

## Jennifer Sweat

---

**From:** Paul Berg <paul@bergeng.net>  
**Sent:** Tuesday, December 22, 2020 12:10 PM  
**To:** Jennifer Sweat  
**Cc:** Michael Henke  
**Subject:** Mountain Spa - Change Application  
**Attachments:** 55-13093 Change applcation + attachments (01782515xB165B).pdf; Letter to WIC Regarding new Change Application (01791124xB165B).docx; Midway Water Advisory Board Application.pdf

Jennifer

The Mountain Spa Rural Preservation Subdivision was reviewed by the Midway Water Board on October 5, 2020. The Board determined that 70.30 acre-feet of water rights were needed for the subdivision.

This request is for the Board to give their recommendation to Midway City and the Midway Irrigation Company regarding signing the attached application change application that would provide some of the required 70.30 acre-feet for the Mountain Spa. The attached change application has been prepared by Steven Clyde, with Clyde Snow & Sessions.

We request that this item be placed on the January 4, 2021 Water Board agenda for consideration.

Paul Berg  
Berg Engineering

**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: Chuck Heath Phone: 435-659-8875 Fax: \_\_\_\_\_

Mailing Address: 1887 Gold Dust Lane #301 City: Park City State: UT Zip: 84060

E-mail Address: cv.heath.pc@gmail.com

**Project Name:** Mountain Spa Rural Preservation Subdivision

Location: 800 North 200 East

Total Acreage: 36.13 Number of Units: 5 Historically Irrigated Area: \_\_\_\_\_

Existing Water Connections: 1 (Assumed that the home was connected to city water)

**Comments:**

Please see the attached spreadsheet.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**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: \_\_\_\_\_ Date: \_\_\_\_\_

**FOR OFFICE USE ONLY**

**STAFF:**

Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Fee Paid: \_\_\_\_\_

Application Number: \_\_\_\_\_  
Zone: \_\_\_\_\_  
Tax ID Number: \_\_\_\_\_

**PLANNER:**

Complete / Incomplete  
Date: \_\_\_\_\_ Reviewed by: \_\_\_\_\_

# Mountain Spa Rural Preservation Subdivision Water Right Estimate

September 17, 2020

The Hot Pot Conservation Area will not be irrigated and not water rights have been calculated for this area.  
 The farm parcel along Burgl Lane has not been historically irrigated. This area will continue to be used for grazing with irrigation.  
 The farm parcel along River Road is proposed to be irrigated (14.10 acres).

Water Right Estimate for Mountain Spa Concept Plan

| Use                                         | Water Right per Unit (acre-feet) | Unit     | Unit Quantity | Required Water Rights (acre-feet) |
|---------------------------------------------|----------------------------------|----------|---------------|-----------------------------------|
| Preservation Lots                           |                                  |          |               |                                   |
| Homes                                       | 0.80                             | per home | 5             | 4.00                              |
| Total Estimated Water Rights for Inside Use |                                  |          |               | 4                                 |
| Lot 1 Irrigated Area                        | 3.00                             | acre     | 1.87          | 5.61                              |
| Lot 2 Irrigated Area                        | 3.00                             | acre     | 0.82          | 2.46                              |
| Lot 3 Irrigated Area                        | 3.00                             | acre     | 1.52          | 4.56                              |
| Lot 4 Irrigated Area for Home               | 3.00                             | acre     | 1.60          | 4.80                              |
| Lot 4 Farm Parcel                           | 3.00                             | acre     | 0.00          | 0.00                              |
| Lot 5 Irrigated Area for Home               | 3.00                             | acre     | 2.19          | 6.57                              |
| Lot 5 Farm Parcel                           | 3.00                             | acre     | 14.10         | 42.30                             |
| Total Estimated Water Rights for Irrigation |                                  |          |               | 66.30                             |

Lot size less sensitive lands and 8,000 sf for home and driveway per city code.  
 Lot size less 8,000 sf for home and driveway per city code.  
 Lot size less sensitive lands and 8,000 sf for home and driveway per city code.  
 Parcel for home less 8,000 sf for home and driveway per city code.  
 This area has not be historically irrigated. To be used for grazing.  
 Parcel for home less sensitive lands and 8,000 sf for home and driveway per city code.  
 Historically irrigated area.

Total Estimated Water Rights Needed for Development 70.30

[illegible]

| CURVE | LENGTH  | RADIUS   | DELTA     | CHORD   | BEARING     |
|-------|---------|----------|-----------|---------|-------------|
| C1    | 79.32°  | 50.00'   | 90°33'34" | 71.26'  | S45.20°56'E |
| C2    | 250.13° | 150.00'  | 90°33'44" | 228.09' | S49°16'49"E |
| C3    | 159.86° | 1000.00' | 09°39'33" | 159.69' | N05°40'35"W |
| C4    | 83.08°  | 150.00'  | 35°33'07" | 91.59'  | S71°50'05"E |
| C5    | 142.96° | 250.00'  | 32°40'32" | 140.65' | N52°10'43"W |

| LINE TABLE |         |             |
|------------|---------|-------------|
| LINE       | LENGTH  | BEARING     |
| L1         | 26.93'  | S89°37'19"W |
| L2         | 97.36'  | S00°14'56"E |
| L3         | 95.81'  | S00°02'13"E |
| L4         | 191.68' | S00°02'47"W |
| L5         | 305.61' | S00°00'58"W |
| L6         | 28.60'  | N89°00'33"E |

FOUND SECTION CORNERS  
(AS NOTED ON DRAWING)

WETLANDS

**SENSITIVE LANDS**

GENERAL SUBMISSION NOTES:

- DATE OF SURVEY: JULY 2020

IN ACCORDANCE WITH SECTION 10-90-603 OF THE UTAH CODE, I, TROY TAYLOR, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 8854112 IN ACCORDANCE WITH TITLE 38, 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 PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF THE UTAH CODE, AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT.

NOTES 5017

BASIS OF BEARING IS SOUTH 89°44'45" WEST 2650.37 FEET BETWEEN THE  
FOUND BRASS CAP MONUMENTS FOR THE SOUTHWEST CORNER OF SECTION  
36, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE RASE AND MERIDIAN

[illegible]

PARCEL 1  
BEGINNING NORTH 63.24 FEET FROM THE SOUTH ONE-QUARTER CORNER  
OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SAIL LAKE BASE AND  
MERIDIAN RUNNING THENCE SOUTH 89°25'27" WEST 309.16 FEET; THENCE  
NORTH 89°33'35" WEST 160.00 FEET; THENCE NORTH 89°20'25" WEST  
109.67 FEET; THENCE SOUTH 04°19'21" WEST 2.51 FEET; THENCE WEST 31.01 FEET;  
THENCE SOUTH 89°28'25" WEST 600.00 FEET; THENCE NORTH  
372.00 FEET; THENCE NORTH 89°38'25" EAST 60.66 FEET; THENCE NORTH  
652.20 FEET; THENCE NORTH 08°57'10" EAST 1250.12 FEET; THENCE SOUTH  
690.21 FEET TO THE POINT OF BEGINNING.

## BEGINNING SOLITERS

209.49 FEET; THENCE EAST 210.00 FEET; THENCE SOUTH 00°33'53" EAST 208.68 FEET; THENCE NORTH 89°06'07" EAST 106.27 FEET; THENCE A 50.00 FOOT RADIUS CURVE TO THE RIGHT 79.32 FEET THROUGH A CENTRAL ANGLE OF 90°33'53" (CHORD BEARS SOUTH 45°28'58" EAST 71.26 FEET); THENCE SOUTH 14.38 FEET; THENCE SOUTH 89°38'25" WEST 60.08 FEET TO THE POINT OF BEGINNING.  
CONTAINS 1.50 ACRES.

BEGINNING AT THE WEST ONE-QUARTER CORNER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE, AND MERIDIAN RUNNING THENCE NORTH 89°53'33" EAST 1271.57 FEET; THENCE A 389.00 FOOT RADIOUS CURVE TO THE RIGHT 38.31° FEET THROUGH A CENTRAL ANGLE OF 100.68° (CHORD BEARS NORTH 85°48'47" WEST 58.26 FEET); THENCE SOUTH 89°53'33" WEST 1271.57 FEET; THENCE NORTH 00°03'13" EAST 7.12 FEET; THENCE SOUTH 89°53'33" WEST 1271.57 FEET; THENCE NORTH 66°02'30" WEST 660.92 FEET; THENCE SOUTH 89°59'25" WEST 371.87 FEET; THENCE NORTH 00°17'00" WEST 658.59 FEET; THENCE NORTH 07°23'08" EAST 7.53 FEET; THENCE NORTH 00°17'00" WEST 658.59 FEET TO THE POINT OF BEGINNING. CONTAINS 28.11 ACRES.

KNOW ALL MEN BY THESE PRESENTS THAT, THE UNDERSIGNED OWNER(S) OF THE PROPERTY DESCRIBED HEREIN, CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, SHARED DRIVEWAY EASEMENTS, SHARED EASEMENTS AND HEREBY DEDICATE THOSE AREAS LABELED AS SHARED DRIVEWAY EASEMENTS AND UTILITY EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND EMERGENCY VEHICLE ACCESS.

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

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

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 HEREON SHOWN.

100

(SEE SEAL BELOW)

DAY OF \_\_\_\_\_

DIRECTOR

## RURAL PRESERVATION

THE SOUTHWEST QUARTER ON  
RANGE 4 EAST, SALT LAKE

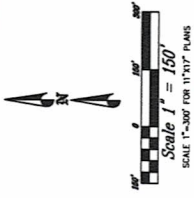
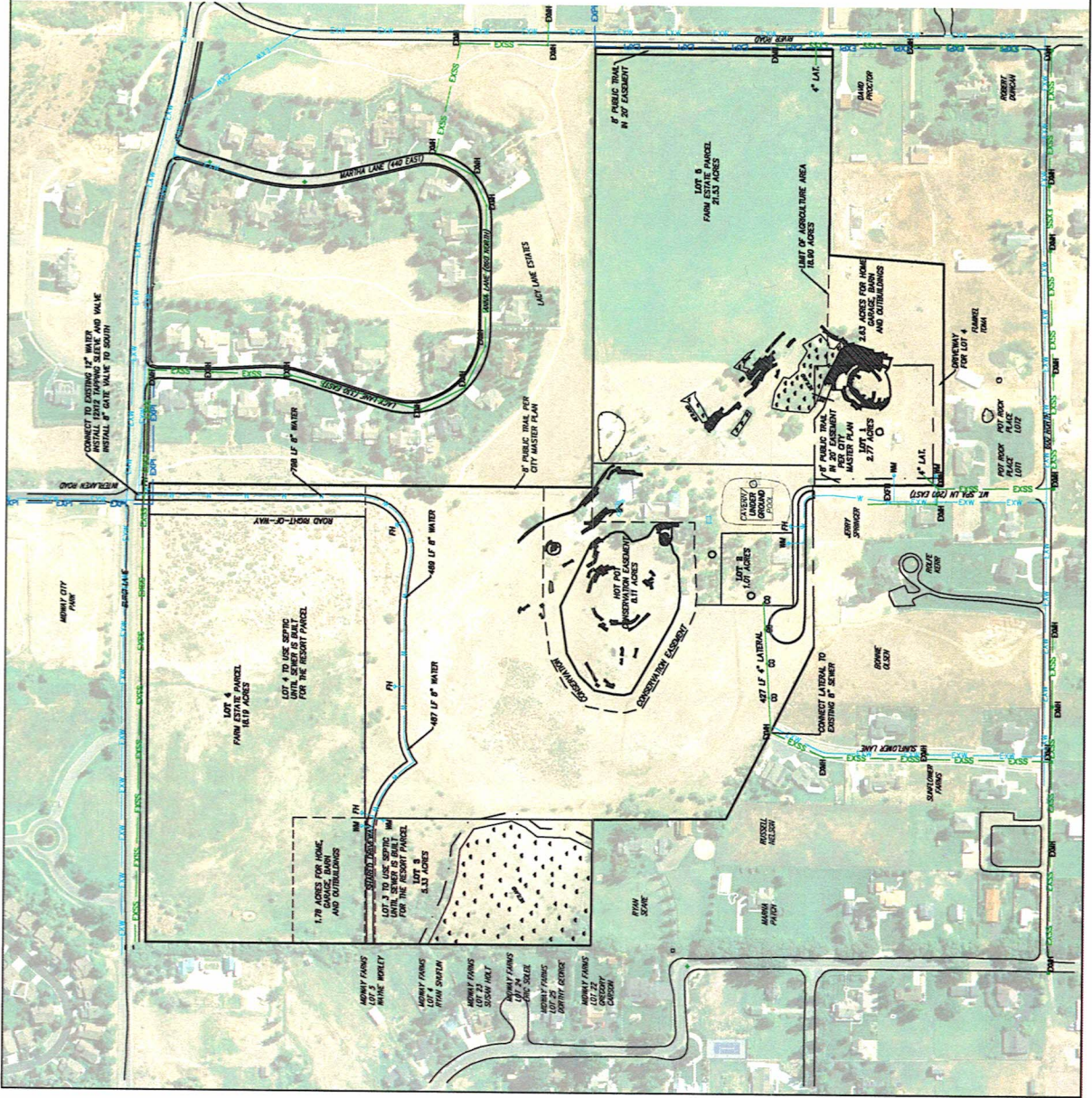
---

|  |  |
|--|--|
|  |  |
|--|--|

---

|  |  |
|--|--|
|  |  |
|--|--|

---



# LEGEND

- WETLANDS (3.75 ACRES)
- SLOPES > 25% (0.33 ACRES OUTSIDE OF HOT POT/GRATER)
- HOT POT/GRATER SENSITIVE LANDS (3.32 ACRES)
- RESORT ZONE BOUNDARY
- EXISTING PRESSURIZED IRRIGATION
- EXISTING WATER
- EXISTING SEWER
- PROPOSED WATER
- PROPOSED SEWER

- SEWER NOTES:**
  - ALL SEWER IMPROVEMENTS SHALL MEET MINNY CITY STANDARDS & SPECIFICATIONS
  - ALL SEWER IMPROVEMENTS SHALL MEET MINNY CITY STANDARDS & SPECIFICATIONS
- WATER NOTES:**
  - ALL WATER IMPROVEMENTS SHALL MEET MINNY CITY STANDARDS & SPECIFICATIONS
  - ALL WATER IMPROVEMENTS SHALL MEET MINNY CITY STANDARDS & SPECIFICATIONS
- BLUE STATE HOTEL:**
  - EXISTING UTILITIES SHOWN ON PLAN ARE APPROXIMATE AND MAY BE INCOMPLETE. CONTRACTOR IS RESPONSIBLE FOR BLUE STAMP OF UTILITIES.
  - EXISTING UTILITIES SHOWN ON PLAN ARE APPROXIMATE AND MAY BE INCOMPLETE. CONTRACTOR IS RESPONSIBLE FOR BLUE STAMP OF UTILITIES.
- ENCLOSED IRRIGATION NOTES:**
  - ALL PRESSURIZED IRRIGATION IMPROVEMENTS SHALL MEET MINNY CITY STANDARDS & SPECIFICATIONS
  - ALL PRESSURIZED IRRIGATION IMPROVEMENTS SHALL MEET MINNY CITY STANDARDS & SPECIFICATIONS

THIS DOCUMENT IS PREPARED FOR THE USE OF THE CLIENT. IT IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF BERG ENGINEERING. ALL RIGHTS ARE RESERVED. DATE: 8.27.2020

CHUCK HEATH  
MOUNTAIN SPA  
UTILITY PLAN



|             |           |     |       |
|-------------|-----------|-----|-------|
| DESIGNED BY | DATE      | REV | SHEET |
| CHUCK HEATH | 8.27.2020 | 1   | 3     |



ATTORNEYS AT LAW  
CLYDE SNOW & SESSIONS  
A PROFESSIONAL CORPORATION

ONE UTAH CENTER • THIRTEENTH FLOOR  
201 SOUTH MAIN STREET, SUITE 1300  
SALT LAKE CITY, UTAH 84111-2216  
TEL 801.322.2516 • FAX 801.521.6280  
clydesnow.com

RODNEY G. SNOW  
STEVEN E. CLYDE  
EDWIN C. BARNES  
NEIL A. KAPLAN<sup>o</sup>  
D. BRENT ROSE  
J. SCOTT HUNTER  
DEAN C. ANDREASEN  
ANNELI R. SMITH  
WALTER A. ROMNEY, JR.  
MATTHEW A. STEWARD  
CHRISTOPHER B. SNOW<sup>o</sup><sup>o</sup>  
WAYNE Z. BENNETT  
BRIAN A. LEBRECHT<sup>o</sup>  
TIMOTHY R. PACK  
JAMES W. ANDERSON  
DIANA L. TELFER  
SHANNON K. ZOLLINGER  
EMILY E. LEWIS<sup>tt</sup>  
KEITH M. WOODWELL  
SHAUNDA L. MCNEILL<sup>o</sup>

JONATHAN S. CLYDE<sup>=</sup>  
VICTORIA B. FINLINSON  
LAURA D. JOHNSON  
TAYMOUR B. SEMNANI  
TRENTON L. LOWE  
KATHERINE E. PEPIN  
JOSEPH D. WATKINS<sup>•</sup>  
KODY L. CONDOS

OF COUNSEL:  
THOMAS A. BRADY  
T. EDWARD CUNDICK<sup>o</sup>  
REAGAN L.B. DESMOND<sup>=o</sup>  
CLARK W. SESSIONS<sup>•</sup>  
JAKE TAYLOR<sup>o</sup>  
NATHAN B. WILCOX

EDWARD W. CLYDE (1917-1991)

† SENIOR COUNSEL  
• ALSO ADMITTED IN ARIZONA  
o ALSO ADMITTED IN CALIFORNIA  
o ALSO ADMITTED IN DISTRICT OF COLUMBIA  
o ALSO ADMITTED IN FLORIDA  
o ALSO ADMITTED IN NEW YORK  
= ALSO ADMITTED IN OREGON  
o ALSO ADMITTED IN TEXAS  
tt ALSO ADMITTED IN WYOMING

December 8, 2020

**Hand Delivered**

Mr. Dave Ure  
President, Washington Irrigation Company  
C/o Andrea McNeil  
3000 South 1000 East  
Kamas, UT 84036

Re: Charles Vaughn Heath Change Application

Dear Dave:

I, along with Van King of Loughlin Water, represent Chuck Heath. Mr. Heath currently has under contract the purchase of 100 shares of Class B shares and 30 Class D shares in Washington Irrigation Company (WIC) owned by Silver Rim Water Holdings, LLC. These shares are represented by Certificates Numbers 424, 425, 426, and 427. The closing on the sale is to occur on or before February 4, 2021. Closing is conditional upon Mr. Heath obtaining the consent of the WIC to file an application for permanent change of use. Closing is also conditional upon approval of Midway City and Midway Irrigation Company, for the inclusion in the change application of city-owned sources of drinking water and Midway Irrigation Company points of diversion for secondary irrigation use on Heath's intended development of the old Mountain Spa property in Midway.

I have enclosed the proposed change application for your review. Because of the Covid-19 virus outbreak, we hope that sending this explanatory letter along with the change application is sufficient. We are willing to discuss by phone, but would prefer to not meet in person. We appreciate the accommodation in that regard.

This proposed change application has also been submitted to your engineers at Hansen Allen and Luce for their review. Mr. Heath has signed the contract to pay the engineering review fee and has forwarded the signed agreement and a check to HAL for that purpose. Enclosed is also a check payable to the WIC in payment of WIC's application fee.

We understand that WIC was involuntarily dissolved, and that the company has recently reincorporated as the New Washington Irrigation Company (NWIC). It would be best if we could submit the change application based on the water rights as transferred from WIC to NWIC and based on new share certificates issued in the new company so that we can minimize confusion at the State Engineer's office. We are unsure where WIC is in terms of updating title to its water rights into the newly incorporated entity. If we can be of any assistance in getting this accomplished, please let us know. Our client is anxious to move forward with this change application.

As you may recall, in 2007 Mr. Rich Bloomfield of Silver Rim Water Holdings, LLC filed a share statement segregation request with the State Engineer and the State Engineer segregated these 100 shares into Water Right number 55-12250. Silver Rim then filed change application (a33063) to convert the water to municipal use and to move it to points of diversion and place of use in Midway. That change application was approved, but the change application did not tie to Midway City's sources of drinking water. As a result, Silver Rim did not move forward with any effort to actually put the water to use under this approved change application.

I was unaware that this prior share statement had been filed and in 2019 I filed a new share statement based on the same 100 shares, which has been assigned water right number 55-13093, upon which we will file the new change application. To avoid confusion and to eliminate the existence of two water right numbers based on the same 100 shares of stock, we also need to have the company sign the enclosed withdrawal of application forms; one for the share statement 55-12250, and the second one for the prior change application (a33063), so that we can clean these water right numbers off the books at the State Engineer's office. Could you please sign and return these forms to me in the stamped and addressed envelope I have included with this letter.

The change application provided with this letter is based on this new share statement 55-13093, rather than the old segregation. If the company has now transferred the water rights from WIC to NWIC, we may need to file yet another share statement, but we will work through that issue with the State Engineer once the company has its title to the water rights sorted out. We hope however, that this title transfer issue can be resolved quickly so that we can file the change application and move this project forward.

The proposed new change application is relatively self-explanatory. The shareholder wishes to convert the water represented by the 100 shares to municipal use. Drinking water will come from the city's wells, and the secondary irrigation water through the Midway Irrigation Company system and points of diversion. The 30 shares of Class D water will be dedicated to return flows through the company canal system. Silver Rim paid the impact type per acre-foot

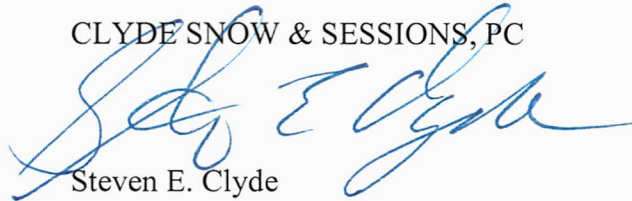
fee to the WIC in connection with the prior change application 55-12250 (a33063). It is our understanding that Mr. Heath will not be required to pay this fee a second time in connection with this new change application.

Until the company updates title to its water rights into the new entity, all shareholders are in limbo in connection with their ability to file change applications and move forward with their projects. We request that the company accomplish this title transfer as soon as reasonably possible to avoid unnecessary delays in being able to file the change application with the State Engineer as signed by the shareholder applicant, the company, Midway City and Midway Irrigation Company. Again, if there is anything we can do to help accomplish this let us know.

If you have any questions, please contact either me or Van King. I can be reached at 801-322-2516 or by email [sec@clydesnow.com](mailto:sec@clydesnow.com). Van can be reached at 801-842-3495, or [Van@loughlinwater.com](mailto:Van@loughlinwater.com).

Sincerely,

CLYDE SNOW & SESSIONS, PC



Steven E. Clyde

Encl.

# APPLICATION FOR PERMANENT CHANGE OF WATER

STATE OF UTAH

Rec. by \_\_\_\_\_

Fee Amt. \$200.00

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, as amended.

CHANGE APPLICATION NUMBER:

(c92488NJANKO)

WATER RIGHT NUMBER: 55-13093

\*\*\*\*\*

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

\*\*\*\*\*

## 1. OWNERSHIP INFORMATION.

A. NAME: Charles Vaughn Heath  
ADDRESS: 2348 W. Red Pine Rd.  
Park City, UT 84098  
INTEREST: 0%  
REMARKS: Interested Party

NAME: Midway City Corporation  
ADDRESS: 73 North 100 West  
Midway, UT 84049  
INTEREST: 0%  
REMARKS: Interested Party

NAME: Midway Irrigation Company  
ADDRESS: C/O Steve Farrell  
325 West 500 South  
Midway UT 84049-1268  
INTEREST: 0%  
REMARKS: Interested Party

NAME: Silver Rim Water Holdings LLC  
ADDRESS: 1050 N. Deer Crest Lane  
Alpine, UT 84004  
INTEREST: 0%  
REMARKS: Shareholder

NAME: Washington Irrigation Company  
ADDRESS: C/O Andrea McNeil  
3000 South 1000 East  
Kamas UT 84036  
REMARKS: 100%

B. PRIORITY OF CHANGE:

FILING DATE:

C. EVIDENCED BY: 55-13093 (SHAR)

\*-----\*

\* DESCRIPTION OF CURRENT WATER RIGHT: \*

\*-----\*

Permanent Change

## 2. SOURCE INFORMATION.

A. QUANTITY OF WATER: 100.0 acre-feet

B. SOURCE: Provo River, Big Elk &amp; Deer Crk Res., Boulder Crk COUNTY: Summit

C. POINT(S) OF DIVERSION.

POINT OF DIVERSION -- SURFACE:

(1) N 910 feet E 675 feet from SW corner, Section 07, T 3S, R 7E, SLBM

POINTS OF REDIVERSION:

(1) N 1,940 feet W 240 feet from SW corner, Section 12, T 3S, R 6E, SLBM

(2) N 1,800 feet W 80 feet from SW corner, Section 12, T 3S, R 6E, SLBM

## 3. WATER USE INFORMATION.

IRRIGATION: from Apr 1 to Oct 31. Acres: 33.3333 Supplemental Acres: 33.3333.

## 4. EXPLANATORY.

PLACE OF USE: The PLACE OF USE is within the service area of the Washington Irrigation Company

\*-----\*  
\* THE FOLLOWING CHANGES ARE PROPOSED: \*  
\*-----\*

## 5. SOURCE INFORMATION.

A. QUANTITY OF WATER: 100.0 acre-feet

B. SOURCE: Springs, Ditch, Power Plant Intake and Wells (2) COUNTY: Wasatch

C. POINT(S) OF DIVERSION. Changed as Follows:

POINTS OF DIVERSION -- SURFACE:

(1) N 728 feet E 195 feet from W $\frac{1}{4}$  corner, Section 17, T 3S, R 4E, SLBM

DIVERT WORKS: Power Plant Intake

SOURCE: Lavina Creek

(2) N 1,000 feet E 150 feet from SW corner, Section 18, T 3S, R 4E, SLBM

DIVERT WORKS: Midway (Upper) Dam

SOURCE: Provo River

(3) N 683 feet W 336 feet from E $\frac{1}{4}$  corner, Section 18, T 3S, R 4E, SLBM

DIVERT WORKS: Power Plant Intake

SOURCE: Snake Creek

(4) N 441 feet W 1,620 feet from SE corner, Section 21, T 3S, R 4E, SLBM

DIVERT WORKS: Concrete collection box

SOURCE: Gerber Spring

(5) N 3,167 feet W 3,170 feet from SE corner, Section 21, T 3S, R 4E, SLBM

DIVERT WORKS: West Bench Ditch

SOURCE: Snake Creek

- (6) S 299 feet E 403 feet from NW corner, Section 21, T 3S, R 4E, SLBM  
DIVERT WORKS: Probst Ditch  
SOURCE: Epperson Spring
- (7) N 899 feet E 1,298 feet from SW corner, Section 22, T 3S, R 4E, SLBM  
DIVERT WORKS: Pine Ditch  
SOURCE: Pine Creek
- (8) N 2,539 feet E 138 feet from SW corner, Section 22, T 3S, R 4E, SLBM  
DIVERT WORKS: Concrete Collection Box  
SOURCE: Mahogany Spring
- (9) N 2,384 feet W 3,137 feet from SE corner, Section 27, T 3S, R 4E, SLBM  
DIVERT WORKS: Bunnell Ditch  
SOURCE: Snake Creek
- (10) S 1,669 feet W 3,085 feet from NE corner, Section 34, T 3S, R 4E, SLBM  
DIVERT WORKS: Epperson Ditch  
SOURCE: Snake Creek
- (11) N 2,482 feet W 3,329 feet from SE corner, Section 34, T 3S, R 4E, SLBM  
DIVERT WORKS: Mill Ditch  
SOURCE: Snake Creek
- (12) N 2,550 feet E 50 feet from S $\frac{1}{4}$  corner, Section 03, T 4S, R 4E, SLBM  
DIVERT WORKS: Huffaker Ditch  
SOURCE: Snake Creek
- (13) N 170 feet W 440 feet from E $\frac{1}{4}$  corner, Section 04, T 4S, R 5E, SLBM  
DIVERT WORKS: Indian Spring  
SOURCE: Provo River

## POINTS OF DIVERSION -- UNDERGROUND:

- (1) S 810 feet E 260 feet from W $\frac{1}{4}$  corner, Section 26, T 3S, R 4E, SLBM  
WELL DIAMETER: 10 inches WELL DEPTH: 500 feet  
COMMENT: Spa West Well
- (2) N 840 feet W 180 feet from S $\frac{1}{4}$  corner, Section 26, T 3S, R 4E, SLBM  
WELL DIAMETER: 10 inches WELL DEPTH: 500 feet  
COMMENT: Spa East Well
- (3) S 1,640 feet E 380 feet from N $\frac{1}{4}$  corner, Section 33, T 3S, R 4E, SLBM  
WELL DIAMETER: 6 inches WELL DEPTH: 265 feet  
COMMENT: Alpenhoff Well
- (4) S 1,710 feet E 471 feet from N $\frac{1}{4}$  corner, Section 33, T 3S, R 4E, SLBM  
WELL DIAMETER: 10 inches WELL DEPTH: 1,010 feet  
COMMENT: Alpenhoff Weber Well

## D. COMMON DESCRIPTION: Midway City Service Area

## 6. WATER USE INFORMATION. Changed as Follows:

MUNICIPAL: from Jan 1 to Dec 31. Midway City.

\*-----\*

## 7. PLACE OF USE. Changed as Follows:

The Service Area of Midway City

## 8. EXPLANATORY.

Please refer to attachment.

## 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).

---

Charles Vaughn Heath

---

Midway City Corporation

---

Midway Irrigation Company

---

Silver Rim Water Holdings LLC

---

Washington Irrigation Company

### Explanatory for Permanent Change Application on Water Right 55-13093

Applicants Midway City Corporation, Midway Irrigation Company, Silver Rim Water Holdings LLC, New Washington Irrigation Company, and Charles Vaughn Heath jointly file this application to change the point of diversion, place of use and nature of use of 100 Class B shares and 30 Class D shares in the New Washington Irrigation Company, represented by Certificate numbers 424, 425, 426, and 427. True and correct copies of the certificates are attached hereto. The heretofore points of diversion are located on the Provo River near Woodland, Summit County, State of Utah, and the proposed hereafter points of diversion and place of use are also located in the Provo River Drainage, thereby maintaining the continuity of return flows. This Change Application contemplates Municipal use within the service area of Midway City and 15 existing surface water and groundwater sources are identified as the hereafter points of diversion. Two new underground wells are proposed in the region of the Mountain Spa development of Midway City.

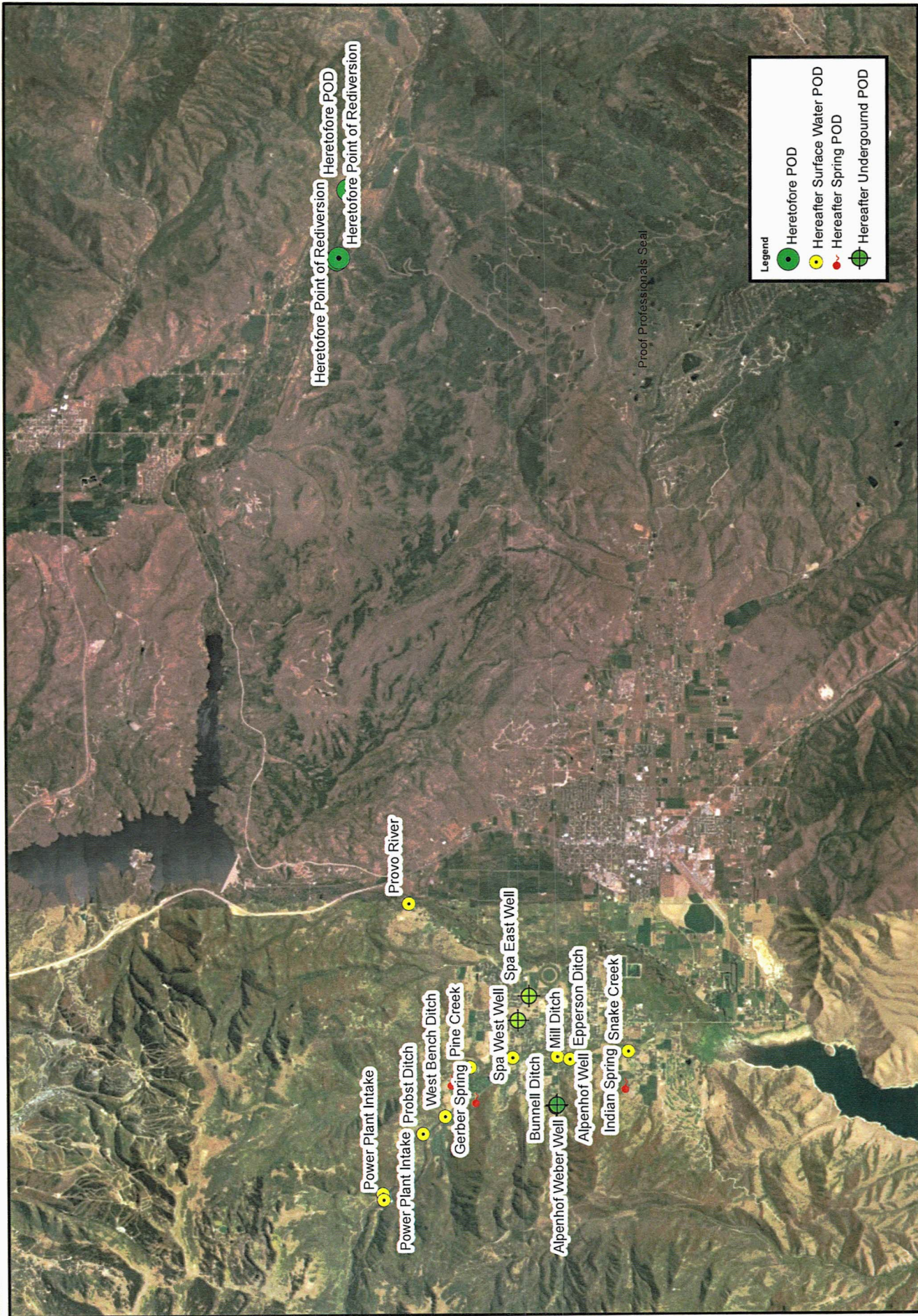
The depletion quantity of the prior use of the shares is estimated from the report titled *"Consumptive Use of Irrigation Crops in Utah, Research Report 145, Kamas Station, Utah Agricultural Experiment Station, Utah State University, Logan, Utah, October 1994"* (Hill, 1994).

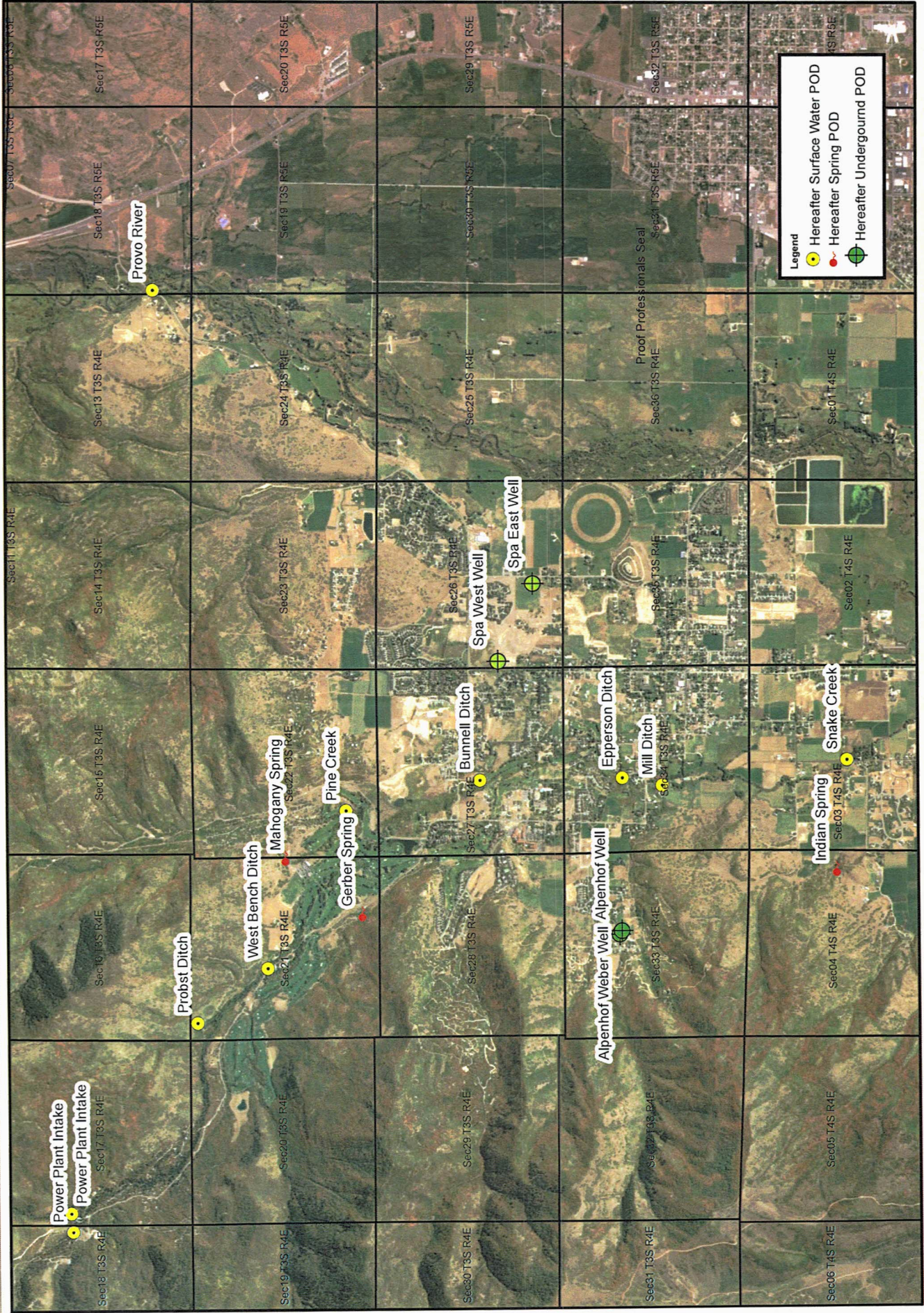
| <u>Prior Use</u>          | <u>Diversion</u> | <u>Rate of Depletion</u> | <u>Depletion</u> |
|---------------------------|------------------|--------------------------|------------------|
| Irrigation: 33.3333 acres | 100 ac-ft        | 53.58%                   | 53.58 ac-ft      |

To avoid water right enlargement Midway City and Midway Irrigation Company will track water use and will not exceed both the historic 100 ac-ft diversion limit and 53.58 ac-ft depletion limit of the shares.

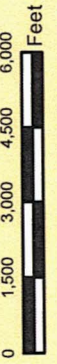
The Shareholder has entered into an agreement with the New Washington Irrigation Company to ensure that the shares remain in good standing and water either remains in the Provo River or is released back into the Provo River at the end of the company's distribution system to prevent water right enlargement. Furthermore, the applicants will make 30 Class D shares (3:1 ratio of B:D) available to maintain canal carry water and evaporative losses in the canal.

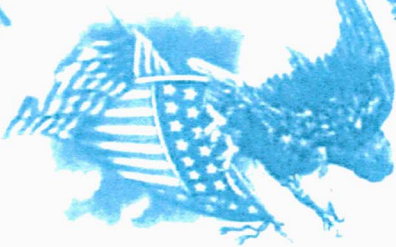
New Washington Irrigation Company shares are supported by Provo River Decree fifth-class and seventeenth class water rights and include storage rights that allow extended seasonal irrigation. Because storage water can be released to mitigate potential impacts to downstream water users, a change to year-round Municipal water use can be made.





Change Application 55-12656 ( )  
 Applicants: Midway Irrig. Co., Silver Rim Water Holdings,  
 New Washington Irrig. Co, Charles Vaughn Heath, and  
 Midway City, Utah





INCORPORATED UNDER THE LAWS OF

No. 424

The State Of Utah

A 0  
B 35.0 Shares  
D 10.5

## WASHINGTON IRRIGATION COMPANY

This certifies that Silver Rim Water Holdings, LLC is the owner of  
Class A Preferred Non-voting Shares of the Capital Stock of

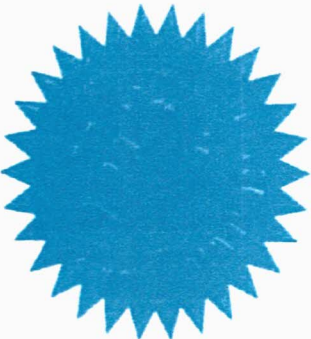
WASHINGTON IRRIGATION COMPANY

transferable only on the Books of the Corporation by the holder hereof in  
person or by duly authorized Agent or attorneys of this Certificate properly  
endorsed.

IN WITNESS WHEREOF the duly authorized officers of this Corporation have  
hereunto subscribed their names and caused the corporate Seal to be hereunto  
affixed at this 13th day of August 2019

Andrew P. Kelly  
Secretary

David M. Lee  
President





INCORPORATED UNDER THE LAWS OF

No. 425

The State Of Utah

A 2  
B 25.0 Shares  
D 7.5

## WASHINGTON IRRIGATION COMPANY

This Certifies that Silver Pine Water Holdings LLC is the owner of  
Class A Zero Twenty five and no/100 Seven Five Shares of the Capital Stock of  
WASHINGTON IRRIGATION COMPANY

transferable only on the Books of the Corporation by the holder hereof in  
person or by duly authorized Agent on surrender of this Certificate properly  
endorsed.

IN WITNESS WHEREOF the duly authorized officers of this Corporation have  
hereunto subscribed their names and caused the corporate Seal to be hereunto  
affixed at this 13 day of August A.D. 2017

Andrew P. Papp  
Secretary

David W.  
President



INCORPORATED UNDER THE LAWS OF

No. 426

The State Of Utah

A \$  
B 30.0 Shares  
D 9.0

# WASHINGTON IRRIGATION COMPANY

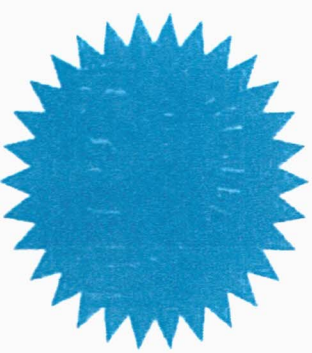
This Certifies that Arden Farm Water Holdings, LLC is the owner of

Class A Also Twenty-two (2) One and one-half Shares of the Capital Stock of  
WASHINGTON IRRIGATION COMPANY

transferable only on the Books of the Corporation by the holder hereof in person or by duly authorized Agent on surrender of this Certificate properly endorsed.

IN WITNESS WHEREOF the duly authorized officers of this Corporation have hereunto subscribed their names and caused the corporate Seal to be hereunto affixed at this 15th day of August 2019

Matthew Powell David Lee  
Secretary President





INCORPORATED UNDER THE LAWS OF

No. 427

The State Of Utah

A 4  
B 10.0 Shares  
D 3.0

# WASHINGTON IRRIGATION COMPANY

This Certifies that Adrian Rom Water Holdings LLC is the owner of

Class A 20 Per. pers 2 Share pers Shares of the Capital Stock of

WASHINGTON IRRIGATION COMPANY

transferable only on the Books of the Corporation by the holder hereof in person or by duly authorized Agent on record of this Certificate properly endorsed.

IN WITNESS WHEREOF the duly authorized officers of this Corporation have hereunto subscribed their names and caused the corporate Seal to be hereunto affixed at this 13th day of August A.D. 2019

Andrew P. Pyle David W. W.  
Secretary President

