

Midway City Council  
8 August 2018  
Regular Meeting

Ordinance 2018-19 /  
Foreign Water



## ORDINANCE 2018-19

### AN ORDINANCE AMENDING TITLE 10 OF THE MIDWAY CITY MUNICIPAL CODE REGARDING FOREIGN WATER

**WHEREAS**, the City Council of Midway City, Utah, deems it necessary for the public health, safety, convenience, and general welfare of the people of the City of Midway, Utah, to provide for and regulate culinary water supplies and appurtenant systems of distribution within and without the City.

**NOW THEREFORE**, be it ordained by the City Council of Midway City, Utah, as follows:

Section 1: Section 10.06.070 of the Midway City Municipal Code, Use of Foreign Water, is replaced in its entirety with the following language:

*Section 10.06.070 Use of Foreign Water.*

*The City Council, upon recommendation from the Midway Water Advisory Board, shall have discretion to determine and decide how the foreign water will be used and/or accounted for in the City's water system, subject to City ordinances regulating planning and development, and the following:*

- A. Foreign water shall only be accepted into the City culinary system in an amount sufficient for the needs of a specific development. If foreign water is accepted into the culinary system, Developer shall sign a development agreement acknowledging that the water is tied to a specific development, that the foreign water is not approved for use in any other location or development within the City, and that it cannot be sold for use in any other location within the city.*
- B. If the applicant has both shares of Midway Irrigation Company and Foreign Water, the shares of Midway Irrigation Company shall be used first for secondary water, and second for culinary water. Foreign water shall only be accepted if there is insufficient Midway Irrigation Company shares to meet the needs of the development.*

- C. *Midway City only has the capacity to accept foreign water in its developed sources (Alpenhof Well, or well sources developed in the future) into its culinary system. Any desire to import foreign water into Midway Irrigation Company's secondary system will need to be negotiated, and formal agreement reached with Midway Irrigation Company, a copy of which shall be included in the formal Development Agreement between the developer and Midway City.*
  
- D. *If applicable, Midway City will require applicants who want to bring foreign water into the culinary system, to request in their change application with the State Engineer that carrier water in the amount of the approved foreign water be diverted at the River Ditch into Midway Irrigation Company's secondary system, to address issues of return flow, and to assure the secondary system is not harmed by the importation of foreign water. The carrier water shall be released in an equal amount diverted at the bottom of the Midway Irrigation Company system.*

Section 2: This ordinance shall take effect upon publication as required by law.

**PASSED AND ADOPTED** by the City Council of Midway City, Wasatch County, Utah  
 this            day of            , 20            .

	AYE	NAY
Council Member Lisa Christen	_____	_____
Council Member Jeff Drury	_____	_____
Council Member Bob Probst	_____	_____
Council Member JC Simonsen	_____	_____
Council Member Ken Van Wagoner	_____	_____

APPROVED:

\_\_\_\_\_  
 Celeste Johnson, Mayor

ATTEST:

APPROVED AS TO FORM:

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\_\_\_\_\_

Brad Wilson, City Recorder

Corbin Gordon, City Attorney

(SEAL)

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