINGS SHALL BE SET BACK FROM THE REAR PROPERTY LINE A DISTANCE OF AT LEAST 30 FEET. ACCESSORY BUILDINGS ON INTERIOR LOTS SHALL BE SET BACK NOT LESS THAN 10 FEET FROM THE REAR PROPERTY LINE EXCEPT THAT A 5-FOOT REAR SETBACK SHALL BE PERMITTED FOR ACCESSORY BUILDINGS MEETING FIRE RESISTIVE REQUIREMENTS OF THE BUILDING CODE. FOR CORNER LOTS, ALL DWELLINGS AND OTHER MAIN BUILDINGS SHALL BE SET BACK FROM THE REAR PROPERTY LINE A DISTANCE OF AT LEAST 30 FEET, EXCEPT THAT FOR DWELLINGS HAVING AN ATTACHED GARAGE OR CARPORT, THE SETBACK SHALL NOT BE LESS THAN 20 FEET. ACCESSORY BUILDINGS ON CORNER LOTS SHALL BE SET BACK FROM THE REAR PROPERTY LINE A DISTANCE OF NOT LESS THAN 3 FEET.

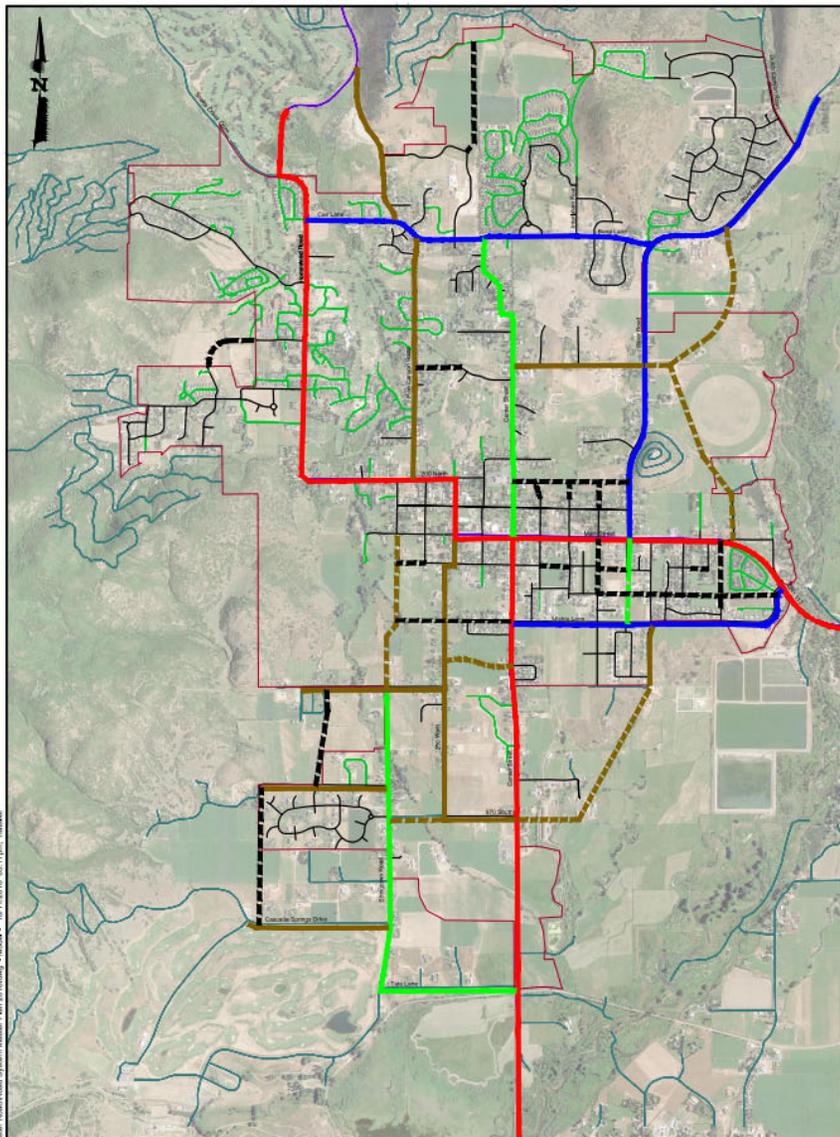
TYPICAL LOT SETBACKS



PROJECT: C18-048	PREPARED FOR: DEVCO HOMES	PRELIMINARY PLAT/LANDSCAPE PLAN	LOCATED IN THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SLSBM	DRAWN BY: ZST	 Summit Engineering Group Inc.
SHEET: 3	PROJECT: HIDDEN HAVEN		WASATCH COUNTY, UTAH	REVIEWED BY: BMB	

POINTS OF DISCUSSION

- Access
- Density
- Proportional frontage reduction
- Midway Irrigation Company Easement
- Sensitive lands
- Geotechnical report
- Cul-de-sac length
- Common area and private amenities
- Stub road



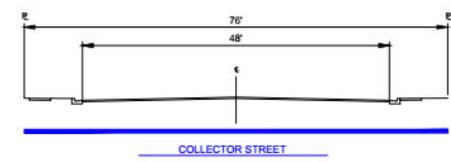
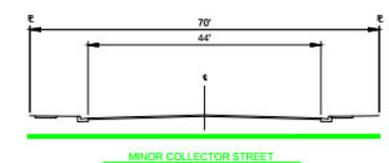
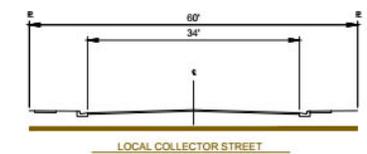
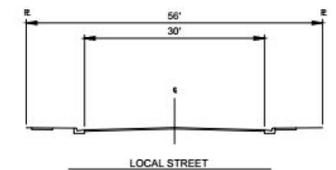
LEGEND

- EXISTING LOCAL COLLECTOR
- EXISTING MINOR COLLECTOR
- EXISTING COLLECTOR
- EXISTING MINOR ARTERIAL (UDOT)
- - - - NEW OR UPGRADED LOCAL
- - - - NEW OR UPGRADED LOCAL COLLECTOR
- - - - NEW OR UPGRADED MINOR COLLECTOR
- - - - NEW OR UPGRADED COLLECTOR

ROAD LEGEND

- MIDWAY CITY ROADS
- MIDWAY CITY GRAVEL ROADS
- COUNTY ROADS
- PRIVATE ROADS
- CITY BOUNDARY
- UDOT ROADS

ROAD SYSTEM MASTER PLAN



H:\Midway_City\Road_System_Master_Plan_2018\Map_2018.dwg - 10/11/2018 03:17pm - mshar

SCALE	
HORIZONTAL	NONE
VERTICAL	NONE

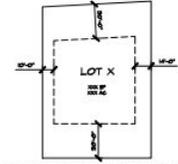
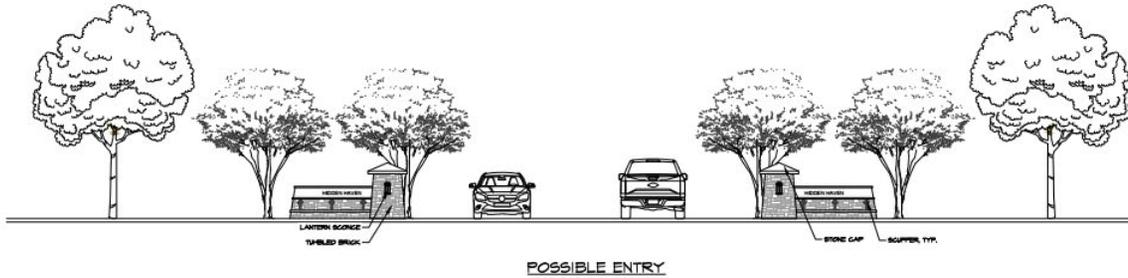
WARNING
 IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE



2162 West Grove Parkway
 Suite 400
 Pleasant Grove, UT 84062
 (801) 783-6100

MIDWAY CITY
 ROAD SYSTEM MASTER PLAN

DESIGNED	DATE	PROJECT NO.
NR	9/2018	-
DRAWN	DATE	SHEET NO.
NR	9/2018	1 of 1
CHECKED	DATE	DRAWING NO.
WSJ	9/2018	P-1

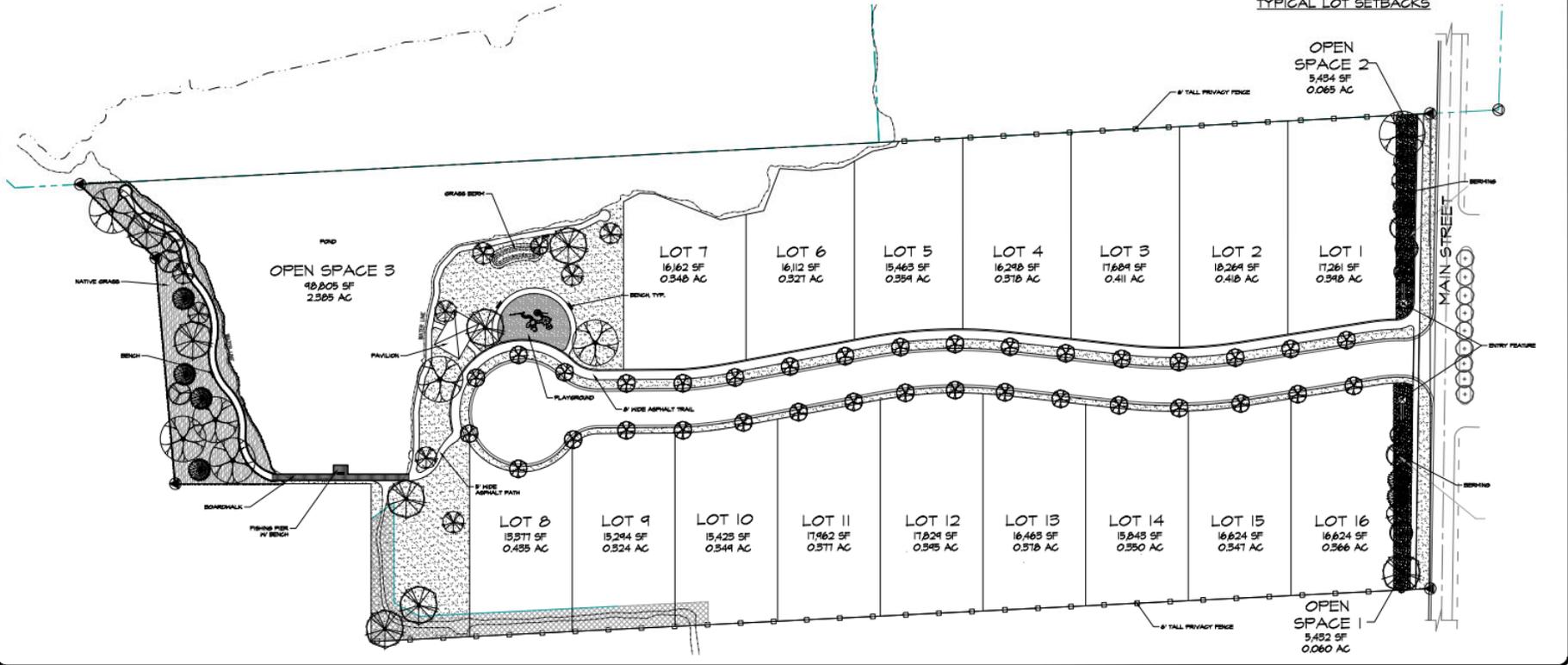


FRONT SETBACK: ALL BUILDINGS AND STRUCTURES SHALL BE SET BACK AT LEAST 50 FEET FROM THE FRONT LOT LINE OR PROJECTED STREET RIGHT-OF-WAY.

SIDE SETBACK: ALL DWELLINGS SHALL BE SET BACK FROM THE SIDE PROPERTY LINE A DISTANCE OF AT LEAST 10 FEET, AND THE TOTAL DISTANCE OF THE 2 SIDE SETBACKS SHALL BE AT LEAST 24 FEET. THE MINIMUM SIDE SETBACK FOR ACCESSORY BUILDINGS SHALL BE THE SAME AS FOR MAIN BUILDINGS, EXCEPT THAT A 2-POOR SIDE SETBACK SHALL BE REQUIRED FOR ACCESSORY BUILDINGS WHICH ARE LOCATED MORE THAN 100 FEET FROM THE FRONT LOT LINE AND AT LEAST 12 FEET TO THE REAR OF ANY DWELLING. ON CORNER LOTS, THE SIDE SETBACK FROM ANY STREET SHALL NOT BE LESS THAN 50 FEET FOR BOTH MAIN AND ACCESSORY BUILDINGS.

REAR SETBACK: FOR INTERIOR LOTS, ALL DWELLINGS AND OTHER MAIN BUILDINGS SHALL BE SET BACK FROM THE REAR PROPERTY LINE A DISTANCE OF AT LEAST 10 FEET. ACCESSORY BUILDINGS ON INTERIOR LOTS SHALL BE SET BACK NOT LESS THAN 10 FEET FROM THE REAR PROPERTY LINE, EXCEPT THAT A 2-POOR REAR SETBACK SHALL BE PERMITTED FOR ACCESSORY BUILDINGS WITHIN THE RESERVATION OF THE BUILDING CODE. FOR CORNER LOTS, ALL DWELLINGS AND OTHER MAIN BUILDINGS SHALL BE SET BACK FROM THE REAR PROPERTY LINE A DISTANCE OF AT LEAST 10 FEET, EXCEPT THAT FOR DWELLINGS HAVING AN ATTACHED GARAGE OR CARPORT, THE SETBACK SHALL NOT BE LESS THAN 20 FEET. ACCESSORY BUILDINGS ON CORNER LOTS SHALL BE SET BACK FROM THE REAR PROPERTY LINE A DISTANCE OF NOT LESS THAN 8 FEET.

TYPICAL LOT SETBACKS



PROJECT: C18-048	PREPARED FOR: DEVCO HOMES	PRELIMINARY PLAT/LANDSCAPE PLAN	LOCATED IN THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SLBMM	DRAWN BY: ZST	 Summit Engineering Group Inc. <small>Summit Engineering Group Inc. is a member of the Summit Group of Companies. All work is performed under the supervision of a Professional Engineer or Professional Land Surveyor. The State of Utah requires that all engineering and surveying work be done in accordance with the Utah State Board of Engineering and Surveying. The State of Utah requires that all engineering and surveying work be done in accordance with the Utah State Board of Engineering and Surveying. The State of Utah requires that all engineering and surveying work be done in accordance with the Utah State Board of Engineering and Surveying.</small>
SHEET: 3	PROJECT: HIDDEN HAVEN		WASATCH COUNTY, UTAH	REVIEWED BY: BMB	

WATER RECOMMENDATION

- 10.03 acre parcel
 - Area of lots
 - 5.96 acres (259,617.6 sq. ft.)
 - Impervious area of 16 lots
 - 2.8 acres (2 x 5,000 sq. ft. + 14 x 8,000 = 122,000 sq. ft.)
 - Irrigated lot area
 - 3.16 acres
 - Open Space
 - 2.51 acres
 - ROW - park strip
 - 0.24 acres
 - Total irrigated acreage
 - 5.91 (5.91 x 3) = 17.73 acre feet

16 culinary connections

- 16 x 0.8 = 12.8 acre feet
- 30.53 acre feet requirement

POSSIBLE FINDINGS

- The proposed lots meet the minimum requirements for the R-1-15 zoning district
- The proposal does meet the intent of the General Plan for the R-1-15 zoning district
- The proposal does exceed the maximum street length of 500' but does include a stub road that will allow for future connectivity.

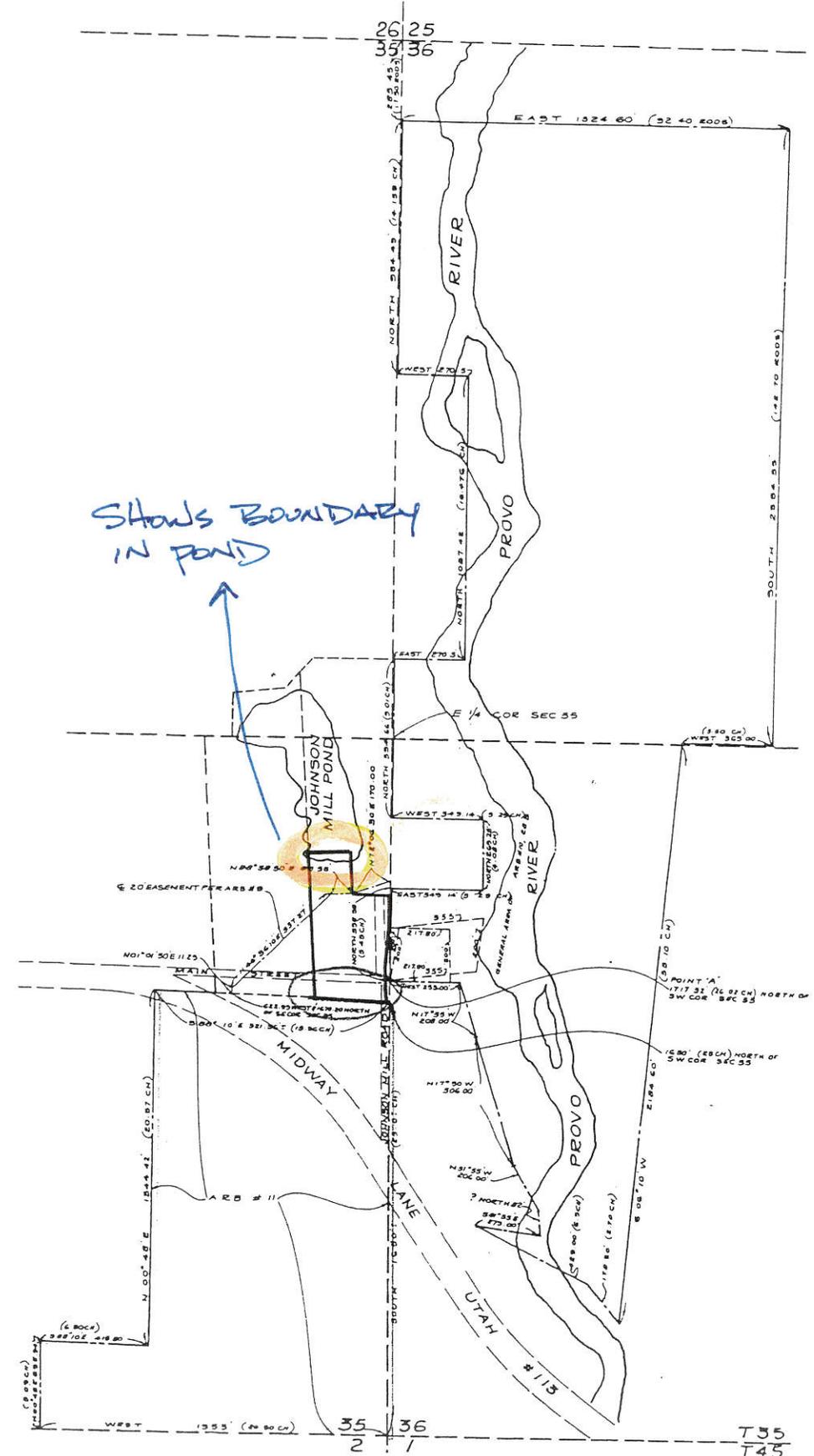
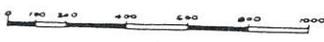
RECOMMENDED CONDITIONS

- A sign is required at the end of the stub road noticing future property owners that the road will continue to the next property and a note is included on the plat to the same effect.
- Draft codes covenants and restrictions is submitted with the application for final approval that will form the HOA and have a maintenance plan for the common area and amenities.
- The developer will work with the post office to find a location, out of the sight visibility triangle, for the Cluster Box Unit that will service the subdivision and submit that plan with the application for final approval.
- An agreement must be reached with Hylton Haueter in which he agrees to connect to the proposed stub road once he develops his property.

Owens Residence Boundary Dispute and Issues with Current Proposed Hidden Haven Subdivision – 3/5/19

1. NORTH WEST BOUNDARY LINE DISPUTE - Proposed Hidden Haven Subdivision survey changes historical boundaries at North West corner between Owens and proposed development.
 - a. 4 surveys of property:
 - i. 1984 Survey by Francis Smith Engineering (shows boundary in pond) – See Exhibit A
 1. Survey commissioned by Fergusson’s – prior resident to the Owens
 - ii. 2001 Survey by MCM Engineering (appears boundary in pond) – See Exhibit B
 1. Survey commissioned by Owens
 - iii. 2001 Survey by Cornerstone Professional Land Surveys that shows boundary marker between Owens and Spratlings missing – See Exhibit C
 1. Don’t know who commissioned the survey
 - iv. 2016 Survey by Summit Engineering (shows boundary NOT in pond) – See Exhibit D
 1. Survey commissioned by Spratling which is the same for Hidden Haven Subdivision
 2. Shore line is changed and is not in line with actual which leads one to believe property is not on the pond.
 - b. Historical physical evidence of Owens North West boundary location:
 - i. Historical fencing between Spratlings and Owens which shows boundary clearly into the pond and in accordance with older surveys – See Exhibit E
 1. Note: fencing was installed by Spratlings and boundary has never been an issue until most recent survey which survey purpose was for development to maximize lot values
2. POND USE, MAINTENANCE & LIABILITY – Does Hidden Haven Subdivision transfer green open space and pond to Midway City for custody / liability or to residence of Hidden Haven?
 - a. Assumed responsibilities of pond ownership:
 - i. maintenance, vandalism, security, parking along subdivision to access pond, hours of operation, fishing maintenance, signage for trespassing over water line boundaries, trash disposal, adhere to Dam safety of the Division of Water Rights of the State of Utah, restrooms, legality issues, State of Utah water use compliance, working with other pond owner neighbors, etc., etc., etc.?
 - b. Saying the residences are the ONLY one with access to the pond still faces a host of liability, ownership and legality issues that can’t be lightly looked over.
3. STATE of UTAH POND WATER USE & MAINTENANCE – How does the proposed subdivision affect the neighboring ownership in conjunction with the fractional ownership the subdivision is

EXHIBIT - ~~B~~A



SHOWS BOUNDARY
IN POND

EXHIBIT - ~~11~~ B

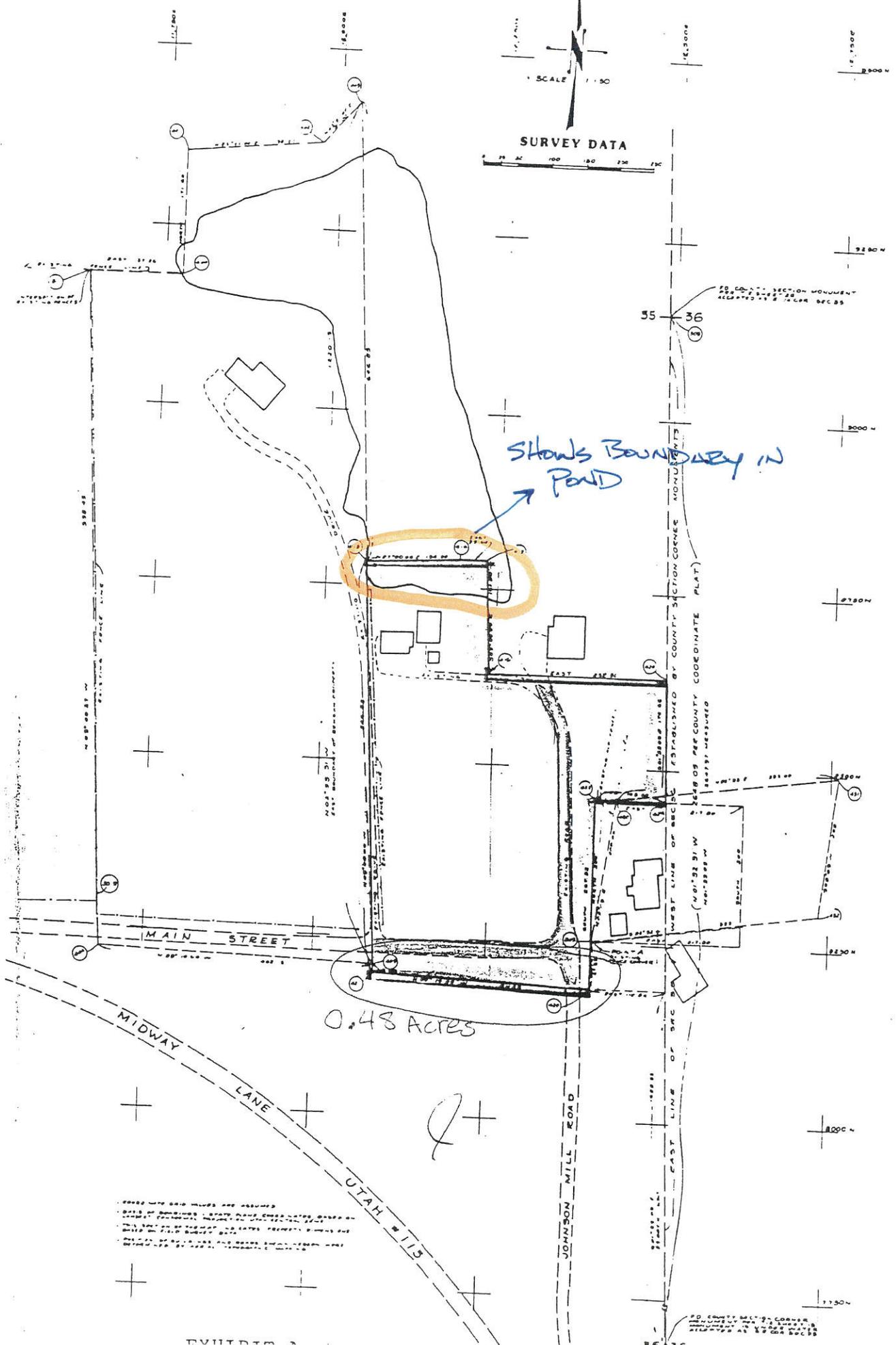


EXHIBIT C

United States of America
B 441 P 796

Hylton J. &
Diane E. Haueter
B 175 P 245, B 187 P 14 &
B 441 P 788
(See Prior Survey)

Parcel No. 16
Hylton J. Haueter
B 175 P 248

Parcel No. 13
Jay O. Haueter
B 175 P 249

Sprattling
Investment Co. et al
B 145 P 696
B 149 P 287
B 162 P 364

P.O.B. Sharpless
Parcel No. 11
Allen Sharpless
B 368 P 310

Charlene C.
Johnson
B 341 P 69

London Alpine
Holdings Trust
B 429 P 222

1982 Survey
B 149 P 287

Existing Driveway

N 88°19'48" W 642.18' [9.730 ch]
(N 88°10' W 9.73 ch)

S 07°32'35" W 457

N 00°12'31" E 2682.41'
(North)

L15
1982 Survey
B 149 P 287

L14

L12

L16

L13

VERY IMPORTANT
FOR CORRECT
LAYOUT
OF SURVEY

NOT CORRECT
OWENS RESIDENCE

S 02°47'29" E 752.68'
(S 3° E)

S 02°27'50" E 1202.94'

S 02°27'50" E 1202.94'

N 00°12'31" E

N 01°32'31" W 2648.05' (Per 1976 Township Plat)

CORNER
SURVEY PROFESSIONAL
2028 East 70
Salt Lake
(801)943-4000
A.L.T.A. SURVEYS,
BOUNDARY CONSI

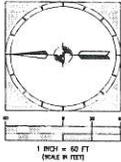


No.	Date	By	Notes
1	8/29/2001	MW	Initial Owner Property Described in 3 Tracts

Drawing Name: DM9101-9	Plot Date: August 30, 2001
Drawing Scale: Horizontal = 1" = 100'	Vertical = none

CERTIFICATE OF SURVEY
AUETER, THACKER, OLSEN, PETERS,
BJORK, & BALLS TRUST PROPERTIES
on Haueter
East 2400 South
er, Utah 84032
510 North R

(435) 654-1486
/TT



LEGEND

- SECTION LINES
- ADJOINING PROPERTY LINES
- PUBLIC UTILITY EASEMENT LINES
- BLADING SETBACK LINES
- SET STREET WIDENMENT
- EXTerior SUBDIVISION CORNERS SET 1/4" REBAR AND CAP MARKED "SURVEY ENGINEERING 435-854-8229"
- EXTERIOR SUBDIVISION CORNERS WITH NO MARKERS SET
- BOUNDARY ANGLE POINT
- EASEMENT DESCRIPTION

ZONING INFORMATION

PROPERTY ZONE: R-1-12

APPROVED MINIMUM SETBACKS ARE AS FOLLOWS:

STANDARD SUBDIVISION	ACRES	OPEN SPACE	LOT SF	FRONTAGE
10.026	15R 1.503 AC	15.000	100'	
OPEN SPACE BONUS	10.026	20R 2.00 AC	14,250	65'
PROVIDED	10.026	26.976 2.52 AC	< 15,270	82' MIN.

LINE TABLE

LINE NO.	BEARING	DISTANCE
1	N 27° 22' 38" W	125.00
2	N 88° 00' 00" W	100.00
3	N 88° 00' 00" W	100.00

CURVE TABLE

STATION	CHORD BEARING	CHORD DISTANCE	ARC DISTANCE	ANGLE
1+00.00	N 88° 00' 00" W	100.00	100.00	90.00
1+10.00	N 88° 00' 00" W	100.00	100.00	90.00

NOTES

PUBLIC UTILITY EASEMENTS:
ALL LOTS IN THIS SUBDIVISION ARE SUBJECT TO PUBLIC UTILITY EASEMENTS ALONG ALL PROPERTY LINES AS FOLLOWS:
FRONT: 10 FEET
REAR: 10 FEET
SIDE: 8 FEET

PROPERTY CORNER NOTES

1. 1/2" REBAR AND PLASTIC CAP STAMPED "SURVEY ENG 435-854-8229" TO BE SET AT SUBDIVISION CORNERS AND REAR LOT CORNERS.
2. 1.12" COPPER PILE STAMPED "SP-10 145788" TO BE SET AT POINTS WHERE EXTENSION OF SIDE LOT LINES INTERSECT CENTER OF CONCRETE STREET CURVE.

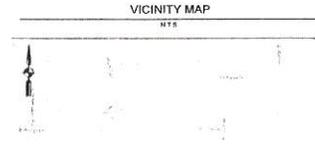
ZONING INFORMATION

PROPERTY ZONE: R-1-12

APPROVED MINIMUM SETBACKS ARE AS FOLLOWS:

- FRONT: 30 FEET
- REAR: 30 FEET
- SIDE: 10' MIN. - 24' TOTAL

CORNER LOTS ARE SUBJECT TO A 20 FOOT BUILDING SETBACK ON THE FRONT. THIS SETBACK IS NOT BEING FRONTED ON. ALL BUILDINGS ARE SUBJECT TO NEHER CITY ZONING ORDINANCE REQUIREMENTS AT THE TIME A BUILDING PERMIT IS ISSUED.



BOUNDARY DESCRIPTION

BEGINNING AT A POINT WHICH IS 1784.85 FEET NORTH 13°23'1" WEST ALONG THE SECTION LINE AND 404.38 FEET WEST FROM THE SOUTHWEST CORNER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 4 EAST, S&T 12E AND INTERSECTION AND MARKING THENCE WEST 121.86 FEET TO A POINT ON THE LINE OF A NORTH-SOUTH FENCE, THENCE NORTH 2°05'0" WEST 299.3 FEET ALONG SAID FENCE TO A POINT ON AN EAST-WEST FENCE, SAID POINT ALSO BEING 847.92 FEET WEST AND 35.31 FEET NORTH 12°51'1" WEST OF THE EAST QUARTER CORNER SECTION 35, TOWNSHIP 3 SOUTH, RANGE 4 EAST, S&T 12E AND INTERSECTION, THENCE EAST 137.88 FEET ALONG SAID FENCE TO ITS END AT A POINT IN A POND, THENCE NORTH 171.60 FEET, THENCE NORTH 89°07'0" EAST 188.00 FEET, THENCE NORTH 84°04'0" EAST 118.95 FEET TO A POINT ON A FENCE POST, THENCE SOUTH 22°34'0" EAST 1288.84 FEET TO THE POINT OF BEGINNING. CONTAINS 16.520 ACRES.

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED AS NORTH 89°07'0" EAST 188.14 FEET BETWEEN THE WASATCH COUNTY SURVEY MONUMENTS FOR THE SOUTHWEST AND SOUTH QUARTER CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 4 EAST, S&T 12E AND INTERSECTION. AS SHOWN HERE ON AND IN CONFORMANCE WITH STATE PLANE COORDINATE BEARINGS (UTM ZONE 12QD 83).

SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-10-103 OF THE UTAH CODE, I, BING CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 148788 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT.

I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THE PLAN IN ACCORDANCE WITH SECTION 17-23-17 OF THE UTAH CODE, AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAN.

BING CHRISTENSEN
PROFESSIONAL LAND SURVEYOR

DATE: _____

SURVEYOR'S SEAL

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT I (WE), THE UNDERSIGNED OWNER(S) OF THE TRACT(S) OF LAND SHOWN AND DESCRIBED ON THIS SUBDIVISION PLAN, HAVE CAUSED THE SAME TO BE SURVEYED AND LOTS, STREETS, AND EASEMENTS, INCLUDING PUBLIC TRAIL EASEMENTS, TO BE HEREON DESIGNATED AS THE SUBDIVISION DO HEREBY INDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAN AS INTENDED FOR PUBLIC USE.

BE WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF 2018.

SEE OWNER (OR AGENT) PRINTED NAME DATE

SEE OWNER (OR AGENT) PRINTED NAME DATE

ACKNOWLEDGEMENT

STATE OF _____ S.S.

COUNTY OF _____

ON THIS _____ DAY OF _____, 2018, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF _____, IN SAID STATE OF _____, THE SIGNER OF THE ABOVE OWNER'S DEDICATION, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSES MENTIONED AND THAT SAID CORPORATION EXECUTED THE SAME.

NOTARY PUBLIC

ACCEPTANCE BY MIDWAY CITY

THE CITY COUNCIL OF MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH, HEREBY APPROVES THIS SUBDIVISION AND ACCEPTS THE DEDICATION OF LOTS, EASEMENTS, STREETS AND PUBLIC RIGHTS-OF-WAY HEREBY SHOWN.

APPROVED: MAYOR DATE ATTEST: CITY RECORDER DATE

APPROVED: CITY ENGINEER DATE ATTEST: CITY ATTORNEY DATE

MIDWAY SANITATION DISTRICT

CHAIRMAN DATE

MIDWAY IRRIGATION COMPANY

CHAIRMAN DATE

WASATCH COUNTY SURVEYOR

APPROVED AS TO FORM

SURVEYOR DATE ROS #

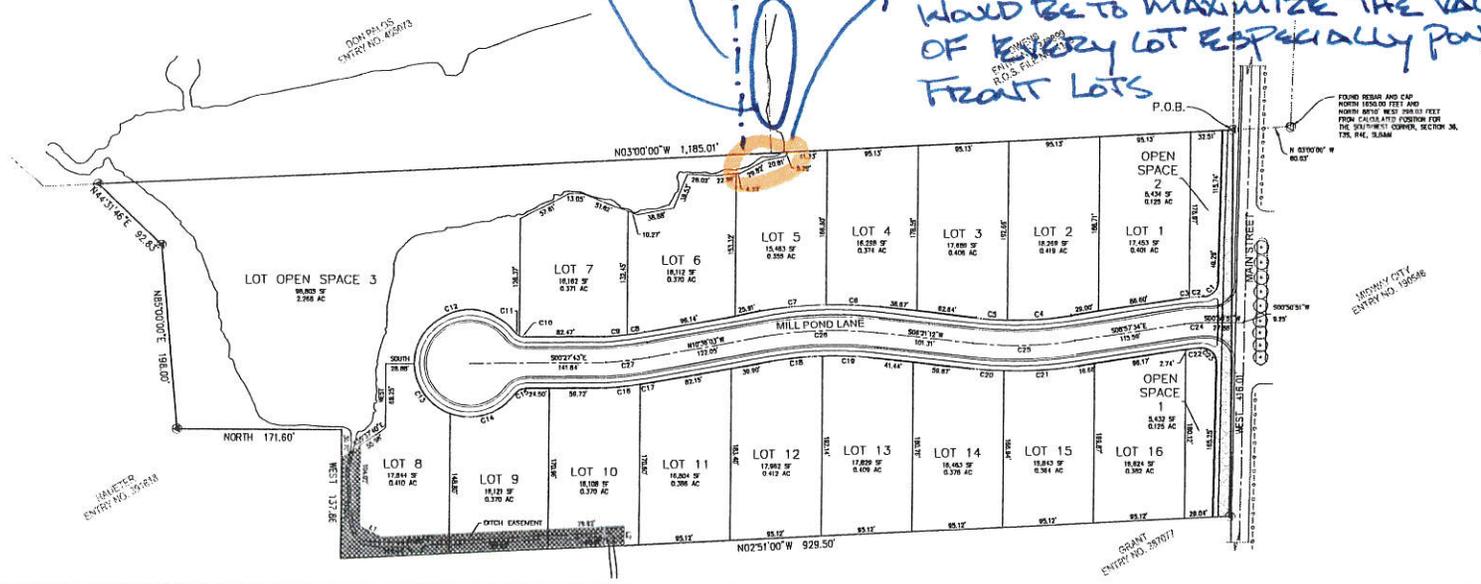
WASATCH COUNTY RECORDER

EXHIBIT D

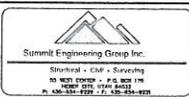
Historical Boundary Line w/ Fence (see attach photo) - (see exhibit B)

SEEMS SUSPECT FOR BOUNDARY TO MOVE TO INCREASE VALUE OF THIS LOT. THE GOAL OF DEVELOPER WOULD BE TO MAXIMIZE THE VALUE OF EVERY LOT ESPECIALLY POND FRONT LOTS

5 More Lake LOTS is Not Correct



PROJECT: C18-048
SHEET: 2
ISSUE DATE: 01-08-2018



SHAWN ANDERSON
SURVEYOR
100 WEST CENTER ST., SUITE 200
MIDWAY, UT 84049
PHONE: 435-854-8229 FAX: 435-854-8228

HIDDEN HAVEN SUBDIVISION

LOCATED IN THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 4 EAST, S&T 12E, NEHER CITY, WASATCH COUNTY, UTAH

CITY ENGINEER SIGN
CLERK RECORDER SIGN

EXHIBIT - E

→ HISTORICAL FENCE



EXHIBIT 5

→ HISTORICAL FENCE

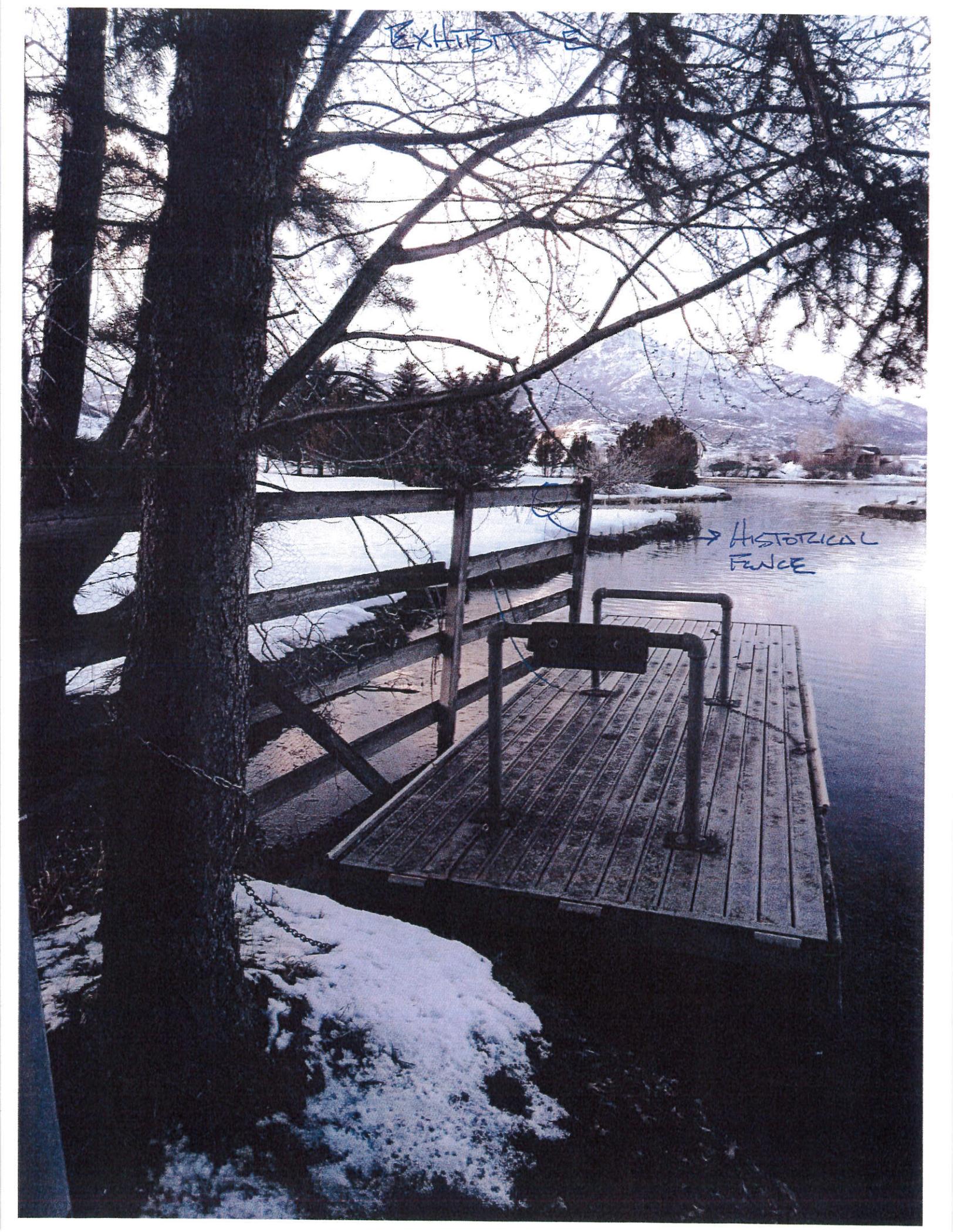
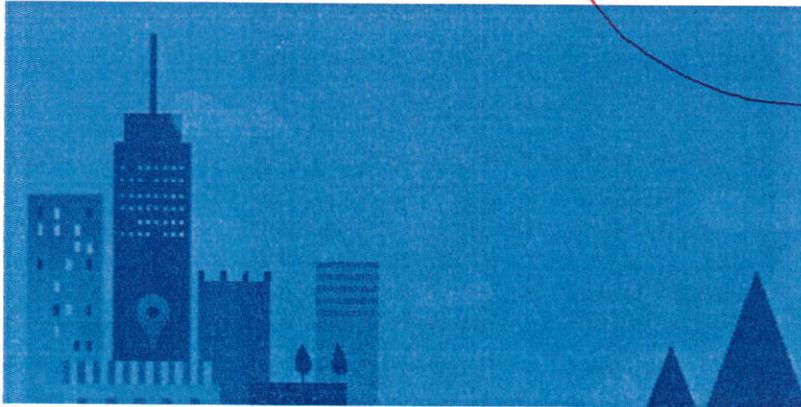


EXHIBIT - E

Google Maps 79 N Johnson Mill Rd



Imagery ©2019 Google, Map data ©2019 Google 50 ft



→ FENCE POST END

SHORT LINK →

79 N Johnson Mill Rd
Midway, UT 84049

At this location

Owens Gourmet Spices
Salisbury 79 N Johnson Mill Rd

EXHIBIT - F



GARY R. HERBERT
Governor
GREG BELL
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER KENT L. JONES
Executive Director State Engineer/Division Director

DEC 28 2011

ORDER OF THE STATE ENGINEER

For Permanent Change Application Number 55-12197 (a37696)

Permanent Change Application Number 55-12197 (a37696) in the name of Charlene C. Johnson, was filed on September 19, 2011, to change the place of use, nature of use, and storage of 6.475 acre-feet (af) of water as evidenced by Water Right Numbers 55-12197, and 55-12518. Heretofore, the water has been diverted from the following points located: (1) Spring - South 590 feet and East 880 feet from the NW Corner of Section 25, T3S, R4E, SLB&M (Bircumshaw Spring); (2) Surface - South 60 feet and West 850 feet from the NW Corner of Section 25, T3S, R4E, SLB&M (Provo River). The water was used for industrial purposes (Operation of a flour mill known as the Peoples Roller Mill). The water was used in all or portion(s) of Section 35, T3S, R4E, SLB&M.

Hereafter, it is proposed to divert 6.475 acre-feet of water from the same points as heretofore. The water will be stored in the following reservoir: Johnson Mill Pond - from January 1 to December 31, having a capacity of 15.0 acre-feet in an excavated storage pool, and inundating 3.7 acres in all or portion(s) of Section 35, T3S, R4E, SLB&M. The water is to be used for fish culture. The place of use of the water is being changed to all or portion(s) of Section 35, T3S, R4E, SLB&M.

Notice of the application was published in The Wasatch Wave on September 28 and October 5, 2011. No protests were received.

The State Engineer has reviewed the change application, underlying water rights, and the Provo River Decree. Water Right 55-11554 is a Provo River Decree right, which allowed for the diversion of water from springs and the Provo River to be used for "the generation of power at that certain Flour Mill known as the Peoples Roller Mill". The decree then described a general location but did not give an exact description of the points of diversion. Change Application Number a24180 was filed to clarify the historical locations and use of water, including the storage of water in a historical pond. The change also added fish culture as another non-consumptive use.

When Proof of Beneficial Use was due for Change Application a24180, only the fish culture use had been developed. The underlying decree right was then segregated (55-12197). This was to enable the filling of the proof, which would clarify the historical attributes and define the use for fish culture. The use for power generation was yet to be completed. Once the proof documents were filed it was clear that the historical pond had a larger surface area than indicated on the segregated water right. To address this discrepancy with the submitted proof, an additional amount of the decree right was segregated (55-12518). With both segregated water rights, the historical use of water in the pond would be fully covered.

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This current change application is now filed on both segregated water rights with the intent of clarifying the full historical attributes of the segregated portions of the decree right, including the full size of the pond, which is an area inundating 3.5 acres, and the developed use for fish culture. The applicant indicates proof of beneficial use will now be corrected and filed on this change application (55-12197 and 55-12518).

In evaluating the various elements of the underlying rights, it is not the intention of the State Engineer to adjudicate the extent of these rights, but rather to provide sufficient definition of the rights to assure that other vested rights are not impaired by the change and/or no enlargement occurs.

It is, therefore, ORDERED and Permanent Change Application Number 55-12197 (a37696) is hereby APPROVED subject to prior rights and the following conditions:

- 1) This change application is limited to the annual diversion of 6,475 acre-feet of water to be used for fish culture in a historical pond with a surface area of 3.5 acres.
- 2) To accommodate the approval of this permanent change application, the use of 6,475 acre-feet water and for industrial purposes (operation of a flour mill known as the Peoples Roller Mill) at the historic place of use must cease.
- 3) Whereas this change application has been filed to entirely replace and supercede prior approved Permanent Change Application Number 55-12197 (a24180a), with this approval that prior application is considered to have been WITHDRAWN.
- 4) Inasmuch as this application proposes to impound and store water, the applicant is required to contact the Dam Safety Section of the Division of Water Rights at 801-538-7240 to obtain a permit to construct a dam in addition to this Permanent Change Application.
- 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) If historical resources such as human remains (skeletons), prehistoric arrowheads/spear points, waste flakes from stone tool production, pottery, ancient fire pits, historical building foundations/remains, artifacts (glass, ceramic, metal, etc.) are found during construction, call the Utah Division of State History at 801-533-3555.

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The State Engineer has statutory responsibility to create and maintain water right records based on an administrative process outlined in statute. The State Engineer is not authorized by statute to adjudicate water right title or the validity of established water rights. It is noted that failure to exercise a water right within the statutory period could render all or a portion of a water right invalid through forfeiture. Parties who wish to challenge the validity of a water right are advised that a declaration of forfeiture is a judicial action and the courts are available to pursue such suits (UCA 73-1-4).

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 December 31, 2016, 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.

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 permanent change 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.

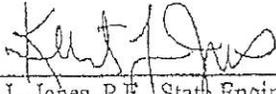
Your contact with this office, should you need it, is with the Utah Lake/Jordan River Regional Office. The telephone number is 801-538-7240.

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

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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 20th day of November, 2011.



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

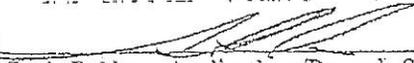
Mailed a copy of the foregoing Order this 20th day of November, 2011 to:

Charlene C. Johnson
100 Johnson Mill Road
Midway, UT 84049

Stanley H. Roberts Jr., River Commissioner
1675 South 350 East
Orem, UT 84058

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

Division of Water Rights
c/o David K. Marble, P.E.
Assistant State Engineer for Dam Safety

BY: 

Sonia R. Nava, Applications/Records Secretary

EXHIBIT B

PROOF OF BENEFICIAL USE OF WATER STATE OF UTAH

1. TYPE OF PROOF (If proof of change and proof of resumption of use are both being submitted, check both boxes and use one form for both.)

Appropriation Change Resumption of Use
 Water Right No. 55-12197 Application No. 224180a a 37696 JR
 Other Water Rights Under This Proof (applicable to proofs of change only). 55-12578 JR

2. OWNER DATA (Applicant submitting proof MUST be the current owner of record.)

Name Charlene C. Johnson Telephone _____
 Street or Box No. 100 Johnson Mill Road
 City Midway State UT Zip 84049 1/24/12

3. QUANTITY OF WATER _____ cfs and/or 376.475 JR ac-ft.

4. SOURCE OF WATER Burcumshaw Springs

5. POINT(S) OF DIVERSION (Must be based on a competent land survey; all ties must be given by rectangular coordinates with reference to a regularly established U.S. land corner.)

Location: (1) S 60 ft W 850 ft from N4 cor, Sec 25, T3S, R4E, SLBM (2) S 590 ft E 880 ft from NW cor, Sec 25, T3S, R4E, SLBM

Address (if applicable) _____
 Description of Diversion and Carrying Works: _____

6. POINT(S) OF REDIVERSION (If applicable, same format as diversions.)

Location: _____
 Description of Works: _____

7. POINT(S) OF RETURN (If applicable, same format as diversions)

Location of Return to Natural Stream/Source: S 1220 ft E 500 ft from the W4 cor, Sec 36, T 3S, R4E, SLBM

Amount of Consumed Water: _____ 0 cfs and/or _____ ac-ft.
 Amount of Returned Water: _____ 15.0 cfs and/or _____ ac-ft.

8. STORAGE (If applicable, describe reservoir, lake, etc.)

Facility Name (if any): Johnson Mill Pond Capacity: 15.0-20 JR ac-ft.
 Storage Period: From: 01/01 To: 12/31 JR
 Dam Height: 0 ft Inundated Area 3.5-3.25 JR acres.
 Legal Description of Storage Area (by competent survey): SENE, NESE of Section 35, T 3S, R 4E, SLBM

9. SUPPLEMENTAL WATER RIGHTS FOR THE PURPOSES DESCRIBED HEREIN

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WATER RIGHTS
SALT LAKE

Proof

10. NATURE, EXTENT AND PERIOD OF USE (Enter Beginning and Ending Dates; if total uses exceed amounts in application, explain the supplemental rights in Item 9.)

Irrigation: From ___/___ to ___/___
Total Acres _____ Acres under this right: _____

Stockwatering: From ___/___ to ___/___
Number and Kind of Stock _____

Domestic: From ___/___ to ___/___
Number of Families _____ and/or Number of Persons _____

Municipal: From ___/___ to ___/___
Name of City, District, etc. _____

Mining: From ___/___ to ___/___
Mine Name _____ Mining District _____

Power: From ___/___ to ___/___
Type _____ Plant Name _____ Capacity _____

Other: From 01/01 to 12/31
Description Fish Culture

11. PLACE OF USE (By competent survey. Since water rights can be appurtenant to the place of use, be specific and exact in describing the location of each use for the water right owner. Written descriptions and any maps should coincide. The legal description of the property where the water is used should accompany the proof (land deed, tax notice, county plat, etc). Maps must show the configuration of the place of use and the acreage of irrigated land. SENE, NESE of Section 35, T 3S, R 4E, SLBM

MAPS AND DRAWINGS (Must comply with rules and standards established by the State Engineer.) These documents shall be based on competent land surveys, signed and stamped by the licensed engineer/surveyor, and submitted on standard drafting medium that is durable and reproducible with all information legible and in black permanent drafting ink or other media of equivalent durability. Standard mapping conventions must be used (north arrow, scale in both written and graphic form, legend describing any symbols, etc.). Lines must be distinct. Shading or hatching may show irrigated acreage, but the boundary of the irrigated area must be delineated. All property surveys must tie to the section-township-range survey for the area of use, and basis of bearing for the bearings must be shown. Any public roads or other access information near the surveyed property should be shown. The most convenient map sizes are 8 1/2" x 11" or 8 1/2" x 14", particularly for irrigated acreages of 5 acres or less. Maps of small parcels should be drawn to the largest scale practical and at the least 1"=300'. There must be at least 1/4" margin at the top and 1/2" margin on the sides and bottom. The title block should appear on the lower right-hand side of the page (the short side being the bottom). If a larger map is needed, the dimensions should be 24" x 36" with the title block in the lower right-hand corner (the long side being the bottom). The title block must include the water right number, application number, survey date, the applicant's name, proof professional's name and license number, and the section, township and range of the described parcel(s). Maps must not be folded.

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WATER RIGHTS
SALT LAKE

Proof for Water Right Number 55-12197 Application Number: a24180a

12. WATER MEASUREMENT (Provide sufficient details to enable the State Engineer to compute the quantity of water measured in each case, including current meter notes, rating table, field observation notes, etc. Measurements must be made by engineer/surveyor or his/her authorized representative and may be made by vessel, weir, meter, rated flume, reservoir capacity table or other standard method. Where the source of supply is of fluctuating nature, a series of measurements should be submitted to show the variation and period(s) during which flow is available. The maximum diverted flow and/or acre-footage cannot exceed that approved in the application. If larger amounts are measured, control devices should be described.

Date(s) Water Measured June 28, 2011

Name of Measurement Taker Jim Riley and Logan Riley

Method of Measurement Current meter at the inflow of the pond. - 15.0 cfs JRR

13. EXPLANATORY (Additional space for above items and to define use of water such as crop rotation plans, facility plans and capacities, operation schedules, lot numbers, mining claim numbers, sewage systems, etc. Use additional 8 1/2" x 11" pages if needed.)

CAUTION: File proof only if all desired development is done and the water is being fully put to beneficial use. Otherwise, consider requesting an Extension of Time. The water right will be limited to the extent and nature of use in the accepted proof.

CERTIFICATE OF APPLICANT(S) (MUST be complete before filing with the State Engineer.)

STATE OF Utah COUNTY OF Wasatch

Having been duly sworn, I hereby certify that Jim Riley Engineering LC was employed to prepare Proof of Beneficial Use for Water Right No. 55-12197 Application No. a24180a, and that to the best of my knowledge all information in the proof and all accompanying documents is accurate and complete and is free of fraud, misrepresentation, and omission of material fact.

Name Charlene C. Johnson For _____

Check One: Owner/Co-owner Shareholder Agent (Power of Attorney must be provided.)
 Appointed/Elected Representative (List title.)

Charlene C. Johnson
Applicant's Signature

Sworn to before me this 18 day of July, 20 11

McKell Chertashoroff
Notary's Signature


Notary's Seal

Name _____ For _____

Check One: Owner/Co-owner Shareholder Agent (Power of Attorney must be provided.)
 Appointed/Elected Representative (List title.)

Applicant's Signature

Sworn to before me this _____ day of _____, 20 _____

Notary's Signature

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JUL 20 2011

WATER RIGHTS
SALT LAKE