Topic: Enoch City Water Board Meeting
Time: Mar 10, 2022 04:30 PM Mountain Time (US and Canada)
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ENOCH CITY WATER BOARD
NOTICE AND AGENDA
March 10, 2022 at 4:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road

1. **CALL TO ORDER OF REGULAR MEETING**
   a. **Pledge of Allegiance –**
   b. **Invocation –Audience invited to participate.**
   c. **Approval of agenda for March 10, 2022 –**
   d. **Approval of minutes for February 10, 2022-**
   e. **Conflict of Interest Declaration-**

2. **DISCUSS WATER ACQUISITION – 3 PARTS**

3. **PUBLIC COMMENTS**

4. **BOARD/STAFF REPORTS**

5. **ADJOURN**

In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should call the City Offices at 586-1119, giving at least 48 hours advance notice.

CERTIFICATE OF DELIVERY

I certify that a copy of the forgoing "Notice and Agenda" was delivered to each member of the City Council, emailed to "Cedar City Daily News", posted on the Enoch City website, on the City Office door and published on the Utah Public Meeting Notice website on **3-8-22.**

3/8/22

Lindsay Hildebrand, Deputy Recorder **Date**

MINUTES
ENOCH CITY WATER BOARD
February 10, 2022 at 4:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road

MEMBERS PRESENT: Doug Grimshaw, Steve Woolsey and Alan Miller. Spencer Jones was on Zoom and Coby Zobell was absent.

STAFF PRESENT: City Manager Rob Dotson, Council Member David Harris, Deputy Recorder Lindsay Hildebrand, and Public Works Director Hayden White. Julie Watson, City Recorder was on Zoom

PUBLIC PRESENT: none

1. **CALL TO ORDER OF REGULAR MEETING-By Doug Grimshaw at 4:30 pm.**
   a. **Pledge of Allegiance –Led by Alan Miller**
   b. **Invocation –Audience invited to participate. Given by Alan Miller**
   c. **Approval of agenda for February 10, 2022 –Motion to approve the agenda by Steve Woolsey. Motion was seconded by Alan Miller and all voted in favor.**
   d. **Approval of minutes for January 13, 2022-A few corrections were noted. City Manager Dotson said the minutes are "the essence" of the discussion and do not need to be word for word. Doug Grimshaw made a motion to approve the minutes. Motion was seconded by Alan Miller and all voted in favor.**
   e. **Conflict of Interest Declaration**-None stated except Doug said he owns water rights. Spencer Jones said he also owns water rights and he is a developer and involved in agriculture in the area.

2. **DISCUSS NEW WATER ORDINANCES**

City Manager Dotson showed the proposed ordinance from the last discussion saying we need to work out some refinements to this format of the new ordinance. Some of the challenges have to do with development and pressure from outside our City. We are trying to move more along the lines of being collaborative with other water providers. Because of the Groundwater Management Plan (GMP) we have created an atmosphere where development is almost stopped when a certain amount of water rights are used up. The challenges are so complex that we may need to look at all of them to try to come up with something different. City Manager Dotson noted a water attorney wrote this ordinance as a starting place. He explained there is safe yield in this valley which has been exceeded for some time. More water rights have been allocated than actually exist. In fifteen years the newest rights will start to be curtailed as one of the caveats of the GMP. He gave more details saying we require 1 AF per connection in Enoch and always have. A few years ago we added the requirement that the water rights given for development have to be 1934 or older. City Manager Dotson gave more details of what Cedar and others are doing currently and what changes they are looking at. This is designed to help find a way to enable development by reallocating water from those who use less and choose to relinquish some of their water right to someone else. Other details were pointed out for open space xeriscaping and ways to use less water and get a less expensive "tier" allocation for that. We are talking about limiting grass by choice with tiered reductions. He gave more details. Someone can bring in rights and the value of a 1934 is considered 100%. We could or may allow younger rights but discount them accordingly in value as they are younger rights knowing they may be curtailed in fifteen years. With conservation, reuse, and aquifer recharge it may be possible to move those curtailment dates out into the future to take away that impending risk. We don't know if that can happen or not. City Manager Dotson gave examples of how this may work.

Alan said we should not be receiving money in lieu of younger or partial rights because there is an obligation to provide water to existing and new residents. Whether we should or not is another question, City Manager Dotson said to Alan's issue. He said money we would receive as a "buy-in" could be allocated to purchase other water access such as the West Desert water. Steve noted a fee could be charged yearly as another avenue to raise the funds needed. There was more discussion of the table valuing water rights in the ordinance and City Manager Dotson said valuations would be reviewed and updated yearly. Alan expressed his concern with having any rates or valuation tables as part of the ordinance saying they should be separate so the ordinance does not have to be amended every year to change the figures. City Manager Dotson said he was going to remove those tables from the ordinance. Continuing with water acquisition he said we assign one (1) AF to each lot. Part of this ordinance says someone who may use half of that due to their type of landscaping could segregate a portion of their water right off and sell it to someone else who needs it for building. The "unit" sold off could only be used for the same amount of use. There was more discussion of that process and the suggested tiered system of designated water usage. Lower users would be in a tier that pays less with graduating tiers for higher usage. Examples and details of various types of agreements were given. There will be penalties paid for overages. The idea behind the schedule has to be connected to the impact. The highest users don't care. They will do the same thing. We need to keep our revenue stable and this could impact that revenue so we have to figure it out by manipulating things from low users to high users. That's the foundation of this, City Manager Dotson said. City Manager Dotson told about different setups for developments of higher density that could help with this.

Doug said he is not sure of the timeline for passing this on to the other Boards but there is so much material here we need to segregate major areas to discuss separately. Conservation stands alone and then the acquisition fees and the tiered system. Unless anyone objects, Doug said he would like it that way. Alan suggested again not burying rates into this ordinance because it is about development and is a nightmare to change it when needed. Doug said he does not like all of this ordinance as written. One reason is when we started as a City we created large lots because we are rural. One AF of water as of this moment, meant "all of us" in that requirement. If we allow people to use half the water it will cause challenges. We have to regulate how much grass they plant and how do you do that? Going down the road, to allow developers with fewer rights for building and regulating what they allow to be planted in yards in their developments is a nightmare of oversight we are not really able to manage. If we allow thin margins of rights they have to give, then we have to suffer the bad actions affecting the rest of us here and he does not think we should do this. The biggest market water units will be developers and the rights for residential customers get spread thinner and thinner. Also, not all rights the City owns are older rights. There is a huge source of contention with buyers and sellers and keeping track of it. Alan said the City could be the target of onslaughts for water information regarding fractional shares and possibly lawsuits, not to mention the accounting nightmare. Examples were given and more discussion followed with possible scenarios of noting water right fractions on deeds and disclosure to buyers who don't understand water issues. The possibility for insiders benefiting from the ignorance of buyers and others was noted. All agreed this could be a fairer system to those who do use less water and have less landscaped area by choice but there is much to be worked out. City Manager Dotson said he will not defend it. The purpose is to create conservation with a monetary benefit. Doug said he can't support this. Steve asked how we will govern the tiers. City Manager Dotson said you will pay more if you use outside of your tier. And if you overuse water above your tier, it will be very expensive. City Manager Dotson gave more examples of how this might work. He noted the need for revenue continuity has to be factored into anything we do. We also have to answer the question, is the order of importance conservation or revenue? On the administrative side, the concern is revenue. Conservation is secondary.

Spencer said this is a good discussion. He pointed out in the proposed portion for new development, the conservation tier has to be noted on the plat at the time of final plat. That is disclosed and is a deed restriction of what the conservation tier is designated as so it is not a surprise to buyers or anyone. The residents will quickly learn through the billing process. He suggested for existing homes, if they are sold, what if a conservation agreement is filed with the City and recorded against the title report for disclosure? Tracking it could be a nightmare but if the software works with the tier system it would be straightforward. Spencer gave examples of communities up north who have made similar things work although it was noted no one does this as Enoch does with requiring the one AF to build. City Manager Dotson said he gets calls weekly from people wanting to buy one AF of water. Some live here and their kids want to build here so they are trying to obtain the water for that. He noted there is a way to handle the accounting issues with the software. He also noted many don't use what they have in the form of the 1 AF for water and being able to sell off a portion to others could benefit all concerned. City Manager Dotson said the software was a concern and we can do this by meter size and also for commercial development. Doug asked for a report on the water rights the City owns as part of the equation on this discussion. It should include priority dates and the amount of water we pump to provide for existing residents. Alan said, for an example, he wants to play "devil's advocate" on what he just said. The big difference is when the average person buys a lot their knowledge level regarding water is usually nothing. New buyers are like "deer in the headlights" with all the details of purchasing a new home. They have no idea what this means regardless of what the title report says. They are not always given the paperwork unless they fight for it. He said in his previous employment they created a form to have the owner acknowledge they understood the different things regarding their lot when they bought in. City Manager Dotson said there will be issues with understanding this, no doubt, but issues can be solved. Spencer added he hears Alan's concerns. The Utah Board of Realtors uses specific contracts and in the State of Utah, anyone can use those contracts that say the same thing. 99% of all transactions say the seller is responsible to provide a title report and the buyer can back out of the purchase agreement after receiving that if there are adverse effects, such as water for the property, in the title report. It is the seller's responsibility to provide that to the buyer.

The discussion reverted to water acquisition fees. City Manager Dotson said this structure is subject to change. We are trying to create a level playing field with other water providers who draw from this aquifer. City Manager Dotson said this is not intended for us to enable growth but to be able to obtain younger rights. City Manager Dotson said he has been approached by many with no water and they say we are cutting our own throats by keeping our current policy. We have our rules for a reason but we may be losing opportunities. This is a way to accept younger rights. We are planning to participate in the West Desert Water project. We would be able to use our curtailed rights as credit for obtaining use of the West Desert water. If we have none, that being younger rights, we have lost that opportunity. Alan said the City is gambling on the GMP. By taking younger rights we generate revenue for the purpose to buy into West Desert water. Doug said the City is assuming risk here. Cities are treated differently by the State of Utah regarding water. The State will make us whole one way or another. Fees could be earmarked for the West Desert water if that is the future. Doug said we are working on the path to acquire rights to take care of what is curtailed and also to give developers a path forward. He personally does not think this is a good idea. Steve said, right now the GMP is implemented but will not be curtailing rights for 15 years. City Manager Dotson gave more details on the curtailing portion in the GMP. Doug noted the rule "first in time, first in right" has always been the watchword in regard to water. That is how they will curtail rights, by date. Spencer said he has mixed emotions and agrees with what Doug said to make sure money is earmarked for the West Desert water. He thinks recharge projects are coming. We should earmark funds and have a scope of what funds can be used for but we need to remember recharge, safe yield, mining numbers and total rights numbers are part of it. More details were noted and Spencer said several thousand AF of recharging annually is going on currently. Curtailment dates will be adjusted up if that works. There was more discussion of the treatment plant water and how things might go if we are able to work out a reuse-recharge agreement with Cedar City. All of it is part of this consideration. City Manager Dotson said he is in conversations with others regarding using the treated water and proof of beneficial use. Doug talked about xeriscaping yards and entrances to subdivisions which should be metered and all agreed. Alan said this is really open ended and when it is in an ordinance, people interpret it how they want it to be which can create issues.

There was some discussion of the tiered system and how it is set up. Examples were given regarding amounts of grass planted and the cost to water it. It was noted this is a decreasing rate structure for usage but is increasing in cost for overages. City Manager Dotson said as you move up in tiers you pay more for the overage amount. In the current tiered schedule you pay less for overages. Doug suggested for "new build" residents we could narrow the amount of water they are allotted and if they go over their tier it would be a heavier price to pay. He thought they should be penalized more than the old residents who paid more to build the system originally. There was discussion about the differences between old and new residents. There was more discussion of what items should not be included in the ordinance itself such as charts, rates and the acquisition fee schedule. Those should be separate. City Manager Dotson said those things are not in the actual ordinance. Those things would be tied to the ordinance in another way so the fee schedule can be changed more easily as needed. City Manager Dotson said he took the charts out of it already but that change does not show in their copy. Showing the charts now is just for review we go through this. There was more discussion of the difficulties of policing and overseeing this type of structure for the various landscape options. It was suggested to keep it simpler like saying you get "x" amount of gallons and if you go over it costs "x" amount and so on. Public education will be essential and phasing in the changes will be necessary. The motto is "use it wisely and pay your bill for what you use". City Manager Dotson stressed the need to keep revenue stable. Hayden suggested when people have large overages we could let them know what and why that happened so they can make adjustments. A warning of sorts.

Doug said he has issues with the multi-residential development rate structures and understands it is not set in stone now. He sees issues with this per unit calculation in multi-family dwellings. There are also different issues for commercial structures. City Manager Dotson said fire flows make a difference and no water rights are required for that. What they actually require for the business will be determined by the meter size into the building. There was more discussion of things to be changed for commercial use and noted system sizing for fire flows is a separate deal from water rights and rates. Fire flow requires a two-inch meter and we have been warned by our attorney that requiring them to pay for that is considered a "taking" if the actual business only requires a normal one-inch meter. There was more discussion of fire flows. Doug asked about the timeline of this ordinance. City Manager Dotson said the WB originates it first and then it goes to the Planning Commission because it is a land-use issue. They will hold public hearings as required. There is no particular deadline but this is crucial under current circumstances so we need to keep moving ahead. Doug said he would like to see this with the charts out of it and in a form that reflects some of the concerns and discussions to date. Steve inquired regarding the tiered schedule, what other communities do? City Manager Dotson said Cedar City just approved something similar last night. They are phasing it in over a few years. No one else does things the way we do it, City Manager Dotson said, so it is hard to compare. For the phasing, we could change our Code to phase in the acquisition of water rights section. The tiered schedule could be phased in next. Big bills will always bring out the bad in people so education regarding our reasons and solutions has to be a big part of it. Doug said we could change the overages right now and generate more income. Alan said we want to encourage less use. Doug recapped to say it may be more understandable if we segregate this into separate items for discussion to move the parts forward. Refine the tiers and separate the schedule. There should be a separate structure for the "one AF residents" who were here before all this came up. There should be a different structure for those who give less water if we decide to allow that. We will make the recommendations one at a time, Doug said. There was more discussion of what they wanted to see for the next meeting. All agreed significant education will be required. City Manager Dotson talked about other issues of finding other water sources. He said the Division of Water Quality wants to charge every user $1.20 per month for their services. We would be required to pass that on to residents. They police all the water systems in the State and this is a user fee. We absorb it or charge a user fee. Most of the time, the DEQ is helping the small cities because we don't have the manpower. They make sure we are doing what we should.

In the interest of efficiency, City Manager Dotson asked the Board members to send him emails with changes, concerns, or issues and he will copy the others. It is important to avoid illegal meetings that could possibly occur with emailing each other and having discussions. City Manager Dotson said he can reply and comment to each member with the concerns of the others. That sounded feasible and all agreed they would comment in emails. We are breaking this into three sections within the same ordinance in the interest of clarity for the discussions in our meetings. We are a recommending body. We pass it to the Planning Commission and they then pass it to the City Council, noting concerns, should the City Council decide to make other changes. This will be one document at the end of the discussions. No action was taken. The discussion will continue.

3. PUBLIC COMMENTS-none

4. BOARD/STAFF REPORTS

Hayden White reported they are working on streets and wells and he gave more details.

City Manager Dotson reported there is lots going on. The West Desert water public hearing was online today. We applied for a loan to add another tank. We received grant money from State ARPA money. They will be reviewing that on March 2nd in St. George. We are finishing up the agreement to get the Blue Bird Well.

5. ADJOURN-Motion to adjourn by Alan Miller. The motion was seconded by Steve Woolsey and all voted in favor. The meeting ended at 6:28.

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Lindsay Hildebrand, Deputy Recorder **Date** **Meeting ID: 856 9171 3824**

Item #1 – Water Acquisition

A. **Water Acquisition Fee**. A Developer seeking approval of a development application for single family dwelling units, and to secure new rights to use the Enoch City water system, must ~~pay a Water Acquisition Fee~~ provide water right(s), based upon the property acreage and expected water use. A Developer may pay the Water Acquisition Fee in cash~~, or by~~ while transferring acceptable water rights, or by transferring Enoch City Water ~~Blocks~~ Unit(s), or a combination of ~~all three~~ both. The Water Acquisition Fee does not fulfill the requirement nor obviate the need to otherwise pay water connection fees. The Developer shall submit a Subdivision Water Schedule, with each Subdivision Application, designating the selected Conservation Tier for each lot, which determines the Water Acquisition Fee and resulting water rates for each lot.

1. **Cash**. Developers paying the Fee in cash will pay the amount corresponding to the desired water use as per the Acquisition Fee Schedule, which values the water based upon a percentage of the appraised value of a one (1) acre-foot Priority Water Right in the Cedar City Valley Drainage on the north side of Highway 56 with a water right prefix of 73, and a priority date ~~no younger than~~ equal or prior to July 25, 1934 ("Priority Water Right").

    a. As often as deemed prudent by Enoch City Staff, but at least annually, and typically every six months, Enoch City will contract for and obtain an appraisal of the current fair market value of a Priority Water Rights as described in this subsection. These appraisals assist the City in its own purchase of acceptable water rights and are the basis for the Water Acquisition Fees levied by the City.

2. **Water Right Transfer**. Developers paying the Fee by transfer of water rights shall do so with proof of use~~,~~ and proof of ownership through a chain of title, and will pay all costs incurred for deeding and transferring the water. When deeding water rights to Enoch City, the water right must be in the Cedar City Valley Drainage on the north side of Highway 56 with a water right prefix of 73. The water right must conform with one of the following:

    a. A priority date equal to or prior to July 25, 1934 ("Priority Water Right"); or

    b. A priority date after July 25, 1934, which at the time of transfer to Enoch City must have at least 10 years before ~~extinguishment~~ suspension under the State Engineer's Water Management Plan for the Cedar City Valley Aquifer.

3. For purposes of payment of the Water Acquisition Fee, these post-July 25, 1934 water rights are deemed to have a fair market value equal to 1% of a subsection 2(a) Priority Water Right (priority before July 25, 1934) for each full year remaining at the time of delivery to and acceptance by Enoch City before ~~extinguishment~~ suspension under the State Engineer's Water Management Plan for the Cedar City Valley Aquifer. The ~~following~~ Water Right Valuation Schedule illustrates the value of each water right as of 2022, quantified as a percentage of a Priority Water Right.

4. **Enoch City Water Units Transfer**. A Developer may pay the Water Acquisition Fee by transferring Enoch City Water Units, each of which is deemed to have a value equal to the right to use the corresponding amount of water, according to the designated Conservation Tier, transferred therewith. Enoch City Water Units represent the right to use the Enoch City water system and are either acquired (a) in exchange for the payment of a Water Acquisition Fee, or (b) by purchasing them from another lot owner, ~~pursuant to Enoch City Ordinances~~, and pursuant to a properly completed Water Transfer Agreement and Water Conservation Agreement, which are obtained from, approved by, executed by, and placed on file with Enoch City.

5. **Process to Transfer Water Rights.** The following process shall be followed for a person developing land within the City to transfer water rights to Enoch City:

   a. The Developer proposing the transfer shall submit a title report showing the type of water right, ownership of the right, and any liens or encumbrances. The Developer shall also provide a title insurance policy in a sum adequate to cover the appraised value of the water rights the policy is covering.

   b. A change application with the Utah State Engineer shall be completed at the expense of the party developing the land. Information to be included in the change application will be provided by Enoch City, including the new points of diversion. The change application must be approved by the State Engineer prior to ~~transferring water rights to~~ the City ~~on the books of the State of Utah Division of Water Rights~~ acceptance for development. ~~This transfer may also be conditioned on approval of the subdivision application pending before the City that caused the Developer to transfer the water rights.~~

   c. A deed transferring the water rights to Enoch City shall be completed and held prior to the subdivision application approval. The deed transferring ownership may be held either by the City or in an escrow account paid for by the Developer. Once the subdivision application and change application receive approval, the deed will be recorded.

d. If the Division of Water Rights has not made a final decision on the change application prior to the subdivision approval, then the Developer shall post a cash bond with the City in the amount of the water acquisition fee based on the Priority Water Right value at the time of said cash bond..

e. If at any point in this process, the change application is denied by the Division of Water Rights then the Developer can pay the water acquisition fee in lieu of providing water rights. However, if a denial is based on the Developer's failure to timely provide information or payments to the Division of Water Rights during the change application process, then the Developer cannot pay the water acquisition fee in lieu of providing water rights.

~~f. If the water rights proposed to be transferred are supplemental, recharge/recovery, recovery or something other than from a primary underground source, then prior to completing the subdivision application the Developer shall obtain a change application with a complete determination through the State of Utah Division of Water Rights so that the scope and characteristics of the water right is determined.~~

B. **Exemptions.** The following are exempt from the Water Acquisition Fee.

1. Nominally Irrigated Areas. In an effort to encourage xeriscape and other forms of landscaping or natural areas requiring nominal water and irrigation, such will not be subject to the requirements of this Ordinance ~~or require a Water Acquisition Fee~~. Nominal Irrigation means irrigation that requires less than (X) ACFT per acre irrigated. Nominally Irrigated Areas shall include trees, shrubs, and may include other plants, or xeriscape landscaping using only nominal water systems such as limited bubbler or drip systems. For purposes of the Water Acquisition Fee, the landscaping being measured is primarily grass or sod, and not Nominally Irrigated Areas, and other areas as reasonably determined by Enoch City.

2. Open space exemptions. If at the time of final plat approval, or pulling of a building permit, land is deeded to Enoch City as a ~~dedicated street~~ right-of-way or for permanent undeveloped open space, parks and recreation, or placed in a conservation easement that complies with the provisions of Title 57, Chapter 18, Sections 1 through 7, Utah Code Annotated, 1953 as amended, then that acreage is not subject to the requirements of this ordinance that mandate the deeding of water rights or payment of fees. Additionally, if land in a subdivision is to be held as common area and is undeveloped, unirrigated, or only nominally irrigated, then that land is not subject to the requirements of this ordinance that mandate the payment of Water Acquisition Fees.

3. Public lands exemption. If at the time of annexation, the annexed property is owned by the Bureau of Land Management or the U.S. Forest Service then that

acreage is not subject to the requirements of this ordinance that mandate the deeding of water rights. This exception only applies to annexation and not when the property is platted as a residential subdivision or receives a building permit.

City Exemption. Enoch City is not required to ~~deed water or~~ pay a fee if the City develops land. A purchaser of property from the City will have to ~~pay the Water Acquisition Fee to the City~~ act consistent with this ordinance.

(Chart kept separately)

Water Rights Acquisition Fee Chart [illegible]		
Water Priority Date	Suspension Date	% Value
Jan 10, 1966 - Dec 31, 1957	January 1, 2035	13%
Dec 30, 1957 - Dec 31, 1954	January 1, 2050	28%
Dec 30, 1954 - Dec 31, 1951	January 1, 2060	38%
Dec 30, 1951 - Dec 31, 1935	January 1, 2070	48%
Dec 30, 1935 - Jul 25, 1934	January 1, 2080	58%
July 25, 1934 - & Earlier	Not Suspended	100%

Item #2 – Tier System

C. Water Acquisition Fee Schedule and Tier System. A Developer seeking approval of a single-family lot development must first designate a Conservation Tier and pay the corresponding Water Acquisition Fee for each single-family lot. The selected Conservation Tier, will establish the lot owner's expected water use, and the corresponding Water Acquisition Fee, and the resulting water rates.

1. The Water Acquisition Fee Schedule indicates the Water Acquisition Fee for each Conservation Tier that could be selected, as a percentage of a full, one-acre-foot, Priority Water Right, and the corresponding water use.

2. The Conservation Tier Schedule indicates the lot owner's expected water use and resulting water rate. The rates and penalties set forth in the Conservation Tier Schedule are for illustration purposes only; Enoch City will, from time to time, change such water rates and penalties for each Tier.

Tier Schedule NOT a part of ordinance. Approved by resolution when changed.

Tier	~~Typical Lot Size~~	~~Total Max Yard Size~~	Gallons/Month	~~Acquisition Fee~~
1	~~0.25~~	~~1,700 Sq/Ft~~	12,600	~~60%~~
2	~~0.33~~	~~2,300 Sq/Ft~~	14,200	~~65%~~
3	~~0.5~~	~~3,500 Sq/Ft~~	17,400	~~75%~~
4	~~0.75~~	~~5,300 Sq/Ft~~	22,000	~~90%~~
5	~~1~~	~~7,000 Sq/Ft~~	27,000	~~100%~~
6	~~1.25~~	~~8,800 Sq/Ft~~	31,800	~~125%~~
7	~~1.5~~	~~10,600 Sq/Ft~~	36,600	~~150%~~
8	~~1.75~~	~~12,400 Sq/Ft~~	41,400	~~175%~~
9	~~2~~	~~14,100 Sq/Ft~~	46,200	~~200%~~
CUL	~~NA~~	~~NA (indoor use)~~	8,000	~~30%~~
SEC	~~NA~~	~~7,000 Sq/Ft~~	19,000	~~70%~~
MFD	~~#AF Purchased~~	~~7,000 Sq/Ft/AF~~	27,000/AF	~~100%~~
COM	~~#AF Purchased~~	~~7,000 Sq/Ft/AF~~	27,000/AF	~~100%~~
INST	~~#AF Purchased~~	~~7,000 Sq/Ft/AF~~	27,000/AF	~~100%~~

Tier	~~Maximum Grass Sq/Ft~~	Gal/Month	Rate	Penalty
1	~~1,700 Sq/Ft~~	12,600	0.07¢/Gal	0.50¢/Gal
2	~~2,300 Sq/Ft~~	14,200	0.08¢/Gal	0.49¢/Gal
3	~~3,500 Sq/Ft~~	17,400	0.09¢/Gal	0.48¢/Gal
4	~~5,300 Sq/Ft~~	22,200	0.10¢/Gal	0.46¢/Gal
5	~~7,000 Sq/Ft~~	27,000	0.11¢/Gal	0.44¢/Gal
6	~~8,800 Sq/Ft~~	31,800	0.12¢/Gal	0.42¢/Gal
7	~~10,600 Sq/Ft~~	36,600	0.13¢/Gal	0.40¢/Gal
8	~~12,400 Sq/Ft~~	41,400	0.14¢/Gal	0.40¢/Gal
9	~~14,100 Sq/Ft~~	46,200	0.15¢/Gal	0.40¢/Gal
CUL	~~NA (indoor use)~~	8,000	0.07¢/Gal	0.51¢/Gal
SEC	~~7,000 Sq/Ft~~	19,000	0.11¢/Gal	0.44¢/Gal
MFD	~~7,000 Sq/Ft/AF~~	27,000/**AF**	0.07¢/Gal	0.50¢/Gal
COM	~~7,000 Sq/Ft/AF~~	27,000/**AF**	0.11¢/Gal	0.44¢/Gal
INST	~~7,000 Sq/Ft/AF~~	27,000/**AF**	0.11¢/Gal	0.44¢/Gal

Item #3 – Others

A. **Properties with Both Culinary & Secondary Water.** Developers seeking to approve properties, with a single-family unit, and with both Culinary and Secondary water meters are subject to the following: The Water Acquisition Fee for a new water connection on such properties shall be equal to the value of a full, one (1) AF, Priority Water Right and shall follow the same policy as found in section A of this ordinance. However, the Enoch City Water Units assigned to such a property shall be as follows:

Three-tenths (.3) AF of Enoch City Water Units, corresponding to the culinary water, which are not transferable and shall remain with the property, and seven-tenths (.7) AF of Enoch City Water Units, corresponding to the Secondary Water, which are not transferable and shall remain ~~with~~ assigned to the property. The Conservation Tier Schedule for such properties shall be permanently assigned as follows: The three-tenths (.3) AF of Culinary water shall be set at the Conservation Tier of "CUL," and subject to the corresponding "CUL" water rates. The Secondary water shall be set at the Conservation Tier of "SEC," and shall be subject to the corresponding SEC water rates. ~~Properties in Enoch City with both a Culinary water meter and a Secondary water meter, will receive an Enoch City water bill separately designating the rates for each water meter.~~

B. **Multi-Residential Developments**. Developers seeking approval of a Multi-Residential Development must provide an engineered Annual Water Estimate, illustrating the total annual, acre feet of water estimated to be used by the Development ("Annual Water Estimate"), to be reviewed and approved by Enoch City staff for accuracy. The initial Water Acquisition Fee and the subsequent water rate will be calculated based on ~~this determination~~ the approved Annual Water Estimate. For purposes of this Annual Water Estimate, the number of Multi-Residential Units should be multiplied by .3 acre-feet of water, and each sq/ft of proposed grass should be divided by 10,057, to derive the Development's Annual Water Estimate, in terms of Acre Feet (ie: a twenty-unit subdivision (20 units x .3 = 6AF) with 10,000 square feet of grass (10,000 sq/ft grass / 10,057 = .994AF) would have a 6.994AF Annual Water Estimate). The Water Acquisition ~~Fee~~ requirement will be determined by multiplying the Annual Water Estimate by the priority Water Right Value (ie: a Development with a 6.994AF Annual Water Estimate will pay 6.995 multiplied by the Conservation MFD Tier, which is 100% of the appraisal Priority Water Right). The Development would subsequently pay for water at a rate of 6.994AF multiplied by the Tier 1 Rate (ie: a MRD that is estimated to use 6.994AF of water annually, will pay 6.994 times the Tier 1 Rate).

The Water Units assigned to a Multi-Family Development will be assigned under the "MFD" Conservation Tier. These Water Units are not transferable and must remain with the Development.

If any Multi-Family Development is ever found to use more water ~~or have more square footage of grass~~ than the Annual Water Estimate, that property will be required to ~~pay an additional Water Acquisition Fee~~ increase the water rights to address the extra water used.

C. **Commercial, Industrial, and Manufacturing Developments.** Developers seeking approval for commercial, industrial, or manufacturing developments must provide an engineered Annual Water Estimate, illustrating the total, annual, acre feet of water estimated to be used for each lot, to be reviewed and approved by Enoch City. The initial Water Acquisition Fee and the subsequent water rate will be calculated based on this ~~determination~~ estimate. For purposes of this Annual Water Estimate, the engineer must determine the various uses and estimate the amount of water to be used for the property, including the proposed square footage of grass, which ~~should~~ shall be divided by 10,057, to derive the total annual, number of acre feet of water used for grass areas. The Water Acquisition ~~Fee~~ requirement will be determined by multiplying the Annual Water Estimate by the appraised Priority Water Right. The subsequent water rate will likewise be ~~determined by multiplying the Annual Water Estimate by the Tier 1 Rate~~ the commercial rate as approved by resolution.

The Water Units assigned to a Commercial, Industrial, or Manufacturing lot will be assigned under the "Com" Conservation Tier. These Water Units are not transferable and must remain with the property.

If any Commercial, Industrial, or Manufacturing property is ever found to use more water ~~or have more square footage of grass~~ than the Annual Water Estimate, that property will be required to ~~pay an additional Water Acquisition Fee~~ increase the water rights to address the extra water used.

D. **Institutional Properties.** Developers seeking approval of Institutional Developments, including schools, religious buildings, and other properties of nonprofit organizations, must present an engineered Annual Water Estimate, illustrating the total, annual acre feet of water estimated to be used for such property, to be reviewed and approved by Enoch City. The initial Water Acquisition Fee and the subsequent water rate will be based upon this determination. For purposes of this Annual Water Estimate, the engineer must determine the various uses and estimate the amount of water to be used for the property, including the proposed square footage of grass, which should be divided by 10,057, to derive the total annual, number of acre feet of water used for grass areas. The Water Acquisition ~~Fee~~ requirement will be determined by multiplying the Annual Water Estimate by the appraised Priority Water Right. The subsequent water rate will likewise be ~~determined by multiplying the Annual Water Estimate by the Tier 1 Rate~~ the commercial rate as approved by resolution.

The Water Units assigned to an Institutional property will be assigned under "INS" Conservation Tier. These Water Units are not transferable and must remain with the property.

If any Institutional property is ever found to use more water or have more square footage of grass than the Annual Water Estimate, that property will be required to ~~pay an additional Water Acquisition Fee~~ increase the water rights to address the extra water used.