

C/04/002 Incoming
CC: April

R

Jan. 10, 2011

Dear April Abate:

Thank you very much for your reply to my letter concerning the Sufco mine application to expand their lease further west.

Your reply was very informative and much appreciated!

In my previous letter I mentioned some springs that we as property owners obtain water from and that I was very concerned about the impact this mining expansion may have on these springs. These springs are located very close to the area where future mining would occur and the water that feeds these springs could come from the area being mined.

I am sending you the information and location of these springs since I neglected to do that in my previous letter.

I would be very interested in your opinion about the possible impact this lease expansion may have on these springs.

I would also be interested to know (If that information is available) Has the water table changed since Earth Sciences INC. drilled test holes as shown on the map I am sending you?

I am thanking you in advance for any information you can give me regarding my concerns and questions. I will also research the information sources you recommended in your letter.

Sincerely,

Leon Christensen

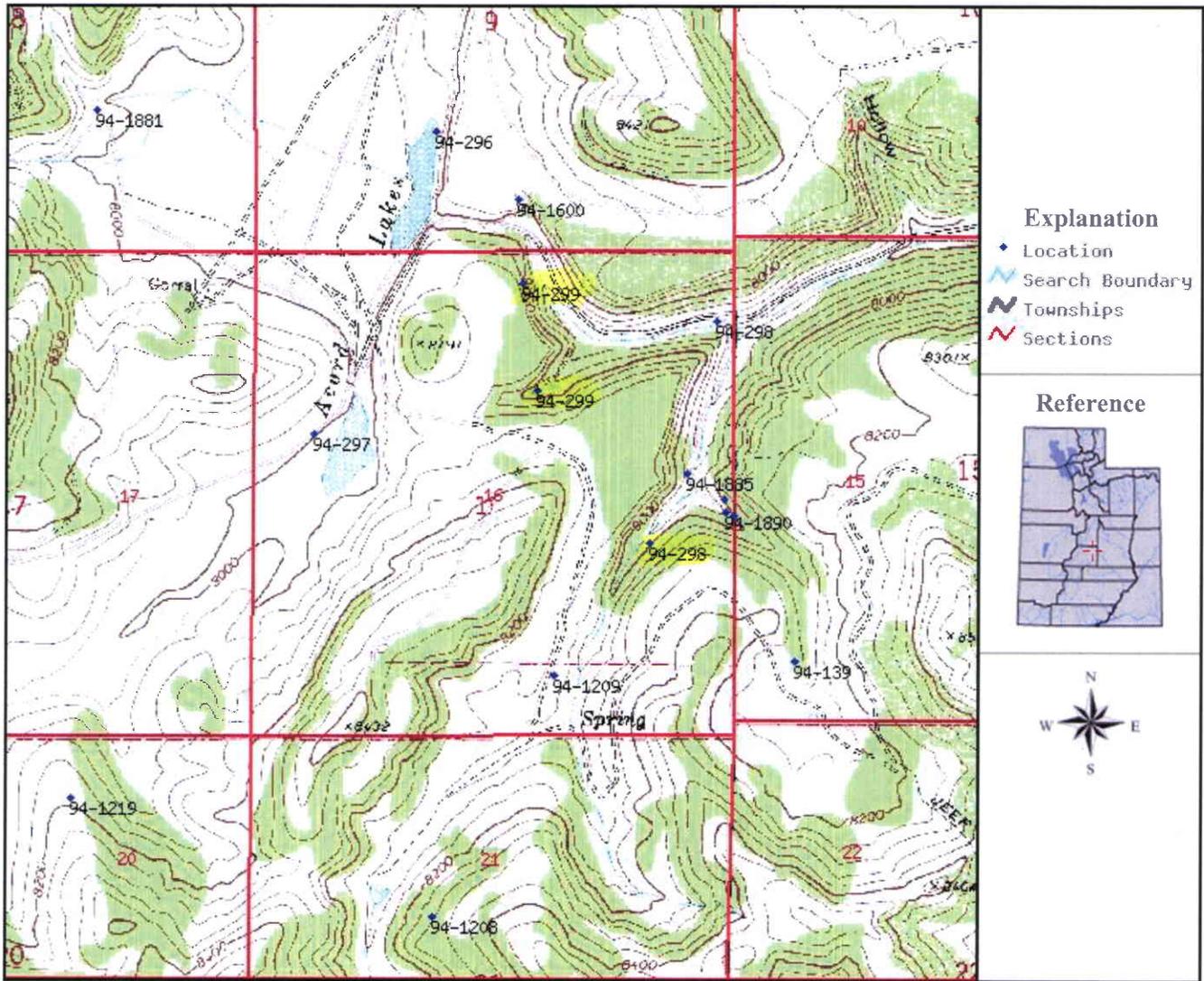
Leon Christensen
2330 E. 2210 N.
P.O. Box 38
Richfield, Utah 84701

RECEIVED

JAN 12 2011

DIV. OF OIL, GAS & MINING

Utah Division of Water Rights



0 700 1400 2100 2800 ft 0 0.1 0.2 0.3 0.4 mi

Section 16, T22S, R4E, S6m.

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JAN 12 2011
DIV. OF OIL, GAS & MINING

94-101

APPLICATION TO APPROPRIATE WATER STATE OF UTAH

NOTE:—The information given in the following blanks should be free from explanatory matter, but when necessary, a complete supplementary statement should be made on the following page under the heading "Explanatory."

For the purpose of acquiring the right to use a portion of the unappropriated water of the State of Utah, for uses indicated by (X) in the proper box or boxes, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of the Laws of Utah.

- 1. Irrigation [X] Domestic [X] Stockwatering [X] Municipal [] Power [] Mining [] Other Uses []
2. The name of the applicant is Acord Lakes Mountain Retreat, a Utah Limited Partnership
3. The Post Office address of the applicant is 333 So. 2nd East, Salt Lake City, Utah 84111
4. The quantity of water to be appropriated .015 second-feet and/or
5. The water is to be used for Domestic stock from Jan. 1 to Dec. 31
6. The drainage area to which the direct source of supply belongs is COLORADO RIVER

7. The direct source of supply is* Unnamed spring Convulsion Canyon into which is tributary to Quitcupah Creek, tributary to Muddy River

*Note.—Where water is to be diverted from a well, a tunnel, or drain, the source should be designated as "Underground Water" in the first space and the remaining spaces should be left blank.

8. The point of diversion from the source is in Sevier County, situated at a point* Approximately 1520 feet south and 2170 feet west of NE Corner Section 16, T.22 S., R.4 E.

ACORD LAKES QUAD.

*Note.—The point of diversion must be located definitely by course and distance or by giving the distances north or south, and east or west with reference to a United States land survey corner or United States mineral monument, if within a distance of six miles of either, or if at a greater distance, to some prominent and permanent natural object.

9. The diverting and carrying works will consist of Concrete collecting box, with possible perforated underdrains radiating therefrom-- approx. 100 feet conveyance pipe to 10,000 gal. steel tank.

10. If water is to be stored, give capacity of reservoir in acre-feet None height of dam area inundated in acres legal subdivision of area inundated

11. If application is for irrigation purposes, the legal subdivisions of the area irrigated are as follows: Possible irrigation of small lawns of several home lots in immediate vicinity of spring-- SW 1/4, NE 1/4, Sec. 16, T.22 S., R.4 E.

Total 1/2 Acres

12. Is the land owned by the applicant? Yes [X] No

13. Is this water to be used supplementally with other water rights? Yes No [X] If "yes," identify other water rights on page 2.

14. If application is for power purposes, describe type of plant, size and rated capacity. None

15. If application is for mining, the water will be used in None Mining District at the mine, where the following ores are mined

16. If application is for stockwatering purposes, number and kind of stock watered 10 Cattle

17. If application is for domestic purposes, number of persons, or families 9

18. If application is for municipal purposes, name of municipality. None

19. If application is for other uses, include general description of proposed uses None

20. Give place of use by legal subdivision of the United States Land Survey for all uses described in paragraphs 14 to 19, incl. SW 1/4, NE 1/4, Section 16, T.22 S., R.4 E.

21. The use of water as set forth in this application will consume .015 second-feet and/or acre-feet of water and NONE second feet and/ or acre feet will be returned to the natural stream or source at a point described as follows:

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JAN 12 2011

DIV. OF OIL, GAS & MINING

EXPLANATORY

The following additional facts are set forth in order to define more clearly the full purpose of the proposed application:

Acord Lakes Mountain Retreat, a limited partnership formed of the following individuals, with John K. Bushnell as President and having power of attorney for the partnership;

has purchased 3,420 acres of land contained in the following described tracts, all in Township 22 South, Range 4 East, Salt Lake Base and Meridian:

Section 4:

Lots 1, 2, 3, and 4; South one-half of North one-half and South one-half.

Section 5;

Lots 1, 2, and 3; South one-half of Northeast quarter; Southeast quarter of the Northwest quarter; East one-half of Southwest quarter; and Southeast quarter.

All of Section 8 and 9.

Section 16;

North one-half; North one-half of South one-half; North one-half of South one-half of Southeast quarter; and North one-half of Southeast quarter; of Southwest quarter.

Section 17;

North one-half; and North one-half of South one-half.

This land has been purchased for the purpose of subdividing into approximately 10-acre tracts for sale to the general public as mountain home sites. The spring described in this application is located on one of these tracts, and it is desired to obtain right to appropriate the waters of this spring primarily for domestic use, but having possible minor use for limited stock watering and irrigation of several small lawns. Water from the spring will be stored in a 10,000 gallon steel water tank for use by several adjacent tract owners.

(Use page 4 if additional explanatory is needed.)

The quantity of water sought to be appropriated is limited to that which can be beneficially used for the purpose herein described

ACORD LAKES MOUNTAIN RETREAT, a Utah Limited Partnership by

THE JOHN PAUL GORDON CO., General Partner

By [Signature] President

*If applicant is a corporation or other organization, signature must be the name of such corporation or organization by its proper officer, or in the name of the partnership by one of the partners, and the names of the other partners shall be listed. If a corporation or partnership, the affidavit below need not be filled in. If there is more than one applicant, a power of attorney, authorizing one to act for all, should accompany the Application.

DECLARATION OF CITIZENSHIP

STATE OF UTAH, } ss County of.....

On the day of 19....., personally appeared before me, a notary public for the State of Utah, the above applicant who, on oath, declared that he is a citizen of the United States, or has declared his intention to become such a citizen.

My commission expires:

(SEAL)

Notary Public

94-298
Case Code 957674
SHEET 1 OF 2
Claim No. 3224
Filed March 12, 1976
Rec. by [initials]
Fee Rec. 7.30 Fee No. 81711
Platted 4/13/76 W.O.
Judicial Mar 24, 1976 W.B.

MAR 12 1976
WATER RIGHTS

STATEMENT OF WATER USER'S CLAIM
TO DILIGENCE RIGHTS
STATE OF UTAH
Microfilm 3-30-76- Roll 766-2
(D-22-4) 16dab.

Claim to surface water by right of use prior to March 12, 1903, is hereby made and filed with the State Engineer, and submitted in accordance with Utah Water Laws.

- Uses Claimed
Irrigation Domestic Stockwatering Municipal Power Mining Other Uses
- Name of Claimant Acord Lakes Mountain Retreat Interest Claimed 100 %
- Post Office Address 255 West 800 So. S.L.C., Utah
- The quantity of water claimed is 30 gpm or 0.067 c.f.s acre-feet
- The water is used for Domestic from Jan 31 to Dec 31
(Major Purpose) (Month) (Day) (Month) (Day)
other use period Stockwatering from April 15 to Nov 15
(Minor Purpose) (Month) (Day) (Month) (Day)
- Name of spring, spring area, or stream, from which water is diverted: Unnamed Spring ~
Designated as Spring No. 3 on attached map
- The point of diversion from the spring, spring area, or stream is in Sevier County,
Situated at a point 2100 ft. North and 930 ft. West of Southeast
Corner of Section 16, T.22 So. R. 4E., SLB & M
- The water is diverted by means of: Natural Spring ~ original users apparently
 dug back into hillside & delivered water via wood pipe to cabin site. (cabins no longer
 exist, but show on 1891 GLO Land Plat)
- Priority Claimed
Date when work on diverting system was first begun _____
Date when water was first used Prior to 1890 (According to Knowledge of G.M. Dun) see affidavit
(See attached GLO Map for domestic)
- If water is stored, give name of reservoir: Unnamed stockwatering pond & water from
spring herein claimed
Maximum capacity of reservoir in acre-feet 0.25 Height of dam 3 ft.
Area inundated in acres 1/8 Legal subdivisions of area inundated SE 1/4, SE 1/4, NE 1/4
Section 16, T.22 S.R. 4E., SLB & M
Date commenced _____ Date completed _____ Water first used Prior to 1900
Period of Storage from Jan 1 to Dec 31
If reservoir is off-channel give capacity of feeder canal _____ c.f.s.
Is reservoir drained each year? YES NO Maximum number of fillings per year _____
- Where water is claimed for irrigation purposes give total acres and the legal subdivisions of land by
40 acre tract irrigated prior to the year 1903.

X

12. Where water is claimed for power purposes, describe type of plant, size and rated capacity in h.p.:

13. Where water is claimed for mining purposes, the water is used in _____ Mining District
at the _____ Mine, where the following ores are mined: _____

14. Where water is claimed for stockwatering purposes, number of stock watered: Horses 50
Cattle 1000 Sheep 6000 (Grazed in general area.) See remarks

15. Where water is claimed for Domestic and Municipal purposes:
If for Domestic use: Number of families, or persons supplied 2 Families (see Remarks Below)
If for Municipal use: Name of city, or town supplied (Plus 25 est. Livestock Owners & Hired Men)

16. Where water is claimed for a purpose not above enumerated:
Nature of use _____ Extent of use _____

17. Water measurement was made by G. B. Robinson, Jr. & L. G. Gay (see remarks)
On 18 day of Aug., 1974

REMARKS:

Item No. 17: Measured 12 gpm. Estimated 18 gpm more that could not be measured. Estimated from size of seepage area.
Item No. 14 - Livestock numbers were as remembered by G. M. Durr on attached affidavit - These livestock roamed a rather large area which included Acord Lakes Mountain Retreat, not all of which used the springs at one time.
Item No. 15 Domestic - The Government Land office map showing the original survey of the general area including Acord Lakes Mtn. Retreat shows two cabins as being located at the site of this spring herein claimed. The cabins were owned by T. Simpers and used the waters from the Spring. The date of publication of the map was May 19, 1891, although it was surveyed in Oct. 1890. A copy of this map is attached.

STATE OF UTAH } as. (To be used if claimant is an Individual)
COUNTY OF _____

_____, being first duly sworn, upon oath deposes and says that he is the claimant whose name appears hereon, that he has read the foregoing statement of his claim and knows the contents thereof, that he has signed the same, and that the answers set forth therein are true to his best knowledge and belief.

Signature of Claimant

Subscribed and sworn to before me this _____ day of _____ 19____

STATE OF UTAH } as. (To be used if claimant is a corporation or an estate)
COUNTY OF Sevier

_____, being first duly sworn, upon oath deposes and says that he is the _____ of the above claimant, that he makes this certification on behalf of said claimant, that he has read the foregoing statement of claim and knows the contents thereof, and that he has signed the same, and that he has signed the same, and that the answers set forth therein are true to his best knowledge and belief.

Subscribed and sworn to before me this _____ day of March, 1976
Notary Public



AFFIDAVIT OF DISINTERESTED WITNESSES

(To be used if claimant desires witness to his claimed uses)
Form 130 2000 2-61

SHEET 2 OF 2

Claim No.
Filed
Rec. by
Fee Rec.
Platted

STATE OF UTAH }
COUNTY OF Sevier } ss.
G. M. Burr and

of Salina, Utah

respectively, having been each duly sworn, each for himself says that he is personally acquainted with the use of water by Acord Lakes Mtn. Retreat of its or his predecessor-in-interest

for the use of water from the source mentioned in the within water user's claim and are acquainted with the use of the water under said claim to the extent shown on the accompanying maps and although my personal witness of the use of the waters from the springs and seeps in the Acord Lake area, including the waters of the unnamed spring shown on the attached map as spring #3, did not begin until 1906 at that time I personally grazed livestock in the area and rode with several of the owners and users of the area. This general area included the land now owned by Acord Lakes Mtn. Retreat. These men with whom I rode talked of having grazed livestock and used the springs for livestock watering in the area for many years. In fact, at that time it was common knowledge and now still is common knowledge among the people in Salina that grazing and use of the springs for stockwatering in the Acord Lakes area had occurred for many years prior to 1900, and probably even before my birth. I was born Feb. 10, 1881.

that this personal knowledge began in the year 1906; that the water has been used and is now being used to the extent mentioned in said claim; that he has read said statement and that each and all of the items therein contained are true to the best of his knowledge and belief, except

Subscribed and sworn to before me this 11th day of March, 1976

My Commission expires:

G. M. Burr
Notary Public

ENGINEER'S AFFIDAVIT

(To be used if claim is prepared by a qualified engineer)

STATE OF UTAH }
COUNTY OF } ss.

....., being first duly sworn, certifies that he is a qualified engineer in the State of Utah; that he was employed to compile information under the foregoing water user's claim; that the accompanying maps and drawings consisting of sheets, numbered to, inclusive, have been correctly drawn to the designed scales from field notes of a survey made by him between the day of, 19....., and the day of, 19.....; that the attached drawings, when combined with the within claim, correctly and fully represent the location, extent and nature of the use of water under said claim (in the case of irrigation), the area of land upon which water has been beneficially used under said claim and correctly delineates the use made of the water.

Subscribed and sworn to before me this day of, 19.....

My Commission expires:

Notary Public

94-299

Case Code 95-1675

Form 120 2-66 8-61

4

Claim No. 3725
Filed March 12, 1976
Rec. by [unclear]
Fee Rec. 7.39 Rec. No. 01711
Platted April 3, 1976 W.S.

MAR 12 1976
WATER RIGHTS

STATEMENT OF WATER USER'S CLAIM
TO DILIGENCE RIGHTS
STATE OF UTAH
Indicated man. 24, 1976 W.S.
Registered 3-30-76 Roll 66-2
(D-22-9) 16accb.

Claim to surface water by right of use prior to March 12, 1903, is hereby made and filed with the State Engineer, and submitted in accordance with Utah Water Laws.

1. Uses Claimed

Irrigation Domestic Stockwatering Municipal Power Mining Other Uses

2. Name of Claimant Acord Lakes Mountain Retreat Interest Claimed 100 %

3. Post Office Address 255 West 800 South, Salt Lake City, Utah

16

4. The quantity of water claimed is 10 gpm or 0.022 c.f.s acre-feet

5. The water is used for Domestic from Jan. 1 to Dec. 31 (Major Purpose) (Month) (Day) (Month) (Day)

other use period stock watering from Apr. 15 to Nov. 15 (Minor Purpose) (Month) (Day) (Month) (Day)

6. Name of spring, spring area, or stream, from which water is diverted: Unnamed Spring - Designated as spring #4 on attached map.

7. The point of diversion from the spring, spring area, or stream is in Sevier County, Situated at a point Approximately 1520 feet south and 2170 feet west of the NE corner of section 16, T. 22 S., R. 4 E., S1B 1/2 M

9

8. The water is diverted by means of: Concrete collecting box over seep area - piped to cabin (No longer exists) but shown on G.L. Land Plat of 1891

9. Priority Claimed

Date when work on diverting system was first begun
Date when water was first used Prior to 1890 (According to knowledge of G.M. Burr) see affidavit (Also see attached G.L. Map for domestic)

10. If water is stored, give name of reservoir

Maximum capacity of reservoir in acre-feet Height of dam

Area inundated in acres Legal subdivisions of area inundated

Date commenced Date completed Water first used

Period of Storage from to

If reservoir is off-channel give capacity of feeder canal c.f.s.

Is reservoir drained each year? YES NO Maximum number of fillings per year

11. Where water is claimed for irrigation purposes give total acres and the legal subdivisions of land by 40 acre tract irrigated prior to the year 1903

X

12. Where water is claimed for power purposes, describe type of plant, size and rated capacity in h.p.:

13. Where water is claimed for mining purposes, the water is used in Mining District
at the Mine, where the following ores are mined:

14. Where water is claimed for stockwatering purposes, number of stock watered: Horses 50
Cattle 1000 Sheep 6000 (Grazed in general area) See Remarks

15. Where water is claimed for Domestic and Municipal purposes:
If for Domestic use: Number of families, or persons supplied 1 Family Plus 25 est. Livestock water & Hired Men
If for Municipal use: Name of city, or town supplied

16. Where water is claimed for a purpose not above enumerated:
Nature of use Extent of use

17. Water measurement was made by G.B. Robinson, Jr. & L.G. Gay - See Remarks
On 18 day of Aug. 1974

REMARKS:

Item 17 - Measured 3 gpm - estimated 7 gpm more which could not be measured. This amount was estimated from the seepage area involved.

Item 14 - Livestock numbers were as remembered by G.M. Burr on attached affidavit - These livestock ranged a rather large area which included Acord Lake Mountain Retreat, not all of which used the springs at one time.

Item 15 Domestic - The Government Land Office map showing the original survey of the general area including Acord Lake Mtn. Retreat shows one cabin as being located at the site of this spring herein claimed. The cabin was owned by Acord and used the waters from the spring. The date of publication of the map was May 19, 1911, although it was surveyed in Oct. 1910. A copy of this map is attached.

STATE OF UTAH }
COUNTY OF Sevier } as. (To be used if claimant is an individual)

being first duly sworn, upon oath deposes and says that he is the claimant whose name appears hereon, that he has read the foregoing statement of his claim and knows the contents thereof, that he has signed the same, and that the answers set forth therein are true to his best knowledge and belief.

Signature of Claimant

Subscribed and sworn to before me this day of 19

STATE OF UTAH }
COUNTY OF Sevier } as. Notary Public (To be used if claimant is a corporation or an estate)

being first duly sworn, upon oath deposes and says that he is the of the above claimant, that he makes this certification on behalf of said claimant, that he has read the foregoing statement of claim and knows the contents thereof, and that he has signed the name of said claimant to said statement, that the answers set forth therein are true to his best knowledge and belief.

Subscribed and sworn to before me 1976



Notary Public

AFFIDAVIT OF DISINTERESTED WITNESSES

(To be used if claimant desires witness to his claimed uses)
Form 129 2000 2-01

SHEET 2 OF 2

Claim No.
Filed
Rec. by
Fee Rec.
Platted

STATE OF UTAH }
COUNTY OF Sevier } ss.

G.M. Burr and of Salina, Utah

respectively, having been each duly sworn, each for himself says that he is personally acquainted with the use of water by Acord Lakes Mountain Retreat of its or his predecessor-in-interest for the use of water from the source mentioned in the within water user's claim and are acquainted with the use of the water under said claim to the extent shown on the accompanying maps and although my personal witness of the use of the waters from the springs and seeps in the Acord Lake area, including the waters of the unnamed spring shown on the attached map as spring #4, did not begin until 1906, at that time I personally grazed livestock in the area and rode with several of the owners and users of the area. This general area included the land now owned by Acord Lakes Mtn. Retreat. These men with whom I rode and associated talked of having grazed livestock and used the springs for livestock watering in the area for many years. In fact, at that time it was common knowledge and now still is common knowledge among the people in Salina that grazing and use of the springs for stockwatering in the Acord Lakes area had occurred for many years prior to 1906, and probably even before my birth. I was born Feb. 10, 1881.

that this personal knowledge began in the year 1906; that the water has been used and is now being used to the extent mentioned in said claim; that he has read said statement and that each and all of the items therein contained are true to the best of his knowledge and belief, except.....

Subscribed and sworn to before me this 11th day of August, 1976

My Commission expires:

Notary Public

ENGINEER'S AFFIDAVIT

(To be used if claim is prepared by a qualified engineer)

STATE OF UTAH }
COUNTY OF } ss.

....., being first duly sworn, certifies that he is a qualified engineer in the State of Utah; that he was employed to compile information under the foregoing water user's claim; that the accompanying maps and drawings consisting of sheets, numbered to inclusive, have been correctly drawn to the designed scales from field notes of a survey made by him between the day of 19..... and the day of 19.....; that the attached drawings, when combined with the within claim, correctly and fully represent the location, extent and nature of the use of water under said claim (in the case of irrigation), the area of land upon which water has been beneficially used under said claim and correctly delineates the use made of the water.

Subscribed and sworn to before me this day of 19.....

My Commission expires:

Notary Public

