

9. Water Supply

a. Water Rights

The property within all plats shall be provided by the developer with perpetual water rights meeting the following standards:

i. Culinary-quality water for use inside the dwelling shall be provided to each parcel at a flow rate of at least .015 cubic feet per second per dwelling unit and a quantity of at least .45 acre-feet per year per dwelling unit. Where the development is not limited to dwelling use alone, culinary-quality water shall be provided for occupied structures other than dwellings in the amount determined by the County Commission after receiving an engineering study of water use from the developer and the advice of the planning commission.

ii. Water for maintaining landscaping and fuel-breaks around dwellings and occupied structures shall be provided to each parcel at the rate of at least 1 acre-foot per year per dwelling or building site, which water shall be available between April 30 to October 1 annually.

iii. Water for irrigation shall be provided at a rate of at least 1.5 acre-feet per acre per year for the entire area of each lot beyond the first 10,000 square feet of area, which quantity of water must be appurtenant to each lot, and must be available from April 30 to October 1 annually. [Water for the first 10,000 square feet of area of each lot is supplied by the requirements of subsections (1) and (2) immediately above]. The irrigation water quantity requirement is met even if the water rights from some sources are restricted as to coverage, such that the water cannot be applied to the entire area of the lot, if the irrigation water quantity requirement of at least 1.5 acre-feet of irrigation water per each acre of area of each lot (less the 10,000 square feet) is satisfied.

Exception 1 to part 'iii' above: Where all of the following conditions are met, the quantity of 1.5 acre feet per acre per year for irrigation water shall not be required:

- (a) the area to be excepted is part of a lot or site for a one-family dwelling or mobile home;
- (b) no lot or dwelling site in the subject plat has an area of less than 50 acres;
- (c) each building on the lot is surrounded by an irrigated band of landscaping that is no narrower than 30 feet at any point and no smaller than 10,000 square feet in area; (d) the irrigated band of landscaping is surrounded by a platted, maintained fuel break easement which is 100 feet in width (or less than 100 feet when, based on the findings of the county fire marshal, the county commission determines that specific peculiarities of the site permit a lesser fuel break); (e) the flammable native species have been thinned and/or replaced in accordance with terms recommended by the fire marshal and stated or referred to on the plat.

Exception 2 to part 'iii' above: The County Commission may increase or decrease the required quantity of irrigation water from 1.5 acre-feet per acre per year based upon the findings of an engineering study, prepared, and signed by an engineer licensed in the State of Utah, conducted in the preparation of the irrigation plan if the County Commission finds that less water is needed to establish and to meet the green plant needs of alfalfa due to a water table that is sufficiently near the surface on an annual growing season basis to allow such reduction. The engineering study shall determine the quantity of water needed to establish and to maintain alfalfa, in the green condition, having a low flammability, and shall identify the high water table by area and depth below natural grade.

Exception 3 to part "iii" above removed - no longer applicable

b. Water Quality

i Culinary water use inside the dwelling provided by a public water system. A public water system must be approved by the Utah County Health Department.

ii Culinary water use inside the dwelling provided by individually owned wells for each lot. The Utah County Health Department shall sample a representative water source from within the proposed development boundaries as a requirement prior to County Commission approval. A minimum of at least one sampling shall be obtained per proposed large scale development; where a large scale development is for an area larger than 160 acres, the number of samples shall be one per 160 acres or fraction thereof. The County Commission may require additional samples where it finds the geology or other on-site conditions warrant additional samples to determine the water quality is satisfactory throughout the entire area of the subdivision. A sampling consists of (a) two satisfactory microbiological samples taken on two consecutive days. Samples

must be taken at least 8 hours apart; (b) inorganic contaminants, and (c) turbidity. Water testing costs shall be paid by the developer. To be acceptable as the source of culinary water, this sample shall meet primary drinking water standards as outlined above and be approved by the Utah County Health Department. Written approval must be obtained prior to placement on the County Commission agenda. The recorded plat shall contain a written condition that no building permit will be issued for a single family dwelling or other occupied structure until the individual water supply has been sampled and found to meet primary drinking water standards as outlined above by the Utah County Health Department.

Exception: However, the Zoning Administrator may, with the favorable review by the Utah County Health Department, approve the sampling of water from an existing well outside of the subdivision boundary, based upon the developer submitting a written finding from a Utah licensed engineer, stating the opinion, after studying the well logs of the proposed sampling well, that the sample will be representative of the aquifer to be utilized by the proposed subdivision; and further provided, however, that the proposed existing well is not located more than five hundred (500) feet from the subdivision boundary.

c. Types and Duration of Rights

- i. Reliable wells, springs, and surface sources, whether from a public water system or a private water supply, may be used to meet the water requirements.
- ii. The water rights must be tied to each lot to be served in perpetuity, so that the lots and rights cannot be transferred separately, by protective covenant, enforceable plat restrictions, or other legally binding instrument.
- iii. The developer must present an engineering study demonstrating that the standards of this ordinance for water rights and water systems will be met.
- iv. Where water rights are to be supplied by a municipality, district, water company or other supplier which serves users outside as well as inside the development, the study shall show that the supplier can meet its commitments outside the subject development while meeting the standards of this ordinance within the development.
- v. Where the water rights are to be supplied by a municipality or other entity which is prohibited from divesting itself of its water rights in perpetuity, a legal analysis shall be submitted showing how the commitment for perpetual commitment of water is binding.