



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor
Robert L. Morgan
Executive Director
Jerry D. Olds
State Engineer

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September 16, 2004

The Cobbles Condominiums
c/o Mr. Kim Malan, President
208 Ogden Canyon Road
Ogden UT 84401

Dear Mr. Malan:

Blaine Johnson, who is the river commissioner for the Ogden River, and I met with you briefly on Thursday morning to inquire about the water right for your irrigation. You showed us your pump in the Ogden River which delivers your irrigation water. I have reviewed the records of the Division of Water Rights and do not find any water right which has been established for your diversion of water from the river. You indicated that the project owns shares of stock in the Glenwood Ditch Company which does not have a right to divert water at the location of your pump nor is their water right established to irrigate your property. There is a chance that Water Right Numbers 35-7040 and 7041, which are currently shown on the Division's records as being owned by Eva Lewis, could be rights to irrigate the land that the condo project is on. However, these rights are to divert water from springs in Ogden Canyon, not to divert water directly from the Ogden River.

Whether Water Right Number 35-7040, 7041 or the rights of Glenwood Ditch Company are being used for your irrigation needs on the project, a change application should be filed to properly identify and establish your diversion from the river and uses of water on the records of the Division of Water Rights. Pursuant to Section 73-3-3 of the Utah Code, this change application should be filed with the Division and approved by the State Engineer before water is diverted from the pump. I urge you begin this process and get your water right affairs straightened out. If a change application is filed on one or both of the two rights mentioned above, title to the rights will first have to be updated to show the current owner(s) of the rights. If one is filed on either shares of stock in the Glenwood Ditch Company or a portion of its rights, authorization for the change application will have to be obtained from the company.

I am enclosing some information for your use and review. Inasmuch as the irrigation season for this year is coming to a close, this is a good time to get this matter straightened out for next year. If a proper water right is not obtained for the pump, the State Engineer could require that all diversions from it cease until such right is obtained. Thank you for your attention to this matter. If you have any questions, feel free to call me at (801) 538-7397.

Sincerely,

A handwritten signature in black ink, appearing to read "John Mann". The signature is fluid and cursive, with a long horizontal stroke at the end.

John Mann, P.E.
Weber Regional Engineer

cc: Blaine Johnson
Lee Sim, Assistant State Engineer