



SPENCER J. COX
Governor
DEIDRE M. HENDERSON
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Water Rights

JOEL FERRY
Executive Director

TERESA WILHELMSEN
State Engineer/Division Director

ORDER OF THE STATE ENGINEER

For Application to Appropriate Water Number 43-13641 (A83439)

Application to Appropriate Water Number 43-13641 (A83439) in the name of SavvyLands LLC was filed on August 1, 2022, to appropriate 1.45 acre-feet of water from the following point(s):

- (1) Well - South 761 ft West 138 ft from the N¼ Corner of Section 3, T3S, R6W, USB&M (6-inch well, 100-500 feet deep)

The water is to be used for the following purpose(s):

Irrigation - Sole Supply: 0.25 acre, Group Total: 0.25 acre, from April 1 to October 31
Domestic - Sole Supply: 1.0 equivalent domestic unit, Group Total: 1.0 equivalent domestic unit, from January 1 to December 31

The water is to be used in all or portion(s) of:

Section 3, T3S, R6W, USB&M

Notice of this application to appropriate water was not published in a newspaper. It is the opinion of the State Engineer that it meets the criteria of Section 73-3-5.6 of the Utah Code which allows applications for a small amount of water to be approved by the State Engineer without publishing a notice of application.

It is the opinion of the State Engineer that there is unappropriated water that can be developed under this application and that this application can be approved without impairing existing water rights.

It is, therefore, **ORDERED** and Application to Appropriate Water Number 43-13641 (A83439) is hereby **APPROVED** subject to prior rights and with the following condition(s):

- (1) The applicant shall construct or install and maintain controlling works and a measuring device as required by Section 73-5-4 of Utah Code.
- (2) This application is also approved according to the conditions of the current appropriation policy guidelines for the Colorado River Drainage, adopted March 7, 1990.
- (3) This application must be totally developed and placed to beneficial use on or before the noted proof due date. Extensions of time will only be considered under unusual circumstances.

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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 August 31, 2027, 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 applicants.

As noted, this approval is granted subject to prior rights. The applicant is 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.

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. An Affidavit of Beneficial Use may be submitted by an applicant without hiring a proof professional if it qualifies under statute. An affidavit qualifies if all of the following criteria are met:

- (1) The water right is associated with a residence, either full- or part-time. (NOTE: Any irrigation or stock use on the affidavit must be associated with the residence.)
- (2) The water use is for a quarter acre of irrigation or less.
- (3) The water use is for the watering of ten head of livestock (or equivalent) or less.
- (4) The water use does not include any uses in addition to the three listed above.

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 application to appropriate.

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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. Additionally, if ownership of this water right or the property with which it is associated changes, the records of the Division of Water Rights should be updated. For assistance in updating title to the water right please *contact the Division* at the phone number below.

Your contact with this office, should you need it, is with the Eastern Regional Office in Vernal. The telephone number is (435) 247-1514.

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 for judicial review with the appropriate District Court. A Request for Reconsideration must be filed in writing with the State Engineer within 20 days of the date of this Order. The written request shall be filed in-person, by mail, or electronically. If the request is filed electronically it shall be submitted to: waterrights@utah.gov, which is the authorized general email for the Division. However, a Request for Reconsideration is not a prerequisite to filing for judicial review. A petition for judicial review 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 4th day of August, 2022.



Teresa Wilhelmsen, P.E., State Engineer

Mailed a copy of the foregoing Order this 4th day of August, 2022 to:

SavvyLands LLC
2450 Louisiana Suite 400 #921
Houston, Tx 77006

BY: /s/Garrett Hayes