

## Town of Eagle Mountain, Utah

### RESOLUTION NO. 97- 37

#### A RESOLUTION ESTABLISHING THE PROCESS OF WATER RIGHT DEDICATION AND WATER CONNECTIONS FOR PROPERTY OWNERS WITHIN THE TOWN LIMITS

**WHEREAS**, prior to the incorporation of the Town, a number of lots were sold in Cedar Pass Ranch with the understanding that the lot owners would drill a well to obtain a water supply for their homes and large lots; and

**WHEREAS**, after the Town was incorporated a central water system was being constructed to serve those lots in Cedar Pass Ranch and that the Town required as part of its Development Code and Utilities Ordinance that all parties who have access to the Town central water system connect to that system for their water supply; and

**WHEREAS**, strict enforcement of the Interim Development Code and Municipal Utilities Ordinances would impose a hardship on individuals who acquired property interests prior to the incorporation of the Town and are faced with the prospect of relatively high cost water service from the central water system provided by the Town where they intend to irrigate large areas of lots they own;

**NOW, THEREFORE**, it is hereby resolved by the Town Council of the Town of Eagle Mountain, Utah County, Utah, as follows:

**Section 1 - Waiver Policy:** The Town hereby adopts a compromise waiver policy as a transitional option for those property owners who have existing water rights as of December 1, 1997 and who have or are qualified to obtain a well permit to drill a well. The qualifying property owners with water rights and well permits will be required to connect to the Town water system and to dedicate .75 acre feet annually of water to the Town for indoor use within the home and landscaping uses in the immediate vicinity of the home. The qualifying property owners would be permitted to retain all of the water right over and above .75 acre feet annually and the well permit to enable the property owner to drill a well to irrigate the area of the lot which cannot be economically served by the Town water system. Each transfer shall be on a form approved by counsel for the Town and shall be approved by the Town Clerk.

**Section 2 - Water Rights:** Water rights dedicated to the Town of Eagle Mountain are to be changed for municipal use prior to the receipt of those water rights by the Town.

The developer(s) of any subdivision(s) with preliminary approval or scheduled for immediate preliminary approval as of November 1, 1997, will be allowed to deed the required water right to the Town without having first processed that water right through the State Engineers administrative process for approval for municipal purposes. The Town will have the burden of pursuing that administrative change process to completion and will take the risk that the State Engineer's Office

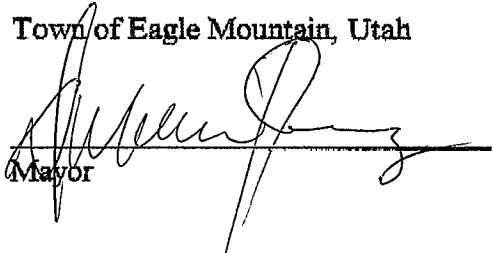
will permit the change and allow the water to be diverted from the Town well and used in the central water system of the Town to supply the lots proposed by the developer. <sup>6</sup> SAID WILL BE RESPONSIBLE FOR MUNICIPAL WATER APPROVAL

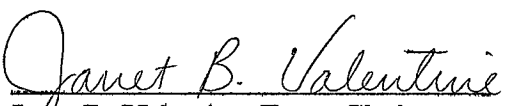
The developer(s) of any subdivision(s) who have not received preliminary approval or who are not scheduled for immediate preliminary approval as of November 1, 1997, are subject to the provisions of the September 29, 1997 Interim Development Code and Municipal Utilities Ordinance which will be enforced.

Section 3: Final plat approval will not be given to developments which do not comply with the new rules and the waiver proposed herein will not be available for such developments.

Effective Date: This Resolution is effective at its first posting or 12:01 A.M. December 9, 1997.

The foregoing resolution was adopted by the Eagle Mountain Town Council at a duly called meeting at the Eagle Mountain Town Offices, 13 West Main, Suite H, Lehi, Utah, at which time a quorum was present and that same was passed by a vote of 3 in favor, 1 opposed, and 1 abstained this 9th day of December, 1997.

Town of Eagle Mountain, Utah  
  
Mayor

ATTEST  
  
Janet B. Valentine, Town Clerk

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