

November 1, 2023

Utah Public Service Commission
160 East 300 South
Salt Lake City, UT 84111

Via E-mail (psc@utah.gov)

Re: Application for Exemption for Mountain Green Mutual Water Company

Honorable Commissioners:

This law firm represents Mountain Green Mutual Water Company (“MGMWC”) with respect to its planned water system that will provide water to the service area identified in the Application for Public Service Commission Regulation or Exemption attached hereto as **Exhibit A** (the “**Application**”).

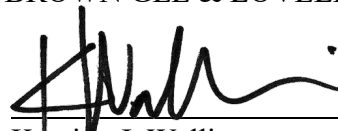
Also attached are the items required under Section A of the Application, each of which is bookmarked in the electronic file for your convenience. Attachment #1 includes the MGMWC status report from the Division of Corporations, as well as the MGMWC Articles of Incorporation. Attachment #2 includes the New Public Drinking Water System Application that has been filed with the Division of Drinking Water. Attachment #3 includes two maps; one (Map #1) showing the MGMWC service area in relation to the neighboring service areas, and one (Map #2) showing the MGMWC system and applicable subdivision. Attachment #4 explains that MGMWC currently has no active customers to whom it provides water, and that MGMWC is being established to provide water to future customers within MGMWC’s proposed service area.

Based on Application, including the items submitted pursuant to Section A of the Application, MGMWC respectfully requests that the PSC issue a Letter of Exemption to MGMWC. Please don’t hesitate to contact me with any further questions on this matter.

Sincerely,

PARR BROWN GEE & LOVELESS

By:



Kassidy J. Wallin

Enclosures: Exhibit A – Application for Public Service Commission Regulation or Exemption

cc: Mountain Green Mutual Water Company
Patricia Schmid, Counsel for Division of Public Utilities (pschmid@agutah.gov)

Application for Public Service Commission Regulation or Exemption Water and Wastewater Companies

Enclosed is an application designed by the Division of Public Utilities (DPU) intended to assist an applicant in determining if a water system qualifies as a public utility. Public utilities are subject to regulation by the Utah Public Service Commission (PSC or Commission).

In the regulation of water companies, the PSC can issue one of two different designations. The first is a Certificate of Public Convenience and Necessity (CPCN). A CPCN is required for any public utility providing service to the public generally. The Public Service Commission regulates companies with this designation. The second designation is a Letter of Exemption (LOE). An LOE is provided to companies providing water service that is limited to its members only and is not delivered to the public. If the company serves only its members, it is not serving the public generally. It is irrelevant how a member acquires their member status as long as a member's rights and duties are different than those of nonmembers.

Legal name of applicant (company name): Mountain Green Mutual Water Company



Questionnaire

Please fill out the following questionnaire to assist you in determining if you are subject to PSC regulation. *(Please check only one for each question.)*

Q1. Is this company providing water to anyone other than the owner (two houses or more)?:

Yes

If “**Yes**,” then please continue to **Question Q2**.

No

If “**No**,” then this company or water distribution system is not subject to PSC regulation. You are not required to register with the PSC at this time. If your circumstances change, you may be required to register with the PSC at a later time.

Q2. Is the company serving its members only and not to the public generally?

Yes

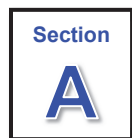
If “**Yes**,” then this company appears to meet the criteria to be exempt from PSC regulation. Please complete and provide the information requested in **Sections A, C, and D**.

No

If “**No**,” then this company meets the criteria requiring it to be regulated by the PSC. Please complete and provide the information requested in all the sections (**Sections A, B, C, and D**).

Legal name of applicant (company name): Mountain Green Mutual Water Company

Please Note: The information requested in the following sections covers the basic items of interest to the Division of Public Utilities. The list does not necessarily include all things the Public Service Commission and the Division of Public Utilities need to review in the application procedure. Additional details may be requested as the Division and Commission become more familiar with the applicant's particular circumstances.



The following items are required with this application for ALL applicants, both regulated and exempt.

The following documentation **MUST** be provided to be considered complete. Incomplete applications will **NOT** be considered.

- Please provide copies of internal governing documents detailing water usage and any restrictions, e.g., by-laws, operating agreements, or other applicable internal operating documents. *(Attachment required)*
- Please provide documentation of the review and approval of the water system by the Division of Drinking Water. If approval of the water system is pending, please provide documentation indicating its status and contact information of who you are working with at the Division of Drinking Water. *(Attachment required)*
- Please provide maps (8 1/2" x 11") showing the location of the proposed water system relative to nearby towns and highways and the proposed platted subdivision. This map must also show the names and service area of any water utilities that are providing or proposing to provide similar service near or in any part covered by this applicant. *(Attachment required)*
- If this is an existing or operating water company, whether regulated or unregulated, please provide evidence showing that the company notified its customers that it is seeking an exemption from regulation by the Public Service Commission of Utah. *(Attachment required)*
- I certify that this proposed water utility will not conflict with or adversely affect the operations of any existing certified public utility which supplies the same product or service to the public and that it will not constitute an extension into the territory of an existing public utility.

Initial Here:  RG

Legal name of applicant (company name): Mountain Green Mutual Water Company

Section

B

Additional financial items to be included with this application for applicants applying for authority to operate as a regulated public utility.

The following documentation **MUST** be provided to be considered complete. Incomplete applications will **NOT** be considered.

1

Proposed TARIFF

Proposed tariff should include proposed rates and service rules and regulations. Applicant's tariff must comply with the format, construction, and elements as set forth in Utah Administrative Rule: [R746-405 < Click on link >](#) *(Attachment required)*

2

Rates:

For item 2, please select one of the following regarding rates and provide the information requested:

Proposed rates will cover the entire cost of service

Please provide calculations to show that the proposed rates are based upon actual cost of service. *(Attachment required)*

OR

Developer agrees to subsidize costs

If the proposed rates are less than the full cost of service, then the developer agrees to subsidize the water utility expenses until such time that the utility is self-sustaining through its customers' rates. *(Attachment required)*

3

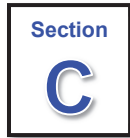
Balance Sheet

In addition to providing a balance sheet for the water company, if the water company is to be, or was, constructed by a developer please provide a personal balance sheet for the developer to ensure that funds are available for the operations of the water company. *(Attachment required)*

Income Statement

Please provide an historical income statement if the water company is already operating, or a projected income statement if not yet operating. *(Attachment required)*

Legal name of applicant (company name): Mountain Green Mutual Water Company



APPLICATION

(Must be completed by ALL applicants, both regulated and exempt.)

The following information **MUST** be provided with this application to be considered complete. Incomplete applications will **NOT** be considered.

1. Legal name of applicant (company name): Mountain Green Mutual Water Company

2. Principal office address, phone number, and email address:

Address: 201 S Main St. Suite 2015

Address: _____

City: Salt Lake City State: UT ZIP: 84111

Phone No.: (801) 456-1280 Email address: rulon@rcgardner.com

3. Name of the state in which the applicant is incorporated and date of incorporation

Name of State: UT Date of Incorporation: 05/18/2023

If not incorporated, describe the type of organization (partnership, LLC, etc.) and state in which it is organized.

Not applicable. Organization is incorporated in Utah.

4. The officers and directors (or partners) of the applicant are as follows:

Name	Title	Phone #	Email
Rulon C. Gardner	Director	(801) 456-1280	rulon@rcgardner.com
Duane D. Johnson	Director	(801) 456-1280	soderbyllc@outlook.com
Wayne Johnson	Director	(801) 456-1280	soderbyllc@outlook.com

Legal name of applicant (company name): Mountain Green Mutual Water Company

5. The type of service (water, sewer, or both) which applicant proposes to render is:
(Please check the services that apply.)

Water Only Sewer Only Both Water and Sewer

6. If the applicant is conducting operations at present, please enter the date applicant commenced rendering such service: _____

7. How Many Connections will the company serve and type (residential/commercial)?

Residential Customers: 533

Commercial Customers:

Total Number of Customers: 533

8. Please provide any other information not listed above that you consider relevant to this application.

See attached Explanatory.



Applicant Must Sign and Date below:

I certify that to the best of my knowledge the above information is true, accurate and complete. I am in compliance with and agree to comply with all regulations and requirements of all State and local government agencies.

Legal name of applicant (company name): Mountain Green Mutual Water Company



Rulon Gardner
(This serves as my electronic signature)

Director
Title

10/27/2023
Date

If you have any questions regarding the information, the Division is requesting, please feel free to contact us at (800) 874-0904 or (801) 530-7622.

PSC Filing Requirements

Please submit the application and required documentation via email with the Public Service Commission (PSC) to psc@utah.gov.

Additional filing options and for confidential information, further details may be found online at the following site:

<https://psc.utah.gov/psc-filing-requirements/>

If you have any questions regarding the PSC Filing Requirements, please contact the PSC at 801 530-6716

Please Note:

A complete application includes all pages of the application (you may omit the first page that contains the laws and rules), all requested documentation, and an original signature on the signature page.

Electronic copies should include all files in their native formats. For example, all spreadsheets should be in their original EXCEL format, and documents should be in their original WORD format. Files formatted as Adobe PDF are acceptable to use for documents that must be copied or scanned from an original source.

(A \$100.00 filing fee must accompany this application. If applying for an EXEMPTION, the \$100 fee is waived.)

Below is a list of governing rules and definitions that will help provide guidance in filing an application with the Public Service Commission. Please note that this is not a complete list of applicable rules and definitions that a company may need when applying for a CPCN or LOE.

Utah Code: [54-2-1](#) [< Click on link >](#)

Definitions (22) (a) "Public Utility includes ... water corporations [and] sewerage corporations ... where the service is performed for, or the commodity delivered to, the public generally..."

Utah Code: [54-2-1](#) [< Click on link >](#)

Definitions (38) "Water corporation"

Definitions (39) (a) and (b) "Water system"

Utah Administrative Rule: [R746-330](#) [< Click on link >](#)

Rules for Water and Sewer Utilities Operating in Utah.

Utah Administrative Rule: [R746-332](#) [< Click on link >](#)

Depreciation Rates for Water Utilities.

Utah Administrative Rule: [R746-405](#) [< Click on link >](#)

R746-405-1. Filing of Tariffs. General Provisions.

R746-405-2. Filing of Tariffs. Format and Construction of Tariffs.

EXPLANATORY
to Mountain Green Mutual Water Company's
Application for Public Service Commission Exemption

The Development Agreement governing the Mountain Green Village Project, where MGMWC will provide water to future customers, provides a limit of 533 residential connections. It also contemplates commercial and hotel use within the service area, but does not quantify the total number of commercial or hotel connections. In addition, there are properties within the proposed MGMWC service area which are not subject to the Development Agreement that will require additional connections. In certifying that this application will not conflict with or adversely affect an existing certified public utility, MGMWC is relying on an April 2021 Settlement and Mutual Release Agreement between, among others, Highlands Water Company Inc. and MGMWC shareholder Soderby LLC.

ATTACHMENT #1, SECTION A
to Mountain Green Mutual Water Company's
Application for Public Service Commission Exemption

REQUIREMENT: Please provide copies of internal governing documents detailing water usage and any restrictions, e.g., by-laws, operating agreements, or other applicable internal operating documents

RESPONSE: See attached.

MOUNTAIN GREEN MUTUAL WATER COMPANY

Update this Business

Entity Number: 13420824-0140

Company Type: Corporation - Domestic - Non-Profit

Address: 201 S MAIN ST STE 2015 Salt Lake City, UT 84111

State of Origin:

Registered Agent: RULON C GARDNER

Registered Agent Address:

201 S MAIN ST STE 2015

Salt Lake City, UT 84111

View Management Team

Status: Active

Purchase Certificate of Existence

Status: Active  as of 05/22/2023

Renew By: 05/31/2024

Status Description: License Issuance

Employment Verification: Not Registered with Verify Utah

History

View Filed Documents

Registration Date: 05/19/2023

Last Renewed: N/A

Additional Information

NAICS Code: 9999 **NAICS Title:** 9999-Nonclassifiable Establishment

Give Feedback

Privacy - Terms

[<< Back to Search Results](#)

Business Name:

Give Feedback

Date: 05/19/2023
Receipt Number: T0043749
Amount Paid: \$129.00

EXPEDITE

RECEIVED

MAY 19 2023

Utah Div. Corp. & Comm. Code

**ARTICLES OF INCORPORATION
OF
MOUNTAIN GREEN MUTUAL WATER COMPANY**

The undersigned do, for the purpose of organizing a nonprofit mutual water company pursuant to the Utah Revised Nonprofit Corporation Act (Utah Code §§ 16-6a-101, et. seq.) (the “Act”), hereby adopt the following Articles of Incorporation this 18th day of May, 2023.

ARTICLE I – CORPORATE NAME

The name of this Company is the **Mountain Green Mutual Water Company** (the “Company”).

ARTICLE II – PERIOD OF DURATION

The Company commenced when these Articles of Incorporation are filed by the Utah Division of Corporations and Commercial Code. The period of duration for this Company is perpetual, unless sooner terminated in the manner provided by law.

ARTICLE III – POWERS AND PURPOSES

The purpose of the Company is to engage in and pursue any legal and lawful business purpose, purposes, act, acts, activity, or activities for which nonprofit mutual companies may be organized under the Act. In furtherance of and in no way in limitation of the powers now or hereinafter conferred upon non-profit corporations by the laws of the State of Utah, the nature of business of the Company, and the objects, purposes and powers to be transacted, promoted, exercised or carried on by it are as follows:

A. To own or lease water rights for domestic, culinary, and municipal purposes allowed under the laws of the State of Utah, and to store and distribute this water on a non-profit basis only to the members of the Company.

13420824-0140

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B. To acquire and maintain water rights and sources of water supply by purchase, lease, contract, appropriation, change application or otherwise.

C. To acquire, hold, and sell real and personal property useful to the carrying on of the corporate business.

D. To own water diversion, transportation, distribution, measurement and storage facilities useful to the distribution of the water supply held by the Company.

E. To solicit and receive contributions, to purchase, own, and sell real and personal property, to make contracts, to invest corporate funds, to spend corporate funds for corporate purposes, and to engage in any activity in furtherance of, incidental to, or connected with any of the other purposes.

F. To convey its assets as security for loans and make and perform contracts of any kind and description, including, without limitation, contracts with the State of Utah or the United States of America, or any agency, department or political subdivision thereof, for the purpose of borrowing money, acquiring water and water rights, and for the use, joint development of and/or the construction, development, repair, improvement, modification, repair, and replacement of all springs, wells, reservoirs and other water sources, as well as all other water diversion, transportation, distribution, measurement and storage facilities.

G. To charge fees for water service and make assessments, in accordance with Article VIII of these Articles of Incorporation and Utah Code §§ 16-4-201, et seq., against its membership shares (“Shares”) and members, as determined by the board of directors, for the purpose of raising funds to accomplish any of the other purposes or powers, or to pay its debts or obligations, to publish notice of delinquency for nonpayment of assessments, and to sell at public auction, after adequate notice, the Shares that remain delinquent.

H. To engage in any and all other lawful purposes, activities and pursuits, which are substantially similar to the foregoing and which are or may hereafter be authorized by Section 501(c)(12) of the Internal Revenue Code and consistent with those powers described in the Utah Revised Nonprofit Corporation Act, as amended and supplemented.

I. To do any and all acts and things, and to exercise any and all other powers which a natural person could do or exercise, and which are not now nor hereafter prohibited by law, in carrying on its business, or for the purpose of attaining or furthering its objectives.

J. With respect to such purposes:

(1) no part of the net earnings of the Company shall inure to the benefit of, or be distributed to, its directors, officers, members, or other private persons, except that the Company shall be authorized and empowered to pay reasonable and customary compensation for services rendered to the Company and to make payments and distributions in furtherance of the purposes set forth herein;

(2) no substantial part of the activities of the Company shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Company shall not participate in, or intervene in (including publishing or distribution of statements) any political campaign on behalf of any candidate for public office, except as authorized under the Internal Revenue Code of 1954, as amended; and

(3) the Company shall not carry on any other activities not permitted to be carried on by a corporation exempt from Federal income tax under Section 501(c) of the Internal Revenue Code of 1954, as amended (or the corresponding provision of any future United States Internal Revenue Code).

ARTICLE IV - MEMBERS

The Company shall issue shares of the capital stock of the Company as evidencing membership therein and the members may be referred to as shareholders. This Company shall have one or more classes of members, which are the shareholders in the Company. The liability of the members shall be limited as provided in Article XV of these Articles of Incorporation and Utah Code § 16-6a-115.

ARTICLE V – MEMBERSHIP SHARES

Ownership in the Company shall be held by the members in accordance with their respective interests. For purposes of ownership, interest in the Company is divided into Shares. The total number of Shares in the Company is flexible and may change according to the capacity of the Company's water systems as more specifically set forth below. The total number of Shares, however, shall not exceed 12,000. Shares in the Company are divided into the following three (3) classes with the respective maximum numbers of Shares in parentheses—(1) Class A (Connection) Shares (3,000); (2) Class B (Organizer) Shares (6,000), and (3) Class C (Development) Shares (3,000). Subclasses within each class may be created for purpose of administering the non-pro rata assessments authorized under Utah Code § 16-4-203 and as may be required to meet certain membership costs not fairly attributable to all.

Up to Six Thousand (6,000) Shares may be issued at the ratio of 0.45 acre-feet per year per share as Class A or C Shares in accordance with the requirements for the issuance of such Shares as specified in these Articles. The maximum number of Shares may be increased or decreased, and additional classes may be added in a manner provided by law. In addition, inasmuch as the Company may, at some future date, be converted into a governmental entity, all Shares issued by the Company may be cancelled and recalled for no consideration upon

resolution of the Board of Directors so long as Class A members are assured of continued water service by the resulting governmental entity, and so long as Class C members receive a credit from the governmental entity towards any impact fee, water dedication requirement, or other requirement in an amount equal to the Class C member's contributions to the Company, to the satisfaction of the Class C member, acting reasonably. The number, preferences, limitations and relative rights of the Shares of each class are:

1. Class A (Connection) Shares:

Each Class A (Connection) Share shall be entitled to receive up to 0.45 acre-feet of water to the subject connection for culinary water use. Each Class A (Connection) shareholder must execute a membership and water service agreement prepared by the Company and duly approved by resolution of the Board of Directors. The Board may approve conversion of Class C (Development) Shares to Class A (Connection) shares. The Board may require that the Company receives adequate compensation in the form of money, water rights, facilities, land, easements, personal property or such combination of the above to assure that the Company is able to provide culinary water service to the Class A members who will hold such Shares. Any compensation received must be used for purposes of paying for past, present, or future expansions of the culinary water system unless the Board of Directors approves an alternative use for such funds. The decision by the Board of Directors as to conversion of Class C (Development) Shares and issuance of Class A (Connection) Shares shall be final. Class A (Connection) Shares may only be issued in the ratio of one Share per 0.45 acre-feet of water per year in the culinary water system (i.e., there can be no more than 100 Class A Shares per each 45 acre-feet of water rights committed to the culinary water system), and there may not be more than one Class A (Connection) Share issued per single family residential connection or

equivalent residential connection as reasonably determined by the Company. No Class A (Connection) Share may be issued unless the Company owns all facilities, works, and rights necessary to serve the property designated on the Share with water meeting culinary standards. In conformance with this requirement, however, a Class A (Connection) Share may be issued at any time after (1) the Company has capacity to serve the relevant lot with water meeting culinary standards, and (2) a water main is installed in the street adjacent to that lot. Prior to a Class A member's receiving water service, the Board of Directors may assess a standby fee in lieu of the assessments or rates charged to other holders of Class A (Connection) Shares. The Company shall not issue Class A (Connection) Shares on a fractional basis. Prior to a Class A member's receiving water service, the Company may, in its discretion, enter into a lease or similar agreement with the Class A member, on terms and conditions approved by the Board of Directors, for any well(s) and/or tank(s) owned by the Class A member (the "Leased Facilities") if such lease or similar agreement is not detrimental to the Company; provided, however, that (A) such Class A member must dedicate to the Company, as a condition of entering into such lease or similar agreement, all other facilities, works, and rights necessary to serve the property designated on the Share with water meeting culinary standards, (B) any such lease of Leased Facilities shall provide for transfer of such Leased Facilities to the Company free and clear of all liens and encumbrances within five (5) years after the initial issue date of the shares, and (C) any such membership shares issued based on such a lease shall be restricted and subject to cancellation if the Leased Facilities are not timely transferred to the Company.

Class A (Connection) Shares shall represent an actual proportionate ownership interest in the water rights and facilities committed to this class of Shares and no interest whatsoever in the water rights, diversion facilities, water distribution works or storage facilities under the B

and C Classes of Shares. Holders of Class A (Connection) Shares shall have one vote per Share in accordance with the provisions of these Articles and the duly adopted Bylaws, and as specifically limited by Article VII below. Class A (Connection) Shares shall be fully assessable in such manner as may be authorized by law and as is specifically provided for in Utah Code Title 16, Chapter 4.

2. Class B (Organizer) Shares:

The undersigned incorporator of Mountain Green Mutual Water Company shall receive six thousand (6,000) Class B (Organizer) Shares in this Company. Class B (Organizer) Shares shall be non-assessable. Holders of Class B (Organizer) Shares shall have one vote per Share in accordance with the provisions of these Articles and the duly adopted Bylaws, and as specifically provided in Article VII below. Class B (Organizer) Shares shall represent an actual and proportionate ownership in the water rights, facilities, and all other assets of the Company.

3. Class C (Development) Shares:

Class C (Development) Shares may be issued upon transfer to the Company of a source site, a storage site, and approved water rights sufficient to increase the Company's capacity by a minimum of 0.45 acre-feet of water per year. The Company may, in its discretion, enter into a lease or similar agreement with a proposed Class C (Development) member, on terms and conditions approved by the Board of Directors, for any well(s) and/or tank(s) owned by the proposed Class C member (the "Leased Facilities") if such lease or similar agreement is not detrimental to the Company; provided, however, that (A) any such lease of Leased Facilities shall provide for transfer of such Leased Facilities to the Company free and clear of all liens and encumbrances within five (5) years after the initial issue date of the shares, and (B) any such membership shares issued based on such a lease shall be restricted and subject to cancellation if

the Leased Facilities are not timely transferred to the Company. A Class C (Development) Share may be converted into a Class A (Connection) Share as provided in these Articles and in the duly adopted Bylaws of the Company. To ensure continual beneficial use of all water rights held by the Company, prior to conversion into a Class A Share, the water rights associated with a Class D (Development) Share may be used by the holder of such Share for irrigation purposes on an irrigation, storage and distribution system not necessarily owned or otherwise controlled by the Company.

Class C (Development) Shares shall be non-assessable, with the exception of (1) those holding costs incurred to maintain the contributed water right in good standing or such other needed or requested work, and (2) any special assessments or contract charges associated with the water rights or infrastructure contributed or leased to the Company (e.g., canal and irrigation ditch company assessments and Weber Basin Water Conservancy District contract charges). Class C (Development) Shares shall represent an actual and proportionate ownership in the water rights or facilities committed to this class of Shares and no interest whatsoever in the water rights, diversion facilities, water distribution works or storage facilities committed to the A and B Classes of Shares. Class C (Development) Shares shall not entitle the holder thereof to water delivery. Class C (Development) Shares must be surrendered and converted into Class A Shares to obtain water delivery and to obtain an interest in the Company's culinary water distribution works. Class C (Development) Shares shall be non-voting.

ARTICLE VI – SHARES APPURTENANT TO LAND

Class A (Connection) Shares shall be deemed to be appurtenant to the land described on the membership certificate at such time and in the manner specifically provided for in the Bylaws or rules and regulations. Once Shares become appurtenant to the land, the owner

thereof shall not be entitled to separately convey or transfer ownership of its Shares off the land without the express written approval of the Board of Directors of the Company.

ARTICLE VII - VOTING RIGHTS

The Company's members, with the exception of Class C (Development) members, are entitled to cast one vote for each Share. Class A (Connection) and Class B (Organizer) members are entitled to vote in all decisions committed to the members, including the election of the members of the Board of Directors; elections pertaining to the sale, transfer, or other conveyance of the assets of the Company and the operation of the Company's water system to any other entity; and such other matters as the Board of Directors deems appropriate to place before the members. In elections concerning the sale, transfer, or other conveyance of the assets of the Company and the operation of the Company's water system to any other entity, the majority vote of all voting Shares is required in order to take action on the matter being voted upon. In all other matters, only a majority vote of the Shares present or represented by proxy at a meeting of the members is required in order to take action on the matter being voted upon, unless otherwise provided for herein or in the duly adopted Bylaws of the Company.

ARTICLE VIII – SHARE ASSESSMENTS & WATER SERVICE FEES

All Shares which are assessable under these Articles shall be fully assessable for the purpose of paying their proportionate share of all lawful obligations of the Company, including, without limitation, operating, maintaining, developing, and managing the facilities used to divert and convey water from any water source within the Company to water storage facilities, or to the place of use, and for the operation, maintenance, development, and management of facilities utilized to divert, store and distribute water, and to pay their proportionate share of the general administrative expenses incurred in the operation of the Company. Subject to exceptions

detailed below, assessments shall be levied proportionally within specific classes of Shares. For example, holders of Class A (Connection) Shares shall be assessable for all the costs associated with the culinary system. Holders of Class A (Connection) Shares shall not bear any costs incident to an expansion of the Company's water distribution systems except to the extent that such expansion is calculated to benefit the then-existing members. Assessments shall be levied and provisions made for the collection of all delinquent assessments as provided in Rules and/or Regulations as may be adopted in accordance with state law by the Company from time to time.

The amount assessed per Share shall be equal and pro-rata within each class of Shares, except that special assessments may be levied on an equitable but unequal basis, at the discretion of the Board, in situations where expenditures are made or are necessary for purposes that are of benefit to only a part of the members, or where existing or future contracts with the United States, the State of Utah, or any other lending institutions or agencies, or the laws or regulations of such institutions or agencies or other contracting parties, now or hereafter, require unequal assessments, or where unequal assessments are required or permitted by the terms or conditions of any contract between the Company and any of its members.

In addition to or in lieu of share assessments, the members of the Company may be charged water service fees. Such water service fees may be charged on a monthly basis or any other increment authorized by the Board of Directors. The water service fees or water rates may be based on the quantity of water used by a particular member. As set forth in Article X below, Culinary water rates and Class A share assessments shall be set by the Board.

ARTICLE IX – ALLOCATION OF COSTS OF EXPANSION

Revenue from rates for culinary water, and assessments on Class A (Connection) Shares may not be used to fund expansion of the Company to serve additional lots. All costs

attributable to the expansion of a water system to serve new connections shall be paid by Class C (Development) members.

ARTICLE X - BOARD OF DIRECTORS

This Company shall be governed by a Board of Directors. The Board of Directors shall consist of between three and seven directors. Each director shall be a member or representative of a member of the Company holding at least one Share in the Company. No more than one board member may serve concurrently for each parcel to which a share or shares are appurtenant under Article VI. The normal term of a directorship is three years. The Board of Directors shall elect a President, Vice-President, Secretary, and Treasurer as more fully set forth in the Bylaws of the Company. The directors as of the date of these Amended and Restated Articles are as follows:

Rulon C. Gardner
201 S MAIN ST STE 2015
Salt Lake City, UT 84111

Duane D. Johnson
201 S MAIN ST STE 2015
Salt Lake City, UT 84111

Wayne Johnson
201 S MAIN ST STE 2015
Salt Lake City, UT 84111

Pursuant to Utah Code § 16-6a-801, the Board of Directors may authorize persons other than the Board of Directors to have the authority and perform a duty of the Board of Directors and the directors shall be relieved to that extent from such duty. The rates for culinary water service and assessments set by the Board must be at least sufficient to pay for the operation, maintenance, reasonably necessary improvements or expansions, and management of the culinary water system.

ARTICLE XI – QUORUM & TIE BREAKING PROCEDURE

A majority of the members of the Board of Directors of the Company shall be necessary to form or constitute a quorum to transact the business and exercise the corporate powers of the Company and every decision of a majority of the quorum so formed shall be valid as a corporate act. If the Board of Directors, in voting on a Board resolution, has an equal number of votes in support and in opposition to the resolution, the Board may pursue the following procedure to cure the tie: First, the members of the Board who support the resolution shall select an independent person versed in the operation of water companies (“Representative One”). Second, the members of the Board who oppose the resolution shall select an independent person versed in the operation of water companies (“Representative Two”). Third, Representative One and Representative Two shall jointly select some other independent person versed in the operation of water companies (“Independent”). Finally, the Independent, upon being fully informed as to the resolution at a duly called Board meeting, shall cast the deciding vote on the disputed resolution.

ARTICLE XII - INCORPORATORS

The name and mailing address of the incorporator of this Company are:

<u>Name</u>	<u>Address</u>
Rulon C. Gardner	201 S MAIN ST STE 2015 Salt Lake City, UT 84111

ARTICLE XIII - CURRENT REGISTERED AGENT

The name of the initial registered agent of the Company is **Rulon C. Gardner**.

ARTICLE XIV - CURRENT REGISTERED OFFICE

The location of the initial registered principal office of the Company is:

201 S MAIN ST STE 2015 Salt Lake City, UT 84111

ARTICLE XV - OFFICERS, DIRECTORS, AND MEMBERS NOT LIABLE

Officers, directors and members are not liable under a judgment, decree, or order of a court, or in any other manner, for a debt, obligation or liability of the Company, and the private property of a director, officer or member of the Company shall not be subject to a debt or obligation of the Company.

ARTICLE XVI - BYLAWS

The Board of Directors shall adopt, by a two-thirds vote, appropriate bylaws, rules and regulations and any amendments thereto that may be necessary for the proper governance of this Company. Bylaws and amendments thereto so approved need not be confirmed by the members.

ARTICLE XVII - DISSOLUTION

In the event of dissolution, , after paying or providing for the payment of all debts of the Company, funds and gains from sale of appreciated assets will be paid to all persons who were members during the period the assets were owned by the company in proportion to the amount of business done during that period, and any remaining asset or value of the Company shall be distributed pro rata to the members of the Company. This Article XVII shall not apply in the event of a conversion of the Company into a governmental entity, under which conversion, all assets will become the property of such governmental entity.

ARTICLE XVIII – OWNERSHIP OF WATER SYSTEM

The Company shall hold title for and on behalf of its members to all land, reservoirs, storage tanks, wells, pumps, pumphouses, pressure reduction valves, treatment plants, main distribution lines, delivery and service lateral lines and connections from the water mains to the curb stop of each individual member-water user, including the meter, outside readout, curb-stop valve box and shut-off valve, and any other facilities constituting the water system. Each

individual member shall own the service lateral from the property side of the curb-stop valve box and shut-off valve to the premises being served excluding the water meter and outside readout.

ARTICLE XIX – MEETINGS

Meeting of the Board of Directors shall be held at the time and place set forth in the Bylaws of the Company, or by resolution of the Board. The annual members meeting shall be held in the month of March at a place designated by the Board of Directors.

IN WITNESS WHEREOF, these Articles of Incorporation have been executed by the incorporator of this corporation on this 18th day of May, 2023.

By: 
Rulon C. Gardner, Incorporator

MAY 19 '23 AM 11:02

**ATTACHMENT #2, SECTION A
to Mountain Green Mutual Water Company's
Application for Public Service Commission Exemption**

REQUIREMENT: Please provide documentation of the review and approval of the water system by the Division of Drinking Water. If approval of the water system is pending, please provide documentation indicating its status and contact information of who you are working with at the Division of Drinking Water.

RESPONSE: See attached.

New Public Drinking Water System Application

Utah Division of Drinking Water

An applicant for a new public drinking water system must submit two forms: (1) New Public Drinking Water System Application and (2) Project Notification Form (PNF). This application identifies information required to establish a new public water system (PWS). Note that some of the information requested may not apply to your system. The PNF accompanies plans and specifications for drinking water facilities requiring plan approval. Visit the Division of Drinking Water (DDW) website (drinkingwater.utah.gov) for additional information.

Public Drinking Water System Name Mountain Green Mutual Water Company

Applicant Information

1. Name: Rulon Gardner
Address: 201 S Main St STE 2015
City: Salt Lake City Zip Code: 84111
E-Mail: rulon@rcgardner.com
Business Phone: 801-456-1280
Cell Phone: 801-558-1879
Administrative Contact Owner PWS Manager PWS Operator
Other: _____ (check all that apply)

Has the applicant read, and is the applicant familiar with, new PWS obligations pursuant to State of Utah Administrative Rules for Public Water Systems, specifically, Rule R309-105, Administration: General Responsibility of Public Water Systems?

Yes No


Applicant Signature

May 24, 2023
Date

PWS Information

2. Service Connection Type 513
Projected number of service connections at full build-out: _____

Current number of service connections served by the proposed PWS: (Please list number next to the type of service connection. If needed, add detailed description below.)

Residential 3 Commercial 7 Industrial _____
Agricultural _____ Combined (specify) _____

Description: _____

Population Served by the Proposed PWS

Projected population served by the proposed PWS at full build-out: 3,500

Current population served by the proposed PWS: *(Please list the number of people served next to the appropriate use.)*

Residential (year-round): 3

Residential (between 6 months to 12 months each year): _____

Residential (less than 6 months per year): _____

Non-residential use (year-round): 7

Non-residential use (between 6 months to 12 months each year): _____

Non-residential use (less than 6 months per year): _____

PWS Location

County in Utah: Morgan County City/Town: Mountain Green

Address or description: 4985 W Old Highway

Operation Period

Is the proposed water service year-round? Yes No

If the water service is not year-round, identify the period of the proposed seasonal water service: from _____ to _____

Category of the proposed PWS (check only one):

- Community water system (CWS)
- Non-transient non-community (NTNC) water system
- Transient non-community (TNC) water system

[Guidance: See Division of Drinking Water Rule R309-100-4(4).]

3. PWS Description

(Describe here the water system's purpose, intended water users, system components, configurations, etc. Affix an attachment if needed.)

Provide water to commercial and residential in the Trappers Loop Development, located in Mountain Green, Utah. Approximately a 150 acres.

System components: well, water tank, distributions lines to user to be installed.

Drinking Water Source

4. Does the proposed PWS have its own existing water source? Yes No

If yes, identify the existing source name, location (latitude and longitude, NAD83 preferred), and describe the source: Rollins Ranch Well - 41°08'29.0"N 111°47'28.4"W

Have any water quality analyses been made of the source water? Yes No N/A

If yes, please attach a copy of the water quality analyses with this form.

[Guidance: The existing water source of a proposed PWS is required to undergo DDW's plan review process to determine whether it meets the current public drinking water standards. Such standards include construction standards, drinking water quality standards, source protection plan, certified well grout to a depth of 100 feet, etc. If an existing water source does not meet the public drinking water standards, the proposed PWS is required to either develop or acquire a public drinking water source that meets public drinking water standards, or modify the source to meet the standards.]

5. Will the proposed PWS receive drinking water from an existing PWS? Yes No

If yes, identify the existing PWS name and water system number: _____

If the proposed PWS will receive drinking water from an existing PWS, will the proposed PWS also develop its own source of water to supplement water delivered from another PWS?

Yes No N/A

[Guidance: DDW encourages new water service areas to obtain drinking water through existing public water systems (PWS). Due to extensive regulatory requirements, creation of a new PWS is less preferable than annexing to an existing PWS. Identify any PWS or wholesale connection that could provide drinking water to the proposed area in lieu of creating a new PWS.]

6. Will the proposed water system develop its own water source(s)? Yes No

If yes: Proposed new well source? Yes No

Proposed new spring source? Yes No

Proposed new surface water source? Yes No

Proposed new water treatment plant? Yes No

Describe the possible new source(s): _____

[Guidance: No new public water system can be approved by DDW without a drinking water source. The common options for a new water source are wholesale connection, wells, springs, and surface

water treated in accordance with Federal and State Rules. Identify the well, spring, or surface water body, which may serve as the proposed new water system's water source.]

Engineering Review

7. A new water system will be required to provide detailed information for review, i.e., engineering plans and specifications prepared by a professional engineer licensed to practice in Utah, of existing and proposed drinking water facilities, including source, storage, pump, distribution system, etc. This review is to ensure compliance with the current design and construction standards for public drinking water systems and to determine whether a Plan Approval to construct and an Operating Permit to allow the new water system be placed in service can be issued. A new water system's rating becomes "approved" after it obtains an Operating Permit from DDW.

Do you have a licensed engineer who will prepare the plans and specifications for the new PWS? Yes No

If yes, identify the name and contact information of the licensed engineer:

Name: Korey Walker
Company: Epic Engineering
Telephone: 435-654-6600
E-Mail: kwalker@epiceng.net

[Guidance: Contact the engineering staff at (801)536-4200 for information related to drinking water facility construction standards and plan review requirements. See Division of Drinking Water Rules R309-500 through 550.]

Capacity Development Business Plan

8. Regarding the capacity development business plan requirement for the proposed PWS outlined in Division of Drinking Water Rule R309-800, Capacity Development Program, identify the proposed water system's category below (*check only one*).

- Community water system (CWS): Capacity Development Business Plan is required.
- Non-transient non-community (NTNC) water system: Capacity Development Business Plan is required.
- Transient non-community (TNC) water system: Capacity Development Business Plan is not required.

[Guidance: Contact the DDW Permitting Section Manager at (801)536-4200 for information related to the capacity development plan. See Division of Drinking Water Rule R309-800.]

Source Protection

9. A Preliminary Evaluation Report (PER) is required for a new drinking water source, or for a source that has not previously been reviewed and approved by the Division. A licensed geologist (PG) or engineer (PE) must prepare the Delineation Report section of the PER *for a groundwater source*.

If you plan to use a well or spring, do you have a PG or PE who will prepare the Delineation Report for the source(s)? Yes No

If yes, identify the name and contact information of the licensed geologist or engineer:

Name: Bill Loughlin
Company: Loughlin Water Associates
Telephone: 435-649-4005
E-Mail: bill@loughlinwater.com

[Guidance: Contact the source protection staff at (801)536-4200 for information related to source protection requirements. See Division of Drinking Water Rules R309-600 and R309-605.]

Certified Water Operator

10. All Community and Non-transient non-community (CWS and NTNC) drinking water systems must obtain a certified operator that has Distribution certification to the level of the water system's population. Any water system that treats surface water or water under the direct influence of surface water must have a Treatment operator certified at the grade of the water system depending on the population served by the water system.

Will this new PWS be required to have a certified water operator? Yes No

If you have made an arrangement with a certified water operator, identify the name and contact information of the water operator:

Name: _____
Company: _____
Telephone: _____
E-Mail: _____
Cert. No.: _____

[Guidance: Contact the DDW Technical Assistance Section Manager at (801)536-0042 for information related to water operator certification. See Division of Drinking Water Rule R309-300.]

Drinking Water Monitoring and Reporting

11. All drinking water systems are required to comply with the water quality monitoring and reporting requirements of drinking water system sources and distribution system. The samples required depend upon the type of water system, the type of source water, the type of treatment provided, the population served, etc. Upon Division review of the information provided, a system-specific monitoring schedule will be established and provided to the water system management.

[Guidance: Contact the Rules Section Manager at (801)536-0042 for information related to monitoring, reporting, and compliance requirements. See Division of Drinking Water Rules R309-200 through 225.]

Water Rights

12. In which Division of Water Rights Region is the proposed PWS located (*see Attachment 1*)?

- Northern Regional Office (Logan)
- Weber River/Western Regional Office (SLC)
- Utah Lake/Jordan River Regional Office (SLC)
- Eastern Regional Office (Vernal)
- Southeastern Regional Office (Price)
- Sevier River/Southern Regional Office (Richfield)
- Southwestern Regional Office (Cedar City)

[Guidance: DDW may wish to consult with the State Engineer about water rights issues for the proposed public water system. Identify in #12 and #13 the Division of Water Rights Region in which the proposed PWS is located, and any Division of Water Rights personnel with whom representatives of the proposed PWS has communicated. Contact Division of Water Rights at (801)538-7240 for questions related to water rights.]

13. Identify the State Engineer's Office representative you have contacted (*see Attachment 1*):

Name: Gary Brimley
Telephone: 801-538-7240
E-Mail: garybrimley@utah.gov

14. With respect to water rights "already in hand" for the proposed PWS:

- a. Water rights number(s): Weber Basin Contracts
- b. Nature of use (e.g., municipal, domestic, irrigation, etc.): _____
- c. Acre-feet, cubic feet per second (CFS), other: _____
- d. Do the Division of Water Rights' records show the ownership of water rights in the name of the PWS? Yes No (Explain) _____
- e. Change application filed? Yes No N/A *[Note that change applications may take up to 6 months for the associated advertising and protest processes.]*
- f. Point of diversion (POD) change filed? Yes No N/A

g. Nature of use change filed? Yes No N/A

[Guidance: DDW Rules require that a public drinking water system must have a valid right to use the water for its water sources, i.e., the water rights must be classified by the State Engineer as domestic or municipal drinking water rights. The State Engineer may not necessarily change irrigation, mining, stock-watering or agricultural water rights to domestic or municipal drinking water rights. Identify the water right number, types, and quantities that the proposed new public water system currently owns or controls.]

15. With respect to water rights intended to be acquired for the proposed PWS:

a. Have you identified prospective water rights sellers (e.g., private party, etc.)?

Yes No N/A

If yes, describe the prospective seller: Weber Basin

[Guidance: If the proposed PWS will purchase as-yet un-acquired water rights, identify the prospective seller of these water rights.]

b. Is any water rights acquisition contract appropriately contingent upon the State Engineer's change application approval? Yes No N/A

[Guidance: The State Engineer will not pre-judge change applications. Acquisition contracts should always allow for cancellation by the buyer in the event of change application denial by the State Engineer.]

16. With respect to water rights that would be provided by another entity for the proposed PWS:

a. Have you contacted or entered into an agreement with an entity to provide drinking water under its water rights? Yes No N/A

If yes, identify the prospective water rights provider here (e.g., water conservancy district, etc.): _____

[Guidance: If the proposed public water system will receive the water supply from an entity that holds the corresponding water rights, identify the prospective providers of these water rights.]

Division of Public Utilities

17. Have you contacted the Division of Public Utilities (DPU) to register the proposed drinking water system? Yes No N/A (Explain) _____

If yes, identify the utility analyst at DPU who has been contacted:

Name: _____

Telephone: _____

E-Mail: _____

[Guidance: All public drinking water systems that sell water or charge water users must apply and be approved for either a "Certificate of Public Convenience and Necessity (CPCN)" or an Exemption. The CPCN form can be found on the website of the Division of Public Utilities (DPU): <http://publicutilities.utah.gov/forms.html>. Identify in #17 and #18 any DPU staff consulted and their preliminary assessment of whether the proposed new water system will be exempt or regulated by DPU. If needed, contact DPU at (801)530-7622.]

18. Preliminary indication from DPU of the new PWS's regulatory status:

- Letter of Exemption – Nonprofit/mutual PWS serving members only;
- Certificate of Convenience & Necessity – For-profit PWS serving public;
- Not Applicable or other (Explain) _____

Fire Authority

19. Will the distribution system be equipped with fire hydrants? Yes No

Does the fire authority require this system to supply fire suppression water? Yes No

Identify the local fire code officials you have contacted with respect to fire suppression requirements:

Brian Brendel
Name: _____
Fire District: Mountain Green Fire Protection District
Telephone: 801-876-2277
E-Mail: Chief131@mgfpd.org
Required fire flow (in gallons per minute): 800 gpm
Required fire flow duration (in minutes): 120 minutes

[Guidance: If the proposed water system will have fire hydrants in its distribution system or is required to supply water for fire suppression, the water system design will be required to meet the storage volume, flow and pressure requirements for fire flow.]

Miscellaneous

20. Will the proposed water system construction involve storm water or wastewater discharges, or septic systems? Yes No

[Guidance: A proposed water system or new development may need to obtain permits or approvals from the Utah Division of Water Quality, local Health Department, or local government such as city or county. If the proposed water system project involves storm water discharge during construction, wastewater discharge or septic systems, please contact the Utah Division of Water Quality at (801)536-4300 and/or the local Health Department.]

Attachment 1 – Utah Division of Water Rights Contacts

Northern Regional Office (LOGAN)
Will Atkin, Regional Engineer
1780 North Research Parkway, Suite 104
North Logan, UT 84341
Phone: (435) 752-8755
Fax: (435) 752-0062
Email: willatkin@utah.gov

Weber River/Western Regional Office (SLC)
Michael Drake, Regional Engineer
1594 West North Temple, Suite 220
P.O. Box 146300
SLC, Utah 84114-6300
Phone: (801) 538-7240
Fax: (801) 538-7467
Email: michaeldrake@utah.gov

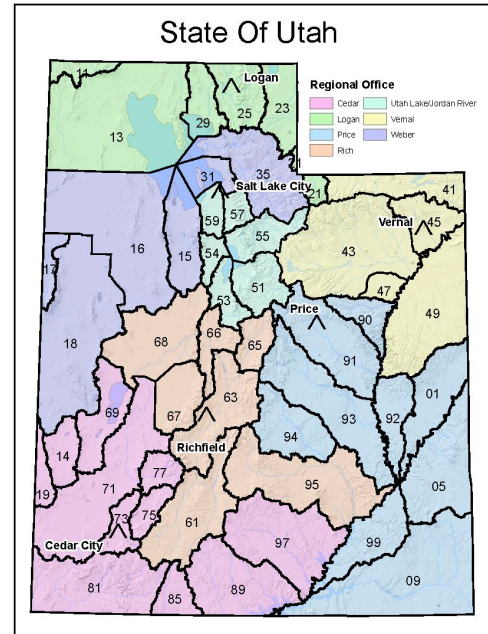
Utah Lake/Jordan River Regional Office (SLC)
Ross Hansen, Regional Engineer
1594 West North Temple, Suite 220
P.O. Box 146300 SLC, Utah 84114-6300
Phone: (801) 538-7240
Fax: (801) 538-7467
Email: rosshansen@utah.gov

Eastern Regional Office (VERNAL)
Andrew Dutson, Regional Engineer
State and County Building
152 East 100 North
Vernal, Utah 84078-2126
Phone: (435) 247-1514
Fax: (435) 789-8343
Email: andrewdutson@utah.gov

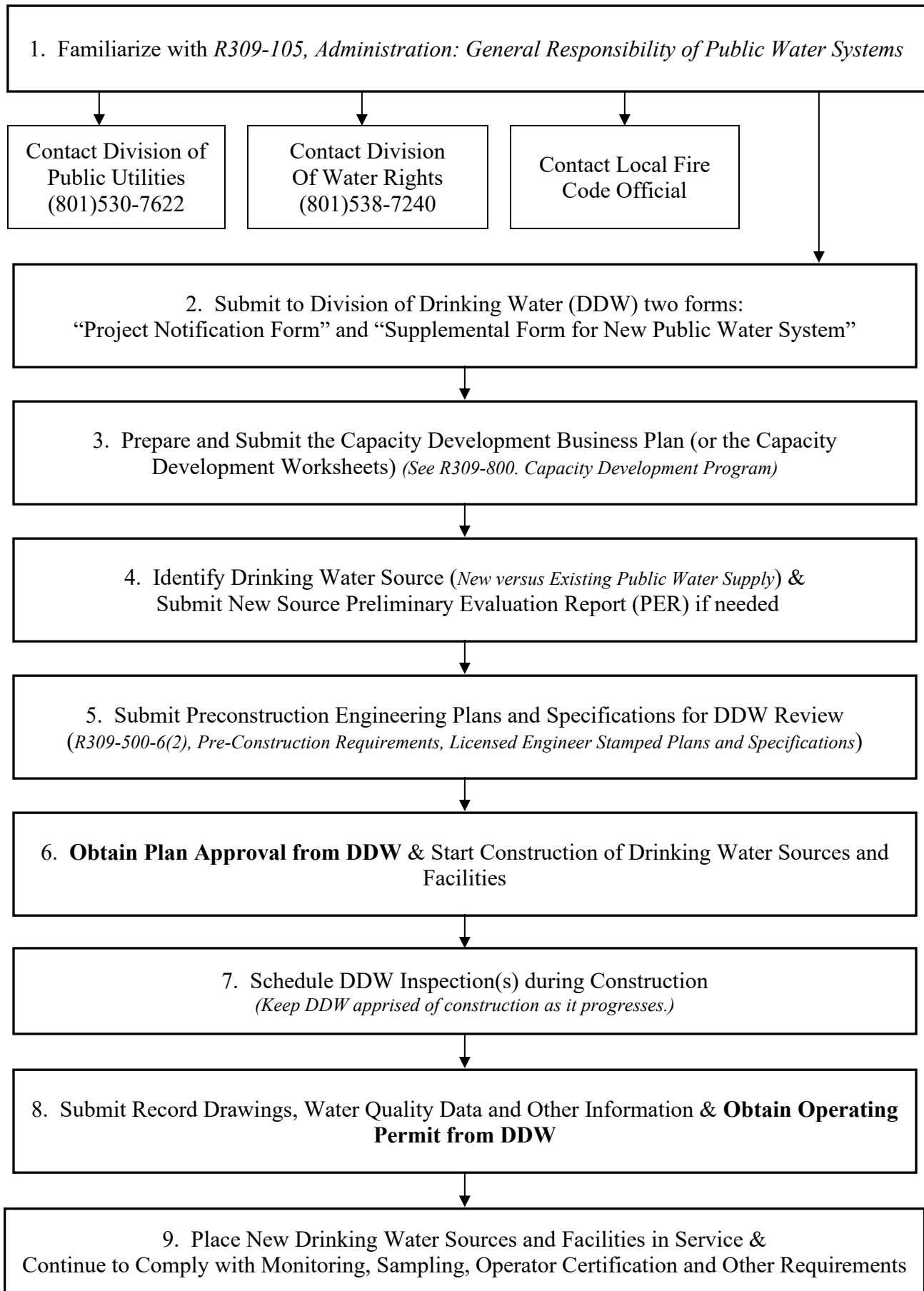
Southeastern Regional Office (PRICE)
Marc Stilson, Regional Engineer
319 North Carbonville Road
P.O. Box 718
Price, Utah 84501
Phone: (435) 613-3750
Fax: (435) 613-3755
Email: marcstilson@utah.gov

Sevier River/Southern Regional Office (RICHFIELD)
Kirk Forbush, Regional Engineer
130 North Main Street
P.O. Box 664
Richfield, Utah 84701-0563
Phone: (435) 896-4429
Fax: (435) 893-8114
Email: kirkforbush@utah.gov

Southwestern Regional Office (CEDAR CITY)
Nathan Moses, Regional Engineer
646 North Main Street
P.O. Box 506
Cedar City, Utah 84721-0506
Phone: (435) 586-4231
Fax: (435) 586-2789
Email: nathanmoses@utah.gov



Attachment 2 – New Public Drinking Water System Guidance Flowchart



PROJECT NOTIFICATION FORM (PNF)

Utah Division of Drinking Water (DDW)

Please provide the following information for a proposed **Public Drinking Water Project**.

For a new public water system (PWS) also complete a **New PWS Application Form** (see DDW website).

Submit (preferably by email) the completed PNF with plans and specifications to DDW.

Email completed form & documents to ddwpmf@utah.gov or mail to:

Utah Division of Drinking Water

P.O. Box 144830, Salt Lake City, Utah 84114-4830, (801) 536-4200

DDW - Plan Review File No.:

DDW - Date Received:

1. Public Water System (PWS) Information

System Name:	Mountain Green Mutal Water Company
System Number:	
Address:	201 S Main St STE 2015
City, State, Zip:	Salt Lake City, UT 84111
Present No. of ERCs system is obligated to serve:	0
Population Served:	0
No. of ERCs this project will add:	513

2. Name and Address for Official Correspondence (Mayor, Public Works Director, Administrative Contact, etc.)

Name:	Rulon Gardner
Title:	Administrative Contact
Address:	201 S Main St STE 2015
City, State, Zip:	Salt Lake City, UT 84111
Phone No.:	801-558-1879
E-mail Address:	rulon@rcgardner.com

3. Professional Engineer (PE) Responsible for System Oversight (if applicable)

Name:	
Company:	
Address:	
City, State, Zip:	
Phone No.:	
E-mail Address:	

4. Professional Engineer (PE) Responsible for Design of this Project

Name:	Korey Walker
Company:	Epic Engineering
Address:	50 E 100 S
City, State, Zip:	Heber City, UT 84032
Phone No.:	435-654-6600
E-mail Address:	kwalker@epiceng.net

5. Local Fire Code Official & Required Fire Flow for Proposed Project

Name:	Brian Brendel
City, State, Zip:	Mountain Green, UT 84050
Phone No.:	801-876-2277
E-mail Address:	chief131@mgfpd.org
Req'd flow (gpm):	
Duration (hrs):	

6. Project Description (provide a unique facility name, location, and sufficient details to specifically identify the project):

Mountain Green Mutual Water Company is located in Mountain Green, in Morgan County. Water source from Well. The company has a water tank that will provide culinary water to commercial and residential users within the Trappers Loop Development, approximately 150 acres.

Checklists for use in preparing plans for review by DDW are available at:

<https://deq.utah.gov/drinking-water/plan-review-program-tools>

7. Anticipated Construction Schedule (if applicable):

Advertise for Bids:	N/A
Bid Opening:	
Begin Construction:	
Complete Construction:	

8a. Is the project exempt from the Hydraulic Model Report requirement? [see R309-511-4(1)(a)(i) through (iv)] Yes No

8b. If YES, specify rule reference below [R309-511-4(1)(a)(i)-(iv)]:

9. State or Federal Agency Funding:

<input type="checkbox"/> Drinking Water Board (SRF or FSRF)	Loan #
<input type="checkbox"/> Community Impact Board (CIB)	
<input type="checkbox"/> Other (Specify)	
<input type="checkbox"/> None	

[ERC = Equivalent Residential Connection; SRF = State Revolving Fund]

ATTACHMENT #3, SECTION A
to Mountain Green Mutual Water Company's
Application for Public Service Commission Exemption

REQUIREMENT: Please provide maps (8 ½" x 11") showing the location of the proposed water system relative to nearby towns and highways and the proposed platted subdivision. This map must also show the names and service area of any water utilities that are providing or proposing to provide similar service near or in any part covered by this applicant.

RESPONSE: See attached.

Map #1 - MGMWC Service Area





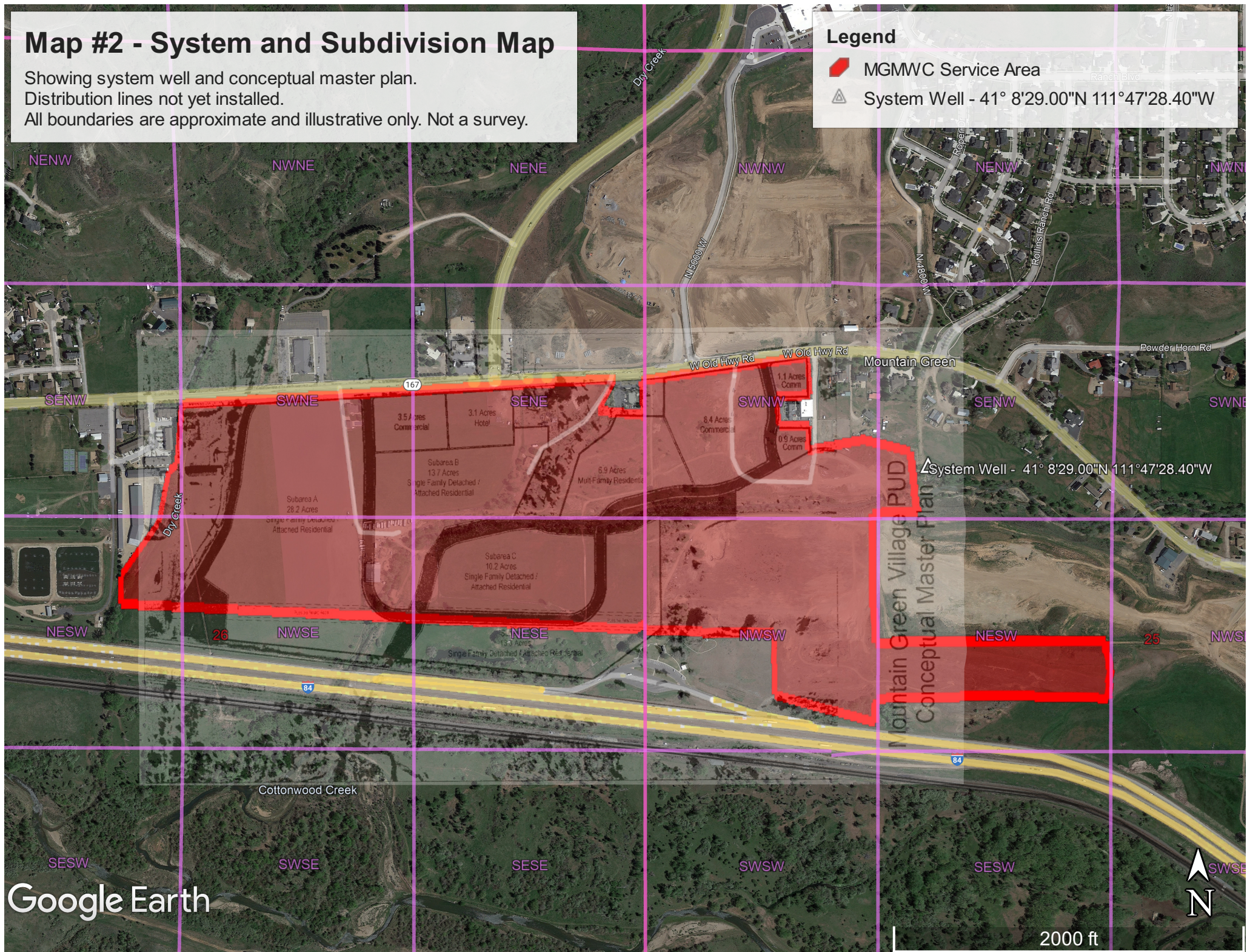
*Highlands Water Company Inc. also provides water service in the vicinity, but its service area boundaries are subject to a currently-pending expansion application which has not been approved, and a settlement agreement which alters Highlands' original boundary approved in 1976. All boundaries shown on this are approximate and for illustrative purposes only. Not a survey.

Map #2 - System and Subdivision Map

Showing system well and conceptual master plan.
Distribution lines not yet installed.
All boundaries are approximate and illustrative only. Not a survey.

Legend

-  MGMWC Service Area
-  System Well - 41° 8'29.00"N 111°47'28.40"W



Google Earth



2000 ft

ATTACHMENT #4, SECTION A
to Mountain Green Mutual Water Company's
Application for Public Service Commission Exemption

REQUIREMENT: If this is an existing or operating water company, whether regulated or unregulated, please provide evidence showing that the company notified its customers that it is seeking an exemption from regulation by the Public Service Commission of Utah.

RESPONSE: MGMWC currently has no active customers to whom it provides water. MGMWC is being established to provide water to future customers within MGMWC's proposed service area.