

Beaver City
ORDINANCE 9222026

WATER REQUIREMENTS

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WHEREAS, Beaver City requires developments to secure a reliable and sustainable source of culinary water to meet the projected demands of new residents and commercial entities; and

WHEREAS, the water dedication requirement for any proposed development is calculated based upon the projected culinary water demand or Equivalent Residential Connection (ERC) requirement attributable to said development, pursuant to Beaver City's adopted water dedication methodology and applicable Utah law; and

WHEREAS, to ensure the long-term reliability and validity of municipal water assets, Beaver City requires that any water rights dedicated to the City include underground water rights with a priority date of 1955 or earlier located within the proposed development; and

WHEREAS, Utah law mandates that water rights must be put to beneficial use to maintain their validity and prevent forfeiture by the Utah State Engineer and the Utah Division of Water Rights; and

WHEREAS, Beaver City requires confirmation that any underground water right transferred to the City has been continuously put to beneficial use within the last seven (7) years and is free from any claims of quantity impairment or forfeiture; and

WHEREAS, in the event that a dedicated water right has not been put to beneficial use within the past seven (7) years, Beaver City requires the applicant to provide sufficient documentation proving that an "application for non-use" has been properly filed with and accepted by the Utah Division of Water Rights to protect the asset from forfeiture.

NOW THEREFORE, be it ordained by the City Council of Beaver City, UT as follows:

SECTION 1: Repealer. If any provisions of the municipal code previously adopted are inconsistent herewith they are hereby repealed.

SECTION 2: Amendment. Section "12.4.10" is hereby amended as follows.

Prior to final approval of an Applicant's request to subdivide any lot or create a subdivision under this chapter, The applicant may elect to transfer to Beaver City the equivalent ~~of the 5-year average acre-foot of water usage, per category of underground water right, of a priority date of 1955 or earlier, for every lot~~

~~created within the subdivision. If an underground water right is transferred to Beaver City, Applicant must affirmatively assert and confirm that said water has been beneficially used in the last 7 years and is not subject to forfeiture by the Utah State Engineer Division of Water Rights for non-use or any claim of quantity impairment. If the water has not been used in the last 7 years, the Applicant shall provide all documents necessary to ensure Beaver City that an "application for non-use" has been properly filed and accepted by the Utah Division of Water Rights.~~ amount of underground water right of a priority date of 1955 or earlier within the proposed development. The water dedication requirement is based upon the projected culinary water demand/ERC requirement attributable to the proposed development, calculated pursuant to Beaver City's adopted water dedication methodology and applicable Utah law. If an underground water right is transferred to Beaver City, Applicant must affirmatively assert and confirm that said water has been beneficially used in the last 7 years and is not subject to forfeiture by the Utah State Engineer Division of Water Rights for non-use or any claim of quantity impairment. If the water has not been used in the last 7 years, the Applicant shall provide all documents necessary to ensure Beaver City that an "application for non-use" has been properly filed and accepted by the Utah Division of Water Rights.

Because Beaver City cannot ... before the State Engineer.

Any decision to file ... Change Application is granted.

...

SECTION 3: Severability. If any section, subsection, sentence, clause, or phrase of this amendment is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this amendment.

SECTION 4: Effective Date. This ordinance being necessary for the peace, health, and safety of Beaver, shall go into effect at the expiration of the 20th day after publication or posting or the 30th day after final passage as noted below or whichever of said days is the more remote from the date of passage thereof.

****Signatures On Next Page****

PASSED AND ADOPTED by Beaver City Council this _____.

MATT ROBINSON, Mayor
Beaver City

Attest:

MERANDA MARTIN, City Recorder
Beaver City

 Awaiting signature

JUSTIN WAYMENT, Attorney
Beaver City

City Council Vote as Recorded:	AYE	NAY	ABSTAIN	ABSENT
Tyler Schena	_____	_____	_____	_____
David Albrecht	_____	_____	_____	_____
Hunter Holt	_____	_____	_____	_____
Lance Cox	_____	_____	_____	_____
Randy Hunter	_____	_____	_____	_____

RECORDED this _____.
PUBLISHED OR POSTED this _____.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of Beaver City, hereby certifies that the foregoing Amendment was duly passed and published or posted at:

- 1. City Website beavercityut.gov

on the above referenced dates.

MERANDA MARTIN, City Recorder
Beaver City