

**NOTICE AND AGENDA**  
**MIDWAY WATER ADVISORY BOARD**  
**MONDAY, AUGUST 8, 2018**

Notice is hereby given that the Midway Water Advisory Board will hold their regular meeting Monday, August 8, 2018 at 6:00 p.m. in the Midway City Office Building at 75 North 100 West Midway, Utah. Notice of the meeting and agenda was posted in the Midway City Office Building, Main Street Station and 7-Eleven, a copy was sent to each of the Trustees and a copy posted on the Utah Meeting Notice Web Site.

The agenda shall be as follows:

1. General Consent Calendar
  - a. Approve Agenda for August 6, 2018
  - b. Approve Meeting Minutes for June 4, 2018
2. Ford Subdivision – 115 West 980 South
  - a. Discussion on subdivision water requirements
  - b. Possible Recommendation to City Council
3. Swiss Square – Mixed Use Commercial – 210 East Main
  - a. Discussion on development water requirements
  - b. Possible Recommendation to City Council
4. Whitaker Farm – 500 North River Road
  - a. Discuss Foreign Water Application to State Office
  - b. Possible Recommendation to City Council
5. New/Old Business - No motions or commendations given
6. Adjourn

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*General Consent Calendar*

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**MIDWAY WATER ADVISORY BOARD  
MONDAY JUNE 4, 2018  
MEETING MINUTES**

Minutes of the Midway Water Advisory Board meeting held June 4, 2018 at 6:00 p.m. in the Midway City Office Building, 75 North 100 West, Midway, UT.

**Roll Call**

Irrigation Members: Steve Farrell, Brent Kelly, Grant Kohler. Midway City: Mayor Celeste Johnson, City Councilman Bob Probst, Michael Henke, City Planner and Jennifer Sweat, Treasurer/Water Advisory Board Secretary.

City Councilman Kenny Van Wagoner was excused from the meeting.

**General Consent Calendar**

Chairman/Irrigation President Steve Farrell asked for approval of the General Consent Calendar which consisted of:

- a. Approval of the Agenda for June 4, 2018
- b. Approval of the minutes for May 7, 2018

**Motion: Mayor/Co-Chairman Celeste Johnson made a motion to approve the General Consent Calendar with no changes. Midway Irrigation Member Grant Kohler 2<sup>nd</sup> the motion. It was carried unanimously.**

Chairman Farrell asked if there were further questions regarding this item? There was not

**Motion was carried unanimously for Recommendation to City Council.**

**Michael LeBarge – 922 North Pine Canyon Road**

Michael Henke, City Planner presented the following regarding this property

1. 4.12 acres
2. 3 lots
  - a. Lot 1 – 1 acre
  - b. Lot 2 – 1.03 acre
  - c. Lot 3 – 2.02

The board reviewed the property via google map, as well as plat maps, drawings etc.

Planner Henke stated that in 2000 there was a wetland study, and there were wetlands. However recently a new study was done, and there no longer are any wetlands on the properties. It was thought that it may have dried up because of development around the property.

The board discussed the culinary water and irrigation needs of the property. The board discussed the placement of existing ditches, and that an easement for the Midway Irrigation Company would need to be placed on the plat map.

Planner Henke calculated that they property would need to have 10.86-acre feet for irrigation water, and 2.4-acre feet for three (3) culinary water for a total of 13.26 acre or 4 ½ shares of Midway Irrigation Water. (Breakdown of water calculations are in the supplemental file).

There was discussion about possibly moving the cul-de-sac with a Boundary Line agreement, and if that happened, it is possible that the water requirements would change slightly. Also, another option would be to create a road, and then again that would change the water requirement. The board felt comfortable making the recommendation to City Council based on the information they had been presented, however if the calculations need to be adjusted they felt comfortable having Planner Henke do that and forward that information on to City Council.

**Motion: Irrigation Company member Grant Kohler made a motion to recommend to City Council that the Michael LeBarge subdivision located at 922 North Pine Canyon Road be required to turn in 13.26-acre feet or 4 ½ shares of water based on the water calculations presented tonight. If the property owner comes back to Planner Henke with any changes to the plan because of a possible boundary line agreement, Planner Henke can recalculate the water requirement without the property coming back to the Water Advisory Board. Mayor/Co-Chairman Celeste Johnson seconded the motion.**

Chairman Farrell asked if there were further questions regarding this item? There was not

**Motion was carried unanimously for Recommendation to City Council.**

#### **New/Old Business**

Chairman Farrell asked if there was any other business to discuss?

Secretary/Treasurer Jennifer Sweat stated that in their packets they would see calendars for the rest of the year and next year for the board to see where the meetings would fall if it was changed to the 2<sup>nd</sup> Monday of the month as discussed at our last meeting. This was to put the meetings on the same week as of City Council. However, four (4) times the meeting would fall after City Council. Also, Chairman Farrell already had a meeting on the 2<sup>nd</sup> Monday at 3:30 p.m. and so that would affect the Midway Irrigation Meeting time, and the Water Advisory Board meeting start time. After discussion on the dates it was decided to leave the date of the meeting to the 1<sup>st</sup>

Monday of the month at 6:00 p.m.

**Motion: Irrigation Member Brent Kelly made a motion to keep the meeting dates for the Midway Advisory Board on the 1<sup>st</sup> Monday of each month as business requires, and that the time remain at 6:00 p.m. City Councilman Bob Probst seconded the motion.**

Chairman Farrell asked if there were further questions regarding this item? There was not

**Motion was carried unanimously.**

Chairman Farrell stated that the Midway Irrigation Company was working on several different agreements to lease water for the company.

Mayor/Co-Chairman Johnson discussed water for the Dog Park. There was a group of citizens that wanted to donate trees, and grass, however it was her understanding there was no water at the dog park. Chairman Farrell thought that was correct. There is an irrigation line that comes down Interlaken Road. There was discussion on the cost of making that happen. There was an idea of redesigning the dog park so that it was separated in to two different section, one for large dogs, and one for small dogs. Also, to add a small grass area in between to the two parks. The board discussed options and brainstormed the best ways to get water to the park.

Mayor/Co-Chairman Johnson moved for adjournment. Irrigation Member Brent Kelly 2<sup>nd</sup> the motion. It was carried unanimously. Meeting adjourned 7:00 p.m.

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*Ford Subdivision – 115 West 980 South*

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MIDWAY CITY  
Planning Office

75 North 100 West  
Midway, Utah 84049

Phone: 435-654-3223 x105  
Fax: 435-654-2830  
mhenke@midwaycityut.org

Midway Water Advisory Application

**Applicant or Authorized Representative:**

Name: Kraig Ford Phone: 435-671-2109 Fax: \_\_\_\_\_

Mailing Address: P.O. Box 344 City: Midway State: Utah Zip: 84049

E-mail Address: kraig.r.ford@gmail.com

**Project Name:** Ford Subdivision

Location: 115 West 980 South

Total Acreage: 2.07 Number of Units: 2

Historically Irrigated Area: 2.07 acres

Irrigated Land acreage in proposed development: 2.07 acres - 2(8,000 sf) = 1.70 acres

Existing Water Connections: 0

**Comments:**

Midway City has signed a changed application to convert 0.80 acre-feet from an existing well into the city water system for the existing home.

**Please submit with application Site Plans, Plat Maps, Drawings or any information that pertains to water calculations.**

**FOR OFFICE USE ONLY**

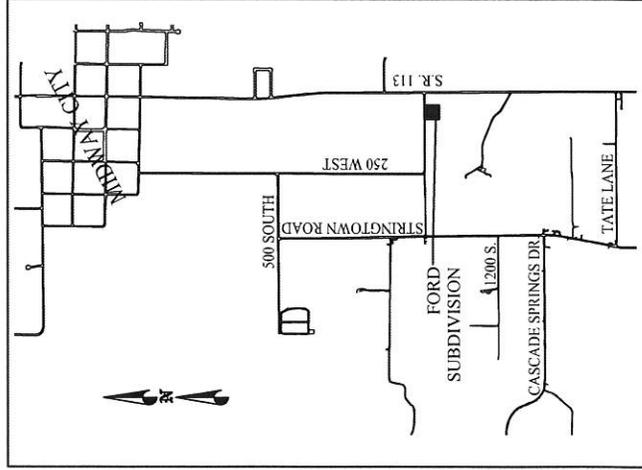
<b>STAFF:</b>	
Date Received: _____	Application Number: _____
Received By: _____	Zone: _____
Fee Paid: _____	Tax ID Number: _____
<b>PLANNER:</b>	
Complete / Incomplete	
Date: _____ Reviewed by: _____	

# FORD SUBDIVISION

## FINAL APPLICATION

### SHEET INDEX

1. FORD SUBDIVISION PLAT
2. UTILITY PLAN
3. WATER CONSTRUCTION DETAILS
4. SEWER CONSTRUCTION DETAILS



VICINITY MAP

THIS DOCUMENT IS RELEASED  
FOR REVIEW ONLY. IT IS NOT  
TO BE USED FOR CONSTRUCTION  
UNLESS SIGNED AND SEALED.  
PAUL B. BERG, P.E.  
SIGNAL NO. 290695  
DATE: 28 AUG 2018

KRAIG FORD		 <b>BERG ENGINEERING</b> Resource Group P.C. 390 E Main St. Suite 204 Phoenix, AZ 85004 Ph: 602.657.9749	DESIGNED BY: POB	DATE: 26 JUNE 2018	SHEET
FORD SUBDIVISION			DRAWN BY: CEL	REV.	0
COVER SHEET					

**SURVEYOR'S CERTIFICATE**

IN ACCORDANCE WITH SECTION 10-9a-603 OF THE UTAH CODE, I, JASON C. JENKINS, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL ENGINEER AND PROFESSIONAL LAND SURVEYOR IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE UTAH CODE. I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THE PLAT IN ACCORDANCE WITH THE UTAH SURVEYING ACT AND THAT ALL MEASUREMENTS AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT.

DATE \_\_\_\_\_ SURVEYOR J. HIGGINSON

**BOUNDARY DESCRIPTION**

THE 1/4 NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 4, SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN. THENCE SOUTH 30.00 FEET, THENCE WEST 30.00 FEET, THENCE NORTH 30.00 FEET, THENCE EAST 30.00 FEET TO THE POINT OF BEGINNING. CONTAINS 3.07 ACRES.

**BASIS OF BEARINGS**

BASIS OF BEARING FOR THE SURVEY IS NORTH 00°00'00" WEST 334.70 FEET OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 4, SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN IN CONFORMANCE WITH THE UTAH STATE PLANE COORDINATE SYSTEM 1983 CENTRAL ZONE BEARINGS.

**OWNER'S DEDICATION**

KNOW ALL MEN BY THESE PRESENTS THAT, THE UNDERSIGNED OWNER(S) OF THE PROPERTY DESCRIBED HEREON, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, PUBLIC STREETS, AND PUBLIC UTILITIES AND EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND EMERGENCY VEHICLE ACCESS.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

BY: WALTER E. FORD

**ACKNOWLEDGMENT**

STATE OF UTAH }  
 COUNTY OF WASHINGTON } S.S.  
 I, \_\_\_\_\_, DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_, PERSONALLY APPEARED BEFORE ME, \_\_\_\_\_, A.D. 20\_\_\_\_, WHO DULY ACKNOWLEDGED TO ME THAT HE/SHE DID EXECUTE THE SAME IN THE CAPACITY INDICATED. MY COMMISSION EXPIRES: \_\_\_\_\_, A.D. 20\_\_\_\_.

NOTARY PUBLIC

**ACCEPTANCE BY MIDWAY CITY**

THE CITY COUNCIL OF MIDWAY CITY, WASHINGTON COUNTY, STATE OF UTAH, HEREBY APPROVES THIS SUBDIVISION AND ACCEPTS THE DEDICATION OF LOTS, EASEMENTS, STREETS AND PUBLIC UTILITIES-OF-MAY HEREON SHOWN.

APPROVED \_\_\_\_\_ MAYOR \_\_\_\_\_ ATTEST \_\_\_\_\_ CLERK-RECORDER (SEE SEAL BEHIND)  
 APPROVED \_\_\_\_\_ CITY ENGINEER (SEE SEAL BEHIND) APPROVED \_\_\_\_\_ CITY ATTORNEY

**PLANNING COMMISSION APPROVAL**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_, BY THE \_\_\_\_\_ MAYOR \_\_\_\_\_ CITY PLANNING COMMISSION  
 PLANNING DIRECTOR \_\_\_\_\_ CHAIRMAN, PLANNING COMMISSION

**KRAIG FORD SUBDIVISION**

MIDWAY CITY, WASHINGTON COUNTY, STATE OF UTAH  
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 4, SOUTH, RANGE 4, EAST, SALT LAKE BASE AND MERIDIAN.

SCALE: 1" = 400.00 FEET

APPROVED AS TO FORM ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

R/S # \_\_\_\_\_

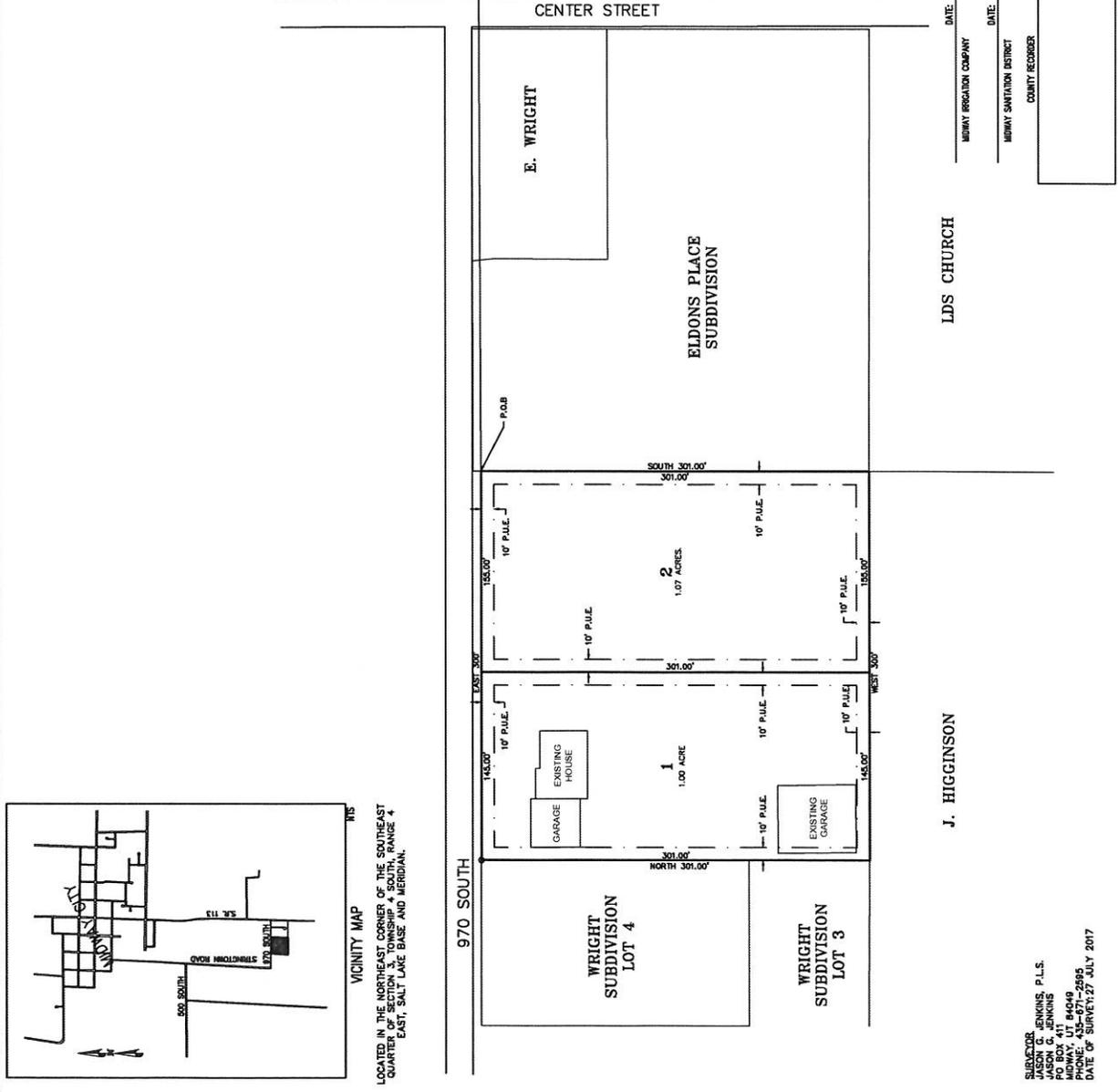
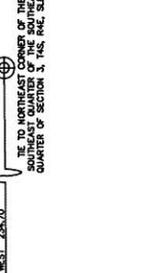
COUNTY SURVEYOR \_\_\_\_\_



**ADDRESS TABLE**

LOT	ADDRESS
1	115 WEST 970 SOUTH
2	24X WEST 970 SOUTH

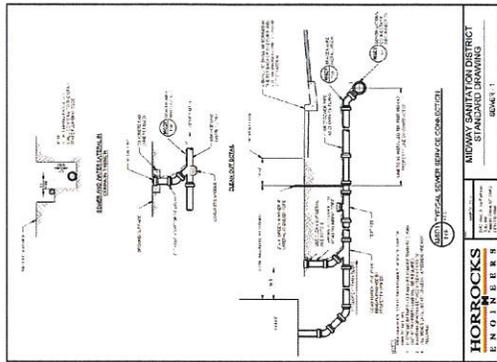
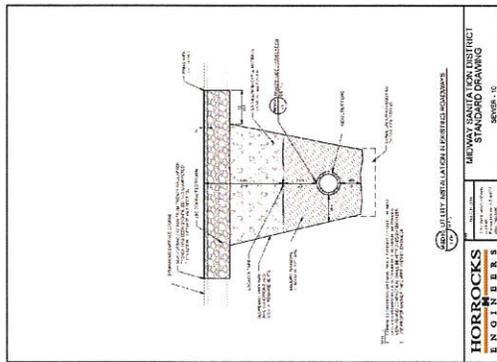
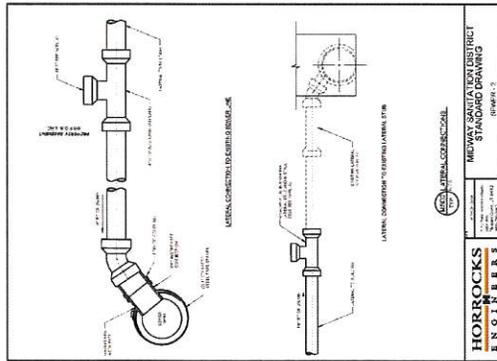
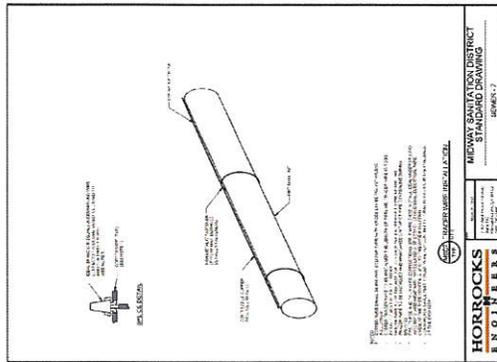
ADDRESSES TO BE COMPLETED BY WASHINGTON COUNTY GIS



**SURVEYOR**  
 JASON C. JENKINS, P.L.S.  
 1115 WEST 417  
 MIDWAY, UT 84649  
 PHONE: 435-739-2966  
 DATE OF SURVEY: 27 JULY 2017







KEAG FORD  
 FORD SUBDIVISION  
 SEWER CONSTRUCTION  
 DETAILS

**BERG ENGINEERING**  
 CONSULTING ENGINEERS  
 1001 N. 10TH ST., SUITE 200  
 MILWAUKEE, WI 53233  
 PHONE: 414.333.8800  
 FAX: 414.333.8801  
 WWW.BERG-ENG.COM

DATE: 28.03.2018  
 DRAWN BY: CNB  
 REV: 4

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*Swiss Square – Mixed Use Commercial*  
*210 East Main*

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**MIDWAY CITY**  
Planning Office

75 North 100 West  
Midway, Utah 84049

Phone: 435-654-3223 x105  
Fax: 435-654-2830  
mhenke@midwaycityut.org

**Midway Water Advisory Application**

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**Applicant or Authorized Representative:**

Name: William Fairbanks Phone: 801-369-7255 Fax: \_\_\_\_\_

Mailing Address: P.O. Box 1239 City: Orem State: UT Zip: 84059

E-mail Address: bill@carterconstructionhomes.com

**Project Name:** Swiss Square - Mixed Use Commercial

Location: 210 East Main

Total Acreage: 1.78 Number of Units: 4 (0.50 acres of the 1.78 has not been developed and is part of new plan)

Historically Irrigated Area: \_\_\_\_\_

Irrigated Land acreage in proposed development: 0.24

Existing Water Connections: None in the new plan area.

**Comments:**

The Swiss Square office building and parking lot occupies 1.28 acres of the site. A conditional use permit is being requested to allow for four (4) townhomes to be built as part of a mixed use commercial project on 0.50 acres.

\_\_\_\_\_

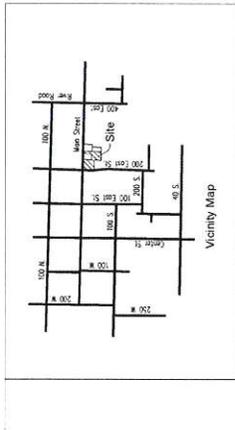
\_\_\_\_\_

\_\_\_\_\_

**Please submit with application Site Plans, Plat Maps, Drawings or any information that pertains to water calculations.**

**FOR OFFICE USE ONLY**

<b>STAFF:</b>	
Date Received: _____	Application Number: _____
Received By: _____	Zone: _____
Fee Paid: _____	Tax ID Number: _____
<b>PLANNER:</b>	
Complete / Incomplete	
Date: _____ Reviewed by: _____	



LAND USE TABLE  
 TOTAL AREA 1.78 ACRES  
 EXISTING PARKING 79 SPACES  
 PROPOSED PARKING FOR UNITS 4 SPACES  
 TOTAL PROPOSED PARKING 77 SPACES  
 ZONE C-2

ZONING NOTES  
 19' SETBACK REQUIRED ON EAST PROPERTY LINE (PER 16.5.3.1.7)  
 19' SETBACK REQUIRED ON SOUTH PROPERTY LINE (PER 16.5.3.1.2)  
 19' SETBACK REQUIRED ON NORTH PROPERTY LINE (PER 16.5.3.1.5)  
 27' SETBACK REQUIRED ON NORTH PROPERTY LINE (PER 16.5.3.1.2)  
 27' SETBACK REQUIRED ON NORTH PROPERTY LINE (PER 16.5.3.1.2)

PROJECT NOTES  
 - THIS PROJECT IS A MIXED USE DEVELOPMENT IN THE C-2 ZONE  
 - UNITS WILL BE SOLD INDIVIDUALLY, SIMILAR TO A UNIT IN AN UNDEVELOPED LOT  
 - LANDSCAPING WILL BE MAINTAINED BY THE SWISS SQUARE OWNERS ASSOCIATION  
 - EXISTING PARKING SPACES IN FRONT OF THE GARAGES WILL BE REMOVED TO ALLOW FOR THE PARKING LOT TO BE USED AS A DRIVEWAY

CONDITIONAL USE EXTENT  
 - MIXED USE DEVELOPMENTS ARE A CONDITIONAL USE IN THE C-2 ZONE PER SECTION 16.5.2  
 - MIXED USE IS PERMITTED FOR LOTS LARGER THAN 1 ACRE PER 16.5.3.1.2  
 STANDARD REQUIRED  
 FRONTAGE 200' 300'  
 DENSITY 20% 2.25 UNITS/SQARE  
 COMMERCIAL AREA 20% 4.5%



Scale 1" = 20'  
 Scale 1" = 40' for 11x17

BILL FAIRBANK  
 SWISS SQUARE  
 MIXED USE  
 CONCEPT PLAN



THIS DOCUMENT IS INCOMPLETE  
 AND IS NOT TO BE USED FOR CONSTRUCTION  
 WITHOUT THE APPROVAL OF THE ENGINEER  
 RALPH D. BROWN, P.E.  
 SERIAL NO. 225255  
 DATE: JULY 2011

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*Whitaker Farm – 500 North River Road*

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MIDWAY CITY  
Planning Office

75 North 100 West  
Midway, Utah 84049

Phone: 435-654-3223 x105  
Fax: 435-654-2830  
mhenke@midwaycityut.org

Midway Water Advisory Application

Applicant or Authorized Representative:

Name: Luster Development Phone: 631-807-8466 Fax: \_\_\_\_\_

Mailing Address: 143 W. Farm Springs Ln. City: Midway State: Ut Zip: 84049

E-mail Address: daniel\_luster@yahoo.com

Project Name: Whitaker Farm

Location: 400 North River Road

Total Acreage: 80 Number of Units: 50 Historically Irrigated Area: 77.78

Existing Water Connections: 0

Comments:  
Request to transfer 102 ac-ft of water contained in water right number 55-12895, into the Midway City well. This water will be diverted down River ditch and a like quantity will be released back to the point of return. The water will also be diverted from the Alpeach Weber well.

**Please submit with application Site Plans, Plat Maps, Drawings or any information that pertains to water calculations.**

**Please read and sign before application submittal**

I declare under penalty of perjury that I am the owner or authorized agent of the property subject to this request and the foregoing statements, answers and attached documents are true and correct. As the applicant for this proposal, I understand that my application is not deemed complete until the Planning Office has reviewed the application. I further understand I will be notified when my application has been deemed complete. At that time, I expect that my application will be processed within a reasonable time.

Signature of Owner or Agent: [Signature] Date: 7/20/18

FOR OFFICE USE ONLY

<b>STAFF:</b> Date Received: _____ Received By: _____ Fee Paid: _____	Application Number: _____ Zone: _____ Tax ID Number: _____
<b>PLANNER:</b> Complete / Incomplete Date: _____ Reviewed by: _____	

## AMENDED AND RESTATED WATER SHARE OPTION AGREEMENT

THIS AMENDED AND RESTATED WATER SHARE OPTION AGREEMENT (this "Agreement") is entered into as of February 20, 2018 by and between D. RAY HULT FAMILY LLC, a Utah limited liability company ("Seller"), and LUSTER DEVELOPMENT, INC., a Utah corporation ("Buyer"), who agree as follows.

- 1. Original Agreement.** Seller's Manager and Member, Ray Hult, and Buyer are parties to that certain Water Share Option Agreement dated January 16, 2018 (the "Original Agreement"), pursuant to which Buyer purchased an option to acquire a portion of Seller's Water Right (as defined below). Ray Hult hereby assigns all of his interest under the Original Agreement to Seller, and Buyer and Seller hereby completely amend and restate the Original Agreement as set forth below.
- 2. Water Shares; Option.** Seller is the owner of the right to one hundred thirty-nine and 122/1000 (139.122) acre feet of Provo River water as evidenced by Water Right No. 5511161 ("Seller's Water Right"). In consideration of the sum of Thirty Thousand Dollars (\$30,000.00) (the "Option Fee"), Seller grants to Buyer the exclusive right and option (the "Option") to purchase a portion of Seller's Water Right representing One Hundred and Two (102) acre feet of water (the "Subject Right") upon the terms and conditions contained herein.
- 3. Option Payments.** In connection with the Original Agreement, Buyer delivered into escrow with ~~First American Title~~ in Heber City, Utah an Option fee of Ten Thousand Dollars (\$10,000.00) (the "Original Option Fee"). The Original Option Fee was to remain refundable under certain circumstances, and did not apply to the Purchase Price (as defined in the Original Agreement). The Original Option Fee is now non-refundable, and Buyer shall cause the same to be immediately released to Seller. Buyer shall also, immediately upon execution hereof, deliver directly to Seller the Twenty Thousand Dollars (\$20,000.00) remainder of the Option Fee, which shall also be non-refundable. None of the Option Fee shall apply to the Purchase Price (as defined below). *Both option fees will ~~now~~ be refundable for 90 days starting January 16, 2012.*
- 4. Option Period; Exercise of Option.** The Option shall be for a period of time ending at 5:00PM, Mountain Time, July 16, 2018 (the "Option Period"). During the Option Period, Buyer may exercise the Option at any time by providing Seller written notice thereof. If Buyer fails to exercise the Option as provided herein within the Option Period, the Option shall expire and be null and void. Time is of the essence hereof.
- 5. Due Diligence** ~~Buyer has now conducted such due diligence as it has desired, and hereby waives all due diligence contingencies of any kind.~~ *Due Diligence will end 90 days from January 16, 2012*
- 6. Purchase Price; Closing.** If Buyer so exercises the Option, Buyer shall purchase all of the Subject Right from Seller and Seller shall sell the same to Buyer for Ten Thousand Dollars (\$10,000.00) per acre foot, for a total purchase price of One Million Twenty Thousand Dollars (\$1,020,000.00) (the "Purchase Price"), and the closing of such purchase and sale (the "Closing") shall be effected at a time and place mutually agreed to by Buyer and Seller, provided that the Closing shall occur within ten (10) days after the date the Option is exercised.

AM  
Bank

RRH  
DL

RRH  
DL

RRH  
DL

At the Closing, Buyer shall pay the Purchase Price to Seller by wire transfer, as Seller may direct, of good U.S. funds; and upon confirmation of receipt Seller shall transfer the Subject Right to Buyer.

*Buyer shall have the right to buy fewer than 102 Acre Feet at the same rate*

*SH*

- 7. **Entire Agreement.** This Agreement constitutes the entire understanding between the parties with respect to the subject matter hereof, and all prior agreements, inducements and understandings shall be deemed merged into this Agreement.
- 8. **No Commissions.** Seller and Buyer agree that they are not represented by any agents and any commissions or sales expenses will not be transferable to Buyer or Seller.
- 9. **No Oral Amendment or Modifications.** No amendments, waivers or modifications hereof shall be made or deemed to have been made unless in writing executed by the Party to be bound thereby.
- 10. **Applicable Law.** This Agreement shall be interpreted and enforced according to the laws of the State of Utah.
- 11. **Counterparts.** This Agreement may be executed in counterparts, each of which shall constitute an original, but all of which, when taken together, shall constitute but one agreement.
- 12. **Costs of Legal Proceedings.** If either party institutes legal proceedings with respect to this Agreement, the prevailing party shall be entitled to recover from the non-prevailing party, in addition to any other relief to which it is entitled, its reasonable costs and expenses incurred in connection with such legal proceedings, including, without limitation, reasonable attorneys' fees.

WITNESS the following signatures:

**SELLER:**

D. RAY HULT FAMILY LLC,  
a Utah limited liability company

By: *[Signature]*  
D. Ray Hult, Manager

**BUYER:**

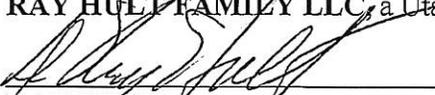
LUSTER DEVELOPMENT, INC.  
A Utah corporation

By: *[Signature]*  
Name: Daniel J. Luster  
Its: Manager

*Item #6 Purchase Price Closing.  
Seller hereby extends  
option closing date  
14 days (2 weeks) from  
original closing date.  
all other terms and  
conditions remain the  
same.  
D. Ray Hult 7/12/19*

**ASSIGNMENT:**

RAY HULT hereby assigns all of his interest under the Original Agreement defined above to **D. RAY HULT FAMILY LLC**, a Utah limited liability company.

  
\_\_\_\_\_  
RAY HULT

LUSTER DEVELOPMENT INC.  
11 W VILLAGE CIR.  
MIDWAY, UT 84049

31-5  
1240

148

DATE Feb. 22, 2018

PAY TO THE  
ORDER OF

D. Ray Holt Family, LLC

\$ 20,000

Twenty thousand and 00/100

DOLLARS

ZIONS BANK

WE HAVEN'T FORGOTTEN WHO KEEPS US IN BUSINESS®  
1-800-789-BANK(2265)  
zionsbank.com

TO REMOVE PRINTING RESIDUES SAFETY PAPER

Security Features  
Included  
Safety on Back.

MEMO

Additional  
Deposit for Water

*[Signature]*

⑆012000056⑆ 9812228390148

# APPLICATION FOR PERMANENT CHANGE OF WATER

## STATE OF UTAH

Rec. by \_\_\_\_\_  
Fee Amt. \$250.00  
Receipt # \_\_\_\_\_

For the purpose of obtaining permission to make a permanent change of water in the State of Utah, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of Section 73-3-3 Utah Code Annotated 1953, as amended.

CHANGE APPLICATION NUMBER:  
(c15023WKNIGHT)

WATER RIGHT NUMBER: 55-12895

\*\*\*\*\*

This Change Application proposes to change the POINT(S) OF DIVERSION, PLACE OF USE, and NATURE OF USE.

\*\*\*\*\*

### 1. OWNERSHIP INFORMATION.

A. NAME: D Ray Hult Family LLC  
ADDRESS: 3600 South Redwood Road  
Salt Lake City UT 84119  
INTEREST: 100%

NAME: Midway City  
ADDRESS: 75 North 100 West  
PO Box 277  
Midway UT 84049  
INTEREST: 0%  
REMARKS: interested party

NAME: Midway Irrigation Company  
ADDRESS: c/o Steve Farrell  
325 West 500 South  
Midway UT 84049  
INTEREST: 0%  
REMARKS: interested party

B. PRIORITY OF CHANGE:

FILING DATE:

C. EVIDENCED BY: 55-12895 (DEC)

\*-----\*  
\* DESCRIPTION OF CURRENT WATER RIGHT: \*  
\*-----\*

### 2. SOURCE INFORMATION.

A. QUANTITY OF WATER: 0.87 cfs OR 102.0 acre-feet

B. SOURCE: Provo River

COUNTY: Wasatch

C. POINT(S) OF DIVERSION.



7. PLACE OF USE. Changed as Follows:

The Service Area of Midway

8. EXPLANATORY.

This water will be diverted down the River Ditch and a like quantity will be release back to the Provo River at the point of return. The water will also be diverted from the Alpenhof Weber Well.

9. SIGNATURE OF APPLICANT(S).

The undersigned hereby acknowledges that even though he/she/they may have been assisted in the preparation of the above-numbered application through the courtesy of the employees of the Division of Water Rights, all responsibility for the accuracy of the information contained herein including maps and other documents attached, at the time of filing, rests with the applicant(s).

---

D Ray Hult Family LLC

---

Midway City

---

Midway Irrigation Company

Water Right: 55-11161

Application/Claim:

---

1 Name: D Ray Hult Family LLC  
Address: 3600 South Redwood Road, Salt Lake City UT 84119  
Remarks:

---

Interest: 100 %

SCANNED RC



GARY R. HERBERT  
*Governor*  
SPENCER J. COX  
*Lieutenant Governor*

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

### Division of Water Rights

MICHAEL R. STYLER  
*Executive Director*

KENT L. JONES  
*State Engineer/Division Director*

February 28, 2018

D RAY HULT FAMILY LLC  
3600 SOUTH REDWOOD ROAD  
SALT LAKE CITY UT 84119

RE: Report of Water Right Conveyance for Water Right file: 55-11161

Dear Water User:

Thank you for submitting a Report of Water Right Conveyance (ROC) to update owner contact information on the water right records of the Division of Water Rights. The Division has completed the processing of your ROC, so our records now reflect the information you have provided. As a water right owner, it is important that you continue to maintain a current mailing address with this office so that we may contact you if the need arises. Instructions and forms to update your address are available on our website at <http://waterrights.utah.gov> or can be obtained in any of our offices.

If you have questions or need further assistance, please feel free to contact our office at (801)538-7240.

Sincerely,

Kent L. Jones, P.E.  
State Engineer

SCANNED RC

# REPORT OF WATER RIGHT CONVEYANCE

\$40 Fee Rec'd by

*MD*  
VISA 0855369

Receipt # 18-00855

USE THIS CONVEYANCE REPORT FORM WHEN 100% OF THE WATER RIGHT IS CONVEYED.

WATER RIGHT # 55-11161

NOTICE : This water right is under non-use, and expires on : 03/31/2020

## SECTION A. CONVEYANCE SUMMARY

If no water right number is mentioned on deed, is a map attached? Yes \_\_\_ No \_\_\_

1. Assignment \_\_\_ Warranty Deed \_\_\_ Quitclaim Deed  Sheriff's Deed \_\_\_ Trustee's Deed \_\_\_ Water Deed \_\_\_ Trust Deed \_\_\_  
Other : \_\_\_\_\_
2. Date Signed 02 / 21 / 2018 Date Recorded 02 / 21 / 2018  
Book 1215 Page # 1643 Entry # 448585
3. Grantor Wasatch Mountain Water Company,
4. Grantee(s) D. Ray Hult Family LLC
5. Mailing Address : 3600 South Redwood Road, Salt Lake City, UT 84119
6. E-mail Address (to be notified of ownership updates) : \_\_\_\_\_
7. Special Conditions/Information of Conveyance \_\_\_\_\_

If no water right number is mentioned on deed, is a map attached? Yes \_\_\_ No \_\_\_

1. Assignment \_\_\_ Warranty Deed \_\_\_ Quitclaim Deed \_\_\_ Sheriff's Deed \_\_\_ Trustee's Deed \_\_\_ Water Deed \_\_\_ Trust Deed \_\_\_  
Other : \_\_\_\_\_
2. Date Signed \_\_\_/\_\_\_/\_\_\_ Date Recorded \_\_\_/\_\_\_/\_\_\_  
Book \_\_\_\_\_ Page # \_\_\_\_\_ Entry # \_\_\_\_\_
3. Grantor \_\_\_\_\_
4. Grantee(s) \_\_\_\_\_
5. Mailing Address : \_\_\_\_\_
6. E-mail Address (to be notified of ownership updates) : \_\_\_\_\_
7. Special Conditions/Information of Conveyance \_\_\_\_\_

If no water right number is mentioned on deed, is a map attached? Yes \_\_\_ No \_\_\_

1. Assignment \_\_\_ Warranty Deed \_\_\_ Quitclaim Deed \_\_\_ Sheriff's Deed \_\_\_ Trustee's Deed \_\_\_ Water Deed \_\_\_ Trust Deed \_\_\_  
Other : \_\_\_\_\_
2. Date Signed \_\_\_/\_\_\_/\_\_\_ Date Recorded \_\_\_/\_\_\_/\_\_\_  
Book \_\_\_\_\_ Page # \_\_\_\_\_ Entry # \_\_\_\_\_
3. Grantor \_\_\_\_\_
4. Grantee(s) \_\_\_\_\_
5. Mailing Address : \_\_\_\_\_
6. E-mail Address (to be notified of ownership updates) : \_\_\_\_\_
7. Special Conditions/Information of Conveyance \_\_\_\_\_

MD RECEIVED

FEB 23 2018

WATER RIGHTS  
SALT LAKE

SCANNED

# REPORT OF WATER RIGHT CONVEYANCE

WATER RIGHT # 55-11161

## SECTION B. CERTIFICATION

I, \_\_\_\_\_, certify that I am authorized by Administrative Rule R655-3-7 to complete this report, and that the information contained herein or attached hereto is true and accurate to the best of my knowledge.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Phone # \_\_\_\_\_

## FOR LICENSED PROFESSIONALS ONLY

I, James E. Riley, certify that I am licensed as a Professional Engineer in the State of Utah, that my license number is 166480-2202, that I was retained by an owner of the water right to prepare or supervise the preparation of the Report of Conveyance; that the report is true and accurate to the best of the preparer's knowledge; that an appropriate search of County Records records has been made and that the attached documents evidence the ownership interest of the grantee.

James E. Riley  
Signature

02/23/2018  
Date

801-355-1883  
Phone #

Address: 175 South Main, Suite 1330, Salt Lake City, UT 84111

**This report is not a title opinion based on the title search made. It does not warrant or guarantee title to water rights. This report was prepared for the purpose of updating records of the Division of Water Rights.**

## SECTION C. DIVISION OF WATER RIGHTS - FOR OFFICIAL USE ONLY

Received: 2 123 12018 Filed: 2 123 12018 Reviewed By: UK  
 Database Changed: 2 128 12018 By: UK  
 File Changed: 2 128 12018 By: UK  
 New File Number based on Segregation \_\_\_\_\_  
 Remarks: \_\_\_\_\_

AMOUNT OF WATER RIGHT RETAINED 0

RECEIVED  
FEB 23 2018  
WATER RIGHTS  
SALT LAKE

No agency of the State of Utah warrants or guarantees title to certain water rights. The water right ownership information of record in the Division of Water Rights concerning this water is based on the information which has been submitted by this Report of Water Right Conveyance.

SCANNED



# STATE OF UTAH -- DIVISION OF WATER RIGHTS -- DATA PRINT OUT for 55-11161

(WARNING: Water Rights makes NO claims as to the accuracy of this data.) RUN DATE: 07/20/2018 Page 1

WATER RIGHT: 55-11161 APPLICATION/CLAIM NO.: CERT. NO.:

OWNERSHIP\*\*\*\*\*

NAME: D Ray Hult Family LLC  
 ADDR: 3600 South Redwood Road  
 Salt Lake City UT 84119  
 INTEREST: 100%

DATES, ETC.\*\*\*\*\*

LAND OWNED BY APPLICANT? COUNTY TAX ID#:  
 FILED: | PRIORITY: 01/01/1921 | PUB BEGAN: | PUB ENDED: | NEWSPAPER:  
 ProtestEnd: | PROTESTED: [No ] | HEARNG HLD: | SE ACTION: [ ] | ActionDate: | PROOF DUE:  
 EXTENSION: | ELEC/PROOF: [ ] | ELEC/PROOF: | CERT/WUC: | LAP, ETC: | LAPS LETTER:  
 RUSH LETTR: | RENOVATE: | RECON REQ: | TYPE: [ ]

PD BOOK: [ 55- ] | MAP: [ ] | PUB DATE:

Type of Right: Decree Source of Info: Decree Status:

LOCATION OF WATER RIGHT\*\*\*\*\*

FLOW: 0.316 cfs OR 37.122 acre-feet

SOURCE: Provo River

COUNTY: Wasatch COMMON DESCRIPTION: 1 mi. NE of Heber

POINT OF DIVERSION -- SURFACE:

(1) N 1000 ft E 150 ft from SW cor, Sec 18, T 3S, R 5E, SLBM

Diverting Works:

Source:

Stream Alt Required?: No

USES OF WATER RIGHT\*\*\*\*\* ELU -- Equivalent Livestock Unit (cow, horse, etc.) \*\*\*\*\* EDU -- Equivalent Domestic Unit or 1 Family  
 (The Beneficial Use Amount is the quantity of Use that this Water Right contributes to the Group Total.)

WATER USE GROUP NO. 401355. Water Rights Appurtenant to the following use(s):  
 55-7087 (DEC), 11161 (DEC), 11341 (DEC), 12135 (DEC), 12139 (DEC), 12203 (DEC), 12767 (DEC), 12895 (DEC)

IRRIGATION: Beneficial Use Amt: 12.374 acres of the Group Total of 90.0 PERIOD OF USE: 04/01 TO 10/31

#	PLACE OF USE:	*-----NORTH WEST QUARTER-----*				*-----NORTH EAST QUARTER-----*				*-----SOUTH WEST QUARTER-----*				*-----SOUTH EAST QUARTER-----*				*
		NW	NE	SW	SE													
Sec 13 T 3S R 4E SLBM	*				*				*				*	X		X	*	0.0000
Sec 24 T 3S R 4E SLBM	*				*	X		X	*				*				*	0.0000
Sec 18 T 3S R 5E SLBM	*				*				*		X		*				*	0.0000
Sec 19 T 3S R 5E SLBM	*X				*				*				*				*	0.0000

OTHER COMMENTS\*\*\*\*\*

Provo River Decree, Page 39, Par. 48(ac) Wentz No. 132  
 Assessment No. 151 (J. D. Boggess)

First class water right - Provo River Decree

SEGREGATION HISTORY\*\*\*\*\*

This Right was Segregated from , with Appl#: , Approval Date: / / under which Proof is to be submitted.

This Right as originally filed:

FLOW IN CFS	QUANTITY IN ACRE-FEET	IRRIGATED ACREAGE	STOCK (ELUs)	WATER USES			
				DOMESTIC (FAMILIES) (*)	MUNICIPAL	MINING ACRE-FEET	POWER
1.5	270.112	90.0	4.0				

The following Water Rights have been Segregated from 55-11161:

( 1) WRNUM: 55-7087 [0.314] [56.572] [18.82] [4.0]  
 APPL#:  
 NAME: Hult, D. Ray and Ronda N.  
 FILED: 06/04/1979

( 2) WRNUM: 55-12135 [10.2] [3.4] [4.0]  
 APPL#:  
 NAME: Wasatch Mountain Water Company  
 FILED: 11/03/2005

( 3) WRNUM: 55-12139 [48.0] [16.0] [4.0]  
 APPL#:  
 NAME: Wasatch Mountain Water Company  
 FILED: 11/29/2005

( 4) WRNUM: 55-12203 [16.218] [5.406] [4.0]  
 APPL#:  
 NAME: Wasatch Mountain Water Company  
 FILED: 08/29/2006  
 Change to be filed

( 5) WRNUM: 55-12895 [0.87] [102.0] [34.0] [4.0]  
 APPL#:  
 NAME: D Ray Hult Family LLC  
 FILED: 04/12/2018

	CFS	ACRE-FEET	IRRIGATED ACREAGE	STOCK (ELUs)	DOMESTIC (FAMILIES) (*)	MUNICIPAL	MINING ACRE-FEET	POWER
55-11161 currently has:	0.316	37.122	12.374	NONE				

APPLICATIONS FOR NONUSE OF WATER\*\*\*\*\*

EXT NUMBER: |REQUEST TO: |LAST USED: 13/ / 0|PRIOR FROM: |PRIOR TO:  
 FILED: 09/13/2012|PUB BEGAN: 10/10/2012|PUB ENDED: 10/17/2012|NEWSPAPER: The Wasatch Wave |PROTEST END:11/06/2012  
 PROTESTED: [No ]|HEARNG HLD: |SE ACTION: [Approved]|ActionDate:03/08/2013|PROOF DUE: 03/31/2020|PROOF SUB:  
 NONUSE COMMENTS:

\*\*\*\*\*  
 \*\*\*\*\*E N D O F D A T A\*\*\*\*\*  
 \*\*\*\*\*

# STATE OF UTAH -- DIVISION OF WATER RIGHTS -- DATA PRINT OUT for 55-12895

(WARNING: Water Rights makes NO claims as to the accuracy of this data.) RUN DATE: 07/20/2018 Page 1

WATER RIGHT: 55-12895 APPLICATION/CLAIM NO.: CERT. NO.:

=====

OWNERSHIP\*\*\*\*\*  
 NAME: D Ray Hult Family LLC  
 ADDR: 3600 South Redwood Road  
 Salt Lake City UT 84119  
 INTEREST: 100%

=====

DATES, ETC.\*\*\*\*\*  
 LAND OWNED BY APPLICANT? COUNTY TAX ID#:  
 FILED: |PRIORITY: 01/01/1921|PUB BEGAN: |PUB ENDED: |NEWSPAPER:  
 ProtestEnd: |PROTESTED: [No ]|HEARNG HLD: |SE ACTION: [ ]|ActionDate: |PROOF DUE:  
 EXTENSION: |ELEC/PROOF:[ ]|ELEC/PROOF: |CERT/WUC: |LAP, ETC: |LAPS LETTER:  
 RUSH LETTR: |RENOVATE: |RECON REQ: |TYPE: [ ]

PD BOOK: [ 55- ]|MAP: [ ]|PUB DATE:  
 Type of Right: Decree Source of Info: Decree Status:

=====

LOCATION OF WATER RIGHT\*\*\*\*\*  
 FLOW: 0.87 cfs OR 102.0 acre-feet  
 SOURCE: Provo River  
 COUNTY: Wasatch COMMON DESCRIPTION: 1 mi. NE of Heber

POINT OF DIVERSION -- SURFACE:  
 (1) N 1000 ft E 150 ft from SW cor, Sec 18, T 3S, R 5E, SLBM  
 Diverting Works: Source:

Stream Alt Required?:

USES OF WATER RIGHT\*\*\*\*\* ELU -- Equivalent Livestock Unit (cow, horse, etc.) \*\*\*\*\* EDU -- Equivalent Domestic Unit or 1 Family  
 (The Beneficial Use Amount is the quantity of Use that this Water Right contributes to the Group Total.)

WATER USE GROUP NO. 401355. Water Rights Appurtenant to the following use(s):  
 55-7087(DEC), 11161(DEC), 11341(DEC), 12135(DEC), 12139(DEC), 12203(DEC), 12767(DEC), 12895(DEC)

IRRIGATION: Beneficial Use Amt: 34.0 acres of the Group Total of 90.0 PERIOD OF USE: 04/01 TO 10/31

####PLACE OF USE:	*-----NORTH WEST QUARTER-----*				*-----NORTH EAST QUARTER-----*				*-----SOUTH WEST QUARTER-----*				*-----SOUTH EAST QUARTER-----*					
	* NW	NE	SW	SE	* NW	NE	SW	SE	* NW	NE	SW	SE	* NW	NE	SW	SE		*
Sec 13 T 3S R 4E SLBM *														X		X	*	0.0000
Sec 24 T 3S R 4E SLBM *					*	X		X	*				*				*	0.0000
Sec 18 T 3S R 5E SLBM *				*			X	*			X	*					*	0.0000
Sec 19 T 3S R 5E SLBM *X	X			*				*				*					*	0.0000

=====

SEGREGATION HISTORY\*\*\*\*\*  
 This Right was Segregated from 55-11161, with Appl#: , Approval Date: / / under which Proof is to be submitted.

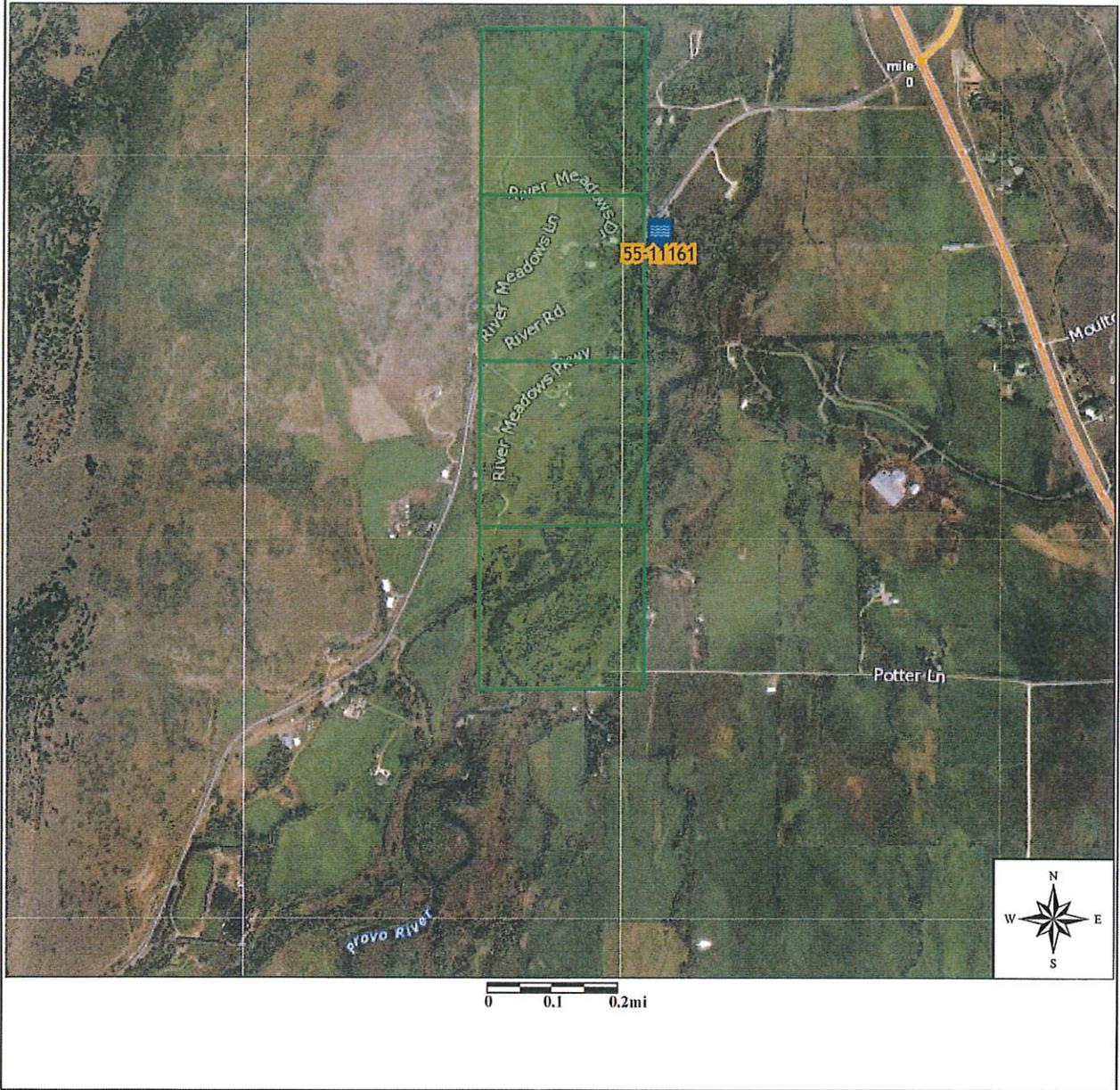
This Right as originally filed:

FLOW IN CFS	QUANTITY IN ACRE-FEET	*-----W A T E R U S E S-----*						
		IRRIGATED ACRFAGE	STOCK (ELUs)	DOMESTIC (FAMILIES) (*	MUNICIPAL	MINING ACRE-FEET	POWER	
1.186	139.122	46.374						

\*\*\*\*\*E N D O F D A T A\*\*\*\*\*

\*\*\*\*\*

# Water Rights Map





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*New/Old Business*

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*Adjourn*

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