

Mendon City Water Policy

Part I.

WHEREAS, the Mendon City Subdivision Ordinance 2008-002, was amended March 13, 2008; and

WHEREAS, the City Council has the responsibility to establish and maintain a City Water Policy as referenced in Chapter 5, Section 5.6, Paragraph 4 “the subdivider will deliver water shares as specified by Mendon City Council per the City Water Policy”, and Chapter 5, Section 5.7, Paragraph 2, “the subdivider will deliver secondary water shares as specified by Mendon City Council per the City Water Policy.”

NOW, THEREFORE, the City Council of Mendon City, Utah, after reviewing the requirements of the Utah Division of Water Rights for exchange of surface water shares or rights for well permits for the intent to develop culinary water sources for development, hereby adopts and publishes the following policy, under authority granted by the Utah Code **Sections 10-7-14, 10-8-18 and 10-8-84:**

Chapter 5, Section 5.6, Paragraph 4

“The subdivider will deliver water shares as specified by Mendon City Council per the City Water Policy.”

Shall hereby be interpreted to mean that the subdivider will deliver water shares or rights to **MENDON CITY** as specified by the Mendon City Council in the amount of **.5 acre feet (half an acre foot)** for each new lot as certified by a State of Utah certified engineer and confirmed by the appropriate irrigation company where applicable. Transferred water shares or rights will be at the **reasonable** discretion of the Mendon City Council with a priority placed on shares from the Mendon Central Irrigation Company, the Mendon North Irrigation Company, Mendon South Irrigation Company, and any other appropriated creek, spring or well in the vicinity of Mendon City, with a lower priority being assigned to shares in the Wellsville-Mendon Conservation District also known as the Hyrum-Mendon Canal System.

Said water will be considered transferred upon receipt of approved water certificates or by written evidence of transfer from the Utah Division of Water Rights or by recorded transfer of water by the Wellsville-Mendon Conservation District on file in the Cache County Assessor’s Office prior to final approval of the subdivided lot(s).

Chapter 5, Section 5.7, Paragraph 2

“The subdivider will assign secondary water shares to the property as specified by Mendon City Council per the City Water Policy”

Shall hereby be interpreted to mean that the subdivider will deliver water shares or rights to the future **LOT OWNER** or to **MENDON CITY, for the benefit of the LOT OWNER**, as specified by the Mendon City Council in the amount specified which is 2 ac-ft. for a .625 acre lot, 3 ac-ft. for a 1 acre lot, and 4 ac-ft. for a 1.25 acre lot. A lot larger than 1.25 acres will be assigned an amount of 1 acre-foot per acre for each additional acre or an equivalent portion

thereof, if less than one additional acre. Water amounts for each new lot will be determined and certified by a State of Utah certified engineer and confirmed by the appropriate irrigation company where applicable.

Transferred water shares or rights will be at the **reasonable** discretion of the Mendon City Council with a priority placed on shares from the Mendon Central Irrigation Company, the Mendon North Irrigation Company, Mendon South Irrigation Company, and any other appropriated creek, spring or well in the vicinity of Mendon City with a lower priority being assigned to shares in the Wellsville-Mendon Conservation District, also known as the Hyrum- Mendon Canal System.

Said water will be transferred to each individual lot **owner or to the City, for the benefit of the lot owner**, prior to issuance of any building permit. Water will be considered transferred upon receipt of approved water certificates or by written evidence of transfer from the Utah Division of Water Rights or by recorded transfer of water by the Wellsville-Mendon Conservation District on file in the Cache County Assessor's Office.

In the case where it is not possible to deliver secondary water, the property will default to the A1-217 zone, 5 acre minimum lot size (reference the Mendon City Zoning Ordinance).

Part II.

WHEREAS, the City of Mendon has the inherent responsibility to protect its sources of culinary water,

THEREFORE, the City shall automatically protest any water application filed with the Utah Division of Water Rights for the purpose of well-drilling located within the city aquifer, unless otherwise directed by the Mendon City Council. Additionally, the City shall not allow any development, disturbance or the construction or placement of possible contamination sources near city water sources (per water source protection reports **and laws**) without the express, written approval of the City Council, which may require an engineering study at any applicant's expense.

ADOPTED AND PASSED by the Mendon City Council **this 9th day of January, 2014.**

MENDON CITY, a Municipal Corporation

By Ed Buist
Mayor

ATTEST:

Paul Cressal
City Recorder