

# STATE OF UTAH



Ent 159242 Bk 385 Pg 1504  
Date: 06-DEC-2021 5:31:10PM  
Fee: \$152.00 Check Filed By: BDN  
BRENDA NELSON, Recorder  
MORGAN COUNTY  
For: SCHULTZ EDWARD

OFFICE OF THE LIEUTENANT GOVERNOR

## CERTIFICATE OF CREATION

I, Deidre M. Henderson, Lieutenant Governor of the State of Utah, hereby certify that there has been filed in my office a notice of creation for the WPR ROAD AND FIRE DISTRICT located in MORGAN COUNTY, August, 26, 2021 complying with Section 17B-1-215, Utah Code Annotated, 1953, as amended.

Now, therefore, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notice of creation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the WPR ROAD AND FIRE DISTRICT located in MORGAN COUNTY, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 26<sup>th</sup> day of August, 2021 at Salt Lake City, Utah.

DEIDRE M. HENDERSON  
Lieutenant Governor



Morgan, Utah

February 16, 2021

The County Commission (the "Commission") of the Morgan County, Utah (the "County"), met in regular session (including by electronic means) on February 16, 2021, at its regular meeting place in Morgan, Utah at 5:30 p.m., with the following members of the Commission being present:

Robert McConnell	Chair
Jared Andersen	Commission Member
Blaine Fackrell	Commission Member
Mike Newton	Commission Member
Matt Wilson	Commission Member

Also present:

Stacy Clark	County Clerk
Jann Farris	County Attorney

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this Resolution had been discussed, the County Clerk presented to the Commission a Certificate of Compliance with Open Meeting Law with respect to this February 16, 2021, meeting, a copy of which is attached hereto as Exhibit A.

Thereupon, the following Resolution was introduced in writing and pursuant to motion duly made by Commission Member Newton and seconded by Commission Member Wilson adopted by the following vote:

AYE: Member McConnell  
Member Newton  
Member Anderson  
Member Fackrell  
Member Wilson

NAY:           

The resolution was later signed by the Chair and recorded by the County Clerk in the official records of the County. The resolution is as follows:

RESOLUTION CR-21-04

A RESOLUTION OF THE COUNTY COMMISSION (THE "COMMISSION") OF THE COUNTY OF MORGAN, UTAH (THE "COUNTY"), PROVIDING FOR THE CREATION OF WPR ROAD & FIRE DISTRICT (THE "DISTRICT") AS AN INDEPENDENT LOCAL DISTRICT; APPOINTING A BOARD OF TRUSTEES; AUTHORIZING OTHER DOCUMENTS IN CONNECTION THEREWITH; AND RELATED MATTERS.

WHEREAS, a petition (the "Petition") was filed with the County requesting adoption by resolution the approval of the creation of two separate local districts pursuant to the Limited Purpose Local Government Entities - Local Districts, Title 17B (the "Act") within the boundaries of the County for the purpose of providing certain services within the boundaries of the District, as further described herein; and

WHEREAS, pursuant to the terms of the Act, the County may create a local district by adoption of a resolution of the Commission; and

WHEREAS, the District may be created without the requirement of an election so long as the petition requesting the District contained signatures of the owners of private real property that covers at least 67% of the total private land area within the District and is equal in value to at least 50% of the value of all private real property within the District; and

WHEREAS, the Petition contained the signatures of at least 67% of the total private land area and 50% of the value of all private real property within the District; and

WHEREAS, there are currently no registered voters within the boundaries of the District; and

WHEREAS, the Petition has been certified by the Recorder of the County pursuant to the Act and it is in the best interests of the owners of property within the District that the creation of the District be authorized in the manner and for the purposes hereinafter set forth; and

WHEREAS, there are currently no permanent residences within the boundaries of the District and it is anticipated that the vast majority of residences within the District will be Seasonally Occupied Homes (as defined in the Act) and the proposed members of the Board are owners of land or agents or officers of owners of land that will receive service from the District and is located within the District; and

WHEREAS, the County previously held a public hearing on October 20, 2020 to receive input from the public regarding the creation of the District and the 60 day protest period has passed pursuant to Section 17B-1-213 of the Act and adequate protests were not filed with the County Clerk; and

WHEREAS, the Commission may now adopt this Resolution authorizing the creation of the District;

WHEREAS, it is necessary to authorize the creation of the District under and in compliance with the laws of the State of Utah and to authorize other actions in connection therewith; and

WHEREAS, pursuant to the requirements of the Act, there shall be signed, authenticated, and submitted to the Office of the Lieutenant Governor of the State of Utah a Notice of Boundary Action attached hereto as Exhibit B (the "Boundary Notice") and a Final Entity Plat attached thereto as Boundary Notice Appendix B (the "Plat").

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION, AS FOLLOWS:

1. Terms defined in the foregoing recitals shall have the same meaning when used herein. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Commission and by officers of the Commission directed toward the creation and establishment of the District, are hereby ratified, approved and confirmed.

2. The WPR Road and Fire District is hereby created as a local district in accordance with the Act and with all of the powers and authority granted to a local district therein. The boundaries of the District shall be as set forth in the Plat and as more fully described in Exhibit C.

3. The District is authorized and the County consents to the provision by the District of the following services:

- (a) Fire protection;
- (b) Garbage collection and disposal;
- (c) The construction and maintenance of a right-of-way; and
- (d) Control or abatement of earth movement or a landslide.

4. It is hereby found and determined by the Commission that the creation of the District is appropriate to the general welfare, order and security of the County, and the organization of the District pursuant to the Act is hereby approved.

5. The initial District Board are hereby appointed as follows:

- (a) Chair – Ed Schultz for an initial term of 4 years.
- (b) Vice-Chair and Treasurer – Robert Wheaton for an initial term of 2 years.
- (c) Secretary – Vance Bostock for an initial term of 4 years.

6. The Commission does hereby authorize the Chair or a Commission Member to execute the Boundary Notice in substantially the form attached as Exhibit B and such

other documents as shall be required to finalize the actions contemplated herein on behalf of the Commission for submission to the Office of the Lieutenant Governor of the State of Utah.

7. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

8. All acts, orders and resolutions, and parts thereof in conflict with this Resolution be, and the same are hereby, rescinded.

9. This resolution shall take effect immediately.

PASSED AND ADOPTED by the County Commission of the County of Morgan, Utah, this February 16, 2021.

COUNTY OF MORGAN, UTAH

By: [Signature]  
Chair

ATTEST:

By: [Signature: Stacy Netz Clark]  
County Clerk

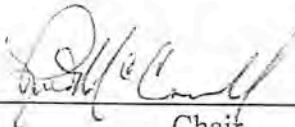
State of Utah  
County of Morgan

I, the undersigned Morgan County Clerk, do hereby certify that the foregoing is a full, true and correct copy of the original Resolution CR-21-04 as it appears of record and upon file in my office in Morgan County.

Witness my hand and seal this 6<sup>th</sup> day of December 2021.  
Stacy Netz Clark, Clerk  
by [Signature: Stacy Netz Clark] Deputy

(Here follows other business not pertinent to the above.)

Pursuant to motion duly made and seconded, the meeting of the Board of the County adjourned.

By:   
Chair

ATTEST:

By:   
County Clerk

STATE OF UTAH )  
 : ss.  
COUNTY OF MORGAN )

I, Stacy Clark, the undersigned duly qualified and acting County Clerk of the County of Morgan, Utah ("the County"), do hereby certify as follows:

The foregoing pages are a true, correct, and complete copy of the record of proceedings of the County Commission (the "Commission"), had and taken at a lawful meeting of the Commission on February 16, 2021, commencing at the hour of [5:30] p.m., as recorded in the regular official book of the proceedings of the Commission kept in my office, and said proceedings were duly had and taken as therein shown, and the meeting therein shown was duly held, and the persons therein were present at said meeting as therein shown.

All members of the Commission were duly notified of said meeting, pursuant to law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County, this February 16, 2021.

By: Stacy Metz Clark  
County Clerk



EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Stacy Netz Clark, the undersigned of the County of Morgan, Utah (the "the County"), do hereby certify that I gave written public notice of the agenda, date, time and place of the regular meeting held by the Commission (the "Commission") on February 16, 2021, not less than 24 hours in advance of the meeting. The public notice was given in compliance with the requirements of the Utah Open and Public Meetings Act, Section 52-4-202, Utah Code Annotated 1953, as amended, by:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the County's principal offices at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be published on the Utah Public Notice Website (<http://pmn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2021 Annual Meeting Schedule for the Board of (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the Commission of the County to be held during the year, by causing said Notice to be (i) posted on \_\_\_\_\_, at the principal office of the County, (ii) provided to at least one newspaper of general circulation within the geographic jurisdiction of the County on \_\_\_\_\_ and (iii) published on the Utah Public Notice Website (<http://pmn.utah.gov>) during the current calendar year.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this February 16, 2021.

By: Stacy Netz Clark  
County Clerk

SCHEDULE 1

NOTICE OF MEETING AND AGENDA



PUBLIC NOTICE is hereby given that the MORGAN COUNTY COMMISSION will hold a regular commission meeting in the Commission Meeting Room at 48 West Young Street, Morgan, Utah on

February 16, 2021  
Commencing at 5:00 p.m.

**A) Opening Ceremonies-**

1. Welcome
2. Invocation and/or Moment of Reflection
3. Pledge of Allegiance

**B) Consent Items-**

1. Ratification of appointment of Brian Cowan as the new Health Director for the Weber-Morgan Health Department

**C) Commission Declaration of Conflict**

**D) Public Comments (please limit comments to 3 minutes)**

**E) Action Items –**

1. Lance Evans – Planning Commission Appointments
2. Lance Evans – Morgan Valley Partners, LLC requests approval of an amendment to the Rivala Master Development Agreement to establish the extended time for development as approved by the Morgan County Council on December 4, 2018
3. Jared Andersen – Approval of an agreement between State of Utah Department of Heritage and Arts and Morgan County Library which gives the Library up to \$4,200 from the Community Library Enhancement Fund
4. John Barber/Morgan County CED Board of Directors – Proposed contract extension of Ebert Solutions for 5 years
5. Wasatch Peaks Resort – A Resolution of the County Commission of the County of Morgan, Utah providing for the creation of the WPR utility district as an independent local district; appointing a board of trustees; authorizing other documents in connection therewith; and related matters
6. Wasatch Peaks Resort – A Resolution of the County Commission of the County of Morgan, Utah, providing for the creation of WPR road and fire district as an independent local district; appointing a board of trustees; authorizing other documents in connection therewith; and related matters.

**F) Commissioner Comments –**

**G) Adjourn –**

Note: The Council may vote to discuss certain matters in Closed Session (Executive Session) pursuant to Utah Code Annotated §52-4-205.

**CERTIFICATE OF POSTING**

The undersigned does hereby certify that the above notice and agenda were posted as required by law this 11<sup>th</sup> day of February, 2021.

\_\_\_\_\_  
Stacy Netz Clark

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Morgan County Clerk/Auditor's Office at 801-845-4011 at least 24 prior to this meeting. This meeting is streamed live.

SCHEDULE 2

NOTICE OF ANNUAL MEETING SCHEDULE

**2021 MORGAN COUNTY COMMISSION MEETING DATES  
RESOLUTION #CR-21-01**

**A RESOLUTION FIXING THE ANNUAL MEETING SCHEDULE OF THE  
MORGAN COUNTY COMMISSION**

**WHEREAS**, the Utah Open and Public Meeting Law, 52-4-1 through 9, Utah Code Annotated, 1953, provides that political subdivision of the State of Utah shall hold meetings which are open to the public, and,

**WHEREAS**, said Open and Public Meetings Law provides in Section 52-4-6(1) that any public body which holds regular meetings that are scheduled in advance over the course of a year shall give public notice at least once each year of its annual meeting schedule; and,

**WHEREAS**, the Morgan County Commission desires to give public notice of the meeting schedule for the year 2021 in compliance with said law,

**NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED AS FOLLOWS:**

1. That the regular monthly meetings of the Morgan County Commission during the calendar year 2021 shall be held at the Morgan County Courthouse, 48 West Young Street, Morgan, Utah on the first Tuesday and the third Tuesday of each month commencing at 5:00 p.m. (except where noted). These meetings shall be held upon the following dates:

**First Tuesday**

January 5, 2021

February 2, 2021

March 2, 2021

April 6, 2021

May 4, 2021

June 1, 2021

July 6, 2021

August 3, 2021

September 7, 2021

Budget Work Sessions:

October 5, 2021

November 9, 2021

December 7, 2021

**Third Tuesday**

January 19, 2021

February 16, 2021

March 16, 2021

April 20, 2021

May 18, 2021

June 15, 2021

July 20, 2021

August 17, 2021

September 21, 2021

October

October 19, 2021

November 23, 2021

December 21, 2021

2. If any meeting falls on a legal holiday or, in the opinion of the Chairman of the Commission, it conflicts with other business of the County, the meeting will be canceled unless rescheduled. In the event of rescheduling, notice of the rescheduled meeting will be given by public notice in accordance with the open and public meetings law.
3. Notice of the Annual Meeting Schedule shall be given in the following form:

**NOTICE OF ANNUAL MEETING SCHEDULE  
MORGAN COUNTY COMMISSION**

**NOTICE** is hereby given that the Annual Meeting schedule of the Morgan County Commission for the 2021 calendar year is as follows:

**First Tuesday**

January 5, 2021

February 2, 2021

March 2, 2021

April 6, 2021

May 4, 2021

June 1, 2021

**Third Tuesday**

January 19, 2021

February 16, 2021

March 16, 2021

April 20, 2021

May 18, 2021

June 15, 2021

July 6, 2021  
August 3, 2021  
September 7, 2021  
Budget Work Sessions:  
October 5, 2021  
November 9, 2021  
December 7, 2021

July 20, 2021  
August 17, 2021  
September 21, 2021  
October  
October 19, 2021  
November 23, 2021  
December 21, 2021

The said regular meetings of the Morgan County Commission will be held at the Morgan County Courthouse, 48 West Young Street, Morgan, Utah on the above-mentioned dates commencing on the first Tuesday and third Tuesday at 5:00 p.m. (except where noted). If any meeting day falls on a legal holiday or, in the opinion of the Chairman, conflicts with other business in the County, the meeting will be canceled unless rescheduled. In the event of rescheduling, notice of the rescheduled meeting shall be disseminated by giving public notice as required by law.

**COUNTY COMMISSION CHAIR**  
**DATED** this 5<sup>th</sup> Day of January, 2021.

- 4. The Morgan County Clerk is directed to post written notice of the annual meeting schedule in the offices of the county and to provide a copy of such notice to at least one newspaper of general circulation within the geographic jurisdiction of the county, or to a local media correspondence and to all persons who request a copy of such notice.
- 5. This Resolution shall be effective immediately upon passage and adoption.

**PASSED AND ADOPTED THIS 5th DAY OF JANUARY, 2021.**

**MORGAN COUNTY COMMISSION**


ATTEST:

MORGAN COUNTY GOVERNING BODY

  
Stacy Netz Clark  
Morgan County Clerk

  
Robert McConnell, County Commission Chair

APPROVED AS TO FORM:

  
Jann L. Farris  
Morgan County Attorney

Commission members	Voting:		
	AYE	NAY	ABSENT
Robert McConnell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Newton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jared Andersen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Matt Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M Blaine Fackrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

EXHIBIT B

NOTICE OF BOUNDARY ACTION

### NOTICE OF IMPENDING BOUNDARY ACTION

**TO: The Lieutenant Governor, State of Utah**

**NOTICE IS HEREBY GIVEN** that the County Commission of the County of Morgan, Utah (the "Commission"), acting in its capacity as the creating entity for the WPR Road and Fire District (the "District"), at a regular meeting of the Commission, duly convened pursuant to notice, on February 16, 2021 adopted a *Resolution Providing for the Creation of a Local District*, a true and correct copy of which is attached as APPENDIX "A" hereto and incorporated by this reference herein (the "Creation Resolution").

A copy of the Final Local Entity Plat satisfying the applicable legal requirements as set forth in Utah Code Ann. §17-23-20, approved as a final local entity plat by the Surveyor of Morgan County, Utah, is attached as APPENDIX "B" hereto and incorporated by this reference. The Commission hereby certifies that all requirements applicable to the creation of the District, as more particularly described in the Creation Resolution, have been met. The District is anticipated to result in the employment of personnel, a letter from the Utah Retirement System is attached as APPENDIX "C".

**WHEREFORE**, the Commission hereby respectfully requests the issuance of a Certificate of Incorporation pursuant to and in conformance with the provisions of Utah Code Ann. §17B-1-215.

DATED this 2 day of March, 2021.

**COUNTY COMMISSION, THE COUNTY OF MORGAN,  
UTAH,  
acting in its capacity as the creating authority for the  
WPR Road and Fire District,**

By: [Signature]  
AUTHORIZED REPRESENTATIVE

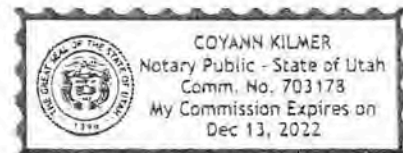
#### VERIFICATION

STATE OF UTAH     )  
                              :ss.  
County of Morgan    )

SUBSCRIBED AND SWORN to before me this 2 day of

March, 2021.

CoyAnn Kilmer  
NOTARY PUBLIC





**APPENDIX "A"**

**Copy of the Creation Resolution**

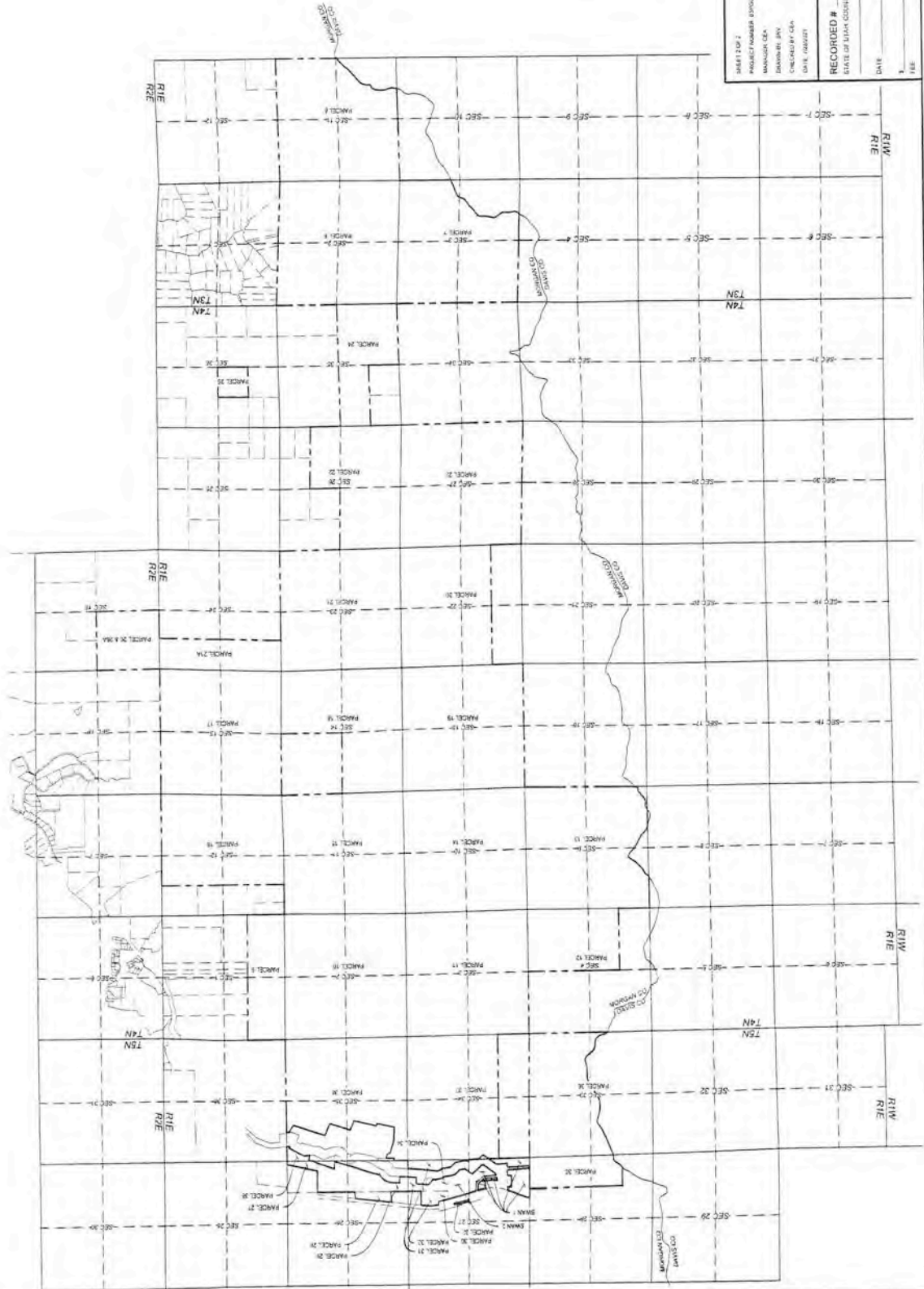
**APPENDIX "B"**

**Final Local Entity Plat**



### FINAL LOCAL ENTITY PLAT WPR ROAD & FIRE DISTRICT

LOCATED IN SECTIONS 2, 3 AND 11 OF TOWNSHIP 4 NORTH, RANGE 1 EAST, SUB 8 M  
AND IN SECTIONS 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 22, 23, 24, 26, 27, 35 & 36 TOWNSHIP 4 NORTH, RANGE 1 EAST, SUB 8 M  
AND IN SECTION 19, TOWNSHIP 4 NORTH, RANGE 2 EAST, SUB 8 M  
AND IN SECTIONS 26, 27, 28, 31, 34 AND 35 OF TOWNSHIP 5 NORTH, RANGE 1 EAST, SUB 8 M  
MONTGOMERY COUNTY, UTAH



**PSOMAS**  
 PROJECT NUMBER: 2020-001  
 PROJECT NAME: WPR ROAD & FIRE DISTRICT  
 DRAWN BY: JEN  
 CHECKED BY: CEA  
 DATE: 10/20/2020

RECORDED # \_\_\_\_\_  
 STATE OF UTAH, COUNTY OF MONTGOMERY, RECORD AND PLAT AT THE REQUEST OF: \_\_\_\_\_  
 DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_  
 T. \_\_\_\_\_ B. \_\_\_\_\_ MONTGOMERY COUNTY RECORDER

APPENDIX "C"

Letter from URS



## Utah Retirement Systems

### Retirement Office

560 East 200 South | Salt Lake City, UT 84102-2021  
801-366-7700 | 800-365-8772 | Fax: 801-366-7734  
[www.urs.org](http://www.urs.org)

Daniel D. Andersen  
*Executive Director*

### PEHP Health & Benefits

560 East 200 South | Salt Lake City, UT 84102-2004  
801-366-7500 | 800-365-8772 | Fax: 801-366-7596  
[www.pehp.org](http://www.pehp.org)

R. Chet Loftis  
*Managing Director*

February 25, 2021

*Sent Via Email to: [eschultz@wordevco.com](mailto:eschultz@wordevco.com)*

Mr. Ed Schultz, Chairman  
WPR Road and Fire District  
136 East South Temple, Suite 2425  
Salt Lake City, UT 84111

**RE: Eligibility for Participation of a Newly Created Entity in the Utah State Retirement Systems**

Dear Mr. Schultz:

When a governmental entity is being incorporated or created, Utah law requires the Utah State Retirement Office ("Office") to provide a letter to that entity identifying the potential provisions under Utah Code Title 49, Utah State Retirement and Insurance Benefit Act ("Retirement Act"), with which it shall comply. See Utah Code Ann. § 67-1a-6.5(3)(d). This letter serves as the official notice for WPR Road and Fire District, a newly created local district.

Based upon the information provided, the Office has determined that WPR Road and Fire District is an "employer" under the Retirement Act as a political subdivision of the state by virtue of its status as a local district. Accordingly, WPR Road and Fire District must comply with the participation requirements of the Retirement Act.

This does not mean that WPR Road and Fire District must provide retirement benefits to its employees. However, at the present time and throughout the future, WPR Road and Fire District **is required by law to participate with URS if and when it offers any type of retirement benefit to its employees.**

WPR Road and Fire District may not currently have employees or may have not yet elected to provide a retirement benefit to its employees. Please be aware, it is not the obligation of the Office to monitor the activities of WPR Road and Fire District. **By law, it is WPR Road and Fire District's obligation to apply for membership with URS if and when it chooses to provide a retirement benefit to its employees.**

Once WPR Road and Fire District begins participation with URS, its public employees will be covered under either the Tier I or Tier II public employee retirement systems, as described in the Retirement Act. If WPR Road and Fire District employs public safety or firefighter service employees, those employees will be covered under the separate Tier I or Tier II systems for public safety and/or firefighter service employees described in the Retirement Act.

Letter to Ed Schultz, Chairman  
WPR Road and Fire District  
February 25, 2021  
Page 2

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In addition, Participating Employers of URS are required by Utah Code Ann. § 49-11-606 to "cover all employees eligible for service credit under this title." As such, once admitted as a participating employer, WPR Road and Fire District will be required to cover all eligible employees, pursuant to the eligibility rules found in the Retirement Act.

Please note that the above-referenced laws are those used to determine eligibility for participation and are not the only laws with which a participating employer must comply. Participating employers are required to "inform themselves of their rights and obligations" under Title 49 and should become familiar with all provisions of the Retirement Act. Once WPR Road and Fire District is admitted into the system, URS provides education about the requirements with which WPR Road and Fire District must comply as a participating employer.

Additionally, please be aware that should WPR Road and Fire District fail to participate with URS while offering another retirement benefit to its employees, WPR Road and Fire District's employees may have a claim against it for service credit under the Retirement Act, which the Office is required to enforce. Under the Retirement Act, such a claim would include all past employer contributions, interest, and in some cases, penalties. See Utah Code Ann. § 49-11-601(3).

Please do not hesitate to contact me if you have any questions.

Sincerely,

*/s/ Daniel D. Andersen*

Daniel D. Andersen  
Executive Director  
Utah State Retirement Office

cc: Aaron Wade, Attorney, Gilmore & Bell, P.C.  
Vince Bostock, Secretary, WPR Road and Fire District  
Dee Larsen, URS General Counsel  
Matt Judd, URS Employer Services Director

EXHIBIT C

DISTRICT LEGAL DESCRIPTION  
AND MAP

***MORGAN COUNTY PROPERTIES:***

***TOWNSHIP 3 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN***

*PARCEL 6: Tax Parcel No. 00-0000-3408*  
ALL OF SECTION 2

*PARCEL 7: Tax Parcel No. 00-0000-3432*  
ALL OF SECTION 3

*PARCEL 8: Tax Parcel No. 00-0000-3465*  
ALL OF SECTION 11

***TOWNSHIP 4 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN***

*PARCEL 9: Tax Parcel No. 00-0001-1526*  
BEGINNING AT THE NORTHWEST CORNER OF SECTION 1, RUNNING THENCE EAST 98 RODS; THENCE SOUTH 320 RODS; THENCE WEST 98 RODS; THENCE NORTH 320 RODS TO THE PLACE OF BEGINNING.

*PARCEL 10: Tax Parcel No. 00-0001-1559*  
ALL OF SECTION 2.

*PARCEL 11: Tax Parcel No. 00-0001-1583*  
ALL OF SECTION 3

*PARCEL 12: Tax Parcel No. 00-0001-1617*  
THE EAST HALF OF THE SOUTHWEST QUARTER, AND THE SOUTHEAST QUARTER OF SECTION 4

*PARCEL 13: Tax Parcel No. 00-0001-1666*  
ALL OF SECTION 9.

LESS THE FOLLOWING DESCRIBED PROPERTY:  
BEGINNING ON THE SOUTH LINE OF SECTION 9, AFORESAID, AT A POINT WHERE SAID SECTION LINE CROSSES THE TOP OF THE MOUNTAIN; THENCE NORTH ALONG THE TOP OF THE MOUNTAIN TO THE NORTH LINE OF SAID SECTION 9; THENCE WEST TO THE NORTHWEST CORNER OF SAID SECTION; THENCE SOUTH ONE MILE TO THE SOUTHWEST CORNER OF SAID SECTION; THENCE EAST TO POINT OF BEGINNING.

*PARCEL 14: Tax Parcel No. 00-0001-1690*  
ALL OF SECTION 10

*PARCEL 15: Tax Parcel No. 00-0001-1724*



ALL OF SECTION 11

*PARCEL 16: Tax Parcel No. 00-0001-1773*

THE SOUTH HALF AND THE SOUTH HALF OF THE NORTH HALF OF SECTION 12

*PARCEL 17: Tax Parcel No. 00-0001-1849*

ALL OF SECTION 13

*PARCEL 18: Tax Parcel No. 00-0001-1872*

THE WEST HALF AND THE SOUTHEAST QUARTER OF SECTION 14

*PARCEL 19: Tax Parcel No. 00-0001-1922*

ALL OF SECTION 15

*PARCEL 20: Tax Parcel No. 00-0001-1963*

THE EAST HALF AND THE EAST HALF OF THE WEST HALF OF SECTION 22

*PARCEL 21: Tax Parcel No. 00-0001-2003*

ALL OF SECTION 23

*PARCEL 21A: Tax Parcel No. 00-0001-2045*

THE NORTH HALF OF THE NORTH HALF OF SECTION 24

*PARCEL 22: Tax Parcel No. 00-0001-2276*

THE WEST HALF AND THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 26

*PARCEL 23: Tax Parcel No. 00-0001-2292*

ALL OF SECTION 27

*PARCEL 24: Tax Parcel No. 00-0001-2409*

THE SOUTHWEST QUARTER, AND THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 35

*PARCEL 25: Tax Parcel No. 00-0001-2466*

THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36

***TOWNSHIP 4 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN***

*PARCEL 26: Tax Parcel No. 00-0001-6517*

THE NORTHWEST QUARTER OF SECTION 19

EXCEPTING THEREFROM THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, AS RECORDED AUGUST 11, 2011, AS ENTRY NO. 123753, IN BOOK 292 AT PAGE 1336 DEEDED TO WEBER BASIN WATER CONSERVANCY DISTRICT

*PARCEL 26A: Tax Parcel No. 00-0001-6517*

THE SOUTH HALF OF THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 19

**TOWNSHIP 5 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN**

*PARCEL 27: Tax Parcel No. 00-0002-6185*

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 26, THENCE WEST 80 RODS; THENCE NORTH 30 RODS, MORE OR LESS, TO THE WEBER RIVER; THENCE UP SAID RIVER SOUTH 75°00 EAST 20.86 CHAINS; THENCE SOUTH 8 RODS TO THE POINT OF BEGINNING

LESS AND EXCEPTING LAND CONVEYED TO WEBER BASIN WATER CONSERVANCY DISTRICT BY FINAL ORDER OF CONDEMNATION RECORDED IN BOOK 4 OF DEEDS AT PAGES 119 THROUGH 122, AND BY DEEDS RECORDED IN BOOK 292, AT PAGE 1337 AND IN BOOK 297 AT PAGE 794

*PARCEL 28: Tax Parcel No. 00-0002-6177*

BEGINNING AT A POINT 11.50 CHAINS EAST FROM THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26; RUNNING THENCE NORTH 5°30' WEST 7.39 CHAINS, MORE OR LESS, TO THE UNION PACIFIC RAILROAD FENCE; THENCE FOLLOWING SAID FENCE SOUTH 83°30' EAST 24.30 CHAINS; THENCE SOUTH 9°00' EAST 4.66 CHAINS, MORE OR LESS, TO THE QUARTER, QUARTER LINE; THENCE WEST 24.50 CHAINS TO THE POINT OF BEGINNING

*PARCEL 29: Tax Parcel No. 00-0002-6227*

THE SOUTH HALF OF THE SOUTHWEST QUARTER, AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26

LESS AND EXCEPTING LAND CONVEYED TO WEBER BASIN WATER CONSERVANCY DISTRICT, BY FINAL ORDER OF CONDEMNATION RECORDED IN BOOK R OF DEEDS AT PAGES 119 THROUGH 122, AND BY DEEDS RECORDED IN BOOK 292 AT PAGE 1337 AND IN BOOK 297 AT PAGE 794 AND IN MISC BOOK 4 AT PAGE 512, AS ENTRY NO'S 31973 AND 31974

TOGETHER WITH RESERVED ACCESS AS DESCRIBED IN BOOK 292 AT PAGE 1337 AND IN BOOK 297, PAGE 794

*PARCEL 30: Tax Parcel No. 00-0002-6292*

BEGINNING AT THE CENTER OF THE SOUTHEAST QUARTER OF SECTION 27; RUNNING THENCE NORTH 8.00 CHAINS, MORE OR LESS, TO THE RIGHT OF WAY OF THE UNION PACIFIC RAIL ROAD COMPANY; THENCE WEST 3.50 CHAINS; THENCE SOUTH 78°00' WEST, ALONG SAID RIGHT OF WAY, 17 CHAINS, MORE OR LESS, TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 27, THENCE SOUTH, ON SAID LINE 3 CHAINS, MORE OR LESS, TO THE QUARTER, QUARTER CORNER; THENCE EAST 20 CHAINS TO THE PLACE OF BEGINNING

EXCEPTING THEREFROM THAT PORTION THEREOF CONVEYED TO THORNLEY K. SWAN AND J.W. SWAN BY DEED RECORDED IN BOOK R OF DEEDS, PAGE 624. DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 528.5 FEET NORTH FROM THE SOUTH QUARTER CORNER OF SAID SECTION 27, SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF THE GATEWAY CANAL, THENCE ALONG SAID

RIGHT OF WAY LINE SOUTH 53°33' EAST 216.5 FEET; THENCE NORTH 81°01' EAST 259.8 FEET; THENCE NORTH 43°00' EAST 153.1 FEET; THENCE 281.2 FEET ALONG A REGULAR CURVE TO THE RIGHT WITH A RADIUS OF 400.0 FEET; THENCE NORTH 83°17' EAST 149.9 FEET TO GATEWAY CANAL RIGHT OF WAY STATION 420+07.4 ON SAID NORTH RIGHT OF WAY LINE; THENCE NORTH 979.6 FEET, MORE OR LESS, TO THE SOUTH RIGHT OF WAY LINE OF UNION PACIFIC RAILROAD COMPANY; THENCE ALONG SAID RAILROAD RIGHT OF WAY LINE SOUTH 74°40' WEST 964.2 FEET, MORE OR LESS, TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 27; THENCE SOUTH 890.5 FEET TO THE POINT OF BEGINNING

*PARCEL 31: Tax Parcel No. 00-0002-6334*

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 1 EAST, RUNNING THENCE NORTH 80 RODS; THENCE WEST 660 FEET; THENCE SOUTH 660 FEET; THENCE WEST 1320 FEET; THENCE NORTH 660 FEET; THENCE WEST 660 FEET; THENCE SOUTH 80 RODS; THENCE EAST 160 RODS TO THE POINT OF BEGINNING

LESS AND EXCEPTING LAND CONVEYED TO WEBER BASIN WATER CONSERVANCY DISTRICT, BY FINAL ORDER OF CONDEMNATION RECORDED IN BOOK R OF DEEDS AT PAGES 119 THROUGH 122

ALSO EXCEPTING THEREFROM THAT PORTION THEREOF CONVEYED TO THORNLEY K. SWAN AND J.W. SWAN BY DEED RECORDED IN BOOK R OF DEEDS, PAGE 624. DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 528.5 FEET NORTH FROM THE SOUTH QUARTER CORNER OF SAID SECTION 27, SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF THE GATEWAY CANAL, THENCE ALONG SAID RIGHT OF WAY LINE SOUTH 53°33' EAST 216.5 FEET; THENCE NORTH 81°01' EAST 259.8 FEET; THENCE NORTH 43°00' EAST 153.1 FEET; THENCE 281.2 FEET ALONG A REGULAR CURVE TO THE RIGHT WITH A RADIUS OF 400.0 FEET; THENCE NORTH 83°17' EAST 149.9 FEET TO GATEWAY CANAL RIGHT OF WAY STATION 420+07.4 ON SAID NORTH RIGHT OF WAY LINE; THENCE NORTH 979.6 FEET, MORE OR LESS, TO THE SOUTH RIGHT OF WAY LINE OF UNION PACIFIC RAILROAD COMPANY; THENCE ALONG SAID RAILROAD RIGHT OF WAY LINE SOUTH 74°40' WEST 964.2 FEET, MORE OR LESS, TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 27; THENCE SOUTH 890.5 FEET TO THE POINT OF BEGINNING

*PARCEL 32: Tax Parcel No. 00-0002-6359*

BEGINNING 13.50 CHAINS SOUTH FROM THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 1 EAST; THENCE SOUTH 3 CHAINS, MORE OR LESS, TO THE RIGHT OF WAY OF THE UPRR CO., THENCE NORTH 78°00' EAST, ALONG SAID RIGHT OF WAY, 10 CHAINS; THENCE NORTH 10°00' EAST 2 CHAINS, MORE OR LESS, TO THE NORTH LINE OF THE COUNTY ROAD; THENCE SOUTH 80°00' WEST, ALONG LINE, 10 CHAINS TO THE POINT OF BEGINNING

RESERVING THEREFROM THE COUNTY ROAD AS NOW CONSTRUCTED

*PARCEL 33: Tax Parcel No. 00-0002-6375*

BEGINNING AT THE CENTER OF THE SOUTHEAST QUARTER OF SECTION 27, AND RUNNING THENCE NORTH 8 CHAINS; TO THE UNION PACIFIC RAIL ROAD RIGHT OF WAY, THENCE RUNNING, ALONG THE SOUTH SIDE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY, EASTERLY 11.55 CHAINS; THENCE SOUTH 8 CHAINS TO THE QUARTER SECTION LINE; THENCE WEST 11.55 CHAINS TO THE PLACE OF BEGINNING

*PARCEL 34: Tax Parcel No. 00-0002-6391*

BEGINNING 1320 FEET NORTH AND 660 FEET WEST FROM THE SOUTHEAST CORNER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN; THENCE SOUTH 660 FEET; THENCE WEST 1320 FEET; THENCE NORTH 660 FEET; THENCE EAST 1320 FEET TO BEGINNING

LESS AND EXCEPTING LAND CONVEYED TO WEBER BASIN WATER CONSERVANCY DISTRICT BY FINAL ORDER OF CONDEMNATION RECORDED IN BOOK R OF DEEDS AT PAGES 119 THROUGH 122, AND BY DEEDS RECORDED IN BOOK 292 AT PAGE 1337 AND IN BOOK 297 AT PAGE 794

ALSO EXCEPTING THEREFROM THAT PORTION THEREOF CONVEYED TO THORNLEY K. SWAN AND J.W. SWAN BY DEED RECORDED IN BOOK R OF DEEDS, PAGE 624. DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 528.5 FEET NORTH FROM THE SOUTH QUARTER CORNER OF SAID SECTION 27, SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF THE GATEWAY CANAL, THENCE ALONG SAID RIGHT OF WAY LINE SOUTH 53°33' EAST 216.5 FEET; THENCE NORTH 81°01' EAST 259.8 FEET; THENCE NORTH 43°00' EAST 153.1 FEET; THENCE 281.2 FEET ALONG A REGULAR CURVE TO THE RIGHT WITH A RADIUS OF 400.0 FEET; THENCE NORTH 83°17' EAST 149.9 FEET TO GATEWAY CANAL RIGHT OF WAY STATION 420+07.4 ON SAID NORTH RIGHT OF WAY LINE; THENCE NORTH 979.6 FEET, MORE OR LESS, TO THE SOUTH RIGHT OF WAY LINE OF UNION PACIFIC RAILROAD COMPANY; THENCE ALONG SAID RAILROAD RIGHT OF WAY LINE SOUTH 74°40' WEST 964.2 FEET, MORE OR LESS, TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 27; THENCE SOUTH 890.5 FEET TO THE POINT OF BEGINNING

TOGETHER WITH RESERVED ACCESS AS DESCRIBED IN BOOK 292 AT PAGE 1337 AND IN BOOK 297 AT PAGE 794

*PARCEL 35: Tax Parcel No. 00-0002-6623*

THE SOUTH HALF OF THE SOUTHEAST QUARTER, AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28

*PARCEL 36: Tax Parcel No. 00-0002-6680*

ALL OF SECTION 33

*PARCEL 37: Tax Parcel No. 00-0002-6722*

ALL OF THE EAST HALF AND THE EAST HALF OF THE WEST HALF OF SECTION 34

EXCEPTING THEREFROM LAND CONVEYED TO WEBER BASIN WATER CONSERVANCY DISTRICT PROPERTY SERIAL NUMBER 01-005-071-NA, AS

RECORDED IN BOOK R OF DEEDS PAGES 119 THROUGH 122 DESCRIBED AS FOLLOWS: A TRACT OF LAND IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4 NW1/4) OF SECTION THIRTY-FOUR (34) TOWNSHIP FIVE (5) NORTH, RANGE ONE (1) EAST, SALT LAKE BASE AND MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF THE VENDOR'S PROPERTY, ALSO BEING A POINT ON THE NORTH LINE OF SAID SECTION 34, FROM WHICH POINT THE NORTH QUARTER CORNER OF SAID SECTION 34 BEARS NORTH 88°48' EAST FOUR HUNDRED SEVENTEEN AND FOURTH-TENTHS (417.4) FEET, AND RUNNING THENCE SOUTH 49°16' WEST TWO HUNDRED EIGHTY-THREE AND SEVEN TENTHS (283.7) FEET; THENCE NORTH 53°51' WEST TWO HUNDRED NINETY-SEVEN AND FIVE-TENTHS (297.5) FEET TO THE NORTH LINE OF SAID SECTION 34; THENCE NORTH 88°48' EAST ALONG THE NORTH LINE OF SAID SECTION 34, FOUR HUNDRED FIFTY-FIVE AND THREE-TENTHS (455.3) FEET TO THE POINT OF BEGINNING

*PARCEL 38: Tax Parcel No. 00-0002-6805*  
ALL OF SECTION 35

EXCEPTION THAT PORTION THEREOF CONDEMNED FOR GATEWAY CANAL IN BOOK R OF DEEDS, PAGES 119 THROUGH 122.

ALSO LESS DEEDED TO WEBER BASIN WATER CONSERVANCY DISTRICT IN BOOK 292 AT PAGE 1337 AND BOOK 297 AT PAGE 794

TOGETHER WITH RESERVED ACCESS AS DESCRIBED IN BOOK 292 AT PAGE 1337 AND IN BOOK 297 AT PAGE 794

*"SWAN PARCEL 1": Tax Parcel No. 00-0002-6490*

THE SOUTH ONE-HALF OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, AND ALL OF NORTH ONE-HALF OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, OWNED BY GRANTOR AND SITUATE SOUTH OF THE UNION PACIFIC RAILROAD COMPANY'S RIGHT-OF-WAY.

EXCEPTING THEREFROM THE PROPERTY HERETOFORE CONVEYED BY THE GRANTOR BY A WARRANTY DEED, DATED MAY 12, 1955, FROM SWAN LAND AND LIVESTOCK COMPANY TO THE WEBER BASIN WATER CONSERVANCY DISTRICT, RECORDED ON JUNE 7, 1955, IN THE OFFICE OF THE MORGAN COUNTY RECORDER IN BOOK Q, AT PAGE 409, AS INSTRUMENT NO. 27442.

ALSO, EXCEPTING THE FOLLOWING: BOOK S PAGE 376, A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN. TRUE MERIDIAN IS USED AS BASE BEARING. BEGINNING AT A POINT WHICH BEARS NORTH 984.7 FEET AND WEST 312.0 FEET FROM THE SOUTH QUARTER SECTION CORNER OF THE SAID SECTION 27 (SAID QUARTER SECTION CORNER IS MARKED BY A METAL HUB PLACED BY THE OLD QUARTER SECTION CORNER STONE BY THE U.S. BUREAU OF LAND MANAGEMENT IN THE 1952 RESURVEY), AND RUNNING THENCE SOUTH 16°19' MINUTES EAST 40.0 FEET; THENCE SOUTH 73° 41' WEST 60.0 FEET; THENCE NORTH 16°19' WEST 40.0 FEET TO THE RIGHT OF WAY LINE OF THE SAID MOUNTAIN FUEL SUPPLY COMPANY; THENCE ALONG SAID RIGHT OF WAY LINE NORTH 73° 41' EAST 60.0 FEET TO THE POINT OF BEGINNING

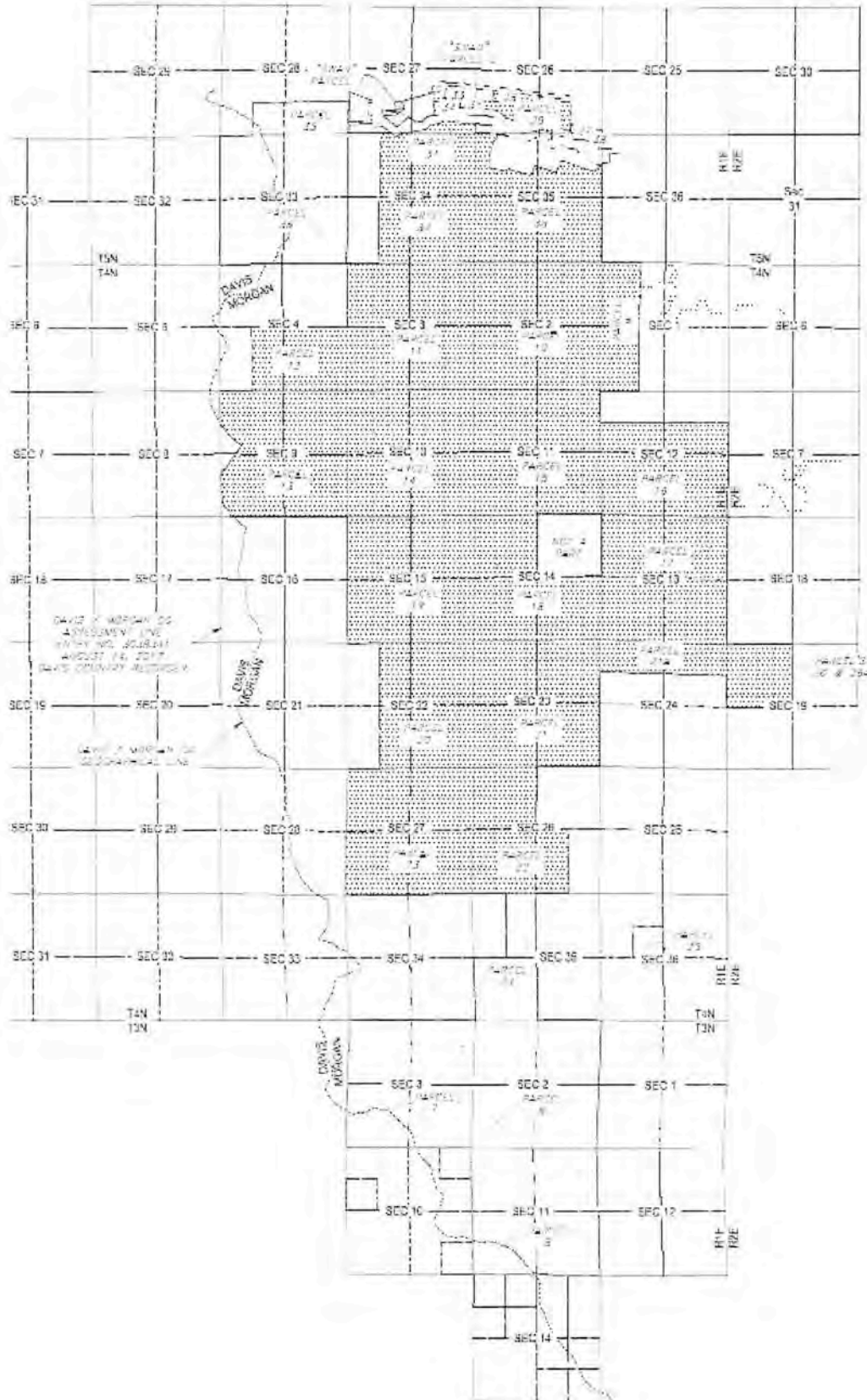
ALSO, SUBJECT TO THE FOLLOWING DESCRIBED RIGHT OF WAY: A STRIP OF LAND TWO RODS WIDE IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, THE CENTER LINE OF WHICH BEGINS AT A POINT WHERE THE SOUTH RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD COMPANY INTERSECTS WITH THE CENTER LINE OF A BRIDGE CONSTRUCTED OVER THE WEBER RIVER AS PART OF THE GATEWAY CANAL PROJECT WHICH POINT IS APPROXIMATELY 310 FEET WEST OF THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 27 AND RUNNING SOUTH 4°22' WEST ACROSS THE SAID BRIDGE AS PRESENTLY CONSTRUCTED 240 FEET MORE OR LESS TO THE SOUTH SIDE OF THE PIONEER PIPELINE COMPANY'S PIPELINE, THENCE EASTERLY ALONG THE SOUTH SIDE OF AND ADJACENT TO SAID PIPELINE 340 FEET MORE OR LESS TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 27.

ALSO, EXCEPTING THE FOLLOWING: 01-005-065-NA BOOK M4, PAGE 401, A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF A TRACT UNDER CONTRACT TO THE UNITED STATES AS RECORDED JULY 16, 1954, AS ENTRY NO. 26724 IN BOOK MISC. NO. 3, PAGE 475, FROM WHICH POINT THE SOUTH QUARTER CORNER OF SAID SECTION 27 BEARS SOUTH 54° 12' EAST 2069.6 FEET, AND RUNNING THENCE SOUTH ALONG THE BOUNDARY OF SAID TRACT UNDER CONTRACT TO UNITED STATES 492.7 FEET; THENCE WEST 175.0 FEET; THENCE NORTH 492.7 FEET; THENCE EAST 175.0 FEET TO POINT OF BEGINNING.

*"SWAN PARCEL 2": Tax Parcel No. 00-0002-6417*

BEGINNING AT A POINT 528.5 FEET NORTH FROM THE SOUTH QUARTER CORNER OF SAID SECTION 27, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF GATEWAY CANAL, THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 53°33' EAST 216.5 FEET; THENCE NORTH 81°01' EAST 259.8 FEET; THENCE NORTH 43°00' EAST 153.1 FEET; THENCE 281.2 FEET ALONG THE REGULAR CURVE TO THE RIGHT WITH A RADIUS OF 400.0 FEET; THENCE NORTH 83°17' EAST 149.9 FEET TO THE GATEWAY CANAL RIGHT-OF-WAY STATION 420+07.04 ON SAID NORTH RIGHT-OF-WAY LINE; THENCE NORTH 979.6 FEET MORE OR LESS TO SOUTH RIGHT-OF-WAY LINE OF UNION PACIFIC RAILROAD CO; THENCE ALONG SAID RAILROAD RIGHT-OF-WAY LINE SOUTH 74°40' WEST 964.2 FEET MORE OR LESS TO THE WEST LINE OF SOUTHEAST QUARTER OF SECTION 27; THENCE SOUTH 890.5 FEET TO THE POINT OF BEGINNING

### Map





## Utah Retirement Systems

### Retirement Office

560 East 200 South | Salt Lake City, UT 84102-2021  
801-366-7700 | 800-365-8772 | Fax: 801-366-7734  
[www.urs.org](http://www.urs.org)

Daniel D. Andersen  
*Executive Director*

### PEHP Health & Benefits

560 East 200 South | Salt Lake City, UT 84102-2004  
801-366-7500 | 800-365-8772 | Fax: 801-366-7596  
[www.pehp.org](http://www.pehp.org)

R. Chet Loftis  
*Managing Director*

February 25, 2021

**Sent Via Email to:** [eschultz@wprdevco.com](mailto:eschultz@wprdevco.com)

Mr. Ed Schultz, Chairman  
WPR Utility District  
136 East South Temple, Suite 2425  
Salt Lake City, UT 84111

**RE: Eligibility for Participation of a Newly Created Entity in the Utah State Retirement Systems**

Dear Mr. Schultz:

When a governmental entity is being incorporated or created, Utah law requires the Utah State Retirement Office ("Office") to provide a letter to that entity identifying the potential provisions under Utah Code Title 49, Utah State Retirement and Insurance Benefit Act ("Retirement Act"), with which it shall comply. See Utah Code Ann. § 67-1a-6.5(3)(d). This letter serves as the official notice for WPR Utility District, a newly created local district.

Based upon the information provided, the Office has determined that WPR Utility District is an "employer" under the Retirement Act as a political subdivision of the state by virtue of its status as a local district. Accordingly, WPR Utility District must comply with the participation requirements of the Retirement Act.

This does not mean that WPR Utility District must provide retirement benefits to its employees. However, at the present time and throughout the future, WPR Utility District **is required by law to participate with URS if and when it offers any type of retirement benefit to its employees.**

WPR Utility District may not currently have employees or may have not yet elected to provide a retirement benefit to its employees. Please be aware, it is not the obligation of the Office to monitor the activities of WPR Utility District. **By law, it is WPR Utility District's obligation to apply for membership with URS if and when it chooses to provide a retirement benefit to its employees.**

Once WPR Utility District begins participation with URS, its public employees will be covered under either the Tier I or Tier II public employee retirement systems, as described in the Retirement Act. If WPR Utility District employs public safety or firefighter service employees, those employees will be covered under the separate Tier I or Tier II systems for public safety and/or firefighter service employees described in the Retirement Act.



In addition, Participating Employers of URS are required by Utah Code Ann. § 49-11-606 to “cover all employees eligible for service credit under this title.” As such, once admitted as a participating employer, WPR Utility District will be required to cover all eligible employees, pursuant to the eligibility rules found in the Retirement Act.

Please note that the above-referenced laws are those used to determine eligibility for participation and are not the only laws with which a participating employer must comply. Participating employers are required to “inform themselves of their rights and obligations” under Title 49 and should become familiar with all provisions of the Retirement Act. Once WPR Utility District is admitted into the system, URS provides education about the requirements with which WPR Utility District must comply as a participating employer.

Additionally, please be aware that should WPR Utility District fail to participate with URS while offering another retirement benefit to its employees, WPR Utility District’s employees may have a claim against it for service credit under the Retirement Act, which the Office is required to enforce. Under the Retirement Act, such a claim would include all past employer contributions, interest, and in some cases, penalties. See Utah Code Ann. § 49-11-601(3).

Please do not hesitate to contact me if you have any questions.

Sincerely,

*/s/ Daniel D. Andersen*

Daniel D. Andersen  
Executive Director  
Utah State Retirement Office

cc: Aaron Wade, Attorney, Gilmore & Bell, P.C.  
Vince Bostock, Secretary, WPR Road and Fire District  
Dee Larsen, URS General Counsel  
Matt Judd, URS Employer Services Director